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# Young People on Remand

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# Young People on Remand

The National Children's  
Strategy Research Series



# **Young People on Remand**

September 2008

OFFICE OF THE MINISTER FOR CHILDREN AND YOUTH AFFAIRS

**The authors of this report are:**

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- St. Patrick's Institution
- The Courts Service
- The Irish Prison Service
- The Irish Youth Justice Service
- The Probation Service, especially Young Person's Probation
- Trinity House

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**The Centre for Social and Educational Research (CSER)** is an independent research and policy analysis body, located within the Faculty of Applied Arts at Dublin Institute of Technology (DIT). It is dedicated to supporting the improvement of the quality of life of families and children in Ireland. Much of CSER's research on social and educational policies and practices involves a particular focus on children, their families and the communities in which they live. Research projects include work patterns and family structure, early childhood care and education, social care/alternative care, juvenile justice, contemporary youth, and children and the information society.

# Executive Summary

## Background

In 2006, 2,386 cases relating to the criminal behaviour of young people aged 18 years or under were finalised in Ireland's Children Court (Courts Service, 2007). Cases are frequently adjourned before being finalised, thus requiring young people to make a number of appearances before the court (Carroll and Meehan, 2007). Adjournments occur for a variety of reasons, including allowing time for the preparation of a Probation Service report (or other such professional reports), to await direction from the Director of Public Prosecution (DPP) or to await a hearing date or a plea. Cases are also adjourned for the attention of another judge, to allow time to clarify information, to facilitate treatment and/or assessment of the young person, or because the accused, the accused parents or the Garda dealing with the case is not in attendance (Kilkelly, 2005). During this period young people may be either *remanded on bail* or *detained on remand*.

## Remanded on bail

If remanded on bail, a young person enters an agreement to return to court at an appointed time in the future. Under Section 90(1) of the Children Act 2001, provision is made for a number of conditions to be attached to bail. These conditions include:

- that the child resides with his or her parents or guardian or such other specified adult as the court considers appropriate;
- that the child receives education or undergoes training, as appropriate;
- that the child reports to a specified Garda Síochána station at a specified time at such intervals as the court considers appropriate;
- that the child does not associate with a specified individual or individuals;
- that the child stays away from a specified building, place or locality, except in such circumstances and at such times as the court may specify;
- such other conditions as the court considers appropriate. These conditions may include cooperation with the Probation Service and/or other professionals, a commitment to avoid alcohol and/or drugs, urine analysis, etc.

## Detained on remand

Alternatively, a young person can be detained on remand to await the court's decision or to await trial. A judge may decide not to grant bail if the offence in question is deemed too serious, if there is a perception that the young person is 'at risk' of re-offending or if there is a history of failing to comply with bail conditions. The decision may also be based on the need for time to undertake an assessment of the young person's needs or to find a suitable care placement for them.<sup>1</sup> Where a decision is taken to detain a young person on remand, the court is required to explain the reasons for doing so, in language that is appropriate to their age and level of understanding, under Section 88 of the Children Act 2001. Young people detained on remand are held in one of the centres that make up the children detention school system or at St. Patrick's Institution: young males under 16 and young females under 18 are remanded at one of the children detention schools (i.e. Finglas Child and Adolescent Centre, Oberstown Boys School, Oberstown Girls School or Trinity House), while young males aged 16 and 17 years are remanded at St. Patrick's Institution in Dublin.

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<sup>1</sup> The Children Act 2001 stipulates that the court should not remand a young person in detention if the only reason for doing so is on the basis of care or protection concerns; it is permissible, however, if any form of criminal offending is involved.

## Purpose of the study

The aim of this study is to examine the services and supports required by young people to promote greater compliance with the conditions of bail and reduce the use of detention on remand. The research addresses three main areas:

- to establish the service and support needs of young people by investigating the circumstances of their life circumstances;
- to examine the specific services and supports required by young people and their families during the remand process, in the courtroom and in the period between adjournments;
- to address the issues and barriers to delivering services and supports to young people and their families.

## Context of the study

A failure to comply with the conditions of bail places young people at risk of detention on remand. A dearth of official statistical data about the numbers of young people on bail and the extent to which they comply with the conditions of bail makes it difficult to quantify the remand situation in Ireland. Nonetheless, empirical data report bail non-compliance as a factor in the risk of detention on remand for young people (Freeman, 2008). Compliance with the conditions of bail may be challenging for young people by virtue of the demands and limitations placed on them and the difficult circumstances of their lives. However, a number of issues have been identified as supporting young people to comply with the conditions of bail and these concern courtroom communications, minimising time delays in processing cases and bail support schemes (*see below*).

### Communication in the courtroom

The issue of communication in the courtroom has been examined by Weijers (2004) in a number of international contexts. He argues that three aspects of communication in the youth court play an important part in the process of relaying information to young people about the consequences of their behaviour. These aspects are:

- **Explanation:** This is described by Weijers (2004, p. 26) as ‘the most basic dimension of the pedagogical task of the youth court’. It involves legal professionals taking a lead role in explaining the legal terms and process to young people.
- **General attitude:** This dimension of communication is focused on matters such as the interest shown in the child and the extent to which their story is heard (including their personal account of motivation and feelings about the offence and its consequences).
- **Moral communication:** Moral communication has two aspects: the first involves a reprimand and an expectation of a new start, while the second provides an opportunity for the young person to reflect on the consequences of their wrongdoing.

Weijers (2004) suggests that there are multiple benefits to be gained from incorporating these three aspects of communication into youth court practice. Effective courtroom communication serves to enhance the young person’s comprehension of the consequences of their actions on themselves, their family, victim(s) and wider community, and also serves to advance the young person’s right to be heard and to participate in proceedings against them.

### Time delays in processing cases

Cases in the Children Court can be adjourned on more than one occasion and for periods ranging from a number of weeks to a number of months, and in some cases for more than one year (Carroll and Meehan, 2007). Lengthy periods of time between adjournments arguably place young people at risk of further re-offending and detention in light of the limited provision of bail support services for young people. Previous research by the UK Audit Commission (2004) linked improvements in the time taken to finalise young people’s cases with reduced offending, suggesting that there is merit in using strategies to reduce time delays.

## Bail support and alternatives to detention on remand

Bail support schemes have been widely used in certain jurisdictions (such as the UK, Australia, Canada, Germany and Belgium) in an effort to improve compliance with the conditions of bail, as well as to reduce the number of young people detained on remand and the time spent in detention. Research undertaken in England and Wales suggests that bail support programmes have the potential to reduce the number of young people re-offending while on bail and the number detained on remand (Audit Commission, 2004; Youth Justice Board, 2005).

Examples of such schemes include:

- **Bail information schemes:** Bail officers gather and verify information that may assist the court in reaching a decision to grant bail and provide immediate assistance to address an obstacle to bail, such as housing.
- **Bail support/supervision schemes:** These are designed to reduce the use of detention by providing intensive supervision and support to those who are likely to have their bail applications rejected.
- **Remand fostering:** This involves the placement of young people with foster carers for the time periods between court appearances.
- **Bail hostels:** Individuals reside at approved hostels, with 24-hour staff supervision and support, as a condition of their bail.
- **Bail reviews on custodial remand:** Remand workers regularly review the cases of young people in remand custody and work towards addressing the impediments to bail, with a view to reducing the detention period.

At the time of undertaking the current research, there were no specific bail programmes to assist young people in Ireland. Then, in 2008, the Probation Service commenced delivery of a bail support programme on a pilot basis in Limerick and Dublin, as well as a remand fostering programme. Although provision of bail support services continues to be limited, it is expected that programmes will be made available on a nationwide basis during 2009. The Irish Youth Justice Strategy 2008–2010 makes specific reference to bail support, stating that the Irish Youth Justice Service will 'work in partnership with the Young Person's Probation (YPP) and other relevant organisations to review current bail information and support arrangements to ensure remands are used as a last resort, in line with the principles of the Children Act 2001 (as amended)' (IYJS, 2008).

## Legislative framework

The principles contained in the Children Act 2001 provide a framework from which to inform the provision of services and supports for young people on remand. Courts are required to ensure that children have the right to be heard and to participate in any proceedings of the court that can affect them. The ethos that underpins the legislation is orientated towards reducing the use of detention among young people. Criminal proceedings should not be used solely to address care and protection issues; any penalty imposed should be the least restrictive and a period of detention should only be used as a measure of last resort. The court is required to take consideration of the child's age and level of maturity in determining the nature of the penalty and the penalty should be no greater than that obliged of an adult. Finally, due regard should be given to the interests of victims in the measures used to deal with offending by children.

To translate the legislation into practice, strategies are required to reduce the risk of detention for young people on remand by promoting compliance with bail conditions and providing mechanisms to ensure those in detention are held for the shortest period possible. It is within this context that the current study sets out to identify the service and support needs of young people and their families.

## International standards

International standards provide guidance for developing an expedient and effective system for addressing the needs of young people on remand. The UN Convention on the Rights of the Child, ratified by Ireland in 1992, is a binding international law that places legal obligations on the State (UN, 1989). Under Article 40(1) of the Convention, a child accused of breaking the law has the right to be treated in a manner consistent with their age and the desirability of promoting the child's re-integration. Article 40(2)(b) outlines that the child has the right:

- (i) to be presumed innocent until proven guilty according to law;
- (ii) to be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians; and
- (iii) to have the matter determined without delay by a competent, independent and impartial authority or judicial body.

The Convention also provides specific direction for diverting young people from detention. For example, Article 40(4) states that a variety of alternatives to institutionalisation should be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence. Furthermore, the arrest, detention or imprisonment of a child should be used only as a measure of last resort and for the shortest appropriate period of time (Article 37(b)). State parties are required to ensure that every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance (Article 37(d)).

There are a number of other international frameworks that provide guidance on best practice. These include the UN Standard Minimum Rules for the Administration of Juvenile Justice (the 'Beijing Rules', 1985), the UN Rules for the Prevention of Juvenile Delinquency (the 'Riyadh Guidelines', 1990) and the UN Rules for the Protection of Juveniles deprived of their Liberty (1990). While none of these frameworks place compliance obligations on the State, Kilkelly (2006, p. xx) argues that 'between them [the Rules], they prioritise early intervention and prevention and emphasise the need to provide opportunities, including education, to all children, along with support for the child's family and community'. In addition, the Rules stress the importance of diversion from the criminal justice system; the need for a multi-agency response for a coordinated and effective youth justice system; the importance of integration (or re-integration) in the family and community; and the necessity of maintaining systematic records of data to respond to the needs of those in the youth justice system.

Finally, it is notable that the European Convention on Human Rights (ECHR) was consolidated in Irish law under the European Convention on Human Rights Act 2003. Kilkelly (2006) argues that the case law of the ECHR is particularly relevant to youth justice and detention in an Irish context by the manner in which requirements can be imposed on the State with regard to the treatment of young people in court proceedings and in detention.<sup>2</sup>

## Methodology

A mixed-method approach was adopted for the present study, incorporating semi-structured interviews (with young people, their parents and professionals), courtroom observation and a consultation survey with key service providers (*see Table 1*). The study was designed to enable young people who had a history of remand, their parents and professionals to provide detailed insights of their experiences through the use of semi-structured interviews. The criteria for inclusion of young people in this aspect of the study were, firstly, that they had been remanded

<sup>2</sup> In the cases of *T v. UK* and *V v. UK*, the Court ruled that the treatment of the two boys charged with the murder of a young toddler was unfair and that measures must be in place to ensure children have the right to understand and participate in the criminal process. In *DG v. Ireland*, the Court ruled that children can only be deprived of their liberty within the terms of the European Convention on Human Rights; the detention of a non-offending youth at St. Patrick's Institution was deemed to breach the Convention.

on bail or detained on remand in the previous two years and, secondly, that they were located within the children detention school system<sup>3</sup> or at St. Patrick's Institution. Similarly, parents were recruited if they met the criterion that they had a child who had been remanded on bail or detained on remand in the previous two years.

A secondary aim of the research design was to gather data about the experiences and service needs of the broader group of young people appearing before the courts and the professionals working with them. This latter aspect was facilitated through observation at the Children Court and the use of a consultation questionnaire with professionals (*see Appendix 4*).

**Table 1: Multi-method design of research**

| Data collection method | Sample (no. of participants)   |
|------------------------|--|
| Interviews             | In total, 49 semi-structured interviews were conducted. 30 interviews were completed with young people, 10 with parents and 9 with those working with young people in a professional capacity. |
| Observation            | 218 cases were observed at the Dublin Children Court.  |
| Consultation           | 120 professionals/service providers completed a consultation survey.   |

### Profile of the young people interviewed

Of the 49 semi-structured interviews conducted, 30 were with young people, aged 13-19 years, 28 of whom were male. With the exception of one case, the young people interviewed had been on bail in the previous two years and all of them had broken the conditions of bail. Many (26 of 30 cases) had previously been detained in a children detention school, at St. Patrick's Institution or in an adult prison. Prior to committal, three-quarters of respondents had lived with at least one of their parents, while the remainder described their living arrangements as being out-of-home – living in residential care or living independently. Most (28 of 30 cases) reported being out of school and over half (16 of 30 cases) had previously attended Youthreach/FÁS. Finally, half of the respondents reported psychological and/or learning difficulties. This may be an under-representation of the full extent of such problems since the finding was based on young people's reporting only.

## Key findings

The key findings of this study are presented under three main headings:

- 1. Social context of bail** (*see Chapter 4*): This documents the life circumstances of young people's lives as a means of providing a context for the challenges experienced and services required to promote greater compliance with bail conditions.
- 2. Reducing detention on remand** (*see Chapter 5*): This provides an account of young people's understanding of bail, the consequences of not complying with bail and the barriers to compliance, as well as proposed mechanisms for improving bail compliance and reducing the use of detention on remand.
- 3. Service provision** (*see Chapter 6*): This reports on the barriers and challenges of service provision for young people on remand and their families. The complex needs of young people appearing before the courts suggest that the effectiveness of bail programmes requires not only the support of family, but also the social, education, health and welfare services. These services are often directly relevant to the needs of young people on bail for two main reasons: firstly, they offer the potential to address factors related to offending behaviour and, secondly – and of particular relevance to this study – they may address some of the barriers to bail compliance and, in turn, reduce the risk of detention on remand.

<sup>3</sup> Originally it had been intended to interview only those young people currently detained on remand; however, the low numbers on remand in the children detention schools and the short periods that they spent on remand necessitated a broadening of the recruitment strategy, to those under sentence.

In setting the context, it is important to note that the majority of young people on remand are remanded on bail rather than detained on remand. Analysis of the Children Court data found that of the 218 cases observed, 178 were remand hearings. Of those, 80% culminated in a decision to remand the young people on bail, while in 20% of cases they were detained on remand.

### **1. Social context of bail: Young people's circumstances**

Most of the young people interviewed for the study had been excluded from mainstream education and training from an early age through a combination of difficulties, including learning and behavioural problems, problems with teachers and the school, and poor parental supervision. The transition between the end of primary school and the early years of secondary school was identified as a particularly vulnerable time for young people and the period when they were most at risk of leaving school.

From what young people said, there was little for them to do when they left school before reaching the age to attend training and vocational services, such as Youthreach/FÁS. Many commenced training programmes through Youthreach; however, despite reports that they enjoyed the service, it seemed that they had difficulties in maintaining regular attendance and participation. As a result of existing outside the education and training system, young people spent their time engaging in unstructured activities, a problem compounded by the lack of appropriate clubs or facilities in their local area.

Peers were important to young people. Some professionals attributed much of young people's offending behaviour to a need to prove themselves within their peer group. Both young people and professionals described variances in the way substance use impacted on their daily lives and offending behaviour. For some, but not all, young people, alcohol and/or drugs were underlying problems related to the personal difficulties in their lives, including family relationships and offending behaviour.

A common theme that emerged was the access young people had to illegal substances in the area where they lived and/or associated. Related to this was the level of violence that accompanied the availability and supply of drugs in these areas. Young people appeared to be particularly vulnerable to physical violence as a result of accumulating drug debt – firstly, because of their young age and, secondly, because of their reluctance to report violent incidents to the police.

Some parents reported a number of problems in dealing with the challenges of learning and behavioural difficulties among young people, as well as trying to cope with substance misuse, peer influence and the presence of anti-social factors in the community, including delinquent peers, alcohol and drugs. Problems were almost always exacerbated if alcohol and drugs were involved. Parents also described how their own personal problems had sometimes impacted on their ability to parent their children. The combined effect sometimes appeared to result in parents experiencing challenges in maintaining control over the young person's routine and behaviour.

Overall, the description of young people's lives points to a need for a number of services and supports to address their underlying problems, some of which appeared to be directly related to their offending. It was in the context of these adverse circumstances that young people were required to comply with the conditions of bail.

### **2. Reducing detention on remand: Barriers to bail compliance, challenges and service needs**

#### **Understanding bail conditions**

Not fully understanding the consequences of not complying with the conditions of bail has serious repercussions for young people because it potentially places them at risk of detention on remand for non-compliance. Young people were able to recall the general terms of their bail conditions, but they were less clear about the consequences of not complying with them. It was clear from their

responses that many lacked insight into their situation and had an immature outlook. Coupled with the poor educational experience of many of these young people, it was not difficult to see how they were starting from a very disadvantageous position in their efforts to comply with bail.

Many professionals were also of the opinion that young people did not understand bail or the relevance of bail conditions. Of the 120 professionals involved in the study's consultation survey, over one-third (39%) noted that young people 'rarely' or 'never' understood what it meant to be on bail; only a small minority (4%) thought that young people 'always' understood, while over half (57%) considered that they 'sometimes' understood. According to some professionals, there was a perception among judges that young people understood the requirements of bail because some of them appeared in court on a regular basis. Professionals who worked directly with young people discounted this view, suggesting that it did not take account of the educational and cognitive difficulties experienced by many young people appearing before the courts.

### **Informing young people and their families about remand**

Judges and solicitors are the main communicators of information to young people about the consequences and seriousness of not complying with the conditions of bail. The current research focused only on the Children Court in Dublin, where it was noted that the presiding judge(s) attempted to explain the consequences of non-compliance to young people. The amount of time that could be allocated to this task was restricted by the large volume of cases to be processed. Some solicitors were also observed explaining the importance of bail to young people, but their time was also limited.

Previous research reports that the practice of informing young people varies dramatically across the country, from cases where young people are informed to cases where no communication takes place between judges and young people (Kilkelly, 2005). The level of information conveyed to young people at the court by members of the judiciary and solicitors is often limited and dependent on individual professional persona and their knowledge and experience of working with young people and their families. The result is that young people and their families are sometimes ill-informed about the legal requirements of their situation.

The need for information to explain bail and detention on remand was articulated by parents during interviews conducted in this study. Parents described how it was sometimes assumed that they were familiar with the procedures and practices of the youth justice system. This was often not the case, demonstrated by the scenario where a mother of a young person detained in the children detention school system described how she left court without knowing where the school was located. Parents outlined the need for information to be provided to them at court on a range of matters – from the location and access to the children detention schools or St. Patrick's Institution, through to details about bail and bail conditions. Professionals outlined a similar requirement, suggesting that information should be communicated or made available to young people and their parents in an accessible format, taking into account the potential for educational and learning difficulties among the group.

### **Time on bail**

The time required to prepare and process criminal cases often culminates in a delay between the time of first appearance at the court and finalising the young person's case. While some delays may be considered a necessary feature of fair and equitable justice, the youth justice system has come under criticism for the slow pace at which cases are finalised (Kilkelly, 2005). It is clear that the length of time currently involved in processing the cases of young people serves to dilute the impact and seriousness of the court process and the consequences arising from their offending behaviour. Furthermore, and most seriously, it places young people at greater risk of detention on remand as a result of re-offending or breach of bail.

Many of the professional respondents in this study expressed the view that the length of time between the commission of the offence and being apprehended and sentenced served to minimise young people's appreciation of the effect of their actions on themselves, their families, the victim and/or the wider community. It emerged that the difficulties for individual young people, arising from the length of time it takes to finalise their cases, are sometimes compounded by their perception that bail conditions are not regularly monitored by the Gardaí or other professionals, thus resulting in few immediate consequences. Furthermore, it was not uncommon for young people to amass a number of charges while on bail. From what young people and professionals describe, this acts as a disincentive for complying with their bail conditions because there is a sense that detention is inevitable as a result of the accumulated charges.

### **Support on bail**

There was a general view among professionals consulted in this study that it was unrealistic to expect young people to comply with strict bail conditions without providing a level of support commensurate with these demands. Professionals regarded the current limited availability of support services to young people on bail as a key contributing factor in non-compliance with bail conditions. It emerged that many parents struggled to manage their children and the legal threat associated with bail conditions placed additional strain on them. Most professionals thought that a bail support scheme – whereby the barriers to compliance would be identified and addressed during the bail period – would be most beneficial as a means of improving compliance with the conditions of bail.

While all young people on bail are at risk of detention on remand if they do not comply with their bail conditions, young people 'out-of-home' or in care are a particularly vulnerable group. The main issue that underpinned young people's reliance on temporary hostel accommodation was the limited availability of other options. Professionals were critical of what they perceived to be an over-reliance on the Out-of-Hours Crisis Intervention Service, established to avoid young people having to sleep on the streets, and other emergency accommodation options. Many argued that while the 'Out-of-Hours' service was a useful 'emergency' mechanism, it was inappropriate for young people and sometimes led to them becoming involved in offending and other anti-social behaviour. Professionals were unanimous in their view that appropriate safe facilities for 'out-of-home' young people were central to any strategy that attempted to avoid detaining them on remand. Favourable options included bail hostel accommodation and remand fostering. A consistently reported concern was that bail support and accommodation would be withdrawn as soon as the case was finalised in the court, leaving young people without the necessary services. Many professionals suggested that a transition strategy would be required to progress young people to other services when the remand period was completed.

For some young people, detention on remand is unavoidable. It was clear from their accounts in this study that their experience of detention on remand varied greatly, between those who were detained in the children detention system and those held at St. Patrick's Institution. While young people and parents generally reported positively about their experiences in the children detention schools, common themes that arose during interviews and observations in the Children Court were the limited availability of structured activity and the exposure of young people to drugs, violence and bullying in St. Patrick's Institution. From what young people themselves said, it seemed that even a short period of detention on remand there had the potential to impact negatively on them.

Professionals responded positively when asked about the need for a bail review programme for young people detained on remand, whereby cases would be examined regularly with a view to addressing any impediments to bail, thereby reducing the amount of time spent in detention. Another difficulty that arose was what professionals described as a dearth of follow-up support services for young people returning to the community after a period of detention on remand. Overwhelmingly, professionals identified the need for mechanisms to link young people with support services in the community as being central to the process of preventing repeat committals.

### 3. Service provision for young people appearing before the court

The complexity and diversity of the difficulties experienced by young people points to the need for bail support services to be underpinned by a range of social, educational, health and welfare services. These services are often directly relevant to the needs of young people on bail for two main reasons. Firstly, they may target the underlying factors related to offending behaviour. Secondly, and of particular relevance to this study, they have the potential to address some of the barriers to bail compliance and, in turn, reduce the risk of detention on remand.

Overall, as outlined below, the provision of key support services to young people and their families was rated as 'poor' or 'below average' by many of the 120 professionals consulted in this study.

#### Family Support Services

The potential for parents to support their children was identified both by professionals and by young people themselves. Many professionals also thought that parents were an important influence in encouraging young people to maintain involvement with services. Nevertheless, parenting problems (including struggles to control young people's behaviour) and family difficulties have been consistently reported as themes throughout the current research. These matters are not inconsequential given the existing literature linking poor parental supervision with offending behaviour (Ellison, 2001). It was, therefore, of concern that over half of the professionals consulted rated family support services as 'below average' or 'poor'.

#### Structured educational and vocational support services

The need for educational services to retain young people in the educational system is supported by earlier findings that highlight the high level of early school-leaving among young people appearing before the courts. In this context, it is particularly noteworthy that more than half of the professional respondents (51%) rated education retention services as 'below average' or 'poor', with less than one-fifth (18%) describing them as 'excellent' or 'good'. The provision of educational services outside of mainstream education was rated somewhat better, with over one-third of professionals describing provision as 'excellent' or 'good'. Less promising was the finding that 45% of professionals considered the provision of these services as 'below average' or 'poor'. Professionals were no more positive in their perception of vocational and leisure service provision. Their views were reflected in the findings that almost half (45%) rated the provision of training and employment services for young people as 'below average' or 'poor', and over half (53%) described the provision of structured leisure activities in the same manner. The former is of particular concern given the identified links between fulfilling training and employment opportunities and reductions in criminality (Barry, 2005; Farrall, 2002; Immarigeon and Maruna, 2004; Sampson and Laub, 1993).

#### Appropriate care placements for young people

Where young people are unable or unwilling to remain in their family home, the provision of alternative care placements is necessary for their well-being and development. The seriousness of not having appropriate care placements for young people on remand is that it is likely to increase their risk of detention on remand. Almost two-thirds of professionals (62%) rated the provision of residential care placements for young people before the courts as 'below average' or 'poor'. The findings on perceptions of foster care should be interpreted with caution given the high number of respondents (29%) who said that they did not know about the provision of such services. Notwithstanding this caveat, 43% of all professionals rated foster care services as 'below average' or 'poor'; conversely, less than 10% described them as 'excellent' or 'good'. Overall, professionals' perception of the availability of appropriate care placements presents a bleak picture for those appearing before the Children Court.

#### Drug and alcohol treatment services

Drugs and alcohol were also key factors mentioned by young people in their accounts of offending and, indeed, were directly implicated in the failure to comply with bail conditions in some cases. Despite the links made by young people between offending, non-compliance with bail and

substance abuse, and the importance attached to treatment services generally (Sharp and Atherton, 2006), approximately two-thirds of the professionals consulted rated the provision of drug (64%) and alcohol (69%) treatment facilities as 'below average' or 'poor'. The implications of these findings suggest that the service and support needs of young people vastly surpass the current level of provision.

### **Psychological/counselling and mental health services**

Concern about the accessibility of psychological, mental health and social work services for young people in Ireland is well documented (Expert Group on Mental Health Policy, 2006; Hogan and O'Reilly, 2007; Kilkelly, 2007; Mayock and Vekić, 2006). Consequently, it is not surprising that young people, parents and professionals alike described difficulties in the provision of psychological and mental health services due to delays in accessing services and/or limited resources. This was reflected in the findings – 69% of professionals consulted rated psychological/counselling provision as 'below average' or 'poor', and 74% gave mental health provision a similar rating.

### **Other barriers to service provision**

Consistent with numerous previous reports on matters related to service provision for young people (Department of Health and Children, 2005; Department of Justice, Equality and Law Reform, 2006; Expert Group on Mental Health Policy, 2006; Kilkelly, 2007), professionals consulted in this study identified problems related to interagency cooperation and service coordination as core impediments in the response to young people's service needs. Professionals also identified difficulties associated with engaging young people, particularly those who were enmeshed in the criminal justice system, as a barrier to effective service delivery. The most commonly reported strategy for engaging with young people was the need to involve them in support services, prior to the escalation of their problems into a series of crisis situations. Some professionals reported that the marginalisation of young people and their families served to limit their capability of engaging with services. In this context, it was considered that services should be delivered in the community, using an outreach approach, as a strategy to build relations and engage young people and/or their families.

## **Recommendations**

This research has clearly identified a core group of young people who are deeply entrenched in the youth justice system and are likely to benefit from bail support and alternatives to remand programmes in order to reduce their risk of future detention. More broadly, the study identified a number of issues that have the potential to improve compliance among all young people remanded on bail. The recommendations are structured around four main issues, as detailed below.

### **1. Communicating information to young people and their families**

Effective communication in the courtroom serves to enhance young people's comprehension of the consequences of their actions on themselves, their family, the victim(s) and the wider community, as well as allowing them an opportunity to be heard and to participate in proceedings against them. It is recommended that *training in awareness and communication skills* be provided to the judiciary and other members of the legal profession in order to facilitate more effective communication with young people about the consequences of complying with the conditions of bail.

The time that can legitimately be devoted to explaining bail requirements to young people is limited in the context of a busy courtroom. Taking into account the poor educational history and learning problems experienced by many of the young people concerned, it is recommended that consideration be given to the *appointment of a designated bail officer* to provide and explain information to young people and their families immediately after the court hearing. Recognising that this may not always be practicable, especially in smaller courts, it is recommended that accessible information be provided in the form of user-friendly leaflets or through the use of communicative technologies such as CDs or DVDs for those with literacy difficulties.

## 2. Addressing time delays

Delays in processing cases in the Children Court potentially increase the risk of re-offending and detention for young people. The introduction of a *bail information scheme* is recommended as a mechanism for coordinating the information about young people required for the court case, thereby reducing the time taken to process cases.

The underlying *reasons for delay merit further study* and it is recommended that research is undertaken to examine the nature and extent of the problem and the associated barriers to finalising cases. This is essential to ensure that improvement in one part of the system (information coordination) is not negated by a lack of movement in another part.

## 3. Bail support/alternatives to detention on remand

Bail support programmes offer an important diversionary route for young people at risk of breaching their conditions of bail and those at risk of detention on remand. The recent development of a pilot *bail support programme* by Young Person's Probation is welcomed and it is recommended that priority is given to expanding access to similar programmes in an expedient manner on a nationwide basis.

Despite the reported difficulties, professionals consulted in this study identified the family as an important source of support for young people. It is recommended that efforts are made, where appropriate, to provide *services to address the needs of the young person and their family* as part of a programme of bail support.

Young people with unstable housing arrangements are particularly vulnerable to detention on remand by virtue of their life circumstances and the limited availability of alternative care placements. It is recommended that consideration be given to developing and expanding *alternatives to detention on remand*, specifically services such as bail hostels and remand foster care.

