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*Pulling a rabbit out of a hat, where do policies come from?*

# An examination of the criminal justice policy processes behind the building of the Dóchas Centre (Ireland's largest women's prison)

A thesis submitted to the Dublin Institute of Technology in part fulfilment of the requirements for award of Masters in Criminology

by

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September 2011

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***Declaration***

I hereby certify that the material which is submitted in this thesis towards the award of the **Masters 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:* 30 September 2011

# Abstract

There is an increasing need to understand the processes in which key decisions are made within the criminal justice system. While women in the Irish prison system are still very much in the minority they are the fastest growing population in prison and are currently experiencing overcrowding unknown in living memory in Irish prisons. It is too soon to comprehensively examine the origins of the recent policy decision to retrofit bunk beds and dormitories in Ireland's largest women's prison (Dóchas Centre) and what other possible solutions were explored, for example, why a proposed new facility was cancelled. However, it is possible to examine the origins of the Dóchas Centre, which was responding to a crisis of its era. A review of the relevant literature on the policy processes highlights that the criminal justice policy process does not follow a linear trajectory; an identified problem does not necessarily attract the most appropriate solution (Rock, 1995; Kingdon, 2003). While studies have identified the effects of policy decisions, very little is understood of their origin (Jones and Newburn, 2005). The literature also identifies the residual place that women occupy within the prison system. This emphases the need for a greater understanding of the policy process as it affects this minority group. A qualitative study, using both documentary analysis (Parliamentary reports) and semi-structured interviews with key individuals was undertaken to explore the process behind the genesis of the Dóchas Centre. The findings indicate the importance of individuals within the processes and the prevalence of a clear objective amongst those individuals to improve conditions for women and the adaptation of their conditions to their particular needs. Highlighted is the importance of serendipity in the process and that pragmatic rather than thoroughly optimal best decisions were made during the process. With the benefit of Kingdon's multiple stream model (2003), a lens is focused on the policy process behind the decision to build the Dóchas Centre. What emerges is evidence that the success of the process relied upon multiple opportunities 'windows' presenting themselves until, finally, the policy decision crystallised in the construction of the Centre.

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# Introduction – Chapter One

## 1.1 The Study

This study adopts a policy process theoretical framework to examine the origins of the Dóchas Centre, which is a modern purpose-built medium-security closed prison for women located in Dublin. Women in the Irish prison system have largely been ignored. Historically they have come into focus in the context of providing space for the male prison population and in more recent times concerns regarding the conditions endured by women in prison have risen and fallen on policy makers' agendas.

## 1.2 Rationale for the Study

This study is especially pertinent following the recent policy decision to provide 70 dormitory-style spaces in the Dóchas Centre, increasing its capacity from 105 to 175 (Thornton Hall Review Group, 2011). Retro-fitting other rooms including the provision of bunk beds in rooms originally designed for one occupant had previous increased the capacity from 80 to 105. In protest of this 'overcrowding' Governor Kathleen McMahon resigned (Sharon Tobin, RTÉ, 26 April 2010). What can be learnt from the process in which the decision to build the Dóchas Centre was made, can aspects of the process be replicated to address current issues?

The purpose of this study is also to shed further light on the criminal justice policy process and how governmental decisions are made. Policies, including criminal justice policy, are not preordained; as noted by Stolz, 'it is necessary to study not only the policy, but also how the policy is made and implemented' (2002:1). While criminologists have concentrated on the substance and outcome of policy decisions, it is generally accepted that there is a dearth of understanding of the policy process (Jones and Newburn, 2005, 2007; Ismaili, 2006), which is particularly relevant in the Irish context (with exceptions: Chubb, 1983 and Rogan, 2008). Using the building of Dóchas as an episode of a policy process this study will shed light on a complex and 'messy' process and identify how and why government policy decisions were made in this process.

## 2.3 Thesis layout

*Chapter Two* is a review of the literature. It identifies and examines the relevant theoretical frameworks of the policy process. Literature on women in the prison system is presented with a particular focus on Ireland.

*Chapter Three* identifies and justifies the methodological approach best suited to apply Kingdon's framework. The chapter concludes with a substantial analysis of the challenges within this study.

*Chapter Four* identifies a number of themes which emerge from the ten interviews. Throughout this chapter there is reflection and analysis of the findings.

*Chapter Five* applies Kingdon's multiple stream theory of the policy process to the data collected in the interviews and documentary analysis.

*Chapter Six* provides a conclusion while identifying the key findings and observations from the research conducted.

# Literature Review – Chapter 2

## 2.1 Introduction

Reflecting on Punch (2005) and Bryman (2008) regarding the necessary content and structure of a literature review, the review will be divided into a number of sections as follows: Part one critiques the literature on the policy process and presents a conceptual framework for the examination of the criminal justice policy process. Part two presents an overview of the relevant literature on women in prison with particular reference to Ireland. While there is general reference to women in prison in Ireland, this study is specifically concerned with the policy process in the replacement of the largest women's prison at Mountjoy in Dublin with a new facility, the Dóchas Centre.

## 2.2 Criminal Justice Policy Making Process

It is generally accepted that there is a dearth of research on the criminal justice policy process in Ireland (Rogan, 2011) and internationally (Jones and Newburn, 2005; 2007). While there has been a focus on the content and impact of penal policy, little is known of its policy origin (Tonry, 2001). A policy can be defined as 'a relatively stable, purposive course of action followed by an actor or set of actors in dealing with a problem or matter of concern' (2005: 6). The policy 'process', is 'the how' (Jones and Newburn, 2005) of where the policy originated. The resulting, 'formal policy' represents the outcome of this process rather than an event (ibid.).

Anderson (2005) and many others (e.g. Howlett and Ramesh, 2003) view the development of policy in stages or categories, along the lines of: 1) Problem identification and agenda setting, 2) Formulation, 3) Adoption, 4) Implementation and, 5) Evaluation. Others, however, view the process by which policy decisions emerge as extremely complex (Kingdon, 2011; Sabatier, 1999), and while it would be considerably easier to comprehend if conducted linearly, the notion of a linear process is misconceived. At times the process may appear to be following a 'logical' step-by-step course, such as a piece of legislation going through the various stages of enactment; however, modern theorists dismiss this as being too simplistic

(Sabatier, 1999), and a stagiest approach ignores the ambiguous nature of the policy process in an attempt to catalogue various elements of the process into defined stages (Parson, 1995).

### *2.2.1 The Multiple Streams Framework (Kingdon, 2011)*

Jones and Newburn (2005; 2007), criminologists, find Kingdon's idea of 'streams' useful in examining criminal justice policy. They note that rather than attempting to present the process along artificial linear stages, one may discern independent 'streams' that co-exist. In one stream the problem is identified and defined; in the second, a multitude of possible policy solutions are presented; and thirdly, an opportunity for actions presents itself. Likewise, Culp (2005) utilises Kingdon's theory in his study of prison privatisation. Theorists recognise that there is analytical importance to the identification of stages, but such models imply a mechanical and sequential model that is simplistic and inaccurate in describing a complex and often irrational process.

Kingdon's framework is an attempt to understand why some agenda items are prominent and others are not. He identifies three independent streams flowing through a policy area: problems, policies, and politics. When the three streams are joined, a policy outcome is likely.

*The problem stream* helps to explain how particular issues or problems capture the attention of individuals and become recognised. Kingdon asks why some problems come to occupy the attention of governmental officials more than other problems (Kingdon, 2003: 197). Kingdon suggests that problems are more likely identified by policy makers or government officials from a) indicators used to assess the existence or extent of a condition – for example, the number of people dying from smoking, b) crises or disasters such as train crashes, and c) feedback from current programmes. However, problems are often subjective.

*The policy stream* signifies that a wide variety of ideas float around in what Kingdon describes as the policy primeval soup. These ideas are generated between actors within policy communities, who share a common concern in a single policy area. Ideas bounce off one another, alternatives are generated, and combinations formed. Ideas are more likely to be translated into policy based on technical feasibility and value acceptance.

*The political stream* refers to changes of national mood, administration or legislative turnover, and interest group campaigns. Potential agenda items that are harmonious with national mood and enjoy interest group support prevail. A change in government can result in an ideological shift.

Issues arise on the agenda when these streams join, resulting in what Kingdon calls a 'policy window'. These windows are opened either by the appearance of compelling problems or by events in the political stream. Policy entrepreneurs act as glue, being people 'who are willing to invest their resources in pushing their pet proposals or problems' (Kingdon, 2003: 20). Entrepreneurs are skilled individuals who await the opening of a policy window so that they can couple their solutions to problems.

