



ASSOCIATION FOR CRIMINAL JUSTICE RESEARCH & DEVELOPMENT

ACJRD SUBMISSION
TO
THE OIREACHTAS JOINT COMMITTEE
ON
JUSTICE, DEFENCE AND EQUALITY

THE EFFECTS OF GANGLAND CRIME ON
THE COMMUNITY

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ACJRD SEEKS TO PROMOTE REFORM, DEVELOPMENT AND EFFECTIVE
OPERATION OF THE CRIMINAL JUSTICE SYSTEM. WWW.ACJRD.IE

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JUSTICE, DEFENCE AND EQUALITY IN RELATION TO
THE EFFECTS OF GANGLAND CRIME ON THE COMMUNITY

1. The ACJRD

[1.1] The Association for Criminal Justice Research and Development (ACJRD) is a non-governmental organisation dedicated to promoting the reform, development and effective operation of the Irish criminal justice system. In particular, the ACJRD encourages innovation in criminal justice and seeks to facilitate interdisciplinary dialogue between agencies and practitioners in the sphere of criminal law. The ACJRD was formerly known as the Irish Association for the Study of Delinquency.

[1.2] The ACJRD's membership is varied, but is largely comprised of individuals who have direct experience of dealing with the judicial system and representatives of criminal justice agencies. These include probation officers, legal and criminological academics, social workers, members of the Gardaí, prison officers, mental health professionals and practising lawyers.

[1.3] The ACJRD's approach and expertise is therefore informed by the hands-on experience of practitioners and agencies who deal with all aspects of the criminal justice system however the views expressed in this submission are those of ACJRD in its independent capacity and are not those of the ACJRD members' organisations or their employers.

[1.4] The ACJRD is prepared to appear at a public hearing of the Joint Committee and to present these submissions or to answer any questions which the Committee may have.

Executive Summary

The term 'gangland crime' became a major topic of discussion for Irish society when journalist Veronica Guerin began exposing Dublin's drug underworld. Her death in June 1996 triggered a huge public response towards gangland crime which resulted in the enactment of criminal justice measures in order to inhibit the continuation of organised crime. This submission aims to explore the methods whereby Irish society can better ensure the safety of communities where there is a real threat of gangland and organised crime. The unique characteristics of Irish criminal organisations require a unique response.

Recommendations for immediate action

Law Enforcement

1. Develop a National Strategy for combating gangland activity and violence. This strategy should be developed in consultation and collaboration with community groups, An Garda Síochána, voluntary and public bodies, academia, and all relevant government departments and agencies.
2. Review criminal justice legislation (e.g. Acts 2006 & 2009), in light of on-going law enforcement actions required.
3. A system of criminal punishment is necessary but not sufficient in society's effort to minimise crime. In troubled communities the crime problem must be dealt with pro-actively by the State agencies in order to produce community-based initiatives that can be successfully implemented. Although policing alone cannot resolve the problems in the long term, it is needed to allow other interventions, such as those in the social and economic realm with employment opportunities.
4. Develop early warning signs to identify criminal activities in the use of illicit psychoactive substances and where necessary ensure the necessary and up-to-date legislative controls under the Misuse of Drugs Acts.
5. Further development of a national firearm and weapons strategy to disrupt illegal importation of firearms and other weapons, where gun crime represents a real challenge to both policing and frontier controls.

Inter-Agency

6. Promote on-going co-operation and collaboration between government departments, communities, public bodies and agencies which is essential for initiatives and services to be successfully delivered.
7. Promote co-operation to assist communities is critical based around agencies working relationships, resource allocation, support, management and overall governance.

Communities

8. Establish Community safety partnerships with gardai, local authorities and community groups.

9. Encourage communities to report crime and support the State agencies, by the on-going establishment of engagement and promoting trust in the community projects of An Garda Siochana.
10. Promote the expansion of projects with the sharing of learning from various initiatives and polices, for example, the Probation Service, Garda Community Policing Project; The Juvenile Liaison Diversion Programme; The Limerick Regeneration Project; The Ronanstown Project: National Collective of Community-Based Women's Network (NCCWN); Think Big, Headstrong, mental health programmes.
11. The funding and allocation of resources towards at risk/disadvantaged communities needs to be yearly reviewed where specific services are made subject to budgetary prioritisation by the key departments and agencies.
12. Review the Planning and Development Act 2000 with a view to the insertion of crime prevention strategies.

Education

13. Develop and implement selected programmes and policies into the school curriculum that allows for education awareness that will assist communities in the prevention of gangland crime. In the medium term, to consider rolling out a pilot educational initiative with a long term view of establishing relevant policies matched to targeted services.
14. Further develop training in the Garda Siochana with the range of skills, in order to facilitate exchange programmes to enhance understanding, knowledge and experience in working with and assisting at risk communities

Research & Reporting

15. There is a requirement for national multidisciplinary research on the causal factors which may influence the perpetration of gangland crime that provides input into departmental policies.
16. Acknowledge the on-going work of the media is important in informing society of the effects of gangland criminal activities and the concomitant effects on communities.

