

**Issues Discussed at the
Open Policy Forum on 8 May 2019
to inform the development of a new Youth Justice strategy**

Crosscutting Themes and Issues

A significant number of issues aired in the Group Discussions at the Forum were relevant to a number of the Five Strategic Thematic Areas

- Prevention and Early Intervention
- Diversion
- Procedural Rights
- Sanctions (including Detention)
- Post-Detention and Re-integration

These were prevalent in discussions regardless of which of the Strategic Themes were under examination. These Cross-Cutting Themes are summarised below, followed by notes of the Group Discussions.

1 Information Sharing between organisations

Context

Addressing the issues underlying youth offending require inputs from several agencies and service providers. If we are to provide effective support for the relevant families and children then all services will need to be fully acquainted with the individual situations so that more effective responses can be designed.

General

- Information sharing can be a pinch point within the system leading to barriers to service provision / assessment of cases / progress in development programmes etc. It is also essential to allow proper consideration of cases in the Justice system by DPP, Courts and Probation Service.
- While the sharing of data often happens at a local level but there is a lack of a formal official mechanism to allow services to share young people's data.
- It was suggested that one all-encompassing body could provide a central location for the information management of young people allowing different organisations access to the data held on that young person as needed.

Data Protection

- One of the perceived barriers to information sharing between different organisations is the new GDPR regulations. This was identified as an issue particularly for community based organisations.
- The GDPR issue appears to be coupled with a general reluctance for organisations to share information surrounding young people.

2 Coordination of Services – Mechanisms and Structures

Context for the Discussions

It is long recognised that it is insufficient to simply provide services in each sector (Health, Welfare, Education etc.) and that effective collective action is needed to address the situation of disadvantaged families and children, including those most at risk of involvement in criminal activity. Mechanisms to promote effective interagency cooperation and avoid duplication need to be developed, employed and adapted to support collaborative actions. Currently there are instances where up to 20-30 agencies/organisations can be involved in trying to assist a family, with many of these calling to visit separately.

Existing work in Dublin North-East Inner City and the development of the Meitheal coordination system, led by Tusla, could be built onto provide better collaborative working and better services for families and young people.

Local Service Coordination

- A lack of uniform structures and to support coordination between different organisations was highlighted as an issue for organisations in a local area working with many of the same clients, but being unaware that clients are interacting with other local services, leading to overlap of services.
- The need for an efficient coordination mechanism to be used across the system was highlighted as currently service coordination depends on local relationships. A single point of contact for the families and young people to access services with case managers to assist coordination among organisations was suggested as a way forward.
- Consider model of Youth Offending Teams (UK)
- Coordination needs to include community organisations such as youth clubs, adventure and sports groups etc., so that these services are effectively linked to State provision such as social workers and Gardaí
- There is sometimes overlap of services as well as a lack of services at other times, particularly in evenings and weekend.

High Level Oversight and Support

- At local level communication and coordination works well enough but it is not facilitated by the 'top'
- BOBF monitoring structures could be used
- IYJS should be strengthened to become a dedicated agency with statutory functions to supervise the provisions of coordinated multi-professional services in communities, and given the resources to do so
- IYJS should be interacting with the Courts Service and Gardaí about the operation of criminal justice procedures and should have statutory authority to do so

3 Disproportionate Disadvantage

Context for the Discussions

Particular groups of children and young people such Children in Care (or with a Care history, those with Mental Health issues and Travellers and other Minority Communities are significantly over-represented in the Youth Justice system. There is a need for more detailed analysis and consideration of the factors which give rise to this, with a view to developing more effective systems and practice to help prevent such children becoming involved with the Criminal Justice system.

General

- Youth offending should be viewed as an indication of needs, and for prompt interventions to address those needs
- Early childhood and intergenerational trauma need to be acknowledged and awareness needs to be raised at societal level.
- Overemphasis on diagnosis of ADHD, et cetera, better to focus on trauma related behaviours.