*2.2.2 Other theoretical perspectives on policy making*

There are many other theoretical perspectives of the policy process including: advocacy coalitions (Sabatier and Jenkins-Smith, 1993), subgovernments (e.g. Stolz, 1997) and disjointed incrementalism (Lindbloom, 1959). However, for the purpose of this study Kingdon's model is chosen because, according to Jones and Newburn, it 'provides a useful way forward in making sense of the penal-policy process' (2005: 60).

**2.3 Context of women in the prison system**

Women in the Irish prison system are perhaps most noted by their absence in that they represent 3.6 per cent of the prison population (Irish Prison Service, 2011). They are accommodated in two locations, the Dóchas Centre in Dublin City Centre, and a wing of a men's prison in County Limerick. According to the most recent Irish Prison Service *Annual Report* for 2010, 1,701 women represented 12.3 per cent of total persons committed to prison in 2010 (2011: 14) while the daily average was 131 in the Dóchas Centre and 26 in Limerick Prison (2011:13); this represented 3.65 per cent of the prison population on any given day. While the figures suggest that women are committed to prison for shorter sentences, this is reflective of the crimes for which they have been committed (Bacik, 2002). However, while the total prison population has risen by 11.5 per cent over the last 10 years (2001 – 2010) the number of women committed has increased by close to 90 per cent, from 923 to 1,701 (Irish Prison Service, 2011). Women in prison are characterised as coming from extremely

disadvantaged communities, with low levels of educational attainment, a higher rate of mental health needs (compared to the national population) and are often, themselves, victims of serious crime (Carmody and McEvoy, 1996; Quinlan, 2011; Bacik, 2002; Mason, 2004).

Table One below highlights how residual women are in the overall prison numbers. This contributed to women in the prison system – and not exclusive to Ireland – being largely ignored and housed in very poor conditions (Zedner, 1998; Heidensohn, 1996; Lonergan, 2010).

**Table One**

| Year | Dóchas Operational capacity | Dóchas (daily ave.) | Mountjoy (daily ave.) | Limerick (daily ave.) | Percentage of prison population | Total |
|---|---|---|---|---|---|---|
| **2010** | 105 (by the end of year) | | | | | |
| **2010** | 95 | 131 | | 26 | 3.65 | 157 |
| **2009** | 85 | 110 | | 22 | 3.4 | 132 |
| **2002** | 80 | 88 | | 16 | 3.2 | 104 |
| **2001** | 80 | 82 | | 14 | 3.08 | 96 |
| **2000** | 80 | 59 | | 13 | 2.44 | 72 |
| **1999** | 80 | 70 | 70 | 14 | 2.9 | 84 |
| **1998** | | | 59 | 12 | 2.7 | 71 |
| **1996** | | | 39 | 9 | 2.19 | 48 |
| **1994** | | | 30 | 0 | 1.4 | 30 |
| **1992** | | | 33.79 | 4.94 | 1.7 | 38.73 |
| **1989** | | | 42 | 0 | 2 | 42 |
| **1984** | | | 25 | 12 | 2.3 | 37 |
| **1979** | | | 15 | 9 | 2.1 | 24 |

(adapted from O'Donnell et al., 2005: 152-155
And the Irish Prison Service Annual Report 1999 - 2010)

## 2.4 The Dóchas Centre

Opened in December 1999, the Dóchas Centre has been recognised internationally as a model facility for the detention of women. It is situated on the same site as a large prison for men; however it stands alone, with an independent entrance and services. It is a medium security closed facility/prison for women committed on remand and sentenced (Irish Prison Service, 2010). The original design envisaged six semi-autonomous houses with a capacity for 60 women. When it finally opened, there were seven houses with a capacity for up to 80 women. The purpose built facility includes education, training and recreational facilities. Key to the origins of its success is the philosophy of care expressed in the conditions and terminology used within the Centre; thus prisoners are referred to as 'the women', and the facility contains 'rooms' not cells (Quinlan, 2011). However, as expressed in Table One above, there has been serious overcrowding in the Centre, which led to the protest resignation of Governor Kathleen McMahon in April 2010, according to the Editor of the Irish Times 'because of a lack of official preparation for what she believed would become long-term overcrowding and a reduction in rehabilitation services' (2010).

The building of the Centre came more than 20 years after repeated calls for improved conditions for women in prison (for example *Report of the Commission of Enquiry into The Irish Penal System* (1980); the *Report of the Committee of Inquiry into the Irish Prison System* (1985); and more recently *The Second Commission on the Status of Women* (1993)).

## 2.5 Literature Review on penal reform for Women and motivations

It is fair to say that for the most of history women in prison, and the conditions and regimes experienced by them, were largely ignored; however, at certain points in time this ambivalence was replaced by dramatic actions.

*1858 model prison*

A precursor to the Dóchas Centre was a purpose built women's prison on the Mountjoy site in 1858. Considered a model prison, it embraced the notion of separation (individual cells) and surveillance, styled on penitentiary aims. Zedner notes that many influential American reformers visited Mountjoy and were impressed by the women's prison, which was governed and run by women (1998). Penal reform for women became prominent in the 19th century, which probably led to the new women's prison in Dublin. In both America and Britain

Elizabeth Fry, a Quaker and social reformist horrified by the conditions for women in prison, was a figurehead in penal reform (Zedner, 1998). Fry's approach was that women be '…"tenderly treated" with gentleness and sympathy so that they would submit cheerfully to the rules and cooperate willingly in their own reform' (Zedner, 1998: 301).

In both the United States and Britain, women were experiencing poorer conditions than their male counterparts. The impetus to build prisons specifically for women in the early 19th century, while also encouraged by well meaning reformists like Fry, was in large part discipline; the notion that 'female[s] are, as a class, even more morally degraded than men" meant that men had to be protected from the corrupting influences of women, and this was considered as important as protecting women from sexual assault (Zedner, 1998:297). Victorian England had a dualist view of the female as Madonna or prostitute. As Zedner further notes, 'The good woman was a moral exemplar, but the base woman was even more depraved than any criminal man' (1998:298).

Towards the end of the 19th and into the 20th century the reformatory movement began to view women in the penal system as having become 'wayward' or 'errant'. Questions began to be asked as to whether punishment was appropriate. Women in prison were now perceived as not being fully responsible for their crimes, rather, there was a need to cure or redeem them. In the United Kingdom physical infrastructure remained a constraint compared with the USA where reformatories were being set up in rural locations on large properties. Reformatories were being built in collections of cottages, each housing twenty or more inmates; the philosophy was to create a home, with a sympathetic matron ('mother') as head (Zedner, 1998). While it is unclear as to whether the USA reformatory architecture influenced the design of the Dóchas Centre (Mason, 2004), there is certainly similarity, with seven self contained 'houses' around a court yard accommodating 10 – 12 women in each.

*Reform from the 1960s*

Within Ireland the number of women being sent to prison reduced significantly from the late 1800s and as illustrated in the table above, continued to reduce into the 1960s. While the zealous early reform had improved the plight of women in prison, and the growth of rural reformatories to replace prisons, Ireland maintained the penitentiary principles of strict regime and limited free association (segregation) until the mid 1940s (Aylward, 2002).

Heidensohn (1996) notes that the early 1960s were marked by 'gallons of paint' to disguise the old system. However, penal reform for women in prison took a renewed focus in the late 1960s for a number of reasons including modern feminism, 'moral panic' about the growth of crime rates and the 'new female criminal' and the perception that female offenders required treatment to the attributes of their sex (Zedner, 1998; Heidensohn, 1996). This led to increased medicalisation of women in prison and a growing opinion that female offenders were mentally ill or inadequate.

**2.6 Marginalisation of Women in the Irish Prison System**

As noted, women are a minority within the prison estate. The steady decrease (until the 1980s) and a growing demand to detain young male offenders due to the closure of the Clonmel Borstal, resulted in women being moved to the basement of what was called Mountjoy Women's Prison and the renaming of that prison as St. Patrick's Institute (Quinlan, 2011; Lonergan, 2010). Lonergan (2010) highlights the extremely poor conditions endured there, echoing Zedner's hypothesis of the minority and subordinate role of women in prison. Aylward (2002) recalls that rehabilitation of prisoners became a public issue of debate in the 1970s and 1980s, leading to large-scale penal expansionism in the 1970s in a system that was previously noted for its stagnation (Kilcommins, 2004; Rogan, 2011). However, this does seem to have resulted in an improvement of conditions for women. Rogan (2008) identified that in the early 1970s a number of scathing articles in *The Irish Times* addressed conditions in which women prisoners were living. The criticism led to initial denial by the Department of Justice, but following a review 'the Minister announced plans for a new women's prison within two days of the appearance of the final article' (2008: 634). Unfortunately nothing came of it.

