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Thornton Hall: A Policy Analysis Uncaring or Unthinking?

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**Thornton Hall: A Policy Analysis
Uncaring or Unthinking?**

A thesis Submitted to the Dublin Institute of Technology in part fulfilment of the requirements for the award of Master (M.A.) in Criminology

by

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September 2009

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Declaration

I hereby certify that the material which is submitted in thesis towards the award of the **Masters (M.A.) in Criminology** is entirely my own work and has not been submitted for any academic assessment other than part fulfilment of the award named above.

Signature of Candidate.....

Date.....

Abstract

Proposals for Thornton Hall - Ireland's first mega-prison (Andrew Coyle 2008) - have caused much unease amongst academics and advocacy groups alike. Despite the importance of this shift in direction for Irish penal policy, little is known about the drivers behind change or the factors influencing the rationale behind the development of a prison of this size. This thesis, utilising the methods of policy analysis as developed by Jones and Newburn (2005) appraises the official rationales and thinking behind Ireland's newest penal policy. The dissertation will specifically focus on the role of policy entrepreneurs, economic drivers, policy transfer and use of evidence in policy-making in the Irish context. Recognising the importance of investigating the policy process in tandem with broader socio-cultural changes, along with this assessment of the mechanics of policy-making, the thesis also analyses the extent to which changing political styles, such as growing punitivism, rhetoric, and symbolic policy making, have had a role in current Irish penal expansion. Finally, the thesis critically appraises the need for the creation of a large prison in Ireland with reference to international literature regarding the effects larger prisons have on prisoners. As such, the thesis assesses whether or not the justifications for Thornton Hall are supported by the weight of academic evidence. Therefore this thesis will contribute to the understanding of what drives current Irish penal policy, as it is the first such assessment of the Thornton Hall, and it employs a policy analysis which is underused in Irish criminology.

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Chapter 1

INTRODUCTUION

1.1 Research Rationale and Aims

In 2005 the Irish government announced its plans for the creation of a new prison in Thornton, north county Dublin. Thornton Hall is intended to be the replacement for the four existing prisons on the Mountjoy Campus (Irish Prison Service Annual Report 2004:81). These four prisons have a combined capacity of 878 (Michael McDowell Dáil Debates October 24th 2006), however the Thornton Hall prison will be able to accommodate 2200 prisoners (Dáil Debates May 29th 2008). There has been little offered to the public in the way of explanation of why such an increase is required. This thesis endeavours to shine an investigative light on the rationales that have informed and driven the policy behind Thornton Hall's considerable capacity. A second aim of this thesis is to compare the findings of the research with the weight of the academic literature regarding the impact of larger prisons, this will highlight whether or not the drivers of this aspect of the policy have been evidence led.

In order to identify the key motivations behind Thornton Hall's size the thesis adopts the policy analysis framework as described by Jones and Newburn (2005). This approach will allow for an in-depth analysis which will enable the results to be as accurate as possible. As a result it is hoped the thesis will provide much-needed information on the policy-making process in Irish criminal justice.

1.2 Findings

The focus of this thesis was on the rationales behind Thornton Hall's size. Using a specific policy analysis framework has allowed for the first time, the main drivers of this aspect of the policy to be identified.

Firstly, Thornton Hall's size was largely a result of a financial mindset, that is, increased government spending power, as well a desire to achieve economies of scale. Of course such policy priorities are heavily influenced, and often set by particular political actors. Michael McDowell's role as a policy entrepreneur was a catalyst for this aspect of the policy as he prioritised a value for money ethos with regards to prison building. In addition to this Thornton Hall's size was influenced by a long-term vision that believed a prison of this

magnitude would prevent over-crowding returning to Irish prisons. However, what has most defined the policy formulation is the lack of any criminological or academic expertise. As such, the rationale for the policy is not led by any research evidence. It is argued that Thornton Hall's size has been most significantly influenced by this research vacuum, as this approach has allowed for conflicting policy goals to be set.

Finally, the thesis explores the possible influence of symbolic politics, rhetoric and punitivism, highlighting that in contrast to international findings, the proposed prison expansion in Ireland is not a result of penal populism or hardened punitive sentiments in political actors.

1.3 Thesis Layout

The thesis commences with a literature review. Firstly this chapter will explore the scholarly literature regarding the most efficient means to examine policy-making, as well as looking at other academic literature which investigates the different stages of policy making (Jones and Newburn 2005). Secondly the academic research surrounding the impact of larger penal institutions on their quality of life and rehabilitative abilities will be explored. Thirdly, work describing current trends of the Irish prison system as well as past drivers of Irish penal policy will be investigated. In addition to these more substantive areas of policy, the debates concerned with influence of political styles will be examined.

All of these areas will highlight the variety of potential influences behind prison policy and provide a clear point of departure for the research.

The particular types of research relating to policy analysis are then expanded in the methodology. This chapter will provide deeper explanations of why this method was employed, as well as provide a guide to what are the key documents required for this type of analysis.

Using this framework, the thesis will analyse the material collected. This section will outline what were the driving forces behind Thornton Hall's size. Using the academic perspectives provided in the literature review the findings are appraised, and will indicate if these forces were informed by the theoretical work regarding the impact of what Andrew Coyle defines as 'mega-prisons' (2008).

In light of the findings, the thesis will provide recommendations for Thornton Hall, as well as policy-making.

And finally, the research will conclude by defining the over-arching sentiments that have most informed the policy behind Thornton Hall's 2200 capacity.

CHAPTER 2

LITERATURE REVIEW

2.1 Introduction

The objective of this thesis is to conduct a detailed policy analysis in order to discover the driving forces behind Thornton Hall's considerable capacity. This chapter will outline and assess the key arguments regarding the policy-making as well as the impact of large prisons.

The first section reviews the existing literature on the policy-making process

The second section analyses why large prisons are seen as a questionable progression for penal policy. This is essential as it highlights whether or not the rationales for Thornton Hall's capacity are borne out in the international research findings.

Finally, the third segment provides a discussion of Irish prisons and policy-making. Michael Tonry believes that while ideas of a global culture have become more common place, many explanations of penal policy remain 'parochially national and cultural' (2004:528). This literature will provide the thesis a local context in which to assimilate international evidence.

While the areas are very different, an assessment of all three is necessary to provide an original framework in which to analyse the driving forces behind the considerable size of Thornton Hall.

2.2 The Policy-Making Process

2.2.1 Introduction: Policy Streams/Stages

Policy-making is an incredibly multifaceted and often haphazard process; therefore to explore Thornton Hall's policy the thesis must employ a specific framework. Jones and Newburn have found that one of the most comprehensive approach to this type of research is by examining 'processes involving a number of analytically distinct 'stages' or 'streams'' (2005:60). These are the

- Problem stream (the process of generation of problems requiring attention by policy makers)
- Policy stream (the generation of policy ideas and proposals)
- Political stream (the outcome of elections, developments in the ‘public mood’, interest group campaigning etc) (2005:61)

This theoretical framework enables each stage of the policy, in this case Thornton Hall’s capacity, to be examined efficiently, and indicate which stream had the most impact on the proposed size of the prison

2.2.2 Problem Stream

The identification of the problem, or problems, can be of central importance to policy-making, as well as those who identify these problems. Jones and Newburn have highlighted that ‘policy is seen as arising from a distinct set of problem-solving processes’ (2005:60). Both Mears (2008) and Rossi et al (2004) have convincingly argued in the particular case of prison policy, that assessing what the problem is, or what a prison requires, or even what is required from a prison is essential in ensuring the ultimate policy is effective as possible. Rossi has argued that this approach allows for policy to be understood in rational terms, as it ‘explains why [it] does what it does and provides the rationale for expecting that doing so will achieve the desired results’ (2004:134). The problem formulated affects the policy response; therefore using these arguments as a point of departure for the analysis may identify potential drivers for Thornton Hall’s size.

