

Submission to the Commission on the future of Policing in Ireland

By

**Oberstown
Children Detention Campus**

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Introduction

This submission by Oberstown Children Detention Campus aims to inform the Commission on the Future of Policing in Ireland on areas of reform within An Garda Síochána in order to ensure the most suitable delivery of services to young people in contact with the Oberstown Children Detention Campus.

The Oberstown Children Detention Campus (Oberstown) provides detention facilities for children who are subject to a remand or sentence order by the courts. The aim of Oberstown is to provide care and education to young people, returning them to the community, capable of making a positive and productive contribution to society. The Minister for Children and Youth Affairs has overall control and legal responsibility for the children detention schools under Part 10 of the Children Act 2001 and the operation of Oberstown is grounded in Part 10 of the Act.

Oberstown is a State body grounded in legislation, which sets out requirements, which must be addressed in its management and operation. The Children Act 2001 requires the Minister to appoint a Board of Management for Oberstown. The Board is tasked with the management of Oberstown subject to criteria and policy laid down by the Minister under s 158 of the Children Act 2001. The Director of Oberstown is mandated by the Children Act 2001. He is responsible for the immediate control and supervision of Oberstown on a day-to-day basis and acts in *loco parentis* to each child in custody.

This submission sets out the profile of the young people placed on the campus through the courts. As part of the development of the Oberstown campus since 2014, we have identified three core issues worthy of the consideration of the Policing Commission:

1. Emergency Response to Oberstown from An Garda Síochána;
2. Injuries to young people while in custody of An Garda Síochána;
3. Risks while in custody of An Garda Síochána.

Oberstown and An Garda Síochána

In 2017, there were 135 young people placed in Oberstown by the courts either on remand orders or on committal orders. These young people, mainly male, ranged in ages from 13 to 18 years old. We had 74 young people admitted for the first time on remand orders, with two young people placed directly on the campus for the first time on detention orders.

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During 2017, there were in excess of 700 court appearances by these young people while in Oberstown. As An Garda Síochána has the legal responsibility to present young people on remand orders to court, 481 of these appearances were facilitated by An Garda Síochána. Of these appearances, 335 were to courts outside of the Dublin area. The remainder, 146, were to courts within the Dublin area. The other court appearances by young people were facilitated by residential care staff at Oberstown.

These figures do not include the transportation of first time admissions by An Garda Síochána when courts make the initial remand order to Oberstown.

Separately, during this period (2017), the assistance of An Garda Síochána was requested and provided to the Campus on 11 occasions relating to on site disturbances or attempted escapes. We also sought assistance from An Garda Síochána when 14 young people failed to return from leave or from off-site trips.

Issues for consideration

Emergency response from An Garda Síochána

Since 2014, Oberstown Management and An Garda Síochána have developed very positive working relationships in North County Dublin. Regular meetings are held between both services to build relationships and address matters relevant to both services. In 2015-2016, the Campus experienced significant challenges and the local division of An Garda Síochána were very supportive in assisting to address these challenges. As referenced above, assistance was sought from the local division of An Garda Síochána on 11 occasions and through direct intervention by them or with the support of the Public Order Unit, the relevant issues were addressed.

There have been a number of occasions when young people have failed to return and the notification of these incidents was issued to An Garda Síochána nationally. On these fourteen occasions in 2017, the procedures in place were initiated and through engagement by Oberstown, information was provided to assist An Garda Síochána to return these young people.

The core issue relates to the need for formal agreements to be in place rather than dependency on local agreements and personalities that work well together. Such agreements would ensure that the most effective systems are in place for both services and that openness and transparency is in place to ensure accountability should that be necessary.

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Injures to young people while in custody of An Garda Síochána

In 2015, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) recommended that Oberstown ensure that where injury was reported or appeared to have occurred while in the custody of An Garda Síochána, that these concerns be reported to An Garda Síochána Ombudsman Commission (GSOC). Since 2015, we have undertaken a process of engagement with GSOC to report injuries to young people associated with their time in the custody of An Garda Síochána.

Table 1 highlights the level of information provided to GSOC in 2017 by Oberstown. There was a total of seventy one referrals to GSOC over the past four years. Of these, 35 were specific complaints made by young people about members of An Garda Síochána.

Table 1

Year	Total number of referrals to GSOC	Specific complaints to GSOC
2014	4	2
2015	22	12
2016	30	14
2017	15	7
Total	71	35

There is a well-developed communication and engagement process with GSOC to support the exchange of information. We engage with young people on behalf of GSOC, and were able to provide detailed information through the GSOC complaints process. The other referrals did not contain detailed information as this was unavailable to Oberstown. GSOC does not provide Oberstown with any information with regard to the outcomes of either referrals or complaints made to them on behalf of young people in our care.

Risks while in Custody of An Garda Síochána

As referenced above, An Garda Síochána have legal responsibility for the transportation of young people to and from court who are on remand orders. On some occasions, young people conceal drugs on them from when they leave Oberstown to when they return from a court appearance. It is the responsibility of Oberstown to ensure that we manage the risks associated with young people's misuse of drugs on the Campus. However, we have identified risks from when young people are removed from the Campus by the An Garda Síochána to attend court and later return. It appears that young people may have opportunity to access

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drugs while under the supervision of An Garda Síochána during their attendance at court proceedings.

We have raised this matter with An Garda Síochána and improvements are evident. With their co-operation, we introduced a 'prisoner transfer form' to share information between Oberstown and An Garda Síochána in order to reduce risks to young people. However, despite this, risks remain and available evidence continues to indicate the capacity of young people to bring drugs onto the Campus during the court attendance process.

Separately, we have also identified scenarios where young people have been presented to the Campus by An Garda Síochána in need of medical attention. While Oberstown does address the immediate medical issues presented by the young person, we are concerned about the need to ensure that young people access medical treatment as soon as is possible, including while in the care of An Garda Síochána prior to admission.

Conclusion

The relationship between An Garda Síochána and the Oberstown Campus is crucial to ensuring the best outcomes for young people and it is vital, for the Campus that we continue to improve the quality of our engagement with all external stakeholders including An Garda Síochána.

Should further information be useful to the Commission in its work, Oberstown would be pleased to provide this. Similarly, a visit to the Campus can be arranged if Commission members wish to view the facility and meet with staff to discuss the points raised here. As part of the Oberstown Strategy 2017-2020, the views of young people are paramount to how we shape services now and for the future. In this regard, should the Commission wish to consult with young people on the future of policing in Ireland, the Campus would be pleased to facilitate such a consultation.

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