

CHAPTER EIGHT

Working with young people involved in the Juvenile Justice System

“The most basic of all human needs is the need to understand and be understood.

The best way to understand people is to listen to them.

They may forget what you said, but they will never forget how you made them feel.”

Aristotle (384-322 BC) - Greek philosopher

Introduction

This section focuses on young people involved in the Juvenile Justice System. It outlines the varying needs and issues of young people who have become involved in, or are at risk of becoming involved in, offending behaviour. It explains how the Juvenile Justice System works and it offers practical advice. It concludes with a list of contacts that will help you in your work with young people who have become involved in the Juvenile Justice System.



It is important that young people attending Youth Diversion Projects or other specialised services are included and supported to stay involved in other community-based youth groups.

Terminology

This resource has been developed to be used by youth workers on the island of Ireland. At times it is necessary to make distinctions between our two jurisdictions and we had to choose a terminology to reflect this. We have chosen for the most part to use Northern Ireland (NI) and Republic of Ireland (ROI). At times we also use North and South. Additionally, for clarity, where information is significantly different we have used coloured boxes:

Republic of Ireland and Northern Ireland

The Garda Diversion Programme and Police Service of Northern Ireland (PSNI) Youth Diversion Scheme are first level responses for young people who admit their involvement in a criminal offence. They are early intervention programmes.

Youth Diversion Projects (NI and ROI) are a project-based intervention for young people who are deemed to be at risk of becoming involved (or further involved) in criminal and/or anti-social behaviour.

The Irish Youth Justice Service (IYJS) (ROI) funds youth organisations and projects to provide services to young people aged under 18 years who find themselves in conflict with the law. Staff are known as Youth Justice Workers.

The Youth Justice Agency Northern Ireland aims to prevent offending by children. In doing so, it delivers a range of services, often in partnership with others, to help children address their offending behaviour, divert them from crime, assist their integration into the community, and to meet the needs of victims of crime.

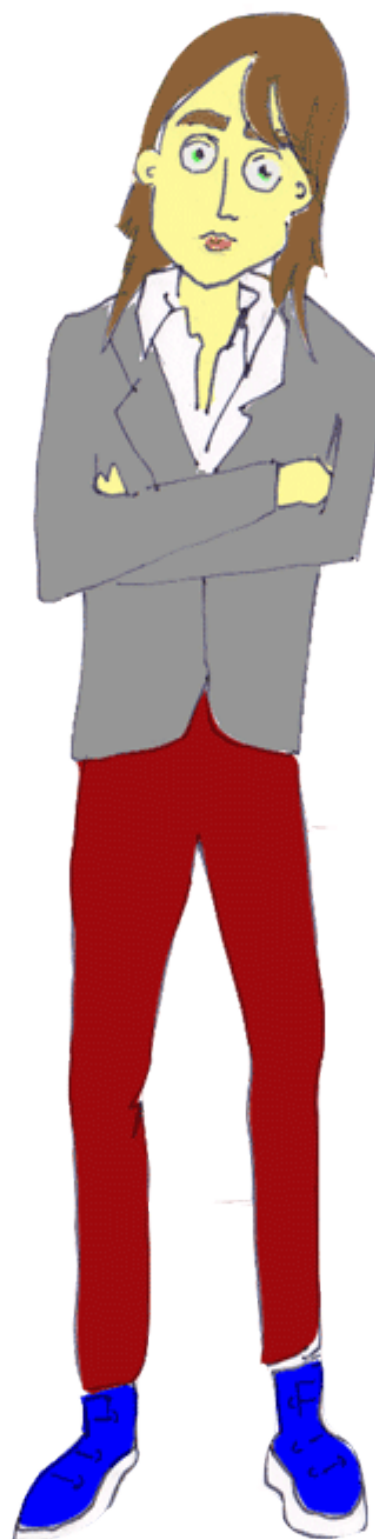
Youth Justice Work differs from general youth work in that it focuses on engaging with a young person to deal with the issues surrounding their offending behaviour and the need for behavioural change and making positive life style changes.

Juvenile Justice System

It is important to understand how a young person might find themselves in conflict with the law, how the Juvenile Justice System operates and what interventions exist for these young people.

In a recent Garda Public Attitude Survey in the **Republic of Ireland (ROI)**, respondents rated Juvenile Crime as a major national problem [76%], secondary only to drug-related crime and violent crime. They rated 'lack of parental' control as a significant cause of crime in Ireland. However, as noted by Hough and Roberts (2004) the public tends to have a more pessimistic view of youth crime than is justified by official crime statistics.ⁱ

For instance, a study conducted in the UK indicated that many adults felt youth crime was increasing over time despite the fact that the figures are generally static for most forms of crime committed by young people. The four most common forms of anti-social behaviour perceived to be enacted by young people were 'being loud/ rowdy', 'drinking', 'swearing' and 'being a general nuisance'ⁱⁱ



In the **Republic of Ireland (ROI)** primary legislation has been introduced to respond to such concern. The Children's Act 2001 (as amended) establishes an overall statutory framework for dealing with troubled young people and young people in trouble with the law. The Act attempts to reconcile the need to hold young people to account for their offending behaviour and the need to protect the public from offending behaviour; it builds upon the viable premise that most young people mature into adulthood and cease offending.ⁱⁱⁱ

In **Northern Ireland (NI)** the youth justice system is quite distinct and different to that in the rest of the United Kingdom or the Republic of Ireland. The most recent and fundamental changes have taken place over the past few years and many of the changes are still coming into effect. The Department of Justice commissioned a review of the Youth Justice System in 2011 and is currently consulting on the findings. The report is available from their website www.dojni.uk



Legislation

The Children's Act 2001 (Republic of Ireland):

- is a primary piece of legislation governing Juvenile Justice in Ireland
- replaces the outdated Children's Act of 1908 – it moves away from a theme of punishment and encourages a range of community sanctions
- states age of criminal responsibility in Ireland is generally 12 years old. For serious crimes such as rape or murder it is 10 years old
- puts the Garda Diversion Programme on a statutory footing in an effort to 'divert' young people from further offending
- recognises the role of the family in supporting young people in conflict with the law and allows for a number of different conferences:
 - Family Welfare Conferences (HSE)
 - Family Conferences run by the Gardaí under the Diversion Programme
 - Family Conferences ordered by the Children's Court and run by Probation and Welfare Service^{iv}

