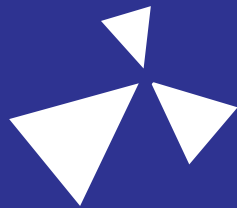




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YOUTH JUSTICE

TRANSFORMATION



SEVENTEENTH ANNUAL CONFERENCE

Camden Court Hotel, Dublin 2. 17th October 2014

Mission Statement

ACJRD informs the development of policy and practice in justice

Vision Statement

Innovation in justice



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Foreword from the Chairperson

Maura Butler, *Chairperson ACJRD Ltd*

The 2014 Annual ACJRD Conference *Youth Justice Transformation* on Friday 17th October 2014 coincided with United Nations International Day for the Eradication of Poverty and comfortably borrowed from its theme: *Leave no one behind: think, decide and act together against extreme poverty*. Our society should not leave any child behind; we need to think, decide and act together to ensure that young people who come into conflict with the law are assisted towards desistance in a transformative way.

ACJRD was very honoured that the Minister for Children and Youth Affairs, Dr. James Reilly, T.D. launched the conference. In his in-depth paper he outlined the necessary child-centred philosophy that must address immediate and long-term goals for children in the context of prevention, early intervention, justice, and rehabilitation.

As in previous years, speakers from Ireland were joined by those from comparative jurisdictions delivering papers from Scotland, England and Northern Ireland. The conference structure facilitated the presentation of plenary sessions supported by break-out groups, where attendees from the public and private sector shared their views, experiences and expertise. The attending academics, professional and voluntary criminal justice system practitioners evoked The Chatham House Rules, as necessary, to facilitate free discussion¹.

Initial plenary sessions on preventative interventions, DPP policy, the specific needs of offenders who are girls, and partnership approaches, were expanded in complementary workshops that looked at the need for specialist training for those who work in the justice system with children, assessment and therapy for some of those children, diversion of those children from the courts system and a comparative analysis of risk management practice demonstrated in pre-sanction reports for those children who do end up within various court systems.

The non-custodial approach to dealing with children who offend and restorative practices employed in their transition from offending was explored in later plenary sessions, supported by break-out sessions that addressed the integration of restorative practice in delivering probation policy and practice, dissemination of information of the transformation of the Oberstown National Children's Detention Campus, the impact of mentoring and a positive story of a young woman who has left offending behind as she trains to become a youth worker, demonstrating her transformative journey.

ACJRD sincerely thanks the expert presenters and all who contributed during discussions to this year's conference. The ACJRD Council are confident that the papers in this publication will benefit those who work with children to achieve positive transformations where those children are vulnerable to becoming involved in conflict with the law.

¹ The Chatham House Rules state: "When a meeting, or part thereof, is held under the Chatham House Rule, participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed".



Launch of Conference

Minister for Children and Youth Affairs, Dr. James Reilly, T.D.

Any level of criminal behaviour by young people is a serious social issue for the victims of their crimes, many of whom are also young people. And it's a serious issue for the communities in which they live and for the young offenders and their families. Finding the right way to address the issue must encompass both immediate and longer term goals. It needs to balance justice, fairness, rehabilitation and accountability.

The Association of Criminal Justice Research and Development is making significant contributions to finding long term solutions to many of these issues. It continues to highlight criminal justice issues, the importance of inter-agency solutions and flowing from that, criminal justice issues regarding Youth Justice.

At the end of last year the Association held a seminar entitled 'Juvenile Justice' which marked the launch of the Association's Juvenile Justice Working Group. The theme of today's annual conference 'Youth Justice Transformation' marks another step in facilitating change in this vital area of work and clearly encapsulates the task ahead if we are to make real progress.

Ministerial Responsibility

As Minister for Children and Youth Affairs my Department is responsible for a range of supports to families and children which seek to address many of the social and economic contributory factors which may lead to offending behaviour. So I am honoured to be here to open this Conference and look forward to learning from the ideas and information exchanged

here today as I continue the work of my predecessors, Minister Fitzgerald and Minister Flanagan. Much of that work was focused on driving reforms to bring a seamless, integrated, approach to policy development and service provision for children from their early years right through to youth and young adulthood to help them realise their full potential. I am committed to continuing that work and building further on those policies and principles.

In terms of youth justice the main legislation is the Children Act, 2001 and responsibility for its implementation is shared between the Minister for Justice and Equality and myself. The Minister for Justice and Equality is responsible for the areas of crime prevention, crime reduction, criminal proceedings, diversion and community sanctions and community projects.

In the area of youth justice, my main responsibility under the Act is for the three Children Detention Schools at Oberstown, Lusk, Co. Dublin which provide places to the Courts for girls up to the age of 18 years and boys up to the age of 17 years ordered to be remanded or committed on criminal charges. I am also responsible for the child care aspects detailed in the Act.

Since 1 January 2012 the Irish Youth Justice Service, which is based in my Department, operates across two departments, my Department and the Department of Justice and Equality. It is staffed by officials from both Departments.



The Irish Youth Justice Service is responsible for leading and driving reform in the youth justice area by:

- focusing on diversion and rehabilitation, including greater use of community - based interventions, promoting initiatives to deal with young people who offend
- providing a safe and secure environment for detained young people
- and supporting their early re-integration into the community.

At the heart of the future reform and transformation of Youth Justice is The Youth Justice Action Plan 2014-2018 which was launched by the Minister for Justice and Equality and the Minister for Children and Youth Affairs in February 2014.

While those are the specific functions and responsibilities of my department in this area, on a broader note I see our role as working in an integrated way in the context of my Department's overall policy framework 'Brighter Outcomes, Brighter Futures' to develop strong linkages between early prevention and intervention, and deliver closer working relationships between the care system and the justice system. Both of these themes are part of the Youth Justice Action Plan. The plan contains five high level goals and I am glad to see that there is a good overlap with many of the topics listed for today's conference.

Safe and secure detention

One of those key goals is, 'to provide a safe, secure environment and necessary support for detained young people to assist their re-integration into the community'.

There has been substantial progress in this area in recent years. In 2012, capital funding of over €56 million over three years was secured to develop new and expanded National Children Detention facilities at the Children Detention Schools on the Oberstown campus to ensure that all children and young people under 18 years of age who need to be detained will be sent to facilities where there is a child care model in operation. The detention school model is one of individualised care, education and rehabilitation to reduce the risk of re-offending and promote the positive re-integration of each young person into his or her family and community. The emphasis is not only on ensuring they will observe the law in future but also and equally importantly are willing and able to make a positive and productive contribution to society.

As a result of The Programme for Government's commitment to end the detention of children in adult prison facilities, the transfer of 16 years old males from the adult prison system to the Oberstown campus commenced from 1st May 2012. And 16 year olds are no longer being detained in adult prison facilities.

In addition, the remit of the Ombudsman for Children has been extended to 17 year old boys detained in the adult prison system for the period until arrangements are in place to allow such detentions to cease fully. These are substantial changes. It is almost 30 years now since T.K. Whitaker criticised the use of St Patrick's Institution for young people under 18 and this government is determined to see an end to this practice in the very near future.

Following the appointment of contractors, construction on the Oberstown



development project started on site in the September of 2013. The first three units of new residential accommodation are scheduled to be delivered by the end of this year. These new units will be used to accommodate 17 year old boys and will extend the remit of the campus to boys up to the age of 18 years on admission. A further three residential units, to be delivered in early 2015, will replace existing detention buildings used by Oberstown Boys School and Oberstown Girls School which have reached the end of their useful life. Tony O'Donovan, Child Welfare Advisor in my Department and Pat Bergin, Oberstown Campus Manager will be providing more detail on this work later today in their presentation at the workshop "The evolving landscape of the National Children's Detention Campus, Oberstown".

Work is also on-going on a recruitment programme to be implemented on a phased basis during 2014 for over 60 additional care staff to help manage the new facility. In fact the first tranche of 25 new staff commenced their induction training on campus earlier this week.

There has also been good progress on the development of effective therapeutic supports for young people in detention. The Irish Youth Justice Service and Túsla, the Child and Family Agency have together developed a new clinical service for children in special care and detention, arising from the Ryan Implementation Plan published in 2009. The Assessment, Consultation and Therapy Service, known as ACTS, is a national service that provides clinical services to children placed in special care units managed by Túsla and children detention schools, as well as short term interventions when they return to the community to support them as they

re-engage with mainstream services. The role of ACTS is to determine, based on the results of screening in conjunction with other available reports, whether young people need more specialist assessment or intervention from specialists within the clinical team.

A full review of the types and purpose of reports and professional assessments of children within the Children Detention Schools has also been carried out. This involves on-going contact between the Irish Youth Justice Service, management in the schools, the ACTS service and the Probation Service to establish the exact role of each body in providing appropriate information to the courts on children being remanded in custody or committed to a sentence of detention.

Work is on-going on a guidance paper, to be available to all relevant agencies and the courts, on the role and service provided by the ACTS service within detention. This seeks to ensure that children are only remanded in custody for the right reasons and that there is awareness among all relevant agencies and the courts that it is not always necessary to remand a child in custody in the children detention schools in order to ensure they receive particular services.

Legislation

The development of the National Children Detention Facility will be underpinned in legislation. A General Scheme of the Children (Amendment) Bill 2014 has been drafted. This Bill will provide a statutory basis for the amalgamation of the Children Detention Schools and make a number of technical amendments to facilitate the implementation of existing provisions and address other issues and omissions that have been identified.



The bill will enable the amalgamation of the Children Detention Schools which will provide operational efficiencies. It will also provide for the introduction of a defined system of remission of sentences for good behaviour, clarify the legal position of children reaching the age of 18 in a Children Detention School and delete all references in law to the detention of children in adult prison facilities. I look forward to bringing the legislation through the Houses in the near future.

Prevention

I have spoken about the policies and initiatives underway to ensure the best possible methods and policies for detention. But of course prevention of the crime in the first place is always preferable so, over the lifetime of the Action Plan I've been outlining, there will also be substantial focus on reducing the necessity for detention, through more investment in preventative methods.

To help achieve this aim, there will be increased co-operation with all partners in the criminal justice agencies, An Garda Síochána, the Courts Service, Probation Service and the Irish Prison Service, and also with the services in the health, education and welfare systems and with the community and voluntary sector.

My Department will also work to enhance effective information sharing between relevant parties and the promotion of best practice in dealing with children. And we will also strengthen and develop the evidence base to support more effective policies and services. This process will involve listening to and taking account of the input of young people to ensure the decisions made and policies implemented are relevant and appropriate.

All of you here today will be aware that the lack of relevant data and research on youth offending continues to pose a challenge. We are working to address this deficiency and as part of that process the Irish Youth Justice Service will conduct research with relevant stakeholders to identify the progression routes for certain young people into crime and to design more effective interventions to impede their progress from juvenile crime into serious adult crime.

The purpose of youth crime intervention work is to engage young people in a process of learning and development that allows them make positive lifestyle choices. The youth justice system, through its community-based projects, will continue to use early interventions to target those at risk of offending behaviour through the Garda Youth Diversion Programme and Garda Youth Diversion Projects, and will link with other service providers in encouraging and enabling young people to build a positive future for themselves.

Garda Youth Diversion Projects are nationwide, community-based, multi-agency crime prevention initiatives, funded by the Department of Justice and Equality through the Community Programmes Unit of the Irish Youth Justice Service. The projects seek to divert young people from becoming involved in anti-social or criminal behaviour. Operating in tandem with the Garda Diversion Programme, they aim to bring about conditions where the behavioural patterns of young people towards law and order can develop and mature through positive interventions and interaction with the project. The projects are particularly targeted at 12-17 year old "at risk" youths



in communities where a specific need has been identified.

Funding

Of course all of this costs money but funding support for youth justice community interventions is based on the well evidenced research that timely, high quality preventative intervention can do more to reduce crime than more costly custodial options.

While community based crime prevention and reduction programmes are funded by the Department of Justice and Equality through the Community Programmes Unit of Irish Youth Justice Service, efforts are being made to engage with other youth service providers nationwide to promote the use of complementary crime prevention supports and service delivery in respect of vulnerable children.

Education is a key factor in this support programme as it plays a major role in determining many children's future options. The responsibility for educational welfare supports has transferred to Tusla, the Child and Family Agency. These include the education welfare service, school completion programme and a co-ordinating role in relation to the Home School Community Liaison programme. These are all central to the model of educational welfare service delivery – 'One Child One Team One Plan'. Second chance education is provided in Youthreach centres for teens at risk of early school leaving as well as training opportunities in Community Training Centres.

Increase the use of community measures, including restorative justice

I've spoken about detention and prevention so now I just want to say a few

words about the important third option of community-based sanctions. This is an important option as it provides an essential solution in situations where action must be taken but detention is not the most appropriate option. The requirement to have a range of community-based sanctions available to the Courts is an essential component of the Children Act 2001 if effect is to be given to the policy of detention being an absolute last resort. The Act makes provision for 10 community sanctions. These sanctions offer a range of options to the Court. Many of the community sanctions seek to maintain an educational ethos and to empower young people, their parents and families by giving them a role and responsibility in the Court process.

The community sanctions are primarily delivered by the Probation Service through its dedicated unit, the Young Persons Probation. It offers a multi-agency approach to addressing youth offenders. Local Education Training Boards work in conjunction with some of the projects to offer training and education. Counselling and other support services are also offered. The work is supported by a network of community-based resources and programmes funded directly through the Irish Youth Justice Service, in addition to a range of well - established collaborative initiatives and arrangements with the criminal justice sector, child welfare services, and the community and voluntary sector.

Working together, the aim is to continue to develop initiatives to break the cycle of offending, provide alternatives to detention and enable better integration of young people who are the subject of community sanctions.



My Department is also supporting a proposal which is being made by the Irish Youth Justice Service under the Social Investment Initiative. The proposal is to attract philanthropic and private funds to develop a robust supervision and support programme as an alternative to a remand to detention for young people at risk of non-compliance with bail.

The proposal has been accepted by the Department of Public Expenditure and Reform as one of two projects nationally worthy of more detailed consideration in terms of a possible pilot programme.

I've briefly outlined some of the key aspects but the work of ensuring we provide the best possible youth justice policies and services is a major and ongoing effort requiring commitment and input from a wide array of individuals and organisations.

The key aim of my Department is to improve outcomes for children as set out in the National Policy Framework for Children 2014-2020, better known as Better Outcomes, Brighter Futures, in this context, better outcomes means less youth crime, and a reduction in the numbers of children being detained where possible.

While it is accepted that prevention and early intervention are key, we will nevertheless always need the youth justice system to deal with the more vulnerable and perhaps challenging young people who unfortunately progress into criminal activity. It is our responsibility to work in the best interests of these young people, with a child-centred philosophy

and practical approach that will result in the best possible outcomes.

Thank you for your attention and for inviting me here today. And my sincere thanks to all here today and elsewhere who work in any capacity towards the ongoing improvement of our youth justice system and services. I wish all you a successful, informative and interesting conference.



Minister for Children and Youth Affairs Dr James Reilly T.D and Maura Butler, ACJR Chairperson



Community Learning and Development: Preventative Interventions

Peter Taylor, *Coordinator, Community and Learning Development Managers Scotland*

Good morning and thank you for your invitation. The first thing I need to say is to make it plain that I am not any sort of expert in youth justice. But I know that you are interested in thinking about some fundamental issues about how we prevent harm to people and society, many of the answers to that are not specific to one discipline or specialism. So I hope that a very short account of some of the thinking and approaches we are applying in Scotland, to address a variety of issues, will be helpful. The second thing that I should maybe mention, coming from Scotland at this particular time, concerns a big event that took place there last month. All I want to say is that, even if the vote in the independence referendum had gone the other way, I don't think that I would have changed a word of this talk, because the subjects I am dealing with are all within the control of the existing Scottish Parliament and Scottish Government.

In this talk, after explaining where I am coming from, I want to do four things, all in very broad outline:

- Say why prevention and early intervention matter
- Suggest that working closely in and with communities can achieve these results
- Illustrate this with some examples from the practice that we call Community Learning and Development (CLD) in Scotland
- Suggest ways in which practitioners can show the preventative impact of what they do.

