



Irish Criminal | Civil Justice  
and Disability Network

## **ROUNDTABLE DISCUSSION**

organised by the

**ICJDN**

held at

**Law Society of Ireland**

Wednesday, 21st November, 2018

**Towards Better Pathways and a Mutual Understanding : Access to  
Justice for People with Disabilities”**

**Conclusions and Proposed Actions**

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## Introduction

### **“Towards Better Pathways and a Mutual Understanding : Access to Justice for People with Disabilities”**

In light of the UN Convention on the Rights of Persons with Disabilities, Criminal Justice (Victims of Crime) Act 2017, Assisted Decision Making (Capacity) Act and proposed Hate Crime legislation, the need to establish a practical working dialogue and understanding in relation to access to justice for people with disabilities is ever more critical.

As part of its mission (**Appendix 1**) the ICJDN seeks to help bridge this gap and this Roundtable Discussion was designed to bring together participants from these intersecting areas to share, learn and explore opportunities that are to their mutual benefit.

The aim of the Roundtable was to encourage dialogue between disability advocates and people working in the criminal justice system to

1. Explore the key issues and themes that have an impact on adults and children with a disability who engage with the justice system and the challenges faced by those working in the system.
2. Gain an understanding of each other’s perspectives and perceptions in relation to access to justice for people with disabilities.
3. Gather the collective insights across both disciplines on what people see as the critical solutions, recommendations and measures that are needed.
4. Achieve a consensus and agree the next steps to advance towards an engaged proactive working relationship to improve access to justice for people with disabilities.



## Agenda for Roundtable

9.00 - 9.30	Coffee and Registration
9.30 - 9.40	Introduction
9.40 - 10.30	“Identifying the Key Issues” - a collective facilitated exercise to help identify the critical issues that face people with disabilities  - Video
10.30-11.30	“Facilitated exercise to share and understand each others experiences”
11.30-11.45	Coffee Break
11.45-12.30	“Proposed solutions, recommendations & measures”
12.30-12.45	Closing Remarks



## Methodology Adopted

The discussion was facilitated by Eamon Ryan, Director, Practical Business Solutions and Founder of BNest Social Enterprise Incubator which runs in cooperation with Nexus, in the University of Limerick and his team. This consisted of 3 exercises designed to allow each participant contribute to the discussion in a collaborative environment and to reach a consensus using primarily subjective and qualitative data.

### Exercise 1

#### Understanding the Challenges we Collectively Meet

1. Each person completes three or more “Post It’s” with **one** statement on each, of a real problem that impacts on them personally in relation to Criminal Justice and Disability.
2. Write a “problem statement” not a solution statement”.
3. Write a statement at the most practical level possible i.e. “I have no training on how to interact with people with autism” as against “the sector needs more funding”.
4. People at the table can ask questions to understand the problem but NOT to critique it.
5. When complete, a facilitator will assist you in the next stages.

### Exercise 2

#### Listening with Empathy

1. We have laid out the tables with a given seating list.
2. At each table **one person** has been selected to be “interviewed” about their role by the others
3. There are four questions set for this “interview”.
4. The intent is that all of the others at the table interview the person for 30 minutes around these 4 questions.
5. At the end of 30 minutes, the group has 15 minutes to summarise their collective view as to the person’s answers to the question.
6. The group then has 10 minutes to share the summary with the interviewee to see if it reflects their opinion.
7. We will then ask one of the group to share the summary with the room.



## **Exercise 2 Cont/d**

### **The Four Questions**

1. What is your role?
2. In your role in what circumstances do you most often encounter those perceived to have a disability?
3. What are the most significant challenges you encounter, in your role, when there is an interaction between disability and justice?
4. What would be the top initiatives that would most help address these challenges for you?

### **Questions asked of five contrasting roles**

1. Advocate and Civil Rights Activist with a physical disability
2. Prosecutor
3. Garda Representative
4. Barrister
5. Disability Sector Development Worker

## **Outcomes and Conclusions (See also Appendix 2)**

**A summary of the main conclusions emerging from the Roundtable discussions are set out hereunder.**

1. Gardaí are at the frontline, supports provided are critical for an effective Garda response that meets the needs of both Gardaí and a person with a disability who interacts with them.
2. Interaction with the Gardaí has an impact on the entire justice system creating repercussions either positive or negative.
3. There is very little awareness or interaction between criminal justice (CJ) agencies and the disability community beyond immediate job demands so an understanding of each other's needs is very poor.
4. There is a critical lack of "training aligned to needs" for all professionals working in the criminal justice system (CJS).
5. Parties within the system do not have the effective tools to do the job they desire when faced with differing needs of persons with a disability.
6. The combination of a lack of awareness, lack of training, inappropriate tools and supports and minimal interactions outside of "problems" across the CJS is perceived by disability advocates as an attitude/cultural problem.
7. This is an area requiring a multiagency approach with both the justice system and with other agencies (e.g. mental health).
8. A unified multiagency response with the CJS itself is critical to influence positively the subsequent emergence of a true multi-agency approach external to the CJS.
9. There is a lack of information and research within the Irish jurisdiction that significantly impedes both the justice sector and disability community from building effective cases to influence both policy and legislation in a manner that supports their joint needs.
10. Although supported by but not directly involved in this particular Roundtable the need for strong alignment with mental health services and initiatives is essential and a strong alignment with activities in that area of activity would be mutually beneficial.

These conclusions were drawn from the results of the exercises outlined above. Raw data set out in **(Appendix 3)**.

## Proposed Actions

Set out below are the agreed set of actions arising from the Roundtable Discussions (**See Appendix 4**)

### **1. Creation of a positive culture between criminal justice agencies and the disability community is critical to advance from where we are. The cultural gap can be addressed through:**

- a. Awareness Training across all Criminal Justice agencies
  - Raises an understanding to enable “recognition” of disabilities/hidden disabilities
  - Provides insights into the specific behaviours associated with the range of disabilities encountered
  - Raises an understanding of the existing challenges
  - The impact of “environment” on the level of challenges
- b. Develop linked Supports - tools, resources etc across the CJS
- c. A unified “escalation procedure” across the system that allows “customised approaches” to be used in recognition of the “grey area” that can exist around individual cases
- d. Develop a programme of activities that allow for criminal justice professionals to interact with the disability community in positive non-stressful environments.