Children in Care

- Huge challenge with children who are in care/ care histories / child protection concerns - need pathways to care but also choices of care to fit individual needs.
- Supports need to be in place for transitioning out of Care and Special Care
- Finding a way to give young people Hope is important
- There are significant difficulties in staffing of care homes appropriately
- Young people want to go back to own communities
- Mentors and care workers are important to help facilitate access to further training.
- Use of Special Care at a relatively early stage can have a positive impact in some case to interrupt a trajectory towards criminal activity
- Those who are held in Special Care can often seen as being doubly punished when charged with offences relating to their care circumstances (e.g. criminal damage caused in the Care Facility)
- Special care gives rise to issues such as disengagement with education
- Special Care - Outcomes framework can track progress. Optimum timeframe in special care is nine months – but still difficulties in getting people out at the right time.

4 Training

Context for the Discussion

There are many complex socio-economic and behavioural issues underlying child and youth offending. To achieve more effective service responses it is important that relevant personnel have appropriate specialist knowledge and training.

Key points

- It is important that teachers receive adequate training in order to identify early trending towards criminality, as they are probably best placed to do this.
- Child care front line staff, fire service, food delivery staff, Gardaí, etc. should be trained in how to identify early criminality markers in the home.
- Specific training for all Gardaí in youth issues needed. It was noted that new An Garda Síochána recruits receive training from the GYDO during their training, however Gardaí also learn with operational experience and there is a need to re-inforce the messages given to recruits
- Training for front-line staff including Gardaí Legal Professionals, Probation Officers and Judges should include the effects of trauma and Adverse Childhood Events (ACEs) (*An example of inter-agency training with Prison Officers, JLOs, Social Workers and Tusla in trauma in Cork was noted as good practice and cost effective. Also noted was ACE training for Welsh Police*)
- There is a need for specialised youth related training for Court Registrars/Clerks and members of the Judiciary
- Solicitors, JLOs and others require training to understand young people with ADHD and autism - training on responses and language use during interactions with young people
- Specialist training for youth cases is needed for solicitors / barristers representing young people and the Law Society course on the Juvenile Justice was noted as a positive development

5 Legislation

Context for the Discussions

The existing statutory framework for Youth Justice contained in the Children Act 2001 (as amended) is now somewhat outdated and some of its provisions are little used. As well as revising the Children Act, it will be important to ensure coherence and alignment with other relevant legislation including the Child Care Acts and legislation to emerge from the recommendations on the Commission on the Future of Policing.

General

- Legislation needs to help and support multi-agency approach

Children Act

- The age of criminal responsibility should be raised from 12 years of age to be more in line with European standards.
- Introduce a mechanism for ongoing review of the operation of Sanctions contained in the Children Act – in the context of the overall review of the Act
- Design of Family Conferences needs rethinking.
- Age question (what happens at/after 18) should be addressed – it should not be such an immediate transition to full adult regime
- Updated legislation needed for sentencing of minors including provisions to allow for the equivalent of suspended sentencing

6 Positive Adult Influences and Mentoring

Context for the Discussions

Mentoring for young people is an important support which can benefit children young people and parents. Vulnerable children who lack positive role models are more likely to be targeted by criminal networks so it is doubly important to provide positive support such as mentoring for such children. Mentors need to be long term but need to change as the young person's life circumstances change

- Mentoring should be considered as an element in the design of all intervention / support programmes
- Mentoring should be provided to assist parents as part of various support programmes
- A mentor should to be assigned to a young person when they enter the Justice system to help them understand and navigate the nuances of the system - young people need long term contacts with ideally 1 or 2 people

7 Access to Information

Context for the Discussions

Children, Young People and Parents need to be aware of the services and supports that may be available to them. Likewise, agencies/organisations need to be aware of the services available.

- There is a need for increased access to information with regard to supports that young people can avail of, particularly when they enter/ are at risk of entering, the Justice system.

Group 1. Prevention and Early Intervention

Context for the Discussions

Positive support for early development is crucial to allow children develop the life skills they need to avoid later involvement in anti-social or criminal activity. Education services as well as family support services have a vital role to play. Young people who enter secondary school with low literacy levels struggle and make up a large number of early school-leavers, who in turn make up a large number of young offenders

Twelve years (effective Age of Criminal responsibility) is too late to intervene as a proportion of young people are already entrenched in criminal behaviours at this point. Therefore Prevention and Early Intervention measures are an essential part of Crime Prevention strategy.

