

## Memorandum Re: Women and Girls Who Come before the Central Criminal Court on Serious Charges – And Other Relevant Matters

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**Summary:** In this paper, a memorandum written in July 1941, the author provides her own analysis of female offending, particularly infanticide, at the time and how it was addressed in the criminal justice system in Ireland. The author examines issues in social attitudes as well as the treatment, aftercare and resettlement of female offenders. She makes proposals for changes in approach, probation supervision and more effective interventions in the interests of the young female offenders and the community in general.

**Keywords:** Ireland, female offenders, offending, infanticide, sentencing, imprisonment, detention, Borstal, aftercare, Industrial Schools, Magdalen Asylum, institutions, treatment, education, training, probation supervision.

### Background and introduction

This paper is a memorandum submitted by Evelyn (Leila) Carroll, Probation Officer to the Department of Justice in July 1941. It was found in the archives of the Department of Justice and Equality and is published here with the permission of the department. There is no record of a response to the memorandum.

*Evelyn Carroll was born in Kiltelly, Co. Limerick in 1897. In a career that included poultry keeping, managing a boarding house, working as a journalist and sub-editor at the (Catholic) Standard in Dublin and studying Social Service in Holland during 1935, Evelyn Carroll was appointed as a female Probation Officer in the Dublin Metropolitan Area following one of the first*

\* Evelyn Carroll was a Probation Officer in the Dublin Metropolitan Courts and the Adoption Board between 1938 and 1969.

*Civil Service Commission competitions for the appointment of Probation Officers.*

*Evelyn Carroll was a strong-willed person with a firm sense of purpose and commitment to social justice. During the 1930s she was an active member of the Legion of Mary and a member of its central council. At the same time she contributed news reports and articles to Catholic newspapers in Great Britain and America.*

*As a Probation Officer, Evelyn Carroll was professional, authoritative and highly regarded from early in her career. On 28 June 1944, the President of the High Court, Mr Justice Conor Maguire made the following statement at the close of an infanticide case in the Central Criminal Court.<sup>1</sup>*

*I would like to take the opportunity of saying how much I, and all the Judges of the trials in this court, appreciate the assistance we get from Miss O'Carroll [sic]... Judges do require investigation by an officer of her experience and sympathy and I feel that in assisting me and the other Judges she is rendering a great service to the community. It would be useless, in dealing with this type of case in these Courts, but for the fact that Miss O'Carroll [sic] investigated the circumstances. She is a person who is able from her long experience, tact and understanding to enable me to feel some degree of certainty as to the attitude of mind of these persons and to decide on the appropriate course of action to take in dealing with them.*

*Counsel for the Attorney-General and other parties in the case endorsed the President's comments.*

*In July 1953 Evelyn Carroll was assigned, on loan, to the newly established Adoption Board as Investigations Officer, where she remained until her retirement in 1969. She had been due to retire in November 1962 on reaching the age of 65 years but, on grounds of hardship (she had minimal pension entitlements, as Probation Officers become permanent pensionable Civil Servants only in April 1957) and requests by the Adoption Board citing her essential expertise as the 'sheet anchor of the Board's welfare staff', was granted extensions of service 'in the public interest' until January 1969 when, at the age of 71 years, Evelyn Carroll finally retired.*

*Evelyn Carroll, with her few colleagues in the Probation Service and the Adoption Board, through their personal dedication and commitment to their work in the middle of the 20th century, despite poor conditions and minimal*

<sup>1</sup> Extract from the stenographer's transcript cited in correspondence to the Attorney-General, 11 July 1944 (unpublished).

*resources, established the authority and standing of the nascent Probation Service and, in doing so, built the foundations of the service as it is today. Her commitment, knowledge, insight and desire for improvement shine through her calmly and firmly argued case for change and development in service provision for female offenders before courts. How much of it is still relevant and applicable today?*

Gerry McNally (Joint Editor)

### **Memorandum Re: Women and Girls who come before the Central Criminal Court on serious charges – and other relevant matters**

#### *Types*

Girls appearing before the Central Criminal Court on charges of infanticide, murder, or manslaughter, or concealment of birth, are in the majority of cases from country districts, often from isolated places in the West. Their ages vary from 17 years, or perhaps younger, to 39 years, the greater number being between 17 and 25 years.

