

Annual Report of the Committee

Appointed to Monitor the Effectiveness of the Diversion Programme

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2016

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ANNUAL REPORT
OF THE COMMITTEE APPOINTED TO
MONITOR THE EFFECTIVENESS OF THE
DIVERSION PROGRAMME.

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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 2016 Annual Report.

I was appointed to the position of chairman of the Monitoring Committee in 2017 and am looking forward to working with my fellow committee members in monitoring the effectiveness of the Diversion Programme. This role provides the opportunity to identify the areas in which efforts can be targeted and make recommendations to ensure that the Diversion Programme continues to be an effective tool in diverting children from crime and the criminal justice system.

The report reflects the activities of the Monitoring Committee and the Diversion Programme during 2016. It highlights the developments which occurred during the year and identifies the current challenges and risks to the Diversion Programme. Having monitored the effectiveness of the Diversion Programme throughout 2016 through the meetings of the Committee, engagement with the Director of the Diversion Programme and staff at the Garda Youth Diversion Office (GYDO), a number of recommendations have been set out for 2017.

It is recognised by the Committee that the Diversion Programme has experienced a number of challenges in 2016 which have continued into 2017. The Committee accepts that limited resources in GYDO have meant that the development of the office is not in line with the recommendation in the 2015 Annual Report. It is recommended that these and other more challenging issues are addressed in 2017, with particular focus on the findings of the Garda Professional Standards Unit Report on the examination of the Garda Youth Diversion Office which identified a number of areas that require significant attention. However, the Committee also notes the positive work by GYDO in a number of areas including ensuring that youth offending is highlighted at Divisional and District PAF (Performance and Accountability) meetings. This was achieved by delivery of training of District and Divisional Officers on Youth Diversion through attendance of the Director of the Diversion Programme at regional meetings. The Committee also welcomes the removal of the status 'unsuitable for all cases' (UFAC) which now ensures that all children are adequately considered for admission to the Programme as is mandated under the Act.

I would like to extend my sincere thanks to the Director of the Diversion Programme, Superintendent Yvonne Murphy, former Director Chief Superintendent Colette Quinn, the staff at the Garda Youth Diversion Office and each Juvenile Liaison Officer nationwide for their continued dedication and commitment to youth diversion throughout 2016. I would also like to thank the current members of the Section 44 Monitoring Committee; Mr. Eddie D'arcy, Dr. Jennifer Carroll MacNeill and Garda Sarah McIntyre (Secretary to the Committee), for their efforts and diligence throughout the year. I would also like to take this opportunity to express my appreciation to the outgoing members of the Committee, Chief Superintendent Karl Heller and Inspector Majella Armstrong (Secretary of the Committee), for their work during their tenure on the Committee.

A handwritten signature in blue ink that reads "Pat Leahy". The signature is written in a cursive style.

Assistant Commissioner

PAT LEAHY

2. OVERVIEW OF THE COMMITTEE

Section 44 of The Children Act 2001 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 An 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 Pat Leahy has responsibility for the Dublin Metropolitan Region as well as his national remit of Community Engagement & Public Safety which includes the national portfolios of the Garda Youth Diversion Office, National Community Policing Office, Garda National Crime Prevention Centre of Excellence and the Garda Bureau of Community Diversity & Integration. He was appointed as Chairman of the Monitoring Committee in 2017.



Chief Superintendent Karl Heller joined An Garda Síochána in 1982 and has served at Finglas, Ballymun, Coolock, and Swords Garda Station as well as in the Garda College. He was appointed Superintendent in 2007 and served at Carrickmacross Garda Station and the Garda Bureau of Community Engagement. He is the holder of an M.Sc in Child Protection (Trinity College). He was a member of the Monitoring Committee until his retirement from An Garda Síochána in 2017.



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 a 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

2016 saw a number of positive developments within the Diversion Programme but also presented a number of challenges to the Garda Youth Diversion Office (GYDO) in relation to their current practices and procedures. In working to address these issues, the Garda Youth Diversion Office continued to work with the Garda Professional Standards Unit in relation to the review of the Diversion Programme with the report awaited in 2017.

Statistics of note

- The total number of referrals to the Diversion Programme during 2016 was 17,615 compared to 19,513 in 2015, a reduction of 9.7%.
- 2016 saw 9,451 children being referred to the programme compared to 9,807 in 2015.
- 7,262 (77%) of the children referred were admitted to the Diversion Programme compared to 7,282(74%) in 2015. 1,250 (13%) children were considered not suitable for inclusion in the Programme compared to 1,479 (15%) in 2015.
- Juvenile Liaison Officers used Restorative Justice in 667 referrals compared to 891 in 2015.
- Theft and related offences (30.7%), Public Order (22.3%), and damage to property and to the environment (10.4%) 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 123, 116 of which are attached to Garda districts across the country. 6 Clerical Officers also work in the Diversion Programme within the Garda Youth Diversion Office.

2016 Developments

January 2016 saw the removal of the status 'unsuitable for all cases' (UFAC). This decision was taken by the Director of the Diversion programme to ensure that all children are adequately considered for admission to the Programme as is mandated under the Children Act 2001.

An Garda Síochána continued to work in partnership with a number of stakeholders throughout the year. Examples include:

- Working with Foróige and Irish Youth Justice Services (IYJS) as part of the GYDP (Garda Youth Diversion Projects) - Best Practice Initiative
- Working together with the Prison Service, Oberstown Detention Centre, Tusla, Probation Service and Courts as part of Youth Justice Action Plan 2014-2018 Implementation Team

Challenges for Youth Diversion

- Victims Directive 2012/29/EU and subsequent repercussions for cautions delivered restoratively.
- Processes, procedures, and governance of the Diversion Programme.
- Training and policy development in relation to management and supervision of child sexual offenders.

Looking to 2017

- Results of both Garda Professional Standards Unit Report and Commissioner's Diversion Programme Review Report by Judge Gillian Hussey (Retired).
- IYJS are carrying out a review of Children Act, 2001 which may impact on the area of Youth Diversion.
- Increased resources at Garda Youth Diversion Office with a view to increase monitoring of implementation of Programme nationwide in conjunction with local District Officers and policy development.

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. This alternative programme for dealing with young people who commit an offence or crime is known as the Diversion Programme. The decision to caution or prosecute is made by a Garda Superintendent at the Garda Youth Diversion Office known as the Director of 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 for inclusion 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 a 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 their decision the Director may consider:

