

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

2015

A copy of this report is available on the Garda Website www.garda.ie
and on the Irish Youth Justice Service Website www.iyjs.ie

Garda Community Relations Bureau Tel: (01) 666 38 31/2/3/4
An Garda Síochána Fax: (01) 666 38 27
Harcourt Square Email: youthdiversion@garda.ie
Harcourt Street
Dublin 2

2015

ANNUAL REPORT

OF THE COMMITTEE APPOINTED TO
MONITOR THE EFFECTIVENESS OF THE
DIVERSION PROGRAMME

CONTENTS

1. Message from the Chairman of the Committee.....	3
2. Overview of the Committee	4
3. Executive Summary.....	5
4. Overview of the Diversion Programme	6
5. Report of Director of Diversion Programme.....	8
6. Structure of Diversion Office and Network	10
7. Training provided to Juvenile Liaison Officers	11
8. Statistical Information	12
9. Restorative Justice	21
10. Garda Youth Diversion Projects	23
11. 2015 Developments in Diversion.....	25
12. Recommendations	26

1

MESSAGE FROM THE CHAIRMAN OF THE COMMITTEE



Dear Commissioner,

It is my pleasure as chairman of the Monitoring Committee appointed under section 44(1) of the Children Act 2001 to present the 2015 Annual Report.

The report reflects the activities of the Monitoring Committee and the Diversion Programme during 2015 and sets out recommended actions for 2016. It also articulates the governance applied to the Juvenile Diversion Programme by the Section 44 Monitoring Committee. The Committee was joined at its meetings on several occasions by the Director of the Diversion Programme to discuss matters of relevance.

The Committee notes that 9,807 children were referred to the Diversion Programme in 2015. Of those children referred, 7,282 were admitted to the Programme. The children referred were involved in 19,513 incidents, which is 2% lower than the 2014 figure. This continues the downward trend in crimes committed by children and is very welcome, and reflects well on the efforts and successes of the Juvenile Diversion Programme throughout the State.

During 2015, the Juvenile Diversion Programme continued to develop the use of Restorative Justice and administered 891 cautions. The use of Restorative Justice as part of the Diversion Programme will continue to be utilised in addition to promoting restorative practices as a way of working by all professionals responsible for the well-being of children and young people.

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 and each Juvenile Liaison Officer throughout the country for their dedication, commitment and excellent work during 2015.

I would also like to thank the current members on the Section 44 Monitoring Committee - Chief Superintendent Karl Heller, Mr Eddie D'Arcy, Dr Jennifer Carroll MacNeill and Sergeant Majella Armstrong (Secretary to the Committee) for their efforts and diligence throughout the year. I would also like to express my appreciation to the outgoing members of the committee Chief Superintendent Anne Marie McMahon and Mr John Cheatle, B.L. for their work during their tenure on the Committee.

Assistant Commissioner

A.J. Nolan

2

OVERVIEW 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 PhD, has responsibility for the office of Organisation Development and Strategic Planning, Garda Headquarters, in addition to the South Eastern Garda Region. He previously held posts as Regional Commissioner of the Western Region, Director of Training & Development at the Garda College and Head of the Change Management Department in Garda HQ.



Chief Superintendent Karl Heller joined the Garda Síochána in 1982 and has served at Finglas, Ballymun, Coolock and Swords Garda Stations as well as the Garda College. He was appointed Superintendent in 2007 and served at Carrickmacross Garda Station and the Garda Community Relations Bureau. He was promoted to Chief Superintendent in 2015 and is currently the Divisional Officer at the Garda Community Relations Bureau. He is the holder of an M.Sc in Child Protection (Trinity College).



Eddie D'Arcy is a professional youth worker with more than 35 years experience, including 15 years as manager of Ronanstown Youth Service and 6 years as Head of Youth Work Services with Catholic Youth Care. He developed the first Garda Youth Diversion Project (GRAFT). He is currently Lecturer in Youth Work at Dundalk IT and working with the Compass Project which supports young offenders after their release from prison.



Dr Jennifer Carroll MacNeill is a barrister and former solicitor and political scientist. She is the co-author of 'The Children Court: A National Study' published in 2007 by the Association for Criminal Justice Research and Development. She has worked in the Department of Children and Youth Affairs and the Department of Justice and Equality. She was appointed to the Monitoring Committee in October 2015.

3

EXECUTIVE SUMMARY

- The total number of individual children referred to the Programme in 2015 was 9,807 compared to 9,991 in 2014.
- In 2015, there was a reduction of 2% in the number of referrals to the Juvenile Diversion Programme.
- 4,860 (50%) children had their cases dealt with by way of an informal caution compared to 4,925 (49%) in 2014.
- 2,422 (25%) children had their cases dealt with by way of a formal caution which is unchanged from the 2014 percentage (2,526 children).
- The total number of incidents referred to the Diversion Programme during 2015 was 19,513 compared to 19,854 in 2014.
- 7,282 (74%) of the children referred were admitted to the Diversion Programme compared to 7,451 (74%) in 2014.
- 1,479 (15%) children were considered not suitable for inclusion in the Programme compared to 1,582 (16%) in 2014.
- 25% of children who were referred to the Programme were female while 75% were male, the same as 2014 figures.
- The Garda Programme of Restorative Justice continued to develop, promoting restorative practice in youth diversion intervention. Juvenile Liaison Officers used Restorative Justice in 891 referrals.
- Theft and related offences (28.6%), Public Order (22.7%), and damage to property and to the environment (11.3) continue to be the main categories of offences for which children were referred.
- The current number of Garda staff working in the Diversion Programme is 127, 112 of which are attached to Garda districts across the country.

4

OVERVIEW OF 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, either a formal caution or an informal caution
or
2. brought before the courts.

Before any young person is brought before the courts he or she 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 the young person and meet them to 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 must be present. In the course of the discussion, 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, known as the Director of the Programme. In making his/her decision the Director may consider:

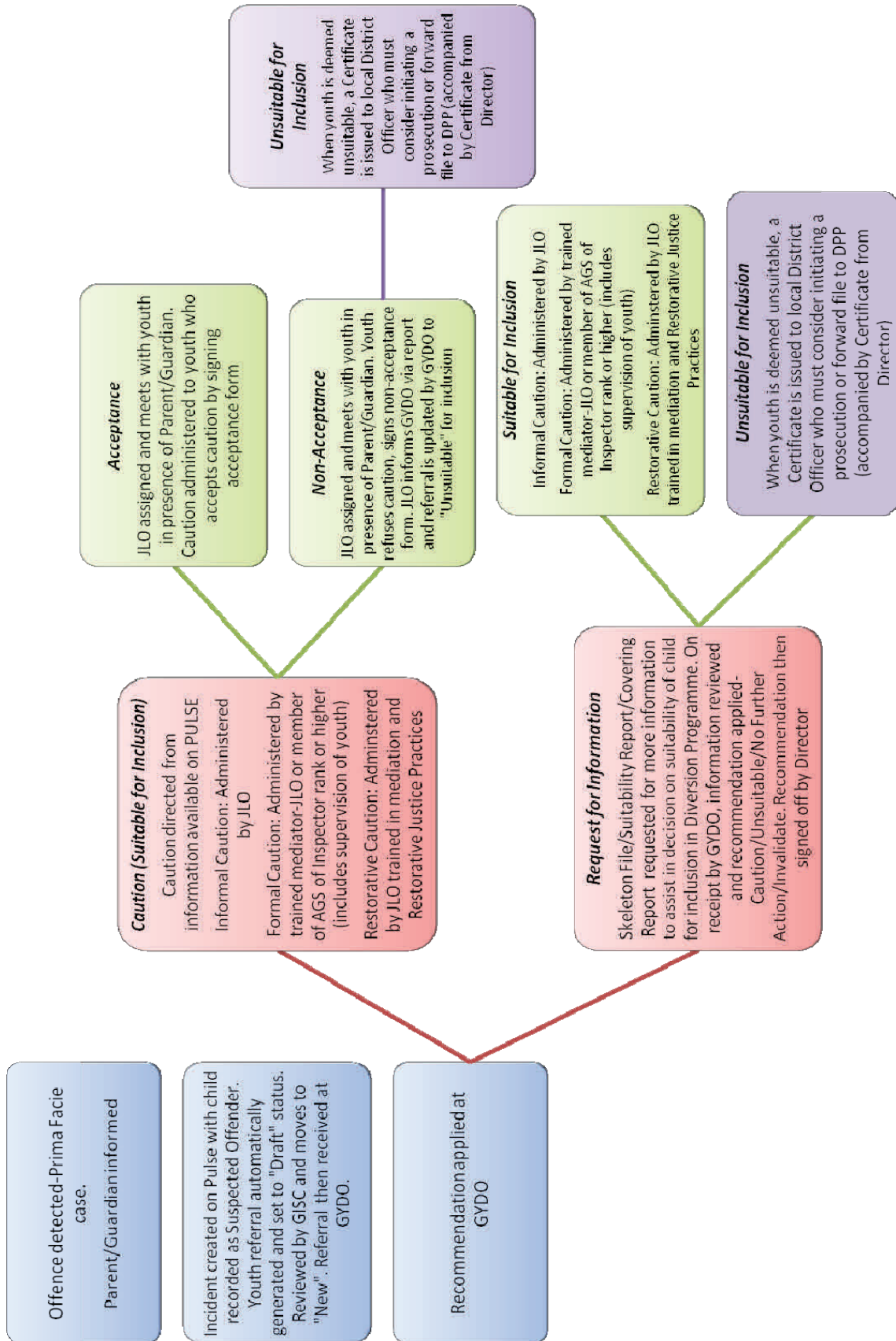
- The nature of the offence
- The views of the victim
- The interests of society
- The views of the arresting Garda
- The views of the JLO
- The attitude and views of the young person who offended
- The views of the young person's parents or guardian
- Whether an apology has been made
- Whether or not 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.