In most instances they are first offenders, i.e. never previously charged with a criminal offence, though a certain percentage have previously given birth to one or more illegitimate children. As a class the majority spring from the ordinary labouring family, some from the decent small farmer, a few from the riff-raff of the small town back street population.

The majority of these girls have been employed as domestic servants, either in country districts near their own homes, or in provincial towns, and a small proportion may have met their “fate” when thus employed in Dublin, or other cities.

#### *Causes*

The cause of the downfall of these girls may be as varied as the types. Very often in the case of the younger girls the cause may be traced in the first instance to ignorance which left them an easy prey to the snares of the first unscrupulous man who cared to take advantage of them. Particularly is this the case with young country girls who “get into trouble” in Dublin where their inexperience is easily recognised and readily exploited by the depraved types who are always seeking such victims with impunity. Older girls, or women, are very often led astray by the promise of marriage.

Environment is an important factor to be reckoned with and must be considered when dealing with criminals of any description. Perhaps more crimes could be traced to existence in unfavourable surroundings where the atmosphere is polluted with vice of various kinds than to hereditary weaknesses such as inebriety, insanity or immorality, which may often appear the obvious causes.

The actual commission of the crime of infanticide may very often be traced to the fact that by some strange series of circumstances the girl's pregnancy has remained a secret up to the last. For example, in a large proportion of cases, these crimes are committed in the residence of the girl's employer, who had failed to notice her condition. It is easy to see why a girl is driven to such a tragic act – extreme mental strain, a terrible fear of discovery, depression and the necessity for guarding her secret – all play their part.

The girl, as one of them declared to me, may have no knowledge of her real condition for a considerable time, and having discovered it becomes bewildered, even desperate. Fearing instant dismissal if her condition becomes known, she says nothing and just carries on until the baby is born. Then in the frenzy of a moment and still trying to cover up her shame, she kills her child.

Many of these crimes would have been prevented if the condition of the girls was known to their employers beforehand, or to some person of responsibility who would take the necessary steps to safeguard them. The same applies to cases occurring in the girls' own homes to which they have either returned shortly before the event, or may have been home and managed to conceal their condition from unsuspecting parents or family. Had they but confided in somebody trustworthy, they would never have appeared in court on such a charge.

Perhaps very many of these girls would never have fallen if they had been given at least some idea of the facts of life before being launched on the world at the tender age of 14 or 16 years. To propose reformatory treatment for a girl who has murdered her unwanted infant is a far more serious and difficult problem than that which arises in the provision of some attempt to prevent the fall of the girl in the first instance.

Girls who have been brought up in Industrial Schools (and the same is true of most Primary Schools) and who not infrequently come before the courts on one charge or another, have often told the Probation Officer that they received no preparation whatever calculated to help them in the vital matters of sex. Neither did they get any instruction of a practical nature concerning courtship and marriage. Frequently they attribute

their downfall to their lack of knowledge of these things. How far this neglect of essential moral training may be held responsible for our “unmarried mother” problem is worthy of serious consideration and investigation.

### *Treatment*

The treatment of convicted girls in the category under discussion, and other categories, whether it be the serving of a prison sentence, penal servitude, or residence in an institution under the care of a religious order, is lacking in any preconceived constructive system of reform calculated to deal effectively with the problem along modern lines.

### *Prison*

Apart from the fact that punishment – an essential element in criminal reform – is imposed, that the public is safeguarded and the girl deprived of her liberty, there is little advantage to the State in sentencing a girl to a term of imprisonment under our existing system, for the system is lacking in fundamentals.

For example the prison system provides:

- No educational facilities.
- No practical occupational training.
- No adequate segregation of case types.
- No facilities for up-to-date treatment for venereal disease.
- No blood tests (necessary in certain suspected cases of disease).
- No organised system of after-care of ex-prisoners.

(These shortcomings, it should be noted, are in no way the fault of the Prison Governor or staffs.)

Perhaps the greatest disadvantage of the system is that young girls, even while on remand, are able to meet and converse with hardened offenders “doing time”, whose vile influence is seen in the changed attitude of the newcomer, even after a few days. In my experience of probation work, I have not yet found a *first offender* really benefiting from a prison sentence, but on the contrary have seen many young girls become embittered, hardened and morally decadent as the result of association with the depraved characters who form the normal population of our prisons. Moreover, this first term of imprisonment, especially if a short one, is usually the prelude to many another and soon the girl becomes an “incorrigible type”.

