

SECRET

PRESENTATION ON PRISONS:

SPECIAL CATEGORY

Special category was introduced in June 1972 in the early days of Direct Rule. It sought to distinguish between ordinary criminals and those who found themselves in prison serving sentences arising directly from the disturbed political situation. The demand for some form of special recognition of politically motivated offenders has been a recurring theme of troubled times in Irish history. The classification of special category introduced in 1972 is a purely administrative arrangement; it is not in any sense a legal classification.

It is available only for ^{convicted} prisoners serving sentences of 9 months or more.

Prisoners apply to the Governor for special category. The Governor seeks advice from the security forces as to whether the prisoner was associated with the paramilitary group of which he claims membership. On the basis of this advice a decision is taken. Refusal of applications is comparatively rare; indeed prisoners do not normally apply unless they are confident of being accepted by members of the group in prison to which they claim to belong.

SECRET

SECRET

Male special category prisoners are accommodated in compound conditions at Maze and Magilligan Prisons. There are 3 elements in special category status. First, they are not required to work; second they can wear their own clothing; thirdly they are allowed weekly letters at public expense; and weekly visits and parcels which may include food and tobacco. I should add that there are scales for letters, parcels and visits for ordinary prisoners varying with length of sentence and time served; in general special category prisoners are more generously treated; and food and tobacco are not normally allowed in parcels for ordinary prisoners. Special category prisoners are, however, less generously treated than other prisoners as regards Summer and Christmas Home Leave because in general they are a greater security risk.

Slide (11)

The population of special category prisoners has grown rapidly both in numbers and as a proportion of the total population of convicted prisoners. At the beginning of 1973 there were 379 special category prisoners representing about 42% of the population of convicted prisoners. The current position is that there are ~~1,443~~ 1,448 special category prisoners representing ~~64~~ 68% of the population. It will be seen too that the proportion of "Loyalist" prisoners in the special category group has steadily increased.

Slide off

A recent analysis shows the seriousness of the offences we are dealing with. This diagram shows the nature of the

Slide (12)

SECRET

SECRET

offences which led to the conviction of all special category prisoners on 30.11.75. No less than 15% of them - 226 prisoners, were sentenced for murder or violence against the person. Firearms and explosives offences account for another 56% - 834 prisoners.

Slide off

The basic sanction in a normal prison is to confine the recalcitrant prisoner to his cell. The unprecedented growth in prison population meant that this sanction was not available. With up to 80 prisoners living together in a compound it has not been possible to apply the normal measures or to have anything approaching a normal prison regime.

Inevitably the compounds have thrown up their own leaders, who may in some cases exert considerable power and influence over the men in the compounds. Special category is in effect a declaration of continued allegiance to para-military groups which organise or condone violent crime. The para-military groups themselves seek to improve their standing and reputation by providing financial and moral support for their members in prison and for their families. Community attitudes to crime and to prison are blurred when offenders can be represented as loyalist or republican prisoners of war. Special category is regarded as a badge of respectability particularly amongst young prisoners. No matter what efforts are made to explain to a young prisoner or his parents that it is very much in his own interests to accept work or training as

SECRET

SECRET

an ordinary prisoner rather than spend his time in idleness under the evil influence of adult criminals in a special category compound the family attitude is almost invariably that they can hold up their heads in the local community if their son is with his para-military colleagues; but they would be ashamed to regard him as an ordinary criminal. Finally, special category status encourages prisoners, their organisations and their families to hold firmly to the mistaken belief that one day they will be the subject of an amnesty.

The special category problem has to be dealt with but ^{we have no} ~~let no one be under any~~ illusion about its deep rooted nature or the difficulties which have to be overcome. The crucial first requirement is for cells. To seek to abolish special category when the prisoners concerned remain in compounds is out of the question. It would be virtually impossible to enforce the necessary changes in treatment because of the absence of effective sanctions in compounds.

Accordingly, the problem must be tackled progressively. Firstly we have to increase the availability of cells and the building programme has already been described to you. Second, we need room to manoeuvre. The introduction of conditional release in the new Treatment of Offenders Order will lead to a reduction of about ~~1000~~ 500 in the prison population spread over a 4-month period. Thirdly, we have to develop the penal system as a whole, to return to the positive practical and sensible treatment of offenders as

SECRET

SECRET

individuals both in prison and in the community.

Fourthly, the ending of special category can only be made to work by starting with new offenders.

The Treatment of Offenders Order ~~now before Parliament~~ is one aspect of this return to normality. As well as producing an immediate reduction in the prison population it ~~will be~~^{is} the long awaited Northern Ireland equivalent of the Parole Scheme; while reducing the part of sentence spent in custody by ¹/₆th it will give the courts a useful additional sanction against those who offend again after release from prison; they will be liable to serve the outstanding balance of their existing sentence in addition to any new sentence. The Order will also provide for community service orders, an alternative to imprisonment which has proved its worth in England. The relevance of community service orders to the immediate situation in Northern Ireland may be limited but in the longer term they will provide a useful new weapon in the armoury of the courts.

Inside the prisons the return to normality involves regime as well as buildings. Steady progress is being made in the field of education. Since 1973 our professional staff at headquarters has grown from one ~~person~~ to four: and the establishment of teachers in institutions has grown from 1 full-time and 15 part-time to 19 full-time and 62 part-time. In addition about 500 prisoners have been provided with correspond-

SECRET

SECRET

- 6 -

ence courses. Prison industries and vocational training were until recently largely confined to Belfast Prison and little provision was possible in the crowded conditions of compound prisons. But an important start has now been made. Three vocational training courses are now available at Maze Prison; a fourth ^{should} ^{then} ~~will~~ start ~~next~~ month. Arrangements are in hand to provide similar facilities at Magilligan. A major programme of industrial work for prisoners is now being studied; the main emphasis in the short term will be to provide useful work for those in the new cellular accommodation at Maze.

The expected intake of prisoners of the kind who now receive special category status is about 60 each month. We cannot put the existing 1500 special category prisoners into cells; but by a firm decision not to grant special category status to any prisoner convicted of an offence committed after 1 March 1976 we can be reasonably certain of having cellular accommodation, work and training available.

In the long run, therefore, the number of special category prisoners will gradually decline as new admissions cease and existing prisoners are released on completion of sentence. A hard core of existing special category prisoners will remain with us for many years to come. But as new accommodation becomes available and compounds are phased out it should eventually be possible to house all these prisoners in

SECRET

SECRET

cells in normal prisons.

Undoubtedly, there are difficult times ahead.

The supply of accommodation in cells will probably only just keep pace with demand. And above all we may expect resistance, possibly violent resistance, to the ending of new admissions to special category. But there is widespread agreement that this problem simply must be tackled. We cannot go on bringing new prisoners into our institutions and treating them in a way so remote from proper prison discipline.

SECRET

1973-70