The process map below outlines how the Diversion Programme works from the time the offence is first detected until the child is either deemed suitable for inclusion in the programme and receives a caution or is deemed unsuitable for inclusion.

Figure 1 The Juvenile Diversion Process (Source: Juvenile Diversion Office 2016)



5

REPORT OF DIRECTOR OF DIVERSION PROGRAMME



As Director of the Diversion Programme, I am pleased to contribute to the 2015 Monitoring Committee Report. I was appointed Director by the Garda Commissioner in 2007 and have directed on some 230,000 cases to date. This is the first time that a Director's statement has been included so I would like to re-visit some basic features of the Diversion Programme .

It is appropriate that there are clear consequences for an individual, whether adult or child who break the law. In order that we properly protect our communities, these consequences must also present individuals with the support and the opportunities they require to be fully rehabilitated and to contribute positively to society.

An Garda Síochána has a long history of utilising diversion to address the offending behaviour of children. The initial Juvenile Liaison Officer Scheme dates back to the early 1960s; it was a voluntary scheme and the scheme was placed on a statutory footing with the introduction of the Children Act 2001. Since those early days, things have moved on significantly. Ireland signed the United Nations Convention on the Rights of the Child in 1990 requiring member states to act in the best interests of children, to focus on early intervention, prevention and diversion from the criminal justice system, ensure children's voices are heard when it comes to decision making about them and that children are treated without discrimination. The Convention acknowledges that children have the right to express their opinions and to have those opinions heard and acted upon. It is against this backdrop that the Diversion Programme has continued to develop.

During 2015, the working group established by Garda Commissioner Noirín O' Sullivan commenced an examination of the Diversion Programme. Coinciding with this work, the Garda Professional Standards Unit undertook a review of the Garda Youth Diversion Office. The focus of both groups is to examine current practices and procedures, review the Programme against good international practice and set out a vision for Youth Diversion. It is expected that both groups will report findings and recommendations during 2016.

There is no single or simple way of preventing an individual child or young person offending. The factors that are associated with young people's offending often include:

- peer group pressure
- poor attainment at school, truancy and school exclusion
- personal issues such as drug and alcohol misuse or mental health issues
- deprivation such as poor housing or homelessness.
- troubled home life, including poor parenting, criminal family member, violence or abuse

Tackling these factors, and other specific aspects of a child or young person's offending or re-offending requires input from a range of agencies and services both at a strategic level in planning and resourcing local service provision and at a practical level in deciding and delivering a package of intervention to help prevent offending by an individual child or young person.

Inter-agency collaboration and working is a key element to achieving this. The Garda Youth Diversion Office continued its engagement with partners in education, the Child & Family Agency and the Irish Youth Justice Service during 2015.

In 2015, a total of 9,807 children were referred to the Diversion Programme and 7,282 (74%) were admitted to the Programme. A total of 4,860 (50%) cases referred were dealt with by way of informal caution which means that the criminal behaviour was relatively low level and once off. These numbers reflect that the majority of children who engage in offending behaviour do so on a small number of occasions and consistent with the experience of other jurisdictions are likely to grow out of it by their late teens or early twenties, therefore, diversion is a valid way of ensuring that even when a child commits an offence, they do not have to go through an invasive court process, but can be given a second chance.

The number of children referred who received a formal caution amounted to 2,422 (25%). In these cases the offending was of a more serious nature and the child was supervised by a Juvenile Liaison Officer for up to one year. In this category, many of the factors mentioned above were present and the welfare needs of the child prompted a multi-agency response. Research findings generally support the view that interventions delivered in the community are much more effective at reducing reoffending than those delivered in institutional or custodial settings. Further investment at community level may not only address the needs of children and young people in a more holistic and effective way, but also reduce the likelihood of further offending.

The Diversion Programme promotes Restorative Justice and the use of restorative practices as a way of working with children and young people whose behaviour has caused harm or distress to their victim. The focus is on repairing the harm caused to a victim or revealed by the criminal behaviour. In 2015, the Diversion Programme administered 891 cautions utilising a restorative justice approach where the victim was present and included in the process.

As diversion is a core principle of a modern youth justice system, the Committee on the Rights of the Child (2007) has recommended that authorities make efforts throughout the criminal process to “continually explore the possibilities of alternatives to a court conviction” and alternatives such as diversion, promoted wherever these may serve the child’s best interest. It follows that professionals dealing with children and young people in this context would benefit from interdisciplinary training and the development of a common and shared vision consistent with the principles of diversion.

