

Irish Association for the Study of Delinquency Ltd.

**DUBLIN CHILDREN COURT:
A PILOT RESEARCH PROJECT**

July 2005

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FOREWORD

The Irish Association for the Study of Delinquency (IASD) exists to promote a wider public understanding of the administration of criminal justice, the causes of delinquency and crime and the treatment of offenders. One of the primary objectives of the Association is to undertake or participate in research in the area of crime and delinquency. The Association has an active and expanding research programme that delivers pieces of high quality, original academic research with the objective of further illuminating the operation of the youth justice system in Ireland consistent with the objectives of the Association.

In 2004 the Association recruited a researcher, Sinéad McPhillips, to undertake a pilot study on a sample of young people appearing in the Dublin Children Court. The study began in September 2004 and was completed in June 2005.

This report involves a sample of 50 young people with cases completed before the Dublin Children Court in 2004. Funding for this report was provided by the Department of Justice, Equality and Law Reform. It is a quantitative study, based on a detailed examination of Dublin Children Court files and information provided by a range of other agencies. It should contribute considerably to our understanding of the range of issues affecting young people in the youth justice system.

Martin Tansey

Chairperson

IASD Ltd.

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I would like to thank people from the following organisations for their assistance in the production of this study:

- Courts Service, particularly the staff of the Children Court in Smithfield;
- Department of Justice, Equality and Law Reform;
- National Children's Office;
- National Crime Council;
- An Garda Síochána, particularly the Garda National Juvenile Office and the Garda Research Unit;
- Probation and Welfare Service;
- Irish Prison Service, particularly St. Patrick's Institution for Young Offenders;
- Special Residential Services Board;
- the detention schools (Trinity House School, Oberstown Boys Centre, Oberstown Girls Centre, Finglas Child and Adolescent Centre and St. Joseph's School).

I would also like to thank the IASD Council members for their assistance, and the IASD Research Committee (Geraldine Comerford, Dr. Ursula Kilkelly and Martin Tansey) for their guidance.

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EXECUTIVE SUMMARY

This report was carried out by an IASD researcher and funded by the Department of Justice, Equality and Law Reform. Its purpose is to improve understanding of the origin and history of young people involved in the youth justice system. The report is based on a detailed examination of court files and information provided by a range of agencies in relation to a sample of 50 young people who had cases completed before the Dublin Children Court in 2004. A total of 751 young people had cases completed in the Dublin Children Court during the study period.

Court proceedings: The 50 young people (42 male and eight female) had a total of 551 charges against them. 19 had less than five charges; 13 had between five and nine charges; and 18 young people had ten or more charges. The number of charges against a person can be closely related to the speed with which a case is concluded. Some young people experienced significant delays in the courts system. For example, ten young people made their first court appearance more than six months after the date of the offence. 11 young people had their cases concluded more than one year after their first court appearance, and in two of these cases, more than two years. Theft and robbery offences accounted for 27% of the 551 charges, followed by public order offences (23%), traffic offences (18%) and criminal damage (10%).

Results of court cases: The Children Act 2001 stipulates that detention should be a measure of last resort for young people under the age of 18. However, in this report, of the 36 young people convicted on charges against them, half (18) were sentenced to detention. Nine were committed to St. Patrick's Institution for Young Offenders because they were aged 16 or over at the conclusion of their court proceedings. Nine young people were committed to detention schools because they were under 16 at the conclusion of their court proceedings. Non-custodial sanctions (probation bonds, suspended sentences, community service orders, fines and peace bonds) were applied to the other 18 young people convicted on charges. A further ten young people were not convicted on any of the charges against them, while four were sent forward for trial to the Circuit Court.

Previous history of offending: Many young people in the study sample first came into contact with An Garda Síochána at an early age. 20 young people first had offences referred to the Garda National Juvenile Office before the age of 12.

Family structure and background: This report shows that many young people appearing before the Dublin Children Court came from a difficult family background, with problems including: absence of at least one parent for significant periods of the young person's childhood (26 out of the 38 for whom family background information was available); breakdown of relationship between parents (14); young person living without either parent (12); criminal record of family members (14); housing problems (11); large family size (17); parents with serious substance misuse problems (8); and in a small number of cases, self-harm (7), physical (2) or sexual abuse (2) indicators. Many young people (18) were strongly influenced by an anti-social peer group.

Educational disadvantage was a significant problem for young people appearing before the Dublin Children Court. 28 of 34 young people for whom educational information was available left school before the legal age of 16 and without completing their Junior Certificate. 13 young people were assessed as having significant literacy problems.

The 18 young people who were **sentenced to detention** (nine to detention schools, nine to St. Patrick's Institution) had all experienced problems in relation to their family background, education and alcohol or drug misuse. In many cases, these problems were inter-linked and overlapping. 11 of the 18 had previously been committed to detention, mainly in detention schools, before their 2004 court cases. The nine young people aged over 16, sentenced to St. Patrick's Institution, received shorter sentences. Seven of the nine young people under 16, sentenced to detention schools, were committed for a period of two years.

Minority groups: The study sample included six young people from the Traveller community; four asylum seekers, including one in HSE care; and another four young people who were in HSE care at the time of their court proceedings.

CONCLUSIONS

This report is based on a sample of 50 young people. It is not necessarily representative of all young people appearing before the Dublin Children Court.

Notwithstanding that caveat, this report provides concrete evidence that many young people appearing before the Dublin Children Court suffer from educational disadvantage and that some have literacy problems. It also confirms that many of the young people come from a difficult family background and that some are strongly influenced by an anti-social peer group. Less information is available on economic issues, but it seems reasonable to infer that many of the young people come from lower socio-economic groups and may have experienced poverty and deprivation. 20 of the 50 young people in the study sample first came into contact with An Garda Síochána before the age of 12. These findings suggest that interventions aimed at keeping young people in school and providing support to parents in difficulties need to take place at a very early age if they are to be effective.

The evidence from this report suggests that some young people spend long periods in the courts system before their cases are concluded. This can have adverse effects for young people in terms of the eventual outcome of their cases. It also works against the possibility of changing offending behaviour.

This report demonstrates that valuable information is available within the youth justice system, which could contribute to a better understanding of the issues surrounding offending behaviour by young people. It also highlights the need for data to be collected and stored by the agencies involved in an integrated and coherent manner in order to provide information on the pathways of young people through the system.

Further research on a nationwide basis is necessary in order to get a clearer picture of the total number of young people in the youth justice system, their backgrounds, the success or failure of interventions with them, and the outcomes for them as they enter adulthood. Such research could make an important contribution to evidence-based

policy making and resource allocation in relation to:

- crime prevention strategies aimed at keeping young people out of the youth justice system, including measures aimed at ensuring school completion and providing support to parents in difficulties; and
- rehabilitation and reintegration strategies for young people already in the youth justice system.

CHAPTER 1 INTRODUCTION

1.1 Background

The Irish youth justice system has been the focus of much attention in recent years. The Children Act 2001 was introduced to replace the previous system, in place since the Children Act 1908, with a modern child-focused youth justice system. If and when the Children Act 2001 is fully implemented, it will fundamentally change the way in which the criminal justice system deals with young people under the age of 18.

A number of studies and reports have addressed the changed legal situation, and its implications for young people and their families and for professionals in the fields of youth justice, health and education. National and international research has identified a range of factors which may contribute to young people becoming involved in offending behaviour, including in particular difficult family circumstances, poverty and educational disadvantage¹. However, very little empirical data has been available on young people appearing before the Children Court in Ireland. Only one previous study², of young people appearing in the Children Court in 1998, was based on access to the Courts Service files.

The Irish Association for the Study of Delinquency Ltd. (IASD) promotes reform, development and effective operation of the criminal justice system. Its activities are designed to lead to increased understanding and provide insights into the challenges posed by crime. IASD is not a pressure group for change, nor is it aligned politically.

This report was carried out by an IASD researcher and funded by the Department of Justice, Equality and Law Reform. Its purpose is to improve understanding of the origin and history of young people involved in the youth justice system. It is based on a detailed examination of court files and information from a range of agencies in relation to a sample of 50 young people with cases completed in the Dublin Children

¹ See for example O'Mahony, P. (1998), *A brief overview of juvenile justice in Ireland*

² McLoughlin, E., Maunsell, C. and O'Connell, M. *Children In The Irish Juvenile Justice System: An analysis of cases involving children who appeared before the courts, and an in-depth profile of a sample of children convicted of criminal offences* Dept. of Psychology, Trinity College, 1998, Unpublished

Court³ in 2004.

1.2 Terms of reference

The terms of reference for this report are as follows:

to compile a systematic quantitative review of a sample of children appearing before the Dublin Children Court in 2004, and to extract relevant information on:

- *their family background and education;*
- *involvement of statutory agencies;*
- *number and type of offences;*
- *outcome of court proceedings;*
- *length and number of court proceedings;*
- *sentences and detention;*
- *paths to court;*
- *specific examples of children from minority groups and children in Health Service Executive⁴ care.*

The study began in September 2004 and was completed in June 2005.

1.3 Legal basis for research

The Children Act 2001 provides a legal basis for research in relation to children appearing before the courts. Part 13, Section 264, of the Act, which has been commenced, provides that:

“The Minister may conduct or assist other persons in conducting research into any matter connected with children who are considered at risk of committing offences, who have admitted committing offences or who appear before the courts charged with offences.”

1.4 Overview

This report is based on a sample of 50 young people with cases completed in the Dublin Children Court between January and October 2004 (see Chapter 2, Data sources and methodology). Data in relation to these young people, made available by a

³ The official name for the Dublin Children Court is the Dublin Metropolitan Children Court. It sits in Court No. 55, Smithfield. It is a District Court, specifically dedicated as a Children Court for young people under the age of 18.

⁴ The local Health Boards were replaced by the national Health Service Executive (HSE) in January 2005. The term HSE is used throughout this report.

range of agencies involved, is analysed and presented in this report.

It should be borne in mind that this report is based on a sample of young people appearing before the Children Court in Dublin only. It is not necessarily representative of all young people who appear before the Children Court in Dublin or nationwide.

However, this report does provide much-needed quantitative information about *some* young people in the youth justice system. It identifies environmental factors in terms of their family background, educational difficulties and other issues such as drug and alcohol misuse. It tracks young people from their first contact with Gardaí, first prosecution, progression through the Children Court system, and to the eventual result of their court cases. In the case of young people committed to detention, it shows the length of time they have served in detention.

CHAPTER 2 DATA SOURCES AND METHODOLOGY

This chapter outlines the sources of data used for this report, how the study sample was selected, and how data was recorded and analysed. It also outlines some of the difficulties encountered in this research.

2.1 Data sources

The following agencies made information available in relation to the 50 young people in this study:

- the Courts Service provided access to paper files in the Children Court and later to the CCTS database;
- the Garda National Juvenile Office provided access to the NJO database;
- the Special Residential Services Board (SRSB), detention schools and St. Patrick's Institution for Young Offenders provided information in relation to young people committed to detention (Annex I describes the roles of the detention schools and St. Patrick's Institution).

For many of the young people in the study, reports from other agencies were included in court files. The main agencies involved were:

- Probation and Welfare Service - probation reports were available for most of the young people;
- National Assessment and Remand Unit (NARU), which is part of the Finglas Child and Adolescent Centre (FCAC): case conference reports were available on court files for young people remanded to NARU for assessment;
- Health Service Executive (HSE) – reports of HSE (formerly Health Board) conferences or reports from social workers were provided to the court in some cases with HSE involvement.

2.2 Children Court paper files

The Courts Service provided access to their paper files, based in the Dublin Children Court in Smithfield, in September 2004. Papers in relation to cases which have been completed are stacked in presses, in alphabetical order based on the young person's

surname. Papers are bundled together rather than being stored in file covers. There may be more than one bundle of papers relating to each young person, if different charges were dealt with at different court hearings.

The papers stored in the Children Court files include:

- Charge sheets: a separate charge sheet (2 double-sided A4 sheets) is drawn up for every offence charged. Data entered electronically by the Garda Síochána on charge sheets includes: young person's name, address, date of birth, Garda PULSE ID of young person, guardian's name and address, name and ID of arresting Garda; charge sheet number; PULSE offence code, legal basis, date of offence and brief description of the offence charged. The Courts Service manually enters a court case number on the charge sheet. The date and outcome of all court appearances relating to a charge sheet are manually entered on the charge sheet by the presiding judge.
- Probation reports: where a judge has requested one or more probation reports on a young person, these reports are stored with the charge sheets. Probation reports generally include sections on the young person's family background, education, current status and level of co-operation with the Probation and Welfare Service.
- Reports from any other agency which submits a report to the court in relation to the young person are also stored on court files. Reports from the HSE are usually submitted only where the young person is in care at the time of the court proceedings. Detailed assessments from the National Assessment and Remand Unit (NARU, part of the Finglas Child and Adolescent Centre) are provided where a young person is remanded in custody for assessment. The Special Residential Services Board (SRSB) sometimes reports to the Court if the judge requests advice on a suitable placement for the young person. Detention schools will submit reports on young people remanded in custody or committed on other charges at the time of their court proceedings.

2.3 Sample selection

A sample of 50 young people was selected from the Children Court files in Smithfield. This was done in October 2004, before access to the Criminal Case Tracking System (CCTS) was available to the researcher. As a result, it was not possible to select a truly

random sample, because no list of the total population involved was available in order to generate a computer-based mathematically random sample. Therefore, the sample had to be selected simply by picking a selection of paper files from the bundles of papers stacked in presses in the Children Court offices in Smithfield. In order to try to correct for any natural bias towards interesting files, thicker files, etc., the sample was selected by taking four or five surnames in sequence from one letter of the alphabet, and then another four or five from another letter of the alphabet, etc. In total, the sample was selected by taking four or five surnames in sequence from each of eleven letters of the alphabet. One effect of selecting sequential surnames was that four sets of siblings were included in the study. Obviously this is not an ideal method of sample selection. However, because access to the CCTS database was not available until December 2004, it was necessary to proceed with some method of sample selection in order to advance the study.

2.4 Representativeness of sample

It should be noted that a total of 751 young people had cases completed in the Dublin Children Court between January and October 2004 (see Chapter 10). Thus the study sample of 50 accounts only for 7% of the total number with cases completed in the same time period. This small sample size means that the results of this study are not necessarily representative of all cases heard in the Children Court. Differences in outcomes between the study sample and the total of 751 young people are highlighted in Chapter 10.

The terms of reference for the report include a reference to focusing in particular on young people from minority groups and young people with HSE involvement. Six of the 50 young people in the sample were from the Traveller community; four were asylum seekers; and four were in HSE care at the time of their court proceedings. It is important to stress that these 14 cases arose as part of the sample, i.e. they were cases selected in the manner described in section 2.3 above who turned out to be in these categories, rather than being specifically selected for inclusion.

2.5 Study period

Because of time constraints on the study, a decision was taken to access Children Court files in relation to cases completed between 1 January and 31 October 2004 only. Some of the young people in the study could have had cases completed in the Children Court in earlier years. Children Court paper files are stored by year of case completion, so that for example one young person could have files stored in different presses for 2001, 2002, 2003 and 2004. The CCTS database was introduced to the Children Court from 2003 onwards. Therefore the only reliable way of extracting data in relation to previous years would be to manually search through several years of files to establish whether or not each young person had cases completed in those years. Accessing, checking and extracting this data would have been extremely time consuming. In the absence of Children Court records for years before 2004 from the study, Garda NJO records (see Chapter 4) provided some details of the history of offending behaviour for the young people in the study, as did probation reports. Some young people in the study had further cases completed in the Children Court in the period after October 2004. However, October 2004 was chosen as a cut-off date, again due to time constraints.

2.6 Children Court database

The Courts Service provided access to the Criminal Case Tracking System (CCTS) database in December 2004. By that time, the sample had already been selected as described in section 2.3 above. Access to the database did, however, considerably speed up data extraction. The CCTS database contains all of the information recorded on the charge sheets, but not the information included in reports from other agencies, which are available only on the paper files held in the Children Court. The CCTS database was also used to extract some information on the total number of young people with cases completed in the study period (see methodology in Chapter 10, Overall Children Court results). Much of the CCTS data is organised in terms of court cases rather than by individual, so data extracted needed to be sorted and cross-checked with paper files in order to ensure accuracy.

2.7 Garda NJO database

The Garda National Juvenile Office provided access to their database in March 2005 in relation to the young people in the study sample. This allowed extraction of data on

the young person's first contact with Gardaí, history of offending behaviour, and whether the young person was cautioned or prosecuted in relation to offences prior to the charges dealt with in the Children Court in 2004 (see Chapter 4, History of offending behaviour).

2.8 Other agencies

The Special Residential Services Board (SRSB) provided information in relation to young people who were in detention schools, or who had been committed to detention schools since the establishment of the SRSB on-call system in April 2004. The five detention schools and St Patrick's Institution for Young Offenders responded to requests for specific information in relation to: length of sentence actually served, early release or home leave programmes, and educational and therapeutic programmes pursued while in detention.

2.9 Reports available

No reports, other than charge sheets, were available for eight young people in the study. Five of these young people were not convicted on any charges against them (charges struck out, withdrawn, etc.) and three were sent forward for trial to the Circuit Court.

Reports from one or more agency were available for the remaining 42 young people:

- Probation reports were available on court files for 33 young people. 24 had more than one report; nine of these had five or more reports.
- 11 young people had been assessed at the National Assessment and Remand Unit (NARU), which is part of the Finglas Child and Adolescent Centre (FCAC). Reports of case conferences from NARU were available for these young people.
- 22 young people were committed to detention in 2004 or had been committed to detention in previous years. The Special Residential Services Board (SRSB), detention schools and St Patrick's Institution responded to requests for information on length of sentence served, education, therapeutic programmes, etc. while in detention.
- Reports from the Health Service Executive were available on court files in seven cases where the young person was in HSE care at the time of court proceedings, or

where there was a history of HSE involvement with the family.

2.10 Interviews

The researcher had discussions with people from the following agencies in relation to the youth justice system in general, and issues arising from the study data in particular:

- Courts Service;
- Department of Justice, Equality and Law Reform;
- National Children's Office;
- National Crime Council;
- An Garda Síochána;
- Probation and Welfare Service;
- Irish Prison Service;
- Special Residential Services Board; and
- detention schools.

2.11 Data recording and analysis

Data extracted from the sources described above was recorded in a Microsoft Access database. Data was analysed using Microsoft Access queries and Excel spreadsheets. Figure 2.1 lists the headings used in the Microsoft Access database.

2.12 Anonymity

The 50 young people selected for the study sample were assigned a reference number for the purposes of preserving their anonymity (IASD1001, etc.). This reference number bears no relationship to records held by any of the agencies in relation to these young people. This report does not contain any information which could reveal the name, address or school of any young person in the study. All information obtained about young people in the study was treated as confidential and used for research purposes only. The study is based on secondary sources, rather than on interviews with the young people or their families.

Figure 2.1 Database headings

Court proceedings (charge sheets)	Family background & structure (agency reports)	Education (agency reports)	Garda NJO database	Detention info (detention schools & St Patrick's)
IASD REF NO	IASD REF NO	IASD REF NO	IASD REF NO	IASD REF NO
Forename	Forename	Forename	Forename	Forename
Surname	Surname	Surname	Surname	Surname
Date of Birth	Date of Birth	Date of Birth	Date of Birth	Date of Birth
PULSE ID	PULSE ID	PULSE ID	PULSE ID	PULSE ID
Court Case Year	Gender	Completed primary school?	Court Case Year	Sentence served
Court Case No	Number of Offences Charged	Completed junior cycle of post-primary?	No of NJO references	Education programmes
Charge Sheet No	Main type of offences	Completed Junior Cert?	NJO Result	Therapeutic Programmes
Offence Code	Principal Result	Passed Junior Cert?	NJO NOTES	Other activities
Offence Description	Reports available?	Completed senior cycle of post-primary?		Home Leave / Early Release
Details of offence	Living with parent(s)?	Completed Leaving Cert?		
Date of Offence	Living arrangements	Passed Leaving Cert?		
Date of first court appearance	Living in house?	Expelled from school?		
Date of final outcome	Postcode (if living with family members)	Notes on education		
Number of court appearances	Marital status of parents	Literacy tested?		
Convicted?	Parents' relationship reported as having broken down?	Notes on literacy		
Outcome of case	Domestic violence reported			
Court appearance(s)	Absence of a parent due to death or imprisonment			
	Criminal record of parents or siblings			
	Drug or alcohol misuse by parent(s) reported			
	Parental attitude to offending			
	Employment status of parents/guardians			
	Housing problems identified			
	No of children in family, incl yp; Birth order, if available			
	HSE involvement			
	Notes on HSE involvement			
	Young person has a child?			
	Self-harm indicators			
	Physical or sexual abuse indicators			
	Alcohol misuse recorded			
	Charged with alcohol offences			
	Drug misuse recorded			
	Charged with drug offences			
	Other issues			
	Influenced by anti-social peer group			
	In employment/education			

2.13 Research difficulties

A number of issues were identified in the course of the study which made the research more time-consuming and less comprehensive than it could have been:

Children Court paper files are stored in alphabetical order by year of case completion, rather than providing a full history of the young person's total appearances in the Children Court, with all relevant reports from other agencies.

Detailed reports to the Children Court from other agencies, e.g. the Probation and Welfare Service, are available in the Children Court records on paper files only.

Data collected by each agency is understandably focused primarily on that agency's tasks, rather than being focused on the individual young person. For example, the Garda NJO database records the direction of the NJO Director as to whether a young person should be prosecuted or admitted to the Diversion Programme, but in cases where prosecution is directed, the database does not record the outcome of the prosecution.

Agencies do not use a shared unique identifier for each young person in the system (e.g. PPSN), and there are often difficulties in verifying that different records, even within the same agency, relate to the same young person. For example:

- a young person may have been assigned more than one Garda PULSE ID code;
- the young person's name may be spelled differently in different computer entries;
- two or more young people may have the same forename and surname;
- the young person may use different names or different versions of their name at different times;
- different dates of birth may be used for the same young person;
- the young person's address is often the most reliable indicator of identity, but in some cases the young person's address may change frequently.

If all of these factors are combined, it can be difficult to establish which records refer to which young person.

Data protection and anonymity in relation to young people in the youth justice system are obviously key priorities for all of the agencies involved. However, difficulties in sharing data may have implications not only for research but also for the effective operation of the agencies themselves.

The National Children's Office is currently chairing a statistics/research sub-group of various agencies involved in the youth justice system. One of its tasks is: *to identify statistics or research needs to support strategic and operational planning for children's services related to the Children Act 2001, and to outline any shortcomings, gaps and future requirements.* Hopefully this group will address some of the issues raised above.

CHAPTER 3 CHILDREN COURT PROCEEDINGS

This chapter examines the court proceedings for the 50 young people in the study, in cases completed between January and October 2004. It examines the number of charges per person, the type of offences charged, the offences grouped by incident date and the outcome of the charges. It also examines the length of court proceedings and the number of court appearances by each young person.