### **2. A linked training approach across criminal justice agencies**

- a. Awareness training which can be adapted across each of the agencies.
  - Raises an understanding to enable “recognition” of disabilities/hidden disabilities
  - Provides insights into the specific behaviours associated with the range of disabilities encountered
  - Raises an understanding of the existing challenges
  - The impact of “environment” on the level of challenges
- b. Role specific training aligned to practicalities and to the required depth of that role to include:
  - Communication tools
  - Questioning
  - Interviewing
  - Supports
  - Capacity and Competency
  - Escalation Procedure
  - Environmental impact



## **Proposed Actions**

**3. A forum to be established that facilitates a joint approach by the disability community and Criminal Justice Agencies. This forum would help coordinate a unified strategic multi-agency approach with active engagement between both sectors. The forum will**

- Inform penal reform
- Input into resource levels required
- Identify best practice
- Database and data collection to help inform best practice
- Promote proactive Criminal Justice/Disability sector engagements
- Contribute in a manner to better inform the budgetary process around the joint CJS/Disability sector challenge
- Define common communication standards and methods
- Seek collaboration with external agencies to assist in accessing relevant supports beyond the CJS
- Define a common, coherent framework of “tools and supports” to be applied across the sector

**What clearly emerged across the workshop is the willingness and active desire from both the Criminal Justice Agencies and the Disability Community to work proactively together to meet a shared challenge in a very human way.**

**4. To Provide a central platform whereby Criminal Justice Agencies and the Disability Community can articulate via a common voice, on how this shared challenge can best be supported through Policy Development and Legislation.**

**5. To Develop a practical approach to data gathering and research that best supports best practice across the sector, inclusive of**

- Data collection methods
- Statistics sharing
- Research roadmap



# Appendix

## Appendix 1

### Irish Criminal Justice and Disability Network (ICJDN)

The mission of this organisation is to provide a national platform where disability organisations and criminal justice agencies can be facilitated to improve the experience of those with an intellectual, learning or physical disability who engage with the Criminal Justice System either as an adult or a child or as a victim, witness, suspect or offender.

#### Objectives include:

- The provision of disability awareness training and education to key agencies in the Criminal Justice System including the development of Information Booklets
- Informing Policy & Guidelines
- Research
- Data Collection & Analysis
- Collaboration
- To be a Forum for the Exchange of Views and Experiences through Regular Seminars and Conferences
- Examining Best Practice in other Jurisdictions
- Provision of Information and Training to Disability Advocates on the Criminal Justice Process

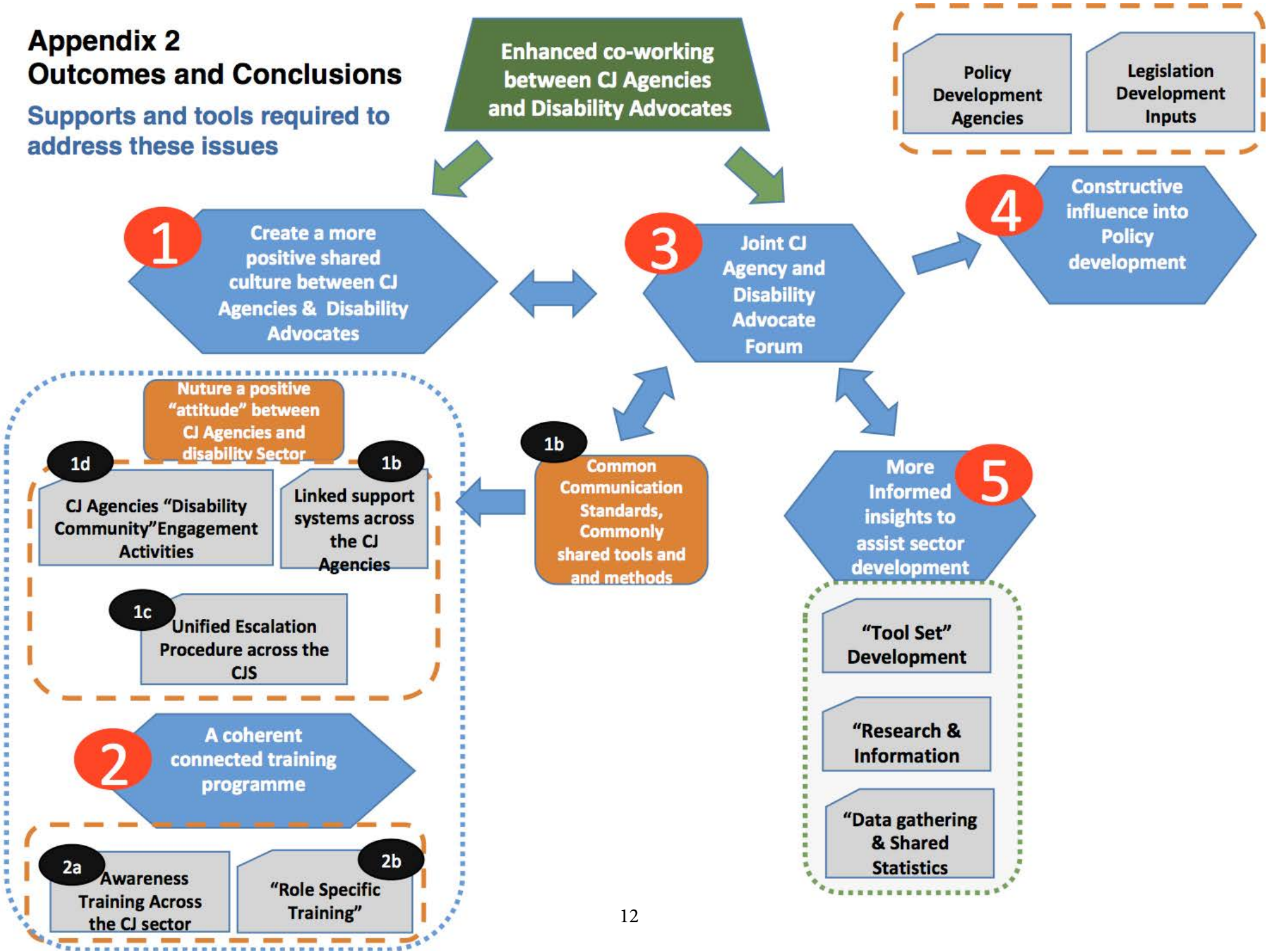
The structure of the ICJDN was informed by findings in the UK from **The Bradley Report 2009** (Lord Bradley's review of people with mental health problems or learning disabilities in the criminal justice system.)

“One of the main problems with previous policy development has been the piecemeal approach that it has taken; government departments, agencies and organisations working independently of one another, developing policies and practice in isolation, addressing one problem or one part of the system at a time.