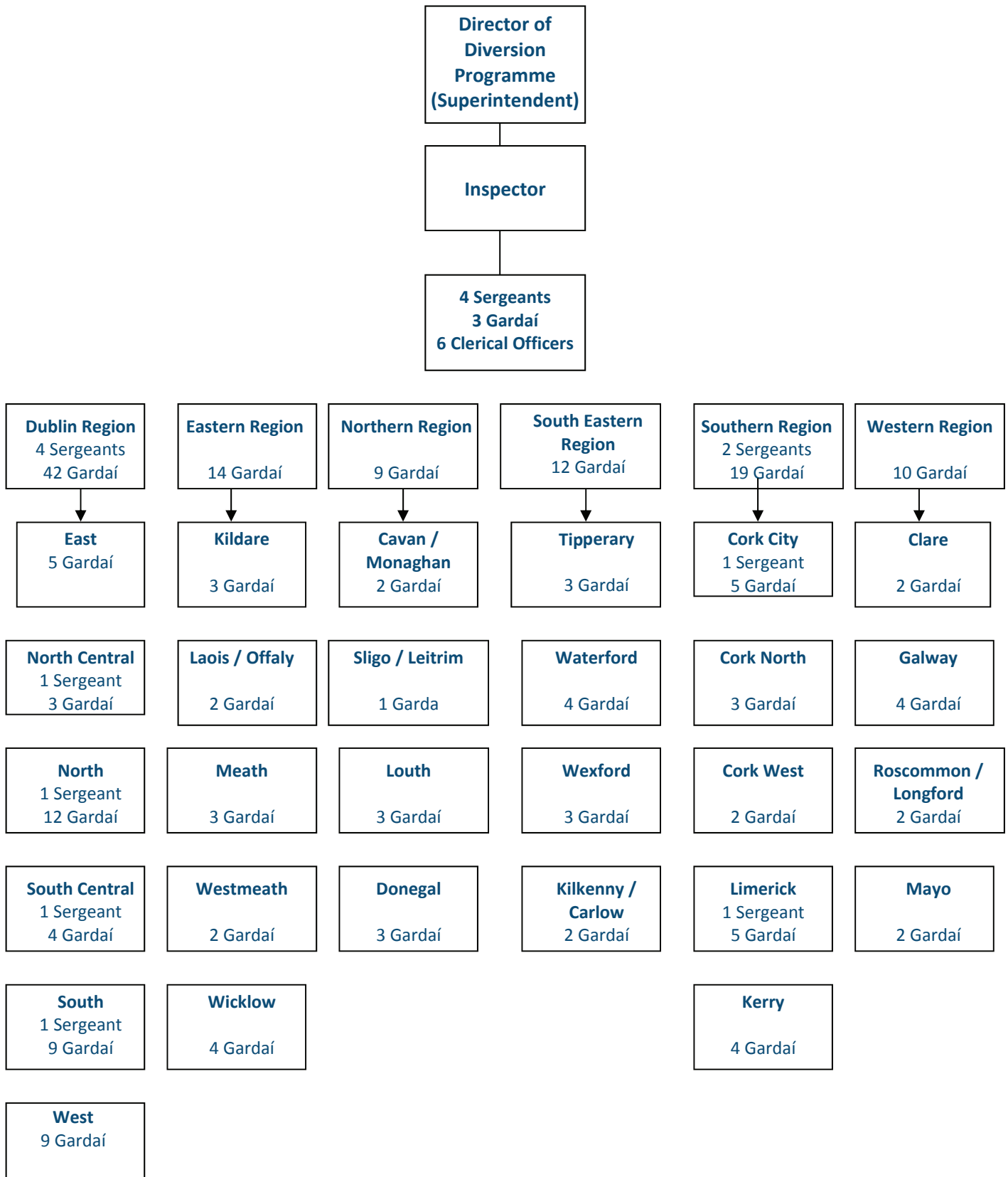
Finally, I would like to extend a sincere thank you to all 112 Juvenile Liaison Officers working throughout the country, to staff at the National Office and to frontline colleagues for the great efforts they have made during 2015 in ensuring the provision of a commendable service to children, young people and their families.

I would also like to acknowledge and thank the members of the Monitoring Committee appointed under section 44(1) of the Children Act 2001 for their support during 2015.

Superintendent

Colette Quinn BL
Director Diversion Programme

6 STRUCTURE OF DIVERSION OFFICE AND NETWORK



7 TRAINING PROVIDED TO JUVENILE LIAISON OFFICERS

The Children Act 2001 places an onus on the Garda Commissioner to provide training to those concerned with facilitating the Diversion Programme. An Garda Síochána provides specific training to Juvenile Liaison Officers (JLOs) to include;

Role Profile for a JLO

In order to become a JLO, a Garda must have 5 years of policing and crime investigation experience with a good knowledge of the criminal law and Garda polices, practices and procedures. Third level qualifications in community, social services, adolescent studies, psychology or other relevant areas is also desirable. When applying for a JLO position, candidates will be assessed on a variety of competencies including respect for diversity, community and customer focus, problem solving, personal responsibility and effective communication.

JLO Induction Training

Gardaí appointed as Juvenile Liaison Officers undergo induction training which focuses on the legal and statutory obligations underpinning the role. The training includes instruction on international best practice in the area of juvenile justice along with guidance on the administrative processes and procedures to be followed when engaging with young offenders.

Mediation Training

Juvenile Liaison Officers are trained in conflict resolution skills and techniques. This training focuses on the process of mediation to improve communication, defuse emotion and preserve relationships. The sixty hour training programme is accredited and is a requirement for JLOs under the Children Act 2001.

Restorative Justice Facilitator Skills Training.

Restorative Justice is a victim and community oriented theory of justice that emphasises repairing the harm caused or revealed by criminal behaviour.

The National Commission on Restorative Justice (Final Report 2009) explains it as *“Restorative Justice is a victim-sensitive response to criminal offending which through engagement with those affected by crime, aims to make amends for the harm that has been caused to victims and communities and which facilitates offender rehabilitation and integration into society.”*

Juvenile Liaison Officers undergo a three day accredited course in Restorative Practices. The course provides JLOs with the skills to facilitate restorative cautions and to use restorative practices in their engagement with young offenders.

Advanced Diploma in Juvenile Justice - King’s Inn

This part-time programme focuses on the substantive law and salient legal issues concerning children involved in the criminal justice system. Predominately concerned with juvenile offending, the programme also addresses the role of the child as a witness in criminal justice proceedings. The Programme has a strong practical focus with a number of guest lectures from individuals working with children in different areas of the criminal justice system in Ireland.

Substantive lectures allow students to develop an in-depth understanding of the legal provisions; policies; emerging trends; research; current academic discourse and accepted best practice in the area of juvenile offending. In 2015, 12 JLOs undertook the course.

8 STATISTICAL INFORMATION

CHILDREN REFERRED:

There were 9,807 children referred in 2015 which is 2% lower than the 9,991 children referred in 2014.

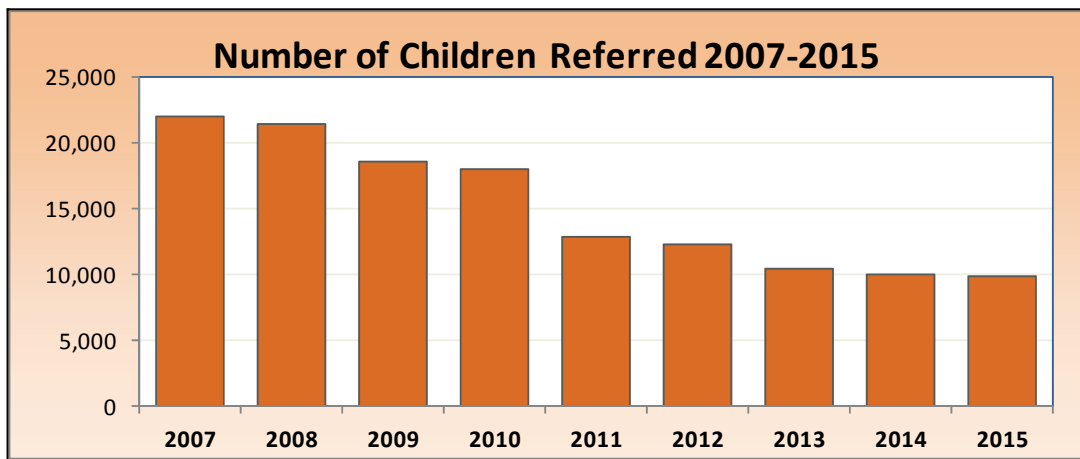


Figure 2- Number of Children referred 2007-2014

26% of children referred were under 15 years of age in 2015 with 33% of the children referred being 17 years of age.

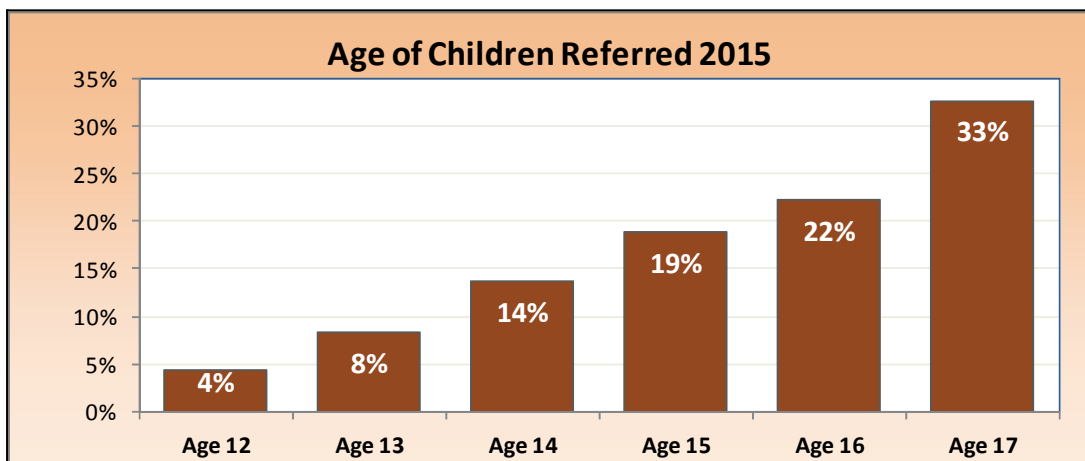


Figure 3—Age of children referred in 2015
% may not total 100% due to rounding

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

An Informal Caution was the most recent referral type for 50% of children referred to the Diversion Programme in 2015.