3.1 Information sources

The information sources for this chapter are the charge sheets held in the Dublin Children Court, Smithfield. In a very small number of cases, summonses rather than charge sheets were used. Information was extracted in respect of all charge sheets or summonses for cases completed between January and October 2004, in respect of the 50 young people in the study.

3.2 Number of charges, by young person

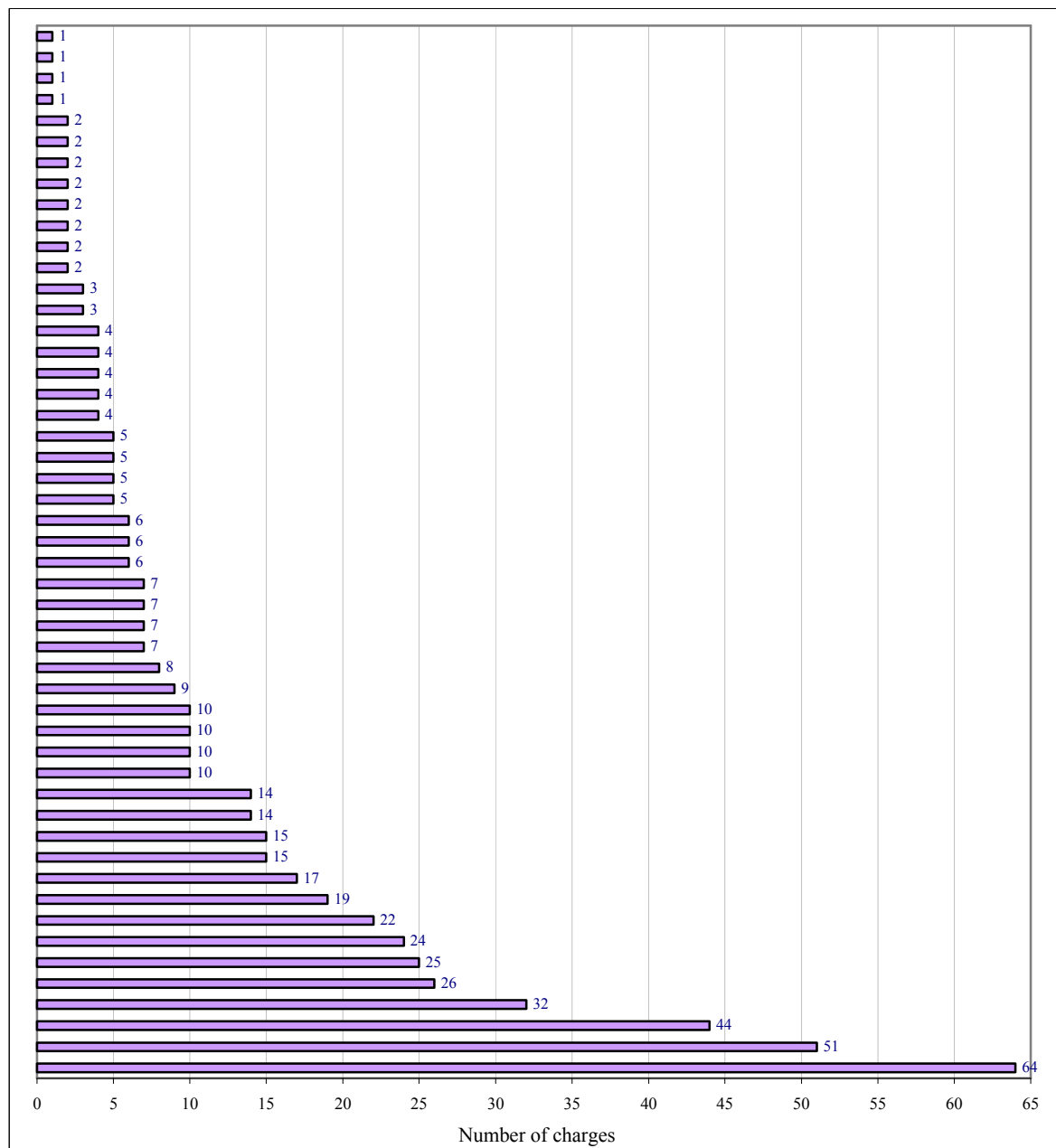
The 50 young people (42 male and eight female) had a total of 551 charges against them, an average of 11 charges per person. The number of charges per person ranged from four young people with only one charge against them to an extreme case of one young person with 64 charges⁵:

- 19 of the young people had less than five charges;
- 13 had between five and nine charges; and
- 18 young people had ten or more charges.

The number of charges against a person can be closely related to the speed with which a case is concluded. In some cases, young people were charged with offences committed in 2002 for which the cases only concluded in 2004. These young people accumulated many additional charges while on bail on the original offences (see section 3.9 on length of court proceedings).

⁵ The court proceedings in this case lasted for more than two years and the total of 64 charges represents all charges accumulated by the young person from the age of 13 to the age of 15.

Figure 3.1 Number of charges, by young person, 2004 Court records

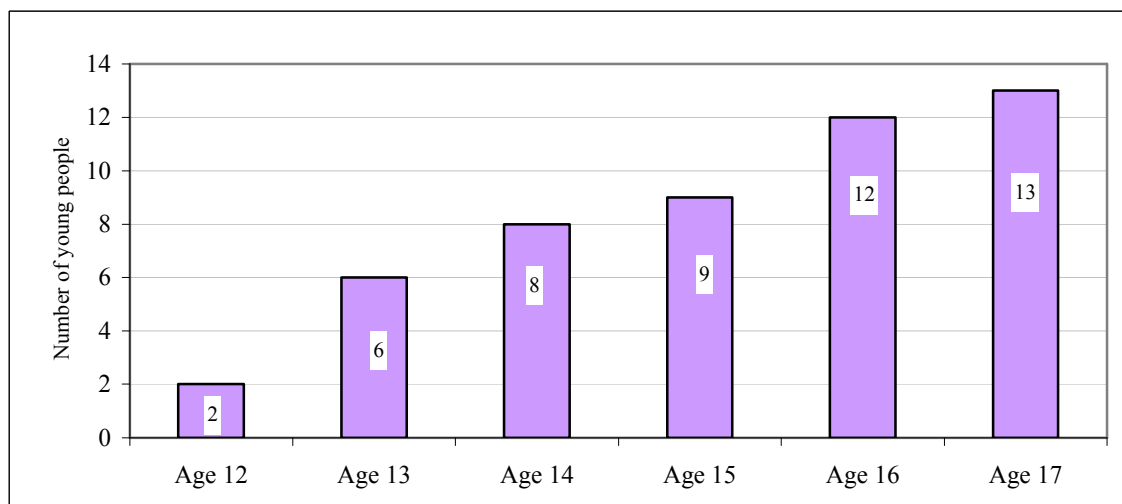


3.3 Age of young person at date of first offence in the 2004 records

Data from charge sheets can be used to calculate the age of the young person at the date of the first offence for which they were charged in the cases completed in the Children Court in 2004. This is not necessarily the age at which they committed their first offence, or the first offence for which they were prosecuted. The age at date of first offence in the 2004 records is, however, useful in showing the age of the young people when these particular offences were committed. Half of the young people in

the study (25/50) were aged between 12 and 15 at the date of the first offence in the 2004 court records, while the other half were aged 16 or 17.

Figure 3.2 Age at date of first offence in the 2004 Court records



Chapter 4 presents data from the Garda National Juvenile Office, which indicates the age of the young people at first contact with the Garda Síochána.

3.4 Type of offences charged

Charge sheets record details of each offence charged by Garda PULSE code, legislative basis and a brief description of the offence. Annex II sets out the full list of 551 charges in detail on this basis. The ten most commonly occurring charges were:

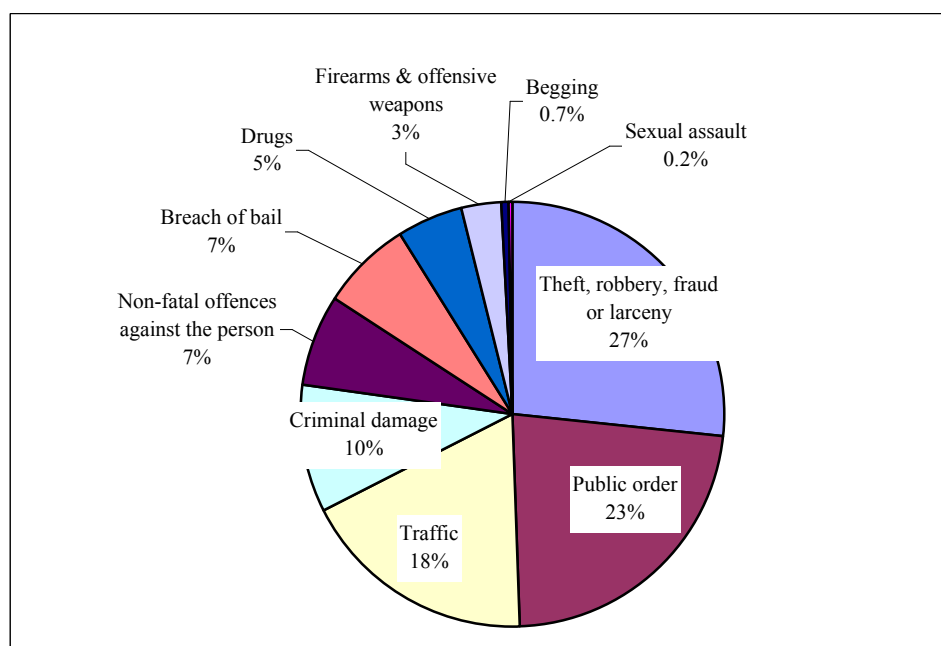
- theft of property (PULSE code N1148) – 55 charges, most often theft or shoplifting of mobile phones (14), alcohol (12) and clothes (6);
- criminal damage to property (M3119) – 54 charges, most often damage to cars (19);
- breach of the peace (A6144) – 47 charges;
- drunk in a public place (A6114) – 34 charges, usually charged in conjunction with a charge of breach of the peace;
- assault (A8115) – 28 charges, including 14 assaults on Gardaí;
- robbery of property from a person (N1158) – 28 charges, 22 of which involved robbery of a mobile phone;
- failure to appear in court in breach of bail conditions (E8116) – 24 charges;
- driving a motor vehicle without the consent of the owner (R3608) – 22 charges;

- handling stolen property (N1187) – 21 charges; and
- interfering with a motor vehicle (R3625) – 18 charges.

Annex II also groups offences into offence categories, based on the legislative source of the charges. Theft and robbery offences account for 27% of the 551 charges, followed by public order offences (23%), traffic offences (18%) and criminal damage (10%).

In terms of Garda crime statistics categories, one-third of the offences (183/551) would be classified as headline offences – 174 because they are in PULSE offence code categories classified as headline offences, and a further seven in non-headline categories which would be re-classified as headline offences by virtue of being sent forward for trial in the Circuit Court. Most theft and robbery offences are classified as headline offences, whereas most public order, traffic and criminal damage offences are classified as non-headline.

Figure 3.3 Total charges (551) by summary offence category



3.5 Offence category, by young person

Annex III sets out the charges for each of the 50 young people in the sample, grouped into offence categories. This shows that young people with a high number of offences

generally have charges in a whole range of categories. Typically, a young person with ten or more offences will have charges in relation to: theft and robbery, public order, criminal damage, traffic, breach of bail and non-fatal offences against the person (usually assault).

3.6 Offences grouped by date

Young people often accumulate two, three or more charges in one incident. Figure 3.4 shows charges for young people with ten or more charges, grouped by date into 48 hour periods. For example, all charges against an individual on 01/01/04 and 02/01/04 would be grouped together, to capture offences committed in the course of an evening, night and the following morning.

Figure 3.4 Young people with ten or more charges, grouped by date

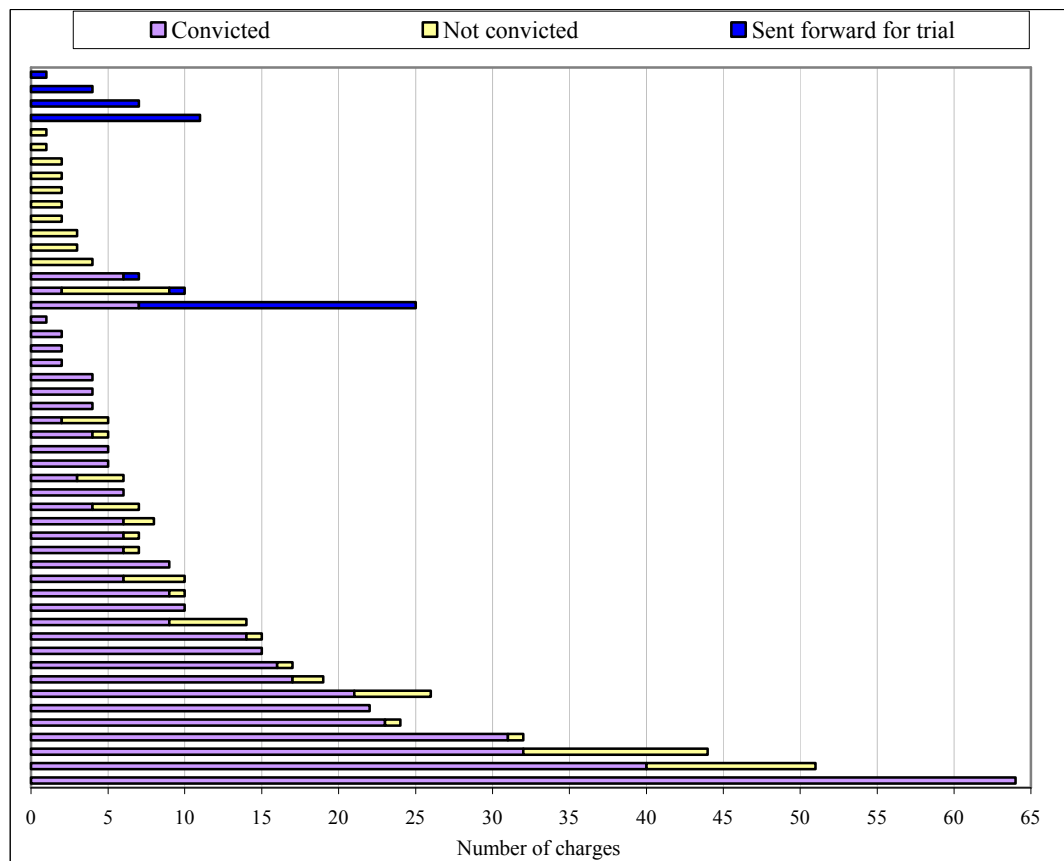
IASD REF NO	Number of offences	Number of 48 hour periods in which offences occurred
IASD1026	10	5
IASD1042	10	6
IASD1012	10	7
IASD1034	10	8
IASD1045	14	11
IASD1013	14	13
IASD1035	15	6
IASD1043	15	11
IASD1029	17	6
IASD1033	19	11
IASD1002	22	13
IASD1014	24	16
IASD1021	25	18
IASD1039	26	11
IASD1037	32	17
IASD1025	44	12
IASD1001	51	23
IASD1015	64	31
Total	422	225

In terms of Garda crime statistics, all offences occurring in one incident are grouped together, and only the most serious charge is recorded in the crime statistics. However, in terms of Children Court proceedings, all charges are taken into account by the judge, and it appears that the total number of offences with which a young person is charged may have a significant effect on the final outcome of the case.

3.7 Outcome of charges, by young person

Figure 3.5 shows the number of offences charged by young person, broken down by conviction or non-conviction.

Figure 3.5 Outcome of charges, by young person



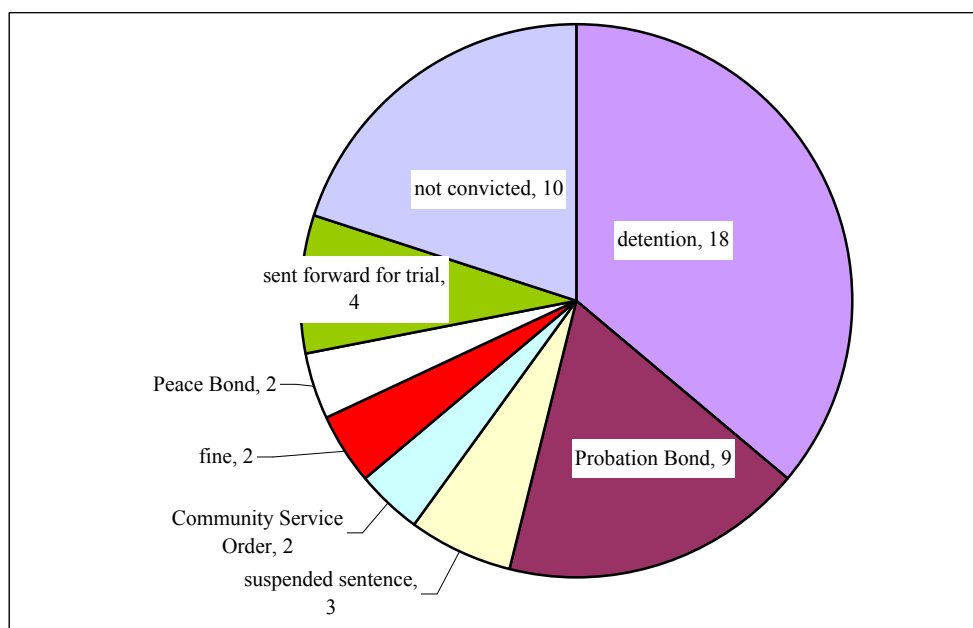
- 36 young people were convicted on some or all of the charges against them. 16 of these young people were convicted on all of the charges they faced (in several cases, they pleaded guilty to all offences charged). Three young people were convicted on some charges and sent forward for trial to the Circuit Criminal Court on other charges.
- Ten young people were not convicted on any of the charges against them - all of their charges were dismissed, struck out, dealt with under Section 1(1) of the Probation Act (no criminal record), or no order was recorded.
- Four young people were sent forward for trial to the Circuit Criminal Court on all the charges against them, so the results of their court cases are not available from

the Children Court records. These young people would have been tried before a jury on the same terms as an adult defendant.

3.8 Principal result, by young person

A young person with several charges may have several different outcomes when their case is finalised. For example, an individual might have some charges struck out, have a fine imposed in relation to other charges, and be committed to detention in respect of more serious charges. *Principal result* is used here to denote the most significant result for each young person. For example, where a person is committed to detention in relation to ten charges and is given a fine in respect of another five charges, the *principal result* recorded is detention.

Figure 3.6 Principal result for 50 young people



- Of the 50 young people, ten were not convicted on any charges – all of their charges were dismissed, struck out, dealt with under Section 1(1) of the Probation Act (no criminal record), or no order was recorded.
- For four young people, the result of their charges was not available from the Children Court records. These young people were sent forward for trial to the Circuit Court on all of their charges.
- 36 young people were convicted on at least some of their charges: 18 of these

young people were committed to detention; nine received a Probation Bond; three received a suspended sentence; two received a Community Service Order; two received Peace Bonds and two had fines imposed.

Of the 36 young people convicted in the Children Court, half (18) were committed to detention. Nine young people were committed to St. Patrick's Institution for Young Offenders⁶ because they were aged 16 or over at the conclusion of their court proceedings. Nine young people were committed to detention schools⁷ because they were under 16 at the conclusion of their court proceedings. Details of the sentences imposed are set out in Figure 3.7. More details in relation these young people are presented in Chapter 8.

Figure 3.7 Sentences of detention for 18 young people

IASD REF NO	Length of sentence	Age at which sentence imposed
Committed to St Patrick's Institution		
IASD1037	21 months	18
IASD1025	15 months	16
IASD1001	8 months	18
IASD1026	8 months	17
IASD1029	6 months	17
IASD1035	6 months	17
IASD1039	6 months	17
IASD1021	6 months	16
IASD1012	4 months	18
Committed to detention schools		
IASD1015	24 months	15
IASD1041	24 months	15
IASD1042	24 months	15
IASD1014	24 months	15
IASD1049	24 months	14
IASD1036	24 months	14
IASD1013	24 months	13
IASD1002	12 months	15
IASD1040	1 month	15

⁶ St. Patrick's Institution for Young Offenders provides detention for young men aged over 16 and under 21, under the auspices of the Prisons Service, an agency of the Department of Justice, Equality and Law Reform. See Annex I.

⁷ Five detention schools provide detention for young people aged over 12 and under 16. They operate under the auspices of the Department of Education and Science. Detention schools are currently classified as either reformatory or industrial schools. See Annex I.

Young people under 16 were generally committed for longer periods than those aged over 16. Under the Children Act 1908, as amended, a judge normally only has discretion between:

- committal for one month;
- committal for one year (applicable to the Finglas Child & Adolescent Centre only);
- or committal for a minimum of two and a maximum of four years.

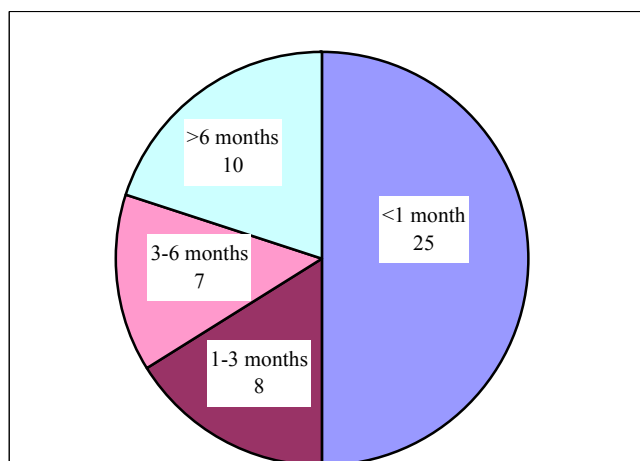
Section 149(1) of the Children Act 2001, which provides for young people to be committed to detention schools for periods of between 3 months and 3 years, has not yet been commenced.

The remaining 18 young people convicted in the Children Court received a range of non-custodial sanctions, including suspended sentences, Probation Bonds, Community Service Orders, Peace Bonds and fines.

3.9 Length of court proceedings and number of court hearings

Half of the young people in the study made their first court appearance shortly after the date of the first offence with which they were charged. Figure 3.8 shows that 25 of the 50 young people made their first court appearance within a month of the date of the first offence with which they were charged. Another 15 young people appeared in court between one and six months after the date of the offence. Ten young people made their first court appearance more than six months after the date of the offence.