**2.7 Identification of a need for a radical improvement for women in prison**

Problems in the conditions in which women were imprisoned, regime inflexibility and the questioning of the suitability of prison as a function of punishment for women has been identified in a number of reports and policy documents, in particular the Report of the Committee of Inquiry into the Penal System (1985), the MacBride Report (1980) and a report from the Catholic Bishops' Conference (1983), (there were also references in the annual Chaplain's Reports and Visiting Committee Reports). Within this historical literature – some of which constitute seminal documents – there is not a full consensus on 'the problem' or on

the desired policy solution. This perhaps led to diffusion and inaction in respond to needs. The MacBride Report (1980) does not make explicit reference to the conditions of women in prison; rather, it details the decline in the numbers of women being committed to prison and sees the problem largely as the criminalisation of certain behaviour, drunkenness and prostitution and the lack of alternatives. While not clearly identifying problems, the Bishops' Conference report (1983) infers that there is a need for a greater scope of custodial options and alternative forms of punishment. Lastly, the Report of the Committee of Inquiry into the Penal System (1985) – the only official document of the three – identifies that the facilities for women have been neglected while there have been advances in the male prisons. The report notes that this neglect may have been due to other challenges over the past 15 years, 'riots in male prisons, the influx of subversive prisoners, overcrowding bad staff relations' (1985:74). Whitaker's committee identify the problem in terms of conditions (including the lack of services, in particular, a therapeutic response) – which are aggravating the situation – and lack of custodial options (regime types) and alternatives.

The Department of Justice seems primarily concerned about capacity and an insufficient stock of prison places (inferred in all the above reports), with a secondary concern for conditions and less so, function. The need for a prison for women ('the problem') has been acknowledged since the 1970s (MacBride, 1980), and more than likely, much earlier.

**2.8 Toward a Research Question**

An examination of the literature has shown that there had been a need for a new women's prison in Ireland since the middle of the twentieth century. In fact, it could be argued that the need arose one hundred years earlier with the closure of the Clonmel Borstal and the subsequent transplanting of young male offenders into the upper floors of the women's prison. How did the 'problem' of a need for a new women's prison become coupled with a 'policy' solution, namely the building of the Dóchas Centre? Does an examination of one policy phenomenon shed light on the broader criminal justice policy arena? Why was it as late as the 1990s that a new women's prison was placed once again on the public policy agenda?

As noted earlier, several reports expressed concern over the conditions and regime of women in Irish prisons, yet a vacuum existed in terms of actual reform. Piecemeal attempts at

refurbishment led to little improvements (Lonergan, 2010). Steps toward the building of the Dóchas Centre are outlined in John Lonergan's autobiography (2010) and Quinlan (2011). Lonergan notes that on her second day as Minister for Justice, Máire Geoghegan-Quinn came to visit the prison and it was then that she decided to build a new prison.

Of the various theoretical frameworks, Kingdon's multiple streams allows for a greater level of flexibility in analysing the complex processes involved in criminal justice policy making (Culp, 2005). His model allows for a perceived incoherence, in that policy formation does not, generally, follow a linear 'neat set of sequential stages' (Jones and Newburn, 2005:61). Of benefit is that Kingdon's model framework can be used as a lens, focusing on certain aspects of the process and ignoring others (Soebeck, 2003).

# Methodology – Chapter 3

### 3.1 Introduction

The aim of this research is to analyse what Jones and Newburn (2005) refer to as 'the how' rather than 'the what' of policy – where did it originate. While a policy decision can often be presented as coming out of thin air (Rock, 1995), it more than likely will have been generated through a policy process. This study – applying a case study model – using Kingdon's (1995, 2003) theoretical framework aims to conceptualise the policy process behind the building of the Dóchas Centre. Due to the complexity and multiple variables within a policy process a phenomenological approach is employed as the study wishes to illuminate rather than measure specific occurrences. A phenomenological stance is well suited to a qualitative study which chooses interviewees as a data source and the subjective nature of that data (Bryman, 2003).

This study will use the Dóchas Centre as a case study (example) to assess (having developed a framework from Kingdon (2011) and others) how a problem was identified, the policy recommendations suggested and the political will needed for final approval. It will examine how the issue got on the public agenda; whether other suggested 'solutions' were conceived and how they fell away; how the policy process work in the case of the Dóchas Centre was positioned within a theoretical framework; and the contribution which can be made to the current literature on understanding how decisions are made.

### 3.2 Research Question

Using Kingdon's (2003) conceptual framework this study considers the following questions: How was the problem identified? Why were the chosen policy outcomes successful and why were some discarded? Did a coupling process take place and what political forces were involved, for example, national mood? Was there a policy window and entrepreneur(s) to take advantage of this? Ultimately (using Kingdon's multiple streams theoretical model of the policy process) how can the building of the Dóchas Centre be explained?

### 3.3 Methodological approach

To comprehensively address the research question, it is decided that a case study approach be employed because of its flexible nature and usefulness when taking an exploratory approach

to a social system (Hakim, 1987; Yin, 1994). It allows for an in-depth analysis of phenomena (Punch, 2009). Case studies are particularly pertinent when asking 'how questions', 'and useful when the focus is on contemporary phenomena within some real-life context' (Yin, 1994: 1). There are multiple benefits to using a case study approach. It is manageable in the timeframe, while providing an in-depth examination of the specific processes involved, and it also has great utility in exploring a process (Hakim, 1987). While theories from the literature will be used to understand the process, this study is not a theory-testing exercise and thus, rather than a positivist method, an interpretive epistemological approach will be used. It is important to acknowledge that this paper is proposing to focus on a singular example of the policy process to allow for better understanding of this particular case, and not 'the phenomenon' of 'the policy process'. However, it is assumed that insight into 'the policy process' will be achieved (Punch, 2009). The most appropriate methodology for this is qualitative (Walliman, 2006 – from lecture notes). Case studies are limited in their generability (Yin, 1994), in that an examination of the policy process behind the building of the Dóchas Centre cannot be assumed to replicate the process behind other criminal justice policies.

### 3.4 Data Collection

The main method of data collection was in-depth qualitative semi-structured interviews, which allows for a greater level of detail in the data collected. As noted by Jones and Newburn (2007), interviewing allows for further exploration of the key events and time frames of policy development and to provide for a richer understanding and explanation of the perceptions and involvement of key actors. An advantage of using qualitative methodology is that it has an interpretive epistemological orientation (Bryman, 2003). Qualitative research allows for the examination of the complexity of behaviour and the study of 'individuals' own accounts of their attitudes, motivations and behaviour … and the contradictions' (Hakim, 1987: 43). Utilisation of in-depth interview allows respondents to define situations in their own terms. Within an explorative study, it also allows for themes to emerge that may not have been anticipated by the researcher. These themes can then be analysed in their own right (Hall and Hall, 1996).

One of the major criticisms of in-depth interviews is that they can create an unnatural environment, and may create a situation where the interviewee is uncomfortable, and looking to give the 'right' answers, which can have an impact on the quality and validity of the data

(May, 1993). Effects of this artificial situation can be minimised by taking those factors into account when analysing the data and also by making a conscious effort to create a trusting relationship with the respondent. However, it is still important to be aware that such preventative methods will not eliminate the fact that expressed attitudes and beliefs from the respondents may differ substantially from actual behaviour (Wright, 1992). This was overcome by combining open and closed questions. Also, documentary analysis of respondents' organisations publications and official publications was employed. Utilising multiple sources of information allows for triangulation, resulting in more rigorous findings (Yin, 1994).

*3.4.1 Respondents*

Several methods were used to access possible respondents. While Kumar (1996) and others recommend using a snowball approach (random selection) this was not possible and considered unnecessary. It was not possible as access to a list of names involved within the process was not available. Possible respondents were initially identified from the literature, and interviewees were selected therein, largely based on their amenity to the research. Respondents were strategically targeted and then acted as 'gate-keepers' to other potential interviewees. Bryman (2003) notes the importance of gate-keepers, in that they can be conduits to organisations and individuals. However, they can also dictate to whom the researcher has access.

Once identified, respondents were largely secured by emails and follow-up telephone calls. Altogether ten interviews were conducted. For ethical reasons which will be elaborated in a section that follows, specific information on interviewees is not furnished beyond the following. The respondents were made up of, a) former civil servants from the Department of Justice with responsibility for prisons, b) former prison management staff, c) a politician, and d) a number of other interviewees who do not fall into the other categories. All of the respondents were involved in the policy process behind the construction of the Dóchas Centre. Following guidelines from Bryman (2003) the number of interviews conducted was satisfactory.