66% of children who received an Informal Caution as their most recent caution were male while 87% deemed Unsuited for the Diversion Programme as their most recent outcome were also male.

Children (most recent referral)	Total	% ⁺	Male	Female
Informal Caution	4,860	50%	66%	34%
Formal Caution	2,422	25%	84%	16%
Unsuited For Diversion Programme	1,479	15%	87%	13%
No Further Action	571	6%	68%	32%
Others*	475	5%	86%	14%
Grand Total	9,807	100%	75%	25%

* Includes requests for further information

Table 1—Outcome of most recent referral for Children referred in 2015

+% may not equal 100% due to rounding

71% of children referred had just one referral in 2015 while 6% have 6 or more referrals in 2015.

Of those referred once in 2015, 71% are male and 29% female. Children with 6 or more referrals were predominantly male with just 10% female.

Referrals in 2015	Total	% ⁺	Male	Female
1 only	6,933	71%	71%	29%
2-3 referrals	1,849	19%	82%	18%
4-5 referrals	480	5%	85%	15%
6 or more	545	6%	90%	10%

Table 2— Number of referrals per child in 2015

+% may not equal 100% due to rounding

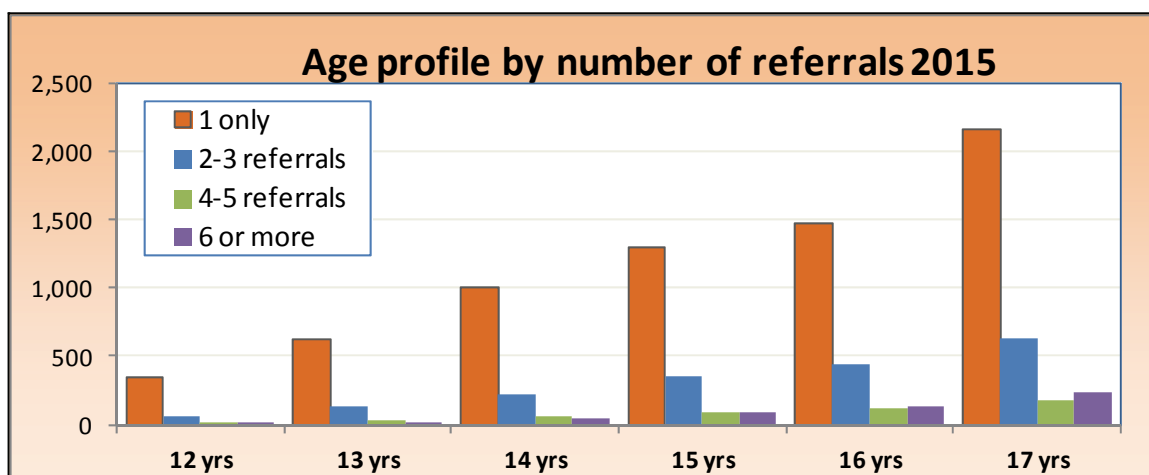


Figure 4—Age profile of children by number of referrals

A greater proportion of referrals relate to older children with those aged 17 years of age or older making up 33% of those referred while 12 year olds account for just 4%.

	1 only	2-3 referrals	4-5 referrals	6 or more	% by Age⁺
12 yrs	342	63	13	7	4%
13 yrs	622	137	34	21	8%
14 yrs	1,012	215	54	51	14%
15 yrs	1,305	357	85	90	19%
16 yrs	1,469	435	121	140	22%
17 yrs	2,157	637	172	229	33%
18 yrs	6	2	1	6	0%

Only includes referrals linked to individuals recorded as between 12 and 18 years of age

**Table 4—Number of referrals per child by age
+ % may not equal 100% due to rounding**

Most Informal Caution and No Further Action outcomes are linked to children with just 1 referral in 2015. 70% those deemed Unsuited for inclusion in the Programme had been referred 6 or more times in 2015.

Referral Type	Number of Referrals 2015		
	1 only	2-5 referrals	6 or more
Informal Caution	69%	28%	2%
Formal Caution	29%	51%	20%
Unsuited For All Cases	7%	23%	70%
No Further Action	55%	22%	24%
Others	40%	51%	10%

**Table 5—Number of referrals by type
% may not total 100% due to rounding**

NOTE: The report outlines all referrals which were finally directed upon on that date. Many more referrals have been created and are going through the administration process before a final direction can be made on them.

Referrals may be at the following status:

- Awaiting completion
- Draft
- Skeleton File Requested
- Covering Report Requested
- Correspondence received
- Report of JLO required

Any referral which is at the above status is still in the administration process and these account for 'others' in the report.

3,169 of the children referred to the Diversion Programme reside in the Dublin Region while a further 1,954 reside in the Southern Region. The Westmeath Division has seen an increase of 18% in the number of children referred while the Mayo Division had a 26% decrease in the number of children referred.

Region Of Youth	% Change		Informal Caution	Formal Caution	Unsuitable	NFA	Others
	Total	2015					
Dublin Region	3,169	+2%	1,354	809	641	180	185
D.M.R. Eastern	316	+5%	133	59	64	26	34
D.M.R. North Central	251	+5%	107	50	60	20	14
D.M.R. Northern	774	+8%	302	256	138	34	44
D.M.R. South Central	193	-11%	75	34	49	21	14
D.M.R. Southern	685	-4%	349	125	151	35	25
D.M.R. Western	950	+2%	388	285	179	44	54
Eastern Region	1,311	-3%	682	316	168	76	69
Kildare	367	+10%	216	62	43	23	23
Laois/Offaly	264	-3%	139	60	36	17	12
Meath	259	-14%	117	83	33	16	10
Westmeath	182	+18%	80	53	27	11	11
Wicklow	239	-18%	130	58	29	9	13
Northern Region	951	-5%	499	259	109	30	54
Cavan/Monaghan	267	+6%	157	67	22	5	16
Donegal	282	-14%	142	94	24	9	13
Louth	249	-6%	114	60	39	13	23
Sligo/Leitrim	153	-4%	86	38	24	3	2
South Eastern Region	1,151	-3%	595	307	146	54	49
Kilkenny/Carlow	252	-10%	142	57	23	13	17
Tipperary	304	+0%	139	94	49	11	11
Waterford	344	-3%	169	92	51	21	11
Wexford	251	+0%	145	64	23	9	10
Southern Region	1,954	-0%	984	496	296	116	62
Cork City	554	-3%	275	107	110	49	13
Cork North	312	+16%	143	94	42	24	9
Cork West	216	-8%	111	63	36	4	2
Kerry	298	+2%	172	78	26	10	12
Limerick	574	-3%	283	154	82	29	26
Western Region	1,138	-10%	697	221	110	67	43
Clare	353	+14%	230	57	36	13	17
Galway	474	-17%	289	95	43	36	11
Mayo	166	-26%	101	33	9	15	8
Roscommon/Longford	145	-12%	77	36	22	3	7
Outside Jurisdiction	133	+29%	49	14	9	48	13
Grand Total	9,807	-2%	4,860	2,422	1,479	571	475

Table 6: Number of children referred by Garda Division

CHILDREN RECEIVING INFORMAL/FORMAL CAUTIONS:

There were 7,282 children who received Formal or Informal cautions in 2015. This is 2% fewer than in 2014 based on most recent referral received. This compares with the overall decrease in the numbers of children referred in 2014 when compared with 2013 which was down 4%.

72% of those receiving cautions are male and 28% are female.