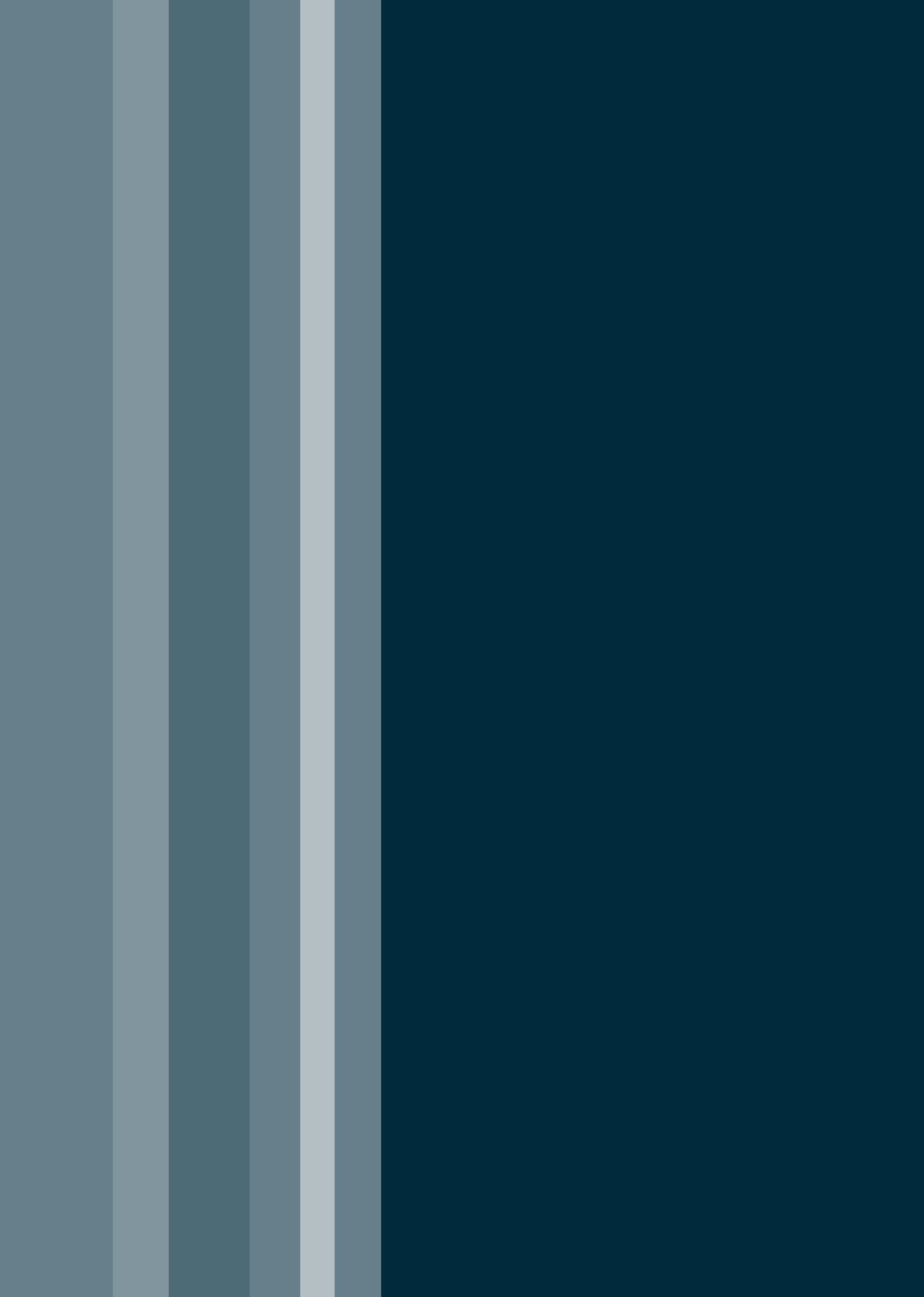
Detention on remand may be unavoidable in some cases. Where a young person is detained, priority should be given to addressing the impediments to bail at the earliest opportunity and preventing future committals on remand. It is recommended that the introduction of a *bail review scheme* be considered for St. Patrick's Institution as a means of reducing the length of time young people detained on remand spend there.

The evidence from other jurisdictions highlights the need to provide mechanisms to facilitate the transition from bail support services after the remand period has ceased. It is recommended that, in planning a system of bail support, consideration be given to devising a *transition strategy* to avoid the unplanned and sudden withdrawal of key support services to young people.

Given the complex needs of young people and their families, a *partnership approach*, involving a range of support services, is required for the delivery of bail support programmes. The poor ratings attributed by the professionals to service provision in the areas of family support, education, training, residential care, foster care, drug and alcohol treatment, and mental health and psychology services is therefore concerning. The current research endorses the recommendations of previous studies, which call for *greater provision and accessibility to key support services* for young people and their families.

## 4. Future research

The dearth of *comprehensive statistical data* about the number of young people appearing before the courts and the number on bail is a barrier to devising a level of service and support that meets the needs of young people. It is recommended that this matter be addressed in the future research plans of relevant agencies.



# **1 INTRODUCTION**

In 2006, 2,386 cases relating to the criminal behaviour of young people aged 18 years or under were finalised in Ireland's Children Court (Courts Service, 2007). Cases are frequently adjourned before being finalised, thus requiring young people to make a number of appearances before the court (Carroll and Meehan, 2007). Adjournments occur for a variety of reasons, including allowing time for the preparation of a Probation Service report (or other such professional reports), to await direction from the Director of Public Prosecution (DPP) or to await a hearing date or a plea. Cases are also adjourned for the attention of another judge, to allow time to clarify information, to facilitate treatment and/or assessment of the young person, or because the accused, the accused parents or the Garda dealing with the case is not in attendance (Kilkelly, 2005). During this period, a young person may be either *remanded on bail* or *detained on remand*.

**Remand on bail** refers to the release of an individual subject to their agreement to return to court at an appointed time in the future. The normal requirement to provide a financial surety as a condition of bail (under Section 5 of the Bail Act, 1997) does not apply to young people under 18 years. However, provision under Section 90(1) of the Children Act 2001 gives wide scope for conditions to be attached to bail. These conditions include:

- that the child resides with his or her parents or guardian or such other specified adult as the court considers appropriate;
- that the child receives education or undergoes training, as appropriate;
- that the child reports to a specified Garda Síochána station at a specified time at such intervals as the court considers appropriate;
- that the child does not associate with a specified individual or individuals;
- that the child stays away from a specified building, place or locality, except in such circumstances and at such times as the court may specify;
- such other conditions as the court considers appropriate. These conditions may include cooperation with the Probation Service and/or other professionals, a commitment to avoid alcohol and/or drugs, urine analysis, etc.

A judge may decide not to grant bail if the offence in question is deemed too serious, if there is a perception that the young person is 'at risk' of re-offending or if there is a history of failing to comply with bail conditions. The decision may also be based on the need for time to undertake an assessment of the young person's needs or to find a suitable care placement for them.<sup>4</sup> In these circumstances, a young person can be **detained on remand** to await the court's decision or to await trial. Where a decision is taken to detain a young person on remand, the court is required to explain the reasons for doing so, in language that is appropriate to their age and level of understanding, under Section 88 of the Children Act 2001.

Young people detained on remand are held in one of the centres that make up the children detention school system or at St. Patrick's Institution: young males under 16 and young females under 18 are remanded at one of the children detention schools (i.e. Finglas Child and Adolescent Centre, Oberstown Boys School, Oberstown Girls School or Trinity House), while young males aged 16 and 17 years are remanded at St. Patrick's Institution in Dublin, along with other young people aged 18-21.

## Purpose of the study

The aim of this study is to examine the service and support needs required by young people on remand to improve their compliance with the conditions of bail and reduce the use of detention on remand. The research addresses three main areas:

- to establish the service and support needs of young people by investigating the circumstances of their life circumstances;

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<sup>4</sup> The Children Act 2001 stipulates that the court should not remand a young person in detention if the only reason for doing so is on the basis of care or protection concerns; it is permissible, however, if any form of criminal offending is involved.

- to examine the specific services and supports required by young people and their families during the remand process, in the courtroom and in the period between adjournments;
- to address the issues and barriers to delivering services and supports to young people and their families.

## Legislative context

Principles contained in the Children Act 2001 provide a broad framework with which to inform the provision of services and supports for young people on remand. In addition, international standards (including the UN Convention on the Rights of the Child) contain a set of obligations for State parties to comply with.

### Children Act 2001

The ethos of the Children Act 2001 and the principles that underpin it are orientated towards reducing the use of detention among young people. Courts are required to ensure that children have the right to be heard and to participate in any proceedings of the court that can affect them. Criminal proceedings should not be used solely to address care and protection issues; any penalty imposed should be the least restrictive and a period of detention should only be used as a measure of last resort. The court is required to take consideration of the child's age and level of maturity in determining the nature of the penalty and the penalty should be no greater than that obliged of an adult. Finally, due regard should be given to the interests of victims in the measures used to deal with offending by children. To translate the legislation into practice, strategies are required to reduce the risk of detention for young people on remand by promoting compliance with bail conditions and providing mechanisms to ensure those in detention are held for the shortest period possible.

### International standards

International standards also provide guidance for developing an expedient and supportive system for addressing the needs of young people on remand.

The UN Convention on the Rights of the Child, ratified by Ireland in 1992, is a binding international law that places legal obligations on the State (UN, 1989). As well as outlining general rights for all children, including the right to have their opinions taken into account in all decisions concerning them (Article 12), Article 40 of the Convention provides for a number of rights for children in trouble with the law. Under Article 40(1), a child accused of breaking the law has the right to be treated in a manner consistent with their age and the desirability of promoting the child's re-integration. Article 40(2)(b) states that the child has the right:

- (i) to be presumed innocent until proven guilty according to law;
- (ii) to be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians; and
- (iii) to have the matter determined without delay by a competent, independent and impartial authority or judicial body.

The Convention also provides specific direction with regard to diverting young people from detention. For example, Article 40(4) states that a variety of alternatives to institutionalisation – such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes; and other alternatives to institutional care – should be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence. Furthermore, the arrest, detention or imprisonment of a child should be used only as a measure of last resort and for the shortest appropriate period of time (Article 37(b)), and State parties are required to ensure that every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance (Article 37(d)).

In addition to the UN Convention on the Rights of the Child, Ireland is privy to the European Convention on Human Rights (ECHR), the strength of which was consolidated in Irish law under the European Convention on Human Rights Act 2003. While no specific provisions relate to children, Kilkelly (2006) argues that the case law of the ECHR is particularly relevant to youth justice and detention in an Irish context by the manner in which requirements can be imposed on the State with regard to the treatment of young people in court proceedings and in detention.<sup>5</sup>

There are a number of other international frameworks that provide guidance on best practice. These include the UN Standard Minimum Rules for the Administration of Juvenile Justice (the 'Beijing Rules', 1985), the UN Rules for the Prevention of Juvenile Delinquency (the 'Riyadh Guidelines', 1990) and the UN Rules for the Protection of Juveniles deprived of their Liberty (1990). While none of these frameworks place compliance obligations on the State, Kilkelly (2006, p. xx) argues that 'between them [the Rules], they prioritise early intervention and prevention and emphasise the need to provide opportunities, including education, to all children, along with support for the child's family and community'. In addition, the Rules stress the importance of diversion from the criminal justice system; the need for a multi-agency response for a coordinated and effective youth justice system; the importance of integration (or re-integration) in the family and community; and the necessity of maintaining systematic records of data to respond to the needs of those in the youth justice system.

## Young people on remand

A dearth of official statistical data makes it difficult to quantify the number of young people remanded on bail, the length of time remanded on bail or the extent to which bail conditions are attached. The main source of information consists of a small number of empirical studies conducted on the Children Court (Carroll and Meehan, 2007; Kilkelly, 2005). Kilkelly's (2005) study, which focused on the Children Court in Dublin, Cork, Limerick and Waterford, found that the majority of cases observed resulted in young people being remanded on bail and in many instances bail conditions were attached.

Published data about the number and throughput of young people under 18 years who are detained on remand are not routinely available. The available evidence suggests that a majority of young people are remanded on bail rather than detained on remand. A snapshot of this population is provided by data from the Irish Youth Justice Service, which identified that 29 young people under 18 years were detained on remand on 14 December 2007.

Taken together, the dearth of comprehensive, official and available statistics about the numbers and throughput of young people on remand each year serves to limit the extent to which an accurate picture can be created about the needs and support services of this segment of the youth justice population.

Measures to promote bail compliance and/or to provide alternatives to detention on remand are a very recent development in the Irish context. At the time of commencing the current research study (October 2006), there were no specific bail support programmes in place to assist young people. Unless already involved with a service (e.g. Youth Project, Probation Service), most young people were released unsupervised from the courts to await their next hearing date. On the basis of what is known from previous research, it would seem that limited support for young people on bail increases the risk of them failing to comply with the requirements of the court (Northern Ireland Office, 2006). The study by Carroll and Meehan (2007) of the Children Court notes that 37% of the young people they observed being detained (on remand) were committed for breaking their bail conditions and/or failing to appear in court.

<sup>5</sup> In the cases of *T v. UK* and *V v. UK*, the Court ruled that the treatment of the two boys charged with the murder of a young toddler was unfair and that measures must be in place to ensure children have the right to understand and participate in the criminal process. In *DG v. Ireland*, the Court ruled that children can only be deprived of their liberty within the terms of the European Convention on Human Rights; the detention of a non-offending youth at St. Patrick's Institution was deemed to breach the Convention.

In 2008, the Probation Service commenced delivery of a bail support programme on a pilot basis in Limerick and Dublin, as well as a remand fostering programme. Although provision of bail support services continues to be limited, it is expected that programmes will be made available on a nationwide basis during 2009. The Irish Youth Justice Strategy 2008 – 2010 makes specific reference to bail support, stating that the Irish Youth Justice Service will ‘work in partnership with the Young Person’s Probation (YPP) and other relevant organisations to review current bail information and support arrangements to ensure remands are used as a last resort, in line with the principles of the Children Act 2001 (as amended)’ (IYJS, 2008).

## Structure of report

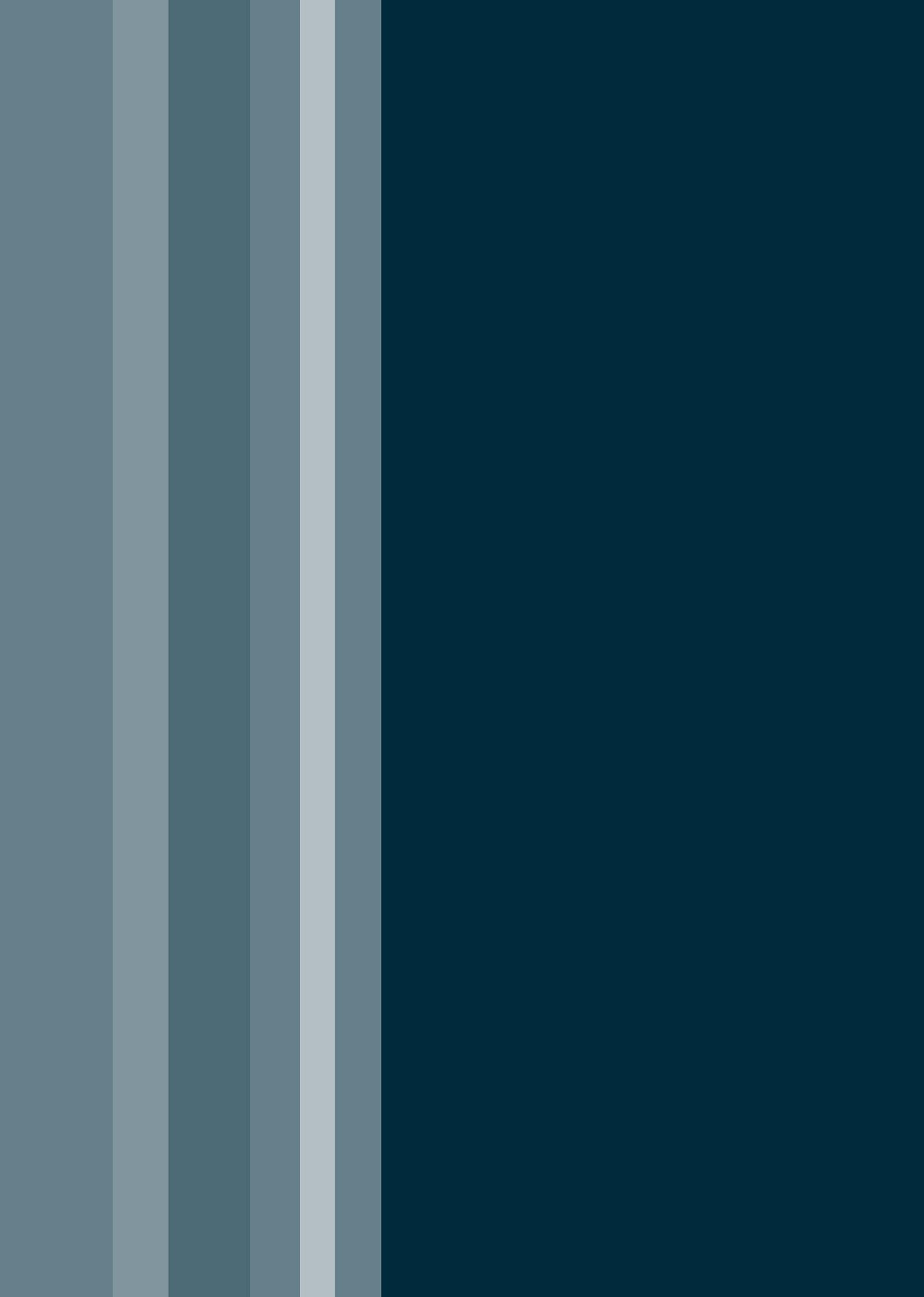
This report is structured as follows:

- *Chapter 2* outlines the main topic of the research through a review of the national and international literature.
- *Chapter 3* provides a detailed account of the methodology used in the research study.

The research findings and analysis are presented in Chapters 4-6:

- *Chapter 4* examines the circumstances of young people’s lives. The purpose is to provide a greater understanding of the individual, family, social, community and environmental context in which young people are required to comply with bail and bail conditions. The chapter also seeks to identify the support and service needs of young people and their families based on their experiences.
- *Chapter 5* examines the experiences of young people appearing on criminal charges before the courts, as well as the perspectives of parents and professionals working with them. The purpose is to develop an informed insight into young people’s understanding of bail and the consequences of complying with bail, the barriers to compliance and the issues that need to be addressed in order to improve young people’s compliance with the conditions of their bail. It also examines detention on remand and discusses the types of alternative services required to divert young people from detention.
- *Chapter 6* examines the availability of services and supports for young people and their families, and assesses the potential of, and barriers within, the current system to address the needs of young people on remand. The chapter concludes by suggesting that service provision and service coordination must be strengthened in order to facilitate the development of more responsive remand support services for young people at risk of detention.

*Chapter 7* concludes the report by drawing together the main themes of the study, followed by the outlining of a number of key recommendations.



# **2 LITERATURE REVIEW**

Compliance with bail conditions has been identified as a problematic issue for young people on remand (Northern Ireland Office, 2006). The implication of not complying with bail conditions is serious: young people potentially risk detention if they commit a criminal offence while on bail and/or break their other bail conditions. Furthermore, under Section 90(2) of the Children Act 2001, non-compliance with any condition of bail, and the circumstances in which it occurred, may be taken into consideration in dealing with the child if subsequently found guilty of an offence.

Research in parts of the UK suggests that specific support for young people on remand should be targeted at those most at risk of breaking their bail conditions and/or detention (Northern Ireland Office, 2006; Youth Justice Board, 2005). The rationale is that lower risk offenders can be effectively supported through mainstream youth services, which do not bring them into direct contact with more serious or persistent offenders. In this way, concerns about 'net-widening' are minimised (Nellis, 2004). (Net-widening refers to the processes and mechanisms by which increasing numbers of individuals come in contact with the criminal justice system and/or become subject to some form of 'social control'.)

Research is limited in the Irish context about the support service needs of young people remanded on bail or detained on remand. Experience from other jurisdictions, combined with guidance gleaned from human rights standards, provides some insight into their needs. Three main issues emerge as important: (i) the need for cases to be dealt with in a timely manner so as to minimise the risk of re-offending among young people; (ii) the need for effective communication in the youth court to ensure that the consequences of the offending behaviour and non-compliance with the court direction are fully understood; and (iii) the need for a system of support services to assist young people on remand to comply with the orders of the court and to reduce the use of detention on remand.

## **Length of the criminal justice process**

A dearth of research exists with regard to the number and length of adjournments granted in the Children Court system. However, the information that is available raises concern about the length of time taken to finalise cases. Carroll and Meehan's (2007) study of the Children Court found that while almost two-thirds of young people had their cases concluded within 6 months, over one-fifth waited between 6 and 12 months, and approximately 1 in 6 were finalised one year or more after their first appearance. On average, young people made 8 appearances prior to their case being finalised (Carroll and Meehan, 2007). The impact of not processing cases in a prompt manner is that it increases the likelihood of a young person re-offending and being detained on remand as a result. Given what is known about the negative impact of detention on young people (Goldson, 2005), the consequences of multiple adjournments are potentially most serious for those already in detention on remand.

The reasons for adjournments are varied and sometimes necessary to ensure the proper appropriation of procedural justice. Nevertheless, the system has come in for sustained criticism about the delays incurred in processing cases (Kilkelly, 2005). The reasons for some adjournments, particularly time needed for the preparation of a Probation report, are unavoidable. However, with more resources, according to Kilkelly's (2005) analysis, there are some factors that are amenable to redress: in particular, it is argued that greater coordination between the agencies working with young people could potentially reduce the number and length of adjournments required to enquire about the availability of placements or to gather information about assessment and treatment for young people. Similarly, improved resources to the Probation Service would potentially cut down on the time taken to prepare reports and, in turn, reduce the length of adjournment (Comptroller and Auditor General, 2004). Other suggestions put forward to reduce adjournments include the need for a single prosecuting Garda, judicial consensus and greater scrutiny by judges of requests for adjournments (Kilkelly, 2005). Finally, the need to adjourn cases due to the non-appearance of young people or their parents may be best addressed through the provision of greater support services during the bail period to communicate the significance and consequences of failing to appear at court.

## Effective communication in the courtroom

Kilkelly (2006) reports that the extent to which young people understand court proceedings and participate in the process varies from court to court. Generally, it was concluded that many struggled to comprehend what was happening (Kilkelly, 2005). It was reported that young people often did not understand their conditions of bail and limited efforts were undertaken by officials or professionals to explain the impact and consequences of non-compliance with the conditions (Kilkelly, 2006). This is broadly in line with previous research undertaken in England, Wales and the Netherlands (Weijers and Hokwerda, 2003), indicating that young people and their families often do not understand the expressions and jargon of the courtroom (Weijers, 2004). Kilkelly (2006, p. 139) argues that the necessity of understanding the process and the consequences is central to addressing the issue of non-compliance: *'Priority should be given to developing a range of age-appropriate explanations to ensure that young people understand the conditions of their bail or probation bonds, the consequences of breaching them and the reasons for any sanction imposed or adjournment ordered.'*

The issue of communication in the courtroom has been examined by Weijers (2004) in a number of international contexts. He argues that three aspects of communication in the youth court play an important part in the process of relaying information to young people about the consequences of their behaviour. These aspects are:

- **Explanation:** This is described by Weijers (2004, p. 26) as 'the most basic dimension of the pedagogical task of the youth court'. It involves legal professionals taking a lead role in explaining the legal terms and process to young people.
- **General attitude:** This dimension of communication is focused on matters such as the interest shown in the child and the extent to which their story is heard (including their personal account of motivation and feelings about the offence and its consequences).
- **Moral communication:** This dimension is described by Weijers (2004, p. 27) as 'dialogue with the young offender about the moral consequences of their wrongdoing', through direct communication with the young person, family members or other caregivers. Moral communication has two aspects: the first involves a reprimand and an expectation of a new start, while the second provides an opportunity for the young person to reflect on the consequences of their wrongdoing.

Weijers (2004) suggests that there are multiple benefits to be gained from incorporating these three aspects of communication into youth court practice. Effective courtroom communication serves to enhance the young person's comprehension of the consequences of their actions on themselves, their family, victim(s) and wider community, and also serves to advance the young person's right to be heard and to participate in proceedings against them.

## Education, engagement and participation

It is well documented that young people before the courts often have a poor educational history, ranging from learning and behavioural difficulties to non-attendance, suspension and expulsion, and poor numeric and literacy skills. Literacy problems are known to adversely impact on a person's quality of life and well-being at a number of levels, including health, poverty and employment opportunities (OMC, 2006). Given that the majority of young people who appear before the Children Court come from areas of lower socio-economic profiles, it is noteworthy that poorer levels of literacy and school attendance have been found in the lower socio-economic classes. It is not inconsequential that almost 1 in 5 (19.4%) primary school students and 1 in 3 (34.8%) post-primary school students in the most disadvantaged schools missed 20 or more days in the school year, compared to 6.2% and 9.2% of students respectively in the least disadvantaged schools (OMC, 2006, pp. 82-83). It would appear, therefore, that young people's ability to understand and engage with court proceedings is impaired by virtue of their disadvantaged educational position.

### Compliance with international standards

There is a universal need and an established right for all young people to have their voice heard and to have their opinions taken into account in all proceedings; this is enshrined generally under Article 12 of the UN Convention on the Rights of the Child and more specifically for young people in the criminal justice system under Article 40(2)(b)(ii), which states that the child has the right *'to be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians'*.

The European Convention on Human Rights (ECHR) requires that measures are taken to ensure persons appearing before the courts 'enjoy the right' to understand and participate in proceedings. This Convention was strengthened in Irish law with the enactment of the European Convention on Human Rights Act 2003. This means that there is a greater obligation placed on the State to comply with international standards of best practice and requirements can be imposed on the State with regard to the treatment of young people in court proceedings,<sup>6</sup> among other criminal justice matters.

### Support for young people on remand

Bail support is identified as an important factor in explaining the difficulties encountered by young people in their efforts to comply with the conditions of bail (Kilkelly, 2005 and 2006). Bail support is defined as: *'The provision of services (intervention and support) designed to help young people awaiting trial or sentence to successfully complete their periods of bail within the community by providing support and services matched to the circumstances of the young person, the alleged offence and grounds for refusal of bail'* (Northern Ireland Office, 2006, p. 19).

Consideration for effective practice and compliance with international human rights standards, coupled with concern about the effect of custodial remand on vulnerable young people, has led to attempts being made to reduce the use of detention on remand in some jurisdictions (Goldson, 2002 and 2005; Goldson and Coles, 2005). In particular, concerns have been expressed about placing marginalised young people in penal institutions, which are often ill-equipped to address their needs (Association of Directors of Social Services *et al*, 2003; Her Majesty's Inspectorate of Prisons, 2000 and 2005). The consequences of placing young people in detention on remand include increasing strain on already problematic family relationships, reinforcement of negative behavioural traits, stigmatisation, alienation and self-harm, as well as exposure to delinquent peers, bullying, intimidation and violence (Goldson, 2005; Goldson and Coles, 2005; Howard League of Penal Reform, 2005). The experience of imprisonment also fails to deter young people from engaging in further criminal activity (Farrington *et al*, 2000; Hagell and Hazel, 2001).

In the international context, the main alternatives to detention on remand and initiatives for those remanded on bail are:

- bail information schemes;
- bail support schemes;
- remand fostering;
- bail hostels;
- bail reviews on custodial remand.

### Bail information schemes

Bail information schemes involve the 'provision of factual verified information to the court that addresses objections to bail' (Youth Justice Board, 2005, p. 24). These schemes are available in England and Wales (Youth Justice Board, 2005), Scotland (Scottish Office, 1994) and Northern Ireland (Northern Ireland Office, 2006), as well as in Canada (Ministry of Children and Family Development, 2007) and Australia (King *et al*, 2005). They are intended to give the court a more

<sup>6</sup> In the cases of *T v. UK* and *V v. UK*, the Court ruled that the treatment of the two boys charged with the murder of a young toddler was unfair and that measures must be in place to ensure children have the right to understand and participate in the criminal process.

informed picture of the young person's social circumstances and offending behaviour. By having a designated service to compile information, the intention is that the court is assisted by reducing adjournments, speeding up the decision-making process and enabling more appropriate decisions to be made about the granting of bail. Some of these bail information schemes also include an assessment to identify the most appropriate bail programme for young people.

These schemes have been found to be effective in facilitating bail for those who might otherwise have been refused it (Drakeford *et al*, 2001; Scottish Office, 1994; Youth Justice Board, 2005). However, it has also been identified that effective communication between the different agencies involved in young people's cases is necessary (SACRO, 2004; Scottish Office, 1994) in order to allow time to address objections to bail prior to the court appearance.

### **Bail support schemes**

Bail support schemes vary, from those that provide support to young people to address the barriers to bail compliance, through to those that combine support with community-based surveillance (NACRO, 2005; Youth Justice Board, 2005). These schemes are intended to reduce the use of detention and improve bail compliance by providing supervision and support to young people who would not otherwise be granted bail (Youth Justice Board, 2004). Various bail support schemes are available in England and Wales (Youth Justice Board, 2004), Scotland (Scottish Office, 1999), Northern Ireland (Northern Ireland Office, 2006), Canada (Department of Justice, Canada, 2007), Germany (Schäfer, 2004) and Australia (King *et al*, 2005). The level of supervision and support a young person receives depends on their needs.

Research investigating bail support schemes in England and Wales suggests that they have the potential to reduce the number of young people re-offending while on bail and to reduce the number of young people remanded to a custodial institution (Audit Commission, 2004; Youth Justice Board, 2005). An evaluation by the Youth Justice Board (2005) found that 75% of individuals targeted by bail support schemes had been denied bail by the police or there was known opposition to the granting of bail by the Crown Prosecution Service. Therefore, without a bail support scheme, many would not have been granted bail. Of the young people participating in the bail support schemes, 55% attended all court appearances and were not arrested, charged or reported to the police for new offences or breaking their bail conditions (Youth Justice Board, 2005). Research in Northern Ireland (Northern Ireland Office, 2006) and Canada (Ritchie, 2005) also suggests that these schemes are useful in assisting young people to obtain bail and to comply with their bail conditions by linking them with relevant community services and providing information and support.

Nonetheless, there are concerns about how the needs of these young people will be met once they complete their bail support scheme and the ethical implications of withdrawing support once they are no longer on remand (Youth Justice Board, 2005). While these schemes were deemed to be useful for assisting those on remand, many professionals expressed concern about the lack of supports to help young people when their cases were finalised. A general view exists that schemes should be situated in a wider youth justice strategy, designed to address the needs of young people and assist them in re-integrating into society (Northern Ireland Office, 2006; Youth Justice Board, 2005).