*3.4.2 Interviews*

Introductory emails were sent to all respondents identifying the researcher and the purpose of the study. The respondents were assured that high ethical standards and complete confidentiality would be maintained, as prescribed in Hall and Hall (1996). An interview schedule based on Kingdon's framework and guidelines from Bryman (2001) and Yin (1994) was constructed. Questions were framed based on the following: how was the problem/need for a new prison identified? What were the possible solutions created/presented? And how did – what Kingdon refers to as the political stream – politics and the national mood impact on the process.

Due to the semi-structured nature of the interviews, talkativeness and the fact that it was an emotive subject for many of respondents, the interviews varied in length from 45 to 120 minutes. All ten interviews were conducted in person, nine of which were recorded and transcribed. Eight took places in cafes and two in offices. Anonymity mitigated against some of the difficulty of operating in the artificial environment of an interview and the possibility of a respondent giving the 'right' answers, which obviously has an impact on the validity of the findings (May, 1993).

*3.4.3 Documentary Analysis*

Punch (2009) notes the benefit of mixed methods of data collections when conducting case studies. Therefore, a second method of data collections, documentary analysis, was used in the study, allowing for triangulation of the data resulting in more rigorous findings (Yin, 1994; Bowen, 2009). A further advantage is that of collecting data on the social context in which respondents were operating, especially if the respondents have forgotten certain chains of events; it also lends to the drafting of questions to be asked of respondents. Lastly, as 'the policy process' – the decision to build the Dóchas Centre – occurred over a considerable period, documentary analysis will be an advantage in terms of tracking change in official policy documents (Bowen, 2009). Reflective of Jones and Newburn's (2007) study, documentary analysis related to two sources, namely parliamentary debates (oireachtas.ie) and an Irish broadsheet newspaper, the Irish Times, over a ten year period from 1990 to 1999 (inclusive). This particular newspaper has traditionally been seen as 'the paper of record' (Rogan, 2008:118).

### 3.5 Data Analysis

Interviews were transcribed as soon as possible after each interview so as not to lose sight of any of the subtle clues and mannerisms of the respondents (Punch, 2009). Using the framework developed by Richie and Spencer (1994) each transcript was analysed and coded. The data gathered from the Irish Parliament (Dáil Eireann) records and the Irish Times Newspaper was then incorporated.

### 3.6 Ethical Issues

Ethical standards and the integrity of the research is maintained by regard to the Ethical Guidelines of the Sociological Association of Ireland (www.sociology.ie). Prior to conducting the interviews it was hoped that the role of the individuals interviewed could be more explicitly referenced in the text. However, this is not possible due to the sensitivity of the data collected and respondents' insistence on anonymity. The difficulties encountered will be reviewed in the conclusion of chapter five.

### 3.7 Methodological reflections

Using interviewing as the primary form of data collection can have what Bryman (2001) refers to as 'the researcher effect', where answers given are what the interviewee perceives the interviewer wants to hear. When there were contradictory statements made by respondents, clarification was sought.

What became evident after the first couple of interviews was the respondents' ability to recollect events that took place in the past (in some instances twenty years ago). Even when people are confident about their memories, and are convinced that they are recounting an event accurately, it is quite possible that memory has become inaccurate and hazy over time. Oftentimes, the more confidence someone has in their memory of a particular event, the more accurate it is likely to be, although not always. When an event is 'emotionally arousing' or is of particular interest to somebody, they are more likely to have an accurate recollection, however, while these events can feel like they 'happened yesterday', there is still a high probability that their account is incorrect (Passer et al., 2009).

Memories of a particular event can often be distorted in a process known as the 'misinformation effect' (2009: 367). Subsequent events or information that becomes known

after the original event has taken place can shape one's memory, creating a new, but inaccurate memory. In an interview situation, the wording of the question can often shape the interviewee's memory of a particular event, causing slight inaccuracies, even if they believe their memory to be intact. This difficulty in the respondent's ability to recall events was overcome somewhat by the multiple data collection methods.

Lastly, the scale of data collected was perhaps, in light of requirements for its analysis, overly ambitious for a research project such as this.

# Findings – Chapter 4

### 4.1 Women as minorities within the Irish prison system

It was apparent from the interviews that the view of respondents was that women were the minority in a male dominated system and as such were disproportionally neglected. Respondent 1 noted that the location of the prison epitomised this: 'geographically, [they] were down in the basement of it [St Patrick's institution], and that's how it was treated, in a sense.' During departmental and prison management meetings there was no reference to 'the men and the women' it was just 'men' (R7). Furthermore, other 'crises' occupied the Department of Justice during the 1980s, namely, how to respond to 'HIV prisoners' and very poor 'industrial relations' with prison offer staff (R4). The fact was women 'didn't rate highly' and were see as 'third class citizens' (R4) or as Respondent 3 said, 'a sub-class'.

### 4.2 Conditions within the Prison

The conditions experienced by women in the old Mountjoy women's prison featured strongly within the findings as justification for the need for a new prison, in particular the view that women needed to be treated differently and had different needs. The findings were similar to studies completed by Quinlan (2011) and Mason (2005), with an emphasis on the women as primary carers: '...what was needed was in-cell sanitation, single cells... playground facilities inside the prison, visiting facilities for children...where they wouldn't be frightened..' (R5).

<u>Abusive relationships</u>

Colloquially referred to as a problem of 'communal living' (R9), the majority of the respondents expressed serious concern at coercive sexual relations between significant numbers of the women in the old prison. Respondent 1 gave the most harrowing example of a sixteen year old girl who approached the respondent and:

> 'said "can I talk to you", and said, "do you think, can I tell you something in private, do you think I'm a lesbian as a result of it". So they had brought her in and they had actually attacked her. Women can rape women, they raped her.'

It was expressed by (R9, 1, 7, 4) that single cells and not having communal shower areas would provide a solution to sexual exploitation. As Respondent 4 clearly said, 'there is a duty

in the prison system to protect.' A single cell would also provide personal space: 'people were screaming for privacy' (R1). Unlike men, who have a 'choice of 17 prisons to go to, if you're doing a life sentence, and you could go to an open centre as well, whereas these women have to stay here.' (R7).

The women in the old prison were also verbally abused by the boys and men in St. Patrick's Institution. When the women went out for recreation there were '... squeals from the fellas and the whistling, the wolf whistling down to the women...you had a lot of language being thrown at the women' (R1). This interviewee also said that particular attention would be give to women recognised as sex workers. Such was the level of degrading treatment: 'Every morning there had to be clean up parties [to remove excrement filled news paper] before the women could go outside' (R3)

**4.3 Normalisation Agenda (dignity agenda)**

It is clear that the respondents saw the need for women in prison and the need for a new prison as part of what might be called 'a normalisation agenda'; to make it a home for the women. Up until the 1980s the women were only allowed one bath per week (R9) and unlike some of the men's prisons in which civilian clothes were worn (R10), 'the women had two types of dresses. A blue one and a green one. One size fits all. The green one was for remand prisoners and the blue one was for sentenced prisoners.' (R10). The environment was seen as 'grey and institutionalised' (R1) and not 'an appropriate way to secure anybody's rehabilitation.' (R4).

A more practical concern of many of the respondents was pregnant women entering the prison and not being released once the baby was born; 'the rules said we could keep babies up until the age of 9 months' and while babies had a positive influence on the mood of the women in prison '...it wasn't conducive for babies' (R10).

There were a number of examples of the control that the prison system had over the women which was part of forthcoming normalisation or what could be called a 'decency agenda'. For example, 'You wouldn't believe what they had to ask for. That you should never have to ask for.' (R10), implying that the women had to ask for sanitary towels.

Members of both the Ministerial Steering Committee and the 'in-house' Working Group were of the view that the new prison design should allow the women to, as Respondent 7 said: 'live in prison as they would normally live in the community but yet they were deprived of freedom...everything after that would be normal.' This resulted in consensus regarding having wooden doors, no bars over the windows, and the overall design of semi-autonomous houses. At some point in the process it was also decided to refer to prisoners as 'the women' and replacing the word cell with room.

