

**Annual Report of the Committee  
Appointed to Monitor the Effectiveness  
of the Diversion Programme**

**2012**

## CONTACT

---

A copy of this report is available on the Garda Website [www.garda.ie](http://www.garda.ie)  
and on the Irish Youth Justice Service Website [www.iyjs.ie](http://www.iyjs.ie)

Garda Youth Diversion Office  
An Garda Síochána  
Harcourt Square  
Harcourt Street  
Dublin 2

Tel: (01) 666 38 31/2/3/4  
Fax: (01) 666 38 27  
Email: [youthdiversion@garda.ie](mailto:youthdiversion@garda.ie)



**Dear Commissioner,**

It is my pleasure as chairman of the Monitoring Committee appointed under section 44(1) Children Act 2001 to present the 2012 Annual Report.

The report reflects the activities of the Monitoring Committee and the Diversion Programme during 2012 and sets out recommended actions for 2013.

The number of referrals to the Diversion Programme during 2012 was 24,069 and the number of individual children referred was 12,246. Of those referred 9,776 (80%) were admitted to the Programme.

During 2012, the Programme administered 1,036 cautions by way of Restorative Justice. This is indicative of the increased use of Restorative Justice and Restorative Practices when interacting with children who come in conflict with the law. In 2013 we will continue to progress the use of Restorative Justice as part of the Diversion Programme.

2012 was the first year of the second Garda Children and Youth Strategy, developed for the years 2012 – 2014 inclusive.

The number of Juvenile Liaison Officer (JLO) posts remains at 123. There are six (6) outstanding vacancies; however a competition to fill these vacancies is ongoing at this time.

I would like to extend my sincere thanks to the Director of the Diversion Programme, Superintendent Colette Quinn and her staff at the Garda Youth Diversion Office (formally known as the Garda Office of Children and Youth Affairs) and Juvenile Liaison Officers throughout the country for their dedication, commitment and excellent work during 2012.

I would also like to thank my fellow members on the Section 44 Monitoring Committee - Chief Superintendent Anne Marie McMahon, Mr Eddie D'Arcy, Mr John Cheatle, B.L. and Garda Monica Reilly, Secretary to the Committee for their efforts and diligence throughout the year.

\_\_\_\_\_  
**Assistant Commissioner**  
**AJ Nolan**

## TABLE OF CONTENTS

---

Foreword .....	3
Executive Summary.....	5
The Diversion Programme .....	6
Current Members of the Committee .....	8
Human Resource Structure.....	9
Referrals to the Diversion Programme .....	10
Children Referred to the Diversion Programme .....	12
Cautions—Formal and Informal Cautions.....	15
Restorative Justice .....	16
Restorative Justice Stories .....	18
Restorative Justice Events 2012 per Region and Division .....	21
Children Considered Unsuited for Inclusion in the Diversion Programme .....	23
Crime Type for which Children were Referred .....	25
Garda Youth Diversion Projects .....	26
Location of Garda Youth Diversion Projects Nationwide .....	27
Observations and Recommendations.....	28

## EXECUTIVE SUMMARY

---

- The total number of incidents referred to the Diversion Programme during 2012 was 24,069 compared to 27,384 in 2011.
- The total number of individual children referred to the Programme was 12,246 compared to 12,809 in 2011.
- 9776 (80%) of the children referred were admitted to the Diversion Programme compared to 9,721 (76%) in 2011.
- 6,265 (51%) children had their cases dealt with by way of an informal caution compared to 6,944 (54%) in 2011.
- 1850 (15%) children had their cases dealt with by way of a formal caution compared to 2,777 (22%) in 2011.
- 671 (5%) children have a decision in their case pending compared to 515 (4%) in 2011.
- 648 (5%) children required no further Garda action to be taken compared to 738 (6%) in 2011.
- 1,822 (15%) children were considered not suitable for inclusion in the Programme compared to 1,835 (14%) in 2011.
- 25% of children who were referred to the Programme were female while 75% were male, the same as 2011 figures.
- The Garda Programme of Restorative Justice continued to develop and involved Juvenile Liaison Officers using Restorative Justice in 1,036 referrals, an increase from 903 referrals in 2011.
- Public order (29%), theft and related offences (24.9%) and damage to property and to the environment (10.4%) constitute the three main categories of offences for which children were referred which remains similar to 2011 figures.
- The total number of JLO posts is 123 including 8 JLO Sergeants, which remains the same as 2011 figures.

## THE DIVERSION PROGRAMME

---

When a person under 18 years of age is responsible for a crime the matter can be dealt with in one of two ways;

1. the young person can be cautioned or
2. brought before the courts.

Before any young person is brought before the courts s/he must first be considered for a caution. The caution is a warning from a Garda Juvenile Liaison Officer and includes a discussion about the crime. The decision to caution or prosecute is made by a Garda Superintendent at the Garda Youth Diversion Office. This alternative programme for dealing with young people who commit an offence or crime is known as the **Diversion Programme**. This programme operates under legislation as set out in the Children Act, 2001.

## INCLUSION IN THE DIVERSION PROGRAMME

---

Before a young person can be considered suitable for being cautioned and included in the Diversion Programme, there are a number of criteria that must be fulfilled.

The young person must:

- take responsibility for the offending behaviour,
- agree to be cautioned,
- where appropriate agree to terms of supervision.

It is the responsibility of the Director of the Diversion Programme to decide upon the suitability of a young person for inclusion in the programme. In making this decision the Director may seek the views of any victim but the final decision rests with the Director.

## HOW DOES THE PROCESS WORK?

---

In all cases a local Juvenile Liaison Officer (JLO) will make contact with and meet the young person and discuss the offending behaviour. This meeting may take place in the child's home or in the Garda Station. The child and the child's parent/s or guardian will have to be present. A discussion will take place during which the offending behaviour will be discussed and the young person will be expected to undertake not to offend in the future. The JLO and the family will try to support whatever efforts the young person is willing to make to prevent any future offending behaviour. The caution will be given by a JLO, a Garda Inspector or the Garda Superintendent.

## WHO DECIDES IF A PERSON IS SUITABLE OR NOT?

---

The decision to include a person in the Diversion Programme is made by a Garda Superintendent at the Garda Youth Diversion Office who is known as the Director of the Programme. In making his/her decision the Director may consider:

- The nature of the offence
- The views of the victim
- The interests of society
- The views of the arresting Garda
- The views of the JLO
- The attitude and views of the young person who offended
- The views of the young persons parents or guardian
- Whether an apology has been made
- Whether or not something can be done to repair any harm caused
- The child's previous involvement in the programme

## WHAT IS SUPERVISION?

---

When a young person is given a caution she/he may be placed under the supervision of the JLO for a period of 12 months. The nature of the supervision will be decided upon by the JLO and will vary from case to case. For instance, it may involve the young person agreeing to engage in certain activities, attendance at a youth project or it may require the young person to report on particular occasions to the JLO or other Garda.

## MEMBERSHIP AND TERMS OF REFERENCE OF THE COMMITTEE

---

The Children Act 2001 at section 44, provides that a Committee be appointed to monitor the effectiveness of the Diversion Programme.

The terms of reference of the Committee are to:

- monitor the effectiveness of the Diversion Programme.
- review all aspects of its operation.
- monitor all ongoing training needs of the facilitators.
- present an annual report to the Commissioner of the Garda Síochána on its activities during the year.

The tasks of the Committee are to:

- examine the management and effective delivery of the Diversion Programme.
- identify best practices in the administration of the Programme.
- assess best practices for the training of facilitators and monitor training delivery.
- put in place methodologies for the evaluation and measurement of the Programme's effectiveness.