### **Remand fostering**

Remand fostering is intended to reduce the use of detention on remand for young people who are unable or unwilling to return home (Lipscombe, 2004; NACRO, 2004). Studies investigating the effectiveness of remand foster schemes in England and Wales indicate that they can reduce the use of detention and the number of young people re-offending while on bail by providing a more stable and supportive environment (Lipscombe, 2004; Utting and Vennard, 2000). Lipscombe (2004), however, cautions that placements sometimes break down because of difficulties matching the needs of the young people with appropriate carers. As with bail

support schemes (*see above*), there is also recognition by professionals and foster carers that the provision of remand foster services needs to be situated in a wider youth justice strategy, designed to address the needs of young people beyond the remand process (Northern Ireland Office, 2006).

### **Bail hostels**

The purpose of bail hostels is to reduce the use of detention on remand among young people by providing enhanced residential supervision in the community for those who might otherwise have been denied bail. While residing in a bail hostel, young people are encouraged to comply with their bail conditions, reduce their offending behaviour and address any difficulties that may give rise to their criminal activity (NACRO, 2003). These services have been found to contribute to reducing the number of young people being detained in custodial institutions, especially as a result of not having suitable accommodation (Human Rights and Equal Opportunity Commission, 2001; NACRO, 2003; Schäfer, 2004; Scottish Office, 1994). In addition, bail hostels are believed to provide suitable supervision to the young people involved, while also addressing any educational, social or behavioural problems (YMCA, 2003).

Nonetheless, there are concerns about the possible net-widening effect of bail hostels, resulting in young people who would not ordinarily be remanded to a custodial institution being detained in a bail hostel (Human Rights and Equal Opportunity Commission, 2001; Player, 2007). Nevertheless, for young people whose bail applications may be rejected due to unsuitable accommodation, bail hostels appear to provide a useful alternative to custodial remand for them (NACRO, 2003; Scottish Office, 1994).

### **Bail reviews on custodial remand**

Bail review schemes are intended to review the bail status of young people detained on remand to determine whether there has been a change in their circumstances that would allow them to be released on bail. These schemes involve liaising with statutory and non-statutory agencies in the community in an attempt to put into place a plan that would remove any impediments to bail, leading to the release of the young person and a reduction in the length of time they are detained in a custodial institution (NACRO, 2003). Research by Goldson and Peters (2002) in England and Wales found that 79% of the young people reviewed were released from custody on conditional bail; a large proportion of these young people were placed on bail support programmes and 39% did not ultimately receive a custodial sentence.

These findings suggest that bail review schemes may be useful in reducing the length of time young people spend detained on remand. Furthermore, they question whether detention on remand is always necessary in the first instance.

## **Current service provision and delivery in Ireland**

Young people in contact with the law are often those most in need of social and care services, and, concurrently, those least able or willing to access such services (Department of Justice, Equality and Law Reform, 2006). Indeed, previous studies of young offenders in Ireland have found that a number of psychological, social, educational, health and care needs are not met in the community and/or custodial institutions (Carroll and Meehan, 2007; Hayes and O'Reilly, 2007; Kilkelly, 2005). Young people deemed to be most 'at risk' of breaking their bail conditions and detention are reported to encounter difficulties associated with offending behaviour more often and more acutely than those ordinarily appearing before the court (Northern Ireland Office, 2006; Youth Justice Board, 2005). It seems, therefore, that any system of remand/bail support for young people in the justice system must operate in partnership with the services provided through the health, welfare, educational and social systems in order to address effectively the barriers and challenges to offending behaviour.

There are a number of services that are targeted to meet the social, educational, health and welfare needs of the general population of young people and/or young people deemed to be 'at risk' of offending. The establishment of the National Educational Welfare Board (NEWB) in 2001, to promote school attendance and prevent school-leaving, set in place mechanisms to follow-up on cases of school non-attendance. Furthermore, Government commitments to tackle educational disadvantage and literacy problems have been outlined in the current social partnership agreement, *Towards 2016* (Department of the Taoiseach, 2006), and executed through initiatives such as Delivering Equality of Opportunity in Schools (DEIS) (Department of Education and Science, 2005) and other mechanisms for educational inclusion and progression (e.g. school completion programmes, educational support programmes, youth encounter projects, home school liaison service, training programmes, job clubs, Youthreach and FÁS).

Other support services address family support (Barnardos and Springboard projects); drug and alcohol services; alternative care (ranging from high support units to special care units, residential units, emergency care (Out-of-Hours Service) and foster care); social work services; youth services; and psychological and mental health services. Details of these services are given in the *Report on the Youth Justice Review*, published by the Department of Justice, Equality and Law Reform (2006).

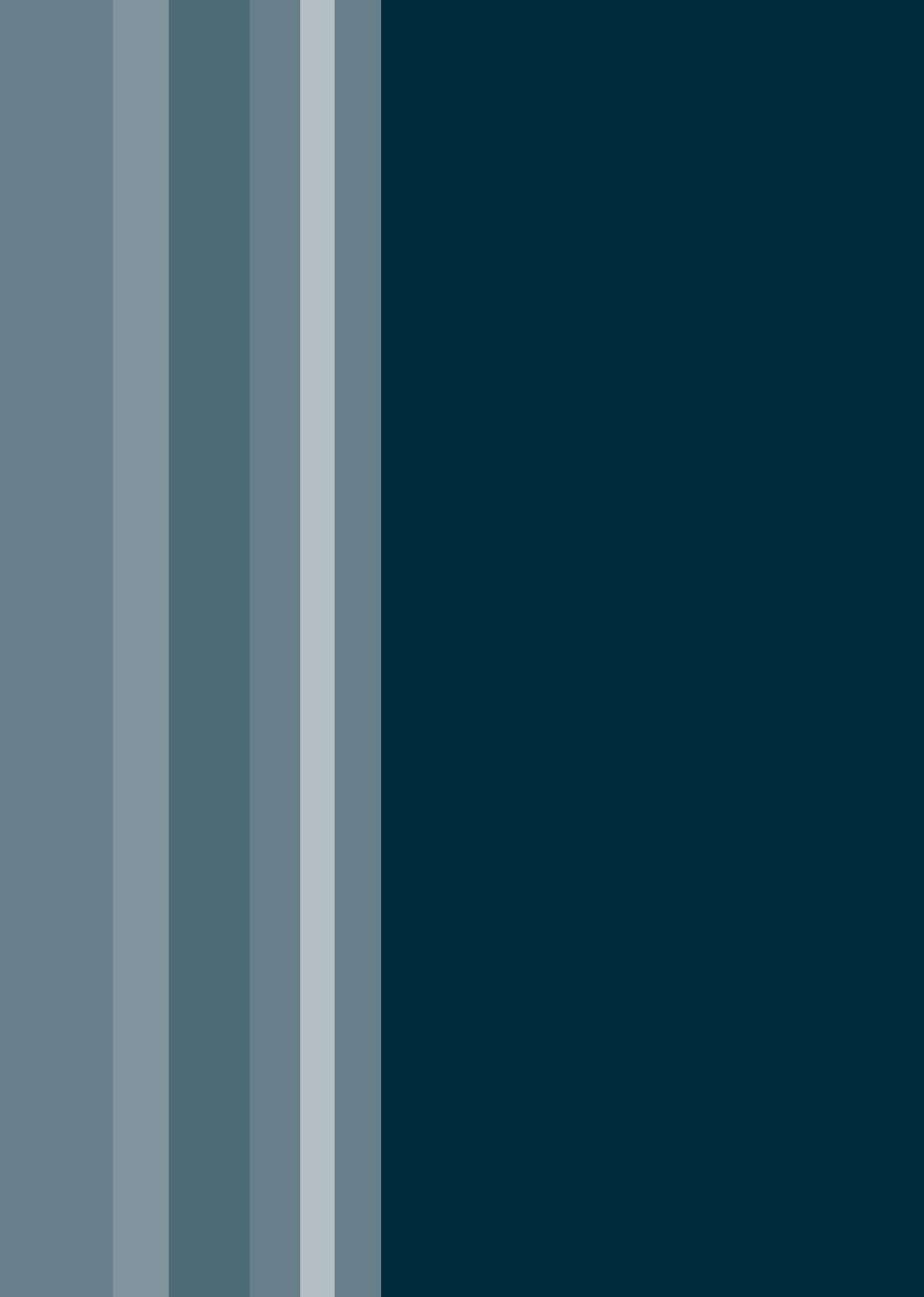
Nevertheless, despite increases in service provision generally for young people, limited resources in key service areas continue to be problematic for young people and their families. It is well documented that a dearth of placements results in it being difficult for those in need to access services (Department of Health and Children, 2005; *Irish Examiner*, 30 November 2006; SSI, 2003). The challenge of engaging young people and their families in existing services has also been identified (Finglas Child and Adolescent Centre, 2006). These difficulties have prompted calls for early intervention and prevention programmes to identify children 'at risk' of criminal behaviour before they become enmeshed in a criminal subculture and/or trapped in a cycle of offending, court appearances and detention (Carroll and Meehan, 2007; Department of Justice, Equality and Law Reform, 2006; Youthreach, 2004).

Finally, service coordination is an ongoing and challenging aspect of service delivery, particularly because children's services cut across three different Government departments (Health and Children; Justice, Equality and Law Reform; and Education and Science), as well as a large number of voluntary and/or non-statutory organisations. A range of developments in recent years is intended to facilitate coordination of services across Government departments in the longer term, including:

- the appointment of a Minister for Children and Youth Affairs ensures that children's interests are better represented at a national level;
- in tandem, the establishment of the Office of the Minister for Children (OMC) in 2005 as part of the Department of Health and Children (renamed the Office of the Minister for Children and Youth Affairs (OMCYA) in 2008) represents a significant step because it has the specific remit of improving the lives of children under the National Children's Strategy, published in 2000, and of bringing greater coherence to policy-making for children (see [www.omc.gov.ie](http://www.omc.gov.ie));<sup>7</sup>
- the Irish Youth Justice Service (IYJS) was established in 2006, with a remit to develop a National Youth Justice Strategy (IYJS, 2008) and to oversee the coordination of service delivery at local and national level;
- this development was built on with the establishment of the Children Acts Advisory Board (CAAB) in July 2007, with a specific function to promote and enhance interagency cooperation.

All these combined initiatives bring with them an undertaking to improve the delivery of services to vulnerable young people and their families in the future.

<sup>7</sup> There are a number of OMCYA units, including the Minister's Office Staff and Advisor, Child Welfare and Protection Policy Unit, Childcare Directorate and National Children and Young People's Strategy Unit. The Irish Youth Justice Service and the Early Years Education Policy Unit are co-located with the OMCYA, but continue to report to their respective departments (i.e. Department of Justice, Equality and Law Reform, and Department of Education and Science respectively).



# 3 METHODOLOGY

Bail can be imposed at any stage of a young person's involvement with the Children Court system. In effect, this means that those remanded on bail and detained on remand can range from young people with a substantial history of involvement in the criminal justice system to those with minimum previous contact. This study does not intend to provide a representative account of the views of *all* young people appearing before the Children Court. Rather, it aims to provide a detailed account of the experiences and support service needs of young people who are deemed to be most 'at risk' of detention on remand by virtue of their offending behaviour and/or history of non-compliance with bail conditions. To this end, the research sought to recruit a sample of young people currently in detention, who had been remanded on bail or who had been detained on remand in the previous two years.<sup>8</sup> Purposive sampling was used to recruit the cohort through the children detention school system (Finglas Child and Adolescent Centre, Oberstown Boys Centre, Oberstown Girls Centre and Trinity House) and St. Patrick's Institution.

- **Finglas Child and Adolescent Centre** is a residential centre for boys, between the ages of 12-15 years, who are generally remanded to the centre for the purposes of an assessment or are detained on a committal basis.
- **Oberstown Boys Centre** is registered as a place of detention under the Children Act, 1908 and provides specialist residential care and education for young males, aged 12-16 years, involved in the criminal justice system.
- **Oberstown Girls Centre** is a place of detention for young females in conflict with the law, aged between 12-17 years. In addition to providing specialist care and education, the centre also conducts assessments of young females for the courts.
- **Trinity House** is a place of detention for young males between the ages of 14-16 years. It is a secure unit and places here are generally reserved for youths who are alleged to have committed a serious offence and who may not be deemed suitable for more open residential settings.
- **St. Patrick's Institution** was originally founded as a Borstal and is now a place of detention for male youths, aged 16-21 years, who are on remand or serving a sentence.

## Data collection

Although the study was primarily focused on those most at risk of detention on remand, it was considered important to locate the experiences of this cohort within the broader context of young people appearing before the courts, their families and professionals. The study therefore adopted a multi-method approach to data collection, which incorporated:

- observation of 218 cases at the Dublin Children Court;
- 49 semi-structured interviews with 30 young people, 10 parents and 9 professionals;
- a structured consultation survey by questionnaire with 120 individuals and organisations working with young people in contact with the criminal justice system.

## Court observation

Permission was obtained to conduct an observational study from the Director of Court Operations and the President of the High Court. The Children Court is situated in Smithfield, Dublin 7, and is held in-camera. The court usually sits between 10.30am and 1pm and between 2pm and 4pm.

Between 20 March and 2 April 2007 inclusive, 218 cases were observed by the researchers at the Dublin Children Court (DCC). The cases observed do not represent the full number of cases in the DCC during this period since the researchers were primarily interested in observing remand hearings and therefore did not set out to observe cases listed for a hearing. In total, 178 of the 218 cases observed consisted of remand hearings; of the remainder, 17 young people failed to appear in court, 10 were sentenced, 8 were convicted and 5 were recorded as 'other' (see *Table 2*).

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<sup>8</sup> Originally it had been intended to interview only those young people currently detained on remand; however, the low numbers on remand in the children detention schools and the short periods that they spent on remand necessitated a broadening of the recruitment strategy, to those under sentence.

**Table 2: Total cases observed at Dublin Children Court**

| Type of case                  | No. of cases |
|-------------------------------|--------------|
| Remand hearings               | 178          |
| Young person failed to appear | 17           |
| Young person sentenced        | 10           |
| Young person convicted        | 8            |
| Other                         | 5            |
| <b>Total</b>                  | <b>218</b>   |

Of the 178 remand hearings, 80% (137 cases) resulted in remand on bail; in the remaining 20% (41 cases), the outcome was detention on remand. Most of those on bail were remanded for the purposes of a Probation Service report, DPP direction, a hearing date and/or a plea (see Table 3).

**Table 3: Outcome of 178 remand hearings in Dublin Children Court**

| Outcome of case    | No. of cases | % of cases |
|--------------------|--------------|------------|
| Detained on remand | 41           | 20%        |
| Remanded on bail   | 137          | 80%        |

The original purpose of the court observational study was to provide an account of the number of young people on bail, the bail conditions imposed and the number of young people breaking their bail conditions. However, in the courtroom context, where proceedings moved quickly, it was sometimes difficult to ascertain the exact nature of the bail conditions imposed and therefore consistency could not be guaranteed in the data collection process. It was possible to gather some data about the number of young people on bail and the types of bail conditions imposed; however, the observations were most useful in providing detailed qualitative data on the issues and complexities involved in the cases and the support and service needs of the young people and their families. In particular, detailed notes were taken on each case discussed in court about the circumstances of the young person's offending behaviour, their needs and experiences. These observations are not intended to provide a representative account of all cases coming before the Dublin Children Court, but to contextualise some of the issues involved in cases appearing before the court.

### Semi-structured interviews

In total, 49 semi-structured interviews were conducted with young people in detention, their parents and professionals working with them. The criterion for selecting young people was that they had been on bail or detained on remand in the previous two years. Similarly, the criterion for selecting parents was that their child had previously been remanded on bail and/or detained in a custodial institution within the previous two years.

All of the research instruments were developed based on information obtained from the court observation, informal discussions with a range of professionals and an analysis of case file information at the Finglas Child and Adolescent Centre. Each of the instruments was reviewed by a number of professionals (a solicitor, probation officer and social worker) working in the youth justice area. The schedule for young people was also piloted with two young people detained at Finglas Child and Adolescent Centre to determine whether they were able to understand the questions and the language used in the schedule. Based on their comments and the feedback received from the professionals, the interview schedules were amended accordingly. Interview schedules were developed to guide the semi-structured interviews with the young people (see Appendix 1), parents (see Appendix 2) and professionals (see Appendix 3).

**Semi-structured interviews with young people**

Semi-structured interviews were conducted with 30 young people, aged 13-19 years: 16 of these interviews were conducted with young people detained in St. Patrick's Institution and 14 were conducted with young people in the children detention school system (Finglas Child and Adolescent Centre, Oberstown Boys Centre, Oberstown Girls Centre and Trinity House) (see Table 4).

**Table 4: Characteristics of 30 young people interviewed**

| Characteristic of interviewee  | Frequency | %     |
|--|-----------|-------|
| Male   | 28        | 93.3% |
| Female   | 2         | 6.6%  |
| Experience of being remanded on bail in the community  | 29        | 96.6% |
| History of breaking bail conditions (n = 29)   | 29        | 100%  |
| Previously detained in a children detention school, St. Patrick's Institution or adult prison <sup>1</sup> | 26        | 86.6% |
| Out of school prior to committal <sup>2</sup>  | 28        | 93.3% |
| Previously attended Youthreach/FÁS   | 16        | 53.3% |
| Single parent/parents separated  | 12        | 40%   |
| Living on their own or with people other than their parents prior to committal                             | 8         | 26.6% |
| History of being in care and/or homelessness   | 8         | 26.6% |
| Self-reported psychological and/or learning difficulties   | 15        | 50%   |

<sup>1</sup> Young people under 18 years could be held in an adult prison prior to changes introduced in March 2007, which prohibit this practice.

<sup>2</sup> The vast majority of young people reported that they left school before the legal age. Under the Education (Welfare) Act 2000, the minimum school-leaving age is 16 years or the completion of 3 years of post-primary education, whichever is the later.

As seen in Table 4, 28 of the 30 young people interviewed were male. Almost all had at least one previous experience of being on bail in the previous two years (29 of 30 cases) and all of those that had been on bail had broken the conditions attached. Furthermore, almost 90% (26 of 30 cases) had a previous history of detention in a children detention school, St. Patrick's Institution or an adult prison.

Most of the young people (28 of 30 cases) reported being out of school and over half (16 of 30 cases) had previously attended Youthreach/FÁS. Just over one-quarter (8 of 30 cases) reported living 'out of home' prior to committal, although the vast majority said they lived with at least one of their parents. A similar proportion reported a history of care and/or homelessness. Finally, half of the respondents reported psychological and/or learning difficulties (this may under-represent the full extent of such problems since the finding was based on young people's self-reporting only).

Young people's description of the charges against them varied and included public order offences, criminal damage, theft, misuse of drugs, travelling in a stolen car, unauthorised motor vehicle theft, burglary, assault, threatening and abusive behaviour, robbery and attempted robbery. In-depth study of the offending patterns of behaviour has not been undertaken in Ireland, although smaller scale studies suggest that a small proportion of young offenders account for a large amount of offending behaviour. The experience from other jurisdictions is that persistent offenders are not strikingly different from other offenders (Rutter *et al*, 1998) and that the characteristic that distinguishes 'persistent' and 'other' offenders is simply 'the frequency of their offending' (Hagell and Newburn, 1994, p. 119). Furthermore, persistent offenders are unlikely to be convicted of very serious crimes and are likely to commit the same types of offences as other young offenders (Lobley and Smith, 1999).

### Semi-structured interviews with parents

In total, 10 parents/guardians<sup>9</sup> were interviewed to ascertain their views and experiences about the remand process, the service and support needs of their children and the family, as well as their perceptions and opinions about the provision and availability of existing services. Seven of the 10 participants were female. Family members were voluntarily recruited with the assistance of Finglas Child and Adolescent Centre, Trinity House, the Probation Service and Barnardos in Dublin, Cork, Limerick, Waterford and Louth. Interviews were conducted in a range of locations, including family homes, local community facilities and the children detention schools.

### Semi-structured interviews with professionals

In total, 9 semi-structured interviews were conducted with professionals working with young people in a variety of contexts, including probation, social work, youth work, family support, legal, education and law enforcement. Participants were based in Dublin, Cork, Limerick, Waterford and Cavan. The interviews focused on the needs of young people appearing before the courts and their families; the availability of services and supports; indicators of, and barriers to, effective practice; and the applicability of a system of bail support and supervision to the Irish youth justice system.

### Consultation survey with professionals

The purpose of the survey was to provide an opportunity for wider consultation among individuals and organisations working with young people about the service and support needs of young people on remand. The survey questionnaire (*see Appendix 4*) was widely circulated by post and e-mail to a range of professionals whose work tended to bring them into contact with young people during the remand process (e.g. probation officers, social workers, teachers, Youthreach coordinators, solicitors, juvenile liaison officers, youth workers, residential care staff, family support workers and various other professionals). As a result, the questionnaire was not intended to be representative of the views of all professionals working with young people and/or their families, but rather to provide a broad overview of the thoughts and experiences of professionals who frequently come into contact with young people during the remand process.

In total, 120 questionnaires were completed and returned to the research team. Most respondents (96%) were currently working in a position that involved contact with young people in the criminal justice system. Table 5 gives a breakdown of the occupational status of the respondents.

**Table 5: Occupation of 120 professionals who responded to survey**

| Occupation                       | Frequency  | %           |
|----------------------------------|------------|-------------|
| Youth worker                     | 28         | 23.4%       |
| Juvenile liaison officer         | 25         | 20.8%       |
| Youthreach coordinator           | 21         | 17.5%       |
| Probation officer                | 12         | 10%         |
| Residential care staff           | 12         | 10%         |
| Teacher/school completion worker | 10         | 8.3%        |
| Social worker                    | 7          | 5.9%        |
| Family support/community worker  | 4          | 3.3%        |
| Solicitor                        | 1          | 0.8%        |
| <b>Total</b>                     | <b>120</b> | <b>100%</b> |

Just over one-third of respondents were from Dublin, while the remainder were dispersed across the country (*see Table 6*).

<sup>9</sup> In the remainder of this report, the term 'parents' will be used to refer to parents and guardians.

**Table 6: Area in which professionals were located**

| Area                                | Frequency  | %           |
|-------------------------------------|------------|-------------|
| Dublin                              | 44         | 36.6%       |
| Munster                             | 34         | 28.3%       |
| Leinster (excluding Dublin)         | 18         | 15%         |
| Connaught                           | 10         | 8.3%        |
| Ulster (excluding Northern Ireland) | 7          | 5.9%        |
| Unspecified                         | 7          | 5.9%        |
| <b>Total</b>                        | <b>120</b> | <b>100%</b> |

## Access, recruitment and consent

The researchers met with the management and staff at each of the children detention schools and at St. Patrick's Institution. The research proposal was presented to the Board of Management of each school for approval. The project was also ethically approved by the Ethics Committee of the Dublin Institute of Technology and the Irish Prison Service.

Participation in the research was voluntary and the recruitment process was therefore based on this same principle. Prior to asking young people to participate in the study, a total of 10 days was spent visiting each of the units in the children detention school system. During these visits, the researchers shared meals with the young people, chatted informally and engaged in activities such as football and computer games. The purpose was to allow potential participants an opportunity to decide if they wished to take part in the study and to ask questions. Posters and flyers were also distributed for information in the children detention schools.

The main strategy for recruiting young people in St. Patrick's Institution was through the use of a flyer and poster outlining the purpose of the study. With the assistance of the prison staff, these were distributed to all young people aged 16-19 detained in St. Patrick's Institution at the time of committal or through a general cell-drop.

After a young person expressed interest in the study, the researcher met with him or her and verbally explained the purpose of the study, the principle of informed consent and the young person's right to terminate the interview at their own request (*see Appendix 5*). Informed parental consent (*see Appendix 6*) was required for all young people under the age of 18. Parental consent was obtained by the staff at the children detention schools; however, in St. Patrick's Institution staff had not necessarily established relationships with visitors and, therefore, parental consent was obtained by the researcher through direct contact with the young person's family.

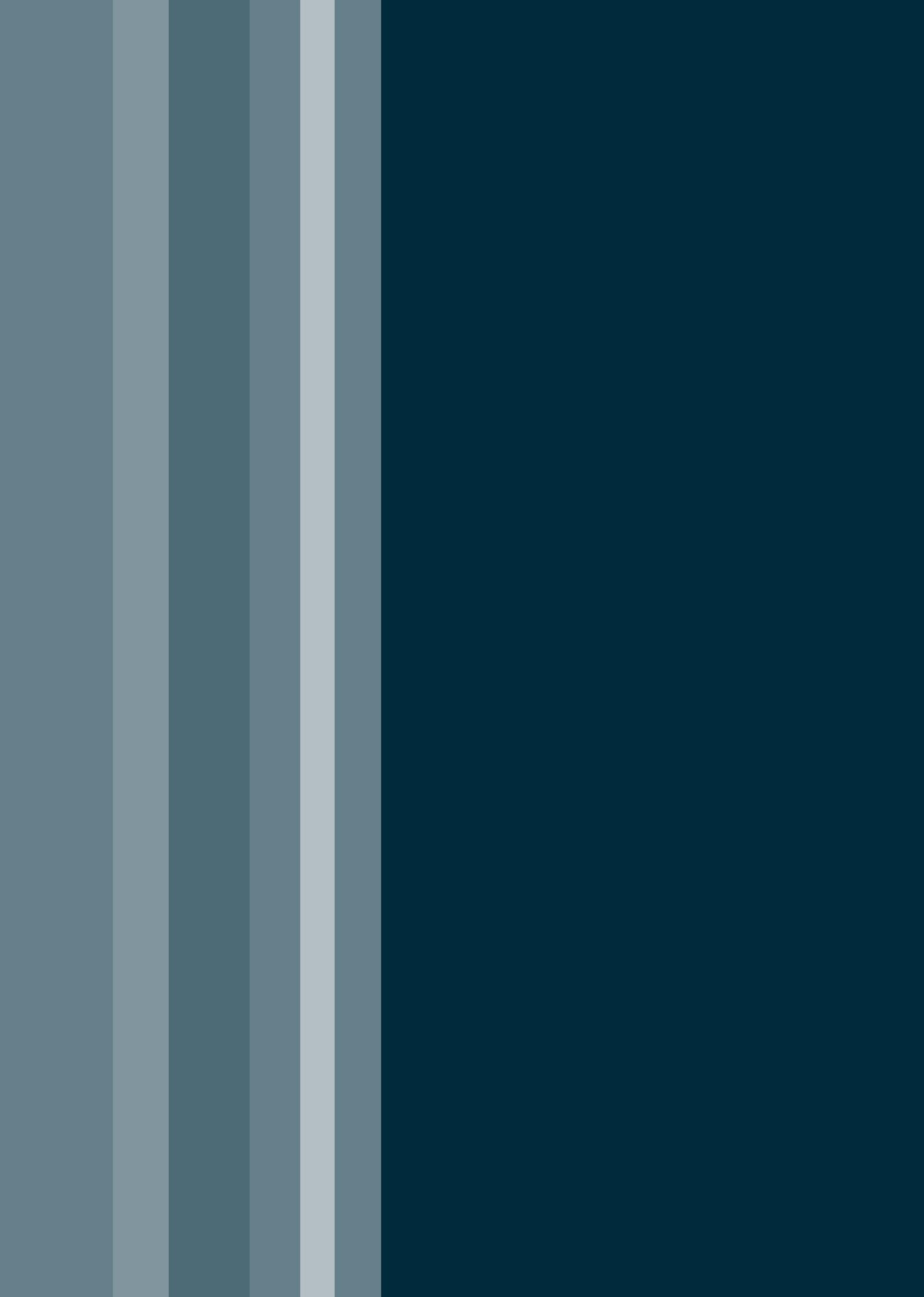
## Data transcription and analyses

All interviews were recorded using a digital recorder, thereby allowing the views and experiences of participants to be accurately captured and transcribed. All identifying data (e.g. names, locations, times, dates) were removed from the transcripts to ensure confidentiality. All transcripts were studied and discussed to determine how best to analyse the data. Themes were identified and these informed the coding scheme for the interview data. The process of analysis was assisted by use of the NVivo software programme, which facilitated the classifying, sorting and arrangement of the data in the transcripts. Illustrative quotations from the interviews are reproduced throughout this report, with minimal editing to them in order to retain the flavour of the spoken word.

For the court observational study, detailed notes were taken by hand during the court proceedings and complete records were written up immediately afterwards. The qualitative observation data were coded manually, following the identification of key themes from the data.

Responses to the consultation survey questionnaire were coded and entered for analysis using a statistical software package, Statistical Package for the Social Sciences (SPSS). This allows for the computation of statistics as well as the identification of trends, relationships and differences in quantitative data. The questionnaire data were entered into SPSS so as to quantify the participants' views regarding the needs of young people and their families, as well as their views on the appropriateness of various bail support schemes. It was hoped that by using a combination of quantitative and qualitative methodologies, a fuller understanding of the service and support needs of young people and their families could be obtained.

The findings and themes arising from these analyses are discussed in Chapters 4-6.



# **4 SOCIAL CONTEXT OF BAIL: YOUNG PEOPLE'S CIRCUMSTANCES**

This chapter presents an account of young people's lives prior to detention. The intention is to provide a more detailed insight into the social context of their life circumstances and, by implication, provide a baseline from which to examine the challenges experienced and services required to promote greater compliance with bail conditions. Data are drawn from interviews with young people, parents and professionals working with young people, as well as data gathered through observation at the Dublin Children Court.

## Educational and vocational experience

Many of the young people in the study were not attending school prior to detention, including a majority of those who were still under the minimum school-leaving age.<sup>10</sup> Common explanations for non-attendance and early school-leaving included a dislike of teachers, a dislike of school, their friends not attending school, or being suspended or expelled. In addition, two young people explained that they were on a 'reduced timetable' (sometimes only 1-2 hours of tuition per day) and therefore they did not 'see the point' in attending school. Over half (16 of 30 cases) reported that they experienced learning difficulties and most said they struggled with their general school work. Learning difficulties were not restricted to the young people in detention; indeed, observations at the Dublin Children Court noted that the issue of learning difficulties frequently arose in the cases discussed.

