



## **Submission: Youth Justice Strategy 2020-2026 Public Consultation**

### **Introduction**

As part of the public consultation phase to develop Youth Justice Strategy 2020-2026, the Jesuit Centre for Faith and Justice is pleased to have the opportunity to provide this submission. We hope to contribute to the development of a fair and effective youth justice system which responds appropriately to children and young people who find themselves in contact with the criminal justice system. For many years, the Centre has advocated for penal policy reform,<sup>1</sup> focussing on a wide range of issues including juvenile crime and the treatment of young adults in prison, overcrowding, women in prison, prison healthcare, rehabilitation and the impact of imprisonment on families.

As a social justice centre within the wider Society of Jesus, we also seek to implement what are called the Universal Apostolic Preferences,<sup>2</sup> especially the task of walking with the excluded – the poor, the marginalised and the discriminated against – and journeying with youth. Children and young people today face enormous challenges, none more so that the relatively small, yet significant, number of children and young people who find themselves in conflict with the law.

The Youth Justice Strategy 2020-2026 will build on the work of previous strategies, particularly the most recent Youth Justice Action Plan 2014-2018.<sup>3</sup> The Centre acknowledges there have been many recent positive reforms such as a shift away from punitiveness to welfarism – the Irish Youth Justice Service (IYJS) is now staffed by officials from both the Department of Children and Youth Affairs (DCYA) and the Department of Justice and Equality (DJE) – and successes such as the continuing decrease in the number of children committed to Oberstown Children Detention Campus (OCDC),<sup>4</sup> expansion of the Garda Youth Diversion Projects,<sup>5</sup> and the introduction of the Bail Supervision Scheme as an alternative to remand sentences.<sup>6</sup>

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<sup>1</sup> 'The Prison Documents', Jesuit Centre for Faith and Justice in Ireland, accessed 9 June 2020, <https://www.jcfj.ie/research/the-prison-documents/>.

<sup>2</sup> 'Universal Apostolic Preferences', accessed 9 June 2020, <https://jesuits.global/en/about-us/universal-apostolic-preferences>.

<sup>3</sup> Irish Youth Justice Service, 'Tackling Youth Crime. Youth Justice Action Plan 2014-2018' (Dublin: Irish Youth Justice Service, 2013), <http://www.justice.ie/en/JELR/Tackling%20Youth%20Crime%20-%20Youth%20Justice%20Action%20Plan.pdf/Files/Tackling%20Youth%20Crime%20-%20Youth%20Justice%20Action%20Plan.pdf>.

<sup>4</sup> In May 2020, there were a total of 57 children in Oberstown Children Detention Campus: 22 on remand and 35 committed under sentence.

<sup>5</sup> Houses of the Oireachtas, 'Garda Youth Diversion Projects – Wednesday, 20 May 2020 – Parliamentary Questions (33rd Dáil) – Houses of the Oireachtas', text, 20 May 2020, Ireland, <https://www.oireachtas.ie/en/debates/question/2020-05-20/479?highlight%5B0%5D=justice&highlight%5B1%5D=youth>.

<sup>6</sup> The Department of Children and Youth Affairs (DCYA) designed a Bail Supervision Scheme (BSS) to provide the courts with an alternative for young people who were at high risk of bail denial.

Based on an initial reading of the draft Strategy, we are heartened that, within the priority objectives, there would be a “special focus on disproportionate disadvantage, including those in State Care, Ethnic Communities, Mental Health, Neuro-Diversity, Homeless.”<sup>7</sup> We are supportive of this overt recognition of those children and young people most likely to be within the youth justice system. Furthermore, the draft strategy suggests a strong commitment to research and data collection to underpin any development of Irish youth justice policy.<sup>8</sup>

This submission from the Jesuit Centre for Faith and Justice is comprised of two main sections:

- Issues of Concern with Current Draft
- Proposals for Final Strategy

## Issues of Concern with Current Draft

### 1. No clear and substantive actions to address high number of Traveller children in Oberstown Children Detention Campus

Traveller children are conspicuous by their absence from this draft strategy,<sup>9</sup> yet they are the cohort within Irish society most disproportionately affected by youth justice policy. While the overall monthly number of children in OCDC is on a welcome downward trajectory,<sup>10</sup> with a decrease of 18.5% in the total number of children under sentence or on remand from January 2018 to May 2020,<sup>11</sup> the continual over-representation of children from the Traveller community is of utmost concern to the Jesuit Centre for Faith and Justice and the grounds for national shame.