Figure 3.8 Length of time between date of first offence and first court appearance, 2004 court records



The total number of court appearances by a young person can be hard to calculate where they have a large number of charges. For example, each time the young person is charged with a new offence, he or she makes an additional court appearance. All of the young person's previous charges may also be considered at that appearance, or not. Thus a young person who accumulates a lot of additional offences while on bail will have a complicated history of court appearances, some for individual charges and some to consider all of the young person's charges together. The final result of the court proceedings may cover all of the young person's accumulated charges, or results may be given on different dates for different batches of charges.

It is possible to estimate the minimum number of court appearances by each young person in the study, based on the number of court appearances recorded on an individual charge sheet for each young person. As outlined above, it is likely that the total number of appearances for a young person with many charges would actually be considerably higher:

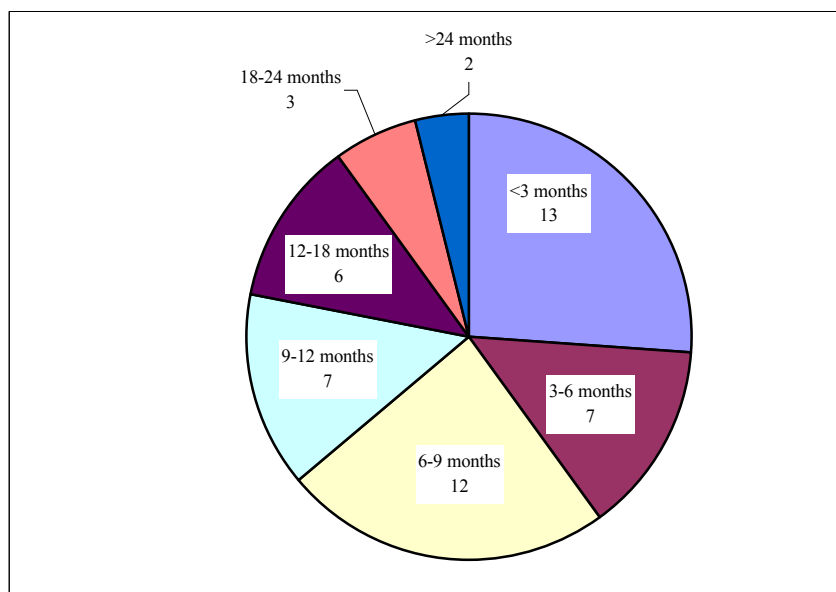
- 16 young people had less than five court appearances on a single charge sheet;
- 24 young people had between five and nine court appearances;
- ten young people had ten or more court appearances recorded on a single charge sheet (including one who had 16 court appearances on a single charge sheet);

As might be expected, young people with a large amount of charges, and those who were eventually committed to detention, generally had a higher number of court appearances.

Figure 3.9 sets out the length of time between the young person's first court appearance and the conclusion of their case:

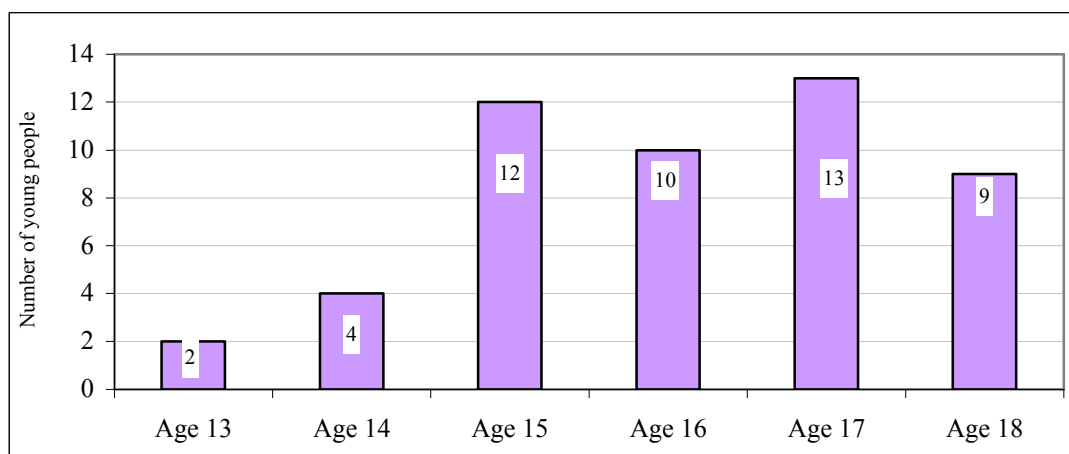
- 20 young people had their cases concluded within six months of their first court appearance;
- 19 young people had their cases concluded between six months and one year after their first court appearance;
- 11 young people had their cases concluded more than one year after their first court appearance, and in two of these cases, more than two years.

Figure 3.9 Length of time between first court appearance and final outcome for 50 young people



Given the age of the young people involved, these delays have particularly serious implications. For example, two young people were aged 13 at the beginning of their court appearances, and were 15 when their cases concluded. Nine young people were over 18 by the time their cases concluded.

Figure 3.10 Age at final outcome of court proceedings for 50 young people



One issue is that where young people are repeat offenders, they tend to accumulate many additional charges while on bail on their original offences. Where a young person's full history of charges is bundled together over an extended number of court proceedings, it seems likely to result in a harsher sanction. For example, of the 14

young people in the study with more than ten charges, 12 were committed to detention.

Another issue is in relation to the young person's understanding of proceedings in the Children Court. It must be very difficult to relate the final outcome of court proceedings to the offences committed, where a significant length of time has passed.

3.10 Reasons for delays in Children Court

There are many reasons why delays occur in cases before the Children Court. In some cases, a clear reason for adjournment is recorded on the charge sheet, e.g. "*remanded on continuing bail (RCB) for updated probation report*"; "*RCB for précis of evidence*"; "*non-appearance by accused – bench warrant issued*". However, in many cases, the reason for the adjournment is not clear, as the charge sheet may just record "RCB" to a particular date. The reasons for delays can include:

- Judges often make an effort to give the young person a *last chance*, particularly where a sentence of detention is being considered and the person is very young. For example a judge may adjourn the case for an updated probation report, while warning the young person that a negative report will result in a sentence of detention. In some cases, this occurred more than once before the case was eventually concluded.
- In some cases where a judge imposed a Probation Bond, a series of probation reports was requested prior to the final decision, apparently to ensure that the young person would be capable of keeping the terms of the Bond.
- There is clearly a huge gap between the harshest sanction of detention and the non-custodial sanctions currently available to the Children Court, for example Probation Bonds or Community Service Orders. A range of new non-custodial sanctions, including intensive supervision orders, residential supervision orders and day centre orders are provided for in Part 9 of the Children Act 2001. Some of these sanctions are being piloted by the Probation and Welfare Service, but the relevant sections of the Act have not yet commenced. The lack of availability of such alternative sanctions may contribute to delays in the system, in that judges are understandably slow to sentence a young person to detention, but they may also be slow to apply a Probation Bond if the young person does not seem capable of keeping to its terms.

- Many cases are adjourned to a later date when a particular judge is sitting, where that judge has dealt with the young person previously. Because there is no fixed panel of District Court judges for the Children Court, it may be some time before the particular judge is sitting again, so this practice can result in significant delays.
- Where a probation report is requested, the case will be adjourned for the length of time necessary to prepare it. Probation reports for young people are usually prepared within six weeks.
- Delays may also be experienced where a judge requests a detailed assessment of the young person, for example in the National Assessment and Remand Unit (NARU), Finglas. Such an assessment requires a remand bed to be available for the young person, and the assessment itself may take some time (usually three weeks) to complete.
- Some young people may manipulate the system to cause delays in their cases being finalised. For example, several of the young people in the study were charged with non-appearance in court in breach of their bail conditions. Most of them appeared in court within a day or two of their non-appearance. However, if they avoided the sitting of “their” judge, then their case would be effectively postponed for some time. Another example of delay by young people is where several of them pleaded not guilty initially, and only at a very late stage in the proceedings changed their plea to guilty.

3.11 Conferencing

Three types of family conferencing are provided for in the Children Act 2001, and relevant sections have been commenced:

- the Children Court may direct the Probation and Welfare Service to convene a family conference under Part 8 of the Act (sections 78 to 87), commenced July 2004;
- a family welfare conference may be convened by the Health Service Executive (HSE) under Parts 2 and 3 of the Act (sections 7 to 16), commenced September 2004;
- the Garda Síochána may convene a family conference under Part 4 of the Act (sections 29 to 43), commenced May 2002.

None of the young people in this study were subject to these specific types of conference. However, in a small number of cases with HSE involvement, the HSE had chaired family welfare conferences in relation to the young person. In addition, case conferences involving parents or guardians were held in NARU and other detention schools in relation to young people remanded in custody for assessment.

3.12 Conclusions

This chapter provides detailed information on the court proceedings of a sample of 50 young people with cases completed before the Children Court between January and October 2004.

Some young people appearing before the Children Court were charged with a large number of offences (although the number of charges is itself influenced by the delays in the courts system). 31 of the 50 young people in the study were charged with 5 or more offences. 18 of these had ten or more charges.

Half of the sample were aged under 16 on the date of the first offence with which they were charged in the 2004 Court records; the other half were 16 or 17 years old.

Young people in the sample were most commonly charged with theft and robbery offences, public order offences and traffic offences. Young people with many charges against them typically accumulated charges in a range of categories, e.g. theft and robbery, public order, criminal damage, breach of bail and assault.

Many young people accumulated two, three or more charges in one incident.

The Children Act 2001 (section 96) stipulates that detention should be a measure of last resort for young people under the age of 18. However, in this study, of the 36 young people convicted on charges against them, half (18) were committed to detention:

- nine to detention schools, because they were under 16 at the conclusion of court proceedings – seven of these were committed for two years;
- nine to St. Patrick's Institution – two of these were committed for more than one year in detention.

Detention was the most common sanction applied to young people in this study who were convicted in the Children Court (18/36). Young people aged under 16 who were committed to detention were committed for longer periods than those aged over 16.

Non-custodial sanctions were applied to the other 18 young people convicted on charges: nine Probation Bonds, three suspended sentences, two Community Service Orders, two Peace Bonds and two fines.

Some of the young people in the sample appeared in court many times and experienced significant delays in their cases being concluded, for a variety of reasons. For 11 young people, court proceedings in the Children Court lasted for more than one year, and for two of these young people, court proceedings lasted for more than two years. This constitutes an unacceptable delay in the administration of justice for young people, and works against the possibility of changing the young person's offending behaviour.

CHAPTER 4 HISTORY OF OFFENDING BEHAVIOUR

This chapter examines the history of offending behaviour by the young people in the study prior to the charges which they faced in the cases completed in the Children Court between January and October 2004. It examines the age of the young person when first referred to the Garda National Juvenile Office, the outcome of the first referral, and the number and outcome of subsequent referrals.

4.1 Information sources

The Garda Commissioner gave sanction for access to the Garda National Juvenile Office (NJO) records for the purposes of this study. The Garda NJO is based in Harcourt Square in Dublin. 48 of the 50 young people in this study had been referred to the Garda NJO in respect of offences committed before the offences included in the 2004 Children Court records⁸.

4.2 Role of Garda National Juvenile Office

The age of criminal responsibility in Ireland is currently 7 years of age. A presumption of *doli incapax* (incapable of committing a crime) applies to children between the ages of 7 and 14 years of age, but this can be rebutted by proof beyond a reasonable doubt that the child knew that what s/he was doing was wrong. Sections 52 and 53 of the Children Act 2001, not yet commenced, provide for an increase in the age of criminal responsibility to 12⁹.

⁸ Only one young person, an unaccompanied asylum seeker charged with a single offence in 2004, did not have a Garda NJO record. Another young person, from the UK, had only one NJO record, in respect of the offences with which he was charged in the 2004 Children Court records.

⁹ Section 52 (not yet commenced) of the Children Act 2001 provides for the raising of the age of criminal responsibility from age 7 to age 12. When this section is commenced, it will be presumed that no child under the age of 12 is capable of committing an offence. Section 53 of the Act (not yet commenced) provides that, where a member of the Garda Síochána believes that a child under 12 is responsible for an act which would constitute an offence if the child was over the age of 12, the Garda should return the child to his/her parents and if necessary refer the case to the HSE. The presumption of *doli incapax* would still apply to children between the age of 12 and 14. Until Section 52 is commenced, the age of criminal responsibility remains 7, with the presumption of *doli incapax*, which can be rebutted, for children between 7 and 14 years of age.

Part 4 (sections 17 to 51) of the Children Act 2001, which has been commenced, provides a statutory basis for the Garda Diversion Programme. This programme has operated since 1963 on a non-statutory basis.

The current legal position is that where a member of the Garda Síochána believes that a young person between the ages of 7 and 18 has committed an offence, the Garda must submit a report to the Director of the Garda National Juvenile Office. The Director of the National Juvenile Office (NJO) will give a direction as to whether the Garda should proceed with the prosecution of the young person for the offence, or whether the young person should be admitted to the Diversion Programme.

In order to be admitted to the Diversion Programme, the young person must accept responsibility for his or her criminal behaviour; consent to being cautioned and where appropriate be supervised by a Juvenile Liaison Officer; and be over the age of 7 and under 18. The Director of the National Juvenile Office must also be satisfied that the admission of the young person to the programme would be appropriate, in the best interests of the young person, and not inconsistent with the interests of society and any victim (Section 23, Children Act 2001).

The Director of the NJO will also give a direction as to what further action should be taken with regard to a young person admitted to the Diversion Programme:

- no further action required;
- informal caution – the young person’s parents must be present when the caution is administered;
- formal caution – the young person’s parents must be present; any victim may be invited to be present; the young person is placed under the supervision of a Juvenile Liaison Officer (JLO) for one year from the date of the caution¹⁰; the Director of the NJO may also direct that a conference may be held in respect of the young person.

¹⁰ Where a young person placed under supervision of a JLO following a formal caution is subsequently found guilty of an offence, the period of supervision shall terminate forthwith.

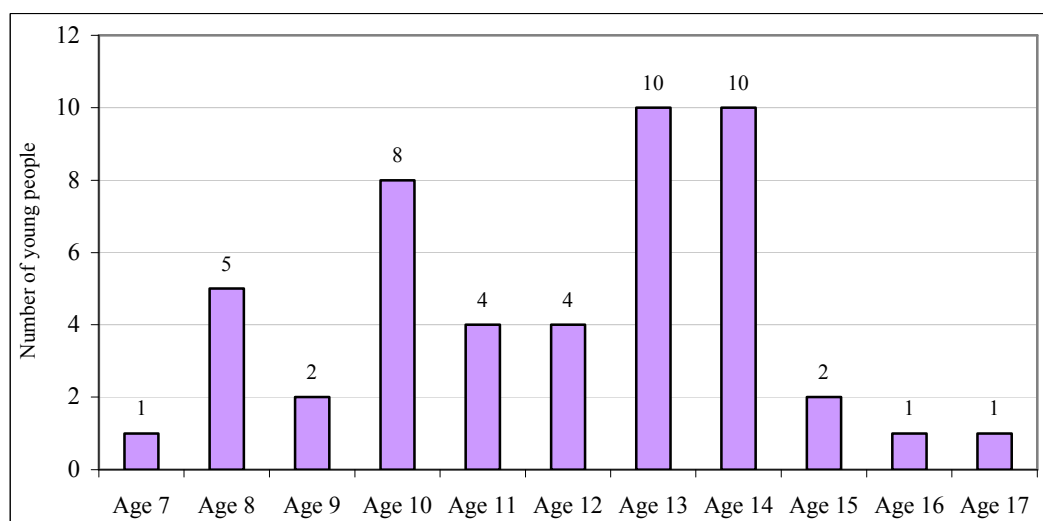
4.3 First referral to NJO

The average age of first referral for the 48 young people was 12 years old.

20 young people were first referred to the NJO under the age of 12, one at the age of 7. The results of their first referral to the NJO were: two had no further action taken, ten were informally cautioned, four were formally cautioned and four were prosecuted¹¹. (Nine of these 20 young people were sentenced to detention in the Children Court in 2004.)

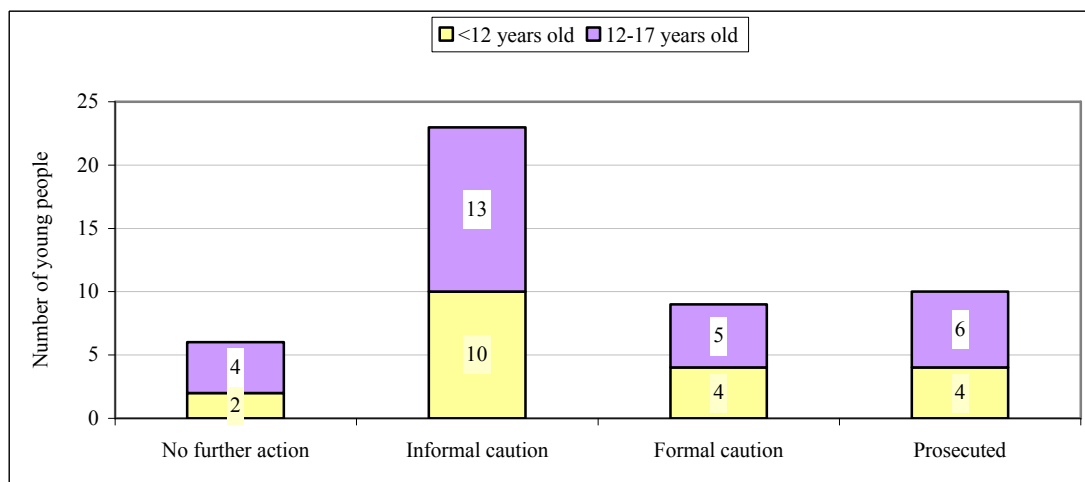
28 young people were first referred to the NJO between the ages of 12 and 17. The results of their first referral to the NJO were: four had no further action taken, 13 were informally cautioned, five were formally cautioned and six were prosecuted. (Nine of these 28 young people were sentenced to detention in the Children Court in 2004.)

Figure 4.1 Age at first referral to Garda NJO, 48 young people



¹¹ The numbers recorded as prosecuted combine two distinct categories in NJO records: “C1 – prosecuted on direction – final status”, where the NJO directs that a prosecution should be taken; and “D1 – prosecuted – final status”, where for a variety of reasons, prosecution is initiated before the case is referred to the NJO. The NJO must confirm that the prosecution should proceed.

Figure 4.2 Outcome of first referral to Garda NJO, 48 young people



4.4 Young people prosecuted on first referral

Ten young people were prosecuted in respect of their first referral to the NJO. NJO records do not provide details of the outcome of prosecutions, so it is not possible to say what the outcome of the court proceedings was in these cases. The first offences for which these ten young people were prosecuted were: theft (3), trespass (2), driving a car without the consent of the owner (2), begging (1), criminal damage (1), breach of the peace (1).

Six of the young people prosecuted on their first referral subsequently received one or more formal and/or informal cautions in relation to later offences. Two of these young people were committed to detention in the 2004 Children Court cases.

Four young people, who were prosecuted on their first referral, were prosecuted on all subsequent referrals to the Garda NJO, i.e. they did not receive any informal or formal cautions, or have offences where no further action was directed. Three of these four young people were committed to detention in 2004. Two of these young people were first referred to the NJO at age 11, and the other two at age 14.

4.5 Total referrals to Garda NJO

A total of 435 referrals to the NJO were made in respect of 48 young people, prior to the offences which were dealt with in the Children Court cases for 2004.

The types of offence for which young people were referred to the NJO were very similar to the offences with which they were charged in the Children Court (see Chapter 3.4). Theft and robbery offences accounted for 33% of the total of 435 referrals, followed by public order offences (15%), traffic offences (12%) and criminal damage (10%).

Annex IV shows the total number of referrals to the Garda NJO in respect of 48 young people, prior to the offences with which they were charged in the Children Court records for 2004. It also includes for comparison the number of charges in respect of the 2004 court cases, and notes where young people were committed to detention in 2004.

The average number of referrals to the NJO prior to the charges in the 2004 court cases was nine per person, but this ranged from three young people with only one prior referral to one young person with 45 prior referrals. 12 young people had more than ten prior referrals. Some young people had a high number of referrals prior to the 2004 court cases, many of which would have been prosecuted and concluded in the Children Court in earlier years. On the other hand, some young people had offences over a period of two or more years bundled together in the Children Court cases in 2004, and would have had very few prior referrals in respect of previous offences.

Annex V breaks down prior referrals to the NJO by outcome. Because the sample for this study is drawn exclusively from young people appearing before the Children Court, by definition all 48 young people were prosecuted on one or more charges. 42 of the 48 had also been prosecuted in respect of prior referrals before the cases dealt with in the Children Court in 2004. It is useful however, to analyse whether other options were also used in respect of these young people. In addition to the offences for which they were prosecuted:

- 15 young people received both informal and formal cautions;
- five young people received formal cautions only;
- 20 young people received informal cautions only; and
- four young people had referrals where no further action was directed.

Only four young people were prosecuted in respect of all of their referrals to the NJO (see section 4.4 above).

Most of the young people in the study were thus given the opportunity to engage with the diversion programme, if not at their first referral to the NJO, then at subsequent referrals. However, in most cases, formal or informal cautions were followed within weeks or months by offences for which the young person was prosecuted.

4.6 Conclusions

Garda NJO records show that almost all the young people in this study (48/50) had prior contact with An Garda Síochána before the offences with which they were charged in the Children Court in 2004. Most young people in the study first came into contact with An Garda Síochána at an early age – 44 of the 48 young people were first referred to the Garda NJO at age 14 or younger. Prior offences referred to the NJO were similar to those prosecuted in the Children Court in 2004, being mainly theft and robbery offences, public order offences, traffic offences and criminal damage. Most of the young people in the study (44/48) were given one or more chances of engaging with the Diversion Programme. In most cases, however, offences which were cautioned were followed relatively quickly by offences for which the Director of the NJO directed prosecution. Four young people were prosecuted in respect of all prior referrals to the NJO.

CHAPTER 5 FAMILY STRUCTURE AND BACKGROUND

Several studies have identified difficult family circumstances as significant risk factors in youth offending¹². This chapter examines a range of issues relating to family structure and background which, according to this research, may contribute to offending behaviour by a young person.

5.1 Information sources

At least some information on family structure and background is available for 38 of the 50 young people in the sample (74%). Most of this information comes from probation reports, which always include a section on family background. In a few cases where no probation report was available, the judge's notes on charge sheets provided some basic information. Detailed information on family background is available for young people who were remanded for assessment in the National Assessment and Remand Unit (NARU) or in other detention schools.

5.2 Caveats

These 38 young people include four sets of siblings. The family background is obviously duplicated in these cases.

As in Chapter 6 on education, more information is available on family background for young people with more charges or more serious results from court proceedings. For example, family background information is available for 17 of the 18 young people in the sample who were committed to detention in 2004, so that this group account for 45% (17/38) of the family background data, whereas they make up only 36% (18/50) of the total sample.