The objective of the design is summed up well by the follow statements:

> 'the design in Mountjoy was an attempt to transplant the principles of that rural setting into an urban setting in Dublin. ... rural kind of village type social arrangement of a women's prison in rural Sweden to an urban setting in Dublin.' (R6).
>
> 'By giving them the showers in the cells, it also gave them a healthy respect for themselves as well.' (R10).
>
> '...replicating as far as possible the kind of, normal living conditions you know, to make it appear as little as possible as a prison ... [for] preparation for re-entry into society' (R6).
>
> 'Self contained units. That you'd make it more like a home for women. They don't really need a prison prison, they need something softer.' Now some of the women you'd say, they should be in a prison... weighed it up. (R10)
>
> ...I would say that there was a bit [of a] paternalistic [attitude], or maybe it was just decency ... (R8) ...sympathy from the staff.

**4.4 The Actors**

The various reports during the 1980s criticising the conditions for women in prison made 'no impression on the bureaucracy, or the political approach or attitude ...the juveniles were the

same, they strongly recommended the closure of St. Pats as well, Whitaker got these, and so did the MacBride... by and large, the bureaucracy totally ignores reports like that. They make headlines and ministers respond and the reality is nothing much happens.' (R9); '...by and large no minister had any real genuine interest... from a progressive perspective' (R9). All of the respondents were clear that there were key individuals within the process; as Respondent 3 said, '...individuals rather than systems … are key, being able to say the right thing at the right time.' (R3).

*4.4.1 Key Actor – Minister for Justice*

According to a number of the Respondents, Ray Burke and his administration were not particularly interested in women in prison. All of the respondents indicated that Máire Geoghegan-Quinn was key to the decision to build the new prison. In particular, they emphasised that her being a woman was a contributory factor to her decision. She had been appointed Minister for Justice in June 1993. While a member of the same party of the previous minister, according to Respondent 4 'she was appalled by the conditions' which she had 'inherited' (R9) and 'had the guts to stand up and say, yes it can be done ...she had faith in what [name removed] said to her (R7)' and that '...she was very clear...she wanted a proper modern women's prison built.' (R2).

Her relationship with senior civil servants and prison management was also very positive. It was indicated by a number of respondents that she was happy to have the issue of the women's prison as a key issue. The driving forces for the project flowed up and down, with clear political commitment and equally buy-in from senior civil servants:

> very often in these types of situations, while the formalities and the procedures and the working things through [will involve 'name removed'] ... you can get a very clear message about who's pushing something and so on, there can be stuff happening behind the scenes'. (R2)

> Sometimes the system itself will come up with major initiatives ...but definitely in situations when you have clear political drive and commitment I think it's tremendously helpful. It has particular significance because first of all people tune to

> the fact that the minister wants this, [and] certain issues that a minister mightn't give the same weight (R2).
>
> ...other people would have known about the need to do something about the fact that women were being housed in inappropriate circumstances. But maybe she was the first one who kind of formally said it. ... the fact that the minister would come and say, this has to be done, it is a great starting point. (R4)
>
> ...the idea of the women's prison fell on fertile ground because it was something that everybody I think recognised as being essential. (R4).
>
> Political backing is a must when it comes to negotiating with the Department of Finance and when it is coming up to Estimates. (R9)
>
> It would have been recommended by the civil service and then agreed upon with the Minister... (R9)

*4.4.2 Outsiders*

Involving 'outsiders' in the planning process of the new prison was identified by all respondents as a very positive contribution to the development. Anne Taylor and Carmel Foley were asked to join the Ministerial Steering Committee and as Respondent 9 put it, they 'represent women's interests from outside, really independent inputs.'

They were seen as always coming down on the side of progression (R8, R9), as well as giving the civil servants who were involved a 'bit of a safeguard', when it came to controversial issues, for example the ability to observe women while using the shower in the room, and that while there may be security or safety concerns, the women's privacy was more important (R9). As Respondent 4 noted, 'the women's representatives concerned are adamant about certain inputs...' which, at times, was used more for leverage purposes for the whole group rather than the minority view.

This involvement of what Respondent 5 called 'civilians' would have been usual – particularly in the Department of Justice – and while there was an initial view from some that it was unnecessary, it turned out to be very constructive and 'seems very logical now' (R2).

*4.4.3 Consultation*

Several of the respondents (in particular R9, 10, 8) highlighted that there had been no consultation on the refurbishing of the old Women's Prison, which resulted in limited improvements for the women. The processes created to involve consultation at both the ground level and through a steering committee were seen as key to the successful outcome of the Dóchas project: because if anything is going to work, you've got to have everybody on board. And we even got prisoners involved' (R10). The steering group, which (as detailed above) contained 'outsiders', was seen as having a very constructive input in the process.

*4.4.4 The Administration, Civil Servants*

The Respondents all indicated that the senior civil servants were 'humanitarian' (R1, R2, R9) and committed to the project, [name removed] was very humanitarian ....very positive, a bit unusual for someone at that level.' (R9). A further description of the same person was '...a very strong believer that if you want to rehabilitate, you must respect, which is not the way a lot of people think about prisons at that stage' (R4). Once again '[name removed] compassionate, eh, maybe it's unfair to say paternalism because people think that's pejorative, ...patting you on the head, ...I'd say it was genuine compassion and I'd say ...the people there were all people of their time, men who were fathers of families...' (R8).

**4.5 Strategic in-house discussions – and a lead actor**

It became apparent in the process of analysing the interviews that there was what may be called concerted in-house preparation for the possibility of a new women's prison. Key to this was the establishment of a group made up of key personnel[1] within the prison and Department officials. Out of their meetings of 26 January, 9 February and 2 March 1993 emerged the document, *Women's Prison in Mountjoy: An assessment of needs and recommended regime strategy for positive sentence management* (April, 1993). Respondent 9 noted that 'the philosophy of the document was a keystone to the realisation of the Dóchas

[1] Governor and Assistant Governors, Heads of Prison Services, staff from the Department of Justice.

Centre'. The document actually makes reference to a 'pending' construction of a new women's prison at Wheatfield, which never took place. However, it was a seminal piece of research.

Contribution to this document and future discussions was made by subgroups that would form to look at specific problem areas and report back. It is probably fair to say that initial in-house discussions were very much aspirational, in the nature, as Respondent 10 said, of '...if we had the money in the morning, where would we build a women's prison and what would we do'.

This thinking process coincided with the women moving into the renovated old prison. Respondent 1 noted that the whole ethos was changing as to the attitude of Officers. The in-house working group was, according to Respondent 1, a 'great think tank' and facilitated consultation amongst the women prisoners. The respondents noted that recommendations from the Working Group were receptive to the Department.

It was viewed as extremely positive when Máire Geoghegan-Quinn became Minister – Respondent 1 said that a number of staff came together and co-ordinated in developing a strategy in how to 'target' the Minister about what was needed for a new prison. While Respondent 9 said that the attitude was '...let's approach this strategically. Let's meet [have a serious meeting] with this woman rather than willy nilly, hello ... and we never hear from her again.' (R9).

Respondent 3[2] saw the in-house working group as the most important committee, responsible for setting the regime philosophy, with the remit of going out and talking to everyone, finding out what was wanted.

### *4.6 Importance of the location*

Many of the respondents indicated that various plans for a new women's prison came on the agenda and then disappeared. There had been plans to build a 'miniature Mountjoy' prison in Kilbarrack (R9), at the Central Mental Hospital (CMH) (R1), an open prison at Beladd House

[2] While it has not been disclosed whether any of the Interviewees formed part of this in-house discussion group, Respondent 3 was not.

in Portlaoise (R1) and Wheatfield. In Kilbarrack there was very strong local resistance and political representation to the Minister for Justice at the time (R10, R7). The Department of Justice resisted proposal of having it on the CMH site and there were serious practical issues with Beladd House. The site at Wheatfield was eventually needed for the male population, so that in a sense the construction of a once proposed women's prison did not happen quick enough (R10,9,7). With Beladd House there were concerns over the architecture of the building and the risk of the women climbing on to the roof and also the possibly of abscondment. Overall, it was felt that these sites all had one central failing, their location.

The Respondents indicated that very quickly a consensus was formed; as Respondent 2 said 'instead of just theorising about it or spending day's navel gazing about it', the new women's prison should be built at Mountjoy. The location was seen, by all the respondents as ideal on a practical level. Preference for the site owed to its proximity to Dublin city, families, visits, and that previous attempts to identify a site had been met with local resistance (R1, R9, R2, R8, R7, R10). The removal of the old prison officer houses, negotiations with residents and the maximisation of the land usage by having the walls of the prison aided in the development of the new prison.