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<sup>7</sup> ‘Draft Youth Justice Strategy 2020-2026’ (Dublin: Department of Justice and Equality; Department of Children and Youth Affairs; Irish Youth Justice Service, 2020), 6.

<sup>8</sup> ‘Draft Youth Justice Strategy 2020-2026’, 5.

<sup>9</sup> The priority objectives of the draft Youth Justice Strategy 2020-2026 outline a focus on ‘disproportionate disadvantage’ and highlight ethnic minorities amongst a list of the cohorts of children most affected. However, there is no further mention of ethnic minorities or, indeed, Irish Travellers specifically within the main body of the strategy. A few references exist in relation to ‘minority communities’ and ‘hard-to-reach groups’ but it is unclear which groups are defined by these imprecise terms. A list of key actions (1.8.1, 1.9.1-1.9.5, and 1.10.5) are provided to demonstrate how the special focus will be developed, operationalised and, ultimately, measured. The framing of the key actions is focused on individual staff or agencies: increasing their knowledge; strengthening capacity; or enhancing collaboration. For example, Key Action 1.8.5 is based on enhanced collaboration between agencies, strengthening capacity of front-line staff, and the future design of pilot programmes. Continuing in a similar vein, Key Actions 1.9.1-1.9.5 seek to support the provision of training to legal professionals, An Garda Síochána, Probation Service, and Youth Justice workers. And, finally, Key Action 1.10.5 will prioritise research and pilot initiatives on those who are disproportionately represented in the Youth Justice system. Within six months, the measurable outcomes for the ‘special focus on disproportionate disadvantage’ will be three scoping papers and a paper of initial recommendations. As a consequence, in the Centre’s understanding, the draft strategy does not provide enough detail on the proposed ‘special focus on disproportionate disadvantage’.

<sup>10</sup> Compared with January 2018 when 70 children were under sentence or on remand in OCDC, there were 57 children under sentence or on remand in May 2020.

<sup>11</sup> ‘Statistical Breakdown of Young People on Campus January 2018’ (Dublin: Oberstown Children Detention Campus, January 2018); ‘Statistical Breakdown of Young People on Campus May 2020’ (Dublin: Oberstown Children Detention Campus, May 2020).

The quarterly snapshots, published by OCDC, report that almost a quarter (23%) of the children in detention in 2017 (see Figure 1 below) were members of the Traveller community.<sup>12</sup> To put this figure in perspective, 0.7% of the total population of Ireland in the 2016 Census identified as Travellers.<sup>13</sup> This percentage has remained obstinately high with Traveller children making up 19% of the children detained in OCDC last year.<sup>14</sup>

### Traveller Children in Oberstown CDC (% of Population)

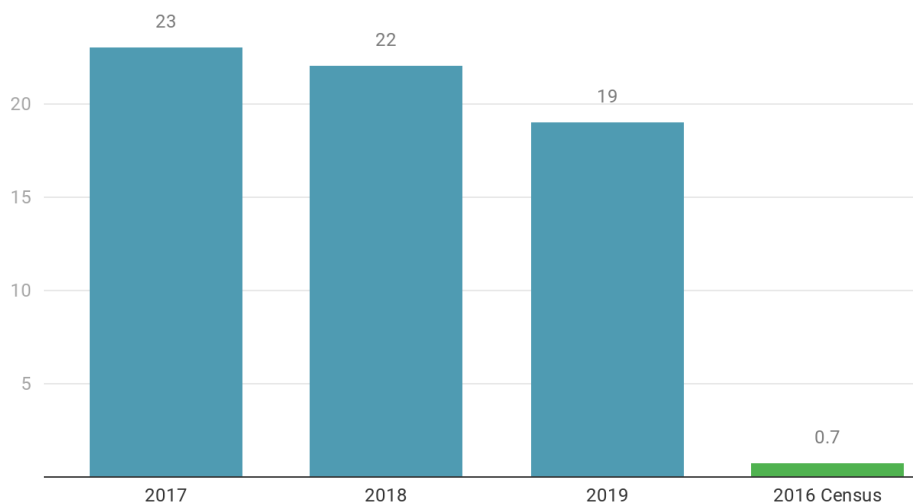


Chart: Jesuit Centre for Faith and Justice • Source: Oberstown CDC • Created with Datawrapper