2.2.3 Policy Stream

While exploring the problem stream can be of importance, Jones and Newburn (2005) have reminded policy researchers that

The key point is that policy change should not necessarily be seen as a rational response to the emergence of particular problems. Rather we need to examine how and why certain ideas arise and are promoted (p. 67)

Chubb (1983) found that policy formulation can be open to the influence of political actors. It can also be liable to commercial and financial sensibilities (O'Donnell, 2005; Coyle, 2008). By focusing on these potential influences, this thesis will provide the first exploration of the policy stream in relation to Thornton Hall's size.

2.2.3.1 Policy Transfer

A possible aspect of the policy stream that could have influenced Thornton Hall's capacity is policy transfer (Jones and Newburn 2005, 2007). Growing acceptance of global economic communities has heightened the opportunity for policy exchange.

When analysing the impact of policy transfer over Thornton Hall it will be crucial to acknowledge the work of Pollit (2001) as well as Bennett (1991), who have both warned that proving policy transfer has actually occurred is incredibly difficult, and that 'the analyst must avoid the pitfall of inferring from a transnational similarity of public policy' (1991:23).

Therefore it is necessary to understand the various degrees to which policy transfer can occur. Dolowitz and Marsh (2000) have defined different levels of transfer -copying (complete and direct transfer); emulation (transfer of core ideas); combinations (transfer of a variety of policies); and inspiration (where policy in one country is the catalyst for policy change in another jurisdiction). There is clearly various levels of policy transfers of which Thornton Hall's size could be the result.

However one must consider the influence of the local and particular in this, such as the facilitating role of a policy transfer agent (Jones & Newburn, 2007:49). This is a type of policy entrepreneur who brings about a paradigm shift in their own field of political responsibility based on the policy from another jurisdiction (Jones & Newburn, 2007:49)

The influence of policy transfer has been widely overlooked by Irish criminologists when examining penal policy. As Ireland shares the same language with both Britain and America, and increasing cultural similarities (Kilcommins et al, 2004), there is a possibility that Thornton Hall's size has been driven by policy transfer.

2.2.4 Political Stream

This stage of policy is concerned with the influence of outside factors on government decision making. These can vary from pressure groups or the outcome of elections (Chubb, 1983).

David Garland (2001) and Ian Loader (2006) have both argued that the increasing divisiveness of crime as part of public agenda has led to policy-makers becoming more susceptible to these outside sources. Garland has argued that this results in policy-makers prioritising popular decisions in an effort to earn political brownie points and that 'politicians typically view initiatives in terms of their political appeal... focus group preferences, opposition tactics' (2001:111). Hence the Irish government's desire to build a 2200 space prison could have been defined by anyone of these sources.

2.3 Political Styles

2.3.1 Introduction

Many authors have recognised the change of political styles surrounding penal policy (Loader, 2006; Tonry, 2004, 2001; Cavadino & Dignan, 2006; Simon, 2008; Garland, 2001). These will be an important point of investigation as policy styles can tell the analyst a great deal about the abstract and symbolic motivations behind a new policy departure. This thesis will investigate the most prominent styles that have emerged from the literature and their possible role as a driver behind Thornton Hall's capacity

2.3.2 Symbolic

Durkheim (1960) was the first to note the symbolic role punishment played in society. Michael Tonry maintains that 'politicians increasingly adopt policies primarily for symbolic reasons, without knowing or caring whether they work' (2004:x). The increasing importance of symbolism cannot be ignored; Garland (2001) and Loader (2006) concur with Tonry's

findings that symbolism has become more influential in penal policy. Garland purposes that many policy-makers ignore the logic of 'effective crime control in favour of immediate gratification of a more expressive alternative' (2001:143). This could offer an explanation of the proliferation of prison spaces. This thesis will be the first examination of whether Thornton Hall's expansive size is an exercise in symbolic politics (Tonry 2004:25).

2.3.3 Rhetoric

Related to the area of symbolic politics is that of rhetorical policy-making. Garland (2001) has found that appearance and rhetoric have become more important than efficacy in policy outcomes. It has been argued that governments now often favour rhetoric over substance in relation to criminal justice policy (Tonry, 2004:25). There is little known as to what extent rhetorical politics has informed the Thornton Hall policy, however these arguments provide an original point of departure for this thesis.

2.3.4 Penal Populism

Anthony Bottoms (1995) first coined the term 'populist punitivism' and defined it as 'being intended to convey the notion of politicians tapping into and using for their own purposes what they believe to be the public's generally punitive stance' (p.40). Penal populist approaches have been identified in politicians who adopt hardened prison policies in an attempt to convey that they are tough on crime (Roberts et al, 2003:5). Essentially it is a moralistic and punitive stance taken against deviance on the part of self-interested political actors (Tonry, 2004:64). Garland (2001) and Loader (2006) have both found that this political level has been an important driver of penal expansion and the proliferation of prison places.

2.3.5 Conclusion

The literature illustrates that there are numerous potential drivers of policy, from the more concrete aspect of problem identification, the influence of individual politicians to the role of changing political styles. All of these must be analysed, and the typology provided by Jones and Newburn (2005) will be the most efficient way to start.

2.4 The Effect of Large Prisons

2.4.1 Introduction

This thesis will also examine whether large prisons are effective across a wide range of parameters in order to critically appraise and interrogate a possible official rationale behind of Thornton Hall – that bigger prisons are better.

2.4.2 Bigger is not Better

The theme that most permeates literature on prison size is quite simply that large prison complexes have few advantages over their smaller counterparts.

After the Strangeways riots in 1990 a report was commissioned to examine what instigated the incident and how similar occurrences may be prevented in the future. The Woolf Report was published by the Home Office in 1991; it concluded that a prison with more than 400 inmates created serious operational difficulties. More recently, staff of Fleury Merogis - Europe's largest prison with an average capacity of 3800 - were interviewed by BBC Radio in March 2008. They described the prison as a failure, and the Governor advised that a limit of 600 bed spaces should be placed on future prisons. Many academics have concurred with these comments by admonishing the use of large prisons in favour of smaller alternatives (Liebling, 2008; O'Donnell, 2008; Tonry, 2004). Professor Andrew Coyle maintains that large prisons are concerned with 'how things are done rather than what is being done or what it achieves' (2008:20). To fully comprehend why larger penal complexes have become such points of contention a detailed focus on the impact they may have on prisoners must be undertaken.

2.4.3 Small Prisons are Safer

The Prison Reform Trust (PRT) in Britain published a detailed document in response to the government's proposal paper for prisons with a capacity of 2500 called 'Titan Prisons – A

Gigantic Mistake’ (2008). This is a core text as the findings are validated by research conducted by the Chief Inspectorates of Prisons 2006-2007 which highlights why mega-prisons (Andrew Coyle, 2008) may lack credibility. The research compares large and small prisons on 154 different factors, ‘in two-thirds of the factors (102 out of 154) smaller prisons scored significantly better than large ones’ (2008:7):

Factor influencing self-inflicted deaths	Small Prisons (%prisoners)	Large Prisons (%prisoners)
Felt unsafe in prison	31	44
Easy to get illegal drugs	26	38
Received information about support if suicidal	57	35
Assaulted/Insulted by member of staff	15	31
Assaulted/Insulted by another prisoner	17	24

This document provides particularly convincing evidence against the construction of larger prisons such as Thornton Hall. Karen F. Lahm (2008) found that ‘it is possible that within larger prisons there are simply more inmates to come into contact with and more places to engage in violent misconduct than in a smaller prison’ (p.143).

In addition, The National Council for Independent Monitoring Boards (2008) in England and Wales have outlined that large prisons make it far more difficult to monitor the legitimacy of an institution as creating clear structures of accountability are more complicated (2008:1). These findings highlight serious difficulties for a 2200 space prison such as Thornton Hall.