The Justice (Northern Ireland) Act 2002:

- sets out principles that all of those working within the justice system must follow
- outlines the principle aim of the Justice system as protecting the public by preventing re-offending by children
- proposes a conference model to be termed a 'youth conference' based in statute for all young persons (including 17 year olds) subject to the full range of human rights safeguards
- places a restorative justice approach as central to how young offenders are dealt with in the criminal justice system
- states age of criminal responsibility as 10 years old, which means that from age 10 you can be charged with criminal offences and brought before a court

The Criminal Justice (NI) Order 2008:

- Outlines a range of provisions including:
 - powers around the purchase and consumption of alcohol and combating alcohol-related disorder, increased penalties for knife crimes, amendments to prison law, 'ASBO' and youth justice law
- Outlines a number of adjustments to the youth justice legislation including:
 - Youth conference orders, reparation orders and community responsibility orders, and issues relating to custody

Interventions (Republic of Ireland)

Under the framework of the Children's Act (2001) there are a number of interventions designed to respond to young people who have offended.

Direct interventions include:

- **The Garda Diversion Programme**, the first level of response, involving early intervention by a Garda Juvenile Liaison Officer, for young people who admit to their involvement in a criminal offence
- **Garda Youth Diversion Projects** for young people who are deemed to present with added risk of further offending
- **The Probation Service** for young people appearing before the courts for their offending behaviour and
- **Children's Detention Schools** for young people whose offending is either repeat or serious in nature

These, and other indirect interventions, are explained in detail at the end of this chapter in the Appendix A 'Understanding the Juvenile Justice System in the ROI'

Interventions involving the Irish Youth Justice Service (Youth Justice Workers)

The Irish Youth Justice Service (IYJS) has lead responsibility for driving coordination and reform in the area of Youth Justice. It has been given responsibility to lead a national strategy 'To create a safer society by working in partnership to reduce youth offending through appropriate interventions and linkages into services'. It was established in 2005 and is an executive office of the Department of Justice, Equality and Law Reform. It operates within the strategic scope of the Department for Children and Youth Affairs.

The Irish Youth Justice Service (IYJS) funds youth organisations and projects that provide services, including Garda and Probation Projects, to young people under 18 years who find themselves in conflict with the law. Staff from youth work organisations funded under the IYJS are referred to as Youth Justice Workers



Interventions (Northern Ireland)

The Youth Justice Agency, the Probation Board, Police Service of Northern Ireland (PSNI), the Court Service and Voluntary Organisations all have a role to play in providing interventions to children and young people at risk of offending. This co-operation across the sector has been formalised in a [‘Charter for Youth Justice’](#). The Charter sets out a series of statements which describe the type of system they aspire to, the principles of how this might be achieved and priorities for collective action.

Direct Interventions include:

- **Youth Diversionary Scheme (YDS)** - early intervention by PSNI YDS Officers for young people who are deemed to be at risk of offending. YDS Officers monitor nuisance behaviour and take action to make sure it doesn't go any further
- **Discretionary Disposal** – The PSNI have been given discretionary disposal measures for low level, first time offences as a means of diverting young people from entering the juvenile justice system. The victim must consent and may include, for example, the young person apologising to a shop owner
- **Diversionary Conferences** - provide a forum of discussion with the offender, the victim, and anyone else affected by the crime
- **Custodial Service** – Woodlands Juvenile Justice Centre for children and young people referred to it by the court system

These, and other interventions, are explained in detail at the end of this chapter in the Appendix B ‘Understanding the Juvenile Justice System in NI’

Early Interventions involving the Youth Justice Agency

The Youth Justice Agency works to prevent offending by children. Much of this work is done within the local community with a range of partners, for example, Social Services, voluntary organisations, etc., to provide support to young people who may be at risk of offending, and to their families.

A range of services are provided, tailored to the individual needs of young people and their families. These address the reasons behind the young person's problem behaviour such as low achievement in school, family difficulties, substance misuse, etc. Services are often delivered through a range of early intervention and diversionary programmes which aim to engage young people's interests and, by enhancing their knowledge, life-skills and experience, contribute to giving young people the best chances of leading a crime-free life.

Needs and issues of young people involved in the Juvenile Justice System

Youth workers in many youth services have participants in their groups and programmes who are engaged in or at risk of becoming engaged in the Juvenile Justice System. While the young person may attend a Youth Diversion Project it is invaluable that youth services also link these young people with non-offending peer groups. Forming trusting and stable relationships with youth workers can further reduce the risk of a young person re-offending or of not progressing into the Juvenile Justice System.

It is generally accepted that young people who are involved in the Juvenile Justice System are attempting to address needs and issues within their own personal circumstances. Criminal or anti-social behaviour is often interpreted by youth/community workers as symptoms; and not the problem itself.

However, according to research there are a number of factors that make up the typical profile of a young person in the Juvenile Justice System, just as there are a number of factors that increase the likelihood of young people becoming involved in crime.

Research looking at risk factors related to youth crime identifies a number of features which potentially increase or decrease the likelihood of offending behaviour. It is argued that these risks occur in various dimensions of a young person's life.



Risk factors:

1. Individual risks
2. Risks associated with family
3. Risks associated with school performance
4. Risks associated with the neighbourhood that a young person lives in^v

Risk factors do not cause crime, nor do they excuse crime. Risk factors increase the risk of becoming involved in crime. By targeting the known risk factors we can be confident that we are preventing and reducing crime.^{vi}

Understanding the needs of young people at risk of becoming involved in crime

Every person has needs, which we aim to fulfil through a variety of channels, e.g. relationships with family and friends, social interactions with peers and adults, sports, education, jobs, etc. If a young person's needs are not being met, they will often seek out alternative channels that are easily accessible to them. This can result in the young person getting involved in anti-social or criminal behaviour in an effort to satisfy their needs.

There are two types of basic needs - personal and developmental as follows:



Personal needs

- To be accepted
- To feel safe
- To feel wanted
- To give/share
- To impress
- To perform
- To gain recognition
- To release
- To survive (economically and socially)
- To conform
- To be different
- To rebel/revolt
- To have fun etc.

