

In the fourth day of our series on juvenile justice, Security Correspondent ANN MURPHY meets a reformed offender and visits the Children's Court.



A child must be over 12 to be charged

THE age of criminal responsibility was raised to 12 years old under the Children Act 2001. The provision came into effect in October 2006. Before then, the age of responsibility was just seven years. The legislation means that no child under the age of 12 can be prosecuted for an offence, except where the crimes are murder, manslaughter, rape or aggravated sexual assault. In those cases, children aged 10 and 11 years can be charged. However, criminal proceedings cannot be undertaken against a child under the age of 14 years without the direction of the Director of Public Prosecutions. If a child under 12 years commits an offence, they will be taken to his or her parents by a member of the Garda Síochána. In Northern Ireland, the age of criminal responsibility is 10 years.

Slippery slope to

JACK (not his real name) took his first drink at the age of 12.

But it was not until he had his first ecstasy tablet at the age of 14 that things began to spiral out of control, leading him into a life of crime.

Now aged 30, he has turned his life around and is attending college.

His introduction to cannabis at the age of 13 happened because he was hanging around with older boys.

He remembers: "When I was 14, I started going with a girl and she introduced me to E.

"At that stage, drink and cannabis had not been a major problem and I had not been in trouble with the gardaí."

However, he began taking E four times a week, which meant that he had to get money from somewhere and he began to steal to fund his habit.

He said: "Once I started taking the E, things started to change very rapidly. In the year up to when I was 15, I was taking E four or five times a week and was selling drugs and robbing people around town to get money. I used to walk around wondering how to get money for drugs."

He said a tablet cost £25 at the time, with the strength of each tablet being enough for a satisfactory hit.

But he said he was also taking 'smarties' (prescription drugs) which he was able to buy on the street at a cost of £5 per packet. Each packet contained eight to 12 tablets.

Eventually, he ended up doing a three-month stint in St Patrick's Institution.

He said: "One Tuesday night, I bought tablets and mixed them with alcohol. I woke up the following Thursday morning in a mobile home in Tramore, Co Waterford. I still don't know how I got there. There was a friend with me. There was no money in my pocket."

They walked around the town and were arrested by gardaí, who told them they had broken into a hotel in the town, which they could not remember.

They were held by gardaí for a day-and-a-half, before being sent to St



TROUBLED: Many teenagers find themselves appearing before the country's Children's Courts after incidents which occurred while they were under the influence of drink or drugs.

Picture: Getty Images/Posed by model

Patrick's Institution, after first appearing in the juvenile court.

He remembers travelling to Dublin on a mini-bus and failing to realise the gravity of his situation until he saw the grey prison walls.

Jack was there for three months, during which he spent his time in the protection wing, in fear of a group of Dublin inmates.

He said: "When I went to the shop to buy cigarettes, I had to buy two boxes — one for me and the other for a guy from Dublin, so that I would not get a beating."

He blames his time there on becoming addicted to methadone, which gave him a calm feeling he had never experienced before.

He left St Patrick's to go straight into treatment with the Matt Talbot Adolescent Services (MTAS). But he left the centre and went back to his home place, hanging around again

with his old friends. This led him back to his drug habit and he travelled to Dublin regularly to access methadone. He was also taking cocaine.

At this stage, there were charges outstanding against him in Cork and he agreed to return to MTAS for treatment, as part of the conditions imposed on him through the courts.

He readily admitted that he fully intended to return to his drug habit once the court process was over. But the turnaround in his life came one day when he was working on building a wall at the MTAS centre in west Cork.

Jack said: "I realised I could not hear a thing. It was the first time I realised that my head was quiet, that there was no madness or paranoia, and no appetite for drugs. It was the first time in six or seven years that I felt content with where I was."

He was in his late teens by then, and

he moved back to Cork city when he was around 20 years old, having come through 13 months of treatment.

He had a serious battle for three years to remain drug-free, giving in at times along the way. But despite this, he had stopped committing crimes.

He said: "My time with the MTAS gave me a conscience. I did not go out robbing anymore."

He has now been drug-free for seven years.

"I am now completely over drugs — the addiction is well gone."

He firmly believes that his treatment time of 13 months was instrumental in bringing him back on the straight and narrow. He said the typical treatment time of four to six months available to addicts now was not enough.

He said: "It took me about six months to settle down and get started into the programme."

Children's Court: Case studies

Girl, 16, blissfully unaware that she was going to Oberstown

FOUR gardaí held the girl as she fought against being sent to Oberstown detention school on remand.

The blonde teenager had been smiling just seconds before, seemingly blissfully unaware that her regular disappearances from foster homes were being discussed.

The 16-year-old had been arrested the previous night and had four charges brought against her.

The court was told she had left one foster home three days earlier and was re-assigned a new foster home.