2.4.4 Regimented Way of Life

These safety concerns could also be attributed to the fact that bigger prisons have a more assembly line quality of life (O’Donnell, 2008, 2005). This has been identified as an inherent characteristic of large modern prisons built for the purpose of reducing expenditure. One of

the benefits policy-makers associate with large prisons is ‘a lower staff-prisoner ratio would be required’ (O’Donnell, 2008:7). Consequently certain aspects of prison life, such as gangs, drugs and violence, are believed to be exacerbated by the reduction of staff-prisoner contact (PRT, 2008:7)

2.4.5 Increased Recidivism

Another significant issue is that the above mentioned disconnect between prison officer and inmate may actually have wider implications. The Prison Reform Trust concluded from their research that less staff contact hampered rehabilitation:

Factors which reduce re-offending	Small Prisons (%prisoners)	Large Prisons (%prisoners)
Knew who to contact to get help with drugs	54	43
Help in arranging accommodation	53	38
Knew who to contact to continue healthcare	49	31
Knew who to contact for help finding a job	47	36

The literature is increasingly exposing that larger prisons such as Thornton Hall often work against rehabilitation, and ‘if we are serious about the ambition to reduce re-offending that is, to rehabilitate prisoners, then they should be held in relatively small prisons’ (Andrew Coyle, 2008:21).

In addition, prison expansion such as that as proposed by Thornton Hall’s size will not only encumber potential reform, but it could also increase the number of people trapped in the punitive cycle. Research carried out in Ireland discovered that even 85% of fine defaulters found their way back into prison within 4 years (O’Donnell et al, 2008). When Ian O’Donnell referenced these findings in relation to Thornton Hall he stated that ‘bigger prison populations mean more recidivists; this is a loop that becomes increasingly difficult to break’

(O'Donnell, 2008). This illustrates that large prison expansion, such as Thornton Hall, have the potential to proliferate the number of repeat offenders due to it increasing the overall capacity of the Irish prison system.

2.4.6 Large Prisons and Over-Crowding

Other researchers have found that prison expansion has little impact in reducing over-crowding and some academics have argued that large prisons may compound the problem. Kilcommins et al ascertained that 'expanded capacity may have created further demand' (2004:276) in Ireland during the 1990s. When the Committee for the Prevention of Torture (CPT) last visited Ireland they emphasised that the creation of extra prison spaces will do little to address existing over-crowding issues. This is a very important document as the CPT are an internationally respected group and have years of expertise in analysing all aspects of prison culture and policy (O'Donnell, 2008:383).

Prison building has also been viewed by some as being a self-fulfilling prophecy, as Dunbar and Langdon have concluded 'in crude terms, the courts have usually overfilled whatever prison capacity has been available' (1998:59).

Subsequently, prison building as a central form of penal policy can be never ending as it generates need for further expansion. This is a fascinating topic, and it provides a theoretical backdrop in which to critique any rationale behind Thornton Hall's size which is justified by a desire to end over-crowding.

2.4.7 Financial Impact of Large Prisons

Other important arguments concerning prison building as a central policy initiative have indicated that prison building is a financially draining strategy. Bandy et al (2007) confirms that this approach is unsustainable as it is so expensive and will inevitably have to be re-evaluated (p. 6). Kilcommins et al found that in America expenditure on prison, police and the courts is 'more than double that spent on employment benefits and other employment

related services' (2004:62). Therefore Thornton Hall may increase the government's prison expenditure; as a result the thesis should examine the financial aspects of the Thornton Hall policy to see if these arguments are acknowledged.

2.4.8 Increased Prison Spaces and their Influence on Crime Rates

Some key texts from the literature stress that prison size has little influence on crime rates. Roger Tarling (1994) found that an increase in a prison population of 25% would result in only a 1% decrease in crime across the country. On these grounds, it would be pertinent to ask what evidence has been employed by policy-makers to rationalise the creation of larger prisons such as Thornton Hall. There is a pressing need to examine the key drivers behind the policy in this case given that prison expansion has little impact apart from providing beds.

2.4.9 Conclusion

The research illustrated here highlights that larger prisons such as Thornton Hall present serious difficulties for the daily lives of prisoners. In light of this, the thesis will employ these arguments as a theoretical backdrop to analysis the rationales behind Thornton Hall's size.

2.5 Irish Context

2.5.1 Introduction

Clearly the majority of literature regarding penal policy – both analysis of official documents as well as the impact of prison – is based outside Ireland.

The best explanations remain parochially national and cultural. The world increasingly may be a global community, have global economy and be moving towards English as a global language, but explanations of penal policy remain curiously local (2001:528)

While little has been written about Thornton Hall, literature on prison policy in Ireland has been growing generally. This literature will provide a local context in which to assimilate the international evidence.

2.5.2 Current Trends

Several characteristics have come to define Irish prisons over the last several years. Firstly, over-crowding has become an issue acknowledged by academics, politicians and media alike (Kilcommins et al, 2004:237; O'Donnell, 2008:379). Secondly, many of those who currently reside in Irish prisons never actually committed crimes, or were found guilty of an offence worthy of incarceration, such as those held on remand, involved in immigration related cases, and fine defaulters (O'Donnell, 2008; Hamilton, 2006; O'Mahony, 2000). These groups have become significant in the make-up of the Irish prison population.

The above mentioned people end up in prison as the Irish system is heavily reliant on incarceration as a means of justice (O'Donnell, 2005:13-14). This has resulted in an exceptional number of short term sentences (O'Mahony, 2000). The Irish Prison Service Annual Report 2008 highlighted that 62% of committals under sentence were in prison for less than 6 months.

Another widely recognised trait of Irish prisons is the cost of incarcerating offenders, which has escalated exponentially since the 1990 (O'Donnell & O'Sullivan, 2001; O'Mahony, 2000). The average weekly cost is €1600 (Hamilton 2006) while the yearly cost can vary from €70000 in Loughlan House to €240700 in Portlaoise (O'Donnell, 2008).

2.5.3 Policy Entrepreneurs and Irish Prison Policy

Literature which explores more recent Irish penal policy has placed a considerable emphasis on John O'Donoghue, many researchers see his single focus and impact on Irish prison strategies as being hugely influential (O'Donnell & O'Sullivan, 2001). Jones and Newburn define a 'policy entrepreneur as someone who "not only push their 'pet' proposals and problems, but are also responsible for linking problems and proposal solutions to the political stream' (2005:61). A significant number of pages in "*Crime Control in Ireland – The Politics*

of Intolerance” (2001) are dedicated to analysing Minister O’Donoghue and his specific impact on penal policy. This is a core text as it provides pivotal information about more recent developments of Irish prison policy. The authors chart the career and “entrepreneurship” of John O’Donoghue, highlighting the considerable impact of this political actor.

It is evident from their findings that local actors such as John O’Donoghue have mobilised change. Understanding the more local level of the Irish context is ‘a prerequisite to the development of a realistic understanding of policy’ (Jones & Newburn 2005:61).

However there is no information or research detailing the potential rigour injected into the Department of Justice by past Minister Michael McDowell, who over-saw the original proposal for Thornton Hall, or Dermot Ahern, the current Minister for Justice. Therefore there is a clear gap in the current understanding of penal policy in Ireland, and this thesis will address it here insofar as possible.

2.5.4 Penal Expansion

Between 1997 and 2002 the Irish government made substantial progress with a prison building programme. New institutions were constructed in Dublin (Cloverhill for 450 males on remand; Dóchas Centre for 80 females) Portlaois (Midlands prison for 515 males) and Roscommon (Castlerea prison for 182 males) (Kilcommins et al, 2004; O’Mahony, 2000). However this occurred at a time after crime rates had already begun to fall (O’Donnell & O’Sullivan, 2001). Firstly this casts a dubious light over the necessity and essential validity of past Irish penal expansion. Secondly, it highlights that the Thornton Hall policy was preceded by the most considerable prison-building programme ever undertaken by the state, thus calling into question what is the rationale for a new 2200 capacity prison. This also highlights that there are comparative lessons to be learned from the drivers of policy at that time.

2.5.5 Upheaval and Inertia

Another common theme in Irish penal policy is that policy-making has been defined by a rotating sense of vigorous political activity and then of apathy. For example, ‘the early 1970s was a period of intense expansion within a penal system that had been stagnant since the 1950s’ (Kilcommins et al, 2004:71). Firstly, this finding highlights the patterns of prolonged inertia followed by bursts of activity. Secondly, periods of upheaval in Ireland have been defined by prison expansion. Moreover, this indicates that there is the possibility that penal expansion has become the default setting of Irish prison policy, while the complexities of the crime situation are ignored (Garland 2001).