The current members of the Committee are:

- Assistant Commissioner Jack Nolan, Chairperson
- Chief Superintendent Anne Marie McMahan
- Mr. John Cheatle BL
- Mr. Eddie D'Arcy

## CURRENT MEMBERS OF THE COMMITTEE

---



**Assistant Commissioner Jack Nolan** has responsibility for the office of Organisation Development and Strategic Planning, Garda Headquarters, in addition to the South Eastern Garda Region. He is a former regional commissioner of the Western Region, and is a former Director of Training & Development at the Garda College and Head of the Change Management Department in Garda Headquarters

- PhD. in IT Enabled Organisational Change - Trinity College, Dublin
- MSc. in Criminal Justice Studies - University of Leicester
- BSc. in Social Science - Open University
- Diploma in Applied Social Science - Open University
- Executive Diploma in Strategy and Innovation - MIT, Boston, USA.



**Chief Superintendent Anne Marie McMahon** has responsibility for the Garda Community Relations Bureau in Harcourt Square, which includes the Garda Youth Diversion Office, and is in addition the current Director of Training in the Garda College, Templemore. She was formerly a Superintendent at Roxboro Road Garda Station, Limerick City.



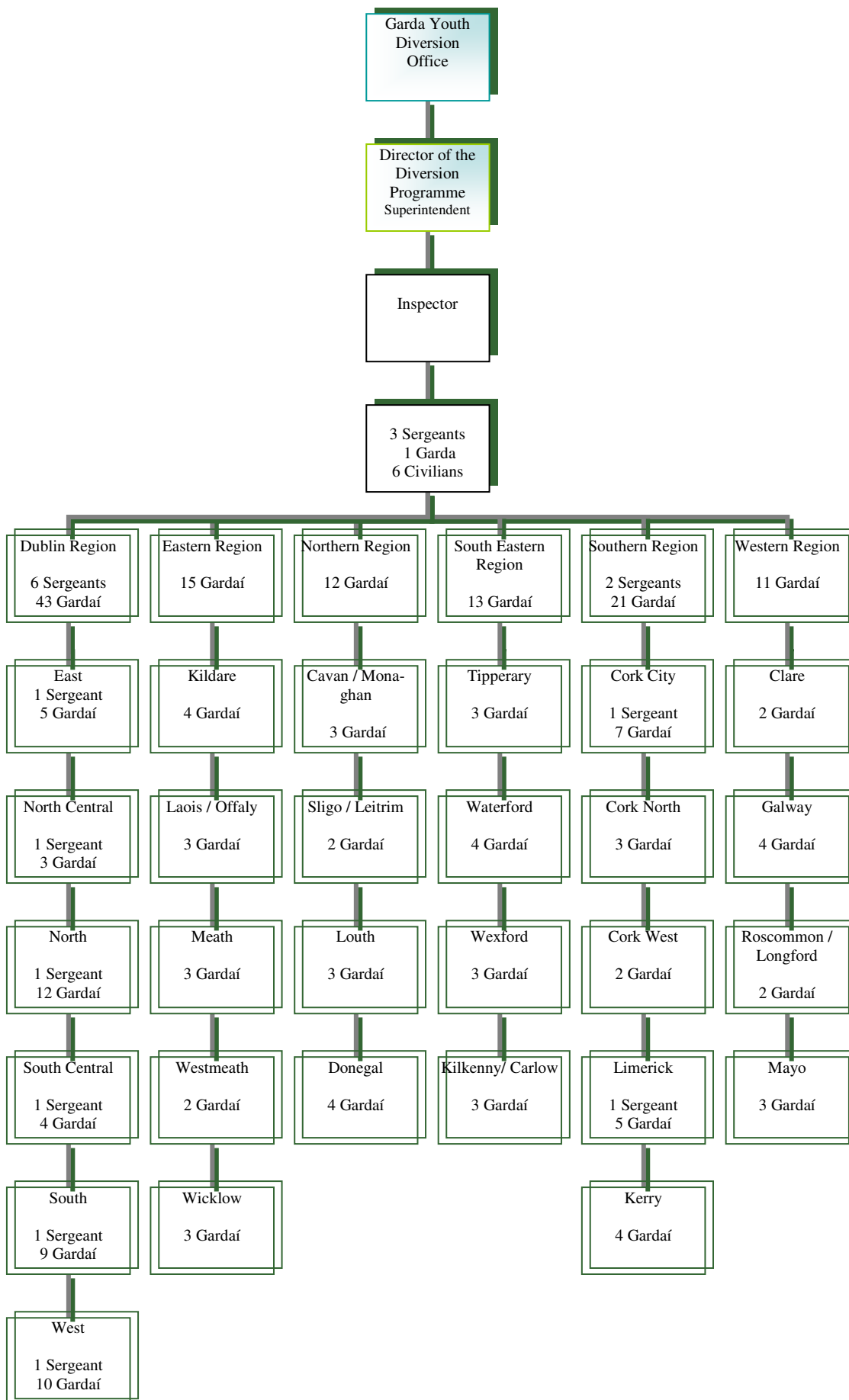
**Mr Eddie D'Arcy** is a Professional Youth Worker since 1980. He is the current manager of Youth Work Services, Catholic Youth Centre, with responsibility for youth work services including youth centres, 250 staff and a budget in excess of €10 million. He developed the first Garda Youth Diversion Project, GRAFT ('Give Ronanstown a Future Today').



**Mr John Cheatle** was educated in University College Dublin and Kings Inns. He was called to the Bar in 1994 and practices in the areas of asylum, judicial review, commercial and personal injuries. He was trained as an accredited mediator by the Centre for Effective Dispute Resolution and has a particular interest in restorative justice and victim offender mediation. He is a member of the GAA's Disputes Resolution Authority and was a council member of the Irish Commercial Mediation Association.



# HUMAN RESOURCE STRUCTURE



## REFERRALS TO THE DIVERSION PROGRAMME

There were 24,069 referrals issued in 2012 which is -12% lower than the 27,384 referrals issued in 2011.

**Table 1: Number of Referrals in 2012 by Region and Division**

2012 / Division	Region	Total	% Change 2011	Informal Caution	Unsuitable	Formal Caution	Restorative Caution	NFA	Others*
<b>Dublin Region</b>		<b>8,477</b>	<b>-9%</b>	<b>2,339</b>	<b>3,476</b>	<b>1,594</b>	<b>213</b>	<b>344</b>	<b>511</b>
D.M.R. Eastern		779	-15%	241	224	174	18	33	89
D.M.R. North Central		838	-27%	162	474	112	24	23	43
D.M.R. Northern		2,091	-6%	660	733	365	73	69	191
D.M.R. South Central		532	-18%	147	225	91	10	23	36
D.M.R. Southern		1,902	1%	561	882	291	7	84	77
D.M.R. Western		2,335	-8%	568	938	561	81	112	75
<b>Eastern Region</b>		<b>3,003</b>	<b>-12%</b>	<b>1,110</b>	<b>813</b>	<b>722</b>	<b>96</b>	<b>120</b>	<b>142</b>
Kildare		727	-13%	293	169	166	27	28	44
Laois/Offaly		525	-23%	236	139	120	9	11	10
Meath		586	-9%	203	140	170	17	26	30
Westmeath		507	-16%	140	189	118	29	14	17
Wicklow		658	0%	238	176	148	14	41	41
<b>Northern Region</b>		<b>2,367</b>	<b>-13%</b>	<b>976</b>	<b>528</b>	<b>582</b>	<b>96</b>	<b>67</b>	<b>118</b>
Cavan/Monaghan		614	-18%	261	97	194	10	14	38
Donegal		678	-19%	320	126	129	60	15	28
Louth		749	11%	265	213	191	18	30	32
Sligo/Leitrim		326	-28%	130	92	68	8	8	20
<b>South Eastern Region</b>		<b>2,897</b>	<b>-17%</b>	<b>984</b>	<b>966</b>	<b>572</b>	<b>149</b>	<b>93</b>	<b>133</b>
Kilkenny/Carlow		720	-22%	265	246	81	50	40	38
Tipperary		667	-20%	173	300	103	53	14	24
Waterford		861	-14%	253	277	260	16	17	38
Wexford		649	-11%	293	143	128	30	22	33
<b>Southern Region</b>		<b>4,839</b>	<b>-10%</b>	<b>1,574</b>	<b>1,560</b>	<b>1,009</b>	<b>405</b>	<b>157</b>	<b>134</b>
Cork City		1,517	-1%	465	647	265	58	57	25
Cork North		661	-11%	258	166	121	78	20	18
Cork West		457	-25%	209	85	86	38	31	8
Kerry		802	9%	296	200	129	134	20	23
Limerick		1,402	-21%	346	462	408	97	29	60
<b>Western Region</b>		<b>2,355</b>	<b>-18%</b>	<b>1,062</b>	<b>488</b>	<b>489</b>	<b>76</b>	<b>132</b>	<b>108</b>
Clare		607	-8%	227	140	161	18	23	38
Galway		910	-15%	442	172	187	44	44	21
Mayo		484	-27%	217	110	86	8	36	27
Roscommon/Longford		354	-25%	176	66	55	6	29	22
<b>Outside Jurisdiction</b>		<b>131</b>	<b>1%</b>	<b>58</b>	<b>16</b>	<b>13</b>	<b>1</b>	<b>27</b>	<b>16</b>
<b>National Total</b>		<b>24,069</b>	<b>-12%</b>	<b>8,103 (34%)</b>	<b>7,847 (33%)</b>	<b>4,981 (21%)</b>	<b>1,036 (4%)</b>	<b>940 (4%)</b>	<b>1,162 (5%)</b>