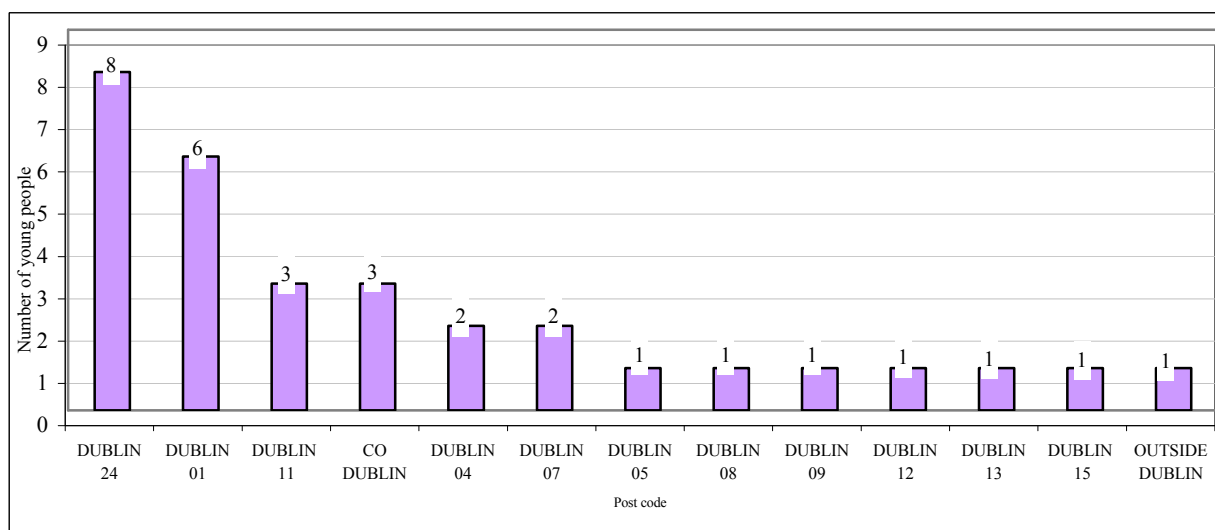
¹² See for example McLoughlin, E., Maunsell, C. and O'Connell, M. (1998) *Children In The Irish Juvenile Justice System: An analysis of cases involving children who appeared before the courts, and an in-depth profile of a sample of children convicted of criminal offences*

5.3 Family home address by postcode

Addresses were recorded on charge sheets, reports, etc. for the 50 young people in the sample. In many cases, more than one address was recorded, where the young person changed address before the conclusion of their court proceedings. For 12 young people, no information on living arrangements or family background is available, so it is not possible to say whether or not the address given is their family home. A further five young people were in Health Service Executive care and two young people were out of home, so the address recorded in these cases is not the young person's family home.

The balance of 31 young people were living with relatives in a family home (in some cases with both parents, some with their mother only and some with other relatives). The addresses of these 31 young people were analysed by postcode. Results are presented in Figure 5.1. Dublin 24 (eight young people) and Dublin 1 (six young people) were the most common postcodes.

Figure 5.1 Address by postcode for 31 young people



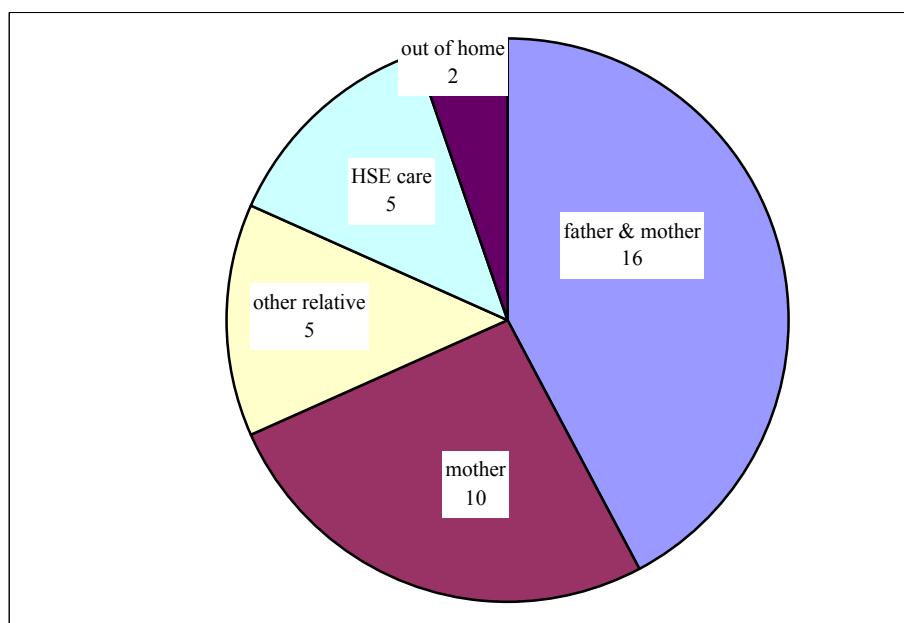
5.4 Living arrangements

Of the 38 young people for whom information on living arrangements is available, 26 were living with one or both of their parents: 16 were living with their father and mother; and ten were living with their mother only. 12 young people were not living with either parent: five young people lived with other relatives, mainly grandmothers;

five were in HSE care; and two young people were out of home (homeless).

Note: A small number of young people in the sample had already spent long periods in detention, on remand and/or committal, prior to their 2004 court cases. In these cases, the living arrangements recorded for them were the normal living arrangements reported by probation reports for the periods when they were not in custody.

Figure 5.2 Living arrangements for 38 young people



5.5 Marital status of parents

In most cases, the marital status of parents is not recorded in probation reports. For example, a report may say *‘living with father and mother’*, without specifying whether the parents are married. Another example would be *‘parents separated when young person was aged eight’*, which again does not specify whether the parents were originally married or not.

5.6 Parents’ relationship

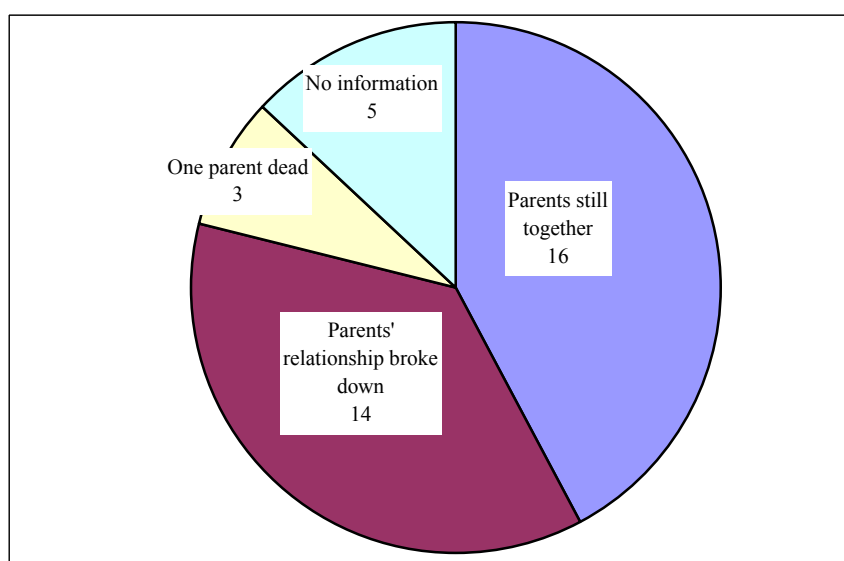
Probation reports generally record where the relationship between the young person’s parents has broken down:

- In the 16 cases where the young person was living with both parents, it can be assumed that the parents’ relationship had not broken down.

- Ten young people were living with their mother only: in two cases the young person's father was dead; in five cases the relationship between the parents was reported as having broken down; and in three cases no information on the parents' relationship was available.
- Five young people were living with relatives other than their mother or father (four with grandmothers). In four cases, the parents' relationship had broken down and in one case the young person's mother was dead.
- Five young people were living in HSE care: in four cases, the relationship between the parents was reported as having broken down; while one was an unaccompanied asylum seeker with no family in Ireland.
- Two young people were out of home, living in homeless (out of hours) hostels or sleeping rough: in one case, the parents' relationship was reported as having broken down; no information was available in the other case.

Based on the above, the relationship between parents was confirmed as having broken down in a total of 14 cases. In six of these cases, the relationship broke down before or shortly after the young person's birth. In four cases, the relationship broke down when the young person was aged between 3 and 6 years old. In a further four cases, the relationship between parents broke down when the young person was aged between 10 and 14 years old.

Figure 5.3 Relationship between parents of 38 young people



5.7 Domestic violence

Domestic violence was reported as a problem in the case of seven young people in the sample. In six cases, the young person's parents were reported as having separated due to domestic violence by the father against the mother. In another case, a young person reported leaving home due to domestic violence by his mother's new partner.

5.8 Absence of a parent

Many of the young people in the sample had experienced the absence of a parent from their life for a variety of reasons:

- In three cases, a parent had died: in two cases, a father had died, while in one case a mother had died.
- The seven young people not living with any family members had been separated from both parents: in four cases because they were taken into HSE care; in one case because the young person was an unaccompanied asylum seeker; and in two cases because the young people were sleeping rough or living in hostels.
- In three cases, the young person's mother was unable to care for them for some or all of their childhood: in two cases because the mother was an active heroin user, and in one case due to her physical disability.
- In one case both parents had served time in prison, while in four other cases the young person's father had spent significant amounts of time in prison.
- One young person had left home for a long period before returning, while another moved to live with relatives due to domestic violence.
- In addition to the above, another six young people had little or no contact with their father after the breakdown of the relationship between their parents.

In total, 26 out of the 38 young people for whom information on family structure was available experienced the absence of one or both parents for significant periods of their childhood.

5.9 Parental attitude to offending

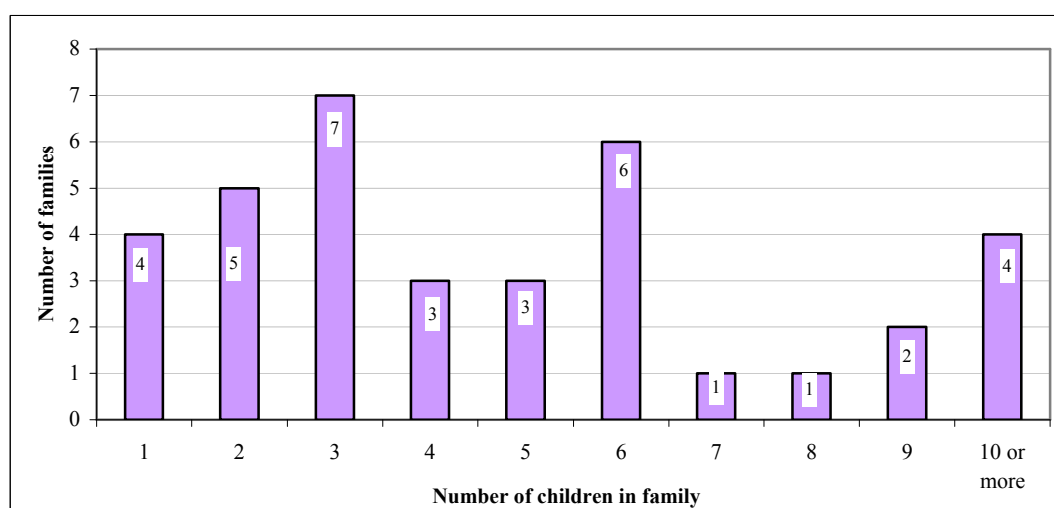
The attitude of parents or other relatives to the young person's offending behaviour was recorded in relation to 20 young people. In 18 cases, parents or other relatives

were recorded as being concerned about the young person's behaviour and supportive of the efforts made by the Probation and Welfare Service and other agencies. In two cases, parents were recorded as not setting appropriate boundaries for the young person's behaviour.

5.10 Family size and siblings

Information on the number of children in the young person's family is available for 36 of the 50 young people in the study. The average number of children in a family, including the young person appearing in the Dublin Children Court, was 4.9 children. This is far above the current national average of 1.98 children and the national average in 1987 (around the time many of the young people in the sample were born) of 2.31 children¹³.

Figure 5.4 Number of children in family, 36 young people



5.11 Birth order

The birth order in the family of the young person appearing before the Children Court is available in 29 cases:

- four were the only child in the family;

¹³ The 'total period fertility rate' TPF_R is derived from the age specific fertility rate in the current year. It represents the projected number of children a woman would have if she experienced current age specific fertility rates while progressing from age 15 to 49 years. The TPF_R for Ireland in 2003 was 1.98. In 1987, around the time many of the young people in the sample were born, the TPF_R was 2.31 (Sources: CSO, Vital Statistics, Fourth Quarter and Yearly Summary 2003, page 27, Stationery Office, May 2004 and CSO, Report on Vital Statistics 2002, page 26, Stationery Office, January 2005).

- nine were the oldest child in the family;
- three were the youngest child in the family;
- the remaining 13 were middle children.

5.12 Parents or siblings with criminal record

In 14 cases, a member of the young person's immediate family was reported as having a criminal record: in three cases, both parents were reported as having a criminal record; in three cases the father only; in three cases the mother only; and in five cases, a sibling was identified as having a criminal record. Details of the offending behaviour or sentences served in detention were not reported in most cases. In many cases, information was recorded only incidentally in a probation report, e.g. "*father absent in prison*". This suggests that additional young people may have family members with criminal records which were not recorded in their probation reports.

5.13 Drug or alcohol misuse by parents or siblings

In the case of eight young people, one or both of their parents was identified as having had a serious problem with drug or alcohol misuse.

In five cases, the young person's mother was reported as having been a heroin user. In three of these cases, the young person's father was also reported as having been a heroin user. In three cases, the mothers were reported as being in recovery at the time of the court proceedings.

In three cases, one or both parents was reported as having a serious problem with alcohol misuse.

Five of the eight young people whose parents were identified as having had drug or alcohol problems were committed to detention in 2004. The other three had been in detention in previous years.

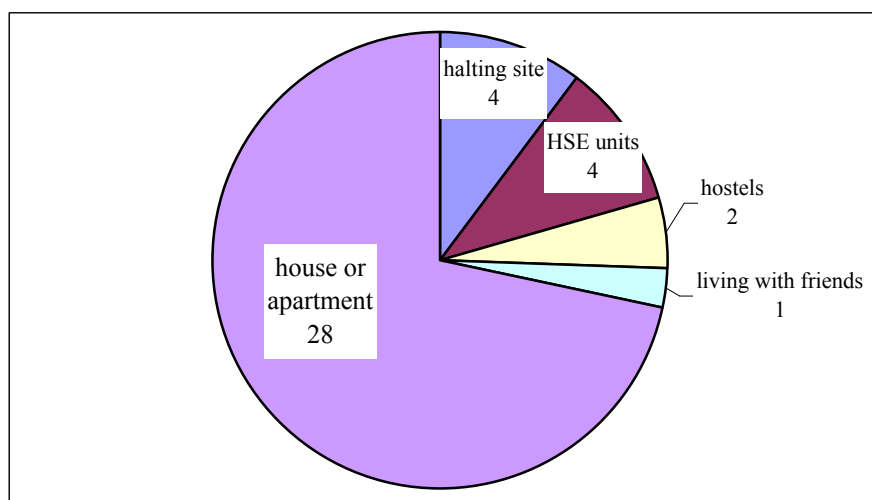
5.14 Housing issues

Some information on housing is available for 39 young people in the sample:

- 28 young people lived in a house or apartment (most in a house);

- four young people who were members of the Traveller community lived on halting sites;
- four young people lived in HSE residential units;
- one young person in HSE care lived in a hostel;
- two young people were described as out of home - one living in homeless hostels, the other living with friends.

Figure 5.5 Housing type for 39 young people



Four of the six young people in the study from the Traveller community lived on halting sites, while the remaining two lived in settled accommodation.

Specific housing problems were identified in 11 cases:

- In four cases, large families were living in over-crowded conditions, with between 11 and 13 people (adults and teenagers) living in a three-bedroom house.
- In three cases, a family had lost their local authority accommodation due to anti-social behaviour, in one case by the young person and in two cases by a parent.
- Two young people from the Traveller community lived in unsanitary conditions on an unofficial halting site, with no running water or electricity.
- Two other young people from the Traveller community lived in overcrowded conditions on an official halting site.

5.15 Employment status of parents and young people

The employment status of one or both parents is recorded for only seven young people out of a total of 38 for whom information on family background is available. In these seven cases, at least one parent is recorded as being in employment, mainly in unskilled manual work (e.g. cleaners, casual building work).

Four of the young people in the sample were reported as being in employment at the time of their court proceedings, as a milkman, security guard, restaurant worker and apprentice painter respectively.

5.16 Peer group influence

The behaviour of a young person's friends and peer group can be an important influence on the young person's behaviour. Reports from the Probation and Welfare Service and other agencies in relation to 18 of the young people in the study stated that they were strongly influenced in their offending behaviour by an anti-social peer group. In some cases, reports state that the peer group had a stronger influence on the young person than their parents or guardians. In one case, concerns were reported that the young person was being exploited by a group of older teenagers, for example to carry drugs.

An issue of particular concern is that the Dublin Children Court may itself provide an opportunity for young people to become involved with an inappropriate peer group. Young people from all over Dublin have to travel to Smithfield to appear in the Court, some on a very regular basis. Young people are required to be at the Court at 10.30 in the morning, and many are waiting there for several hours. The perception of the Children Court as a social meeting place for offending young people is reflected in the fact that bail conditions often include a condition that the young person must “*stay away from Court 55 (i.e. Children Court) and its immediate surroundings except when required by the Court to appear there*”.

5.17 Physical or sexual abuse indicators

Possible sexual abuse was reported in psychiatric assessments of two of the young people in the sample. Physical abuse of the young person as a small child was reported

in two cases.

5.18 Self-harm indicators

Self-harm indicators were reported in relation to seven young people in the sample:

- one young person was reported as having made several suicide attempts;
- one young person was reported as having suicidal thoughts, anxiety disorder and depression;
- two young people had overdosed more than once on alcohol and drugs, but denied that these were suicide attempts;
- two young people were reported as cutting their arms;
- one young person was reported as having low self-esteem, largely due to being unable to read (see Chapter 6.8 on literacy).

Three of the seven young people exhibiting self-harm indicators were female, which is interesting given that only eight of the 50 young people in the sample were female.

5.19 Young person is parent of a child

One young woman in the sample was pregnant at the conclusion of her court proceedings (the result of court proceedings was a Probation Bond). Four young men in the sample were reported as having a child. None of the young men were still in a relationship with the mothers of their children at the time of their court proceedings.

5.20 Health Service Executive involvement

The Health Service Executive (formerly local Health Boards) was involved with 11 of the young people in the study:

- Five of the young people in the study were in HSE care at the time of their court appearances. Four were living in HSE residential units. All had been taken into care (at ages 5, 6, 10 and 12) due to parenting difficulties and/or parental substance misuse. They were placed first in foster homes. After their foster placements broke down, they lived in a variety of HSE residential units. The fifth young person was an unaccompanied asylum seeker, living in hostel accommodation.
- Three young people had been in HSE care in the past, but had returned to live with

their families. One had lived in foster homes and hostels before returning to live in the family home. The other two young people had been out of home, sleeping rough and accessing HSE hostels, before returning to live with their families.

- Two young people were on a HSE Child Protection Register. The HSE chaired several child protection conferences in relation to these young people, involving HSE staff, Garda Juvenile Liaison Officer, probation officers, teachers, etc.
- One young person was taken into HSE care after the conclusion of court proceedings in 2004, under a voluntary care order.

In a further five cases, there may have been HSE involvement, although no details were provided in reports to the court:

- In one case, some contact between the young person's family and the HSE social work department was mentioned, in relation to over-crowding in the family home, but no details were given.
- Two young people were out of home, one living in out of hours hostels and the other staying with friends. Although not reported, it seems likely that there must have been some HSE involvement in these cases.
- In another two cases, HSE involvement is not specified, but probation reports state that a multi-agency care plan is needed to address housing, education and family support issues in relation to the young people involved.

It is unsurprising that several of the young people in the sample have a history of HSE involvement, given that many of them come from a difficult family background, with a variety of problems.

5.21 Conclusions

This study confirms that many young people appearing before the Dublin Children Court come from a difficult family background, including:

- significant number of young people living without either parent;
- breakdown of relationship between many parents;
- larger than average family size;
- absence of at least one parent from the young person's life in the majority of cases;

- domestic violence in some cases;
- criminal record of some parents or siblings;
- some parents with serious drug or alcohol problems;
- housing difficulties in many cases;
- negative peer group influence; and
- self-harm, physical or sexual abuse in a small number of cases.

Other than housing issues, there is little information available on the economic status of the families involved, for example the employment status of parents is not usually recorded. However, it seems reasonable to infer, based on the information available, that most of the young people come from lower socio-economic groups and that many have experienced poverty and deprivation.

CHAPTER 6 EDUCATION

Several studies have identified early school leaving as a significant risk factor in youth offending¹⁴. This chapter examines the information available in relation to the education of the 50 young people in the sample to see if there is a pattern of early school leaving in these cases.

6.1 Information sources

Information in relation to education is available for most of the young people for whom probation reports and reports from other agencies were submitted to the Children Court. In many probation reports, detailed information is available e.g., whether the young person completed primary school, how many years of post-primary completed, qualifications obtained and reason for school leaving. In some cases, however, less detailed information is available in reports provided to the Court, e.g. *'left school at 15'*. It can be inferred from this that the young person left post-primary school without completing the junior cycle or passing the Junior Certificate, but not conclusively so. Another example of uncertainty is in relation to the reasons for school leaving. In some cases, the probation report states clearly that the young person was permanently excluded, e.g. *'expelled for assaults on other pupils'*. In other cases, there is uncertainty as to whether the young person was excluded or simply stopped attending, e.g. *'left school at 14 due to consistent truancy'*.

Probation reports also provide information on education outside mainstream schools. Many of the young people who left school early accessed Youthreach or other education projects for early school leavers. In some cases, their probation officers were instrumental in getting the young person a placement and encouraging them to avail of the educational opportunities available. Probation reports and reports from other agencies record the success or otherwise of young people in pursuing education outside the mainstream and any qualifications they obtained.

Additional data on education is available in relation to young people in the sample who

¹⁴ See for example O'Mahony, P. (1997), *Mountjoy prisoners: a sociological and criminological profile*, Stationery Office

were committed to detention schools or St. Patrick's in 2004, or who spent periods on committal in the past. The detention schools (see Annex I) and St Patrick's Institution for Young Offenders provided information in relation to the curriculum pursued by the young people while on committal and any exams completed.

6.2 Information Available

Information in relation to education was available for 34 of the 50 young people in the sample (68%).

No information on education was available for 16 young people. No probation or other reports were available for nine of these young people. For a further two young people, no information on mainstream education was provided in their probation reports. Five young people spent most of their childhood outside Ireland (four asylum seekers and one English person) and no information on their education was reported.