*After-care*

Lack of an organised system of after-care of ex-prisoners (female) may be responsible to some extent for a large proportion of these second and third convictions – not to mention the considerable number of confirmed offenders.

However a start has now been made in Dublin where a group of Approved Lady Visitors has recently been organised under the direction of the Catholic Chaplain with the object of visiting the female prisoners in Mountjoy and of keeping in touch with them as far as possible when discharged. In accordance with the rules of the Organisation to which these lady visitors belong, their work is voluntary and is of great value in the moral and spiritual aspect, especially when they are able to do effective “follow up” work.

*The institutions or homes*

Apart from the Probation System (not applied in the type of case that comes before the Central Criminal Court) – the only alternative to prison treatment is the expedient of sending the girl to an institution under the care of a religious order, on her own recognisance, or under the restriction of a suspensory prison sentence. I mention “expedient” because, as already stated there is not provided at any such institution a well-planned, adequate, or specialised system of reform in keeping with modern requirements. Neither are such Homes or Institutions subject to inspection from any Government department – an essential condition in “approved homes” elsewhere.

The difficulty arises in that the Homes are voluntary, i.e., conducted according to the rules of the particular order in charge, and not in receipt of any Government grant, except in one instance where a very small grant per annum is allowed.

This is Our Lady’s Home, Henrietta St., Dublin, which accepts first offenders provided they are not of immoral character. In addition to these girls who are placed there under the supervision of a Probation Officer, the Home accepts the “better types” among girls charged with infanticide and kindred crimes. Besides the “court cases” there are in the Home, a number of young girls sent there on a voluntary arrangement by parents, guardians, social workers etc.

This is the only Home in Dublin catering chiefly for girls of an age group from 18/24 years or thereabouts, with a few exceptions on either end of the scale. In this the Home has an advantage over other

institutions. And also in the fact that the Management has a preference for Court cases.

The Home is maintained by a laundry in which most of the girls work. The others are engaged in the work room, sewing and mending, in the kitchen helping with the cooking, etc., scrubbing and cleaning. A general all-round training is not provided, for example a girl who is sent to work in the kitchen, or in the laundry on admission is likely to remain at that particular work while in the Home. Neither are ordinary educational facilities provided.

There are limited opportunities for reading, and recreation in the form of music, dancing etc., appears to be adequate. On Sundays the girls go out together for walks; there are various outings during the year in the form of a picnic in the Summer, and visits to other Houses of the Sisters of Charity of St Vincent de Paul, as well as a few visits to the Pantomimes around Christmas.

On leaving the Home after completion of the prescribed period of probation, or other Court order, each girl (unless going home) is placed in a situation as domestic servant, or as maid in one of the hospitals or institutions in the city, and is supplied with a suitable and full outfit for house and outdoor wear.

Here, however, the after-care ends, unless the girl happens to be still under the supervision of a Probation Officer for a further period outside the Home, or unless she continues voluntarily to visit the Home on her evenings off.

On the whole, results from this Home are fairly satisfactory. The girls are given the advantage of a fresh start without the stigma of a prison sentence and many of them definitely make good.

Better results however, might be expected from a more general all-round training by the introduction of occasional lectures by competent speakers on subjects of educational value and by adequate provision for after-care, such as a club for past inmates.

### *The Magdalen Asylums or penitentiaries*

These represent the only other type of institution where these girls *may* be accepted as an alternative to imprisonment. Here again the great difficulty arises in lack of any specialised training calculated to permanently reclaim the subjects of court orders and give them a fresh start in life. Another aspect is if the subject is difficult to handle and unbidable she will not be kept.

In these Homes girls and women of all classes, ages and types work side by side. There is no minimum or maximum age limit and one may find a girl still under sixteen subject to the same regulation and doing the same type of work as the woman of 50 or 60 years who has been through the "world" and has decided to give the remainder of her life to atone for her evil ways.