Where significant disruptive behaviour emerges in a school setting, the “traditional” responses, such as expulsion or reduced timetables, are not helpful in preventing future criminality

Education, Schools and Alternatives

- Additional resources needed to help with literacy issues in primary school
- The use of Reduced Hours by school has a serious negative impact on young people
- Extra specialised supports are needed to keep young people in mainstream education
- Young people often have negative experiences in school and things like a focus on school uniforms are negative - participation in education should be the real priority
- Element of choice for young person important in education.
- Supports needed for vulnerable young people transitioning between schools to help them adjust to new circumstances
- Where a young person leaves main stream education a process should be initiated to ensure that an alternative is provided
- Young persons may be effectively out of school since primary and there may be significant speech and language needs.
- Youthreach model of education important –there are examples of good and bad practice within the existing Youthreach approach.
- New cross departmental approach needed to address situation of disadvantaged young people with Dept. Education fully involved – for most of those involved in Justice system most are out of education by age of 15, don't have Junior cert and often apprenticeships require leaving cert
- Involvement of entrepreneurs and business organisations – can provide apprenticeships for young people.

Community Based Supports/Services

- Supports need to be less reactive and more carefully planned.
- Longer term supports needed for families and young people rather than short term one off support measures.
- An increase in services for young people, particularly under the age of 16, to provide an alternative to the Education system.
- Services should be equally accessible in both rural and urban areas
- Community hubs are needed to provide a focal point for services for families, which also provide other services, to reduce stigmatisation.
- Services need to be flexible and accommodate the reality of young people's situation - if a young person disengages with services, they need a mechanism to return to their services if they decide to re-engage later, e.g. appointment based services such as CAMHS discharge young people for non- attendance.
- Additional resources should be invested in alternative to alternatives to "gang culture" such as adventure clubs and scouting groups (in addition to GYDPs programmes)
- Access to sports may assist young people develop their self-esteem, gain discipline and understanding of boundaries – examples given of CYPSCs funding a boxing programme and ETB Community Training Centres running soccer programmes
- Delays in providing key service contacts need to be addressed e.g. a young person may not become engaged until they are allocated a social worker, which is often too late.
- NGO contracting by State agencies creates its own problems – while it gives statutory agencies' flexibility, it creates pressure on NGO staff which result in high turnover rates, affecting the affects quality of services for young people

Social Work and related Community Services

- Social workers assigned at the point of contact with the Youth Justice System should be kept throughout engagement with the system - Young people feel abandoned when social worker leaves and this has an effect on young people's trust.
- Often there is no active social worker for young people without a criminal record but who are at risk, and great difficulties finding funding for services to support these young people

Drugs Services

- There is need for enhanced therapeutic interventions for young people using drugs - currently there are a limited number of organisations providing treatment for young people
- CAMHS and substance misuse service are separated which causes problems for service delivery.

Sex Education

- Sexual education is required at a younger age
- Greater education in social media use required, young people are sharing images online without understanding the consequences (child pornography)

Parenting and Family Support

- As multiple factors involved in a young person's life the system should ideally work with families immediately any service needs become apparent
- Need for early and continuing Parenting/Family support in many cases where children are involved (or more likely to be involved) with the Justice system – families who need this support can be identified even before children are born.
- Intervention support needed at a very early age (0-3) and pre-natal support
- Additional supports needed for young parents particularly young teenagers
- Reporting mechanisms need for referral for support for vulnerable children/families identified by Public Health Nurses, Pre-School teacher and Primary teachers and other professionals or voluntary personnel

Group 2. Diversion

Context for the Discussions

International standards prescribe that Diversionary measures are an integral part of a youth Justice system. Diversion has been a feature of our system for many years. The existing Diversion measures need to be reassessed and aligned with other relevant programmes to ensure that we maximise collective efforts to support children and young people towards positive life choices and away from criminal or anti-social behaviour.