6.3 Caveat

It should be noted that, as with many of the results in this study, more detailed information on education is available for young people with more charges against them or more serious results from court proceedings. This is demonstrated by the fact that educational information is available for 17 of the 18 young people committed to detention in 2004, so that this group account for half of the education data available (17/34), whereas they make up only one-third of the total sample (18/50). It is at least possible that the 16 young people for whom no information is available had a better outcome in terms of education.

6.4 Primary school completion

25 of the 34 young people for whom information on education is available completed primary school.

Nine young people did not complete primary school:

- Three were expelled from primary school (two for assaults on fellow pupils, one for truancy).
- Another two young people left primary school due to consistent truancy, but are

not specifically recorded as being expelled from school.

- Three young people who were in HSE care had a very disrupted education due to a variety of placements in foster homes and residential units, and did not complete mainstream primary education.
- Details of school leaving for another young person are not recorded, but he was in the criminal justice system (remanded in custody and subsequently committed to a detention school) at the age of 12.

Eight of the nine young people who did not complete primary school were committed to detention schools or St. Patrick's Institution in 2004 and/or had spent periods in custody in previous years.

6.5 Post-primary education

25 of the young people in the sample completed primary school.

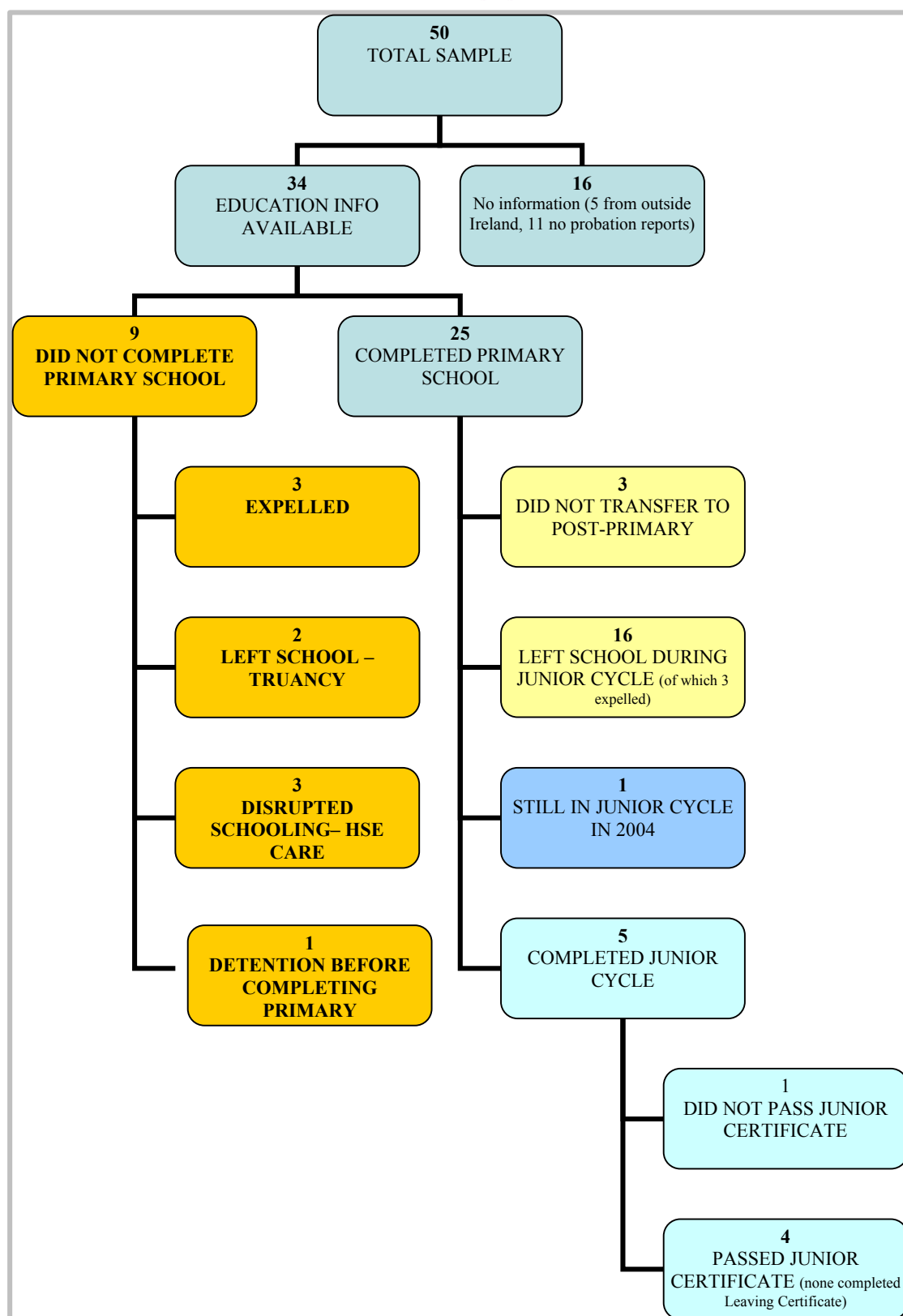
19 of the 25 young people who completed primary school did not complete the junior cycle of post-primary school, and left education before the age of 16:

- Three young people completed primary school but did not transfer to post-primary school.
- Three young people were expelled from post-primary school before completing the junior cycle.
- Another 13 young people left post-primary school before completing the junior cycle.

Of the 19 young people who did not complete the junior cycle, nine were committed to detention schools or St. Patrick's Institution in 2004, or had spent periods in custody in previous years.

One additional young person was completing the junior cycle of post-primary school in 2004.

Figure 6.1 Mainstream education results for 34 young people



Five young people completed the junior cycle of post-primary school and sat their Junior Certificate exams. Four of the five passed the Junior Certificate. Three of the five left school after their Junior Certificate. The other two were expelled from school in the senior cycle of post-primary school. Three of the five young people who completed their Junior Certificate were committed to St. Patrick's Institution in 2004.

6.6 Education outside mainstream schools

Several of the young people in the study accessed opportunities to return to education. 14 young people participated in programmes for early school leavers run by Youthreach, FÁS, or neighbourhood youth projects. In many cases, the young person's probation officer helped to secure a placement. Details of the courses pursued were not always recorded. In some cases, young people participated in programmes for a short time before dropping out. However, some of the young people adapted very well to education outside the mainstream educational system. One young person passed his Junior Certificate exams with Youthreach. A further three young people were reported as studying for the Junior Certificate, while one young person was studying for the Leaving Certificate with Youthreach.

6.7 Young people committed to detention

18 young people in the sample were committed to detention schools or to St. Patrick's Institution in 2004. A further four young people had been committed in previous years. It should be borne in mind that some of these young people had been through more than one detention school, while some of those committed to St Patrick's Institution in 2004 had previously been committed to a detention school.

Information on mainstream education is available for 20 of these 22 young people:

- eight did not complete primary school;
- nine did not complete the junior cycle of post-primary school;
- three passed their Junior Certificate but did not complete the senior cycle of post-primary school.

The detention schools and St. Patrick's Institution made information available in relation to the education these young people received during their committal. More details are given in Chapter 8.

Detention schools: Nine young people were committed to detention schools in 2004. Another seven had been committed to detention schools in the past. Of these 16 young people, details on education while in the detention schools are available in 14 cases:

- two young people sat and passed some subjects in the Junior Certificate exams while in detention;
- nine young people were pursuing the Junior Certificate curriculum, mainly at foundation level, with some also pursuing FETAC curriculum in other subjects;
- three young people were pursuing the FETAC curriculum.

One young person participated in a university based horticulture course, starting on day release and continuing the course on his release from detention.

St. Patrick's: Nine young people were committed to St. Patrick's Institution in 2004. Five of the nine young people engaged with school classes while in St. Patrick's. The four young people who did not engage with school classes all served sentences of five months or less.

Information in relation to education while in detention suggests that young people responded well to the opportunities provided by small class sizes and intensive remedial work on literacy and numeracy. Some young people who refused to engage in therapeutic programmes while in detention participated in school classes.

6.8 Literacy

Literacy tests are usually carried out on young people who are sent on remand for assessment in the National Assessment and Remand Unit (NARU). Eight young people in the sample were tested for literacy in NARU and a further two were tested while on remand in other detention schools.

Note: young people are tested for a reading, numeracy and spelling age, but only the results of the reading age test are shown here. Numeracy and spelling ages are normally within a year of the reading age.

The results of the literacy tests for ten young people were as follows:

- one young person had a reading age of 10, when tested at age 13;
- one had a reading age of 10, when tested at age 14;
- one had a reading age of 10, when tested at age 15;
- one had a reading age of 8 when tested at age 12 and again when tested at age 15;
- one had a reading age of 8, at age 14;
- one had a reading age of 7, at age 16;
- one was functionally illiterate, at age 11;
- one was functionally illiterate, at age 12;
- one was functionally illiterate, at age 13;
- one was functionally illiterate, at age 15.

Functionally illiterate means a reading age of 6 or less, where the young person does not know all the letters of the alphabet or sounds of the alphabet.

In several cases, assessments record that the young people involved had low self-esteem because of their difficulties with reading.

In addition to the ten young people who were tested for literacy, a further three young people in the sample were identified as having poor literacy skills: two in notes made by the judge on their charge sheets, and one in a probation report.

Conclusions for the group as a whole cannot be drawn from a sub-sample of 13 young people. However, given the overall pattern of early school leaving, it suggests that literacy is a significant problem for some young people appearing before the Children Court.

6.9 Learning disability

- One young person in the study was diagnosed with Attention Deficit Hyperactivity Disorder (ADHD) at the age of 10, and received medical treatment for ADHD. ADHD was identified in probation reports as contributing to the young person's early school leaving and offending behaviour.

- One young person was assessed by health professionals as having a moderate learning difficulty at the age of 12. A resource teacher and classroom assistant were allocated to work with him in primary school, but within a short time he was remanded in custody and subsequently committed to a detention school.

6.10 Conclusions

The results of this study confirm that educational disadvantage is a significant problem for young people appearing before the Dublin Children Court:

- 28 out of 34 young people for whom information is available left school before the age of 16, the age at which a young person may legally finish school under the Education (Welfare) Act 2000.
- Of the remaining six young people, one was still in the junior cycle of post-primary school in 2004; and five left school after completing their Junior Certificate but before completing the senior cycle.
- Of the 28 young people who left school before the age of 16, nine did not complete primary school; three did not transfer from primary to post-primary school; and 16 left or were expelled in the junior cycle of post-primary school.

The relationship between early school leaving and offending behaviour is complex and two-way. Family structure and support from parents or guardians are obviously key factors in keeping young people in school. As outlined in Chapter 5 (Family structure and background), many of the young people in the sample come from difficult family backgrounds, where they may not receive sufficient support or supervision to ensure their regular attendance at school. Offending behaviour also contributes to poor school attendance, particularly when the young person is misusing alcohol or drugs. Poor school attendance or dropping out of school may contribute to escalating offending behaviour, by giving the young person long periods of unsupervised free time. Probation reports attach great significance to whether the young person is in school or in alternative education. Being out of education is seen as a significant risk factor for further offending; as well as restricting future employment prospects, it gives the young person far too much free time.

Very little information is available in the reports submitted to the Children Court on

efforts by State agencies to keep the young people in the study in mainstream education. One young person in the study had previously been committed to a detention school for two years for non-school attendance. Details of the State response to early school leaving by many of the other young people in the study are not available in the reports on the Children Court files. Most of the young people in the study would have left mainstream education before 2003, when the National Education and Welfare Board (NEWB) was established on a nationwide basis.

Results of literacy tests for ten of the young people in the sample, and notes in relation to a further three, suggest that some young people appearing before the Dublin Children Court have poor literacy skills. The relationship between early school leaving and literacy problems is again two-way. Young people with a history of poor school attendance who leave school early are less likely to develop the necessary literacy and numeracy skills. On the other hand, it is unsurprising that young people with poor literacy skills are unwilling or unable to complete the junior cycle of post-primary school.

Information in relation to young people accessing education outside the mainstream, such as Youthreach, and young people who accessed education while committed to a detention school or St. Patrick's Institution, suggests that these young people benefited considerably from smaller class sizes, one-to-one tuition, and intensive literacy and numeracy teaching.

This study supports the view that early school leaving is a significant factor in offending behaviour by young people. This suggests that interventions aimed at keeping young people at risk of educational disadvantage in school could be effective in reducing the numbers entering the youth justice system.

CHAPTER 7 ALCOHOL AND DRUG ISSUES

This chapter examines alcohol and drug issues affecting the young people in the study.

7.1 Information sources

In relation to alcohol and drug misuse, information from charge sheets indicates whether young people were charged with alcohol or drug offences. This has been cross-checked with information from probation reports and reports from other agencies which record whether the young person was misusing alcohol or drugs.

7.2 Caveat

As with all personal information in this study, more information on drug and alcohol issues is available in relation to young people with more serious offences, because more detailed reports are available for these young people. However, charge sheets also provide information on drug and alcohol charges for young people for whom no probation or other reports are available.

7.3 Alcohol and drug misuse

30 of the 50 young people in the sample had problems with drug or alcohol misuse. This means that reports from the Probation and Welfare Service and other agencies reported them as having misused alcohol or drugs and/or they were charged with drug or alcohol offences in the Children Court records for 2004.

- 11 young people were reported as misusing both alcohol and drugs, in reports from the Probation and Welfare Service and/or detention schools. Three of these young people had been charged with both alcohol and drug offences in the Children Court records for January to October 2004. Three of the young people had been charged with alcohol offences only. Five of the young people reported as having drug and alcohol problems were not charged with either drug or alcohol offences in 2004.
- Three young people were charged with drug offences in the Children Court records for 2004. Two of these young people were reported as having serious problems

with drug misuse.

- Five young people were reported as misusing drugs, but were not charged with any drug or alcohol offences.
- 11 young people were reported as misusing alcohol and/or were charged with alcohol offences only. Four of these young people were reported as misusing alcohol and were charged with alcohol offences. Three were reported as misusing alcohol, but were not charged with any alcohol offences in 2004. Another four young people were not reported as misusing alcohol (reports were not available for two of these young people), but they were charged with alcohol offences in 2004.

Figure 7.1 Alcohol and drug issues for 30 young people

IASD REF NO	Alcohol misuse reported	Charged with alcohol offences	Drug misuse reported	Charged with drug offences
IASD1014	v	v	v	v
IASD1015	v	v	v	v
IASD1037	v	v	v	v
IASD1002	v	v	v	
IASD1032	v	v	v	
IASD1033	v	v	v	
IASD1008	v		v	
IASD1016	v		v	
IASD1021	v		v	
IASD1040	v		v	
IASD1041	v		v	
IASD1009			v	v
IASD1039			v	v
IASD1038				v
IASD1013			v	
IASD1036			v	
IASD1042			v	
IASD1043			v	
IASD1049			v	
IASD1012	v	v		
IASD1004	v	v		
IASD1001	v	v		
IASD1026	v	v		
IASD1028		v		
IASD1029		v		
IASD1034		v		
IASD1035		v		
IASD1017	v			
IASD1023	v			
IASD1025	v			
TOTAL YOUNG PEOPLE IN EACH CATEGORY:				
30	18	14	18	6

7.4 Drug problems and charges

A total of 18 young people were reported as misusing drugs (11 of these had also misused alcohol).

In three cases, the young person was described as having a serious problem with drug misuse:

- One young person was described in a psychiatric assessment as having a serious drug addiction problem, and tested positive for a range of drugs (opiates, methadone, cocaine and cannabis). This young person was admitted to a residential drug treatment programme, but was discharged after a few days due to disruptive behaviour.
- One young person was on a methadone treatment programme, and had been charged with possession of a variety of drugs (cocaine, amphetamine, methamphetamine and cannabis) for sale or supply.
- One young person was described as having a serious problem with cannabis misuse, and attended an external drug treatment programme as part of a pre-release programme from a detention school.

In most other cases involving drug misuse, young people were described as occasional drug users, mainly of cannabis.

Five young people who were committed to detention schools in 2004 or in previous years participated in drug awareness programmes as part of their therapeutic treatment (see Chapter 8).

Six young people in the sample were charged with drug offences in the Dublin Children Court in 2004. One young person, from the United Kingdom, was charged with importing cocaine with a market value of over €13,000 and was sent forward for trial to the Circuit Court. The other five young people charged with drug offences were reported as misusing drugs: three were charged with possession of drugs for sale or supply; one with possession only; and one with impeding a Garda in the course of a drugs search.

7.5 Alcohol problems and charges

18 young people were reported as misusing alcohol regularly (including 11 who also had drug problems); while an additional four young people were charged with alcohol offences.

In three cases, the young person was described as having a serious problem with alcohol misuse:

- One young person had a strong pattern of offences related to alcohol, i.e. he was regularly charged with stealing alcohol, being drunk in a public place, and causing a breach of the peace in the same incident. This young person successfully completed a six week residential treatment programme for alcohol misuse. However, on completion, he started drinking and committing offences again.
- Another two young people were reported as having significant alcohol problems, and committing most of their offences while drunk. One of these young people attended an alcohol awareness programme.

In most other cases, young people were reported as misusing alcohol, but few details were available.

14 young people in the sample were charged with alcohol offences in the Dublin Children Court in 2004. *Alcohol offence* is defined for the purposes of this study as being charged with being *drunk in a public place*¹⁵ (Garda PULSE offence code A6114). None of the young people in the sample were charged with “*underage drinking*” (Garda PULSE offence code D111) in the 2004 Children Court records. The number of alcohol charges in the 2004 Children Court records ranged from one young person with 11 charges, to eight young people with only one charge of being drunk in a public place.

Several studies have suggested a strong association between alcohol consumption and offending behaviour by young people¹⁶. It seems reasonable to infer that, where a person is charged with being drunk in a public place, other offences occurring around the same time were committed while the young person was under the influence of alcohol. Figure 7.2 shows alcohol charges grouped together with other offences with which the young person was charged on the same date, or on the previous or following

¹⁵ Contrary to Section 4 of the Criminal Justice (Public Order) Act 1994

¹⁶ See for example Houses of the Oireachtas, (2004), *Report on alcohol misuse by young people*, Joint Committee on Health and Children, June 2004

date¹⁷. The most common associated charge is A6144 “*threat to provoke a breach of the peace*”. Other charges associated with being “*drunk in a public place*” include assault, criminal damage, theft and failure to comply with the direction of a Garda.

Figure 7.2 Alcohol and alcohol-related charges for 14 young people

PULSE Offence Code	A6114	A6136	A6144	A6216	A6615	A8115	B2716	M3119	M3525	N1148	R3618	TOT
IASD1001	11		9	2				2	1	2	1	28
IASD1015	4		5		1	6		2				18
IASD1014	3		2			1						6
IASD1037	3		2				1					6
IASD1032	2				1		1					4
IASD1033	2		1							1		4
IASD1002	1	1	1									3
IASD1012	1		1									2
IASD1029	1			1								2
IASD1035	1		1						1			3
IASD1004	1			1				1				3
IASD1026	1		1	1								3
IASD1028	1											1
IASD1034	1		1									2
TOTAL	33	1	24	5	2	7	2	5	2	3	1	85
<p>“Alcohol-related charges” are interpreted as charges occurring within a 48 hour period (+ or – one day) of a charge of A6114 (drunk in a public place).</p> <p>A6114 drunk in a public place A6136 offensive conduct towards Garda A6144 threat to provoke a breach of the peace A6216 failing to comply with direction of Garda A6615 obstructing a Garda in the course of his/her duty A8115 assault B2716 trespass with intent to commit an offence M3119 criminal damage M3525 possession of offensive weapon N1148 theft of property R3618 passenger in a stolen car</p>												

7.6 Relationship with parental substance misuse

Eight young people in the sample had a parent or parents who had serious problems with drug or alcohol misuse (see Chapter 5.13). Seven of these eight young people were reported as misusing alcohol and/or drugs, and three of them were charged with

¹⁷ See Chapter 3.6 on offences grouped into 48 hour periods. In several cases, a young person was charged with a series of offences, starting before midnight and continuing to early the next morning. It seems reasonable therefore to group offences into “incidents” if they occurred on two consecutive dates.

alcohol or drug offences.

7.7 Conclusions

This study confirms that many of the young people appearing before the Dublin Children Court had regularly misused alcohol and/or drugs. Alcohol offences and offences committed while under the influence of alcohol accounted for a significant number of the offences charged in the Children Court.

CHAPTER 8 YOUNG PEOPLE SENTENCED TO DETENTION

18 of the young people in this study were sentenced to detention in 2004: nine to detentions schools and nine to St. Patrick's Institution. 17 were male and one was female. This chapter draws together all the information available for these 18 young people. In some cases, data already presented in Chapters 3 to 7 is repeated, in order to give a detailed picture of the background and history of young people sentenced to detention.

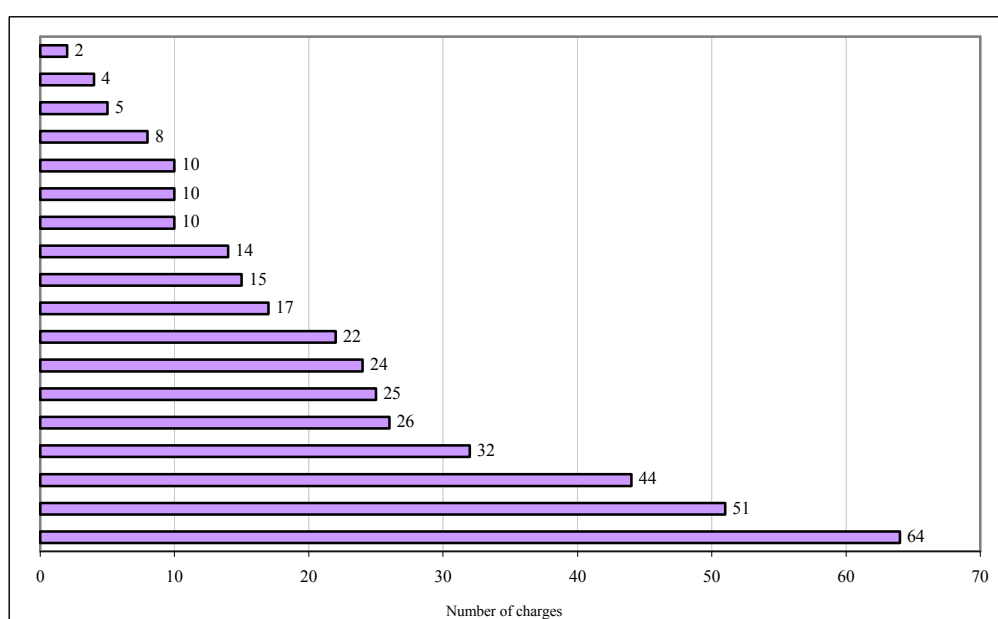
8.1 Information sources

This chapter draws together information from Chapters 3 to 7 in relation to young people sentenced to detention. It also includes additional information from agency reports, detention schools and St. Patrick's Institution.