Again the educational facilities are absent and the only "training" (in the physical sense) is the ordinary routine work of the institution which always includes a public laundry, sewing, mending and cleaning. The supervision is strict and the religious atmosphere and moral training provide a barrier against contamination not available in prison treatment. This religious training, however, is directed with the purpose of leading the subjects to a permanent renunciation of the world and to a life of penance in the particular institution, in accordance with its rules. All very laudable, but hardly appropriate for the type of girls undergoing a court sentence for a serious crime, seeing that with very rare exceptions none such would dream of remaining on in a Home voluntarily after the period of detention has expired.

In keeping with the idea of renunciation is the failure to equip the girls for suitable employment in the world. With very rare exceptions no Magdalen Asylum will obtain a situation for a girl on leaving. In a sense this policy may be justified in the argument put up for it by the different Orders in charge, i.e. that a reference from a Magdalen Asylum is no help to anybody.

The result is that a girl is virtually let loose on the world after a long period of discipline and close supervision, without any steps being taken to give her a fresh chance to earn an honest living. Left without a friend, with little or no money, plus the handicap of no reference or recommendation, what is such a girl to do? Seldom will her family, if she has one, welcome her home, and even if they do, she may refuse to return home. It is obvious that she needs, now more than ever, some sympathetic friend capable of advising and directing her, and where possible finding her suitable employment. Without the assistance of the Lady Probation Officers attached to the District Courts it is to be feared that many of these girls on leaving the Magdalen Home would find themselves in a deplorable position, unless it should happen that they can be put in touch with voluntary social workers, e.g. the Legion of Mary.

Here it may be remarked that none of the Catholic Girls' Hostels in Dublin will admit a girl *known* to have come from a Magdalen Home,



except the two hostels conducted under the auspices of the Legion of Mary, one of which is definitely for the "street girl" and the other for "down and out" women and girls. Neither will any of the other Catholic Hostels put up a girl for even one night if it is known that she has appeared in Court on however trivial a charge.

It is obvious then from the foregoing that our prison and reformative system for female delinquents suffers from many defects. Chiefly the items that call for immediate attention are:

### *Remand Home*

The setting up of a properly constituted Remand Home for girls is essential. The only such establishment in being at present is at St Joseph's, Whitehall, Dublin, and may only be used for juveniles. It is inappropriate in as much as it is not a separate building; it is not in fact a Remand Home; it is a Girls' Industrial School in which young girls on remand may be detained. In order to keep these girls as far apart as possible from the pupils in the School, they are generally relegated to a portion of the house little frequented by the latter, for instance the kitchen – an arrangement not to be commended, but perhaps unavoidable under the circumstances.

Again, if a girl on remand is for *any* reason considered by the Manager an undesirable type for the "Remand Home", she may be sent (without waiting for official sanction) to the Magdalen Asylum attached, even though the girl is still a juvenile and perhaps awaiting trial of such offences as house-breaking, larceny, etc. Very often these girls are subjects for the Reformatory School – St Joseph's, Limerick. If and when they have been committed to the Reformatory School, the Manager learns that they have spent even a week in High Park (i.e. the Magdalen Home and not the "Remand Home") they are no longer considered suitable subjects for St Joseph's, and they are immediately transferred to the Good Shepherd Convent adjoining. Scarcely a fair start for young girls under 16 years who hitherto may not have had immoral tendencies.

Perhaps even a stronger argument in favour of a Remand Home comes from the unsatisfactory arrangements in Mountjoy for the accommodation of the more respectable type of girl offender. These have been referred to already:

- (a) Possibility of association with most undesirable types of prisoner who even in a brief interval can do much to induce the newcomer to

abandon good intentions and to follow (probably without realising it) the down-ward path.

- (b) Lack of facilities for the provision of absolutely definite medical reports. Indefinite reports are of little use when dealing with certain types of cases.

Still another argument in favour of the Remand Home is that prison loses its terrors for a girl who has gone there (i.e. to prison) once, even on remand, and many after a week of this experience, ask to be allowed to do a short term sentence instead of the longer period of Probation – not realising or wishing to – the ultimate result. As long as a girl can be kept out of prison she has a great fear of it and may be deterred from evil by its imagined punishments. When the actuality has been experienced by even a term of seven days, the spell is broken and the culprit finds prison not as bad as was anticipated. The fear has been removed: she does not mind very much having to go there again.

