

Chapter 9:**Routes of entry to the Magdalen Laundries (A):****Criminal Justice system*****Summary of findings:***

This Chapter addresses the placement of girls and women in the Magdalen Laundries by the criminal justice system. The criminal justice system is in this context taken at its broadest, including the relevant Government Department as well as State agencies (including An Garda Síochána, Probation Service and Prison Service) and the Courts.

In terms of formal referrals to the Magdalen Laundries from the criminal justice system, the Committee found evidence that girls and women were placed in the Laundries in a variety of circumstances, in particular:

- On remand;*
- On probation;*
- Temporary release from prison; and*
- Early release from prison.*

Although the surviving files on major crimes (murder, manslaughter, infanticide) are the most complete and accordingly covered in greater detail in this Chapter, they do not represent the typical or most common crimes committed. The majority of placements of women in the Magdalen Laundries by the criminal justice system followed convictions of more minor or petty crimes, particularly those dealt with in the District Court. These more common crimes on foot of which women entered Magdalen Laundries included everything from failure to purchase a train ticket to larceny, vagrancy, assault, and so on.

In all these cases, there was a legislative basis (detailed in this Chapter) for placements which in most cases pre-dated the foundation of the State. The consent of the woman was also required, other than in cases of remand. Further, Magdalen Laundries were not the only religious- operated institutions used for these purposes.

Women placed in Magdalen Laundries on remand remained there for the very short period typical of remand (i.e. a short number of days).

Women on probation in the Magdalen Laundries continued to be supervised by their Probation Officers throughout their time there and were made aware of the date on which their probation expired. Some were, with the permission of the Minister, released prior to expiry of the period of their probation. A small number remained after the expiry of their period of probation (in a very small number of cases, for life), but the majority left the Magdalen Laundries at or around the date of expiry of their term of probation.

The ranks of Probation Officers included in their number so-called “Voluntary Probation Officers”, who were officers of the Legion of Mary, Salvation Army and St Vincent de Paul which had been recognised for that purpose under relevant legislation.

The legislative basis for temporary and early release from prison as well as the relevant procedures and practices – and their application to the Magdalen Laundries – are also included in this Chapter.

Women who had been sentenced to penal servitude for life but who were released from prison on life licence to a Magdalen Laundry retained the right to petition the Minister for release. This was also true of women who were on early release from prison to Magdalen Laundries for lesser terms. The Committee found cases where women transferred in that way were, on the authority of the Minister, released following a period of detention in a Magdalen Laundry, including in some cases prior to expiry of the originally imposed prison term.

In addition to the above categories, the Committee also found placements in the Magdalen Laundries in a number of other contexts, including:

- Adjourned sentencing or suspended sentences from the Courts;*
- As a step-down facility from prison; and*
- Informal placements by members of An Garda Síochána.*

These placements did not have a specific legislative basis.

The Committee found cases of informal placements of girls and women by the Gardaí and, in some cases, probation officers which occurred without a court process. These were typically cases of temporary homelessness or (at least at one Magdalen Laundry, as a temporary refuge prior to other arrangements, where a young girl was being introduced to prostitution) and were for very short periods of time. This type of informal and temporary placement was not limited to Magdalen Laundries but also occurred at other institutions such as City or County Homes as well as religious-operated institutions other than the Magdalen Laundries.

This Chapter also addresses the question of the return of girls or women to the Magdalen Laundries by members of An Garda Síochána. It sets out the powers of the Gardaí to arrest a woman in breach of probation; or in the context of recall during her period of post-discharge supervision from an Industrial or Reformatory School. Earlier Garda instructions dating to the 1920s regarding arrest of persons “in the uniform of institutions” are also recorded, as are the recollections of retired Gardaí on this issue in general.

These and other patterns are described in this Chapter, with case-studies included for all patterns identified by the Committee.

Where policy considerations were identified, these are included, as are materials identified by the Committee in relation to the broader context, in particular the absence of a borstal for girls.

Introduction

1. This Chapter sets out the findings of the Committee in relation to referrals of girls and women to Magdalen Laundries by what generally can be categorised as the criminal justice system.
2. The criminal justice system is in this context taken at its broadest, including the relevant Government Department as well as State agencies (including An Garda Síochána, Probation Service and Prison Service) and the Courts.
3. The broad circumstances in which criminal justice system referrals were found by the Committee to have occurred were in the following general categories:
 - a. Remand;
 - b. Probation;
 - c. Courts;
 - d. Prison; and
 - e. An Garda Síochána.
4. This is an informal categorisation solely for the purposes of clarity in the following sections of this Chapter, although there are, of course, overlaps between many of these areas. However the underlying legislation, policy and practice differ and these are set out separately in the sections that follow.
5. Taken together, these categories of referrals amounted to 8.1% of known entries to the Magdalen Laundries. The youngest girl known to have entered a Magdalen Laundry by one of these routes was 11, while the oldest was 60.
6. This Chapter includes all information identified by the Committee on referrals within these categories, as well as setting out the following in all cases:
 - Basis (including legislative basis) on which referrals were made;
 - Procedures and practices;

- Whether State funding followed referrals;
 - State follow-up in relation to girls and women referred from the criminal justice system; and
 - exit pathways from the Magdalen Laundries for these girls and women.
7. Anonymised case-studies are included throughout this Chapter in order to illustrate more fully the types of circumstances in which referrals occurred. These case-studies are taken both from official State records identified by the Committee and from the Registers of the Religious Congregations which operated the Magdalen Laundries.
8. The section of this Chapter relating to probation includes cases which were dealt with by Voluntary Probation Officers and in particular officers of the Legion of Mary. The basis on which officers of this and other non-State societies carried out official functions in relation to probation is set out in this Chapter.
9. Where possible, a distinction is made in this Chapter between referrals directed by a State agency or agent, referrals which were legal conditions agreed to by the woman in question, and other referrals which may more accurately be categorised as referrals facilitated by the State. All three types of cases are represented by the case-studies which are included in this Chapter.

A. Sources for this Chapter

10. A wide variety of sources were explored to obtain information on possible justice system referrals of girls and women to the Magdalen Laundries. The records of the Department of Justice and Equality and the agencies under its aegis were crucial in this regard.
11. The Department of Justice and Equality noted in this regard that the Chair's requests "carried the weight of a Government decision and was treated with

the same gravity as a court or statute based order of discovery”.¹ As a result, extensive searches were carried out covering:

“all records held by the Department, the Irish Prison Service and the Probation Service as well as archived court records. In addition, as you know specific queries were addressed to and answered by the Commissioners of Charitable Donations and Bequests and the material forwarded to the Committee. The Chief Executive of the Courts Service and the Garda Commissioner were also asked to carry out comprehensive searches for relevant records held by their organisations”.²

12. Concerning the archives of the Department itself, all 22 Divisions within the Department were instructed to carry out searches to identify “all documents and records of whatever nature that are or have been in the possession or under the control of the Department relating to Magdalen Laundries”³, including records which had been deposited with National Archives. Key terms and instructions provided by the Committee were circulated for that purpose.

13. An extensive review was carried out on archived court records, as follows:

- Central Criminal Court: all records examined from 1922 onwards.
- Circuit Court: due to the volume of cases and difficulties in accessing records, sample records were examined as follows:
 - o Dublin Circuit Court: all records for 1937, 1945 and 1952
 - o Cork Circuit Court: all records for 1937, 1945 and 1952
 - o Limerick Circuit Court: all records for 1937
 - o Galway Circuit Court: all records for 1927 and 1952
 - o Waterford Circuit Court: all records for 1945 and 1952.

¹ Letter dated 11 December 2012 from the Department of Justice and Equality to the Chair.

² Id

³ Id

- District Court: only a limited amount of District Court records are archived and available for examination. This, as well as the high volume of cases in available years meant that sample records were examined as follows:
 - o Cork District Court records: 1937, 1945 and 1952
 - o Galway District Court records: 1937, 1945 and 1952
 - o Waterford District Court records: 1937, 1945 and 1952
 - o Limerick County District Court records: 1937, 1945 and 1952

14. With regard to these searches, the Chief Executive of the Courts Service informed the Secretary General of the Department of Justice and Equality that:

“despite extensive searches by the Courts Service, it has not been possible to locate Dublin District Court minute books or the Limerick City District Court minute books for the period in question or the Probation book. It would seem that the records were destroyed possibly due to damage arising from poor storage practices over the years. He has assured me that all relevant records that have been located have been forwarded to the Department and that to the best of his knowledge there are no other records held by the Courts Service that refer to Magdalen institutions”.⁴

15. Although the Probation Book (which would have been retained at the Courts) was accordingly not found, a detailed search of the records of the Probation Service itself was carried out. This included independent searches of all available documentary records, as well as interviews with retired female Probation Officers who were in a position to provide first-hand information on the practices which applied during the early history of the Probation Service.

16. Prison records were also examined. The Register for Mountjoy Women’s Prison was examined from 1922 onwards, in an attempt to identify any possible cases involving referrals to Magdalen Laundries from prison.

⁴ Id

Individual prison files on individual women were also recalled and examined in all cases where a woman appeared to have been in both prison and a Magdalen Laundry.

17. In addition to these independent searches of all available State records, cases identified in the records of the Religious Congregations that seemed to have originated in the criminal justice system were individually searched by name and checked against all available Departmental, Court, Prison and Probation records. This enabled the Committee to verify and, where possible, supplement the information contained in the records of the Religious Congregations.

18. At the request of the Committee, wide-ranging searches and enquiries were also conducted by a dedicated team within An Garda Síochána, under the direction of an Assistant Commissioner.

19. Every Garda Station which had a Magdalen Laundry within its district was searched, namely:

- Store Street Garda Station;
- Santry and Ballymun Garda Stations (to which records were transferred following closure of the Whitehall Station);
- Dun Laoghaire Garda Station;
- Donnybrook Garda Station;
- Mill Street Garda Station, Galway (a large volume of records were destroyed circa 1986 when An Garda Síochána moved from the old station to the new station);
- Watercourse Road and Mayfield Garda Stations, Cork;
- Gurrabraher Garda Station, Cork;
- Waterford Garda Station;
- New Ross Garda Station; and
- Roxboro Road and Henry Street Garda Stations, Limerick.

Searches were also carried out at the Garda National Repository at Santry Garda Station.

20. The former curator of the Garda Museum also provided expertise and historical crime files were searched for any relevant information.

21. In addition to these searches, the following interviews were conducted by the Garda team in an attempt to identify other areas of possible search and to supplement relevant records already uncovered:

- a number of women who informed the Committee that they had been returned to Magdalen Laundries by members of An Garda Síochána; and
- a total of 60 retired members of An Garda Síochána, who had been stationed in the above Garda Stations.

22. External sources were also explored in an attempt to provide any other relevant information. A team from the Department of Justice and Equality carried out searches of all Oireachtas Debates and historic newspaper archives for the period from 1922 until the closure of the last Magdalen Laundry, in order to identify references to the Magdalen Laundries in reported court or other cases.

23. Despite these very extensive searches, the Secretary General of the Department of Justice and Equality noted that given the scale of the task, which involved attempting to locate records dating back to the foundation of the State, in relation to matters “that were only peripheral to the mainstream work of the Department and which did not feature in the folk memory of the Department”, the possibility that isolated references to the Magdalen Laundries may not have been identified could not be ruled out.⁵

⁵ Id

24. The Committee is however satisfied that the very substantive material identified by way of these searches gives an accurate and detailed picture of the State's involvement with the Magdalen Laundries insofar as concerns the criminal justice system. The results of these searches follow.

A. Remand

25. The term "remand" in this general context refers to detention of a person prior to trial, conviction or sentencing, on the authority of the Courts.

26. Chapter 5 set out the relevant legislative basis for detention on remand. In summary, the Youthful Offenders Act 1901 provided at section 4 for remand or committal of a child (a person under 14 years of age) or young person (a person under 16 years of age) to places other than prison, by remanding the child "into the custody of any fit person named in the commitment who is willing to receive [her]". A child or young person detained in this way could be "apprehended without warrant and brought back to the custody in which [she] was placed" if necessary.

27. Part V of the Children Act 1908 subsequently built on this by requiring police authorities to provide places, being "any institution other than prison, whether supported out of public funds or by voluntary contributions" which could on agreement be used as a place of detention.⁶ These places of detention could then be used for remand or committal to custody of children.⁷ In relation to the 1901 Act, the 1908 Act provided that a child or young person in such a place "shall be deemed to be in legal custody", and in the case of escape, he or she could be "apprehended without warrant and brought back to the place of detention in which he was detained".⁸

⁶ Children Act 1908, Section 108.

⁷ Children Act 1908, Section 97

⁸ Children Act 1908, Section 109(2)

28. Subsequently, the Criminal Justice Act 1960 provided that where existing law conferred a power to remand a person of not less than 16 and not more than 21 years of age in custody (pending trial or sentence), that power would be deemed to include a power to remand or commit him or her to a remand institution.⁹ This effectively authorised the Courts to remand girls between the ages of 16 and 21 to approved “remand institutions” instead of to prison, pending trial or sentence. In relation to the historic Acts noted above, any person detained in a remand institution was deemed to be in the lawful custody of the person in charge of the remand institution and any person “absent without permission” was deemed to have escaped from lawful custody”.¹⁰
29. The Committee notes, for the avoidance of confusion, that certain institutions were approved for more than one of the above purposes. For example, the Magdalen Laundry at Sean McDermott Street was approved both as a place of detention for female children under the age of 17, for the purpose of Part V of the Children Act 1908; and also as a remand institution under the 1960 Act. This overlap is the likely reason why files identified by the Committee in relation to remand under the 1960 Act often also include information on detention of female children under the Children Act 1908.

Places of detention under Part V of the Children Act 1908

30. Various institutions were approved as places of detention for girls and young women under the age of 17 for the purpose of Part V of the Children Act 1908, over the decade.
31. A Memorandum prepared by a Probation Officer in 1941 records that, at that time, the only place of remand for girls was an industrial school:
- “St Joseph’s, Whitehall, Dublin, and may only be used for juveniles. It is inappropriate in as much as it is not a separate building; it is not in fact a Remand Home; it is a Girls Industrial School in which young girls

⁹ Criminal Justice Act 1960, Section 9

¹⁰ Criminal Justice Act 1960, Section 11

on remand may be detained. In order to keep these girls as far apart as possible from the pupils in the school, they are generally relegated to a portion of the house little frequented by the latter, for instance the kitchen – an arrangement not to be commended, but perhaps unavoidable under the circumstances”.¹¹

32. The Memorandum then records the manner in which placement in the approved Industrial School on remand might lead to placement in a Magdalen Laundry:

“If a girl on remand is for any reason considered by the Manager an undesirable type for the ‘Remand Home’, she may be sent (without waiting for official sanction) to the Magdalen Asylum attached, even though the girl is still a juvenile and perhaps awaiting trial of such offences as house-breaking, larceny etc. Very often these girls are subjects for the Reformatory School – St. Joseph’s, Limerick. If and when they have been committed to the Reformatory School, the Manager learns that they have spent even a week in High Park (i.e. the Magdalen Home and not the “Remand Home”) they are no longer considered suitable subjects for St. Joseph’s, and they are immediately transferred to the Good Shepherd Convent adjoining. Scarcely a fair start for young girls under 16 years who hitherto may not have had immoral tendencies”.¹²

33. In subsequent years, three institutions were approved for the purposes of Part V of the Children Act 1908, one of which was a Magdalen Laundry. The institutions were:

- St Anne’s Hostel, Kilmacud;
- An Grianan, High Park (a training centre located on the same site as the High Park Magdalen Laundry); and

¹¹ Note from a Probation Officer to the County Registrar, dated 7 July 1941, Dublin Diocesan Archive, supra

¹² Id

- Sean MacDermott Street (Magdalen Laundry).

34. An internal note indicates that approval of these institutions (all operated by the same Religious Congregation):

“was effected in the circumstances that the Order are actually anxious to be relieved of all custodial work of this kind and undertook to resume doing it only on being persuaded to do so by this Department for a period of two years or so by which time it is expected that a state-operated place of detention for girls will have been provided. A most serious situation would exist if court orders in relation to custody of girls too young for prison could not be implemented”.¹³

35. The note also records that, as there was:

“a serious shortage of personnel in their community ...the question of assigning female prison staff to assist the Sisters in the work has been considered but it is felt that the assistance required is not, at this stage, of such dimensions as to warrant this action and, in any event, female prison staff could not at present be spared to do the work”.¹⁴

36. As a consequence, Departmental grants in respect of “casual assistants” was considered and the institutions continued to be used for young girls (referred to in some notes as “remandees”) together with industrial schools and other institutions such as Our Lady’s Hostel for Boys, Eccles Street, St Joseph’s, Passagewest Cork, St Joseph’s Reformatory, Limerick and so on.¹⁵

37. Capitation payments were made in respect of places of detention for girls and young women under the age of 17 for the purpose of Part V of the 1908 Act.¹⁶

¹³ Internal Departmental note dated 16 June 1972

¹⁴ Id

¹⁵ Id

¹⁶ Questions of State funding to the Magdalen Laundries are dealt with in full in Chapter 13

Remand institutions under the 1960 Act

38. The Committee identified materials relating to the consideration given, within the Department of Justice, to the question of what institutions should be approved for the purposes of the 1960 Act.

39. During Seanad Éireann debates on the Criminal Justice Bill 1960 (as was), one Senator criticised the draft Bill on the grounds of her concern that a girl remanded to a Magdalen Laundry would carry with her a stigma worse than that caused by a period of imprisonment.¹⁷ This concern appears to have been taken into consideration by the Department. An internal Departmental note, written prior to approval of any institution under the 1960 Act, records a meeting between a Departmental official and a named District Judge. The meeting was entitled “Provision of remand institution for girls in Dublin”, but the discussion appears to have related only to:

“the question of providing a remand institution for girls of a type who would not be suitable for sending to St Mary Magdalen’s Asylum, Sean McDermott Street”.¹⁸

40. The note further records as follows:

“The District Justice mentioned also that he had been speaking to Senator Miss Margaret Pearse about the time of the Senate debates in the course of which the desirability of sending girls to St Mary Magdalen’s Asylum was criticised. Miss Pearse, who was once President of the Holy Faith Convent Past Pupils Union, said she thought that the Holy Faith Convent in Glasnevin might be willing to receive remand girls of a type not suitable for sending to St Mary Magdalen’s Asylum. On September 13th having discussed the matter with the Assistant Secretary, in the meantime, I saw Mr McDonnell,

¹⁷ Senator Connolly O’Brien. Criminal Justice Bill 1960 – Second Stage. Wednesday 13 July 1960. Seanad Éireann Debate Vol. 52 No. 19

¹⁸ Internal Departmental note dated 14 September 1960 detailing discussion between a Departmental official and District Judge, entitled “Provision of remand institution for girls in Dublin”. File Ref File 8/272/6 (parts 1 and 2), entitled File Criminal Justice Act 1960, Provision of remand institutions for girls

Chief Probation Officer and suggested to him that he might make discreet enquiries with a view to establishing whether the Holy Faith nuns or any other Order in Dublin would be willing to receive remand girls. Mr McDonnell said he was doubtful, in fact whether there would be a favourable reaction to a suggestion of this kind but he promised to make the enquiries and to report the result in due course”.¹⁹

41. The outcome of these communications appears from a further internal note.

A note for the Secretary General of the Department recommended:

“that approval be given for making a formal approach to the Sisters of Vincent de Paul, Henrietta Street, with a view to having their Convent designated as a remand institution for girls between 16 and 21 years of age”.²⁰

42. The note first records the background to the proposal:

“Section 9 of the Criminal Justice Act 1960 authorises the Court to remand girls of 16/21 to a remand institution instead of to prison. St Mary Magdalen’s Asylum, Sean MacDermott Street, Dublin, is already available for use as a remand institution, but it is not considered desirable to designate it as such until another institution is available to which girls of a type not suitable for sending to the Asylum might be remanded”.²¹

43. It then confirms that the possibility of Henrietta Street being available for this purpose had been explored:

“From indirect enquiries made by the Chief Probation Officer, Mr McDonnell, it is understood that the Sisters of Charity of Vincent de Paul in Henrietta Street, would be willing to look after girls who might be remanded to their charge. The Chief Probation Officer says that the sisters have discontinued the laundry and that at present the

¹⁹ Id

²⁰ Internal Departmental note dated 4 October 1960 entitled “Henrietta Street Convent – Proposed use of as remand institution for girls”. File ref Id.

²¹ Id

establishment consists of three separate hostels. One is a school for girls of a servant type (some of these have been sent to the school on probation, some go of their own accord; there are about 20 to 30 in the hostel, all of them over 17.). Another is a hostel for working girls (business girls mostly); the third hostel is for nuns and other religious who attend the Mater Hospital for training. Mr McDonnell assured me that there was no question of a ‘fallen woman’ stigma attaching to the hostel for girls of the servant type”.²²

44. Other alternatives had not been identified:

“The Chief Probation Officer added that he did not know of any other convent in Dublin which would be likely to take girls on remand. He had explored the possibility of one of the Holy Faith convents being used for this purpose but he received the impression that this Order did not react favourably to the idea”.²³

45. In the circumstances, the note sought approval to contact Henrietta Street Convent “for their consent to have it designated as a remand institution for girls”. The Secretary General’s view on the matter is recorded, in a note by which he in turn sought the Minister’s approval. The Secretary General’s note recorded:

“In view of what was said publicly about the establishment of the Sean McDermott Street Convent as a remand institution we cannot very well go on with it but we are far from satisfied that it is the kind of place to which young girls should be sent. It may be suitable for the other class of women. I agree ... that the thing to do is to list the Sean MacDermott Street Convent but to make very limited use of it and to provide an alternative convent, as a remand institution, which is more suitable to our needs”.²⁴

²² Id

²³ Id

²⁴ Id

The Minister's approval for this proposal is endorsed on the same document.