Introduction

In Ireland, 'gangland' is a term used to describe a world of organised crime, and a criminal underworld. In many respects when people talk of gangland crime, they are referring to organised crime. There appears to be no great obligation to differentiate between the terms and both terms are frequently used interchangeably. The word 'gang' describes a group of people working to unlawful or anti-social ends. A more specific definition might entail a group of three or more persons, with a common interest, bond or activity, characterised by criminal or delinquent conduct. 'Gang crime' refers to the criminal activities conducted by these organised crime groups.

Within the Limerick Regeneration Framework Implementation Plan, the state response has the potential to deliver security and not just punishment. A system of criminal punishment is necessary but not sufficient in society's effort to minimise crime. Indeed forces outside the criminal justice system have the potential to impact upon crime rates. This leaves the door ajar for the promotion of alternatives to punishment and more innovative responses to the crime issue.

Politicians have generally opted for segregation and punishment rather than looking at the options of entrenching social controls, regulating economic life and developing policies that will augment social inclusion and integration.¹ The continuation of such practices may open the door to a society where our lives are shaped by reactions to crime.

The Threat of Organised Crime

Organised crime is a serious problem with detrimental consequences that wreak havoc across the social stratagem. Its impact is seen on our streets and is felt in our communities every single day. The drug dealing on street corners, the burglary and muggings by addicts, the gangs terrorising certain communities, the trafficking of vulnerable young women into prostitution, the card cloning and credit card fraud.

Such crimes are fundamentally driven by organised criminals and have, in years gone by, been largely confined to our major cities such as Dublin and Limerick. Nowadays however, the realities of gangland crime are felt in many housing estates and neighbourhoods throughout Ireland where people live in fear from criminals who destroy the very fabric of their communities with anti-social behaviour, intimidation, violence and drug-trafficking. Many gangs are involved in more than one crime type.

¹ David Garland *The Culture of Control: Crime and Social Order in Contemporary Society* (Oxford University Press 2001) 203

Organised crime is a worldwide phenomenon, and yet proves difficult to define.² The quick development and changing of the forms in which organised crime appears compounds this fact. In Ireland, organised crime is centred, for the most part, on gangland activity and related killings.³ As a comparison, there were twenty gang related executions in 2003. Ten years previously there were three.⁴ Eight murders have been attributed to organised crime gangs in 2013 compared with fourteen in 2012.⁵ 2014 has been another year for gangland killings. At the end of August the death toll stands at ten, with four months of the calendar year remaining.⁶ Public perceptions of gangland homicide support a strong link to the drug trade. Indeed, the illicit drug market is the principle source of profit for organised crime. There is also the very real threat whereby illicit profits make their way into legitimate businesses.⁷ Organised crime represents an ever increasing threat to society at large.

The Traditional Response: The Policymaking Realm

Growing Emphasis on the Principles of Crime Control

The 1990s witnessed a considerable rise in crime related anxiety in Ireland. The blame for such concern may rest with a rise in gangland killings.⁸ Retributive sentiments were roused in 1996 with the murders of Detective Garda Jerry McCabe and investigative journalist Veronica Guerin.

These murders accelerated the introduction of legislative measures to specifically deal with organised crime. Furthermore, the terrorist legacy of Ireland and the emergency powers implemented was focused on tackling the threat of dissidents.⁹

² Michael Levi 'Perspectives on Organised Crime: An overview' (1998) 37 (4) *The Howard Journal of Criminal Justice* 335-345. See also Klaus Von Lampe 'Not a Process of Enlightenment: The Conceptual History of Organised Crime in Germany and the United States of America (2001) 1(2) *Forum on Crime and Society* 99-134 <<https://www.unodc.org/pdf/crime/publications/forum1vol2.pdf>> Accessed 24 August 2014

³ Elizabeth Davey *Organised Crime in Ireland: A Policy Analysis of the Introduction of Organised Crime to the Irish Statue Book* <<http://arrow.dit.ie/cgi/viewcontent.cgi?article=1006&context=aaschssldis>> Accessed 24 August 2014

⁴ Paul Williams *Badfellas* (Penguin 2011) 383

⁵ Independent.ie *Gangland killings down but murder toll still high at 51* 30/12/2013 <<http://www.independent.ie/irish-news/gangland-killings-down-but-murder-toll-still-high-at-51-29874083.html>> Accessed 12 September 2014

⁶ Independent.ie *Faces of 10 gangland killings so far this year - and nobody charged* 28/08/2014 <<http://www.independent.ie/irish-news/faces-of-10-gangland-killings-so-far-this-year-and-nobody-charged-30545777.html>> Accessed 12 September 2014

⁷ Donald Cressey believed that organised crime would flourish when there was a 'break down in law and order' caused by alliances forged between organised criminals and public officials, see Donald Cressey 'Organized Crime and Inner-City Youth' (1970) 16(2) *Crime and Delinquency* 129-138

⁸ There was also a low conviction rate for such crimes. See Enda Dooley *Homicide in Ireland 1972-1991* (Stationery Office 1995) 26. See also Enda Dooley *Homicide in Ireland 1992-1996* (Stationery Office 2001) 15

⁹ Shane Kilcommins and Barry Vaughan 'Reconfiguring State-Accused Relations in Ireland' (2006) 41(1) *Irish Jurist* 93

Additionally, Meade notes that in two years, between 1994 and 1996, there was a four hundred and twenty-four per cent increase in the number of stories in *The Irish Times* that included the term 'organised crime'.¹⁰ Social change in Ireland came at the price of a heightened sense of anxiety and susceptibility to crime.