Figure 1: Traveller Children in Oberstown CDC (% of Population)

Coincidentally, the percentage of children under detention in Oberstown bears a more than striking resemblance to the percentage of Traveller adults who are estimated to be in prison by the Irish Prison Service (IPS). While official figures are not available, the IPS estimates that Travellers account for 22% of the female prison population and 15% of the male prison population.<sup>15</sup>

This frequent occurrence of the over-representation of specific youth within youth detention systems or carceral institutions worldwide on the basis of the characteristics of that particular subject population has been labelled as ‘hyperincarceration’.<sup>16</sup> The concept of hyperincarceration is useful to describe the patterns of detention of ethnic minorities or Indigenous communities which are overwhelmingly disproportionate compared to non-Indigenous status or majority groups.

<sup>12</sup> ‘Key Characteristics of Young People in Detention: A Snapshot (Q1, 2017)’ (Dublin: Oberstown Children Detention Campus, 2017).

<sup>13</sup> ‘Irish Travellers - Demographics - CSO - Central Statistics Office’ (CSO), accessed 8 June 2020, <https://www.cso.ie/en/releasesandpublications/ep/p-cp8iter/p8iter/p8itd/>.

<sup>14</sup> ‘Key Characteristics of Young People in Detention: A Snapshot (Q1, 2019)’ (Dublin: Oberstown Children Detention Campus, 2019).

<sup>15</sup> Tanya Lalor, ‘Travellers in Prison Initiative. Ethnic Identifiers in Irish Prisons. Context and Recommended Practice for Improving Data Collection on Travellers and Minority Ethnic Groups in Irish Prisons’ (Newbridge: St. Stephen’s Green Trust, March 2017).

<sup>16</sup> Rob White, ‘Indigenous Young People and Hyperincarceration in Australia’, *Youth Justice* 15, no. 3 (2015): 256–270.

Drawing comparison from this research between Indigenous youth in Australia and the Traveller community in Ireland, the hyperincarceration is a form of systemic, historical and continuing injustice.<sup>17</sup> The high number of Traveller children and young people in OCDC matters. White warns policymakers that “as much as anything, it contributes another layer to the community normalisation of the prison experience, including amongst young people themselves. Indeed, for many communities, the prison becomes the key social institution.”<sup>18</sup>

As a consequence, prison or places of youth detention are not a strange place for many Traveller children and young people. The hyperincarceration which beckons for both young and older members of the Traveller community means that, instead of a sense of uncertainty and unfamiliarity, contact with the criminal justice system is routinised and the lived experience.

## **2. Emphasis on the Individual with Minimal Acknowledgement of Structural Disadvantage Linked to Youth Offending**

Few working within criminal justice policymaking would argue against the notion that the adults and children most likely to come into contact with the criminal justice system are those who have also has closest contact with structural disadvantage – poverty, early school leaving, disability – and personal adversity such as mental health illness or substance addiction.<sup>19</sup>

Most people in prison or children under detention are from economically deprived communities which means that they are victims of ‘double penalisation’ due to the correlation between coming from a certain location and serving a custodial sentence. When the guiding principles of the draft Youth Justice Strategy are listed, there is no mention of structural disadvantage in relation to poverty or deprivation.

The priority objectives of the draft Strategy mention ethnic communities and homelessness, identifying the need for a ‘special focus on disproportionate disadvantage’,<sup>20</sup> but beyond inputs at the family-level, the strategy was unclear on how these priority objectives would be tackled. Of relevance here are two of the three central rationalities identified by Swirak which dominate Irish youth crime prevention and diversion policy: deficit-based explanations of young people’s behaviour and the prioritising of behaviourist types of interventions with young people.<sup>21</sup> Agency and individual decision-making are important within youth justice and diversionary practice, but represent a skewed version of the reality for many children and young people if structural disadvantage and deprivation is shrouded or minimised.

In Scotland, where there is a conscious and deliberate attempt to decouple the youth justice system from the punitive and individualised approach of the adult justice system, research findings have shown that serious youth offending is linked to a broad range of vulnerabilities and social adversity.<sup>22</sup> Engaging with this key learning from the Edinburgh Study of Youth Transitions and

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<sup>17</sup> White.

<sup>18</sup> White, 264.