*4.6.1 Alternative regime type*

There does seem to have been, during the planning for the new women's prison, extensive discussion of building an open facility for the majority of the female population and a small custodial unit for the more serious offenders. Respondent 1 noted that an open prison was 'always on the cards, but they had to deal with Mountjoy as it is, which was a committal prison... had to get things right for the committal prisoners first.' Respondent 2 said that there were plans to have a halfway house, but that an 'open facility [was] for another day'.

**4.7 Project Stalled**

Many of the Respondents acknowledged that projects in the past had stalled due to a number of reasons including local opposition, lack of money, project delays, politicians caving in (R3); Respondent 9 noted '...how many times have they said we are closing down Mountjoy.'

It was felt that the Minister for Justice, Nora Owen, had been caught offguard. She had been at a European Meeting in Brussels when the Minister for Finance, Ruairí Quinn and

presumably the Cabinet decided to defer some capital projects which included the new women's prison and the prison at Castlerea (R2, R3). None of the respondents believed that it was in any way due to political ideology[3] but an austerity measure: '...the deferral was done exclusively on the basis of expenditure cuts, like at the moment ...' (R9); 'Department of Finance never miss an opportunity to save money, particularly on capital projects' (R2).

*4.7.1 What got it back on track?*

There was no real consensus on what secured the project. There were views that if Nora Owen had gone by the time the Finance made funding available, the women's prison might never have been built (R9). Certainly finance would have been an issue (R5) but also there was the factor of civil service buy-in:

> '... The attitude of a Secretary General is you know, the right hand person for a minister, if the relationship is good, and if there's a lot of differences, it begins to emerge.' (R5). The relationship was very positive. If on the other hand, if '...colleagues in Finance [had been told] really you can scrap this and we wouldn't mind, then the minister would have had to have been at odds with the Secretary...' (R5).

It was believed that Nora Owen was certainly key. Respondent 5 expressed the view that it would have been difficult for the second ever woman minister in the Department to cancel the project', while Respondent 9 said, 'I honestly believe that Nora Owen slipped the Dóchas back in the very first chance she got' (R9). This view is also reflected in Respondent 2's opinion, that it manoeuvred its way back on the agenda:

> ...feeling that these criminals had taken over ...I'm quite certain that top of the list wasn't, we better build a women's prison, right, so there can be you know, nice political work and there can be nice manoeuvring and skilful this that and the other, and in that scenario you produce your women's prison as well, because you can put together issues around numbers and so on, and capacities, and so, I don't have the

[3] There was a coalition Government at the time. The Minister for Justice, Nora Owen was in the larger party, Fine Gael, a centre right party while the Minister for Finance Ruairí Quinn was in Labour.

> detail, I shouldn't say any more because in a sense I'm only making it up as I go along, but I have no doubt (R2).

Respondent 4 thought that as the project was '...not outrageously expensive, the fact that the ground was there... the fact that space was needed in the men's prison 'which was not a small consideration'.

Once Nora Owen signed the contract Respondent 3 said that the feeling was, 'can we get the bulldozers into that site tomorrow? for fear that the plan would fall again'. 'I held my breath until the first stone was put in the ground, and I held it all the way through until they actually finished it, because I wasn't so sure, and then I was afraid that they might take it over and use it for something else.' (R10)

It is interesting to note Respondent 8's view that it may have easily not gone ahead: that '...simple bureaucracy will always find a way of either, money not being available or maybe, something just not being technically feasible in a particular site or god knows what.' (R8).

*4.7.2 Pressure groups or 'crisis moments'*

The majority of the respondents did not believe that 'pressure groups' contributed to the decision and completion of the new women's prison (the Dóchas Centre): '...nobody was battering the door down' (R2). There were very few submissions to the call for inputs (According to Mason's study (2004), less than twenty). It was also felt that the public showed no interest and that the media made no positive contribution.

Other than Respondent R2 suggesting that the Veronica Guerin murder may have got the prison back on the agenda and Respondent 5 suggesting to 'Google' whether a suicide or attempted suicide may have taken place in the prison around the time the decision was made to build a new prison, there was no identified 'crisis moment'.

**4.8 Ten years in the making**

Developed from the Interviewees and documentary analysis, Table two below gives the details of key stages in the development of the Dóchas Centre.

**Table Two**

| Mountjoy's Women's Prison | Opened in 1858 |
|---|---|
| **Ground Floor (also referred to as the basement) of St. Patrick's Institution – "B" Wing** | 1955, young offenders moved in to the women's prison building (following the closure of the borstal in Clonmel) and it was re-named St. Patrick's Institution. |
| **Commitment to refurbish the women's prison** | Late 1989, Mr Ray Burke commits to refurbishing the women's prison. |
| **St. Patrick's Institution – "D" Wing** | September, 1991, "D" Wing which was part of St. Patrick's Institution was refurbished as part of the overall refurbishment of St. Patrick's Institution will be, temporally used, to house women prisoners (Cummins, 1991). |
| **St. Patrick's Institution – "B" Wing** | Mid 1993, "B" Wing had been refurbished to include the ground floor and basement. The women were then moved back in. |
| **Announcement that a new purpose built prison for women** | September 1993, Minister for Justice, Máire Geoghegan Quinn |
| **New prison deferred** | June 1995, less than 7 months in government the Fine Gael Labour coalition defer prison building programmes |
| **Reduction in either cell number or education/training or recreation space** | Early 1996, the upper floor of the women's prison, which provided some light into the lower floor was given back to St. Patricks |
| **Prison project to resume** | January 1996, prison to be built |
| **Cabinet approval for capital funding for project** | July 1996, following the murder of Veronica Guerin the government issue a press release with a range of 'tough on crime' commitments |
| **Contract for new purpose built women's prison** | April/May 1997, just a couple of months before leaving office Minister Nora Owen signs |
| **The Dóchas Centre** | Formally opened in December 1999 |

# Discussion – Chapter 5

## 5.1 Introduction

The following section, primarily utilising Kingdon's multiple stream theory, examines the policy process behind the building of the Dóchas Centre. It reflects on the Findings Chapter and includes the documentary analysis from The Irish Times and Dáil and Seanad Éireann Debates. It examines firstly the 'problem stream': how the need for a new women's prison was defined. Secondly, it addresses the 'policy stream': what possible solutions were being presented? Thirdly, it considers the 'political stream' what event or indicator triggered the process.

Part Two of the chapter identifies a policy entrepreneur and the emergence of what Kingdon terms policy windows (opportunities for coupling in the 'streams'). Finally, there is a brief examination of the 'normalisation' agenda behind the building of the Dóchas Centre.

## 5.2 The Problem Stream

The 'Problem Stream' as outlined by Kingdon (2003, 2011) is the process whereby problems are 'generated' and require attention by policy makers (Jones and Newburn, 2005). The findings (and the literature) identify that the need for a new prison for women was decades old and possibly dated back one century. However, in late 1989 the Minister for Justice, Ray Burke, decided that the Mountjoy Women's Prison was going to be refurbished and that there were no plans for a new facility at Wheatfield (Dáil Debates, vol 394, 13 December 1989). Respondent 2 noted that following the refurbishment of the women's prison (which took several years after it first being mooted), the Department could well have said, in the context of extremely poor facilities in other areas of the prison estate,

> '...the women's side of things had been reasonably dealt with for the moment ... and while it was inappropriate that it [the women's prison] should be in St. Patrick's Institution, and while it was cramped and in no sense a modern facility, at least it was in now, after the refurbishment, in good shape clean, you know, well refurbished and a reasonable place to kind of exist.' (R2).

Many of the Respondents accepted that the refurbished women's prison had improved the living conditions for the women; but that it did not go far enough. The findings above highlight that there was what may be termed a 'prison normalisation or decency agenda' in the Respondents' understanding of the problem.

*5.2.1 Focusing event and crisis – Death of Sharon Gregg*

Within the problem stream focusing upon events and crises when attached to a pre-existing problem can act as a catalyst for further a re-defining of the problem. In the analysis of Dáil Debates the death by suicide of a 19 year-old woman, Sharon Gregg, the first woman to commit suicide in prison in living memory, was such a crisis moment for the Department of Justice. Immediately after her death the Minister reiterated his commitment to refurbishing the women's prison and that it was a short term solution (Dáil Debates, 7 March 1990), implying that a new women's prison would be built at some stage. Mrs Fennell TD in the same debate, like the respondents above, makes reference to 'serious sexual harassment' and deprived conditions. An unattributed article in *The Irish Times* the following day quotes Fennell as having warned 'that she would make Mr Burke's political life "intolerable" until the position of women prisoners was dramatically improved' (8 March, 1990). It could be inferred that the death of Sharon Gregg led to a sustained period, throughout 1990, of articles highlighting the problem of conditions in the women's prison, including: 'Woman's death renews demand for prison reform' (O'Morain, 8 March, 1990), 'Mountjoy woman attempts suicide' (Nesbitt, 12 March, 1990), 'Conditions in women's prison "scandalous"' (abridged text of the Mountjoy Visiting Committee, 12 December, 1990).