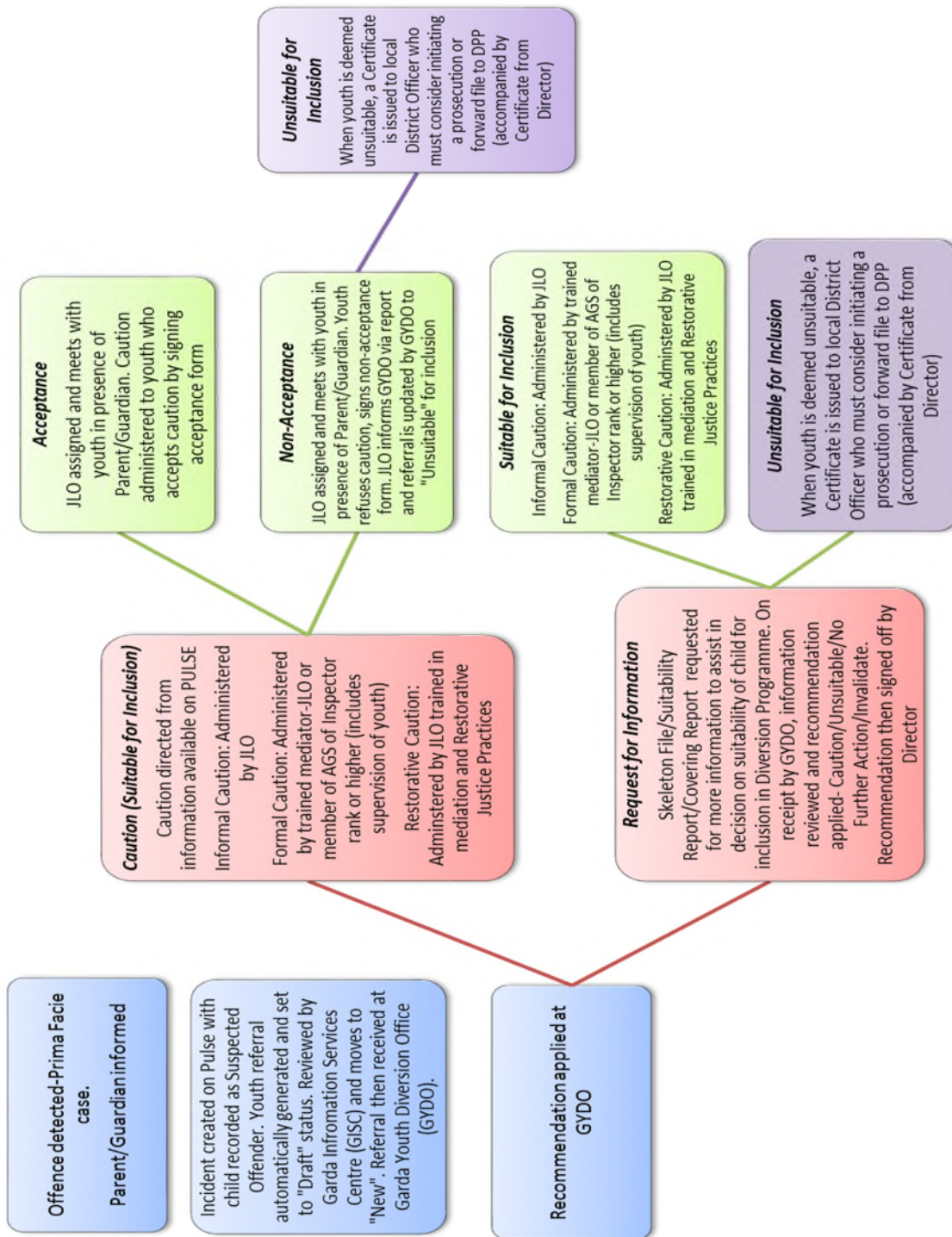
- The nature of the offence
- The views of the victim
- The interests of society
- The views of the arresting Garda
- The views of the JLO
- The attitude and views of the young person who offended
- The views of the young person's parents or guardian
- Whether an apology has been made
- Whether or not 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 they 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 Youth Diversion Process (Source: Garda Youth Diversion Office 2016)



5. REPORT OF DIRECTOR OF THE DIVERSION PROGRAMME



As Director of the Diversion Programme, I am pleased to contribute to the 2016 Monitoring Committee Report. I was appointed Director of the Diversion Programme in August 2017 and am looking forward to working with the Monitoring Committee in their efforts to monitor the effectiveness of the Programme.

Youth Justice has evolved rapidly over the past decade and this evolution places a great onus on us all as youth justice professionals. We need to ensure the protection, safety and wellbeing of the child in all interactions with An Garda Síochána throughout their journey through the youth justice system and the work of the Monitoring Committee is an important part of ensuring that this is achieved.

A total of 9,451 children were referred to the Diversion Programme in 2016. Therefore, in order to achieve effective implementation of the Diversion Programme, inter-agency collaboration is required at both a strategic and a practical level. During 2016, the Garda Youth Diversion Office continued its engagement with its partners in youth justice through its work in relation to the Youth Justice Action Plan 2014-2018 and as part of the GYDP-Best Practice Initiative. The Youth Justice Action Plan 2014-2018 is an interagency implementation team which is comprised of senior representatives from all of the youth justice agencies and is overseeing the implementation of the action plan. An Garda Síochána is represented on the team by Inspector Nuala Finn from the Garda Youth Diversion Office and the work of the implementation team will be ongoing in 2017. As part of GYDP- Best Practice Initiative, the Garda Youth Diversion Projects Office worked closely with the Irish Youth Justice Service (IYJS) and the Garda Youth Diversion Projects Best Practice Development Team. The Best Practice Development Team is focused on the development and implementation of best practice within the network of Garda Youth Diversion Projects and to improve interventions provided by projects.

The working group established by the Garda Commissioner to examine the Diversion Programme in 2015 continued through 2016 which coincided with the review of the Garda Professional Standards Unit. The focus of both groups was to examine the 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 their findings and recommendations in 2017.

I wish to take this opportunity to highlight the dedication of the Garda members involved in Youth Diversion nationwide and commend their commitment and efforts through their engagement with young offenders and their families as well as their involvement in the Garda Youth Diversion Projects. I also wish to thank the staff at the Garda Youth Diversion Office for their hard work in supporting the Diversion Programme and the work of these Garda members. 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 continued supporting during 2016.

Yvonne Murphy

Superintendent (Director of Diversion Programme)

6. STRUCTURE OF DIVERSION OFFICE AND NETWORK

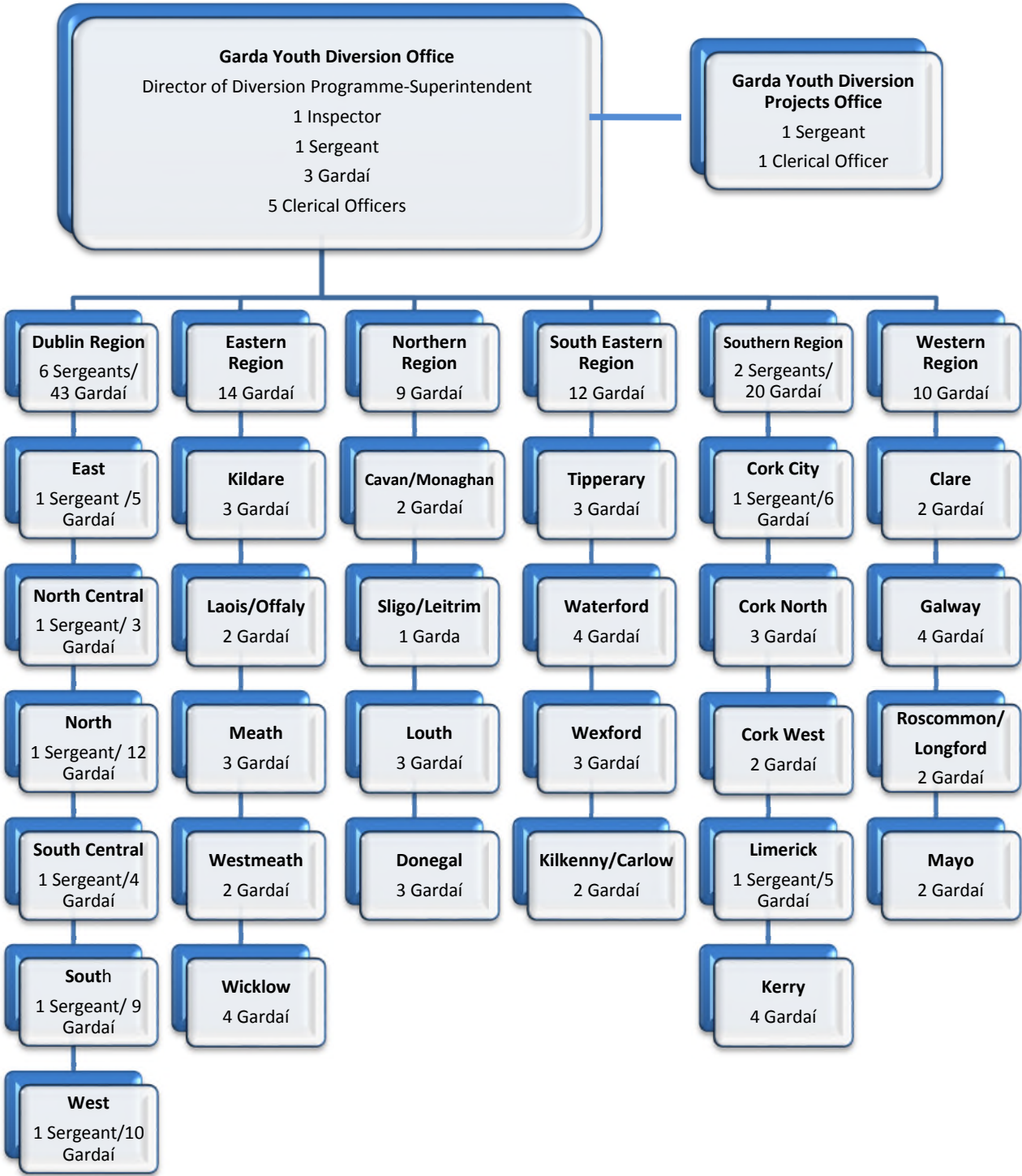


Figure 2 – Structure of Diversion Office and Network (Source: Garda Youth Diversion Office 2017)

7. INTER-AGENCY COLLABORATION

In order to effectively address a young person’s offending or re-offending, input is required from a range of agencies and services. This occurs at a strategic level in planning and resourcing local service provision, and at a practical level in deciding and delivering a package of interventions to help prevent offending by children, and Inter-agency collaboration is a key element in achieving this. Examples of such collaboration in 2016 are the continued engagement by the Garda Youth Diversion Office with its partners in youth justice through its work in relation to the Youth Justice Action Plan 2014-2018, the GYDP-Best Practice Initiative and the Greentown Report. Outside of these formal initiatives, ongoing engagement occurs between the Garda Youth Diversion Office, JLOs and the stakeholders illustrated below.