<sup>19</sup> Rosaleen McElvaney and Mimi Tatlow-Golden, ‘A Traumatized and Traumatizing System: Professionals’ Experiences in Meeting the Mental Health Needs of Young People in the Care and Youth Justice Systems in Ireland’, *Children and Youth Services Review* 65 (2016): 62–69.

<sup>20</sup> ‘Draft Youth Justice Strategy 2020-2026’, 6.

<sup>21</sup> Katharina Swirak, ‘Problematising Advanced Liberal Youth Crime Prevention: The Impacts of Management Reforms on Irish Garda Youth Diversion Projects’, *Youth Justice* 16, no. 2 (2016): 162–180.

<sup>22</sup> Lesley McAra and Susan McVie, ‘Youth Crime and Justice: Key Messages from the Edinburgh Study of Youth Transitions and Crime’, *Criminology & Criminal Justice* 10, no. 2 (2010): 179–209.

Crime, the 2015 Scottish Youth Justice Strategy – *Preventing Offending* – approaches youth justice by attempting to “understand and deal with offending behaviour in an integrated way to help the child, their family and the community to flourish.”<sup>23</sup> It is notable that the draft Strategy does not substantively proceed beyond the realm of the individual in respect of the child or the family. Within even the most basic ecological understanding of youth development, community flourishing is key.

### 3. Graduated Sentencing Based on Age

In order to make the public consultation phase as accessible to as many stakeholders as possible, the DJE have, alongside the acceptance of bespoke submissions, created an online survey of 15 questions to garner further refinement of the Youth Justice Strategy 2020-2026.

Question 12 of the online survey asks a question in relation to graduated sentencing based on age – ‘How do you think children/young people of different ages who have committed the same crime should be dealt with by the youth justice system?’ and allows one of the following four responses to be selected – ‘They should all be dealt with the same’; ‘Sanctions should increase with age and use of supports should decrease with age’; ‘There should be an individual assessment based on their personal situation and level of maturity’; or ‘Don’t know/not sure’. However, the draft Strategy in its current iteration makes no reference to graduated sentences based on age.

The Jesuit Centre for Faith and Justice is concerned that the DJE did not overtly outline their position on sentencing in the draft strategy yet did ask a specific question in relation to sentencing of children as part of the consultation process. Outlining a position in a draft version of a document still permits the author to amend and change prior to publication of completed final version. These concerns are wholly justified if the authors of the strategy are waiting to weigh up responses to an online survey in relation to an aspect of this seriousness and magnitude within youth justice. Whether a 17-year-old receiving a harsher penalty than other ages of children is not a question for a poll or survey but requires careful ethical consideration and judicial deliberation.

The Howard League warn that this potential for punitiveness within graduated sentencing “endorses the practice of looking to the adult guideline for assistance as to the appropriate custodial term as a starting point.”<sup>24</sup> Conversely, a truly welfare-based approach would start with a focus on the impact of a custodial term on a child’s life as stated earlier in the draft strategy that “young people in conflict with the law will be treated as children first”.<sup>25</sup> The implication that a 17-year-old would receive a custodial sanction closer to an adult offender seems to contradict widely accepted research that the youthful development process continues up until age 25,<sup>26</sup> and even the Irish Prison Service’s position on the need to develop innovative responses to young adults.<sup>27</sup>

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<sup>23</sup> The Scottish Government, ‘Preventing Offending, Getting It Right for Children and Young People’ (Edinburgh, June 2015), 1.

<sup>24</sup> ‘Response to the Consultation on the Sentencing Guidelines Specifically Relating to Children’ (London: The Howard League for Penal Reform, August 2016), 3.

<sup>25</sup> ‘Draft Youth Justice Strategy 2020-2026’, 4.

<sup>26</sup> Jesuit Centre for Faith and Justice, ‘Developing Inside: Transforming Prison for Young Adults’ (Dublin: Jesuit Centre for Faith and Justice, May 2016); Anna Fenton, Sinead Donovan, and Christine Hynes, ‘Making Progress? Evaluating the First Year of the Irish Prison Service’s Three Year Strategic Plan 2012-2015’ (Dublin: Jesuit Centre for Faith and Justice, 2013); Nigel Stone, ‘Sentencing Children: Overarching Principles Revisited’, *Youth Justice* 17, no. 2 (2017): 171–180.