In addition, as it has been found that Irish ‘penal policy unfolds out of a sense of crisis’ (Kilcommins et al, 2004:293); this marks a clear point of investigation into current penal expansion. This thesis will investigate if Thornton Hall’s capacity is borne out of such a sense of urgency.

2.5.6 No Academic Base

The lack of research based penal policy is perhaps the point that permeates most academic work regarding Irish policy formulation (O’Donnell & O’Sullivan, 2001; Kilcommins et al, 2004). O’Donnell et al noted that John O’Donoghue’s iconic zero tolerance had ‘little supporting evidence’ (2001:71). So this appears to have been a more instinctive decision. In a later academic publication it is revealed that a member of cabinet at this time told one of the authors the decision to quadruple the estimated number of cells required was ‘a ‘back of the envelope’ calculation made in the absences of the most rudimentary information about trends in crime, sentencing or imprisonment’ (Kilcommins et al, 2004:238).

This work has provided particular focus for this dissertation. They highlight how past Irish policy-makers have not employed criminological expertise. Therefore the research (if any) that has driven Thornton Hall’s size must be explored.

It is hoped that this dissertation will shine an investigative light on current Irish penal policy, establishing if it has been operating in a similar vacuum or if it has been informed by a new departure in Irish policy-making.

2.6 Conclusion

The evidence evaluated and synthesised from the literature illustrates the serious implications for a prison the size of Thornton Hall. Yet so far the moral imperatives have not sent the construction into disrepute. This is why a detailed policy analysis must be undertaken. The drivers for Thornton Hall's considerable capacity must be established. The best means to achieving this aim is by using Jones and Newburn's (2005) contextual framework, while employing specific theoretical points and other supporting literature to explore the findings in more detail.

A trend that emerged from the literature is that this type of analysis has focused on the USA and the UK. This highlights the necessity in ascertaining a detailed understanding of the facets and perplexities that define the Irish prison system.

This thesis will be the first time the drivers behind Thornton Hall's size are exposed to a rigorous analysis. Combining the three distinct areas of research illustrated in this chapter, it is hoped that this research will go beyond existing work, creating a new point of departure for policy analysis and result in the most up-to-date study of Irish penal policy.

Chapter 3

Methodology

3.1 Research Rationale and Aims: Methods Required

The aim of this thesis is to ascertain what are the rationales driving the proposed 2200 capacity for Ireland's next prison. The literature review highlighted potential driving forces behind the policy, such as policy entrepreneurs, policy transfer, political styles as well as cost. This illustrated the need to collect information regarding the role of each influential factor behind Thornton Hall's size.

The methodology of this thesis has been heavily influenced by the work of Jones and Newburn (2002, 2005, 2007). This method was chosen a policy analysis, this was adopted as it was the most effective means of investigating the drivers of the policy as it allowed for the most in-depth understanding of 'policy planning process [and] evaluation' (Maxfield and Babbie, 2005:389). Firstly the three streams were adopted as a template for analysis, that is the problem stream, policy stream and political stream. Secondly, it was felt that drawing on their methods of investigating policy-making was the foremost methodological strategy to explore the rationale behind Thornton Hall's size. Loader (2006) as well as Jones and Newburn (2007:36) have highlighted the documents which are most relevant to this type of policy analysis.

- Government Publications – this includes Ministerial statements, consultation documents, Bills, official press releases and manifestos. The documents analysed on this occasion were the Prison Population Projections 2005, The Capital Expenditure review 2006, Fianna Fáil Election Manifesto 2007, The Carter Report 2007, Ministry of Justice – Titan Prisons 2007, Joint Committee Reports and the Prisons Act 2007
- Parliamentary Debates – in Ireland this involved using the Oireachtas website where all Dáil Debates can be accessed.
- Pressure Group Reports and Publications – In Ireland this included the Irish Penal Reform Trust (IPRT), The Jesuit Centre for Justice.

These documents will best identify the over-arching sentiments regarding the policy in question.

3.2 Data Collation

3.2.1 Governmental Sources

This type of policy analysis required a wide variety of documentary materials in relation to Thornton Hall's size. All relevant data was sought in relation to this research from the Department of Justice, Freedom of Information (FOI) and the Irish Prison Service. However the Oireachtas website was the key source of information, and was heavily relied upon during the research.

The debates were explored using the www.oireachtas.ie search facility using key terms: Thornton Hall, Thornton, Thornton Hall capacity, prison building, McDowell Thornton Hall, new prison, prison expansion.

The debates were of key importance as they provided an insight into professional cultures, in this case political culture and policy formulation (Noaks and Wincup, 2004:107). Jones and Newburn (2007, 2002, 2005) have used these Ministerial speeches and parliament debates as a means to outline the political thinking that influences policy change. This type of analysis was critical when exploring the sway and authority of political actors and understanding their personal values.

A second source of pertinent documents was the Department of Justice website – www.justice.ie. This contains a Prisons Publications section. Before 2003, the files are quite sparse; fortunately the Thornton Hall policy was not developed until post 2003, so this did not impact on the research. It is not until 2007 that there's a document published relevant to Thornton Hall's policy or size. This is the Capital Expenditure Review 2006. This was a key document as it provided detail about the drivers behind Thornton Hall's capacity. The Thornton Hall Prison EIA Non-Technical Summary, published in 2008 has also proved helpful in understanding what are some other concerns held by the government about building a prison of this magnitude.

Initially the FOI appeared to be the most efficient way to collect data on this aspect of policy. FOI's are a fee based service, and keeping in mind the nature of this study, and the lack of

financial resources, it was felt that it would be best to give the Department of Justice official details about what information was necessary and for them to gauge a cost. Information was requested regarding anything to do with Thornton Hall's capacity and why the smaller Mountjoy development was abandoned, but this author was duly informed that there were so many documents with a link to both subject matters that the cost could escalate into thousands.

This presented a potential limitation; therefore as a means of resolving this difficulty more specific requests were made.

- What documents did they have with details of costs of the day to day running of Thornton Hall (this would help establish whether or not economies of scale were a driving influence behind Thornton halls capacity)
- Dermot Ahern had referred to in-depth consultations that had been carried out with those involved in the rehabilitation of prisoners during the Thornton Hall policy formulation; the date of his quote was provided to facilitate the retrieval of these documents.
- The most important document requested was the Prison Population Projections as these had been cited as the central research document which justified Thornton hall's size. Again, the date that these had been referred to in the Dáil was also provided (June 17th 2008)

When the FOI official got back in touch she stated that there was no information on the day-to-day cost of running Thornton Hall, nor was there anything regarding how its size would help reduce the cost of incarcerating offenders. She also rang the Department of Finance to confirm this; they assured her that they had no such document either. There was no document pertaining to the consultations that Dermot Ahern referred to in the Dáil, but this could possibly be a result of a desire to preserve confidentiality. There was also no Prison Population Projections; however she believed that the Irish Prison Service (IPS) may be able to send it on. Therefore the FOI approach to data collection was fruitless with regards to this research. However it did help in targeting the particular documents requested and later helped retrieve them via a different route.

Requests of The Irish Prison Service provided mixed results. Any information retrieved was through a persistent approach. Between 7 phone calls (including follow up calls) and three e-

mails, including one to an e-mail account dedicated to Thornton Hall, thorntonhall@irishprison.ie, and the project manager (all of which received no response), no information about Thornton Hall's size and the policy rationale's, or the Prison Population Projections (2005) had been collected. There seemed to be a great deal of ambiguity regarding Thornton Hall's capacity, with one member informed the author that they didn't think it was possible to project prison populations, while another stated that they didn't believe such a document existed, and that if it did it would probably be inaccurate. It was later divulged that the document did indeed exist, but was no longer available due to its findings now being inaccurate.

The first official response from a senior member of the Irish Prison Service arrived via e-mail on the 10th of August 2009. This came about after a second attempt to find documents regarding the running costs of Thornton Hall, instead this time by-passing the Justice Department and contacting the Department of Finance directly. They responded that they had forwarded the request onto the relevant person in the IPS.