Developmental needs

- Supports: Family, friends, school, wider community, etc.
- Education, training, work experience
- Positive role models
- Knowledge and information
- Reassurance and encouragement
- Structures and routine
- Reflection and review opportunities
- Real alternatives, etc.

How we as Youth Workers can help young people in the Juvenile Justice System to meet their needs

- Ensure the young person understands why they are involved in your project and the benefits of being in this youth project
- Understand and identify each young person's needs and personal situation
- Work with the young person on how to meet those needs in a positive and pro-active way
- Encourage and facilitate education/training achievements and help the young person visualise and aim for future events e.g. getting a job, going to college

Anti-Social Behaviour

The [Criminal Justice Act 2006](#) (ROI) and the Anti-Social Behaviour (NI) Order 2004 introduced new provisions within criminal law for dealing with anti-social behaviour by young people who are between 12-18 years of age in the Republic of Ireland and 10-18 years of age in Northern Ireland.

What is Anti-Social Behaviour?

A young person behaves in an anti-social manner if he/she causes, or in the circumstances is likely to cause, to one or more people who are not living in the same house as the young person, either:

- Harassment
- Significant or persistent alarm, distress, fear or intimidation



- Significant or persistent impairment of their use or enjoyment of their property

So, for example, if a young person or young people were constantly playing football outside your house and this was causing you discomfort or annoyance, this would amount to significant or persistent impairment of your use or enjoyment of your home. This therefore amounts to anti-social behaviour.^{vii}

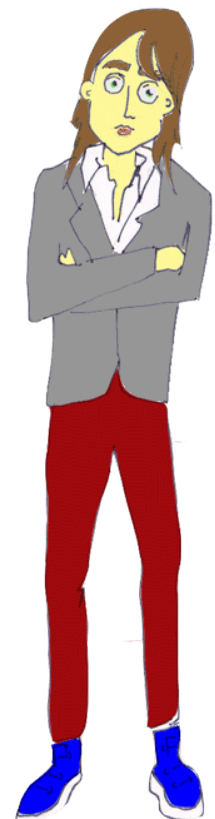
What is a Behaviour Order?

In the **Republic of Ireland** an anti-social behaviour order or ASBO is issued by the Children's Court when a member of the Garda Síochána (not below the rank of Superintendent) applies to the court for an order which prohibits a young person of 12 years or above from doing anything specified in the order.

In **Northern Ireland** applications for ASBOs are also made to the magistrates' court by 'relevant authorities'. These include the Northern Ireland Housing Executive, the Police Service of Northern Ireland and local councils. It remains a civil order irrespective of it being issued by the court. In Northern Ireland the orders are the same for young people and adults but are used disproportionately for under 18s.

In **Northern Ireland** ASBOs contain conditions prohibiting the offender from specific anti-social acts or from entering defined areas, and is effective for a minimum of two years. The orders are not criminal penalties and are not intended to punish the offender. However, there is much debate as to the effectiveness of ASBOs and the impact that issuing these have on children and young people's contact with the justice system. A report by NGOs in 2008 stated:

'ASBOs, instead of being a measure in the best interests of children, may in practice contribute to their entry into contact with the criminal justice system'^{viii}



Anti-Social Behaviour Measures

Anti-social behaviour measures offer an alternative way of dealing with a young person who acts in an anti-social way, other than going through the criminal process. In the **Republic of Ireland** the anti-social measures for young people are different to those designed for adults.

In the **Republic of Ireland** the key features for young people are:

- A series of stages occur before an anti-social behaviour order (ASBO) can be sought, including a warning, a good behaviour contract and referral to the Garda Juvenile Diversion Programme.
- Involvement by parents is required, particularly in the case of a good behaviour contract.^{ix}

All of these provisions are designed to allow the Gardaí to deal effectively with anti-social behaviour while keeping the young person out of the criminal justice system.



Developing inclusive practice with young people involved in the Juvenile Justice System

Applying a structured approach when working with young people – 4 useful areas to consider:

1 Individual plans

- Each young person is unique and has different needs
- Design an initial short-term programme plan to allow time to get to know the young person and to establish a trusting, co-operative relationship and to familiarise yourself with their situation (family and friends)
- When ready, together with the young person (and their family and friends, where appropriate) design a programme plan:
 - in which the young person is actively involved and responsible for their personal development
 - which aims to initiate behavioural change
 - Identifies positive channels to meet their needs.
- Engage the support of parents, schools and other local agencies



2 Actively encourage positive behaviour

- Identify gains and losses of certain behaviours – how can the same gains be achieved with positive actions/ how can losses be eliminated?
- Discuss real options and choices on how to handle various situations that the young people may find themselves in. Use examples/stories to reinforce points
- Involve friends and peers in programmes - it may reinforce positive behaviour (often members of the peer group may be equally at-risk as the young person who is referred). Reward and encourage good behaviour
- Assist the young person to consciously and actively follow a path of positive behavioural change and personal development
- Encourage the young person to get involved in alternative activities. Focus on education/training achievements
- Empower the young person to make the right decisions. The young person needs to decide and believe that positive behaviour is good for them and will improve their personal circumstances

3 Education and Employability (Sense of purpose)

Education/Training

If the young person is involved in education/training:

- Liaise with school/youth/training centre
- Support the young person in their learning

If the young person is not involved in education/training, encourage and promote their involvement:

- Liaise with schools/centres/colleges to attain a place

- Provide resources if necessary, e.g. Back To Education Initiative (BTEI) in the Republic of Ireland or Training for Success in Northern Ireland

Employability

A lot of people describe themselves by their profession or daily activity. This can be connected to a person's sense of self-worth as it helps them identify a purpose for themselves in society (e.g. I am a mechanic/student etc.)

- Promote the importance of training/qualifications
- Establish links with local businesses – work experience/jobs club
- Establish links with local training centres, colleges e.g. SOLAS (FÁS) in the Republic of Ireland, Steps to Work in Northern Ireland or Further Education Colleges on behalf of young people in the project

For more information on education and training see chapters 10A and 10B working with Early School Leavers, and those who are NEET in this Toolkit.