One of the most common phrases repeated to me by stakeholders time and again over the course of the last year has been of people and organisations ‘working in silos’. There is no one organisation that can be held responsible for making changes for this population; it is the joint responsibility of all the government departments, agencies and organisations that I have discussed in this report to drive through improvements by working closely in partnership with one another” (p.123)

# Appendix 2 Outcomes and Conclusions

Supports and tools required to address these issues





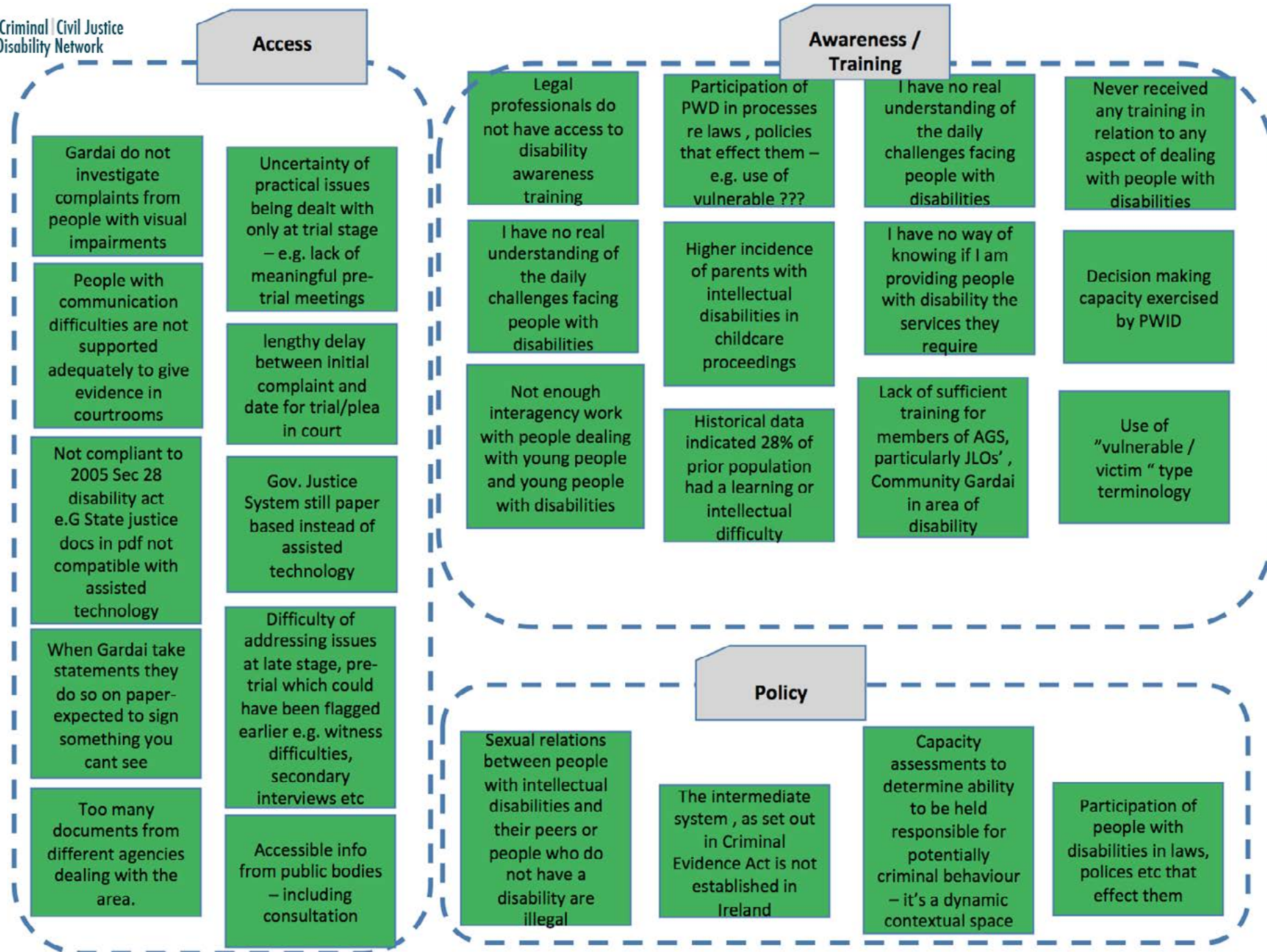
## Appendix 3

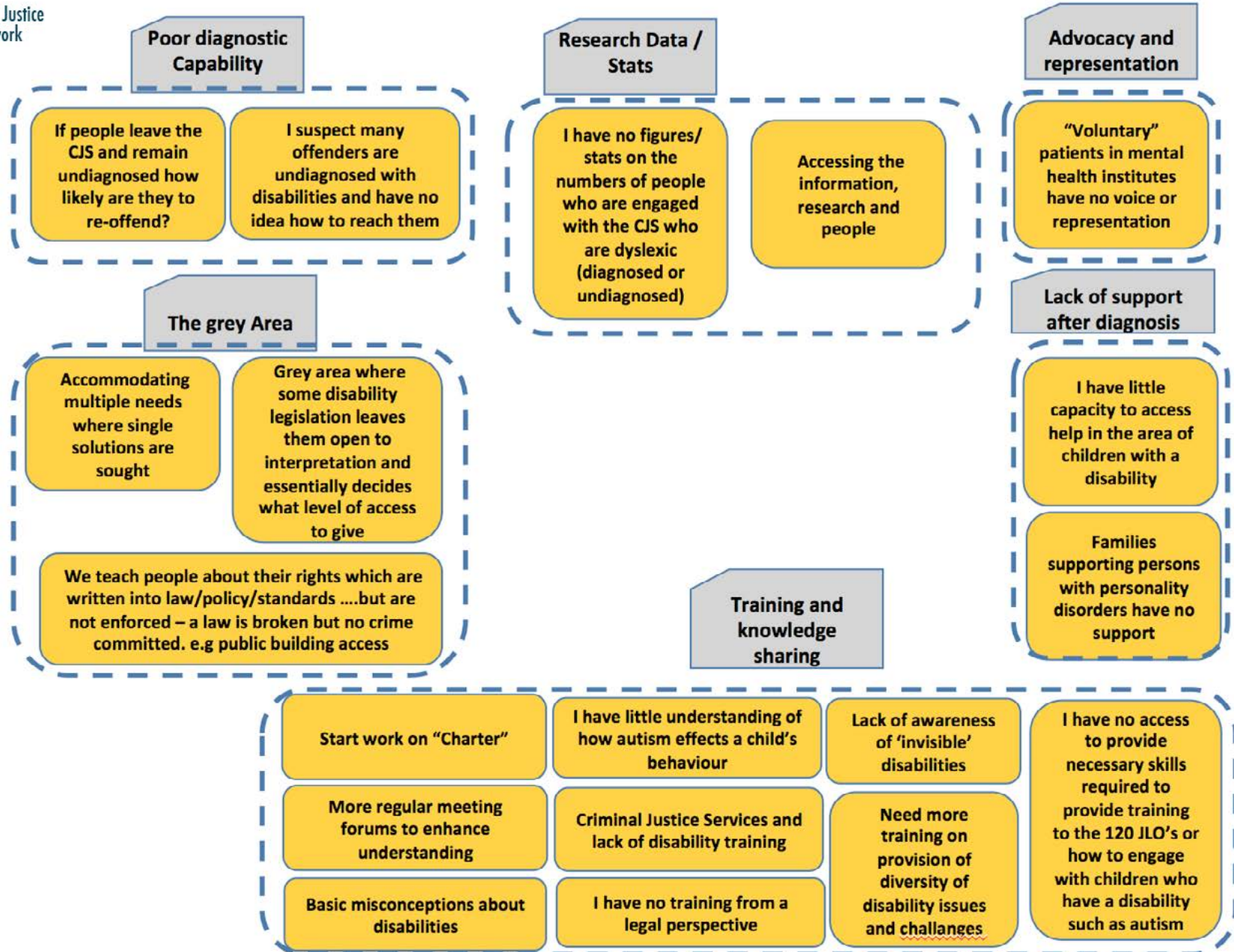
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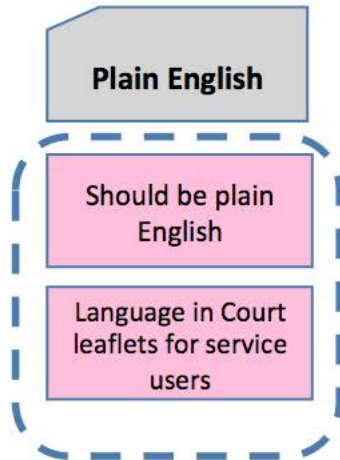
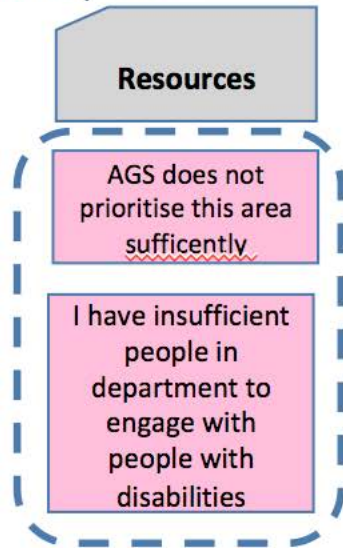
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## Exercise 1