Fear of crime, while not completely dominating people's lives, now has a far greater relevance than in previous times. Crime control took primacy in the political calendar.

Crime is an area of major public interest and is covered extensively in the media with either a security or crime correspondent. The media can dictate the crime agenda by various articles, reports from the courts or from crime scene reporting.

The espousal of a definition that has been devised elsewhere does not account for the fact that Irish society experiences its own unique criminal justice problems due to differing geographical, cultural, economic and social factors.¹¹

Legislative Developments and The Criminal Justice System:

The Criminal Justice Act 2006, created in Irish Law, specific organised crime offences. Section 70, which deals with the definition of a criminal organisation, has since been amended by Section 3 of The Criminal Justice Act 2009.

According to Section 70, Criminal Justice Act 2009, a criminal organisation refers to a structured group, however organised that: is composed of three or more persons acting in concert, is established over a period of time, has as its main purpose or main activity the commission or facilitation of one or more serious offences in order to obtain directly or indirectly, a financial or other material benefit.

Section 70 defines a structured group as a group that is not randomly formed for the immediate commission of a single offence: does not need to have formal defined roles for its members, continuity of membership or a developed structure. Section 8 (1), Criminal Justice Amendment Act 2009, provides a declaration that the ordinary courts are inadequate for the purpose of the effective administration of Justice and the preservation of public peace in relation to the offences contained in Part 7, Criminal Justice Act 2006. It allows the Special Criminal Court to hear prosecutions for organised crime offences.

¹⁰ John Meade 'Organised Crime, Moral Panic and Law Reform: the Irish Adoption of Civil Forfeiture' (2000) 10(1) *Irish Criminal Law Journal* 13

¹¹ Davey n (3) 33

Indeed much of the controversy surrounding the introduction of the Criminal Justice Amendment Act 2009 has centred on the question of whether the Special Criminal Court is an appropriate forum for the trial of gangland offences, and whether the removal of a jury from the process is a new policy development.

The Government has stated that these measures have been enacted as a response to the potential for jury tampering and where issues arise in relation to witness intimidation.

Witness Intimidation

Intimidation of witnesses will not be solved by a judge only trial alone, as witnesses can still feel the fear and power of gang members within their communities. Other measures are required to support and protect witnesses and victims of gangland offences. Perhaps the issue is not one of Garda Powers, criminal justice or special courts, but one of how communities are served, protected and resourced in order to reduce the power of the criminal minority.

The unique characteristics of Irish Criminal Organisations require a unique response. The ACJRD in its submission to the Oireachtas discussion paper on Organised and White Collar Crime noted that gangland and organised crime needs to be treated separately from other white collar crime. (ACJRD, 20)

Consideration needs to be given to establishing a special witness protection programme for victims and witnesses of gangland crime.

The UK Government's Serious Organised and Crime Strategy, 2013 (HMSO, 2013) has introduced a new witness charter and a witness service which works closely with witness care units to provide minimum standards of treatment, provision of information, before and at court.

In 2011, The UK Ministry of Justice issued a National Guidance to help police and vulnerable and intimidated witnesses and understand some of the key measures that can be offered to support such witnesses. The Guidance document explains actions which can be taken before a crime has been reported, during the investigation and after the trial (HMSO, 2011).

Witness intimidation greatly inhibits the effective investigation of serious and organised crime and has a significant adverse impact on public confidence in the criminal justice system.

Consideration needs to be given to developing and implementing similar initiatives to those in operation in the United Kingdom. In 2012, The UK Government announced that witnesses and other vulnerable people whose lives could be at risk will receive enhanced UK wide protection and support from a new UK protected persons Service. Protected persons Status has been used in cases such as the murder trial of Rhys Jones and other knife and gun crimes.

Further, a new Victim's Commissioner has been appointed for victim support services. The commission develops appropriate guidance and standards and establishes a new statutory code which describes the kind of support victims of crime are entitled to receive. The code also sets out the duties of the police, other agencies involved in providing witness and victim support services.

Other UK initiatives include the London Criminal Prosecution Service "Gang Flag" to deliver a premium service for gang associated offenders/offences with dedicated gang prosecutors. It is aimed at protecting and supporting witnesses and victims, ensuring the successful prosecution of gang offenders.