Three months after the death of Sharon Gregg, Minister for Justice, Ray Burke, speaking at the Prison Officer Annual Conference, indicated that the building of a new women's prison was not feasible and that the best solution was refurbishment of the existing unit for 30 to 50 inmates (Cussack, 1990a).

Among the opposition benches of Dáil Eireann and the press there began a reframing of the problem, with calls from the Oireachtas Joint Committee on Women's Rights for Mountjoy to close for segregation of 'old and young prisoners' and drug users from nondrug users, (Cussack, 1990b). Within the Seanad Senator Upton was calling for a small unit for 5 – 10 serious women prisoners and another 40 – 50 in an open centre (Cummins, 1990). Likewise,

O'Toole, P.R.O. of the Probation and Welfare Service, in a letter to the editor of the Irish Times recommended an open centre for the majority and two small secure units for women and girls (28 July, 1990). Fennell TD and McCartan TD claimed that there was a need for a greater variety of detention facilities, namely facilities which were agerelated, based on the seriousness of the offence, and an open facility (Dáil Debates 12 and 19 December 1990).

In September 1991 women prisoners moved into the refurbished D Wing of St. Patrick's Institution. The 'new prison' contained 39 individual cells with in-cell toilets with 'innovative' inside exercise unit and modern kitchen (Cummins, 1991).

Prior to the opening of the refurbished B wing in 1993 there was renewed criticism that little had been achieved in refurbishment of the women's prison. The Council for the Status of Women after inspecting the new facility declared that it was unacceptable and called for the Minister, Máire Geoghegan-Quinn to reassess the prison facilities for women (Irish Times, 2 July 1993). Furthermore, a large opinion piece featured in The Irish Times severely criticised the refurbished, "modern" prison, declaring the improvements as "superficial" at best; '…it does not simply fall short of the ideal: it affirms, perpetuates and reinforces a system that treats women as second class citizens. This patch and mend solution is a retrograde step, which exposes the utter bankruptcy of official penology thinking in Ireland' (1993). One month earlier in Dáil Eireann Geoghegan-Quinn, Minister for Justice had indicated that a review of prison policy was being conducted and that the accommodation being refurbished and which was near completion (D Wing) was 'to a high standard' and would be 'permanent until such time as we make a decision as to whether we need or should have a separate women's prison.' The Minister also indicated that 'on a personal policy basis I believe we should be doing everything possible to make prison sentences and accommodation for women a different environment than what it has been up to now' (Dáil Debates, 17 May 1993).

In a rather unassuming article in *The Irish Times*, 11 September 1993, it was noted that on a visit to Templemore garda college the Minister for Justice 'announced plans for a new, purpose built women's prison' (Yeates, 1993). The following month, within the Dáil the Minister in response to an oral question reiterated the need for a 'specially constructed

women's prison to take account of the different circumstances of women prisoners. We have to treat women prisoners differently' (Dáil Debates, 14 October 1993)

**5.3 The Policy Stream**

Kingdon's multiple stream framework supposes that policy solutions float around in what he refers to as 'the policy primeval soup'. This so-called 'primeval soup' is made up of actors of a particular 'policy community', in this case individuals concerned with prison policy. Within the 'soup' ideas bounce off each other, combine, die, survive and so forth. Crucial to the success of a policy is its technical feasibility and value acceptance (Kingdon, 2011). Key to the process are advocates of proposals, people Kingdon refers to as 'policy entrepreneurs' willing to 'invest their resources – time, energy, reputation, and sometimes money – in the hope of future return' (2011: 122).

From an examination of the Dáil Debates, *The Irish Times* and interviews with the Respondents several policy solutions rose and fell in 'the policy soup'.

As highlighted in the Findings concerning the interviews, various locations for a new women's prison came and then fell off the agenda: a 'miniature Mountjoy' in Kilbarrack, land at the Central Mental Hospital, Beladd House, Wheatfield and eventually the site at Mountjoy.The interviewees opined that the majority of these sites were not technically feasible. In early 1990, the Prison Officers Association was calling for the construction of a new £15 million women's unit at Wheatfield (Kilfeather, 1990).

While there must have been other policy proposals which the staff in the Department were aware of, the solution that emerged in the early 1990s was to refurbish the old prison on the grounds of that being the most feasible course. A policy 'solution' criticised by prisoner advocates (Cummins, 1990a) and many of those working in the prison (Findings). What had happened was that other more progressive solutions, which had emerged at an earlier point in the process (e.g. Kilbarrack and Wheatfield) fell off the agenda – the policy window had either closed or the streams diverged. The language of the Minister had been that the refurbishment of the old women's prison was as an interim solution, however, within a short space of time it was being presented as the solution from most of 1990 to the beginning of 1993.

*5.3.1 Policy Entrepreneurs and Subgovernments*

Utlilising Kingdon's framework it is evident that a 'policy entrepreneur' emerged from the beginning of 1993 within the prison management. Jones and Newburn (2007) refer to policy entrepreneurs as individuals seeking to advance 'pet projects'. It was clear from the interviews the importance of key individuals and specifically [name removed] 'Entrepreneur 1'. Entrepreneur 1 was central to the establishment of the in-house discussion group which led to the production of 'Women's Prison in Mountjoy: an assessment of needs and recommended regime strategy for positive sentence management'. In tandem with this was the spawning of smaller clusters which examined specific aspects of the needs of women in prison. The in-house discussion group was established either in late 1992 or early 1993 (their first meeting was 26 January, 1993), several months prior to the Minister convening what is referred to in the findings as the Working Group.

Within the literature of policy process examination, namely policy networks (Ryan et al., 2001), policy communities (Kingdon, 2011), advocacy coalition frameworks (Sabatier and Jenkins-Smith, 1993) and subgovernment (Stolz, 2002), this in-house discussion group is difficult to categorise; there are elements of the various theories. The group comprised key personnel, some of whom were interviewed for this research. Insufficient information has been gathered to categorise this group, i.e. whether it could be considered an advocacy coalition or a policy network or community. However, reflecting on Rock's (1995) understanding of 'subgovernment' and the notion that certain policies are in fact 'bottom up' 'advancing from officials to ministers, begin by acquiring their identity in the aspirations, imaginations, relations, and activities of perhaps three or four individuals' (Rock, 1995:3).

**5.4 The Political Stream**

Within Kingdon's model (2003) the political stream refers to changes of national mood, administration or legislative turnover, and interest group campaigns. It is inconclusive whether (the crisis) the death by suicide of a young woman prison in 1990 had sufficient impact on the national mood for the public to apply the necessary pressure to result in the building of the Dóchas Centre. However, it more than likely contributed to Minister Burke's decision to refurbish the old prison.

What is clear is that administrative turnover played a crucial part in the 'identification' of the problem (illustrated in Table three below). Firstly, and as outlined in the Findings, there was more progressive thinking within the Department of Justice and also a change in personnel at Secretary and Assistance Secretary level. Secondly, the appointment of a new Minister for Justice had a dramatic influence on the building of the Dóchas Centre. At a Dáil Debate (as cited above) the new Minister for Justice indicated that more needed to be done for women in prison and that ultimately a purpose built facility was needed.

**Table three**

| Ministers for Justice | Entered Office | Left Office | Political Party |
|---|---|---|---|
| **Ray Burke** | 12 July 1989 | 11 February 1992 | Fianna Fáil |
| **Pádraig Flynn** | 11 February 1992 | 4 January 1993 | Fianna Fáil |
| **Máire Geoghegan-Quinn** | 4 January 1993 | 15 December 1994 | Fianna Fáil |
| **Nora Owen** | 15 December 1994 | 26 June 1997 | Fine Gael |
| **John O'Donoghue** | 26 June 1997 | 6 June 2002 | Fianna Fáil |

(www.justice.ie)

### 5.5 Policy Window and Coupling

Windows are opened by events, according to Kingdon, in either the problem or political stream. From the Findings it clear that an earlier policy solution – the refurbishment of the women's prison – had not had the desired effect. Both documentary analysis and the findings of the interviews, highlight that 'the problem', while slightly refined, still existed. It was not coincidence that it re-emerged on the agenda following the completion of the refurbishment project of B Wing – as the interviewees noted, the problem still existed. Likewise, the findings of the interviews and documentary analysis highlight that within a redefined political stream – namely a new Minister and new departmental personnel – there was acknowledgement that a problem still existed.