Figure 3 – Youth Justice Stakeholders (Source: Garda Youth Diversion Office 2017)

The Youth Justice Action Plan 2014-2018 identifies specific goals to achieve commitments set out in the programme for government, Towards Recovery: Programme for the National Government 2011-2016, in the area of youth justice. It also forms part of the broader national policies, including Better Outcomes Brighter Futures – the national framework for children and young people 2014-2020. An interagency implementation team comprised of senior representatives from all of the youth justice agencies oversees the implementation of the action plan. An Garda Síochána is represented on the team by Inspector Nuala Finn from the Garda Youth Diversion Office.

GYDP- Best Practice Initiative: As part of GYDP-Best Practice Initiative, the Garda Youth Diversion Projects Office worked closely with the Irish Youth Justice Service (IYJS) and the Garda Youth Diversion Projects Best Practice

Development Team in 2016. The Best Practice Development Team is focused on the development and implementation of best practice within the network of Garda Youth Diversion Projects and to improve interventions provided by projects.

Greentown Report

The Director of the Diversion Programme and Mr. Eddie D'Arcy, member of the Section 44 Committee, are involved as part of an expert group brought together by Dr Sean Redmond (seconded by the Dept. of Children to the University of Limerick) tasked with developing an effective intervention for young people involved with adult criminal networks. This expert group are building on the 'Greentown report' and include experienced Irish Youth Justice Practitioners and international experts. The group have had a number of all day meetings in Limerick examining the issue in the Irish context and have begun the process of developing possible effective interventions.

8. 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.

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 policies, practices and procedures. Third level qualifications in community, social services, adolescent studies, psychology or other relevant areas are 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 youth 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

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 youth 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 speakers 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 youth offending.

Delivery of JLO training in 2016

Training as provided for in statute is demand led and it is planned to deliver Mediation, Restorative Justice and JLO Induction Training in 2017. In 2016, GYDO collaborated with the Director of Training in the Garda College with a view to streamlining JLO induction training to ensure that the training is policy driven and policy controlled. Planning for the 2017 JLO Training Conference began in early 2016. The 2017 Conference will have a particular focus on peer to peer training and will attempt to harness tacit knowledge that exists within the JLO network, and share this knowledge with less experienced members in the JLO role.

In 2016, JLO Sergeants and GYDO staff received training in YLS/CMI which is an assessment tool used to assess the risk of recidivism in young people and developing case management plans on the basis of specific risks and needs of individuals.

Other Training

In addition to training JLOs, the Garda Youth Diversion Office engages in training members of An Garda Síochána through attending fairs in the Garda College and delivering presentations to Phase III Garda students. In ensuring that youth offending was highlighted at Divisional and District PAF (Performance and Accountability) meetings, training was also provided to District and Divisional Officers through attendance of the Director of the Diversion Programme at regional meetings. Local JLOs also provided training on the Diversion Programme to Phase II students through their local Continuous Professional Development teams.

9. STATISTICAL INFORMATION

Number of Referrals

There were 17,615 referrals to the Diversion Programme in 2016 which is 9.7% lower than the 19,513 referrals to the Programme in 2015.

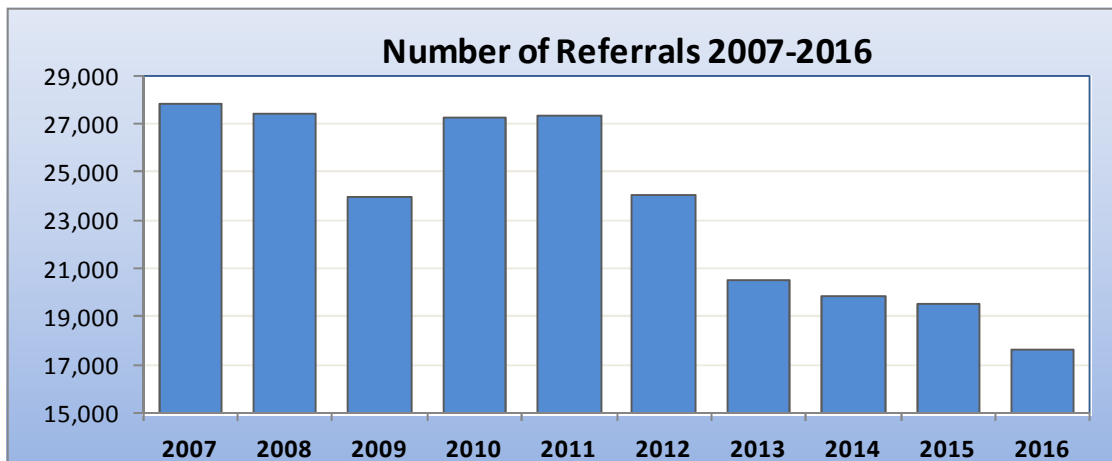


Figure 4 – Number of referrals 2007-2016 (Source: Garda Síochána Analysis Services (GSAS) 2017)

30% of referrals were deemed Unsuited for the Diversion Programme, 35% were dealt with by Informal Caution and 21% were dealt with by Formal Caution.

Recommendation	Total	%*
Informal Caution	6,251	35%
Unsuited This Case Only	5,266	30%
Formal Caution	3,614	21%
Restorative Caution	667	4%
No Further Action	661	4%
*Others	1,156	7%
Grand Total	17,615	100%

* Includes requests for further information

+ % may not total 100% due to rounding errors

Table 1 – Analysis of referrals 2016 (Source: GSAS 2017)

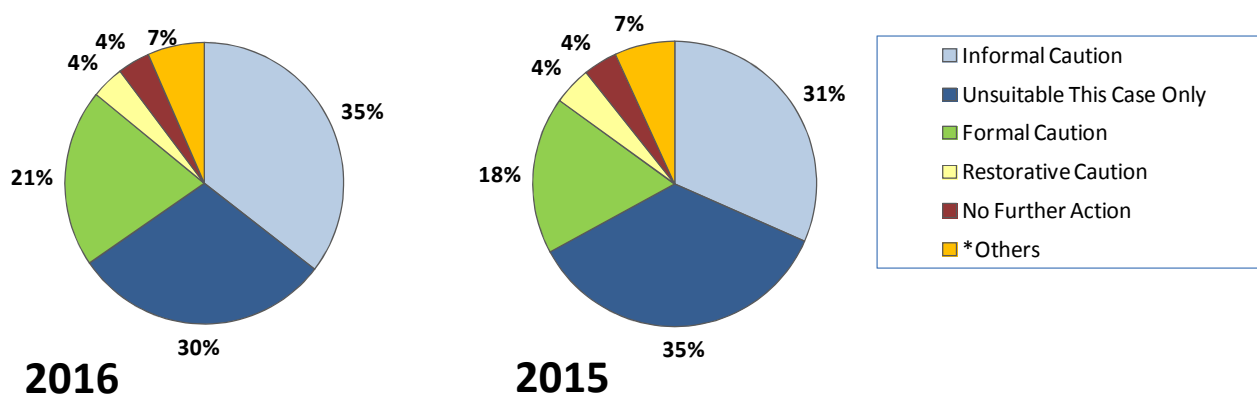


Figure 5 – Proportion of referral recommendations 2015 and 2016 (% may not total 100% due to rounding) (Source: GSAS 2017)

The proportion of referrals of all types was generally stable between 2015 and 2016.