First, 'Community Learning and Development' may seem like a generally familiar idea. But I am talking about it 'in capital letters' Why? Because a very distinctive approach has been developed in Scotland. We see a number of professional approaches, all known worldwide, as part of a common package. CLD has in recent years set up its own professional body, and here is the description from its Code of Ethics (which I actually helped to consult on and draft):

*"CLD is a field of professional practice constituted by the adult education, community development and youth work professions. ... They have in common a commitment to their constituents as their primary clients, and to the power of informal education to transform situations, structures, communities and individuals."*¹

('Constituents' means the learners, young people or communities with whom the professional is working)

I am the – part-time – Co-ordinator of Community Learning and Development Managers Scotland. This network brings together the managers of services in all of Scotland's 32 local authorities. Those services are organised in a variety of ways and go by a variety of names, but every area has services working in some of those three professional areas and in the great majority of cases in all three.

Importantly, these local authorities are also responsible for overall strategic planning and partnership working for CLD. We have, since last year, had some



Scottish legislation² that for the first time explicitly recognises CLD and requires local authorities to assess the need for it and plan how they and many other partners – and not necessarily just specialist professional workers – will meet this. And we also have government Strategic Guidance³ that places a strong emphasis on the contribution that CLD can make to ‘prevention and early intervention’.

These services and the resources devoted to them are relatively small, but we believe that they can make a disproportionate difference to people’s lives. Our work, according to our network’s own statement *‘achieves outcomes because it empowers people themselves to identify and make the changes that they need, through:*

- *Understanding their own needs and finding solutions to problems*
- *Increased personal and community effectiveness, well-being, or basic skills*
- *Increased social capital and support to people within communities.’*

All very well, you might say, but why should it be a priority to spend resources on this kind of activity, when there are so many pressing needs? To quote just one indicator of the problem we face in the public services: it may take until 2025-26 for the Scottish budget to return to its 2009-10 levels in real terms (Chief Economic Adviser to the Scottish Government). And in any case, why should such relatively small scale interventions make a lasting difference to people’s lives?

The ideas of Prevention and Early Intervention have been placed at the centre of the Scottish Government’s response to the crisis facing public

expenditure. The central principles were set out by a Commission on the Future of Public Services in Scotland in 2011, chaired by the late Campbell Christie, a respected former Trade Union leader. One of their key findings was that:

“All public services need to reduce demand in the system through prevention and early intervention to tackle the root causes of problems and negative outcomes. This means tackling persistent problems of social and economic inequality and inter-generational cycles of deprivation and disadvantage”⁴

A description of what this means from a radical but well regarded London think tank, the New Economics Foundation, may help to suggest why we think that Community Learning and Development work has a key role to play in responding to this call.

“Prevention works best when it involves change from the bottom up: people and organisations acting for themselves, becoming more resilient and less vulnerable. But action at this level needs strong support to tackle the political, economic and cultural factors that have helped to cause the harm in the first place. People need information, education, advocacy and strong leadership to understand and act upon the wisdom of prevention”.

Rather than any more discussion of the principles, the main thing that I want to do is give you a very quick flavour of some case studies of CLD work in action that I did last year. This is not academic research. They were gathered to help our Managers group to make the case for CLD as a preventative intervention. I have picked the ones that I think are most



relevant to your concerns, concentrating especially on youth work. All of them are available on our website⁵.

Most of them look at examples of work that is local authority led, but all of them involve some partnership working. They were chosen to illustrate standard, rather than outstanding 'best' practice. But I looked for examples where people had some type of evidence of the preventative impact of what they did. I tried to look at ongoing services and programmes, not just one-off projects.

Having said that, my first example is a particular project, but it is one that would not have been possible without longer term work to support a local Youth Action group. In Bonhill in West Dunbartonshire, there was an upsurge of public, press and political concern about high levels of fire-raising – typically fires in rubbish or perhaps vacant properties. All local young people were under suspicion and all members of the Action Group had themselves been detained by the police after being found in the vicinity of fires. They wanted to do something and when they discovered that the official anti-fire-raising DVD was, as the youth worker told me, 'older than I am', they decided to make and show their own, with good co-operation from police and fire services in acting out scenes and delivering messages. It is now in use in other areas of Scotland.

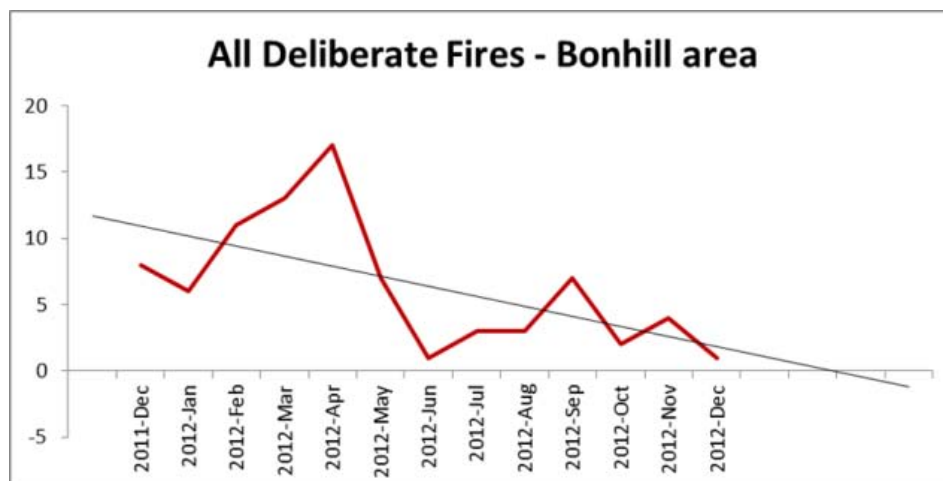
Why do they think this worked? Most obviously, because there are now less fires in the area (Fig 1). But also because the young people involved have been inspired to become even more active in improving their own and their community's prospects.

My second example is definitely one of long term partnership working by a CLD service. Inverclyde on the Clyde estuary has had a history of high rates of teenage pregnancy, BUT also of joint working to try to reduce this. Eventually they decided to shift the emphasis away from for example school based sex and relationships education to focus on 'youth development programmes'. These are too numerous to list here, but include a Girl Power Programme, Boys Groups etc., all with the primary purpose of building self-confidence and self-esteem.

Though there has been a downward trend in teenage pregnancy rates in the whole Greater Glasgow area, Inverclyde has shifted from above to below average (Fig.2).

The effectiveness of youth development programmes has also been established more widely through systematic literature review:

Figure 1





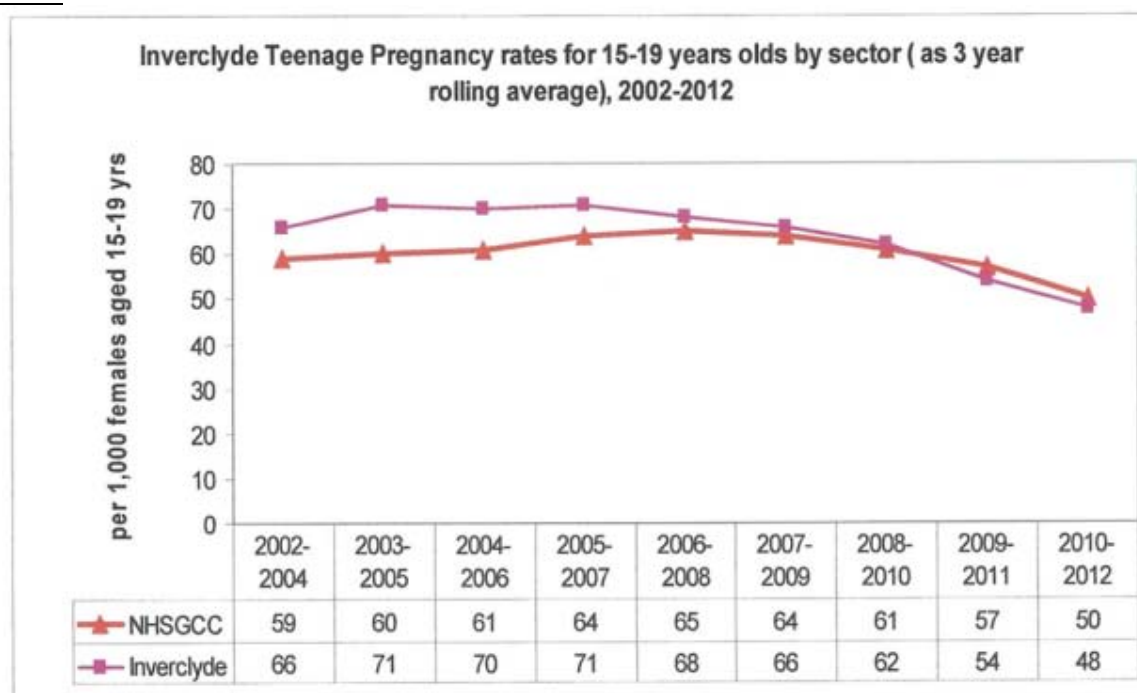
"Youth development programmes have been shown to be the most promising approaches to teenage pregnancy prevention intervention. Evidence supports the effectiveness of ... models which combine some or all of: self-esteem building, voluntary work, educational support, vocational preparation, healthcare, sports and arts activities, and SRE"⁶.

My third example is of a Housing Association, a provider of social housing, in Edinburgh. Dunedin Canmore Housing was worried about an area which, following regeneration, was attracting high levels of graffiti, vandalism and anti-social behaviour. They feared for the future of other planned regeneration areas. An Edinburgh Council CLD service Youth worker was seconded to the Housing Association and led a programme of working with young people to offer positive activities and choices, initially developing Youth cafes and then moving on to skills and employment related work.

Their first evidence of impact was immediate and dramatic: there was a 90% reduction in vandalism in less than one year in the first area. Less easy to demonstrate, but firmly believed by the local partners is that by then going on to work in the other regeneration areas similar potential trouble was averted. They also carried out a formal Social Return on Investment study (SROI – which I shall explain a little more below) of the first year of action. This identified for every £1 invested a social return of £8.32. It gave particularly high scores for face to face work involving building relationships, and quality time with responsible adults in a safe environment.

Another example of the impact of youth work has been provided by Dundee City. As part of their wider Youth Work service they set up a partnership organisation called Xplore which offers one to one support from youth workers to young people at risk, delivered in a way that is led, planned and evaluated by the young person.

Figure 2





85% of the participants record a range of positive outcomes. Here too an SROI study was done. Young people reported strong positive improvements in their behaviour, well-being etc. (summarised in Table 1), and other stakeholders endorsed this. The type of evidence that is used to assess social return is a University of York estimate that the costs over a lifetime to a young person and public finance of becoming 'NEET' (Not in Education, Employment or Training) are as high as £56,301.

I am also going to give you one case study of work with adults. Scottish courts can impose Community Payback Orders for relatively minor offences. These might involve community service such as picking litter or whatever, but social workers can allocate a minority of the hours to opportunities for learning and building skills and confidence. In East Renfrewshire, social workers and the Adult Learning service did a lot of work to establish a new understanding and partnership with each other. The No Barriers programme then offered initial one to one contact, which prepared offenders for adult learning group work.

Building core skills and confidence is shown by research to reduce reoffending. Specifically, though, the learning opportunities element of a community sentence typically involves putting people through a nationally accredited 'Constructs' programme in a neighbouring town. This has been evaluated and has shown proven effectiveness, but many offenders do not engage with it and revert to an alternative sentence. 'No Barriers' clients were better prepared to attend and better able to last this course.

My paper looks at five other cases that show the wider range of CLD work, and which you can read, covering:

- Family learning
- Adult literacies
- Building links with travellers
- Older people supporting each other
- Community capacity building.

But I want to spend a couple of minutes on the subject of how we can prove any of this. I don't mean how can we as practitioners produce elaborate academic standard research. But how with very limited resources can we gather and marshal evidence to make the case for the effectiveness of what we do.

Table 1: Self-assessed progress of 80 young participants in Xplore programme

Numbers reporting:	Bad/ Very Bad		Good/Very Good	
	Before	After	Before	After
Behaviour*	44	1	16	67
Attendance**	41	2	29	67
Attainment	28	2	27	69
Achievement	25	1	21	61
Health & Wellbeing	39	1	14	67
Inclusion	31	0	28	64
Employability	68	3	12	77

* behaviour in the home, school, and community

** includes exclusions, truancy, and non- attendance



Looking at these cases, some of the ways that emerge are:

- Listen to and record the stories that people tell about the changes they have experienced – these are often the most persuasive way of getting through to decision makers
- Observe how other services are used or abused (or hopefully no longer required) after your intervention
- Certainly monitor key indicators e.g. fire-raising, teenage pregnancy. You may not be able to prove academically your impact on them. But you do need a clear analysis, such as a logic model, of why you think that your work is relevant

Other things that you can do are:

- Implement (or move people on to) programmes that are known from previous research to have positive impacts
- Apply interventions where harm has been reduced to new situations where harm is predicted

Also you don't necessarily have to measure the longer term preventative impacts yourself. There is plenty of research that proves the positive protective impacts on individuals and communities of changes in things like social participation or their sense of well-being. These changes are things that you may be able to measure in the shorter term – by asking people.

A quick clarification of Social Return on Investment analysis which I have mentioned⁷. This is a relatively elaborate form of investigation. But it is one which has been successfully carried out by many voluntary organisations and some local public services in Scotland, and has been supported by the Scottish Government.

SROI attaches financial value to changes that an organisation brings about, compared to the investment needed. It is not a measurement of 'prevention', but the analysis usually includes some changes that have that effect. Importantly, it requires people to make a serious assessment of the extent to which it is their own intervention, rather than other factors, that has contributed to any outcomes.

To summarise, I will simply quote another of the key principles set out by our Christie Commission on the future of public services, which appears to us to reflect the fundamental values of Community Learning and Development:

For success in a hostile environment, public services should be

“built around people and communities, their needs, aspirations, capacities and skills, and work to build up their autonomy and resilience”.

¹ A Code Of Ethics For Community Learning And Development - CLD Standards Council for Scotland http://www.cldstandardscouncil.org.uk/Registration/Code_of_Ethics/Code-of-Ethics

² Described in a briefing from the Scottish Community Development Centre: http://www.scdc.org.uk/media/resources/news-and-events/CLD_Regulations_-_Guidance_for_Local_Authorities_Sept_2014.pdf

³ <http://www.educationscotland.gov.uk/communitylearninganddevelopment/about/strategicguidance/aims.asp>

⁴ Commission on the Future of Public Services in Scotland, 2011 <http://www.scotland.gov.uk/About/Review/publicservicescommission>



⁵ Prevention and Early Intervention: Case Studies of Community Learning and Development in action, CLDMS (2013)
<http://www.cldms.org.uk/wp-content/uploads/2014/01/Prevention-Case-Studies.pdf>

⁶ English Health Development Agency review of evidence on teenage pregnancy:
http://www.nice.org.uk/niceMedia/documents/teenpreg_evidence_overview.pdf

⁷ See the SROI Network (shortly to become Social Value International)
<http://www.thesroinetwork.org/>



Maura Butler, AJCRD Chairperson with Dr Elaine Arnall, Peter Mullan and Peter Taylor.



Current Juvenile Justice Policy – Impact on DPP

Peter Mullan, *Chief Prosecution Solicitor, Office of the DPP*

The Juvenile Diversion Programme was introduced in 1963 on a non- statutory basis. It was enhanced (still on a non- statutory basis) in 1991 with the establishment of the Garda National Juvenile Office. Since 1 May 2002 the Juvenile Diversion Programme has been placed on a statutory footing with the commencement of Part 4 of the Children Act, 2001.

Section 18 of the Children Act, 2001 states that *“unless the interests of society otherwise require and subject to this Part, any child who has committed an offence or has behaved anti-socially and accepts responsibility for his criminal or anti-social behaviour shall be considered for admission to a Diversion Programme.”*

In order for a juvenile to be eligible for caution under the programme the offender must be above the age of criminal responsibility and under 18 years of age, and accept responsibility for his or her criminal behaviour.