Encouraging Community Impact Statements is another initiative to be considered. A community Impact Statement enables sentencing decisions to be informed and additional relevant information about the impact of crime on the local area.

The UK Strategy also aims to improve information sharing between criminal justice agencies to ensure appropriate security measures are put in place to manage gang members or violent offenders at court, and consider whether or how they could improve processing for firearms offences, looking at a number of possible causes for delay, including forensics.

Organised Crime: The Causal Factors

As a society we must strive to better comprehend the inherent nature of gang mentality together with the social, economic, family and psychological factors that may propel an individual towards a life of organised crime. It is difficult to ascertain the relative importance of each of these factors as they relate to Irish gangland activity. The dearth of empirical research does not help matters in this regard.

Public perceptions of gangland homicide support a strong link to the drug trade, but other motivating factors including the inherent nature of the gang mentality, social and economic factors, family factors, psychological and biological factors and the possibility of pathology are also purported to play a part in gangland activity.

Organised crime, centred on gangland activity and killings is a complex and multifaceted phenomena. Sadh Byrne of Trinity College Dublin, 2013, in a literature review of "Irish organised crime and the motivation behind gangland killings" notes that the complex nature of the motivation behind gangland killing necessitates the development of a similarly complex theoretical model to explain this phenomenon, incorporating the aforementioned elements (Byrne, 2013).

Drugs and Violent Crime

Professor Ian O'Donnell believes that the drug trade is a contributing factor in most gangland killings.¹² Alcohol is a drug that has particular relevance to Irish culture and is often associated with violent crime.¹³ This lifestyle makes either the perpetration of violent crime or victimisation as a consequence of such crime more probable.¹⁴

The Relationship of Social and Economic Factors to Violent Crime

Antisocial behaviour has been shown to be contingent to three conditions of urban living. These include poverty, heterogeneity, and mobility.¹⁵ Moreover, predictors of violence include being male, low socioeconomic status, poor relationship with parents, a history of aggression and violence, involvement in delinquency and drug use, antisocial peers and poor attitudes towards school.¹⁶ Prisoners in Ireland are twenty-five times more likely to come from, and return to, a seriously deprived area.¹⁷ Furthermore, the majority of Irish prisoners have never sat a State exam and over half left school before the age of fifteen.¹⁸ Nowadays segregated factions of society have greater opportunity to recognise their hardship and demand equal treatment. Social structures within society may pressurise citizens to commit crime. As illustrated by O'Donnell:

"An unequal society creates a context for violent crime".¹⁹

¹² Ian O'Donnell 'Violence and social change in the Republic of Ireland' (2005) 33 *International Journal of the Sociology of Law* 101-117

¹³ Helene White and D.M Gorman 'Dynamics of the Drug-Crime Relationship' *Criminal Justice 2000: The Nature of Crime: Continuity and Change* (US Department of Justice 2000) 196
<https://www.ncjrs.gov/criminal_justice2000/vol_1/02d.pdf> Accessed 29 August 2014

¹⁴ Simon Field *Trends in Crime and Their Interpretation: A Study of Recorded Crime in Post-War England and Wales* Home Office Research Study 119 (HMSO 1990) 47 <<http://library.npia.police.uk/docs/hors/hors119.pdf>> accessed 29 August 2014

¹⁵ Judith Blau and Peter Blau 'The cost of inequality: Metropolitan structure and violent crime' (1982) 47(1) *American Sociological Review* 114-129

¹⁶ Sadhbh Byrne 'Irish Organised Crime and the Motivation Behind Gangland Killings' (2013) *Student Psychological Journal* 5 <http://psychology.tcd.ie/spj/past_issues/issue04/Byrne,%202013.pdf> Accessed 28 August 2014

¹⁷ Irish Penal Reform Trust *Facts and Figures* <<http://www.iprt.ie/prison-facts-2>> Accessed 29 August 2014

¹⁸ *ibid.*

¹⁹ O'Donnell, I (12) 112

The Need for Multidisciplinary Research

The decision to embark upon a life of gangland crime can thus be attributed to numerous factors. These may include facets of gang membership, the influence of drugs and involvement with the drug trade, social and economic issues, consequences arising from the family environment and psychological traits. It seems that should an individual perpetrate violent crime, combinations of these factors are likely to be at play. It is difficult however, to decipher the relative importance of each factor. This is not helped by the fact that there is no one model available at present to account for all motivating factors behind gangland crime. Existing psychological theories of violence, such as social cognitive theory posit that human behaviour is determined by learning in social environments, through imitation and modelling of behaviour.²⁰

In the specific case of Irish gangland crime, it is particularly challenging to explicate the motives involved, as there is little empirical evidence available. Consequently care is recommended when determining the causes of such crime. Multidisciplinary research in this area may prove valuable. Indeed the diversity of elements involved may be best understood through the combination of different disciplines. It is impossible, at present at least, to isolate the sole or most significant motivating factor behind violent gangland crime. Instead, it is highly probable that some or all of the factors examined above operate in conjunction in motivating such crime.

