



## The youth justice system in Ireland: a review

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### Publication date

01-01-2017

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RESEARCH  
EVIDENCE INTO  
POLICY PROGRAMMES  
AND PRACTICE



# Improving the Measurement of Effectiveness in the Irish Youth Justice System

The youth justice system in Ireland

## Abstract

This report is the first part of multi-stage research process. It identifies and presents the policy priorities, important objectives and guiding values evident in the Irish youth justice system. It first traces the development of the Irish State's responses to youth crime and offending before describing the factors and concepts that have informed the development and now underpin the modern Irish youth justice system.

2017

# Improving the Measurement of Effectiveness in the Irish Youth Justice System: The Youth Justice System in Ireland

Reviewers: Professor Shane Kilcommins and Dr Sean Redmond

How to Cite: Reddy, J. (2018) *Improving the Measurement of Effectiveness in the Irish Youth Justice System: The Youth Justice System in Ireland*. Research Evidence into Policy, Programmes and Practice (REPPP) Project, University of Limerick.

## **About the Research Evidence into Policy, Programmes and Practice (REPPP) Project**

The REPPP project is a strategic research partnership between the Department of Children and Youth Affairs and the School of Law at the University of Limerick. REPPP's purpose is to contribute to improving the evidence-base for policy, programme and practice reform in relation to youth crime in Ireland. The project implements practically focussed research studies linking directly with policy priorities identified by Irish Youth Justice Service, informed by multiple sources of evidence and focussed on better outcomes for children. REPPP examines the *policy* relevance of research evidence but also *programmes* and *practice* in recognition that reforms in the area of human programmes require change in all these areas to achieve substantial traction.

## Contents

1	The Youth Justice System in Ireland.....	1
1.1	Background to the Study.....	1
2	Youth Justice in Ireland.....	3
2.1	Introduction.....	3
2.1.1	A Brief Overview of Crime in Ireland.....	3
2.1.2	Origins of the Youth Justice System in Ireland.....	4
2.1.3	Summary.....	5
3	The Emergence of Youth Justice Policy in Ireland.....	7
3.1.1	Youth Justice and Crime, Disorder and Social Disadvantage.....	8
3.1.2	Towards a Broad-based Youth Justice System.....	9
3.1.3	Summary.....	12
4	Transition to an Integrated Youth Justice System.....	14
4.1.1	Merging Youth Justice and Child Welfare.....	18
4.1.2	Summary.....	19
5	The Modern Irish Youth Justice System: A Coordinated Response.....	21
5.1.1	Reform and the Irish Youth Justice System.....	22
5.1.2	Summary.....	28
6	Irish Youth Justice System: Policy Objectives and Guiding Values.....	30
6.1	Policy Objectives and Guiding Values.....	30
7	Reference list.....	34
7.1.1	Web sites.....	38

## List of Tables

Table One: Chronology of Youth Justice Policy Development.....	12
Table Two: International Instruments Relevant to Youth Justice in Ireland.....	17
Table Three: The Main Principles of the Children Act 2001.....	22
Table Four: Youth Justice Initiatives.....	26
Table Five: Measuring Effectiveness in the Youth Justice System.....	32
Table Six: Measuring Effectiveness of Youth Justice Interventions.....	33

# 1 The Youth Justice System in Ireland

## 1.1 Background to the Study

This research is to study ways of improving the measurement of effectiveness in the Irish youth justice system. Its purpose is to improve knowledge of evidence-informed practice and decision-making in youth justice by describing how youth justice systems measure outcomes in responses to youth crime and offending in order to demonstrate effectiveness. An overall objective of the research is to provide a baseline assessment for the collection of data in the Irish youth justice system that can indicate effectiveness.

This report is the first part of this multi-stage research process. It aims to provide a comprehensive understanding of youth justice in Ireland. It identifies and presents the policy priorities, important objectives and guiding values evident in the youth justice system. It first traces the development of the Irish State's responses to youth crime and offending before describing the factors and concepts that have informed the development and now underpin the modern Irish youth justice system. This analysis informs the wider examination of international youth justice and ways of measuring effectiveness in systems. The report is in five sections:

- A brief overview of crime in Ireland and origins of the youth justice system;
- The emergence of youth justice policy;
- Transition to an integrated youth justice system;
- The modern Irish youth justice system; and
- Policy objectives and guiding values.

### ***Rationale***

In Ireland, a need to find ways of systematically measuring effectiveness in youth justice services emanates from a recognition of the need for effective resource allocation (DCYA, 2017, 2014). The Department of Children and Youth Affairs' Statement of Strategy 2016 – 2019, for example, commits to an increasing focus on the effectiveness and responsiveness of services for children and youth, within a context where high standards of accountability and good governance are supported and enforced (DCYA, 2017).

Similarly, the national policy framework for children and youth – *Better Outcomes, Brighter Futures* – indicates that government investment in services for children and young people must be more outcomes-driven and evidence-based (DCYA, 2014: 15). Investment in children's services should, it states, be "informed by national and international evidence on the effectiveness of expenditure on child related services, with the aim of improving child outcomes and reducing inequalities" (DCYA, 2014: 15). Outside of the children and youth sector, the Department of Public Expenditure and the Reform Plan 2014–2016 emphasises a need for improved outcomes for service users. This necessitates a

commitment among departments and agencies to ensure services are designed and delivered effectively.

## **2 Youth Justice in Ireland**

### **2.1 Introduction**

Youth justice in Ireland has undergone substantial reform since the passing of the Children Act in 2001. The Act provides the main statutory framework covering children in conflict with the law and focuses on crime prevention and justice, education, health, child protection and welfare (Seymour, 2008). The Act has overhauled and, in many respects, modernised the Irish state's responses to youth crime and offending with a renewed emphasis on diverting children away from the criminal justice system and rehabilitating young offenders (Sargent, 2014; Seymour, 2008; Kilkelly, 2008). To this end, it has put the Garda Youth Diversion Programme on a statutory basis, introduced restorative justice initiatives and family conferencing, and made 10 community sanctions available to courts in order that detention is only used for children as a measure of last resort (Convery and Seymour, 2016; Kilkelly, 2008).

The evolution of the Irish youth justice system generally is comparable with international developments in criminal justice albeit with some contextual and time differences. Ireland's path to social and economic modernisation since the 1960s has, for example, influenced the pace and direction of developments in youth justice policy and services. To elaborate on this reasoning it is necessary first to present a brief historical overview of crime trends, the policy backdrop and the socioeconomic and cultural background that have shaped and driven recent reforms in youth justice in Ireland.

#### **2.1.1 A Brief Overview of Crime in Ireland**

After remaining consistently low in the forty years following independence in 1922, recorded crime rates began to increase as Ireland modernised from the 1960s (Campbell, 2010; O'Donnell and O'Sullivan, 2003). Between 1961 and 1991, for example, indictable offences<sup>1</sup> increased six-fold from 14,818 to 94,406 (McCullagh, 1996: 3). In addition to periods of dramatic increase such as in 1980-2 when rates surged by approximately 10,000 recorded crimes (Vaughan, 2004: 57), recent decades have also been interspersed with periods of decline, as the years from 1983 to 1987 (by 17 per cent) and again from 1995 to 2000 (by 29 per cent) demonstrate (Mulcahy, 2007: 123-4; McCullagh, 2014).

After reaching 106,659 in 2002, the number of headline offences recorded annually by An Garda Síochána remained a little above the 100,000 threshold (e.g. 102,453 offenses were recorded in 2007) indicating a period of relative stability (cso.ie; Eurostat.eu). However, *Garda Recorded Crime Statistics*

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<sup>1</sup> Indictable offences are crimes that are considered of a serious nature that can and should be tried by a judge and jury (McCullagh, 1996). In 2000, crime statistics were reclassified into headline and non-headline offences due to the introduction of a new computerised police system (PULSE – Police Using Leading Systems Effectively) (Mulcahy, 2007).

2014-2014<sup>2</sup> indicates the number of crimes recorded in 2014 in most crime classifications had reduced when compared to 2010 figures. In addition, continuing the downward trend, national youth crime data indicates that year-on-year reductions were recorded for 2009 to 2012 (IYJS, 2013).

Brewer et al. (1997) capture a significant feature in the evolution of Irish criminal justice in their analyses of crime in Ireland from 1945 to 1995. They note that while crime increased in all areas in this period, it has not been not evenly distributed (Brewer et al., 1997: 84). The Dublin metropolitan area, for example, repeatedly accounts for approximately 50 to 60 per cent of crime recorded annually in the state while typically having less than a quarter of its population – 24.6 percent based on the 2016 census (Brewer et al., 1997: 95; Central Statistics Office, 2016). Brewer et al. (1997) also draw attention to the links between increased property crime from the early 1980s and the availability of addictive drugs in the city, which they maintain was a key driver of the surge in Ireland's overall crime rate during this period (Brewer et al., 1997: 84). Overall, however, for the majority of crimes, and considering Ireland's lower starting base, crime rates since the 1960s have and continue to be relatively low by international standards (McCullagh, 2014; Campbell, 2010; O'Donnell and O'Sullivan, 2001).

### **2.1.2 Origins of the Youth Justice System in Ireland**

A number of historical and contextual factors influenced the development of youth criminal justice policies as crime rates increased. First, low crime levels and a small prison population in the four decades after independence meant a rehabilitative penal system common in most Western societies did not begin to emerge in Ireland until the 1970s (Kilcommins et al., 2004: 35). Extensive use up until the 1970s of state mental hospitals and specialised institutions in regulating those judged deviant or dangerous to existing social, moral and religious codes, was a key factor accounting for Ireland's low rate of formal imprisonment (Kilcommins et al., 2004: 74-88; Brennan 2016). In the mid-1950s, for example, one out of every hundred Irish citizens was interned within a closed institution (Kilcommins et al., 2004: 76). In 1956, Ireland's mental hospitals held fifty times more inmates than the country's prisons (Kilcommins et al., 2004).

O'Sullivan and O'Donnell (2012 cited in Brennan, 2016: 553) suggest that Ireland's rural economy, low levels of urbanisation and industrialisation produced "a distinctly localised outlook in terms of social mobility and opportunity". They argue that tight social controls are predominant in rurally based societies; in Ireland's example, non-conformity tended to be managed through institutions. However, the demise of mental hospitals as the primary place of institutional confinement and the expansion of the prison population signalled an important shift in the nature of social control in Ireland (O'Sullivan

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<sup>2</sup> *Garda Recorded Crime Statistics 2014-2014* provides an overview of recorded crimes, as well as detections and outcomes of criminal proceedings for crimes report to An Garda Síochána during 2014, based on administrative data received by the CSO in 2016.



and O'Donnell, 2012 cited in Brennan, 2016).<sup>3</sup> From the 1960s, a decline in using clinical settings as means of incarceration followed greater involvement of criminal justice system and prison system in managing crime and social control.