8.2 Number and type of charges

The 18 young people sentenced to detention accounted for 36% of the 50 young people in the study. However, the offences with which they were charged in the Children Court cases in 2004 accounted for 70% of the total offences charged (383/551) in this study.

Figure 8.1 Number of charges for 18 young people sentenced to detention



The average number of charges for these 18 young people was 21, ranging from one young person with two charges to another with 64 charges¹⁸. 14 young people had ten or more charges.

8.3 Young people sentenced to St. Patrick's Institution

Nine young people were over 16 at the conclusion of their court proceedings, and were sentenced to detention in St. Patrick's Institution for Young Offenders. St. Patrick's provides detention for young men aged over 16 and under 21, under the auspices of the Prisons Service, an agency of the Department of Justice, Equality and Law Reform.

8.4 Young people sentenced to detention schools

Nine young people were under 16 at the conclusion of their court proceedings, and were sentenced to detention schools. Five detention schools provide detention for young people aged over 12 and under 16. The schools operate under the auspices of the Department of Education and Science. Detention schools are currently categorised as either reformatory schools or industrial schools. When Section 159(1) of the Children Act 2001 is commenced, they will be classified as children detention schools. (See Annex I).

Four of the young people were sentenced to Trinity House School, two to Oberstown Boys Centre, one to Oberstown Girls Centre, one to the Finglas Child and Adolescent Centre, and one to St. Joseph's. Because of the very small numbers involved in this study, results are presented for detention schools as a group, rather than being broken down between individual schools.

8.5 Sentences of detention and sentences served

Figure 8.2 presents data on the length of sentence imposed and the length of sentence actually served, cross-referenced with the number and type of charges.

¹⁸ The court proceedings in this case lasted for more than two years and the total of 64 charges represents all charges accumulated by the young person from the age of 13 to the age of 15.

Figure 8.2 Length of sentence for young people sentenced to detention

IASD REF NO	Length of sentence	Length of sentence actually served (position in March 2005)	Number of charges, 2004 cases	Main type of offences charged	Age at which sentence imposed
Committed to St. Patrick's					
IASD1037	21 months	still committed	32	assault, theft, public order, drugs, traffic, breach of bail	18
IASD1025	15 months	still committed	44	theft, burglary, assault, offensive weapons, breach of bail, threats	16
IASD1026	8 months	3 days (released on bail to appeal)	10	Traffic, theft	17
IASD1001	8 months	2.5 months (released on bail to appeal)	51	alcohol related public order & theft	18
IASD1021	6 months	committed to additional 3.5 years on other charges	25	Assault causing harm, theft, traffic	16
IASD1039	6 months	5 months	26	Assault, drugs, traffic	17
IASD1035	6 months	5 months	15	Traffic, trespass, theft	17
IASD1029	6 months	5 months	17	traffic, public order, criminal damage	17
IASD1012	4 months	3.5 months	10	public order, traffic, theft	18
Committed to detention schools					
IASD1015	24 months	still committed	64	public order, traffic, theft, assault	15
IASD1014	24 months	still committed	24	public order, drugs, assault, theft	15
IASD1013	24 months	still committed	14	theft, burglary	13
IASD1042	24 months	still committed	10	traffic, criminal damage, trespass, public order	15
IASD1036	24 months	still committed	8	criminal damage, escape from lawful custody	14
IASD1049	24 months	still committed	5	trespass and theft	14
IASD1041	24 months	still committed	2	Theft	15
IASD1002	12 months	12 months	22	Traffic, assault, theft	15
IASD1040	1 month	1 month	4	theft, criminal damage	15

Young people under 16 were generally committed for longer periods than those aged over 16. Under the Children Act 1908, as amended, a judge normally only has discretion between:

- committal for one month;
- committal for one year (applicable to the Finglas Child & Adolescent Centre only);
- or committal for a minimum of two and a maximum of four years.

Section 149(1) of the Children Act 2001, which provides for young people to be committed to detention schools for periods of between 3 months and 3 years, has not yet been commenced.

Young people over 16, sentenced to St. Patrick's, received shorter sentences and were more likely to be released before the conclusion of their sentence on full temporary release.

8.6 Length of court proceedings

Most young people made their first court appearance within a short time of the first offence with which they were charged in the 2004 court records. Nine made their first appearance within one month of the date of the first offence, and another seven made their first appearance between one and six months later. Two young people made their first court appearance more than six months after the date of the first offence.

In terms of the length of time between the young person's first court appearance and the conclusion of their case:

- six had their cases concluded within six months;
- six had their cases concluded between six months and one year after their first court appearance;
- six young people had their cases concluded more than one year after their first court appearance, and in two cases, more than two years.

As explained in Chapter 3.9, estimating the total number of court appearances for each young person is difficult. However, an estimate can be made of the minimum number of court appearances by individual. On this basis:

- six young people had ten or more court appearances on a single charge sheet;
- 11 had between five and nine court appearances; and
- one had less than five court appearances.

The total number of appearances for young people with multiple charges is likely to be significantly higher than this minimal estimate.

8.7 Prior history of offending behaviour

All of the young people had prior referrals to the Garda National Juvenile Office before the offences for which they were sentenced to detention in 2004. The average number of prior referrals was 12, varying from one young person with only three prior referrals to another with 45.

The Garda NJO had directed prosecution in relation to prior referrals for all 18 young people. However, only three were prosecuted in respect of all prior referrals. In

addition to offences for which they were prosecuted:

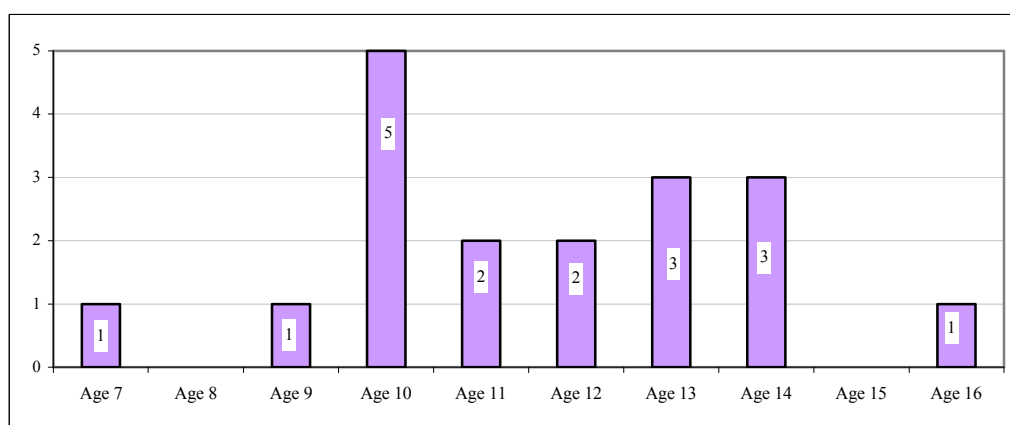
- eight young people received formal and informal cautions;
- two received formal cautions only;
- four received informal cautions only; and
- one had a referral where no further action was directed by the NJO.

8.8 Age at first referral to Garda NJO

Half of the young people (9) were first referred to the NJO before the age of 12, the other half at age 12 or older. The outcome of the first referral was:

- six young people received an informal caution;
- six received a formal caution;
- two had a referral where no further action was directed.
- In four cases, prosecution was directed on the first referral (in three of these cases, all subsequent referrals were also prosecuted). The offences charged were: driving a car without the consent of the owner, criminal damage, breach of the peace and trespass with intent. These four young people were aged 11, 13, and two were aged 14 at the date of first referral.

Figure 8.3 Age of 18 young people at first referral to NJO



8.9 Family background and structure

Information on family background and structure was available for 17 of the 18 young people sentenced to detention in 2004 (16 male and one female). Two sets of siblings are included in this data; the family background is obviously duplicated in these cases.

Living arrangements: nine young people were living with their father and mother; and one with his mother only. Seven young people were not living with either parent: two were living with grandparents; one was out of home; and four were in HSE care at the time of their court proceedings.

The relationship between parents was reported as having broken down in eight cases.

Domestic violence by the father against the mother was reported as a problem in the cases of four young people.

11 young people had experienced the **absence of one or both parents** from their life for a variety of reasons, including: young person being taken into HSE care due to parental substance misuse and/or parenting difficulties (four cases); death of a parent (two cases); and one or both parents serving prison sentences (three cases).

Parental attitude to offending: in nine cases, parents or other family members were described as concerned and supportive of the efforts being made to address the young person's offending behaviour. In two cases, the parents were reported as not setting appropriate boundaries for the young person's behaviour.

Family members with criminal record: Eight young people had family members with criminal records: in three cases, both parents; in two cases, the mother; and in three cases, a sibling.

Parental substance misuse: in five cases, the young person's mother was identified as having a serious problem with drug or alcohol misuse; in four of these cases, the father also had a substance misuse problem.

Family size and siblings: The average number of children in a family, including the young person sentenced to detention, was 4.9 children. This is the same as the average for the 36 young people in the study whose family size is known (see section 5.10). It far exceeds the current national average of 1.98 children, and the national average for

1987 (around the time many of the young people were born) of 2.31 children.

Housing issues: Eight of the young people sentenced to detention were identified as having housing problems: families living in overcrowded conditions (six cases); loss of local authority accommodation due to anti-social behaviour by the young person or another family member (two cases).

Employment status of parents and young people: In three cases, one parent was identified as being in employment. In one case, the young person himself was reported as having temporary employment.

Peer group influence: In nine cases, the young person was reported as being strongly influenced by an anti-social peer group.

Physical or sexual abuse: Physical or sexual abuse indicators were reported in relation to three of the young people sentenced to detention.

Self-harm: Self-harm indicators were reported in relation to four young people, including one young person who had made several suicide attempts, another who had overdosed more than once, and another who reported suicidal thoughts and depression.

HSE involvement:

- Four young people were in HSE care, living in residential units, at the time of their court proceedings. All had been taken into care (at ages 5, 6, 10 and 12) due to parenting difficulties and/or substance misuse by their parents. They were placed first in foster homes. After their foster placements broke down, they lived in a variety of HSE residential units.
- Two young people were on a HSE Child Protection Register. The HSE chaired several child protection conferences in relation to these young people, involving HSE staff, Garda Juvenile Liaison Officer, probation officers, teachers, etc.
- In one case, some contact between the young person's family and the HSE's social work department was mentioned, in relation to over-crowding in the family home,

but no details were given.

- One young person was reported as being out of home, living with friends rather than accessing secure homeless accommodation for young people. Although not reported, it seems likely that there must have been some HSE involvement in this case.

8.10 Education

Information on education was available for 17 of the 18 young people sentenced to detention in 2004.

Primary school completion: six of the 17 young people did not complete primary school.

Post-primary education: 11 of the 17 young people completed primary school. Eight of these 11 did not complete the junior cycle of post-primary school, and left education before the age of 16. One did not transfer to post-primary, and seven left post-primary during the junior cycle.

Junior Certificate: Three young people completed and passed their Junior Certificate in mainstream education, and left school after the age of 16. One left school after the Junior Certificate; the other two were expelled in the senior cycle of post-primary school.

Education outside mainstream: Four young people participated in programmes for early school leavers run by Youthreach, FÁS, or neighbourhood youth projects. All had dropped out of these courses before the conclusion of their court proceedings.

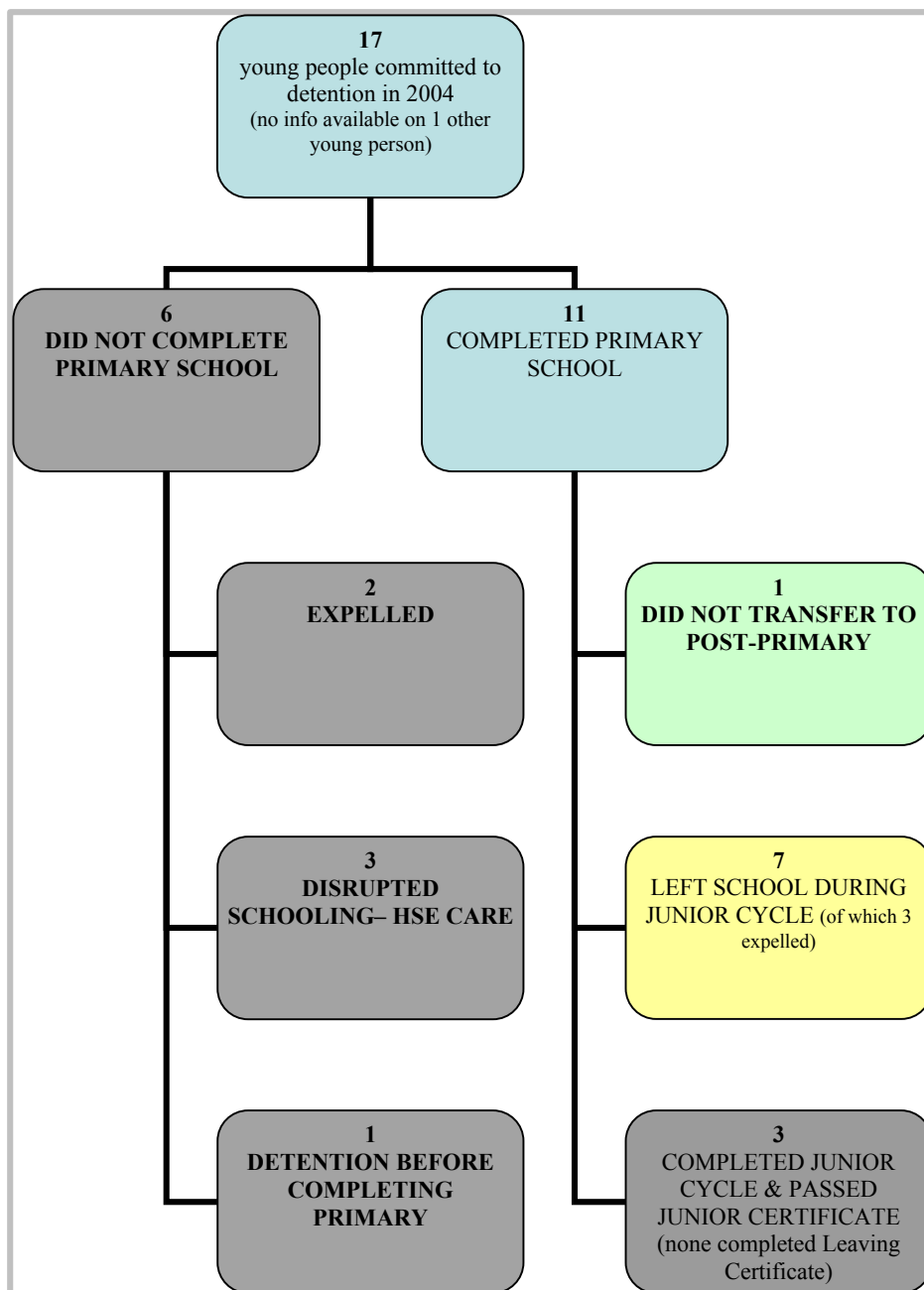
Literacy testing: Seven young people were literacy tested (six in NARU, one while on remand in another detention school). All were identified as having significant literacy problems, with a reading age well below their biological age. An additional young person, who was not formally tested, was described in a probation report as having poor literacy skills. (See chapter 6.8 on literacy testing).

Figure 8.4 Family background, education and substance misuse issues for 17 young people sentenced to detention

IASD REF NO	Not living with mother and/or father	Domestic violence reported	Absence of a parent for long periods	Criminal record of family members	Parental substance misuse	5 or more children in family	Housing problems	Anti-social peer group	Physical or sexual abuse	Self-harm	Left school before the age of 16	Literacy problem	Substance misuse	Serious substance misuse problem
IASD1001						v	v	v					v	v
IASD1002						v		v			v	v	v	
IASD1012													v	v
IASD1013			v	v		v	v				v	v	v	
IASD1014								v			v	v	v	
IASD1015	v		v	v	v		v	v			v	v	v	
IASD1021	v		v	v	v		v	v	v	v	v	v	v	
IASD1025	v	v	v	v	v	v				v	v		v	
IASD1026			v				v			v	v		v	
IASD1029											v		v	
IASD1036	v	v	v	v	v	v		v	v		v	v	v	
IASD1037			v	v				v			v		v	
IASD1039	v		v				v	v					v	v
IASD1040	v	v	v			v			v	v	v		v	
IASD1041	v	v	v	v	v	v					v		v	
IASD1042						v	v	v			v	v	v	
IASD1049			v	v		v	v				v	v	v	
	7	4	11	8	5	9	8	9	3	4	14	8	17	3

Learning disability: One young person in the study was diagnosed with Attention Deficit Hyperactivity Disorder (ADHD) at the age of 10, and received medical treatment for ADHD. Another young person was assessed by health professionals as having a moderate learning difficulty at the age of 12. Additional teaching resources were allocated to work with him in primary school, but within a short time he was remanded in custody and subsequently sentenced to a detention school.

Figure 8.5 Mainstream education results for 17 young people sentenced to detention



8.11 Alcohol and drug issues

All 18 young people sentenced to detention in 2004 were reported as misusing alcohol and/or drugs (mainly cannabis), or were charged with alcohol and/or drug offences. Two young people were described as having a serious problem with alcohol misuse and committing most of their offences while drunk. Both attended alcohol treatment programmes but later started drinking and committing offences again. One young person was on a methadone treatment programme, and was charged with possession of a variety of drugs for sale or supply.

Figure 8.6 Alcohol and drug issues for 18 young people sentenced to detention

IASD REF NO	Alcohol misuse recorded	Charged with alcohol offences	Drug misuse recorded	Charged with drug offences
IASD1002	v	v	v	
IASD1014	v	v	v	v
IASD1015	v	v	v	v
IASD1021	v		v	
IASD1037	v	v	v	v
IASD1040	v		v	
IASD1041	v		v	
IASD1013			v	
IASD1036			v	
IASD1039			v	v
IASD1042			v	
IASD1049			v	
IASD1001	v	v		
IASD1012	v	v		
IASD1025	v			
IASD1026	v	v		
IASD1029		v		
IASD1035		v		
TOTAL YOUNG PEOPLE IN EACH CATEGORY:				
18	11	9	12	4

8.12 Previous history of detention

17 of the 18 young people had previously spent time in detention, either on remand or committal. 11 had previously been committed to detention, while a further six had been remanded in custody only.

Of the nine young people sentenced to St. Patrick's in 2004, six had previously been committed to detention:

- one had served sentences of detention, both in St. Patrick's and in a detention school;
- two had served previous sentences in St. Patrick's;

- two had served previous sentences in detention schools;
- one had been committed to a detention school on foot of a High Court order.

Of the nine young people sentenced to detention schools in 2004, five had previously been committed to detention:

- three had served previous sentences in detention schools;
- one had been committed to a detention school on foot of a High Court order;
- one had been committed to a detention school for non-school attendance.

14 young people were remanded in custody in the course of their 2004 court proceedings, including six who had not otherwise been committed to detention. Five of the nine young people sentenced to St. Patrick's had previously been remanded in custody. All nine young people sentenced to detention schools in 2004 were remanded in custody for assessment during their court proceedings; six of them were also remanded on other occasions.

Figure 8.7 Previous history of detention

IASD REF NO	Length of sentence, 2004 court records	REMAND		COMMITTAL	
		Remanded in custody for assessment	Remanded in custody	Previously committed to detention school	Previously committed to St. Patrick's
Sentenced to St. Patrick's 2004					
IASD1037	21 months			V (sentence of detention)	V (sentence of detention)
IASD1025	15 months		V (2 det schools)	V (sentence of detention)	
IASD1026	8 months		V (det school)	V (High Court order)	
IASD1001	8 months		V (St. Patrick's)		
IASD1021	6 months		V (det school)	V (sentence of detention)	
IASD1039	6 months		V (St. Patrick's)		
IASD1035	6 months				V (sentence of detention)
IASD1029	6 months				V (sentence of detention)
IASD1012	4 months				
Sentenced to detention schools 2004					
IASD1041	24 months	v	V (det school)	V (sentence of detention)	
IASD1015	24 months	v	V (det school)		
IASD1042	24 months	v		V (non-school attendance)	
IASD1014	24 months	v			
IASD1049	24 months	v	V (det school)	V (sentence of detention)	
IASD1036	24 months	v			
IASD1013	24 months	v	V (det school)	V (sentence of detention)	
IASD1002	12 months	v	V (det school)		
IASD1040	1 month	v	V (det school)	V (High Court order)	

8.13 Progress while in detention

St. Patrick's Institution: School classes are available in St. Patrick's for the Junior Certificate curriculum, the FETAC curriculum and literacy and numeracy skills. Five of the nine young people committed to St. Patrick's engaged with school classes. The four young people who did not engage with school classes all served sentences of five months or less. Seven of the nine young people engaged with welfare staff in relation to a variety of issues, including offending behaviour, personal problems, pre-release planning and job applications. Two young people had jobs lined up on release from St. Patrick's.

Detention schools: Information on progress while in detention was available for eight of the nine young people committed to detention schools in 2004:

- All eight engaged with school classes. Significant improvements in literacy and numeracy were noted for the young people with literacy problems. Five were pursuing the Junior Certificate curriculum and 2 were pursuing the FETAC curriculum. One young person had completed FETAC modules while in detention and then participated in a university based horticulture course, starting on day release and continuing the course on his release from detention.
- Five young people engaged with specific therapeutic programmes offered by the detention schools, including modules on offending behaviour, drug awareness, anger management, adventure therapy, self esteem through sport, and psychological counselling. Three young people refused to engage with therapeutic programmes.
- Five young people had engaged in home leave programmes, with varying degrees of success.

8.14 Conclusions

18 young people in the sample were sentenced to detention in the Children Court between January and October 2004. Nine were under 16 and were committed to detention schools. The nine young people aged 16 or over, committed to St. Patrick's, received shorter sentences and were more likely to be released early.

The 18 young people in the study who were sentenced to detention accounted for

70% of the offences charged in the study, although they make up only 36% of the study sample. 14 young people had ten or more charges. Theft, public order and traffic offences accounted for most of their charges. Court proceedings for six young people lasted for more than one year, including two whose cases lasted for more than two years.

All 18 young people had been referred to the Garda National Juvenile Office in respect of previous offences, and the NJO had directed prosecution on some of their previous offences. However, only three had been prosecuted in respect of all prior referrals. The rest had received one or more formal or informal cautions in respect of previous offences. Nine of the young people had first been referred to the NJO before the age of 12, including one who was first referred at the age of 7.

The 17 young people for whom personal information was available had all experienced problems in relation to their family background, education and alcohol or drug misuse. In many cases, these problems were inter-linked and overlapping.