Additional Responses to the Problem of Organised Crime

There is an attitude amongst some quarters that gangland criminals, as long as they stay in their own areas, should be left alone and let eradicate each other. However, as stated by Mr Justice Robert Barr:

*“The greatest injustice in contemporary Irish life is our failure as a caring society to take sufficient steps to rescue from crime those who are born to it and have the misfortune of existence without reasonable support in the marginalised, economically and socially deprived fringes of our society”.*²¹

It is important for us to remember that all of these gangland criminals were once small little babies in a cot, oblivious to the degradation and depraved behaviour that surrounded them. Like all babies they were dependent on their parents for love attention and sustenance.

²⁰ Albert Bandura, Dorothea Ross and Sheila Ross ‘Transmission of aggression through imitation of aggressive models’ (1961) 63(3) *Journal of Abnormal and Social Psychology* 575-582

²¹ Paul O’ Mahony *Prison policy in Ireland* (Cork University Press 2000) 71-72

However, many of these parents were probably out drinking, taking drugs or locked up in prison. These babies didn't get the same love and attention, social or educational opportunities that they required to make them acceptable, respectable members of society. They were marginalised and criminalised. They found their sense of identity and belonging within "The Gang" on the streets.

Despite the dearth of research into gangland activity in Ireland, a common theme and viewpoint is postulated by Irish academics studying community and youth Affairs.

Both Helen Tierney (NUI Maynooth) and Katherine Nugent (Dundalk Institute of Technology) note that gangs are most likely to operate in areas that are marginalised communities with high levels of unemployment and inequality (CYDS Bulletin, 13).

As Paul Reynolds, Crime Correspondent with RTE reports "Criminal gangs don't so much as invade as pervade". The gangs establish territories, carve out their turf and protect their territories through lethal force. These criminals have access to lethal weapons: machine guns, pistols, glock semi-automatic pistols as well as assault rifles and UZI sub machine guns (www.ceifin.com).

In order to protect their industry and territory these criminals will kill and torture anyone who gets in their way. Individuals have been killed, dismembered, tortured, buried in concrete, dumped in the canal and even disposed of in recycling dumps. These well-armed "gangsters" instil a sea of fear in communities, particularly in the marginalized impoverished communities. They intimidate, victimise and abuse vulnerable members of the community.

Unfortunately, as many youth workers report, these criminal gangs are an attraction for the young, vulnerable individuals in our communities (CDYS Bulletin, 2013). Youth workers report that children as young as 15 are either on the periphery of gangs and have already been recruited by them for the purpose of low level drug dealing (CDYS Bulletin, 2013).

These youth workers also report that high levels of unemployment and cut backs in social welfare payments for young people have made the task of trying to divert young people away from a life of drugs more challenging. Some young people find that selling drugs is a more lucrative economic choice than engaging with the regular work force.

The Gangs offer people a sense of belonging and some sense of safety. They also offer an identity status in addition to a source of income. This is a depressing and frightening picture of our society. However, as a nation we need to challenge and tackle this phenomenon of gangland activity in a co-ordinated, comprehensive multifaceted manner.

Our neighbours in the United Kingdom have been facing the problem, on a larger scale for many years now. This has culminated in the development of a National Security policy in the UK for combating organised crime and terrorism. The strategy uses a framework which was developed by the counter terrorism strategy: CONTEST. This strategy has four main areas of activity known as the “Four P, S”: Pursue, prevent, protect and prepare (HMSO, 2013).

This 2010 National Security Strategy is a comprehensive framework which was developed in consultation with law enforcement agencies, intelligence agencies, local authority, the private sector and academia.

Obviously, applying such a strategy to gangland activity in Ireland would differ in some areas from its application to terrorism. However its general principles could be applied to any policy designed to combat gangland activity. Applied in different ways the common framework could help to ensure that the necessary measures are in place to target the illicit and violent activities of criminal groups.

Similarly, The UK “Ending gang and Youth violence, 2011” national strategy could be adapted to tackle the gangland phenomena in Ireland (HMSO, 2011). This programme has worked in 33 priority areas across the United Kingdom. The programme is supported by a network of 70 advisors with experience of dealing with gangs and youth violence. The programme involves local teachers, job centre staff, health and safeguarding professionals as well as police and youth offending teams and community groups.

A key feature of ending gangland crime and youth violence programme is the tracking of gangland offenders both within the community and prison/secure estate. Sharing of information and bringing together local problem profiles and threat assessments for street gangs is an important aspect of reducing gangland activity. A knowledge hub both for tracking offenders and educational programmes for raising awareness are other key elements of the programme.