46. Arrangements proceeded thereafter on the basis that both "St Mary Magdalen's Asylum" (Sean McDermott Street Magdalen Laundry) and "Our Lady's Home, Henrietta Street" (not a Magdalen Laundry) would be approved as remand institutions under the 1960 Act. Sanction of the Minister for Finance was sought for payments to both institutions in respect of any young women remanded there:

"The Minister proposes to approve of Our Lady's Home and St Mary Magdalen's Asylum as remand institutions he considers it desirable that payment should be made to these institutions in respect of the facilities provided by them, particularly as committal to the institution is not dependent on the consent of the girl concerned.

As regards the rate of payment, the Minister considers that this should be the same as the rate applicable to girls who are sent to Our Lady's Home as a condition of probation, viz 25/ weekly. ...

As normally it will be the district court which will remand girls to these institutions, it is suggested that the expenditure be borne on the District Court Vote".²⁵

47. The internal note by which formal Ministerial approval was sought for the two institutions provided additional information on discussions with the Order which operated Henrietta Street. The Order was willing to accept girls sent on remand from the Courts, "at present, however, there was only accommodation for two such girls" in that institution.²⁶ Approval of both institutions was subsequently given by signed instrument of the Minister two days later, on 21 October 1960, "in relation to female persons ... for the purposes of the

²⁵ Letter dated 19 October 1960 from the Department of Justice to the Department of Finance, File Ref Id

²⁶ Internal Note dated 20 October 1960 entitled "Our Lady's Home, Henrietta Street and St Mary Magdalen's Asylum – Proposed use of as remand institutions for girls". File ref Id.

Criminal Justice Act 1960”.²⁷ Written sanction of the Minister for Finance for capitation grants in such cases followed the same day.²⁸

48. The formalities were settled by a number of letters in the same period. Identical letters were sent to both institutions, that is Henrietta Street and the Magdalen Laundry at Sean MacDermott Street. The letter to Sean MacDermott Street conveyed “the Minister’s appreciation of your action in allowing the Asylum to be used for this purpose”. The letter is specific in respect of what was expected in that regard:

“The Minister would be glad if girls remanded to St Mary Magdalen’s Asylum should be afforded, so far as may be practicable and appropriate in the altered circumstances, the same rights and privileges as prisoners on remand or awaiting trial. A copy of the Rules for the Government of Prisons, 1947, Part III of which contains the special rules for prisoners in this category, is attached for information in this connection”.²⁹

49. The letter also sets out what action the Order should take in the event of a young woman remanded to the institution running away:

“In the event of a girl being absent without permission from the Asylum and thereby committing the offence of escaping from lawful custody, the Minister would be glad if you would notify the local Gardaí (Store Street Station Telephone [number provided] and the Clerk or registrar of the Court concerned (Four Courts: Telephone [number provided]) as soon as possible”.³⁰

²⁷ Approval signed by the Minister pursuant to the Criminal Justice Act 1960, dated 21 October 1960. File Ref Id

²⁸ Letter dated 21 October 1960 from the Department of Finance to the Department of Justice. File ref Id.

²⁹ Letter dated 24 October 1960 from the Department of Justice to the Sisters of Our Lady of Charity of Refuge, Lower Sean MacDermott Street.

³⁰ Id

50. The necessity for visits to the young women in question was also set out:

“Arrangements will be made to have any girls on remand visited from time to time by a Probation Officer and by the Superintendent of Prisons, who will be available to you for consultation at any time”.³¹

51. Finally, the letter confirms the capitation which could be expected for such cases and that Court Officers would consult in advance of any proposed placement to ensure that accommodation was available “for any girl proposed to be remanded to the Asylum”.

52. Letters were also sent to the appropriate State offices and organisations on the matter. Letters were sent from the Department of Justice to the Circuit Court County Registrar and the Chief Clerk of the Dublin Metropolitan District Court informing them that the Minister had:

“approved of the use in relation to female persons of Our Lady’s Home, Henrietta Street and St Mary Magdalen’s Asylum, Lower Sean MacDermott Street, for the purposes of the Criminal Justice Act 1960. In accordance with section 9 of the Act, girls who are not less than 16 nor more than 21 years may be remanded in custody to either institution. As accommodation for remand girls is limited, it is desirable that the institution authorities be consulted beforehand on this aspect”.³²

53. The Chief Probation Officer was also informed and requested as follows:

“please arrange to have any girls on remand in these institutions visited from time to time by a probation officer”.³³

The Probation Officer responded shortly thereafter and confirmed that he had

³¹ Id

³² Letters from the Department of Justice dated 24 October 1960 to the Circuit Court County Registrar and the Chief Clerk of the Dublin Metropolitan District Court. File ref Id.

³³ Letter dated 24 October 1960 from the Department of Justice to the Chief Probation Officer. File Ref Id

“already informed the lady Probation Officers and instructed them to visit these institutions from time to time to confer with the girls in whom they may be interested”.³⁴

54. Finally, the Department of Justice also sent a similar letter to the Commissioner of An Garda Síochána. That letter informed the Gardaí of the approval of both institutions “as remand institutions”. The letter continued that:

“It will be observed that it has been suggested to the Reverend Mother in each case that the local Gardaí should be notified as soon as possible in the event of a girl being absent without permission from the institution and thereby committing the offence of escaping from lawful custody. The Minister would be glad, therefore, if you would bring the matter to the notice of the Gardaí concerned, i.e. at Bridewell and Store Street Stations”.³⁵

55. The response of the relevant Congregation indicated that:

“We assure you we shall endeavour to facilitate the Authorities as far as possible in giving accommodation to any girl whom the Court Officers may be sent and also to comply with the prescribed regulations regarding these girls”.³⁶

56. The files of the Department of Justice confirm that the Magdalen Laundry at Sean McDermott Street was subsequently utilised by the Courts for remand placements of young women.

57. For example, a letter from the Department of Finance dated 5 May 1962 records an increase in the capitation grants “in respect of girls remanded by the Court to ... St Mary Magdalen’s Asylum, Lower Sean MacDermot Street”

³⁴ Letter dated 27 October 1960 from the Chief Probation Officer to the Department of Justice entitled “Remand Homes for Girls from 16/21 years”. File ref Id.

³⁵ Letter dated 25 October 1960 from the Department of Justice to the Commissioner, An Garda Síochána. File Ref Id

³⁶ Letter dated 3 November 1960 from the Monastery of Our Lady of Charity of Refuge, Lower Sean MacDermott Street to the Department of Justice. File Ref Id.

from 25/- to 35/- per week³⁷, which increase was notified to the Congregation “in respect of women or girls who are required by their recognisance to reside for a stated period in St Mary Magdalen’s Asylum”.³⁸ The grants were:

“reviewed from time to time in the light of alterations made in the amount of the combined capitation grant – State and local authority – payable in respect of inmates in industrial and reformatory schools”.³⁹

58. It can be noted that the grants paid “in respect of females remanded thereto by the Courts or required to reside therein as a condition of a recognisance”⁴⁰ were *lower* than those paid in respect of children in Industrial or Reformatory School. The letter records that when the remand payment of 45/- per week was approved:

“the minimum combined grant payable to industrial school and reformatory schools was 55/-. When the previous rate of 35/- was sanctioned the minimum combined grant was 45/-. The combined grant payable in respect of inmates in industrial and reformatory schools has now been increased to a minimum of 67s.6d. a week and in the circumstances and by reference to previous revisions the Minister proposes that the Department’s grant in respect of females remanded by the Courts to institutions or required to reside therein as a condition of recognisance should be increased to 57s.6d. a week”.⁴¹

59. The rate was further increased to 72/6 a week in 1968⁴²; and to 115/- a week for remand cases and to 155/- a week for women required to reside there as a condition of recognisance in 1970.⁴³

³⁷ Letter dated 5 May 1962 from Department of Finance to the Department of Justice.

³⁸ Letter dated 9 May 1962 from the Department of Justice to “St Mary Magdalen’s Asylum, Lower Sean MacDermott Street”.

³⁹ Letter dated 29 March 1966 from the Department of Justice to the Department of Finance.

⁴⁰ *Id*

⁴¹ *Id*

⁴² Letter dated 2 April 1968 from the Department of Justice to the Department of Finance

⁴³ Letter dated 28 October 1970 from the Department of Justice to the Department of Finance

60. The files identified by the Committee include payment requests from Sean MacDermott Street in respect of girls and young women committed there on remand, as well as girls and young women required to reside at the institution as a condition of recognisance. Payment requests typically included the name of the girls and women in question, as well as the number of days which they remained in the institution.⁴⁴ For example, from 1968-1969 claims were submitted for capitation grants in respect of 20 cases of girls and women remanded to the Magdalen Laundry at Sean MacDermott Street.

61. A girl or woman would in practice be remanded by way of a Court Order. For example, one such Order identified by the Committee was made by the Dublin Metropolitan District Court. It was addressed to "Sister-in-charge, Convent of our Lady of Refuge, Sean McDermott Street" and provides that she was:

"hereby required to detain in our custody [name...] who stands charged ... on suspicion of having on the [date of alleged offence] did (sic) feloniously steal cash to the amount of"

62. The Order, dated 17 August 1973, required the Sister in charge to detain the girl in question until the date of her appearance at the Children's Court on 21 August 1973 – in other words, the girl was required to be detained on remand at the Magdalen Laundry for 4 days until hearing of the criminal charges against her.

Sample cases of remand

63. The records of the Religious Congregations confirm and provide additional information on cases in which girls and young women were remanded to the Magdalen Laundries. Remand placements were not confined to the Magdalen Laundry at Sean MacDermott Street alone. Remand placements are recorded to have occurred at each of the following Magdalen Laundries, with the earliest recorded case being in 1930:

⁴⁴ E.g. letter dated 25 February 1969 and claim dated 27 May 1969 from Sean MacDermott Street to the Department of Justice.

- Sean MacDermott Street;
- High Park;
- Limerick;
- Waterford; and
- Sunday's Well, Cork.

64. It is likely that these early cases were made pursuant to the Children Act 1908, as set out earlier. The typical pattern for such placements is as would be expected for detention on remand – short durations of stay, with exit routes suggesting that the girls and young women in question were leaving in order to appear before the Courts. A full statistical breakdown of these and other issues is included in the Appendices. On some occasions, a girl or young woman who had been on remand at a Magdalen Laundry returned there within a day or two of her departure, in order to complete a period of probation living in that same institution.

65. Sample cases of placements of girls and young women on remand in Magdalen Laundries include the following:

- A 19-year old woman was “brought by the Guards from [named place]” to a Magdalen Laundry in the 1930s. Her exit details are recorded as “was taken by the Guards to the Court. Went to a situation [a job] when her trial was over”.
- A woman was in the 1930s “brought by the Guards from the Court”. She “only came here for one night from the prison; sent by [name], District Judge”.
- A 22-year old woman entered a Magdalen Laundry in the 1940s, having been referred by a named District Judge in the context of charges of “stealing”. She was “one night here. She broke window. Sergeant [name] took her away from here”.

- An 18-year old woman entered a Magdalen Laundry in the 1950s, “sent by Supt. [name, town]”. After a few months the same Garda “instructed ... to send her home to her father while awaiting reappearance at Court”.
- A 16-year old girl, whose mother was living outside the State, entered a Magdalen Laundry in the 1960s, with the entry field listing a named Garda and location. After 7 days she was “taken by Guard [name] to Court”.
- A 16-year old girl was “brought on remand” to a Magdalen Laundry in the 1960s. After two days she was “taken to Mountjoy by Guards after causing great trouble”.
- A 16-year old girl was “brought on remand by Sergeant [name]” in the 1960s. The next day she was “taken home by her parents”.
- A 14-year old girl entered a Magdalen Laundry in the 1970s, “remanded here for 1 week by Gardaí”. The Register records that her parents were of no fixed abode. Her departure is also recorded – she “ran away 3 days later”.
- A 15-year old girl entered a Magdalen Laundry in the 1970s, the Register recording her entry as “Supt. [name, place] – remand case”. She was to be on remand until a listed date 6 days after the date of her entry. The Register records that she was “not convicted by Court” and she accordingly did not return to the Laundry after her remand period.
- A 13-year old girl entered a Magdalen Laundry in the 1970s with the Register recording her entry as “Superintendent, Guards [place]. Here on remand”. She left for trial and was “discharged at Children’s Court [place]” less than a month later.

- A 15-year old girl entered a Magdalen Laundry in the 1970s “here on remand until [date]; then sent to another school”. She had been 4 days in the Laundry prior to her departure for trial.

B. Probation

66. Insofar as concerns the overall criminal justice system, probation was the most common entry method by which girls and women were admitted to the Magdalen Laundries. The Committee found that girls and women were, on foot of Probation Orders made by the Courts, required to reside at a range of religious-operated institutions, including but not limited to Magdalen Laundries, for periods ranging from 6 months to the maximum period of 3 years. The underlying crimes in these cases were as varied as larceny and vagrancy to manslaughter and murder.

67. The Committee identified the legislative basis under-pinning these Orders as well as the range of officers responsible for follow-up contact with women required to reside in an institution as a condition of probation. The role of Voluntary Probation Officers in this process was also identified by the Committee and is set out in this section.

Background: legislative basis

68. Chapter 5 set out the legislative basis for placements of girls and women in the Magdalen Laundries as a condition of probation. In summary, the Probation of Offenders Act 1907 empowered the Courts, where of the opinion that:

“the character, antecedents, age, health or mental condition of the person charged, or to the trivial nature of the offence, or to the extenuating circumstances under which the offence was committed”⁴⁵,

made it “expedient to release the offender on probation”, the Court could apply the Act.

⁴⁵ Section 1(2) of the 1907 Act

69. In such cases, the Court was empowered either without proceeding to conviction, or, in more serious cases, following conviction but “in lieu of imposing a sentence of imprisonment” to make a Probation Order which discharged the person on the condition that he or she enter “into a recognisance, with or without sureties, to be of good behaviour and to appear” either for conviction or for sentence, as the case may be, “at any time during such period, not exceeding three years, as may be specified in the order”.⁴⁶

70. Probation Orders under the Act could also include other conditions. First, an Order could “if the court so order, contain a condition that the offender be under the supervision” of a Probation Officer.⁴⁷ Second, any “additional conditions as the court may, having regard to the particular circumstances of the case, order to be inserted therein” with respect to three general matters:

- “a. for prohibiting the offender from associating with thieves and other undesirable persons, or from frequenting undesirable places;
- b. as to abstain from intoxicating liquor, where the offence was drunkenness or an offence committed under the influence of drink;
- c. generally for securing that the offender should lead an honest and industrious life”.

71. A person who failed to comply with the conditions of his or her Probation Order was liable to arrest and the Court could remand him or her to custody and convict or sentence him or her for the original offence.⁴⁸

72. The Criminal Justice Administration Act 1914 amended the 1907 Act in two important ways which are relevant to this Report:

⁴⁶ Section 1(2) of the 1907 Act

⁴⁷ Section 2(1) of the 1907 Act

⁴⁸ Section 6 of the 1907 Act.

- First, the 1914 Act explicitly provided that a Probation Order might include additional conditions, including a condition as to “residence”.⁴⁹
- Second, it established the Voluntary Probation Officer system, which is addressed separately below.

73. Regarding residence requirements in probation, it can be noted that prior to the enactment of the 1914 Act, there had been differing legal views on whether or not Probation Orders under the 1907 Act could include a requirement for the person to live in a particular location. This was explored in a number of fora, including the Report of the Inter-Departmental Committee on the Probation Act (1910).

74. The relevant provisions of the 1914 Act were a response to that and other concerns in relation to the operation of the Probation Act and established a firm legal basis for residence conditions in Probation Orders from 1914 onwards. The Act specifically permitted conditions as to:

“residence, abstention from intoxicating liquor, and any other matters as the court may, having regard to the particular circumstances of the case, consider necessary for preventing a repetition of the same offence or the commission of other offences”⁵⁰.

75. Accordingly, from enactment of the 1914 Act onwards, it was lawful for Courts, when making a Probation Order, to include a requirement to live at a specified place as a condition of probation. Such a place need not necessarily be an institution – depending on the circumstances of the case it could be a private address (for instance, the home of a family member), or alternatively an institution. As the maximum duration of probation under the Act was 3 years, this was also the maximum possible duration of any such residence condition.

⁴⁹ Section 8 of the 1914 Act, amending section 2(2) of the 1907 Act.

⁵⁰ Id

76. A subsequent amendment may also be noted- the Criminal Law Amendment Act 1935 amended the Probation Act insofar as it applied to prostitution offences, by establishing as an additional consideration for the imposition of probation rather than imprisonment the “prospects of the moral reclamation of the person or persons charged”.⁵¹

Voluntary Probation Officers: background, establishment and scope

77. The 1910 Report of the Departmental Committee on the Probation of Offenders Act 1907, chaired by Herbert Samuel, recommended that probation:

“should be extended, and Courts should appoint full-time officers to be assisted by part-time paid or honorary workers... Salaries rather than fees should be paid to probation officers ... The help of local social agencies should be enlisted”.

This recommendation was given effect in the Criminal Justice Administration Act 1914.

78. From that point onwards, where a Probation Order was made in relation to a person between the ages of 16 and 21, the Court could appoint a person drawn from a society recognised by the Minister under section 7 of the 1914 Act to act as Probation Officer in their case. Such officers were to be paid by the State for their work.

79. Considerable detail was identified by the Committee in relation to the establishment and operation of the Voluntary Probation Officer system in Ireland. The Voluntary Probation Officer system is relevant for a number of reasons, and in particular as the approval of a number of Presidia of the

⁵¹ Section 16(2) of the 1935 Act

“The Probation of Offenders Act, 1907, shall apply to offences under this section as if the words “or to the prospects of the moral reclamation of the person or persons charged” were inserted in sub-section (1) of section 1 of that Act immediately before the words “it is inexpedient to inflict any punishment”.

Legion of Mary for these purposes is important in relation to the statistical analysis carried out on the routes of entry to the Magdalen Laundries.

80. Even prior to enactment of the 1914 Act, there was a tradition in Ireland and the United Kingdom of so-called “court missionaries” who provided services on a voluntary basis to the Courts. This system was formalised and significantly developed by the 1914 Act.

81. The practical need for such a system can also be seen from the fact that the official Probation Service of the State was embryonic and, for many decades, consisted of only between 2 and 6 officers. The system operated at least in Dublin, Cork and Limerick. The organisations from which Voluntary Probation Officers were drawn for these locations included:

- The Legion of Mary;
- The Salvation Army; and
- The Society of St. Vincent de Paul.

Less formal arrangements and organisations such as “the Waterford Probation Society” operated in other locations throughout the State.

82. As the Society of St Vincent de Paul appears to have dealt only with cases of probation of boys and young men; and as the Salvation Army appears to have dealt only with cases of probation of non Catholics they are not directly relevant to the story of referrals by Probation Officers (including Voluntary Probation Officers) of girls and young women to the Magdalen Laundries. The Legion of Mary is, however, relevant to this issue.

83. It can first be noted that the Legion of Mary, or named members of that organisation, are recorded in the Registers of the Religious Congregations as accounting for 4.9% of known entries to the Magdalen Laundries. While some of these referrals would have occurred as part of the regular work of the Legion of Mary, some of these referrals are also understood to have occurred in the context of a member of the Legion of Mary serving as Voluntary

Probation Officer. The precise proportion of the split between these two types of referrals by the Legion of Mary cannot be determined. In many cases, the Registers simply record the name of a member in question who accompanied a girl or woman to a Magdalen Laundry, without noting the wider circumstances.

84. An internal Department of Justice note in relation to probation, dating to the 1960s records that:

“The Services of the Legion of Mary were widely availed of in the forties when, on occasions, over 700 persons were under rules of supervision – there were about 40 voluntary social workers engaged on this kind of work – but in recent years the work of the Legion had practically ceased as the overall number of cases fell to less than 300 and these were handled by the paid staff”.⁵²

85. The same Note records that:

“As well as paid officers, a section of the Salvation Army in Dublin, two branches of the Legion of Mary in Dublin, a branch of the Legion in Cork in addition to a branch of the St Vincent de Paul Society there, and a branch of the Legion in Limerick in addition to a branch of the St Vincent de Paul Society there (7 societies in all) have been formally recognised under section 7 of the Criminal Justice Administration Act 1914, a procedure which enables the Courts to place persons under 21 in the care of persons provided by these Societies”.

86. Records identified by the Committee in the archives of the Department of Justice as well as in the Dublin Diocesan Archive confirm that the impetus for recognition as Voluntary Probation Officers did not originate with these societies – rather, the State approached organisations such as the Legion of Mary and requested that they agree to perform this role.

⁵² Internal Note for the information of the Minister of Justice, appended to PQ responses in 1963. File Ref 93/182/10 “Inter Departmental Committee on the prevention of crime and the treatment of offenders (Probation working party correspondence)”

87. Early indications of use in Ireland of the voluntary probation system include the following. In 1925, the Minister for Justice in reply to a Parliamentary Question indicated that “the number of persons brought before the Children’s Court in Dublin in 1924 was 386, of whom 70 were placed on probation”. The Minister indicated that there was at that time one paid probation officer, with an assistant. There were at that time “no permanent voluntary probation officers”, but that

“two unnamed ladies had agreed to act without remuneration in any cases that may be entrusted to them by the justices of the court”.⁵³

88. One account of the history of the Probation Service identifies a case as early as 1928 in which a female probation officer (attached to the District Court) secured the agreement of the Minister for Justice to release a girl, convicted of murder,

“on licence from Mountjoy Female Prison, having been advised that the Sister Superior of the Sisters of Charity of St Vincent de Paul, Henrietta Street, Dublin was prepared to take [name of girl] into her care. Under the care of the Sisters of Charity, the memorandum states, [name of girl] ‘will be under proper reformatory influences and at the same time the community will be protected from a person of the gravest criminal tendencies’”.⁵⁴

89. Although Henrietta Street was not a Magdalen Laundry, the same apparent considerations of avoidance, where possible, of imposition of terms of imprisonment on women may have applied to cases in which some girls or women were released to Magdalen Laundries.