Second, Irish youth justice has been dominated in terms of provision by reformatory and industrial schools from the mid-1900s until the late 20<sup>th</sup> century (Sargent, 2014). Sargent (2014: 2) argues that reformatory and industrial schools “acted as clearing houses for most of the troubled or troublesome juveniles in the country” during this period. In addition, an “official belief” throughout the period that voluntary providers, typically religious organisations, rather than the state, were most capable of dealing with offenders and errant populations arrested government investment in the formal justice system (Kilcommins et al., 2004: 87). For example, as Kilcommins et al. (2004: 50-1) highlight, successive ministers for justice favoured voluntary organisations including the St. Vincent De Paul Society and other Catholic bodies to provide probation services to the state. In 1922, one probation and welfare officer was employed by the fledgling Free State administration (Kilcommins et al., 2004: 52). By the early 1960s, the numbers employed had increased to five fulltime officers based in Co. Dublin; however, as late as 1968 no fulltime probation and welfare officers were employed outside the capital (Kilcommins et al., 2004).

Third, rather than building upon what Kilcommins et al. (2004: 40) consider was an increasingly “reformatory” criminal justice system inherited from the former British administration, the independent state adopted a hardened approach in dealing with youth crime and deviance. The Children Act 1908, for example, as Sargent (2014) notes, underpinned by 19<sup>th</sup> Century conceptions of justice, remained the statutory framework for youth justice until 2001. The Act has been criticised for its overemphasis on detention and imprisonment of children using institutions, its lack of consideration of community-based responses, and because it set the age of criminal responsibility at seven years (Seymour, 2008). Indeed, youth justice in Ireland is characterised by little development or change in policy or legislation throughout the 20<sup>th</sup> century (Sargent, 2014). In contrast, legislation passed in England and Scotland, beginning in the 1930s, amended the 1908 Act heralding a move away from reformatory and industrial school systems and the eventual emergence of diversionary and community-based responses (Sargent, 2014).

### **2.1.3 Summary**

Youth justice in Ireland is characterised by little development or change in policy or legislation throughout the 20<sup>th</sup> century. In the four decades after independence, low crime rates, a rural economy,

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<sup>3</sup> There was a fivefold decrease in numbers confined in mental hospitals (21,720 in 1956 to 4,522 in 2000) and an increase prison population (401 in 1956 to 4,000 in 2014), a seven fold increase over the period (Brennan, 2016).

weak economic growth, social stability resulted in little motivation to change existing policing and social control methods and penal arrangements generally. From the 1960s, decline in the use of clinical and institutional settings as social control mechanisms was followed by greater involvement of the criminal justice system in managing crime and social control.

Changes in the levels and types of crime in Ireland is associated with social, economic and cultural change since the 1960s. Most of the literature accessed describe dramatic transformations in the social fabric of Irish life over this period and note the considerable impact these changes have had on the development of the Irish youth justice and crime control in Ireland generally.

### 3 The Emergence of Youth Justice Policy in Ireland

In the five decades after independence, the criminal justice system was an underdeveloped and a relatively minor player in managing crime and social control in Ireland (Seymour, 2008; Kilcommins et al., 2004). However, the justice system entered period of expansion in the 1970s as the state reasserted its role in intervening and managing crime and deviance (Kilcommins et al., 2004). As referred to earlier, the declining use of mental hospitals as penal institutions and the demise in the late 1960s of a network of reformatory and industrial schools, Magdalen asylums, Mother and Baby homes and County Homes, all managed by religious organisations, were indications of increasing state involvement in youth justice and child welfare.

Early indications of change came in 1962 with the establishment of an Interdepartmental Committee on the Prevention of Crime and Treatment of Offenders. A key focus of the Committee was juvenile delinquency, the treatment provided to offenders detained in state institutions, and the probation system (Kilcommins et al., 2004). The Committee made a number of recommendations including the appointment of prison visiting committees (withdrawn in the 1920s); training for probation officers; the appointment of prison welfare officers; better medical, psychiatric, and educational and training facilities; a fulltime judge in charge of the children court; the development of a scheme in relation to cautioning juvenile offenders; and after-care for released prisoners. The Committee's recommendations and the establishment of the Garda Juvenile Liaison Scheme in 1963 suggest increasing state support for implementing rehabilitative approaches to treating both adult and youth offenders (Sargent, 2014: 23-4). The Garda Juvenile Liaison Scheme's function was to help a majority of first time offenders avoid court and a criminal conviction and divert them away from involvement in further criminality (Smyth, 2011; Cotter, 2005).

The publication of the *Reformatory and Industrial Schools System Report* in 1970 (commonly known as the Kennedy Report) signalled the beginning of the dismantling of the reformatory and industrial school system in Ireland (Kilcommins et al., 2004). The Report was highly critical of the system and recommended that children should remain in their families and only admitted into residential state care as a last resort (Sargent, 2014). According to Sargent's (2014: 28) analysis, the report took a welfarist approach to child wellbeing, viewing "the stable family unit as an essential element in the development of a child". Kennedy recommended, among other things, that the state involve itself in preventing family breakdown and its consequent problems, abolish the institutional residential care system in all its forms, and the establishment of family group homes for children requiring out-of-home care (Sargent, 2014: 28). While the transition would take many years to achieve, and residential care homes remained mainly under the management of religious orders, the report was considered, however, a catalyst for a process of change in child welfare and childcare practice in Ireland (Sargent, 2014; Kilcommins et al., 2004).

The steady decline in the number of industrial schools and reformatory schools (known following the Kennedy Report as ‘residential homes’ and ‘special schools’ respectively), was accompanied by increased policy development in child welfare and youth justice (Sargent, 2014). Several reports published in the 1980s are significant in this respect and illustrative of an evolving welfare-based approach to childcare and youth justice in Ireland. The Task Force on Child Care Services (1980) final report, for example, recommended reform in many areas of child welfare including increasing family support and social and community services for children, foster care and residential care, advice and supervision, and youth justice (Sargent, 2014).

The Report of the Commission of Enquiry into the Irish Penal System (1980) called for the modernisation of detention facilities for young offenders. It recommended the introduction of small residential type units that would be operated by trained, experienced staff (Sargent, 2014). The Report also highlighted a need for a more integrated approach to youth crime that would provide rehabilitation and development. In particular, the Commission felt all youth detention facilities should be jointly governed by the Departments of Education, Health, and Justice (Sargent, 2014), instead of complex and disjointed arrangements that had characterised governance to-date.<sup>4</sup> The transfer of responsibility for children requiring state care to the Department of Health in 1984 also is significant (in terms Ireland’s evolving approach to child welfare and youth justice). The change saw foster care become the preferred response to children needing out-of-home care, thus relegating the practice of placing children in residential care, as Sargent (2014: 32) notes, to an increasingly “residualised and specialised” option.

### **3.1.1 Youth Justice and Crime, Disorder and Social Disadvantage**

Recent policy and legislative developments in youth justice in Ireland frequently are traced to the publication of two influential government criminal justice inquiries. The Committee of Inquiry into the Penal System 1985 (the Whitaker Report) and the Interdepartmental Group on Urban Crime and Disorder (Urban Crime and Disorder, 1992) both reported clear and consistent links between youth involvement in crime and antisocial behaviour and growing up and living in disadvantaged socioeconomic contexts (Seymour, 2008; Cotter, 2005; NCC, 2002; O’Mahony, 1993). The Whittaker Committee’s investigation of Ireland’s penal system in the early 1980s, for example, found economic disadvantage, social exclusion and personal adversity were at the root of Ireland’s then burgeoning prison population (O’Mahony, 2007). Whilst emphasising that neither social and economic factors could ever excuse involvement crime and public disorder, the Committee was in “no doubt”, however, that

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<sup>4</sup> Three government departments, Education, Health, and Justice, divided responsibility for children in state care. However, the day-to-day administration of residential homes and special schools predominantly was by religious orders and voluntary organisations (Burke et al., 1981 cited in Sargent, 2014).

“social inequity contributes to the disaffection and alienation which expresses itself in antisocial behaviour” (Whitaker, 1985: 30).

Whitaker argued that increases in Ireland’s recorded crime and victimisation patterns coincide with transformations in levels of consumption, mobility and openness in society (Mulcahy and O’Mahony, 2005). The report concluded that significant growth in the opportunity for crime trails Ireland’s move towards urbanisation, individualisation and secularisation since the 1960s (Mulcahy and O’Mahony, 2005). For example, official crime statistics record a six-fold increase in crime by the mid-1980s, of which the offenders and victims primarily tended to be young men and boys living in social housing estates and urban flat complexes (Mulcahy and O’Mahony, 2005: 4; Fahy, 1998). Similarly, O’Donnell and O’Sullivan’s (2001) study of crime control in Ireland suggests that young males from poor marginal communities and groups, particularly between their mid-teens and mid-twenties, are consistently at high risk of involvement in criminality and / or crime victimisation.

Whitaker’s significance in the development of the youth justice service in Ireland relates to its, arguably, most important and perhaps controversial conclusions that incarceration has “...limited protective, deterrent or corrective value” (Whitaker, 1985, quoted in O’Mahony, 2007: 23) and thus should always remain a last resort (Whitaker, 1985: 11). The Committee questioned the utility of increased custodial sentencing as a crime reduction strategy as any preventive value is “...a temporary one since it lapses on the prisoner’s release” (Whitaker, 1985, 41). Whitaker called for the development of alternatives to imprisonment including the expansion of diversion, supervision and community sanctions and the introduction of restorative programmes that focus on rehabilitation and the personal development of young offenders (Whitaker, 1985: 13). Whitaker’s recommendations and critiques of the penal system were largely ignored by successive governments (Lines, 2007) despite broad commitments at the time to act on its findings (McCullagh, 1996: 201). The report did, however, facilitate and incite a more nuanced debate and sophisticated understandings of crime and youth offending and its causes and the appeal of broader preventive responses.

### **3.1.2 Towards a Broad-based Youth Justice System**

Overall, problem local authority estates during the 1980s and 1990s represented a minority within the realm of state provided social housing (Fahy, 1998). However, a negative public perception of the sector roused by regular media portrayal of estates as havens for vandalism, joyriding, and youth crime, focused attention and often vigorous criticism in the direction of local authorities (Fahy, 1998) and the justice system (Vaughan, 2004). Widespread public perception and concern that youth in many such urban areas were ‘out of control’ (Quinn, 2002) coincided the residualisation of social housing in Ireland

(Bowden and Topping, 2016; Hourigan, 2016)<sup>5</sup> as well as several significant youth justice related policy developments.