\* Includes requests for further information  
Some percentages do not sum to exactly 100 due to rounding

## REFERRALS TO THE DIVERSION PROGRAMME

Figure 1 : Number of Cases Referred 2007-2012

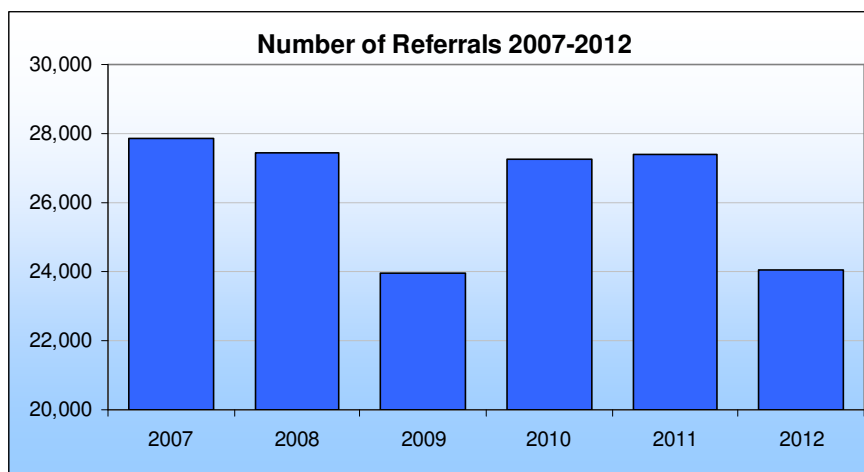
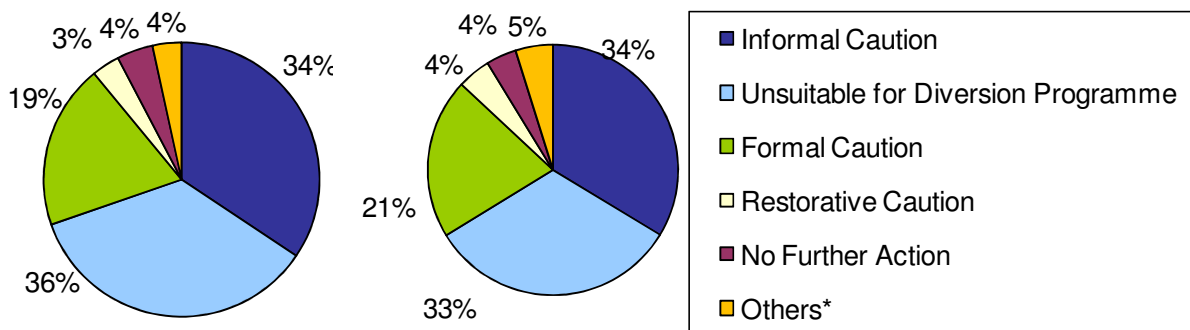


Figure 2 : Case Decisions as a percentage of total referrals 2011-2012



\* Includes requests for further information  
Some percentages do not sum to exactly 100 due to rounding

The proportions of Formal Cautions increased while the proportion Unsuitable for inclusion on the Programme decreased between 2011 and 2012.

## CHILDREN REFERRED TO THE DIVERSION PROGRAMME

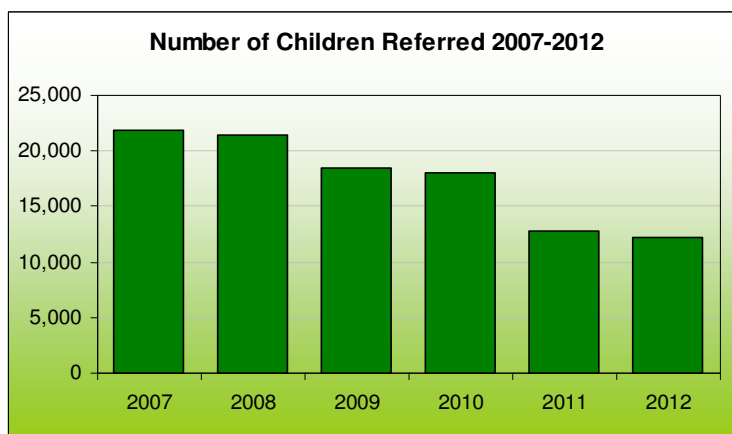
There were 12,246 children cautioned in 2012 which is -4% lower than the 12,809 children referred in 2011.

**Table 2 : Number of Children Referred in 2012 by Region and Division**

Region/Division	Total	% Change 2011	Informal Caution	Formal Caution	Unsuitable	NFA	Others*
<b>Dublin Region</b>	<b>3,910</b>	<b>-1%</b>	<b>1,797</b>	<b>855</b>	<b>780</b>	<b>225</b>	<b>253</b>
D.M.R. Eastern	431	-3%	194	97	67	20	53
D.M.R. North Central	291	-13%	118	45	90	14	24
D.M.R. Northern	1,013	4%	506	228	161	46	72
D.M.R. South Central	217	-11%	100	30	51	19	17
D.M.R. Southern	801	-2%	412	116	184	52	37
D.M.R. Western	1,157	1%	467	339	227	74	50
<b>Eastern Region</b>	<b>1,624</b>	<b>-4%</b>	<b>855</b>	<b>381</b>	<b>224</b>	<b>69</b>	<b>95</b>
Kildare	447	2%	232	105	63	18	29
Laois/Offaly	307	-7%	180	71	39	9	8
Meath	305	-7%	151	88	39	10	17
Westmeath	225	-8%	108	61	36	8	12
Wicklow	340	-4%	184	56	47	24	29
<b>Northern Region</b>	<b>1,267</b>	<b>-5%</b>	<b>713</b>	<b>315</b>	<b>116</b>	<b>50</b>	<b>73</b>
Cavan/Monaghan	341	0%	188	100	19	11	23
Donegal	413	-10%	245	98	35	14	21
Louth	337	1%	175	89	34	19	20
Sligo/Leitrim	176	-11%	105	28	28	6	9
<b>South Eastern Region</b>	<b>1,422</b>	<b>-17%</b>	<b>737</b>	<b>344</b>	<b>195</b>	<b>61</b>	<b>85</b>
Kilkenny/Carlow	357	-19%	200	67	46	22	22
Tipperary	320	-23%	147	91	61	9	12
Waterford	380	-22%	183	107	53	11	26
Wexford	365	-2%	207	79	35	19	25
<b>Southern Region</b>	<b>2,525</b>	<b>0%</b>	<b>1,297</b>	<b>667</b>	<b>355</b>	<b>117</b>	<b>89</b>
Cork City	765	4%	372	176	152	44	21
Cork North	408	-3%	214	112	54	19	9
Cork West	292	-10%	173	60	27	28	4
Kerry	397	12%	245	95	26	11	20
Limerick	663	-3%	293	224	96	15	35
<b>Western Region</b>	<b>1,389</b>	<b>-7%</b>	<b>811</b>	<b>269</b>	<b>142</b>	<b>99</b>	<b>68</b>
Clare	324	-1%	166	77	41	17	23
Galway	564	-5%	355	110	51	33	15
Mayo	264	-23%	155	47	24	22	16
Roscommon/Longford	237	1%	135	35	26	27	14
<b>Outside Jurisdiction</b>	<b>109</b>	<b>31%</b>	<b>55</b>	<b>9</b>	<b>10</b>	<b>27</b>	<b>8</b>
<b>National Total</b>	<b>12,246</b>	<b>-4%</b>	<b>6,265 (51%)</b>	<b>2,840 (23%)</b>	<b>1,822 (15%)</b>	<b>648 (5%)</b>	<b>671 (5%)</b>