Garda Diversion System

- Self-referral from either parents or the young people for Diversion programmes could be further encouraged (as in UK) in addition to Garda referrals
- Diversion needs to be taken more seriously by the Garda organisation (not just JLOs) and by other agencies as too often it is seen as a “soft-option”
- There appears to be a Decrease in referrals for Diversion and also for Young Persons Probation
- If young people are repeatedly diverted (e.g. cases with 12 JLO cautions), this makes Diversion Programme appear ineffective and highlights that young people may not be getting appropriate supports

Diversion in the Community

- Young people need to be detected earlier to address criminality before it becomes entrenched – so Diversion measures should be considered where necessary at an early age
- Interventions in schools at 7/8 could be beneficial
- All state agencies need to engage with the Diversion Programme to benefit the children and young people involved and help change negative behaviour patterns.
- Diversion needs to be seen as useful for tackling more than low-level crime
- Additional resources need to be invested in GYDPs and similar programmes

- Need to address the issue of Gardaí targeting those who are part of a diversion program and who may be seen as an “easy” prosecution
- The Diversion system can be seen as “clunky” and inaccessible particularly in that the Young People must admit guilt to be considered for Diversion and related support programmes
- In areas where there is no Garda Diversion Project, JLO input may not be sufficient
- There are geographic variations in the effectiveness of the Diversion program - effectiveness needs to be measured and standards implemented across the State.
- More formal collaboration, on an official basis is required between Diversion and Probation.

Sexual Offences

- There are continuing difficulties with regard to young people and sexual crimes especially young men being prosecuted for engaging in sexual activities where both young people are underage – service interventions and Criminal Justice procedures need to be oriented to address the reality of sexual behaviours among young people, including in relation to the use of social media.

Group 3. Procedural Rights (Investigation, Prosecution, Courts)

Context for the Discussions

The interaction between young people involved in, or on the fringes of criminal activity should be governed by clear procedural rights and fair procedures. This should extend from interaction with Gardai in the Community, right through the Investigation, Prosecution and Courts processes. All involved in the Justice system have the possibility of making a difference (positive or negative) in the lives of young people they encounter in performing their duties.

Policing in the Community

- Some great relationships with Gardaí who build trust with young people but in many cases young people afraid to engage with initiatives, because experience with Guards up to then has been negative - huge sensitivity is required.
- Stop and search by Gardaí “hanging over” young people, particularly those coming out of Oberstown

Delays and Case Management

- Delay in courts process results in young people ‘racking up’ offences as they often have a high-risk level of re-offending - delays in first appearance in court can be six, 12 or 18 months
- Issues with young people aging out due to the delays in serious cases, meaning that some young people do not get to Oberstown at all as they are too old.
- Drugs charges are most often delayed, as substances have to be analysed - there can be significant delays in this leading to a loss of momentum in cases

- Improved case management including close liaison between Gardaí / DPP/ Courts could help reduce delays significantly, and Garda case managers should have a key role in this regard
- Garda case managers could be trained up in using the YLS risk assessment tool - this would allow An Garda Síochána to identify young people with a moderate/high level of risk of re-offending, and help facilitate introduction of earlier (Probation) interventions rather than at the court stage (six-18 months later)
- Should there be a role for IYJS in the administration of court processes?

Admissions to Gardaí / JLOs

- On occasions solicitors may not be present when a young person makes an admission in an interview
- A young person can decline having a solicitor present during interviews, but on occasions no lawyer/solicitor is called and the young person may not have been given legal advice. It was suggested that a lawyer/solicitor should always be called, the young person should receive advice and only after this can decline representation

Legal Representation

- There is a need for consistency in those representing young people in court
- All legal representatives in the Children Court should have specialised training
- Steps should be taken to ensure that youth crime cases are not used as “training runs” for inexperienced advocates

Legal Aid

- If a young person is voluntarily being interviewed, a solicitor needs to apply for legal aid first and this may require solicitor to apply for emergency legal aid, and could prevent legal representatives from providing representation
- The Garda C72 form has not been updated and still states, ‘Legal Aid will be dealt with in Court’

Probation Sanction Report

- Probation sanction reports are required within 21 days, this is often not sufficient time to gather information and to engage with the young person to provide an in-depth and more accurate assessment

Court Facilities

- In Dublin (Court 55), no room for lawyers/solicitors to consult with young people, instead consultations happen through a hatch on cell doors, if a young person is being detained, or otherwise in the public area outside the court.
- The situation in Courts in other parts of the country should be assessed also

Effective Communication and Support with Children in the Criminal Process

- Need for more supports for young people in Court
- Ensuring child friendly language used by An Garda Síochána, solicitors, and courts so young people understand what a 'caution' means
- Simplifying the custody recording process
- Introducing child friendly documents, including a victim centred focus
- Pre-court meetings with Gardai/young people would be useful
- Ensuring that young people are told what will happen in court e.g. if CCTV footage will be shown in court, not informing the young person of what will happen could be problematic and could damage the relationship with legal representation

