

High Level Taskforce on Mental Health and Addiction Challenges of persons interacting with the Criminal Justice System

Subgroup 1: Diversion

Meeting Thursday 02 September 2021 11am- 12pm

Attendees:

- Chair – Chief Superintendent Gerard Roche, An Garda Síochána
- Dr Eamon Keenan, National Clinical Lead-Addiction Services, HSE
- Inspector Andrew Lacey, An Garda Síochána
- Brendan Sheehy, Assistant Principal Officer, Community Safety Policy, Dept. of Justice
- Secretariat – John Dunphy, Oonagh Ffrench and Kerrie Keegan, Dept. of Justice, Penal and Policing Policy
- Seamus Hempenstall, Principal officer, Dept. of Health

Apologies:

- Eoin Ryan; Regional Manager with responsibility for prisons regions, Probation Service
- Michael Murchan; Assistant Principal Officer, Dept of Health
- Dr Conor O’Neill; National Forensic Mental Health Service, HSE
- Tony O’Donovan; Dept. of Children, Equality, Disability, Integration and Youth, Principal Officer, Child Welfare Advisor, Children Detention Unit
- Enda Kelly; National Nurse Manager, Irish Prison Service

Agenda:

1. Welcome from Chair and approval of minutes of previous meeting
2. Guidance on Definitions/Terminology for the Diversion Policy: Prof Gautam Gulati and Dr Alan Cusack
3. Update of DPP briefing with An Garda Síochána
4. Process map procedure
5. HSE inputs on follow-on
6. Interim report
7. AOB

1. Welcome from the Chair

- 1.1 The Chair opens the meeting and welcomes everyone
- 1.2 The meeting’s previous minutes are approved without any changes

2. Guidance on Definitions/Terminology for the Diversion Policy

- 2.1 An overview of the terminology was given by Prof Gautam Gulati and Dr Alan Cusack
- 2.2 There is no uniform definition of vulnerability and The Toronto Model is built around someone with a psycho-social disability. This term can be contentious for service users
- 2.3 The current definition in the Toronto model is an example of strong common sense
- 2.4 If a person is diagnosed with a mental illness and then has a breakdown, the Toronto model is very helpful as it defines this
- 2.5 It is viewed as a broad terminology where there has been a temporary breakdown in coping skills

- 2.6 If there are developmental issues such as an intellectual disability there are 3 reports that outline the number of people in custody with such issues
- 2.7 Bradley report (2009) UK – between 2.5% - 9% of people in police custody have intellectual disability
- 2.8 Netherlands report (2018) – 28.7% screened in police custody were on the autism spectrum
- 2.9 US dataset (2016) – 21% of young people stopped by police has an intellectual disability and 5% were arrested
- 3.0 There has been the addition of “intellectual or developmental disability” into the Toronto Model definition
- 3.1 It was raised by the taskforce regarding the issue of substance abuse and intoxication and how this will work in the Adult Caution Scheme (ACS). The Drugs Court pilot might be considered in the context of the ACS

3. **Update of DPP briefing with An Garda Síochana**

- 3.1 AGS have recently met with the DPP and the AGS Legal Team
- 3.2 There is discussion regarding advancement of ACS for repeat offenders and how current prosecuting guidelines do not reflect the scheme. Guidelines can be incorporated into ACS and also into The Prosecutor Guidelines
- 3.3 DPP have advised that there is no such thing as a conditional caution in Irish law.
- 3.4 A discussion was held on the health lead diversion scheme being developed in relation to certain illegal drugs. It was said that the health diversion scheme did include requirements to undertake treatment.
- 3.5 D/Health and DOJ officials are participants in a taskforce who are responsible for the development of the health lead diversion.
- 3.6 It was acknowledged that this difference appeared anomalous, it was noted that there should be effective interconnection between the different diversion pathways.
- 3.7 It was raised regarding detention under Section 12 Mental Health Act 2001. AGS advised that there can be no arrest without a criminal offence and there is more of a care element under Section 12
- 3.8 It was agreed by taskforce that the diversion scheme is very doable and it can be incorporated into the prosecution guidelines
- 3.9 The scheme recognises the vulnerability of people with an ability to conduct an assessment

4. **Process Map**

- 4.1 An overview of the draft process map was shared. There will be further amendments required in order to be included in the interim report

5. **HSE Inputs**

- 5.1 There has been no further updates from the HSE with regards the Diversion Scheme.
- 5.2 It was noted that HSE input is essential.

6. **Interim Reports:**

- 6.1 SG1 input into the Interim report will be circulated before 08 September to SG1 members for comment before forwarding to Secretariat

7. **AOB**

The next meeting is confirmed for Thursday 16 September

Follow up Actions:

1. Seamus Hempenstall will contact Jim Ryan to see if there is any further updates from the HSE
2. Inspector Lacey will continue the updates to the process maps

APPROVED