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Irish Youth Justice Service Conference 2010 "Young People and Crime - Where to Now ?" Afternoon Session Moving Forward - Key Elements in Developing a New Strategy

White Paper on Crime

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Thank you Chairman.

In contrast to the many distinguished speakers this morning and to my fellow speakers during this afternoon's session, I am not an expert practitioner or analyst in the field of youth justice. Indeed my attendance today is giving me an opportunity to greatly enhance my insight into questions relating to youth justice.

I am responsible within the Department of Justice, Equality and Law Reform for the co-ordination of work on the development of a White Paper on Crime. I say co-ordination because it should be evident that a subject of this breadth and complexity can only be addressed through combined effort on the part of all of the agencies involved and in partnership with the broader voluntary and community sector.

In my presentation this afternoon I aim to give a quick overview of the White Paper project with particular regard to its relevance for future youth justice developments and to flag some of the issues which have arisen in our consultation thus far. Hopefully this will prompt some themes for consideration in this afternoon's discussion on the development of a new Youth Justice Strategy.

The background then is that in January, 2009 the Minister announced the commencement of work on a process designed to lead to a White Paper on Crime. The White Paper, due to be completed in 2011, forms part of the current Programme for Government and will set out the overall policy framework for measures to tackle crime into the future.

The White Paper will not be a detailed prescription for future action, nor will it second guess or supplant existing strategic planning. Instead the end product will set out the values, high level principles and overall framework within which other strategies will sit. This will include the Youth Justice Strategy but also the work of other criminal justice agencies and indeed other Departments insofar as they have a bearing on crime.

We want this exercise to be comprehensive - to take in prevention, intervention and enforcement. To make the process manageable, we have broken the consultation process into a series of discussion documents which will be used to give structure to the very broad range of subjects which need to be examined as part of the project.

The first of these documents dealt with Crime Prevention and Community Safety (July 2009) and a second document, dealing with Criminal Sanctions, has just been published. We are also working on two further documents - one to deal with the

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relationship between members of the public and the criminal justice system, while another will examine organised and 'non-street' crime including regulatory crimes as well as emerging crime likes identity theft and so on.

In addition to inviting written submissions on the first consultation document, the Department also organised a series of 5 regional seminars which were held in November and December. We plan on holding further seminars over the course of the process so that a broad geographic reach will have been achieved by its conclusion.

Documents summarising the outcome of this first phase of consultations have recently been published on the Department's website. It is largely from these that I will attempt to draw out input which might be of relevance to today's discussion. I should emphasise of course that the focus of our consultation was not youth justice per se, nor indeed was it conducted in anything approaching a structured survey. Another caveat is that while we will be engaging directly with young people themselves, this will not be until later this year. Nevertheless, since the main theme in our consultation was crime prevention, including preventing involvement in crime, naturally a lot of the feedback we received addressed youth justice issues. And of course much of the input came from organisations and individuals participating today, so there is a natural overlap in the subjects addressed.

The first point that I would make is to emphasise the degree of continuity between the input we received and the issues which were raised in the original Youth Justice Review in 2005 as well in the first Youth Justice Strategy. These perspectives emphasise the importance of education, training and recreational and other facilities for young people. The Garda Youth Diversion programmes are widely supported, as are a range of awareness programmes like 'Copping On'. Many submissions drew our attention to other successful or promising initiatives around the country. There is no overwhelming demand for detention and a strong preference exists for community based sanctions and restorative models. In fact the overwhelming message from the consultation we have carried out remains the importance of prevention and intervention in the lives of young people, so as to improve their life chances and divert them from offending. Which is essentially the same message that informed the Youth Justice Review and the first Strategy.

I was struck, when considering the title for today's conference - 'Where to Now ?' that it could be read as suggesting a lack of confidence in the underlying direction of work. I'm pretty sure it wasn't intended as such and I don't think that would be warranted. It appears to me that the fundamental principles of the approach embodied in the Children Act and the Youth Justice Strategy have the confidence of a wide range of stakeholders and ordinary members of the public and remain sound. In fact, on more than one occasion, the feedback we received argued that the approach being taken in the youth justice field could be mined for lessons in how to deal with crime across the board.

Within these positive and supportive views, however, there are tensions at work, which are important to consider and perhaps it is in this dimension that future work needs to be further calibrated. The first I suppose is the continuing dichotomy between the perspective on the one hand of young offenders as being out of control

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and simply requiring discipline and an appreciation on the other hand of the complex factors giving rise to offending and the welfare needs of the children concerned.

There is also a continuing conflict around the 'ownership' of public space and its use, which doesn't necessarily have anything to do with offending as such, but which arises in discussion around feelings of safety and the fear of crime. Behaviour which might simply be boisterous but essentially harmless won't always appear as such to an outside observer. This is not entirely an intergenerational tension but that is often part of the picture. Young people complain of being stereotyped or constantly moved on by the Gardaí of being 'tarred with the same brush'. We received some submissions, for example, lauding the use of 'mosquito' devices, while others called attention to their implications for rights of young people.