4 Tools and Programmes

There are a number of programmes you can introduce into a young person's programme plan which could be very beneficial and could trigger and encourage behavioural change. Sample programmes include:

- Copping on Programme, Gains and Losses
- Family Support
- Back to Education Initiatives (BTEI) in the Republic of Ireland or 'Training for Success' programmes in Northern Ireland
- Jobs club, responsibility, structure, work experience
- Engage local Gardaí/ PSNI in programme activities
- Enrol volunteers (train and support them)

- Involve local role models
- Big Brother, Big Sister programmes or mentoring programmes
- Other varied personal development programmes that use drama, art, sports etc.



Managing Challenging Behaviours

- Model the type of behaviour that you expect from the young person
- Take active steps to develop a friendly and welcoming atmosphere
- Simple steps such as remembering the name of a young person and greeting them by name can show that you value them
- Take time to build (professional) relationships with young people. Be prepared to offer long-term support with a consistent worker, rather than a range of workers
- Treat young people with respect and as individuals
- Understand cultural differences, for example body language
- Give praise, recognition and reinforcement of acceptable behaviour
- Consider the physical layout of your service and the activities you provide. Encourage young people to contribute to the physical environment, e.g. paint a mural, pick out furniture etc.
- If you run a number of programs, don't mix too many young people who have challenging behaviour in the same group
- Have clear rules/policies at your service which have been developed with young people. Ensure that all staff and volunteers are aware of your service policies and apply them fairly and consistently
- Ensure that young people are aware of the rules of your project/organisation. Implement consequences for inappropriate behaviour in a fair and consistent manner
- However, on occasion, young people are present in youth projects as a result of not keeping rules. Be realistic with rules – DO NOT set the young people you work with up for failure

- Also remember that staff and volunteers are the adults – address situations calmly, professional and reasonably

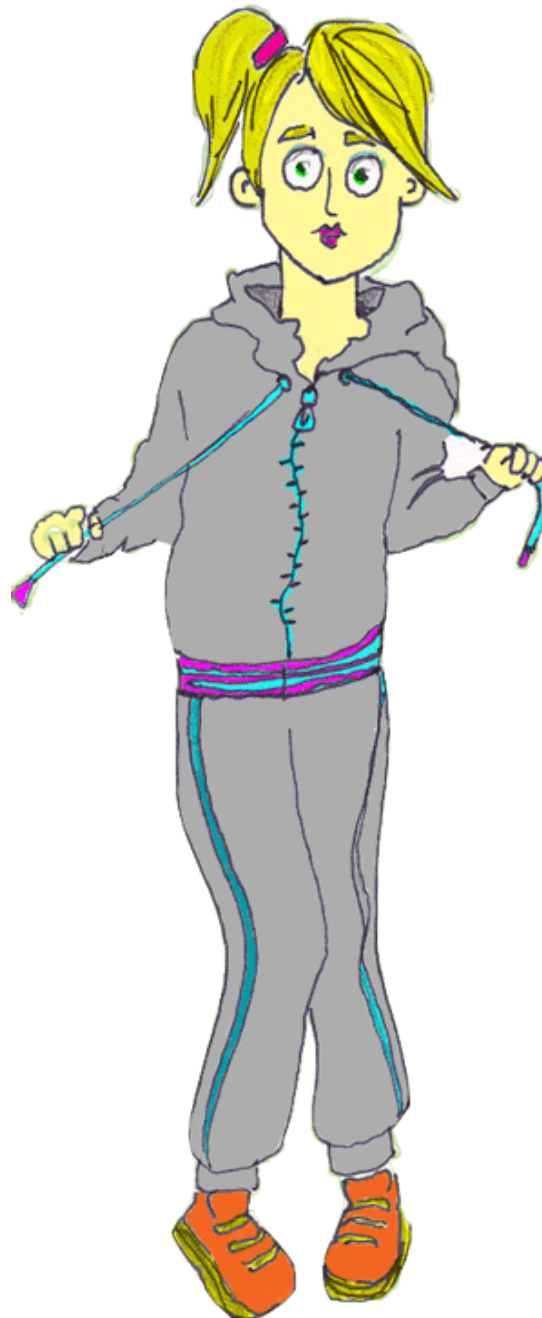
If a young person exhibits challenging behaviour:

- Much of young people's difficult behaviour is not a result of inadequate morals or faulty reasoning; it is the consequence of over-aroused emotions. Attempting to reason with someone in a state of heightened emotion (angry, hyper, etc.) will not be very productive. Calming this person down is the best idea. Sometimes that involves leaving them alone. Being quiet. Giving them space, or a football or time to shout. Sometimes this calming down process lasts for weeks, even months in the project. Keeping a person calm constantly is impossible and is not the responsibility of staff, but it can be achieved at times
- Do not present a young person with an ultimatum – this may be interpreted as a challenge. Try to reason calmly – compromise!
- Model the type of behaviour that you expect from the young person.
- Use reflective language when listening to the views of the young person and try to understand why they are upset
- Try to remove the situation from bystanders
- If a young person refuses to follow an instruction, offer them choice. For example you can either let the young person have his turn or leave the centre and come back tomorrow. This allows the young person to save face, particularly if there are other young people present

Challenging myths

Myth – All young people involved in the Juvenile Justice System have committed a crime

Not all young people involved in the Juvenile Justice System are offenders (i.e. guilty) so use this terminology with care. Juvenile Justice is also about diverting young people who are at risk of becoming involved in anti-social criminal behaviour.



Checklist 8 - How accessible is your organisation to young people in the Juvenile Justice System?

This checklist can help you to identify how you can improve your service for young people involved in the Juvenile Justice System.