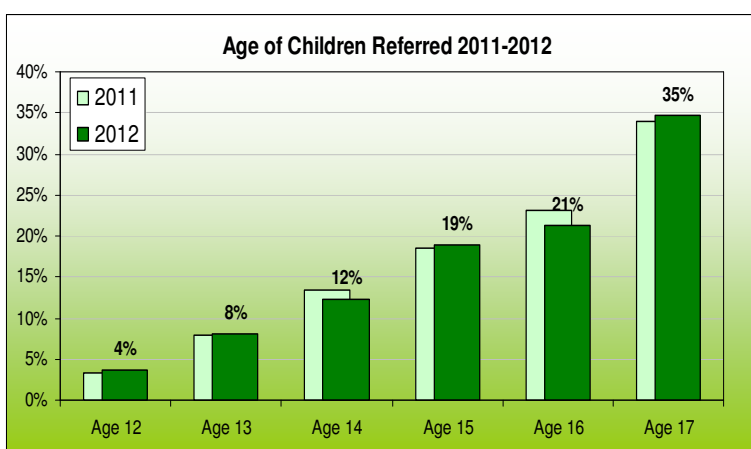
## CHILDREN REFERRED TO THE DIVERSION PROGRAMME

Figure 3 : Number of Children Referred 2007-2012



- 75% of children referred were male, 25% female.

Figure 4: Age of Children Referred 2011-2012



- 35% of children were 17 years of age and 21% were 16 years of age when cautioned in 2012.

Figure 5 - Number of Children 2012

Children (most recent referral)	Total	%	Male	Female
Informal Caution	6,265	51%	67%	33%
Formal Caution	2,209	18%	85%	15%
Unsuitable for Diversion Programme	1,822	15%	88%	12%
No Further Action	648	5%	68%	32%
Restorative Caution	631	5%	80%	20%
Others*	671	5%	85%	15%
<b>Grand Total</b>	<b>12,246</b>	<b>100%</b>	<b>75%</b>	<b>25%</b>

- 51% of children referred had an Informal Caution as their most recent referral type. Two-thirds of children who received an Informal Caution as their most recent caution were male while 88% deemed unsuitable for inclusion in the diversion programme as their most recent caution were also male.

\* Some percentages do not sum to exactly 100 due to rounding

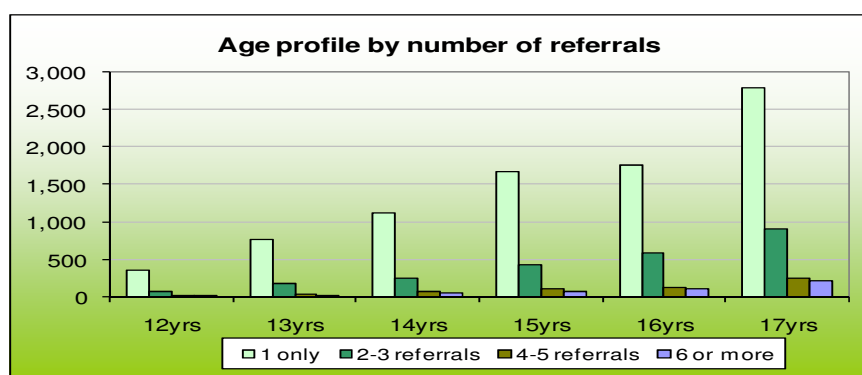
## CHILDREN REFERRED TO THE DIVERSION PROGRAMME

Figure 6 - Number of Referrals per Child - 2012

Referrals in 2012	Total	%	Male	Female
1 only	8,532	70%	71%	29%
2-3 referrals	2,437	20%	81%	19%
4-5 referrals	574	5%	88%	12%
6 or more	703	6%	90%	10%

- 70% of children referred have just one referral while 6% have 6 or more referrals in 2012. Of those receiving 1 referral in 2012, 71% are male and 29% female. Children with 6 or more referrals were predominantly male with just 10% female.

Figure 7 - Age Profile by Number of Referrals



	1 only	2-3 referrals	4-5 referrals	6 or more
12yrs	354	68	14	18
13yrs	757	172	32	32
14yrs	1,115	254	62	70
15yrs	1,673	424	104	114
16yrs	1,751	582	118	156
17yrs	2,795	906	237	301

- Older children receive a greater proportion of referrals with those aged 17 years of age making up 35% of those referred while 12 year olds account for just 4%.

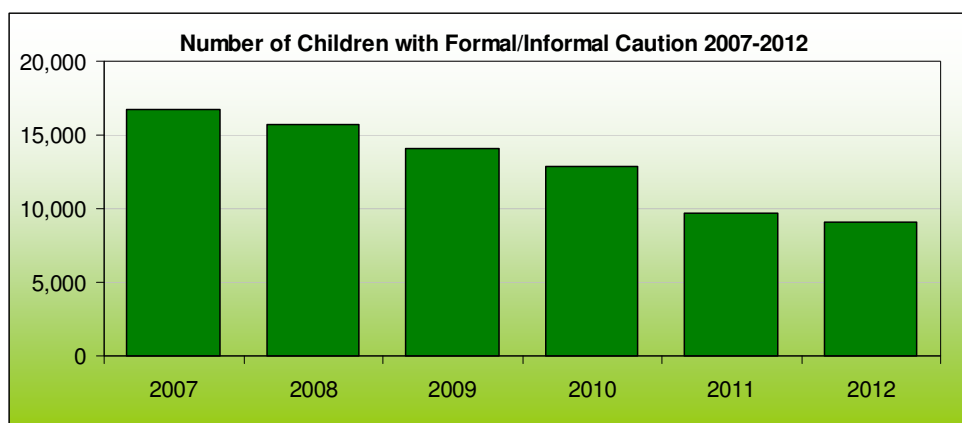
## CAUTIONS—FORMAL AND INFORMAL CAUTIONS

Figure 8 - Referral Type by Number of Referrals 2012

Referral Type	Number of Referrals 2012		
	1 only	2-5 referrals	6 or more
Informal Caution	67%	29%	3%
Unsuitable for Diversion Programme	8%	26%	66%
Formal Caution	23%	49%	28%
Restorative Caution	34%	45%	22%
No Further Action	55%	32%	12%
Others	33%	41%	27%

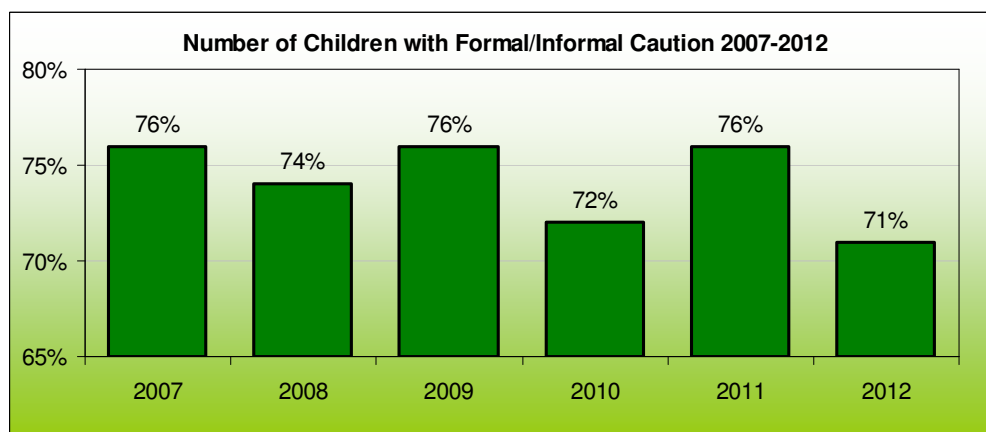
- Most Informal Caution and No Further Action outcomes are linked to children with just 1 referral in 2012. 66% those deemed unsuitable for inclusion in the diversion programme received 6 or more referrals in 2012.