90. Other than these early arrangements, the first formal use of the Voluntary Probation Officer system in Ireland appears to have occurred in the 1940s.

⁵³ Dáil Éireann Debates, vol. 10, 10 March 1925, also cited in the Irish Probation Journal, Vol. 4 Number 1, September 2007 “Probation in Ireland: a Brief History of the Early Years”, Gerry McNally

⁵⁴ McNally, ““Probation in Ireland: a Brief History of the Early Years”, supra

Correspondence identified by the Committee in the Dublin Diocesan Archive indicates cooperation between the Minister for Justice, a named Judge and the Archbishop in relation to the establishment of appropriate structures for probation in the State.

91. A letter dated 31 March 1942 from the Judge to the Archbishop enclosed a Memorandum from the Judge to the Minister for Justice:

“to indicate the progress which has been made regarding the enlistment of Voluntary Assistance for probation work. I may say that I am very satisfied with what has been done and I feel that great good will come of the work that is about to be undertaken”.⁵⁵

The Memorandum referred to is a detailed note setting out steps taken to secure “Voluntary Assistance for Probation Officers” and the structure agreed in order to do so.

92. Two meetings between the Judge and the Legion of Mary are recorded, which had the purpose of securing the assistance of members of that organisation in relation to probation. At the first meeting, the Judge:

“explained to the meeting the nature of the work required to be done by Probation Officers, the difficulties that would most likely be met with and impressed upon those present the necessity for dependable work of an organised character and the need for strict compliance with the instructions that might be issued to each helper, through the Probation Officers.

I pointed out that, for the present, this Scheme of Voluntary Assistance would, as far as I was concerned, apply to children Probationers only or to such adults as I, myself, may have placed on Probation ...”⁵⁶

⁵⁵ Letter dated 31 March 1942 from Judge McCarthy to Archbishop McQuaid concerning voluntary probation officers. Dublin Diocesan Archive ref xxviii/990/1

⁵⁶ Memorandum of Judge McCarthy for the Minister for Justice, dated 28 March 1942

93. Regarding structures, the Memorandum records agreement that the voluntary probation officers (termed “helpers”)

“should be divided equally into groups to coincide with the number of Probation Districts in the City and that each Group should be responsible to the Probation Officers of its own District”.

The second meeting was attended by the Judge, all but one of the 6 official Probation Officers then employed by the State and “over 30 members of the Legion of Mary”, and “A satisfactory working arrangement between the court, the Probation officers and the voluntary helpers was arrived at. After a full discussion it was decided that the helpers should undertake their duties, not in the capacity of legionaries, in the strict sense, but that they should disclose to the Probationers, and to their parents, the fact that they were assisting the Probation officers at my request. I was in favour of this course and I pointed out that, from now on, I would make it clear to the parents of each child who was being placed on Probation that I would be eliciting such help, and that the parents could in future rely on these legionaries for advice and assistance”.⁵⁷

94. Procedures were further elaborated, as follows.

“The Chief Probation Officer, at my request, then addressed the meeting and explained the nature of the duties which the helpers would be asked to do, and enumerated the various Districts into which the city is divided for the purposes of Probation work. In addition I told the helpers that I was most anxious for some positive, constructive assistance in every case and that I wanted each Probationer helped along the lines most suited to his own needs. ...

I asked, and was assured of compliance with the request that a weekly meeting should be held, where each helper would furnish a Report to

⁵⁷ Id

the appropriate Probation Officers and receive instructions for the ensuing week. It was felt that, with the number of helpers at present available, every child on probation could be visited at least once each month, and that more especial provision could be made for difficult cases.

It was then decided that the Praesidium be divided, into three Groups to coincide with the Probation Districts, and this was accordingly done, the members being assigned to their places in each Group. As time progresses it is hoped that additional members will be available for the work, and these will be allocated to their Districts in due course”.⁵⁸

95.27 members of the Legion of Mary ultimately agreed to carry out this role, divided into the 6 Probation Districts which existed in Dublin at the time. A Memorandum was submitted to the Minister identifying the “voluntary workers assigned to the Probation Officers” in each such District and it was agreed that the system would begin to be operated that year (1942).

96. Other records identified demonstrate that the feasibility of a similar scheme for Cork was also explored in 1942. At the request of the Department of Justice, the same Judge: “went to Cork ... in connection with the request received from that city for the appointment of, at least, one female probation officer” and met with various relevant office holders including a Judge, a University Professor, a solicitor for the NSPCC, a Priest and a member of the Legion of Mary with social work qualifications.⁵⁹

97. Some differing views were expressed by these people on the issues raised, including in relation to the scale of the need for a Probation Officer in Cork. Nonetheless, at each meeting, the Judge introduced the provisions of section

⁵⁸ Id

⁵⁹ Memorandum dated 11 August 1942 from Judge McCarthy to the Department of Justice

7 of the 1914 Act and sought views on their use in Cork City. There was a positive response to this proposal from all concerned.⁶⁰

98. The final Report of the Judge on the matter in his Memorandum to the Department of Justice was that:

“In conclusion I feel that the suggestion that the machinery provided by the Criminal Justice Administration Act 1914 should be utilised to solve the difficulty will be approved and adopted by those who are interested in Cork and I felt sure that in such an event, the Department of Justice would be prepared to assist them in any way possible”.

99. The Committee did not identify records in relation to formal recognition during that period of a society in Cork, however it is satisfied that this was the outcome of these discussions, due to a number of facts, in particular:

- Departmental Records from the 1960s refer to recognition “years ago” of unnamed voluntary societies in Cork; and
- The woman named in these documents as a potential Voluntary Probation Officer appears in the records of the Religious Congregations as the source of a number of referrals to the Magalen Laundries, presumably in the context of probation.

100. Although voluntary societies had, as set out above, been recognised and members had already carried out functions as Voluntary Probation Officers, the system was reinvigorated in the context of the Inter-Departmental Committee on Prevention of Crime and Treatment of Offenders, established by the Minister for Justice in 1962.

⁶⁰ The Cork District Judge “agreed that this section appeared to contain a remedy for the present situation, if the appropriate societies could be formed and approved” and said “he would be quite prepared to adopt the machinery provided by the 1914 Act and felt that it would be very useful”.

The University Professor “was very interested in the provisions of the relevant section of the act of 1914 and he thought that it would provide an excellent solution of the problem”.

The suggestion also “appeared to find favour with both” the Priest and female member of the Legion of Mary, although they required time to consider the matter further.

101. The Committee made a large number of recommendations in the areas of justice and education. Insofar as relevant to this section of the Report, the 1962 Committee recommended as follows:

“(b) increasing use of the Services of the voluntary workers in the branches of the Legion of Mary in Dublin dealing with probation work should be encouraged.

(c) If the branches of the Legion of Mary which are concerned with probation work in Dublin are anxious to have a definite status in the probation field, they should be granted formal recognition under section 7 of the Criminal Justice Administration Act 1914.

(d) the Department of Justice should consider whether it is desirable to avail of the provisions of section 7 of the Criminal Justice Act 1914 so as to provide a recognised voluntary probation Service in other centres throughout the country in addition to Cork and Limerick where voluntary societies have years ago been granted recognition under the section.

(e) in cases where branches of voluntary organisations are granted recognition under section 7 of the criminal justice act 1914 consideration should be given to making a state contribution towards the expenses they incur in carrying out their probation work”.⁶¹

102. The Committee also recommended that:

“37. (i) if the cooperation of voluntary societies in probation work throughout the country generally is forthcoming a close liaison between industrial school managers and the Probation Service should be created so that prior to the discharge of inmates, particulars of dates of discharge and places of residence on discharge would be sent to the Chief Probation Officer who would in turn inform the Probation Officers for the areas of residence thus enabling an after-care Service to be provided”.⁶²

⁶¹ Minutes of the third meeting 15 January 1963

⁶² Minutes of 4th meeting, 26 March 1963

The significance of this recommendation is developed further in Chapter 10 of this Report, relating to entry of girls and women to the Magdalen Laundries during the period of their supervision following discharge from an Industrial or Reformatory School.

103. Pursuant to the recommendations of the Committee, a working group including Court officials, probation officers and Judges was established to further consider reform of the probation system. A note records the view that at the time:

“The voluntary works in the branches of the Legion of Mary in Dublin dealing with probation work assist the official probation officers in visiting the homes of those under probation, counselling of the probationers, parents etc and reporting on their efforts to the official probation officers. They are provided at State expense with office accommodation and visiting rooms. The branches are not recognised societies for the purpose of section 7 of the Criminal Justice Administration Act 1914. ... If the branches of the Legion of Mary were anxious to have a definitive status in the probation field, their acceptance as recognised Societies would provide for the courts a wide field of selection in the appointment of probation officers”.⁶³

104. It further records that at the time, no official Probation Officers served outside Dublin. It was felt that:

“the extent to which their Services would be required would not justify whole-time appointments. In Cork and Limerick, however, section 7 of the Criminal Justice Act 1914 has been availed of to recognise branches of the Legion of Mary and of the Society of St Vincent de Paul to meet the probation needs in these cities. The use of this section is the answer to any case for the provision of Probation Service

⁶³ Note on the Inter Departmental Committee on the prevention of crime and the treatment of offenders - Probation System

in other centres throughout the country. The section allows of State contributions towards the expenses of recognised Societies”.⁶⁴

105. Letters were subsequently issued from the Inter-Departmental Committee to the Presidents of two Praesidia of the Legion of Mary.⁶⁵ The letters stated that the Committee was considering the “voluntary assistance given to the official probation officers” by those Praesidia and noted that:

“A suggestion has been made to the Committee that the value of the work done by the members of the Praesidium would be greatly enhanced if the members, in addition to giving assistance to the official probation officers, were authorised to act as probation officers in their own right. The nature of their duties would be to supervise boys and girls who had been placed under a rule of supervision by the courts.

This official status can be arranged under section 7 of the Criminal Justice Administration Act ...: the act of recognition empowers the courts to appoint any person provided by the society to act as a probation officer.

The Committee is very much in favour of the suggestion but before making a specific recommendation would like to know the views of the Curia... I might also mention that in both Cork and Limerick probation officers are provided by Praesidia of the Legion of Mary which were granted recognition under section 7 of the Criminal Justice Administration Act 1914.

I would be glad to hear from you at your convenience whether your Curia agrees to an application being made by the [name of Praesidium]

⁶⁴ Id

⁶⁵ Letters to the Virgo Potens Praesidium and the Mater Salvatoris Praesidium, dated 22 January 1963

to be a recognised society for the care of young offenders on probation”.⁶⁶

106. A meeting was subsequently held with representatives of the Legion of Mary to discuss the matter further, including a number of points of concern raised by the Legion of Mary. Regarding the background:

“The Chairman outlined the efforts made since 1942 to utilise the Services of Legion of Mary members on an informal basis for probation work; how due to various causes their activities in this field had fallen-off in recent years and how it was considered that the time was now opportune to invite them to step-up their activities in the probation sphere and to offer them a definite status”.⁶⁷

107. Regarding the practical operation of the system, the key points discussed were that:

- Judges would “have an opportunity of meeting the Legion members who had volunteered for probation work”.
- “when a case which would be suitable for supervision by a voluntary probation officer arises, the paid probation officer would recommend” that to the Judge.
- “Only the more straightforward cases will be put under the supervision of the voluntary probation officers” and the “comprehensive background reports” required prior to decision by the Court would continue to be supplied by the official probation officers. If a case became “difficult, the District Justice can substitute a paid probation officer for the voluntary probation officer at any time”.
- The young person and his/her family would “be made aware that a member of the Legion of Mary is being appointed as the probation

⁶⁶ Id

⁶⁷ Departmental Note on meeting with Legion of Mary representatives, meeting date 14 March 1963, date of note not recorded

officer whose duty it will be to supervise him during his period of probation”.

- “Normally, the only time a voluntary probation officer would have to appear in court would be where a defendant failed to observe the conditions of the recognisance and was called on to appear before the court for conviction and sentence. In such a case, the voluntary probation officer would have to be present to assist the court”.
- The intended supervision would not be “in any way excessive. During the early part of the probationary period (the first three months or so), the voluntary probation officer’s visits might be fairly frequent, but after that, the frequency of visits would normally be reduced – monthly visits or visits at even longer intervals might suffice”.

108. It was suggested that “in time, there would be 20-40” members of the Legion acting as Voluntary Probation Officers, while reassurance was provided that:

“If the number of cases placed under supervision by the Courts increases greatly, the appointment of additional full-time paid probation officers would have to be considered. There would be no question of expecting the Legion of Mary to cope with every increase in probation work that might occur; a workable ratio between the number of paid probation officers and the number of voluntary probation officers will no doubt emerge”.

109. Links with other organisations and officers was also foreseen – the note records that the Committee informed the members of the Legion that:

“The juvenile police liaison officers who would shortly be appointed to Garda Districts through the city will work in close cooperation with the voluntary probation officers and with the various other bodies and person interested in youth welfare”.

Cooperation with the Society of St Vincent de Paul was also noted.

On foot of these discussions, both representatives of the Legion of Mary Praesidia which had been identified by the Committee as potentially suitable for recognition under section 7 of the Criminal Justice Administration Act 1914 agreed to their recognition as proposed by the Committee. Recognition was in due course granted to those two Presidia and also to the Salvation Army (women's social work), thereby giving a formal status to these organisations in probation.

110. Recognition was granted by Orders made by the Minister for Justice under the 1914 Act.⁶⁸ Notice of the making of the Orders was published in *Iris Oifigiúil* in July 1963 and appropriate steps were taken to notify the Gardaí and other relevant agencies of the decision.⁶⁹
111. Two Parliamentary Questions were put to the Minister for Justice in 1963 concerning this matter. The first question focused on the size of the Probation Service and sought information on any planned increase.⁷⁰ The Minister for Justice, after confirming that the number of probation officers at that time was 5 (of whom one was "on loan to the Adoption Board") and that recruitment of 3 additional officers was intended, informed the Dáil that these organisations had been recognised under the 1914 Act:

⁶⁸ Orders dated 24 May 1963 recognising the two Presidia of the Legion of Mary noted above and an Order dated 27 May 1963 recognising the Salvation Army (Women's Social Work). The text of each order was the same:

"I, Charles J Haughey, Minister for Justice, in exercise of the powers conferred on me by Section 7 of the Criminal Justice Administration Act 1914, and of every and any other power me (sic) in this behalf enabling, do hereby recognise [each of the named organisations] as a Society for the purpose of Section 7 of the said Act.

Given under my Official Seal this __ day of May 1963.

Minister for Justice".

⁶⁹ E.g. Memorandum from the Department to the Garda Commissioner which confirmed that the Minister had made an order recognising the Legion of Mary and the Salvation Army pursuant to the 1914 Act. Garda Report to the Inter Departmental Committee at page 31, referring to Garda Archives Ref 26/88/11.

⁷⁰ PQ 29 May 1963, "To ask the Minister for Justice how many probation officers are engaged in Service in Dublin; if he is aware of the need to increase the number; and if he has any plans for an increase in the near future". (Patrick Byrne)

“a procedure which will enable the courts, when making a probation order in respect of a person under the age of 21, to appoint any person provided by these societies to act as probation officer in the case”.

112. In response to a further Parliamentary Question, more generally aimed at improvements in the probation system, the Minister for Justice provided further information:

“In recent years the number of persons placed under the supervision of probation officers had fallen to less than 250 at any one time from a figure of over 700 in the late forties. In consequence, as some of the paid probation staff were not fully occupied one officer was on loan to the Adoption Board and vacancies, as they occurred, were not filled; furthermore the Services of voluntary social workers were not being availed of at all.

The Inter-Departmental Committee which I established last September reported to me in favour of re-establishing the probation Service in Dublin under the leadership of a probation administration officer who should be of high executive ability and who should be assisted by four male and two female paid probation staff and a number of voluntary helps with experience of social work of this kind.

Arrangements have been made for the immediate recruitment through the Civil Service Commissioners of the Probation Administration Officer and the other staff required. In addition, I have made Orders under section 7 of the Criminal Justice Act 1914 giving formal recognition to three societies in Dublin concerned with youth welfare. Two such societies already exist in Cork and two in Limerick. The section enables the District Court, in making a probation order in respect of a minor, to appoint any person provided by a recognised Society to act as probation officer in the case. I hope that, in time, societies throughout the country, who are interested in the welfare of youth, will apply for recognition and that the Courts will place young people under their

supervision. I think that the probation system is an excellent reformatory system of which much greater use should be made than has been in the past few years".⁷¹

113. A note for the Minister's Information, submitted to him in the context of the Department's prepared response for the Parliamentary Questions above, noted these developments and confirmed that 7 societies in total had by then been recognised with the result that persons under 21 could be put "in the care" of members of these societies, , namely:

"a section of the Salvation Army in Dublin, two branches of the Legion of Mary in Dublin, a branch of the Legion in Cork in addition to a branch of the St Vincent de Paul Society there, and a branch of the Legion in Limerick in addition to a branch of the St Vincent de Paul Society there (7 societies in all)

The following are figures of persons currently on probation at the 31st December in recent years:

1957	126
1958	160
1959	188
1960	179
1961	289". ⁷²

114. The records detailed above confirm that members of voluntary societies, including the Legion of Mary, operated as Voluntary Probation Officers alongside and in cooperation with the official Probation Officers from at least 1925 onwards, for some periods without formal recognition, but for lengthy periods as approved societies under section 7 of the Criminal Justice Administration Act 1914. These officers were recognised, assigned cases by

⁷¹ PQ 19 June 1963, "To ask the Minister for justice if, with reference to his statement to the Dublin Lions Club on 6 June, he will give further details as to the improvements in the probation Service which have been carried out within the past 5 years, and any further improvements which are at present under consideration, and which may be put into effect shortly" (Michael Mullen).

⁷² Note for the Information of the Minister, in the context of the PQs

the Courts and granted powers to supervise young people on probation in precisely the same manner as official Probation Officers. In some cases, referrals of girls and women to the Magdalen Laundries as a condition of probation occurred in the context of their supervision by these Voluntary Probation Officers, just as it did in the context of supervision by official Probation Officers.

115. Accordingly, throughout the remainder of this Chapter and unless otherwise noted, where the term “Probation Officer” is used, it includes members of these societies acting as Voluntary Probation Officers.

Policy considerations in application of the early probation system to girls and women

116. Apart from the legal structures for probation, the Committee sought to identify the policy considerations and practices which applied in relation to the application of probation for girls and women, particularly in the early application of the system. Correspondence between the County Registrar (Circuit Court Office, Dublin) and the Archbishop of Dublin in the 1940s provides some insights in this respect.

117. A letter dated 9 July 1941 from the County Registrar to the Archbishop noted that in light of the interest he had displayed “in the problem of juvenile delinquents” at a recent meeting that the Registrar:

“thought I would like to have prepared for you a Memo dealing with female delinquents who come before the Central Criminal and Circuit Criminal Courts in this country on charges of infanticide, murder, manslaughter or concealment of birth and accordingly I asked [name], Probation Officer who is a very clever girl and deeply interested in her work and with whom I have had numerous discussions on the subject, to put her ideas in writing...”⁷³

⁷³ Letter dated 9 July 1941 from the County Registrar to the Archbishop of Dublin, Dublin Diocesan Archives

118. In addition to transmitting the Memo to the Archbishop, the letter of the County Registrar queries:

“Would you consider it advisable to send a copy to the Minister for Justice? My experience has shown me that nothing results from forwarding suggestions unless there is pressure from without! ”.⁷⁴

Later correspondence confirms that the Archbishop subsequently forwarded the Memorandum to the Minister for Justice.⁷⁵

119. The Memorandum referred to is lengthy and is included in full in the Appendices to this Report. It is entitled “Women and Girls who come before the Central Criminal Court on serious charges – and other relevant matters”. Its scope is broader, however, and also encompasses consideration of girls and women coming before the Circuit Criminal Courts. It is divided into four broad areas, described as “Types”, “Causes”, “Treatment” and “Suggestions for improvements of present system”.

120. The first two sections of the Memorandum contain broad statements on, for example, the dangers of the city environment for ‘young country girls’ and so on. Reference is also made to the fact that girls:

“who have been brought up in industrial schools ... and who not infrequently come before the Courts on one charge or another, have often told the Probation Officer that they receive no preparation whatever calculated to help them in the vital matters of sex. ... How far this neglect of essential moral training may be held responsible for our ‘unmarried mother’ problem is worthy of serious consideration and investigation”.

121. Regarding ‘treatment’, the Memorandum first states that:

“the treatment of convicted girls in the category under discussion, and other categories, whether it be serving of a prison sentence, penal

⁷⁴ Id

⁷⁵ Letter dated 14 January 1942 from the Minister for Justice to the Archbishop of Dublin.

servitude, or residence in an institution under the care of a religious order, is lacking in any preconceived constructive system of reform calculated to deal effectively with the problem along modern lines”.

It then identifies three types of institution as the options available in cases such as these, namely:

- Prison;
- “Institutions or Homes”; and
- “Magdalen asylums”.

122. A considerable number of criticisms are levelled at the prison system. The Memorandum argues that:

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

The failings identified in the prison system include lack of educational facilities or occupational training, “no adequate segregation of case types”, lack of facilities for “up to date treatment of venereal disease” and the absence of an “organised system of aftercare of ex-prisoners”.

