

## JUVENILE OFFENDERS: AN IRISH CHILD AND YOUTH CARE PERSPECTIVE

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*ABSTRACT: International research has shown that the years 16 to 18 are the peak years for criminal offending and that nearly half of all crime is committed by teenagers. An estimated 38 percent of all crime in Ireland is committed by juveniles, ages 14 to 17. This paper views a specific population within the Irish social care system generally designated as male 'juvenile offenders'. It provides some background demographic statistics and notes the public perception is that crime by young persons is not only on the increase, but is more serious than ever before (Pearson, 1983), a view reflected by the Irish Government. The body of the paper draws from our collective experience in child and youth care and examines some key areas residential care management staff need to consider with regard to young offenders leaving care. Effective program development for youth leaving care for independent living is now considered crucial to potential success and permeates all good practice.*

*KEY WORDS: group care; care planning; aftercare; keyworker; partnership approach.*

Ireland was, for centuries, one of the highly traditional agrarian, poorer, underdeveloped, small countries of Europe but this has changed radically over the past couple of decades. For more than a century and a half, we experienced constant out-migration. When we joined the European Union (EU) in the mid-1980s things started to get better, and we became less insular as a people in every respect. We now have a booming high-tech sector, the return of thousands of our citizens who could not locate work at home, tens of thousands of migrant workers from the new Europe, and a youthful population recently coined as the 'expectocracy' (McWilliams, 2005). Our unemployment remains low in a European context (some 4.1%). Yet, crime has become a major problem in this State. The most recent figures are telling, with 54 murders in 2005.

More and more we see younger people involved in serious crime, and yet the Irish juvenile justice system quite rightly attempts to combine both welfare and justice ideologies in responding to the needs, rights, and characteristics of juvenile offenders (Charles, McElwee, & McKenna, 2005; McVerry, 1985; Osborough, 1975; O'Sullivan, 1996). What are the success rates, then, for our young offenders? What type of planning is done with them whilst they are in care? How can we design program plans that work in terms of preparation for independent living? It is difficult enough for young people to make a successful transition from their homes of origin to the outside world, but how much more onerous must it be if one has, to borrow a term from pulp crime novels, a 'delinquent jacket' a couple of inches deep?<sup>1</sup>

### THE RESEARCH WELL DOES NOT RUN DEEP

There is a relatively small body of research and analytic work on juvenile delinquency and the operation of the juvenile justice system in Ireland (O'Mahoney, Cullen, O'Hora, et al., 1984; O'Malley, 1995). However, large scale, longitudinal research projects in other countries have established fairly conclusively that parental neglect or rejection, lack of discipline or inconsistent discipline, adult modeling of criminal behaviours, and advocacy of anti-social attitudes, peer pressure, school failure, and material want and boredom, can all play an important role in promoting juvenile delinquency and should be regarded as significant risk factors. The international literature also indicates that many teenagers from all sorts of backgrounds experiment with minor delinquent behaviour, including crimes of dishonesty, aggression, and vandalism (McElwee, 1996; O'Connor, 1998). Some adolescents cease their delinquent behaviours and some continue with it.

#### *Gender and Youthful Offenders*

The issue of gender and young offenders is an interesting one. We have a saying in Ireland that 'a rising tide lifts all boats', but that is not our experience of the terrain that many young Irish males are born into and have to make sense of (McElwee, 1996). For a high percentage of these children and youth, the tide comes nowhere near their proverbial boat-houses. A central question asked by criminologists and sociologists is why do young people offend, and how might one explain the marked differences between male and female patterns of criminality?

We know from available statistics that boys offend more than girls and their crimes against the person are usually more violent. More males than females, for example, consume illicit substances (McElwee & Monaghan, 2005)<sup>2</sup>. One is much more likely to go to prison if one is male; in fact, the number of male prisoners in custody in Ireland is 40 times the corresponding female rate (Irish Prison Service Report, 2002). Men's

<sup>1</sup> Appreciation here to Michael Connolly for his Detective Harry Bosch character and the many observations of life.

<sup>2</sup> One of the high profile anti-drugs laws was the provision in the 2000 Criminal Justice Act which stipulated a minimum sentence of 10 years imprisonment for any person caught in possession of drugs worth over £10,000.

fascination and respect for violence is often tied with proving their manhood, and there are so many confused and confusing images of what it is to be male, it should be of little surprise that some young men simply get lost on their journeys (McElwee, Jackson, McKenna, & Cameron, 2003).