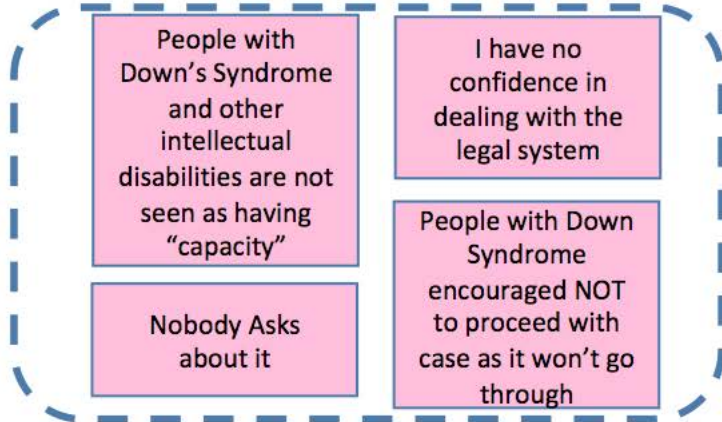




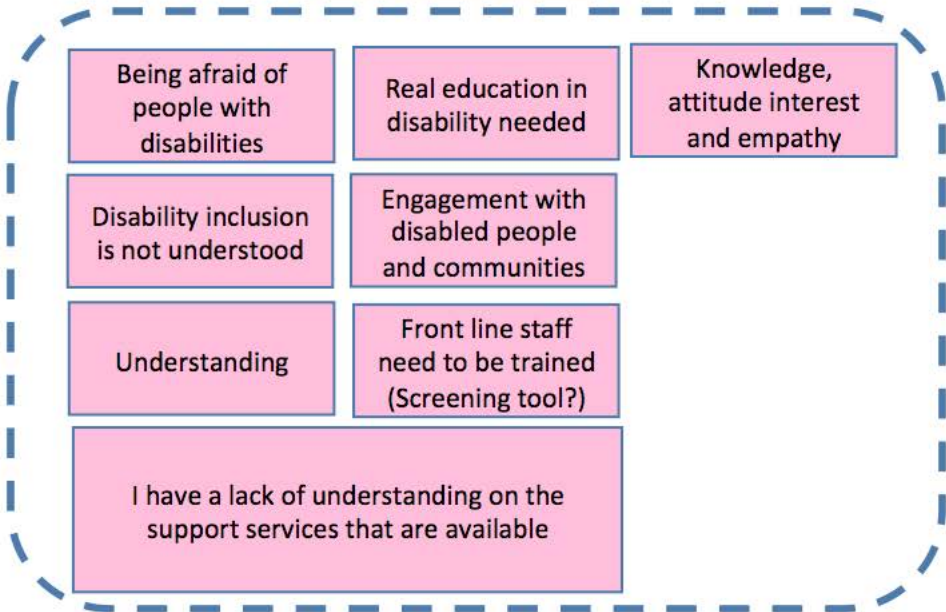




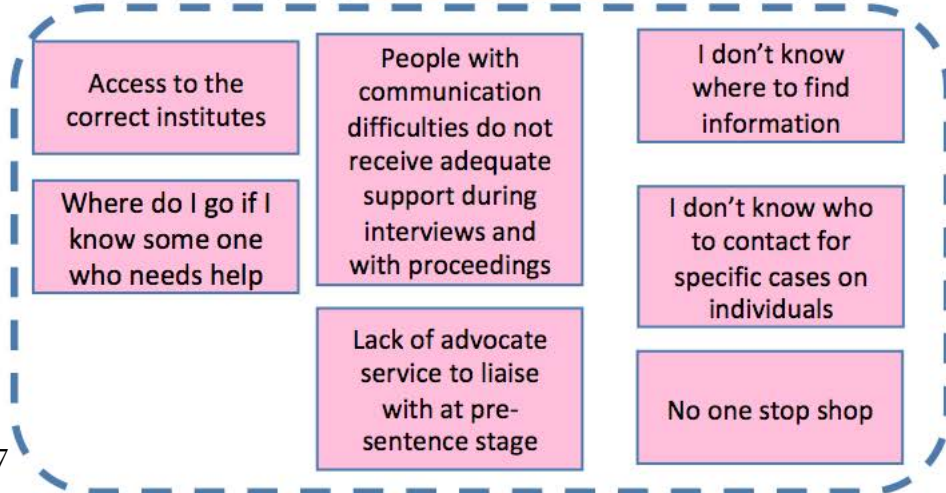
**Attitude**



**Awareness**



**Access to resources**





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## Exercise 2



## What are the most significant challenges you encounter, in your role, when the justice community interacts with the disability sector?