The e-mail confirmed that Thornton Hall will be built with the same capacity numbers, and they provided the central rationale for its considerable capacity; this was key to gaining a more in-depth understanding of what informed the policy formulation in this case (Noaks & Wincup 2004). They also forwarded on the most recent Prison Report, Inspectorate of Prison Report as well as the newest Department of Justice press release regarding Thornton Hall.

The Prison Population Projections were finally sourced through an informal meeting with a senior civil servant from the department of Justice at an Irish Penal Reform Trust event in June 2009. It was thanks to this 'gatekeeper' that this document was made available for the purpose of this research after all other routes had been exhausted. This demonstrates the serendipitous nature of this type of policy research in Ireland, and certainly provides a lesson for future researchers. However, this research is the first to explore this important document in relation to Thornton Hall's capacity.

Jones and Newburn (2007) also state that to investigate if transfer facilitated a policy shift a researcher must look at corresponding literature from the jurisdiction in question, in this case the UK. The government files were easily accessible as all were available in the public domain through their Home Office website – www.homeoffice.gov.uk . Through this website two key documents about recent proposals to build "titan prisons" were accessed. This British material was important tool in evaluating the drivers of change. Also, as the policy for super-

prisons has been developed in the UK over the last 2 years, it has been possible to adopt a ‘contemporaneous approach’ as employed by Rock (2004). As such, this is research that focuses on a particular development of a specific aspect of policy and examines what influences it – in this case, policy transfer and its role in Thornton Hall’s capacity.

Interviews were seen as being the ‘second stage’ of the study (Jones and Newburn 2007). These were to involve semi-structured interviews with various key actors (Loader 2006). Jones and Newburn have stated that these interviews can

be used to explore further the key events and time frames of policy development and to provide richer understanding and explanation of the perceptions and involvements of key actors (2007:36).

Letters were sent to the Director of the Irish Prison Service – Brian Purcell – and the Secretary General for the Department of Justice – Sean Aylward. These letters included a list of inquiries about other aspects of the Thornton Hall policy – such as had detailed rehabilitation and educational programmes been drawn up – as well as a request for interviews. Unfortunately this approach failed as no response was issued from the IPS and while a letter of acknowledgment was returned from the Department for Justice, there was no further contact.

3.2.2 Document Analysis

The Government data collected was analysed through in-depth reading. This involved highlighting re-occurring themes in an attempt to reveal the central rationales. These documents were studied in this manner as it also exposed the ‘different objectives, institutions and techniques, the struggles and concerns which decided these choices’ (Garland 1985:4). As such, this methodological approach was adopted as it allowed both the source and level of influence to be identified

3.2.3 Academic Material

The academic research had a dual role in this thesis. First, the Irish criminology literature provided a modern context in which to place this study. Secondly, the literature on the effect of larger prisons was employed to see if the drivers of Thornton Hal’s size are borne out in this research. During his analysis of what influences penal policy in Britain, Loader (2006:562) found that his work was informed by the work of other criminologists.

Research on this topic was mainly accessed through databases such as Sage.

3.3 Limitations

There were two central difficulties that must be highlighted. Firstly, no interviews were conducted; this meant that there are no 'rich first-hand accounts of the policy process' in this case (Jones & Newburn, 2007:37). However it is felt the lengthy and thorough examination of the Dáil Debates provided a wealth of first hand quotes.

Secondly, the lack of documents accessible in the public domain or through FOI could potentially have limited the reality of what was found to be the driving forces behind Thornton Hall's size. Jones and Newburn have pointed out that if the inaccessible documents, or of course, if there were more documents involved in the policy analysis, it could have altered the research findings significantly (2007:36)

Chapter 4

FINDINGS AND DISCUSSION OF POLICY ANALYSIS

4.1 Introduction

Ireland's first prison-complex will have the potential capacity of 2200, yet little is known about the reasoning behind this decision. There has been no explanation of why such an increase in prison capacity is necessary. Therefore it is hoped that this chapter will provide a comprehensive analysis of all the data and will uncover what have been the imperatives behind Thornton Hall's size.

The method employed will be a documentary data analysis. This will focus on the three stages of the policy-making process as defined by Jones and Newburn (2005). These are the "problem stream", "policy stream" and the "political stream".

This chapter will firstly identify what the government defined as the key problems of the current prison system which led to the introduction of plans for Thornton Hall.

Secondly, there will be an examination of how the policy was generated, with a specific focus on the role of policy entrepreneurs, economic climate, policy transfer and the role of academic research and evidence in supporting and informing the developing policy.

Finally the chapter will investigate the influence of the political stream, particularly the role of pressure groups on Thornton Hall's size.

This chapter will also include an analysis of changing political styles, such as growing punitivism, rhetoric and symbolic policy making and their possible role behind Thornton Hall's capacity.

4.2 Problem Stream

The findings of the analysis have revealed two central problems that were identified by policy-makers as needing to be resolved by the new Thornton Hall complex. Jones and Newburn (2005), Rossi et al (2004) and Mears (2008) have argued that these problems often provide the basic rationales behind any policy. Therefore understanding what was originally identified as a “problem” is the first step in understanding what the drivers behind Thornton Hall’s magnitude were.

When Thornton Hall was first mooted it was seen as providing a solution to the over-crowding difficulties. In the 2005 Irish Prison Service Annual Report, Director General Brian Purcell stated that Thornton Hall will ‘cater for the demands of a growing prison population’ (2005:5). The report from 2004 states that Irish Prisons were operating at a 95% occupancy level, however, Mountjoy was operating at 107% capacity and the Dochas Centre had a 104% capacity rate. Conor Lenihan has confirmed Thornton Hall’s size is borne out of a desire to tackle over-crowding.

Addressing overcrowding will not simply involve a short-term fix; the design of the prison will address this problem for the long term. Cells are designed to be larger than normal in order that if there is a significant increase in the prison population, they can be sub-divided to provide for a greater number of inmates (Senad Debate May 29th 2008).

A recent Department of Justice press release highlighted that Thornton Hall must go ahead due to the continuing capacity crisis.

We currently face overcrowding in our prison system despite the fact that almost 1,400 new prison spaces have been provided since 1997. We have another 400 new spaces coming on stream very shortly (June 23rd 2009)

The analysis revealed that in both the Capital Expenditure Review (2006) as well as the Prison Population Projections (2005) one of the guiding principles behind Thornton Hall is to ‘eliminate current overcrowding’ (2006:22, 2005:20). Therefore a driver of Thornton Hall’s potential 2200 size is the perceived need to deal with the capacity crisis in many Irish jails.

A second challenge, as indicated by the former Minister for Justice Michael McDowell was identified as the ‘need to ensure our prisons run efficiently and cost effectively’ (Dáil debates October 27th 2005). It is evident from the table below that expenditure on prisons had mushroomed by the time Michael McDowell took office.

Year	Expenditure on Prisons £m
1990	78
1991	85
1992	92
1993	96
1994	105
1995	108
1996	121
1997	152
1998	189
1999	189

Source: O’Sullivan et al. “Crime Control in Ireland” 2001:17

In the 2005 Report from the Irish Prison Service the cost of detaining a criminal for a year was €90,900. Therefore the capacity difficulties and the financial strain of the prison system were the problems which were highlighted as needing attention from policy makers.

However it is important to note there is no evidence from the policy documents or Ministerial statements that the high recidivism rates (O’Donnell et al, 2008) or lack of educational programmes in Mountjoy were flagged as problems that needed to be resolved by Thornton Hall’s development. Through the identification of the problem stream it is apparent that the focus is on the cost and the bed requirements. Therefore the policy driving Thornton Hall’s size does not appear to have been influenced by a rehabilitative ideal.

4.3 Policy Stream

4.3.1 Economies of Scale

As has become clear through the analysis of policy documents and other materials, the view that building Thornton Hall would lead to a reduction in prison costs has been one of the most often cited rationales behind its considerable capacity. The solution attached to reducing prison costs is one of the most important rationales behind Thornton Hall's considerable capacity. The reasoning for this super-prison is almost completely driven by the belief that one large single prison campus will allow for the problematically high levels of expenditure to be reduced.