<sup>27</sup> Irish Prison Service, ‘Irish Prison Service Strategic Plan 2019-2022’ (Dublin: Irish Prison Service, September 2019), [https://www.irishprisons.ie/wp-content/uploads/documents\\_pdf/Irish-Prison-Services-Strategy-2019-2022.pdf](https://www.irishprisons.ie/wp-content/uploads/documents_pdf/Irish-Prison-Services-Strategy-2019-2022.pdf).

## Proposals for Final Draft of Youth Justice Strategy 2020-2026

### 1. Inclusion of ‘Justice Reinvestment’ to Reduce Number of Traveller Children in Oberstown Children Detention Campus

While the funding allocated to Garda Youth Diversion Projects in 2020 is €18.3m (an increase of 4.6m from 2018),<sup>28</sup> this amount is still dwarfed by the €29m allocated to meet the 2020 operational costs of OCDC and the extension of the Bail Supervision Scheme (€0.8m).<sup>29</sup> This funding appears to mark an incongruity with orthodox thinking centred on youth justice. Haines and Case identify this widely accepted thinking around youth justice practise as consisting of the dual goals of minimising custody and maximising diversion from prosecution for children.<sup>30</sup>

The Jesuit Centre for Faith and Justice propose that ‘justice reinvestment’<sup>31</sup> be included to shift priorities in this funding dichotomy increasingly away from custodial places and more for diversionary practice and community investment. Haines and Case argue there is no compelling evidence that punishment or retribution is effective in youth justice, particularly if effectiveness is measured in terms of reduced reoffending.<sup>32</sup> Evidence is emerging that punitive responses can actively encourage reoffending by children for a variety of reasons.<sup>33</sup>

This will be a first step in reducing the number of Traveller children under sentence or on remand. Under this approach, a portion of future allocated funding that would have been spent on covering the costs of imprisonment are diverted to local communities that have a high concentration of Traveller children who come into contact with the criminal justice system.<sup>34</sup> The additional available monies is invested in community programs, services, and activities that are aimed at addressing the underlying causes of crime in those communities.

The ‘justice reinvestment’ model has been piloted and developed in Australia with Indigenous communities. The favoured model is based on the idea of re-directing money from youth detention facilities and adult prisons to the communities that feed directly into these prisons. Prior to implementation, analysis needs to be undertaken of the places where children receiving custodial sentences come from,<sup>35</sup> so then to redirect funds back into these communities which will typically be coping with severe material disadvantage.<sup>36</sup> Drawing on further Australian research, Gooda reports

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<sup>28</sup> Oireachtas, ‘Garda Youth Diversion Projects – Wednesday, 20 May 2020 – Parliamentary Questions (33rd Dáil) – Houses of the Oireachtas’.

<sup>29</sup> ‘Minister Zappone Announces a €94 Million Budget Package’, accessed 8 June 2020, <https://www.gov.ie/en/press-release/44fc52-minister-zappone-announces-a-94-million-budget-package/>.

<sup>30</sup> Kevin Haines and Stephen Case, ‘The Future of Youth Justice’, *Youth Justice* 18, no. 2 (2018): 131–148.

<sup>31</sup> Mick Gooda, ‘Justice Reinvestment: A New Strategy to Address Family Violence’, in *National Family Violence Prevention Forum AIATSIS and CDFVR, Aboriginal and Torres Strait Islander Social Justice Commissioner, Australian Human Rights Commission*, vol. 19, 2010.

<sup>32</sup> Haines and Case, ‘The Future of Youth Justice’.

<sup>33</sup> Haines and Case.

<sup>34</sup> Gooda, ‘Justice Reinvestment’.

<sup>35</sup> See Proposal 3 of submission

<sup>36</sup> Justice reinvestment as an idea and potential practice is imbued with certain hopes and risks. It is not a panacea for decades of under-investment and the social marginalisation of the Traveller community in Ireland. Overall, justice reinvestment tends to deal with the symptoms of social disadvantage without addressing the structural causes underlying much juvenile offending.

that if justice reinvestment is carried out properly, it provides youth offenders a form of accountability to their communities which will make their communities safer.<sup>37</sup>

**ACTION 1 – Explore a Justice Reinvestment model to shift funding from detention to community investment to reduce the unacceptably high proportion of Traveller children in detention.**