While the claim cannot be definitively made, it would appear that Entrepreneur 1 and the in-house discussion group were able to 'couple' (attach) their policy document (the solution) to the problem of the conditions for women in prison. Key to the process was a level of 'chance' which Kingdon acknowledges as oftentimes needed for a policy to succeed. It was serendipitous in that policy Entrepreneur 1 found politicians and government officials

receptive to the ideas (Kendall and Anheier, 1999). As Respondent 4 noted, the idea of building a new prison 'fell on fertile ground'.

*5.5.1 Closing and re-opening of 'policy windows'*

Of particular interest to the policy process behind the building of the Dóchas Centre was that the project stalled and then re-started. In early June 1995 the planned new prison for women was deferred (Taylor and Tynan, 1995; Dáil Debates, 14 June 1995). As identified in the Findings the respondents thought that fiscal constraints explained the deferral of the project. Downs (1972) notes that problems often fade away after a short period of public attention, especially when there is a realisation of the financial cost of action. Kingdon (2011) also makes reference to ideas being 'faddish', and as such, fading away. A further point to consider is that there was a second change of administration with a new Minister for Justice and ruling government party, which may have had other prison policy objectives. Finally, the historical backdrop of failed commitments indicated that it would not have been completely unexpected if the project were ultimately cancelled.

*5.5.2 Re-opening of the window*

Most of the respondents had remained optimistic that the new women's prison would be built, although it is unclear what re-started the process. Most of the Respondents believed that funding must have just become available and/or that the Minister applied sufficient pressure.

There may, though it is unclear, have been a number of policy windows responsible for the final signing of the contracts:

1) Eight months after the deferral, the Government announced a 'new crime package' which re-instated the women's prison and a 10 per cent increase in prison capacity (Maher, 1996).

2) A second death, by suicide, in the women's prison in May 1996 (Seanad Eireann, 23 May, 1996); 'Latest prison deaths prompts Opposition calls for immediate action on conditions' (Tynan, 1996a).

3) Following the death of journalist Veronica Guerin, the Government responded with a press release dated 2 July 1996 which amongst a series of 'tough on crime measures' included Cabinet approval for the capital funding necessary for the new women's prison (statement by the Minister for Justice, Nora Owen, republished)

4) Perhaps the most plausible reason was a need for more places in St. Patrick's Institution, highlighting the minority status of women within the prison system. As part of the January 1996 'anti-crime measures', there is reference in a Seanad Éireann debate (31 January, 1996) that 30 spaces would be made available in St. Patrick's Institution, presumably by encroaching on the women's prison. Also referenced in the debate is a commitment to 55 more spaces within 18 months. While not explicitly said, the only logical assumption is that these 55 additional spaces were to be provided by the complete removal of the women's prison.

It is inconclusive as to whether there was one final event or factor that led to the building of the Dóchas Centre. Table Two above highlights the protracted nature of the project. Interestingly, and further examination is required, but while the whole processes took nearly a decade the Findings from the interviewees suggests that the actual plans were drawn up within a relatively short space of time and remained untouched except for the addition of an extra house.

**5.6 The Hidden Process**

The initial in-house discussion group was central to the successful coupling of the problem stream to the policy stream. However, this group remained largely hidden, though it should be noted that members of it formed the Working Group which advised the Steering Committee (Mason, 2004). Kingdon (2011) refers to participants in the policy process, visible actors, for example a government Minister and hidden actors, civil servant, policy advisors. Within Rock's (1995) account of criminal justice policy making is the argument that policy can only go so far without formal sanction and that 'bottom up' policy making requires, for its survival, political approval or mandate. Within this process the policy proposals need to be redefined and presented as 'top down' policy. Following the Ministerial announcement of a commitment to the building of a new prison, an Expert Committee was established, which, had as a starting position the document *Women's Prison in Mountjoy: an assessment of needs and recommended regime strategy for positive sentence management'*.

**5.7 Normalisation/Decency Agenda**

The motivation of the key actors played a central part in the realisation of the new women's prison, the Dóchas Centre. As outlined in the Findings, the respondents were appalled by the

conditions in which the women had to live and had serious concerns for young vulnerable prisoners. As outlined in the Whitaker Report (1985) and more recent reviews (Quinlan, 2011) the conditions in the women's prison was amongst the worse in the Irish prison estate, rendering them a minority group politically neglected (Rogan, 2008).

As the Respondents were not asked their views as to the conditions in which men are detained, so that there is no such benchmark, it would be inappropriate to draw conclusions as to whether paternalistic motivations were a driving force behind the new prison. The research on women in prison highlights that imprisonment has a greater traumatic effect than for men (Heidensohn, 1985) and as such it could be argued that women should be treated differently to men (Cavadino and Dignan, 2007). Cavadino and Dignan pose the question, however, as to how appropriate are these 'differences' proportionate to their needs.

However, within the findings there was evidence of stereotyping of women's work of domestic type tasks, sewing and cooking, with an emphasis on self catering within the prison. Also, there was the possibility of further stereotyping with a focus on personal hygiene and appearance. Other studies such as Mason (2004) and Quinlan (2011) provide a more comprehensive study of the 'reform' agenda in Ireland and its correlation with the building of the Dóchas Centre.

# Conclusion and observations – Chapter 6

The primary focus of this research was not the substance or outcome of the policy decision to build a new prison for women, but rather the conditions in which the decision to build it was made and how that decision proceeded to be enacted. Kingdon's theory of three independent streams separates out i) the origination and the defining of the 'problem', ii) the 'policy' solutions being presented and how they are identified and iii) the politics: political 'buy-in'. Central to this is the person(s) who can couple a solution to a problem and find a 'policy window', an opportunity, through which the policy can be advanced.

As considered in the methodology chapter, it is important to note the limitations of individual case studies. For this study the lens was squarely placed over a particular policy process, so that caution is required in making general statements about the criminal justice policy process. However, the methodological approach allowed for a rich gathering of primary data, and with the caveat on the adoption of an individual case study in mind, a number of observations can be made.

Kingdon's theory identifies how crucial it is to have a policy entrepreneur, someone who is waiting for a moment to push through their 'pet project' once a window or opportunity arises. While this study shows how in fact no one particular window may be identified as the 'definitive moment' in the genesis of the Dóchas Centre, what becomes clear is that there was an identification of the problem, a solution, a coupling and a political stream which was 'fertile ground'. Certainly an initial window opened when the women were due to move back into the 'refurbished' B wing of St. Patrick's Institution but this event took place four years before the relevant contract was signed.

The document *Women's Prison in Mountjoy: An assessment of needs and recommended regime strategy for positive sentence management* provided a basis for progress. However, it relied on the problem to be 're-defined', which Minister Geoghegan-Quinn duly obliged – women need to be treated differently – as well as the accompanying political approval resulting in the opening of a 'policy window' as the streams combined .

Perhaps surprising from the research is the extent to which individuals (and not just the one or two policy entrepreneurs) are key, 'rather than systems', as expressed by one of the interviewees. The success of this policy process required a significant degree of serendipity, which is underscored by the fact that a number of attempts had previously been made to build a new women's prison. The success of the process relied on consensus-building and an alignment amongst civil servants, ministers, and prison management.

The 'messiness' of the policy process is very much exposed by the finding that the 'policy window' opened and closed a number of times and in fact it may have been the emergence of a completely different 'problem' that resulted in the Dóchas Centre being built, namely the need for space for male prisoners. Certainly this factor was used as leverage.

A more comprehensive study of the process would be of considerable benefit in understanding the criminal justice policy process. In particular, the interviewees noted that interest group pressure did not have any marked input to the process nor did the media; however, the documentary analysis highlights concerns from the Council for the Status of Women and a sustained period of media coverage during 1990.

Many of the Respondents regarded the refurbishment in the 1990's as 'gallons of paint' to disguise the old system, albeit that it cost £2.5 million (Dáil Report, 27 February,1996). While there were indications of gender stereotyping in the emphasises of the interviewees (e.g. the creation of a homely domestic environment), the women had been contained in what was described by Fennell as a 'hellhole' (Dáil Reports, 7 March 1990) and the Respondents saw this as an opportunity to push a decency agenda.

Communication (bottom up and top down), clear goals (though pragmatic at the same time), consultation, the involvement of outsiders characterises aspects of this policy process. Rock (1995) identifies that 'outsiders' can enhance the legitimacy of the process and create 'buy-in'. As identified above they can be attributed as having suggested the riskier proposals even if this is not exactly the case.

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