Family problems included: not living with either parent; absence of a parent for significant periods; criminal record of family members; parental substance misuse; domestic violence by father against mother; large family size; and housing problems. Other problems facing some young people included: anti-social peer group; physical or sexual abuse indicators; and self-harm indicators.

Educational disadvantage: 14 of the 17 young people had left school before the legal age of 16, without completing their Junior Certificate. Six of them had not completed primary school.

Eight young people had significant literacy problems. Two had learning disabilities (one ADHD and one a moderate learning difficulty).

All 18 young people were reported as misusing alcohol and/or drugs, or were charged with alcohol or drug offences. In three cases, young people were identified as having very serious problems with alcohol or drugs.

17 of the 18 young people had previously been in detention, either on remand or on committal. 11 had previously been committed to detention:

- eight had served sentences of detention (six in detention schools, two in St. Patrick's);
- two had been committed to detention schools on High Court orders; and
- one had been committed to a detention school for non-school attendance.

Most of the young people sentenced to detention had engaged with school classes while in detention, and made considerable progress. Many also engaged with specific therapeutic programmes aimed at addressing offending behaviour and related issues.

Most of the young people sentenced to detention in 2004 had a long history of offending behaviour and of previous periods in detention. Many had chaotic family backgrounds, with a range of personal, economic and social problems. This undoubtedly contributed to their history of educational disadvantage and resulting literacy problems. The type of offences charged are typical of those in the Children Court generally: public order, theft and burglary, traffic and criminal damage. Most faced ten or more charges. Some young people accumulated many additional offences while remanded on bail on their original offences, in the course of court proceedings which in six cases lasted more than one year. The sentences imposed on young people over the age of 16, committed to St. Patrick's, were significantly shorter than those for young people under 16, committed to detention schools. It would be interesting to compare the length of sentence imposed on these young people with those for adults with similar offences. Finally, the positive progress made by many of the young people while in detention in terms of literacy, education and therapeutic programmes suggests that they are not 'hopeless cases': presumably earlier intervention could have been even more effective.

CHAPTER 9 YOUNG PEOPLE FROM MINORITY GROUPS OR IN HSE CARE

The terms of reference for this study includes a requirement to include *specific examples of children from minority groups and children in HSE care*. The sample of 50 young people for this study included:

- six young people from the Traveller community;
- four asylum seekers (including one in HSE care); and
- another four young people in HSE care at the time of their court proceedings.

It is important to stress that these 14 cases arose as part of the sample, i.e. they were cases selected in the manner described in Chapter 2.3 who turned out to be in these categories, rather than being specifically selected for inclusion.

9.1 Information sources

This chapter extracts some information from Chapters 3 to 7 in relation to young people from minority groups and those in HSE care. Details in relation to family background and education are not included because of the risk of including identifying data, due to the small numbers involved.

9.2 Traveller community

Six young people in the study were identified as being members of the Traveller community, either in probation reports or in the judge's notes on the case. Three of the young people were living with both parents and three with their mother only. Two were sentenced to detention at the conclusion of their court cases in 2004, one received a suspended sentence and three were given Probation Bonds.

9.3 Asylum seekers

Four young people in the study were identified as being asylum seekers, either in probation reports or in the judge's notes on the case. One was an unaccompanied minor from Nigeria, who had been refused refugee status and was in HSE care, living in hostels. Three others were from Romania, two of whom were from the Roma

community, all living with their families in Ireland. None of these young people had acquired refugee status. One young person was sent forward to the Circuit Court for trial; one received a fine; one a Peace Bond; and one was not convicted on any charges.

9.4 HSE care

Another four young people were in HSE care, living in residential units, at the time of their court proceedings. All had been taken into care due to parenting difficulties and/or substance misuse by their parents. They were placed first in foster homes. After their foster placements broke down, they lived in a variety of HSE residential units. All four young people were committed to detention at the conclusion of their court proceedings in 2004.

One area of concern in relation to young people in HSE care is that they may be prosecuted for offences committed while in care, e.g. assaults on staff or criminal damage to residential units. The concern is that, while such behaviour is obviously unacceptable, young people are being criminalised for acts which would not result in a prosecution if they occurred in a family home. Three of the four young people in this study were charged with offences committed in their HSE residential units, either in the 2004 court cases or in earlier referrals to the Garda National Juvenile Office. Two young people committed the majority of their offences in their HSE residential units.

9.5 Conclusions

Based on the results of this small sample, it seems likely that young people from the Traveller community, asylum seekers and young people in HSE care are over-represented in the Children Court. For example, young people from the Traveller community account for 12% (6/50) of the study sample, whereas the Traveller community accounted for only 0.6% of the population in the 2002 Census. Further research would be required to confirm this finding. Another area of concern is the possibility that young people in HSE care are being 'transferred' from the health stream into the youth justice stream as a result of being charged with offences committed while in HSE residential units. Again further research would be required to quantify this issue.

CHAPTER 10 OVERALL CHILDREN COURT RESULTS

This chapter examines the principal results for all young people with cases completed in the Dublin Children Court between January and October 2004. It compares these results with the results for the 50 young people in this study.

10.1 Information sources

In December 2004, the Courts Service gave sanction for access to the Criminal Case Tracking System (CCTS) database on a read-only basis in respect of the Dublin Children Court in Smithfield. Records were accessed in respect of cases completed in Smithfield between January and October 2004.

10.2 Methodology

Queries on the CCTS database generated a list of names for each category of result in the Children Court. Lists of names were generated for each category of result which could be regarded as a *final result* – e.g. *struck out* is a final result, *remanded on continuing bail* is not a final result, so it was not included. Final results can be summarised under the following headings:

- detention;
- sent forward for trial to Circuit Court (results not available from Children Court records);
- non-custodial sanctions including: suspended sentence, fine, disqualification, endorsement, probation bond; community service order and peace bond; and
- not convicted, including charges struck out, dismissed, withdrawn or dealt with under Section 1(1) of the Probation of Offenders Act.

One person's name may appear several times in a result list e.g. '*John Smith*' (fictional example) could appear five times under the *struck out* list if five charges against him were struck out. *John Smith* could also have results under several other headings e.g. *probation bond*, *sentence of detention*, etc. Results were sorted alphabetically for each heading, eliminating duplicates. This was done for all categories of final result, and then cross-checked to ensure that all the results for an individual appeared on a single line of data. The person's name was then assigned to whichever result was the most

serious, e.g. a person who had received a Probation Bond for some offences and a sentence of detention for other offences would be categorised as: *principal result – sentence of detention*.

Where a person's name showed as having multiple results in different categories, the paper files were cross-checked with the database to ensure that all results related to the same person (e.g. that there were not two *John Smiths*).

10.3 Caveats

There can be difficulties in verifying a person's identity, both in the CCTS system and the paper files:

- the young person's name may be spelled differently in different CCTS entries (e.g. *John Smith, Jon Smyth*);
- two or more young people may have the same forename and surname;
- the young person may give different names at different times (e.g. *John Smith, John Brady* and *John Brady Smith* could all be the same person);
- the young person may give the wrong date of birth (e.g. 05/05/87, 05/12/87, 01/01/87 could all be recorded for the same person);
- the young person's address is usually the most reliable indicator of identity, but in some cases the young person's address may change frequently.

If all of these factors are combined, it can be difficult to establish which records refer to which young person. Cross-checking between the database and the paper files has hopefully solved most of these problems, but these caveats should be borne in mind in reading the following data.

Information on the number and type of charges for each young person was not accessed due to time constraints on this study.

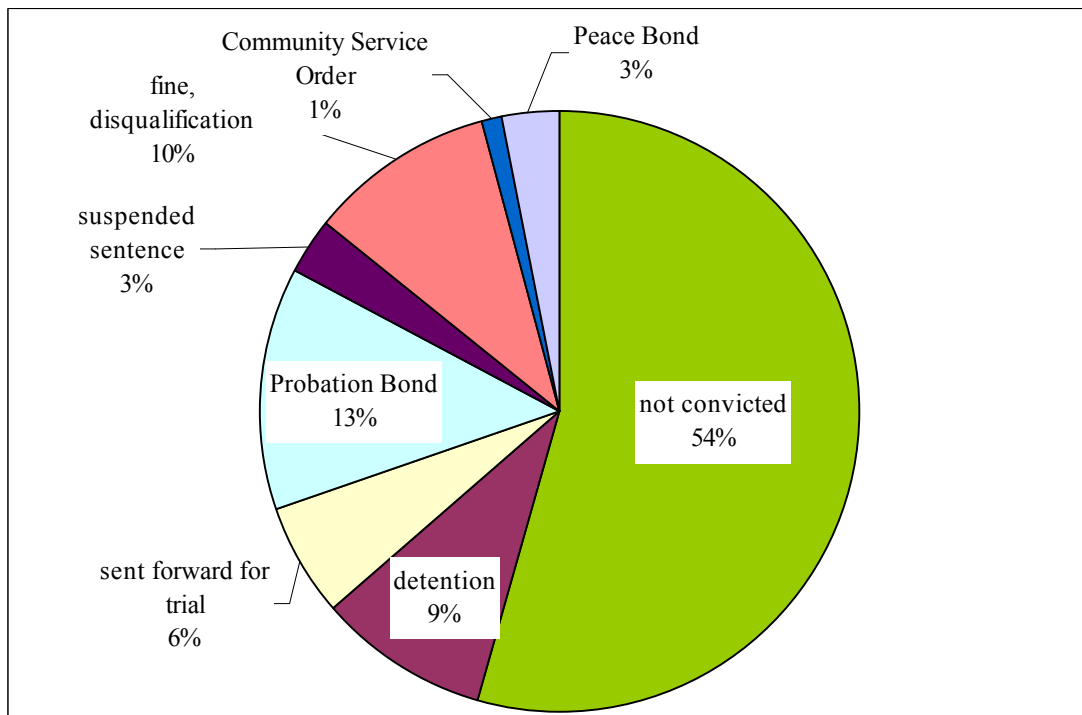
10.4 Principal results January to October 2004

According to this analysis of CCTS data, a total of 751 young people had cases completed in the Dublin Children Court between 1st January and 31st October 2004. Many of these young people received a number of different results.

The principal results for 751 young people were:

- 66 young people (9%) were committed to detention, including 7 young people who were also sent forward for trial to the Circuit Court on other charges;
- 47 young people (6%) sent forward for trial to the Circuit Court;
- 101 young people (13%) received a Probation Bond;
- 23 young people (3%) received a suspended sentence;
- 73 young people (10%) received a fine, or disqualification and/or endorsement of their driving licence;
- 8 young people (1%) received a Community Service Order;
- 26 young people (3%) received a Peace Bond;
- 407 young people (54%) were not convicted on any charges.

Figure 10.1 Principal results for 751 young people



The 407 young people not convicted on any charges include those whose results were in the following categories: struck out; dismissed; dismissed under Section 1(1) of the Probation of Offenders Act; dismissed without prejudice; no order; withdrawn; and poor box payment. 313 of these young people had only one result in these categories. However, it does not necessarily follow that they only appeared in the Children Court

on one charge. For example, a person with 5 charges, all of which were struck out, would only have one “result” recorded.

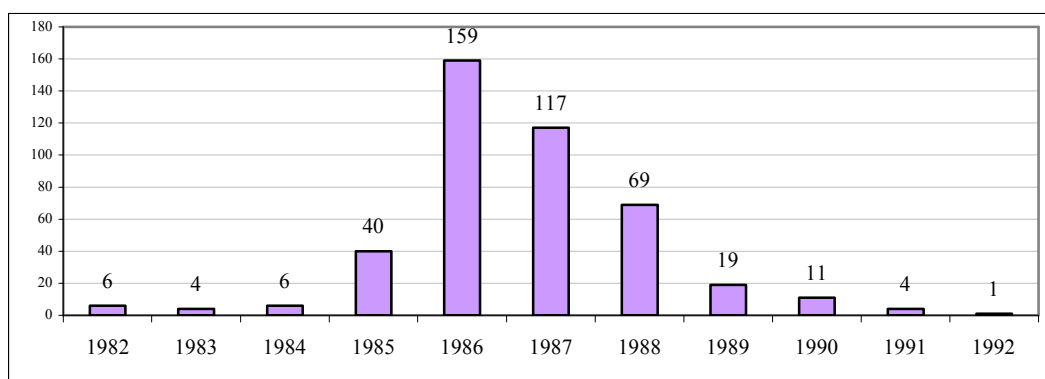
10.5 Gender breakdown

Roughly 11% of the young people with cases completed between January and October 2004 (79/751) were female. This is based on analysis of forenames only.

10.6 Age profile of young people

As part of the cross-checking explained in section 10.2 above, the year of birth was cross-checked for 436 young people. Obviously, these 436 young people are not necessarily representative of the total number of 751 young people appearing before the Children Court.

Figure 10.2 Year of birth, 436 young people



36% of the 436 young people were born in 1986, making them 18 or almost 18 at the conclusion of their court cases in 2004. 27% were born in 1987, making them 17 or almost 17. 16% were born in 1988, making them 16 or almost 16 at the conclusion of their court cases. Only 8% (35/436) were born in 1989 or later years, making them 15 or younger at the conclusion of their court cases.

13% (56/436) were born in 1985 or earlier years, making them over 18 at the conclusion of their court cases in 2004. In most cases, these young people were probably under 18 at the date of the offence with which they were charged. In a very small number of cases, adult co-accused may have been charged in the Dublin

Children Court with co-accused who were under 18.

10.7 Comparison with study sample

The overall CCTS results for January to October 2004 provide an opportunity for assessing the representativeness of the sample of 50 young people selected for this study.

Figure 10.3 Comparison of CCTS and sample results

	CCTS - 751 young people		Sample of 50 young people	
	No.	%	No.	%
not convicted	407	54%	10	20%
Detention	66	9%	18	36%
Non-custodial sanctions	231	31%	18	36%
Sent forward for trial	47	6%	4	8%
Total	751	100%	50	100%

Figure 10.3 suggests that the study sample of 50 young people is under-representative of young people not convicted of any charge, as compared to the overall results from the Children Court for the period of the study. 20% (10/50) of young people in the sample were not convicted on any charges, as compared to 54% (407/751) of the total number of young people with cases completed in the same period. It also suggests that the study sample is over-representative of young people committed to detention. 36% (18/50) of young people in the sample were committed to detention in 2004, as compared to only 9% (66/751) of the total.

Why this should occur is open to question. The sample of 50 young people for the study was selected by selecting a small number of young people in sequence from different letters of the alphabet (see Chapter 2.3 on sample selection). The main factor is probably the small size of the sample. As emphasised in Chapter 2, a study of 50 is never going to be fully representative. Young people in the study account for only 7% of the total of 751 young people with cases completed in the same time period.

8 of the 50 young people in the study sample were female (16%), compared to around 11% of the total 751.

The age profile of the 50 young people in the sample study was slightly younger than the age profile of the 436 young people whose year of birth was checked in the CCTS records.

Figure 10.4 Year of birth for CCTS and sample

	436 young people	50 young people
1985 or earlier	13%	6%
1986	36%	26%
1987	27%	22%
1988	16%	26%
1989 or later	8%	20%
Total	100%	100%

10.8 Conclusions

The overall results from the CCTS database indicate that large numbers of young people appear before the Dublin Children Court each year. 751 young people had cases completed in the 10 month period between January and October 2004. Over half (54%) were not convicted on any of the charges against them. 9% were committed to detention, 6% were sent forward for trial to the Circuit Court and 31% received non-custodial sanctions.

These results show that the study sample of 50 accounts for only 7% of the total number of young people with cases completed in the Dublin Children Court in the study period. The overall results also suggest that the study sample is under-representative of young people not convicted on any charges, and over-representative of young people sentenced to detention.

ANNEX I CHILDREN DETENTION SCHOOLS AND ST. PATRICK'S INSTITUTION FOR YOUNG OFFENDERS

Detention Schools

Five detention schools provide detention for young people aged over 12 and under 16. They operate under the auspices of the Department of Education and Science. The Special Residential Services Board co-ordinates the placement of young people in Children Detention Schools under Part 11 of the Children Act 2001 (commenced November 2003).

Part 10 of the Children Act 2001 on Children Detention Schools has not yet been commenced, but its provisions are being shadowed by the schools. Detention schools are currently categorised as either reformatory schools or industrial schools under the Children Act 1908, as amended by the Children Act 1941. When Section 159(1) of the Children Act 2001 is commenced, they will be classified as children detention schools.

Name	Type	Bed numbers	Criteria for placement
Trinity House School, Lusk, Co. Dublin	Reformatory School	5 remand; 19 committal; 3 stepdown	Male only; 14 to under 16; serious offences
Oberstown Boys Centre, Lusk, Co. Dublin	Reformatory School	8 remand; 12 committal	Male only; under 16
Oberstown Girls Centre, Lusk, Co. Dublin	Reformatory School	8 remand; 7 committal	Female only; under 16
Finglas Child and Adolescent Centre, Finglas, Dublin 11*	Industrial School	6 remand; 6 committal	Male only; under 16; less serious offences
St. Joseph's School, Ferryhouse, Clonmel, Co. Tipperary **	Industrial School	40 committal (this includes HSE residential beds)	Male only; under 16
* Finglas Child and Adolescent Centre includes the National Assessment and Remand Unit (NARU).			
** St. Joseph's is the only detention school which also accepts non-offending young people from the health (HSE) stream.			

St. Patrick's Institution for Young Offenders

St. Patrick's Institution for Young Offenders provides detention for young men aged over 16 and under 21, under the auspices of the Prisons Service, an agency of the Department of Justice, Equality and Law Reform.

Section 147(b) of the Children Act 2001 (not yet commenced) provides that young people between 16 and 18 years old should be detained in a children detention centre. Section 150(1) of the Act (not yet commenced) provides that the Minister for Justice, Equality and Law Reform may designate any institution, or part thereof, as a children detention centre.

ANNEX II OFFENCES CHARGED IN THE CHILDREN COURT STUDY

OFFENCE CATEGORY	Number of charges in each category	PULSE Offence Code	Offence Description	Details of offence	Number of charges
Begging	4	M5126	Sect 3 Vagrancy (Ireland) Act 1847	begging in a public street	4
Breach of bail	39	E6218	common law	escaped from lawful custody	1
		E8116	Sect 13 Criminal Justice Act 1984	breach of bail conditions	24
		E8126	Sect 13 Criminal Justice Act 1984	failure to appear before the court in accordance with bail conditions	14
Criminal damage	56	M3119	Section 2 Criminal Damage Act 1991	criminal damage to property	54
		M3149	Sect 3 Criminal Damage Act 1991	Threat to damage property	2
Drugs	25	D2209	Sect 15A (as inserted by sect 4 of Criminal Justice Act 1999) and Sect 27 (as amended by Sect 5 of Criminal Justice Act 1999) of the Misuse of Drugs Act 1977	possession of drugs for the purpose of sale or supply, drugs with a market value of €13,000 or more	1
		D2238	Sect 3 and Sect 27 (as amended by Sect 6 MDA 1984) of the Misuse of Drugs Act 1977	possession of drugs	11
		D2258	Sect 15 and Sect 27 (as amended by Sect 6 MDA 1984) of the Misuse of Drugs Act 1977	possession of drugs with intent to sell or supply	7
		D2319	Sect 21(2) and Sect 27 (as amended by Sect 6 of Misuse of Drugs Act 1984) of the Misuse of Drugs Act 1977	unlawful importation of drugs	1
		D2726	Sect 21(4) and Sect 27 of the Misuse of Drugs Act 1977, as amended by Sect 6 MDA 1984	impeding a Garda in the course of a lawful drugs search	5
Firearms & offensive weapons	15	B2659	Sect 10(1) Firearms & Offensive Weapons Act 1990	trespass with a knife	2
		M3519	Sect 11 Firearms & Offensive Weapons Act 1990	trespass with an offensive weapon	4
		M3525	Sect 9(1) Firearms & Offensive Weapons Act 1990	possession of implement with sharp blade	3
		M3549	Sect 9(5) Firearms and Offensive Weapons Act 1990	possession of a weapon with intent to cause injury	6

OFFENCE CATEGORY	Number of charges in each category	PULSE Offence Code	Offence Description	Details of offence	Number of charges
Non-fatal offences against the person	40	A8115	Sect 2 of the Non-Fatal Offences against the Person Act 1997	assault	28
		A8138	Sect 3 of the Non-Fatal Offences against the Person Act,1997	assault causing harm	6
		A8219	Sect 5 of the Non-Fatal Offences against the Person Act, 1997	Threat to kill or cause serious harm	5
		A8867	Sect 13 of the Non-Fatal Offences against the Person Act, 1997	dangerous driving in a manner which created a substantial risk of death or serious harm to another	1
Public Order	128	A6114	Sect 4 of Criminal Justice (Public Order) Act 1994	Drunk in a public place	34
		A6136	Sect 5 of Criminal Justice (Public Order) Act 1994	offensive conduct towards Gardai	1
		A6144	Sect 6 of Criminal Justice (Public Order) Act 1994	threat to create a breach of the peace	47
		A6145	Common Law	violent threatening behaviour causing a breach of the peace	1
		A6215	Sect 24(3) & (4) of Criminal Justice (Public Order) Act 1994	provision of a false name and address to a Garda	1
		A6216	Sect 8 of Criminal Justice (Public Order) Act 1994	Failing to comply with direction of Garda	15
		A6418	Sect 19 Criminal Justice (Public Order) Act 1994	assault on a Garda acting in the execution of his duty	3
		A6615	Sect 19(3) of Criminal Justice (Public Order) Act 1994	obstructing a Garda in the execution of his duty	5
		B2716	Sect 11 of Criminal Justice (Public Order) Act 1994	trespass with intent to commit an offence	13
		B2726	Sect 13 of Criminal Justice (Public Order) Act 1994	trespass in such a manner as to cause fear in another person	5
		M2455	Sect 15 Dublin Police Act 1842	violent behaviour in a Garda station	3