Number of Children referred

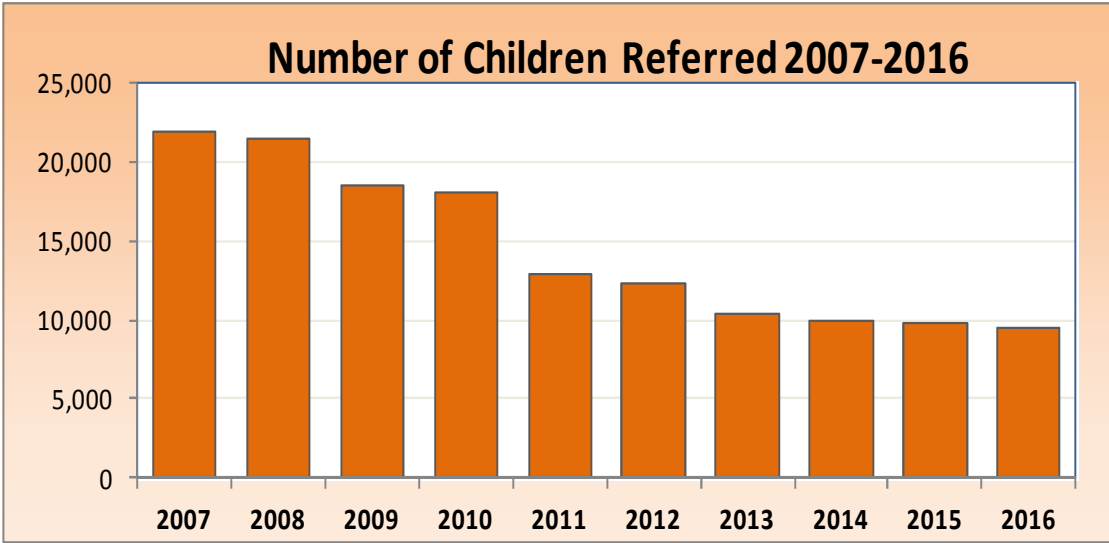


Figure 5 – Number of children referred 2007-2016 (Source: GSAS 2017)

There were 9,451 children referred in 2016 which is 4% lower than the 9,807 children referred in 2015.

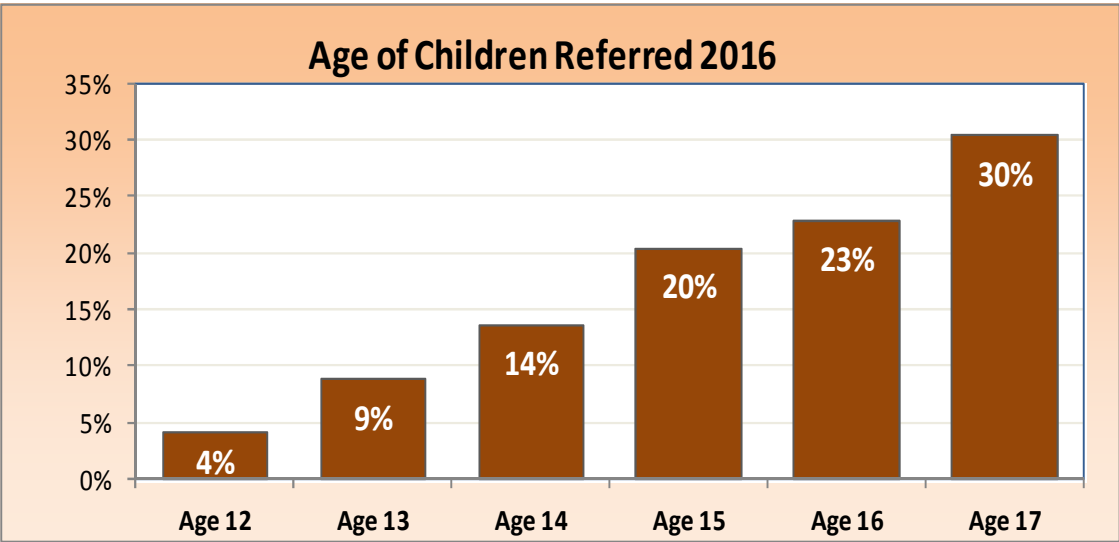


Figure 6 – Age of children referred in 2016 (% may not total 100% due to rounding) (Source: GSAS 2017)

27% of children referred were under 15 years of age in 2016 with 30% of the children referred being 17 years of age.

Table 2- Outcome of most recent referral for children referred in 2016 (Source: GSAS 2017)

Children (most recent referral)	Total	% ⁺	versus 2015	Male	Female
Informal Caution	5,016	53%	3%	66%	34%
Formal Caution	2,246	24%	-7%	84%	16%
Unsuitable For Diversion Programme	1,250	13%	-15%	83%	17%
No Further Action	420	4%	-26%	66%	34%
Others*	519	5%	9%	83%	17%
Grand Total	9,451	100%	-4%	74%	26%

* Includes requests for further information

+ % may not total 100% due to rounding errors

- 74% of children referred were male and 26% were female.
- While the number of children receiving an Informal Caution is up 3% in 2016 compared to 2015, directions for Formal Cautions and Unsuitable for Inclusion have decreased.
- 53% of children referred had an Informal Caution as their most recent referral type. 66% of children who received an Informal Caution as their most recent caution were male while 83% deemed Unsuitable for the Diversion Programme as their most recent caution were also male.

Table 3– Number of referrals per child in 2016 (Source: GSAS 2017)

Referrals in 2016	Total	% ⁺	Male	Female
1 only	6,848	72%	70%	30%
2-3 referrals	1,766	19%	80%	20%
4-5 referrals	401	4%	87%	13%
6 or more	436	5%	88%	12%

+ % may not total 100% due to rounding errors

72% of children referred have just one referral while 5% have 6 or more referrals in 2016. Of those referred once in 2016, 70% are male and 30% female. Children with 6 or more referrals were predominantly male with females accounting for 12%.

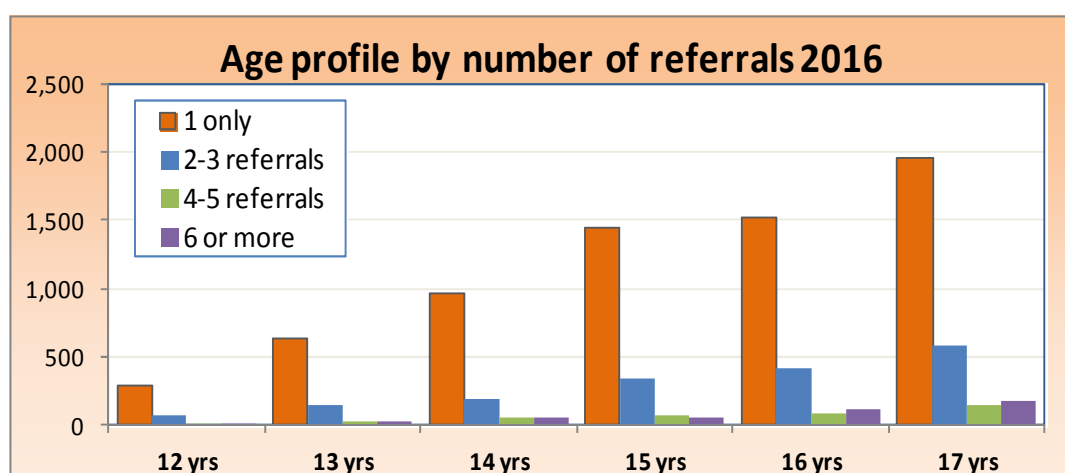


Figure 7 – Age profile of children by number of referrals (Source: GSAS 2017)

Table 4 – Number of referrals per child by age (Source: GSAS 2017)

	1 only	2-3 referrals	4-5 referrals	6 or more	% by Age ⁺
12 yrs	297	72	7	7	4%
13 yrs	632	150	23	21	9%
14 yrs	971	197	64	51	14%
15 yrs	1,453	346	68	58	20%
16 yrs	1,524	410	94	121	23%
17 yrs	1,955	586	144	175	30%
18 yrs	9	2	1	3	0%

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

⁺ % may not total 100% due to rounding errors

A greater proportion of referrals relate to older children with those aged 17 years of age or older making up 30% of those referred while 12 year olds account for just 4%.