Public image

How we present our service to our community

Partnerships:

- | | | | |
|---|------------|---------------|-----------|
| <ul style="list-style-type: none"> Our service has close links with the local Gardaí/ PSNI and local Juvenile Liaison Officer/ Youth Diversionary Officers | YES | PARTLY | NO |
| <ul style="list-style-type: none"> Our service has partnerships with other services that assist with young people involved in the Juvenile Justice System | YES | PARTLY | NO |

Policies and procedures

We have a written commitment to deliver an equal and inclusive service

- | | | | |
|---|------------|---------------|-----------|
| <ul style="list-style-type: none"> Our service has clear policies and procedures in relation to our work with young people who are referred to our youth project | YES | PARTLY | NO |
|---|------------|---------------|-----------|

Programme planning and delivery

Our programmes are designed and delivered to include the diverse needs and identities of young persons in the juvenile justice system

- Our programmes include individual and group work in supporting young people in our service **YES** **PARTLY** **NO**
- Our programmes address the issues of behavioural change and personal development **YES** **PARTLY** **NO**

Professional development

Our staff and volunteers are trained and supported to deliver an inclusive youth service

- Staff have an overall understanding of the Juvenile Justice System and services within **YES** **PARTLY** **NO**
- Our staff are trained and supported to deliver specific behavioural modification programmes to our participants **YES** **PARTLY** **NO**

Participation

We make sure we include the voices of young people at all levels of our youth service

- We ensure that we include and consult with our participants at all levels of our youth service **YES** **PARTLY** **NO**

Useful contacts (ROI)

Web Sites

An Garda Síochána:	www.garda.ie
Children’s Act Advisory Board (CAAB):	www.caab.ie
Citizens Information:	www.citizensinformation.ie
Court Service of Ireland:	www.courts.ie
Department of Health:	www.dohc.ie
Department of Justice and Equality	www.justice.ie
Foróige:	www.foroige.ie
Health Service Executive:	www.hse.ie
Irish Prison service:	www.irishprisons.ie
Irish Youth Justice Service:	www.iyjs.ie
Department for Children and Youth Affairs:	www.dcy.gov.ie
Office for Social Inclusion:	www.socialinclusion.ie
Probation Service/Young Persons Probation:	www.probation.ie
Young Person Protection Services:	www.hse.ie/en/FindaService/HealthServices/Catagory/YoungPersonProtectionSocialWorkServices
Youth Work Ireland:	www.youthworkireland.ie

Publications/Legislation (ROI)

OMC (2007) Agenda for Children's Services: A Policy Handbook

www.omc.gov.ie

Children's Act 2001: www.justice.ie, www.oireachtas.ie, www.omc.gov.ie

Children First National Guidelines for the Protection and Welfare of Children

www.dohc.ie

National Children's Strategy: Our Children – Their Lives (2000 – 2010)

www.dohc.ie

Designing Effective Local Responses to Youth Crime

www.iyjs.ie/en/IYJS/Executive%20Summary.pdf/Files/Executive%20Summary.pdf

National Youth Justice Strategy 2008 -2010

www.iyjs.ie/en/IYJS/Strategy%20PDF.pdf/Files/Strategy%20PDF.pdf

Useful Contacts (NI)

The Youth Justice Agency contains an overview of the youth justice system in NI

www.youthjusticeagencyni.gov.uk/

Youth Organisations (NI)

<p>Youth Action Northern Ireland</p> <p>Youth Action is a voluntary youth organisation which works to enable young people to achieve their full potential.</p> <p>14 College Square North, Belfast, Northern Ireland, BT1 6AS Phone: 028 - 9024 0551 Website: www.youthaction.org</p>	<p>Include Youth</p> <p>Include Youth is an independent organisation which actively promotes the rights, best interests of and best practice with young people in need or at risk</p> <p>Alpha House, 3 Rosemary Street, Belfast BT1 1QA Phone: 028 - 9031 1007 Website: www.includeyouth.org</p>
<p>Opportunity Youth</p> <p>A regional youth organisation helping young people make the most of their life's opportunities and be the best they can be</p> <p>30-34 Hill Street Belfast, BT1 2LB Phone: 028 - 9043 5810 Website: www.opportunity-youth.org</p>	<p>Challenge for Youth</p> <p>Challenge for Youth (CFY) exists to engage and support young people who for a range of reasons find themselves outside of, or excluded from mainstream / community youth provision</p> <p>112-114 Donegal Street, Belfast BT1 2GX Phone: 028 - 9023 6893 Website: www.challengeforyouth.org/</p>

NIACRO

NIACRO believes child offending can be reduced through diverting children and young people to services which help them to make positive changes in their lives. Our services are open to young people in different areas of Northern Ireland, of different age groups and with different needs. NIACRO aims to move children and young people out of the criminal justice system or better still help them not get into it in the first place. Our current projects include the Caps Project, MOVE, Youth Employability, Independent Visitor Scheme and the Independent Representation Project

Amelia House
4 Amelia Street
Belfast BT2 7GS

Phone: 028 - 9032 0157

Website: www.niacro.co.uk/

Princes Trust

The Princes Trust works with 13 to 30-year-olds who have struggled at school, have been in care, are long-term unemployed or have been in trouble with the law.

Head Office, Block 5, Jennymount Court, North Derby Street
Belfast BT15 3HN

Phone: 028 - 9074 5454

Website: www.princes-trust.org.uk/

The Bytes Project

The Bytes Project offers drop-in facilities with free access to ICT resources as well as structured personal development and job ready learning programmes

Unit 5, The Filor Building
155 Northumberland Street
Belfast BT13 2JF

Phone: 028 - 90288810

Website: www.bytes.org

EXTERN

Extern works directly with children, adults and communities affected by social exclusion throughout Ireland. The majority of our work is with children and families. Society and government now realises the importance of tackling exclusion and preventing young people getting on the treadmill of poverty, unemployment and crime.

Hydepark House

3 McKinney Road

Newtownabbey, BT36 4PE

Phone: 028 - 9084 0555

Fax: 028 - 9084 7333

Email: info@extern.org

Criminal Justice Links (NI)

Community Safety Unit

www.nidirect.gov.uk/index/information-and-services/crime-justice-and-the-law/crime-prevention/community-safety.htm

The (Northern Ireland) Act 2002 outlined in detail via the HMSO website

www.legislation.gov.uk/ukpga/2002/26/contents

Northern Ireland Prison Service

www.niprisonservice.gov.uk/

OFMDFM Victims Unit

www.ofmdfmi.gov.uk/index/equality/victims.htm

Police Service of Northern Ireland

www.psni.police.uk/

Prisoner Release Victim Information Scheme

www.nidirect.gov.uk/index/information-and-services/crime-justice-and-the-law/prison-and-probation/prisoner-release-victim-information-scheme.htm

Probation Board for Northern Ireland

www.pbni.org.uk/site/Home.aspx?x=eTyoYPm5488=

Youth Justice Board

www.yjb.gov.uk/en-gb/

Appendix A

Understanding the Juvenile Justice System in the Republic of Ireland

In order to provide a responsive service to a young person who has come into conflict with the law it is important to fully understand the Juvenile Justice System. There are a wide range of interventions designed to respond commensurately to young people who have offended.