123. The lack of segregation is highlighted as “perhaps the greatest disadvantage of the system”. As a result:

“young girls, even while on remand, are able to meet and converse with hardened offenders ‘doing time’, whose vile influence is seen in the changed attitude of the newcomer, even after a few days. In my experience of Probation work, I have not yet found a first offender really benefitting from a prison sentence, but on the contrary have seen many young girls become embittered, hardened and morally decadent as the result of association with the depraved characters who form the normal population of our prisons”.

124. The Memorandum then suggests that other than probation:

“the only alternative to Prison treatment is the expedient of sending the girl to an institution under the care of a religious order, on her own recognisance, or under the restriction of a suspensory prison sentence. I mention “expedient” because, as already stated there is not provided at any such institution a well planned, adequate, or specialised system of reform in keeping with modern requirements. Neither are such Homes or Institutions subject to inspection from any Government department – an essential condition in ‘approved homes’ elsewhere”.

125. The difficulty with the category which she identifies as “Institutions and Homes” was their voluntary nature:

“i.e., conducted according to the rules of the particular order in charge, and not in receipt of any Government grant, except in one instance where a very small grant per annum is allowed [Our Lady’s Home, Henrietta Street, Dublin]”.

126. An assessment is then made of Henrietta Street, which was not a Magdalen Laundry and does not fall within the scope of this Report. That institution accepted “first offenders provided they are not of immoral character” and the “better types among girls charged with infanticide and kindred crimes”, as well as girls entering by way of their family or social workers. The nature of the work carried out by girls and women in Henrietta Street is detailed, including the “laundry in which most of the girls work”, with some criticism of the fact that “general all round training is not provided”. Nonetheless, the Probation Officer’s conclusion was that:

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

127. Of most relevance to this Report is the Probation Officer’s assessment of what she terms “The Magdalen Asylums or Penitentiaries”. Her Memorandum

records her view that “[t]hese represent the only other type of institution where these girls may be accepted as an alternative to imprisonment”.

128. As with the other categories referred to in the Memorandum, she identifies the difficulties which exist in the case of the Magdalen Laundries. As in the case of the other institution, she notes:

“Here again the great difficulty arises in lack of any specialised training calculated to permanently reclaim the subjects of court orders and give them a fresh start in life. Another aspect is if the subject is difficult to handle and unbiddable she will not be kept”.

The lack of segregation, identified as a difficulty in relation to prison, is also adverted to in relation to the Laundries:

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

129. Similarly the absence of a broad education or training in the Magdalen Laundries was adversely commented upon:

“Again the educational facilities are absent and the only “training” (in the physical sense) is the ordinary routine work of the institution which always includes a public laundry, sewing, mending and cleaning”.

130. General remarks were also included about the atmosphere in the Magdalen Laundries, although these remarks also confirm that girls or women entering the Laundries by way of the criminal justice system typically left there as soon as their required residence was over:

“The supervision is strict and the religious atmosphere and moral training provide a barrier against contamination not available in prison treatment. This religious training, however, is directed with the purpose

of leading the subjects to a permanent renunciation of a world and to a life of penance in the particular institution, in accordance with its rules. All very laudable, but hardly appropriate for the type of girls undergoing a court sentence for a serious crime, seeing that with very rare exceptions none such would dream of remaining on in a Home voluntarily after the period of detention has expired”.

131. Another criticism made of the Magdalen Laundries (and which was also levelled at prison and other institutions in her Memorandum) is the lack of structured after-care, although the efforts of probation officers in this regard are noted:

“The result is that a girl is virtually let loose on the world after a long period of discipline and close supervision, without any steps being taken to give her a fresh chance to earn an honest living. Left without a friend, with little or no money, plus the handicap of no reference or recommendation, what is such a girl to do? Seldom will her family, if she has one, welcome her home, and even if they do, she may refuse to return home. It is obvious that she needs, now more than ever, some sympathetic friend capable of advising and directing her, and where possible finding her suitable employment.

Without the assistance of the Lady Probation Officers attached to the District Courts it is to be feared that many of these girls on leaving the Magdalen Home would find themselves in a deplorable position, unless it should happen that they can be put in touch with voluntary social workers, e.g. the Legion of Mary”.

132. The lack of options for a girl or woman who has either been before the Courts or who has spent time in a Magdalen Laundry is also referred to:

“Here it may be remarked that none of the Catholic Girls’ Hostels in Dublin will admit a girl known to have come from a Magdalen Home, except the two hostels conducted under the auspices of the Legion of Mary, one of which is definitely for the “street girl” and the other for

“down and out” women and girls. Neither will any of the other Catholic Hostels put up a girl for even one night if it is known that she has appeared in Court on however trivial a charge”.

133. Following all the above details of the “many defects” of the “prison and reformatory system for female delinquents”, the Memorandum proposes a number of measures, namely:

- “the setting up of a properly constituted Remand Home for girls”;
- “specialised treatment” for “girl offenders between the ages of 16 and 21 years”. This might (in the absence of a borstal for girls) involve a Religious Congregation conducting “a Home subject to Government inspection and restricting admission so that none other than cases from the courts would be eligible” and with educational facilities including “housewifery, dressmaking, gardening and poultry-keeping”, with girls detained there for between 1 and 3 years, and with separate sections for remand cases, general cases and cases of “girls who are heading for the immoral life - just starting a career on the streets”.
- The necessity for enforcement of Court Orders.

134. The suggestions in that Memorandum, although submitted to the Minister for Justice, do not appear to have led to any alteration in policy or practice, at least not in the medium term. As a result and as set out in the Memorandum, it remained the case that other than prison, probation with a requirement of residence either at a Magdalen Laundry or a religious-operated institution or home such as Henrietta Street (not a Magdalen Laundry) was one of the only available options for dealing with female offenders (regardless of the nature of the crime).

135. Two Reports relating to Industrial and Reformatory Schools included comment on this issue, one more directly than the other.

136. The Report of the Commission of Inquiry into the Reformatory and Industrial School System 1934-1936 (“the Cussen Report”), in a section relating to “Disposal of Female Offenders over 16 and under 21 years of age” criticised “the present unsatisfactory method of disposing of female offenders over 16 and under the age of 21 years”.⁷⁶ The absence of a borstal for girls was the issue raised here. The Report, in pertinent part, said:

“It can be generally accepted that Judges and Justices are reluctant to commit young girls to prison, but they have no legal power to order their detention otherwise. The difficulty is usually overcome by sending the offender to a Home conducted by a Religious Order, provided the girl consents to go there, and the Home agrees to accept her. In our view this procedure is undesirable for obvious reasons, chief among them being the absence of specific power enabling the Judges and Justices to commit to these Homes. Further, the Courts have to rely on the generosity and co-operation of the Religious Orders conducting these Institutions who accept such cases without payment”.⁷⁷

137. This section of the Cussen Report does not appear to recognise the practice – already then in place and confirmed by the Annual Probation Reports for these years, detailed later in this section – of Courts making Probation Orders including a condition of residence, as permitted under the 1914 Act, so as to require the girl or woman to remain in the named place for the duration of her probation (i.e. up to a maximum of 3 years).

138. The Reformatory and Industrial Schools Systems Report 1970 (“the Kennedy Report”) also included a section which referred more directly to this practice. In a section relating to Reformatories for Girls, it says as follows:

“In some cases, these girls are placed on probation with a requirement that they reside for a time in one of several convents which accept

⁷⁶ The Report of the Commission of Inquiry into the Reformatory and Industrial School System 1934-1936 (“the Cussen Report”), at 47-49, paragraph 183. Section IX relating to “Disposal of Female Offenders over 16 and under 21 years of age”.

⁷⁷ Id

them; in other cases they are placed on remand from the courts. A number of others considered by parents, relatives, social workers, Welfare Officers, Clergy or Gardaí to be in moral danger or uncontrollable are also accepted in these convents for a period on a voluntary basis. From enquiries made, the Committee is satisfied that there are at least 70 girls between the ages of 13 and 19 years confined in this way who should properly be dealt with under the Reformatory Schools' system.

This method of voluntary arrangement for placement can be criticised on a number of grounds. It is a haphazard system, its legal validity is doubtful and the girls admitted in this irregular way and not being aware of their rights, may remain for long periods and become, in the process, unfit for re—emergence into society. In the past, many girls have been taken into these convents and remained there all their lives. A girl going into one of these institutions may find herself in the company of older, more experienced and more depraved women who are likely to have a corrupting influence on her. In most cases the nuns running these institutions have neither the training nor the resources to enable them to rehabilitate these girls and to deal with the problem”.⁷⁸

139. This part of the Kennedy Report is sometimes cited to the effect that there was a doubt regarding the legality of the placement of girls on probation in Magdalen Laundries or other convents. In fact and as set out in this Chapter, there was a legal basis for such placements under the 1908 and 1914 Acts.

140. Moreover, such an argument appears to be based on a misinterpretation of the Kennedy Report. Two categories of referrals to “convents” are included in the cited paragraph quoted above: referrals on foot of a Probation Order; and placements “on a voluntary basis” by “parents, relatives, social workers, Welfare Officers, Clergy or Gardaí”. By its own terms, the second paragraph quoted above, which refers to a “haphazard system” of “doubtful” legal

⁷⁸ The Reformatory and Industrial Schools Systems Report 1970 (“the Kennedy Report”) at 6.18

validity, is directed at the “voluntary arrangement for placement” and not at referrals on foot of Probation Orders.

141. The Committee has confirmed that the practice of using institutions, including Magdalen Laundries, in the context of probation continued over many years and until relatively modern times. A practical perspective on the operation of the system was provided to the Committee by a retired member of An Garda Síochána. He had been involved in the investigation of one case in which a young woman had been sent to a Magdalen Laundry by the Courts. He said that the place to which she would be sent:

“would be discussed between solicitors and the Garda officer prosecuting the case and said that he would have no decision in this. [He] believed that this was the practice of the day and that the proceedings would be repeating what had been done before. [He] said that the solicitor for the State and Garda officer and defence solicitors would discuss this beforehand”.⁷⁹

142. When asked for his opinion on why there was a need to use convents in this way, the retired Garda said that:

“this was the practice of the time. He said that the Court Clerk would be contacted, the Garda Superintendent, the State Solicitor and the Defence Solicitor would all be involved with the decision and there was a lot of wheeling and dealing. [He] also stated that there was a lot of etiquette and loyalty between solicitors. He said that if there was a habitual offender then the convents would not accept them if they caused trouble”.⁸⁰

143. The Committee also consulted with retired Probation Officers to secure a better understanding of how the system worked in practice and to confirm that a practice of using Magdalen Laundries in the context of probation continued until relatively modern times.

⁷⁹ Garda Report to the Inter Departmental Committee at page 43

⁸⁰ Garda Report to the Inter Departmental Committee at page 44

144. The Committee met with two retired Probation Officers who took up their posts in 1966. The full strength of the Probation Service at this time was only 6 Probation Officers. These two retired Officers were the only female Probation Officers and had during their tenure dealt with all cases of girls and women on probation, as well as probation cases involving boys under the age of 14. Male Probation Officers dealt with the cases of boys over the age of 14, homeless boys and all men.
145. They stressed that cases of probation involving girls and women were a small part of the overall work of the Probation Service. In their experience, typical crimes of which women were convicted were purse-snatching, shoplifting, or wandering abroad with no means of support and soliciting. These cases would be heard in the District Court.
146. They told the Committee that, in Court or shortly beforehand, the Probation Officer would explain to a girl or woman that if she was “prepared to cooperate and accept supervision, she might be released under a probation order rather than committed to prison”. For the case to be dealt with in this way, the girl would need to accept supervision and would need to have accommodation to go to.
147. Both retired Probation Officers noted that if a girl or woman was “from a stable background, one good way of dealing with the situation was to get her a job in a hospital”, that is, a live-in job which included accommodation. They explained that in such cases, the Probation Order made by the Court might include a condition that the girl would “reside where directed by the Probation Officer”.
148. They explained that in other cases, a suitable job might not be available, the girl’s background might be very “unstable”, or the girl might have been “unemployable”. They informed the Committee that in such cases:

“sometimes the Probation Officer would ask the girl if she was prepared to go to a convent for training or to further her education with a view to getting employment. She would have to give her consent for this”.

149. In such cases, the Court would be informed and the Probation Order made would include a condition either that the girl or woman reside where directed by the Probation Officer, or alternatively it might specifically provide as a condition that she reside at a specified institution. The institution could be a Magdalen Laundry, or another institution willing to accept her. In these cases, the Probation Officer would bring the girl or woman directly to the institution in question - in their experience, mostly Sean MacDermott Street or High Park - where she would reside and typically work in the Laundry for the period of her probation.

150. Both retired Officers indicated that this practice was already well-established at the time they took up their posts in 1966 and that there was no sense of this being a new departure.

Continued supervision of girls and women by Probation Officers while in the Magdalen Laundries

151. The Committee also explored the question of ongoing supervision of girls or women while in the Magdalen Laundries as a condition of probation.

152. The Committee confirmed that supervision of these girls and women by Probation Officers occurred on the same basis as supervision of other girls or women on probation and not residing in an institution. Probation Officers visited these girls and women at the Magdalen Laundries during the period of their probation (i.e. the period in which they were required to reside there), and informed them of the date on which their supervision period would end and when, as a result, they would be free to leave the Magdalen Laundry.

153. The Committee found general records of such visits, for example, the Probation Officer's Memorandum dated 1941 referred to above, which indicates a strong level of information among the Probation Service on the operation of the Magdalen Laundries and explicit reference to follow-up by "lady probation officers" in these cases.
154. The Committee also identified individual case-files of both the Department of Justice and the Probation Service confirming such continued supervision and visits to girls and women required to reside at a Magdalen Laundry as a condition of probation.
155. Examples were identified of such visits across many decades, examples of which are included throughout this Chapter. To take one example, a file relating to a 20-year old woman who was required to reside at St Patrick's Refuge, Dun Laoghaire (a Magdalen Laundry) for two years as a condition of probation in 1937 includes records of at least 3 visits by two different Probation Officers during her time at St Patrick's and High Park (to which a Probation Officer transferred her prior to the expiry of her required term).⁸¹ Supervision and follow-up by Probation Officers of women placed in Magdalen Laundries continued to be a feature throughout the entire period in question (further examples below).
156. The two retired Probation Officers with whom the Committee met also stressed that follow-up and casework were key parts of the role. The term of supervision would vary depending on the crime and circumstances, but under the Act extended to a maximum of 3 years. Both retired Probation Officers said that "regular follow-up was part of all cases" and that this was equally true of the girls and women residing at the Magdalen Laundries on foot of a Probation Order.
157. They further said that they had never experienced difficulty obtaining access to the Magdalen Laundries in order to carry out this supervision. They would

⁸¹ Department of Justice File reference 18/2700

attend there “on a regular basis” and would meet the girls and women who were on probation in these institutions either individually or as a group. They further commented that there was no sense that this was a new development after their appointment as Probation Officers in 1966. Rather, visits and continuing supervision by Probation Officers of the women placed there was taken for granted by the Religious Congregations and the women in question as a continuation of prior practice. These retired Probation Officers confirmed that, just as for those cases which they supervised where the girl or woman was not required to reside at such an institution, they would deal with any problems which might arise for a girl or woman under supervision. They said, for example:

“if a family had broken down, we might try to work on re-establishing that relationship, including by bringing the girls and women on home visits. But often the girls or women had been in industrial schools earlier in their life and had no-one”.

158. They confirmed that, in their role as Probation Officers, they also informed the girls and women when “their time was up” and when they could as a result leave the Magdalen Laundries. Before the girls or women were due to leave the Magdalen Laundries, the retired Probation Officers said they would also try to get them a job if possible.
159. It was also possible that if a girl or woman on probation was able to re-establish stable relationships or get a job, it would be possible for her to move from the Magdalen Laundry, with permission of the Court, prior to the expiry of her Probation Order. This confirmed the policy behind the practice identified in case-files that, in some cases, where girls or women were required to reside at a Magdalen Laundry or other religious-operated institution, they were permitted by the Minister to leave these institutions prior to the expiry of the period of probation.
160. Both retired Officers also recalled circumstances in which a girl or woman on supervision and in a Magdalen Laundry would “run away or stay away after a

home visit". In such cases, they would "plead with them to go back to avoid them breaching the Probation Order" and said there were cases where the girl or woman did so. They said that in other cases, the Gardaí might find the girl or woman and bring her to the Court, in light of breach of the conditions of her probation.

161. The Committee also found evidence of the continued involvement of the State in such cases in the records of An Garda Síochána. As set out more fully below, the Fógara Tóra publication was an internal Garda circulation providing information on persons wanted, missing or recently convicted or released from prison.

162. Searches of the Fógara Tóra indexes identified cases in which the category of "persons recently released or about to be released" included women placed in Magdalen Laundries and other institutions as a condition of probation.⁸² For example, one such publication in 1937, within this category of persons recently or about to be released, included information on 6 women, one of whom was being released from prison; one from Henrietta St Home (not a Magdalen Laundry); two women from another city hostel (not a Magdalen Laundry) and two women being released from two different Magdalen Laundries as follows:

- "[name, description] Previous conviction at Dublin for larceny (watch). Sentenced at Dublin District Court on 3/7/1936 to own bail £5. Probation Order 2 years to reside in Sunday's Well Convent, Cork, for larceny of 11/".
- "[name,description] Sentenced at Dublin District Court on 6/7/1936 to own bail £5. Probation 6 months, conditional on her entering into St Patrick's Convent, Dun Laoghaire for 6 months for larceny (blanket)".

⁸² Garda Report to the Inter Departmental Committee, examples at page 119

Sample cases where girls or women were required to reside at a Magdalen Laundry on foot of a Probation Order

163. In its searches, the Committee found many cases in which women were required to reside at institutions as a condition of probation, including religious-operated institutions such as Our Lady's Home, Henrietta Street and, in some cases, Mother and Baby Homes.⁸³

164. A significant number of cases were also identified by the Committee in which girls and women were required, as a condition of their probation, to reside at a Magdalen Laundry for a specified period of time. The minimum required stay identified among these cases by the Committee was 3 months; while the maximum duration identified was 3 years. This was also the maximum length of probation under the legislation referred to in this section.

165. The sources from which these cases were identified were many, but included:

- Archived Court records;
- Prison files;
- Case-files of the Probation Service;
- Case-files in the Department of Justice;
- Newspaper archives; and
- Records of the Religious Congregations

166. The underlying criminal charges in these cases covered the whole range of the criminal law – from larceny and vagrancy to manslaughter and murder. Due to better and more detailed record-keeping in Higher Courts or in more

⁸³ The Committee notes, for the purpose of completeness, that in its searches it also identified instances in which boys or young men were required to reside in institutions as a condition of probation – this relates to the Probation Hostel operated for a period in Cork by the Society of St Vincent de Paul; and the Hostel established in 1971 and operated in Chapelizod by the Dublin Lions Club for boys placed on probation who were either homeless or whose homes were considered “unsuitable to provide adequate care and support”. Capital grants were paid by the Department of Justice in at least the latter case to support these institutions.

complex cases, the following examples include significant numbers of more serious cases, in particular murder and infanticide. However, the Committee found that such cases represent only a small proportion of the cases in which women were required to reside at a Magdalen Laundry as a condition of probation. The typical case in fact relates to more minor offences such as larceny. Another pattern, identified in more detail in Chapter 10, relates to convictions of women in respect of cruelty or neglect towards their children.

167. The Annual Reports of the Probation Service give an indication of the overall scale of such cases. The first such Annual Reports dating to the 1930s, provide information on all cases of probation dealt with in the preceding year.
168. The Report of the Dublin Metropolitan District for 1933 includes a list of the cases under the charge of the (female) Probation Officer during the year. It includes detail of 109 probation cases in total, of which 78 related to males and 31 related to females.
169. Of the 31 probation cases relating to females in 1933, 8 cases included a condition as to residence. These can be broken down as follows:
- 2 cases required to reside where directed by the Probation Officer;
 - 2 cases required to reside at Our Lady's Home, Henrietta Street (not a Magdalen Laundry);
 - 2 cases required to reside at private addresses, in one case the girl's mother's house;
 - 1 case required to remain at the Dublin Union; and
 - 1 case required to reside at a Magdalen Laundry.
170. Those remaining cases which did not include a requirement as to residence included conditions as varied as requiring the girl to attend school, or to pay compensation to the victim of her crime, to abstain from alcohol, or in two cases, "not to go into Woolworth", from which they had stolen some items.

171. The sole case that year of probation including an explicit condition of residence in a Magdalen Laundry is detailed below.
172. A combined Report was made by the Probation Service for the years 1934-1936. This included a similar report on all cases handled during the year. It included details of 288 cases in total of which 184 related to men and 104 to women.
173. Of the 104 total cases relating to women, 45 cases included a condition as to residence. These consisted of the following:
- 21 Henrietta Street (20 mentioning it by name, one case where the condition was to reside at a 'convent selected by the probation officer' and this was the convent chosen);
 - 4 Family home;
 - 2 Dublin Union;
 - 2 where directed by Probation Officer;
 - 1 not to reside within the Metropolitan district of Dublin;
 - 1 at another private address (where she was employed);
 - 1 to enter Henrietta Street until she was brought to the boat for England, where she was required to enter a specified Good Shepherd Home in the UK; and
 - 13 at Magdalen Laundries in the State (detailed below).
174. The Probation Service Annual Report for 1937 also included a similar report on all cases handled during the year. It included updates on 10 of the cases from the previous Report in which girls and women had been required to reside at a Magdalen Laundry as a condition of probation (as their period of probation either had expired during the reporting period, or had not yet expired).
175. There were no new cases in 1937 of girls or women required to reside at a Magdalen Laundry as a condition of probation, although there were the following numbers of new cases of girls or women on probation involving residence requirements elsewhere:

- 7 Henrietta Street
- 3 at identified Hostels
- 2 with identified family members
- 1 at Pelletstown Home (Mother and Baby Home)
- 1 where directed by Probation Officer

176. The Annual Reports for years from 1938 onwards do not include a similar listing of cases and a definitive breakdown of this kind is not possible.