In addition to tackling mental health issues, using the INTEGRATE programme, MAC-UK (www.mac.uk.org) the ending gang violence programme places a strong emphasis on the re-housing and integration of gangland members into the community. By putting mental health promotion and treatment at the heart of solutions, the aims of INTEGRATE are to reduce serious youth violence and re-offending; to get young people engaged in training and employment; to help young people connect with existing services. The integrate model works intensively for 2-4 years with up to 50 young people per year. These young people are among the 5% who commit 50% of youth crime and have a history of non-engagement with services. By giving them the opportunity of creating their own project anything from decorating the building to creating films, young people successfully engage. There is also a “Streetherapy” programme which takes what works from the mental health field and is delivered in a highly adaptive and flexible manner.

Other appropriate interventions in operation in the UK include The U.K troubled families programme, 2011, Lifetime tracking and management of gangland offenders, enhanced protection for witnesses, A victims commissioner has been appointed to support vulnerable and intimidated witnesses (HMSO,2012); “Speak to the Streets”, Bradford and Leeds community programme founded by relatives of victims of gangland murders; youth and adult advocate mentor services for persons at risk of becoming engaged or engaged in gangland activity; Community Safety partnerships in conjunction with local Authorities, Police and community Groups.

Up to the end of March 2013, Ten social impact bonds created by the UK Department of Works and a Pensions Innovation Bond Fund has helped 6,100 children aged 14 generate 1,800 positive outcomes.

The key principles of all these programmes are interagency co -operation and collaboration, a multifaceted approach to interventions, in particular education and awareness community programmes, in reach programmes to offenders in custody, effective communication between the multi agencies at both EU, national , regional and local level, robust enforcement of powers, and sufficient funding and resources to implement programmes and legislation. Confidence and trust in the law enforcement agency is integral to any initiative to counteract gangland activity as is a robust witness and victim support programme.

Limerick (‘The Fitzgerald Report’)

Serious criminal activity has been a problem in Limerick city for over a decade. Violent crime, related to gang rivalry and drugs is gradually extending over wider areas. There are particular difficulties in this regard in the city’s housing estates.²² Families have been intimidated and houses have been burnt out. It is also alarming that low-level criminality and anti-social behavior have increased. Indeed partying, joyriding and intimidation are frequent occurrences. This conduct has made life difficult for the responsible inhabitants of the estates who can often become ostracized, upset, and dispirited.²³

In October 2006, the former Dublin City Manager, John Fitzgerald, was appointed by Government to lead an initiative aimed at tackling social exclusion and crime and disorder in distressed Limerick estates. In April 2007, John Fitzgerald issued his report to the Government's *Cabinet Committee on Social Inclusion*.²⁴ The *Fitzgerald Report* calculated that a three strand approach was required to address the severe social exclusion, crime and disorder issues in certain areas of Limerick. No one strand

²² Particularly Moyross, Southill, O’Malley Park, Ballinacurra/Weston, and St Marys Park

²³ John Fitzgerald ‘Addressing Issues of Social Exclusion in Moyross and Other Disadvantaged Areas of Limerick City’ Report to the Cabinet Committee on Social Inclusion 2007 at 5

<<http://www.limerickregeneration.org/MoyrossReptApr07.pdf>> Accessed 30th August 2014

²⁴ *ibid.*

alone is adequate to successfully address the issues in the longer term. As a result all three strands must be advanced simultaneously. The three strands involve:

- The need to deal with criminality. This will be fundamental to creating the conditions for other interventions to be successful, and for restoring the confidence of local communities.
- Economic and infrastructural regeneration, to create employment, unlock value, improve access and create a better commercial and housing mix.
- Developing coordinated responses to social and educational problems to break the cycle of disadvantage.²⁵

The following compilation highlights some of the dimensions to the problem, all of which will have to be addressed.

- Crime and disorder
- Unemployment, especially among young people
- Poverty
- Early school leaving, thereby limiting the attainment of skills to improve employability
- Physical and mental health problems arising from social exclusion
- Disrupting access to firearms, weapons and illicit psychotropic substances
- Lack of diversity in terms of social classes
- Below average levels of owner occupancy
- Poor quality and design of aging housing stock and public areas
- Poor transport connectivity and access means that housing estates are disconnected from the city's social, educational, economic and cultural life

Early intervention is required to tackle criminal activity in these estates. Fitzgerald notes that the crime problem needs to be dealt with immediately in order to establish a secure environment where other initiatives can be successfully implemented.²⁶ Failure to do so is likely to lead to the frustration of other efforts to address social and economic problems.

The other strands of intervention must be geared towards dealing with the longer-term economic and infrastructural issues, as well as the short to medium term social and educational issues.²⁷

Initiatives must involve engagement with and involvement by the local community,

²⁵ *ibid.* 3

²⁶ *ibid.* 8

²⁷ *ibid.*

particularly those who have been working on the ground and understand the problems.²⁸

Although policing alone cannot resolve the problems in the long term, it is needed to allow other interventions an opportunity to work. This cannot transpire amidst serious criminality and intimidation. Dedicated police resources to support a sustained and intensive policing intervention need to be made available. There needs to be a visible Garda presence in these estates to reinstate security and solidarity in the communities. Police efforts should focus upon establishing public order and safety, obstructing anti-social behavior and criminality.