Investigating high levels of criminality and social disorder in the Ronanstown area of West Dublin in the early 1990s, the Interdepartmental Group (1992) linked crime and antisocial behaviour perpetrated overwhelmingly by young people to its socioeconomic context (NCC, 2002). Vandalism directed at community facilities and periodic clashes with Gardaí and other representatives of the state were, in their view, rooted in frustrations felt by many young residents experiencing significant disadvantage (Bowden and Higgins, 2000). The Group's findings indicated that Gardaí regarded a small group of hardened criminals as exploiting these 'frustrations' in order to create division between residents and the authorities (Bowden and Higgins, 2000: 22).

The Interdepartmental Group's contribution to the emergence of contemporary youth justice strategies and practices is important on several fronts. First, in restoring social order in Ronanstown, the Group pressed for the adoption of an overarching preventive partnership approach that mobilised state and civil actors (Bowden, 2006). A significant outcome of the findings was the further development of the Garda Youth Diversion Projects (GYDP) (NCC, 2002).<sup>6</sup> Launched in 1991 in Ronanstown and Killinarden in Tallaght, the Projects aim to divert young people considered at risk of becoming involved or further implicated in criminal and / or antisocial activity by providing suitable programmes to facilitate personal development and promote civic responsibility (Department of Justice and Equality, 2012; Bowden and Higgins, 2000). As well as being early examples of locally managed youth justice crime prevention initiatives, the Projects broadened responsibilities for preventing youth offending and recidivism to service agencies without any direct criminal justice remit.<sup>7</sup>

Second, the Interdepartmental Group recommended criminal justice responses should place equal emphasis on community-based initiatives aiming to improve the life quality and prospects of young people / residents as law enforcement (NCC, 2002: 20). In framing responses to Ronanstown, the Group prioritised socioeconomic renewal and environmental improvements in order to build local support and engagement in managing social disorder and improving community / police relations (Bowden and Higgins, 2000: 22). Third, the Group delivered a key principle of an evolving preventive mentality, recommending the "encouragement of local voluntary effort and the discouragement of the

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<sup>5</sup> Social housing as a proportion of housing tenure stood at 5 percent in 2005 in comparison to one-third during the 1980s (Bowden and Topping, 2016).

<sup>6</sup> The Garda Youth Diversion Projects were previously known as the Garda Special Projects.

<sup>7</sup> Garda Youth Diversion Projects are typically run by a committee comprising Gardaí, representatives of local youth organisations, community representatives and others from local community and voluntary agencies.

notion that all responsibility for improvement rests with the State or other outside agencies” (Government of Ireland, 1992: 63, quoted in Kilcommins et al., 2004: 221).

The Interdepartmental Group’s analysis is particularly useful in sketching the broader context and assumptions informing the development of partnership and community-based responses to youth offending. Crime and antisocial behaviour by young people and periodic breakdowns in public order in Ronanstown were traced to the poor performance of the traditional agents of social control, both informal and formal (Bowden: 2006: 13; Swirak, 2016). The Group drew attention to high levels of intimidation of a “law-abiding majority” by local criminals and the subsequent negative effects on social behaviour and relations between adults and young people (Bowden: 2006: 13). A lack of informal mechanisms of control – surveillance of young people, verbal warnings and reprimands for misbehaviour, instances of neighbourliness and citizenship that may encourage reciprocity, for example – was understood as endemic to Ronanstown’s marginalised and peripheral status (Bowden: 2006: 12-3). Moreover, a loss of confidence in formal social control – policing, local institutions and service agencies – was perceived as an outcome of an area’s social exclusion; producing low and often antagonistic relations among residents and with the authorities (Bowden and Higgins, 2000: 22; Mulcahy and O’Mahony, 2005). Table One provides a chronology of youth justice policy development in Ireland.

**Table One: Chronology of Youth Justice Policy Development**

<b>1908</b>	Children Act 1908
<b>1924</b>	Minister of education becomes responsible for the administration and supervision of reformatory and industrial schools
<b>1936</b>	Report of the Commission of Inquiry into the Reformatory School and Industrial school System
<b>1941</b>	Children Act 1941
<b>1949</b>	Children (Amendment) Act 1941
<b>1953</b>	A cautioning scheme for first time offenders introduced by An Garda Síochána
<b>1960</b>	Criminal Justice Act 1960 establishes St. Patricks Institution as a place of detention
<b>1962</b>	Inter-departmental Committee on the Prevention of Crime and Treatment of Offenders established
<b>1963</b>	Garda Juvenile Liaison Scheme established
<b>1970</b>	Report on Reformatory and Industrial Schools Systems (Kennedy Report)
<b>1971</b>	Probation and Welfare Service formally established
<b>1980</b>	Report of the Task Force on Child Care Services
<b>1983</b>	Criminal Justice (Community Service) Act, 1983 (introduced Community Service Orders)
<b>1985</b>	Report of the Committee of Inquiry into the Penal System (Whitaker Report)
<b>1988</b>	A Children Court Opens in Smithfield, Dublin
<b>1991</b>	Child Care Act 1991. Garda National Juvenile Liaison Office established and the first of the Garda 'Special Projects' are established
<b>1992</b>	Report of the Interdepartmental Group on Urban Crime Disorder; Government Select Committee (1992) <i>Juvenile Crime – Its Causes and Remedies</i>
<b>2001</b>	Children Act 2001
<b>2004</b>	Office of the Ombudsman for Children established; Youth Justice Task Force established
<b>2005</b>	Office of the Minister for Children and Youth Affairs established
<b>2006</b>	Criminal Justice Act (Amended) 2006. Report on Youth Justice Review. Irish Youth Justice Service established
<b>2008</b>	National Youth Justice Strategy
<b>2009</b>	Report of the Commission to Inquire into Child Abuse (Ryan Report)
<b>2011</b>	Child Care (Amendment) Act 2011
<b>2012</b>	Oberstown Children's Detention Facility opens in Lusk, Co. Dublin
<b>2017</b>	St. Patrick Youth Detention facility closes

### 3.1.3 Summary

In the 1970s, a rehabilitative penal system common in most Western societies began to emerge in Ireland. The steady decline in the use of punitive responses such as industrial schools and reformatory schools was accompanied by increased policy development in child welfare, childcare practice and youth justice. Influential government reports (e.g. Report of Interdepartmental Committee on the Prevention of Crime and Treatment of Offenders, 1962; the Kennedy Report, 1970) were critical the



reformatory and industrial school system and signalled moves towards the professionalization and modernisation of the Irish criminal justice system. In addition to greater statutory role in intervening and managing crime and deviance, policy developments (e.g. The Task Force on Child Care Services, 1980: The Commission of Enquiry into the Irish Penal System, 1980) recommended the development of integrated approach in youth justice and the provision of welfare and family support interventions in response to youth crime and offending.

In the 1980s and 1990s, policy development in youth justice is characterised by the expansion of partnership and community-based responses to youth offending. Several influential policy reports (e.g. the Whitaker Report, 1985; the Report of the Interdepartmental Group on Urban Crime Disorder, 1992) linked growing up in disadvantaged socioeconomic urban contexts and youth involvement in crime and antisocial behaviour, and argued for alternatives to imprisonment including the expansion of diversion, supervision and community sanctions, and the introduction of restorative programmes. They also recommended broadening of responsibility for preventing youth offending and recidivism to include service agencies without any direct criminal justice remit and communities affected by significant youth crime.

#### 4 Transition to an Integrated Youth Justice System

The Government Select Committee (1992) is significant in moves to reform state responses to youth crime and offending. The impetus to legislative reforms evident in the Children Act (2001) can be traced to its report, *Juvenile Crime – Its Causes and Remedies* (Seymour, 2008). Many of the Committee's findings underpin the legislative changes set out in the Children's Bill (1999) which was the basis of the reforms called for in the Children Act 2001 (Seymour, 2008). The Committee noted a general "unease about crime" among submissions and identified links between fear of crime victimisation and public safety and the "importance of preventing delinquency" (1992: 4 quoted in Sargent 2014: 37). It recommended a number of legislative changes to meet the challenges facing the youth justice system and replace what it felt was an "outdated" Children Act 1908 (Sargent 2014: 37; Quinn, 2002).

The Select Committee's final report advocated the adoption of preventive and early intervention responses in youth justice. Specifically, it recommended raising the age of criminal responsibility to 12 years; expanding the diversion programme and the establishment of a juvenile liaison section within An Garda Síochána; providing offender-victim mediation and more non-custodial dispositions; and providing secure units and appropriate psychiatric services for juvenile offenders (Sargent 2014: 37). In addition to the expansion of non-custodial diversionary responses, the Children's Bill 1999 emphasised that individuals and communities ought to bear more responsibility and be involved in solving local level youth crime (Seymour, 2008).

A need for interagency partnership, community-based and family support responses to youth offending and community safety is consistently emphasised in policy and government sponsored research in this period (e.g. National Crime Council, 2002, 2003; Report of the Youth Justice Review, 2006; National Youth Justice Strategy, 2008; Crime prevention and Community Safety, 2009). Indeed, the remodelling of criminal justice strategies internationally since the 1970s has broadened youth justice to include state agencies and voluntary and community organisations (Rosenbaum, 2002). The introduction of Neighbourhood Watch schemes and its rural equivalent, Community Alert, during the mid-1980s, for example, were early signals that partnership with communities was becoming an increasingly used tactic in combatting crime. The advent of community policing from 1987 and police-public consultations on crime matters in the 1990s and 2000s (e.g. the National Crime Council; Joint Policing Committees) reflect an evolving 'whole of society' approach to youth justice and crime prevention (An Garda Síochána, 2009; 2017), one that recognises the limits of the criminal justice system to address crime alone. In 2013, 1,100 Gardaí police were dedicated to community policing in Ireland (Bowden and Topping, 2016).

Moreover, *Tackling Crime* (Department of Justice, 1997) and *Report of the Expert Group on the Probation and Welfare Service* (1999) recommended the increased use of community sanctions, community-based supervision, and better interagency partnership working in responding to youth

offending (Sargent 2014; Cotter, 2005). The National Crime Council (NCC, 2002, 2003) noted that responding to youth crime and antisocial behaviour requires alternatives to detention and increased partnership with agencies outside of the criminal justice system (Department of Justice, Equality and Law Reform, 2009). The NCC argued crime and fear of victimisation, especially when combined with economic disadvantage and a poor physical environment, have considerable negative impacts on the health and wellbeing of many children and families. They emphasised preventive responses and the value of interventions that maintain and, more importantly, work to improve local service networks, enhance social cohesion and promote civic engagement inside areas experiencing high crime rates (NCC, 2002, 2003).