Table 5– Number of referrals by type (Source: GSAS 2017)

Referral Type	Proportion of Referrals 2016		
	1 only	2-5 referrals	6 or more
Informal Caution	70%	27%	2%
Formal Caution	28%	50%	23%
Unsuitable For This Case Only	10%	25%	65%
No Further Action	50%	30%	21%
Others	36%	36%	28%

⁺ % may not total 100% due to rounding errors

- Most Informal Caution outcomes are linked to children with just 1 referral in 2016. 65% of those deemed unsuitable for inclusion in the Programme had been referred 6 or more times in 2016.

NOTE: The report outlines all referrals which were finally directed upon as at 26/6/17. Many more referrals have been created and are going through the administration process. Referrals may be at the following status:

- Awaiting completion
- Draft
- Skeleton File required
- Covering Report requested
- Correspondence Received
- Report of JLO required

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

Children Referred by Area

3,043 of children referred reside in the Dublin Region while a further 1,924 reside in the Southern Region. The Kerry division has seen an increase of 15% in the number of children referred while the Mayo Division had a 23% decrease in the number of children referred.

Region Of Youth	Total	% Change 2015	Informal		Formal		
			Caution	Unsuitable	Caution	NFA	Others
Dublin Region	3,043	-2%	1,468	520	647	150	258
D.M.R. Eastern	349	16%	198	44	59	25	23
D.M.R. North Central	664	177%	386	97	67	53	61
D.M.R. Northern	589	-18%	230	114	169	28	48
D.M.R. South Central	289	34%	131	55	57	12	34
D.M.R. Southern	469	-34%	200	100	115	8	46
D.M.R. Western	683	-26%	323	110	180	24	46
Eastern Region	1,193	-12%	603	155	313	56	66
Kildare	269	-19%	157	27	59	11	15
Laois/Offaly	257	-6%	150	38	50	10	9
Meath	250	-17%	104	36	82	17	11
Westmeath	179	16%	73	30	56	8	12
Wicklow	238	-18%	119	24	66	10	19
Northern Region	1,054	5%	576	112	298	34	34
Cavan/Monaghan	280	11%	172	22	77	5	4
Donegal	328	0%	176	23	106	9	14
Louth	298	12%	159	36	81	12	10
Sligo/Leitrim	148	-7%	69	31	34	8	6
South Eastern Region	1,078	-9%	594	130	263	46	45
Kilkenny/Carlow	268	-5%	169	24	52	8	15
Tipperary	249	-18%	113	43	74	11	8
Waterford	320	-10%	159	41	84	19	17
Wexford	241	-4%	153	22	53	8	5
Southern Region	1,924	-2%	1035	225	508	85	71
Cork City	628	10%	387	77	126	22	16
Cork North	284	5%	133	41	87	17	6
Cork West	181	-23%	103	24	44	5	5
Kerry	338	15%	200	31	82	13	12
Limerick	493	-16%	212	52	169	28	32
Western Region	1,159	-9%	740	108	217	49	45
Clare	321	3%	210	23	64	14	10
Galway	488	-14%	313	51	89	21	14
Mayo	176	-21%	122	4	33	11	6
Roscommon/Longford	174	5%	95	30	31	3	15
Outside Jurisdiction	0	-100%	0	0	0	0	0
Grand Total	9,451	-4%	5,016	1,250	2,246	420	519

Table 6 – Number of children referred by Garda Division (Source: GSAS 2017)

Children receiving Informal/Formal Cautions

There were 7,262 children who received Formal or Informal cautions in 2016 which is 20 fewer than the 2015 total – based on most recent referral received. 72% are of those receiving cautions are male and 28% are female.

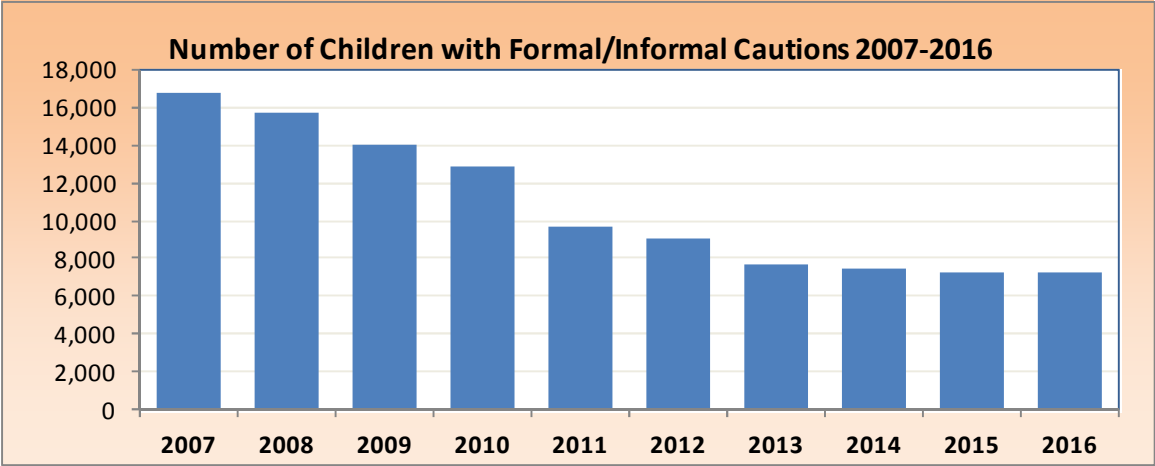


Figure 8 – Number of children with Informal/Formal Cautions in the period 2007-2016 (Source: GSAS 2017)

77% of children who received a caution were deemed suitable for inclusion on the Programme with 53% receiving an Informal Caution and 24% a Formal Caution - based on most recent referral received.

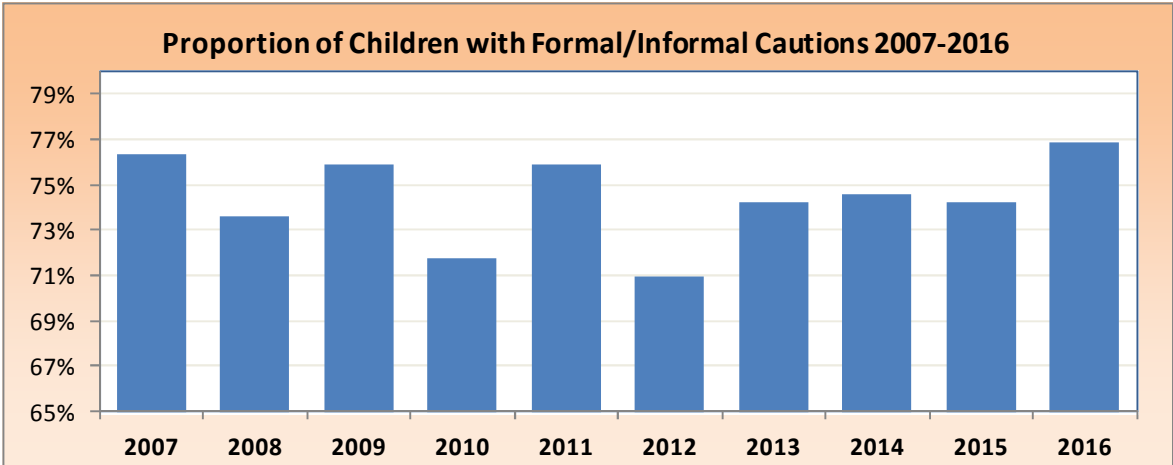


Figure 9 – Proportion of children with Formal/Informal Cautions 2007-2016 (Source: GSAS 2017)

Children deemed Unsuited for inclusion in the Diversion Programme

A child may be recorded as Unsuited 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 interest 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 victim(s). When the admission of a child to the Programme is being considered, any views expressed by the victim in relation to the child's criminal or anti-social behaviour shall be given due consideration. However, 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 Unsuited for inclusion in the Diversion Programme and a prosecution before the Courts can be initiated.

There were a total of 1,250 children deemed Unsuited for the Programme in 2016 down 15% on the 2015 total of 1,479 - based on most recent referral received. This decrease is greater than the 7% drop in the total number of children referred between 2014 and 2015. 83% are male and 17% are female.