However, she also left that one

and was arrested some time later. The court heard she had disappeared from foster homes on four occasions in the previous month.

Gardaí applied for a remand in custody on the basis that she had no fixed address and was unlikely to turn up for the next court hearing.

Her solicitor argued that she had no previous convictions, was 16 years old, was not on bail for any offences at the time of the hearing, and there were no bench warrants for her.

As gardaí explained why they felt she was unlikely to turn up, the teenager appeared to pay little attention to the court proceedings — even when the availability of a bed at Oberstown in Dublin, was being discussed.

However, she shouted out in anger when the judge ordered that she be remanded to Oberstown until a court hearing the following week.

She was brought under control by gardaí and left the courtroom in handcuffs, loudly protesting.

TWO youths were brought before the Children's Court for using illegal fishing bait.

However, the two cases were vastly different, with one being highlighted by the judge as being much more serious than the other.

In the less serious matter, the youth pleaded guilty to using the illegal bait and the prosecuting solicitor, on behalf of the fisheries board, told the court the youth had admitted his offence when he was detected.

The judge raised concerns that the

matter had been brought to the court, instead of being processed through the juvenile diversion programme in current use by the gardaí.

He adjourned the case until September to allow the fisheries board to consider how they would proceed with the matter.

However, in the other case, the court heard the accused had obstructed the fisheries officer and had been intimidating.

When he appeared in the courtroom, he pleaded not guilty but the judge said the charges facing him were serious and granted him legal aid.

TOMORROW: We visit St Patrick's Institution for Young Offenders.

the Children's Court

Most families come to support loved ones on day of sentencing

A MOTHER stands talking to a friend outside the door of the Children's Court, waiting for it to open. Close by are a father and mother chatting to each other, while their son stands beside them quietly.

Just a few feet away, a teenager dressed in a tracksuit stands alone, appearing unperturbed by what lies ahead of him.

When the doors open, a name is called and just one young man and a relative go into the courtroom, which is less hectic than for a typical district court hearing.

Today, the list of hearings before the

Children's Court is a long one. After each case, the accused leaves the room and a new name is called. Eventually, the mother who had been chatting with a friend comes into the room, followed seconds later by two prison guards who bring her son into the courtroom.

He sits alongside one of the prison guards and whispers across to his mother as the judge directs that he be fined and sentenced to further detention for a range of offences, including arson.

As he is led out of the court, his mother turns to thank the judge. Then

she reaches out to her son, who is handcuffed to the prison guards. She shares a brief kiss with him before he is led away from her, back to detention.

Her maternal support is echoed

throughout the day, although some of the accused turn up without their mothers or fathers.

In one case, the judge highlights the fact that a mother who had been in court on previous occasions with her

son had not turned up on this occasion and he wonders why. The accused appears unworried, secure in the knowledge of having family support because his sister had joined him in court today.

Many of our young defendants have addictions and mental problems

CORK city's Children's Court sits in the Anglesea Street courthouse every Friday.

The hearings are held in private, to protect the identities of the accused young people.

In a report on the Children's Courts in Cork, Limerick, Dublin and Waterford in 2005, University College Cork academic Ursula Kilkelly watched the proceedings in Cork between May and July 2003.

In her report, she said: "Many young people, although not all, showed clear signs of either disadvantage (including educational disadvantage) or outright poverty; in some cases both factors were obvious."

The report added: "Observations of the court proceedings during this research also indicated an apparently increasing number of cases in which the health board was involved."

"This highlights the depth and complexity of problems faced by many young people before the Children's Court."

"In many cases, mental health issues, behavioural problems, substance abuse, and alcohol and drug addiction were prevalent."

In her report, she highlighted the situation where juvenile defendants had to stay outside the courtroom in a waiting area also used by adult defendants attending district court hearings in another courtroom within the same building.

She said the situation was contrary to Section 71 of the Children Act 2001, which recommends the Children's Court be arranged so as not to bring juveniles into contact with adult defendants.

At the time of the report, Cork's Children's Court sat on Mondays,



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disadvantage (including educational disadvantage) or outright poverty; in some cases both factors were obvious...mental health issues, behavioural problems, substance abuse, and alcohol and drug addiction were prevalent...

— Dr Ursula Kilkelly, above, who compiled a report on the Children's Courts in 2005.

which Dr Kilkelly identified as an issue because of the prospect of lists becoming too long as the court could not sit on a bank holiday Monday. The court now sits on Fridays.

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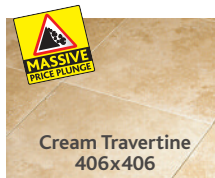


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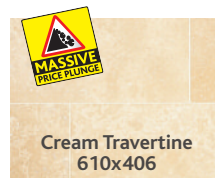


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