Revelations of child abuse in state institutions also greatly influenced reform of Ireland's youth justice system (Keenan, 2016). The Ryan Report (2009), for example, detailed and catalogued a litany of abuses of children while held in state institutions; reformatory and industrial schools that had served as Ireland's youth justice system since independence.<sup>8</sup> Ryan found physical, emotional and sexual abuse and neglect were commonplace features of the institutions studied (Keenan, 2016). Children were subjected to "severe and brutal regimes of discipline" inside reformatory schools managed by a variety religious congregations (Sargent, 2014: 1).

Sargent (2014: 1, 2) notes that Ryan found governance systems and regulation to be "totally inadequate" and the State's duty to safeguard and protect children in its care had been compromised by the deference and submissive attitudes of state officials to congregations managing institutions. Ryan identified the failure of the state to protect children (in terms of systems, policy, and governance) and highlighted the importance of keeping children in their own homes and communities except in very exceptional circumstances (Convery and Seymour, 2016). The Report recommended, among other things, more robust child protection systems and a child-centred childcare policy where the needs of the child are of paramount concern (Sargent, 2014).

International development in children's rights also are an important factors influencing the development of youth justice in Ireland (Seymour, 2008). Over recent decades, the United Nations at international level and the Council of Europe at regional level have developed best practice standards in youth justice. For example, the United Nations Convention on the Rights of the Child 1989 (UNCRC) – which sets out the civil, political, economic, social and cultural rights of all children – was ratified by Ireland and came in to force in 1992 (Convery and Seymour, 2016). The Convention identifies important youth justice related guidelines for member countries including, as Whyte (2004: 5) writes, "the importance of child wellbeing; age of criminal responsibility based on maturity; diversion from criminal proceedings

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<sup>8</sup> The establishment in 2000 of a Commission to Inquire into Child Abuse – pursuant to the Commission to Inquire into Child Abuse (Amended), 2005 – issued a report in 2009 under the chair of Mr Justice Sean Ryan.

and extra judicial solutions; socio-educational interventions and deprivation of liberty only as a last resort". In addition to the CRC and other UN sponsored youth justice guidelines and protocols, Ireland is bound by a range of European treaties and conventions including, for example, the European Convention on Human Rights 1950 (ECHR). The ECHR places particular requirements on the State concerning the treatment of children and young people in court proceedings and in detention (Freeman and Seymour, 2010: 128).

Despite criticism for slow progress in implementing in full the CRC (Kilkelly, 2015, 2008), the promotion and protection of children's rights increasingly has become incorporated into Irish law and policy. The Children Act 2001, for example, enshrined in Irish law the central tenets of the CRC, most notably that detention of a child in conflict with the law is a measure of last resort and the right of a child to be heard in court proceedings that concern them (Convery and Seymour, 2016; Kilkelly, 2015). The 2001 Act as amended by the Criminal Justice Act 2006, infers involvement in the criminal justice system may have negative impacts on a young person's life. It reflects the increased adherence of the Irish state to international youth justice standards. These principles include, for example, the Beijing Rules (1985), Riyadh Guidelines (1990), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (1990), which advocate for preventive and early intervention, and advise that interventions in a child's life should take account of their protection, development and best interests (Sargent, 2014; Council of Europe, 2011). Table Two outlines the international instruments relevant to youth justice in Ireland.

**Table Two: International Instruments Relevant to Youth Justice in Ireland**

<ul style="list-style-type: none"> <li>• The United Nations Convention on the Rights of the Child 1989 (UNCRC) - sets out the civil, political, economic, social and cultural rights of all children.</li> </ul>
<ul style="list-style-type: none"> <li>• The European Convention on Human Rights 1950 (ECHR). Children are afforded all the rights and protection afforded to adults. The Human Rights Act 1998 formally incorporates the ECHR into domestic law in countries (who have ratified) by making it unlawful for a public authority to act in a way that is incompatible with a Convention right.</li> </ul>
<ul style="list-style-type: none"> <li>• The International Covenant on Civil and Political Rights 1966 (ICCPR). The first global document to contain specific provisions relating to the administration of youth justice. Its provisions include the separation of juveniles from adults, speedy adjudication, enhanced privacy rights and a requirement that criminal proceedings take account of the age and maturity of the child.</li> </ul>
<ul style="list-style-type: none"> <li>• The European Convention on the Exercise of Children's Rights (1996, ETS No. 160).</li> </ul>
<ul style="list-style-type: none"> <li>• The 2006 United Nations Convention on the Rights of Persons with Disabilities.</li> </ul>
<ul style="list-style-type: none"> <li>• The revised European Social Charter (1996, ETS No. 163).</li> </ul>
<ul style="list-style-type: none"> <li>• The Council of Europe Convention on Contact concerning Children (2003, ETS No. 192).</li> </ul>
<ul style="list-style-type: none"> <li>• The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (2007, CETS No. 201).</li> </ul>
<ul style="list-style-type: none"> <li>• The European Convention on the Adoption of Children (Revised) (2008, CETS No. 202);</li> </ul>
<p><b>Non-binding international law</b></p>
<ul style="list-style-type: none"> <li>• The United Nations Standard Minimum Rules for the Administration of Juvenile Justice 1985 (the Beijing Rules).</li> </ul>
<ul style="list-style-type: none"> <li>• The United Nations Guidelines for the Prevention of Juvenile Delinquency 1990 (the Riyadh guidelines).</li> </ul>
<ul style="list-style-type: none"> <li>• Rules for the Protection of Juveniles Deprived of their Liberty 1990 (RDL).</li> </ul>
<ul style="list-style-type: none"> <li>• UN Guidelines for Action on Children in the Criminal Justice System 1997.</li> </ul>

(Sources: Council of Europe, 2011; IYJS, 2006)

More recently, the Child Care (Amendment) Act 2011 (in relation of criminal proceedings and detention) and the Children and Family Relationships Act 2015 reinforced explicitly a commitment to the best interests of the child and the right to be heard principles (Kilkelly, 2015). In addition, important policy in relation to children – the *Agenda for Children's Services* (2007), the *National Youth Justice Strategy 2008 – 2010*, the *National Strategy on Children and Young People's Participation in Decision-making 2015 – 2020*, and *Better Outcomes, Brighter Futures: the National Policy Framework for Children and Young People 2014 – 2020* – all take inspiration from and reaffirm the Irish State's commitment to the CRC and, particularly, upholding the rights and best interests of children.

Adherence to European law has had significant influence on the reform of youth justice and children's rights in Ireland (Kilkelly, 2008). For example, important child welfare and rights legislative developments – the Child Care Act 1991, which provided the legal framework that moved the state into “a more central role” in caring and protecting children, and the Children Act 2001 – are the two most important legislative developments in Irish youth justice (Sargent, 2014: 181). Compliance with

international children's rights standards and European law has underpinned reform of youth justice including the establishment of an Ombudsman for Children in 2004, an Office of the Minister for Children in 2005, and the Children Acts Advisory Board in 2007 (incorporated into the Office for the Minister for Children and Youth Affairs in 2008). Independent lobby groups, various academics and voluntary organisations (e.g. Children's Rights Alliance) also have played an important role in influencing the development and reform of youth justice in Ireland, through highlighting the inadequacies in the system (Seymour, 2008).

#### **4.1.1 Merging Youth Justice and Child Welfare**

Youth justice interventions typically are underpinned by the rationale that a range of complex and interconnected factors influence youth crime and offending and so require comprehensive and holistic responses (Quinn, 2002). As outlined, children who grow up in socially disadvantaged and excluded communities, and those who may experience low parental supervision and attachment, truancy and early school leaving, offending siblings and peers, substance misuse, and a lack of prosocial outlets and role models, are at increased risk of becoming involved in crime and offending. Moreover, children growing up in adversity tend to experience multiple risk factors and thus are at a heightened risk of involvement in crime and antisocial behaviour (Quinn, 2002).

Recent legislative developments in criminal justice, education, children and youth, local government (e.g. the Children Act 2001; An Garda Síochána Act, 2005; the Criminal Justice Act (Amended) 2006; the Housing (Miscellaneous Provisions) Act, 2009 and others) – have underpinned the transition to multi-departmental, multi-agency, community-based responses to youth crime and offending. In this more preventive context, the state has become increasingly involved in delivering and funding youth justice services and crime prevention initiatives through various government departments and sponsored entities – local drug task forces, the national lottery, city and county development boards, the Dormant Accounts Fund, and by promoting voluntarism (Sargent, 2014; Quinn 2002). The National development Plan 2007 – 2013, for example, committed to increasing the number of youth diversion projects to 130.<sup>9</sup>

Since the 1990s, increased state investment in programmes responding to social disadvantage and exclusion required significant changes in relationships between the state and the voluntary sector. Instead of the informal and ill-defined nature that previously had characterised relations, more formalised structures and procedures became evident in the provision and coordination of public services (Shaw and Canavan, 2016). In many instances, services previously managed by religious and

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<sup>9</sup> In 2008, 100 youth diversion projects were in operation providing interventions for approximately 3,600 young people. The National Development Plan 2007 – 2013 committed €224 million in order to strengthen youth justice implementation in policy initiatives informed by the Children Act, 2001.

charitable organisations were mainstreamed and responsibility for their delivery transferred to state agencies (Sargent, 2014).

In terms of youth justice, such change is reflected in the expansion of diversion projects, youth probation services, the development of high support, special care units and a national youth detention facility. In addition, increased regulation of the sector has focused greater attention on compliance with best practice and service delivery standards, formal tendering processes and the use of service agreements, and on evaluating outcomes and the effectiveness of programmes and services (Shaw and Canavan, 2016).<sup>10</sup> While coordination and resource problems have been highlighted as ongoing problems (Seymour, 2008; Sargent, 2014), the number of programmes responding to youth crime, social exclusion, early school leaving, youth unemployment significantly increased in this period. For example, notable youth services and family support programmes include:

- *The Springboard Programme* – supports children and youth at risk of involvement in crime, early school leaving, and / or entering the care of the state;
- *The Early Start Programme* – pre-school intervention for children at risk of social disadvantage;
- *The Schools Completion Programme* – targets children at risk of early school leaving;
- *The Home School Community Liaison Scheme* – promotes partnership between parents and teachers to improve educational outcomes for children;
- *The Youthreach Programme* – provides education, training and work experience to young people outside the educational system;

#### **4.1.2 Summary**

Developments in policy and legislation in relation to criminal justice have tended to arrive in periodic waves of expansion and be transposed by periods of neglect (Rogan, 2016). In the 1990s and 2000s, however, significant contributions to youth justice policy and statutory supported research of criminal justice inspired an extensive and comprehensive ‘home-grown’ discourse regarding the strategies required to modernise and reform Irish justice.<sup>11</sup> Interagency partnership, community-based and family support responses to youth offending, crime prevention and community safety are consistently emphasised in policy and government sponsored research. Preventive responses and interventions that maintain and enhance local service networks, enhance social cohesion and promote civic engagement inside areas experiencing high crime rates are recommended. Also of significance in policy

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<sup>10</sup> The Charities Act 2009 provided a regulatory framework reinforcing the trend towards formalisation and expanding evidence-informed practice in the community and voluntary sectors (Shaw and Canavan, 2016).