The Garda Juvenile Diversion Programme^x

The Garda Juvenile Diversion Programme provides an opportunity to divert juvenile offenders from criminal activity. It is the first level of response, involving early intervention by a Garda Juvenile Liaison Officer for young people who admit their involvement in a criminal offence.

The Garda Juvenile Diversion Programme is administered by specially trained Gardaí called Garda Juvenile Liaison Officers (JLO). These Gardaí are specially trained to deal with young people and their families in relation to crime-prevention, the operation of the diversion programme and all other areas involving young people and the criminal justice system. Each Garda District in Ireland has a Juvenile Liaison Office. The Garda Juvenile Diversion Programme employs such strategies as formal and informal Cautions, Supervision, Restorative Cautioning and Conferencing, Community Policing and referrals to Garda Youth Diversion Projects. Once cautioned a young person is usually monitored for a year.

Any young person who has been admitted to the Garda Juvenile Diversion Programme is protected from prosecution for the criminal behaviour which resulted in his/her admission to the programme. Any acceptance by the young person of responsibility for their criminal behaviour in respect of which they have been admitted to the programme will not be available in any civil or criminal proceedings against that young person. However, under Section 126 of

the Criminal Justice Act 2006, it may be used where a court is considering the sentence to be imposed in respect of an offence committed after admission to the programme.

There are two types of caution:

Informal

The informal caution is given for less serious criminal behaviour. It may be given at the young person's home or in a Garda station. It is administered by a JLO. The only persons obliged to attend while the caution is being given are the parents or guardian of the young person.

Formal

The formal caution normally takes place in a Garda Station to highlight the seriousness of the situation to the young person. Those present when the caution is delivered must include the young person, the young person's parents or guardian and a JLO. The officer who gives the caution normally discusses the criminal behaviour and highlights to the young person the seriousness of his/her actions.

Supervision

Every young person who receives a formal caution through the Garda Diversion Programme is placed under the supervision of a JLO for twelve months. The level of supervision is normally a matter decided by the JLO.

Garda Youth Diversion Projects^{xi}

The Garda Youth Diversion Projects' baseline analysis falls under the Goal of the National Youth Justice Strategy: 'To work to reduce offending; by diverting young people from offending behaviour'. More specifically:

“To make existing intervention measures more effective in reducing offending behaviour. In doing so, promote good practice in the delivery of the Garda Juvenile Diversion Programme and the Garda Youth Diversion

Projects”.

A Garda Youth Diversion Project is a community based, multi-agency crime prevention initiative which seeks to divert young people from becoming involved (or further involved) in anti-social and/or criminal behaviour by providing suitable programmes and activities to facilitate personal development and promote civic responsibility.

The Garda Youth Diversion Projects are funded by the Irish Youth Justice Service and administered through The Community Relations Section of An Garda Síochána. It is important to note that Garda Youth Diversion Projects – which are run by youth organisations and youth projects - operate alongside other Garda (and complimentary) initiatives aimed at reducing youth crime. The young people who attend a Youth Diversion Project may be involved with [An Garda Síochána](#), the [Probation Service](#) and/or the [Courts Service](#).

What does a Garda Youth Diversion Project do?

Garda Youth Diversion Projects have clear and distinct roles aimed at engaging with young people at risk of, or at the onset of becoming involved in, offending behaviour:

1. To divert young people from becoming involved in criminal or anti-social behaviour
2. To provide suitable activities to facilitate personal development and encourage civic responsibility and work towards improving the long-term employability prospects of the participants

In achieving the above, projects seek to support and improve local Garda and community relations and enhance the quality of life in the area.

There are 100 Garda Youth Diversion Projects in operation providing interventions for approximately 3,600 young people.

Children's Court

The first contact a young person or their family will have with the Probation Service is probably after they have been before a court and either they have accepted responsibility for the offence or the facts have been proven. If they are under 18 years of age and their case is before the Children's Court the Judge may refer them to the Young Persons Probation Service.

The Probation Service - Young Persons' Probation

Young Persons' Probation (YPP) is a specialised division of the Probation Service with dedicated resources to work with young people aged 12 to 18 who come before the courts.

YPP aims to promote the use of community based sanctions and restorative justice in order to reduce re-offending and deals with approximately 600 young offenders nationwide. The work of the YPP involves:

- preparing pre-sanction assessments for the courts
- supervising offenders in the community who are referred by the court
- supervising offenders released conditionally from custody
- providing a counselling service to offenders and their families^{xii}

Community Sanctions

A young person who has been to court and convicted of a crime may receive a community sanction, which allows the young person to stay in school and in their community. Community sanctions can be used instead of detention and are operated by the Young Persons Probation (YPP) division of the [Probation Service](#).

Community sanctions have to address the consequences of the actions of the

young person and, in some cases, can be used to help strengthen relationships in the family. The sanctions include a range of measures such as community service, intensive supervision, mentoring and restorative justice.

If a community sanction is being used, the young person will be told why it is being used and what they have to do. The parents, or guardians, are expected to support and encourage the young person to complete the sanction and stay out of trouble in the future.