It is worth remembering the individual and familial profiles of children and youth in care where adult males in their lives have been variously absent, authoritative, criminal, neglectful, have significant mental health problems, and can be violent. Irish men die, on average, six years younger than women (particularly pronounced in the areas of road traffic accidents and suicides). In recent years, 4 to 5 times more males than females died by suicide.

Some young men we have interviewed over the years say that they get involved in young offending because they are bored, it binds them with their peers, their older siblings (and/or parents) were involved in crime, they don't want to work in a formal environment, they feel marginalised from society, and they know of no other path in life. It is hard to imagine this if one has attended secondary/high school, one has studied for years at university and deferred one's gratification. There is little doubt in our minds that a very real sense of 'them' and 'us' exists.

### **APPROACHES TO DEALING WITH JUVENILE OFFENDERS WHO LEAVE CARE ENVIRONMENTS**

Armed with some understanding of juvenile offending and the extents of the offending, let us begin to address the question of 'What works when young people leave care environments?' Of course, asking "What works" is really a 'sound byte' type question favoured by politicians. There is much literature advocating the stance that 'nothing works' (Martinson, 1974). However, it is also argued that the evaluation of effectiveness involves factors other than recidivism (MacDonald, 1993). Interestingly, where controlled studies have been undertaken of correctional services, between 40 per cent and 80 per cent have reported some evidence of positive effect of service, in terms of re-offending, at least to a mild degree (Lipsey, 1989; Palmer, 1992).

### **CARE PROGRAMMES--ST. XAVIER'S BOYS HOME: A CASE STUDY**

We outline below a path through the 'care programs' that are offered to youngsters in the care of St. Xavier's Boys Home (we base this discussion on a real environment where we have worked in, or with, in various capacities) but have changed some names and details to preserve anonymity). We should state at this stage that we subscribe to the school of thought that argues that 'prevention is better than cure' and, all things being equal, it would be preferable if it were possible for St. Xavier's to deal exclusively with young offenders who are exhibiting challenging

behaviour and those that are marginalised in our society. Unfortunately, as with many such youth settings throughout the western world, this is not the case<sup>3</sup>.

St. Xavier's accepts young lads between the ages of twelve and sixteen years on admission. All of the boys are sentenced by the Irish Law Courts for a minimum period of two years. This has the effect of producing an average age profile of sixteen to seventeen years. In terms of addressing the question of 'what works with who' in the context of juvenile offenders in a custodial setting, it must be understood that St. Xavier's deals with the older end of the juvenile care system. Because St. Xavier's is designated as 'open', that is, without high walls and security staff, security is achieved through a combination of physical and human resources (Stewart & Tutt, 1987).

### *Designing Care Programs: Planning for Leaving Care*

As stated earlier, the causes of juvenile delinquency are multi-faceted and so too is the approach to dealing with these youngsters. We believe that care programs should be designed to reflect a 'partnership' element between the care giver and the service user. This aspect affirms attitudes of empowerment, choice, rights, respect, and relationships, rather than authority, powerlessness, punishment, and subordination. Care programs in St. Xavier's have four dimensions which seek to affirm the premise that the boys (service users) have needs in the Centre and outside of the Centre, and that success is not possible if we concentrate **only** on what goes on **in** the Centre.

Care programs should be designed to bring about a change in the lives of the youngsters in care. These care programs work by (a) identifying needs, (b) meeting those needs, (c) the teaching of skills, that is, social, emotional, practical, (d) changing attitudes (cognitive and moral development) which in turn facilitates, (e) changes in behaviour, that is, offending. Four dimensions of care plans are:

- Primary Care (teeth, clothes, food, shelter etc.).
- The Living Environment (behaviour, aggression, coping in the peer group etc.).
- Personal Development (social skills, education, personal issues, anger control, self-esteem, offending behaviour issues--this is the area of counselling and therapy).
- Outreach (home leave, trips out of the centre, work programmes, community links and aftercare) (Wall, 1997).

It will not come as any great surprise for us to state that almost all of the youngsters referred to centres like St. Xavier's have low self-esteem. It therefore appears that this provides us with an appropriate opportunity to begin the rehabilitative process. How can one expect a juvenile to have respect for property or for the feelings of others if that juvenile does not have respect for himself?