<sup>11</sup> The National Crime Council and the Irish Association for the Study of Delinquency (otherwise known as the Association of Criminal Justice Research), for example, published on a wide range of criminal justice topics in the late 1990s and 2000s.

is the importance of keeping children in their own homes and communities except in very exceptional circumstances.

Revelations of institutional child abuse and the failure of the state to protect children has driven the introduction of more robust child protection systems and child-centred childcare policies. In addition, the growing influence of international children's rights and youth justice standards have influenced Ireland's youth justice system as it entered a period of rationalisation and restructuring. The implementation of the UNCRC guidelines has promoted and protected children's rights, which increasingly have been incorporated into Irish law and policy. Increased state investment in programmes responding to social disadvantage and exclusion also has required significant changes in relationships between the state and the voluntary sector.



## **5 The Modern Irish Youth Justice System: A Coordinated Response**

The Children Act 2001 concerns children and the criminal justice system and defines a child as being aged under 18 years. Its primary principle is that detention is a last resort in responding to youth crime and only imposed once “all other community-based sanctions have been exhausted” (Judge, 2015: 150; Convery and Seymour, 2016). The Act (as Amended by the Criminal Justice Act 2006) redefined age of criminal responsibility as being 12 years (Kilkelly, 2014). Under the law, a child between 12 and 18 years who has accepted responsibility for an offence and has agreed to be cautioned is referred to the diversion programme (Kilkelly, 2014).

On its passage through Dáil Éireann, the Minister for Justice, Equality and Law Reform, described the Children Act 2001 as “a blueprint for a new system of juvenile justice that will charter the course of that system for many years to come” (quoted in Sargent, 2014: 38). The system envisioned in the Act is child-centred, combining the rehabilitation of young offenders and the diversion of offenders away from crime and involvement in the criminal justice system (IYJS, 2006). Accountability on the part of the child for his or her actions and strengthening the role of the family are key features of the Act and youth justice system it governs (IYJS, 2006). Table Three outlines the main principles of the Children Act 2001.

**Table Three: The Main Principles of the Children Act 2001<sup>12</sup>**

<ul style="list-style-type: none"><li>• Any child who accepts responsibility for his/her offending behaviour should be diverted from criminal proceedings, where appropriate.</li></ul>
<ul style="list-style-type: none"><li>• Children have equal rights and freedoms before the law equal to those enjoyed by adults and a right to be heard and to participate in any proceedings affecting them.</li></ul>
<ul style="list-style-type: none"><li>• It is desirable to allow the child's education to proceed without interruption.</li></ul>
<ul style="list-style-type: none"><li>• It is desirable to preserve and strengthen the relationship between children and their parents and family members.</li></ul>
<ul style="list-style-type: none"><li>• It is desirable to foster the ability of families to develop their own means of dealing with offending by their children.</li></ul>
<ul style="list-style-type: none"><li>• It is desirable to allow children to live in their own homes.</li></ul>
<ul style="list-style-type: none"><li>• Any penalty imposed on a child should cause as little interference as possible with the child's legitimate activities, should promote the development of the child and should take the least restrictive form, as appropriate.</li></ul>
<ul style="list-style-type: none"><li>• Detention should be imposed as a last resort and may only be imposed if it is the only suitable way of dealing with the child.</li></ul>
<ul style="list-style-type: none"><li>• Due regard to the interests of the victim.</li></ul>
<ul style="list-style-type: none"><li>• A child's age and level of maturity may be taken into consideration as mitigating factors in determining a penalty.</li></ul>
<ul style="list-style-type: none"><li>• A child's privacy should be protected in any proceedings against him / her.</li></ul>

Since coming into force,<sup>13</sup> the Act is credited with having improved existing procedures and introduced many changes in youth justice including:

- The establishment of the Irish Youth Justice Service;
- The strengthening of the Garda Juvenile Diversion Programme (and Juvenile Liaison Scheme) by placing it on a statutory footing;
- A Children Court dedicated to hearing minor charges against children and ensures responses are appropriate and consider the circumstances of the child; and
- Provisions for restorative justice, cautioning and the treatment of child suspects, and probation-led family group conferences (National Commission on Restorative Justice, 2009).

### **5.1.1 Reform and the Irish Youth Justice System**

The establishment of the Youth Justice Task Force in 2004 marked the commencement of reform in Irish youth justice (Convery and Seymour, 2016). The Task Force was mandated to review and make recommendations concerning how the system could be restructured in accordance with the provisions

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<sup>12</sup> In order to avoid any sensationalisation or politicisation of a child's involved in crime, the Children Act 2001 (as Amended) restricts the reporting of information that may identify a child in criminal proceedings (Convery and Seymour, 2016).

<sup>13</sup> Parts of the Children Act 2001 were amended in the Criminal Justice Act 2006, and the remainder of its provisions were brought into force in 2007 (Kilkelly, 2014).

of the Children Act 2001. The Report of the Youth Justice Review (2006) outlined their proposals to overhaul the Irish youth justice system. The Review found there was a need to bring the delivery of services for all young offenders “under one governance and management structure” (IYJS, 2006: 40). The report identified that leadership and the coordination of services were significant problems in the system. It proposed a single agency with a clear preference for the expansion of rehabilitative and diversionary responses to youth offending was necessary to modernise the system. For example:

*“Working partnership with others, the Service should strive to successfully divert children from becoming involved in crime and ultimately assist with the re-integration of young offenders into the community” (Government of Ireland, 2006: 40)*

The Task Force examined how best to coordinate services within the system. The Review highlighted that three Government departments – justice, health, and education – were responsible for implementing the reforms envisaged under the 2001 Children Act (IYJS, 2006). It identified, for example, that the Department of Education was responsible for detention schools. The Review argued, the Department, whose primary function is to administer the national educational system, therefore was limited in terms of the provision of residential care to children. It concluded that a body “with experience and expertise in childcare, residential care and security issues” could better deliver such care (IYJS, 2006: 40).<sup>14</sup> Likewise, the Task Force felt young offenders aged 16 and 17 years who up to that time routinely were detained by the Prison Service, could receive a more education and developmental-focused response if responsibility for their care was transferred to a distinct child-centred oriented youth justice service.<sup>15</sup>

In 2006, the Irish Youth Justice Service (IYJS) was established with a remit to improve the delivery of youth justice services and reduce youth offending.<sup>16</sup> Its key objectives were described as being the development and implementation of “a clear and focused lead on policy and a partnership approach to the delivery of services for children in trouble with the law” (IYJS, 2008: 10). This would be achieved, in the main, by expanding and developing welfare and justice responses to youth offending –community sanctions, restorative justice conferencing and diversion programmes. The IYJS’s primary purpose is to oversee “the development of national and local mechanisms to drive change” (IYJS, 2006: 42). At national level, the service is tasked with coordinating services across relevant statutory departments and community / voluntary agencies. At local level, it develops structures required to enhance and

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<sup>14</sup> According to the Review, the view that Department of Education was not best placed in terms of child care expertise to oversee the detention of young offenders was shared by representatives of the Department (IYJS, 2006: 40)

<sup>15</sup> In 2017, the Government announced the closure of St. Patricks Institution which since the 1960s had held 16 to 20 year olds sentenced to imprisonment. Since April 2017, all 17 year olds are now committed by the Courts to the Children’s Detention Campus at Oberstown, rather than to St. Patrick’s Institution.

<sup>16</sup> The Irish youth Justice Service is an executive office of the Department of Children and Youth Affairs. It is staffed by officials from the Department of Children and Youth Affairs and the Department of Justice and Equality.

integrate service delivery, maximises cost effectiveness in responses implemented to reduce youth crime,<sup>17</sup> and facilitates effective communication and information sharing among relevant agencies (IYJS, 2006).

***To create a safer society by working in partnership to reduce youth offending through appropriate interventions and linkages into services*** (IYJS, 2008: 2)

In 2008, the IYJS published the National Youth Justice Strategy 2008 – 2010. The Strategy details Irish youth justice policy, defining how the state will respond to youth offending. Under the Strategy, an effective and responsive youth justice system is child-centred and is coordinated in partnership with the health, education, justice, and child welfare systems (IYJS, 2008). The Strategy reiterates the purpose of the IYJS as one of developing the system and driving and monitoring reform in youth justice (Kilkelly, 2014). A “key task” of the Service is to implement changes in “close cooperation” with statutory agencies – the Courts Service, An Garda Síochána, the Probation Service, and the Irish Prison Service, the HSE, the National Drugs Strategy Team and its successors – and community and voluntary organisations (IYJS, 2008: 10).

The National Youth Justice Strategy acknowledged the complex and multifaceted nature of youth crime and offending (as outlined earlier), which it noted informs policy responses to youth offending. It identified young offenders as “troubled children”, who are likely to grow up in families “experiencing a range of social difficulties” and risk factors - poverty, unemployment, high proportion of single parents, poor housing, early-school leaving, addiction, and poor parenting (IYJS, 2008: 12). Antisocial attitudes and behaviour and a lack of pro-social influences also are identified as factors in disadvantaged children’s lives and which may influence youth offending.

***Education, prevention, treatment and rehabilitation***

A range of responses to youth crime and offending are evident in the Irish youth justice system. Interventions range from protection measures such as detention schools, high support, and special care to preventive and early intervention initiatives – diversion, restorative justice, and community sanctions. Overwhelmingly, however, young offenders receive diversionary, community-based responses with detention only used with those deemed most at risk (Convery and Seymour, 2016). According to the IYJS, youth crime is by and large transitional and involvement in crime for most young people declines as they mature (IYJS, 2011). Young people are accountable for their actions and behaviours, however, the Service recognises that exposure to the criminal justice system and / or a criminal conviction can

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<sup>17</sup> The Report of the Youth Justice Review (2006) highlighted the significant expense to the State of providing services responding to youth crime and offending, in particular, the costs of residential care places for children. The 2006 Report put the cost of a residential place at €0.05m per child per annum.

harm a young person's future life prospects (IYJS, 2011). The IYJS also recognises that a minority of young people engage in persistent offending and are at risk of long-term involvement in crime into adulthood (IYJS, 2011).