It was noteworthy in the young people's accounts, and consistent with other research in Ireland (McCoy *et al*, 2007), that over two-thirds (23 of 30 cases) said they had left school between the final year of primary school (6th class) and the second year of secondary school. From the evidence garnered, it seemed that, for many, behavioural problems and/or learning difficulties were key factors in propelling young people's early exit from the school system:

After primary school I didn't go to school ... See, at 5th class, well 6th class, the start of 6th class ... yeah the teachers came to my house and says to my mother, 'He has a learning difficulty' or something ... Then I started getting these special teachers ... but that was too late 'cause two or three months later and it was the summer ... they convinced my mother I was ready for secondary school and she was delighted ... I can remember my first day in secondary school. I was messing with a pen and the teacher turned around and asked me to read something and I thought 'Oh, Jesus Christ'. I said 'I'm not reading it' and the teacher said 'Read it' and started making smart comments. So I turned around and fucked him out of the class and didn't go back to his class again. He didn't mean it like, he didn't know I couldn't read. (P23, Male, aged 16)

Having left school early, a number of the young people described difficulties in accessing training or vocational placements because of their young age. As a result, it was clear that this cohort had an unlimited amount of time to spend on unstructured activities:

Oh, I was 15 and I asked to get into a young people's centre, yeah, or I think I was 14, yeah 14, and I went to Youthreach and he said I was too young ... [So] I hung around the streets getting charged ... two months later, [I was sent to] Trinity House, good luck. (P30, Male, aged 16)

Over half of the young people (16 of 30 cases) reported that they had previously attended Youthreach or FÁS<sup>11</sup> and from their descriptions, it seemed that the learning and teaching approach was adapted to suit their training needs:

Youthreach was okay ... It was very, like, they had patience and they knew because you were a bit slower they'd show you how to do it properly ... and if you don't do it right, you can always try again and all that ... Yeah. You could have a laugh with them as well. It's not like you're in school. (P26, Male, aged 19)

<sup>10</sup> Under the Education (Welfare) Act 2000, the minimum school-leaving age is raised to 16 years (previously 15 years) or the completion of 3 years of post-primary education, whichever is the later.

<sup>11</sup> Youthreach is a programme directed at unemployed young early school-leavers, aged 15-20. It offers participants the opportunity to identify and pursue viable options within adult life and provides them with opportunities to acquire certification. It operates on a full-time, year-round basis (Youthreach, 2007). FÁS is the National Training and Employment Authority and it operates a number of training and employment programmes designed to assist young people in obtaining training and employment. In particular, FÁS operates a number of training courses, apprenticeships and traineeships in, for example, administration, information technology (IT), construction, mechanics, plumbing, hairdressing and beauty courses (FÁS, 2007).

However, despite the positive feedback from young people, challenges associated with maintaining their placements on such programmes were common:

Some days I just, I would have been gone on a bender. I just wouldn't go in, you know. Just because you have to get up early and all. Getting up is something else, you know ... that is part of the problem, I'd say. (P31, Male, aged 16)

So I went for the first day and they were just explaining what it was gonna be like and all that. So that night then, I got mad into crack and all that ... and I got arrested ... I didn't get the chance to go back after that night. (P23, Male, aged 16)

Overall, it appeared that young people experienced barriers in their efforts to remain in full-time education or training. This raises obvious concerns given the adverse impact of absenteeism and early school-leaving on future employability and integration into the labour market (McCoy *et al.*, 2007; NEWB, 2007). Furthermore, research suggests a link between offending and early school-leaving, and attributes it, among other factors, to the sense of hopelessness among young people about their ability to succeed through conventional means (Barry, 2005; Bolland, 2003). This theme was also reflected in the current research by professionals who described how attempts to engage young people in education, training or employment services were immensely difficult given their marginalisation from mainstream society from an early age:

A lot of them [young people] are outcasts within their own communities. Even in a community and they are working class people ... they are at the bottom of whatever ladder ... the children that I deal with. I mean, they are marginalised completely. And you know they have no aspirations. Because I think they have built up, they are defensive, so they are defensive to begin with. It's their defence. They are defensive from very, very early on. (P36, Teacher)

They [young people] are alienated from mainstream culture, no hopes or aspirations to a successful career or job. Very low self-esteem, compounded by lack of education and labelling as 'scumbags' from an early age – often by people in authority, for example, the Gardaí. (P058, Solicitor)

## Daily routine and activities

The extent to which young people are excluded or marginalised is likely to impact on their daily routine and activity (Barry, 2005; McAuley, 2007). Not surprisingly, given the extent of disengagement from education and training services, most described having an unstructured daily routine:

I'd meet the lads and before we'd go we'd all smoke hash all morning ... We play football for two hours, then we get our lunch and we go out and smoke hash ... And then after ... we all get the bus home and the bus driver [would] barely ever let us on ... because we'd be smoking hash on the bus ... So and then we go home, get changed and then we'd go drinking ... Yes, usually went out on a Saturday night ... mostly snorting coke ... or else ecstasy ... If you were broke, ecstasy and mostly coke then. (P15, Male, aged 19)

Young people described having little to do in their local area and attributed boredom to the absence of appropriate facilities. Private leisure facilities were considered too expensive and, in cases where they did attend facilities, they often felt unwelcome. These themes are not dissimilar to those reported in a recent study by De Róiste and Dinneen (2005), which suggested that the majority of young people believed there was limited leisure provision in their areas and one in seven said they had insufficient funds to take part in leisure activities of interest to them. The provision of 'constructive' and physically demanding leisure activity has been identified as a strategy to divert young people from criminal activity (Barrett and Greenway, 1995; Graham and Smith, 1994; Hunt, 1989). However, further research suggests that to be successful in reducing re-offending, diversionary measures should not just focus on the provision of leisure and sports facilities, but also incorporate school attendance, training and employment prospects (Utting, 1996).

## Peers

It is well documented that the peer group is a potential risk factor related to youth offending (Farrington, 1986 and 1990; Tarolla *et al*, 2002). According to young people, their peer group was a dominant feature of their daily lives. Some, although not all, reported associating with a delinquent peer group who were 'out of school', who engaged in similar unstructured activities as themselves and who had previous contact with the Gardaí, the courts and the detention system. Mixed views were expressed about the influence of friends on their behaviour. Some described how they started smoking, drinking and/or consuming drugs because they wanted to feel included:

I was 14 ... Everybody else was doing it. All the lads that, you know, some of them were kind of older and you just wanted to be like them, you know. (P26, Male, aged 19)

In common with previous commentators on youth offending (Barry, 2005; McAuley, 2007), some professionals considered that the alienation experienced in wider society by young people strengthened the bond to peers and offending behaviour. Their view was that offending played an important role in creating a sense of belonging for young people among their peer group:

I think being part of a gang is, you know, everybody needs to have some sense of belonging and if you don't have anything, if you don't have any aspirations as to your future or that, then the gang kind of is ... your immediate future and you have to prove your place in it. (P040, Solicitor)

[The attitude is] I don't care because my friends are in this, and like that's a huge thing. How many cautions have you got? How many bail conditions have you got? You know, it's the higher you have, the more street credit you get. I mean, we have to break that kind of cycle as well. (P039, Social worker)

## Alcohol, drugs and community

The link between alcohol and drug misuse and offending behaviour is also well documented and, as expected, those young people who offend report higher rates of drug and alcohol use than their peers (Farrington, 1990; Flood-Page *et al*, 2000; Goulden and Sondhi, 2001). All of the young people in this study said that they consumed alcohol and almost all (28 of 30 cases) reported previous drug use. Cannabis was the most commonly consumed drug; however, many described using a variety of drugs, including tablets, ecstasy, cocaine and sometimes heroin.

This study did not seek to quantify young people's alcohol and drug use, but rather to examine some of the ways in which alcohol and drugs were implicated in their offending behaviour and general daily experience. Consistent with other research on young offenders (Parker, 1996), alcohol and drugs (mis)use were associated with offending in a number of ways. Some young people described that they engaged in criminal activity to fund their alcohol and drug use, while others explained that they committed offences while under the influence of alcohol and/or drugs.

The first time, when the guards started to know me, I was about 8 or 9. I was robbing cars at that time. When I was younger, I was pulling knives, you know, at someone like that, you know. I've quietened down a lot now ... I'll tell you, it's the drugs ... Drugs going to your head like. When you get coke inside you, you think nothing can stop you. You think you're superman. (P17, Male, aged 19)

The social environment of young people's involvement in criminal activity (Farrington, 1990; Tarolla *et al*, 2002; Tolan and Guerra, 1994), and the manner by which individuals are exposed to a wide range of anti-social behaviours, is understood to be a risk factor for youth offending (Barry, 2005; Goldson, 1999). In the current study, young people's access to drugs in their local environment was a common theme throughout their accounts:

All the junkies were coming over to me and giving me tablets and all ... I'd be walking past and they'd just stop me and give them to me and then bring me off with them ... Yeah, off just taking tablets or something, and my ma took me out [of school]. She was afraid that

something was going to happen to me ... See, every morning I'd be going down to the Luas to get to school and they would be down around there ... and they would come over to me and try and give me tablets. If I said 'No', they would say 'Just take them, just take them'. (P01, Male, aged 13)

Drug use often led young people to accumulate financial debts. During the court observation, cases were recorded where young people reported that they owed sums of hundreds and sometimes thousands of euros to drug dealers. When queried by judges, there appeared to be a general reluctance to report such incidents to the Gardaí due to young people's fear of recrimination. Some had already allegedly been beaten up or forced to perform certain criminal acts as collateral for these debts. These allegations were often confirmed by parents, who explained that the family had also been threatened.

[Court observation] One 14-year-old girl explained that she had been beaten and had a glass bottle smashed over her head because of drug debts. Her mother expressed serious concern for her safety and also described how people had called to the house looking for her daughter and threatening the family.

Professionals also described the situation whereby drug use can place young people at risk of re-offending by virtue of the necessity to repay debts, as well as placing them at risk of physical violence:

There are obviously quite a number of people who have got caught in that world of drugs, drug dealing, and they need to feed their own habit. They have to avoid certain people ... but there's a murky world there and it's got more violent. (P045, Drugs worker)

Taken together, the environment in which many young people live and associate clearly presents particular challenges in any attempts to avoid offending due to the presence of a number of anti-social factors.

## Parents and the family relationship

The dynamics and relationships between young people and their parents were complex and not amenable to simple categorisation. Cases varied from situations where it seemed that parents wanted to assist but struggled to deal with their child's behaviour, through to cases where the parents' personal problems, including addiction and mental health issues, adversely impacted on their ability to act as parents.

### Managing difficult behaviour

It is important to acknowledge that the issue of 'difficult' or 'confrontational' behaviour is characteristic of normal adolescent development. That said, some parents experienced additional challenges to the standard teenage problems, including violence and aggression perpetrated against them, excessive substance use by young people resulting in harm to themselves or others, and learning or behavioural problems. During the court observations and in interviews with parents, it was clear that attempts to reprimand young people sometimes culminated in aggressive and violent behaviour towards them:

I'm just waiting for him to have an explosion, you know. I'm surprised that he didn't even try to break out, do you know. He hasn't, they said he's been very good and all. But my own self, you know, I'm surprised because I couldn't keep him in at home ... He'd smash a window and he'd get out. (P05, Parent)

Some parents, and indeed young people themselves, also described how their behaviour was particularly problematic if they were under the influence of drugs or alcohol:

If I'm drinking or something now, I get real angry. But that's only, like, every once in a blue moon that I get real angry and I don't know what I get angry over. That's why I'm going to see her [counsellor]. (P19, Female, aged 18)

A small number of the young people<sup>12</sup> and their parents reported disorders such as Attention Deficient Hyperactivity Disorder (ADHD). Research suggests that parents caring for children with ADHD and other such conditions are likely to experience coercive exchanges with their child, feelings of distress, anger and a reduced ability to cope with their child's behaviour (Gabriel and Bodenmann, 2006; Podolski and Nigg, 2001; Whalen *et al*, 2006). This is to be expected given the behavioural challenges arising from the characteristics of the disorder, including a short attention span, impulsiveness and a constant need for excitement:

I class my child as like an adrenaline junkie, do you know. He always wants some buzz and whatever way he can get it he will go about it ... I just thought he was a bit bold, a bit of a wild child. (P05, Parent)

Many of the young people observed during the court proceedings demonstrated limited awareness of the impact of their offending on their families. It was apparent that many young people presented with a range of challenging behaviours that made it difficult for parents, particularly those who were parenting alone, to exert control over them.

### Parents unable to care for children

The implications of parental problems and the barriers they create for effective parenting are borne out in the research that links poor parental supervision, discipline and monitoring to youth offending (Dishin *et al*, 1988; Farrington, 1986 and 1990; Reifman *et al*, 1998). Furthermore, problematic family relationships have the potential to result in longer term problems, such as abuse, early school-leaving, unplanned pregnancy, substance misuse and criminal behaviour (Farrington, 1990; Hogan and O'Reilly, 2007). Parental monitoring, supervision and discipline are seen as being essential in assisting young people to develop self-control and thereby reduce their involvement in criminal activity. Through their interactions with their parents, young people learn that undesirable behaviour will be punished, while desirable behaviour will be rewarded (Akers, 1999; Hirschi, 1969). This process is also thought to encourage young people to develop a conscience as they begin to internalise pro-social norms, values, beliefs and commitments, which they learn through their interactions with others (Akers, 1999).

In the present study, it is of concern, therefore, that a number of cases were observed in the Children Court where it appeared that the personal problems of parents detracted from their ability to care for and supervise their children. These problems ranged from parental imprisonment to alcoholism, drug addiction, homelessness and domestic violence. In one such court observation, the parent of a young person was homeless and staying temporarily with his sister. He expressed concern to the court that his son was currently living with his ex-wife who was an alcoholic. He explained that the Family Court had already deemed her unfit to care for this child, but as he was unable to provide accommodation for his son, there were few alternatives. The father attributed his son's offending behaviour to his current living circumstances. When asked what he had done to address the situation, he informed the court that he had contacted the local county council to request housing, but was advised that none was currently available.

Similar themes emerged from the interview data. Some parents were reflective about how their personal problems had impacted on their ability to exert control over their child. One mother described how in the aftermath of the sudden death of her partner, her son became involved in offending behaviour:

When my partner died, you see, I think this is when things with my son went wrong. Two years after my partner died, I was fit for nothing. I couldn't cope with my son. I couldn't cope with me own life, never mind my son's, and I think that's when I let my son get out of hand on me ... I couldn't handle the stress, I couldn't handle any problems, I couldn't handle, just couldn't handle life in general ... I was in the depths of it and I think that's when my son really went, he got himself into a pattern, into a bad habit ... Now he can't get out of it ... I couldn't pull him back from where he had got to and he kept getting worse and worse and worse. (P20, Parent)

<sup>12</sup> This information was reported when asked if the young person had ever been seen by a psychologist; therefore, the data do not represent the total research population.

In all of these cases, it seemed that young people created their own boundaries in the absence of parental direction or supervision:

You see, the thing about school is, right, see my mother had a drink problem, right, so like we knew like if I told her I wasn't going to school, like she wouldn't care like, she'd be drunk like, so we didn't go ... My father is always at work like; he works maybe it's 8 o'clock in the morning till 5.30, 6 o'clock ... So when he'd be gone to work, we knew we didn't have to go to school ... so we didn't really go, like ... Sometimes you'd go and sometimes you wouldn't go. (P08, Male, aged 18)

Overwhelmingly, professionals considered that difficulties in maintaining control arose from the parents' personal and social problems, and a lack of parenting skills rather than an unwillingness to parent:

There are families who have huge problems and they don't have a capacity to relate. There might be an alcohol problem, very poor education levels of parents, parents who are illiterate ... Letters [are] sent out to families and they don't know how to respond ... because they can't read ... So there are all kinds of assumptions being made about the level of function of parents without checking it out. (P041, Probation Officer)

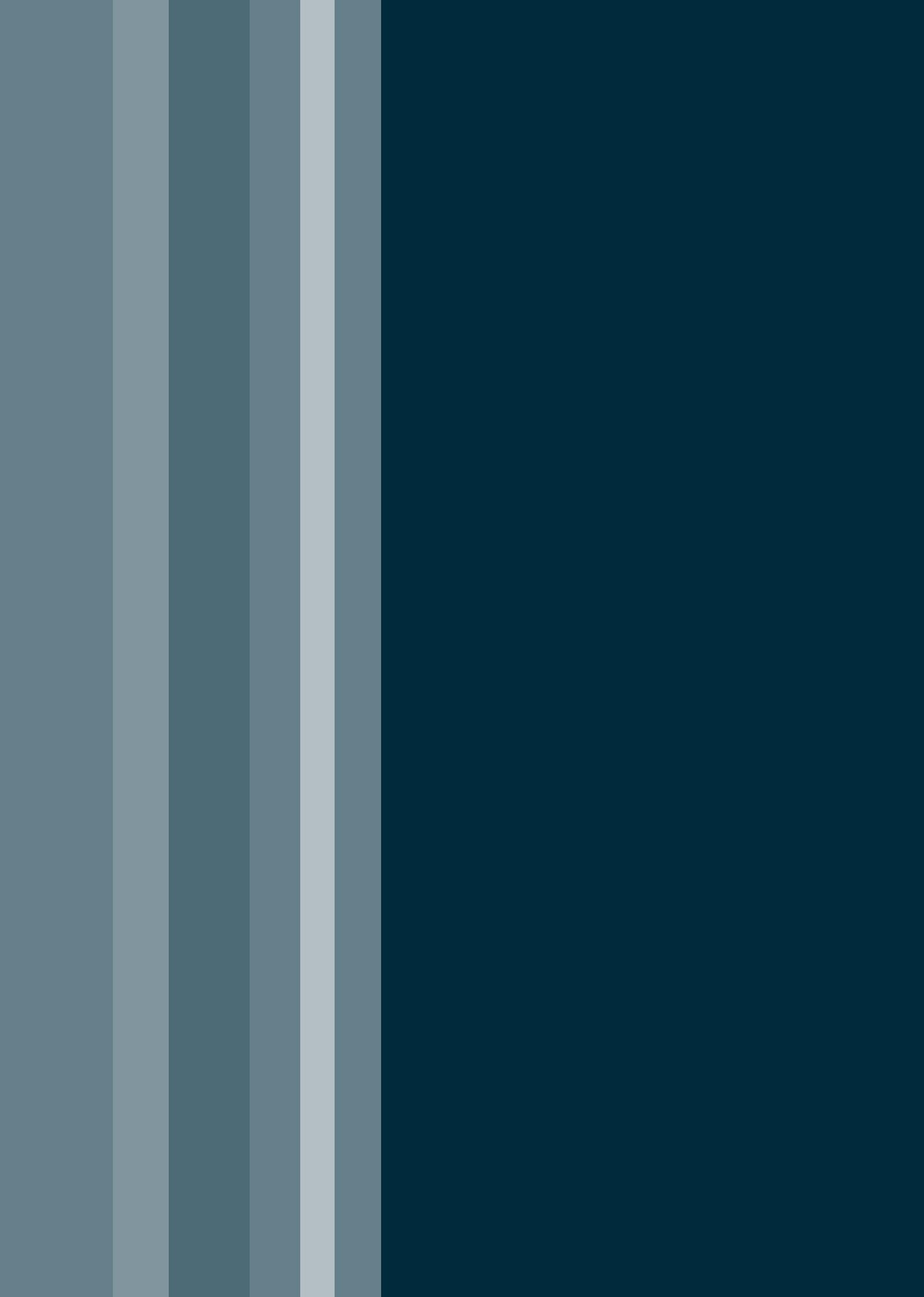
## Summary

This chapter set in context the lives of young people appearing before the Children Court and detained in the children detention schools or at St. Patrick's Institution. It documents that young people were excluded from mainstream education and training from an early age through a combination of difficulties, including, among other factors, learning and behavioural problems, problems with teachers and the school, and poor parental supervision. The transition between the end of primary school and the early years of secondary school was identified as a particularly vulnerable time for young people and the period when they were most at risk of leaving school. From what young people said, there was little for them to do when they left school before reaching the age to attend training and vocational services, such as Youthreach or FÁS. Many commenced training programmes through Youthreach; however, despite reports that they enjoyed the service, it seemed that they had difficulties in maintaining regular attendance and participation.

As a result of existing outside the education and training system, young people spent their time engaging in unstructured activities. The problem of unstructured activity was compounded by the lack of appropriate clubs or facilities in their local area. Peers were important to young people and some professionals attributed much of young people's offending behaviour to a need to prove themselves within their peer group. Both young people and professionals described variances in the way substance use impacted on their daily lives and offending behaviour. For some, but not all, young people, alcohol and/or drugs were underlying problems related to the personal difficulties in their lives, including family relationships and offending behaviour. A common theme that emerged was the access young people had to illegal substances in the area where they lived and/or associated. Related to this was the level of violence that accompanied the availability and supply of drugs in these areas. Young people appeared to be particularly vulnerable to physical violence resulting from such activities as accumulating drug debts – firstly, because of their young age and, secondly, because of their reluctance to report violent incidents to the police, often due to their existing involvement in the criminal justice system.

Parents encounter a number of problems as part of the parenting role, from dealing with the challenges of learning and behavioural difficulties among young people, to substance misuse, peer influence and the presence of anti-social factors in the community, including delinquent peers, alcohol and drugs. Problems were almost always exacerbated if alcohol and drugs were involved. Parents also described how their own personal problems had sometimes impacted on their ability to parent their children.

The description of young people's lives points to be a need for a number of services and supports to address the underlying problems in their lives. These needs are wide ranging, varying from family support to education, employment and support to address alcohol and drug use.



# **5 REDUCING DETENTION ON REMAND: BARRIERS TO BAIL COMPLIANCE, CHALLENGES AND SERVICE NEEDS**

The purpose of this chapter is to develop an informed account of young people's understanding and experiences of bail, and the difficulties and challenges encountered in complying with their bail conditions, as well as the consequences of not complying, the barriers to compliance and the issues linked to improving bail compliance. The experience of detention on remand and related matters are also explored. The chapter draws on court observation data, as well as data from interviews with young people, parents and professionals, and a wider consultation questionnaire with individuals working with young people in a professional capacity.

## Young people's understanding of bail and the consequences of non-compliance

Young people varied in their descriptions of what it meant to be remanded on bail. Their explanations ranged from those who had a very limited understanding, to those who had some awareness of the nature of bail and the conditions attached:

What do you mean 'bail'? Bail, out of jail, like, do you know what I mean. (P10, Male, aged 19)

It [bail] just means that you have to go to the court on that date like ... just show up at court that day, that's it. (P19, Female, aged 18)

It emerged from observational data collected at the Dublin Children Court that most young people on bail are required to comply with one or more conditions, such as a curfew, a restriction on residency, a restriction on association, a restriction on movement, a requirement to avoid alcohol and/or drugs, to attend school/training/work, and/or to avail of counselling/treatment. When asked about bail conditions, young people were able to recall the general terms that applied, but some appeared to be unclear as to what the conditions meant:

The Judge put me on a curfew, put me on a 5 o'clock curfew ... I went up to the chipper one night and I went in ... and there were guards, like, in the chipper ... so I got caught ... Just, I didn't know what it was. I was just on a curfew ... No one ever explained it, just tell you what you have to do until you're back in court. I mean no one ever explained what's it about. (P11, Male, aged 17)

It was clear from young people's descriptions that they did not attach much importance to the consequences of breaking their bail conditions. While in some cases, this could be perceived as demonstrated disregard for the law, most often it appeared to be underpinned by a high degree of immaturity and a lack of insight on the part of the young person:

Yeah, I've got conditions attached to my bail. Apparently I've a curfew that I didn't even know about. Like, every time I was on bail I had a curfew, I was to live with my grandda, abstain from alcohol and drugs, attend all meetings and all that crap, the usual. (P09, Male, aged 17)

I had conditions on my bail ... I knew I wasn't going to stick to them ... It was last summer, that was when I got all them conditions and stuff and all the rest. It was a cracker day ... the best day we had in July and they brought me back down the stairs into the cells again after I got bail and whatever, and I said 'I need to get out of here'. (P32, Male, aged 18)

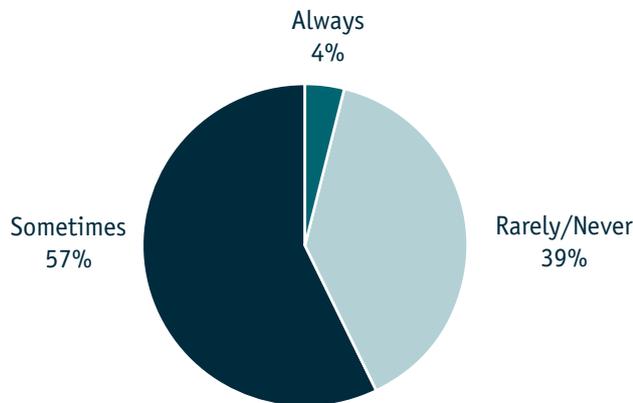
Many young people explained that it was only when they were detained on remand that they understood the seriousness of not abiding by the conditions of their bail:

I thought that I was going to get probation after breaking my bail conditions ... No, I didn't know how serious it was ... My ma hadn't got a clue ... Ah, if someone said that [I would be locked up], I would have stuck to them ... Could have told me what would happen if I broke them ... because I don't want to be coming back to a place like this. (P01, Male, aged 13)

Of the 120 professionals who completed the consultation questionnaire for this study (see Chapter 3), just 4% reported that young people 'always' understood what it meant to be 'on bail' (see Figure 1).

While over half (57%) thought that young people ‘sometimes’ understood, it was of concern that over one-third (39%) believed that young people ‘rarely’ or ‘never’ understood the significance of complying with the conditions of bail.

**Figure 1: Professionals’ perception of ‘Do you think children understand what it means to be ‘on bail?’**



Many of the professionals consulted thought that young people had a general knowledge of bail and bail conditions, but this often did not extend to understanding the consequences of breaking their bail conditions:

I think they understand them [bail conditions] on one level, but I think probably until they actually breach them and go into custody ... when the door of St. Patrick’s closes, the seriousness of a breach probably doesn’t hit them totally. (P040, Solicitor)

A lot of kids, they don’t understand the consequences, they don’t understand what court is really all about and by the time they do, they’re well in it. (P038, Juvenile Liaison Officer)

A common view expressed by the professionals was that young people are assumed to understand the requirements of bail because some of them appear regularly before the courts. This view was challenged by those working directly with such young people:

A huge number of the children from here [name of school] who go up to the Children Court would have a general learning disability. And people think that because they are able to commit crime and they are able to joy ride, they are well able to ... [understand]. But they are going into a completely middle-class situation. There is nobody sitting down and discussing what has happened here now and what do we need to do. They are expecting the parents to do that. If the parents were capable of doing that, maybe the child wouldn’t be there in the first place. Sometimes the parents don’t even go up with the children. Like, who sits with the child just immediately afterwards [after the court appearance] and says ... Do you realise that this was being said? ... And what do you need to do? There is none of that and it’s, like, light the cigarette and gone home. And that is the end of it. And the only thing they think about is the next day if they go back into the court ... They come in here and they say to the teachers ... ‘I’m up [in court] on the 19th and I’m up on the 21st and I’m up on the 30th and can you mark those up [on the calendar] for me now?’ ... So you are expecting those young people to go out back into the society from which they come and mix? ... For them [young people] to walk out of the children’s court after a situation where they have been in court and that nobody goes through anything with them is unbelievable ... That people believe that they can give them something on a piece of paper [bail conditions] and that is going to make a difference. (P036, Teacher)

The evidence to suggest that young people often do not grasp the seriousness and consequences of bail is perhaps not surprising in light of their negative educational experiences, as described in Chapter 4. The result of not fully understanding the consequences of non-compliance with

bail conditions is particularly serious for those remanded on bail because of the potential risk of detention on remand. Arguably, their poor educational history, coupled with varying levels of cognitive ability and a reduced capacity to resist peer pressure compared to adults (Jackson and Pabon, 2000), places them in a very disadvantageous position in their efforts to comply with bail.

## **Informing young people and their families**

Currently, the main communicators of information to young people about their bail conditions are judges and solicitors. While there is a statutory duty, under Section 88 of the Children Act 2001, to explain the reasons for detention on remand to young people, a similar obligation is not imposed for those remanded on bail.

During the court observations for this study at Dublin Children Court, it was noted that the presiding judge attempted to explain the consequences of non-compliance to the young person involved. The amount of time that could be allocated, however, was restricted by the large volume of cases to be processed. Some solicitors were also observed explaining the importance of bail to young people, but their time too was limited, often by virtue of their caseload whereby they were representing more than one young person. While the current research focused only on the Children Court in Dublin, other research has reported that the practice of informing young people varies dramatically across the country – from cases where young people are informed to cases where no communication takes place between the judiciary and young people (Kilkelly, 2005).

### **Training for the legal profession**

A common theme that arose in this study, particularly among professionals working with young people, was the extent to which members of the legal profession were equipped to work with young people. The general perception was that specific training for legal representatives in communicating with young people was an important facet of improving young people's understanding of bail:

A lot of children who are before the courts ... I don't think they understand ... No matter how child-friendly a judge is ... the lack of information, [and] kids pleading guilty to things they didn't know ... they were guilty [of] ... I'm not sure a lot of solicitors are appropriately competent to deal with children. (P041, Probation Officer)

Most concerning was the view expressed by some professionals that young people's cases were not always viewed with the same importance by solicitors as their adult counterparts:

I find it shocking that they [solicitors] don't even recognise their clients sometimes. I find that they come looking for them two seconds before they go into court ... They are calling a name and they are looking around and until the young person goes towards the solicitor, they don't know who is who. You know, and these are young people's lives. (P036, Teacher)

### **Information for young people and their families**

The manner in which information is communicated to young people is an important part of conveying the consequences of their behaviour to them (Weijers, 2004) and the seriousness of not complying with their bail conditions. A majority of professionals thought that mechanisms to inform young people and their families about bail and the bail process could be developed to improve the level of comprehension. The need was identified for strategies to communicate information in a child-friendly and accessible format to young people and their parents immediately after the court appearance:

Let's say the child can't understand the bail conditions, I mean the parents won't be able to either and that's the thing. They're so at a loss when it comes to paperwork or forms or any kind of communication like that, or even phones, it's like lack of self-esteem or lack of confidence in that area can be hugely debilitating ... And it's about the services being aware of that and because they just hand out sheets of paper to people and they give the lecture and the talk and the parent might understand one per cent of what they're talking about and then leave. And the professional then thinks, well I've done my job and that's another bail, another piece in the administration ... (P039, Social worker)

Parents further described how it was often assumed that they were familiar with the procedures and practices of the youth justice system, as well as the particular requirements of bail. Acknowledging that they were often unaware of the requirements, they also described their need for more information:

Even when \_\_\_\_\_ [son] was put into custody, I was told he was going to Oberstown. I wasn't told where it was, how you get to it, nothing. I had to go home and look it up on the Internet ... And with curfews and things like that, bail conditions are put on the kids. There should be somebody to sit down, sit them into a room and explain to them what these bail conditions are and what will happen if they are broken ... Yeah, there should be somebody there for us to go and find out and talk to. (P02, Mother)

I'd like somebody to come in and sit down and explain to him and tell him why he's there, and what he done was wrong and the whole lot. (P035, Mother)

The level of information conveyed to young people at the court by members of the judiciary and solicitors is often limited and dependent on individual professional persona and their knowledge and experience of working with young people and their families. This somewhat ad hoc approach results in many young people emerging from the court with little understanding of what is required of them.

