

# **CITYWIDE DRUGS CRISIS CAMPAIGN**



**SUBMISSION TO THE REVIEW OF THE CRIMINAL JUSTICE (SPENT  
CONVICTIONS AND CERTAIN DISCLOSURES) ACT 2016**

**6th NOVEMBER 2020**

## **Introduction**

### **About Citywide**

Citywide Drugs Crisis Campaign is a national network of community organisations that are involved in addressing the drugs issue and it represents the community sector on the National Committees of the National Drugs Strategy (NDS). The consultation process carried out during the development of our Strategic Plan in 2012 highlighted the growing concern in our communities about the negative impact of a criminal record on people who use drugs and their families. Since then Citywide has been actively engaged in promoting informed debate on the issue through our community networks, local community meetings, political briefings and public and policy statements.

This submission is focussing on the life long impact of drug offence convictions and how these punishments can serve to seriously affect the opportunities for the individual to successfully rehabilitate and make a positive contribution to their own lives, their families, their community and wider society. A life-long criminal record for drug offences can be a pre-cursor to a life-long barrier to accessing employment, education, training, housing, travel visas, insurances, etc.

### **Introduction**

It is Citywide's view that a lifelong criminal record can amount to a punishment that is often grossly disproportionate to the initial offending behaviour and has the effect of compounding the social and economic exclusion factors that lead to drug use in the first instance. Core to the spirit of rehabilitation is the principle that any person who has demonstrated their commitment to move on from offending behaviour, through the completion of a successful rehabilitation, should be able to benefit.

As things currently stand a person with a conviction for more than one drug offence in their lifetime cannot avail of the spent conviction process. This can have the effect of diminishing a person's efforts at rehabilitation; as they become more socially isolated. It significantly reduces opportunities to create positive change in their lives by placing barriers to the prospects of providing adequately for their families and contributing productively to their communities and the wider community into the future.

Drug offence charges disproportionately affect people from poorer communities. They already experience many disadvantages and having a lifelong criminal record compounds these disadvantages. The link between drug misuse and social and economic disadvantage was first recognised by the Irish Government over 20 years

ago, in the first report of the [Ministerial Task Force on Measures to Reduce the Demand for Drugs](#).

The current National Drugs Strategy reaffirms the commitment in the Programme for Government to a health-led rather than a justice approach to the drugs issue and this Review on Spent Convictions provides an appropriate policy framework for the removal of spent convictions for drug offences.

Research carried out by Citywide in 2014 highlighted [the barriers to rehabilitation which are experienced by people on Drug Rehabilitation Projects](#) and how time, effort and resources are invested by the projects and their participants in working to overcome these barriers. A criminal conviction relating to drug offences has a potential negative impact on many aspects of the participants lives. An increasing number of employment positions and voluntary activities in Ireland require Garda vetting. Many people, who are no longer using drugs, will not even apply for positions that require Garda vetting as they believe their application would not be considered.

The current policy of maintaining a lifelong criminal record for drug offences is at odds with a key objective of the National Drugs Strategy which is to promote recovery, rehabilitation and re-integration of people who use drugs.

This process, therefore, gives us a welcome opportunity to truly embed rehabilitative legislation and transform lives and communities positively.

## **1. The Sentencing Length Limits for Spent Convictions**

### **Recommendation 1:**

Citywide recommends increasing the upper limit of eligible sentences to a minimum of 48 months with the addition of a review mechanism by which convictions that are not automatically eligible may become spent on a case-by-case basis.

## **2. Number of convictions that can be considered spent**

There should be no limit to the number of eligible convictions that can become spent. Any person who has demonstrated, through their actions and engagement with a successful rehabilitation process and period, should be able to benefit from a spent

convictions process. Removing the limit on eligible convictions would recognise that clusters of offending are most often linked with a particular set of circumstances, e.g addiction, poverty, mental health, homelessness, personal background etc. Removing the limit on the number of eligible convictions would motivate and support people who have worked hard to move on from their previous offending behaviour.

**Recommendation 2:**

Remove the limit on the number of eligible convictions that can become spent

### **3. Principle of proportionality**

Citywide believes that the current seven year rehabilitative period is a blunt instrument that fails to take into account proportionality. Rehabilitative periods should be long enough to demonstrate meaningful desistance from offending but not so long as to act as a disincentive. The impacts of exclusion from employment over a long period should be considered here.

**Recommendation 3:**

Develop a proportionate scale that links the rehabilitative period to the severity of the sentence imposed.

### **4. Incorporating a distinct approach to young adults**

Citywide welcomes the specific reference to the disproportionate impact a conviction can have on a young person's life prospects. Having a conviction history can be a major barrier for this vulnerable cohort at a critical time of their lives.

For many young people, making the transition from childhood to adulthood in a high-risk environment brings an increasing array of challenges, one of which is gaining a criminal conviction for possession of drugs which ultimately impacts on their future and potential

Citywide has led a piece of exploratory research with practitioners [in the Community Drugs Projects and Community Youth Services](#) in collaboration with Dr. Matt Bowden (Technological University of Ireland) to look at the experience of working with young people and how they become involved in the illegal drugs trade. We need, as a society, to be able to signpost a way out of this activity and having targeted approaches to assist young people in this regard would represent a major positive intervention.

**Recommendation 4:**

Treat young adults as a distinct cohort within the legislation, including providing for shorter rehabilitative periods.

Submitted by:  
Joan Byrne  
Citywide Drugs Crisis Campaign  
29 Withworth Road  
Dublin 9  
[www.citywide.ie](http://www.citywide.ie)