Figure 9 - Number of Children with Formal / Informal Caution 2007-2012



- There were 9,105 children who received Formal or Informal cautions in 2012 which is -6% fewer than in 2011 - based on most recent referral received.
- 72% are male and 28% female.

Figure 10- Percentage of Children with Formal / Informal Caution 2007-2012



## RESTORATIVE JUSTICE

---

Restorative Justice is a voluntary process where the young person accepts responsibility for his/her offending behaviour and becomes accountable to those he or she has harmed. The victim is given the opportunity to have their views represented either by meeting the young person face to face or having their views represented by someone else. This meeting is set up and run by a Juvenile Liaison Officer (JLO).

### WHAT DOES RESTORATIVE JUSTICE SEEK TO ACHIEVE?

---

When an offence or crime is committed there is harm done to a person or a community. In some way that person or community is affected by the harm. Restorative Justice attempts to deal with the harm through a discussion. Restorative Justice attempts to bring that harm to the centre of the discussion. It does this by giving a voice to the person who has been affected by the crime. It then creates an opportunity for the offender to repair the harm caused by the offence and work towards the prevention of re-offending. The Restorative Justice process does not concern itself with judging or blaming.

### WHO CAN BE INVOLVED?

---

All those taking part in a Restorative Justice meeting do so voluntarily. Participants should include the young person who has offended, his/her family and the victim, who may also bring along someone to support them. Any person, who can positively contribute to the process, may be invited by either the victim or the young person. The process is organised by a JLO and is usually chaired by another JLO who is specially trained. Examples of people invited to attend include: persons to support the victim, teachers, social workers, sports trainers and youth or project workers.

### WHAT HAPPENS AT A RESTORATIVE EVENT?

---

The chairperson, who is a JLO, introduces everyone and outlines how the meeting will run. The young person accounts for his/her behaviour. Each participant then has the opportunity to tell his/her story without interruption and outlining how the offending behaviour impacted upon them. When everyone who wishes to speak has concluded, there will be an opportunity to respond and ask questions. The offender will be given an opportunity to apologise and the victim will be invited to say what they would like from the meeting. A discussion then takes place on how best to meet the needs of the victim and to address the harm. The future behaviour of the young person is then discussed. Where possible, the meeting will identify supports to be put in place which will help the young person to prevent him/her re-offending.

### WHERE WILL THE MEETING BE HELD?

---

The restorative meeting can be held in any location agreeable to the parties directly involved. A requirement for favourable outcomes is that the parties invited feel safe and comfortable. Such venues include community centres, sports centres, parish centres, hotels and Garda stations.



## **WHAT ARE THE POSSIBLE BENEFITS FOR THE VICTIM?**

---

Importantly, victims get a chance to be heard, to give their side of the story and to explain the full impact of the offence on them. They also get a chance to meet the offenders and to challenge their behaviour. Feedback from victims suggest this process is helpful in moving on from the offence. The meeting may also help them to overcome worries about possible future victimisation or to obtain answers to questions that are troubling them. While there are no guarantees as to the final outcome, victims may also benefit from financial compensation or other forms of restitution. Recent research indicated that over 90% of victims were satisfied with the manner in which the case was dealt with by using this process.

## **WILL PRIVACY BE RESPECTED?**

---

By law, issues that are disclosed at the meeting and the content of any agreement reached are confidential and will not be disclosed to any person without the prior permission of those directly involved.

## **WHAT ARE THE POSSIBLE BENEFITS FOR THE YOUNG PERSON?**

---

The restorative caution and conference provide an opportunity for the young person to accept responsibility for his/her actions and to account for their behaviour. They have a chance to apologise directly to the victim and, where appropriate, to do something positive to repair the harm caused. The meeting will endeavour to assist the young person to avoid re-offending through acceptance and reintegration.

## RESTORATIVE JUSTICE – A personal story

---

When a JLO recently examined a number of referrals for a young offender, he could see that the crimes were of a serious nature where text messages were used to cause harassment and threaten another young person. This extended to the young offender being caught with a knife at school, where the other young person also attended.

Upon examination of the case the JLO discovered that the young offender was in dispute with another young person at school and the situation was obviously escalating. Through his experience of the use of restorative practices, the JLO recognised the need not only to address the crimes, but also to try and mend the broken relationship between the two young people.

The JLO worked extensively with the injured party and her parents, as well as with the young offender and her parents which led to all parties coming together in a restorative meeting.

An open and honest conversation took place at the meeting between the young persons and at the end they hugged one another.

The JLO later met with the young offender, as part of the supervision arrangement, to find that this girl had a chance meeting with the other young girl and they had spent a half hour talking together. This would have been unthinkable when the crime was initially reported and investigated. However, through the use of restorative justice and bringing all parties affected by the crime together, not only was the harm of the crime addressed but the young victim could feel safe in any future meetings between herself and the other girl.

This example shows the strength of restorative justice to address harm, mend relationships and better address the possibility of recidivism in the process.

## RESTORATIVE JUSTICE – A community story

---

An incident occurred where extensive criminal damage was caused to a new community building which housed small industry and craft makers. Windows were smashed, gardening tools removed and wheelie bins set alight. The injured parties were totally shocked as they had believed they were welcome in the community and the premises was there for use by the local community.

The JLO brought together 15 people for a restorative meeting; the five young wrongdoers along with their parents and members of the community centre. The JLO worked extensively with the injured parties to give them a sense of how this process may help them move on from the shock and fear which the crime caused.

One aspect of restorative practice is to facilitate community cohesion and assist with the rebuilding of damaged relationships to allow people live their lives in harmony. A meeting was held in the community centre which had been damaged. This assisted the process as the parents of the youths could see exactly the damage their children had caused. It also served to give them a sense of the community of people who used the premises, and the good work they did.

The youths acknowledged how stupid their actions were and they all verbally apologised to the staff members. The parents expressed their horror at what their children had been involved in. The victims expressed their feelings upon arriving to their place of work with glass all over the place and the general mayhem of finding their building like this. Amongst the commitments made by the youths was to undertake to assist staff in carrying out gardening duties around the centre.

Not only did the 5 youths return to do the work but some of their friends came along and helped as well. They are completing an art course and have planned to complete a mural for the building.

The JLO could see how the dynamic changed over the weeks and the community workers and youths were on first name terms and a real sense of community and collective ownership existed amongst all.

## RESTORATIVE JUSTICE – Road Traffic Offending

---

A pilot initiative is currently underway in 10 Garda Divisions which seeks to address road traffic offending through a restorative approach.

It is jointly run by Garda Traffic Unit personnel and Juvenile Liaison Officers. It offers the opportunity for young persons who have offended on our roads, to participate in the *'It won't happen to me'* programme. The participants, including the young offending drivers and their parents / guardians, then engage in a discussion using the principles of Restorative Practices, to further the learning and understanding of the risks associated with bad driving behaviour on our roads.