Since the 1990s (as detailed earlier), child welfare and crime prevention policies and legislation have underpinned a dramatic increase in community-based initiatives. While programmes may have diverse aims, generally they seek to address the multiple risk factors affecting children's lives and promote positive lifestyle choices (as suggested in The White Paper on Crime, Crime Prevention and Community Safety, 2009; National Development Plan 2007 – 2013: Transforming Ireland). GYDPs, for example, may focus on addressing specific risk factors including education and personal development, behaviour problems, improving self-esteem and pro-social skills, provide parent training and counselling, addiction support, mentoring and advocacy, and employability and offender reintegration (IYJS, 2014, 2012).<sup>18</sup> The introduction of the YLS / CMI 2.0 Risk / Needs Assessment tool to GYDPs aids this process by enabling the risks and needs of those participating in diversion projects to be identified. Table Four outlines the main features of the youth diversion initiatives.

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<sup>18</sup> Includes programmes implemented by Local Drug Task Forces.

**Table Four: Youth Justice Initiatives**

<ul style="list-style-type: none"> <li>• <b>The Garda Juvenile Diversion Programme (GJDP)</b> – The GJDP offers a child who has committed an offence an opportunity to be cautioned in lieu of prosecution. Once a young person accepts responsibility for an offence they have committed, a range of initiatives, including a caution and supervision, are put in place to help their development and consideration is given to a possible referral to a Garda Youth Diversion Project – see below (IYJS, 2008). In 2015, 9,807 children were referred to the Programme (compared to 9,991 in 2014) of which 7,282 were admitted to the Diversion Programme (An Garda Síochána; 2015);</li> </ul>
<ul style="list-style-type: none"> <li>• <b>The Garda Youth Diversion Projects (GYDP)</b> – GYDPs are community-based, multiagency youth crime prevention initiatives. Projects aim to divert away from crime a young person who has been involved or is at risk of becoming in criminal or antisocial activity. Programmes seek to facilitate personal development, promote civic responsibility and improve long-term employability prospects (IYJS, 2015). According to the IYJS, GYDPs aim to bring structure to children's lives and help to develop skills "so they are in a better position to avail of opportunities for education, employment, training, sport, art, music and other activities" (IYJS, 2008: 13).</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Programmes under the National Drugs Strategy</b> – Interventions are aimed at education, prevention, treatment and rehabilitation of young people at risk of substance misuse (IYJS, 2008).</li> </ul>

### ***Community safety, accountability, active citizenship***

Community safety and society's responsibility to the victims of criminal and antisocial activity have long been "essential elements" of youth justice policy (IYJS, 2008: 10; An Garda Síochána, 2017). An important goal is that attitudes and behaviours that underlie an individual's involvement in crime and / or antisocial behaviour are challenged (IYJS, 2014). The Youth Justice Action Plan 2014 – 2018, for example, endorses the promotion of crime prevention policies "through focussed educational interventions influencing positive development of children and young people towards becoming responsible citizens" (IYJS, 2014: 15). In 2015, Francis Fitzgerald the then Minister for Children and Youth Affairs described GYDP as having:

*"...made significant inroads in targeting supports to young people that effectively divert them towards more positive life choices"*

According to the IYJS, effective initiatives should "embed pro-social development strategies" that divert children and young people away from crime (IYJS, 2014: 15). Active citizenship and instilling a sense of responsibility for one's actions are important outcomes of funded programmes. In GYDPs and programmes provided by the Probation Services, for example, behavioural outcomes are expected, including reduced impulsiveness, improved empathy and pro-social behaviours (IYJS, 2014). In addition, the increased use community-based initiatives and sanctions demands "better impact in terms of behaviour as an appropriate counter-balance to restricting the use of detention" (IYJS, 2011: 2). According to GYDP guidelines, programmes should encourage children to:

*"...examine their own offending and to make positive lifestyle choices that will protect them from involvement in criminal, harmful or socially unacceptable behaviours. To implement this, the work involves linking young people with non-offending peer groups and the forming of stable and trusting relationships with adults in the community. The intended impact of this process is that those who are engaged in this process develop into*

*responsible and valued citizens*" (Department of Justice, Equality and Law reform, 2001: 6 quoted in Sargent 2014: 113)

### ***A victim- and community-oriented approach***

Restorative justice and family conferencing are policy responses to youth crime (IYJS, 2014) and considered of great value to victims, offenders, and communities (National Committee on Restorative Justice, 2009). Under the Children Act 2001, restorative justice is used as an alternative to detention and residential care and a way of preventing recidivism (O'Dwyer and Payne, 2016). A key IYJS goal is to "drive a restorative practice ethos" in youth justice interventions and to maintain and "maximise opportunities" for victim-offender responses available to the Children Court (IYJS, 2014: 19). In addition, the Probation Service has "prioritised pro-social modelling behaviour, motivational interviewing, cognitive behavioural approaches and restorative practice interventions in delivering community sanctions and offender rehabilitation" (IYJS, 2015: 17). The IYJS and the Probation Service are committed to ensuring the Young Persons' Probation (YPP) division of the Probation Service is "adequately resourced to ensure the optimum availability of community sanctions to the Courts" (IYJS, 2008, 37).

In general, restorative justice aims to confront young offenders with the consequences of crime and thereby effect behaviour change and avoid future offending (O'Dwyer and Payne, 2016). In the Irish system, young offenders who have been cautioned by a Garda Juvenile Liaison Officer (JLO) and diverted to a GYDP and to a lesser extent for those before the Children Court may receive restorative interventions (O'Dwyer and Payne, 2016). Community Service Orders, for example, are used to help young offenders over 16 years avoid a custodial sentence by requiring offenders make reparation to the community (National Committee on Restorative Justice, 2009). Family conferences bring together the victim, offender and the offender's family (and / or other appropriate adults) in order to explore the reasons for the offending behaviour, discuss how to prevent a reoccurrence of that behaviour, and to formulate a plan for the young offender (O'Dwyer and Payne, 2016). According to Sargent (2014: 142), the presence of the victim is to "confront the offender with the 'reality' of his or her crime".

### ***Care, stabilisation and reintegration***

Rehabilitation and developmental interventions also are important features in the treatment of young offenders committed to Children Detention Schools (CDS) (and high support and special care units). Under the 2001 Act (Section 158), CDSs are mandated to balance the care and education of young people with the need to protect society (Sargent, 2014). On admission, a young person is risk assessed and a care plan that focuses on their educational and developmental needs is devised.<sup>19</sup> Interventions

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<sup>19</sup> The *Standards and Criteria for Children in Detention Schools* (2004) stipulate that care plans should meet the educational, health, emotional and psychological needs of children (Sargent, 2014). They be "developed in consultation" with the young person and with their parents / guardians and should be

may include standard education, recreational activities, pro-social initiatives, counselling and outreach where appropriate (Department of Education and Science, 2010; Sargent, 2014). In addition, staff working in CDCs and probation services are trained to implement a specialised system of 'care and stabilisation' (as opposed to punishment) that incorporates education, welfare, psychological and psychiatric services.

In terms of sentencing, the Children Act 2001 (Section 96) recognises the importance of minimising disruption to the young person's education, training and / or employment. The Children Court must consider the young person's age and level of maturity in its decisions in addition to the importance of protecting family relationships and their home life (Convery and Seymour, 2016). Courts must facilitate the young person's right to be heard and to participate in court proceedings and ensure that in law they have the equal rights to that of adults (Convery and Seymour, 2016). A range of educational, mentoring, sports, and social initiatives are available to a young person subjected to a community-based sanction. Once assessed by a probation officer they can be referred to a suitable programme (e.g. Young Persons' Probation (YPP) programme, Le Cheile Mentoring Project) that aims to address antisocial / criminal behaviour and reduce the likelihood of reoffending (Department of Justice, Equality and Law Reform, 2009).

### **5.1.2 Summary**

The Children Act 2001 represents the formal move from a reactionary response to youth crime to a framework supporting strategic crime prevention initiatives implemented by a network of government departments and service agencies. The Act underpins a child-centred youth justice system, combining the rehabilitation of young offenders and the diversion of offenders away from crime and involvement in the criminal justice system. Accountability on the part of the young person for his or her actions and strengthening the role of the family and detention is only used as a last resort are key features of the Act and youth justice system it governs.

The Irish Youth Justice Service (IYJS) is tasked with improving the delivery of youth justice services and reduce youth offending. At national level, the IYJS works to coordinate services across relevant statutory departments and community / voluntary agencies. At local level, it is mandated to develop structures required to deliver integrated and effective diversionary programmes and services. In modernising the Irish youth justice system it has expanded rehabilitative and diversionary responses to youth offending.

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evaluated at regular intervals (Department of Education and Science, 2004 quoted in Sargent, 2014 135-6).



Diversion is at core of Ireland's youth justice system. Youth crime is considered by and large transitional and involvement in crime for most young people declines as they mature. The youth justice system, while seeking to ensure young people are accountable for their actions and behaviours, recognises that exposure to the criminal justice system and / or a criminal conviction may harm a young person's future life prospects. However, it is also recognised that a minority of young people engage in persistent offending and are at risk of long-term involvement in crime into adulthood.

In terms of service provision, a diverse and growing number of youth justice and crime prevention interventions have been developed and now operate beyond the formal provisions of the criminal justice system. At national and local level, an integrated model of crime prevention for at risk children and young people emphasising early intervention, family support, welfare and protection emerged across justice and child welfare sectors.<sup>20</sup> Initiatives have been described as embodying important new and necessary dimensions in Irish youth justice and crime prevention; facilitating development, enhancing life quality and prospects of young people and promoting civic responsibility, restorative reparation, as well as law enforcement. GYDPs, for example, may focus on addressing specific risk factors including education and personal development, behaviour problems, improving self-esteem and pro-social skills, provide parent training and counselling, addiction support, mentoring and advocacy, and employability and offender reintegration.

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<sup>20</sup> The *Final Report of the Commission on the Family to the Minister for Social, Community and Family Affairs: Strengthening Families* (1998) identified family support as a "primary preventative strategy" (Sargent 2014: 86).