OFFENCE CATEGORY	Number of charges in each category	PULSE Offence Code	Offence Description	Details of offence	Number of charges
Theft, robbery, fraud or larceny	146	A3118	Common Law	attempt to rob a person	4
		B2229	Sect 23A of Larceny Act 1916, as inserted by Sect 6 of Criminal Law (Jurisdiction) Act 1976	trespass & theft	1
		B2238	Sect 23A of Larceny Act 1916, as inserted by Sect 6 of Criminal Law (Jurisdiction) Act 1976	trespass with intent to steal	1
		L2258	Sect 2 of Larceny Act 1916, as inserted by Sect 9 Larceny Act 1966	theft of property	4
		L2418	Common law	attempt to steal	2
		L3668	Sect 33 of Larceny Act 1916, as amended by Sect 3 Larceny Act 1966	handling stolen property	1
		N1148	Sect 4 of Criminal Justice (Theft & Fraud Offences) Act 2001	theft of property	55
		N1158	Sect 14 Criminal Justice (Theft & Fraud Offences) Act 2001	robbery of property	28
		N1169	Sect 8 Criminal Justice (Theft & Fraud Offences) Act 2001	failure to pay for services provided	1
		N1179	Sect 12(1)(b) and (3) of Criminal Justice (Theft & Fraud Offences) Act 2001	trespass & burglary or trespass & theft	16
		N1187	Sect 17 of Criminal Justice (Theft & Fraud Offences) Act 2001	handling stolen property	21
		N1188	Sect 15 (2) and (5) of Criminal Justice (Theft & Fraud Offences) Act 2001	possession of implement in connection with the commission of an offence	2
		N1197	Sect 18 of Criminal Justice (Theft & Fraud Offences) Act 2001	possession of stolen property	2
		N1269	Sect 12(1)(a) and (3) of Criminal Justice (Theft & Fraud Offences) Act 2001	trespass with intent to commit burglary	3
		N1279	Sect 15(1) & (5) of Criminal Justice (Theft & Fraud Offences) Act 2001	possession of offensive weapon	3
		N1289	Sect 13(1) and (3) of Criminal Justice (Theft & Fraud Offences) Act 2001	trespass with offensive weapon	2
Sexual assault	1	C2528	Section 2 of Criminal law Rape (Amendment) Act 1990 as amended by section 37 of the Sex Offenders Act 2001	sexual assault (female)	1

OFFENCE CATEGORY	Number of charges in each category	PULSE Offence Code	Offence Description	Details of offence	Number of charges
Traffic	97	RA904	Section 35(5) of the RTA 1994 and section 102 RTA 1961 as amended by section 23 of RTA 2002	driving past a red light	1
		R1254	Contrary to Section 73(1) and 76 as amended by section 63 the Finance Act 1993 of Finance Act 1976	non-display of insurance disc	1
		R2034	Sect 50(1) and 6(a) of Road Traffic Act 1961, as inserted by Sect 11 of RTA 1994, as amended by Sect 23 of RTA 2002	in charge of a car with intent to drive it under the influence of an intoxicant	1
		R3534	Sect 53(1) (as amended by Sect 51 of RTA 1968), and 2(b) (as amended by Sect 23 of RTA 2002), of Road Traffic Act 1961	dangerous driving	3
		R3608	Sect 112 RTA 1961 (as amended by Sect 65 RTA 1968 and by Sect 3(7) of RTA (Amendment) Act 1984), as amended by Sect 23 of RTA 2002	driving car without consent of owner	22
		R3618	Sect 112 Road Traffic Act 1961, as amended by Sect 65 of RTA 1968 and Sect 23 of RTA 2002	passenger in a stolen car	17
		R3625	Sect 113 of Road Traffic Act 1961, as amended by Sect 6 of RTA 1968 and Sect 23 of RTA 2002	interfering with a motor car	18
		R3646	Sect 113 RTA 1961, as amended by Sect 6 RTA 1968 and Sect 3(8) of RTA (Amendment) Act 1984	getting into a motor car, property of another person, while it was stationary	1
		R3695	Sect 112(3) of Road Traffic Act 1961 & Sect 102 of Road Traffic Act 1961, as amended by Sect 23 of RTA 2002	Taking pedal cycle without consent of owner	2
		R4114	Sect 38(1) of Road Traffic Act 1961 & Sect 102 Road Traffic Act 1961, as amended by Sect 23 RTA 2002	driving without a driving licence	9
		R4134	Sect 40(1)(a) of Road Traffic Act 1961 & Sect 102 Road Traffic Act 1961, as amended by Sect 23 RTA 2002	failure to produce a driving licence	6
		R4214	Sect 56(1) and (3) of RTA 1961 as amended by Sect 3 RTA 1984 and Sect 23 of RTA 2002	driving without insurance	9
		R4224	Sect 69(1) of Road Traffic Act 1961 & Sect 102 Road Traffic Act 1961, as amended by Sect 23 RTA 2002	failure to produce car insurance	6
		R4964	Sect 109(1) RTA 1961, as amended by Sect 6 RTA 1968 and by Sect 102 of RTA 1961, as amended by Sect 23 of RTA 2002	failure to stop car when required to do so by a Garda	1
Total charges	551				

ANNEX III OFFENCES CHARGED, BY INDIVIDUAL AND OFFENCE CATEGORY

IASD REF NO.	Begging	Breach of bail	Criminal damage	Drugs	Firearms & offensive weapons	Non-fatal offences against the person	Public Order	Theft, robbery, fraud or larceny	Traffic	Sexual assault	TOTAL
IASD1015		6	9	1		7	19	8	14		64
IASD1001			6		1	1	28	13	2		51
IASD1025		2	5		9	11	7	7	3		44
IASD1037		2	3	3		3	9	7	5		32
IASD1039		1	2	12	1	3	1	1	5		26
IASD1021		2			1	1		13	8		25
IASD1014		3	1	3	1	2	11	2	1		24
IASD1002		1	1			2	5	5	8		22
IASD1033		2					4	13			19
IASD1029		1	2				2		12		17
IASD1043		4	2				2	2	5		15
IASD1035		1	1		1		3	3	6		15
IASD1045					1	1		12			14
IASD1013		1	1			1		10	1		14
IASD1012		1					7	1	1		10
IASD1034			2				2	4	2		10
IASD1042		1	2					4	3		10
IASD1026		1	1				4	1	3		10
IASD1020		2						7			9
IASD1036		1	6						1		8
IASD1019						2		5			7
IASD1017			3				1		3		7
IASD1030		1				1		5			7
IASD1028		1	1				1	4			7
IASD1004			2				4				6
IASD1032							4		2		6
IASD1044		1	1			1	3				6
IASD1008						1			4		5
IASD1049							2	3			5
IASD1024	1	2						2			5
IASD1050							2	2	1		5
IASD1038				4							4
IASD1048							1	3			4
IASD1010			1				1	2			4
IASD1018		1						1	2		4
IASD1040			1				1	2			4
IASD1003									3		3
IASD1006						1	2				3
IASD1009				2							2
IASD1023									2		2
IASD1027			2								2
IASD1041								2			2
IASD1047	2										2
IASD1022						1	1				2
IASD1031			1					1			2
IASD1046	1	1									2
IASD1005								1			1
IASD1007						1					1
IASD1011										1	1
IASD1016							1				1
TOTAL	4	33	47	24	15	33	109	138	83	1	551

ANNEX IV TOTAL PRIOR REFERRALS TO GARDA NATIONAL JUVENILE OFFICE

48 young people with prior referrals to Garda NJO

IASD REF NO	Total referrals to NJO prior to charges in 2004 cases	Number of charges, 2004 court records	Adding 2004 charges to prior NJO referrals	Young people committed to detention 2004
IASD1015	3	64	67	v
IASD1037	28	32	60	v
IASD1001	7	51	58	v
IASD1049	45	5	50	v
IASD1025	5	44	49	v
IASD1013	30	14	44	v
IASD1035	24	15	39	v
IASD1033	16	19	35	
IASD1002	9	22	31	v
IASD1039	4	26	30	v
IASD1029	11	17	28	v
IASD1014	4	24	28	v
IASD1021	3	25	28	v
IASD1047	23	2	25	
IASD1026	11	10	21	v
IASD1034	11	10	21	
IASD1016	19	1	20	
IASD1032	14	6	20	
IASD1043	4	15	19	
IASD1042	8	10	18	v
IASD1036	9	8	17	v
IASD1028	9	7	16	
IASD1030	9	7	16	
IASD1020	7	9	16	
IASD1045	2	14	16	
IASD1040	11	4	15	v
IASD1024	8	5	13	
IASD1044	7	6	13	
IASD1012	3	10	13	v
IASD1008	7	5	12	
IASD1004	6	6	12	
IASD1031	9	2	11	
IASD1006	8	3	11	
IASD1017	4	7	11	
IASD1003	7	3	10	
IASD1048	6	4	10	
IASD1050	5	5	10	
IASD1041	7	2	9	v
IASD1010	5	4	9	
IASD1022	6	2	8	
IASD1019	1	7	8	
IASD1027	5	2	7	
IASD1007	5	1	6	
IASD1018	2	4	6	
IASD1009	3	2	5	
IASD1023	3	2	5	
IASD1046	1	2	3	
IASD1005	1	1	2	
TOTALS	435	546	981	
Average	9	11	20	

ANNEX V PRIOR REFERRALS TO GARDA NJO, BY OUTCOME

48 young people with prior referrals to Garda NJO

IASD REF NO	Informal Caution	Formal Caution	No further action	Prosecuted	Total referrals to NJO before 2004 cases
IASD1049	-	1	1	43	45
IASD1013	1	3	3	23	30
IASD1037	2	-	-	26	28
IASD1035	3	4	-	17	24
IASD1047	-	-	-	23	23
IASD1016	2	-	-	17	19
IASD1033	1	1	-	14	16
IASD1032	3	3	-	8	14
IASD1026	1	2	1	7	11
IASD1029	-	-	-	11	11
IASD1034	7	-	-	4	11
IASD1040	-	6	-	5	11
IASD1002	3	-	-	6	9
IASD1028	1	-	2	6	9
IASD1030	4	-	1	4	9
IASD1031	1	-	-	8	9
IASD1036	1	1	-	7	9
IASD1006	3	-	-	5	8
IASD1024	4	-	-	4	8
IASD1042	1	1	1	5	8
IASD1001	2	2	-	3	7
IASD1003	1	1	-	5	7
IASD1008	1	-	1	5	7
IASD1020	-	1	1	5	7
IASD1041	2	-	-	5	7
IASD1044	1	-	2	4	7
IASD1004	1	1	1	3	6
IASD1022	-	-	1	5	6
IASD1048	1	-	1	4	6
IASD1007	1	-	1	3	5
IASD1010	2	-	-	3	5
IASD1025	-	-	-	5	5
IASD1027	3	1	-	1	5
IASD1050	-	3	-	2	5
IASD1014	-	-	1	3	4
IASD1017	3	-	-	1	4
IASD1039	1	2	-	1	4
IASD1043	-	1	-	3	4
IASD1009	1	1	-	1	3
IASD1012	-	-	-	3	3
IASD1015	1	-	-	2	3
IASD1021	1	1	-	1	3
IASD1023	3	-	-	-	3
IASD1018	2	-	-	-	2
IASD1045	1	1	-	-	2
IASD1005	-	-	1	-	1
IASD1019	-	-	1	-	1
IASD1046	1	-	-	-	1
TOTALS	67	37	20	311	435

ANNEX VI SECTIONS OF CHILDREN ACT 2001

COMMENCED TO DATE

Note: Information in relation to sections of the Act which have been commenced was provided by the National Children's Office in May 2005.

Sections commenced by May 2005

Part 1 Preliminary **All except some of Schedule 2 (s. 5)**

Dept of Justice, Equality and Law Reform

- 1 Short title and collective citation.
- 2 Commencement.
- 3 Interpretation (general).
- 4 Laying of regulations before Houses of Oireachtas.
- 5 Repeals
- 6 Expenses

Part 2 Family Welfare Conferences **All except 7(1) (a), 10(2) and 13(2)**

Dept of Health and Children

- 7 Convening of family welfare conference.
- 8 Functions of conference.
- 9 Persons entitled to attend conference.
- 10 Procedure at conference.
- 11 Administrative services.
- 12 Notification of recommendations of conference.
- 13 Action by health board on recommendations.
- 14 Privilege.
- 15 Regulations.

Part 3 Amendment of Act of 1991 **All except 23D**

Dept of Health and Children

- 16 Amendment (new Parts IV A and IVB) of Act of 1991.

Part 4 Diversion Programme **All**

Dept of Justice, Equality and Law Reform

- 17 Interpretation (Part 4).
- 18 Principle.
- 19 Objective of Programme.
- 20 Diversion Programme.
- 21 Temporary incapacity of Director.
- 22 Report on child to Director.
- 23 Admission to Programme.
- 24 Decision to admit to Programme.
- 25 Cautions.

- 26 Presence of victim at formal caution.
- 27 Supervision.
- 28 Level of supervision.
- 29 "Conference".
- 30 Recommendation that conference be held.
- 31 Decision on holding conference.
- 32 Persons entitled to attend conference.
- 33 Location of conference.
- 34 Time limit for holding conference.
- 35 Notification to participants.
- 36 Views of those unable or unwilling to attend conference.
- 37 Procedure at conference.
- 38 Period or level of supervision.
- 39 Action plan.
- 40 Disagreement on action plan.
- 41 Report to Director.
- 42 Decision by Director on period or level of supervision.
- 43 Administrative services.
- 44 Review of effectiveness of Programme.
- 45 Vacancies in committee.
- 46 Supplemental provisions.
- 47 Regulations (Part 4).
- 48 Inadmissible evidence.
- 49 Bar to proceedings.
- 50 Privilege.
- 51 Protection of identity of children

Part 5 Criminal Responsibility

None

Dept of Justice, Equality and Law Reform

- 52 Age of criminal responsibility.
- 53 Duty of Garda Síochána in relation to certain under-age children.
- 54 Aiding, etc., under-age child to commit offence.

Part 6 Treatment of Child Suspects in Garda Stations **All except s.59 & s.61(1)(b)**

Dept of Justice, Equality and Law Reform

- 55 Treatment of child suspects.
- 56 Separation of children from adults in Garda Síochána station.
- 57 Notification to child.
- 58 Notification of arrest of child to parent or guardian.
- 59 Notification to health board.
- 60 Notification to solicitor.
- 61 Interviewing children.
- 62 Notification of proceedings to parent or guardian.
- 63 Notification of proceedings to adult relative or other adult.
- 64 Procedure by summons.
- 65 Notice to adult relative or other adult where proceeding by summons.
- 66 Provisions common to sections 56 to 63 and 65.
- 67 Amendment of section 5 of the Criminal Justice Act, 1984.
- 68 Release on bail by member of Garda Síochána.
- 69 Application of certain provisions to married child.
- 70 Regulations (Part 6).

Part 7 Children Court

All

Dept of Justice, Equality and Law Reform

- 71 Children Court.
- 72 Requirement for transacting business in Children Court.
- 73 Arrangements for hearing of proceedings in Children Court.
- 74 Children charged with summary offences jointly with adults.
- 75 Jurisdiction to deal summarily with indictable offences.
- 76 Children charged with indictable offences jointly with adults.

Part 8 Proceedings in Court

s.78 – 87 & s.89 – 94

Dept of Justice, Equality and Law Reform

- 77 Referral of case to health board.
- 78 Family conference.
- 79 Convening of family conference.
- 80 Action plan.
- 81 Report to Court by probation and welfare officer.
- 82 Action by Court on report of probation and welfare officer
- 83 Failure to comply with action plan.
- 84 Review of compliance with action plan.
- 85 Application of provisions.
- 86 Procedure at family conference.
- 87 Administrative services to family conference.
- 88 Remand in custody.
- 89 Non-application of section 5 of Bail Act, 1997.
- 90 Conditions of bail.
- 91 Attendance at Court of parents or guardian.
- 92 Conveyance to and from Court.
- 93 Restrictions on reports of proceedings in which children are concerned.
- 94 Persons entitled to be present at hearing.

Part 9 Powers of Courts re: Child Offenders

s.108- 110; s.113-114; s.133-136

Dept of Justice, Equality and Law Reform

- 95 Interpretation (Part 9).
- 96 Principles relating to exercise of criminal jurisdiction over children.
- 97 Construction of certain references.
- 98 Orders on finding of guilt.
- 99 Probation officer's report.
- 100 Remand for preparation of report or other reason.
- 101 Availability of child for preparation of report.
- 102 Immunity from liability for reports.
- 103 Access to reports.
- 104 Right to tender evidence on report.
- 105 Oral reports.
- 106 Power of court on receipt of report.
- 107 Regulations regarding reports.
- 108 Maximum fines.
- 109 Determination of amount of fine and costs.
- 110 Default in payment of fine, costs or compensation.
- 111 Parental supervision order.
- 112 Non-compliance with parental supervision order.
- 113 Compensation by parent or guardian.
- 114 Binding over of parent or guardian.
- 115 Community sanction.
- 116 Imposition of community sanction.

- 117 Conditions to which community sanction may be made subject.
- 118 Day centres.
- 119 Power to vary day centre order.
- 120 Power to revoke day centre order.
- 121 Provisions where more than one day centre order.
- 122 Non-compliance with day centre order.
- 123 Duties of child under day centre order.
- 124 Probation (training or activities programme) order.
- 125 Probation (intensive supervision) order.
- 126 Probation (residential supervision) order.
- 127 Power to vary probation (residential supervision) order.
- 128 Failure to observe conditions of probation.
- 129 Suitable person (care and supervision) order.
- 130 Non-compliance with suitable person (care and supervision) order.
- 131 Mentor (family support) order.
- 132 Non-compliance with mentor (family support) order.
- 133 Restriction on movement order.
- 134 Variation of restriction on movement order.
- 135 Provisions regarding more than one restriction on movement order.
- 136 Non-compliance with restriction on movement order.
- 137 Dual order.
- 138 Expiry of community sanction.
- 139 Commission of offence while community sanction in force.
- 140 Effect of subsequent period of detention.
- 141 Regulations.
- 142 Detention orders.
- 143 Restriction on detention orders.
- 144 Deferment of detention order.
- 145 Alternative to detention where no place available in children detention school.
- 146 Finding of guilt during deferment.
- 147 Detention in accordance with age of child.
- 148 Document to be produced to Director of children detention school.
- 149 Period of detention in children detention school.
- 150 Places of detention.
- 151 Detention and supervision.
- 152 Transfer.
- 153 Rules governing places of detention.
- 154 Amendment of Criminal Justice (Community Service) Act, 1983.
- 155 Punishment of certain indictable offences.
- 156 Restriction on punishment of children.

Part 10 Children Detention Schools

None

Dept of Education and Science

- 157 Interpretation (Part 10).
- 158 Principal object of children detention schools.
- 159 Certified schools under Act of 1908.
- 160 Designation of children detention schools.
- 161 Provision of other places for detention of children.
- 162 Funding of such places.
- 163 Closure of schools.
- 164 Boards of management.
- 165 Functions of boards of management.
- 166 Additional functions.
- 167 Membership, etc., of boards of management.
- 168 Removal and resignation of members.
- 169 Casual vacancies.
- 170 Temporary substitutes.

- 171 Remuneration of members.
- 172 Funding of Board.
- 173 Accounts and audits.
- 174 Annual report and information.
- 175 Meetings and procedure.
- 176 Directions by Minister.
- 177 Membership of either House of Oireachtas or of European Parliament.
- 178 Non-disclosure of information.
- 179 Rules by boards of management.
- 180 The Director.
- 181 Staff of children detention schools.
- 182 Transfer of staff.
- 183 Terms and conditions of transferred staff.
- 184 Superannuation of staff.
- 185 Inspector of children detention schools.
- 186 Functions of Inspector.
- 187 Powers of Inspector.
- 188 Reports of inspections and investigations.
- 189 Annual report of Inspector.
- 190 Visiting panel.
- 191 Duties and powers of visiting panels.
- 192 Visits by judges.
- 193 Obligation of Director to accept children.
- 194 Reception of children in schools.
- 195 Maximum number of detained children.
- 196 Sex and age of detained children.
- 197 Treatment of children.
- 198 Transfer between schools and places provided under section 161.
- 199 Provision as to religious observance.
- 200 Provision of medical treatment.
- 201 Discipline.
- 202 Permitted absence.
- 203 Other permitted absences.
- 204 Mobility trips.
- 205 Temporary leave.
- 206 Conditions of grant of temporary leave.
- 207 Supervision in community.
- 208 Voluntary aftercare.
- 209 Unconditional release.
- 210 Early discharge.
- 211 Order for production of child.
- 212 Responsible persons.
- 213 Duty to notify changes of address to school.
- 214 Lawful custody of detained children.
- 215 Escape.
- 216 Helping child to escape.
- 217 Harboursing escaped child.
- 218 Unlawful entry or communication.
- 219 Bringing alcohol etc., into schools.
- 220 Delegation of certain functions by Minister.
- 221 Regulations.
- 222 Pending proceedings.
- 223 Saving for certain acts.
- 224 Transitional provisions.

Part 11 Special Residential Services Board

All

Dept of Health and Children

- 225 Interpretation (Part 11).

- 226 Special Residential Services Board.
- 227 Functions of Board.
- 228 Assignment of other functions.
- 229 Policy directions.
- 230 Membership, etc., of Board.
- 231 Removal and resignation of members.
- 232 Temporary substitutes.
- 233 Casual vacancies.
- 234 Remuneration of members.
- 235 Application to Board of sections 175, 177 and 178.
- 236 Seal.
- 237 Chief Executive of Board.
- 238 Staff of Board.
- 239 Superannuation of staff.
- 240 Funding of Board.
- 241 Accounts and audits of Board.
- 242 Annual report and information.
- 243 Delegation of functions.
- 244 Regulations.

Part 12 Protection of Children

All

Dept of Justice, Equality and Law Reform

- 245 Interpretation (Part 12).
- 246 Cruelty to children.
- 247 Begging.
- 248 Allowing child to be in brothel.
- 249 Causing or encouraging sexual offence upon child.
- 250 Amendment of Criminal Law (Sexual Offences) Act, 1993.
- 251 Power to proceed in absence of child.
- 252 Anonymity of child in court proceedings.
- 253 Mode of charging offences.
- 254 Powers of arrest without warrant, etc.
- 255 Power to take deposition of child.
- 256 Presumption and determination of age of child victim.
- 257 Clearing of court in certain cases.

Part 13 Miscellaneous

All except s.259, 262, 263 & 265

Dept of Justice, Equality and Law Reform

- 258 Non-disclosure of certain findings of guilt.
- 259 Duties of probation officers.
- 260 Interference with supervisor.
- 261 Powers of Garda Síochána.
- 262 Delegation by principal probation and welfare officer.
- 263 Temporary accommodation of children.
- 264 Research.
- 265 Right of appeal.
- 266 Amendment of section 5 of Criminal Law (Rape) Act, 1981.
- 267 Amendment of sections 17(2) and 59 of Act of 1991.
- 268 Children in care of health board.
- 269 Presumption and determination of age.
- 270 Safety of children at entertainments.
- 271 Exclusion of members of Defence Forces.

SCHEDULE 1 OFFENCES AGAINST CHILDREN
SCHEDULE 2 ENACTMENTS REPEALED

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GLOSSARY OF TERMS

CCTS	Criminal Court Tracking System (Courts Service database)
FCAC	Finglas Child and Adolescent Centre
HSE	Health Service Executive (replaced Health Boards from January 2005)
IASD	Irish Association for the Study of Delinquency
NARU	National Assessment and Remand Unit, part of Finglas Child and Adolescent Centre
NJO	National Juvenile Office of An Garda Síochána
PPSN	Personal Public Service Number
PULSE	An Garda Síochána IT system (Police Using Leading Systems Effectively)