Four young offending drivers recently attended a Road Traffic/Restorative Justice event accompanied by their parents and viewed the *'It won't happen to me'* video presentation. In the follow up discussion, the emphasis, through the use of restorative practices, is to reflect on what they did, acknowledge the dangers which exist having viewed the video and make commitments for their driving behaviour in the future.

On this occasion, the discussion was greatly enhanced by the presence of a 31 year old man who, at the age of 25, was involved in a serious road accident which has left him a paraplegic. This young man is determined to give something back to society by delivering a message about how his life was changed as a result of a road traffic accident.

The impact he had on the young drivers and their parent was immense. From watching a video, to discussing their driving behaviour and now confronting a real life road accident victim, it left the young people in no doubt that they would have to make real and lasting commitments to their driving in the future in order to stay safe on our roads. Each driver committed to changing and addressing their driving behaviour and this will be monitored by the JLO during their period of supervision.

Significantly, this process allows for and includes a parental voice. It is very often the parents who give access to a vehicle, provide insurance for their children and therefore are integral to supporting this message on road safety through engagement with their children.

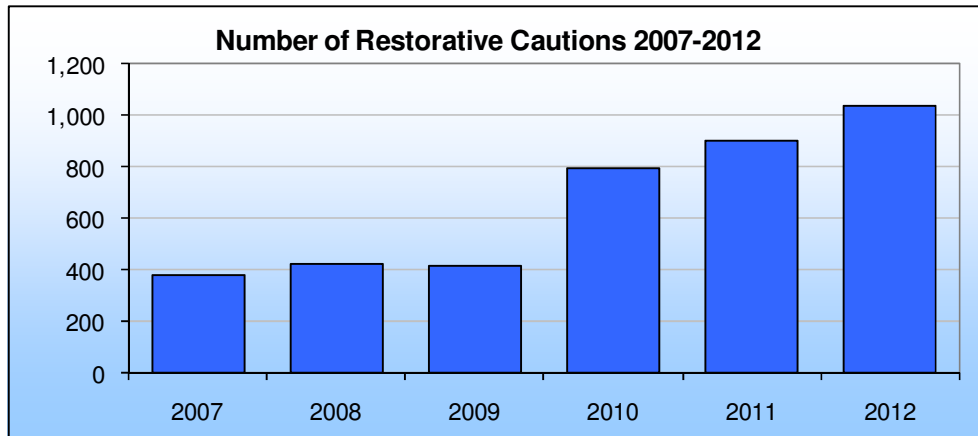
## RESTORATIVE JUSTICE 2012 PER REGION AND DIVISION

There were 1,036 Restorative Cautions in 2012 up from 903 Restorative Cautions in 2011.

**Table 3 : Number of Restorative Cautions 2009 -2012**

Region	Division	2012	% Change	2011	2010	2009
<b>Dublin Region</b>		<b>213</b>	<b>0%</b>	<b>212</b>	<b>180</b>	<b>138</b>
	D.M.R. Eastern	18	0%	18	31	16
	D.M.R. North Central	24	14%	21	20	13
	D.M.R. Northern	73	-11%	82	59	54
	D.M.R. South Central	10	-52%	21	10	10
	D.M.R. Southern	7	-50%	14	16	13
	D.M.R. Western	81	45%	56	44	32
<b>Eastern Region</b>		<b>96</b>	<b>10%</b>	<b>87</b>	<b>90</b>	<b>45</b>
	Kildare	27	4%	26	11	10
	Laois/Offaly	9	-53%	19	28	9
	Meath	17	-26%	23	11	12
	Westmeath	29	93%	15	38	6
	Wicklow	14	>100%	4	2	8
<b>Northern Region</b>		<b>96</b>	<b>25%</b>	<b>77</b>	<b>33</b>	<b>27</b>
	Cavan/Monaghan	10	>100%	10	5	10
	Donegal	60	94%	31	8	3
	Louth	18	-31%	26	17	10
	Sligo/Leitrim	8	-20%	10	3	4
<b>South Eastern Region</b>		<b>149</b>	<b>69%</b>	<b>88</b>	<b>84</b>	<b>44</b>
	Kilkenny/Carlow	50	213%	16	10	14
	Tipperary	53	33%	40	48	7
	Waterford	16	-24%	21	13	11
	Wexford	30	>100%	11	13	12
<b>Southern Region</b>		<b>405</b>	<b>13%</b>	<b>357</b>	<b>295</b>	<b>127</b>
	Cork City	58	-43%	102	162	57
	Cork North	78	-32%	115	54	34
	Cork West	38	-14%	44	32	25
	Kerry	134	185%	47	5	1
	Limerick	97	98%	49	42	10
<b>Western Region</b>		<b>76</b>	<b>-7%</b>	<b>82</b>	<b>110</b>	<b>35</b>
	Clare	18	>100%	4	4	0
	Galway	44	69%	26	67	22
	Mayo	8	>100%	6	17	5
	Roscommon/Longford	6	-87%	46	22	8
<b>Grand Total</b>		<b>1,036</b>	<b>15%</b>	<b>903</b>	<b>792</b>	<b>416</b>

**Figure 11- Number of Restorative Cautions 2007 -2012**



## CHILDREN CONSIDERED UNSUITABLE FOR INCLUSION IN THE DIVERSION PROGRAMME

---

There was a total of 1,822 children deemed Unsuitable for Caution in 2012 down 13 children on the 2011 total of 1,835 - based on most recent number of referrals received. 88% are male and 12% are female.

A case may be recorded as unsuitable if any of the following are present:

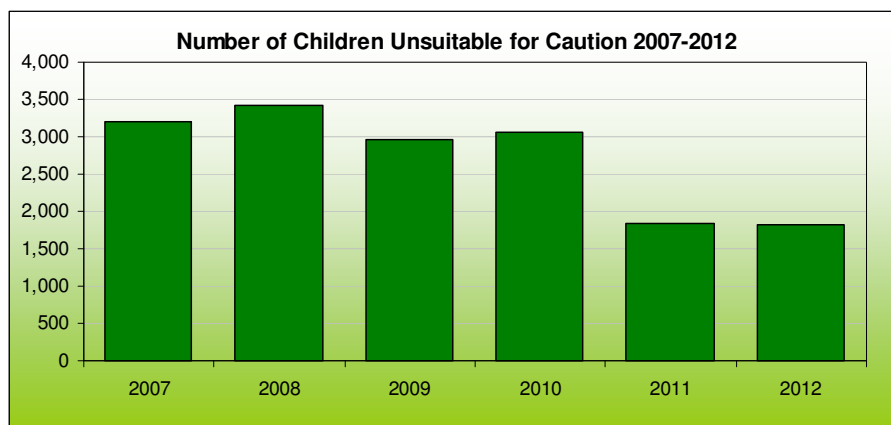
- The child does not accept responsibility for their behaviour.
- The child does not consent to being cautioned and, where appropriate, to be supervised by a juvenile liaison officer.
- It would not be in the interests of society to caution the child.
- The child is offending persistently.

The Director shall be satisfied that the admission of the child to the Programme is appropriate, in the best interest of the child and consistent with the interests of society and any victim.