## **6 Irish Youth Justice System: Policy Objectives and Guiding Values**

The objective of this review is to identify the policy priorities and important objectives and guiding values in the Irish youth justice system. What is evident is that youth justice in Ireland is characterised by little development or change in policy or legislation throughout the 20<sup>th</sup> century. Low crime rates, a rural economy, weak economic growth, social stability resulted in slow change to existing policing and crime control methods and penal arrangements generally. However, since the 1970s, a decline in the use of industrial schools and reformatory schools has accompanied increased policy development in child welfare, childcare practice and youth justice.

Over recent decades, increased awareness of and, arguably, a sense of responsibility for the seriousness of crime and victimisation in certain urban areas and acknowledgement of the inconsistent and disjointed nature of youth justice strategies over many years is reflected in Government prioritisation of youth justice reform. Revelations of institutional child abuse and the increased influence of international children's rights and youth justice standards has influenced the expansion of interagency partnership, community-based and family support responses to youth offending, crime prevention and community safety. More recently, formalised structures and procedures have been developed in order to respond to the multiple interconnected factors influencing youth crime and offending. The policy direction suggests that children growing up in adversity tend to experience multiple risk factors and so are at a heightened risk of involvement in crime and antisocial behaviour.

Irish youth justice is child welfare / justice focused with a strong community-based approach. Youth justice policy supports the implementation of comprehensive and integrated strategies and responses required to prevent youth crime and offending. Initiatives ranging from efforts to reduce opportunities for crime by modifying the physical environment, diversion and restorative practices, family support and child welfare interventions are coordinated and implemented by a range of criminal justice, welfare and voluntary / community agencies.

### **6.1 Policy Objectives and Guiding Values**

A number of crime reduction and offending related factors and rationales are identified as underpinning youth crime policy development. These include:

- A range of complex and interconnected factors influence youth crime and offending and so require comprehensive and integrated responses;
- Youth crime is transitional and involvement in crime for most young people declines as they mature;
- Young people are accountable for their actions and behaviours, however, exposure to the criminal justice system and / or a criminal conviction can harm a young person's future life prospects; and

- A minority of young people engage in persistent offending and are at risk of long-term involvement in crime into adulthood.

Important normative policy assumptions in Irish youth justice include:

- An effective and responsive youth justice system is child-centred and rights focused;
- Detention should be used as a last resort in responding to youth crime and only imposed once all other community-based diversion responses and sanctions have been exhausted;
- A partnership approach across justice and child welfare sectors in reducing youth crime and in the delivery of youth justice services should be focussed and coordinated at both national and local levels;
- There should be ongoing development of an integrated, multi-layered model of crime prevention for at risk children and young people emphasising early intervention, family support, welfare and protection;
- Youth justice related decisions should consider the young person's age and level of maturity in addition to the importance of protecting family relationships and their home life;
- Practice based on a restorative ethos should be expanded in youth justice interventions, maintaining and maximising opportunities for victim-offender responses;
- There should be compliance with best practice and service delivery standards; and
- Programmes and services should be evaluated to indicate the effectiveness of and efficiency in achieving desired outcomes.

Youth justice interventions and programmes in the Irish system should:

- Be proactive and rehabilitative, facilitating personal and educational development, enhancing life quality and prospects of young people;
- Combine the rehabilitation of young offenders and the diversion of offenders away from crime and the criminal justice system;
- Promote civic responsibility and employ pro-social development strategies;
- Challenge attitudes and behaviours that underlie an individual's involvement in crime and / or antisocial behaviour; and
- Balance the care and education of young people committed to detention schools with community safety and the need to protect society.

As outlined in the introduction, the purpose of this research is to identify and create understanding of ways of measuring effectiveness and data collection processes in youth justice systems. Taking account of the policy priorities, important objectives and guiding values identified here, Table Five and Six suggest ways in which effectiveness may be measured in the Irish system.

**Table Five: Measuring Effectiveness in the Youth Justice System**

<b>Policy outcomes in Irish youth justice</b>	<b>Measurement of effectiveness</b>	<b>Type of outcome</b>
An effective and responsive youth justice system is a child-centred and rights focused	Analysis of: <ul style="list-style-type: none"> <li>• Mission statements, aims and objectives of individual youth justice stakeholders;</li> <li>• Monitoring and evaluations;</li> <li>• Programme service manuals, assessment tools (orientation and type of information recorded).</li> </ul>	Process (rules)
Compliance with best practice and service delivery standards, and on evaluating outcomes and the effectiveness of programmes and services	<ul style="list-style-type: none"> <li>• Commissioning arrangements / service agreements (e.g. reliant on evidence and on evidence based practice);</li> <li>• Data on staff training processes, agency protocols and management systems;</li> <li>• Extent and depth of monitoring and evaluation processes in agencies;</li> <li>• Completed evaluations of services / programmes (relating to programme fidelity, service manual use).</li> </ul>	Process (rules)
A coordinated partnership approach across justice and child welfare sectors in reducing youth crime the delivery of youth justice services (national level)	<ul style="list-style-type: none"> <li>• Evidence of a common mission / joint working.</li> </ul>	Process (input)
An integrated, multi-layered model of crime prevention for at risk children and young people emphasising early intervention, family support, welfare and protection (national and local level)	<ul style="list-style-type: none"> <li>• Evidence of links between justice and welfare in delivering youth justice services and programmes;</li> <li>• Proportionate level of spend on prevention.</li> </ul>	Process (input)
The expansion of a restorative practice ethos and victim-offender responses	<ul style="list-style-type: none"> <li>• Extent of restorative services and programmes in the system;</li> <li>• Findings from monitoring and evaluation.</li> </ul>	Process (input)
Detention as a last resort	<ul style="list-style-type: none"> <li>• Extent and use of diversion, community sanctions and detention.</li> </ul>	Output
Balancing the care and education of young people committed to detention schools with community safety and the need to protect society	<ul style="list-style-type: none"> <li>• Mission statements, aims and objectives of detention schools;</li> <li>• Data on staff training and ways of working with young offenders;</li> <li>• Findings from monitoring and evaluation processes;</li> <li>• Youth crime statistics and commentary.</li> </ul>	Process (output)

**Table Six: Measuring Effectiveness of Youth Justice Interventions**

<b>Youth justice services and programmes should:</b>	<b>Measurement of effectiveness</b>	<b>Type of outcome</b>
Aid personal and educational development, enhance life quality and prospects of young people	Analysis of: <ul style="list-style-type: none"> <li>• Description of programmes and services;</li> <li>• Findings from monitoring and evaluation processes in relation to diversion programmes;</li> <li>• Recidivism statistics.</li> </ul>	Outcome
Promote civic responsibility and pro-social development strategies	<ul style="list-style-type: none"> <li>• Mission statements, aims and objectives of youth justice services and programmes;</li> <li>• Findings from monitoring and evaluation.</li> </ul>	Outcome
Challenge attitudes and behaviours that underlie involvement in crime and / or antisocial behaviour	<ul style="list-style-type: none"> <li>• Findings from monitoring and evaluation processes;</li> <li>• Data from the use of risk assessment tools and inventory processes.</li> </ul>	Outcome
Divert offenders away from crime and the criminal justice system	<ul style="list-style-type: none"> <li>• Mission statements, aims and objectives of youth justice services and programmes;</li> <li>• Findings from monitoring and evaluation; (particularly around interagency working between justice and welfare);</li> <li>• Information about the use of risk assessment tools, inventory processes (assess the emphasis and type of information gathered using assessment tools);</li> <li>• Youth crime statistical data.</li> </ul>	Impact

## 7 Reference list

An Garda Síochána (2017) *Crime Prevention and Reduction Strategy: Putting Prevention First*. Available at:

<http://www.garda.ie/Documents/User/Crime%20Prevention%20&%20Reduction%20Strategy%20-%20English.pdf> Accessed on July 11, 2017.

An Garda Síochána (2015) *Strategy Statement 2016 – 2018*. Available at:

<http://www.garda.ie/Documents/User/AGS%20Strategy%20Statement%20July%202016-2018%20English.pdf> Accessed on July 11, 2017.

An Garda Síochána (2012) *Children and Youth Strategy 2012 – 2014*. Available at:

<http://www.garda.ie/Documents/User/AGS%20Children%20&%20Youth%20Strategy%202012-2014.pdf> Accessed on July 7, 2017.

An Garda Síochána (2009). *National Model of Community Policing 2009*. Available at:

<http://www.garda.ie/Documents/User/National%20Model%20of%20Community%20Policing%20-%20Jan%2026th%202009.pdf> Accessed on July 20, 2017.

Bowden, M. (2006). Youth, Governance and the City: towards a Critical Urban Sociology of Youth Crime and Disorder Prevention. *Youth Studies Ireland*, Vol. 1, No. 1, pp. 19-36.

Bowden, M. and Higgins, L. (2000). *The Impact and Effectiveness of the Garda Special Projects*. Dublin: Stationary Office.

Bowden, M. and Topping, J. (2016) Crime Prevention and Community Safety. In D. Healy, C. Hamilton, Y. Daly, and M. Butler, *The Routledge Handbook of Irish Criminology*. Oxon: Routledge.

Brennan, D. (2016) Mental Illness and the Criminalisation Process. In D. Healy, C. Hamilton, Y. Daly, and M. Butler, *The Routledge Handbook of Irish Criminology*. Oxon: Routledge.

Brewer, J. D. Lockhart, B. and Rodgers, P. (1997). *Crime in Ireland 1945-95: 'Here be Dragons'*. Oxford: Clarendon Press.

Campbell, L. (2010) Responding to Gun Crime in Ireland. *British Journal of Criminology*, Vol. 50, pp. 414 – 434.

Convery, U. and Seymour (2016) Children, Crime and Justice. In D. Healy, C. Hamilton, Y. Daly, and M. Butler, *The Routledge Handbook of Irish Criminology*. Oxon: Routledge.

Cotter, A. (2005) The Criminal Justice System. In S Quinn, P. Kennedy, A. Matthews, and G. Kiely, (Eds.) *Contemporary Irish Social Policy*. Dublin: University College Dublin Press.

Council of Europe (2011) *Guidelines of the Committee of Ministers of the Council of Europe on Child-friendly Justice*. The Council of Europe programme “Building a Europe for and with children” Council of Europe Publishing. Available at:

<https://rm.coe.int/16804b2cf3> Accessed on July 1, 2017.

Department of Education and Science (2010) *Education Strategy for the Children Detention School Service September 2010-2013*. Available at:

<http://www.iyjs.ie/en/IYJS/Education%20Strategy%20for%20Children%20Detention%20School%20Service%202010-2013.pdf/Files/Education%20Strategy%20for%20Children%20Detention%20School%20Service%202010-2013.pdf> Accessed on July 10 2017.