The Children Act, 2001 requires all young people under 18 years on the date of commission of the offence to be *considered* for diversion, irrespective of their age at the date of their apprehension for the offence. Clearly, such an adult is not suitable for a juvenile programme (and indeed only a ‘child’ may be admitted to the programme) but one view certainly is that they must be *considered* for the programme.

From Chapter 5 of the Guidelines for Prosecutors

The long term damage which can be done to a child because of an encounter with

the criminal law early in his or her life should not be underestimated and prosecution must be regarded as a severe measure with significant implications for the future development of the child concerned. On the other hand, the seriousness of the alleged offence, harm to any victim and the conduct, character and general circumstances of the child concerned may require that prosecution be undertaken.

The public interest will not normally require the prosecution of a child who is a first offender where the alleged offence is not a serious one. As a general rule, the younger the child is the less likely it may be that prosecution is the correct option to adopt. However prosecutors should not refrain from prosecuting on account of the child’s age alone.

Reprimands and final warnings are intended to prevent re-offending and the fact that a further offence has occurred may indicate that attempts to divert the youth from the court system have not been effective.

The prosecutor should consider the applicability of the disposal options available against each child suspect. It may be appropriate for different disposals to be applied to separate suspects within the same case. Where there is more than one child offender, they need not necessarily both be diverted to the JDP or



both prosecuted. See Sabrina Dunphy (a minor suing by her Guardian Ad Litem Sarah Molloy) v DPP.

The overwhelming majority of these referrals however would not have any interaction with the Office of the DPP and are referred from An Garda Síochána to the Juvenile Diversion Programme (JDP).

The proportion of children deemed 'unsuitable for caution' was 1,822 children deemed unsuitable for caution in 2012 down 13 children on the 2011 total of 1,835. 88% of referrals are male and 12%

are female. It is these files which come to the Office of the DPP.

The overwhelming majority of referrals result in prosecution, however, a small number as outlined in the table below, are re-submitted to the JDP for further consideration, often in circumstances where the young person has subsequently admitted responsibility/sought to address their offending behaviour etc.

Reasons for No Prosecution- Juvenile Diversion Programme

Year	2013	2012	2011	2010
Number of Diversions from the Office of the DPP	53	73	80	95
% of total non-prosecutions	1%	2%	2%	2%

Prosecuting juveniles

As the following table demonstrates, the majority of juveniles prosecuted are dealt with summarily.

Year	Juveniles Tried Summarily	Summary Disposal on a Guilty Plea	Juveniles Tried on Indictment*	Total
2010	316	19	205 (5 in the CCC)	540
2011	291	24	194 (8 in the CCC)	509
2012	212	13	143 (7 in the CCC)	368
2013	207	27	120 (10 in the CCC)	354

*Includes Accused electing jury trial, DC Judge refusing jurisdiction, as well as decision by prosecutor to elect trial on indictment



There have been a number of recent High and Supreme Court cases on the importance of prosecuting child or young persons expeditiously.

- DPP v G

Judgment of Ms. Justice Iseult O'Malley delivered the 24th January 2014 confirmed the DPP's duty in such cases as:

"over and above the normal duty of expedition"

- D v DPP

Judgement of the Supreme Court delivered by Ms Justice Dunne on the 30th July, 2014:

"The special duty of State authorities owed to a child or young person over and above the normal duty of expedition to ensure a speedy trial is an important factor which must be considered in deciding whether there has been blameworthy prosecutorial delay"

- D v DPP

Judgement of the Supreme Court delivered by Ms Justice Dunne on the 30th July, 2014:

"On the facts of this case, had the prosecution of D been conducted in a timely manner, he could and should have been prosecuted at a time when the provisions of the Children Act 2001 would have applied to him."

- Sharon Cullen v DPP

Judgement of the Supreme Court delivered by Chief Justice Denham on the 16th October, 2014:

At paragraph 87 *"Further, it is clear that there has been an undoubted breach of the "special duty" that exists on State authorities to expedite proceedings in relation to a child or young person in this case where here has been a delay of over twenty three years"*

Thank you for your attention. Thanks also to my colleague Kate Mulkerrins who provided me with a draft of this presentation.



Peter Mullan



Girls in the Criminal Justice System

Dr. Elaine Arnull, *Reader in Social Policy & Social Work, Buckinghamshire New University*

Introduction

In order to think about girls in the youth justice system we need first to explore the contextual background – so for example, who is an offender and what is a crime? By exploring these basic concepts we can begin to think about the behaviour of young people and how that is impacted by constructions of gender and deviance. We will then consider what we know at an international level about girls in youth justice systems (YJS) and what evidence we have about what constitutes an effective intervention.

Let us first therefore consider, who is an offender? What is a crime? And who is a criminal?

A typical offender and prisoner will be under 30, white, male and working-class and this is a common pattern in Ireland, the UK and across Europe and other developed countries. Commonly public perceptions over-estimate the involvement of young people in offending and can provide a focus for moral panics, such that young people might be perceived as ‘feral’ (Fox and Arnull 2013). In reality, the offending of young people is in general roughly in line with their percentage of the population and in Ireland accounts for 15% of the total.

Definitions of crime vary over time, place and history and affect the way we respond to offenders (Fox and Arnull 2013; Arnull 2014; Hopkins Burke 2014). We can think about this by considering examples such as heresy, which in the past would have constituted a heinous offence, frequently punished with death.

And in some countries in the world there is a current resurgence in such prosecutions, whereas within Europe prosecution would be rare. Furthermore there are issues of conflict for some between freedom of speech and religious orthodoxies and these are leading to criminal acts and public displays. Other offences such as domestic violence however went unrecognised for many historical decades and in numerous jurisdictions and then went unprosecuted, whereas in more recent times the behaviour has come to be viewed as serious, unacceptable and criminal.

As we can see therefore the definition of crime is affected by socio-political factors and the nature of the society in which we live (Hopkins-Burke 2014:5) and the political and cultural context will also affect the way in which we respond to crime (Fox and Arnull 2013:5; Szabo 1976).

Clearly this is derived from what is a crime, but it is also affected by a number of other factors, for example, age and mental capacity and each of these are in turn affected by socio-political and historical timeframes. In England, Wales and Northern Ireland, for example, the age of criminal responsibility is 10 years, in Scotland and Ireland it is 12 years of age and in other countries, for example Germany it is 14. Thus put simply, the young person one might meet as a practitioner within a youth justice system might be very different in terms of age, emotional and physical development, depending upon whether you are working in England or Germany.



Furthermore some of the decisions about who or what is 'criminal' directly involve social work or other professionals in decision-making. This might affect an asylum seeker without papers who finds themselves in trouble with the law and where the court needs to establish if they are, as they claim to be, under 18 years. Age-determination investigations are both commonplace and complex, but the involvement of social work staff in making those decisions is subject to intense ethical debate. Similarly, the mental capacity of the young person might also be under consideration, for the ability to form 'moral reasoning' must be established if responsibility is to be assumed. Again this is an area of practice which affects both social work and other professionals and which remains subject to debate with research by Pitt (2010) and Manthorpe et al (2008) suggesting that the legal frameworks around capacity were often imperfectly understood. Given the increased identification in recent years of the number of young people within the youth justice system with a diagnosable learning disability this is an area that presents a real challenge if the rights and freedoms of young people are not to be unfairly transgressed.

Concepts of crime and deviance are clearly key to how we define criminality and the legal frameworks usually seek to balance the rights and responsibilities of the individual against those of the community. It is in this area in which societal differences frequently occur as a result of the boundary between individual and community rights being drawn differently. Clearly moral and philosophical texts have sought to debate, discuss and proselytise about this throughout time and to lay out the precepts of what might be considered

'normal' behaviour acceptable to the majority and 'deviant' behaviour which is not acceptable, but might not be criminal (Hopkins Burke 2014; Goldson and Muncie 2006; Downes and Rock 1995). This is an area in which concepts of liberty are frequently debated; the right, for example, to make choices which some might consider 'bad' for you, but which essentially may cause potential harm to you and no one else. Past concerns have placed substance use in this arena, although legislation and the 'war on drugs' appeared to move drug-using behaviour much more into the criminal sphere (Arnull 2014). Similar current foci are on health-type behaviours such as smoking, alcohol use and eating – can you be allowed for example to smoke and if so where? Can you be allowed to drink too much or be fat?

These behaviours, although they are not currently criminal, are increasingly presented as deviant and impacting on others via a potential, projected need for future healthcare services to which others will have contributed. The debate, like that which occurs within and about the youth justice system, therefore becomes one which focuses intensely on considerations about behaviour and the rights of the individual vs the community – and critically therefore about what is 'fair'.

Evidence tells us that deviant behaviours occur across social class, ethnicity and gendered behaviour but equally that they appear mediated and affected by social and structural factors such as gender, race, class, age and ability (Smith et al 2001; Downes and Rock 1995). These same factors appear differentially within the youth justice system and frequently leave it with a need to demonstrate that it



can both achieve a balance between individual and community rights at points of arrest, prosecution and intervention, but also to seek to account for how it might ameliorate or account for the effects of social and structural factors (Fox and Arnull 2013). Whilst we know therefore that deviance is socially constructed, gender specific, context specific (e.g. nudity), affected and mediated by race, class, ethnicity, time, social structure and age, we sometimes also forget that deviance is also a developmental phase, strongly linked with adolescence and a time when we 'try' out behaviours and concepts of our 'self' before we 'settle' into our adult personas and that, as such, deviant behaviour is both normal and global (Fox and Arnull 2013; Downes and Rock 1995).

A way of understanding and thinking about the decisions we are taking to balance individual and community rights is to compare ourselves to other societies and comparative criminology does just that. It has a long and distinguished history which initially focused principally on nation state elements such as the police, courts and corrections (Howard et al 2000; Szabo 1976). However comparative criminology has become increasingly used as a way to be reflective about one's own nation state – it helps us to think about and problematize similar issues and ways of dealing with crime and offenders and offers potentially alternative ways of responding to crime and intervening with offenders.

Young offenders – who are they?

As near neighbours Ireland, England and Wales share a common aim to deal with young people who are in the youth justice system within a holistic, multi-agency framework and as we shall discuss below

the need for this is required because of the range of needs which young people within a youth justice system might have. This aim has to be mediated by what we know about age, crime and deviance. We know for example that deviant or delinquent behaviour increases during adolescence as young people gain more independence and have less structured or supervised activity. Furthermore, risk taking or testing out boundaries is also 'normal' during this developmental phase, without it young people will not know what they are capable of and what their own and others' limits might be. Intolerance of this behaviour can have serious social effects as shown with the use of ASBOs for young people in the UK (Fox and Arnull 2013) and responses to substance use (Arnull 2013), but it can also have negative effects on a young person's development.

Like deviance, offending behaviour also rises during mid to late adolescence and for most, drops off in the early to mid twenties – a concept known as desistance. However as professionals working within a youth justice system most of us will be aware that despite what research such as the Edinburgh Youth Transition Study (Smith et al 2001) has shown, which is that deviant and offending behaviour is to some extent both common and universal, rates at which young people are 'caught' or processed through the legal system are strongly associated with social class and gender. In addition, a study which sought to describe the persistent young offender population in England and Wales with reference to social need and prior intervention found that 70% of the young people in the system had also received previous social services involvement and 38% of persistent young offenders had been previously 'in care', compared to



0.5% of the population (Arnull et al 2005). As many academics argue therefore it would seem that *'...the corollaries between child poverty, social and economic inequality, youth crime and criminalisation are undeniable'* (Goldson and Muncie 2008).

The sort of offences which young people in Ireland are said to commit are those which are largely a series of inter-related factors or 'clusters' – public order, minor assaults and the use of alcohol or substances. Substance use is said to primarily feature alcohol and to be part of what is described as a 'wet' culture. Offending by girls is described as mainly linked to theft from shops, with the offence rate *'almost equals boys'*. Like the UK many of the young people who offend have multiple welfare issues, experience poverty and have been in care.²

It would seem therefore that we 'know' a lot about young people and offending both within Ireland, but also comparatively. This however would be misleading for we know a lot about boys and men, but very little nationally or internationally about girls and women. Van Voorhis has described this lack of knowledge thus:

'...I was least prepared for my first-hand introduction to the abysmal state of science as it accounts for, or more accurately fails to account for, the lives of women. On reflection, how that science has unfolded in a culture where 'male is norm' (Tavris 1992) was discouraging to observe, and the costs of the 'male is

norm' scientific model are substantial'. (Van Voorhis 2012)

Offending levels between males and females vary, although self-report data and work like that by Smith et al (2001) suggested that this might not be by as much as the official statistics would imply. Variations in offending behaviour have been accounted for in a number of ways, for example, gender socialisation has been seen as a key factor and Chesney Lind and Sheldon (1997) have argued had *'...changed little since the 1970s...'* However across much of the west we have been witnessing changing patterns of female offending which, unlike those reported for girls in Ireland, are now most frequently offences of violence against the person (Arnull and Eagle 2009). The debate about why this might be occurring has included ideas about girls becoming more like boys – thus a change in gender patterns, including 'laddish' behaviour, more social and sexual freedom for girls, and the impact of feminism. Writers such as Griffiths et al (2013) have argued that:

'The juxtaposition of hyper-sexual femininity and the culture of intoxication produces a particularly difficult set of dilemmas for young women...'

What do we know about girls and offending: A study

A large mixed methods study about girls and offending was undertaken for the YJB in England and Wales which drew on all available quantitative data held on young people in the YJS (Arnull and Eagle 2009). The study analysed the various large datasets in order to understand and determine the patterns of offending behaviour of girls and how they were subsequently dealt with within the system. The study was important for a

² Information taken from two reports Young People and the YJS Policy Document (2014) and Youth Justice Action Plan 2014-18



number of reasons and these are important to the wider questions about what we know, understand and can respond to within youth justice systems.

It was found that girls in the YJS begin to offend later than boys and ceased earlier. They progressed through the system faster than boys in general and that their offences were similar to boys with offences of violence the most common, they were usually committed against someone they knew and were usually at the less serious end of violence. There was no rise in the number of girls coming into the system but more girls were entering the YJS and they were being convicted at a younger age (Arnull and Eagle 2009). The findings suggested an apparently changing systemic response to girls' offending congruent with findings elsewhere (e.g. Steffensmeier et al 2005). Further girls convicted of offences of violence were likely to perceive that the victim had done something to 'deserve' the violence and again this was congruent with other research (Batchelor 2005). Additionally recent use of alcohol was a common behavioural pattern linked to the girls offence/behavioural pattern although not directly or reportedly linked to the offence of violence against the person; in this it suggested a cultural pattern of behaviour similar to that reported more generically within Ireland (Young People and the YJS Policy Document 2014-18 and the Youth Justice Action Plan 2014-18).

When the study first reported the findings were controversial with some because for the first time in England and Wales it was argued that girls were principally convicted for offences of violence and this pattern was different from the pattern for adult women. However the study was robust and able to argue its case forcefully

because the data had been systematically probed and challenged before the conclusion was reached and published. Furthermore a weakness had been found in the recording methods which accounted for this changing pattern being 'hidden'. The pattern had remained hidden because convictions were counted, i.e. theft, rather than the offender; as a result if Janet Dowe committed six offences of theft they counted six offences, but if Jane Doe committed one offence of violence against the person it counted one offence. Whilst this was accurate it only told us how many of a given type of offence had been committed by those within the YJS. Given that we know that offences of theft and shoplifting are usually committed by a person with greater frequency than offences of violence then it caused the figures to look as though most girls were Janet Dowe, (stealing) rather than being Jane Doe (violent). This finding had policy implications and ways of counting were subsequently changed, but it also highlighted how what we see is partly accounted for by what we count and what we look for.

As the result of our study in 2009 we therefore had a new story to tell, which was that girls' offending was different from women's, that responses to girls within the YJS needed to deal with the reality of their offending and them and not what was assumed based on suppositions about gendered behaviour and past knowledge.