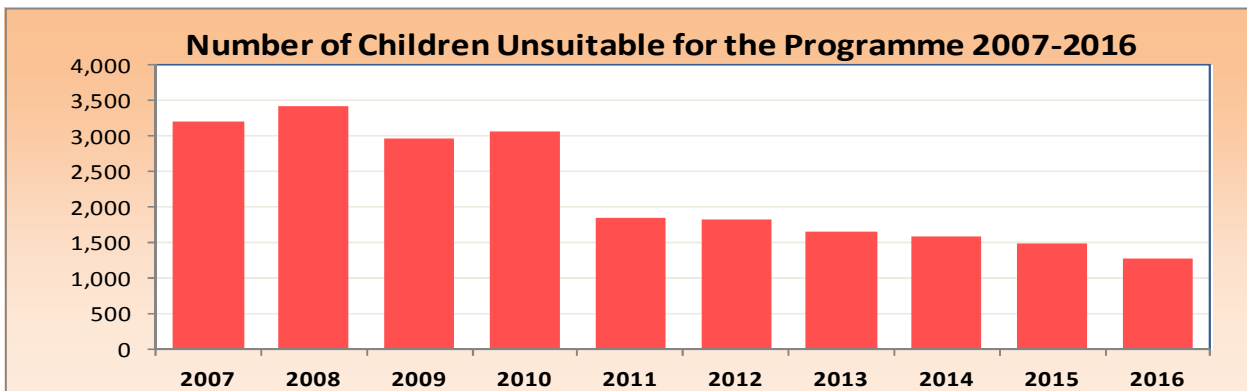


Figure 10 – Number of children deemed unsuitable for inclusion in the Programme (Source: GSAS 2017)

The proportion of children deemed Unsuited for the Programme was 13% in 2016, which is down from 15% in 2015.

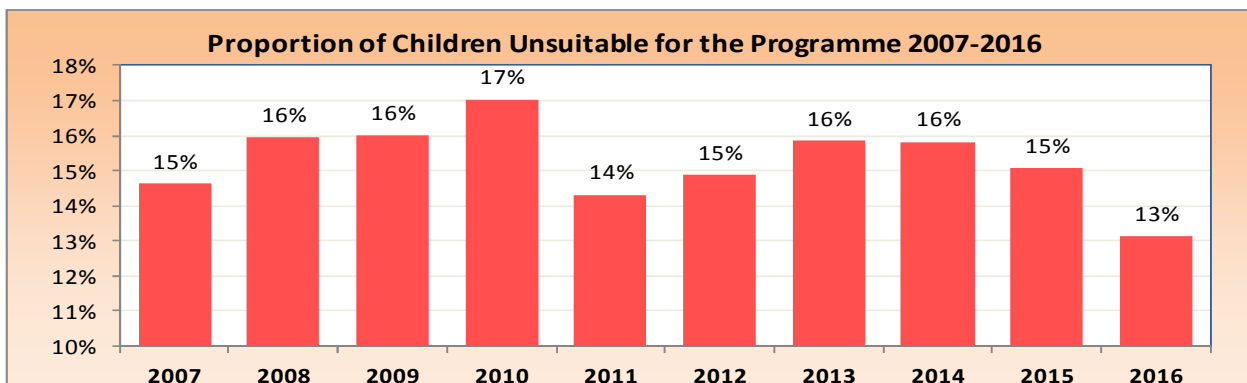


Figure 11– Proportion of children deemed unsuitable for inclusion in the Programme 2007-2016 (Source: GSAS 2017)

Offence Types

OFFENCES FOR WHICH CHILDREN WERE REFERRED TO THE DIVERSION PROGRAMME IN 2016

Table 8 indicates the offences for which children were referred to the Diversion Programme in 2016. The green column indicates the proportion of youth offences to the overall number of those offences in 2016.

Theft and Related Offences (21%), Burglary and Related Offences (24%), and Damage to Property and the Environment (34%) are the main categories of offences for which children are referred

Offence Group / Offence Type	2016	% of Total	% Change	2015	% Detected Offences linked to U18 in 2016*
Theft and Related Offences	5,413	30.7%	-3%	5,571	23%
Theft from shop	3,620	20.6%	-1%	3,646	23%
Theft Other	466	2.6%	-14%	540	14%
Unauthorised Taking (Vehicle)	307	1.7%	-9%	339	49%
Theft from vehicle	353	2.0%	-1%	358	32%
Unauthorised Taking (Pedal Cycle)	192	1.1%	-7%	207	39%
Handling Stolen Property	269	1.5%	-2%	275	21%
Theft from person	106	0.6%	+22%	87	17%
Interfering with Mechanism of MPV	99	0.6%	-13%	114	38%
Public Order & Social Code Offences	3,933	22.3%	-11%	4,432	15%
Public order offences	2,077	11.8%	-10%	2,298	13%
Trespass Offences	796	4.5%	-22%	1,022	39%
Drunkenness offences	569	3.2%	+2%	557	9%
Purchase/Consume Alcohol U18	317	1.8%	+10%	287	---
Collect money no permit	39	0.2%	-20%	49	55%
Affray/Riot/Violent Disorder	46	0.3%	-59%	113	49%
Begging	42	0.2%	-22%	54	3%
Damage to Property & Environment	1,840	10.4%	-17%	2,214	37%
Criminal damage (not arson)	1,665	9.5%	-16%	1,980	35%
Arson	170	1.0%	-25%	226	63%
Litter offences	5	0.0%	-38%	8	10%
Assault, Murder Attempt/Threat, Harrassment	1,561	8.9%	-2%	1,586	19%
Minor assault	1,038	5.9%	-3%	1,065	20%
Assault causing harm	389	2.2%	-2%	398	19%
Assault/Obstruct/Resist Arrest - Peace Officer	72	0.4%	+6%	68	21%
Threats to Kill/Cause Serious Harm	19	0.1%	-27%	26	7%
Harassment	22	0.1%	+83%	12	12%
Burglary and Related Offences	836	4.7%	-36%	1,301	26%
Burglary (not aggravated)	720	4.1%	-35%	1,109	27%
Possess article (burgle, steal, demand)	97	0.6%	-42%	167	21%
Aggravated burglary	19	0.1%	-24%	25	21%
Controlled Drug Offences	1,020	5.8%	+0%	1,019	6%
Possess drugs for personal use	794	4.5%	-3%	817	7%
Possess drugs for sale or supply	177	1.0%	+6%	167	5%
Obstruction under Drugs Act	45	0.3%	+45%	31	11%
Cultivation or manufacture of drugs	4	0.0%	+0%	4	2%
Road and Traffic Offences (NEC)	1,028	5.8%	-11%	1,159	2%
General Road offences	534	3.0%	-8%	583	2%
License/Insurance/Tax	388	2.2%	-13%	446	2%
Dangerous or Negligent Acts	487	2.8%	-3%	501	1%
Dangerous/Careless driving	351	2.0%	+17%	299	9%
Speeding	57	0.3%	-48%	109	0%
Endangering traffic offences	34	0.2%	-19%	42	46%
Driving/In charge over legal alcohol limit	32	0.2%	-9%	35	0%
Drugs - Driving offences	6	0.0%	+20%	5	3%
Weapons and Explosives Offences	360	2.0%	-18%	439	19%
Possess offensive weapons (not firearms)	281	1.6%	-28%	393	17%
Fireworks offences (for sale, igniting etc.)	55	0.3%	+120%	25	62%
Possession of Firearms	24	0.1%	+50%	16	15%
Robbery, Extortion and Hijacking Offences	240	1.4%	-39%	393	30%
Robbery from the person	197	1.1%	-42%	339	49%
Robbery of an Establishment / Institution	30	0.2%	+3%	29	9%
Hijacking Unlawful Seizure of vehicle	13	0.1%	-46%	24	38%
Off. against Government, Justice, Organised Crime	339	1.9%	-28%	471	3%
Breach of bail	304	1.7%	-28%	422	4%
Sexual Offences	334	1.9%	+39%	241	45%
Sexual assault (not aggravated)	163	0.9%	+12%	145	39%
Rape of a male or female	114	0.6%	+143%	47	46%
Criminal Law (Sexual Offences) Act 2006	33	0.2%	-18%	40	56%
Child Pornography	21	0.1%	+133%	9	25%
Fraud, Deception and Related Offences	145	0.8%	+38%	105	8%
Offences Not Elsewhere Classified (NEC)	74	0.4%	+3%	72	5%
Kidnapping and Related Offences	3	0.0%	-57%	7	6%
Homicide Offences	2	0.0%	+0%	2	4%
Murder	2	0.0%	+100%	1	8%
Dangerous Driving causing Death	0	0.0%	-100%	1	0%
All Offences	17,615	100.0%	-10%	19,513	9%

*Proportion of Youth Offences to overall offences in 2016

* Only most common Offence Types listed

** % may not total 100% due to rounding errors

9. RESTORATIVE JUSTICE

Restorative Justice is a voluntary process where the young person accepts responsibility for their offending behaviour and becomes accountable to those they have 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. There were 667 Restorative Cautions in 2016, however, it is expected that this figure may decrease in 2017 due to the impact of the Criminal Justice (Victims of Crime) Bill 2016, the purpose of which is to transpose into law the Victims Directive 2012/29/EU. This directive establishes minimum standards on the rights, support and protection of victims of crime and may have subsequent repercussions for Restorative Justice due to increased responsibility to protect victims during the process.