177. The above means that, for the years 1933 to 1937 (inclusive) in which full statistics are available for all probation cases, there were a total of 14 cases in which girls or women were required to reside at a Magdalen Laundry as a condition of probation.

178. These 14 cases in which residence at a Magdalen laundry was required as a condition of probation in those years arose in relation to the following offences:

- 7 larceny;
- 3 loitering or soliciting for the purpose of prostitution;
- 2 committing either an act contrary to public decency or an act as to offend modesty or cause scandal;
- 1 found living in circumstances calculated to cause, encourage or favour her seduction or prostitution;
- 1 not having paid a train fare.

179. The individual details of these cases were as follows:

- a. A girl, 17 years of age, who was in 1933 convicted of having travelled "in a carriage of Great Southern Railway without having paid her fare". She received 12 months probation, with a condition "to reside at Mercy Convent, Dun Laoghaire".

The Report of the Probation Officer on her case was that her conduct during probation was "Not very satisfactory as she gave trouble at the Convent. Has improved".

As the Register of the Magdalen Laundry at Dun Laoghaire has not survived, the Committee cannot identify the date of her departure from that institution.

- b. A 39-year old woman was in 1935 convicted of loitering and soliciting for the purpose of prostitution. 12 months probation. Condition: "During the said period of 12 months to reside at High Park Convent Drumcondra or elsewhere only with the sanction and approval of [probation officer]".
Conduct during probation: "Not good".
Result: "Brought before the court for a similar offence and sent to prison"

The woman's admission and departure from the Magdalen Laundry are confirmed by the Register.

- c. A 17-year old girl was convicted in 1935 of "stealing". 12 months probation.
Condition: "To reside at High Park Convent Drumcondra during the said period of 12 months".
Conduct during probation: "Good"
Employment: "Resided at High Park Convent as directed until [date]. Now employed as a domestic servant.
Result: "Period of probation completed satisfactorily"

This girl's admission to the Magdalen Laundry is confirmed by the Register. It also confirms her departure on a date which (calculated from the date of the Probation Order) was prior to expiry of the Probation Order.

- d. A 17-year old girl was convicted of "stealing" in 1936. 2 years probation.

Condition: "To enter forthwith into Gloucester St Convent and there remain for 2 years".

Conduct during probation: "Good"

Employment: "Employed in laundry attached to Gloucester St Convent".

Result: "Period of probation so far satisfactory"

The Report for 1937 included an update on this case. It said:

Working in laundry attached to home

Probation period completed satisfactorily. Still in the convent (has no relatives or home).

The Register of the relevant Magdalen Laundry confirms this girl's admission, having been "sent by the courts". Although she remained there for some time after the end of her period of probation (as noted in the 1937 Report), the Register confirms that she "left" on an unrecorded date thereafter.

- e. A 16-year old girl was convicted of "stealing" in 1936. 12 months probation

Condition: "To reside in Gloucester St Convent or such other place as Probation Officer may approve of".

Conduct during probation: Good.

Employment: "Residing in Gloucester St Convent employed in laundry".

Result: "Period of probation so far satisfactory"

The Report for 1937 provided an update on this case. It said:

Conduct: Very good.

Working in laundry attached to home. Period of probation completed satisfactorily.

The Register for the relevant Magdalen Laundry confirms this girls admission, although it does not note the fact that she was on

probation - no source of referral was noted. The Register does however confirm her departure (“left”) after that period.

- f. A 19-year old girl was convicted in 1936 of committing “an act in such a way as to offend modesty or cause scandal or injure the morals of the community”. 12 months probation.

Condition: “Forthwith the defendant consenting to enter Gloucester St Convent and there reside for 12 months.

Conduct: Good.

Employment: Girl about to become a mother, transferred from Gloucester Street Convent to the Union. At present at Pelletstown.

Result: “Period of probation so far satisfactory”

The Report for 1937 provided an update on this case. It said:

Conduct: Good

Employed in laundry in Convent, later in Nurses Home, S[outh] D[ublin] Union whence she had to be transferred (maternity case). Period of probation completed satisfactorily. Finally in Pelletstown where baby was born. Later ill in Union hospital, rheumatism.

The Register of the relevant Magdalen Laundry includes a woman, recorded under a slight variant of this name, who was admitted to and discharged from that institution during this time-period. The details of her admission, namely probation, were not recorded.

- g. A 19-year old girl convicted in 1936 of “stealing”. 12 months probation.

Condition: “To reside in High Park Convent as long as Probation Officer consents.

Conduct during probation: “Good. Girl delicate. Father written to, came to Dublin and brought his daughter home to [place].

Result: Period of probation so far satisfactory

The Report for 1937 provided an update on this case. It said:

Conduct: Fair

Result: Period of probation completed satisfactorily. Justice gave permission to girl to go home to her father when he came to fetch her. She was in poor health and went with him on [date]

The Register of the relevant Magdalen Laundry confirms the admission of this woman, although it does not record any source of referral. It notes that she was married. The Register also confirms that, less than 3 months after her arrival, her “father took her home”.

- h. A 21 year old woman was convicted in 1936 of “stealing”. 12 months probation

Condition: “To reside at Good Shepherd Convent Sunday’s Well Cork for the said period of 12 months.

Conduct during probation: Good.

Employment: “Residing at the Good Shepherd Convent Cork as directed. Employed in the laundry.

Result: “Period of probation so far satisfactory”

The Report for 1937 provided an update on this case. It said:

Conduct: Good

Working in laundry at good shepherd convent. Satisfactory

The Register of the relevant Magdalen Laundry confirms this woman’s admission, “brought by [named probation officer], sentenced to one year for larceny”. The Register indicates that she became a consecrate (“received the Black Dress”) 6 years later, and that she remained there until closure of the Laundry, at which point she transferred to sheltered accommodation provided by the Congregation.

- i. A 21 year old girl was convicted in 1936 of “stealing”. 6 months probation.

Condition: "Do enter St Patrick's Home, Crofton Road, Dun Laoghaire and do remain there for 6 calendar months.

Conduct during probation: Good.

Employment: "Residing at St Patrick's Home as directed, employed in laundry.

Result: "Period of probation so far satisfactory"

The Report for 1937 provided an update on this case. It said:

Conduct: not good. Gave a good deal of trouble and was taken by Probation Officer to High Park.

Working in laundry first in St Patrick's and later in High Park

Result: owing to father's death was allowed home on [date before end of period of probation]. Later got domestic work but was not satisfactory. Presently unemployed.

The Register for Dun Laoghaire has not survived, but the Register for the Magdalen Laundry at High Park confirms this woman's admission in 1936. The Register did not record that she was on probation. Her departure is also confirmed by the Register- she went "home".

- j. A 15-year old girl was convicted in 1936 of committing "in a public place ... an act contrary to public decency". 12 months probation

Condition: "Do reside at St Patrick's Home, Crofton Road, Dun Laoghaire, unless the Probation Officer otherwise directs.

Conduct during probation: Good.

Employment: Residing at St Patrick's Home as directed. Employed in the laundry.

Result: "Period of probation so far satisfactory"

The Report for 1937 provided an update on this case. It recorded "Period of probation completed satisfactorily".

As the Register for the Dun Laoghaire Magdalen Laundry has not survived, it is not possible to identify further information on this case.

- k. A 16-year old girl was convicted in 1936 of “loitering and soliciting for the purpose of prostitution”. 12 months probation.

Condition: “Do enter forthwith and reside in Gloucester Street Convent and there to remain during the said period and be subject to the supervision of the Rev. Mother.

Conduct during probation: Good.

Employment: “Residing at Gloucester St Convent as directed. Employed in laundry”.

Result: “Period of probation so far satisfactory”

The Report for 1937 provided an update on this case. It said

Conduct: Excellent

Employment: Employed in laundry attached to home.

Result: Probation period completed satisfactorily. Has remained on in the home voluntarily and is very happy there

The Register for the relevant Magdalen Laundry confirms this girl’s admission and that she had been “sent from the courts”. Although she remained there for some time after the end of her probation, the Register confirms that on an unspecified date thereafter, she “left”.

- l. An 18-year old girl, with the same family name and home address as the previous case, was convicted on the same date of the same offence. It is likely they were sisters. She also received 12 months probation.

Condition: “Enter forthwith into St Patrick’s Home Dun Laoghaire and there to remain under the direction of Rev Superioress

Conduct during probation: Good.

Employment: “Residing at St Patrick’s Home as directed. Employed in laundry”

Result: "Period of probation so far satisfactory"

The Report for 1937 provided an update on this case. It said:

Conduct: Fairly good.

Employment: Employed in laundry at St Patrick's Refuge. Period of probation completed satisfactorily. Was placed in situation on leaving in private Hotel, but left and went home. Afterwards got other work. Now at [identified Homeless hostel]

The Register for the Dun Laoghaire Magdalen Laundry has not survived, which means that additional information on the case cannot be provided.

- m. A 32 year old woman convicted in 1936 of "stealing". 3 years probation.

Condition: "To reside in Gloucester Street Convent until vacancy for her occurs in Convent of the Good Shepherd Sunday's Well Cork.

Conduct during probation: Good.

Employment: Transferred to the Good Shepherd Convent Cork on [date]. Employed in workroom there.

Result: "Period of probation so far satisfactory"

The Report for 1937 included an update on this case. It said:

Conduct: Good

Employed in work room attached to convent in Sunday's Well.

Satisfactory so far

The Register of the relevant Magalen Laundry confirms her entry "brought by [named probation officer], "sentenced to 3 years for larceny". The Register indicates that she remained there for 16 years.

- n. A 15 year old girl was convicted in 1936, having been “found living in circumstances calculated to cause, encourage or favour her seduction or prostitution. 2 years probation.

Condition: “Reside in High Park for 2 years or elsewhere when the Probation Officer so directs. Not to receive visits except with the permission of the Rev Mother.

Conduct during probation: Good.

Employment: “Residing at High Park Convent. Employed in the laundry”.

Result: “Period of probation so far satisfactory”

The Report for 1937 included an update on this case. It said:

Residing as directed in High Park, employed in the laundry there.

Period of probation satisfactory so far.

The Register of the relevant Magdalen Laundry confirms this girl’s admission, also noting “time 2 years” (i.e. referring to the period for which she was required to reside there). The Register also confirms her departure, exactly 2 years after entry.

180. The other sources examined by the Committee, including Court records as detailed above, also produced numerous examples of probation cases of this kind for later years. Some examples of the cases identified by the Committee in this way, as well as the handling of their cases, follow.

181. It should be noted that, although the most detailed files relate to serious crime, including murder, manslaughter and infanticide, these cases are a small minority and are not of the typical crimes for which women were required to enter a Magdalen Laundry as a condition of probation.

182. A 26-year old woman was convicted in the Central Criminal Court in 1946 of “wilful murder of her unnamed female infant”. She was sentenced to:

“6 months imprisonment, suspended on condition that she entered into recognisances to keep the peace for a period of two years in the sum of £20 and entered Gloucester Street Convent for a term of 15 months”.⁸⁴

183. Approximately 6 months after her entry to the Magdalen Laundry at Sean MacDermott Street (formerly Gloucester Street), the woman’s father wrote to the Minister for Justice:

“requesting that his daughter ... be released of the obligation to remain in Gloucester Street Convent for a term of 15 months”.⁸⁵

184. The petition confirms that the woman’s family, and presumably the woman herself, was in contact with a named Probation Officer while she was in the Magdalen Laundry. It was she who suggested that they petition the Minister for her release from the Magdalen Laundry in which the Court had required that she reside.

185. Although the woman in question was not in a prison, the Minister nonetheless considered the application.⁸⁶ The first step taken by the Minister for Justice was to request the Chief Probation Officer to make enquiries:

“with a view to ascertaining whether it would be in the best interests of the girl to order her release now and whether the offer of employment is genuine”.⁸⁷

186. The Chief Probation Officer submitted a Memorandum in response to this request, outlining the facts of the case and confirming that an offer of

⁸⁴ Memorandum dated 7 May 1947, Governor Mountjoy Prison to Department of Justice, File Ref 18/9639 B

⁸⁵ Internal Departmental Note dated 9 May 1947, regarding the petition, file ref Id

⁸⁶ The Minister in that regard also consulted with the Minister of Education, under the initial mistaken impression that that Minister had a role in the matter. The Department of Education responded, indicating that as Gloucester Street was not an industrial school, the institution was not within its responsibility.

⁸⁷ Letter dated 14 May 1947 from Department of Justice to Chief Probation Officer, file ref 18/9639 A

employment which had been made to the woman was genuine and from “a person of known integrity”. The Probation Officer’s Memorandum also includes details of the position of the Religious Congregation concerned, with whom it is clear the Probation Officer had consulted. The Memorandum recorded that:

“The nuns in the Convent say that the girl in question is very satisfactory. Apart from certain shortness of temper, which she displays periodically, she is highly recommendable. She is naturally reticent and never discusses her affairs with the other inmates. She is, apparently, very happy there; and the move for her early release has been made by her relatives, who evidently think that she has been detained for what they think is a ‘reasonable period’. ...

The nuns in Gloucester Street Convent think that the girl would be much the better for a longer period under their supervision. They say that the training there has a refining influence on her and that the longer the period the more lasting will be the effect. They do not suggest that she should remain there for the full fifteen months, but they suggest, with respect, that the time for release is scarcely opportune just now. She should, they think, be left there for some time longer”.⁸⁸

187. The Department of Justice subsequently wrote to the woman’s family indicating that with reference to the woman:

“who is at present an inmate of Gloucester Street Convent, Dublin, I am directed by the Minister for Justice to state that after full consideration of all the circumstances of the case he is not prepared at this stage to agree to your daughter’s release”.⁸⁹

⁸⁸ Report dated 30 May 1947 from Chief Probation Officer to the Department of Justice. File ref id.

⁸⁹ Letter dated 9 June 1947 Department of Justice to the woman’s family, file ref Id.

188. However the letter also added that the case would be “reconsidered again in September next”, which was 3 months from the time of the original decision.⁹⁰

The Department also, at time of issue of that letter, requested the Chief Probation Officer to “furnish a further report on the girl’s progress about August next”.⁹¹

189. The file demonstrates that the Probation Officer supplied such a further report in August 1947. At this point, the woman had spent 9 of the 15 months which the Court had required her to complete in Sean McDermott Street Magdalen Laundry. The Chief Probation Officer’s Report to the Department of Justice, in pertinent part, records that:

“I conferred with the nuns of Gloucester Street Convent about the general behaviour etc of the above-named girl. Nothing could be more admirable than the attitude of this girl (and her people) all through the period of her detention. The nuns have told me that she is highly recommendable in every way and they have no hesitation in respectfully advocating her speedy release. Through me they now recommend her to the kind consideration of the Minister for Justice. ... Therefore I would readily advocate her speedy release, should it please the Minister for Justice to grant it”.⁹²

190. Two days later, a letter from the Department of Justice to the Chief Probation Officer confirmed that the Minister had:

“reviewed his earlier decision in the matter and, having regard to present circumstances, had no objection to the girl being now handed over to the care of her father”.⁹³

The Chief Probation Officer was requested to “arrange with the Reverend Mother of the Home accordingly”.⁹⁴

⁹⁰ Id

⁹¹ Letter dated 9 June 1947 Department of Justice to Chief Probation Officer, file ref Id

⁹² Report of the Chief Probation Officer dated 13 August 1947 to the Minister for Justice. File ref id.

⁹³ Letter dated 15 August 1947 Department of Justice to Chief Probation Officer. File ref Id.

⁹⁴ Id

191. Another case identified by the Committee concerned a 17-year old girl convicted in 1968 of stealing “a watch value £3.0.0 property of some person unknown contrary to section 2 Larceny Act 1916”. She pled guilty and was given probation for a period of 2 months on recognizance of £5 pounds and on condition that:

“during the said period the Defendant do reside at the Good Shepherd Convent, Limerick and to that intent that she be conveyed thereto by the Garda Síochána at Galway”

and

“be under the supervision of the Rev. Superioress of the Good Shepherd Convent Limerick”.⁹⁵

192. This girl’s entry to the Magdalen Laundry is recorded in the Limerick Register. Although she was required by the terms of her probation to reside there for a period of only 2 months, it appears that she remained there for longer – her departure was by way of a transfer to the Magdalen Laundry at Peacock Lane, Cork, two years after her arrival. She left that Laundry of her own accord at a later point.

193. Other cases include, for instance:

- A woman convicted in 1926 of infanticide and sentenced to “Good Shepherd, Waterford for 12 months”.⁹⁶ The records of the Religious Congregation confirm she entered the Magdalen Laundry with a probation officer and that she was subsequently “taken to Dublin by her sister”.
- A woman charged in 1932 with “murdering an unnamed infant child” and convicted of manslaughter. Sentence provided was that she “be delivered over to [name] (Probation Officer) and that she will proceed with said

⁹⁵ Probation Form A dated 25 July 1968, Galway District Court

⁹⁶ Central Criminal Court Book no. 1C/88/60

probation officer to the Good Shepherd Convent at Limerick and remain therein for a period of 18 calendar months. Good behaviour, Keep the peace for 3 years.⁹⁷ The records of the Religious Congregation confirm that she entered the Magdalen Laundry in the company of her probation officer. She remained there for over 3 years, after which she “went to her sister in London”.

- A girl convicted in 1937 of larceny, sentenced to “two months imprisonment not to be enforced if she enters the Good Shepherd Convent, Sunday’s Well and remain there for 12 months”.⁹⁸ The records of the Religious Congregation confirm that the girl entered the Magdalen Laundry in Cork, but was within a few days transferred to the Magdalen Laundry in Limerick. After approximately 3 weeks she was dismissed from the Laundry – she was “sent away for bad conduct”.
- A woman convicted of larceny (theft of a watch and clothing) who was sentenced “To be imprisoned in Cork Gaol but not to take effect if enters Good Shepherd Convent forthwith and remain there for twelve months”.⁹⁹ The records of the Religious Congregation confirm the entry of this women to the Magdalen Laundry “sent by the Court” in 1937. Approximately 7 years later, she is recorded as having become a consecrate (“received black dress”) and remained there until her death.
- A 13-year old girl convicted in 1937 of 11 counts of larceny who was sentenced to “Good Shepherd Cork, for 3 years”.¹⁰⁰ The records of the Religious Congregation confirm that this girl entered the Magdalen Laundry “sent by the Court” shortly before her criminal conviction (presumably on remand) and was then “sentenced to 2 years from [date of

⁹⁷ Central Criminal Court Book no. 1D/24/129

⁹⁸ Cork City District Court, Book no. 97/60/78.

⁹⁹ Cork City District Court, Book no. 97/60/79

¹⁰⁰ Cork Circuit Court Book no. V15/4/50

hearing] for larceny". The records confirm that after the expiry of that two year period, she was "sent back to her mother".

- A woman, charged with attempted suicide in 1937, the Court having ordered "The said [name] having expressed her willingness to go to and remain in the Good Shepherd Convent Limerick for a period of two years from this date or until such time within said period of two years as she may be discharged from the Good Shepherd Convent by the order or direction of the Reverend Mother for the time being in such a convent.¹⁰¹ The records of the Religious Congregation confirm that the woman entered the Magdalen Laundry (recorded as recommended by "the Guards") and stayed there for 2 years, upon which she "went home with her sister".

- A woman, convicted in 1945 on two counts of larceny, the Court minute book recording "Defendant is convicted and ordered to be imprisoned for 6 calendar months on each charge, the sentences to run concurrently. Not to take effect if she enters into recognisance in the sum of £10 to keep the peace and be of good behaviour for the next two years and goes to and remains in the Good Shepherd Convent, Sundays Well, Cork for the next 6 months". The records of the Religious Congregation confirm the entry of this woman to the Magdalen Laundry, being "brought by the Guards". Some additional information is included, namely that she had no relatives and had been "reared in" a named industrial school. She became a consecrate ("received black dress") 8 years after entering the Magdalen Laundry. At one point, she spent a year outside the Laundry "for training", but returned again thereafter. In total from the year of her admission, she remained in the Magdalen Laundry for over 30 years, before finally leaving to work at a named job. The Register records that, although living independently and working elsewhere, she wished to be buried in the Good Shepherd plot. It was agreed that "her solicitor will contact" the Congregation at the point of her death.

¹⁰¹ Book no. 1D/16/168 Limerick Criminal Book

- A homeless woman convicted in 1945 of 4 counts of larceny of goods and cash, convicted “and ordered to be imprisoned for 4 calendar months on each charge, the sentences to run concurrently. Not to take effect if she enters into recognisance in the sum of £20 to keep the peace and be of good behaviour for the next three years and goes to and remains in the Good Shepherd Convent, Sundays Well, Cork for the next 6 months”.¹⁰² The records of the Religious Congregation confirm that this woman was “brought by the guards, sentenced to 6 months”. Her departure is recorded as “sent to County Home & did not return”.
- A woman convicted of larceny and sentenced to “9 months imprisonment suspended and own bail £25 for 2 years to enter High Park Convent”. The Fogra Tora notice in relation to her conviction records that she “enters churches and steals ladies handbags during service”.
- A woman convicted in 1946 of manslaughter (of an adult), sentenced to 5 years penal servitude suspended, “£10, keep the peace and good behaviour. Immediately enter The Good Shepherd Convent, Limerick for 5 years”.¹⁰³ The records of the Religious Congregation confirm that this woman entered the Magdalen Laundry with her probation officer. After the required 5 years, she left and “went to a situation” (a job).
- A woman convicted in 1946 of the manslaughter “of female child recently delivered”. “£5, two years keep the peace, and immediately enter High Park Convent, Drumcondra, Dublin. 18 months. Probation Officer accompanied her there”.¹⁰⁴ The records of the Religious Congregation confirm that the woman entered the Magdalen Laundry, with the records

¹⁰² Book no. 97/60/112 Justice’s Minute Book District Court Cork

¹⁰³ Central Criminal Court Book no. V15/30/21

¹⁰⁴ Central Criminal Court Book no. V15/30/21

indicating “Time 18 months”. The register records that she “left” thereafter, although the date is not recorded.