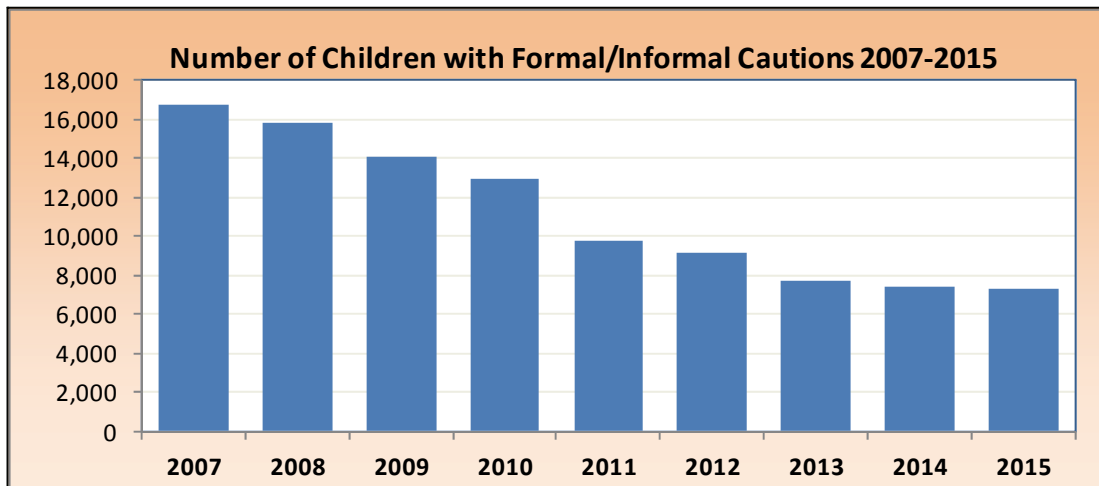


Figure 5: Number of children with formal/informal cautions in the period 2007– 2015

74% of children were deemed suitable for inclusion on the Programme with 50% receiving an Informal Caution and 25% a Formal Caution - based on most recent referral received.

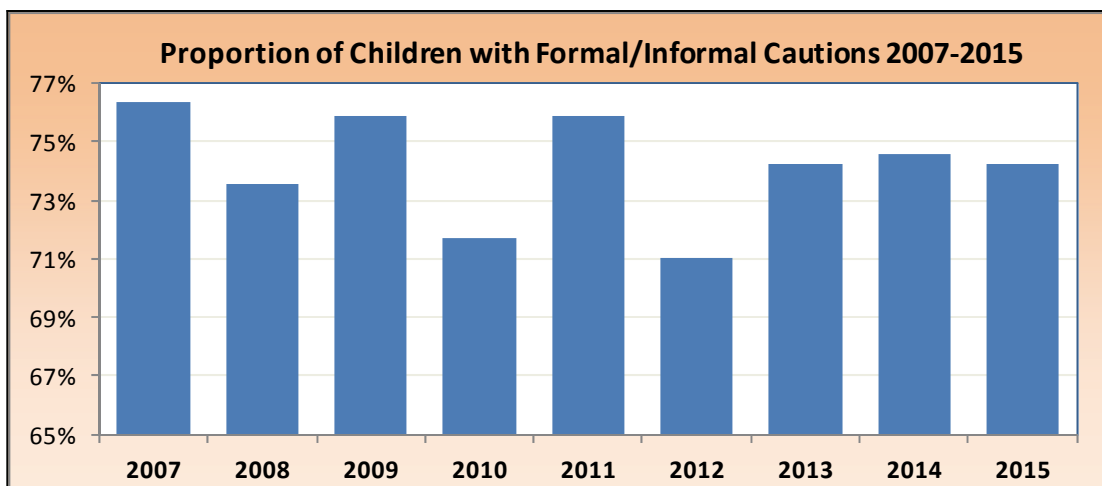


Figure 6: Proportion of children with formal/informal cautions 2007-2015

CHILDREN DEEMED UNSUITABLE FOR THE DIVERSION PROGRAMME

A child 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 be cautioned and, where appropriate, to being 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(s). 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 admission. Cases deemed unsuitable are then returned to local Garda management certifying that the child is unsuitable for Inclusion in the Diversion Programme. This is with a view to initiating a prosecution before the Courts.

There were a total of 1,479 children deemed unsuitable for the Programme in 2015 down 7% on the 2014 total of 1,582 - based on most recent referral received. This decrease is greater than the 2% drop in the total number of children referred between 2014 and 2015.

87% of those deemed unsuitable for inclusion in the Programme were male and 13% were female.

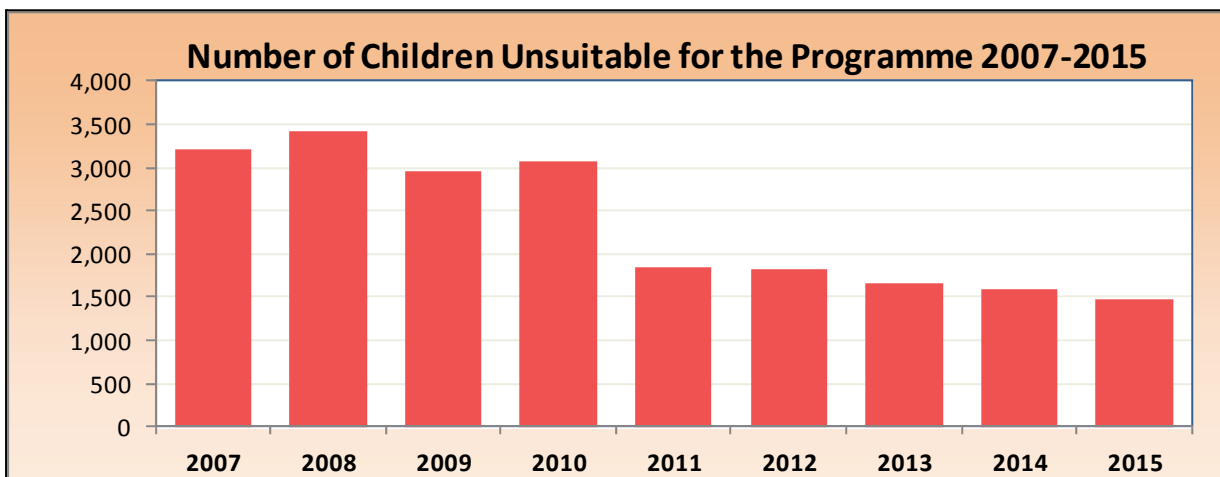


Figure 7: Number of children deemed unsuitable for inclusion in the Programme

The proportion of children deemed Unsuitable for the Programme was 15% in 2015, which is down from 16% in 2014.

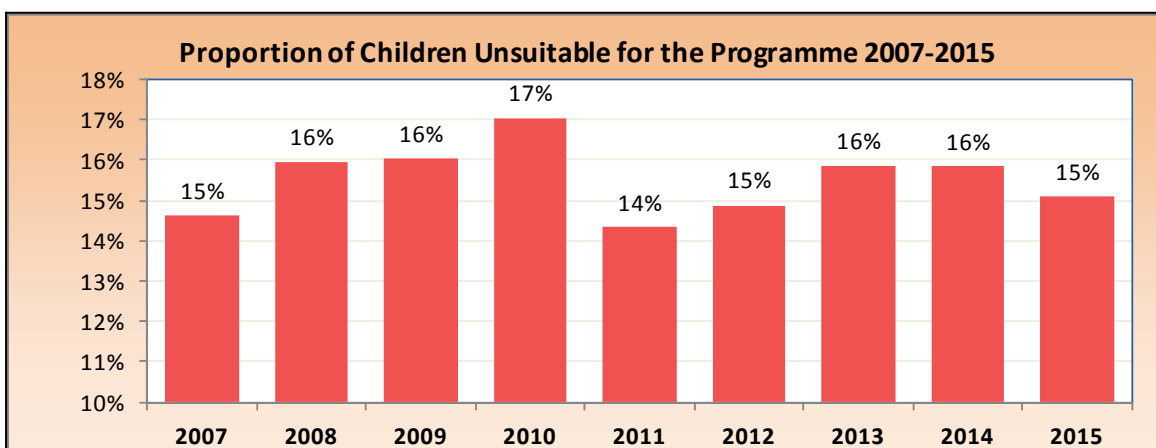


Figure 8: Proportion of children deemed unsuitable for inclusion in the Programme 2007-2015

REFERRALS:

There were 19,513 referrals to the Diversion Programme in 2015 which is 2% lower than the 19,854 referrals to the Programme in 2014.