## Time on bail

The time required to prepare and process criminal cases results in a delay between the time of first appearance at the court and finalising the young person's case. As outlined in earlier chapters, the reasons for delay range from the requirement to obtain Probation Service reports through to waiting for direction from the Director of Public Prosecution (DPP) (Carroll and Meehan, 2007). While some delays may be considered a necessary feature of fair and equitable justice, the youth justice system has come under criticism for the slow pace at which cases are finalised (Kilkelly, 2005).

Analysis of findings in the current study suggests that a prolonged period of time between commencement and finalisation of cases appears to have a two-fold effect on many of the young people:

- it gives young people an unclear message about the consequences of their behaviour;
- it places young people at increased risk of re-offending and of breaching their conditions of bail, and, as a result, it increases their risk of detention on remand.

## Consequences and the criminal justice process

Many of the professional respondents to the consultation survey expressed the view that the length of time between commission of the offence, being apprehended and sentenced resulted in the link between cause, effect and consequence being lost for the young person:

I think that there has to be a bigger link between cause and effect, and that's obviously not saying that all kids are guilty, but I think ... even from the point of view of a child trying to remember ... what happened three months ago ... is extremely difficult. (P040, Solicitor)

Professionals were strongly of the view that the lapse in time between commission of the offence and finalisation of the case serves to minimise the extent to which young people appreciated the effect of their actions on themselves, their families, the victim and/or the wider community:

A lot of children are remanded on bail ... On and off, going into court and being remanded for another day and going back into court and being remanded. You couldn't run a ... school ... and tell them [young people], you know, ok, come back and we will deal with it tomorrow, we will deal with it tomorrow, and we will come back to this next Friday and we will have a meeting about that. It doesn't work. We have to deal with it [at the time] ... I do believe, especially with young people like this, they need to know that it *does* matter. If you leave it for a long period of time, it looks like it really doesn't matter. (P036, Teacher)

Children's cases need to be dealt with quickly. Constant remanding on bail ... gives the message that there are no consequences for behaviour. (P042, Teacher)

It emerged that the difficulties for young people arising from the length of time it takes to finalise their cases are sometimes compounded by their perception that bail conditions are not sufficiently monitored. Many described how they broke the conditions of their bail because they did not expect to be caught. Some young people told how they had initially complied, but when the Gardaí did not call to check on them, they considered it a viable risk to continue to engage in their normal routines and behaviours. Some of the older young people did not think the Gardaí would have the resources to monitor the bail conditions of young people and therefore were ambivalent and sometimes dismissive of bail conditions:

Ah yeah, I have a curfew. So what? No one cares, like it's only a scare tactic ... They [the Gardaí] don't know what's coming next, so they can't have dedicated officers to go around and making sure all little 16-year-olds are in on time. (P15, Male, aged 19)

### **Risk of re-offending/non-compliance with bail and risk of detention on remand**

Another outcome linked to the delay in finalising cases is that it places young people at a greater risk of re-offending and breaking the conditions of their bail (Kilkelly, 2005). The following example, taken from observation notes at the Dublin Children Court, highlights the manner in which a young person, remanded on bail with conditions and successfully complying with them, came to be remanded in a place of detention. While it may not be a common case in the Children Court, it nonetheless highlights how easy it is for young people, particularly those most vulnerable, to be at risk of detention on remand:

[Court observation] A 15-year-old youth in the care of the Health Service Executive (HSE) was scheduled to appear before the court for a review of his bail conditions at the morning session of the Children Court (commencing 10.30am). He had successfully complied with the conditions; however, while waiting for his case (which was postponed until the court resumed for the afternoon session at 2pm), he met up with friends and became involved in a minor altercation with Gardaí. By the afternoon court session, he had been arrested and detained at a Garda Station in the city centre. The Judge remanded the case until the following day. Although the youth was not subsequently charged with an offence, he had been forced to remain overnight at the Garda Station because there was insufficient staff at his care placement to transport him home when he was released from Garda custody. Furthermore, because he had broken his residency and curfew bail conditions by not returning to the HSE hostel by 9pm, he was sent to Oberstown Boys Centre for three days [detention].

It is not uncommon for young people to amass a number of charges while on bail. From what young people and professionals describe, this acts as a disincentive for complying with their bail conditions because there is a sense that detention is inevitable as a result of the accumulated charges:

If you get caught breaking your conditions, you are locked back up ... I knew I was going to be locked up anyway ... If I only had one charge, I probably would [stick to the bail conditions], but not with about 30 or 40. (P22, Male, aged 15)

Allowing too much time between an offence and dealing with it creates an irrelevance for the child and, at the same time, creates an impression and pointlessness in reducing criminal behaviour efforts. (P081, Youthreach worker)

It is clear that the length of time currently involved in processing the cases of young people serves to dilute the impact and seriousness of the court process and the consequences arising from their offending behaviour. Furthermore, and most seriously, it places young people at a greater risk of detention on remand as a result of re-offending or breach of bail.

## Support on bail

A limited availability of support services to young people on bail was viewed by professionals as a substantial reason for the extent and nature of non-compliance with bail conditions. As one professional commented:

While you're on remand and until you're found guilty of something, you don't have the benefit of the probation services. If ... you're on remand for quite a while, before we'll say the DPP's direction is available or something ... you've absolutely no support during that time. I suppose that would be the main thing [difficulty for young people on bail]. (P040 Solicitor)

There was a general sense among professionals that it was unrealistic to expect young people to comply with strict bail conditions without providing a level of support that was commensurate with these demands:

I don't see that there is anything for them when they do go out there. There is nothing. Like, what do they think is going to change because you are out [on bail]? ... There is nothing kind of tangible for them. You are sending them right back to where they have just left. You are expecting ... change. Why would they change? (P036, Teacher)

Furthermore, young people's accounts of why they did not comply with bail often reflected the range of difficulties in their lives. Professionals spoke of the sense of apathy and lack of expectation about complying with bail among young people arising from the disadvantaged circumstances of their lives. It seemed that consequences regarding the future were inconsequential in the context of the poor socio-economic circumstances and limited opportunities available:

A lot of them don't expect things to work out for them. So it's not a huge surprise to them that yet another thing doesn't work out [bail]. And the same would apply to going to prison or anything like that, or being on detention – it's something they pretty much expect is going to happen to them ... If you ask any of the lads here, most of them would expect to be locked up in future, whether they have been before or not. That would be just part of what they expect. They would hope they wouldn't be locked up for too long. But, you know, they expect that a lot more than you know. (P042, Residential worker)

Without a strategy to address these difficulties, it appeared that young people were enclosed in a cyclical pattern of problematic and criminal behaviour, which ultimately led to more entrenched involvement with the criminal justice system:

I got bail ... I had to sign-on twice a day, you know, at the Garda Station and, eh, and give two urine samples a week ... So that, like, the [bail] conditions I got was mainly that I had to be drug-free ... So I got out and hit drugs straight away. So I broke the bail like that ... I mean, I didn't even care about my mother either, you know what I mean ... I was still using drugs. (P23, Male, aged 16)

Many parents, already struggling to manage their children, faced the additional strain of the legal threat associated with breaking bail conditions. It was clear that some parents required support in their efforts to monitor the bail conditions of their children:

He's on curfew, full curfew, school and ... he has to be with two designated adults, which is me and his brother ... If he's caught outside the house without one of us, he's back in Dublin [Children Court]... which is making life difficult ... I work on a casual basis ... I have to work to pay the bills, to keep him [son] in shoes, clothes, runners. He wants everything that the other young kids have and I can't ... It's non-stop. I never get a break. Even if I go to work, I get phone calls – '\_\_\_\_ [son] is sitting outside. He's refusing to go into the school'. (P20, Parent)

He [son] was put under a curfew, to be in from 8pm in the evening till 7am, not to go into \_\_\_\_ [specific place] and to keep away from friends that he got into trouble with. When we went to court, I was after being told he broke his bail conditions 20 times for being in \_\_\_\_ at a certain time. Like, he was coming in at 7.30, but he'd probably sneak back out [his bedroom window]. (P02, Parent)

There was a strong sense that support services were required to assist young people on bail to comply with their bail conditions and to avoid the risk of detention. Most professionals thought that a bail support scheme, whereby the barriers to compliance would be identified and addressed during the bail period, would be most beneficial as a means of improving compliance with the conditions of bail:

Very important as a lot of custodial sentences among young people I work with are due to a breach in their bail conditions. (P026, Youth worker)

Very needed. Lots of young people offend for silly or childish reasons and spend months travelling through the court system. [It] leads to frustration and lack of trust in the law. (P084, Youthreach)

### **Supported accommodation on bail**

While all young people on bail are at risk of detention on remand if they do not comply with their bail conditions, young people 'out of home' or in care are a particularly vulnerable group. It is not difficult to see how young people living in temporary accommodation are likely to be at a much higher risk of non-compliance because of the negative circumstances of their lives. Based on previous research, the implications of not having appropriate care placements are that young people get trapped in a spiral of instability, alcohol and drug use, violence, victimisation, criminal activity and adult homelessness (Mayock and Vekić, 2006; Mayock and O'Sullivan, 2007; Seymour and Costello, 2005).

In the current study, hostel dwellers reported that they were not permitted to remain on the premises during the day and were therefore forced to spend their time on the streets, associating with others in a similar situation to themselves:

There's loads of people in there as well, all doing the same thing, all getting kicked out at the same time and all going along picking up some amount of charges ... Because you're getting kicked out so early in the morning, and you've nothing to do all day. You've no money, really nothing to do. You're going around robbing people and all, money and all, then you're getting loads of tablets and heroin and all. And ... that's how, like, you end up going through on drugs because, like, you're sitting around ... and you start because you have nothing better to do. (P09, Female, aged 17)

The main issue that underpinned young people's reliance on temporary hostel accommodation was the limited availability of other options. Professionals were critical of what they perceived to be an over-reliance on the Out-of-Hours Crisis Intervention Service, established to avoid young people having to sleep on the streets, and other emergency accommodation options, including bed and breakfast accommodation (Mayock and O'Sullivan, 2007). Many argued that while the 'Out-of-Hours' service was a useful 'emergency' mechanism, it was inappropriate for young people and sometimes led to them becoming involved in offending and other anti-social behaviour:

The Out-of-Hours system must be changed. It's totally unacceptable that children in the care of the State only get this level of support. It would be interesting to know how many using that service are addicted to illegal substances and involved in crime – how many of those were not involved in same before using the Out-of-Hours? Many of these children don't even have allocated social workers. Most social workers on the ground try their best, but the resources are not there. (P058, Solicitor)

The consequences of limited care placements for young people appearing before the court are serious. Court observation data report that young people were sometimes detained on remand while awaiting an appropriate care placement. The following example highlights the case of a 16-year-old boy remanded in custody in St. Patrick's Institution while waiting for the Health Service Executive (HSE) to arrange a care placement for him:

[Court observation] On the day of the observation, the Judge was informed by the HSE that a secure care placement would be available in three days. The youth was remanded to St. Patrick's Institution for this period on the understanding that an appropriate placement would be arranged. The placement did not become available in the time frame and the HSE requested

that the youth continue to be detained in St. Patrick's Institution. The Judge expressed outrage at the inappropriateness of this approach, given that the charges did not warrant detention nor did it meet the youth's needs. Finally, after a subsequent detention period, a placement (that was deemed not entirely to meet the youth's needs) was identified and the youth was released on bail.

Young people were poignantly aware that the limited availability of suitable care placements sometimes resulted in them being detained on remand, in some cases for lengthy periods of time:

Yeah, they had me there because they had nowhere to put me ... At first it was 3 weeks, the second [remand] was 4 weeks, the third was 6 weeks and the fourth time was 7 months ... This was the space between when I was 13 and 15, so two years ... I hated it. (P19, Female, aged 18)

Professionals were unanimous in their view that appropriate safe facilities for 'out-of-home' young people were central to any strategy that attempted to avoid detaining them on remand. In an attempt to script some alternatives to detention on remand for this vulnerable group, professionals were asked about their perceptions of support services used in other jurisdictions, such as bail hostels and remand fostering schemes. When asked about the applicability of these services in an Irish context, there was a strong view among the professionals consulted that bail hostel accommodation would be effective, but only if it were matched with a level of support commensurate with the needs of the young people:

It's needed, but with programmes in place to assist the child to change. Support with supervision [is required], not just supervision. (P020, Residential Care worker)

The accommodation aspect of this as an arrangement sounds good, but I think it may have to offer additional recreational and educational facilities to make it progressively effective. (P078, Youth worker)

Over half of the professionals thought that a remand fostering scheme would be beneficial, particularly for the most vulnerable cases:

There is a need for foster care placements such as these, particularly when a lack of stable accommodation places a child at risk of remand in custody. (P054, Probation Officer)

In my experience, there is a definite need for this service as more and more young people are becoming homeless and in need of support. (P115, Youth worker)

A consistent concern identified by many professionals was that because bail support services are targeted at young people on remand, the support would be withdrawn as soon as the case was finalised in the court. Professionals highlighted this as a substantial issue and many suggested that a transition strategy would be required to progress young people to other services when the remand period was completed.

### **Bail review and related services**

For some young people, detention on remand is unavoidable. From the young people's accounts, it was clear that their experience of detention on remand varied greatly between those that were detained in the children detention system and those held at St. Patrick's Institution. In the former category, young males aged 15 years and under, and young females under 18 years, were held within a system which reflected an educational and welfare ethos:

In Oberstown, you're not locked in. You have your own bathroom and a shower. It's not like prison. You can go up there and like you can walk around. Like, there are no locked doors or anything. I'd be delighted to go back there and Trinity [House]. Oh yeah, [it's a] shock [coming to St. Patrick's Institution from Trinity House], yeah. It's very different, yeah. (P23, Male, aged 16)

In contrast, and consistent with other accounts (Irish Prisons Inspectorate, 2005; McVerry, 2006), a common theme that arose in the interviews with young people in detention and in the observations at the Children Court was the limited availability of structured activity and the exposure of young people to drugs, violence and bullying in St. Patrick's Institution.

Ah, it's rough enough, like, do you know what I mean. I saw a guy get his throat cut there, from there to there, yeah. Ah, it was over, he had an amount of gear [drugs] on his head. It was, do you know what I mean, he owed money on the outside and somebody got a phone call in here, saying 'Here, there's an amount of gear on that's lad's head. Cut his throat'. (P10, Male, aged 19)

I know loads of people in Pat's [St. Patrick's Institution] and they never touched a drug in their lives and they come out destroyed. The poor little bastards. They come out and I pity them. Drugs killed them, they did. See, that's Pat's. They started in Pat's. Ah, it's a kip. A place like this [Trinity House] doesn't make people worse, no. Pat's and Mountjoy does because the drugs and that, and people comes out and they will keep doing it. They destroy you. (P30, Male, aged 16)

From what young people said, it seemed that even a short period of detention on remand had the potential to impact negatively on them:

When I got locked up, just everything changed. I didn't go back [to playing soccer]. I'd be too ashamed now, I'd say, to be honest with you. No, they wouldn't give me stick. They'd just, I just wouldn't feel right around them, you know what I mean. That's why I stopped going to soccer. I would like to go back, yeah, it would be good. I wouldn't go back on me own. Another few of me mates who got in trouble, if they went back I'd go back. They'd like to go back as well. It's just no one will go back. (P11, Male, aged 17)

The disruption caused by a period of detention on remand was further aggravated by the uncertain nature of remand (Freeman, 2008), which made it difficult to plan for 'release'. Finally, the overall situation was compounded by what professionals described as a dearth of follow-up support services for young people returning to the community, even after a short period. Overwhelmingly, professionals identified the need for mechanisms to link young people with support services in the community as being central to the process of preventing repeat committals.

Professionals responded positively when asked about the need for a bail review programme for young people detained on remand, whereby cases would be examined regularly with a view to addressing any impediments to bail, thereby reducing the amount of time spent in detention:

This is urgently required if young people are on continued remand [in detention] to help address the needs of the young person. (P018, Probation Officer)

Young people can go into custody and struggle as there are no supports in prison. So I feel that everything should be done to get them out and look to agencies outside in communities to put together a care plan to help the young person. (P101, Youth worker)

Overall, bail-specific services were identified as having the potential to provide support to young people on remand, both as a means of supporting their compliance with bail and by providing alternatives to those who were at risk of detention on remand. The data point to the need to maintain young people outside of the detention system through the provision of appropriate bail support services, underpinned by a range of social service and welfare interventions to address their needs in the community. As outlined in Chapter 1, international standards and guidance stand at the core of many of the proposals to address the needs of young people remanded on bail or detained on remand – from ensuring their right to participate and have their cases dealt with in an expedient manner, through to the right to be treated in a manner that is desirable with promoting re-integration.

## Summary

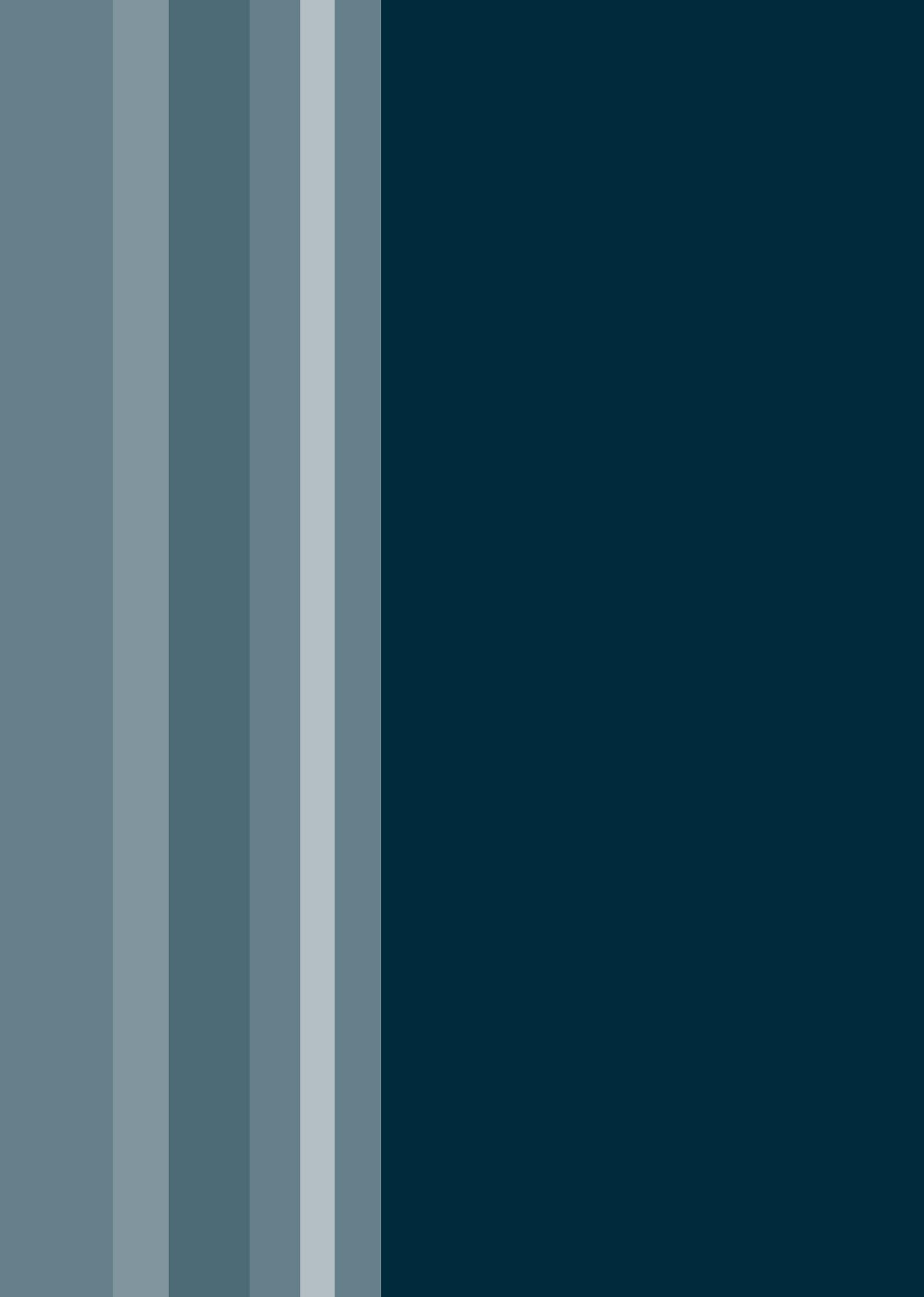
The picture that emerges from the findings suggests that young people are often remanded on bail with limited understanding of the consequences of not complying with it. Within the courtroom environment, it has been identified that communicating with young people plays an important part in highlighting the consequences of their behaviour for themselves, their families and communities (Weijers, 2004). In the current study, young people generally appeared to have a peripheral level of involvement in the communication about their case in court. The approach taken varied, but was largely dependent on the initiative of individual judges and solicitors. Combined with the poor educational history of young people in the criminal justice system (Brodie, 1998; Berridge *et al*, 2001), the limited nature of communication serves to further compound their lack of understanding about bail compliance and, most importantly, the consequences of not complying.

The issue of delays in finalising cases has been raised in previous studies of youth justice in Ireland (Carroll and Meehan, 2007; Kilkelly, 2005). Many young people commit further offences while on bail and the risk of detention on remand increases. Delays in processing cases had direct effects on young people in this study, serving to limit their understanding of the impact and consequences of their actions, particularly if a lengthy time lapsed between the commission of an offence and finalisation of the case. Furthermore, it placed them at increased risk of breaching their bail conditions and, as a result, being detained on remand. The time period involved in finalising cases is noteworthy, especially because of the current limited availability of bail support services for young people.

The dearth of bail support services has been linked to an increased risk of non-compliance and risk of detention on remand (Kilkelly, 2005). Given the complexity of the issues encountered by the young people (as outlined in Chapter 4), it is not difficult to see how bail support schemes and other bail programmes would provide assistance in complying with the directions of the court.

Supported accommodation while on bail was identified as a central strand of any strategy to reduce the use of detention on remand for vulnerable young people, particularly those who were living on the streets, in emergency accommodation or in other care options (e.g. B&B). Limited appropriate care placements for 'out of home' young people was seen to be a strong factor in placing them at risk of bail non-compliance and detention on remand.

Observational data gathered at Dublin Children Court suggest that 80% of remand hearings culminate in a decision to remand a young person on bail. The lower proportion (approximately 20%) detained on remand should not detract, however, from the necessity of providing for this group, especially in light of the negative impact of detention on young people (Goldson and Coles, 2005). While the emphasis should be firmly placed on strategies to prevent detention in the first instance, where this is not possible, the evidence suggests that bail review and related schemes offer the potential to reduce the time spent detained on remand.



# **6 SERVICE PROVISION FOR YOUNG PEOPLE BEFORE THE COURTS**

The complex needs of young people appearing before the courts suggest that a range of services – including family, social, education, health and welfare – are required as part of a broader strategy to support young people involved in the criminal justice system. These services are often directly relevant to the needs of young people on bail for two main reasons: they provide the resources to target factors related to offending behaviour and they have the potential to address some of the barriers to bail compliance. It is within this context that the following discussion critically examines the barriers to providing these services to young people on remand and their families.

Service provision is examined under three broadly defined categories:

- family support;
- structured educational and vocational support;
- other support services.

Professionals' perceptions of service provision and accessibility to support services are first presented, before going on to discuss some of the reported challenges to service delivery. These include difficulties engaging with young people and their families, delivering services in a manner appropriate to young people's needs, and service coordination.

## Professionals' perceptions of service provision

In the consultation survey for this study, professionals were asked to rate their perception of the level of service provision available to young people appearing before the courts in the key service areas of:

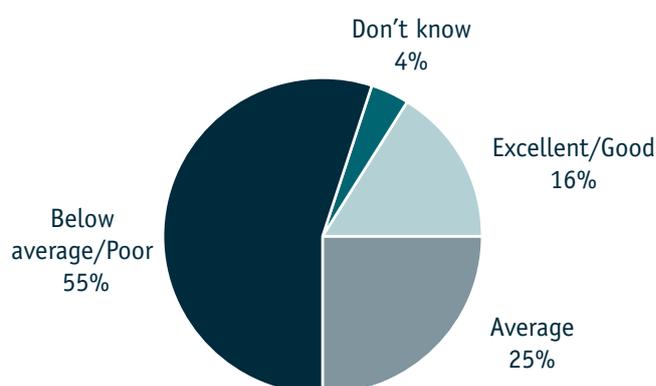
- family support;
- structured educational and vocational support;
- residential care and foster care;
- drug and alcohol treatment;
- mental health and psychological services.

Data are based on the consultation questionnaire completed by 120 professional respondents, as well as semi-structured interviews conducted with them (*see Chapter 3 for details of sample*).

### Family support

Parenting problems, including struggles to control young people's behaviour, and family difficulties have been consistently reported themes throughout the current research. These matters are not inconsequential given the existing literature linking poor parental supervision with offending behaviour (Ellison, 2001). Professionals were of the view that most parents wanted to assist their child to comply with the conditions of bail; however, in the majority of cases, their personal difficulties or limited parenting skills negated these efforts. Of most concern, given these findings, was the fact that over half of the professionals consulted (55%) rated family support services as 'below average' or 'poor' (*see Figure 2*). While just one-quarter (25%) described them as 'average', it was noteworthy that less than one-fifth (16%) rated such services as 'excellent' or 'good'.

**Figure 2: Professionals' perception of provision of family support services**



On the contrary, almost all young people (29 of 30 cases) rated their parent(s) or another family member as a source of support in their attempts to comply with bail requirements. It would seem, therefore, that the dearth of family support services limits the extent to which parents might be assisted in addressing family-related problems. The potential for parents to support their children was identified both by professionals and by young people themselves. Many professionals also thought that parents were very important in encouraging young people to maintain involvement with services:

In my opinion, the success of any of the services depends on the level of support from the family for the young person. If that's not available, even if services are available, the young person does not benefit unless they're being targeted and even at that it's difficult. (P051, Youth worker)

These data highlight that the potential exists to foster and develop family relationships as a strategy for encouraging greater compliance with the conditions of bail. Equally, they suggest that the limited availability of services adversely impacts on efforts to address difficulties between young people and their families.

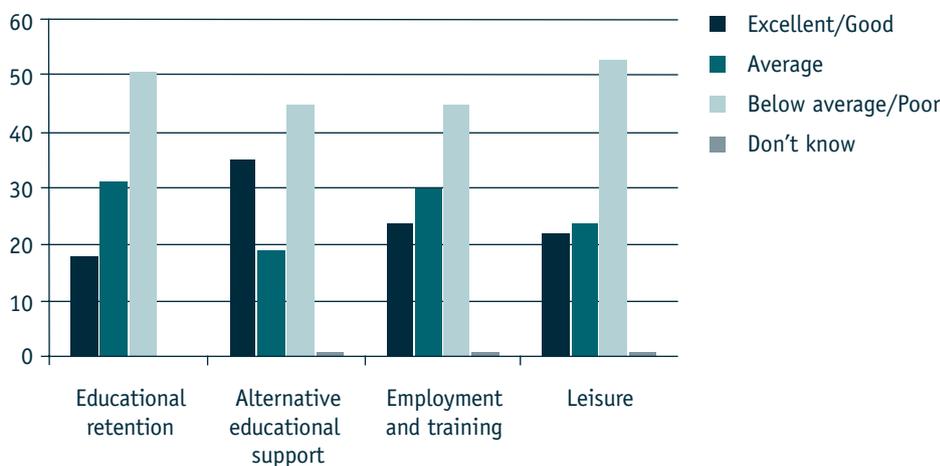
### Structured educational and vocational support

Professionals thought that the provision of educational, vocational and leisure facilities had improved for the general youth population in Ireland in recent years, but that services which were willing to work with young people deemed to be 'problematic' or 'criminal' were more limited. Young people were seen to have been excluded from an early stage and therefore were unable to avail of any further opportunities:

That's the major problem and schools don't have the facilities to be able to deal with a lot of those kids [young people before the courts]. I mean, they're making the effort with the Leaving Cert Applied and all that, but that's even after Juniors [Junior Cert] and a lot of kids drop out. (P038, Juvenile Liaison Officer)

The need for educational services to retain young people in the educational system is supported by the high level of early school-leaving among young people appearing before the courts. In this context, it is particularly noteworthy that more than half of the professional respondents (51%) rated education retention services as 'below average' or 'poor', with less than one-fifth (18%) describing them as 'excellent' or 'good' (see Figure 3). The provision of alternative educational services, outside of mainstream education, was rated somewhat better, with over one-third describing provision as 'excellent' or 'good'; less promising was the finding that 45% considered the provision of these services as 'below average' or 'poor'.