International Initiatives

- It was noted that Greece is reviewing its juvenile justice system and is looking to talk the young person's views/skills into consideration in the court process
- It was suggested that a review of international best practice may identify different pathways

Therapeutic interventions

- Restorative element to sentencing, if young person receives treatment for six months, sentencing maybe reduced

Females involved in Criminal Justice System

- Young Females engaged in the criminal justice system often have low self-esteem, but tend to engage better in services and are better at building relationships
- Young Females are often more 'strategic' when engaged in the criminal justice system than male counterparts, and therefore their criminal behaviour may be less obvious

Group 4. Sanctions (including Detention)

Context for the Discussions

Where a young person is found guilty of a criminal offence there are a range of Sanctions available to the Courts, up to and including Detention. While the Courts process must dispense Justice in accordance with the Law there are also opportunities to see if the young person can be supported in a positive direction.

Information Sharing

- Better information sharing between organisations/agencies and proper protocols to support it are very important in relation to the imposition of Sanctions - if full information is not available to a Judge it can affect Court outcomes.

Court outcomes

- Parenting Supervision Orders- judges don't seem to be prepared to use these
- Regional variety in decision-making of judges (differences compared to Dublin)
- A young persons behaviour needs time to change- the system and Court approach has to accommodate for that
- Court process often highlights needs for effective links to Tusla services – not necessarily child protection but family supports, approaches such as Bail Supervision Scheme should be employed much earlier to prevent involvement in crime
- There should be proper resourcing of existing legislation to allow for operation of genuine community sanctions
- Children Act is actually being used for Welfare purposes despite the provisions in the Act that this should not be done

Detention

- Short term detention is never useful
- More services are available in detention than in the Community at the moment
- Interventions (in Detention or otherwise) should be based on level of need and the rights and best interest of the individual child
- Medical needs often met while in Oberstown
- Social enterprise wants to partner with Oberstown – companies willing to give young people work. Challenge is homelessness/chaotic home environments to sustain this.
- Young people feel as though they have no control inside or outside detention and models of care can provide a tangible way for young people to be involved – their participation in designing their own care services is very important.
- Mentoring needs to continue while in Oberstown or special care – having one dependable adult is very important

Group 5. Post-release and Re-integration

Context for the Discussions

A young person who has been in Detention will often return to the same environment which might have encouraged criminal activity. There is an obvious need to support the young person on release from Detention to prevent re-offending. It isn't reasonable or effective for the Justice system to "wash its hands" of young people once their time in Detention is done and the costs of good quality community services are significantly less than Detention

Supports and Supervision Post-detention

- Extending models such as YJARC should be considered more widely
- Probation Service are very creative with young people involved in lower end of offenders- but the system could do more those involved at the higher end
- Supports needed while transitioning back into community from Detention or special care - Some young people coming out to chaos and Homelessness and drugs are key issues

- Young people due to start state exams after release – may not have access to meals, place to sleep et cetera
- Supports needed for young people's parents and families while in Detention
- HSE need to be involved about mental health issues post-detention
- Multiple agencies working together is needed while young person is in custody and on release – on leaving Oberstown there is massive risk because of inadequate services
- Participation of young people in determining what is best for them and how services will support them is essential to ensure that they buy in to whatever is provided for them
- Drugs a major issues, many young people do well on in-patient treatment while in detention but struggle after release.
- Homelessness is also a major for young people in unstable accommodation particularly for young people aged 16-21. Possibilities of the system finding a stable adult to support the young person in the extended family?

Reintegration and Recidivism

- What is at home? young people may go from a period of relative stability in detention to possible chaotic lives at home - Oberstown have no input after release.
- Transition- Trying to prevent young people from going back to communities, but this is where young people want to go. Agencies need to come together. Recognition of the challenge some young people pose.
- Young people due to start state exams in a few days after release – may not have access to the problem meals, place to sleep et cetera.
- Need somewhere to live/accommodation, safety/one dependable adult identified at point of getting involved in the youth justice system to be connected with young people throughout.
- A lot of young people in Oberstown come in as repeats, so long-term engagement with young people and their families is important as in some cases multiple siblings in detention at the same time – ongoing contacts increases the possibility of avoiding reoffending.