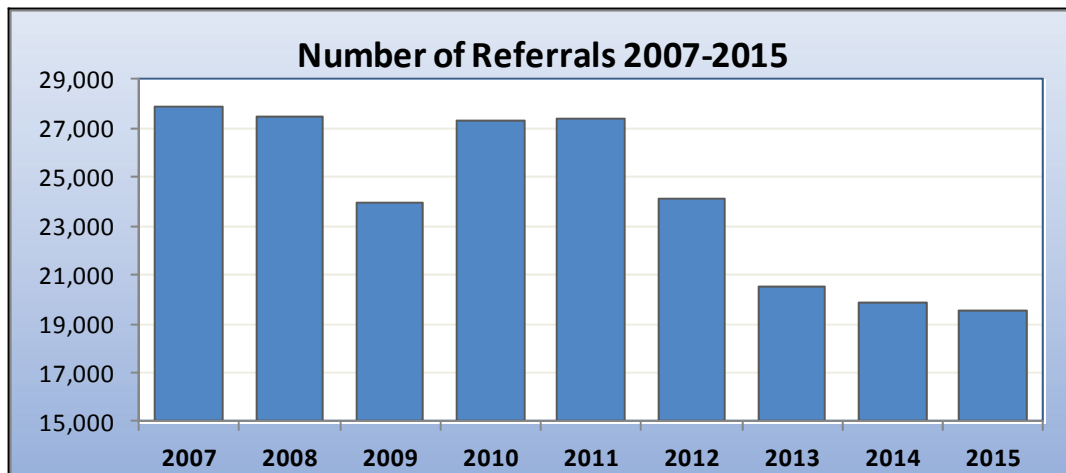


Figure 9: Number of referrals 2007-2015

35% of referrals were deemed Unsuited for the Diversion Programme, 31% dealt with by Informal Caution and 20% dealt with by Formal Caution.

Recommendation	Total	% ⁺
Unsuited For Diversion Programme	6,913	35%
Informal Caution	6,145	31%
Formal Caution	3,474	18%
Restorative Caution	891	5%
No Further Action	756	4%
*Others	1,334	7%
Grand Total	19,513	100%

* Includes requests for further information

+ % may not total 100% due to rounding errors

Table 7: Analysis of referrals for 2015

The proportion of referrals of all types was generally stable between 2014 and 2015.

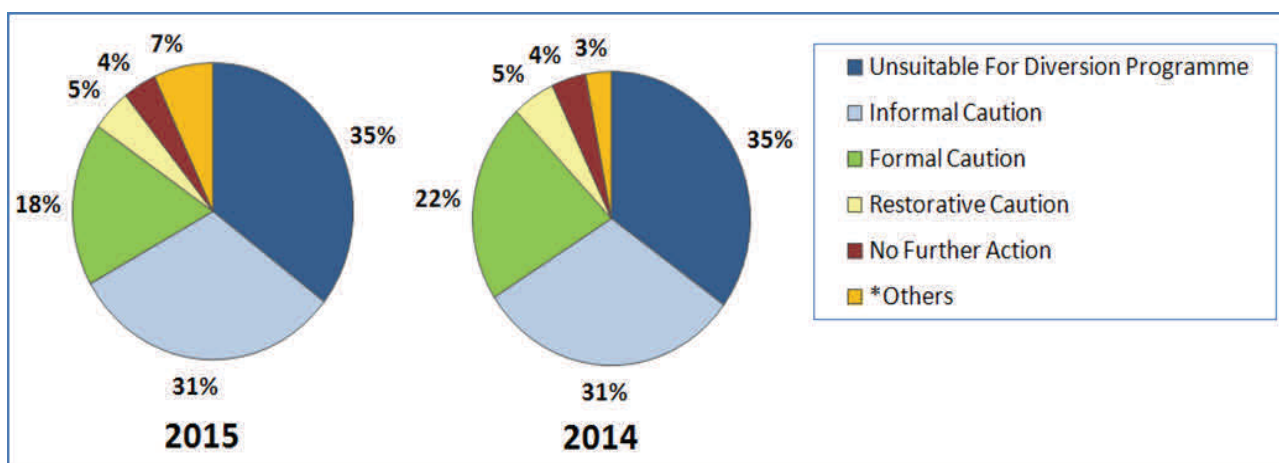


Figure 10: Proportion of referrals recommendations 2014 and 2015

% may not total 100% due to rounding

The largest number of referrals emanate from the Dublin Region and the other urban centres across the country. The Louth Division had a 22% increase in the number of referrals in 2015 while the neighbouring Meath division has a 27% decrease in referrals.

2015 Region / Division	Total	% Change 2015	Unsuitable	Informal Caution	Formal Caution	Restorative Caution	NFA	Others
Dublin Region	6,921	+1%	2,885	1,848	1,284	237	260	407
D.M.R. Eastern	739	-2%	287	213	162	19	16	42
D.M.R. North Central	1,251	+8%	412	496	163	8	92	80
D.M.R. Northern	1,272	+2%	512	290	228	86	31	125
D.M.R. South Central	911	-5%	471	194	141	21	39	45
D.M.R. Southern	1,040	-11%	436	274	228	27	39	36
D.M.R. Western	1,708	+10%	767	381	362	76	43	79
Eastern Region	2,563	-8%	903	765	467	90	107	231
Kildare	552	+0%	171	201	92	16	28	44
Laois/Offaly	687	+4%	250	189	119	17	29	83
Meath	430	-27%	131	126	88	19	21	45
Westmeath	344	-12%	109	115	59	31	12	18
Wicklow	550	-9%	242	134	109	7	17	41
Northern Region	2,000	+6%	570	712	338	145	51	184
Cavan/Monaghan	554	+2%	111	237	99	16	10	81
Donegal	536	-6%	108	204	117	64	13	30
Louth	597	+22%	242	155	80	33	19	68
Sligo/Leitrim	313	+8%	109	116	42	32	9	5
South Eastern Region	2,199	+5%	712	732	397	106	73	179
Kilkenny/Carlow	505	+12%	129	197	85	21	12	61
Tipperary	588	+11%	255	144	84	55	12	38
Waterford	721	+12%	251	227	140	15	32	56
Wexford	385	-19%	77	164	88	15	17	24
Southern Region	3,912	-3%	1,411	1,220	670	260	167	184
Cork City	1,090	-19%	411	361	129	69	68	52
Cork North	502	+6%	120	157	86	79	21	39
Cork West	396	+0%	140	124	59	36	8	29
Kerry	688	+16%	266	234	122	38	15	13
Limerick	1,236	+1%	474	344	274	38	55	51
Western Region	1,900	-14%	432	868	318	35	98	149
Clare	592	-10%	124	297	90	9	21	51
Galway	783	-18%	187	345	144	14	48	45
Mayo	254	-23%	38	131	41	5	22	17
Roscommon/Longford	271	+6%	83	95	43	7	7	36
National Total	19,495	-2%	6,913 (-0%)	6,145 (-1%)	3,474 (-19%)	873* (-12%)	756 (-13%)	1,334 (+61%)

* 18 Restorative Cautions are not linked to a Region/Division

Table 8: Referrals to the Diversion Programme by Garda Division

OFFENCES FOR WHICH CHILDREN WERE REFERRED TO THE DIVERSION PROGRAMME IN 2015

Table 9 indicates the offences for which children were referred to the Diversion Programme in 2015. The green column indicates the proportion of youth offences to the overall number of those offences in 2015.

Theft and related offences (28.6%), Public Order (22.7%), and damage to property and to the environment (11.3%) continue to be the main categories of offences for which children were referred.