In both the Capital Expenditure Review and the Prison Population Projections the first rationale given for such a large prison complex is 'to minimise the number of operational sites, so as to achieve economies of scale' (2006:22; 2005:20).

While The Capital Expenditure Review (2006) is an economics-based review of the efficiency of spending inside the prison system, it also reads as a policy document as it puts forth the goals for future penal policy and rationale for Thornton hall's size.

Achieving economies of scale, the operating of a prison complexes as single campuses with shared services ... are all necessary and important goals in the context of the high cost of imprisonment and the necessity that they are minimised where possible (2006:58)

This appears to be the central rationale for Thornton Hall's size as a member of the Irish Prison Service - who has a senior role in the development of Thornton Hall – confirmed to this author on August 10th 2009 that reducing spending is the main motivation behind Thornton Hall's size stating:

The campus style development offers significant cost savings in a whole range of areas through certain functions. For example, catering for the 1400 prisoners will be provided from a central kitchen rather than separate kitchens. Savings will also be achieved in other areas including staff costs, health care and other services due to the campus style nature of the development.

The degree to which this fiscal imperative has defined Thornton Hall's magnitude and policy is evident in the analysis of the Ministerial statements. The value for money ethos so deeply permeates the rationale for Thornton Hall's size that Dermot Ahern also stated – in relation to the prison – that his 'job as Minister is to ensure value for money' (Dáil Debates June 17th 2008).

These findings reveal that a principle motivation for Thornton Hall's size has been a desire to lower operational costs and achieve economies of scale. This finding corresponds with Andrew Coyle who maintains that the reason larger prisons are favoured over a smaller alternative is because 'small custodial centres make no commercial sense' (2008:21).

4.3.2 Policy Entrepreneur

The predominance of economies of scale can also be linked to the role of Michael McDowell as a 'policy entrepreneur', whose role was central to the policy behind Thornton hall's size. Denzin and Lincoln (2005) describe a policy entrepreneur as someone who pursues their own values and vision of an efficient prison system. Minister McDowell was, as he described himself, 'a strong advocate of value for money' (Dáil Debates May 16th 2006). It is evident from the findings of the analysis that Minister McDowell had a particularly active and creative approach after his accession to the role of Minister for Justice.

Firstly, the Capital Expenditure Review (2006) reveals that before Minister McDowell took office Mountjoy was originally going to be demolished and replaced with a new 'modern purpose-built complex providing accommodation for a maximum of 730 prisoners' (p.20). What is also important to note is that these plans were far from being in their infancy when Michael McDowell became Minister for Justice. Ivana Bacik has pointed out that

Plans for the development of Mountjoy prison; which were at a very advanced stage under Deputy John O'Donoghue, a former Minister for Justice, Equality and Law Reform. They were so advanced that there was even a full scale model provided of what the redeveloped prison would look like (Dáil Debates May 29th 2008)

The documentary evidence highlights a sharp volte-face concerning the future of Irish prison policy, which has been attributed to the fresh vision and vigour injected into the Department due to 'a new Minister for Justice being appointed in 2002' (Capital Expenditure Review, 2006:22). This pertinent statement confirms that this specific political actor was the catalyst

behind the development of the Thornton Hall policy and size, which can at least in part be explained by Deputy McDowell pushing his own value for money proposals which he saw as the favoured solution to the rise in prison expenditure (Jones and Newburn, 2007:62).

4.3.3 Prevention of Future Upheaval

Another element significant in driving Thornton Hall's capacity was the broader concerns which have unfolded out of an eagerness to prevent the over-crowding that was experienced during the 1970's in Irish prisons (Kilcommins et al, 2004)

The first indication of this rationale lies in the Prison Population Projections (2005). This is a central policy document, and has been relied on as providing justification for Thornton Hall's size: 'the capacity of Thornton Hall is based on the study carried out by the Irish Prison Service on the projected prison numbers for the period 2005-2013' (Dáil Debates May 27th 2008). This document concludes that by 2015 a total of 2137 new prison places will be required. However, this document also refers to the reliable data source that is the Central Statistics Office. They highlight the population increase of particular groups of interest in the 26 counties over the next several years. These are - males 17 years and under, women, males 50 years and under and males aged 18 – 50. They accept that it is generally the latter that make-up the majority share of Irish prison populations, it is also acknowledged that this group is only predicted to expand by 8.8% nationwide. Thus it is conceded that a 'significantly larger increase in the number of 18 – 50 year olds between 1996 and 2005 of 167'940 did not result in any appreciable change in crime levels or prisons committals' (2005:4). It is also important to note that this document is no longer available on the Irish Prison Service website or through FOI as the Irish Prison Service 'would not stand over the findings as they are not considered reliable'. Therefore the necessity for Thornton Hall's significant size lacks validity. Hence part of the rationale for Thornton Hall's potential 2200 bed spaces lies outside practical need in terms of planning for future populations.

Many senior members of the Government and the Irish Prison Service have openly acknowledged that Thornton Hall's considerable capacity is hoped to be the solution to any future over-crowding. Conor Lenihan has confirmed that the Government 'have over-provided the size of cells. It is for an unforecasted increase in the prison numbers' (Dáil

Debates May 9th 2008). The current Director General of the Irish Prison Service Brian Purcell has echoed these sentiments by reaffirming that Thornton Hall's size is borne out of a desire to 'meet any demand for additional space for at least the next 50 years' (February 29th 2008). The current Minister for Justice has also unequivocally stated that if 'Thornton Hall is not built there is a possibility that once again there will be severe pressure on our prison capacity ... we must allow for the unforeseen' (Dáil Debates June 17th 2008).

These findings clarify that a central rationale for such a colossal prison is that the government hope that it will allow for a prolonged period of stability with regards to over-crowding. An Irish Prison Service spokesperson has probably best defined this rationale by describing it as 'future proofing' (Irish Times January 26th 2008).

However the evidence of the literature review highlighted that this type of policy is at odds with a desire to achieve economies of scale. Many researchers have found that prison expansion is like a self-fulfilling prophecy (Kilcommins et al, 2004; Dunbar and Langdon, 2004) and of course the Council for Europe who recommended to its member states that 'The extension of the prison estate should rather be an exceptional measure, as it is generally unlikely to offer a lasting solution to the problem of overcrowding.' (Recommendation No. R (99) 22 September 30th 1999). Therefore prison expansion is inevitably 'in many cases outrageously expensive' (Bandy et al, 2007:5)

In light of this it appears that over-providing bed spaces is at conflict with the desire to achieve economies of scale. This finding highlights that two of the central premises behind Thornton Hall's proposed inmate capacity cannot be reconciled, as the aspiration to expand prison size as well as reduce expenditure are conflicting policy goals.

4.3.4 "The Celtic Tiger"

Evidently Thornton Hall's expansive capacity is bigger than is necessary to deal with the current over-crowding difficulties. While the literature review showed that penal expansion and prison building in Ireland has always been directed by a sense of crisis (Kilcommins et al 2004) this has not been the case with Thornton Hall's size. Instead it appears that favourable economic conditions have been another significant influence on driving the rationale behind Thornton Hall.

Availability of Capital

The final key assumption in the projections is that funding will be available to provide all necessary additional accommodation to house the anticipated growth in the prisoner population. In the absence of such funding, alternative approaches e.g. a significant increase in the use of temporary release, would be required to alleviate overcrowding. (Prison Population Projections 2005:8)

This also shows that the growth of potential budgets not only allowed for Thornton Hall to be expansive, but it defined its size. The availability of funding meant that the Department of Justice felt that they did not need to consider alternatives and that their fiscal ability to build big became a rationalisation for Thornton Hall's size. The influence of the "Celtic Tiger" in the decision to increase the Irish prison size through Thornton Hall is highlighted in the Capital Expenditure Review which stated that at the time 'strategic goals and priorities are often defined in terms of clear capital investment ... such as the expansion of the estate' (2006:24).