**Figure 3: Professionals' perceptions of provision of educational and vocational support services**



Consistent with the literature on the educational experiences of young people in the criminal justice system (Brodie, 1998; Berridge *et al*, 2001), professionals identified education and vocational opportunities as important factors in assisting with bail compliance, simply by virtue of such activities providing structure in young people’s lives:

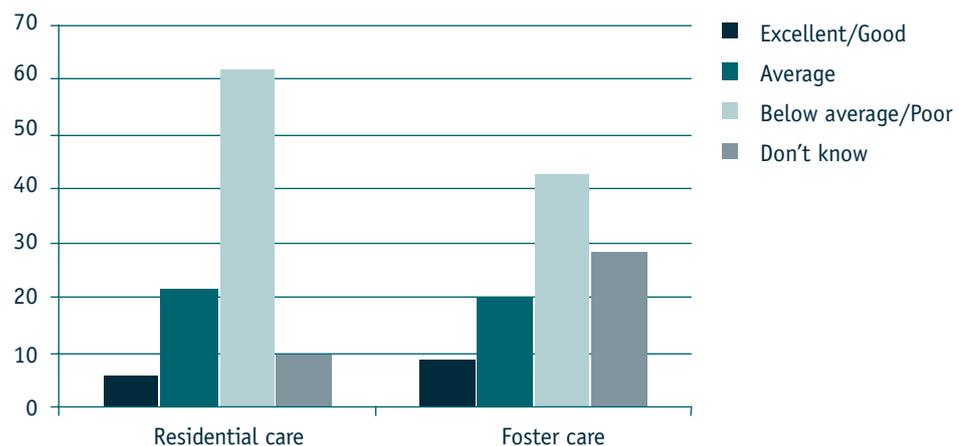
I think because they’re not involved in anything constructive during the day, so they’re getting up late, so they’re out late, so they’re possibly in breach of their curfew, you know. If you’re getting up and you’re going to your [educational/vocational] course, you’re going to school or whatever, you’re going to be a lot more likely to go to bed early. (P040, Solicitor)

Professionals were no more positive in their perception of the provision of vocational and leisure services. Their views were reflected in the findings that almost half (45%) rated the provision of training and employment services for young people as ‘below average’ or ‘poor’, and over half (53%) described the provision of structured leisure activities in the same manner (*see Figure 3*). The former is of particular concern given the identified links between fulfilling training and employment opportunities and reductions in criminality (Barry, 2005; Farrall, 2002; Immarigeon and Maruna, 2004; Sampson and Laub, 1993).

### Residential care and foster care

Where young people are unable or unwilling to remain in their family home, the provision of alternative and appropriate care placements is necessary for their well-being. The seriousness of not having appropriate care placements for young people in the criminal justice system was highlighted in Chapter 5, where it was identified that a dearth of suitable care placements increases the risk of detention for some of the most vulnerable young people. Given these findings, it is perhaps to be expected that almost two-thirds of professionals (62%) rated the provision of residential care placements for young people before the courts as ‘below average’ or ‘poor’ (*see Figure 4*). The findings on perceptions of foster care should be interpreted with caution given the high number of respondents (29%) who said that they did not know about the provision of these services. Notwithstanding this caveat, 43% of all respondents rated them as ‘below average’ or ‘poor’; conversely, less than 10% described them as ‘excellent’ or ‘good’. Overall, therefore, professionals’ views about the service provision for young people requiring care placements presents a bleak picture for those appearing before the Children Court.

**Figure 4: Professionals’ perceptions of provision of residential and foster care services**



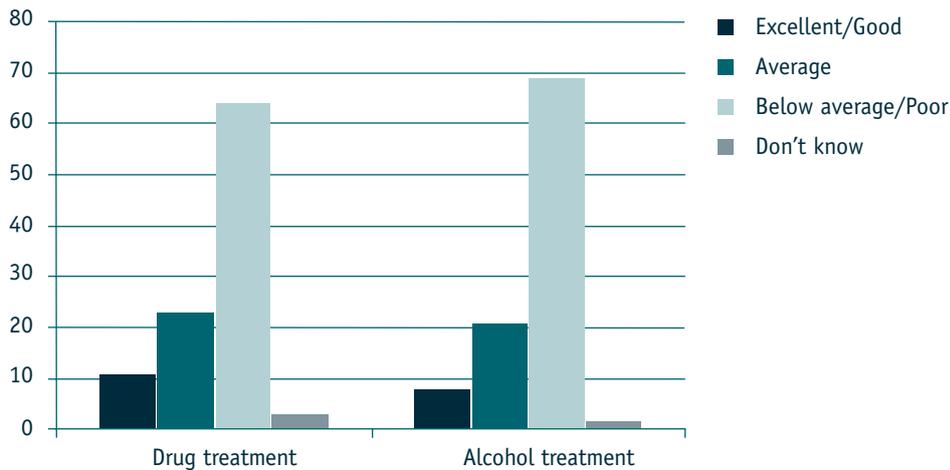
### Drug and alcohol treatment

A 2005 review of drug treatment services for young people noted that those under 18 years comprise a substantial proportion of the workload of addiction services in Ireland (Department of Health and Children, 2005). In this study, drugs and alcohol were also key factors referred to by young people in their accounts of offending and, indeed, were directly implicated in the failure to comply with bail conditions in some cases:

I'm going to go back on all the drugs. If I do get a sentence, a suspended sentence, and if I get that I get treatment, I'd say. I'll get off the drugs ... This is crucial, yeah, for me. My mother said, 'If you don't get treatment, that will be you finished'. I said, 'Mam, you're right'. (P23, Male, aged 16)

Despite the links made by young people themselves between offending, non-compliance with bail and substance abuse, as well as the importance attached to treatment services generally (Sharp and Atherton, 2006), approximately two-thirds of the professionals consulted in this study rated the provision of drug (64%) and alcohol (69%) treatment services as 'below average' or 'poor' (see Figure 5). The implications of these findings suggest that the service and support needs of young people vastly surpass the current level of provision.

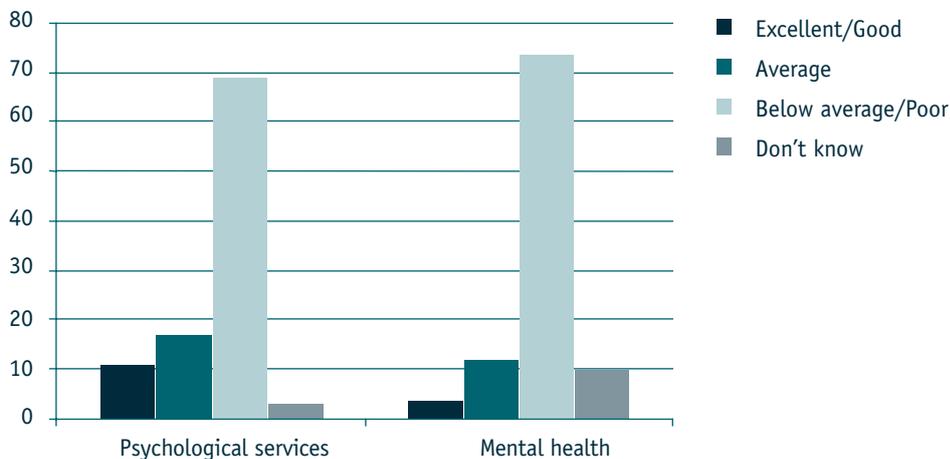
**Figure 5: Professionals' perceptions of provision of drug and alcohol treatment services**



**Mental health and psychological services**

Concern about the accessibility of psychological, mental health and social work services for young people in Ireland is well documented (Expert Group on Mental Health Policy, 2006; Hogan and O'Reilly, 2007; Kilkelly, 2007; Mayock and Vekić, 2006). Consequently, it is not surprising that young people, parents and professionals alike described difficulties in the provision of psychological and mental health services due to delays in accessing services and/or limited resources. This was reflected in the findings, with 69% of professionals rating psychological/counselling provision as 'below average' or 'poor', and 74% giving mental health provision an even higher negative rating (see Figure 6).

**Figure 6: Professionals' perceptions of provision of mental health and psychological services**



Typical views from professionals were:

There aren't sufficient child psychiatric services, particularly for kids between the ages of 16 and 18, and that's led to lots of problems. You know, we have kids who have a criminal element to their difficulties, but there are lots of other elements as well. Suicidal behaviours that are very worrying to us and conditions like ADHD [Attention Deficient Hyperactivity Disorder]. This creates big problems for us because the services aren't adequate. (P041, Probation Officer)

There aren't enough psychological facilities for adolescents or psychiatric [services] ... very, very difficult to get an assessment carried out. Even if you do get an assessment carried out, there's no resources there to follow-up on the recommendation. (P058, Solicitor)

Limited access to services and the ensuing waiting lists place the health of young people at risk by exacerbating existing problems, impeding their future development and denying them their right to appropriate healthcare (Barnardos, 2005; Children's Rights Alliance, 2006; Kilkelly, 2007). For young people in the criminal justice system, the issues are even more serious because limited access to services may restrict any opportunity for them to address the underlying issues related to their offending behaviour and increase their likelihood of future, sustained contact with the criminal justice system.

It was noteworthy that both professionals and parents reported that it was sometimes easier to access services if a young person was held in the children detention system:

We wait to get a psychiatric assessment and often it's a long wait. There was one particular case that I'm involved with where a lad was remanded in custody in order to get a psychiatric assessment because it was needed. He needed it [the assessment] quickly to access HSE accommodation. Now, that shouldn't have happened ... but that's what happened because there was too long a waiting list for him to get that assessment in the community. (P041, Probation Officer)

On more than one occasion during the court observations, parents were seen requesting the judge to send their child to a children detention school. The main reasons were due to a fear for the child's safety, particularly if parents had concerns about alcohol and drug use and offending behaviour. There was also a perception among parents that it may be easier to access services within the detention system. In many cases, it emerged that parents had tried to access services without success in the past:

[Court observation] The parents explained to the judge that their 14-year-old son had run away from home. They informed the judge that their son had a history of drug use and had been running away since the age of 10. Despite informing the relevant authorities, they described that no supports or intervention had been put in place. They asked the judge to consider sending him to a children detention school so that he could get the help he needed, before he became further involved in criminal activity.

## Challenges to effective service delivery

In addition to being requested to rate the level of provision across key services, professionals were also asked about other barriers and challenges in providing services to young people and their families. The main issues that emerged were the difficulties associated with engaging young people (particularly those who were enmeshed in the criminal justice system) in relevant support services and the problems involved in service coordination.

### Engaging young people in services

Almost all of the young people (28 of 30 cases) reported having had some previous contact with one or more of the following professionals: social worker, psychologist, probation officer, youth worker or youth advocacy mentor. Many young people appeared to be antagonistic towards these interventions:

Sure all they [social workers] do is come and talk to you – ‘You shouldn’t be doing this, and you shouldn’t be doing that, and you should be home at this time’. So you weren’t going to listen to her like, do you know what I mean ... If you’re not going to listen to your Ma, you’re not going to listen to her like, do you know what I mean ... It’s stupid. (P10, Male, aged 19)

Probation officer, she’d be trying to tell me I have to stay in and all this ... No, she’d be saying you are going to be sent away and all this shite ... No, it didn’t [make a difference] ... I couldn’t care ... I couldn’t be bothered. (P13, Male, aged 16)

Professionals identified the importance of intervening prior to problems escalating into crisis situations, as well as the need to adopt an outreach mode of service delivery as necessary strategies for meeting the needs of young people and their families.

### **The need for early intervention**

The most commonly reported strategy for engaging with young people was the need for early intervention:

It’s so much easier to steer those young people on a better path before it gets to the crisis situation, [before] the child is so entrenched in criminal activity ... getting the buzz from joy riding and wrecking stuff. (P036, Teacher)

The difficulties reported by young people and their parents combined with the documented problems in efforts to access assistance (*see Chapters 4 and 5*) are strong supports for the merits of early intervention. Almost universally, early intervention programmes and outreach services are seen as an important component of effective service delivery when dealing with young people at risk (Department of Health and Children, 2005; Expert Group on Mental Health Policy, 2006; Hogan and O’Reilly, 2007). In particular, early intervention services are deemed necessary to prevent an escalation in young people’s offending and to reduce the risk of detention (Carroll and Meehan, 2007; Department of Justice, Equality and Law Reform, 2006; Kilkelly, 2006 and 2007; National Crime Council, 2002).

### **The need for a community-based/outreach approach to service delivery**

Some professionals reported that the marginalisation of young people and their families served to limit their capability of engaging with services. In this context, it was considered that services should be delivered in the community using an outreach approach as a strategy to build relationships with young people and/or their families:

These young people are at risk, so things have broken down ... everything is not intact ... We are supposed to be professionals ... We should be able to move ourselves physically to meet the needs of the child and not to say, ‘Well, I always stay here [in the office] and I offer my services [here]’ ... Who is the professional and who is the needy person? ... Giving someone an appointment to go some place to see a specialist is pointless. If they were capable of doing that ... they may not be in the difficulties that they are in in the first place ... I definitely think if they are going to have services, they have to come to meet the young person, in the young person’s habitat. (P036, Teacher)

Echoing the conclusions of previous studies (Kilkelly, 2006 and 2007; National Crime Council, 2002; Quinn, 2002), the use of outreach services was strongly advocated as an approach for working with socially excluded and marginalised individuals, especially young people who are often restricted by factors such as their age, level of maturity and geographical mobility.

### **Service coordination**

Given the complex needs of young people and their families, a multi-agency approach was embraced by almost all of the professionals consulted as the most effective means of meeting these needs. Over 90% of the professionals reported that their work with young people involved contact with several other agencies, including the Probation Service, Garda Juvenile Diversion Programme, Health

Service Executive (Community Care and Residential Care), drug and alcohol treatment services, Youthreach and FÁS, Garda Youth Projects, Education and Welfare officers, children detention schools, psychological/counselling services, family support services, mental health services, legal representatives and other youth services.

Consistent with numerous previous reports on matters relating to service provision for young people (Department of Health and Children, 2005; Department of Justice, Equality and Law Reform, 2006; Expert Group on Mental Health Policy, 2006; Kilkelly, 2007), professionals also identified problems associated with interagency cooperation and coordination as core impediments to responding to young people's service needs. Firstly, it was identified that *one designated professional* to coordinate each young person's case was necessary to avoid duplication of service delivery. Secondly, from what professionals reported, it seemed that the absence of *one agency* to facilitate and manage an interagency approach resulted in gaps in service delivery in some areas and the replication of services in others. Thus, there was a strong sense among professionals that a lead agency was required in order to bring together the various agencies in a coordinated fashion. Such an approach, it was reckoned, would have much stronger capacity to respond to the needs of young people and their families in a more timely fashion, thus intervening in a preventative capacity rather than a reactive one.

## Summary

Service provision for young people in key support areas (e.g. family support, education, vocational training, residential care, foster care, alcohol and drugs, mental health and psychological services) was rated poorly by professionals across most service domains. Overwhelmingly, the consistent themes that emerged from the consultations related to low levels of service accessibility, ensuing long waiting lists and a resulting inability to match support services with identified needs within an appropriate timeframe for young people and their families. The accounts analysed suggest that service provision often only becomes available after substantial time has passed and the young person has become further immersed in the criminal justice system. This limited provision of services to young people impacts on their health, development and well-being. For those in contact with the youth justice system, the consequences are even more serious: most notable is that the dearth of service provision to address underlying personal, family and social problems increases their likelihood of being processed and reprocessed through the youth justice system.

A second message emerging from the consultations with professionals was that service provision in itself was unlikely to fully address the support service needs of young people and their families. Overwhelmingly, professionals referred to the need for services to intervene at an early stage to avoid the serious repercussions associated with sustained contact with the criminal justice system. An outreach approach to service delivery was identified as the most appropriate strategy to use when providing services to those with difficult, and sometimes chaotic, life circumstances. Finally, the importance of coordinated service delivery to young people and their families was proposed as being central to providing an effective level of support to those in contact with the youth justice system.

# **7 CONCLUSIONS AND RECOMMENDATIONS**

This research set out to identify the barriers encountered by young people in complying with the conditions of bail imposed on them at the Children Court. Since detention on remand is likely to be an unavoidable consequence of criminality for some young people, the research also sought to explore the services and supports required by young people in order to reduce the length of time spent in penal custody. Underpinning the framework of the research were the principles and ethos of the Children Act 2001 and the UN Convention on the Rights of the Child, the basic tenets of which endorse the participation of young people in proceedings that affect them and the use of detention as a measure of last resort and for the shortest possible time period.

The research was further informed by existing literature highlighting the challenges encountered by some young people in their efforts to comply with bail requirements (Northern Ireland Office, 2006) and the limited availability of services and supports to address these issues in the Irish context (Kilkelly, 2005 and 2006). The importance of supporting young people to comply with their conditions of bail is given further impetus by previous research reporting that non-compliance can result in young people being detained on remand (Carroll and Meehan, 2007; Freeman, 2008).

The study aims to provide an informed account of the experiences and support service needs of young people who are deemed to be most 'at risk' of detention on remand by virtue of their offending behaviour and/or history of non-compliance with bail conditions. To this end, one strand of the research focused on interviews to learn of the experiences of 30 young people in detention with a history of remand on bail or in custody, as well as their parents and professionals working with them. Research in other jurisdictions suggests that specific support for young people on remand should be targeted at those most at risk of breaking their bail conditions and/or detention (Northern Ireland Office, 2006; Youth Justice Board, 2005). The rationale is that lower risk offenders can be effectively supported through mainstream youth services, which do not bring them into direct contact with more serious or persistent offenders. In this way, concerns about 'net-widening' are minimised (Nellis, 2004). (Net-widening refers to the processes and mechanisms by which increasing numbers of individuals come in contact with the criminal justice system and/or become subject to some form of 'social control'.)

While the main focus of the study was on those most 'at risk' of bail non-compliance – and, by implication, detention on remand – it was considered important to locate service provision requirements within the broader context of young people appearing before the courts. This was deemed necessary for two reasons. Firstly, the research suggests that a number of factors (other than bail support) impact on bail compliance, including the length of time taken to process cases from time of arrest to sentence (Audit Commission, 2004). Secondly, adequate levels of support (in the areas of family, social, educational, health and welfare services) are seen to play an important part in diverting young people away from further involvement with the criminal justice system. These aspects were examined through court observation at the Dublin Children Court and a consultation survey undertaken with 120 professionals working with young people across the country.

## **Profile and circumstances of young people**

At the time of interview, respondents were detained within the children detention school system or in St. Patrick's Institution. They reported being excluded from mainstream education and training from an early age. An educational history characterised by learning and behavioural problems, combined with poor parental supervision, among other factors, appeared to culminate in over two-thirds of the young people leaving school between the final year of primary school (6th class) and the second year of secondary school. On leaving school, many of them described difficulties in finding training or vocational placements, especially those that were under the minimum age to attend such courses (usually aged 16 years). As a result of existing outside the educational and training system, young people spent most of their time engaged in unstructured activities with their friends, a problem further exacerbated by a lack of leisure activities and facilities in their local areas.

Some young people described how they committed offences to fund their alcohol and drug use, while others explained that they engaged in criminal activity when under the influence of alcohol and/or drugs. A common theme that emerged was the availability of, and access to, illegal substances in the areas where they lived or associated. Physical violence was frequently perpetrated against young people in response to accumulating drug debts. They were particularly vulnerable to physical attack, firstly, because of their young age and, secondly, because of their reluctance to report such incidents to the police.

Almost all young people and their parents described difficulties in their home and/or family circumstances. Some parents encountered difficulties in coping with their children's behaviour, with problems ranging from learning and behavioural difficulties through to issues such as substance misuse and delinquent peers. Other parents explained that their own personal problems had sometimes detracted from their ability to care for and supervise their children.

In conclusion, it can be said that the combination of personal, family and community problems, together with educational exclusion, unstructured daily activities and offending peers, presented substantial challenges to young people in their efforts to comply with their bail conditions.

## **The Court: Remand on bail and detention on remand**

In total, 80% of the remand hearings observed for this research resulted in a young person being remanded on bail. It was clear that young people required a number of support services to assist them to comply with the conditions of bail and to reduce the use of detention on remand. Specifically, information is required by young people and their parents about the remand process, including details of what it means to be detained on remand, what is required when remanded on bail and, most importantly, the consequences of not complying with bail conditions. Of the 120 professionals consulted for this research, 39% thought that young people 'rarely' or 'never' understood what it meant to be on bail, while 57% thought that they 'sometimes' understood, further substantiating the need for greater communication.

Legal representatives have an important role to play in conveying information to young people about the consequences of offending behaviour (Weijers, 2004). Currently, judges and solicitors are the main communicators of information to young people about the consequences of non-compliance with bail. The current research focused only on the Children Court in Dublin, where it was noted that the presiding judges attempted to explain the consequences of non-compliance to young people. The amount of time that could be allocated to this task was restricted by the large volume of cases to be processed. Some solicitors were also observed explaining the importance of bail to young people, but their time too was limited. Previous research, however, has reported that the practice of informing young people varies dramatically across the country, from cases where young people are informed to cases where no communication takes place between judges and young people (Kilkelly, 2005). The result was that young people and their families were ill-informed about the legal requirements of their situation.

The manner in which information is communicated is compounded by the low level of educational achievement, and high level of educational exclusion, among many of the young people in the study and, more generally, in the criminal justice system (Brodie, 1998; Berridge *et al*, 2001). Coupled with the reported differences in cognitive ability between young people and adults (Jackson and Pabon, 2000), it would seem that these educational and related difficulties place young people in a very disadvantageous position in their efforts to comply with bail.

The time required to prepare and process criminal cases often culminates in a delay between the time of first appearance at the court and finalising the young person's case (Carroll and Meehan, 2007). While some delays may be considered a necessary feature of fair and equitable justice, the youth justice system has come under criticism for the slow pace at which cases are

finalised (Kilkelly, 2005). It emerged from data in the current study that the length of time involved in processing the cases of young people serves to dilute the impact and seriousness of the court process and the consequences arising from their offending behaviour. Furthermore, and most seriously, it places young people at a greater risk of detention on remand as a result of re-offending or breach of bail.

The limited availability of bail support services places young people, particularly those most vulnerable, at increased risk of detention on remand. Given the complex range of difficulties experienced by many young people, professionals considered that it was unrealistic to expect that they would have the resources to comply with strict bail conditions without a level of support being provided that was commensurate with these demands. Most professionals thought that a bail support scheme, whereby the barriers to compliance would be identified and addressed during the bail period, would be most beneficial as a means of improving compliance.

While all young people on bail are at risk of detention on remand if they do not comply with their bail conditions, those living 'out of home' – on the streets, in emergency accommodation or in other care arrangements – are a particularly vulnerable group. They are likely to be at much higher risk of not complying with their conditions of bail due to the negative circumstances of their lives, such as having very limited resources, spending long periods of time on the streets or in public places, and associating with young people in a similar situation as themselves (Carlen, 1996).

A related factor placing this 'out-of-home' group at increased risk of detention on remand is the limited availability of appropriate care placements for young people. Cases observed in the Children Court noted incidents where young people were held in detention facilities not because of the seriousness of their offence, but because an appropriate care placement was not available and they were reliant on temporary or emergency accommodation. Professionals were critical of what they perceived to be an over-reliance on the Out-of-Hours Crisis Intervention Service, established to avoid young people having to sleep on the streets, and other emergency accommodation options. Many argued that while the 'Out-of-Hours' service was a useful 'emergency' mechanism, it was inappropriate for young people and sometimes led to them becoming involved in offending and other anti-social behaviour. Professionals were unanimous in their view that appropriate safe facilities for 'out-of-home' young people were central to any strategy that attempted to avoid detaining them on remand. In this regard, many considered bail hostel accommodation and remand fostering as positive alternatives if they were underpinned by a range of support services.

For some young people, detention on remand is unavoidable. Young people and parents were generally positive about the routine and service provided by the children detention schools. In contrast, young males reported a very different experience in St. Patrick's Institution: accounts of violence, bullying and the availability of drugs were described during interview and noted in observations of proceedings at the Dublin Children Court. The differential treatment of young males between the ages of 16 and 18, compared to their female counterparts, is noteworthy and of particular concern given their descriptions of the nature of the remand. In these cases, it would appear that minimising the time spent in detention is the most appropriate approach.

There is strong merit in introducing bail review programmes, whereby cases would be examined regularly with a view to addressing any impediments to bail and reducing the amount of time young people spend in detention on remand. Similar schemes have been shown to reduce the number of young people detained on remand in other jurisdictions (Goldson and Peters, 2002). Bail review may be particularly appropriate in St. Patrick's Institution, where young boys aged 16 and 17 are held with other young males aged 18-21 in conditions that have long been deemed to be inappropriate to meet their needs. Finally, professionals identified the need for mechanisms to link young people with support services in the community as being central to the process of preventing repeat committals on remand.

Overall, the data suggest that emphasis should be placed on keeping young people out of the detention system through the provision of appropriate bail services supported by a range of educational, social, health and welfare interventions to address the underlying causes of offending. This is an important part of complying with international standards regarding the treatment of young people in trouble with the law (Article 37 and Article 40 of the UN Convention on the Rights of the Child) and an important strategy to minimise the damaging impact of detention on vulnerable young people (Goldson, 2005; Goldson and Coles, 2005). Where detention on remand is unavoidable, it would seem that mechanisms such as bail review schemes and follow-up support provide useful strategies to ensure young people are not detained for longer than is necessary or subjected to multiple repeat committals on remand.

## Service provision for young people appearing before the courts

The need for a range of social, educational, health and welfare services to meet the needs of young people appearing before the courts, and specifically those on remand, was apparent from the findings of this study (*as presented in Chapter 4*). Such services offer the potential to address some of the underlying factors related to offending behaviour and may also target the barriers to bail compliance. Notwithstanding the identified need, a number of challenges were identified by professionals as hindering the delivery of services to young people. Consistent with numerous previous reports (Department of Health and Children, 2005; Department of Justice, Equality and Law Reform, 2006; Expert Group on Mental Health Policy, 2006; Kilkelly, 2007), professionals identified problems related to service coordination and the barriers to engaging young people (particularly those enmeshed in the criminal justice system) and their families. The most dominant problem cited, however, was the limited availability of services for young people. The level of service provision available was in no way commensurate with the identified needs across a range of services – from family, educational and vocational services, through to services to meet the needs of young people living outside their family home, those requiring drug or alcohol treatment, or in need of psychological and related mental health services.

Parents reported difficulties in supervising their children and the legal threat associated with bail compliance added further to this stress. These matters are not inconsequential given the existing literature linking poor parental supervision with offending behaviour (Ellison, 2001). It was of concern, therefore, that over half of the professionals consulted rated family support services as ‘below average’ or ‘poor’. Conversely, the potential for parents to support their children was identified both by professionals and by young people themselves. Many professionals also thought that parents were an important influence in encouraging young people to maintain involvement with services. However, the absence of an appropriate level of family support services to build capacity in the family negated such potential.

Provision of educational retention services, alternative educational services, training and employment, and structured leisure facilities were all rated as ‘below average’ or ‘poor’ by approximately half of all professional respondents (*see Chapter 6 for detailed analysis*). Efforts to engage marginalised young people in educational and vocational services are likely to be curbed by the limited provision of these resources. This is a matter of concern given the numbers of young people reporting early school-leaving and alienation from the educational system, as well as the identified links between fulfilling structured training and employment opportunities and reductions in criminality (Barry, 2005; Farrall, 2002; Immarigeon and Maruna, 2004; Sampson and Laub, 1993).

Where young people are unable or unwilling to remain in their family home, the provision of alternative care placements is necessary for their well-being. Almost two-thirds of professionals (62%) rated the provision of residential care placements for young people before the courts as ‘below average’ or ‘poor’. The findings on perceptions of foster care should be interpreted with caution given the high number of respondents (29%) who said they did not know about the provision of such services. Notwithstanding this caveat, 43% of all respondents rated them

as 'below average' or 'poor', with less than 10% describing them as 'excellent' or 'good'. The significance of not having appropriate care placements for young people appearing before the courts is that it is likely to seriously increase their risk of detention on remand.

Drugs and alcohol were also key factors referred to by young people in their accounts of offending and, indeed, were directly implicated in the failure to comply with bail conditions in some cases. Despite the links made by young people between offending, non-compliance with bail and substance abuse, and the importance attached to treatment services generally (Sharp and Atherton, 2006), approximately two-thirds of the professionals consulted rated the provision of drug (64%) and alcohol (69%) treatment facilities as 'below average' or 'poor'. The implications of these findings suggest that the service and support needs of young people vastly surpass the current level of provision.

Difficulties in accessing psychological, mental health and social work services for young people in Ireland are well documented (Expert Group on Mental Health Policy, 2006; Hogan and O'Reilly, 2007; Kilkelly, 2007; Mayock and Vekić, 2006). Consequently, it is not surprising that young people, parents and professionals alike described difficulties in the provision of psychological and mental health services due to delays in accessing services and/or limited resources. This was reflected in the findings, with 69% of professionals consulted rating psychological/counselling provision as 'below average' or 'poor', and 74% giving mental health provision an even higher negative rating.

Overall, from what professionals described, service provision for young people appearing before the courts is limited across a range of areas – from family support and education through to care options, drug and alcohol treatment, and psychological and mental health services. The data represent a less-than-promising picture about providing service and supports to meet the needs of young people on remand in order to divert them from the criminal justice system and specifically from the detention system.

## Recommendations

This research has clearly identified a core group of young people who are deeply entrenched in the youth justice system and are likely to benefit from bail support and alternatives to remand programmes to reduce their risk of future detention. More broadly, the study identified a number of issues that have the potential to improve compliance among all young people remanded on bail. The recommendations are structured around four main issues, as detailed below.

### 1. Communicating information to young people and their families

Effective communication in the courtroom serves to enhance young people's comprehension of the consequences of their actions on themselves, their family, the victim(s) and the wider community, as well as allowing them an opportunity to be heard and to participate in proceedings against them. It is recommended that *training in awareness and communication skills* be provided to the judiciary and other members of the legal profession in order to facilitate more effective communication with young people about the consequences of complying with the conditions of bail.

The time that can legitimately be devoted to explaining bail requirements to young people is limited in the context of a busy courtroom. Taking into account the poor educational history and learning problems experienced by many of the young people concerned, it is recommended that consideration be given to the *appointment of a designated bail officer* to provide and explain information to young people and their families immediately after the court hearing. Recognising that this may not always be practicable, especially in smaller courts, it is recommended that accessible information be provided in the form of user-friendly leaflets or through the use of communicative technologies such as CDs or DVDs for those with literacy difficulties.

## 2. Addressing time delays

Delays in processing cases in the Children Court potentially increase the risk of re-offending and detention for young people. The introduction of a *bail information scheme* is recommended as a mechanism for coordinating the information about young people required for the court case, thereby reducing the time taken to process cases.

The underlying *reasons for delay merit further study* and it is recommended that research is undertaken to examine the nature and extent of the problem and the associated barriers to finalising cases. This is essential to ensure that improvement in one part of the system (information coordination) is not negated by a lack of movement in another part.

## 3. Bail support/alternatives to detention on remand

Bail support programmes offer an important diversionary route for young people at risk of breaching their conditions of bail and those at risk of detention on remand. The development of a pilot *bail support programme* by Young Person's Probation is welcomed and it is recommended that priority is given to expanding access to similar programmes in an expedient manner on a nationwide basis.