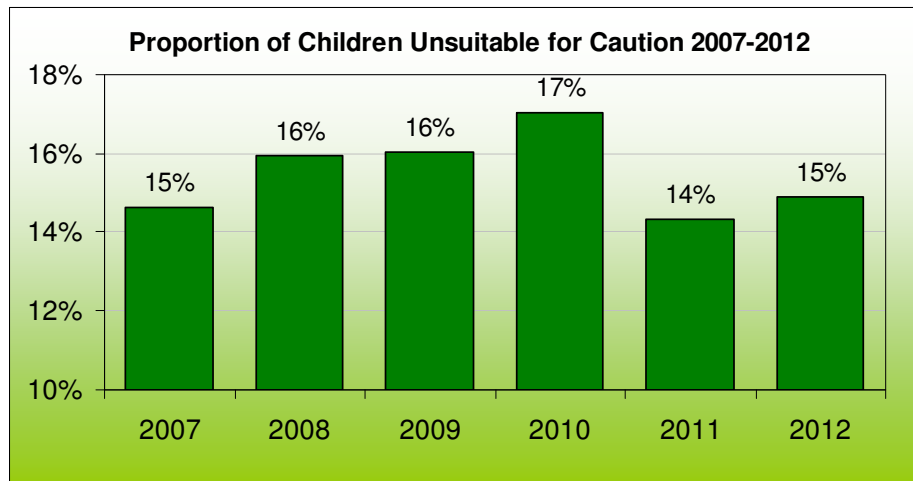
When the admission of a child to the Programme is being considered any views expressed by any victim in relation to the child's criminal or anti-social behaviour shall be given due consideration but the consent of the victim shall not be obligatory for such admission.

These matters are then returned to local Garda management certifying that the child is unsuitable for inclusion in the Diversion Programme. Cases deemed unsuitable are returned to local Garda management with a view to initiating a prosecution before the Courts.

**Figure 12: Number of Children Considered Unsuitable for Inclusion 2007-2012**



**Figure 13: Percentage of Children Considered Unsuitable for Inclusion 2007-2012**



Proportion of children deemed Unsuitable for Caution was 15% in 2012, up from 14% in 2011.



## CRIME TYPE FOR WHICH CHILDREN WERE REFERRED

**Table 4: Crime type for which Children were referred 2012**

Offence Group / Offence Type	2012	% of Total	% Change	2011	Proportion of Detected Offences 2012*
<b>Public Order and other Social Code Offences</b>	<b>6,976</b>	<b>29.0%</b>	<b>-11%</b>	<b>7,868</b>	<b>17%</b>
Public Order Offences	3,787	15.7%	-17%	4,556	14%
Trespass Offences	1,296	5.4%	-9%	1,418	65%
Drunkenness Offences	889	3.7%	-6%	947	10%
Purchase or Consumption of Alcohol by Under 18 Year Olds	723	3.0%	-2%	739	---
Other Public Order	88	0.4%	73%	51	2%
Regulated Betting/Money, Collection/Trading Offences	70	0.3%	-10%	78	28%
Begging	59	0.2%	392%	12	10%
<b>Theft and Related Offences</b>	<b>5,996</b>	<b>24.9%</b>	<b>-8%</b>	<b>6,485</b>	<b>23%</b>
Theft from shop	3,321	13.8%	-6%	3,541	22%
Theft Other	752	3.1%	-13%	860	16%
Theft/Unauthorised taking of vehicle	501	2.1%	-32%	742	45%
Theft from vehicle	373	1.5%	-3%	383	24%
Handling Stolen Property	324	1.3%	16%	279	20%
Theft/Unauthorised taking of a pedal cycle	316	1.3%	9%	291	57%
Theft from person	257	1.1%	48%	174	28%
Interfering with Mechanism of MPV	148	0.6%	-31%	213	38%
<b>Damage to Property and to the Environment</b>	<b>2,511</b>	<b>10.4%</b>	<b>-19%</b>	<b>3,096</b>	<b>36%</b>
Criminal damage (not arson)	2,303	9.6%	-18%	2,812	35%
Arson	197	0.8%	-29%	278	60%
Litter offences	11	0.0%	83%	6	13%
<b>Road and Traffic Offences (NEC)</b>	<b>1,668</b>	<b>6.9%</b>	<b>-15%</b>	<b>1,953</b>	<b>2%</b>
Roadworthiness/Regulatory Offences	1,124	4.7%	-13%	1,288	2%
<b>Attempts/Threats to Murder, Assaults, Harrassments and Related C</b>	<b>1,640</b>	<b>6.8%</b>	<b>-19%</b>	<b>2,033</b>	<b>18%</b>
Other Assault	1,220	5.1%	-18%	1,487	20%
Assaults causing harm	377	1.6%	-25%	502	17%
<b>Burglary and Related Offences</b>	<b>1,636</b>	<b>6.8%</b>	<b>-15%</b>	<b>1,936</b>	<b>27%</b>
Burglary (not aggravated)	1,433	6.0%	-18%	1,750	28%
Possession of an article (with intent to burgle, steal, demand)	174	0.7%	12%	156	23%
Aggravated burglary	29	0.1%	-3%	30	22%
<b>Controlled Drug Offences</b>	<b>1,205</b>	<b>5.0%</b>	<b>-7%</b>	<b>1,290</b>	<b>7%</b>
Possession of drugs for personal use	965	4.0%	-8%	1,046	8%
Possession of drugs for sale or supply	194	0.8%	-1%	196	6%
Other Drugs Offences	38	0.2%	23%	31	6%
Cultivation or manufacture of drugs	8	0.0%	-53%	17	2%
<b>Dangerous or Negligent Acts</b>	<b>664</b>	<b>2.8%</b>	<b>-10%</b>	<b>735</b>	<b>1%</b>
Dangerous/Careless driving and motorway offences	344	1.4%	-11%	386	9%
Speeding	168	0.7%	17%	144	1%
Driving/In charge of a vehicle while over legal alcohol limit	88	0.4%	17%	75	1%
Endangering traffic offences	46	0.2%	-49%	90	33%
Endangerment with potential for serious harm/death	12	0.0%	-48%	23	26%
Driving/In charge of a vehicle under the influence of drugs	4	0.0%	-76%	17	2%
Abandoning a child, child neglect and cruelty	1	0.0%	---	0	1%
Dangerous driving causing serious bodily harm	1	0.0%	---	0	20%
<b>Weapons and Explosives Offences</b>	<b>588</b>	<b>2.4%</b>	<b>-11%</b>	<b>658</b>	<b>22%</b>
Offensive Weapons Offences (NEC)	446	1.9%	-8%	484	18%
<b>Robbery, Extortion and Hijacking Offences</b>	<b>372</b>	<b>1.5%</b>	<b>-29%</b>	<b>525</b>	<b>30%</b>
Robbery from the person	327	1.4%	-28%	455	49%
<b>Sexual Offences</b>	<b>291</b>	<b>1.2%</b>	<b>16%</b>	<b>250</b>	<b>26%</b>
Sexual assault (not aggravated)	170	0.7%	52%	112	25%
Rape of a male or female	71	0.3%	-16%	85	26%
Defilement of a boy or girl less than 17 years old	41	0.2%	24%	33	53%
Other Sexual Offences	5	0.0%	-74%	19	8%
Sexual offence involving mentally impaired person	2	0.0%	---	0	17%
Aggravated sexual assault	2	0.0%	100%	1	50%
<b>Offences against Government, Justice Procedures and Organisatio</b>	<b>255</b>	<b>1.1%</b>	<b>-15%</b>	<b>299</b>	<b>3%</b>
<b>Fraud, Deception and Related Offences</b>	<b>203</b>	<b>0.8%</b>	<b>-9%</b>	<b>224</b>	<b>8%</b>
<b>Offences Not Elsewhere Classified (NEC)</b>	<b>46</b>	<b>0.2%</b>	<b>119%</b>	<b>21</b>	<b>3%</b>
<b>Kidnapping and Related Offences</b>	<b>12</b>	<b>0.0%</b>	<b>33%</b>	<b>9</b>	<b>22%</b>
<b>Homicide Offences</b>	<b>6</b>	<b>0.0%</b>	<b>200%</b>	<b>2</b>	<b>10%</b>
Murder/Manslaughter/Infanticide	6	0.0%	500%	1	15%
<b>All Offences</b>	<b>24,069</b>	<b>100.0%</b>	<b>-12%</b>	<b>27,384</b>	<b>9%</b>

\*Proportion of Youth Offences to overall detected offences in 2012

## GARDA YOUTH DIVERSION PROJECTS

---

Garda Youth Diversion Projects (GYDPs) reflect An Garda Síochána's corporate commitment to a multi-agency partnership approach in tackling youth crime and anti-social behaviour at community level. GYDPs are funded by the Community Programmes Unit of the Irish Youth Justice Service (IYJS) under the Department of Justice and Equality.