This is not the first time that the Government's increased financial capabilities have resulted in a zealous – and somewhat unnecessary – building programme. Kilcommins et al (2004) found that when crime rates were dropping during the 1990s prison building still went ahead partially as a result of the growing Department of Justice budgets. The authors conclude that in Ireland 'fiscal considerations are important drivers of prison capacity' (2004:242) and that the "Celtic Tiger" was a crucial factor in prison expansion as 'it is likely that a more buoyant economy diminished the significance' of any concerns held about the financial implications of penal planning (O'Donnell, 2005:9). Therefore the documentary data illustrates that the breadth of Thornton Hall was heavily influenced by the economic growth at the time, and this finding follows an existing trend already recognised in Irish penal policy.

4.3.5 Policy Transfer

While local and national factors are extremely important in analysing policy formulation, the role of international policy convergence must also be examined. The findings of the literature review showed that there is growing academic interest in 'policy transfer' (Dolowitz, 2000; Jones & Newburn, 2007). However Smith (2004) has highlighted that when researching policy transfer it can be difficult to conclusively prove clear transfer.

During a Dáil speech concerning Thornton Hall, the current Minister for Justice Dermot Ahern was asked various questions regarding current Irish prison policy. In order to clarify his points, the Minister referred:

members to a report of December 2007 by Lord Carter with proposals for the efficient and sustainable use of custody in England and Wales. He recommends three major prisons in the UK, each which would provide up to 2500 places, comprising of five units of approximately 500 offenders... this report was closely studied by my officials when planning the proposed prison at Thornton Hall (June 17th 2008)

This statement clearly indicates the possible influence policy transfer has had on the development of the policy on which Thornton Hall is based. Minister Ahern later goes on to state:

Lord Carter's report on prisons in the UK which came out in December 2007. Virtually everything he recommends is manifest in the proposal put forward for Thornton Hall. (June 17th 2008).

This confirms Dermot Ahern's role as a policy transfer agent (Jones & Newburn, 2007). From the discourse analysis this aspect of the policy appears to be a result of what Dolowitz and Marsh (2000) describe as a complete and direct transfer. However, it is important to note that the Carter Report post-dates the Thornton Hall proposal, and therefore after the bulk of decisions were made. So while it was relied on in debate, it had little influence over 'the more concrete manifestations of policy in terms of policy content and instruments' (Jones & Newburn, 2007:23)

However, while the current Minister for justice has relied on the Carter Report as a means to justify Thornton Hall's capacity, there has been no acknowledgment of how the report has been widely discredited by those working inside the prison system and academics alike (Prison Inspectorate Anne Owers, 2008; the Prison Reform Trust, 2008; the IMBD, 2008; the International Centre for Prisons Studies, 2008; NACRO, 2008; Cavadino, 2008; Coyle, 2008; Hedderman, 2008; Liebling, 2008) have all contested the construction of prisons as large as the ones proposed in the Carter Report. A recent Probation Journal publication maintains that the Carter Report has 'drawn on a highly selective evidence base without an evaluation of the potential consequences' (2009:109). The negative reaction most likely had some impact on the British Government's decision to reduce the size of their new prisons from 2500 to 1500 (BBC, 24 April 2009).

However, according to the latest Department of Justice press release (23rd June 2009) Thornton Hall will still go ahead, and will still have a minimum capacity of 1400. The fact that Thornton Hall's size has not been revised downwards shows that the Carter Report served as a means to justify and give legitimacy to this aspect Thornton Hall.

4.3.6 Research Vacuum

The lack of academic evidence in past penal policy has been well documented by some of Ireland's foremost criminologists (O'Donnell et al, 2001; Kilcommins et al, 2004), and that major policy decisions had been made void of any academic base. The reason for such an explicit use of transfer could be because it filled the research vacuum and gave legitimacy to the magnitude of Thornton Hall. Throughout the research process and analysis it has been impossible to ignore the lack of criminological and academic expertise employed by the Department of Justice during the formulation of this policy.

This first became evident during the data collection stage. The information provided in the Prison Population Projections (2005) is the only research on which Thornton Hall's capacity is based. Yet it was made clear during the data retrieval stage that this document is inaccurate and now out of date.

While there has been open and robust engagement with planning officials and over €1,000 spent on consultancy fees to help with the Environmental Impact Statement alone (J.J Cummins Dáil Debates June 4th 2008) there has been no criminologist involved in the policy generation stage. In fact, in 2005, the governor of Mountjoy, John Lonergan stated he was concerned that the policy driving Thornton Hall was 'without any reference to research' (October 20th 2005).

The lack of academic evidence in the Department of Justice at present has resulted in an honest belief, that permeates throughout the current Government, that incarceration does indeed work as 'prison can also reduce crime' (Fianna Fáil Election Manifesto, 2007:95).

It could be argued that this has had the greatest influence over Thornton Hall's capacity. It is clear that the rationales behind this significant aspect of the policy have not been informed by the international research highlighted in the literature review and that there is no regard for

this work in any of the documentary evidence or Ministerial statements. Therefore it can be contended that Thornton Hall's bed capacity could have been dramatically lower if there was an honest and genuine use of criminological expertise employed during penal policy generation.

As a result the decision behind Thornton Hall's size has been generated based on 'instinct and intuition' (Kilcommins et al, 2004:243)

4.4 Political Stream

4.4.1 Influence of Public Opinion

Authors have found that the policy process is open to varying degrees of influence from outside groups, such as NGOs and interest groups (Chubb, 1983; Ryan, 1996, 2003). As such, these groups have been found to have the potential to change the directions of the policy-making process.

It could be argued that these pressure and advocacy groups are not as long standing in Ireland as their English counterparts. However the Dáil did receive the Irish Penal Reform Trust on the 4th of June 2008. During this presentation several pertinent concerns regarding the scale of Thornton Hall were raised by the Chairperson of the Trust Dr. Ursula Kilkelly. She also unequivocally informed those in attendance that the size of a prison has significant bearing on its operational coherence.

The documentary evidence along with Ministerial statements illustrates that even though political officials did in fact engage with this advocacy group it did not change neither the tone or the direction of the of Thornton Hall's immense capacity. This finding confirms that these types of 'stakeholders' (Chubb, 1983) did not have a mantle of influence.

4.5 Political Styles

4.5.1 Symbolic

While these groups have had little influence on the policy outcome, it has been argued that something more abstract such as political styles can be influential (Garland 2001). Tonry (2004) has defined one of the key identifying criteria of symbolic policy as ideology (p.x). When discussing Thornton Hall the then Minister for Justice, Michael McDowell stated that it was required on the grounds that

prison is a necessary adjunct of a democratic liberal society ... It is not fashionable to say any more, even though it is true, that if crime went unpunished, it would be the end of civilisation as we know it. The public need to see the wrongdoer punished (Dáil Debates November 23rd 2006)

This is an explicit statement that corresponds with the work of Stolz (2002) who believes that the public perception of policy may take precedence over the actual substance. This deeply symbolic style would also seem to coincide with what Duff (2000) describes as a 'communicative' penal philosophy, that is Thornton Hall is not simply a symbol of Government will, but it is a message to offenders and public alike about what are the consequences of acting outside morality as well as communicating to the law-abiding public that you are willing to protect them.

The expansion of the prison estate through Thornton Hall also seems to be in part a consequence of this policy style, as it can be linked to how they want to be perceived regarding crime and justice. The Fianna Fáil election manifesto 2007 put it quite simply stating that 'prisons help make us feel safe by removing offenders from our streets' (p.95). Using this logic as a measure of sorts would imply that a larger prison would equate to safer streets. Given the findings of Tarling (1994) regarding the limited role of prison in actually reducing crime this style sits in contrast to academic research.

In light of this it is apparent that this symbolic style has been significant in pushing an inherent dependence on prison building. This approach to penal policy has resulted in Thornton Hall's size being an acceptable policy as it is seen as an expressive political strategy.

