

## The Language of Youth Justice

Oberstown Children Detention Campus<sup>1</sup> provides a safe and secure environment for young people sent to the Campus by the courts. The legislative responsibility of Oberstown is to provide young people with education and programmes in order to address and change offending behaviour so that they can contribute positively to their families and communities.

Youth justice and the best way to deal with young people in conflict with the law has long been a controversial topic of public debate. However, the public's perception of young offenders does not tally with reality, and this is in no small way related to the media coverage of youth crime. This is not a new phenomenon – nor is it unique to Ireland.<sup>2</sup> At its more powerful, public opinion can influence politics and ultimately policy, and therefore responsible media should ensure they portray a fair and balanced picture of young offenders and related issues. This however is not always the case, and misleading reporting can lead to public and political outrage.

Challenging stereotypical reporting and stigmatising language<sup>3</sup> is important because discrepancies between public perceptions and statistical fact means that the public is likely misinformed about youth crime. Among the detrimental effects of false public perceptions of youth crime are “public intolerance, unnecessary legislation changes and inappropriate programming choices for young offenders.”<sup>4</sup> A public better informed about youth crime will better understand and appreciate Ireland's policy approach to young offenders.

It is also vital that young people who, under law are entitled to their privacy<sup>5</sup> and to have their records expunged<sup>6</sup>, are not stigmatised or labelled through their involvement with the youth justice system.

This is not to suggest that the media should not report on young offenders, but in doing so impartial and accurate language should be used. Up-to-date data and statistics reflecting the numbers of young people in detention should also be cited where appropriate.

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<sup>1</sup> In June 2016 a single Oberstown campus was established, bringing together three children detention schools – Trinity House, Oberstown Boys' School and Oberstown Girls' School.

<sup>2</sup> See Halsey, K. and White, R, Young People, Crime and Public Perceptions: a Review of the Literature, LGA Research Report 2008. Available at: <https://www.nfer.ac.uk/publications/LYC01/LYC01.pdf>.

See also: Weatherburn, D & Indemaur, D, 'Public perceptions of crime trends in New South Wales and Western Australia', (2004) No. 80, *Crime and Justice Bulletin*, p.1; Parliament of Victoria, Drugs and Crime Prevention Committee, (2009), at 6. See also: The John Howard Society of Canada, Youth Crime In Canada: Public Perception Vs. Statistical Information.

<sup>3</sup> Young people are often portrayed as stereotypical 'thugs' or 'jobs'; there is little critical analysis of figures or trends, and the media will rarely cite that detention rates for young people are dropping.

<sup>4</sup> The John Howard Society of Canada, Youth Crime In Canada: Public Perception Vs. Statistical Information.

<sup>5</sup> S 93 Children Act, 2001.

<sup>6</sup> Section 258 of the Children Act 2001 provides that offences committed by those under eighteen years of age can be expunged from the record once certain conditions are met.

## Quick facts

Some factors to take into consideration when reporting on young offenders:

- Oberstown should not be referred to as a prison but a children detention school.
- Young people in detention should not be referred to as inmates or prisoners, but young offenders, or just young people.
- Oberstown is the country's only facility for young offenders under the age of 18.
- The detention of young people is a measure of last resort in Ireland, therefore those who end up in detention are the most challenging young people.
- A large percentage of young people in detention have been in the care of the State at some point prior to detention.<sup>7</sup>
- Research has shown significant detrimental effects resulting from young people being labelled as 'delinquent' or 'criminal'<sup>8</sup>.
- There are biological, psychological and social reasons why young people are different to adults in that they are more susceptible to peer influence due to their stage of mental and emotional development.<sup>9</sup>
- The number of young people in detention has been falling over the past number of years. In 2012, there were 218 admissions of young people to Oberstown; in 2013, there were 191 admissions; in 2014 there were 198, and in 2015 there were 174 admissions.<sup>10</sup>
- Most young people 'grow out' of offending and do not graduate to career criminals as is often portrayed in the media.<sup>11</sup>

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<sup>7</sup> IYJS, Children in Care in Detention, 2012. A report by the IYJS in 2012 found that 60 percent of young people detained in 2011 were active social work cases. Forty four of the 122 young people detained in 2011 were in HSE care at the time they were placed in detention (36 percent). A further 31 young people had allocated social workers (25 percent).

<sup>8</sup> United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), UN Doc A/RES/40/33 (1985), r 8 commentary.

<sup>9</sup> S Schad, *Adolescent Decision Making: Reduced Culpability in the Criminal Justice System and Recognition of Capability in Other Legal Contexts*, 14 J. Health Care L. & Pol'y 375 (2011).

The Research Network on Adolescent Development and Juvenile Justice, Issue Brief 3, Less Guilty by Reason of Adolescence. Available at: [http://www.adjj.org/downloads/6093issue\\_brief\\_3.pdf](http://www.adjj.org/downloads/6093issue_brief_3.pdf).

<sup>10</sup> See the Oberstown annual reports 2012-2016, available at oberstown.com. The data refers to admissions rather than individual young people.

<sup>11</sup> Fagan A & Western J 2005. Escalation and deceleration of offending behaviours from adolescence to early adulthood. *Australian and New Zealand Journal of Criminology* 38(1): 59-76.

Farrington D 1986. Age and crime, in Tonry M & Morris N (eds), *Crime and justice: An annual review of research*. Chicago: University of Chicago Press: 189-250.

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