The projects are community based, multi-agency youth crime prevention initiatives which primarily seek to divert young people who have been involved in anti-social and/or criminal behaviour by providing suitable activities to facilitate personal development, promote civic responsibility and improve long-term employability prospects. The projects may also work with young people who are significantly at risk of becoming involved in anti-social and/or criminal behaviour. By doing so, the projects contribute to improving the quality of life within communities and enhancing Garda/community relations.

The role of the community and other locally based agencies as partners is vital in the implementation and delivery of the projects. The projects assist An Garda Síochána and Garda Juvenile Liaison Officers in particular, in the implementation of the Diversion Programme as set out in Part 4 of the Children Act, 2001.

GYDPs work with young people primarily aged between 12 and 18 years who have come in conflict or are at risk of coming in conflict with the law. The child is referred to a project primarily by a JLO, however a child can also be referred by another Garda, another agency, by a community worker or a family member.

The project works with the child and sets an individual plan of intervention for him/her which seeks to assist the child to examine their decision making process focusing on the decisions that led them to offend and on the need for change. Motivational interviewing techniques are used by project staff to facilitate this change and pro-social modelling is used to challenge individual participant's attitudes and behaviours.

Assistance and support is also provided to the participant's family recognising that any changed attitudes and behaviours in the participant must be positively re-enforced at home, in school, within peer groups and in the community.

All project staff and JLOs have received familiarisation training in pro-social modelling and motivational interviewing techniques designed to enhance the skill set of those working on the projects. Furthermore, a number of Project staff have received Restorative Practices Training.

Throughout 2012 the Garda Youth Diversion Office have worked closely with the IYJS to improve interventions provided by projects. In particular the work has focussed on realigning the project outcomes with local crime trends. This involved local Garda management identifying the key issues relating to youth offending in their Districts and working with the project to design and implement appropriate interventions to challenge the identified offending behaviour.

## LOCATION OF GARDA YOUTH DIVERSION PROJECTS NATIONWIDE

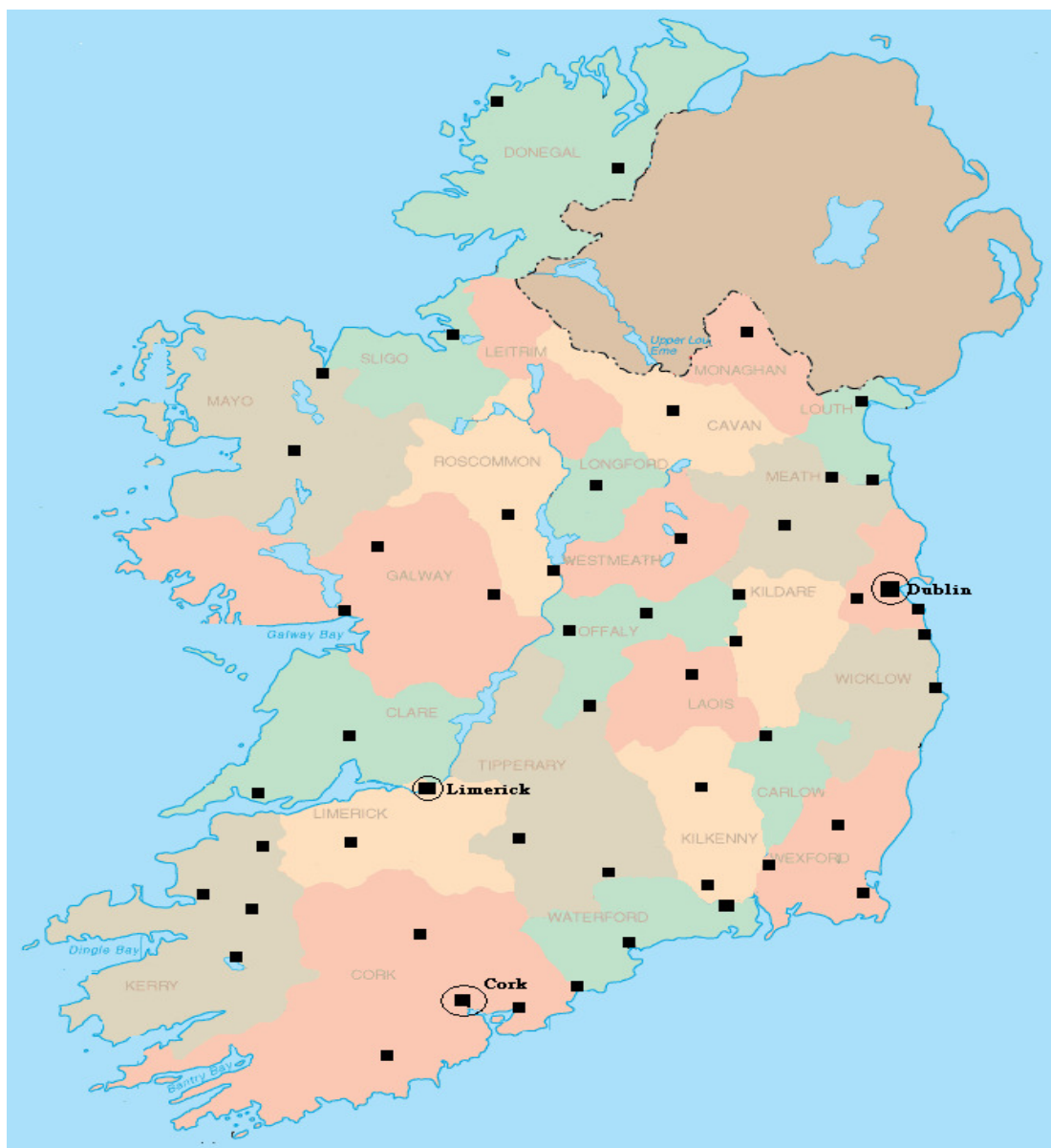


Figure 14: Location of Garda Youth Diversion Projects Nationwide

- Total in Dublin - 33
- Total in Cork - 11
- Total in Limerick - 6

There are currently 100 Garda Youth Diversion Projects throughout the country working closely with Garda management to challenge offending behaviour and anti-social behaviour in the community and to assist children in conflict with the law to change their patterns of behaviour.

An Garda Síochána management of the GYPDs is underpinned by the Garda Children and Youth Strategy (2012 - 2014) “our promise to children and young people that we will work to ensure their protection and we will be professional and respectful to them; we will be sensitive to their rights and needs if they come in conflict with the law or require our assistance”.

## OBSERVATIONS AND RECOMMENDATIONS

---

*The committee acknowledges:*

- *The work of the Garda Youth Diversion Office and Juvenile Liaison Officers throughout the country in the delivery of the Diversion Programme.*
- *The ongoing efforts to promote restorative justice and restorative practices.*
- *The interagency work between the Garda Youth Diversion Office and the Irish Youth Justice Service, the Department of Children and Youth Affairs, the Department of Education and Skills, the Health Service Executive and Non Governmental Organisations.*
- *The role of the Garda Youth Diversion Projects in supporting the Diversion Programme.*
- *The importance of the Garda Schools Programme in supporting children and building relationships with young people.*

*The committee recommends that:*

- *The Garda Analysis Service continue to work with the Garda Youth Diversion Office to profile high crime areas in order to target more effective and efficient responses and interventions for young people.*
- *The alignment of Garda Youth Diversion Projects with youth offending hotspots.*
- *Referrals to the Garda Youth Diversion Projects from the Juvenile Diversion Programme be maximised.*
- *The extent to which alcohol/drugs are a factor in youth crime be analysed.*
- *The Garda Youth Diversion Office utilise the expertise of the Garda Analysis Service to enable tracking of children through the system in support of the National Strategy for Research and Data on Children's lives 2011– 2016.*