- Lack of Awareness around needs and experiences of people with disabilities
- Lack of training in how to interact effectively

- Communication from Gardai all the way to the Judiciary
- Awareness of needs to engage appropriately with the sector
- Don't have training even in basic recognition

- Witnessing some civil laws being broken and nothing can be done
- No place to direct people to where action can occur

- Chaotic System especially in District Court
  - Time with Client very restrictive
    - No Feedback
- Inconsistency from disconnected different Barristers dealing with client
- No time to build a relationship with client
- Environment goes against supporting both client and witnesses – especially District Court
  - No assessment for front line

- Not taken seriously
- Not understood
- Lack of infrastructure
- An inaccessible format not matched to needs of disability

## What would be the top initiatives that would most help address these challenges for you?

- Training for us to do the best job we can
- Interagency training so better coordination
  - Better Support services for young

- Training on an agency basis across the sector
  - Teach people about inclusion strategies
  - Learning and understanding of the supports needed

- Law is law and should be enforced.
- Some disabilities are “fashionable” but responses and resources should not be dictated by this
- Enforce the design criteria set by local authorities

- **Front Line Assessment**
- **Gathering and utilising feedback especially from people who have used the system**
  - Training
  - Help the gardai to assist witnesses
    - DPP needs to instruct Barristers
- Financial support not sufficient to attract people to the area

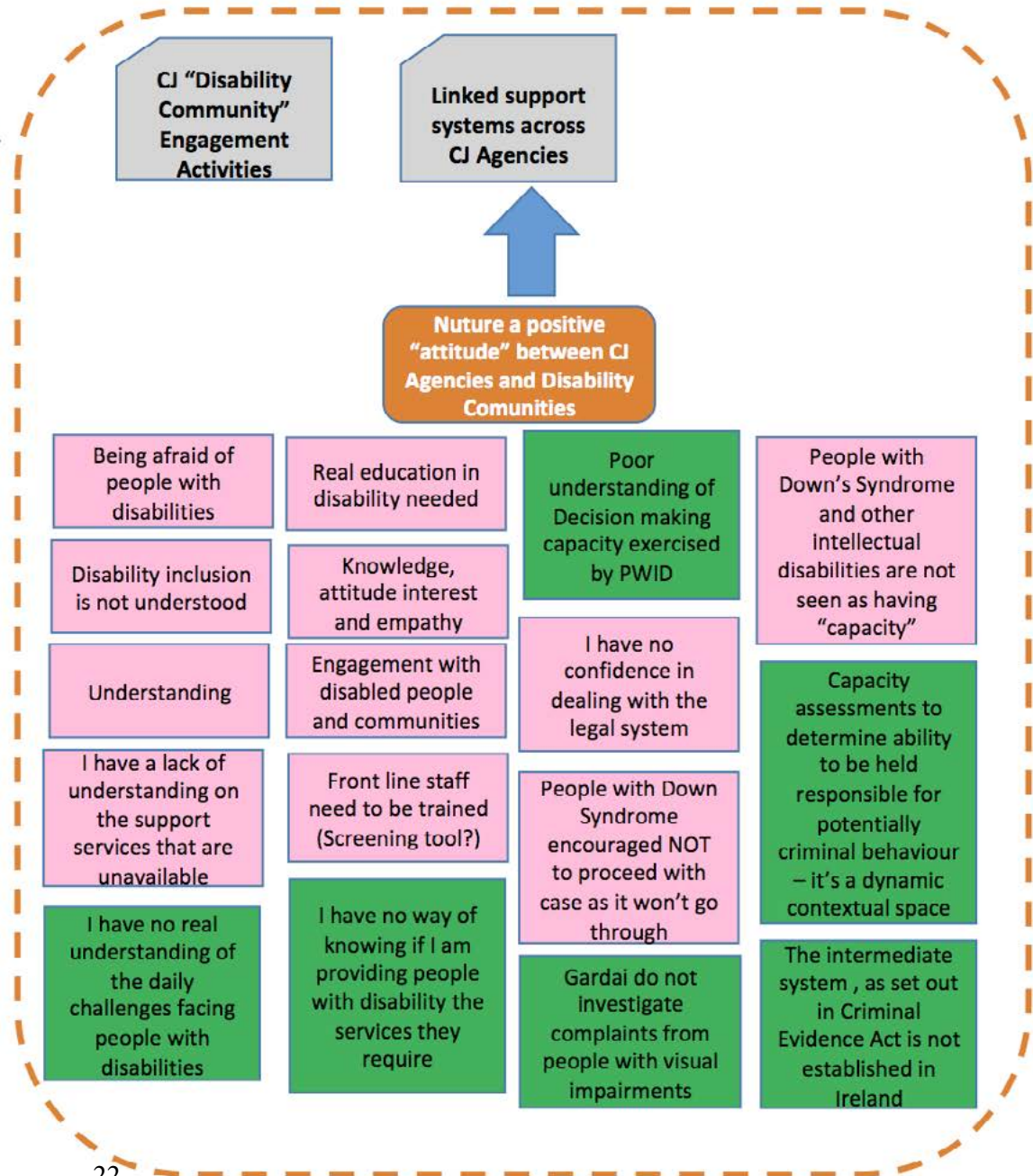
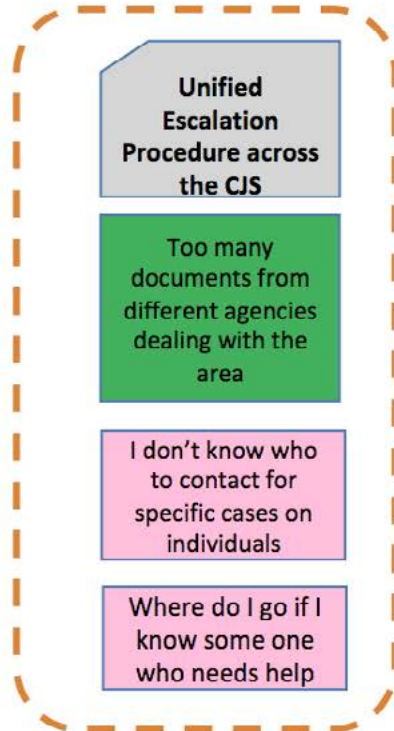
- **Tools available appropriate to formulating data gathering aligned to disability need e.g. speech to text tool for Blind**
- **State agencies stepping up to the mark set by legislation e.g. Disability Act, UN Charter etc**
- **“Call” Service” to support the Gardai on frontline and Gardai Reserve**