WHAT DOES RESTORATIVE JUSTICE SEEK TO ACHIEVE? When an offence or crime is committed, there is harm done to a person or a community. 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, their 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: 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 their behaviour. Each participant then has the opportunity to tell their 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 their re-offending. 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.

WHERE WILL THE MEETING BE HELD? The Restorative Justice meeting can be held in any location agreeable to the parties directly involved. It is important 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? 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 suggests 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.

WHAT ARE THE POSSIBLE BENEFITS FOR THE YOUNG PERSON? The restorative caution provides 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 Statistics for 2016

Restorative Cautions enacted:

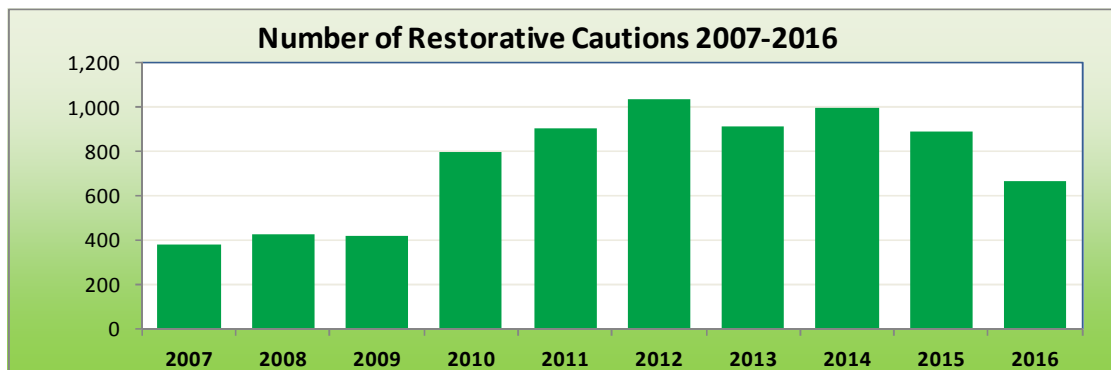


Figure 12-Number of Restorative Cautions 2007-2016 (Source: GSAS 2017)

There were 667 Restorative Cautions in 2016, down from 891 Restorative Cautions in 2015 a reduction of 25%.

Division	2016	% Change	2015	2014	2013
Dublin Region	130	-45%	237	278	254
D.M.R. Eastern	4	-79%	19	27	11
D.M.R. North Central	10	+25%	8	17	28
D.M.R. Northern	57	-34%	86	136	136
D.M.R. South Central	6	-71%	21	18	12
D.M.R. Southern	0	-100%	27	11	6
D.M.R. Western	53	-30%	76	69	61
Eastern Region	143	+59%	90	116	103
Kildare	7	-56%	16	19	5
Laois/Offaly	65	+282%	17	21	28
Meath	35	+84%	19	41	29
Westmeath	29	-6%	31	27	25
Wicklow	7	+0%	7	8	16
Northern Region	145	+0%	145	162	81
Cavan/Monaghan	28	+75%	16	32	18
Donegal	50	-22%	64	69	36
Louth	64	+94%	33	53	18
Sligo/Leitrim	3	-91%	32	8	9
South Eastern Region	38	-64%	106	108	144
Kilkenny/Carlow	0	-100%	21	17	17
Tipperary	13	-76%	55	49	43
Waterford	11	-27%	15	26	36
Wexford	14	-7%	15	16	48
Southern Region	147	-43%	260	272	265
Cork City	42	-39%	69	51	62
Cork North	45	-43%	79	65	73
Cork West	19	-47%	36	20	25
Kerry	19	-50%	38	46	48
Limerick	22	-42%	38	90	57
Western Region	58	+66%	35	57	60
Clare	24	+167%	9	13	33
Galway	9	-36%	14	35	13
Mayo	22	+340%	5	5	13
Roscommon/Longford	3	-57%	7	4	1
Others	6	-67%	18	0	2
Grand Total	667	-25%	891	993	909

Table 7-Restorative Cautions by Region (Source: GSAS 2017)

10. GARDA YOUTH DIVERSION PROJECTS

Garda Youth Diversion Projects (GYDPs)

GYDPs are community based multi-agency youth crime prevention initiatives. They 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. Young people can be referred to a Diversion Project 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 2016, the Garda Youth Diversion Projects Office worked closely with the Irish Youth Justice Service (IYJS) and the Garda Youth Diversion Projects Best Practice Development Team. The Best Practice Development Team is focused on the development and implementation of best practice within the network of Garda Youth Diversion Projects and to improve interventions provided by projects.

Garda Youth Diversion Project Funding 2016

All Garda Youth Diversion Projects are being co-funded under the Programme for Employability, Inclusion and Learning (PEIL) 2014 – 2020 of the European Social Fund.

In 2016, €11.5m was allocated to IYJS to fund GYDPs and an additional €2 million was allocated from the Dormant Accounts Fund scheme to support ten new projects and additional youth justice workers in existing projects. The locations for these 10 new projects were decided in 2015 and all ten are now up and running in the locations of Donnycarney, Lucan, Inchicore, Balbriggan, Raheny, Naas, Athy, Carrigaline, Nenagh, and Rathkeale.