- A woman convicted in 1946 of manslaughter of “female child”. “£10 peace and good behaviour for 18 months. Immediately enter Convent of the Sisters of Our Lady of Refuge, Gloucester Street for 12 Months”.¹⁰⁵
- A woman convicted in 1947 of manslaughter of “female infant”. “£10, keep the peace 2 years, immediately enter The Good Shepherd Convent, Limerick for 1 year there, or others she may be transferred to.”¹⁰⁶ The records of the Religious Congregation confirm the entry at that point of the woman in question. The Register did not record the background to her entry (i.e. probation). She remained there over 4 years, at which point she “went to a situation” (a job).
- A woman charged in 1949 with 10 counts of attempted murder (of an adult). Found “Guilty of administering poison, £5 keep peace and good behaviour. Immediately enter Good Shepherd Convent Limerick for 12 months or any other institution to which she may be transferred”.¹⁰⁷ The records of the Religious Congregation confirm that the woman was brought to the Magdalen Laundry by her probation officer (“sent from Dublin High Court”). After 9 months (i.e. 3 months before the required period expired), she “went home”.
- A 21-year old woman convicted in 1950 of infanticide. “£10 keep the peace and good behaviour for 12 months. Immediately enter The Good Shepherd Convent, Waterford for 12 months”.¹⁰⁸ The records of the Religious Congregation confirm her entry to the Magdalen Laundry from

¹⁰⁵ Central Criminal Court Book no. V15/30/21

¹⁰⁶ Central Criminal Court Book no. V15/30/21

¹⁰⁷ Central Criminal Court Book no. V15/30/21

¹⁰⁸

“the Court, Dublin”. After the required one year’s residence, she left the Magdalen Laundry and “went to her mother”.

- A woman convicted in 1953 of infanticide, sentenced “to enter the Good Shepherd Convent, Limerick, forthwith and to remain there for not less than six months, and not more than 12 months, as the nuns may decide. The Court ordered that the accused be taken charge of by [name], Probation Officer, for the purpose of accompanying the accused to the said home”.¹⁰⁹ The records of the Religious Congregation confirm that she entered the Magdalen Laundry, although her entry was recorded as being on the recommendation of a named priest (it is possible, for example, that the priest transported her to the Laundry). After approximately 2 and a half years, she “went to County Home”.

C. Courts

194. The general circumstances in which a Court referred a girl or woman to a Magdalen Laundry occurred in the context of probation. Such cases are dealt with in the preceding section. However a number of cases were also identified where a woman convicted of an offence was given a *suspended sentence*, on condition she enter a Magdalen Laundry or other institution for a set period.
195. The use of suspended sentences in the criminal justice system in Ireland is well established as “a recognised alternative regularly availed of by Irish courts¹¹⁰, with “the imprimatur of the Supreme Court”, although without a specific statutory basis.¹¹¹ *Deferred sentences* were also a possible route by which girls and women entered the Magdalen Laundries, which refers to

¹⁰⁹ Central Criminal Court Book no. V14/15/2

¹¹⁰ W.N. Osborough, *An Outline History of the Penal System in Ireland*, reproduced in the Report of the Committee of Inquiry into the Penal System, 1985, at 182

¹¹¹ Rottman and Tormey, *Criminal Justice System: An Overview*, reproduced in the Report of the Committee of Inquiry into the Penal System, 1985, at 215, citing *The State (McIlhagga) v Governor of Portlaoise Prison*, 1971 (unreported),

circumstances where a person “is sentenced to a custodial term with a proviso that the warrant of custody is ‘not to issue’ for the length of time stated in the sentence”.¹¹²

196. Examples of cases identified by the Committee of girls or women given a suspended sentence on condition she enter a Magdalen Laundry or similarly a deferred sentence include the following:

- A 28-year old woman was in the 1930s sentenced to “6 month postponed on condition she enter High Park Convent, Drumcondra for 6 months”. The Records of the Religious Congregation confirm that she had already been at High Park on remand prior to her trial and returned subsequent to that trial (“time 6 months”).
- A 19-year old girl was convicted of stealing a watch in the 1920s. The records of the Religious Congregation confirm she was “sent by [name] District Judge” to a Magdalen Laundry. She remained there for 5 years, at which point she was “sent home”.
- A woman convicted in 1940 and given a suspended sentence of 18 months, “not to take effect if she enter St Mary Convent Donnybrook for 3 years”. The Register of the relevant Magdalen Laundry confirms her admission at that time, under a slight variant of her first name. She is recorded as having entered from “Mountjoy Prison” (where she had likely been on remand). The Register records that she had “consumption” (tuberculosis), of which she died.
- A 22-year old woman was convicted in 1941 and received a “suspended sentence 2 years not to be enforced if she enters Good Shepherd Convent for 2 years”. The Registers of the Religious Congregations indicate that this woman did not enter a Good Shepherd Magdalen Laundry, but instead was admitted to the Magdalen Laundry

¹¹² Id at 216

at Sean McDermott Street. The Register records that she “left”, but does not include the date on which she did so.

- A 27-year old woman pled guilty to manslaughter and received a “2 year suspensory sentence to go to High Park Convent for 18 months”. The Records of the Religious Congregation confirm that she remained at High Park for the required 18 months, at which point she was “taken home by her mother”.
- A 28-year old woman received “own bail in £10 for 2 years of a suspensory sentence and to enter High Park Convent [date]”. The records of the Religious Congregation confirm her entry on that date, and that her departure (date not recorded) was when she “went to a situation” (a job).
- A 20-year old woman received “3 year suspended on accused entering Gloucester St Convent for 12 months [date]”. The records of the Religious Congregation confirm her entry (“sent from District Court”) and that she “left”, although the date on which she did so is not recorded.
- A 19-year old woman received “3 years suspended on accused entering St Patrick Refuge Dun Laoghaire for 18 months own bail £25”. As the Register of that institution has not survived, her dates of departure cannot be verified.
- A 33-year old woman was convicted and received “3 years suspended and to enter St Patrick’s Refuge Dun Laoghaire for 12 months”. As the Register of that institution has not survived, her dates of departure cannot be verified.
- An 18-year old girl received “5 years penal servitude suspended on undertaking to go to Good Shepherd Home Waterford”. The records of the Religious Congregation indicate that she was instead brought by

her Probation Officer to the Good Shepherds at Limerick. She remained there for the required 5 years, after which she “went to a situation” (a job).

- A 21-year old girl was convicted of larceny and “sentenced to 6 months, suspended for repayment of £8 cash stolen and to enter Good Shepherd Convent Limerick for 12 months”.
- A woman convicted in 1945 of Larceny of clothing and jewellery and “ordered to be imprisoned for six calendar months on each charge, the sentences to run concurrently; not to take effect if she enters into a recognisance in the sum of £20 to be of good behaviour and appear for conviction and sentence when called upon within the next 3 years and that she spends the next six months in the Convent at Peacock Lane, Cork”.¹¹³ The records of the Religious Congregation records that she was “brought by a Guard” to a different Magdalen Laundry instead of Peacock Lane. She spent 6 months there before she “returned to” the city from which she came.
- A 19-year old woman was convicted of stealing a bicycle and attempted suicide in the 1950s. She “agreed to go to the Good Shepherd”. The records of the Religious Congregation confirm that she entered the Laundry on the recommendation of a named Judge and that after the required 1 year, she “went home”.

197. The Committee also found that the practice of *adjourned sentencing* was in some cases also combined with a requirement for a girl or woman to enter a Magdalen Laundry.

198. Adjourned sentencing refers to circumstances where “the Court proceeds to a conviction but makes an order adjourning the matter, sometimes to re-

¹¹³ Cork District Court Minute Book no. 97/60/110

enter”.¹¹⁴ In such cases, rather than apply the Probation Act or order a suspended sentence, the Courts could adjourn sentencing for a set period, for example 6 months, on condition that the girl or woman enter a Magdalen Laundry or other specified institution, to reappear after expiry of that period.

199. Cases of this kind were in particular identified in Waterford. Examples include a 17-year girl who was in 1942 convicted and required by the Court “to remain in High Park Convent until [date- 3 months afterwards] on own bail £5 and to come for sentencing in 12 months”. The records of the Religious Congregation confirm she entered the Magdalen Laundry on that date, “time 3 months” and that after that time, she was “sent home to her grandmother”.

D. Prison

200. In broad terms, the Committee found that referrals of women from prison to Magdalen Laundries occurred in a number of different circumstances:

- Women ordered to reside at a Magdalen Laundry as a condition of probation, where they had been initially processed in prison (these cases covered by the preceding section on Probation);
- Women on temporary release from prison;
- Women on early release from prison; and
- The less formal situation where a woman leaving prison had nowhere to go and was provided with a reference to a Magdalen Laundry as one of a range of religious-operated institutions providing accommodation and essentially functioning as a type of step-down facility.

201. The background to possible prison referrals can, however be considered. Regarding young offenders, there was for a long period only one Reformatory School in the State for girls (St Joseph’s Reformatory, Limerick). This was subsequently supplemented by the establishment of St Anne’s, Kilmacud in Dublin. Repeated recommendations for establishment of a borstal for girls –

¹¹⁴ Rottman and Tormey, *supra*, at 217

for instance by the Commission of Inquiry into the Reformatory and Industrial School System 1934-1936 (“the Cussen Report”) – were not proceeded with. Nonetheless, internal notes of the Department of Justice dating to 1981 continued to reflect a view that: “experience in the Courts ... indicate strongly that custodial accommodation for delinquent girls is urgently required”.¹¹⁵

202. Despite this, the fact was that although prison accommodation for women was until at least the 1970s limited, it was rarely utilised to the full. An internal Department of Justice note on Probation and Aftercare in Ireland, written in 1963, recorded that “the daily average number of female prisoners had fallen from 21 in 1959 to 8 in 1962”.¹¹⁶

203. More recently still, the Report of the Committee of Inquiry into the Penal System (“the Whitaker Report”) found that, as late as 1984, the daily average number of women in custody in Irish prisons was only 37, as compared to 1,557 men.¹¹⁷ The Whitaker Report suggested that:

“these numbers reflect the low incidence of crime among women and the courts’ reluctance to impose custodial sentences, a reluctance which may be influenced by the poor standard of accommodation and lack of facilities in the women’s prisons”.¹¹⁸

204. Nonetheless, the Committee examined all entries in the Register of Mountjoy Women’s Prison to identify any potentially relevant cases and information, as well as the other sources identified at the outset of this Chapter.

¹¹⁵ Department of Justice letter to the Department of Health, dated 17 June 1981, ref 116/562/250 in the context of the report of the Task Force on Child Care Services, included in an unregistered folder of documents briefing the Minister for Justice in advance of relevant meetings

¹¹⁶ Probation and Aftercare in Ireland, internal Department of Justice Note 1963

¹¹⁷ Report of the Committee of Inquiry into the Penal System 1985, at 73

¹¹⁸ Id

Women ordered to reside at a Magdalen Laundry as a condition of probation, following initial processing in prison

205. This category is dealt with in the following section, dealing with probation as a whole.

Women on temporary release from prison

206. Pursuant to the provisions of the Criminal Justice Act 1960, temporary release from prison may be granted to persons serving a sentence of imprisonment. The Act provided that:

“The Minister may make rules providing for the temporary release, subject to such conditions (if any) as may be imposed in each particular case, of persons serving a sentence of penal servitude or imprisonment, or of detention in Saint Patrick’s Institution”.¹¹⁹

207. The Act required that if temporary release was subject to conditions, those conditions “shall be communicated to the person at the time of his release by notice in writing” and the person was required to comply with those conditions.¹²⁰

208. Further, if a person on temporary release broke a condition which was attached to the release he or she was “deemed to be unlawfully at large”.¹²¹ This was an offence for which a person could be arrested without warrant.¹²²

209. A record was identified at the Good Shepherd archive which illustrates the application of temporary release from prison to a Magdalen Laundry in this type of case.

¹¹⁹ Section 2(1) of the Criminal Justice Act 1960

¹²⁰ Section 4(1) and (2) of the Criminal Justice Act 1960

¹²¹ Section 6(1) of the Criminal Justice Act 1960

¹²² Section 7 of the Criminal Justice Act 1960

210. A standard form was used by prisons to convey notice of the conditions of temporary release from prison. A form completed by the Governor of Limerick Prison was identified in the archive of the Good Shepherd Sisters. The purpose of the notice was to inform a named woman that she was:

“being released from Limerick Prison for the period 2.30pm on 23 December 1970 to 3.20pm on 31 December 1970 for the purpose of spending Christmas in the Good Shepherd Convent, Clare Street, Limerick”.

211. Her release was subject to the standard conditions with which all persons on temporary release were obliged to comply during their period of release, including that she should keep the peace and be of good behaviour and so on, as well as an additional condition:

“that you remain in the convent until called for on the 31st December 1970”.

212. It can be noted that the standard form sets out the:

“Failure to return on or before the expiration of the period of temporary release or breach of any of the conditions attached to temporary release is a breach of the discipline of the prison and is an offence punishable on conviction by imprisonment for a term not exceeding six months”.

213. Prior to the passage of the 1960 Act, there was no legislative provision for temporary release of a person from prison during the term of his or her sentence. However, as set out in the Memorandum for the Government on the Bill which became the 1960 Act, “in practice, parole has been granted to certain prisoners” for what were summarised as humanitarian or other exceptional reasons:

“and all returned promptly at the expiration of the period granted, but if they had not returned, they could not have been compelled to do so”.¹²³

214. The Minister’s rationale in seeking the enactment of a provision was to empower him to grant temporary release “to selected long-term prisoners to enable them to regain some experience of freedom before release and perhaps to arrange for employment”. It was also noted that there were advantages for the authorities in respect of the conduct of prisoners, if there were a possibility of parole at other periods such as Christmas and summer.¹²⁴

215. It is unknown whether, prior to the passage of the 1960 Act, the practice which had evolved of granting temporary release for humanitarian or other exceptional reasons had been used in relation to women in order to allow for their placement in a Magdalen Laundry.

Women on bail or early release from prison

216. Cases were identified in the Prison Registers in which women, who had served part of their sentence in prison, were released on licence on condition that they enter a religious institution, including but not limited to Magdalen Laundries.

217. The legislative basis for early release from prison, for much of the period of relevance to this Report, was the Penal Servitude Act 1891.

218. An early example of a woman released from prison to a Magdalen Laundry in this way occurred in relation to a woman convicted of the “murder of her male

¹²³ Memorandum for the Government on the Proposed Criminal Justice Bill, 9 December 1958, NAI Department of An Taoiseach S13290 A/1

¹²⁴ Id

infant” in 1927. The file includes information on the case as well as some materials on general policy in relation to such cases.

219. The woman in question was sentenced to death, with an execution date scheduled for January 1928. A note to the Minister recommending that her sentence of death be commuted recorded the reasons for this, including:

“(4) the fact that the condemned person is a woman is a relevant consideration. Women are executed in very exceptional circumstances only.

(5) The condemned woman’s mentality is below average.

Generally it would be contrary to precedent to carry out the death sentence”.¹²⁵

The Governor General of the Free State subsequently commuted her sentence “to one of penal servitude for life”.¹²⁶

220. In July 1929 and at its own instigation, the Department of Justice wrote to a Probation Officer concerning this woman and three others who were:

“being held to serve their sentences in Mountjoy Prison which is the place assigned for the imprisonment of female convicts and in the ordinary course their sentences will not come forward for review until at least 10 years have been served.

The Minister has these cases under consideration and would be glad to be favoured with any observations thereon which you would like to make; and in order that you may be in a position to do so he has directed that the official files will be available for your perusal ... you will, after you have perused the files, be given an opportunity, if you so desire, to interview the prisoners”.¹²⁷

¹²⁵ Note dated 15 December 1927, File ref 234/2016

¹²⁶ Letter dated 17 December 1927, File ref Id

¹²⁷ Letter dated 30 July 1929 from Department of Justice to named Probation Officer, file ref Id

221. The file confirms that the Probation Officer reviewed all files, visited all four women in Mountjoy Prison and “saw the Minister” thereafter.¹²⁸ A note records the Minister’s views subsequent to that meeting. The note, relating primarily to one of the other three cases but also recorded on this file, suggested the Minister’s view as follows:

“As a working rule in infanticide cases I think that the mother convicted should be kept in prison for a period of two years and then placed in a home as has been done in the case of [name of other woman]. The latter served only a short time in prison but she was a very exceptional case. Each case therefore must be examined on the merits, in some cases the above mentioned period may have to be abridged in others extended. It applies only to average cases”.¹²⁹

222. Approximately 2 months later, the woman petitioned “that she be released to enter a ‘Home’ under any conditions that may be imposed”.¹³⁰ Her handwritten petition said that:

“I now venture to humbly beg and implore of the Minister for Justice to be as good as to take my case into consideration and to be pleased to allow me to go into a Home. I would be only to (sic) glad to go under any condition that you may think proper to put upon me and with God’s help there I will remain”.¹³¹

223. The file records that the woman’s petition for early release from prison where she was serving a sentence of penal servitude for life was “strongly recommended by the Catholic Chaplain at Mountjoy”.¹³² The Chaplain’s letter of support indicated that the woman was:

“weak-minded and of rather inferior mental capacity, but I would say, not of herself evilly inclined. ... She is naturally a simple and

¹²⁸ Handwritten notes 8 October 1929, file ref Id

¹²⁹ Note dated 17 December 1929, copied to File Ref Id in 1930

¹³⁰ Note dated 13 February 1930, File Ref Id

¹³¹ Petition dated 11 February 1930, File Ref Id

¹³² Note dated 13 February 1930, File Ref Id

industrious girl and whatever hope of permanent improvement there may be can be realised in a Magdalen Home rather than in Prison. She would be perfectly content in the Home, will work hard and would be easily influenced for good. She is eminently a case in which further imprisonment becomes a real hardship and one who will respond readily to the influence of the nuns”.¹³³

224. The internal Departmental Memorandum on the matter notes that “[t]his is a case similar to those of [name] and [name] – release to a Home under conditions. ...”.¹³⁴ It should be noted that the identified “Home” to which these other named women were sent was not a Magdalen Laundry.

225. This woman’s file also contains some general documents in respect of the practices which were developing in relation to release on licence to institutions outside of prison of women who had been serving life sentences. On foot of an earlier case, the following proposal had been made to and decided upon by the Minister:

“It does seem desirable that the Rev. Mother of Convents to which prisoners undergoing a life sentence are sent should be in a position to hold out some tangible hope of release. It is perhaps difficult to bind yourself at this stage to any very short term, but I think the prisoner could be assured that there was no question of holding her for life, and that if she were well conducted and showed definite signs of reform she might expect to be released at the end of a few years”.¹³⁵

226. The decision of the Minister was as follows:

“Certainly. It should be made clear to the girl that while she must be kept in the home for a substantial period of time, she will be released in a few years, the number being dependent upon her own conduct”.¹³⁶

¹³³ Letter dated 2 February 1930, File Ref Id

¹³⁴ Note dated 13 February 1930, File Ref Id

¹³⁵ Note dated 27 June 1930, file ref 234/174, but also filed on the present file ref 234/2016

¹³⁶ Note dated 27 June 1930, Id

227. The inclusion of this note on the files of a number of women released on licence (together with evidence that this approach was taken in a number of unrelated cases) suggests that this became the general policy of the Department in relation to such cases.
228. Subsequent notes on the file in relation to this woman confirm a decision “for prisoner’s discharge on licence to a Home”. Another note confirms that “prisoner will be discharged on licence tomorrow and handed over to [named Probation Officer], for [illegible] to High Park Convent”.¹³⁷ The approval of the Department of Justice approving “the use of a taxi at a cost of 4/- for the conveyance by the Probation Officer of convict [named] to the High Park Convent” is also filed, as is a replying note signed by the Governor of Mountjoy Prison.¹³⁸
229. The file makes clear that the above policy was applied to this case: a letter from the Department of Justice to the Governor of Mountjoy Prison instructs that:
- “The convict should be informed that while she is liable to be detained in the Convent, she may if her conduct is satisfactory be released in a few years the period being largely dependent on her good behaviour”.¹³⁹
230. Other practical arrangements were also addressed – including that the woman’s obligation of reporting to the Gardaí (as was standard for persons released on licence from prison) “will be suspended so long as she remains in the Convent”.¹⁴⁰

¹³⁷ Note dated 16 July 1930, File Ref Id

¹³⁸ Letters dated 16 and 18 August 1930 respectively, File ref Id

¹³⁹ Letter dated 10 July 1930 Department of Justice to Governor Mountjoy Prison, File Ref Id

¹⁴⁰ Id

231. The Governor, following the transfer of the woman in question, confirmed that “the instructions contained in Minute of 10th instant were duly carried out”.¹⁴¹

232. Continued involvement of the Probation Officer with the woman in question was foreseen, with additional instructions issued to the Probation Officer to provide the woman with a copy of the Order made in her case and explain it to her. The Department also requested the Probation Officer to:

“acquaint the Superioress ... that the inmate has been informed by the Governor of Mountjoy Prison that if her conduct be satisfactory she may be released after a few years the period of detention being largely dependent upon good behaviour”.¹⁴²

233. The Gardaí were also notified by the Department of the transfer and applicable conditions.¹⁴³

234. The continued follow-up of the Probation Officer in respect of the woman over time is clear, including in relation to her subsequent proposed release from the Convent. The file contains subsequent papers, dating to January 1932 (i.e. approximately 1 and a half years after her release from prison to High Park), in which the Probation Officer who was responsible for the woman proposed that she and three other women (two of whom were in Homes other than Magdalen Laundries and only two of whom had been convicted of child murder) be released “in honour of the Eucharistic Congress”.