Additionally, the very high levels of victimisation reported in other countries such as the USA and seen in adult female prison populations in the UK were not found. Levels of victimisation were higher than for the general population, but they



were similar to those for boys; this again suggested that interventions should be formed in response to that. It indicated that the wholesale importation of American gender specific programmes might not match the needs of the girls in the English and Welsh system. Finally sample sizes were big enough for us to look at a range of variables and this suggested that girls within the YJS varied considerably from one another in their criminogenic factors and personal needs, that these were statistically significant and had implications for sentencing and intervention. We proposed three typologies:

1. Girls convicted of offences of theft and handling stolen goods
2. Girls convicted of offences of violence
3. Girls convicted of 'other' offences, such as possession of an illicit drug.

The study led to the exploration of some interesting questions. The traditional argument was that fewer girls came into the YJS because they were less likely to be prosecuted and not expected to offend. However since the mid-2000's the study showed more girls coming into the system and those girls looked more like other girls in the general population and less like other young people in the YJS, i.e. overall they presented with less 'needs'. The questions raised therefore were whether girls were no longer being diverted from the YJS? Whether we were prosecuting girls for things we had not previously, for example fights at school? Whether these changing patterns represented and were applicable to all girls or only particular groups of girls? What the implications were of more girls apparently coming into the system for offences of violence against the person with fewer social and

educational needs than might previously have been common?

So, how should we intervene with girls in the YJS?

Clearly it is well understood that treating people equally might not mean treating them the same and in order to consider this the YJB funded study on girls also included qualitative work that looked at specific programmes developed for girls within the YJS. These programmes were often referred to as 'gender-responsive' programming and drew on an, 'equal but different', philosophy; many were influenced by programmes emanating from the USA. However gender responsive programmes in the UK appeared hard to sustain because the throughput of girls in terms of numbers was often low or unpredictable and furthermore the programmes were often initiated and supported by one person or a small group of individuals who drove the uptake and development of the work and who kept it going; when they left or became exhausted the programme collapsed. It also meant that good work was not shared or learning developed because practitioners did not have the time or wherewithal to do this. Further, competition and privatisation of services masked good practice because people were on occasions found to be unwilling to share or publish knowledge about what worked effectively. However alternatives to gender responsive programming, such as 'one size fits all' approaches were not, and have not subsequently been found to be, successful. These might for example include one girl finding herself in an anger management group that was otherwise full of boys. Staff reported it might mean the girl, or the boys, would not engage properly, effectively or appropriately, it might also place the girl at risk and it



undermined the group as girls and boys often behaved differently in the presence of the other gender.

A strategic approach to champion girls' issues and ensure they were included in programme planning and service provision was therefore recommended. And in very limited ways there has been some progress towards this. Whilst gender responsive programmes appear to suffer from the same issues of sustainability and a reliance on goodwill, a centrally recommended (although not required) approach is a 'YOT Healthcheck - girls' which helps local YOTs (Youth Offending Teams) to think through the strategic and planning issues required in order to be able to provide programmes and interventions which are accessible and appropriate for both genders. Furthermore, YOTs such as those across Leeds, England have adopted a strategic but flexible approach, which includes girls' champions and specialists trained to deliver one to one and group based programmes, to argue for girls' issues and ensure provision.

However too many programmes continue to borrow from a US model which is built around concepts of victimisation. It is not clear that this is a criminogenic need for many girls in the YJS in England and Wales and research evidence has indicated that it is not (Arnull and Eagle 2009). The programmes can be delivered without real triangulation with those criminogenic needs and so the potential danger is that girls will be 'treated' for social or perceived sexual needs or victimisation as occurred to many women over long periods of history within the criminal justice system (Hedderman and Gelsthorpe 1997). Evidence based practice has been a long established precept attached to planning and

delivering interventions within the YJS and CJS in England and Wales (Fox and Arnull 2013) and Ireland and this should apply to gender responsive interventions, their targeting and delivery. Qualitative evidence about 'what works' with girls in the YJS suggests a preference for interventions that build relationships and which occur within a female only environment. Further, for both boys and girls, the evidence tells us that interventions which target criminogenic need are those which have most value (Harper and Chitty 2005).

Conclusions

So, in conclusion how might we draw together what we know about girls and offending and the youth justice system? We know that offending patterns are changing for girls and this appears to be 'global', or at least common across much of the western and developed world for which we have statistics. Overall, there appears to be a fall in offending behaviour across much of the developed world, but an increase in the percentage of girls within those youth justice systems. Girls within the YJS in England and Wales are most likely to have committed an offence of violence against the person which is low level, interpersonal violence usually against another girl and most commonly it is someone they know (i.e. the same school) or with whom they have a relationship (i.e. friend). Girls often do not report seeing their violent behaviour as problematic and some will define it as 'standing up' for themselves.

Why might any of this matter to Ireland? It matters because one of the things which comparative criminology brings is an ability to look at similar but different jurisdictions and it perhaps provides an opportunity to learn from the mistakes



they have made and from their successes. At a time of falling crime and incarceration rates the 'Young People and the YJS Policy Document 2014-18' said an aim was to achieve evidence informed and targeted interventions in order to produce *'better outcomes for children and young people who find themselves in trouble with the law'*. The indications about what might be valuable and what might help girls in the YJS are therefore out there for Ireland to draw from. But what is also key is that Ireland considers the other lessons – which is that it is essential to know who your population of girls in the YJS are and what they 'look like', i.e. what demographic and social characteristics, criminogenic factors and needs do they have?

Girls in any YJS, although a growing proportion, remain small in overall numbers. Comparative approaches have indicated the importance of looking at the population of girls in detail, in order to understand that population, its characteristics and its needs. They also offer the opportunity to consider interventions, approaches and programmes that have worked well with similar populations, whilst bearing in mind cultural and nation state effects. Lastly, comparative approaches offer an opportunity to construct in depth case studies that can be shared and studied in order to understand more about both situated, and shared, meanings.



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Reducing Offending in Partnership

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The aim of this programme is to reduce crime and anti-social behaviour involving young people by way of early identification and effective intervention strategies. The programme began in a pilot district in 2010 and expanded to all of Northern Ireland in 2013.

The programme uses a problem solving approach and requires multi-agency co-operation. To meet this aim within the community, the Police Service of Northern Ireland (PSNI), the Youth Justice Agency (YJA) and the Probation Board of Northern Ireland (PBNi) work in partnership. These agencies frequently work in consultation with Social Services, Education Services and Voluntary organisations.

The three basic functions of the partnership are

- Prevent and Deter - To reduce crime and anti-social behaviour involving young people through early identification and effective intervention strategies
- Catch and Control - Pro-active approach by Police and Partners against those individuals who persist in their offending behaviour
- Rehabilitate and Resettle - Joint approach by all agencies to provide a gateway out of crime for Priority Offenders.

The PSNI has seven Reducing Offending Units (ROUs) across Northern Ireland – one in Belfast, while the other six Units cover the rest of the province. Each ROU has dedicated officers including Youth

Diversion Officers who link with the other agencies.

364 people, of whom seventy are young people, have been identified as Priority Offenders. There are currently 64 individuals living in the Community identified by Probation as being of Risk of Serious Harm (ROSH), while another 250 people in this category are in prison. 200 young people have been identified under Prevent and Deter as being at risk of offending.

Prevent and Deter

Local Neighbourhood Policing is at the very core of the programme. In association with the PSNI, the Youth Justice Agency, Social Services and the Education Service work together. Young people who are coming to the attention of Police for non-offence type behaviour as well as low level crime and those who are causing concern in local communities are identified. These young people may be identified by way of knowledge of their family situations, or by the fact that they have siblings, parents or peers who may be known to the police or the other agencies involved.

In partnership with the co-operating agencies, monthly meetings are arranged where eight to ten at-risk young people per area are discussed. Any of the agencies can arrange for specific young people to be discussed at these meetings.

The approach of the programme is a problem solving one. It is about multi-agency co-ordinated action planning. It is very much action based e.g.



getting services in place at an early stage to prevent young people from ever entering the Justice System.

Catch and Control

The aim of this part of the programme is to have a pro-active approach by the Police and the participating Partners against those individuals who persist in their offending behaviour.

The list of young people at risk is reviewed every six months by the PSNI, YJA and the PBNI. Each of these bodies can influence who comes off the list and who stays on the list. This review would take account of factors regarding the young person such as

- Progress made
- Concerns about the individual
- Risks to the individual
- New offences perpetrated
- Patterns to offending
- Living arrangements

The review can have uses in other areas e.g. there was a case of a young person who had applied for bail. The bail address was known to be unsuitable. Due to swift communication from the YJA staff in court to their PSNI partners, the bail was opposed and the young person remained in a safer environment.

The Action Plan can include decisions to make joint visits, thus providing links for the young person to other agencies. This is monitored in partnership e.g. if there is a breach of agreement, then the ROU Police Officer is informed immediately and vice versa. Action plans often include additional elements to the basic YJA work plan.

Agency representatives go back to the staff involved with the young person and

communicate the action plan. There is constant liaison between the ROU Police Officer and YJA staff. Communication, co-operation and co-ordination are vital in making a success of this plan.

Rehabilitate and Resettle

The aim of this strand is to provide a gateway out of crime for Priority Offenders. The Rehabilitate and Resettlement strand is led primarily by PBNI, YJA and Northern Ireland Prison Service (NIPS). PSNI ROU's refer Priority Offenders to partner agency pathway services. There are a range of other voluntary organisations that provide services aimed at addressing drug, alcohol and mental health issues. There are 57 different partners who contribute to the delivery of ROP. Many of these organisations are involved in the rehabilitation strand.

From the time a young person is informed they have been selected for ROP as a result of their offending behaviour they are given full support in order to enter into rehabilitation. This is unique and has provided many who have been identified the opportunity to address the problems that have led to their offending.

Within Woodlands Juvenile Justice Centre, PSNI ROU officers, YJA and Social Services determine what needs to be put in place prior to the young person being released back into the community.

Successful action plans and tailored services have provided support and resulted in very positive outcomes for those involved in the ROP programme.



Reducing Offending in Partnership – Benefits

The partnership works really well. The process is a simple one, relying on communication between the three agencies. Information is shared appropriately and quickly. The result of co-operation is that there is consistency with regard to how the system works. There are very few tensions between the agencies despite having different roles. There is a danger that sometimes young people view all members of the partnership as the Police. Therefore it is vital to ensure that young people and parents/carers understand the difference in the roles of each agency.

Traditionally the policy of the PSNI was to treat each offence as a separate case. However, in this partnership an ROU Officer deals with the person (rather than just the offence). The Officer then has ownership and deals with every new offence and court appearance of the individual regardless of where the offence takes place. In this way, real time intelligence regarding the young person is gathered.

The views of young people and their parents/carers are taken into account. A family which is involved in the process can act as a protective factor for the young person. Families often welcome joint support and involvement. This can be extremely helpful for both the young person and their families.

Importantly, realistic bail packages have been a welcome outcome from this process - prevention of bail for those who are unsuitable in tandem with approval of bail for suitable young people.

Each agency does influence the others in some ways but this can be a positive thing. For example, sometimes the YJA might consider that the PSNI have unrealistic expectations regarding young people. Under this process of communication and discussion, more realistic and consensual conditions can prevail. This often involves the parents/carers. An example where this influence was useful concerned a case where the police wanted to apply for an ASBO which included a restriction from an area. The YJA was aware that the young person was already subject to a restriction as part of his Youth Court Order. Therefore, duplication was avoided which potentially prevented double jeopardy.

A further benefit of the partnership is that community confidence in all the agencies involved has improved.

All agencies have protocols in place for managing young people entering Woodlands Juvenile Justice Centre. There is also considerable input provided when it comes to home leave and release back into the community.

The Offending Cycle

The partnership works throughout the custodial sentence of a young person. Firstly the agencies have knowledge about whether bail is appropriate. Secondly there may be an input into the appropriate sentence or remand which the young person receives. Thirdly, when an individual is due for release the agencies will have an input into home leave or release plans.

All of the above point to positivity in terms of the individual. In addition, any reduction in the seriousness of offending has a corresponding increase in the



well-being of the community as well as a decrease in cost in monetary terms to the Exchequer.

Case Study – Conor

Offending History

Conor has been known to the YJA since 11 years of age. He has 47 convictions for offences ranging from Assault, Robbery, Theft and Burglary. He is currently subject to three Youth Conference Orders and has a number of matters pending.

Family circumstances

Until very recently Conor lived with his mum, her partner and four brothers before being moved by Social Services to emergency foster care accommodation after relationships at home broke down. Conor's father is currently in prison nearing the end of a life sentence for the murder of Conor's maternal grandmother. In preparation for his father's release some time in 2015 the family moved to the outskirts of Belfast. Conor's father started to receive pre-release parole in the summer of 2013. At this time Conor's offending increased. He then became known to the Reducing Offending Unit such was the frequency of his offending.

Presenting Issues

- Past family trauma
- Association with pro-criminal peers
- Substance misuse: alcohol and drugs. All of Conor's offending is linked to this. A recent offence where he bit off part of his friend's ear during a fight occurred whilst under the influence.
- Emotional and Mental health: Conor struggles to cope with long term, deep rooted feelings about past family events.

Partnership working

Through ROU meetings a meeting was secured with the Victim's Unit in the prison and with PBNI prison staff so that the plan for Conor's father's discharge and his parole would be known. It was also useful to gain an appreciation of supports available for Conor's mother and the family. The partnership was able to advise the Victim's Unit and PBNI of the planned work that was being done with Conor in preparation for his father's discharge from prison.

During a home visit by YJA, a possible link between Conor's offending and his father's parole was identified. There were also concerns from Conor himself about his desire to protect his mum from his father.

Following the ROU monthly meeting an interagency meeting with PBNI was arranged to share concerns and explore possible links between Conor's increased offending and his father's parole as well as the possible threat Conor may pose to his father whilst he is on parole.

A comparison of the information (whilst not definitive) revealed a pattern of offending which closely mirrored his father's periods of parole with Conor's offending occurring within one to two days of this. The PBNI shared that Conor's father is assessed as high risk and a threat to the family and, as such, his father is restricted from certain parts of the area in which he previously resided.

Ongoing interagency meetings involving PSNI, PBNI, Social Services and Drug/Alcohol Agency have taken place in an effort to manage the risks posed by both Conor and his father.



Action Planning

Conor was referred to a specialist agency to work on his use of alcohol and drugs. After initial resistance he is now engaging and has abstained from using alcohol and drugs. This has provided Conor with an opportunity to explore and talk about his emotions and how to manage these.

Conor's mother was referred to counselling services to address identified unresolved trauma issues. She is also attending YJA Parent's Support group.

Conor is now subject to an Anti-Social Behaviour Order which includes a Restriction and prohibits use of alcohol and drugs. This is closely monitored by PSNI and at this stage there have been no breaches.

The ROU maintain contact with Conor – alongside their mentoring role they are supporting him to desist from further offending by proactively supporting him with future training practicalities. The YJA are continuing to support Conor to complete his Youth Conference Order and there are no breaches of these.

The PBNI are notifying PSNI and YJA of pending parole dates of Conor's father. Social Services have secured a more permanent foster placement for Conor and he is very settled here.

Impact

As a result of the above interventions, there has been a decrease in Conor's offending. He has refrained from using alcohol and drugs. Conor is now in a more stable foster placement and he is managing anxiety and anger about his father.



Mark Dennison and Patricia Muldoon.



Promoting Compliance with Young People on Community Supervision

Dr. Mairead Seymour, *Senior Lecturer, School of Languages, Law & Society, D.I.T.*

Promoting Compliance with Young Offenders on Community Supervision

Maintaining public and judicial confidence is reliant on offenders' compliance with community supervision none more so than when it involves young people who tend to have visible presence in public space and feature prominently in public discourse about crime and anti-social behaviour. Trotter (1999) argues that working with offenders under court-ordered disposals involves supervising 'involuntary clients' who may be opposed to intervention. For many young people, the challenges relating to compliance are likely to be compounded arising from their developmental immaturity and related behaviours including impulsivity and reduced capacity to fully comprehend the consequences of their behaviour (Steinberg & Cauffman 1996).

