

Joint Oireachtas Committee on Justice and Equality - Spent Convictions Hearing

Senator Lynn Ruane, 5.7.19

Thank you Cathaoirleach and thank you colleagues for allowing me to present to you on my private members' bill, the Criminal Justice (Rehabilitative Periods) Bill 2019 which I was delighted to see pass second stage in the Seanad with unanimous, cross-party support in February.

The bill would expand access to spent convictions beyond those currently allowed for under the limited and unfortunately inadequate provisions of the Criminal Justice (Spent Convictions and Certain Disclosures) Act, passed by the Oireachtas over three and a half years ago. I also welcome that we will today be discussing the area of spent convictions reform more generally.

My motivation for introducing the bill is based in the rehabilitative principles that underlie the Irish justice system and my own belief that a person who has committed an offence in the past should be given a fair and reasonable opportunity to reintegrate into society after a set period of time has passed without reoffending. Former convictions for minor, non-violent offences act as a barrier to resources, to the opportunities a person needs to enter or re-enter employment, education or travel after a period of offending behaviour in a way that is not fair or proportionate.

While our current law was a welcome first step to legislate in this important area, it is unfortunately not fulfilling its rehabilitative aims. It is extraordinarily limited in scope and in practice and is simply not accessible to former offenders who need and deserve to benefit from its provisions. Of particular note is the limitation placed by the effective single conviction rule, where only one conviction outside of minor driving and public order offences can become spent and the rehabilitative period you have to wait before your conviction is spent being set at a blanket 7 years for all crimes, no matter how long or short your sentence was.

My bill therefore seeks to expand fairer access to spent convictions in four ways, by firstly increasing the length of custodial and non-custodial sentences that are eligible to become spent, by removing the single conviction rule from the current Act, by making the waiting period, or *rehabilitative period*, proportional to the length of your sentence and by creating a more generous regime for young adults between 18-23 in light of their higher rehabilitative needs.

The reintegration and rehabilitation of former offenders is what protects us as a society from further acts of crime. All the international evidence demonstrates that when you have a well-designed and fair spent convictions regime, it works to reduce recidivism and benefits both the individual and society as a whole. When you make access to spent convictions possible for the individual, incidences of crime and reoffending go down as unnecessary conviction disclosures for minor, non-violent or sexual crimes no longer serve as a barrier to progression.

As a former community worker, I know first-hand that working in professions such as addiction, homelessness and also in teaching or social work, that when you have experienced similar experiences to those you work with, it is really invaluable. Some of the best community workers and drug workers I have worked with had previous convictions. However, there are many who will never get the chance to work within the communities that need them the most due to old, minor offenses on their records; offences that are simply no longer relevant to their lives anymore due to a combination of the passage of time, changes in behaviour and circumstance and major, substantive rehabilitation.

Since introducing this bill, I have been inundated with heart-breaking testimony from people in these kinds of circumstances. I've heard from students who have reached 2nd and 3rd year of their degrees in the social sciences and have been refused work placement based on old minor offences still being on their record. We have had representations from professionals in high level positions in the civil service and public bodies who will not apply for promotion due to a twenty year old mark on their record. This is not only harmful for the individual but detrimental to society as our laws are literally forcing people out of education, employment and progression. There is a cost to the individual and to society as a whole under the current regime and it needs to change.

This is an area that affects those from all walks of life and socio-economic backgrounds. It impacts on everyone from young men who are point blank refused entry to the army, young women and lone parents being locked out of education and courses like social work, and people from all sectors of society being prohibited from visiting family members abroad who emigrated during years of austerity. In cases like these, we're talking about convictions for possession of 15 euro worth of cannabis literally keeping families apart.

While this issue does affect everyone, the limits of the current law do have a disproportionate impact on marginalised, poorer and working class communities. This is made worse by the fact that the Act has no allowance for more than one conviction to become spent, apart from an unlimited number of minor driving and public order offenses, making it easy to criticise it as a law written for the middle classes. Removing the single conviction rule is an absolute must in this respect.

I've brought this bill forward because a spent convictions law is no use if people can't access it, which is unfortunately the case under the status quo. My bill is compassionate, it's fair, it's balanced and it's the right thing to do. I hope that you can give it your full support, thank you for your time.