235. The note suggests that at least 3 of these women might be released, although noting in relation to the woman the subject of this file that:

“it is doubtful whether [name] would be better off outside a Convent as she has been informed that [name] is almost a mental defective”.

¹⁴¹ Letter dated 18 July 1930 Governor Mountjoy Prison to Department of Justice, File Ref Id

¹⁴² Letter dated 19 July 1930 Department of Justice to Probation Officer, File Ref Id

¹⁴³ Letter dated 19 July 1930 Department of Justice to Commissioner of the Garda Síochána, File Ref id

236. Sample cases were noted, in which two women were “released on licence for the unexpired term of their sentences, that is, for the remainder of their respective lives”.

237. The Note suggests that the Probation Officer should be asked “for particulars” on “arrangements made for their future in the event of their release” and that

“if it be decided that any of these prisoners is to be discharged from the particular Home in which she is detained the question of whether such discharge should be (1) on licence or (2) absolute could be considered”.¹⁴⁴

238. The Probation Officer subsequently provided reports on all four women. Two of these women (including the woman the subject of this file) were in different Magdalen Laundries. The Probation Officer’s report on the woman the subject of this file was that

“her health and conduct have been satisfactory but the authorities in High Park do not recommend an early release as she has settled down and appears content. Unlike the other three women above she never speaks about the future or asks about her eventual release. They consider her very much below normal in intellect and think she would not be very safe in the world”.¹⁴⁵

239. Regardless the note:

“points out that all these women were informed at the time of their transfer from Mountjoy that if their conduct were satisfactory they might be released after a few years, the period of detention being largely dependent on good behaviour”.¹⁴⁶

240. This woman was not recommended for release – a handwritten note indicates that “this woman is not fit to face the world and is [illegible] and safe where

¹⁴⁴ Note dated 15 January 1932, file ref Id

¹⁴⁵ Note dated 13 April 1932, file ref Id

¹⁴⁶ Id

she is at present”.¹⁴⁷ The records of the Religious Congregation confirm that the woman entered the High Park Magdalen Laundry in 1930 and remained there until her death approximately 30 years later.

241. Another detailed file identified by the Committee relates to another woman who was also on licence in a different Magdalen Laundry at that time. Consideration of the possibility of release of this woman centered on whether or not her husband, from whom she was estranged, would accept her back to the family home, or alternatively if another person would “be responsible” for her.¹⁴⁸

242. Another example of a woman released from prison to a Magdalen Laundry occurred in 1933. The 25-year old woman had been convicted in the Central Criminal Court in 1931 of the murder of her infant child and had been sentenced to death. Her Prison file indicates that on the day following her committal to prison, the Governor of Mountjoy Prison requested “that I may be furnished with the list of candidates reported to be competent for the office of executioner” and a number of other documents relating to the intended execution.¹⁴⁹ That sentence was however commuted by the Governor General of the Irish Free State to penal servitude for life.¹⁵⁰

243. Her conduct in prison was described as “good”.¹⁵¹ Within a few months of imprisonment, notes on her file indicate that she had petitioned “that she be discharged from prison to a ‘home’.”¹⁵² Her petition said that:

“I should be very grateful if you would kindly consider my case. I am very sorry for the offence for which I was charged and I promise if I am

¹⁴⁷ Handwritten undated note endorsed on probation officer note dated 13 April 1932, supra.

¹⁴⁸ File Ref 18/3540

¹⁴⁹ Prison Board File Ref 234/3118 B

¹⁵⁰ Signed Order of the Governor General of the Irish Free State, dated 5 March 1931. Confirmation letters dated 6 March 1931 issued from Department of Justice to the sentencing Judge, the County Registrar, and the press. Department of Justice File ref 234/3118 A

¹⁵¹ Letter dated 30 August 1933 from Department of Justice to Probation Officer, file ref Id.

¹⁵² File ref 234/3118A.

giving (sic) this one chance I shall turn over a new leaf and live a better life for the future. If you grant me this request I feel anxious to go to a home".¹⁵³

244. That petition was refused, and the file records a communication to Mountjoy Prison that the Minister for Justice "has decided that he cannot advise the Governor General to extend mercy and that, accordingly, the law must take its course".¹⁵⁴

245. Two years later, her mother also petitioned the Minister for Justice for her release. The Department of Justice wrote in that regard to a Probation Officer, indicating that the Minister had:

"caused enquiries to be made as to whether in the event of his ordering the release of this prisoner on licence, she could be received and suitably cared for by her mother ... but it appears from reports received that the conditions of her mother's home are not suitable for her return thereto. In the circumstances, the Minister would be glad if you could let him know whether this prisoner, if released on licence, would be received into some suitable institution such as Our Lady's Home, Henrietta Street, Dublin".¹⁵⁵

246. The Probation Officer responded, indicating that "the girl did not seem a suitable character for Henrietta Street Convent", but that:

"the Sisters of Charity, Donnybrook, expect to have a vacancy in about 10 days time and in that event they would be willing to take [name of woman]. ... If Donnybrook cannot take charge of [name of woman] she will see the nuns at High Park".¹⁵⁶

¹⁵³ Petition dated 28 September 1931

¹⁵⁴ Memorandum dated 3 October 1931 Department of Justice to Mountjoy Prison. File Ref Id

¹⁵⁵ Letter dated 17 August 1933 Department of Justice to Probation Officer. File Ref Id

¹⁵⁶ Letter dated 24 August 1933 from Probation Officer to the Minister for Justice. File Ref Id

247. This was subsequently confirmed by letter of the Probation Officer to the Department of Justice, confirming that Donnybrook Magdalen Laundry had:

“a vacancy and is willing to receive [name of woman] in the event of the Minister for Justice ordering the release of this prisoner on licence”.¹⁵⁷

248. An Order under the Penal Servitude Act 1891 was subsequently made, referring to her being “under the care, supervision and authority of the Sister Superior for the time being of the Irish Sisters of Charity, St Mary Magdalen’s Asylum, Donnybrook”.

249. A letter of the Department of Justice to a Probation Officer with regard to the case confirmed that the Minister had agreed that the woman could be released “on licence from Mountjoy Prison on condition that she enters St Mary Magdalen’s Asylum at Donnybrook”.¹⁵⁸ The letter instructs the Probation Officer to provide a copy of the Order and to explain its effect to her. The letter also instructs the Probation Officer as follows:

“I am also to request you to acquaint the Superioress of the Asylum that the prisoner has been informed by the Governor of the Prison that if her conduct proves satisfactory she may be discharged from the Asylum after a few years, the period of detention in the Asylum being largely dependent on good behaviour”.¹⁵⁹

Prison records also record that “Prisoner has been informed of the conditions of her release on licence”.¹⁶⁰

250. A copy of the Order was retained on file, as was the notification issued to the Commissioner of An Garda Síochána. It confirmed that the woman in question, sentenced to penal servitude for life, was released on licence. The

¹⁵⁷ Undated letter from Probation Officer to the Minister for Justice, stamped as having been received on 5 September 1933. File ref Id

¹⁵⁸ Letter dated 29 September 1933 from the Department of Justice to a Probation Officer, File ref Id

¹⁵⁹ Id

¹⁶⁰ Memorandum, Governor of Mountjoy Prison dated 28 September 1933

effect of the Order was that she would not be under an obligation to report to or notify any change of residence to the Gardaí:

“so long as she remains under the supervision of the Irish Sisters of Charity, St Mary Magdalen’s Asylum, Donnybrook, to whose care she will be released ... but that she will remain subject to the other conditions of her licence”.¹⁶¹

251. A letter from the Probation Officer later that year confirms that she had:

“escorted [name of woman] to the Sisters of Charity, Donnybrook, where they took charge of her ... I handed to her copy of the Order according to your instructions and explained it to her”.¹⁶²

252. The Register of the relevant Religious Congregation confirms the entry of this woman to the Magdalen Laundry at Donnybrook on that date. Although, as set out above, she was informed prior to her transfer that her release from Donnybrook might be possible within “a few years”, the Register records that she remained there for the rest of her life.

253. Another example of a woman released from prison to a Magdalen Laundry occurred in 1942. The woman in question had been convicted of the murder of an unrelated adult female in 1924. She was sentenced to death, commuted to penal servitude for life, and was committed to Mountjoy Women’s Prison to serve that sentence.

254. The official records on this case include an Order under the Penal Servitude Act 1891, signed by the Minister for Justice in 1942, which released her on licence. The Order set out the woman’s conviction in 1924:

“of feloniously, wilfully and of her malice aforethought did kill and murder one [named adult unrelated woman] and was sentenced to death, commuted to Penal Servitude for the term of her life”.¹⁶³

¹⁶¹ Letter dated 30 September 1933 from the Department of Justice to the Commissioner of An Garda Síochána, file ref Id

¹⁶² Id

255. The signed Order then noted release of the woman on licence under the Penal Servitude Acts “for the remainder of the said sentence” and relieved her of the requirement to report to or notify the Gardaí of any change of residence, by way of remitting:

“the requirements of section 5 of the Prevention of Crime Act 1871 as amended by the Prevention of Crime Act 1879 and the Penal Servitude Act 1891”.¹⁶⁴

256. The records of the Religious Congregation concerned further supplement the available information on this case and provide information on the circumstances in which she was released on licence from prison.

257. These records indicate that, after over 18 years in Mountjoy Prison, contact was made with the Good Shepherd Convent in Limerick, asking the Convent whether she would be accepted there if released early from prison. An internal note in the Good Shepherd archive records that:

“the social worker who wrote to me visited [name] frequently in prison and she and the chaplain of the prison discussed her case and they both wrote to me asking if we would take [name]. ... We discussed the case and we both decided that it was rather a serious thing to take somebody who had committed murder and to have her living with other girls as we had some very nice girls from decent families as well as the other type of girl”.

258. After it was agreed to accept the woman, she was brought to Limerick “surrounded by about four officials, all in uniform”. In the Register, she is recorded as having entered on the recommendation of the Chaplain of Mountjoy Prison, Dublin.

¹⁶³ Order of the Minister for Justice dated 6 November 1942 under the Penal Servitude Act 1891

¹⁶⁴ Id

259. An internal note also recorded that:

“her people never visited her when she was in Limerick. They never recognised her. Her family had to suffer the stigma of their daughter being a murderer and I am sure it hurt them very much. They never visited [name]. I remember she told me the day she arrived in Limerick that she was only told the day she was let out of prison that both her parents were dead. She was never told a word about them while she was in prison and she never saw anyone belonging to her since the day she was arrested”.

260. The date of her departure from the Laundry is not recorded, but it was a considerable time later during her older years – “her sight was very bad and she was nearly blind at this stage” and she was as a result admitted to a named County Hospital.

261. A record is retained of visits to this woman in hospital by one of the Sisters from the Magdalen Laundry, almost 30 years after her original admission to the Magdalen Laundry. After a short number of years there, the woman died in that Hospital.

262. Both the cases set out above related to women who had been sentenced to life (‘penal servitude for life’) for serious crimes. However the Committee also identified cases of women granted early release from prison on condition they enter an institution, in cases involving less serious offences and where shorter sentences had been imposed.

263. One such case arose in 1941. An 18-year old woman had been convicted of larceny and sentenced to 6 months imprisonment. She was committed to Mountjoy Female Prison and began to serve her term of imprisonment there. Six days after her entry to the prison in late 1940, she applied to the Minister for Justice for mitigation of sentence. Her petition said that she was:

“serving a sentence of six months imprisonment for stealing two pounds on my sister. I am very sorry for committing this offence and I

promise if you let me out to a Convent I shall be a very good girl for the future and never get into trouble again. I beg of you my Lord to give me this one chance. I am only eighteen years of age”.¹⁶⁵

264. Both the girl’s family and the District Justice concerned were supportive of the idea that “some efforts should be made to get the Defendant herein into some Home such as Convent”.¹⁶⁶ Indeed, from the Garda note on the girl’s petition for mitigation, it appears that her family’s preference from the outset had been that she would be admitted to a religious-operated institution. That note indicates that, upon discovering the theft, her father and sister discussed the options and:

“decided that she should be arrested and tried for the larceny and that there would then be a possibility of getting her into a Convent until she would attain the age of 21 years. Accordingly an Information was sworn and warrant issued”.¹⁶⁷

265. The same Garda note indicates that at the time of her sentencing, the Judge:

“had intended to apply the Probation of Offenders Act 1907, but the petitioner would not agree to return to her home under a rule of bail and her father and sister would not accept responsibility for her. They requested that she be detailed in a Convent until attaining 21 years of age as they feared for her moral future. ... She was sentenced to six months imprisonment without hard labour, a condition being that she was to be released from custody, if suitable convent accommodation could be found for her”.

266. Following submission of the petition, a handwritten note on the file includes as follows:

¹⁶⁵ File ref 18/4469.

¹⁶⁶ Letter of the District Court Clerk to the Governor of Mountjoy Prison

¹⁶⁷ Garda note dated 2 January 1941, file ref Id

“I am informed that the Catholic Chaplain has made arrangements for this woman’s being taken into High Park Convent if released”.¹⁶⁸

267. A decision “release” was marked on the file on the same date. A letter confirming this decision was transmitted by the Department of Justice to the Governor of Mountjoy Prison the next day, as follows:

“In confirmation of telephone message sent you yesterday, I am to inform you that the Minister has had under consideration the petition of [name], forwarded with your minute of 17th ultimo, and he has been pleased to order the immediate release of this prisoner on the condition that she forthwith enters High Park or some other suitable Convent”.¹⁶⁹

268. Prison records confirm that the young woman in question was released “and taken to High Park Convent by the Chaplain...”.¹⁷⁰ Her entry to the Magdalen Laundry on that date is confirmed by the records of the Religious Congregation concerned although no reason for her referral (i.e. “prison”) was recorded in the Register. She is recorded as having “left”, although the date of her departure is not noted in the Register.

Informal placement of women who were homeless upon leaving prison

269. By its nature, this category of case is difficult to identify in official records. The general circumstances involved occurred where a women leaving prison had nowhere to go to and was provided with a reference to a Magdalen Laundry as one of a range of religious-operated institutions providing accommodation and acting, essentially, as a type of step-down facility.

270. Retired probation and prison officers informed the Committee that voluntary organisations would, on request, provide assistance to women leaving prison

¹⁶⁸ Handwritten note 13 January 1941, File ref Id

¹⁶⁹ Letter dated 14 January 1941 from the Department of Justice to the Governor of Mountjoy Prison, file ref Id.

¹⁷⁰ Note 16 January 1941 to the Department of Justice, file Ref id

and that this might include finding them accommodation at a hostel or other setting, potentially including the Magdalen Laundries.

271. Possible cases of this kind, identified in the records of the Religious Congregations, where a woman is recorded as entering a Magdalen Laundry from prison in circumstances which may include these are:

- A woman entered a Magdalen Laundry “brought by the Matron of Limerick Prison” in the 1920s. She remained there approximately 6 months.
- A woman entered a Magdalen Laundry, having been brought by “Srs who visited the City Prison”. Her parents were “believed to be living in New York”.
- A woman entered a Magdalen Laundry, recorded as a “self-referral from the prison” in the 1930s. She remained there almost 3 years.

E. An Garda Síochána

272. There is a large overlap between cases identified in the records of the Religious Congregations as being referrals by An Garda Síochána and the other categories set out in this Chapter. In many cases where a woman was recorded in the Registers of the Magdalen Laundries as having been referred by a Garda, it is probable that the Garda in question was simply effecting the transfer from court or prison of the woman in question. The legislative basis and policies involved in referrals from court or from prison have been set out in the preceding sections.

273. The only direct reference to such transfers identified in Garda policy documents was contained in the Garda Code for 1965, which refers to the:

“chargeability of expenses incurred in conveying female prisoners sentenced to be kept in Magdalen asylums or Convents. The Garda

Code 1986 also refers at paragraph F.1.16 to costs recoverable following escorts to convents of sentenced female prisoners”.¹⁷¹

274. Another document at the Garda Museum also includes a relevant reference, in the context of descriptions of early roles for female members of An Garda Síochána. Dating to 1971, it consists of a document written by the Chief Superintendent at the Assistant Commissioner’s Office at Dublin Castle. It refers to escort duty by female officers, including escorts to Convents.¹⁷²

275. However the Committee also identified other types of possible Garda referrals, in particular where Gardaí returned girls or women to Magdalen Laundries after they had run away; and also what might be termed informal placements in Magdalen Laundries by An Garda Síochána of girls or women in other circumstances including in particular homelessness. These two issues are dealt with in turn.

Girls or women returned to the Magdalen Laundries by the Gardaí

276. The Committee sought to explore the question raised regarding the possible return of girls and women to Magdalen Laundries by members of An Garda Síochána. In addition to searches of Station Diaries and Occurrence Books to identify any possible cases of returns, the Gardaí also reviewed all Garda Handbooks and Guides to determine whether any policy or direction was in place regarding return of people to institutions.

277. The Garda Report to the Committee suggests that some of the results identified in these searches:

“may go some way to explaining why some girls were returned to Laundries and the powers utilised by Gardaí to do so. Much of the legislation is outdated and some of the practices would not generally

¹⁷¹ Garda Report to the Inter Departmental Committee at 39, referring to the Garda Code 1965 at 81.8(6)

¹⁷² Garda Report, supra, at 40, referring to document dated 26 June 1971

be followed by Gardaí today, but the duties performed by Gardaí are ever evolving and there are contrasting standards and practices as times change”.¹⁷³

278. The first handbook of the Garda Síochána, released in 1923 – *Laimh-Leabhair Dualgas 1923* - outlines the basic role and function of the Gardaí, including:

“law, policing procedure and standards expected of Gardaí in the ‘new force’. The publication is the precursor to the Garda Guide and was modelled somewhat on previous RIC police manuals. ... This legal handbook served as the first ‘Garda guide’ and the extent of the issue i.e. no. of copies produced is unknown”.¹⁷⁴

279. The handbook contains a section on “General Civic Guard Duties”, including extensive instructions on vagrancy laws. Gardaí were instructed to:

“be careful to distinguish between tramping vagrants who travel about the country without any visible means of subsistence or employment and who beg, and poor people who are of necessity compelled to travel to look for work. Such poor people should not be interfered with but rather helped in their quest. The condition of the hands will enable the guard to distinguish the professional tramp from the genuine out-of-work. ...”¹⁷⁵

280. Gardaí were also instructed to make what were termed “workhouse inspections”. They were to “to visit workhouse each day and to carefully inspect the night lodgers”, and any person with a suspicious appearance was

¹⁷³ Garda Report, supra at page 21

¹⁷⁴ Garda Report, supra, at page 22-23

¹⁷⁵ *Laimh-Leabhair Dualgas 1923*, at pages 18-24, Section V: General Civic Guard Duties, Subsection 15

to be “entered on the ‘tramp list’ in the private register”.¹⁷⁶ What were termed “low lodging houses should be similarly visited nightly”.¹⁷⁷

281. Of direct relevance to the question of possible returns of girls or women in this very early period (1920s), is Section V subsection 20 of the Handbook:

“persons in institution uniform – if persons are noticed to be wandering about in the uniform of institutions, e.g. workhouse inmates they should be questioned and if they cannot give a satisfactory account of themselves they should be arrested”.¹⁷⁸

282. With regard to this historic instruction, the Gardaí suggest that it:

“may refer to the power of arrest at common law for the larceny of the uniform. This was a regular incident that Gardaí had to deal with and indeed some Garda records show that people have received convictions for ‘larceny of apparel’.”¹⁷⁹

283. A subsequent Garda Code, dating to 1928, refers to the role of the Gardaí in relation to the Poor Laws:

“Gardaí were called on to give institutional assistance which may have involved dealing with escorts and missing persons from time to time”.

For that purpose, all members were instructed to “make themselves thoroughly acquainted with” the names of members of the Boards of Health and Public Assistance.¹⁸⁰ Although there is no evidence of this, it cannot be excluded that the Gardaí were requested in this context to assist in conveying people to extern institutions, which included among their number 5 of the Magdalen Laundries as well as numerous hospitals and other institutions for the ill or indigent.

¹⁷⁶ Id at subsection 16

¹⁷⁷ Id at subsection 17

¹⁷⁸ Id at subsection 20

¹⁷⁹ Garda Report to the Inter-Departmental Committee at page 23

¹⁸⁰ Garda Report, supra at page 29

284. An important element in the story of possible returns by members of An Garda Síochána of girls and women to the Magdalen Laundries is connected to the story of Industrial and Reformatory Schools. As set out more fully in Chapter 10, children who were discharged from Industrial or Reformatory School remained under supervision for a number of years following their discharge (to the age of 18 or 19 years, for Industrial and Reformatory Schools respectively; with a possible extension of supervision to the age of 21 years of age from 1941 onwards). These young people were, during the period of supervision, liable to be recalled and could thereafter be placed out on licence, including in some cases placements in Magdalen Laundries.