Traditionally attention has focused on the use of deterrence-based practices, such as the threat of court proceedings or custodial detention, as mechanisms to enforce compliance with the conditions of community supervision. While these practices encourage compliance in some offenders, they are not a panacea for all, and may be particularly ineffective with young people before the courts who are most disengaged and have limited social investment in society. The complexity underpinning the reasons why individuals comply, and conversely why they do not, suggests that supervision strategies to promote compliance must be sufficiently broad to accommodate differing offender motivations. This paper identifies the strategies used to promote compliance among young people under court-ordered

supervision from the perspectives of 33 youth justice workers and probation officers (hereon in practitioners) in Ireland and Northern Ireland. It specifically focuses on strategies other than breach proceedings or formal sanctions. In so doing, it provides some insight into the exigencies of supervising young people in the community and offers an alternative perspective to approaches based primarily on control and enforcement measures (see further, Seymour 2013).

Understanding compliance

In his seminal work on theorizing compliance, Bottoms (2001) differentiates between 'short-term requirement compliance' and 'longer-term legal compliance'. The former refers to an offender's compliance with the requirements of community sanctions, while the latter denotes compliance with the criminal law through the avoidance of further offending. Robinson and McNeill (2010) suggest that compliance in the context of community supervision is divided into what they term 'formal' and 'substantive' compliance. Here, formal compliance refers to an offender's adherence to the minimum technical requirements of a community sanction such as attendance at appointments while substantive compliance involves the offender's active participation in the supervision process. Bottoms' (2001) framework consists of four interactive components that underpin the decision to comply of which two - instrumental compliance and normative compliance - are briefly outlined in this paper. Instrumental compliance occurs where individuals are motivated to comply in



response to external incentives, such as less stringent supervision conditions, or sanctions, such as the threat of imprisonment. In contrast, normative compliance mechanisms are based on internalised norms and values, attachments to others, and perceptions of legitimacy. With regard to the latter, Tyler (1990) reports that where those who impose the law are perceived to be just and fair, individuals are more likely to view their authority as legitimate and to comply with their requests to a greater extent. The latter has particular resonance in the context of community supervision where young people are likely to work closely with their supervisors in fulfilling the requirements of the order.

Promoting Compliance on Supervision

The overarching theme to emerge from analysis of practitioners' accounts was that their legal authority to return young people to court had limited influence in many cases where neither the threat of court nor custodial detention were perceived by young people as a sizeable deterrent. The challenge, from their perspective, was to create the conditions whereby young people developed a sense of social and/or psychological legitimacy in the supervision process that extended beyond their legal obligation to comply. This commenced with very practical and proactive measures to encourage compliance such as arranging transport to sessions, meeting young people in their communities, calling to their homes or texting reminders about appointments. What follows below is an overview of other types of strategies employed by practitioners in seeking to build legitimacy into the process and correspondingly to encourage young people's compliance with the conditions of supervision and reduced reoffending.

Developing positive working relationships

Practitioners explained that the establishment of positive working relationships with young people was the defining feature of any strategy that sought to encourage their attendance at supervision appointments and influence change in their offending behaviour. Building relationships with young people frequently started from a low baseline. According to practitioners, the commencement point for supervision was characterised by young people having few meaningful attachments in their lives, low stakes in conformity, limited insight into the expectations of supervision, and limited appreciation of the consequences of their behaviour. This was frequently compounded by a strong sense of distrust towards professionals and criminal justice agencies. Against this background, it was not uncommon for practitioners to describe working with young people for a number of months before change occurred in their participation at supervision sessions. To this end the process of building relationships was described by practitioners as involving a high degree of perseverance:

"You must stick with these young people, it's like 'stick-ability' and when they're pushing you away, realizing that it's not you, it's them building the wall. If young people don't have good attachment they will put everything up to build wall around themselves."

(YJA Site 1 in Seymour 2013:94)

Overall, the establishment of positive working relationships was not viewed as an end in itself, rather it was seen *'as a vehicle to effect change and as a legitimizing force in a context that*



required staff to combine a caring and controlling role (Trotter 1999)' (Seymour 2013: 95). Existing research, albeit on adult probationers, supports this assertion in suggesting probation officers' demonstrations of commitment towards their clients and clients' positive perceptions of this commitment 'was crucial in preparing probationers to take quite directive guidance from supervisors' (Rex, 1999: 390).

Communicating expectations

'Role clarification' involves exploring clients' expectations of the order as well as discussion on what is negotiable and what is not, the limitations that exist in relation to confidentiality, the nature of the professional relationship and the nature of the supervisor's authority (Trotter & Evans 2010). Particular emphasis is placed on the need for supervisors to communicate the dual care and social control aspects of their role to assist clients in understanding that supervisors have a helping as well as a legalistic role (Trotter 1999). Practitioners attributed the practice of communicating expectations and explaining the supervisor's role at the early stages of the supervision process with lower levels of non-compliance. With some exceptions, they described that many young people's perspectives about their responsibilities with regard to supervision were filtered to some degree by their level of developmental maturity. Delivering reminders to young people about the requirements of supervision was therefore an ongoing task throughout the supervision period and one that necessitated practitioners to encourage as well as challenge young people about their behaviour outlining 'negotiable' and 'non-negotiable' aspects of supervision (Trotter 1999).

Providing young people with a sense of ownership of the process

Providing young people with a sense of ownership of their supervision was also considered to be an important strategy to encourage compliance. In particular, this involved including young people in the process of seeking solutions where barriers to compliance arose. The analysis identified a dialogue-based approach as the primary communicative mechanism favoured by practitioners in their work with young people. For many, it aligned with their professional perspectives on supervision whereby they viewed their role as working together with young people to overcome barriers to compliance. The point is demonstrated by drawing on the account of one practitioner who describes the process of negotiating the timing of appointments with young people in an attempt to facilitate their attendance and provide them with a sense of ownership of the process:

"Some kids see a power struggle in this that we have the court order. We can go back to court and they're just kind of this poor subject to it, whereas if you can say 'well, look, we'll try and work on that, I'll negotiate with you'. If they're saying 'well I'm not attending my appointments, because they're at nine o'clock on a Monday morning forget it', I'll be 'okay, well listen, if you're telling me that that's the issue I'll put it in for three o'clock on a Tuesday'. So you're facilitating them and letting them assert themselves in this relationship and try and even out that power balance that they perceive it to be. So it's negotiating things with them all the time and giving them a say, because then it's easier to go back, if they missed it on Tuesday at three I'm like 'well you told me you could make this'. So now it's back [to



them]. It's having them take responsibility all the time and that's what a lot of my conversations [are] with them."

(YPP Site 1 in Seymour 2013:99)

Supporting compliance through the provision of support

Eadie and Canton (2002: 22) argue that young people's 'lived experiences' must be taken into consideration in any efforts to address offending behaviour. Arguably the same principle applies when addressing personal problems that directly or indirectly threaten attendance and participation at supervision appointments. Accessing relevant support services to address the practical realities of young people's lives and supporting young people's ongoing participation in these services was viewed by practitioners as an integral part of facilitating their continuation on community supervision ('short-term requirement compliance') and reducing reoffending ('longer-term legal compliance'). Consequently, practitioners described that a considerable part of their work involved liaison, advocacy and sometimes mediation with services to support young people's compliance. Dealing with crises situations in young people's lives was not an uncommon feature of the supervision process and such events typically involved some form of breakdown in the family relationship or an external threat of serious harm or violence against them. Existing research identifies that young people who are unable or unwilling to remain in the family home and end up in temporary hostel accommodation or on the streets can often quickly become immersed in a street lifestyle of substance use, violence, victimization and further criminality (Mayock & O'Sullivan 2007; Seymour & Costello 2005). Practitioners

described that in these situations intensive work and co-ordination with young people, their families, and external agencies was required to minimise the risk of re-offending and victimisation for young people.

Responding to non-compliance: consistency of approach

McIvor (2002) suggests that a consistent approach to enforcement may enhance offenders' perceptions of procedural fairness and positively influence their commitment towards compliance. Practitioners uniformly expressed the view that clear messages about the unacceptability of certain behaviours had to be consistently conveyed to young people. In practice, this meant that while non-compliance did not necessarily culminate in a formal sanction, it had to be uniformly addressed with young people. Practitioners described the importance of them following through on what they had communicated to young people about expectations and consequences surrounding non-compliance. Being consistent in responses to non-compliance was also seen as an important factor in maintaining integrity within the professional working relationship.

Conclusion

Practitioners' accounts point to an approach that sought to foster social and psychological legitimacy in the supervision process and in so doing, to promote compliance. Fostering legitimacy in this context has central relevance in light of the evidence demonstrating a positive relationship between individuals' perceptions of legitimacy and their willingness to comply (Fagan and Tyler 2005). It can also be said that it resonates strongly with Bottoms' (2001) theoretical



model of compliance which suggests that compliance is more likely to occur and to be sustained, where offenders are motivated by normative, rather than instrumental reasons, such as having a sense of moral obligation or perceiving the system and the processes within it to be fair and legitimate.

*More detailed information on the theory and practice of compliance as well as practitioner's and young people's perspectives on compliance with the conditions of community supervision and re-offending is available in Seymour M. (2013) *Youth Justice in Context: Community, Compliance and Young People*. Abingdon: Routledge.

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Maura Butler, Ursula Fernée & Dr Mairead Seymour.



Lost in Transition? - Developing a Response for Young Adult Offenders

Ursula Fernee, *Regional Manager, Young Persons Probation*

Thank you for inviting me to contribute to this important and timely conference. Young Persons Probation (YPP) is a division of the Probation Service working with young people aged 12 -18 years and their families. The division has responsibility for the implementation of the ten community provisions in the Children Act 2001 which were referenced by the Minister for Children this morning. My focus today however is on young adult offenders. In keeping with the values and principles which underpin YPP practice, the Probation Service has developed a framework to engage more effectively with this group.

The definition of Transition includes words like Changeover, Conversion, Development, Passage, Progression even Metamorphosis. These are all the words of opportunity and while Transition is universal, indeed inevitable, to be lost in transition should never be an inevitability for any of the young people whom we work with. The United Nations Standard Minimal Rules for the Administration of Juvenile Justice (The Beijing Rules) state and I quote *“that age limits for juvenile status will depend on and are explicitly made dependent on, each respective legal system of Member States”*. Rule 3.3 states that efforts should be made to extend the principles embodied in the Rules to young adult offenders.

This presentation will focus on the profile and needs of young adult offenders and on the interventions which not only support their navigation through this period but can also harness the opportunities for the development of a

more integrated and pro-social identity. The definition of a young adult offender varies across jurisdictions, primarily we are looking at 18-21 year olds but this could be extended up to and including 24 year olds. Essentially I am addressing this issue from a male perspective.

Dame Anne Owers was the Chief inspector of Prisons in England in 2001. Many of her reports focused on what she saw as an under resourced and neglected age group and their vulnerability when they emerge from the protections – however limited - that they could rely on as Juveniles. There are no simple equations to turn around already damaged lives. Clearly, early and focused intervention is the best remedy but in the same way as it's never too early, clearly it's never too late, and certainly not at the pivotal stage of young adulthood.

Due to concerns over the legal treatment of young adult offenders in the UK the Barrow Cadbury Trust established an independent Commission on Young Adults and the Criminal Justice system in 2004. The Commission produced a report in 2005 which was entitled *Lost in Transition*. The commission argued against using birthdays as indicators of adulthood and instead suggested that ideally there should be only one criminal justice system, for offenders of all ages, that took account of the needs and maturity of offenders of different ages.

The Commission argued for special provision for young offenders and recommended the establishment of Transition to Adulthood Teams who would



work in a context which took account of the immaturity and malleability of this group. It highlighted opportunities to promote desistance, which I will return to later. Finally the Commission recommended that the emotional maturity of young adult offenders should be assessed and these assessments should contribute to informing court sentencing.

I think it is accepted now that people no longer, if they ever did, reach all of the associated responsibilities and recognised attributes of adulthood by the age of 18. Intellectual maturity is completed by the age of 18 years however, scientific research shows that the higher executive functions of the brain, such as planning, verbal memory and impulse control may not be fully developed until age 25. In the 21st century the establishment of individual personal identity and the assumption of meaningful and significant roles are being assumed at comparatively later points in life. So tasks like finishing education, finding regular work and living independently are now happening at a later stage. The children we work with, many of whom grow up in chaotic environments, may find that the safety net of protection and support services which they most need at this stage of their development can be pulled away when they turn 18.

Erikson's theory of the life course in developmental psychology postulated that adolescence lasted from the beginning of puberty until the late teens, followed by young adulthood lasting to the age of 40 when middle adulthood began. This paradigm no longer fits with our changing society. Arnett has now coined the phrase "Emerging Adulthood" to describe the period from late teens to the mid-20s. Essentially this framework

recognises that the transition to adulthood is now sufficiently long enough to constitute a separate period of the life course and is not just a transition.

The age crime curve, courtesy of An Garda Síochána pulse data in 2011, demonstrates that in all criminal careers offending peaks in late adolescence through in to the early to middle 20's. The transition from adolescence to adulthood coincides with the peak in the age crime curve. This transition also coincides with significant physical, emotional and intellectual development. As we try to shift our focus from persistence to desistance, there is increasing evidence that young adults are receptive to interventions that promote and possibly hasten the process of desistance.

The findings from the Probation Service Recidivism Study 2008 – 2013, carried out in conjunction with the Central Statistics Office, are interesting. The study reports on recidivism within three years on a cohort of offenders from the Probation Service supervision database. The greatest concentration of offenders was in the 18 – 25 year age bracket. The most significant reduction in recidivism is that between those aged 17 years and younger and those aged between 18 – 24 years, from 58% to 44.5% (full report available on www.probation.ie).

Loeber and Farrington have expressed surprise at the lack of knowledge about the most basic questions of how many juvenile offenders (ages 15-17) persist in to adult offending, at ages 18 and later and what factors in the juvenile years predict persistence into the adult years. They highlight that more needs to be known about processes that may influence offending between the ages 15



to 29 especially individual factors including impulse control, cognitive decision making and emotion regulation. They go on to say that more needs to be known about how life circumstances such as education, employment, romantic relationships peer relationships influence the development of offending.

From his work on the Cambridge Study, a longitudinal survey of the development of offending and anti-social behaviour in 411 males who were first contacted in 1961, Farrington has identified some important predictors of young adult offending.

Integration, collaboration and restoration are the principles which inform practice within the Young Persons Probation division and these principles underpin an approach which is pro-social, strengths based and tailored to individual needs. The literature on effective interventions with young adult offenders highlights the value of recognising them as a distinct group within the criminal justice system, a group who should be more integrated into juvenile rather than the adult system. These same principles should underpin a “new” approach but it is not necessary to develop a range of new programmes. Existing evidence based programmes can be tailored to fulfil the task. It’s not that one size fits all – more that one size fits! The provision of individualised and focused support and mentoring - walking alongside young adults as they try to change the narrative of their lives – can work. Within YPP there is a commitment to continuing engagement with young people over the age of 18 years who have again appeared before the courts.

Clearly as with Juveniles this will not be achieved on a single agency basis. Community based supports responding to

drug/alcohol issues, mental health, education and training needs are essential in a risk, need, responsivity model, to minimise the identified risks and promote and nurture the strength factors. The opportunity to recognise and validate strengths can be overlooked at this stage if more stigmatising labels have been re enforced through over exposure to the adult criminal justice system. We talk a lot about the diversion of juveniles from the criminal justice system and rightly so but this should also be a key priority with young adults. Research also highlights the importance of abolishing short sentences for non-violent offenders. For young offenders who enter the custodial system the focus on resettlement must remain a priority.