10 community sanctions are available to the courts:

- **Community Service Order:** A young person of 16 or 17 years of age agrees to complete unpaid work for a set total number of hours
- **Day Centre Order:** A young person is to go to a centre at set times and, as part of the order, to take part in a programme of activities
- **Probation Order:** This places a young person under the supervision of the Probation Service for a period during which time the young person must meet certain conditions which are set by the court
- **Training or Activities Programme Order:** A young person has to take part in, and complete, a programme of training or similar activity. The programme should help the young person learn positive social values
- **Intensive Supervision Order:** A young person is placed under the supervision of a named probation officer and has to attend a programme of education, training or treatment as part of their time under supervision
- **Residential Supervision Order:** This is where a young person is to live in a suitable hostel. The hostel should be close to where they normally live, attend school or go to work
- **A Suitable Person (Care and Supervision) Order:** With the agreement of the young person's parents or guardian, the young person is placed in the care of a suitable adult

- **A Mentor (Family Support) Order:** A person is assigned to help, advise and support the young person and his/her family in trying to stop the young person from committing further offences
- **A Restriction of Movement Order:** This is basically a curfew order supervised by the Gardaí. A young person is required to stay away from certain places and to be at a specific address between 7pm and 6am each day.
- **A Dual Order:** This combines a Restriction of Movement Order with either supervision by a probation officer or attendance at a day centre.^{xiii}

Children's Detention Schools

The Court can order a young person to either a detention school or to St. Patrick's Institution in Dublin because of the type of offence committed and the particular circumstances of their case. Before sending a young person to detention, the Court will try to make sure that no other option is available that would address the offences which the young person has committed. The Children's Act 2001 (as amended) makes it illegal to order the detention of a young person (with effect from 1 March 2007) under 18 years old to a prison. There are currently four detention schools where the Courts can detain a young person. These are:

- Trinity House, Lusk
- Oberstown Boys School, Lusk
- Oberstown Girls School, Lusk
- Finglas Young Person and Adolescent Centre^{xiv}

St. Patrick's Institution

The Irish Prison Service manages St Patrick's Institution. It is a closed, medium security place of detention for males aged 16 to 21 years. It accommodates

both remand and sentenced prisoners. Plans have been made for separate accommodation for the majority of 16 and 17 year-old boys, pending the further development of the [Children's Detention Schools](#).^{xv}

Restorative Justice

Restorative Justice is a victim and community-oriented approach requiring the perpetrator to face up to the harm he or she has caused and repair or make good the damage done; and resolve the underlying problems which caused it. It also focuses on finding ways that offenders can make things right for victims and others affected by their crime. Restorative Justice puts the victim at the centre of the process.

A Restorative Conference

A Restorative Conference is a meeting involving the young person and members of his/her family, the victim/s and relevant others. It is used within the auspices of the Garda Youth Diversion Programme and the Young Person's Probation Service. At the Restorative Conference, the young person's offence will be discussed with regard to its effect on the victim, the community and on the young person's family.

The conference will explore ways that the young person can take responsibility for their behaviour and where possible, put things right by making good the damage.^{xvi}

Appendix B

Understanding the Juvenile Justice System in Northern Ireland

The youth justice system in Northern Ireland is quite distinct and different to that in the rest of the United Kingdom or Ireland. The most recent and fundamental changes to youth justice in Northern Ireland have taken place over the past few years and many of the changes are only just coming into effect.

These changes follow the recommendations of the Criminal Justice Review which was set up in June 1998 under the Agreement signed in Belfast on Good Friday of that year (known as the 'Good Friday Agreement' or 'Belfast Agreement').

The Review recommended that a restorative justice approach should be central to how young offenders are dealt with in the criminal justice system. It proposed a conference model to be termed a 'youth conference' based in statute for all young persons (including 17 year olds), subject to the full range of human rights safeguards.

Youth Diversion Scheme

One of the aims of the Youth Diversion Scheme (YDS) in Northern Ireland is to discourage young people from getting involved in crime in the first place. This means that YDS officers will monitor nuisance behaviour and take action to make sure it doesn't go any further. However if a young person has committed a crime the police will take into account a number of factors, including the seriousness of the offence, whether or not there is an admission of guilt, previous offending history, etc., in deciding how to deal with it.

There are three possible outcomes:

Informed Warning

A young person may receive an informed warning for offences that are considered to be less serious because of the circumstances. It will be delivered by a trained police officer in the presence of the parent(s)/guardian(s) of the young person. An informed warning is not a conviction, and will only remain on a criminal record for 12 months, unless further offending takes place.

Restorative Caution

A young person may receive a restorative caution for more serious offences, which will be delivered by a trained facilitator who can be a police officer, a representative from a partner agency, or a community representative. It provides an opportunity for the young person who has offended to gain a greater understanding of the impact of their behaviour and its consequences, and to help them take responsibility for their actions through meeting their actual victim. The process provides an opportunity for the victims of crime to be involved in how their case is dealt with and will be recorded for 2½ years on a criminal record, unless further offending takes place. It is not a conviction.

Referral for Prosecution

A young person may be referred for prosecution for offences which are considered very serious and/or where you deny the offence, or have 2 or more recorded 'disposals' within the system. The Public Prosecution Service will consider each case and decide whether to:

- refer back to the police for further investigation;
- refer for diversionary conference;
- prosecute; or
- close the case without prosecution.

In the case of young people who have offended, prosecution will be the exception rather than the rule as the majority of cases will be dealt with through a diversionary approach.

The decision whether or not to refer a young person to a diversionary conference is for the Public Prosecution Service to make, but these conferences can only take place where the offender has admitted the offence.

A diversionary conference is a meeting or a series of meetings held to consider how a young person should be dealt with for an offence. A conference plan will be produced, which will be presented to the prosecutor for their approval. If the prosecutor accepts the plan, it must then be complied with by the young offender. However, if the young offender fails to comply or the prosecutor doesn't accept the plan, then the prosecutor can refer the case to court.

Diversionary Youth Conferences

These are organised by the Youth Justice Agency. The aim is to provide a forum of discussion with the offender, the victim, and anyone else affected by the crime. Discussions at the conference provide the opportunity for victims to explain the impact of the crime on their lives, and for the offender to make amends and be held accountable for their offence. The conference plan could consist of one of the following:

- an apology to the victim;
- reparation to the victim or to the community;
- payment to the victim in compensation;
- supervision by an adult;
- work or service for the community;
- participation in activities designed to deal with offending behaviour, or to offer training or education, or to deal with problems such as drugs or alcohol;
- restrictions on conduct or whereabouts, eg. curfews;
- treatment for mental problems or for alcohol or drug dependency.

Youth Court

If a young person is charged with an offence, they will usually appear before a youth court. However, if he/she is charged jointly with an adult, the trial may be held in the magistrates' court or, for more serious offences such as murder, in the Crown Court.

The Youth Court is a less formal and more open section of the magistrates' court. The young person and their family will be encouraged to participate by appearing in court. Members of the public are not allowed in a youth court to listen to the case, nor can the identity or photograph of any young person concerned in the trial be published in the press. However the victim of the crime may, on request to the court, attend the hearing if they want to do so.