Table 9 : Offences for which children were referred to the Diversion Programme in 2015

% may not equal 100% due to rounding

Offence Group / Offence Type	2015	% of Total	% Change	2014	% Detected Offences linked to U18 in 2014*
Theft and Related Offences	5,571	28.6%	-1%	5,654	22%
Theft from shop	3,646	18.7%	+5%	3,474	22%
Theft Other	540	2.6%	+3%	524	15%
Theft/Unauthorised taking Vehicle	339	1.7%	-33%	506	45%
Theft from vehicle	368	1.8%	+9%	327	28%
Theft/Unauthorised taking Pedal Cycle	207	1.1%	-23%	270	44%
Handling Stolen Property	275	1.4%	-11%	308	20%
Theft from person	87	0.4%	-34%	131	14%
Interfering with Mechanism of MPV	114	0.6%	+4%	110	38%
Public Order and other Social Code Offences	4,432	22.7%	-5%	4,669	15%
Public order offences	2,298	11.8%	-8%	2,509	13%
Trespass Offences	1,022	5.2%	+1%	1,011	65%
Drunkness offences	557	2.9%	-6%	593	9%
Purchase/Consume Alcohol U18	287	1.5%	-20%	361	—
Collect money no permit	49	0.3%	-21%	62	52%
Alray/Riot/Violent Disorder	113	0.6%	+58%	71	41%
Begging	54	0.3%	+93%	28	2%
Damage to Property and to the Environment	2,214	11.3%	+9%	2,026	38%
Criminal damage (not arson)	1,980	10.1%	+7%	1,859	36%
Arson	226	1.2%	+58%	143	51%
Litter offences	8	0.0%	-67%	24	17%
Attempts/Threats to Murder, Assaults, Harrass	1,586	8.1%	+1%	1,572	18%
Minor assault	1,065	5.5%	-6%	1,134	20%
Assaults causing harm	398	2.0%	+8%	367	19%
Assault/Obstruct/Resist Arrest - Peace Officer	68	0.3%	+100%	34	18%
Threats to Kill/Cause Serious Harm	26	0.1%	+63%	16	9%
Harassment	12	0.1%	+0%	12	5%
Burglary and Related Offences	1,301	6.7%	-8%	1,409	30%
Burglary (not aggravated)	1,109	5.7%	-7%	1,198	30%
Possess article (burglary, steal, demand)	167	0.9%	-6%	178	28%
Aggravated burglary	25	0.1%	-24%	33	24%
Controlled Drug Offences	1,019	5.2%	-14%	1,186	7%
Possession of drugs for personal use	817	4.2%	-15%	957	8%
Possession of drugs for sale or supply	167	0.9%	-10%	186	5%
Obstruction under the Drugs Act	31	0.2%	-18%	38	7%
Cultivation or manufacture of drugs	4	0.0%	+0%	4	2%
Road and Traffic Offences (NEC)	1,159	5.9%	-2%	1,181	2%
General Road offences	583	3.0%	-16%	695	2%
License/Insurance/Tax	446	2.3%	+45%	308	2%
Dangerous or Negligent Acts	501	2.6%	-10%	554	1%
Dangerous/Careless driving	299	1.5%	-3%	308	8%
Speeding	109	0.6%	-12%	124	0%
Endangering traffic offences	42	0.2%	-31%	61	28%
Driving/in charge over legal alcohol limit	35	0.2%	-29%	49	1%
Driving/in charge under influence of drugs	5	0.0%	+150%	2	2%
Weapons and Explosives Offences	439	2.2%	+2%	432	21%
Possess offensive weapons (not firearms)	393	2.0%	+8%	365	21%
Fireworks offences (for sale, igniting etc.)	25	0.1%	-43%	44	52%
Possession of Firearms	16	0.1%	-11%	18	9%
Robbery, Extortion and Hijacking Offences	393	2.0%	-5%	412	42%
Robbery from the person	339	1.7%	-4%	353	68%
Robbery of an establishment or institution	29	0.1%	-42%	50	8%
Hijacking Unlawful Seizure of vehicle	24	0.1%	+167%	9	42%
Off. against Government, Justice Procedures, C	471	2.4%	+44%	326	4%
Breach of bail	422	2.2%	+53%	275	5%
Sexual Offences	241	1.2%	-2%	247	27%
Sexual assault (not aggravated)	145	0.7%	+14%	127	27%
Rape of a male or female	47	0.2%	-36%	73	22%
Criminal Law (Sexual Offences) Act 2006	40	0.2%	+33%	30	71%
Child Pornography	9	0.0%	-31%	13	13%
Fraud, Deception and Related Offences	105	0.5%	-3%	108	4%
Offences Not Elsewhere Classified (NEC)	72	0.4%	-5%	76	6%
Kidnapping and Related Offences	7	0.0%	+600%	1	11%
Homicide Offences	2	0.0%	+100%	1	4%
Murder	1	0.0%	+0%	1	5%
Dangerous Driving causing Death	1	0.0%	—	0	4%
All Offences	19,513	100.0%	-2%	19,854	9%

*Proportion of Youth Offences to overall offences in 2015

* Only most common Offence Types listed

9

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 and 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 Justice 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. Examples of 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.

There were 891 Restorative Cautions in 2015 down from 993 Restorative Cautions in 2014.

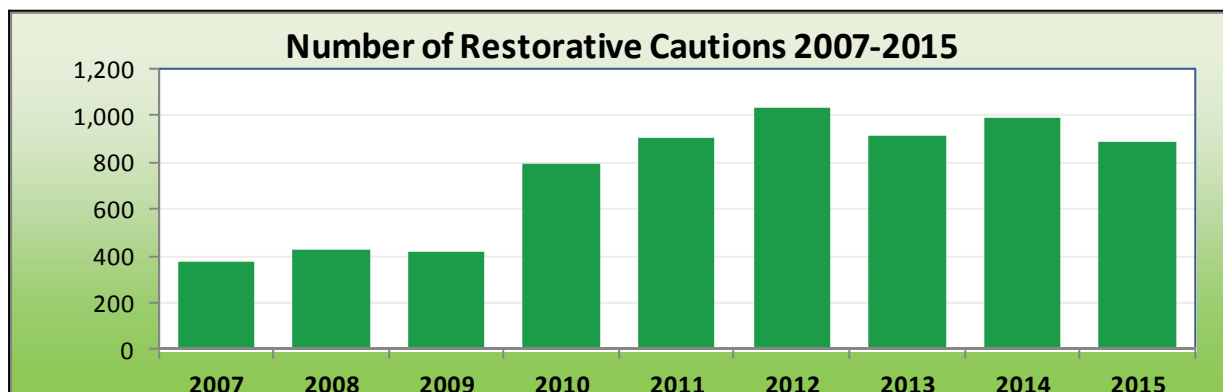


Figure 11 - Number of Restorative Cautions 2007 - 2015

Eleven (11) divisions have increased the number of restorative cautions completed in 2015 compared to the 2014 figure.

Division	2015	% Change	2014	2013	2012
Dublin Region	237	-15%	278	254	213
D.M.R. Eastern	19	-30%	27	11	18
D.M.R. North Central	8	-53%	17	28	24
D.M.R. Northern	86	-37%	136	136	73
D.M.R. South Central	21	+17%	18	12	10
D.M.R. Southern	27	+145%	11	6	7
D.M.R. Western	76	+10%	69	61	81
Eastern Region	90	-22%	116	103	96
Kildare	16	-16%	19	5	27
Laois/Offaly	17	-19%	21	28	9
Meath	19	-54%	41	29	17
Westmeath	31	+15%	27	25	29
Wicklow	7	-13%	8	16	14
Northern Region	145	-10%	162	81	96
Cavan/Monaghan	16	-50%	32	18	10
Donegal	64	-7%	69	36	60
Louth	33	-38%	53	18	18
Sligo/Leitrim	32	+300%	8	9	8
South Eastern Region	106	-2%	108	144	149
Kilkenny/Carlow	21	+24%	17	17	50
Tipperary	55	+12%	49	43	53
Waterford	15	-42%	26	36	16
Wexford	15	-6%	16	48	30
Southern Region	260	-4%	272	265	405
Cork City	69	+35%	51	62	58
Cork North	79	+22%	65	73	78
Cork West	36	+80%	20	25	38
Kerry	38	-17%	46	48	134
Limerick	38	-58%	90	57	97
Western Region	35	-39%	57	60	76
Clare	9	-31%	13	33	18
Galway	14	-60%	35	13	44
Mayo	5	+0%	5	13	8
Roscommon/Longford	7	+75%	4	1	6
Others	18	---	0	2	1
Grand Total	891	-10%	993	909	1,036

Table 10: Restorative cautions by Garda Division

10

GARDA YOUTH DIVERSION PROJECTS

Garda Youth Diversion Projects (GYDPs) 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.