Restorative Justice programmes/practices which complement more traditional sanctions (Probation Service Restorative Justice Strategy 2013) provide young adult offenders with an opportunity to make good the harm they have caused in a way that is visible, victim centred and individually creative. It has been postulated that the willingness of an offender to engage in a restorative conference is an indication of movement or steps towards if not onto the path of desistance.

Maruna in 2000 identified three broad theoretical perspectives in the desistance literature

- Maturation reform
- Social bonds theory
- Narrative theory

Overall we know that offending reduces with age but we don’t really understand the variables that contribute to this and can’t really account for why different people desist from crime at different ages.



When we look at the social bonds theory we know that ties to family, training or employment can create a stake in conformity but equally we know that these social relations can be undermined by the pressures and challenges they engender. Turning to narrative theory and the role of storytelling. We all have a life script and as the events of our lives unfold we attribute a significance and meaning to those events and incorporate them into our script which enables us to move on in a positive direction. In working with young adults personal narrative the focus should be on creating a constructive mythology to escape the past. It's not so much the truth of what happened as a constructive version of the truth which propels the young person forward rather than dragging him back.

The "one good adult" concept emphasises the centrality of the positive role model who nurtures hope and confidence. The Probation Officer can be the One Good Adult. In their study with young male adult Probationers in 2010, O'Donnell and Healy talked about the therapeutic alliance. For those interviewed the key to a good therapeutic alliance was when Officers treated them with respect, when Officers were seen as approachable and when they appeared to be genuine and caring. The "one good adult" may be a family member, a project worker, a mentor or possibly a peer mentor. The image of Nelson Mandela on the slide is a reference to a philosophy which underpinned his approach. This is known as Ubuntu an indigenous African philosophy that treats all people as human beings and considers the human being as the foremost priority in all conduct. It teaches sharing and respect for all people

**"Life would be infinitely happier
If we could only be
born at the age of eighty
and gradually approach eighteen"**

Mark Twain

Mark Twain's inimitable phraseology acknowledges how hard change is and how much easier it would be with the benefit of hindsight. But even with the benefit of hindsight, the time of transition would have been the optimum time to make those important changes. We should all engage with it to best possible effect.

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1. Youth Justice in Practice: The Importance of Specialist Training in light of the Capacity of the Child

Presenter: Sarah Jane Judge BL,
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Chairperson: Jane Farrell
Rapporteur: Grace McCann

Sarah Jane Judge is a qualified barrister with experience in the emerging area of Juvenile Justice. She is also the lead lecturer and creator of the Advanced Diploma in Juvenile Justice at the Honorable Society of King's Inns and a PhD candidate in children's rights at University College Cork. The presentation identified the need to provide specialist training for personnel working in Irish Children Courts and also the possible impact this could have on the rates of juvenile contact with the justice process. It was reinforced throughout the workshop that any shortcomings identified were to highlight the critical need for specialist training and not an attempt to assign blame or to criticise those currently working without what is deemed to be opportunities for adequate training.

Developmental Research - Understanding Legal Capacity

The model developed by Grisso et al (2004), 'Four Spheres of Development', shows the four spheres of development of children - neurological, emotional, intellectual and psychosocial. Immaturity within these spheres impacts on how children respond to their experiences in the justice system. Due to time constraints, the workshop focused on the impact of psychosocial maturity as evidenced through scientific investigation. This affects how authority figures such as the police or lawyers are perceived by the

young person and how it influences his/her response.

The developmental immaturity of the child has been accepted by the judiciary in jurisdictions such as the United Kingdom and the United States. In *Roper v Simmons* (US Supreme Court) developmental research was submitted to show that adolescents are less criminally responsible than adults. In *T v. UK* and *V v. UK* at the European Court of Human Rights (ECHR) it was argued that a child's age, level of maturity and intellectual/emotional capacities should be considered when they face criminal charges. Conclusions from developmental research suggest that children have a limited ability to understand the court procedures and the impact of decisions made. Due to this developmental immaturity, it is arguable that the physical environment of the court, along with the attendant processes and procedures, must be adapted to account for these immaturities.

International Standards of Best Practice

The UN Convention on the Rights of the Child (UNCRC) Article 12 outlines the right of the child to be heard which is broadly conceptualised as the principle of effective participation for the child during judicial proceedings. Ireland currently sees this as a good practice approach. However, the UNCRC is not binding within the Courts in Ireland. It is imperative that children are able to engage and contribute to the court proceedings in light of the adverse and far reaching consequences that such proceedings may have on future opportunities. Effective participation involves the use of clear child friendly language and a continuous dialogue between the child and those involved in the operation of the court to ensure that



the child has understood any decisions or nuances of the court.

The Council of Europe Guidelines on Child Friendly Justice considers the role of the physical environment of the Court and recommends that decisions should take account of the child's age and any communication difficulties he/she may have. The child should also have the opportunity to be familiarised with the courtroom before the formal proceedings. It is argued that by placing the child at the centre of the proceedings and making decisions based on the needs and capabilities of the individual child, it will only then be possible to respond to the legal capacity of the child.

In January 2014, a practice direction pertaining to Dublin Metropolitan Children Court was introduced which ensures that this Court implements a number of guidelines and standards of best practice. However, the Practice Direction only applies to Dublin Metropolitan Children Court and not regional sittings of the Children Court.

Adverse Impact of Failing to Account for Limited Legal Capacity of the Child: Evidence from Research

Research undertaken by Sarah Jane Judge in 2010 provides empirical evidence that courts in Ireland were failing to adopt appropriate child friendly techniques in line with international laws and standards of best practice. Judge reported that children were observed to be seemingly confused, alienated and disengaged with court proceedings. Varying levels of communication existed between the court officials and the child, with 81% of cases observed involving no attempt to explain either proceedings, or, the result of same, to the child. This lack of communication

was believed to result in a lack of trust by the child in the court personnel, as well as a failure by the child to understand court procedures and the impact of the decision made.

In current proceedings judges are tasked with balancing their traditional role as a judge with the added responsibility of making sure that adaptations to the court sessions are upheld e.g. maximum time a hearing can last without a break when a child is involved. This dual role was in part linked to the absence in Irish courts of case managers whose responsibility it is to liaise between the various state agencies involved in the court process such as An Garda Síochána, the Probation Service, the HSE, educational institutions and the detention schools.

Improvements suggested included a multi-layered support plan with sustained specialist training for judges, ongoing support forums to discuss new laws affecting juvenile justice, and providing bench books, as in courts in other jurisdictions. To make new training approaches effective, as requested by research participants, they needed to be widely delivered both to court personnel and external agencies involved in the court process.

Further concern regarding the level of accountability and training was highlighted. It is not currently required for a solicitor involved in the representing of a child in criminal courts to have completed any specialist training. This is in contrast to other jurisdictions where all solicitors working with children must be members of an accredited panel, having undergone specialist training. The lack of similar mandatory training in Ireland may leave children at a disadvantage as



practitioners may not have the level of expertise required to effectively represent and communicate with the child in question. Additionally, this could undermine the perception of advocates if they are viewed as being ill-equipped to complete given tasks.

It is also necessary to make some alterations to court procedures, including appropriate breaks and an opportunity to become familiar with the courtroom as highlighted earlier. Further considerations include bringing the child within close physical proximity to the legal representative and the presiding Judge to ensure that the child remains at the centre of the proceedings. Greater levels of interaction directly with the defendant should also be encouraged. The number of adjournments used is important as the UNCRC holds that the impact of delaying the formal response to a crime reduces the effectiveness of any pedagogical impacts.

Conclusions

Whilst it is recognised that an effective systematic change will require longer-term procedural changes, a key number of 'quick wins' could be executed. These immediate changes could be the introduction of specialist training for members of the judiciary and legal representatives seeking to preside and work within the Children Court, encouragement by the judiciary of the use of child friendly dialogue, physically centring the child in the courtroom and insisting on structured breaks during hearings.

Regarding support agencies, it was suggested that child friendly materials detailing all stages of the legal process and children's rights should be provided to staff, children and their guardians.

Parents and guardians play a pivotal role in the behaviour and subsequent rehabilitation of the child and, thus, should be provided with information regarding the court procedures in question as well as the impacts of decisions made. Finally, legal representatives could build upon the foundations of change already outlined and acknowledge their unique pedagogical role.

Discussion

- A number of attendees expressed appreciation and identified learning for the workplace, including more in-house training.
- The importance of developing a best practice model for all of Ireland based on proven examples, e.g. UK, was highlighted
- Consideration of when the support begins (e.g. waiting areas shared with adults) and the importance of ensuring all stakeholders are trained to an agreed set of standards against which they can be assessed and appraised.

2. Clinical Presentations of Young People in Detention

Presenters: Eimear Ryan, Senior Speech & Language Therapist & Dr. Margaret McGovern, Senior Clinical Psychologist, Assessment Consultation Therapy Service (ACTS)

Chairperson: Finbarr O'Leary

Rapporteur: Edel McKenna

The Assessment, Consultation & Therapy Service (ACTS) is a national specialised clinical service that provides



multidisciplinary consultation, assessment and therapeutic interventions to young people who have high risk behaviours associated with complex clinical needs. ACTS was established in 2012 on foot of The Ryan Report (2009), “The Commission to Inquire into Child Abuse”. ACTS is part of the Child and Family Agency and consists of a multidisciplinary team of counsellors with expertise in substance misuse, clinical psychologists, social workers, social care workers and speech and language therapists. ACTS offer on-site therapeutic services to young people placed in secure settings in Ireland (special care units and the children detention schools). ACTS also offer some services in the community for young people at significant risk in order to add value to the available community services when young people’s needs exceed the threshold of community services. As a national service, the team can support young people transitioning back to the community to help them re-engage with local services as appropriate.

The collaborative inter-agency nature of the work carried out by ACTS is critical. The team work with young people, residential staff, families, carers, social workers, school staff and many others. When working within the Children Detention Schools the therapeutic team aim to provide therapy, intervention and support in conjunction with care staff. Intervention can take different forms, including direct individual therapy, indirect intervention with care staff and/or group intervention with care teams.

Risk Profile

Common risks that young people present with may include:

- Self-harm or harm to others

- Substance misuse
- Disengagement from education and therapeutic services
- Re-offending behaviour, including sexual offending
- Absconding
- Interpersonal aggression
- Risk-taking behaviour, including sexual promiscuity

Environmental Profile

Environmental factors contributing to risk can include:

- Social deprivation
- Inconsistent care history
- Poor school attendance
- Substance-using peers/family
- Peers/family with a criminal background
- Maladaptive cultural beliefs and expectations

Profile of Young people

Other factors impacting on a young person’s well-being often include:

- Attachment difficulties
- Complex trauma
- Poor emotional regulation
- Developmental impairments
- Limited insight

Therapy

Therapy interventions are broad and varying based on the needs of the young person, married with clinician expertise. Interventions are informed by:

- Child Centred & Dialectical behaviour therapy (DBT)/ Cognitive-Behavioural therapy (CBT) approaches
- Attachment, Resilience & Skills models
- Family/systems theory
- Developmental theories
- Behavioural & Motivational approaches



Team members select an approach or theory based on the profile of the particular individual. Therapeutic approaches can be both traditional and non-traditional. Often the clinician draws on the awareness that it is easier for the young person to do an activity with a therapist, rather than just being with them.

What works?

ACTS recognises that the relationship between the young person and the clinician is the foundation of intervention, regardless of clinical technique, and is a more powerful influence in therapeutic change. ACTS aim to develop and maintain therapeutic relationships based on an attachment model. ACTS are particularly attuned to young person's needs as the young person sees them. Therapy endeavours to build resilience and hope, without which progress is limited. ACTS highlighted the importance of hope and expectancy in improving clinical outcomes. ACTS also stressed the importance of working as part of a multidisciplinary team with team based formulation and open reflective practice.

Screening Process

The Massachusetts Youth Screening Instrument (MAYSI-2) was designed to assist juvenile facilities in identifying reported and current mental or emotional disturbance, distress or patterns of problem behaviour in youths aged twelve to seventeen years. It is based on a pencil and paper self-report inventory of fifty-two items on two sides of a single page. It takes between ten and fifteen minutes to complete with young people circling Yes/No to each item if it has been true for them in the past few months or not. The MAYSI scales include:

- Alcohol/drug use

- Angry-irritable
- Depression
- Somatic complaints
- Suicide ideation
- Thought disturbance
- Traumatic experiences

ACTS use the MAYSI-2 to identify the young people who are at the highest risk and in need of a service. The MAYSI-2 is completed by the young person and a social care worker within 24-48 hours of arriving. Between January and June 2014, seventy-three out of seventy-five young people in the Children Detention Schools completed the MAYSI-2. 85% of young people assessed were found to have experienced a traumatic event (often multiple).

Discussion

Challenges of inter-agency working were explored in group discussion. There was an acknowledgement of the perils of diffused responsibility and the need for clear communication in relation to this. Often when there are a number of agencies involved with a young person and their families, there can be different views and priorities. It is important to be aware of the potential for agencies to mirror problematic conflict cycles that can exist in family systems and ensure that young people are protected from this.

Another challenge discussed related to the particular service needs of young people who have a history of sexual offending. It was acknowledged that there are gaps in services at a national level in meeting the needs of this cohort more comprehensively.

Delegates were delighted to hear about ACTS and to see solid therapeutic services in place. Many were also impressed with



the obvious commitment and dedication of ACTS, and the respect and dignity shown to the young people at all times.

3. Utilizing Diversion in Youth Justice Transformation

Presenter: Superintendent Colette Quinn

Chairperson: Patricia Flynn

Rapporteur: Caroline O'Mara

Background to the Diversion Programme for Young Offenders

The Children Act 2001 defines a child as 'a person under the age of eighteen years' and the Diversion Programme is contained in Part Four of the Act.

The Children Act 2001 placed the Garda Diversion Programme on a statutory footing and created the statutory position of Director. In accordance with the Act, all children have the right to be considered for diversion before being brought before the courts. The decision as to the suitability of a child for inclusion on the Programme is made by the Garda Superintendent known as the Director at the Garda Youth Diversion Office. In making the decision the victim's views may also be sought and taken into consideration.

In order for the young person to qualify for the Diversion Programme they must:

- Take responsibility for the offending behaviour
- Agree to the caution
- Agree where appropriate, the terms of supervision

How the programme works

A local Juvenile Liaison Officer (JLO) contacts and meets the young person and

their parent(s)/guardian to discuss the offence. During this meeting the young person is expected to give an undertaking not to reoffend in the future. The JLO and the family use their best endeavours to support the efforts of the young offender to prevent any further offending behaviour and the young person is cautioned by a JLO, a Garda Inspector or the Garda Superintendent. In practice the JLO, who is trained in Mediation and Restorative Practices administers the Caution.

JLOs are distinguishable from other Gardaí as they do not wear a uniform and their meetings may be carried out in the child's home or in the Garda Station.

Mission of the Diversion Programme

Superintendent Quinn began the presentation by stating 'Diversion is a wide concept' and diversionary efforts are made at all levels of the youth justice and court system to divert young people from further offending. She said that the mission of the Diversion Programme under the Children Act is to keep children out of the Criminal Justice System. The strategy is a very sound diversion programme which has proved to be extremely effective in most cases.

Considerations when assessing whether to admit a child for the Diversion Programme

Firstly, there must be a *prima facie* case that a child has committed the offence. Before a decision is made to admit a child to the programme several other factors are considered such as the background of the child, the victim and the level of the offence. Even if a case goes to the DPP, the case could still be reconsidered when a plea is entered.



A hand-out of the Diversion Programme for young offenders was given to all those who attended the workshop. Additional considerations for programme suitability listed in this leaflet included:

- The interests of society
- The views of the arresting Garda and the JLO
- The attitude and views of the young offender and the parent(s)/guardian
- Whether an apology has been made and whether or not the harm can be repaired, in addition to the child's prior involvement in the programme

The Staff Structure of the National Office

- Director
- Inspector
- 3 Sergeants
- 1 Garda
- 6 Clerical Officers
- 123 Juvenile Liaison Officers
- Garda Analyst Service

Core Principles

In addition to the prevention of further offending, respect for human rights was of paramount importance to the Juvenile Liaison Officers and moreover, 'the voice of the child' was affirmed and is strictly protected in Section 29 and Section 78 of the 2001 Act.