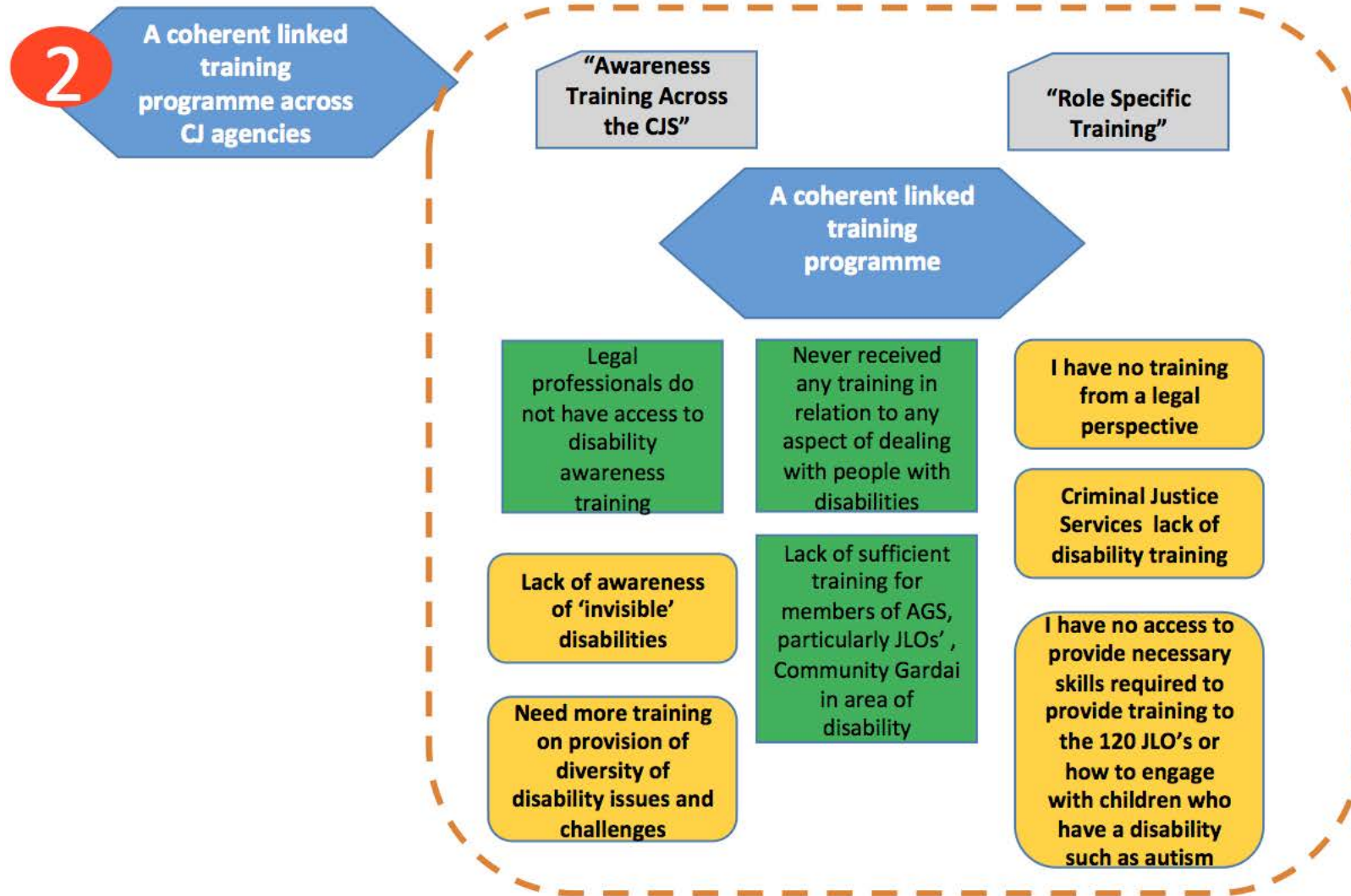


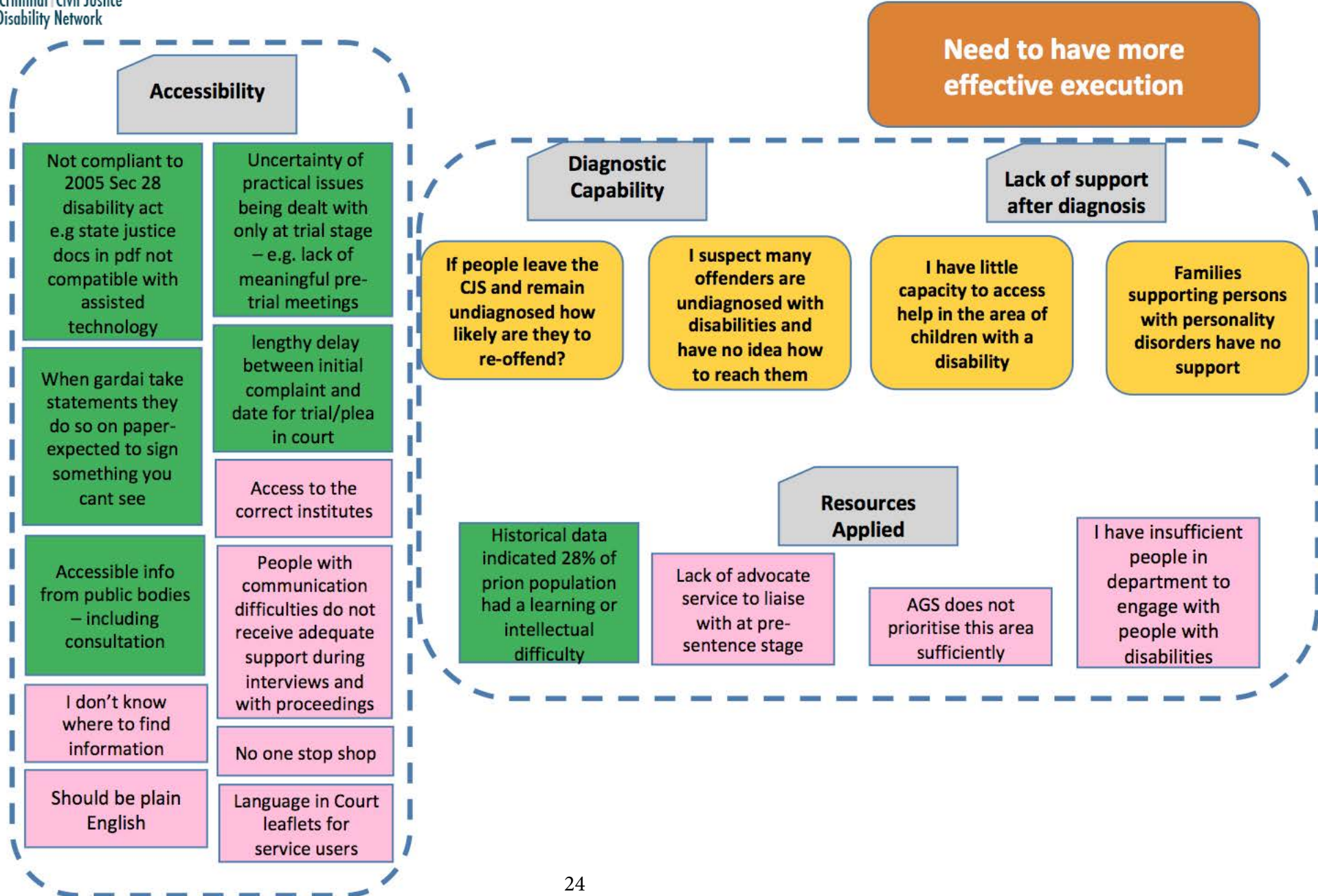
## Appendix 4

# Collective Data Sort Common Themes

**1** Create a