The Limerick Regeneration Framework Implementation Plan

The objective for regeneration projects is to build safe and sustainable communities of opportunity through a combination of social, educational and economic initiatives and also by rejuvenating the built environment through demolition, construction and the refurbishment of dwellings. In addition, local authorities are required to focus on a strategic multi- faceted approach to address the range of social, educational and economic issues that may be evident.

Procurement may take a number of forms, using public monies or private funding through a Public Private Partnership.²⁹

The Limerick Regeneration Framework Implementation Plan was published on the 27th of September 2013.³⁰ Included in this plan is a €253m investment on physical, €30m on social and €10m on economic initiatives. The plan is focused on the three key pillars of the programme that will revitalize the communities of the regeneration areas over the next ten years by raising standards of living, opportunity, health and wellbeing. The three pillars consist of physical, social and economic initiatives.³¹

It is encouraging that this plan is being launched alongside other relevant policies and strategies such as Limerick 2030, an economic plan designed to revitalize the city and countywide economy.

²⁸ *ibid.*

²⁹ See Environment, Community and Local Government 'Regeneration Schemes' <<http://www.environ.ie/en/DevelopmentHousing/Housing/SocialHousingSupport/RegenerationSchemes>> Accessed 30 August 2014

³⁰ Limerick Regeneration Framework Implementation Plan <http://www.limerick.ie/sites/default/files/Limerick_Regeneration_Framework_Implementation_Plan_Small_Version.pdf> Accessed 30th August 2014 10

³¹ Limerick.ie *Limerick Regeneration* <<http://www.limerick.ie/living/localinformation/limerickregeneration>> Accessed 31 August 2014

No single agency could possibly deliver on the wide-ranging interventions that are needed in this context. Delivering on the ambition in this plan will require a collaborative approach between agencies and the communities involved.

Community leaders provide the community voice needed locally and their participation is crucial for the successful implementation of national/local authorities' plan. In order for the successful delivery of regeneration a whole of Government approach with all public bodies, the private sector and community organisations working in close collaboration to deliver the programme will be required.

Consistent co-ordination between relevant Government departments, public bodies and agencies is essential. This multi-agency approach will make sure that regeneration is maintainable into the future facilitating long-term social and economic benefit.

Ronanstown, Dublin: The National Collective of Community-Based Women's Network (NCCWN)

The Ronanstown project is a community development project funded by the NCCWN through the Department of the Environment, Community & Local Government, Department of Justice and Law Reform, CPLN area partnership, Department of Education and Skills, Department of Social and Family Affairs.

The programme strives to provide equality across the community. It has been in existence since 1984. It is part of the National Collective programme which has 17 projects, strategically placed across Ireland. The project is led and managed by volunteers. NCCWN programmes encompass equality, education, health, employment paths and supports including childcare provision.

These projects target many of the factors which have been highlighted as being significant in reducing antisocial and violent behaviour. They provide education and support to children, young and adult women (and some men) in the community. It specifically targets poverty and isolation issues, parenting alone families, young mothers, people from new communities in addition to older people and people with disabilities. Supports are also provided to victims of domestic violence.

Significantly, the project provides childcare for babies and preschool children and this support enables many mothers to attend the educational programmes provided such as the back to school initiative, FETAC courses, information technology, creative writing, and a wide range of arts and crafts classes. A holistic programme of education and awareness raising programmes covering issues such as drug misuse, drinking and alcohol abuse, anti-social behaviour, homelessness gender equality and networking with local and regional communities.

It is programmes such as these that need to be extended and introduced in our communities across Ireland. Other relevant projects include The probation service initiatives, Garda diversion programmes, An Garda Siochana community policing project; City of Dublin Youth Service, Community Youth support groups.

The role of planning legislation and local authorities in Crime Prevention

The operation of planning and environmental law has a significant role to play in dictating the physical environment in which people live.

Empirical research in Dublin in 1998 was undertaken which examined the link between communities and crime. An analysis was undertaken of the relationship between community deprivation and district court appearances, examining 2000 district court appearances between 1988 and 1994. The research found that defendants were overwhelmingly male, and in the majority of cases were drawn from six specific locations in Dublin with high levels of community deprivation.

The findings indicate that the deprivation level of a particular community may be a factor leading to the increased likelihood of a court appearance. This would lead one to conclude that if it is possible to predict with a certain degree of accuracy that more deprived localities will have a greater propensity to become criminal hotspots, then this ought to be a factor which must be taken into account in planning the physical environment of that locality.

In 1973 Oscar Newman published “Defensible Space: People and Design in the Violent City (Newman, 1966, 1973). He empirically examined the effects of the principles of territoriality and surveillance, and the linked concept of “Crowding out crime” which enhances surveillance, principles highlighted by Jane Jacob in The death and Life of Great American Cities (Jacob, 1961, 1993).