Case Study

A JLO team member presented a case study. In this example we heard about a young person who had been absconding from a care centre and causing concerns for care givers as his whereabouts were unknown. The care staff and JLO held discussions with the young person during which he revealed that he did not like being on his own in the centre. As a result his expressed needs were met. Specifically he was allowed to meet friends under supervision. Following this

intervention the young person has desisted from absconding and has not been reported missing since the change in his care plan. This is a good example of giving a voice to the child and changing an outcome.

It was also suggested by Supt Quinn that rules can only be changed out of a willingness to change, and rules and boundaries are good but need to be tailored to better meet the needs of the individual child. The child has a right to be heard. A care plan should not be implemented without listening to the voice and needs of the child.

Another interesting case example was given to highlight the value of the family conference in the programme. In this case a young offender, who did not accept responsibility for his actions, and was facing the Circuit Court, had caused grave concern and immense worry to his family. During the conference it was discovered that he had been bullied by peers and groomed for theft. Like many young people on the JLO diversion programme, this young person had been suspended from school due to unacceptable behaviour within the school. However his class teacher maintained a strong interest in his educational welfare. It was also noted that the boy was a good golfer and with support from his teacher he obtained a place in a well renowned Golfing School. He made excellent progress in the school and has not been involved in any further offending behaviour. Through positive engagement with the diversion programme the young person avoided criminal charges and a custodial sentence. The boy now hopes to make a career out of golfing.



Prior to this the parents hadn't been aware of the severity of the circumstances, which showed the importance of keeping the lines of communication open between all parties.

Supt Quinn and her team noted that a major challenge facing JLO officers is improving relationships between young people and the Gardaí. JLOs work hard to build relationships with young people in order to change their negative perceptions of An Garda Síochána. JLOs have positive professional relationships with the young people on the programme. However, it is an area that young people voice their concern on when it comes to some other Garda members. To build better relationships An Garda Síochána has engaged with young people in a new initiative called Teenagers & Gardaí (TAG) and this initiative is going to be rolled out throughout Dublin in 2015.

What if there are no parents available for the programme?

All necessary measures are taken to ensure the best interest of the child is prioritized by using all available resources and exhausting all possibilities for a positive outcome. If a parent or guardian is not available a responsible adult or other family member is called upon.

Concluding Remarks

Supt Quinn noted that Inter Agency co-operation is vital to meet the needs of the cohort of children referred for Diversion. She stated that early intervention was crucial, and that everyone in the community has an obligation to help. It is a major challenge to bring about positive change when a child does not receive interventions at an earlier stage and before they are embedded in a criminal career. Supt Quinn emphasised the

importance of education for young people and training for professionals. In addition, she stated that the Criminal Justice System's custodial care is a last resort. She suggested that we need to do more and not give up or close files because an individual service cannot meet needs. The Children Act of 2001 should be reviewed and legislation should be changed, if necessary.

4. Youth Justice in Transition? Pre-Sanction Reports in Practice

Presenter: Etain Quigley PhD Candidate, Sutherland School of Law, UCD

Chairperson: Dr. Yvonne Daly

Rapporteur: Kaleb Honer

Etain Quigley discussed shifts in the ideological undercurrents of the criminal justice system and examined whether policy has affected practice in the area of risk management. In this regard her research discussed three jurisdictions in relation to pre sanction reports; England and Wales, the Netherlands, and Italy. She then considered the Irish position.

What is a Pre-Sanction Report?

A Pre-Sanction report is formulated by a probation officer. In the area of youth justice in Ireland the report is prepared by a Young Persons' Probation Officer. The report preparation process involves engaging with the accused with reference to areas such as the seriousness of the offence, attitude taken by the accused, reasons behind committing said offence, any feelings toward the victim and any other information requested by the court. The report is then presented to the Judge to assist with determining the most



appropriate means of disposing of the case.

From Penal-Welfarism to Actuarial Justice

Penal welfarism is a model, which aims to improve the Criminal and holds a focus on rehabilitation. From the 1970's onward a loss of faith in rehabilitation occurred and as a result an emphasis was placed on offender management. While other jurisdictions shifted towards risk management, it appears that the Irish system is adopting a model more in line with penal welfarism which incorporates elements of a risk oriented approach. This model is evident in the Irish Probation Service where an approach is adopted which distinguishes between high-risk offenders and low risk offenders whereby high-risk offenders receive more intensive interventions and low risk offenders are diverted or treated in the community.

Comparative Jurisdictions: England & Wales

In England and Wales at the macro (policy) level there has been a shift from the traditional social welfare emphasis towards crime prevention and risk management. In daily practice however, aspects of the social work model have been retained, this is evidenced by officers making judgements with reference to the young person's attitude and the likelihood of compliance and reformation.

A review of a study at the Magistrate Court forum found there is a reluctance to fully adopt the reports. The study indicated that Magistrates responded to reports on a case-by-case basis and reported relying on a degree of 'common sense' when disposing of a case. Therefore it is suggested that policy's

obsession with risk management has not fully filtered down to the decision making process at the Magistrates Court. It was found that the reports were selectively interpreted and the magistrates sought to 'understand' the young person before them through their interaction with them.

Netherlands

Is there evidence of the risk based model encroaching on the Netherlands? Cases with both pre-sanction reports and those without were examined. It was found that in cases involving pre-sanction reports, these reports were used as mitigating information as opposed to risk information.

Italy

Italy does not utilise the risk assessment model but rather has a very paternalistic approach. In turn, the majority of young people are diverted. Expert social work discourse is dominant and thus social welfare and moral development of the young person is key. The police file is also drafted in a similar fashion as it contains moralistic discourse and value judgements about the child, their family and home life. The Italian system reflects that of the more traditional penal welfarist model.

Where does Ireland stand in relation to policy/ the macro field?

The Probation Service incorporated the LSI-R (Level of Service Inventory-Revised) for adults in 2004 and the YLS/CMI (Youth Level of Service/Case Management Inventory) for young people in 2005. The Garda Youth Diversion Projects adopted the YLS/CMI in 2010. The National Youth Justice Strategy 2008-2010 discussed the incorporation of structured risk assessment across the youth justice service sector as a priority. As a result,



the risk assessment model is omnipresent at policy level.

Pre-Sentence Reports in the Irish Youth Justice System

Pre-Sentence Reports are ordered by the court and act to allow the court to understand the issues outside the offence. This has been placed on a statutory footing by the Children Act 2001. In cases involving child offenders the report is gathered by Young Persons' Probation (YPP) Officers. These officers work with people aged 12-18 years old. The yearly average of reports ordered from 2008-2013 stands at 890³.

The reports are constructed in a narrative format based on interviews with the offender and in certain circumstances, with other relevant persons. These reports act to inform the court on the personal and social history of the young person, their family circumstances, accommodation circumstances, information on education and/or training, information relating to the current offence and any offending history. It refers to the young person's attitude to the offending behaviour and, where applicable, attitude to the victim. It outlines the level of risk of reoffending in the future, and highlights any needs that ought to be addressed to reduce such risks.

Pre-Sentence Report in Practice: Young Persons' Probation Officers (YPP)

Five YPP Officers were interviewed and the findings are below;

- These officers reported a change in practice in relation to the type of information they collected with the Risk Assessment Tools (RAT). In turn

there was less concern with broader social issues.

- However, it was discussed that utilising their own clinical judgment to incorporate such information went beyond risk assessment categories during daily practice.
- The YPP officers found risk assessment tools useful as a guide to ensure that all areas were covered. These results were combined with their own clinical judgement.
- The YPP officers still relied on their own professional judgement and highlighted the need to over-ride the risk/need score where required and to address non-criminogenic needs as well as criminogenic needs.
- The level of compliance of the young person acted as a strong influencing variable when reporting. This appeared to be combining of old with new, rather than shifting to a new model.
- Human interaction was reported as playing a key role in the decision-making process.⁴

Pre-Sentence Report in Practice: Judiciary

- The judiciary consider the level of risk reported in the report but it is only one piece of relevant information and its influence depends upon other information in the report and the young person's presentation on the day.
- They hold a high regard for recommendations in the report and rely heavily upon the information contained therein, unlike the findings

³ Irish Probation Service Annual Reports 2008-2013

⁴ Phoenix, 2010 – Magistrates in England



relating to the magistrates in England and judiciary in Belgium.

- No distinction is made between criminogenic and non-criminogenic needs; they seek to address all needs presented to the court.
- Compliance with requests and services is a strong influencing factor in the decision making/sentencing process; such information is contained in the report. Compliance identity could over-ride risk/need identity.

Conclusion

Ireland is broadly similar to other jurisdictions in terms of;

- Incorporating structured risk/needs assessment tools
- Incorporating an evidence based model
- A distinction existing between macro and micro.

Discussion

Points that were raised during open discussion;

- It was noted that in Scotland there are a number of different motivations from different actors i.e. Society and the Department of Justice. It was highlighted that the role of Probation is to supervise the offender. Post sentence reports are issued rather than pre-sentence reports. The risk assessment model is often a misunderstood concept, it acts to define what level of risk the person poses; low, medium or high.
- It was questioned whether there has been any analysis of the work of probation workers in regards to risk management. It was noted that it might be in the pipeline.
- It was put forward that probation workers are often seen as gatekeepers. Additionally, it was

questioned whether victims are included in the process? In turn it was noted that there has been a certain degree of focus on victims but there is often a difficulty in relation to participation when it comes to victims.

- It was suggested that on a macro level there is a focus on risk management. The question was then posed whether we are in a good position when it comes to this and whether there is any room for growth in regards to risk management.
- It was then noted that Juvenile Liaison Officers often tend towards a welfare approach, while the Gardaí adopt a more public protection approach.
- The question is whether this resistance in regards to risk management is simply because it is new or is it a conscious stance that has been adopted. It is yet to be seen if this will grow or remain how it is now.

5 Integrating Restorative Approaches in Probation Policy & Practice

Presenters: John Brosnahan, YPP & Elaine Slattery, Céim ar Chéim

Chairperson: Eugene Corcoran

Rapporteur: Francesca Farrington

What is Restorative Justice?

Restorative Justice is a victim sensitive response to criminal offending, which, through engagement with those affected by crime, aims to make amends for the harm caused to victims and communities and which facilitates offenders' rehabilitation and integration into society.⁵ Restorative Justice is considered

⁵ National Commission on Restorative Justice 2009



the science of building social capital and achieving social discipline through participatory learning and decision making.⁶

The Limerick Probation Service focuses on victim sensitivity and endeavouring to fully engage with offenders by encouraging them to take responsibility for their actions. The Probation Service has adopted a holistic approach, practising co-operation with all members of the communities they work in. By strengthening and utilising these relationships the probation office works towards improving the social good through incorporation of restorative justice methods in their practices.

Growing Restorative Approaches in the Probation Service

The first legislative signal to incorporate restorative justice into the practices of The Probation Service came in the form of the Children Act 2001. One of the key measures adopted by the statute was family conferencing, a discretionary measure, applied by the courts. The aim of family conferencing is to divert young offenders away from conviction.

Although family conferencing achieved its main objective, to divert young offenders away from conviction, a lacuna was identified. When young offenders came before the courts with complex issues of serious and persistent offending, they were not eligible for conferencing. This prompted the Probation Service to begin searching for ways in which to adopt the statutory model in a more flexible and creative manner, ensuring that those who were outside the scope of the statute

would still receive the benefits of restorative justice approaches.

They began to inform their own practices with a presumption in favour of restorative justice. This philosophy is used to inform the Probation Service's report writing. A screening tool was developed to incorporate various levels of restorative justice into an individual offender's supervision package. Consequentially, restorative justice has become an integral element of staff development and training. All probation officers are now fully trained in restorative practice and restorative justice approaches. The results have shown emphatically that engaging in restorative justice empowers the young offender.

Restorative justice is an ever growing area, with improved methods being developed continuously. To galvanise this, in the past four years, a restorative practice forum has been introduced, comprised of practitioners from around the country. This forum allows practitioners to communicate, educate and support each other, whilst creating uniformity and transparency across this intricate network of agencies aiming to rehabilitate young offenders. The service sees the restorative justice approach as a fundamental tool in the work they do, whether with adult or young offenders.

Supporting and Promoting Desistance

The probation service has adopted a number of key programmes aimed at integrating restorative intervention into their policies, including, victim empathy programmes, victim and offender mediations, victim impact panels, reparations, restorative and family conferences. These processes move young offenders towards a path of desistance.

⁶ Wachtel & McCold



When analysing the processes, key areas are easily identifiable as integral to promoting desistance. For instance, during conferences emotional exchanges occur most often between family and offender rather than between victim and offender, highlighting the need to improve relationships and strengthen social bonds through restorative practices. By promoting empathy and emotional intelligence it gives young offenders greater insight into the impact their actions have on the people around them, rather than simply addressing the legal consequences of their crime. Ultimately these processes, when used in a flexible and consistent manner, lead to a re-definition of self-affirmation and a growth in self-esteem.

Céim ar Chéim

The use of restorative justice in practice is especially applicable to the Limerick based educational and training centre, Céim ar Chéim. Céim ar Chéim has been operating throughout Limerick for 16 years, placing a special emphasis on incorporating restorative justice approaches into its policies. Céim ar Chéim is funded by the Probation Service and Irish Youth Justice Service. The organisation provides both full-time day courses and part-time evening courses to youths who have either been referred through the courts, probation offices, Garda juvenile liaison officers and detention centres or are on temporary release. The core values of the centre are respect, fairness, caring & understanding, building relationships in partnership through communication and advancement through challenge.

All programmes delivered offer academic accreditation through either Leaving Certificate Applied or FETAC levels 1-4. Similar to the Probation Service, Céim ar

Chéim has adopted a holistic model, viewing the child as an individual with unique requirements to be fulfilled in order to encourage the child to make positive life choices. Outreach workers are assigned to both the individual child and their family. By working alongside the families of young offenders, Céim ar Chéim ensures that the methods being practiced in the centre are adopted and supported by the individual's family. Each child is given a unique care plan with the appropriate structure and support relative to their needs. Their curriculum is then developed around their strengths and specific areas of interest, acting as an anchor to engage the child in their education.

Céim ar Chéim has adopted a number of practices centred on restorative justice. The focus has been on creating a social environment, whereby young offenders learn invaluable social skills. Communal lunches have given staff the opportunity to assess and identify changes in mood and behaviour, allowing staff to prevent incidences occurring by diverting a child away to discuss their emotions, giving the child the ability to identify their feelings, to grow their empathy skills and increase their emotional intelligence. Integral to this idea is nurturing and facilitating the expression of feelings. All staff are trained in constructive criticism and the children participate in daily restorative circle, creating a safe space to discuss their emotions.

Discipline is a sensitive area when working with young offenders displaying challenging behavioural issues. Rather than adopting rules concerned with outlawing particular acts, Céim ar Chéim aims to promote positive behaviour and to generate positive alternatives by



implementing a “Positive behavioural policy” which echoes the ideals of restorative justice. Even when a child is sanctioned, their behaviour is dealt with restoratively through the appropriate expression of emotions, active listening and assessing the implications of their actions through identifying the logical consequences.

Conclusion

The key to successfully implementing restorative approaches in practice is consistency. The Probation Service has not isolated its practices and is supported by a number of probation projects. The children services committee has broadened its reach in the last three years to encompass every agency in Limerick which has contact with young people. There are approximately 50 agencies currently involved, with 450 staff trained including 250 school teachers.

Céim ar Chéim has worked with over 650 children, of which a mere 10-12 have reoffended. Through the incorporation of restorative practices every single child has left with accredited training. The results speak for themselves - incorporating restorative approaches into the practices and policies of youth justice services makes educating and rehabilitating young offenders substantially more effective.