GYDPs work with young people primarily aged between 12 and 18 years who have come in conflict or are at risk of coming into conflict with the law. Up to 5,000 young people each year are referred for diversion programmes and of those, 55% are referred following a JLO caution, 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 in examining 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.

Throughout 2015, the Garda Youth Diversion Office has worked closely with the Irish Youth Justice Service (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 within key areas to challenge the identified offending behaviour.

Garda Youth Diversion Project Funding 2015

Just under €17 million has been allocated to Irish Youth Justice Service towards youth crime policy and programmes in 2015.

€11.7m was allocated to deliver the Garda Youth Diversion Projects (GYDPs)

An additional €2.8 million was allocated from the Dormant Accounts Scheme to support new projects, additional youth justice workers and other new initiatives. During 2015 the locations for ten additional projects have been decided as follows:

1. Lucan
2. Kilmainham
3. Balbriggan
4. Killester/Kilbarrack/Raheny
5. Naas
6. Carrigaline
7. Nenagh
8. Donnycarney/Fairview/Clontarf
9. Athy
10. Rathkeale

Since 2015, all GYDPs are being co-funded under the Programme for Employability, Inclusion and Learning (PEIL) of the European Social Fund Programme 2014-2020.

LOCATION OF CURRENT YOUTH DIVERSION PROJECTS

Region:	Division:	Local Station:	GYDP
Northern	Cavan / Monaghan	Cavan	Cavan 365
		Monaghan	MNYP
	Sligo / Leitrim	Sligo	Youth Action Project Sligo
	Louth	Drogheda (x 2)	Boyne, CABLE
		Dundalk (x 2)	TEAM, High Voltage
	Donegal	Letterkenny	Falcarragh GYDP
Milford		LEAF	
Western	Clare	Ennis	Ennis Youth
		Kilrush	Kilrush GYDP
	Galway	Mill Street, Galway (x 2)	BÁN, MEAS
		Tuam	Treo Nua
		Ballinasloe	Junction
	Roscommon / Longford	Roscommon	RAD
		Longford	LEAP
	Mayo	Ballina	Youth Action Ballina
Castlebar		Castlebar Youth Action Project	
Southern	Cork City	Gurrabraher (x 2)	Ballingcollig Action Project, Knocknaheeny Holyhill
		Mayfield (x 2)	FAYRE, GAP
		Angelsea Street	MAY
		Togher (x 2)	TACT, Douglas West
	Cork North	Cobh	Feabhas
		Mallow	Mallow GYDP
		Youghal	Youghal GYDP
	Cork West	Bandon	Bandon Youth
	Kerry	Tralee (x 3)	MY, JUST US, Connect 7
		Listowel	NK10
		Killarney	BAPADE
		Castleisland	An T-Oiléain
	Limerick	Limerick (x 5)	Ballynanty Youth, CCYDG, Irishtown Youth, Kings Island, Southside Youth Initiative
		Newcastlewest	West Limerick
South Eastern	Tipperary	Clonmel (x2)	CYD, EDGE
		Tipperary Town	TAR
		Roscrea	RAY
	Waterford	Waterford (x 3)	BALL, SWAY, PACT
		Tramore	TYRE
		Dungarvan	DAY
	Wexford	Wexford	SAFE
		Enniscorthy	Slaney
		New Ross	Tréoin
	Kilkenny / Carlow	Kilkenny	COMPASS
Carlow		HUB	
Eastern	Kildare	Newbridge	Curragh Newbridge
		Leixlip	Bridge Youth
	Laois / Offaly	Portlaoise (x2)	BLOCK, PORT
		Tullamore (x2)	Fusion, ACORN
		Birr	SUB
	Meath	Navan	NYPD
		Trim	SMART
	Westmeath	Athlone	ALF
		Mullingar	EYE
	Wicklow	Bray	New Directions
Wicklow		WAY	
Dublin Metropolitan Region	East	Dun Laoghaire (x2)	LAB, Castle
		Shankill	SAY
	North Central	Fitzgibbons Street (x3)	DIME, HAY, MICKOL
		Bridewell	MOST
		Store Street	SWAN
	North	Coolock (x 2)	Woodale, Kilmore West Youth
		Ballymun	Ballymun
		Swords	JETS
	South Central	Kevin Street (x 2)	DÁN, Liberties Club
	South	Tallaght (x 5)	APT, Boost, JAY, KEY, YEW
		Crumlin (x 2)	Brú GYDP / CLAY
	West	Clondalkin (x 3)	GRAFT, SWIFT, Valley
Blanchardstown (x 3)		WEB 1/ WEB 2 / ORB	
Ballyfermot (x2)		CODY, ABLE	
Cabra		Cabra Step Up	
Finglas (x 2)	EFFORT, FAN		

11

2015 DEVELOPMENTS IN DIVERSION

There are a number of developments during 2015 which will significantly enhance the effectiveness of the Diversion Programme and help provide a better service for youth offenders, victims of crime, Garda members, and for the criminal justice system in Ireland going forward.

- **Review of the Diversion Programme**

In response to the Garda Inspectorate 2014 report on Crime Investigation, the Garda Commissioner directed that a Review of the Diversion Programme be undertaken. The group is chaired by retired Judge Gillian Hussey and is comprised of representatives from across the youth justice sector

- Assistant Commissioner Jack Nolan, An Garda Síochána
- Assistant Commissioner Anne Marie McMahon, An Garda Síochána
- Ms Ursula Fernee, Probation Services
- Mr Niall Lombard, Office of the DPP
- Professor Ursula Kilkelly, University College Cork
- Mr Michael Kelly, Irish Youth Justice Service
- Superintendent Seamus Nolan (Secretary to group)

The terms of reference of the Review Group are to

- Examine application and administration of the Juvenile Diversion Programme
- Examine relevant legislation
- Research international best practice on juvenile diversion
- Make recommendations

The Review Group held meetings throughout 2015 and the report of the group is expected in late 2016.

- **Internal Review of the Garda Youth Diversion Office**

An Garda Síochána are currently conducting an internal review of practices and procedures at the Garda Youth Diversion Office as part of a quality control process. A number of meetings were held and following an onsite visit certain areas were identified which would benefit from examination;

- PULSE
- File management and monitoring,
- Office procedures at the Garda Youth Diversion Office,
- Staff training
- Responsibility of persons under the Youth Diversion Referral process and subsequent investigations.

Examinations of the various process areas were conducted during 2015 and the final report is expected in Quarter 3, 2016.

12

RECOMMENDATIONS

The committee recommends that:

- The Review of the Diversion Programme be completed by the end of 2016.
- Juvenile offending should be highlighted at Divisional and District PAF (Performance & Accountability) meetings.
- An Garda Síochána and the Irish Youth Justice Service should continue to invest in juvenile diversion as a priority.
- Consideration be given to the 5% of young offenders presently deemed unsuitable for diversion and who fit the generally agreed criteria for those likely to continue to offend long term. As clearly identified by the information provided in this report this cohort have generally received a number of previous cautions and are committing in excess of 30% of all Juvenile crime. Existing Garda data can readily identify these young people and we are strongly recommending that Diversion resources are concentrated on this group.
- The use of the word Juvenile be re-considered. More suitable terms including child and/or young person should be considered.
- An Garda Síochána should progress the development of the Juvenile Diversion Office to meet the diverse needs of children in the criminal justice system, including those children in the care of the State who come into contact with the Juvenile Diversion Programme.
- Consideration should be given to the strengthening of supervision and support for JLOs in those divisions currently without a JLO Sergeant .