### *Specialised treatment*

The necessity for more up to date and adequate machinery for dealing with girl offenders between the ages of 16 and 21 years. The establishment of a Borstal for girls has often been advocated, but was apparently considered impracticable. As a modification it should be possible to arrange, say with one of the religious Orders to conduct a Home subject to Government inspection and restricting admission so that none other than cases from the courts would be eligible. Some educational facilities should be available in the form of occasional lectures etc., and a good general all-round training should be provided, the aim being to give the girls as wide an interest as possible, housewifery, dressmaking, gardening and poultry-keeping, for example would be highly suitable subjects for study and occupation. A Government grant would necessarily be entailed, but the functioning of such a Home, if conducted on approved lines, would save the State much of the money now expended in the maintenance in prison of many who might never have had to be sentenced, if in the early stage of their criminal career they had the advantage of a period in such a Home.

The period of detention should not be less than one year nor more than three years, and each inmate, on leaving the Home should be under some form of licence or restraint for a period of from three to six months

according to their age and individual circumstances. This could best be effected by personal supervision, such as by voluntary after-care.

In considering this suggestion it might be found practical to approach the Sisters of Charity of St Vincent de Paul with a view to a possible transfer of their Henrietta St Home to a place outside the city where opportunities would be available for training in agricultural pursuits in addition to the other subjects normally provided.

In such a development the Sisters might be induced to open three separate sections: (1) A Remand Home; (2) A Home for the types at present catered for but larger and with the additional subjects; (3) A Home for girls who are heading for the immoral life – just starting a career on the streets.

Girls of the latter type constitute a serious problem at the moment. A large proportion of these cases on first appearance in Court are found in a bad state of venereal disease requiring prolonged treatment. Since in a first conviction the Court has power only to inflict a fine of 40/= or one month's imprisonment (the maximum), such a sentence would not give time for any effective medical treatment even if such were available in prison. Therefore the course generally adopted where there is a reasonable hope of moral reclamation is to place the girl on probation with a condition of residence, the place designated being the Westmoreland Lock Hospital. This course, however seldom proves entirely satisfactory, because even if a girl on Probation and under the supervision of a Probation Officer, asks the Medical Officer for her discharge from hospital, he will give it to her although she may be far from well and may have been only a few weeks, or less, under treatment when she really needs a few months' course of injections.

The hospital is a voluntary institution and has no power to compel patients to remain. A girl thus obtaining her discharge may do so contrary to the express instructions of the Probation Officer, or without prior intimation of her intention. She may be induced to stay in the Legion of Mary Hostel at 76 Harcourt Street and from there may continue to attend hospital, return to her former life and soon become a dangerous source of infection. Yet if she appears in Court on a similar charge or on a warrant for breach of Probation and is convicted – it is only a first conviction and must have an option of fine or rule of bail which provide the loophole for escape from even a short sentence. The number of girls in Dublin suffering from venereal disease and failing to take proper treatment is alarming.

Could the sisters therefore provide for an appropriate clinic in the section of the above suggested section where this type of girl might be sent and where discharge would not be given until medical treatment was complete. These girls of course should be obliged to work and follow the regulations of the system which for this type should include physical exercises, drill etc. and if possible outdoor occupation in the endeavour to turn their minds to other ways of living than the one which they had begun to practice.

### *Court Orders*

To raise a last point in relation to Court Orders, it is that any Order made should be capable to being enforced and *should* be enforced. For example if a girl is bound over for two years, one of which is to be spent in a Home selected by the Court, and the other in her own home under her parents' supervision or probation, steps should be taken to see that the latter condition is observed. Otherwise the Law becomes an object of ridicule. A few years ago when an order of this kind was made, the girl in question went to her home in the country, having completed the first year in an approved Home. Instead of remaining as ordered by the Court, under her mother's supervision at home for another year, she left home, apparently with her parents' knowledge and consent and went to England. That the matter was ever questioned by the authorities is extremely unlikely, considering that no particular person was made responsible for seeing that the order was carried out. An apt example of the saying that "What is everybody's business is nobody's business".

### *Note*

It should not be inferred from the foregoing memorandum that it is intended by the suggested innovations that criminals are to be pampered or crime condoned by the provision of what might appear to be advantages for offenders above those enjoyed by the rank and file who are not law-breakers. The idea is to provide adequate treatment for those in need of it and to give them what they lack in character to enable them to overcome the disadvantages in which their environment or upbringing may have placed them.

E.M. Carroll  
Probation Officer  
7th July 1941.