more positive shared culture between CJ Agencies & Disability Community

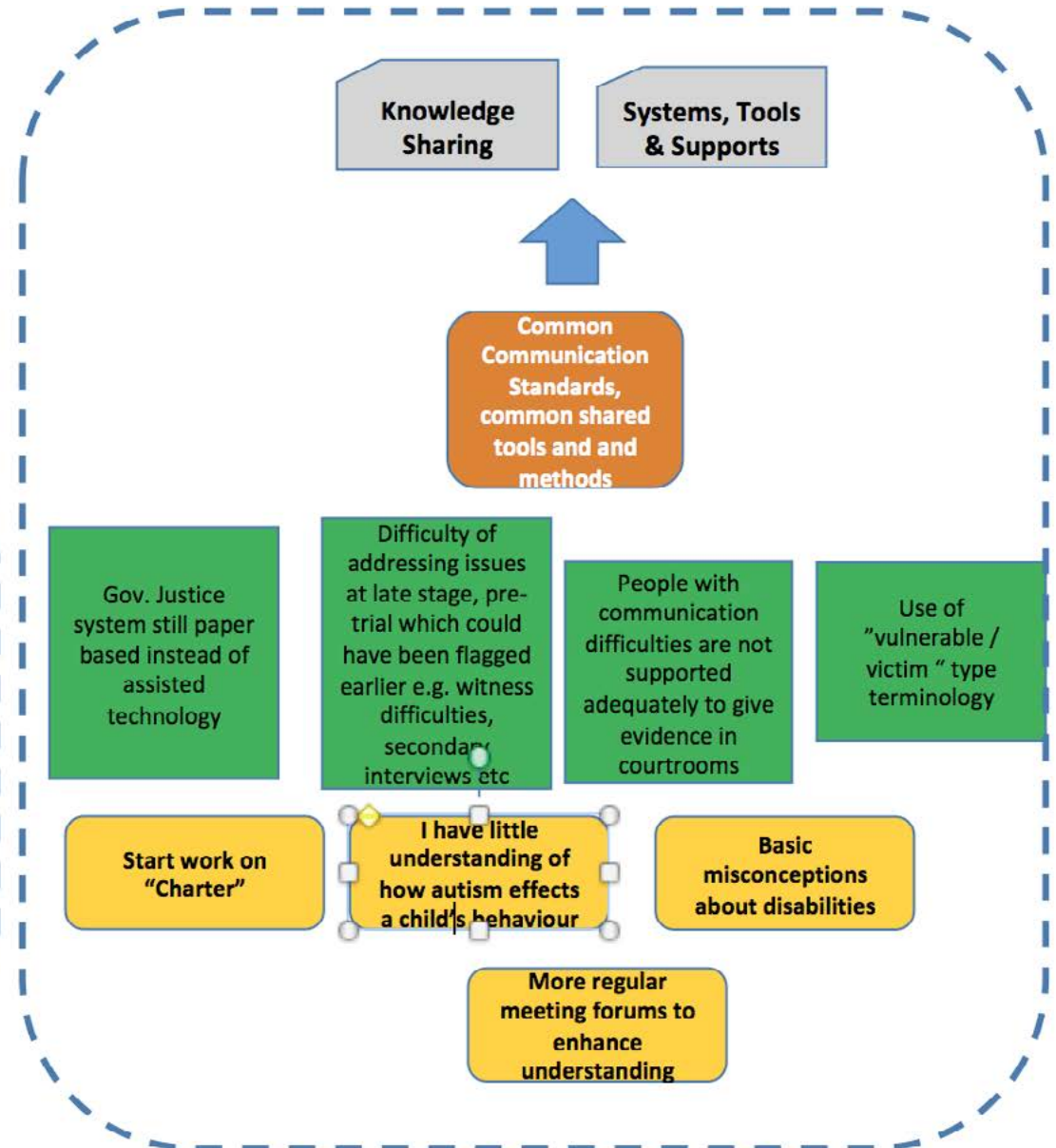
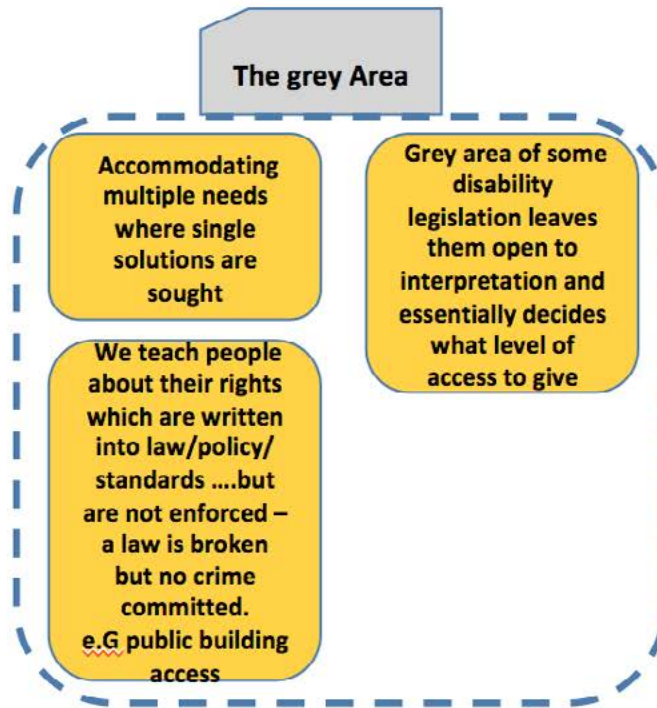