Location of Garda Youth Diversion Projects

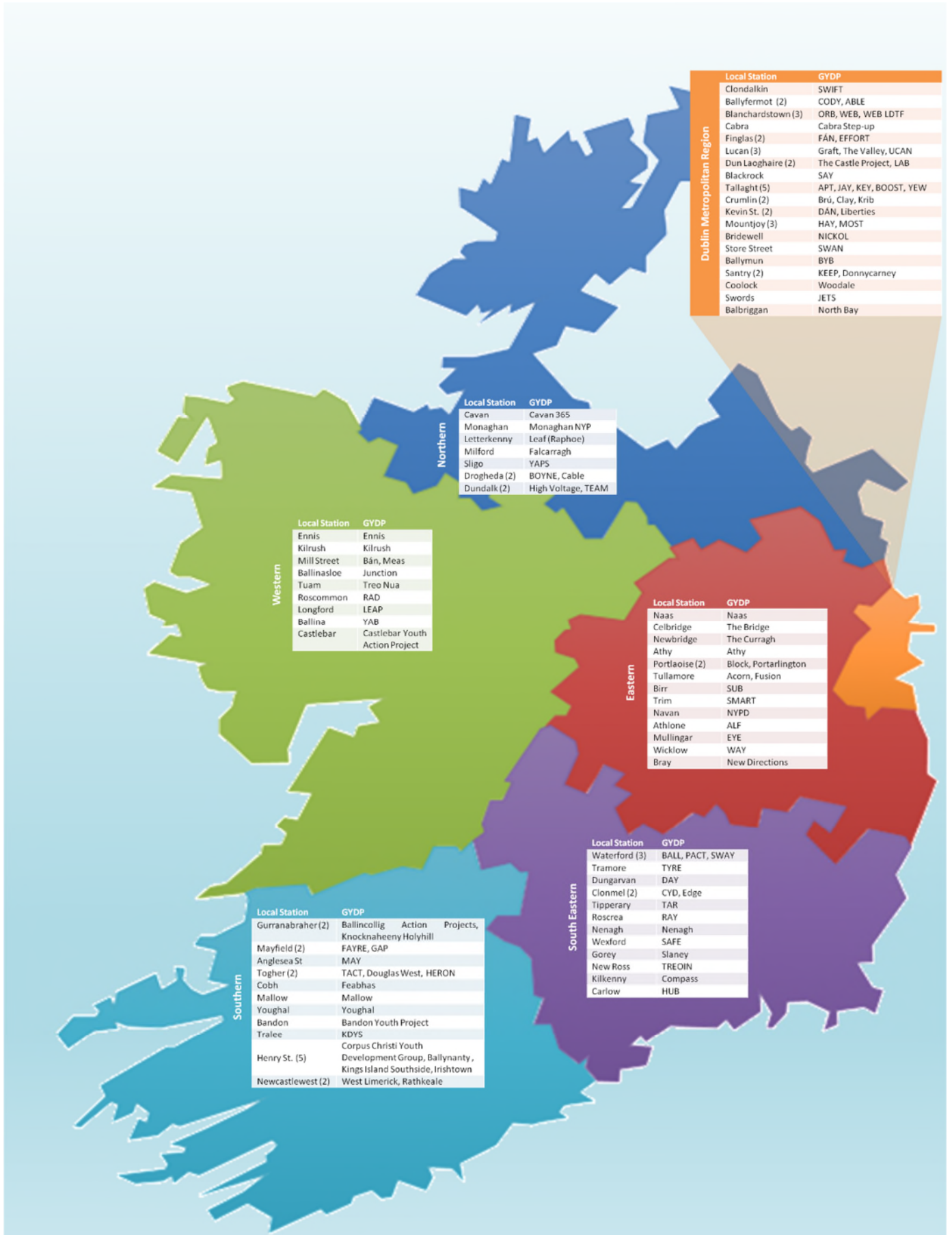


Figure 13-Location of Garda Youth Diversion Projects (Source: Garda Youth Diversion Office 2017)

11. 2016 DEVELOPMENTS IN DIVERSION

Removal of status ‘unsuitable for all cases’ (UFAC).

January 2016 saw the removal of the status ‘unsuitable for all cases’ (UFAC). This decision was taken by the Director of the Diversion programme as the administrative practice of deeming repeat offenders as ‘unsuitable for all cases’ did not adequately allow for the child who is a repeat offender to be considered for admission to the Programme as is mandated under the Children Act 2001. This in turn means that every case for every child is now examined in detail by GYDO and signed off by the Director of the Diversion Programme. This allows further analysis of each individual case and provides the opportunity to develop action plans to address the child’s offending.

There were 17,615 referrals in 2016 and removal of this administrative practice has resulted in a knock on effect on the capacity of GYDO. To address this and to enable further developments at GYDO, a business case has been submitted to Garda Human Resource Management for additional resources to be allocated to the office.

Youth Justice Action Plan 2014-2018 Implementation Team

An inter-agency implementation team, which comprises senior representatives from all of the youth justice agencies is overseeing the implementation of the Youth Justice Action Plan 2014-2018. An Garda Síochána is represented on the team by Inspector Nuala Finn from the Garda Youth Diversion Office. The other agencies involved are the Prison Service, Oberstown Detention Centre, Tusla, HSE, Probation Service and the Courts. The action plan identifies specific goals to achieve commitments set out in the programme for government - Towards Recovery: Programme for the National Government 2011-2016, in the area of youth justice. It also forms part of the broader national policies, including Better Outcomes Brighter Futures – the national framework for children and young people 2014 - 2020.

In 2016, as part of this ongoing interagency work, an area identified for further examination is that of children in the care of the State and their referral to the diversion programme for offences committed whilst in the care home. It is now planned in 2017 for an examination to be carried out which will look at the appropriate response to assist these children by the relevant state agencies.

Training and Development

As referred to under the “Training provided to Juvenile Liaison Officers” section of this report, in 2016, GYDO collaborated with the Director of Training in the Garda College with a view to streamlining JLO induction training to ensure that the induction training is policy driven and policy controlled. This training will be further developed and implemented in 2017. Preparations also began in 2016 for the 2017 JLO Training Conference which is scheduled to take place on 3rd to 4th October 2017.

Review of Diversion Programme

The Commissioner’s Diversion Programme Review and the Garda Professional Standards Unit Review were ongoing throughout 2016. The reports with their findings and recommendations were due to be completed in 2017 and once finalised will provide a road map for future developments of GYDO and the Diversion Programme.

The following recommendations from the 2015 Monitoring Committee Annual Report have been implemented in 2016:

- In line with recommendations made in the 2015 Annual Report, youth offending is now being highlighted at District and Divisional PAF (Performance and Accountability) meetings. This was achieved by providing training to District and Divisional Officers on the Diversion Programme and involved the attendance of the Director at a number of PAF meetings.
- The word “Juvenile” is no longer used in correspondence or reports created by GYDO. However, the term is still being used in An Garda Síochána and will require to be addressed.
- The removal of the status ‘unsuitable for all cases’ (UFAC) now ensures that the 5% of offenders who were previously deemed unsuitable for inclusion in the Diversion Programme, are now having each of their cases reviewed by the Director.
- An Garda Síochána continues to work closely with IYJS to ensure that investment continues in Youth Diversion as a priority with funding continuing to be provided for Garda training and Garda Youth Diversion Projects. However, it is noted by the Committee that IYJS funding of Garda training is to cease on 1st January 2018.

Recommendations to be brought forward to 2017:

- The current limited capacity of GYDO has meant that the development of the office is not in line with the recommendation in the 2015 Annual Report. This also applies to the recommendation for consideration to be given to strengthening of supervision and support of JLOs in those divisions currently without a Sergeant.
- Development of GYDO is to be addressed in 2017 as per the recommendations of the Committee and in line with the outcomes of the reports of the Commissioner’s Diversion Programme Review and the Garda Professional Standards Unit.

12. CHALLENGES AND RISKS FOR DIVERSION PROGRAMME

The Committee has identified the following challenges and risks for the Diversion Programme which will require to be monitored in 2017:

- **Victims Directive 2012/29/EU**

The Victims Directive 2012/29/EU and the Criminal Justice (Victims of Crime) Bill 2016, may have subsequent repercussions for Restorative Justice within the Diversion Programme due to increased responsibility on behalf of An Garda Síochána to protect victims before, during and after a Restorative event.

- **Under resourced Garda Youth Diversion Office**

The issue of capacity within GYDO continues to present a significant challenge to the effectiveness of the Diversion Programme. It is noted that a business case has been submitted to Garda Human Resource Management for restructuring and the allocation of further staff to GYDO. It is also noted that the reports stemming from the Commissioner's Diversion Programme Review and the review carried out by the Garda Professional Standards Unit may impact on possible changes to the structure of GYDO.

- **Supervision of child sexual offenders**

The Committee has identified a risk attached to the current process of management and supervision of child sexual offenders with training and policy development required in this area in order for this issue to be effectively addressed.

- **Section 47 of the Children Act 2001**

The Committee is of the view that reduction of risk attached to GYDO in implementing the Diversion Programme requires enactment of Section 47 of the Children Act 2001. Section 47 of the Children Act 2001 contains provisions in which the Minister may make regulations prescribing, amongst others, the procedures to be followed when the Director is deciding on the appropriate actions when a child is included in the Diversion Programme, the level of supervision appropriate in any case or class of case, and any criminal behaviour of a serious nature in respect of which admission to the Programme shall be excluded.

13. RECOMMENDATIONS

The Committee recommends that:

- The reports of Commissioner's Diversion Programme Review and Garda Professional Standards Unit to be completed by the end of 2017.
- The highlighting of youth offending at Divisional and District PAF (Performance and Accountability) needs to be maintained in 2017.
- The Garda Professional Standards Unit have identified significant challenges associated with the Programme, in particular with those who are deemed unsuitable for the Programme and it is recommended that this matter be explored in depth and rectified as a priority.
- It is also recommended that all findings contained in the review reports are actioned throughout 2017 and 2018 so that the integrity of the Programme is preserved and excellence is pursued.
- An Garda Síochána allocate additional resources to the Garda Youth Diversion Office to progress the development of the office to meet the diverse needs of children in the criminal justice system. The development of policy and procedures surrounding the processes carried out by Garda Youth Diversion Office are required.
- Outcomes of review being carried out by the Youth Justice Action Plan 2014-2018 Implementation Team in relation to young offenders who are in the care of the State to be considered in 2017.
- Monitoring of repeat offenders is continued and for Divisional resources to be concentrated on this group.
- Continue training and up-skilling of Juvenile Liaison Officers in Induction, Mediation and Restorative Justice Facilitator training.