Despite the reported difficulties, professionals consulted in this study identified the family as an important source of support for young people. It is recommended that efforts are made, where appropriate, to provide *services to address the needs of the young person and their family* as part of a programme of bail support.

Young people with unstable housing arrangements are particularly vulnerable to detention on remand by virtue of their life circumstances and the limited availability of alternative care placements. It is recommended that consideration be given to developing and expanding *alternatives to detention on remand*, specifically services such as bail hostels and remand foster care.

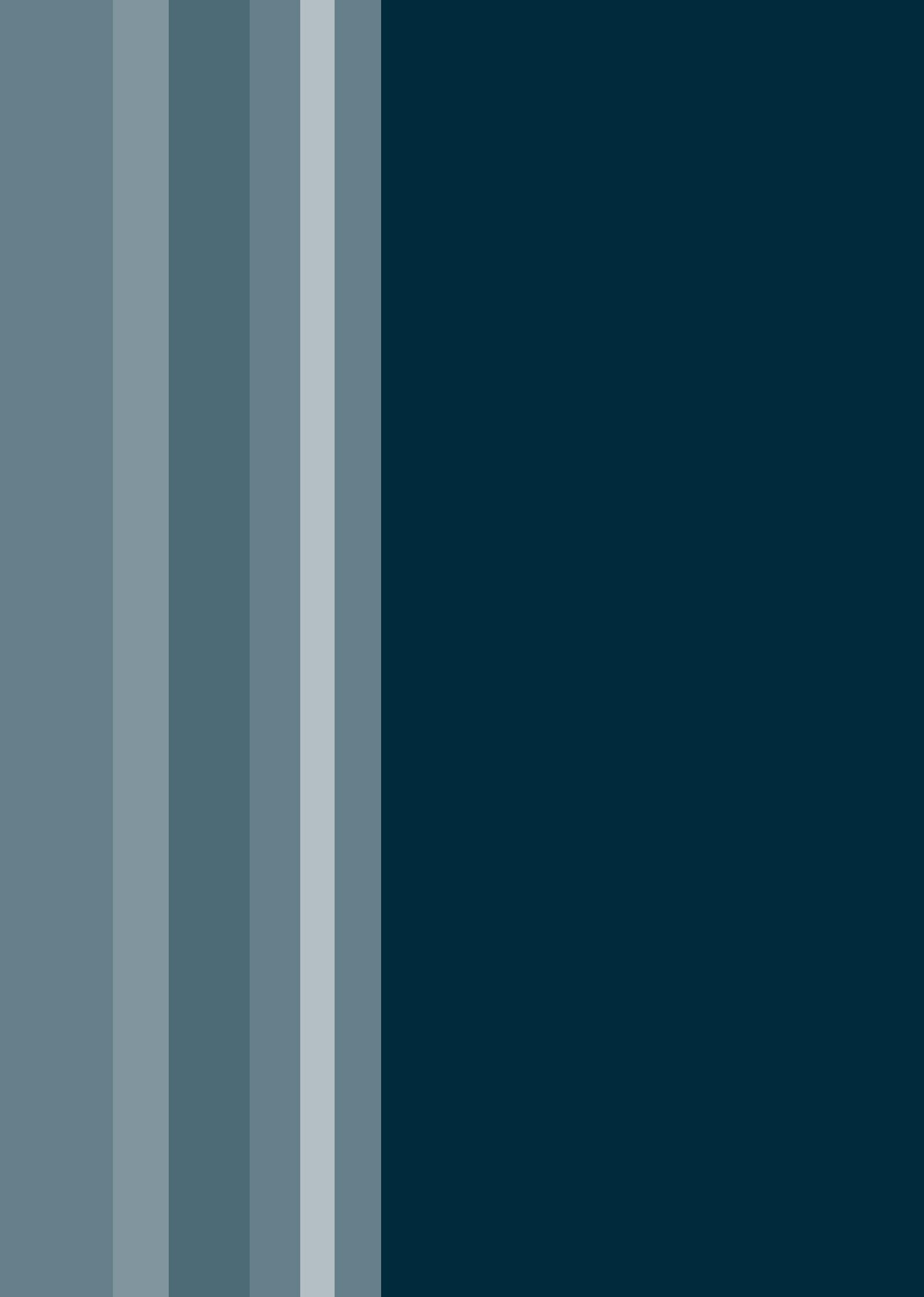
Detention on remand may be unavoidable in some cases. Where a young person is detained, priority should be given to addressing the impediments to bail at the earliest opportunity and preventing future committals on remand. It is recommended that the introduction of a *bail review scheme* be considered for St. Patrick's Institution as a means of reducing the length of time young people spend in custody there.

The evidence from other jurisdictions highlights the need to provide mechanisms to facilitate the transition from bail support services after the remand period has ceased. It is recommended that, in planning a system of bail support, consideration be given to devising a *transition strategy* to avoid the unplanned and sudden withdrawal of key support services to young people.

Given the complex needs of young people and their families, a *partnership approach*, involving a range of support services, is required for the delivery of bail support programmes. The poor ratings attributed by the professionals to service provision in the areas of family support, education, training, residential care, foster care, drug and alcohol treatment, and mental health and psychology services is therefore concerning. The current research endorses the recommendations of previous studies, which call for *greater provision and accessibility to key support services* for young people and their families.

## 4. Future research

The dearth of *comprehensive statistical data* about the number of young people appearing before the courts and the number on bail is a barrier to devising a level of service and support that meets the needs of young people. It is recommended that this matter be addressed in the future research plans of the relevant agencies.



# REFERENCES

- Akers, R.L. (1999) *Criminological Theories*. London: Fitzroy Dearborn.
- An Garda Síochána (2006) *Annual Report of An Garda Síochána 2005*. Dublin: An Garda Síochána.
- Association of Directors of Social Services, Local Government Association, Youth Justice Board for England and Wales (2003) *The application of the Children Act (1989) to children in young offender institutions*. London: Association of Directors of Social Services, Local Government Association, Youth Justice Board for England and Wales.
- Audit Commission (2004) *Youth Justice: A Review of the Reformed Youth Justice System*. London: Audit Commission.
- Barnardos (2005) *Seven steps to ending child poverty*. Dublin: Barnardos.
- Barrett, J. and Greenway, R. (1995) *Why adventure? The role and value of outdoor adventure in young people's personal and social development. A review of research*. London: Foundation for Outdoor Adventure.
- Barry, M. (2005) *Youth offending in transition: The search for social recognition*. New York: Routledge.
- Berridge, D., Brodie, I., Pitts, J., Porteous, D. and Tarling, R. (2001) *The independent effects of permanent exclusion from school on the offending careers of young people*, Home Office Occasional Paper No. 71. London: HMSO.
- Bolland, J.M. (2003) 'Hopelessness and risk behaviour among adolescents living in high-poverty inner-city neighbourhoods', *Journal of Adolescence*, Vol. 26, No. 2, pp. 145-58.
- Brodie, I. (1998) 'School Exclusion, Risk and Community Safety'. In: A. Marlow and J. Pitts (eds.), *Planning Safer Communities*. Lyme Regis, Dorset: Russell House Publishing.
- Carlen, P. (1996) *Jigsaw: A Political Criminology of Youth Homelessness*. Buckingham: Open University.
- Carroll, J. and Meehan, E. (2007) *The Children Court: A National Study*. Dublin: Association for Criminal Justice Research and Development Ltd.
- Children's Rights Alliance (2006) *From Rhetoric to Rights: Second Shadow Report to the United Nations Committee on the Rights of the Child*. Dublin: Children's Rights Alliance.
- Chitsabesan, P. and Bailey, S. (2006) 'Mental health, educational and social needs of young offenders in custody and in the community', *Current Opinion in Psychiatry*, Vol. 19, No. 4, pp. 355-60.
- Comptroller and Auditor General (2004) *The Probation and Welfare Service: Report on value for money examination*. Dublin: The Stationery Office.
- Courts Service (2007) *Courts Service Annual Report 2006*. Dublin: Courts Service.
- De Róiste, A. and Dinneen, J. (2005) *Young people's views about opportunities, barriers and supports to recreation and leisure*, National Children's Office. Dublin: The Stationery Office.
- Department of Education and Science (2005) *Delivering Equality of Opportunity in Schools (DEIS): An Action Plan for educational inclusion*. Dublin: The Stationery Office.
- Department of Health and Children (2005) *Report of the Working Group on treatment of under-18 year-olds presenting to treatment services with serious drug problems*. Dublin: The Stationery Office.
- Department of Justice, Canada (2007) *Pre-trial Detention under the Youth Criminal Justice Act: A Consultation Paper*. Ontario: Department of Justice.
- Department of Justice, Equality and Law Reform (2006) *Report on the Youth Justice Review*. Dublin: The Stationery Office.
- Department of the Taoiseach (2006) *Towards 2016: Ten-Year Framework Social Partnership Agreement 2006-2015*. Dublin: The Stationery Office.
- Dishin, T.J., Patterson, G.R. and Reid, J.R. (1988) 'Parent and Peer Factors associated with Drug Sampling in Early Adolescence: Implications for Treatment'. In: E.R. Rahdert and L. Gradowski (eds.), *Adolescent Drug Abuse: Analyses of Treatment Research*, National Institute on Drug Abuse Research Monograph 77. Washington, DC: US Government Printing Office.
- Drakeford, M., Haines, K., Cotton, B. and Octigan, M. (2001) *Pre-trial Services and the Probation Service*. Cardiff: University of Wales Press.
- Ellison, G. (2001) *Young People, Crime, Policing and Victimisation in Northern Ireland*. Belfast: Institute of Criminology and Criminal Justice, Queen's University Belfast.
- Expert Group on Mental Health Policy (2006) *A Vision for Change: Report of the Expert Group on Mental Health Policy*. Dublin: Department of Health and Children.

- Farrall, S. (2002) *Rethinking what works with offenders: Probation, social context and desistance from crime*. Cullompton: Willan Publishing.
- Farrington, D.P. (1990) 'Implications of criminal career research for the prevention of offending', *Journal of Adolescence*, Vol. 13, pp. 93-113.
- Farrington, D.P. (1986) 'Stepping stones to adult criminal careers'. In: D. Olweus, J. Block and M.R. Yarrow (eds.), *Development of Antisocial and Prosocial Behaviour: Research, Theories and Issues*. New York: Academic Press.
- Farrington, D., Hannock, G., Livingston, M., Painter, K. and Towl, G. (2000) *Evaluation of intensive regimes for young offenders*, Research Findings No. 21. London: Home Office.
- FÁS (2007) FÁS. Available at: [www.fas.ie/en/](http://www.fas.ie/en/) (accessed 22 August 2008).
- Finglas Child and Adolescent Centre (2006) *Statistical Report: 1 Jan. till 31 Dec. 2005*. Dublin: Finglas Child and Adolescent Centre.
- Flood-Page, C., Campbell, S., Harrington, V. and Miller, J. (2000) *Youth Crime: Findings from the 1998/99 Youth Lifestyles Survey*, Home Office Research Study 209. London: Home Office Research, Development and Statistical Directorate.
- Freeman, S. (2008) *Surviving on Remand: A study of how young remand prisoners cope in prison custody*. Dublin: Dublin Institute of Technology (unpublished PhD Thesis).
- Gabriel, B. and Bodenmann, G. (2006) 'Stress and coping in parents of a child with behavioural problems', *Zeitschrift für Klinische Psychologie und Psychotherapie (Journal for Clinical Psychology and Psychotherapy)*, Vol. 35, No. 1, pp. 59-64.
- Goldson, B. (2005) 'Child Imprisonment: A case for abolition', *Youth Justice*, Vol. 5, No.2, pp. 77-90.
- Goldson, B. (2002) *Vulnerable Inside: Children in secure and penal settings*. London: The Children's Society.
- Goldson, B. (1999) *Youth Justice: Contemporary policy and practice*. Aldershot: Ashgate.
- Goldson, B. and Coles, D. (2005) *In the care of the State? Child deaths in penal custody*. London: INQUEST.
- Goldson, B. and Peters, E. (2002) *The Children's Society National Remand Review Initiative: Final Evaluation Report (1/12/99-30/11/99)*. London: The Children's Society.
- Goulden, C. and Sondhi, A. (2001) *At the Margins: Drug use by vulnerable young people in the 1998/99 Youth Lifestyles Survey*, Home Office Research Study 228. London: Home Office Research, Development and Statistical Directorate.
- Government of Ireland (2001) *Children Act 2001*. Dublin: The Stationery Office.
- Government of Ireland (2000) *Education (Welfare) Act 2000*. Dublin: The Stationery Office.
- Government of Ireland (1997) *Bail Act, 1997*. Dublin: The Stationery Office.
- Government of Ireland (1991) *Child Care Act, 1991*. Dublin: The Stationery Office.
- Graham, J. and Smith, D.I. (1994) *Diversion from offending. The role of the Youth Service*. Swindon: Crime Concern.
- Hagell, A. and Hazel, N. (2001) 'Macro and micro patterns in the development of secure custodial institutions for serious and persistent young offenders in England and Wales', *Youth Justice*, Vol. 1, pp. 3-16.
- Hagell, A. and Newburn, T. (1994) *Persistent Young Offenders*. London: Policy Studies Institute.
- Hayes, J. and O'Reilly, G. (2007) *Emotional Intelligence, Mental Health and Juvenile Delinquency*. Dublin: University College Dublin.
- Her Majesty's Inspectorate of Prisons (2005) *Annual Report of HM Chief Inspectorate of Prisons for England and Wales*. London: Youth Justice Board for England and Wales.
- Her Majesty's Inspectorate of Prisons (2000) *Unjust Deserts: A Thematic Review by HM Chief Inspectorate of Prisons of the treatment and conditions for unsentenced prisoners in England and Wales*. London: Her Majesty's Inspectorate of Prisons for England and Wales.
- Hirschi, T. (1969) *Causes of Delinquency*. California: University of California Press.
- Hogan, F. and O'Reilly, M. (2007) *Listening to Children: Children's stories of domestic abuse*, Office of the Minister for Children. Dublin: The Stationery Office.
- Howard League of Penal Reform (2005) *Children in custody: Promoting the legal and human rights of children*. London: Howard League of Penal Reform.

- Human Rights and Equal Opportunity Commission (2001) *Bringing them hope – The Report: Juvenile Justice Policy and Program Responses*. Available at: [www.austlii.edu.au/au/special/rsjproject/rsjlibrary/hreoc/stolen/stolen55.html](http://www.austlii.edu.au/au/special/rsjproject/rsjlibrary/hreoc/stolen/stolen55.html) (accessed 22 August 2008).
- Hunt, J. (1989) *In Search of Adventure. A study of opportunities for adventure and challenge for young people*. Guildford: Talbot Adair Press.
- Immarigeon, R. and Maruna, S. (2004) *After Crime and Punishment: Pathways to offender reintegration*. Cullompton: Willan Publishing.
- Irish Examiner* (30 November 2006) *State 'not tackling' youth drink problem*. Available at: [www.eapn.ie/notices/1041](http://www.eapn.ie/notices/1041) (accessed 22 August 2008).
- Irish Prisons Inspectorate (2005) *St. Patrick's Institution. St. Patrick's Institution Inspection: 15-19 November 2004*. Dublin: Department of Justice, Equality and Law Reform.
- Irish Prison Service (2007) *Irish Prison Service Annual Report 2006*. Dublin: Irish Prison Service.
- Irish Prison Service (2006) *Irish Prison Service Annual Report 2005*. Dublin: Irish Prison Service.
- IYJS (2008) *National Youth Justice Strategy 2008 – 2010*, Irish Youth Justice Service, Department of Justice, Equality and Law Reform. Dublin: The Stationery Office.
- Jackson, R. and Pabon, E. (2000) 'Race and treating other people's children as adults', *Journal of Criminal Justice*, Vol. 26, No. 6, pp. 507-15.
- King, S., Bamford, D. and Sarre, R. (2005) *Factors that influence remand in custody. Final Report to the Criminological Research Council*. Magill: University of South Australia.
- Kilkelly, U. (2007) *Obstacles to the realisation of children's rights in Ireland*. Dublin: Ombudsman for Children.
- Kilkelly, U. (2006) *Youth Justice in Ireland: Tough Lives, Rough Justice*. Dublin: Irish Academic Press.
- Kilkelly, U. (2005) *The Children Court: A Children's Rights Audit*. Cork: Faculty of Law, University College Cork.
- Lipscombe, J. (2004) 'Another Side of Life: Foster care for young people on remand', *Youth Justice*, Vol. 3, No. 1, pp. 36-50.
- Lobley, D. and Smith, D. (1999) *Working with persistent juvenile offenders: An evaluation of the Apex Cue Ten Project*, Crime and Criminal Justice Research Findings No. 31. Edinburgh: The Scottish Office.
- Mayock, P. and O'Sullivan, E. (2007) *Lives in crisis: Homeless young people in Dublin*. Dublin: Liffey Press.
- Mayock, P. and Vekić, K. (2006) *Homelessness in Dublin City: Key findings from the first phase of a longitudinal cohort study*, Office of the Minister for Children. Dublin: The Stationery Office.
- McAuley, R. (2007) *Out of sight: Crime, youth and exclusion in modern Britain*. Cullompton: Willan Publishing.
- McCoy, S., Kelly, E. and Watson, D. (2007) *School-leavers' Survey Report 2006*. Dublin: Economic and Social Research Institute and Department of Education and Science.
- McPhillips, S. (2005) *Dublin Children Court: A Pilot Research Project*. Dublin: Irish Association for the Study of Delinquency.
- McVerry, P. (2006) *Rehabilitation – Are We For Real?* Dublin: Jesuit Centre for Faith and Justice. Available at: [www.cfj.ie/content/view/135/3/](http://www.cfj.ie/content/view/135/3/) (accessed 22 August 2008).
- Ministry of Children and Family Development, Canada (2007) *Community Youth Justice Services*. Victoria, BC: Ministry of Children and Family Development. Available at: [www.mcf.gov.bc.ca/youth\\_justice/community.htm](http://www.mcf.gov.bc.ca/youth_justice/community.htm) (accessed 22 August 2008).
- Moffitt, T.E. (1990) 'The Neuropsychology of Juvenile Delinquency: A Critical Review'. In: M. Tonry and N. Morris (eds.), *Crime and Justice: A Review of Research, Volume 12*. Chicago: University of Chicago Press.
- NACRO (2005) *Youth Crime Briefing: Court Bail in the Youth Justice System following implementation of the Criminal Justice Act 2003*. London: National Association for the Care and Resettlement of Offenders.
- NACRO (2004) *Youth Crime Briefing: Remand Fostering*. London: National Association for the Care and Resettlement of Offenders.
- NACRO (2003) *Youth Crime Briefing: Reviewing remands in custodial establishments*. London: National Association for the Care and Resettlement of Offenders.

- National Crime Council (2002) *Tackling the underlying causes of crime: A partnership approach*. Dublin: The Stationery Office.
- Nellis, M. (2004) 'The "Tracking" Controversy: The roots of mentoring and electronic monitoring', *Youth Justice*, Vol. 4. No. 2, pp. 77-99.
- NEWB (2007) *Attendance and students' school experience*. Dublin: National Educational Welfare Board.
- NEWB (2006) *National Educational Welfare Board Annual Report*. Dublin: National Educational Welfare Board.
- Nic Gabhainn, S., Kelly, C. and Molcho, M. (2007) *The Irish Health Behaviour in School-aged Children Survey*. Dublin: Department of Health and Children.
- Northern Ireland Office (2006) *Evaluation of the Bail Supervision and Support Scheme*, Northern Ireland Office Research and Statistical Series: Report No. 13. Belfast: Northern Ireland Office.
- OMC (2006) *State of the Nation's Children – Ireland 2006*, Office of the Minister for Children. Dublin: The Stationery Office.
- Parker, H. (1996) 'Young adult offenders, alcohol and criminological cul-de-sacs', *British Journal of Criminology*, Vol. 36, Issue 2, pp. 282-98.
- Perlmutter, B.F. (2005) 'Delinquency and Learning Disabilities: Evidence for compensatory behaviors and adaptation', *Journal of Youth and Adolescence*, Vol. 16, No. 2, pp. 89-95.
- Player, E. (2007) 'Remanding women in custody: Concerns for human rights', *Modern Law Review*, Vol. 70, No. 3, pp. 402-26.
- Podolski, C.L. and Niggs, J.T. (2001) 'Parent stress and coping in relation to child ADHD severity and associated child disruptive behaviour problems', *Journal of Clinical Child Psychology*, Vol. 30, No. 4, pp. 503-13.
- Quinn, M. (2002) 'Youth Crime Prevention'. In: P. O'Mahony (ed.), *Criminal Justice in Ireland*. Dublin: Institute of Public Administration.
- Reifman, A.S., Barnes, G.M., Dintcheff, B.A., Farrell, M.P. and Uhteg, L. (1998) 'Parental and peer influences on the onset of heavier drinking among adolescents', *Journal of Studies on Alcohol*, Vol. 59, pp. 311-17.
- Ritchie, L. (2005) *A Report on the Bail Process in the Criminal Justice System*. Waterloo, Ontario, Canada: University of Waterloo. Available at: [http://arts.uwaterloo.ca/~jpc/pubs/Ritchie\\_thesis/thesis.pdf](http://arts.uwaterloo.ca/~jpc/pubs/Ritchie_thesis/thesis.pdf) (accessed 22 August 2008).
- Rutter, M., Giller, H. and Hagell, A. (1998) *Antisocial behaviour by young people*. Cambridge: Cambridge University Press.
- SACRO (2004) *The Use of Bail and Remand. SACRO Response to Consultation Paper*. Edinburgh: Scottish Association for the Care and Resettlement of Offenders. Available at: [www.scottishsentencingcommission.gov.uk/docs/bailandremandresponses/0020.pdf](http://www.scottishsentencingcommission.gov.uk/docs/bailandremandresponses/0020.pdf) (accessed 22 August 2008).
- Sampson, R.J. and Laub, J.H. (1993) *Crime in the making: Pathways and turning points through life*. Harvard, MA: Harvard University Press.
- Schäfer, H. (2004) 'How to remand juveniles in young offender institutions is avoided. Everything is better than prison – Educational alternatives in Germany'. In: Centre for the Prevention of Youth Crime (ed.), *Prevention of Youth Crime in Germany: Educational strategies, trends, experiences and approaches*. Munich: Deutsches Jugendinstitut.
- Scottish Office (1999) *Evaluation of Experimental Bail Supervision Schemes*, Social Work Research Findings No. 281. Edinburgh: The Scottish Office.
- Scottish Office (1994) *Pre-trial Bail Services in Scotland: An Evaluation of two pilot bail information and accommodation schemes*, Social Work Research Findings No. 1. Edinburgh: The Scottish Office.
- Seymour, M. and Costello, L. (2005) *A study of the number, profile and progression routes of homeless persons before the court and in custody*. Dublin: Probation and Welfare Service.
- Sharp, D., and Atherton, S. (2006) 'Out on the Town: An evaluation of brief motivational interventions to address the risks associated with problematic alcohol use', *International Journal of Offender Therapy and Comparative Criminology*, Vol. 50, No. 5, pp. 540-58.
- Smith, R. (2007) *Youth Justice: Ideas, policy, practice*. Cullompton: Willan Publishing.
- Social Exclusion Unit (2002) *Reducing re-offending by ex-prisoners*. London: Office of the Deputy Prime Minister.

- SSI (2003) *Report on the monitoring of the implementation of Children First: National Guidelines for the Protection and Welfare of Children*. Dublin: Social Services Inspectorate.
- Tarolla, S.M., Wagner, E.F., Rabinowitz, J. and Tubman, J.G. (2002) 'Understanding and treating juvenile offenders: A review of current knowledge and future directions', *Aggression and Violent Behaviour*, Vol. 7, pp. 125-43.
- Tolan, P. and Guerra, N. (1994) *What works in reducing adolescent violence: An empirical review of the field*. Colorado: University of Colorado.
- United Nations (1990) *United Nations Rules for the Protection of Juveniles deprived of their Liberty*. Available at: [www.un.org/documents/ga/res/45/a45r133.htm](http://www.un.org/documents/ga/res/45/a45r133.htm) (accessed 22 August 2008).
- United Nations (1990) *United Nations Guidelines for the Prevention of Juvenile Delinquency* ('The Riyadh Guidelines'). Available at: [www.un.org/documents/ga/res/45/a45r122.htm](http://www.un.org/documents/ga/res/45/a45r122.htm) (accessed 22 August 2008).
- United Nations (1985) *United Nations Standard Minimum Rules for the Administration of Juvenile Justice* ('The Beijing Rules'). Available at: [www.un.org/documents/ga/res/40/a40r033.htm](http://www.un.org/documents/ga/res/40/a40r033.htm) (accessed 22 August 2008).
- Utting, D. (1996) *Reducing criminality among young people: A sample of relevant programmes in the United Kingdom*, Home Office Research Study 161. London: Home Office Research, Development and Statistical Directorate.
- Utting, D. and Vennard, J. (2000) *What works with young offenders in the community?* London: Barnardos.
- Weijers, I. (2004) 'Requirements for Communication in the Courtroom: A Comparative Perspective on the Youth Court in England/Wales and the Netherlands', *Youth Justice*, Vol. 4, No. 1, pp. 22-31.
- Weijers, I. and Hokwerda, Y.M. (2003) 'Patterns and Possibilities for Pedagogical Communication in Juvenile Courts: England and Wales and the Netherlands'. In: F. Dünkel and K. Drenkhahn (eds.), *Youth Violence: New Patterns and Local Responses*. Greifswald: Ernst-Moritz-Arndt-Universität.
- Whalen, C.K., Henker, B., Jamner, L.D., Ishikawa, S.S., Floro, J.N., Swindle, R., Perwien, A.R. and Johnston, J.A. (2006) 'Toward mapping daily challenges of living with ADHD: Maternal and child perspectives using electronic diaries', *Journal of Abnormal Child Psychology*, Vol. 34, No. 1, pp.115-30.
- YMCA (2003) *Incarcerating Young Offenders: Is it working?* London: Young Men's Christian Association (YMCA), England. Available at: [http://ymca.vbnlive.com/site/upload/document/NewYoung\\_Offenders.pdf](http://ymca.vbnlive.com/site/upload/document/NewYoung_Offenders.pdf) (accessed 22 August 2008).
- Young Person's Probation (2006) *Results of Survey in Dublin Children Court No. 55* (23-27 October 2006). Dublin: Young Person's Probation.
- Youth Justice Board (2005) *National Evaluation of the Bail Supervision and Support Schemes funded by the Youth Justice Board for England and Wales from April 1999 to March 2002*. London: Youth Justice Board.
- Youth Justice Board (2004) *Intensive Supervision and Surveillance Programme: The Initial Report*. London: Youth Justice Board.
- Youthreach (2007) *All About Youthreach*. Available at: [www.youthreach.ie](http://www.youthreach.ie) (accessed 22 August 2008).
- Youthreach (2004) *Submission to the Youth Justice Agency*. Available at: [www.youthreach.ie/aaotpmenu/Library/Youth%20Justice%20Agency.doc](http://www.youthreach.ie/aaotpmenu/Library/Youth%20Justice%20Agency.doc) (accessed 22 August 2008).

# APPENDICES

## Appendix 1: Interview Schedule – Young Person

### Interview Questions

Thank you for agreeing to take part in this interview. If you do not understand any of the questions, please let me know and I will explain the question to you. I also want to remind you that if any questions make you feel uncomfortable, you do not have to answer them and you are free to stop the interview at any time should you wish to do so.

#### 1. DEMOGRAPHICS

What age are you?      Years: \_\_\_\_\_ Months: \_\_\_\_\_

Where are you from?      Place: \_\_\_\_\_ City/County: \_\_\_\_\_

What nationality are you? \_\_\_\_\_

Gender:                       M     F

How long (days) have you been at \_\_\_\_\_ [detention school] on this occasion? \_\_\_\_\_

Status:                       Remand       Sentenced       Both

#### 2. COMMUNITY (ROUTINE, STRUCTURE AND RELATIONSHIPS)

Before you came in here, what did you normally do during the week?

*(Probes: Structured activities (e.g. school, Youthreach, training, employment, sport, leisure), creative and unstructured activities (e.g. hang out with friends, playing computer, watching TV, drinking alcohol, smoking cannabis))*

What did you normally do at the weekends?

Can you tell me about the area/place you were living in before you came in here?

*(Probes: Urban/rural; what is good/bad about the area; things to do for young people; activities you partake of in the community; reasons for not taking part (e.g. no suitable facilities/not interested/excluded from activities); relationships with individuals/organisations in the area)*

Have you always lived there? If no, what kind of area/place did you grow up in?

*(Probes: as above)*

Where/who were you living with before you came to \_\_\_\_\_?

*(Probes: House; flat; residential care unit (open); residential care unit (secure); emergency care placement (e.g. Out-of-Hours Service); homeless hostel; on the streets; other – specify)*

When you are released from here, where will you live?

#### 3. EDUCATION

How did you get on at school?

*(Probes: What do/did you like/dislike about school; what do/did the teachers think of you; ever expelled or suspended; number of times expelled; reasons for suspensions and expulsions; number of times suspended; age of first suspension; age of first expulsion)*

Were you attending school before coming to \_\_\_\_\_?      Yes/No

**If Yes:**

How often did you attend school?

- Do you think you will go back to school when you leave \_\_\_\_\_? Why/Why not?
- What things do you think would make it easier for you to go back to school when you are released?

**If No:**

What age were you when you left school?

- Why did you leave?
- Was there anything anyone could have done to help you stay in school?  
(Probes: Help with reading/writing; help with lessons)

#### 4. TRAINING AND EMPLOYMENT

Were you attending training/Youthreach/FÁS or employed before coming to \_\_\_\_\_? Yes/No

**If training:**

Before coming to \_\_\_\_\_, did you attend your training programme every day/most days/some days/hardly ever?

- Do you think you will go back to the training programme when you leave \_\_\_\_\_? Why/Why not?
- Is there anything anyone can do to help you go back there on your release?

**If working:**

Will you return to your job on release? Why/Why not?

- Is there anything anyone can do to help you go back to your job when you are released?

#### 5. SOCIAL WORK/THERAPEUTIC INVOLVEMENT

Have you ever seen a psychologist or anyone like that?

Have you ever had a social worker? Yes/No

**If Yes:**

Did you have a social worker before you came into \_\_\_\_\_?

- Does your social worker have contact with you now?
- What type of contact? If no, what is the reason for this?