Newman put forward the proposition that subtle psychological or symbolic building features, and in particular boundaries, can act as physical barriers to crime. His work led to an acceptance that the psychological message projected by buildings and environs can assist in reducing crime and provide a basis for what is now known in England, Holland, Canada and The United States Of America as “Crime Prevention Through Environmental Design” .

One of the most notable results of the increased focus on the link between planning law and crime prevention in Britain has been the emergence of “The secured by Design” scheme (www.securedbydesign.com, 1989). This scheme is a police initiative, it is owned by the Association of Chief Police Officers (ACPO) and is the corporate title for a group of national police projects focussing on the design and security for new and refurbished homes, car parks and commercial premises. The initiative aims to encourage the building industry to adopt crime prevention measures in the design of developments, and to assist in reducing the opportunity for crime and the fear of crime, creating a safer and more secure environment.

The scheme seeks to enhance social cohesion and social sustainability. It achieves its objectives by promoting communities that are designed in a way that gives residents a sense of responsibility and ownership, in the hope that this will increase familiarity between residents and render it more likely that the community will be capable of identifying an intruder. Secondly, it focuses on “surveillance”. Design of well used entry and exit routes that are overlooked and the avoidance of isolated secluded access routes such as alleyways and tunnels, provide an informal mechanism of surveillance.

The extent to which the role of planning in reducing crime is recognised in Ireland is limited. Ireland needs to give greater significance to the planning of a community in a way that enhances safety.

Whilst the Planning and Development Act 2000 {No. 30 of 2000} require local authorities to make provision for cultural, social and economic sustainability (section 10 – ‘Content of development plans’) and to consult with “the providers of policing” , there is no express requirement in the Act that crime prevention and reductions initiatives should be taken into account.

It is considered that the following provisions be considered for insertion into the Planning and Development Act 2000:

- A provision in section 10 of the 2000 Act providing for the inclusion of crime reduction as a mandatory objective in development plans;
- An amendment to section 11 (‘Preparation of draft development plan’) providing for increased co-operation and consultation at drafting stage between local authorities and An Garda Síochána with the specific aim of crime reduction;
- A provision which states that failure to submit an adequate crime prevention strategy for a residential development can lead to a refusal for planning permission.

The Ballymun Masterplan 1998:

For the past 15 years Ballymun has been undergoing a programme of regeneration, which attempts to tackle deprivation and renew the physical environment in the area. The government allocated €442 million to implement the project.

It is interesting to note that crime reduction was not expressly stated to be an objective of the regeneration project. However many of the design principles outlined above have been included. An evaluation of this project could be very useful in guiding and informing the development of future residential developments.

The Inter-agency role

The research by the Children Acts Advisory Board (2009) on ‘Guidance to Support Effective Inter-agency Working Across Irish Children’s Services’, could be used as a

template on the key role of inter-agency co-operation in meeting the challenges of communities. There are a number of distinct features:

1. Have a justifiable rationale
2. Ensure effective leadership
3. Develop a shared purpose
4. Clarify roles and responsibilities & ensure effective communication and information exchange
5. Build trust and mutual respect in inter-agency groups/workers
6. Monitor, evaluate and review

Conclusion

In an effort to combat organised crime politicians in Ireland the most challenging task is on social controls, regulating economic life and developing policies that augment social inclusion and integration.³² A system of criminal punishment is necessary but not sufficient in society's effort to minimise crime. One does not have to consider punishment as the driving force behind the crime rate. This leaves the door ajar for the promotion of alternatives to punishment and more innovative responses to the crime issue affecting communities.

If we are to protect the status of due process rights within the Irish criminal justice system greater emphasis must be placed on policy analysis, as a means of preventing the enactment of criminal legislation.

In order for Irish society to ensure the safety of its inhabitants and its State, amidst the threat of gangland and organised crime, multidisciplinary research on the causal factors which may influence the perpetration of such crime is essential.

Identifying the causes, influences and motivation behind gangland crime highlights the sources of the problem thereby enabling a solution. Such research may enlighten the next generation as to the benefits to be gained from initiatives like the Limerick Regeneration Framework Implementation Plan.

However, for such initiatives to be successful a collaborative approach between Government departments, communities, public bodies and agencies is essential.

³² Garland n (1) 203

With greater investment of care and compassion given to young people of socially deprived areas, social behaviour can be changed, to then prevent a life marred by gangland crime.

Gangland crime might be described as poverty exacting revenge on itself. The challenge here is to convince the wider population that it's everybody's problem and not just those of deprived areas.

Although the state cannot be expected to eliminate the motivation to offend, responses to the crime issue however, can be controlled. Politicians have the capacity to influence the character of the response to crime and the nature of the discussion regarding its after effects.³³ The responsible use of this power is in the interest of humanity.

More projects directed at those living in socially deprived areas, susceptible to criminality, can inhibit the continuation of gangland crime and criminality in general.

³³ Ian O'Donnell and Eoin O'Sullivan *Crime Control in Ireland: The Politics of Intolerance* (Cork University Press 2001) 82

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