The court has a number of options for dealing with a young person's case:

Absolute discharge

This may be imposed where punishment is considered inappropriate. The offender is found guilty but no further action is considered necessary.

Conditional discharge

The young person may be discharged, on the condition that they stay out of trouble for a set period of time between 6 months and 2 years. If another offence is committed during this time, the court can look at the old offence as well as the new one.

Fines

This involves paying a sum of money to the courts. There are limits on the amount a young person can be fined according to their age.

Deferred sentence

This is when the magistrate imposes a sentence, but defers it for up to 6 months. If the young person stays out of trouble or makes some effort to

repair any damage to the victim, the magistrate may reconsider the case in a positive light.

Attendance Centre Orders

This order requires the young person to attend their Youth Justice Agency Area Office for a set number of hours. The hours of attendance can be from 12 to 24. They will normally be completed over a number of weeks, through planned sessions of between 1 and 2 hours at a time, and will not interfere with school or work. There will be a mixture of individual work, family work, group work and activities which will:

- address issues relating to the offence;
- heighten awareness of the impact of the offence on the victim;
- look at ways to prevent offending; and
- make constructive use of time.

Community Responsibility Orders

This is a court order which requires a young person to attend their Youth Justice Agency Area Office for a period of 20-40 hours. The hours of attendance will be completed over a number of months through planned sessions of between 2 and 4 hours at a time – these sessions will not interfere with school or work. Each session will be used to help the young person:

- understand their responsibility to the local community;
- understand the impact of the offence on themselves and others;
- understand the reasons for their involvement in the offence;
- look at ways to prevent re-offending;
- look at other areas of need which will improve the situation;
- where appropriate, undertake practical activities to make amends.

Reparation Order

A reparation order is a court order which requires the young person who committed the offence to complete an agreed activity carried out to the benefit of the victim, or the community at large, for up to a period of 24 hours. The Youth Justice Agency has responsibility for overseeing the discharge of this order through its Area Offices.

Court Ordered Youth Conference

Youth Conferences were introduced by the Youth Justice (NI) Act 2002. The aim is that most young offenders are referred to a conference, although they cannot be referred without their agreement. In exceptional cases, referral is not an option. The Court retains discretion on these matters, but must explain their decisions in open court.

The Youth Justice Agency will organise a meeting between the young person and anyone else affected by the crime including the victim (if they consent) to try and agree an action plan which aims to meet the needs of the victim and prevent further crime.

If the court order arising from a youth conference is breached, the court may either deal with the breach or decide to re-sentence for the original offence.

Community Service Order

This order may be given to young people over 16 for an offence which is punishable by detention or imprisonment. This would mean undertaking unpaid work in the community for between 40 hours and 240 hours.

Probation Order

This order puts the offender under the supervision of a probation officer for a period of between 6 months and 3 years, during which time probation staff will assess and manage the risk in order to assist the offender to avoid re-offending. A probation order can be made in relation to anyone over the

age of 10, although if you are over 14 you must give consent to the order being made.

Electronic Monitoring

Electronic monitoring or “Tagging” is a new option available to the youth courts in Northern Ireland. It is a system using electronic devices to determine where an individual is. Typically the individual will wear a small electronic transmitter on their wrist or ankle.

Juvenile Justice Centre Orders

This is an order which is normally for a period of 6 months but can be for up to 2 years. Half of the time is served in a Juvenile Justice Centre and with the remaining half served under supervision in the community

References

- ⁱ Hough and Roberts (2004) in 'Beyond the Margins' (Mar 2010) Nelson, E. McBride, S. O'Riordin, O & Smyth, P.
- ⁱⁱ Ipsos MORI 2006 in 'Beyond the Margins' (Mar 2010) Nelson, E. McBride, S. O'Riordin, O. Smyth, P
- ⁱⁱⁱ Irish Youth Justice Service (2009) Designing Effective Responses to Youth Crime.
www.iyjs.ie
- ^{iv} Lalor, Kevin, de Róiste, Áine and Devlin, Maurice (2007) young people in Contemporary Ireland. Gill and Mac Millan.
- ^v YAPA and the Nepean Access Project Reference Group for the Nepean Better Futures Strategy (2006) Opening the Doors "A Do It Yourself " Access and Equity Manual For working With young people. NSW Department of Community Services.
https://d3n8a8pro7vnmx.cloudfront.net/youthaction/pages/190/attachments/original/1449108844/opening_doors.pdf?1449108844
- ^{vi} YAPA and the Nepean Access Project Reference Group for the Nepean Better Futures Strategy (2006) Opening the Doors "A Do It Yourself " Access and Equity Manual For working With young people. NSW Department of Community Services.
https://d3n8a8pro7vnmx.cloudfront.net/youthaction/pages/190/attachments/original/1449108844/opening_doors.pdf?1449108844
- ^{vii} Citizens Information (2009) Public Service Information.
www.citizensinformation.ie/categories/justice/children-and-young-offenders/anti-social-behaviour-by-children
- ^{viii} Northern Ireland NGO Alternative Report, Haydon 2008
- ^{ix} Irish Youth Justice Service/Community Programmes/Anti-Social Behaviour Order
www.iyjs.ie/en/IYJS/Pages/WP08000065
- ^x Citizens Information (2009) Public Service Information.
www.citizensinformation.ie/categories/justice/childrenand-young-offenders/garda-juvenile-diversion-programme
- ^{xi} Irish Youth Justice Service (2009) Designing Effective Responses to Youth Crime.
www.iyjs.ie
- ^{xii} Irish Youth Justice Service/Community Programmes/Young Persons Probation
www.iyjs.ie/en/IYJS/Pages/WP08000101
- ^{xiii} Irish Youth Justice Service/Community Programmes/Community Sanctions
www.iyjs.ie/en/IYJS/Pages/WP08000063
- ^{xiv} Irish Youth Justice Service/Detention School Services
www.iyjs.ie/en/IYJS/Pages/WP08000059
- ^{xv} Irish Youth Justice/Detention Schools Services
www.iyjs.ie/en/IYJS/Pages/WP08000060
- ^{xvi} Department of Justice Equality and Law Reform/Prisons and Probation/Probation Policy
www.justice.ie/en/JELR/Pages/Restorative_justice