Department of Public Expenditure and the Reform (2014) *Public Service Plan 2014–2016*. Available at:

<http://reformplan.per.gov.ie/2014/downloads/files/Reform%20Plan%202014.pdf> Accessed on July 11 2017.

Department of Justice (1997). *Tackling Crime: A Discussion Paper*. Dublin: Stationery Office.

Department of Justice and Equality (2012). *Garda Youth Diversion Project Guidelines*. Downloaded 22/01/2012. Available at:

<http://www.justice.ie/en/JELR/Garda%20Youth%20Diversion%20Project%20Guidelines.pdf/Files/Garda%20Youth%20Diversion%20Project%20Guidelines.pdf> Accessed on July 10 2017.

Department of Justice, Equality and Law Reform (2009) *White Paper on Crime, Discussion Pare No. 1 July 2009, Crime Prevention and Community Safety*. Available at:

<http://www.justice.ie/en/JELR/White%20Paper%20on%20Crime%20Disc%20Doc%201.pdf/Files/White%20Paper%20on%20Crime%20Disc%20Doc%201.pdf> Accessed on July 5, 2017.

Department of Children and Youth Affairs (2017) *Statement of Strategy 2016 – 2019*. Available at:

<https://www.dcy.gov.ie/documents/strategy/20170109StatementofStrategyEngandIrish20162019.pdf> Accessed on June 23, 2017.

Department of Children and Youth Affairs (2015) *The National Strategy on Children and Young People's Participation in Decision-making 2015 – 2020*. Dublin: The Stationary Office. Available at:

<https://www.dcy.gov.ie/documents/playandrec/20150617NatStratonChildrenandYoungPeoplesParticipationinDecisionMaking2015-2020.pdf> Accessed on June 30, 2017.

Department of Children and Youth Affairs (2014) *Better Outcomes, Brighter Futures The National Policy Framework For Children and Young People, 2014 – 2020*. Dublin: The Stationary Office. Available at:

[https://www.dcy.gov.ie/documents/cypp\\_framework/BetterOutcomesBetterFutureReport.pdf](https://www.dcy.gov.ie/documents/cypp_framework/BetterOutcomesBetterFutureReport.pdf) Accessed on August 1, 2017.

Department of Children and Youth Affairs (2007) *The Agenda for Children's Services: A Policy Handbook*. Dublin: The Stationary Office.

Fahy, T. (1998) 'Housing and Social Exclusion', in S. Healy and B. Reynolds (Eds.) *Social Policy in Ireland: Principles Practice and Problems*, Dublin, Oak Tree Press, pp. 285-302.

Freeman, S. and Seymour, M. (2010) 'Just waiting': The Nature and Effect of Uncertainty on Young People in Remand Custody in Ireland. *Youth Justice*, Vol. 10, No. 2, pp. 126 – 142.

Government of Ireland (2007) *National Development Plan 2007 – 2013: Transforming Ireland: A Better Quality of Life*. Dublin: The Stationary Office.

Government of Ireland (1985). *Report of the Committee of Inquiry into the Penal System*. Dublin: The Stationary Office.

Hourigan, N. (2016) Gangs and Gang Related Activity. In D. Healy, C. Hamilton, Y. Daly, and M. Butler, *The Routledge Handbook of Irish Criminology*. Oxon: Routledge.

Irish Youth Justice Service (2015) *Tackling Youth Crime – Youth Justice Action Plan 2014-2018: Progress Report 2014/2015*

Irish Youth Justice Service (2014) *Tackling Youth Crime – Youth Justice Action Plan, 2014–2018*. Dublin: Stationery Office

Irish Youth Justice Service (2012) *Progress Report on Garda Youth Diversion Project Development 2009 – 2012*. Dublin: IYJS.

Irish Youth Justice Service (2009) *Designing Effective Local Responses to Youth Crime: A Baseline Analysis of the Garda Youth Diversion Projects*. Dublin: IYJS.

Irish Youth Justice Service (2008) *National Youth Justice Strategy 2008–2010*. Dublin: IYJS.

Irish Youth Justice Service (2006) *Report of the Youth Justice Review*. Dublin: IYJS.

Irish Youth Justice Service and Young Persons Probation (2011) *Working in Partnership with Communities to Reduce Youth Offending: A baseline report of community based projects supported by Young Persons Probation and the Irish Youth Justice Service*. Dublin: Stationery Office.

Judge, S. J. (2015) Chapter Seven: Youth Justice. In Children's Rights Alliance: *Making Rights Real for Children: A Children's Rights Audit of Irish Law*. Children Rights Alliance, Dublin.

Keenan, M. (2016) Hindsight, Foresight and Historical Judgement: Child Sexual Abuse and the Catholic Church. In D. Healy, C. Hamilton, Y. Daly, and M. Butler, *The Routledge Handbook of Irish Criminology*. Oxon: Routledge.

Kilcommins, S. O'Donnell, I. O'Sullivan, E. and Vaughan, B. (2004). *Crime, Punishment, and the Search for Order in Ireland*. Dublin: Institute of Public Administration.

Kilkelly, U. (2015) Introduction. Youth Justice. In Children's Rights Alliance: *Making Rights Real for Children: A Children's Rights Audit of Irish Law*. Children Rights Alliance, Dublin.



Kilkelly, U. (2014) Diverging or emerging from law? The practice of youth justice in Ireland. *Youth Justice*, Vol. 14, pp. 212 – 225.

Kilkelly, U. (2008) *Children's Rights in Ireland: Law, Policy and Practice*. West Sussex: Tottel Publishing.

Kilkelly, U. (2008) Youth Courts and Children's Rights: The Irish Experience. *Youth Justice*, Vol. 8, No. 1, pp. 39 – 56.

Lines, R. (2007). Executive Summary. *The Whitaker Committee Report 20 Years On: Lessons Learnt or Lessons Forgotten*. Dublin: The Katharine Howard Foundation.

McCullagh, C. (2014) From offenders to scumbags: changing understandings of crime and criminals in contemporary Ireland. *Irish Journal of Sociology*. Vol. 22, No. 1, pp. 8 – 27.

McCullagh, C. (1996). *Crime in Ireland: A Sociological Introduction*. Cork: Cork University Press.

Mulcahy, A. (2007) 'Crime, Policing and Social Control in Ireland' In: O'Sullivan, S (eds). *Contemporary Ireland: A Sociological Map*. Dublin: University College Dublin Press

Mulcahy, A. and O'Mahony, E. (2005). *Policing and Social Marginalisation in Ireland*. Dublin: Combat Poverty Agency.

National Commission on Restorative Justice (2009) *Final Report*. Dublin: Department of Justice and Equality. Available at:

<http://www.justice.ie/en/JELR/NCRJ%20Final%20Report.pdf/Files/NCRJ%20Final%20Report.pdf>

Accessed on June 14, 2017.

National Crime Council (2002). *Tackling the Underlying Causes of Crime: A Partnership Approach*. Dublin, Government Publications.

National Crime Council (2003). *A Crime Prevention Strategy for Ireland: Tackling the Concerns of Local Communities*. Dublin: Government Publications.

O'Donnell, I. and O'Sullivan, E. (2003). The Politics of Intolerance: Irish Style. *British Journal of Criminology*. Vol. 43, pp. 41-62.

O'Donnell, I. and O'Sullivan, E. (2001). *Crime Control in Ireland*. Cork: Cork University Press.

O'Dwyer, K. and Payne, B. (2016) Restorative Justice. In D. Healy, C. Hamilton, Y. Daly, and M. Butler, *The Routledge Handbook of Irish Criminology*. Oxon: Routledge.

O'Mahony, P. (2007). Submission. *The Whitaker Committee Report 20 Years On: Lessons Learnt or Lessons Forgotten*. Dublin: The Katharine Howard Foundation.

Quinn, M. (2002) Youth Crime Prevention. In P. O'Mahony (Ed.) *Criminal Justice in Ireland*, Dublin: Institute of Public Administration.

Rogan, M. (2016) The Policy Making Process and Penal Change. In D. Healy, C. Hamilton, Y. Daly, and M. Butler, *The Routledge Handbook of Irish Criminology*. Oxon: Routledge.

Rosenbaum, D. P. (2002). Evaluating Multi-Agency Anti-crime Partnerships: Theory, Design, and Measurements Issues. *Crime Prevention Studies*, Vol. 14, pp. 171-225.

Ryan, S. (2009) *Commission on Child Abuse Report*. Dublin: Government Publications.

Sargent, P. (2014) *Wild Arabs and Savages: A History of Juvenile Justice in Ireland*. Manchester: Manchester University Press.

Seymour, M. (2008) Transition and Reform: Juvenile Justice in the Republic of Ireland. In J. Jungar-Tas and S. H. Decker (Eds.) *International Handbook of Juvenile Justice*. New York: Springer.

Shaw, A. and Canavan, J. (2016) *Commissioning in Ireland: Exploring the Landscape for Child and Family Services: A Literature Review*. The UNESCO Child and Family Research Centre, the National University of Ireland, Galway.

Smyth, P. (2011) Diverting Young Offenders from Crime in Ireland: The Need for More Checks and Balances on the Exercise of Police Discretion. *Crime, Law, Society and Change*. Vol. 55, pp. 153 – 166.

Swirak, K. (2016) Problematising Advanced Liberal Youth Crime Prevention: The Impacts of Management Reforms on Irish Garda Youth Diversion Projects. *Youth Justice*. Vol. 16, No. 2, pp. 162 – 180.

Vaughan, B. (2004). Accounting for the Diversity of Policing in Ireland. *Irish Journal of Sociology*, Vol. 13, No. 1, pp. 51 – 72.

Whyte, B. (2004) Effectiveness, Research and Youth Justice. *Youth Justice*, Vol. 4, No. 1, ppp. 3 – 21.

### 7.1.1 Web sites

Central Statistics Office: Garda Recorded Crime Statistics (2016)

[http://pdf.cso.ie/www/pdf/20161208090009\\_Garda\\_Recorded\\_Crime\\_Statistics\\_20102014\\_full.pdf](http://pdf.cso.ie/www/pdf/20161208090009_Garda_Recorded_Crime_Statistics_20102014_full.pdf)

Eurostat (2017)

[http://ec.europa.eu/eurostat/statistics-explained/index.php/File:Crimes\\_recorded\\_by\\_the\\_police\\_2002%E2%80%932012\\_YB14.png](http://ec.europa.eu/eurostat/statistics-explained/index.php/File:Crimes_recorded_by_the_police_2002%E2%80%932012_YB14.png)