6. The evolving landscape of the National Children's Detention Campus, Oberstown

Presenters: Tony O'Donovan, Child Welfare Advisor, IYJS & Pat Bergin, Oberstown Campus Manager

Chairperson: Finbarr O'Leary

Rapporteur: Cameron Piasta

This workshop focused on the changes being made to the National Children's Detention Campus in Oberstown, Co. Dublin, as well as the changes that are planned to take place there. The effect to the system and the campus of adding 17 year old offenders to the youth offender population in Oberstown was also discussed. The workshop concluded with a short discussion about the changes that were taking place and how this would affect those in custody there. Part of the presentation involved a PowerPoint Map of the Campus in its construction stage.

Overview

The Irish Youth Justice Service was established in 2006 to improve the delivery of youth justice services and to manage the children detention schools in its policy to reduce youth offending. In addition, it also aims to provide a safe and secure environment for detained children and to support their early re-integration back into the community. The ultimate goal would be to prevent offending before it happens and to divert young people from the criminal justice system but, where detention is deemed necessary, that it is the measure of last resort.

Developments

Since January 2007 there has been a reduction in the number of youth offenders detained, from a peak of over 150, to 43. In May 2012 the Oberstown Campus took over responsibility for 16 year old offenders. Funding was secured for the construction of a new children detention school, and in September 2013 construction began to increase the capacity to 90 beds. Three units will be completed in the near future, each of which will have ten beds. Looking ahead, by early 2015 the new education and recreational facilities will come on stream



as well as the units to replace the three existing at Oberstown Boys. The recruitment of additional staff is underway with the first tranche due to start induction training soon.

Ultimately, the present care model approach will extend to all young people under the age of 18 years on a campus which is fit for purpose. It will include up-to-date educational facilities, a new recreational area, family visiting areas and medical facilities. Currently on the Oberstown Campus there are 15 young people on remand and 28 committed.

Staffing

There will be three new units which will require a total of 45 day staff and 15 night staff. On completion of the new campus, there will be approximately 270 staff members including care staff, security, kitchen staff and health staff, a new HR department and medical staff.

Requirements

For the best outcomes a key factor is a quality building which can aid the rehabilitation of the young people, combined with staff with specialised care training and experience. The evolving policies will incorporate the needs of the young person in addition to a focus on the prevention and/or reduction of re-offending behaviour. A culture to support restorative practice through direct work with young people will be also created.

Stakeholders

It is vital for the young people themselves to be focused on their individual goals. Families can be the best advocates, and, for the younger offenders, the local communities can be the key to desistance from offending.

The staff are receiving training in caring for the needs of the young people. In addition, assistance is provided by both the Probation Service and the Assessment Consultation and Therapy Service (ACTS), which provides an in-reach service funded by Tusla. The Education and Training Board (ETB) is responsible for ensuring that the new education facilities have a consistent approach to streamlining education. This is achieved by making sure that all those attending are getting an education that is consistent with the education being received by children outside of the Campus.

Discussion

Through comments and questions the following points were made during the workshop discussion:

- It is expected that the responsibility for 17 year olds who currently go to St. Patrick's Institution will be transferred when the new units are completed. The decision not to isolate the new 17 year old incumbents is to prevent any differentiation based solely on age. It is hoped that places will be given to 17 year olds who have not been through the adult prison system to reduce the likelihood of a prison mentality occurring.
- 17 year olds will remain in other institutions/prisons until the Minister decides, by order that responsibility for 17 year olds transfers to the Oberstown Campus. Part of the consideration in the amendment to the Children Act is to standardise the position in relation to 17 year olds who will reach the age of 18 years before the completion of their sentence.
- ACTS will offer the in-reach service through working with the young people and their families. ACTS will



pass on clinical follow up of the young people to community clinicians to make sure that there is on-going services on discharge where deemed necessary.

- There are time-out rooms in the new units and young people who exhibit violent or risky behaviour may need to be restrained in compliance with the Behaviour Management Training provided.
- The new units provide much more natural lighting and it is felt this will be a space more conducive to positive behaviours.
- There will be ten residential units in total plus vocational classrooms as part of the education facility. In addition there will be a football field and recreational areas.
- The cost of the new development is approximately €56 million.
- The age profile of those presently on the campus is between 14 and 17 years.
- Concern was expressed that the increase in beds will result in an increase in committals or remands because Judges may be more willing to use the beds to which they will now have access. However, currently Judges cannot make an order to send a young person to Oberstown unless there is a bed available or until a bed becomes available, a young person may receive a deferred order, until a place becomes available. One of the aims of the new campus is to increase the programmes that will challenge the offending behaviour in order to reduce recidivism/re-offending.
- Discharge and aftercare plans will be improved so that the children/young people will receive the necessary supports on release.

- Oberstown has an ethos of care which is designed to ensure that young people who come to Oberstown will get the help that they need in an effort to ensure they will not return to the juvenile justice system.

7. Mentoring as a Transformative Process for Young People: The Experience of Le Chéile

Presenters: Anne Conroy, CEO Le Chéile Mentoring and Youth Justice Support Services, and Mary Henihan, Southern Manager

Chairperson: Jim Mitchell

Rapporteur: Eoin Morrison

Mentoring Work

Le Chéile Mentoring and Youth Justice Support Services was set up in 2005 to facilitate the implementation of mentoring orders under the provisions of the Children Act of 2001. The organisation provides a personalised mentoring service for 12 – 23 year olds engaged with Young Persons Probation, as well as support and mentoring services for their parents/guardians. Le Chéile operates as a national service divided into eight distinct regions, with a volunteer staff of almost two hundred mentors.

Young people are referred to Le Chéile typically after having been charged with a number of offences such as theft, public order or criminal damage. Referrals include a high proportion of early school leavers, who are not enrolled or not attending education or vocational training, a large proportion of whom display problems with substance abuse. Le Chéile works with a very challenging



demographic of young people, unsuccessfully diverted from offending prior to reaching the formal court system. Mentoring work typically encompasses a weekly two hour meeting during which the adult and young person spend time together socially, often engaged in activities of mutual interest. It is goal focused in nature, and intended to facilitate a positive relationship whereby the young person can be assisted in addressing the underlying causes of their offending behaviour.

Le Chéile further provides mentoring and support services for the parents of young offenders. These include parenting programmes designed to teach coping strategies associated with specific challenges as well as family support interventions for example, group therapy or the facilitation of a family's social engagement through organised activities such as day trips.

Measures of Effectiveness and Existing Research

A centralised management system is utilised in order to evaluate the effectiveness of the mentoring and support initiatives undertaken by Le Chéile. Key Performance Indicators measure the number of referrals, level of engagement, rates of early leaving as well as successfully completed cases.

Statistical variables are complemented by the collection of qualitative data in the form of feedback evaluation on both successful and unsuccessful mentoring engagement. Feedback is sought from the mentor, young person, parents and Probation Officer.

Existing research suggests that the mentoring model predominantly impacts

the mediating factors for crime, rather than the criminal activity itself. Mentoring relationships can serve to assist young people in addressing the risk factors associated with offending behaviour such as low educational attendance and substance abuse.

According to international research, mentoring works when interventions are long-lasting, intense, include a personal and committed relationship with an adult, and deliberately stress the young person's psycho-social development. Mentoring is likely to be more effective if there is parental involvement, and it is better if mentoring and leisure activities are combined.

Outstanding Challenges

Continuing challenges faced by the organisation were identified as follows:

- The continuing lack of young people in formal education, training and employment
- The prevalence of substance abuse problems for young people and their families
- The need to address family support needs in concert with young people's offending behaviour
- The need to promote collaboration with Tusla and other agencies
- Executing effective service evaluation
- Budget cuts and the resulting challenge of doing more for less

What Works

The factors required for effective service delivery regarding youth offender mentoring were summarised as follows:

- The use of volunteer mentors in effective relationships with young people
- Structured goals and an activity focused programme



- Flexibility of mentoring programmes, persistence with young people and with programmes often taking up to a year and a half
- Manageable caseload levels
- Working with both young people and their parents
- Effective interagency collaboration
- Effective screening and training of mentors
- Quality support and supervision of mentors.

Case Studies

Two case studies provided examples of how Le Chéile mentoring work serves to make a positive impact upon the lives of young offenders and their guardians.

The first concerned a young man who went on a spree of criminal damage consisting of arson attacks on a number of properties in his local area. The youth came from a troubled background wherein his father was serving a prison sentence at the time of his referral to Le Chéile, and his mother had been previously incarcerated.

The young person was matched with a mentor with common interests, particularly in the sporting arena where both enjoyed a keen interest in rugby. Building from the positive relations he was able to develop with the young person, the mentor employed the use of a number of outcome and self-assessment tools in a bid to address the underlying causes of the offending behaviour.

Feedback indicates that the mentoring experience has been an exceptionally positive one. The youth is making a strong effort to communicate, is polite, enthusiastic, engaged and keen to initiate contact with his mentor. The Probation

Officer has indicated that the continuation of the mentoring relationship is of importance for the young man's fulfilment of his academic potential and advancement to third level.

The second case detailed the experience of parent mentoring. The parents, whose son was on probation, had a history of addiction, unemployment and poor health. The mentors focused on increasing the parents' levels of physical activity and wellbeing, accompanying them to structured activities such as gym attendance and slimming groups.

The noted benefits at a case review four months later included a sense of personal transformation on the part of the parents. Increases in confidence made through the programme enabled them to work together when dealing with their young person's behaviour and they noted an increase in co-operation on their own part when setting and enforcing boundaries.

Two months after this review the son who had previously declined to avail of mentoring had positively re-engaged with his own mentoring programme and was consistently attending Youth Reach while working toward personal goals. He has further encouraged a peer to engage with his own mentoring sessions, acquired no additional charges and displays an increase in prosocial behaviour.

Discussion

Several points were elaborated on in the working discussion:

- The degree of engagement/contact between young people and their mentors is organised on a collaborative basis. There is an initial meeting to secure consent for the process and the times and dates are



organised from there. Usually the meetings go on for roughly two to three hours on a weekly basis.

- Occasionally young people incur further charges during the mentoring process. Some go to detention, in certain cases contact continues when they are in detention with written communication being referred via the Probation Service. Such a continuation of contact can be looked upon favourably by a trial Judge.
- The practicalities of co-ordinating with education and training services are handled at a local level. The probation officer is important in making the connection.
- Mentor retention levels are quite good. There is a comprehensive recruitment, screening and training process. Mentors tend to be keen to stay on once they are involved. A great deal of effort goes into vetting and securing appropriate mentors.
- There is potential for the model to be utilised at an earlier stage such as diversion before a young person is charged perhaps as part of the Juvenile Liaison Officer Scheme.

8. Positive futures - Exiting the Youth Justice System

Presenter: Ciara O'Driscoll, Youth Work Student

Chairperson: Robert Olson

Rapporteur: Leanne McKenna

Ciara O'Driscoll is a twenty three year old from Dublin's North Inner City. Providing a first-hand account of her involvement and journey through the Juvenile Justice system, she gave a valuable insight into

the Juvenile Justice System and some of the pitfalls experienced by some young people on a Micro level.

Entering the Juvenile Justice System

Following a traumatic experience aged 13, Ciara described how little support was offered to her and her family, leading to a decline in her behaviour and overall well-being. She began attending school sporadically and displaying challenging behaviour, which eventually led to expulsion. She became insolent to all authority, lethargic, disinterested and abusive.

Drug and alcohol abuse soon became an issue and by aged 14 she was known to the local Garda officers for public order offences. Her relationship with her family was in turmoil. Her mother was actively trying to access services to help her but eventually had no option but to sign her into the voluntary care of the HSE. Soon after came her first entry into the Juvenile Justice System, appearing at the Children's Court for the first time aged 14. Ciara found the court experience to be very frightening. She felt that she was not consulted about anything, very little was explained to her, and that the people who were deciding on her future knew little or nothing about her. This led to a referral for a one month psychological assessment in Oberstown.

"Revolving Door"

Due to a lack of any available placements through the HSE, the speaker told how she stayed at Oberstown for a total of three months. She watched other girls who had committed crimes arriving and then leaving Oberstown, having completed their sentences, while she remained there. This upset her as she felt she was being punished unfairly, when



what she really needed was appropriate help. Her experience from this point became like a “revolving door” moving from unsuitable residential placements to the Out of Hours Service, back through the courts and back to further unsuitable residential placements. She ended up in Ballydowd for stabilization.

She learned to survive in the system, which lead her into more trouble. The older girls in the residential placements taught her how to cope and how to get her own way by pretending to conform.

She felt her emotional, educational and social needs were no longer being addressed. She also felt she was being unfairly labelled, rather than having these needs met and being encouraged to establish the root cause of her behaviours. Throughout this time her mother was fighting a continuous battle to have her placed in a suitable residential placement.

“Getting Out” Boystown Experience

Eventually, after many appearances in court, unsuitable residential placements and periods in Oberstown and Ballydowd, Ciara’s mother secured her own solicitor/barrister and with Ciara’s Guardian ad Litem’s input, support from her Social Worker and her meeting with a Judge, it was agreed, through the courts, that Ciara would be sent on a court order to Boystown Campus in Nebraska, USA. Established in 1917, Boystown Campus has devised its own unique curriculum of care for “at-risk children and their families”. Their aim is: *“Right now, in communities throughout the country, hundreds of thousands of children are living in fear, seeking guidance and in desperate need of compassion. Powerful forces are also at work tearing at the*

fabric of our families. Wherever these children and families are hurting, Boystown is helping.” (<http://www.boystown.org/what-we-do>)

When Ciara arrived at Boystown she was immediately assessed by a medical team and her medical issues were catered for. She lived in a secure unit at first, and as her behaviour improved she was “stepped down” and moved to a lower secure unit and eventually went to live in a “family” home with house parents and five other girls, before moving to a different family home with new house parents and other girls. Here she learned basic living skills such as cooking, cleaning and budgeting. Each girl had chores to do each week. Positive reinforcement was used and goal-setting was hugely important – the children set their own goals and tried to achieve them. As many of the children had not experienced normal family life for many years, this was a major component in helping them re-adjust. Attendance at school was compulsory. The school teachers were available by phone to the children after hours and at weekends if there were any educational difficulties.

The Boystown placement addressed her individual needs through the development and implementation of an individual care plan. The programme’s success is largely due to some key features, such as consistency of care, an individualised approach, strict and consistent behavioural guidelines and an overall flow between the various services. The programme is age appropriate and family orientated. Here, the focus is on the root cause of the issues, and educational and social skills are a priority.

Resuming her education, Ciara gained her High School Diploma with honours and



returned to Ireland with a new found sense of self-worth and determination to break the cycle of destructive behaviour and involvement within the Juvenile Justice System.

Boystown equipped Ciara with the skills needed to progress to adulthood, to be independent and most importantly with the tools needed to deal with her emotions and any ongoing issues she was to face. Ciara felt the difference between the Irish and Boystown approach is that the Boystown programme is much more structured, resembling family life as much as possible, with all the boundaries, responsibilities, consequences and rewards that go with that. The staff involved with her care always showed genuine interest, concern and care as opposed to those just there to perform a job and leave at the end of the shift which was her experience in Ireland.

The talk concluded with the speaker highlighting that her experience in Ireland had been of a lack of support and understanding, a serious detachment between services and an inability to remove herself from the Juvenile Justice System once “through the door.” She would go as far as to say her experience with the Out of Hours Service and continuous unsuitable residential placements actually facilitated antisocial behaviours and led to networking between youth in similar situations, thus providing a catalyst into more serious criminal activity. However, during her time in Oberstown she did feel she had some stability but then she was moved out and the cycle of unsuitable placements started anew.

Moving Forward

This inspirational talk gives the listener much to dwell upon in terms of potential failures within the current Juvenile Justice System. While it is in no way implied that the speaker’s experience is true of all, it certainly raises some key criticisms and areas for future improvement. Perhaps lessons can be learnt from other more individualised, “ground up” approaches to youth crime such as the Boystown approach.

Ciara O’Driscoll is currently training to become a Youth worker with ambitions of eventually becoming a Psychotherapist, using her experience to fight to change the current system and to provide a voice for those young people who are currently at risk of becoming lost within the system.



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