4.5.2 Rhetoric

There has also been a strong use of reformatory language to justify the development of Thornton Hall. The current Minister for Justice Dermot Ahern has reassured the cabinet on many occasions that Thornton Hall ‘is designed to gain the maximum rehabilitative benefit’ (Dáil Debates June 17th 2008).

However this is in stark contrast to the findings of the literature review, especially the recent research findings from the British Prison Reform Trust (2008) which displayed the adverse affects of larger prisons on the inmates.

But here in Ireland there is little hard evidence that this rehabilitative ideal has actually been pursued with much vigour in recent years. In fact during the “Celtic Tiger” financial cutbacks were seen throughout the areas of prisoner education, funding for both library services and evening classes came to an end due to a moratorium in prison officer over-time (Hamilton, 2008). Ivana Bacik has pointed out that the CONNECT rehabilitation and education programme has been quietly brought to an end (Dáil Debates May 29th 2008).

This evidence confirms that these statements about Thornton Hall’s size are no more than empty gestures. Thus the language of reform that has been employed by the government corresponds with Brusson’s findings that “organisational statements” do not necessarily agree with ‘organisational actions’ (1989:31). Therefore it is most likely that the reformatory capabilities associated with Thornton Hall’s size will exist in rhetoric alone, and that in this case, talk is action (Garland, 2001:22)

4.5.3 Penal Populism

The increase of the Irish prison estate that will occur when Thornton Hall is built on the surface indicates an increased punitive style regarding penal policy. And of course there is growing literature in Britain and the US that has connected the rise of large prisons and the proliferation of prison populations to a growing punitivism among the political classes

(Garland, 2001; Loader, 2006; Bottoms, 1995). Pratt maintains that penal populism is ‘one of the most significant and recognised influences on penal development’ (2007:24).

However during the research and subsequent analysis no evidence came to light that Thornton Hall’s capacity has been pushed or shaped by ‘a penal rhetoric dominated by deterrence and retribution’ (Loader, 2006:574). None of the Ministerial statements provided by Minister McDowell, Minister Lenihan or Minister Ahern showed any evidence of ‘punitive sentiments’ (Zimering, 1996:255).

Not only does the policy behind Thornton Hall’s scale sit in contrast to that of America and Britain, but it also distinct from findings regarding penal expansion in Ireland during the 1990’s (Kilcommins et al, 2004). Researchers found that the prison building which preceded Thornton Hall was a result of ‘a punitive consensus being embedded in the body politic’ (O’Donnell & O’Sullivan, 2001:72).

As there is no indication of any of the characteristics that define penal populism either during the formulation, presentation and direction of the policy behind Thornton Hall’s size, means that this particular policy is not only different from the rationale behind many large prisons in America and the UK, but it also goes against a recognised growing domestic trend.

4.6 Conclusion

The desire to achieve economies of scale and the increase in the Department of Justice’s spending capabilities were the most significant driving forces by Thornton Hall’s size. Of course it is important to understand the influence of political agency, such as the ‘entrepreneurship’ of Michael McDowell, which was a fundamental catalyst behind these policy rationales as he prioritised his own “value for money” ethos when deciding how large Thornton Hall should be.

However Thornton Hall’s capacity has also been heavily informed by a desire to prevent any future over-crowding dilemmas. Rather than look at alternative solutions to reducing the growing prison population the Department of Justice embarked on a “wholesale approach” to penal policy. It is clear from the evidence that policy-makers decided that while the money was available they would “build big” now as a means to preventing a crisis later.

While the desire to bring an end to the capacity difficulties experienced in Irish prisons is a laudable goal, the evidence illustrated in the literature review shows that Thornton Hall's size is unlikely to bring much relief to this predicament.

The evidence showed a clear employment of and reliance on two particular political styles in relation to the capacity of Thornton Hall. Firstly it is apparent that Thornton Hall's rehabilitative capacity exists only on a rhetorical level. This is in stark contrast to the considerable work done by the Department of Justice in relation to the physical needs of the building and accommodation. Knowing this, the lack of a substantive rehabilitative factor in the policy stream demonstrates that the proposed capacity for Thornton Hall will be no more than somewhere to warehouse prisoners.

Secondly, the symbolic view of prison held by Irish policy makers, in this case Michael McDowell must be considered as having played a role in the rationale behind Thornton Hall's size.

However, the policy is distinct from that of the US and UK as Thornton Hall's size has not been informed by a growing punitivism or a hardened view towards penal policy. This is an important finding as it highlights that the rationale behind Thornton Hall's magnitude differs significantly to these other countries which explain larger prisons through penal populism, and thus modern Irish prison policy is not driven by this international trend.

Finally, what is most apparent from the findings and the analysis is that policy occurs in a haphazard fashion. There are many potential drivers in each stage that have equal possibility of being the main influence over a finalised policy.

Nevertheless, while this political process could justifiably be described as chaotic, if policy is developed in a vacuum there is huge potential that ineffective or even detrimental legislation can be ratified.

The findings showed no evidence that any criminological expertise was employed during the time the Thornton Hall policy was generated. Because of this the rationale behind Thornton Hall was not informed by those with the knowledge to help reduce recidivism and inform and develop a more positive prison experience. Inevitably the economic issues defined Thornton Hall's size as there was no expertise to guide the policy in a more meaningful direction.

As a result of this vacuum, Thornton Hall's capacity has been driven by a fiscal rather than a moral imperative, therefore the rationale behind this aspect of the policy is not borne out in the international literature.

Chapter 5

Recommendations and Conclusion

5.1 Recommendations

In light of the findings and conclusion of the policy analysis this thesis offers two recommendations, one specific to Thornton Hall, the other a more general suggestion for prison policy formation in Ireland:

- Firstly, the justifications for Thornton Hall's size are not supported by the weight of the academic literature. The advice proffered by the governor of Fleury Merogis, the Woolf Report and a wealth of academics should be given prominence in future penal policy-making in Ireland. And as a result the decision to build a prison of this size should be reversed, and a strict 400 person capacity should be placed on any further construction within the Irish prison system.
- Secondly, related to the above point, those involved in the formulation of penal policy in Ireland should engage with academics and create a penal philosophy beyond the financial considerations highlighted in the analysis. This could be carried out if civil servants and criminal justice policy-makers engage with experts in the field of penology and criminology. However, the startling lack of a research foundation makes this approach to policy-making a distant reality in Ireland. Until these expertise are an integral part of penal policy, it seems unlikely that any new prison in Ireland will have a rehabilitative ideal informed by the international literature.

5.2 Conclusion

Paul O'Mahony once asked 'how, as systems, can prisons endure, indeed expand, and in some ways flourish, despite the evident futility and damage they cause' (2000:7). It is clear from the analysis conducted that the central driving forces behind Thornton Hall's size unfolded out of a financial mindset, such as the prevailing desire to achieve economies of scale, and the over-arching influence of "The Celtic Tiger". Mathiesen (1990) maintains that prison building is about priority of values, and it is evident from the influence of the value for

money ethos that fiscal priorities were those given precedence when Thornton Hall's policy was formulated.

Such a situation is likely to be a consequence of the policy being conceived and developed in a vacuum. In his memoir "I Did Penal Servitude", Walter Mahon-Smith asserts that the Irish 'are not a thoughtless people, but we are an unthinking people' (1946). This sentiment probably best sums up the over-all approach taken when devising Thornton Hall's size, while the policy lacks essential 'remedial ingredients' (Loader, 2009), it is not a result of Irish policy-makers, entrepreneurs or government officials being uncaring, but being unthinking. That is, that while Thornton Hall may appear to be driven by a punitive approach, the analysis of the drivers behind the policy has shown that it was the product of other quite specific prosaic and pragmatic concerns. This certainly highlights that a great deal of Irish criminal justice policy is driven by more commonsensical thinking.

However, while Thornton Hall's size may not have been borne out of a punitive mindset, it will still create an environment in which the particular difficulties experienced by large scale prisons can exist. So while Thornton Hall may be a superior prison in terms of architecture, in light of the criminological evidence, Thornton Hall will not succeed what it is replacing (O'Donnell, 2005:13) in terms of its impact on prisoners (PRT, 2008; Bandy et al, 2007)

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