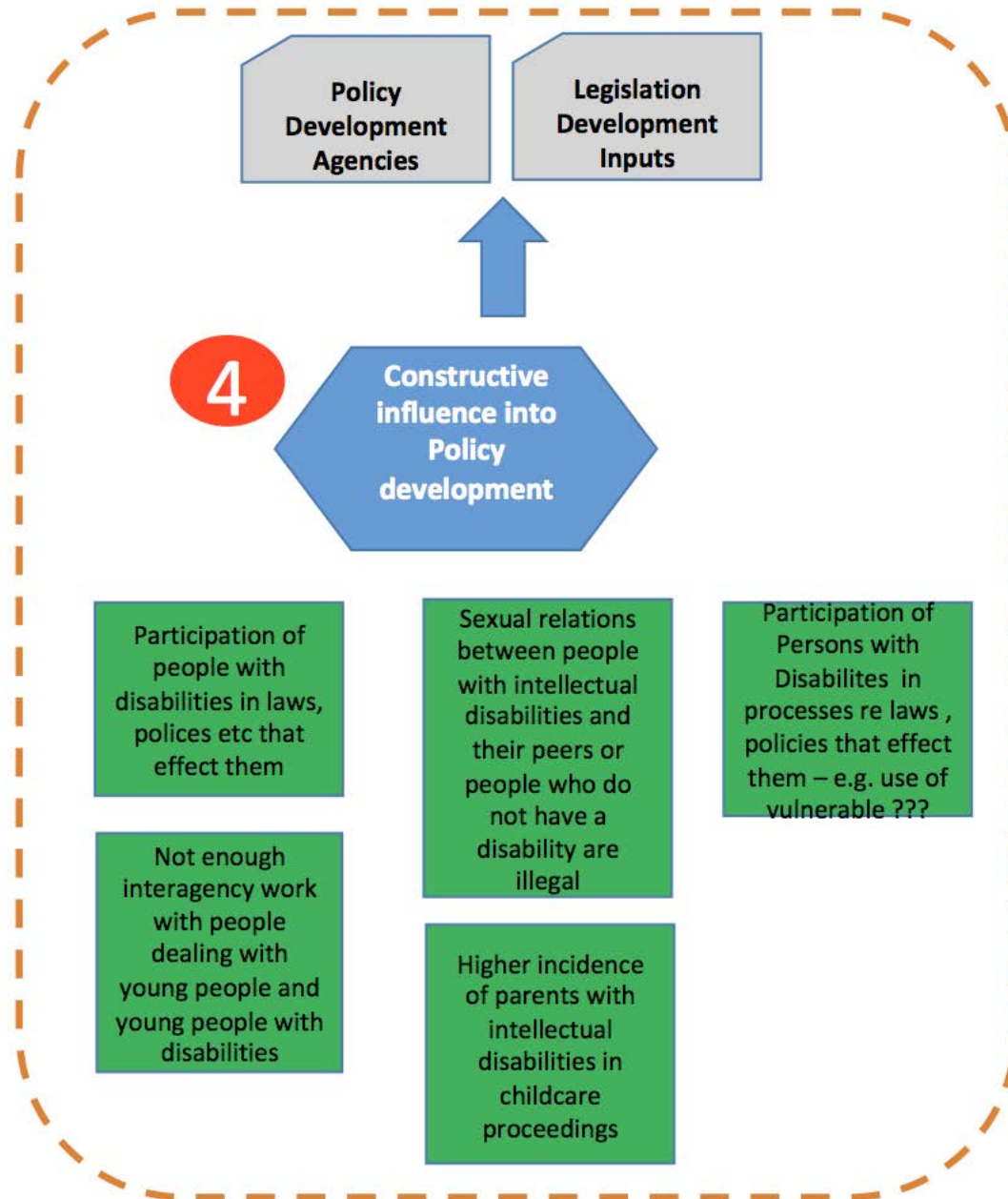


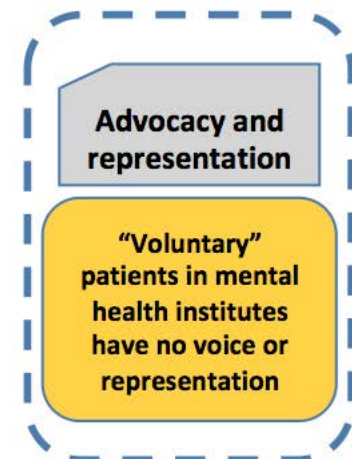
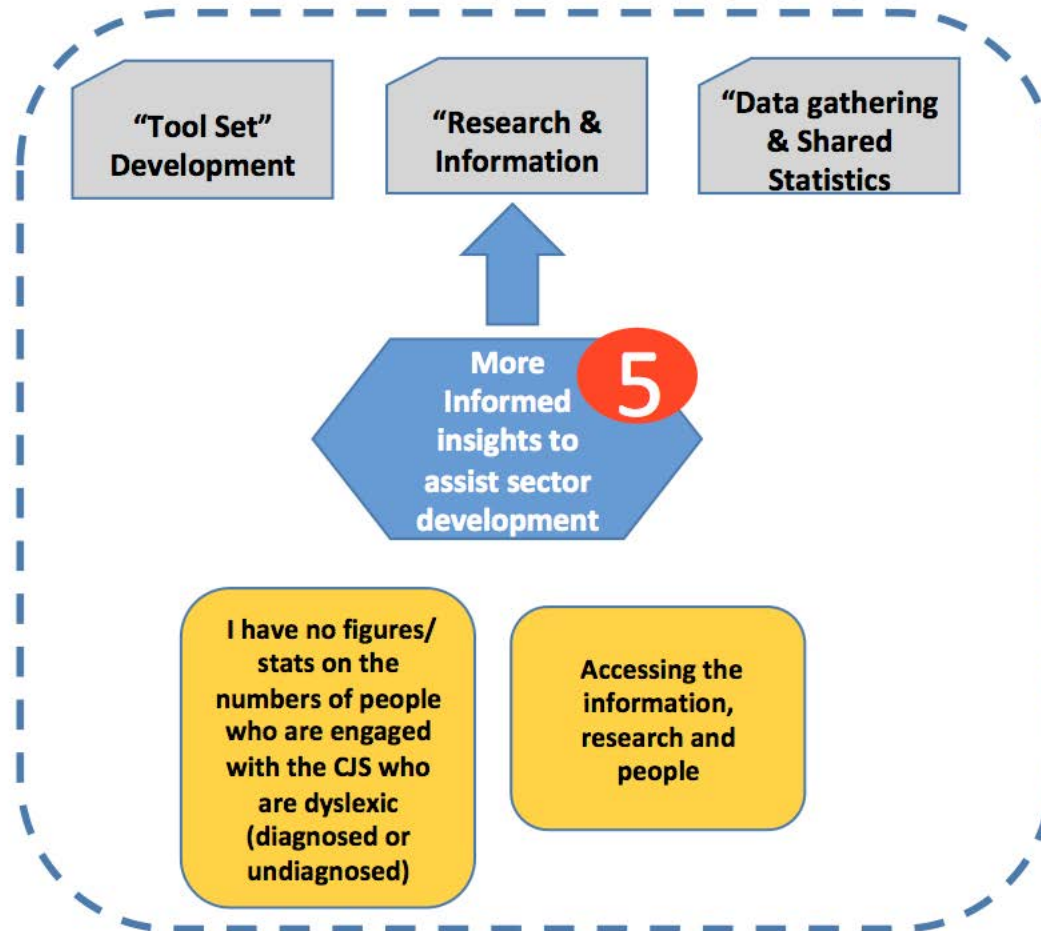




**3** Joint CJ  
Agency and  
Disability  
Sector Forum









## **Roundtable Participants**

- 22Q11
- Acquired Brain Injury Advocate
- An Garda Síochána
- Autism Advocate
- Bar of Ireland
- Blind Legal Alliance
- Courts Service
- Department of Justice
- Disability Federation of Ireland
- Disability & Criminal Justice Researcher
- Dyslexia Ireland
- Down Syndrome Ireland
- Inclusion Ireland
- Irish Mental Health Lawyers Association
- National Platform of Self Advocates
- Office of the Director of Public Prosecutions
- St Michael's House
- The Probation Service

## **Apologies**

### **Organisations/Individuals unable to attend on this occasion who have indicated support/ future participation**

- ASIAM
- Autism Ireland
- Central Remedial Clinic
- Law Firms
- Consultant Psychiatry
- Extern Ireland
- Irish Deaf Society
- Judiciary
- Mental Health Reform
- National Advocacy Service



Irish Criminal Civil Justice  
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## **Acknowledgements**

We would like to extend a special thank you to all of the participants who took part in this Roundtable Discussion. We also wish to acknowledge those organisations and individuals who were not in a position to attend but who have indicated their interest in participating in the work of the ICJDN and we look forward to liaising with you.

We also very much appreciate the practical support and assistance provided to us from BNest and the Law Society of Ireland.

Jerry Carroll  
Chairman