The need for services and facilities for young people is widely endorsed but differing emphasis is placed on the balance between universally available services and highly targeted services. Competing views exist then - are targeted services 'goodies for baddies' or is the reality that the lion's share of funding in youth services is absorbed by a few large, typically sporting, organisations? What services are there for the 'non-clubbable' or for those not interested in sporting activities? Some people said to us that there will always be a core group of young people who are most at risk of offending but who stand apart from all services and attempts at engagement, and in fact undermine efforts to engage with other children.

Retaining children in school and providing educational options when conventional attendance has broken down is widely seen as a top priority. There is a concern outside of Dublin that school attendance is no longer handled by the Gardaí and that the new system of addressing truancy is not as effective. Within schools, tackling bullying, violence and alcohol abuse at an early stage were cited as important in heading off later offending. Pre-school intervention, pro-social modelling and work with families were all cited as important components in this strategy, and several promising projects were drawn to our attention.

The role played by alcohol in offending by young people was discussed in many of the submissions we received. There seem to be new patterns of drinking in Irish society, with more home drinking, more immediate exposure and access to alcohol within the home and of course aggressive alcohol pricing. Doubts were cited about the efficacy of existing awareness campaigns. There was obvious exasperation at the spread of headshops. At the same time concern was expressed not to unnecessarily criminalise young people because of incidents involving alcohol.

A further theme might be described, glibly I should emphasise, as 'sociology versus pathology'. The identification of risk factors is a central aspect of how we understand young offending and how we aim to target interventions most effectively. One view is that we need to go younger and younger to do this properly, with some people advocating non-voluntary intensive interventions for those most obviously at risk. An alternative view, however, is that this is to miss the broader social context in which these risk factors come into being, and the impact of inequality in particular, which require wider policy responses than focusing on the dynamics and tragedies of individual lives.

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The role of parents and parenting is closely linked to these concerns. There is an appreciation that the punitive provisions of the Children Act are probably not always the answer but nevertheless an honest concern widely exists that parents have responsibilities in which they need to be supported but which also need to be enforced in some circumstances. That might involve sanctions, or some form of coercion or reparation.

There remain concerns about co-ordination and coherence - perhaps this simply reflects the complexity and diversity of the issues, stakeholders and perspectives but it is a recurring theme. We all realise we are dealing with a multi-faceted issue but how do we advance this without having to get everyone in the room every time we need to make a decision? And how do we communicate developments efficiently? Some of the input we received spoke proudly of the success of local co-ordination between voluntary groups, communities and the Gardaí and other agencies but wondered whether the same co-ordination was working at a national or regional level.

It must be said that the question of co-ordination is one which arose across the board in submissions we received, not just in respect of youth offending. Similarly, many submissions called attention to data and research deficits at many levels in the study of crime, as well as the need to make better use of those data sources which are available. These have undoubtedly been long-standing concerns. A further challenge identified was how to translate policy review into action, with the criticism levelled that recommendations identified in previous policy reviews had not always been put into effect.

And finally, the newest tension is around resources. We have gone from a position largely where we have been able to support one project *and* the other to one where increasingly, it may be one project *or* the other. Unit costs are down across the board of course, which will offset this but concerns about resources were raised in many of the submissions we received. These were not all simply demands for retention of funding, however. There is an awareness of the need to make the best use of existing resources, to identify areas where resources can be pooled and to ensure that we are funding on the basis of results and ongoing need as opposed to retaining programmes for historical reason or which have superficial appeal but don't actually deliver. None of this is easy, and more than one submission queried how exactly one might best measure the impact of various programmes.

Many of the views I have outlined are reflected in the summaries of the consultation which we have recently published on the Department's website. The common proviso that these do not necessarily reflect the views of the Department applies of course. In fact I think we would challenge some of the perceptions that are out there as not being well-founded. I am equally sure that there are many here who would be quick to call attention to the steps that are in fact being taken to address some of the issues raised with us.

The feedback we received is nevertheless typical of the range of views and concerns we will need to engage with in developing the White Paper as well as the new Youth Justice Strategy. I am also conscious that in presenting these issues in this fashion I might be overstating the murky complexities which surround our work. It would be a shame if that was the only characteristic of our planning. Our overarching goals can

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be ambitious, principled and even inspiring, even if we know that the day to day work is delivered incrementally and doggedly. I would hope that both our White Paper Paper and the Youth Justice Strategy would embody both of these equally essential facets of of public service.

I will conclude on that point and just squeeze in quick plug to encourage those who have yet to do so to register with us for us for updates on forthcoming discussion documents and other developments.

Thank you.

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