## **2. Appropriate Usage of Bail Supervision Scheme to Avoid Expansion of “Non-Carceral Surveillance”**

The pilot for the Bail Supervision Scheme (BSS), developed by the DCYA, was evaluated last year.<sup>38</sup> The key finding emerging from the evaluation was that “BSS enabled young people at high risk of bail denial to adhere to bail conditions and reduce reoffending by effectively supporting their caregivers.”<sup>39</sup> As a consequence, this resulted in young people, who may have otherwise received a remand sentence, remaining in the community. Based on this successful pilot and evaluation, the BSS was allocated an additional €0.8m for 2020 to expand its service.<sup>40</sup>

The Jesuit Centre for Faith and Justice is supportive of any scheme which permits children and young people to remain in the community and avoid a remand sentence. However, it is important to think through youth justice interventions particularly when they have a non-carceral and therapeutic framing. When additional options are presented to judges between either granting bail or imposing a remand sentence until trial, the tendency will be for judges to deviate to the middle option, something which may be understood as a “bail plus” option, maybe lacking the severity of a remand sentence. At a stage when the child has not yet been found guilty of any charge, the least intrusive option of granting bail may be unintentionally removed from the table of pre-trial options.

Future usage of the BSS prior to trial may unintentionally increase the surveillance on children and young people to a level more indicative of a custodial sentence than a therapeutic intervention. Children or young people who are not found guilty and in receipt of a sanction at their trial or hearing have been exposed to a high level of surveillance during their bail period which can lead to the detection of other offences or minor infractions of the BSS stipulations such as curfew or avoidance of particular associates. Of note, supervision orders, in whatever modern evolution or form they take, assume that the home is a safe place for children and thereby ‘legitimise expanded forms of child confinement’<sup>41</sup> in environments which can be adversarial and unsafe.

**ACTION 2 – Production of clear guidelines on usage of Bail Supervision Scheme, so it does not become the default option to replace bail in the community.**

<sup>37</sup> Gooda, ‘Justice Reinvestment’.

<sup>38</sup>As the evaluation was for a pilot scheme, the sample size was small with 22 children enrolling and only 13 children completing the programme. The limitations in drawing conclusions as a result of the small sample size were acknowledged by the research team. Catherine Naughton, Sean Redmond, and Barry Coonan, ‘Evaluation of Bail Supervision Scheme for Children’ (Dublin: Department of Children and Youth Affairs, December 2019).

<sup>39</sup> Naughton, Redmond, and Coonan, xi.

<sup>40</sup> ‘Minister Zappone Announces a €94 Million Budget Package’.

<sup>41</sup> Barry Goldson, ‘Youth (in) Justice: Contemporary Developments in Policy and Practice’, *Youth Justice: Contemporary Policy and Practice*. Aldershot: Ashgate, 1999, 1–27.

### 3. Strengthened Recognition that Structural Disadvantage Must be Addressed within Youth Justice

As the policy sphere of Youth Justice has a dual department responsibility and oversight from both the DJE and the DCYA, it was anticipated that certain aims of the National Policy Framework for Child and Young Adults 2014 -2020<sup>42</sup> would be more visible in the draft Youth Justice Strategy 2020-2026. Considering how prevalent poverty has been in the lives of the majority of children in contact with the criminal justice system,<sup>43</sup> the aims of the National Policy Framework in relation to economic security and opportunity, and the influence and priorities of the DCYA, must have a more prominent place within the finalised Strategy.

As the National Policy Framework for Child and Young Adults 2014 -2020 expires at the end of this year, and the Youth Justice Strategy 2020-2026 must coexist alongside the new National Policy Framework, the draft Youth Justice Strategy in its current iteration is a missed opportunity to be ambitious and to really set the tone to address the interplay of structural disadvantage, youth offending, and youth justice in more detail.

Much is still unknown about the eventual shape, recommendations and actions of the Youth Justice Strategy 2020-2026 as 21 scoping papers/reviews will be undertaken and completed with six months of the Strategy being launched. With this being the case and the fact that the document will guide policy decisions until 2026, a duration of six years, it is important to add a review mechanism after two years so the Youth Justice Strategy is a living document.

**ACTION 3 – Addition of a review mechanism for Youth Justice Strategy 2020-2026 after two years.**

Addressing structural disadvantage will require complex planning and cross-departmental interaction, much beyond the expertise of this submission. However, first steps can be made. Key Action 2.11.1 proposes to implement an assessment of “of likely demands for Detention places and services and the consequent resource requirements over the next six Years to inform future strategic options as well as ongoing planning, budgeting and service development at OCDC.”<sup>44</sup> We recommend that further complementary research should also be commissioned to build a sociological profile of those children who come into contact with the youth justice system. It is no longer sufficient to focus on a deficit-based individualised model with the introduction of individualised interventions, the wider interplay of poverty, community under-investment and marginalisation must be understood to positively effect youth offending.