<sup>3</sup> In this section, we draw from our experiences from direct youth care provision and from the teaching and research world.

We suggest that one can increase the self-esteem or self-opinion of the youngsters by participation in a series of individually designed programs and by encouraging positive relationships with the adults in their environment. Such individual programs should be centred on areas such as offending behaviour, social skills, substance and alcohol misuse, sexuality, family, specifically focused counselling, and psychological and/or psychiatric treatment/therapy where deemed necessary (see McElwee & Monaghan, 2005).

Group work and individual work can both be used. All of the boys could attend an education program. It is our experience that with such centres, almost all of the pupils tend to sit the Junior Certificate. For many young lads, obtaining pass grades or better is a magnificent achievement. It is not unusual that they would be the first members of their families to gain a state certificate in an examination--albeit at foundation level.

Workplace skills is an area that is also very important to these youngsters if they are to take their place as productive members of society. To this end, a number of the classes should be practical such as woodwork, home economics, art/crafts, computers, horticulture, and so forth. Depending on the individual interests of the youth, one might tailor programs such as building construction classes, motorcar and motorcycle mechanics classes, and an expanded horticultural class.

### *The Transition from Care*

Of great significance in the continuum of rehabilitative intervention is the final aspect of the program--aftercare. While these youngsters are resident in St Xavier's, they enjoy the benefit of the supportive environment and the staff response. However, when they leave the Centre they are, perhaps, at their most vulnerable. They no longer live in an environment where they are cosseted from temptation, from crime, and from themselves. In an effort to address these vulnerabilities, St Xavier's has devised an aftercare program for its youngsters that is planned following the first case conference after admission. If the young person has a viable home (based on social work reports, probation reports, psychological and/or psychiatric assessments) then work begins to return the youngster to his family. If the home situation is not viable, and this is the case for a minority of young people in St Xavier's, then an alternative must be provided. In any case, planning for leaving begins at this stage.

For young persons for whom home is a viable place for them to return to, the keyworker commences the process by establishing a trusting relationship with the parents and siblings. Initially, the keyworker invites the family to St Xavier's and is open and forthright about the responsibilities that the Centre places on the family in respect of engaging in the rehabilitation of their son/sibling.

The aftercare program commences with the keyworker establishing a relationship with the family--gaining their trust and confidence. In most

circumstances, the young person will be eligible to avail of a supervised visit home--ideally with a specific purpose such as helping with gardening and so forth. Assuming that all goes well at this stage, the home-leave progresses to an unsupervised home visit (the young person being dropped home and then picked up some hours later). These unsupervised home visits then progress to overnight stays and eventually to weekends at home.

As may be readily appreciated, it is unusual for a young person to progress through these stages without incident. When a young person 'defaults' in some ways he must revert to the previous stage of the home leave program and re-establish the trust. This may take some time. In essence, our experience is that it takes about twelve months before a young person is at the stage whereby he is able to go home each weekend and return without incident.

During these weekends home staff in St Xavier's have found that young people are vulnerable. To address this vulnerability the young person is expected to join a youth club or organisation whereby he can be engaged in a positive use of his leisure time. Links with the local Youth and Community Officer are established and significant efforts are made for the young person to gain a sense of belonging. Also, efforts are made to link the young person into education, training course, or work in his local area. One of these needs to be in place before the subject of return to home can be tabled at case conference.

Once the young person has reached the stage whereby he has reached all of the 'milestones' in St Xavier's and is successfully engaged in his home leave program, he may be 'released on licence' to the care of his parents (or guardian). During this 'licence' period the keyworker will continue to visit on a weekly basis (sometimes unannounced) and offer support. On the expiration of the licence period (usually coinciding with the expiration of the original sentence period), St Xavier's legal responsibilities cease. However, the moral responsibilities ensure that support is offered for as long as the young person requires it.

For the young person where home is not a viable objective to return to, the focus on their aftercare is on placement in Loyola house. Loyola is a large house in the city centre. It has four self-contained apartments. Each apartment is independent with its own kitchen/livingroom, bathroom, and bedroom. Electricity is on a card meter and likewise the cable TV. Two staff are on duty at all times. Their role is to teach independent living skills (budgeting, cooking, constructive use of leisure time etc). Also, the staff are present to enforce the rules such as 'no drugs', 'no unapproved visitors', and so forth. The staff there are competent in assisting the young people to avail of their social welfare entitlements and health service entitlements. Youngsters must be in full-time education, a training scheme, or in full-time employment in order to be accepted into Loyola. Whilst resident, if they lose their place in education/work scheme or

employment, their placement is placed in jeopardy. When this occurs, an alternative is usually found and loss of placement for this reason is rare.