285. The Garda Report to the Inter-Departmental Committee notes that section 68(7) of the Children Act 1908 (as inserted by section 14 of the Children Act 1941) provides that:

“where a licence granted to a person under the supervision of the manager of a certified school is revoked, such person may be apprehended without warrant and brought back to such school”.¹⁸¹

286. In practice this meant that, if a girl or woman discharged from an Industrial or Reformatory School was notified to the Gardaí at any point up to the age of 18, 19 or 21 (depending on circumstances) as having breached the terms of her supervision, she could be arrested without warrant. It is important to note that the girls and women in question do not appear to have been aware of the legislative requirement for such supervision or its use in practice. The Gardaí, in this regard, note that:

“if Garda powers were utilised in these circumstances there would have to be notification as to the nature of the breach of licence. Here the power of arrest is predicated upon the fact that the person under 21

¹⁸¹ Garda Report, supra at page 37

years has breached their licence and that the licence has been revoked".¹⁸²

287. The other – and perhaps clearest – situation in which the Gardaí might be involved in relation to a girl or woman leaving a Magdalen Laundry would have been where a girl or woman left a Magdalen Laundry without permission during the period of her probation.

288. To identify such cases, the Gardaí at the request of the Committee searched the Garda Criminal Records Office and the "Fógra Tóra" publication. The Fógra Tóra publications were:

"the internal Garda intelligence documents circulated throughout the force dealing with inter alia those 'wanted', 'missing' or recently 'convicted' or 'released from prison'. The Fogra Tora indexes have been digitised from the years 1935 until 1964 and these have been digitally searched"

for relevant cases.¹⁸³

289. Searches of the Fógra Tóra resulted in identification of cases in which certain women had breached the conditions of their probation by leaving the institution in which they were required to reside; and arrest warrants for breach of recognisance had been issued. For example:

- A notice in the September 1952 Fogra Tora detailed a named and photographed woman:

"wanted on warrant for breach of recognisance (larceny, forgery and false pretences). [Identifying information and description] Wears check cotton frock with white collar, light green cardigan and leopard skin shoes. Frequents good-class hotels. Escaped from Good Shepherd

¹⁸² Id

¹⁸³ Id at page 84

Convent, Limerick, on 29/7/1952 having been committed there for 2 years at Dublin District Court on 10/7/1952 on a charge of larceny (drugs by trick). Is also wanted at Nenagh and at London. Poses as lady Doctor or medical student to obtain drugs, etc, from Chemists. Warrant with Superintendent, Detective Branch, Dublin, for execution in Ireland only".¹⁸⁴

- A notice in the February 1966 Fogra Tora detailed a named and photographed woman:

"missing from Gloucester Street Convent, Sean McDermott Street, Dublin since 5.30pm 20/1/66. [Identifying information]. When last seen was dressed in green gym slip, jumper and black shoes. Was placed on probation for 12 months on own bail of £10 at Dublin D.C. on 6/1/66, on condition that she enter the convent in question for a period of 3 months. Husband's name [name], of no fixed abode, and from whom she is estranged. ... Warrant for arrest with Superintendent, Store Street Station, Dublin".¹⁸⁵

290. In such cases (and assuming the woman was arrested by the Gardaí), failure to comply with the requirements of the probation bond would not result in her return to the Magdalen Laundry, but rather:

"would result in the probation officer informing the courts of the non-compliance and if the court is satisfied of the facts the resulting imposition of a conviction and possible custodial sentence".¹⁸⁶

291. Retired members of the Gardaí were also asked whether they had experience of returning girls or women to the Magdalen Laundries. A retired member of the Store Street Anti-Vice Unit confirmed that:

¹⁸⁴ Garda Report, supra, at 123

¹⁸⁵ Id

¹⁸⁶ Garda Report to the Inter Departmental Committee at page 33

“sometimes Gardaí would receive phone calls from the Sean McDermott Street Convent if girls escaped. [He] said that this would only happen if there was a court order in existence for the girl compelling them to reside at the convent. Girls were only ever brought back if a court order was in existence for their detention or residency there.”¹⁸⁷

292. The same retired Garda said that he “was there a few times in the hallway and once out the back in the garden when he was bringing girls back or assisting them”.

293. Another issue relevant to this question of Gardaí possibly returning girls or women to the Magdalen Laundries is an allegation that Gardaí actively sought to prevent ‘escapes’. A photo of a religious procession in which women walk flanked by members of An Garda Síochána in uniform has been suggested as demonstrating preventative measures by the Gardaí to guard against escape of girls or women from Magdalen Laundries. The Gardaí, as part of the inquiries carried out on behalf of the Committee, sought additional information on this photograph.

294. The Garda Report to the Committee records that the photograph utilised in a number of publications in the past is not complete, but that “the complete and unedited image is available at the Garda Museum and identifies the Gardaí present”.¹⁸⁸ The Garda search team in that regard interviewed a retired member and also the priest pictured in the photograph. The Report summarises their findings as follows:

“The photograph was subsequently investigated by Gardaí and it was discovered that this is not exclusively a Magdalene procession but a community procession attended by lay people and members of the Children of Mary, a lay catholic group. Some of the women in the photograph are residents of the Sean McDermott St Asylum however it

¹⁸⁷ Id at page 53

¹⁸⁸ Garda Report, *supra*, at 61

is a May procession. The women are carrying the bedecked statue of Our Lady as they have the honour of doing so. The Gardaí are in attendance in veneration of Our Lady and for no other reason”.¹⁸⁹

295. The Report supplied other photographs of Gardaí taking part in other religious processions (not including women from an institution) and noted that:

“The Gardaí attended many religious processions in the past and this is reflected in the sample of Garda records in chapter one ... There was a lot of Processional Duty performed by An Garda Síochána at religious festivals and events. The presence of An Garda Síochána is a show of respect venerating the religious tolerance and it is to be remembered that recruits to An Garda Síochána at the time were marched to mass from the depot to Aughrim Street Church every Sunday morning”.¹⁹⁰

296. The priest pictured in the photo spoke at length to the Gardaí about the matter. His comments, insofar as relevant to other issues, are included elsewhere in this Report. With regard to the procession and presence of the Gardaí in particular, he said:

“It wouldn’t be related to the girls coming from the Convent in my view. The Guards participated in all the processions. There was always a combination; you know a kind of sharing. But it would bear no relationship to protecting the girls or nothing at all that way”.¹⁹¹

297. When directly asked if there was any question that the Gardaí would attend such a procession to “stop these girls escaping”, he answered:

“Never, never, never, never. ... Everybody participated. It wouldn’t be only the Guards. You’d have a whole Procession of Parishioners and lay people. Sometimes you might have a band in it. You used to have loud speakers up all over the place and music would come over. ...

¹⁸⁹ Id at 62 et seq

¹⁹⁰ Id

¹⁹¹ Garda Report, supra, at page 66

There'd be altars everywhere. Shrines, little shrines. Houses, flats would put up their little altar. It's all part of the festive veneration".¹⁹²

298. More broadly, the priest recalled that, at that time, he was serving as Chaplain to the Magdalen Laundry at Sean McDermott Street. He identified some women who had been in the procession while living at Sean McDermott Street, but recounted that they also took part in outings other than such religious events and that some of them also had part-time jobs outside the institution. In none of those other outings would there have been Garda participation. He said that on his taking up the position in the 1960s, he began to assist in reform, including dispensing with uniforms, developing private cubicles instead of dormitories, and commencing a variety of outings and more open environment. For example he recounted going to the cinema with a group of the women:

"So I went down to 30 of them and I said 'I'll take you to the pictures provided you don't let me down. That we'll go, enjoy the picture and com(e) back'. I said 'it's on your honour'. And the Sisters agreed on my honour! God if it happened today! I walked up Sean McDermot Street, collar and coat the works. At that time ... with 30 women! ... So we went down we looked in Clery's window and a few others and it was great and we went home and it was a great success so that kind of thing went on a little bit".

299. He also referred to a holiday house in Rush and a school in Greystones, which they hired for a holiday in summer, as well as visits to Lourdes by the women.

300. Regarding outside work, the priest said that a number of hostels provided cleaning jobs for women living at Sean McDermott Street who wanted to do so and that they would have no difficulty leaving the institution to do so.

¹⁹² Id

“It would be cleaning rooms and sweeping, that sort of thing, so quite a lot of them had a Saturday, Sunday job. And they got money for that and that money was theirs. And again they bought clothes and things that they wanted. But more importantly, they were getting out and were coming back. They were now beginning to live a near normal life if you know what I mean”.¹⁹³

301. A layperson who, at the time, operated a number of hotels was also interviewed by the Gardaí in relation to the processional photograph. He identified at least one of the women and confirmed that, while living at Sean McDermott Street, she and a number of others from the Magdalen Laundry had jobs in his hotel at the weekends.¹⁹⁴

302. The Garda Report summarises his comments as follows:

“From time to time [name] would provide jobs for girls from the Magdalene in Sean McDermott Street during the period 1966 until the mid 1970s. ... He said that they used to receive a small weekly allowance from the Convent, maybe 4 shillings and that he used to provide them with weekend employment. The tasks required of them were usually in the laundry washing the bed clothes and pillow cases for the various establishments. He stated that he often gave them £5 for a weekend’s work and that they became very much a part of the family at this time. He recalled that the women were very religious and he often brought them to mass. He also said that the women might assist with minding his children from time to time and that his children were very fond of them and were devastated when [name] died. He said that there was never a complaint from [name] about the nuns or the Gardaí and that they were always polite and civil. At any time that he visited the laundry he never saw or heard of any unkindness”.¹⁹⁵

¹⁹³ Id at 70

¹⁹⁴ Garda Report, supra, at 82

¹⁹⁵ Id

303. The above statements by a priest and an outside lay-person suggest that Garda supervision of women outside the Magdalen Laundries did not occur, despite the fact that Gardaí might participate in some religious occasions, including some occasions involving women from those institutions as well as others.
304. However, as set out more fully above, in some cases Gardaí would be notified and expected to arrest a woman leaving a Magdalen Laundry, if her presence there was a requirement of probation; or in the context of recall during her period of post-discharge supervision from an Industrial or Reformatory School.
305. Although there is no direct evidence of this, it may also be that in early times (1920s/ 1930s) some women were arrested by Gardaí following departure from Magdalen Laundries under the instructions relating to persons in ‘the uniform of institutions’.

Informal placements of girls and women in the Magdalen Laundries by An Garda Síochána

306. Documentary records of informal placements can by their nature be difficult to find. However, the Committee identified some such records in the archives of the Department of Justice. These records were identified in the context of a Magdalen Laundry which was receiving capitation payments for remand and probation cases where payment requests for those cases also identified and sought payment for informal referrals by the Gardaí.
307. As part of a payment request, the following breakdowns of such cases were recorded:

July to December 1971

In this period, 26 women were informally referred to the Magdalen Laundry at Sean McDermott Street by the Gardaí, the background to these cases being categorised as “runaways (10), vagrants (6), stranded

(10)". 22 of these girls and women remained there 1 day, 3 remained for two days, and 1 remained for approximately one week.

January to June 1972

11 women referred, backgrounds being classed as "runaways (4), vagrant (2), stranded (3), deserting or deserted (2)". 9 remained there for 1 day, 1 remained there for 2 days, and 1 for approximately one week.¹⁹⁶

July to December 1972

12 women referred, backgrounds being classed as "runaways (2), stranded (6), vagrant (4)". 10 remained there for 1 day and 2 for approximately a month.¹⁹⁷

308. In relation to the category "stranded", the note records that the term is hard to define, but might include, for example "money stolen. Unbalanced. Over from England and no place to go. Assaulted". The note indicates that:

"the runaways or stranded normally stay only one night, before being returned home or elsewhere by the Gardaí. The vagrants nearly always stay longer, till they are fixed up in employment or the like".

309. A letter was drafted by the Department of Justice in March 1973 in relation to the matter, but ultimately was not issued to the intended recipients in the Department of Finance. The draft addressed the question of possible payment for these categories of referrals. It stated as follows:

"Convent of Our Lady of Charity, Sean McDermott St ... also provides assistance with the placement of girls who are in neither of the categories stated above but for whom the Gardaí or Welfare Officers attached to the Welfare Service of this Department, find it necessary to obtain accommodation at very short notice. The girls may be described as deserted, stranded or vagrant and usually stay

¹⁹⁶ Id

¹⁹⁷ Id

in the Convent for a very short period, in most cases overnight, pending return to their parents or guardians. The fact that the convent is willing to accept these girls is of the greatest assistance to both the Gardaí and Welfare Officers. It obviates the necessity of charging them with an offence and a subsequent appearance in Court. The Convent authorities, however, receive no payment for the maintenance of the girls, as the approved capitation rate is payable only if the girls have been before the Courts.

In view of the invaluable service being provided by the Order, it is considered that financial responsibility for the maintenance of these girls should be accepted by this Department. It would be to the grave disadvantage of the work of the Gardaí and Welfare Officers if the Order should refuse to accept them. In addition, the Order is facilitating this Department by accepting remandees, pending the provision of accommodation for such cases. This Department is therefore anxious to maintain the continued cooperation of the Order in the case of problem girls”.

310. The draft concluded by seeking the sanction of the Minister for Finance for payment of capitation in such cases. The file copy of this draft contains a handwritten endorsement indicating “not issued”, without any further explanation. Nor does the file reveal any further background on whether the proposals contained therein were acted upon at some other time.
311. Based on the records of the Religious Congregations and the recollections of retired Gardaí, the Committee is of the view that similar informal and short-term placements of girls and women are likely to have occurred at other Magdalen Laundries also. The recollection of some retired members was that if accommodation was urgently required by a woman coming into contact with the Gardaí, the practice was to seek shelter for her at whatever institution was within their district – be that a convent, hostel, City or County Home or a Magdalen Laundry.

312. As set out at the beginning of this Chapter, extensive searches were carried out by the Gardaí for any possibly relevant documents (including Garda Station Occurrence Books) and interviews were conducted with 60 retired members. In all cases, evidence or recollections of informal placements and the context within which they may have occurred was sought.

313. The Garda Report to the Committee noted that many of the searches:

“have had limited results due to the fact that there were no imperatives to retain station records and there was no central repository for Garda records until recently. It is to be borne in mind that the National Archives Act was not enacted until 1986. The Criminal Procedure Act 1993 now compels An Garda Síochána to retain original investigation files and evidence where a case has been disposed of at Circuit Criminal Court level only. The standard practice seems to have been to retain files and registers for a period of 6 or 7 years and for them to be disposed of thereafter. ... The occurrence books serve to contextualise the type of incidents that Gardaí were dealing with in the past and how they utilised voluntary or charitable organisations.”¹⁹⁸

314. Nonetheless, the Occurrence Books identified support the memories of retired members of what were termed “social interventions prevailing at the time”.¹⁹⁹ For example the Kevin Street Garda Station Occurrence Book records:

- a case of a woman in 1939 “found destitute and removed to Dublin Union” (i.e. the City Home)²⁰⁰
- a case of a woman being treated at a hospital in the 1930s
“for weakness. She was mental and wanted Gardaí to take charge of her. [The Doctor] had phoned the Union authorities who

¹⁹⁸ Garda Report to the Inter Departmental Committee at 1.1

¹⁹⁹ Id

²⁰⁰ Kevin Street Garda Station Occurrence Book 12 Sept 1938 to 25 January 1940

informed him that they could not accommodate her there until the morning of the 20th.

The Occurrence book records that the Gardaí “saw the woman in question”, that she provided her personal details and informed the Gardaí that she had been living at a named Legion of Mary Hostel and previously at “High Park Convent” (i.e. the Magdalen Laundry). The Gardaí secured her entry to the Dublin Union (i.e. the City Home) and informed the Hostel, High Park and, via the local Gardaí in her homeplace, her relatives of her whereabouts.²⁰¹

315. Also possibly falling within the category of informal placements may be a case, identified in a private archive, which indicates that a named 16-year old girl was “taken off a boat at Dun Laoghaire” by a named Garda in 1976 and brought to the Magdalen Laundry at Donnybrook. The member is now deceased and additional records cannot be identified, but the Register of the Religious Congregation indicates that she “left” the Laundry within 2 months of arrival.

316. The Garda Report to the Committee indicates, on the basis of these and other examples relating to young boys and so on that:

“it appears from the foregoing examples that there was no standard practice for Gardaí to provide social intervention services in the manner that we are accustomed to today. There was no over-reaching health service that had sections to provide necessary interventions for various situations. The case of [name - second indented example] above is an anecdote, it is accepted but nevertheless it illustrates the extent of the efforts made by An Garda Síochána when they sought the relieving officer to ensure that [name] received care and refuge at the Dublin Union and that her family in [place-name] was informed.”²⁰²

²⁰¹ Id at page 325

²⁰² Garda Report, supra, at page 20

317. Retired members were also asked if they recalled informal placements or interventions such as these, in their time serving within Garda districts which housed a Magdalen Laundry.

318. One retired member who recalled such placements had served in the Anti-Vice Unit based out of Store Street Garda Station (which operated from the 1950s until the 1980s). The Gardaí note that former members of this Unit were interviewed to examine whether:

“Gardaí may have utilised the convents as a refuge centre for girls who may have fallen on hard times and who were susceptible to exploitation by men who would force them to work as prostitutes”.²⁰³

319. A former member of that Unit confirmed that if he:

“found a girl destitute at 2am in the morning he would bring them to the convent at Sean McDermott Street as a place of refuge. Where they had been brought into the [name] [prostitution]] crew and were soliciting he would take them to the convent as there was always an attempt made to put them on the straight and narrow and to help them to get back on track. Often they would be put in touch with family and a train organised by the convent to bring them home. There was always a reluctance to bring them to Court and discretion was applied in every case. Court was for girls who were continuously soliciting. If a girl was to get a conviction for soliciting then she would be stigmatised and that would be avoided if at all possible. Some girls found and brought back on foot of a court order would dread going back but no one ever made a complaint to him about abuse or neglect there”.²⁰⁴

320. These comments support two types of informal placement – the scenario where a girl or woman is homeless (‘girl destitute at 2am’), and the scenario where a girl or woman has been introduced to prostitution.

²⁰³ Id at page 45

²⁰⁴ Garda Report at page 52, summarising comments of retired Garda who had been stationed at Store Street Garda Station (Anti-Vice Unit)

321. A different retired Garda, who served at Store Street Garda Station in the 1960s and 1970s recalled that he had:

“about 6 dealings with [Sean McDermott Street] over 10 years. He said that there may have been young girls from the country who may have needed refuge and he brought them to the convent. When he saw inside Sean McDermott Street he stated that he only ever saw some old women in there”.²⁰⁵

322. Another retired Garda, who served as a Juvenile Liaison Officer in the 1960s, recalled that he:

“knew the nuns in the Convent but only ever called in to keep in touch and in his words have a cup of tea. His wife had a mini bus and worked for a community group and drove the girls from Sean McDermott Street Convent to a holiday home in Balbriggan”.²⁰⁶

323. He also recalled High Park and said that he:

“had a lot of dealings with High Park Convent and remembers going down there and getting cat calls there from the women. All he saw was the ‘nuns, tea and a hostel’ for working girls there. Said he was aghast at the laundries there and many of the girls working there seemed to have an intellectual disability. He saw the laundry only once and saw about 6 girls working in a tough working environment in a room ‘full of steam’.”²⁰⁷

324. The records of the Religious Congregations also provide further insight to informal and temporary placements of this kind. For example:

²⁰⁵ Id at page 54, summarising comments of a second retired Garda who had been stationed at Store Street Garda Station

²⁰⁶ Id at page 54-55, summarising comments of a third retired Garda who served as JLO in Dublin City

²⁰⁷ Id

- A 24-year old woman who had been refused admittance to the City Hospital was in 1922 “brought by Sinn Fein Police as they found her wandering”. She remained there for 4 days before leaving to a named hospital.
- A 15-year old girl was “brought by the Guards” to a Magdalen Laundry in the 1940s. She was “taken out by her mother” 4 days later.
- A 27-year old woman was admitted to a Magdalen Laundry in the 1940s as a “self-referral through Guards [location]”. She was described in the Register as “mentally deficient”. After 3 days, “her father came for her”.
- A 37-year old woman of no fixed abode was admitted to a Magdalen Laundry in the 1940s having been “found straying after [identified event]”. She was “discharged a few days after arrival”.
- A 17-year old girl was in the 1950s “brought by Guards” to a Magdalen Laundry, having been in a city a few hours away from her home address. After approximately a week, she was “taken home by her mother”.
- A 17-year old girl in the 1950s was “brought by the Guards having run away from home”. She left a few days later – “[name] came for her after a few days”.
- A 12-year old girl from a named country location was in Dublin and “brought by Guards” to a Magdalen Laundry in the late 1950s. Two days later she was “taken by guards to get train home”.
- A 16-year old girl from Belfast was “brought by Garda” to a Magdalen Laundry in the 1960s. She was “sent back to Belfast” the next day.
- A 16 year old girl whose mother was dead was “brought by” a named Garda to a Magalen Laundry in the 1960s “after running away from

home with a boyfriend with a jail record". She was "taken home by her father" the following day.

- A 16-year old girl from a named country town was "removed by Garda from flat of ill repute" and placed in a Magdalen Laundry in the 1960s. She remained there for 6 days, after which she "went to job".
- An 11-year old girl who was recorded as having a home address in Belfast was "brought by Gardaí" in Dublin to a Magdalen Laundry in the 1960s. She was "taken home" the next day.
- A 13-year old girl was "brought by Gardaí" to a Magdalen Laundry in the 1960s. She was "taken home" the following day.
- A girl whose age was not recorded "ran away from home and brought by Garda" to a Magdalen Laundry in the 1960s. She was "collected by parents" the same day.
- A 15-year old girl was referred to a Magdalen Laundry in the 1970s by the "guard in charge of youth in city". Her parents are recorded as being in a different city to her. She "left after one week, ran away".