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<sup>42</sup>The National Policy Framework for Children and Young Adults 2014-2020 is commonly known as ‘Better Outcomes, Brighter Futures’ or the slightly cumbersome initialisation of BOBF. Department of Children and Youth Affairs, *Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People 2014–2020* (Government Publications Dublin, 2014).

<sup>43</sup> The aims under the national outcome of “Economic security and opportunity” state that children and young people are or have: (4.1.) Protected from poverty and social exclusion; (4.2.) Living in child/youth-friendly sustainable communities; (4.3) Opportunities for ongoing education and training; and (4.4.) Pathways to economic participation and independent living.

<sup>44</sup> ‘Draft Youth Justice Strategy 2020-2026’, 25.



**ACTION 4 – Commission research exploring the sociological profile of children and young people who come into contact with the youth justice system**

Secure meaningful employment opportunities and safe housing are central to reducing recidivism and allow young people to transition from chaotic periods. It is vitally important that children who have offended, or been committed under sentence to ODC, can have hope that they will be able to find employment in the future. This is even more important now in light of Covid-19 as youth unemployment has soared again in Ireland to levels previously experienced during the 2008 recession. Housing support is a priority area for those young people transitioning from custody at the end of sentences. For example, in Scotland, homelessness amongst young people has been falling due to the development of housing options by local authorities and their partners.<sup>45</sup>

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<sup>45</sup> Tim Bateman, Neal Hazel, and Sam Wright, 'Resettlement of Young People Leaving Custody: Lessons from the Literature', 2013.

## Conclusion

When Minister of State David Stanton convened the Expert Steering Group in early 2019, the participants discussed the full gamut of youth justice issues encapsulating prevention and early intervention; diversionary practices; court proceedings; punishment; and reintegration and post-release support. The process of engaging with stakeholders to learn from their experiences and build consensus has been ambitious and bearing the hallmarks of departmental best practice.

The Jesuit Centre for Faith and Justice are disappointed with the current draft of the Youth Justice Strategy for 2020-2026. With the likelihood that the complete Youth Justice Strategy will be published at the end of 2020, the reality is that the previous Youth Justice Action Plan 2014-2018 expired two years ago. Yet, this current draft of the next iteration acts as a 'strategy to develop a strategy' which is most evident in the prevalence of strategic objectives which consist of the development of a scoping paper/review.<sup>46</sup> It is difficult to discern a clear philosophical vision for youth justice which is underpinned by cohering and compatible policies. Actions within the strategy are procedural and managerial rather than targeted and measurable outcomes.<sup>47</sup>

In summary, the Jesuit Centre for Faith and Justice wish to raise a number of concerns within the current draft: no clear and substantive actions to address high number of Traveller children in Oberstown Children Detention Campus; emphasis on the individual with minimal acknowledgement of structural disadvantage linked to youth offending; and the inclusion of graduated sentencing based on age in the final version of the Youth Justice Strategy 2020-2026.

We wish to offer the following four actions for inclusion in the final version:

1. Explore a Justice Reinvestment model to shift funding from detention to community investment to reduce the unacceptably high proportion of Traveller children in detention.
2. Production of clear guidelines on usage of Bail Supervision Scheme so it does not become the default option to replace bail in the community.
3. Addition of a review mechanism for Youth Justice Strategy 2020-2026 after two years.
4. Commission a sociological profile of children and young people who come into contact with the youth justice system<sup>48</sup>

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<sup>46</sup> See footnote 9 for further detail.

<sup>47</sup> For example, a total of 21 scoping paper/reviews are stated as an outcome for 21 strategic objectives: 1.4, 1.8, 1.9.5, 1.10, 2.1.1, 2.2.1, 2.2.2, 2.2.3, 2.3.1, 2.7.2, 2.8.1, 2.9.1, 2.11.2, 2.12.1, 2.13.1, 3.2.1, 3.2.2, 3.3.1, 3.4.1, and 3.5.1.

<sup>48</sup> This must be used to guide investment and funding to communities rather than policing decisions.