Youngsters are placed in Loyola at about eighteen months into their two year sentence in St Xavier's. This allows for roughly six months for each youngster to 'settle in'. Should the placement break down (and this will become evident in the early stages) the young person can be returned to St Xavier's to complete his sentence. However, breakdown is extremely rare and the placement continues, on a voluntary basis after the expiration of the committal order.

Finally, the Loyola staff work with the young person to source a more permanent accommodation in the private rented sector once he has completed the 'tenancy sustainment' program. This program has a duration of roughly eighteen months.

Once the young person has left Loyola and is living in his private apartment, the outreach staff of Loyola visit on a weekly basis for the first three months and then periodically as required. It must be understood that the young person is now approximately three years older than when he arrived in St Xavier's.

### *Continued Re-offending: An Ecological View*

Our St. Xavier's offers a comprehensive service in small group living situations (maximum of 10 boys per house) for juvenile offenders in a pleasant rural setting. Why then do some of the boys re-offend? Why do some of them offend whilst in St. Xavier's, whilst on home leave, or even immediately on discharge?

Of course there is no one comprehensive answer. However, and we note that this may be an unpopular observation, it would appear that at least part of the answer to the question of recidivism may rest with the parents. An integral part of any care program (with elements of rehabilitation), especially in the case of children and young people, must include a well-structured and well-supported home leave program. In St. Xavier's, this home leave program begins with a supervised home visit (supervised by the boy's key-worker). It then progresses to a 'dropped at home and picked up' day visit, dropped at home and picked up overnight visit and finally progressing to a weekend home leave schedule towards the end of the youngster's time with us.

Many years ago it was discovered that while some parents made 'appropriate comments' to staff and to their children whilst on visits to St. Xavier's, and indeed when staff visited them in their homes, once the staff were not around, some parents colluded with their children, ignored their children, or were deeply fearful of their children (because of histories of violence and/or substance misuse). In order to address this difficulty all parents are actively encouraged to attend a parenting group (which we call 'Parent R Us'). This group meeting takes place on a monthly basis in

a city centre location. It is run jointly by the Probation and Welfare Service and the keyworkers. Amongst the topics covered in this group are 'positive parenting skills', 'how to say 'no' to your child', 'drug education', 'budgetary skills', 'social welfare services', 'relationships', and 'health and hygiene'. The importance of the parenting group cannot be overstated.

Other factors which may negatively affect the developmental progress of the young person whilst in custody can vary from living within a hostile group, (incidentally, not always the case) to opportunistic absconding, to fear of bullying or intimidation, to degree of maturity of the youngster. Where the human element is involved accurate predictions should be avoided!

So are we wasting our time and a lot of our taxpayers' money in the process? Certainly one could argue that, in short-term gains, it would appear that any changes in the behaviours/characters of the youngsters are minor and, possibly, short-lived. We take the opposite view; we feel that success cannot be measured in short-term gains. It is the synergy created by the experience of spending two years in St. Xavier's that will, we hope, equip the youngster to deal with the difficulties that he will surely face later in life--as he attempts independent living. These youngsters are still developing and are impressionable, and our experience is that they are often not yet capable of taking charge of all aspects of their own lives as young adults. We, therefore, teach them skills to empower them to deal with the challenges that they will face in the future.

Unfortunately, it may be two or three years after they have left St. Xavier's that they begin to examine their lives, as mature young adults. It is this maturation process that is so important in determining success. Because they will have been equipped with skills such as education, social skills, employment skills, relationship building skills, and so forth, we hope that they are more likely to make the 'right' choices.

Unfortunately, some of our youth are in prison, some are chronic drug addicts, many are unemployed. Our experience leads us to conclude that a major factor contributing to this situation is the fact that we get to work with these children when they have committed serious crimes, when they are approximately fifteen years of age, when they are out of control of their families, when they are distrustful of adults, and when society has labelled them as failures. To use medical terminology 'it would appear that we are treating the symptoms while the disease remains unaffected'.