Have you ever been in residential care? Yes/No

**If Yes:**

Approximately how long have you been in residential care (including secure care, open care and emergency care)?

- Have you ever left a residential care placement? Yes/No
- Where did you go when you left care?
- What was the worst thing about leaving care?
- What was the best part about leaving care?

#### 6. CURRENT SITUATION

What do you normally do during the week in \_\_\_\_\_?

(Probes: Attend school, work, lock-up time, etc)

Do you receive visits? From whom? How often? If no, why not?

(Probes: Difficulty for family/friends to visit?)

Is there anything you find useful about being at \_\_\_\_\_? If so, what is it and why?

Is there anything you dislike about \_\_\_\_\_?

Do you think being in \_\_\_\_\_ will help you to stay out of trouble on your release?  
Why/Why not?

Is there anything (else) you think \_\_\_\_\_ could do to help you stay out of trouble?  
What might this be?

## 7. PREVIOUS OFFENDING

Can you tell me about your experience of the criminal justice system?

*(Ensure the following questions are covered in the young person's narrative of the intervention of the criminal justice system)*

- How old were you when you first started getting into trouble?
- Why do you think you started to get into trouble?
- Have you previously:
  - Received a Garda caution Yes/No
  - Taken part in a Garda conference Yes/No
  - Been supervised by a Probation Officer Yes/No
  - Taken part in a Probation and Welfare Conference Yes/No
  - Been on Community Service Yes/No
  - Received a fine Yes/No
- Did any of these help you to reduce or stop offending?
- Have you ever been in custody before? How often?
- Can you tell me the names of the units or centres where you were detained?
- Did being in custody help you to reduce or stop offending?
- Did anyone help you stay out of trouble? If so, who, what did they do, was it useful and why was it useful/not useful?
- Do you think more could have been done to help you stay out of trouble? If yes, what could be done?

## 8. CRIMINAL JUSTICE REPRESENTATION AND THE CHILDREN COURT

How do you think your solicitor handled your case? Why?

Did you understand everything your solicitor was telling you? Why/Why not?

What do you think a solicitor is meant to do?

*(Probes: Information, advice, etc)*

Do you think they do this?

Did you understand everything the Judge said to you or about you in court?

Did you go to court by yourself or did someone go with you? Who/Why?

How do you think the court could be improved for young people?

## 9. BAIL

What do you think it means to be remanded on bail?

Did anyone ever explain to you what it means to be remanded on bail? Who?

How many times have you been remanded on bail?

On the last occasion, why were you on bail?

Did you have any conditions attached to your bail?

**If Yes:**

What were they?

- attend probation
- attend for alcohol treatment
- attend for drug treatment
- abstain from drugs
- curfew
- avoid certain places
- avoid certain people
- pay money

Did you understand the bail conditions?

Did anyone explain your bail conditions to you? Who?

Why do you think the Judge set those conditions?

What did you think would happen if you did not keep the conditions of your bail?

*(Probes: Taken into custody; nothing; told off by the Judge)*

Immediately after you left court, did you think you would keep your bail conditions (including not offending)? Why/Why not?

How difficult was it to keep to the conditions of your bail?

*(Probes: Avoiding public places, abstaining from alcohol, not offending)*

Did you meet the conditions of your bail on the last occasion? Why/Why not?

In the time you were remanded on bail on the last occasion, did you re-offend? Why/Why not?

**If Yes:**

Approximately how many times did you re-offend?

Do you think your bail conditions helped you to stay out of trouble? Why/Why not?

**10. SUPPORT ON BAIL**

Did anyone help you to meet the conditions of your bail?

**If Yes:**

Who helped you and how did they help you?

*(Probes: Family, teachers, youth workers, probation officer, social worker, other)*

Do you think there is anything (else) anyone could have done to help you stick to your bail conditions? Why?

Do you know of any people or groups who help young people like yourself?

**If Yes:**

Who are they?

- Did you use them? Why/Why not?
- What did you think of them?

What things do you think would help young people to avoid breaking their bail conditions and getting into trouble?

**11. GENERAL QUESTIONS**

Do you think you will stay out of trouble when you leave? Why/Why not?

What do you think might help you and other young people stay out of trouble?

What will make it harder for you to stay out of trouble?

What things do you think are needed in your area to help young people stay out of trouble?

Do you have any plans for the future? What would you like to be doing in 5 years' time?

If you were in charge of helping young people to stay out of trouble, what would you do?

Is there anything else you would like to say?

THANK YOU FOR YOUR TIME AND WILLINGNESS TO PARTICIPATE IN THIS INTERVIEW.

## Appendix 2: Interview Schedule – Parent/Guardian

### Interview Questions

Thank you for agreeing to take part in this interview. If you do not understand any of the questions, please let me know and I will explain the question to you. I also want to remind you that if any questions make you feel uncomfortable, you do not have to answer them and you are free to stop the interview at any time should you wish to do so.

#### 1. DEMOGRAPHICS

Where do you live? Place: \_\_\_\_\_ City/County: \_\_\_\_\_

What is your nationality? \_\_\_\_\_

Gender:  M  F

How many children do you have living with you? \_\_\_\_\_

Current status of youth:  Remand  Sentenced  Bail  Other (specify): \_\_\_\_\_

Do you live alone/with a partner/with other family members? \_\_\_\_\_

Please specify: \_\_\_\_\_

Are you:

Employed full-time

Employed part-time

In education/training

Unemployed

Disabled (on disability payment)

Work full-time in the home

Occupation: \_\_\_\_\_

#### 2. COMMUNITY

Is your child currently living with you? Was your child living with you prior to committal to custody?

**If Yes:**

Can you tell me about the area/place you are living?

*(Probes: Urban/rural; what is good/bad about the area/place; things to do for young people; young person's relationships with individuals/organisations in the area; availability of services for parents/guardians; usefulness of these services)*

**If No:**

Can you tell me about the area/place your son/daughter was/is living?

*(Probes: as above)*

Has your child always lived with you?

**If No:**

Who has your child lived with and what type of accommodation was s/he living in?

*(Probes: House; flat; residential care unit (open); residential care unit (secure); emergency care placement (e.g. Out-of-Hours Service); homeless hostel; on the streets; other)*

Where will your child live upon their release?

Before coming in here [detention school], what did your child normally do during the week?

*(Probes: Structured activities (e.g. school, Youthreach, training, employment, sport, leisure), creative and unstructured activities (e.g. hang out with friends, playing computer, watching TV, drinking alcohol, smoking cannabis)*

What did your child normally do at the weekends?

### 3. EDUCATION

How did your child get on at school?

*(Probes: What do/did they like/dislike about school; what do/did the teachers think of them; ever expelled or suspended; number of times expelled; reasons for suspensions and expulsions; number of times suspended; age of first suspension; age of first expulsion)*

Was your child attending school before coming to \_\_\_\_\_ [detention school]? Yes/No

**If Yes:**

How often did your child attend school?

- Do you think they will go back to school when they leave? Why/Why not?
- What things do you think would make it easier for them to go back to school when they are released?

**If No:**

How old were they when they left school?

- Why did they leave?
- Do you think there was anything that could be done to help them stay in school?  
*(Probes: Help with reading/writing; help with lessons, did you find the teachers helpful)*

Do/did you find it hard to motivate your son/daughter to attend school? Why?

How would you rate the support you and your child receive from the school? Why?

*(Probes: Are the teachers informative and non-judgemental; interested in your child)*

What supports/services do you think would assist your child to complete his/her education?

*(e.g. someone who kept you informed about your child's progress in school; special classes to assist your child; extra attention to help him/her with difficulties)*

### 4. TRAINING AND EMPLOYMENT

Was your child attending training/Youthreach/FÁS or employed before coming to \_\_\_\_\_?

**If training:**

Before coming to \_\_\_\_\_, how often did they attend their training programme?

- Do you think they will go back to the training programme when they leave \_\_\_\_\_?  
Why/Why not?
- Is there anything anyone can do to help them go back there on their release?

**If working:**

What do they do? Were they working full-time or part-time?

- Will they return to their job on release? Why/Why not?
- Is there anything anyone can do to help them go back to their job when they are released?

Do you find it difficult to motivate your son/daughter to attend training/employment?

What services/supports do you think might help encourage your child to attend training/employment?

*(e.g. having someone there to make sure s/he gets up)*

## 5. SOCIAL WORK/THERAPEUTIC INVOLVEMENT

Has your child ever seen a psychologist or anyone like that?

Have they ever had a social worker? Yes/No

### If Yes:

Did they have a social worker before they came into \_\_\_\_\_?

- Does their social worker have contact with them now?
- What type of contact? If no, what is the reason for this?

Has your child previously been in care? Yes/No

### If Yes:

Approximately how long were they in residential care (including secure care, open care and emergency care)?

- Have they ever left a residential care placement? Yes/No
- Where did they go when they left care?
- What was the worst thing about them leaving care?

## 6. CURRENT SITUATION

Do you think being in \_\_\_\_\_ will help your child to stay out of trouble on their release? Why/Why not?

Is there anything (else) you think \_\_\_\_\_ could do to help you and your child? What might this be?

Is there anything that you think is helpful/unhelpful about \_\_\_\_\_?

## 7. OFFENDING AND INVOLVEMENT IN CRIMINAL JUSTICE SYSTEM

Can you tell me about your child's experience of the criminal justice system?  
(please ensure the following questions are covered)

- How old was your child when s/he first started getting into trouble?
- Why do you think s/he started getting into trouble?
- Have they previously:
  - Received a Garda caution Yes/No
  - Taken part in a Garda conference Yes/No
  - Been supervised by a Probation Officer Yes/No
  - Taken part in a Probation and Welfare Conference Yes/No
  - Been on Community Service Yes/No
  - Received a fine Yes/No
- Did any of these help your child to reduce or stop offending?
- Has your child ever been in custody before? How often?
- Can you tell me the names of the units or centres where they were detained?
- Do you think being in custody helped them to reduce or stop offending?
- Does your child getting into trouble affect the rest of the family? How?
- Did anyone try and help you and your child? Who? Was it useful?
- Do you think more could have been done to help you and your child?

## 8. CRIMINAL JUSTICE REPRESENTATION AND THE CHILDREN COURT

How do you think the solicitor handled your child's case? Why?

Did you and your child understand everything the solicitor said? Why/Why not?

What do you think a solicitor is meant to do?

*(Probes: Information, advice, etc)*

Do you think they did this?

Did you and your child understand everything the Judge said in court?

Did your child go to court by his/herself or did someone go with them? Who/Why?

How do you think the court could be improved for young people and their families?

## 9. BAIL

What do you think it means to be remanded on bail?

Did anyone ever explain to you or your child what it means to be remanded on bail? Who?

How many times has your child been remanded on bail?

On the last occasion, why were they on bail?

Did they have any conditions attached to their bail?

### If Yes:

What were they?

- attend probation
- attend for alcohol treatment
- attend for drug treatment
- abstain from drugs
- curfew
- avoid certain places
- avoid certain people
- pay money

Did you and your child understand the bail conditions?

Did anyone explain the bail conditions to you? Who?

Why do you think the Judge set those conditions?

What did you and your child think would happen if they did not keep their bail conditions?

*(Probes: Taken into custody; nothing; told off by the Judge)*

Immediately after you left court, did you think your child would keep their bail conditions (including not offending)? Why/Why not?

How difficult was it for your child to keep their bail conditions?

*(Probes: Avoiding public places, abstaining from alcohol, not offending)*

Did they meet the conditions of their bail on the last occasion? Why/Why not?

Do you think their bail conditions helped them to stay out of trouble? Why/Why not?

## 10. SUPPORT ON BAIL

Did anyone help you or your child to meet the conditions of their bail?

### If Yes:

Who helped and how did they help you?

*(Probes: Family, teachers, youth workers, probation officer, social worker, other)*

Do you think there is anything (else) anyone could have done to help your child stick to their bail conditions? Why?

Do you know of any people or groups who help young people and their families?

### If Yes:

Who are they?

- Did you use them? Why/Why not?
- What did you think of them?

What things do you think would help young people to avoid breaking their bail conditions and getting into trouble?

Can you suggest any services/supports that you think might help families with children on bail? What? Why?

## 11. GENERAL QUESTIONS

Do you think your child will stay out of trouble when they leave \_\_\_\_\_? Why/Why not?

What do you think might help young people to stay out of trouble?

What do you think will make it harder for them to stay out of trouble?

What do you think parents and families need to help young people stay out of trouble?

What things do you think are needed in your community to help young people stay out of trouble?

If you were in charge of helping young people to stay out of trouble, what would you do?

Is there anything else you would like to say?

THANK YOU FOR YOUR TIME AND WILLINGNESS TO PARTICIPATE IN THIS INTERVIEW.

## Appendix 3: Interview Schedule – Professionals

### 1. BACKGROUND INFORMATION

Does your current role bring you into contact with children remanded on bail or remanded in custody?

- Remanded in custody     Yes     No
- Remanded on bail         Yes     No

### 2. SERVICE PROVISION TO ADDRESS UNDERLYING CAUSES OF YOUTH OFFENDING

In your opinion, what are the main problems facing children remanded on bail and/or remanded in custody?

*(Prompt only if required: Lack of appropriate care placement, homelessness, inconsistent parenting, lack of parental control/discipline, poor parental/family support, delinquent peers, lack of structured leisure activities, educational issues (truancy, exclusion, etc), unemployment, poverty, problems related to the use of alcohol, problems related to the use of drugs, mental health problems, behavioural problems, learning difficulties)*

How would you rate current service provision for children appearing before the courts on criminal matters in the following areas?

*(If working in the community, please base this on the provision of services available in your catchment area; if working in a court/custodial environment, please provide an overall view)*

- Family support services
- School/education support services/alternative educational support services
- Employment/training opportunities
- Residential care placements/foster care placements
- Drug treatment services/alcohol treatment services
- Psychological/counselling services/mental health services
- Legal representation for children
- Provision of structured leisure activities
- Mentoring programmes

What would you identify as the **five** most important services required for addressing the problems of children coming before the courts on criminal matters?

*(Prompt only if required: Family support services, school/education support services/alternative educational support services, employment/training opportunities, residential care placements/foster care placements, drug treatment services/alcohol treatment services, psychological/counselling services/mental health services, legal representation for children, provision of structured leisure activities, mentoring programmes)*

### 3. PREVENTING YOUTH OFFENDING: SERVICE AND SUPPORT NEEDS OF PARENTS

What do you consider to be the main support services required by parents to assist their child to stay out of trouble?

*(Prompt only if required: Parenting skills programmes, support services to assist parents with their own problems, support services to assist children with their problems, support services to assist the family (respite services, family mentoring, etc), provision of structured activities for children)*

How would you rate the availability of services and supports to assist the parents/guardians of children who offend?

*(If working in the community, please base this on the provision of services available in your catchment area; if working in a court/custodial environment, please provide an overall view)*

What do you consider to be the most common factors that prevent some parents from 'effectively' parenting their children?

*(Prompt only if required: Unwillingness to parent, inability to parent due to personal problems, lack of knowledge about parenting, environment/area child lives in, child's personal problems)*

#### 4. CHILDREN ON REMAND: BAIL SUPPORT NEEDS AND SERVICES

Do you think children understand what it means to be 'on bail'?

*(e.g. the importance of complying and the consequences of breaking bail conditions)*

In your opinion, what are the most common underlying reasons why children break the conditions of their bail?

What would you identify as the factors that place children most at risk of detention on remand?

*(Prompt only if required: History of breaking bail conditions; frequency of offending; seriousness of the offence; absence of appropriate State care placement; poor parental control)*

How would you rate the availability of services in your area to assist children appearing before the courts to support them on bail and/or avoid detention on remand?

The following services operate in other jurisdictions for young people who may be at risk of breaking their bail conditions or detention on remand. Please give your view on the need for, and appropriateness of, each service in an Irish context:

- **Bail Support Scheme:** This scheme is designed to reduce the unnecessary use of custody by providing intensive supervision and support to those who are likely to have their bail applications rejected.
- **Remand Foster Care:** This involves the placement of young people with foster carers for the period between court appearances.
- **Bail Hostels:** Individuals reside at an approved hostel, with 24-hour staff supervision as a condition of their bail.
- **Bail Information Scheme:** Bail officers gather and verify information that may assist the court in reaching a decision to grant bail and provide immediate assistance to address an obstacle to bail, such as homelessness/alternative address, etc.
- **Pre-trial Release Planning:** Youth court workers liaise with statutory and community agencies to expand opportunities for pre-trial release and to support the youth in the community prior to trial.
- **Bail Review on Custodial Remand:** Remand workers regularly review the cases of young people in detention on remand and work towards addressing the impediments to bail.

Overall, what would you identify as the most important things that need to be addressed to better meet the needs of children appearing before the courts?

#### 5. WORKING TOGETHER WITH CHILDREN ON REMAND: INTERAGENCY APPROACH

Does your work with children on remand (either on bail or detention on remand) involve contact with other agencies?

Overall, how well do you think interagency cooperation works in practice in meeting the needs of children coming before the courts?

Is there anything that you would identify as enhancing the effectiveness of interagency work in this area?

*(Prompt only if required: Increased statutory responsibility, greater emphasis on partnership)*

**6. YOUTH JUSTICE SYSTEM**

What do you consider to be the most positive developments towards improving the effectiveness of the youth justice system in recent years?

What would you identify as the main issues to be addressed in order to improve the effectiveness of the youth justice system?

*(Prompt only if required: Early intervention programmes, youth crime prevention strategy, improved coordination of services, increased interagency cooperation)*

Do you think the establishment of the Irish Youth Justice Service will address these issues?

THANK YOU FOR YOUR TIME AND WILLINGNESS TO PARTICIPATE IN THIS INTERVIEW.

## Appendix 4: Questionnaire for Professionals

The Office of the Minister for Children has commissioned the Dublin Institute of Technology to complete a study on the service and support needs of children remanded in custody or on bail in Ireland. We wish to provide a balanced and thorough account of these needs and, therefore, we would be very grateful for your cooperation in completing the following questionnaire.

**All information will be treated in the strictest of confidence.** Please return the questionnaire in the envelope provided no later than Friday, 1 June 2007.

### 1. BACKGROUND INFORMATION

Gender:  Male  Female

City/Town/County in which you are based: \_\_\_\_\_

Postcode (if applicable): \_\_\_\_\_

Occupation:

- Probation Officer     Juvenile Liaison Officer
- Social worker     Residential Care staff
- Solicitor     Children Detention School staff
- Judge     Youth worker
- Other (Teacher, Psychologist/Counsellor, Family Support worker, etc)  
Please specify: \_\_\_\_\_

Does your current role involve contact with children coming to the attention of the criminal justice system?

Yes     No

Does your current role bring you into contact with children remanded on bail or remanded in custody?

Remanded in custody     Yes     No

Remanded on bail     Yes     No

### 2. SERVICE PROVISION TO ADDRESS UNDERLYING CAUSES OF YOUTH OFFENDING

In your opinion, what are the main problems facing children remanded on bail and/or remanded in custody? (Rank from 1 to 15, with 1 being the most common problem)

| Problem                                      | Children remanded on bail | Children remanded in custody |
|--|---------------------------|------------------------------|
| Lack of appropriate care placement           |                           |                              |
| Homelessness                                 |                           |                              |
| Inconsistent parenting                       |                           |                              |
| Lack of parental control/discipline          |                           |                              |
| Poor parental/family support                 |                           |                              |
| Delinquent peers                             |                           |                              |
| Lack of structured leisure activities        |                           |                              |
| Educational issues (truancy, exclusion, etc) |                           |                              |
| Unemployment                                 |                           |                              |
| Poverty                                      |                           |                              |
| Problems related to the use of alcohol       |                           |                              |
| Problems related to the use of drugs         |                           |                              |
| Mental health problems                       |                           |                              |
| Behavioural problems                         |                           |                              |
| Learning difficulties                        |                           |                              |

Please list and describe other common problems experienced among this group:

---

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How would you rate current service provision for children appearing before the courts on criminal matters in the following areas?

*(If working in the community, please base this on the provision of services available in your catchment area; if working in a custodial environment, please provide an overall view)*

Family support services

Excellent  Good  Average  Below average  Poor  Don't know

School/education support services to retain children in school

Excellent  Good  Average  Below average  Poor  Don't know

Alternative educational support services

Excellent  Good  Average  Below average  Poor  Don't know

Employment/training opportunities

Excellent  Good  Average  Below average  Poor  Don't know

Residential care placements

Excellent  Good  Average  Below average  Poor  Don't know

Foster care placements

Excellent  Good  Average  Below average  Poor  Don't know

Drug treatment services

Excellent  Good  Average  Below average  Poor  Don't know

Alcohol treatment services

Excellent  Good  Average  Below average  Poor  Don't know

Psychological/counselling services

Excellent  Good  Average  Below average  Poor  Don't know

Mental health services

Excellent  Good  Average  Below average  Poor  Don't know

Legal representation for children

Excellent  Good  Average  Below average  Poor  Don't know

Provision of structured leisure activities

Excellent  Good  Average  Below average  Poor  Don't know

Mentoring programmes

Excellent  Good  Average  Below average  Poor  Don't know

Any further comments:

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What would you identify as the **five** most important services required for addressing the problems of children coming before the courts on criminal matters? (*List in order of importance: 1, 2, 3, 4, 5*)

- Family support services \_\_\_\_\_
- School/education support services \_\_\_\_\_
- Alternative educational support services \_\_\_\_\_
- Employment/training opportunities \_\_\_\_\_
- Residential care placements \_\_\_\_\_
- Foster care placements \_\_\_\_\_
- Drug treatment services \_\_\_\_\_
- Alcohol treatment services \_\_\_\_\_
- Psychological/counselling services \_\_\_\_\_
- Mental health services \_\_\_\_\_
- Legal representation for children \_\_\_\_\_
- Provision of structured leisure activities \_\_\_\_\_
- Mentoring programmes \_\_\_\_\_

**3. PREVENTING YOUTH OFFENDING: SERVICE AND SUPPORT NEEDS OF PARENTS**

What do you consider to be the main support services required by parents to assist their child to stay out of trouble? (*Rank from 1 to 5, with 1 being the most important*)

- Parenting skills programmes \_\_\_\_\_
- Support services to assist parents with their own problems \_\_\_\_\_
- Support services to assist children with their problems \_\_\_\_\_
- Support services to assist the family (respite services, family mentoring, etc) \_\_\_\_\_
- Provision of structured activities for children \_\_\_\_\_
- Other measures (*please specify*):

---



---

How would you rate the availability of services and supports to assist the parents/guardians of children who offend?

*(If working in the community, please base this on the provision of services available in your catchment area; if working in a custodial environment, please provide an overall view)*

Excellent  Good  Average  Below average  Poor  Don't know

Please list the types of services available for parents in your area.

---



---

What do you consider to be the most common factors that prevent some parents from 'effectively' parenting their children? (Rank from 1 to 5, with 1 being the most common)

- Unwillingness to parent \_\_\_\_\_
- Inability to parent due to personal problems \_\_\_\_\_
- Lack of knowledge about parenting \_\_\_\_\_
- Environment/area child lives in \_\_\_\_\_
- Child's personal problems \_\_\_\_\_
- Other factors you wish to mention (*please specify*):

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**4. CHILDREN ON REMAND: BAIL SUPPORT NEEDS AND SERVICES**

Do you think children understand what it means to be 'on bail'?

(*e.g. the importance of complying and the consequences of breaking bail conditions*)

Always  Sometimes  Rarely  Never

Any further comment: \_\_\_\_\_

In your opinion, what are the most common underlying reasons why children break the conditions of their bail? (Rank in order of importance, with 1 being the most important)

- Lack of stable accommodation \_\_\_\_\_
- No structured daily routine (education/training/employment) \_\_\_\_\_
- Delinquent peers \_\_\_\_\_
- Criminogenic environment \_\_\_\_\_
- Substance abuse problems \_\_\_\_\_
- Behavioural difficulties \_\_\_\_\_
- Lack of parental control/discipline \_\_\_\_\_
- Lack of parental/family support \_\_\_\_\_
- Do not understand the requirements of their bail conditions \_\_\_\_\_
- Do not understand the consequences of breaking their bail conditions \_\_\_\_\_

What would you identify as the factors that place children most at risk of detention on remand?

(*e.g. history of breaking bail conditions; frequency of offending; seriousness of the offence; absence of appropriate State care placement; poor parental control*)

Please comment: \_\_\_\_\_

---

How would you rate the availability of services in your area to assist children appearing before the courts to support them on bail and/or to avoid detention on remand?

Excellent  Good  Average  Below average  Poor  Don't know

Please list the types of services available in your area.

---

---

The following services operate in other jurisdictions for young people who may be at risk of breaking their bail conditions or detention on remand. Please give your view on the need for, and appropriateness of, each service in an Irish context:

- **Bail Support Scheme:** This scheme is designed to reduce the unnecessary use of custody by providing intensive supervision and support to those who are likely to have their bail applications rejected.

---

- **Remand Foster Care:** This involves the placement of young people with foster carers for the period between court appearances.

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- **Bail Hostels:** Individuals reside at an approved hostel, with 24-hour staff supervision as a condition of their bail.

---

- **Bail Information Scheme:** Bail officers gather and verify information that may assist the court in reaching a decision to grant bail and provide immediate assistance to address an obstacle to bail, such as homelessness/alternative address, etc.

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- **Pre-trial Release Planning:** Youth court workers liaise with statutory and community agencies to expand opportunities for pre-trial release and to support the youth in the community prior to trial.

---

- **Bail Review on Custodial Remand:** Remand workers regularly review the cases of young people in detention on remand and work towards addressing the impediments to bail.

Overall, what would you identify as the most important things that need to be addressed to better meet the needs of children appearing before the courts?

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## 5. WORKING TOGETHER WITH CHILDREN ON REMAND: INTERAGENCY APPROACH

Does your work with children on remand (either on bail or remanded in custody) involve contact with other agencies?

Always       Sometimes       Rarely       Never       Not applicable

If yes, what agencies would most commonly be involved? (*Rank in order of frequency, with 1 being the agency most commonly used*)

- |  |   |
|--|---|
| <input type="checkbox"/> Gardaí (Juvenile Diversion Programme)       | <input type="checkbox"/> Education Welfare/Home School Liaison    |
| <input type="checkbox"/> Garda Youth Diversion Projects              | <input type="checkbox"/> Mental Health Services                   |
| <input type="checkbox"/> Legal representatives                       | <input type="checkbox"/> Drug Treatment Services                  |
| <input type="checkbox"/> Probation Service                           | <input type="checkbox"/> Alcohol Treatment Services               |
| <input type="checkbox"/> Health Service Executive (Community Care)   | <input type="checkbox"/> Youthreach/FÁS                           |
| <input type="checkbox"/> Health Service Executive (Residential Care) | <input type="checkbox"/> Family Support Services                  |
| <input type="checkbox"/> High Support Unit (e.g. Ballydowd)          | <input type="checkbox"/> Psychology/counselling service           |
| <input type="checkbox"/> Children Detention Schools                  | <input type="checkbox"/> Youth projects ( <i>please specify</i> ) |
| <input type="checkbox"/> Other ( <i>please specify</i> )             |   |
- 
-

Young people on remand

Taking the top **three** agencies that you have identified above, please rate your level of overall satisfaction with the service delivered by each, in terms of meeting the needs of the child and/or family. (1= very satisfied; 5 = very dissatisfied)

Name: \_\_\_\_\_  
1                      2                      3                      4                      5

Please explain: \_\_\_\_\_  
\_\_\_\_\_

Name: \_\_\_\_\_  
1                      2                      3                      4                      5

Please explain: \_\_\_\_\_  
\_\_\_\_\_

Name: \_\_\_\_\_  
1                      2                      3                      4                      5

Please explain: \_\_\_\_\_  
\_\_\_\_\_

**6. YOUTH JUSTICE SYSTEM**

What do you consider to be the most positive developments towards improving the effectiveness of the youth justice system in recent years?

\_\_\_\_\_  
\_\_\_\_\_

What would you identify as the main issues to be addressed in order to improve the effectiveness of the youth justice system?

*(e.g. early intervention programmes; youth crime prevention strategy; improved coordination of services; increased interagency cooperation)*

\_\_\_\_\_  
\_\_\_\_\_

Do you think the establishment of the Irish Youth Justice Service will address these issues?

Yes  No

Please explain: \_\_\_\_\_  
\_\_\_\_\_

Please include any other comments you may have about the support and service needs of children on remand and/or recommendations for improvement or change within the system.

\_\_\_\_\_  
\_\_\_\_\_

THANK YOU FOR TAKING THE TIME TO COMPLETE THIS QUESTIONNAIRE.

## Appendix 5: Consent Letter – Young Person

Dear Participant,

The Centre for Social and Educational Research is carrying out a study on the needs of young people on remand in Ireland. As part of this study, we would like to hear about your experiences while on remand and the services and supports available to you.

If you decide to take part in the study, you will be asked a number of questions about your experiences with the court, social workers, solicitors, probation officers, youth workers, Gardaí and other services.

With your permission, your responses will be tape-recorded. Only the researchers will have access to the tapes and what you say will remain confidential unless you tell us: you are thinking of harming yourself; harming someone else; someone else has harmed you; escaping; or if you give us detailed information about serious crimes which the Gardaí do not know about.

If at any time you feel uncomfortable answering a question, you can refuse to answer the question or you can stop the interview.

It is your decision whether or not you wish to take part in the study. No extra privileges will be given for taking part and none will be withheld from you if you decide not to take part.

If you have any further questions about the study, please feel free to ask the researcher.

I understand the information contained in this letter.

Name: \_\_\_\_\_

Date: \_\_\_\_\_

I am willing/not willing to take part in this study.

Name: \_\_\_\_\_ Date: \_\_\_\_\_

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## Appendix 6: Consent Letter – Parent/Guardian

Dear Parent/Guardian,

The Centre for Social and Educational Research is carrying out a study on the support and service needs of young people on remand in Ireland. As part of this study, we would like to talk to young people to get their thoughts, opinions and experiences of remand, as well as the services available to them and what they would like to see changed. By listening to the experiences of young people, it is hoped that we can offer ways of improving the services and supports available to young people on remand and their families.

With your permission, we would like to ask your child if they would be interested in taking part in the study. If you are happy for us to approach your child, we would greatly appreciate if you could sign the attached permission slip and return it to us in the envelope provided. Alternatively, if you have any questions or would like to discuss the study further, please feel free to contact us (*details below*).

Yours sincerely,

---

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