### *Targeting the Community*

We firmly believe that we should be tackling the problem of juvenile offending where it begins--in the community. The early warning signs are there. Absentee parents, one of the parents and/or siblings in prison, drug dependency in the home situation, truancy from school, contact with the Juvenile Liaison Scheme.



Secondly, this community-based approach to tackling juvenile delinquency is a long-term approach. It does not offer a 'quick fix' and therefore there are very few votes for politicians to gain from implementing such a long-term strategy. However, the Irish Government has appointed a Minister of State at the Department of Health with responsibility for children. This was a most welcome appointment. The government has made it clear that while it will increase the capacity of the Children Detention Centres to enable them to accept all referrals (which could be termed 'widening the net but thinning the mesh'), it has stated that it will fully support community-based initiatives designed to avoid youngsters getting involved in crime.

We would envisage a Community Centre building as a vital component. This building should become the focal point of the community and must be situated in the heart of the disadvantaged area. This Community Centre must have adequate facilities in terms of space and in terms of equipment. It must be capable of being used by young people (youth club). It must be capable of storing equipment, for example, gardening tools for helping the elderly to tend their gardens. It must have a crèche facility where mothers can leave their children under supervision while they attend parenting classes, educational classes, or even attend 'coffee mornings' in an effort to build community spirit. This Community Centre must be provided with an adequate number of trained Youth and Community Workers who can help the community.

Once the community has regained its sense of identity then a sense of pride will ensue. It is this sense of pride that will sustain a community and will ensure that when its children are hovering on the edge of involvement in offending behaviour, the community will do all it can to turn that child away from a life of crime.

## CONCLUSION

Termination is not just an ending; it is a critical, distinct phase of any treatment process (McKenna, 1996; Wolberg, 1997). Once a youngster has a 'delinquent jacket' a couple of inches deep, it becomes extremely difficult to lose the label of serious or repeat offender (Corrado, Bala, Linden, & Le Blanc, 1992). Simply put, their survival chances are cut in terms of 'making it on the outside' in a nine-to-five world that is made for conformity, not deviance. Our young men need to know that there are adults in the community to whom they can relate, from whom they can learn, and by whom they can be accepted and admired. One such place where this occurs is St. Xavier's Boys Home where boys can come and be safe for, at least, a designated time in their lives. For some of these boys, this may well be the first such time they experience security and consistency. Structured care plans, devised at the beginning of their stay, and revised on a continued basis, are essential if we are to equip these boys for their transition from care.

## Endnotes

1. The official source of crime data in the Republic of Ireland is the Annual Report of the Garda Síochána (Irish police). These statistics are inevitably incomplete due to all crimes not being reported to and recorded by the police. Data on juvenile crime are available from the main records of crime held by the Garda Síochána and also from data on referrals to the National Juvenile Office, both of which are published in the Annual Report of the Garda Síochána.
2. The vast majority of headline (indictable) offences involving juveniles relate to crimes of larceny and burglary with only a minute proportion involving offences against the person. The most common non-headline (non-indictable) offences recorded against juveniles are criminal damage, public order, unauthorised taking/interference with vehicles, and traffic-related offences.
3. The Children Act is framed on the generally accepted belief that the use of custody for children should be an option of last resort. It therefore places a strong emphasis on community interventions as a means to prevent offending and reoffending (Irish Times, 31.3, 2004).
4. Parents or guardians are obliged to be present at all court appearances relating to the child under the Children Act (2001). They are required to attend and participate, if required, in all stages of court proceedings against the child for an offence 2 relating to a family conference in respect of the child or relating to the failure of a child to comply with a community sanction. The court has the power to adjourn proceedings and issue a warrant for the arrest of the parents or guardian who fail to attend the court 'without reasonable excuse'. Furthermore, their failure to attend is treated as if it were a contempt in the face of the court.
5. Children aged 15 years and younger are detained in Children Detention Schools which are the responsibility of the Department of Education and Science. The purpose of Children Detention Schools is to provide education and training facilities for children as well as providing for their physical, psychological, and emotional well-being.
6. The Garda and the courts say that a hard core of young offenders is responsible for a large proportion of youth crime and that the lack of spaces in secure accommodation means many of the cases are struck out and offenders are released to continue reoffending. Gardai believe many of these young people go on to become adult offenders (Irish Times, 31.3, 2004).

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