

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

2010

CONTACT

Copy of this report are available on the Garda Website www.garda.ie
and on the Irish Youth Justice Website www.iyjs.ie

Garda Office for Children and Youth Affairs,
An Garda Síochána
Harcourt Square
Harcourt Street
Dublin 2

Tel: (01) 666 38 31/2/3/4

Fax: (01) 666 38 27

Email: childrenandyouthaffairs@garda.ie

PRN: A11/1300

FOREWORD



Dear Commissioner,

It is my pleasure to present the 2010 Annual Report of the Committee Appointed to Monitor the Effectiveness of the Diversion Programme as set out in Part 4 of the Children Act 2001.

The total number of referrals made to the Diversion Programme during 2010 was 27,257 an increase of 3,305 or 13.8% on 2009. The total number of individual children referred to the programme was 17,986 which is a decrease of 533 or 2.9% from the 2009 total. Of those children referred 12,899 (72%) were admitted to the Diversion Programme.

There were 792 referrals dealt with using Restorative Justice which is indicative of the increased use of Restorative Justice when interacting with young people who come in conflict with the law. In 2011 we will continue to progress the Garda Programme of Restorative Justice.

Throughout 2010, implementation of the Garda Youth and Children Strategy has continued. A significant development has been the integration of the Diversion Programme data base with the Garda PULSE system. This has led to improvements in the timeliness of the referrals of young people for consideration in the programme and greater efficiencies in the administration of the Diversion Programme as a whole. It has also allowed for statistics to be presented in line with Central Statistics Office Crime Classifications. This will enable more in-depth comparisons of crime patterns and trends in the future.

A further 7 Juvenile Liaison Officer posts were created in 2010 concluding a 4 year commitment by the Garda Commissioner to increase the number of Juvenile Liaison Officers positions by 28. There are now 8 Sergeants and 115 Juvenile Liaison Officer posts dedicated to working with youth who come in conflict with the law.

I want to thank the committee for their work during the year, the Director of the Diversion Programme, the staff at the Garda Office for Children and Youth Affairs and the Juvenile Liaison Officers throughout the country for their dedication and work. I would also like to thank our partners, including the Irish Youth Justice Service and the Probation Service for their support and commitment throughout the year.

A handwritten signature in black ink that reads "John Twomey". The signature is written in a cursive style and is positioned above a horizontal line.

Assistant Commissioner

John Twomey

TABLE OF CONTENTS

Foreword	3
Executive Summary	5
The Diversion Programme	6
Membership and Terms of Reference of the Committee	6
Human Resource Structure	7
Referrals to the Diversion Programme.....	8
Children Referred to the Diversion Programme.....	10
Children Referred by Gender, Region and Division	12
Cautions—Formal and Informal Cautions	13
Restorative Justice.....	14
Restorative Justice in Practice	15
Restorative Justice Events 2010 per Region and Division	17
Children Considered Unsuitable for Inclusion in the Diversion Programme.....	18
Crime Type for which Children were Referred.....	19
Age profile of Children Referred to the Diversion Programme.....	22
Garda Youth Diversion Projects.....	23
Observations and Recommendations	24

EXECUTIVE SUMMARY

- The total number of incidents referred to the Diversion Programme during 2010 was 27,257.
- The total number of individual children referred to the programme was 17,986.
- 12,899 (72%) children referred were admitted to the Diversion Programme.
- 9,332 (52%) children had their cases dealt with by way of an informal caution.
- 3,567 (20%) children had their cases dealt with by way of formal caution.
- 1,165 (6%) children had a decision in their case pending.
- 856 (5%) children required no further Garda action to be taken.
- 3,066 (17%) children were considered not suitable for inclusion in the programme.
- 22% of children who were referred to the programme were female while 78% were male.
- The Garda Programme of Restorative Justice continued to develop and involved Juvenile Liaison Officers using Restorative Justice in 792 referrals.
- Public order (31.35%), theft and related offences (22.40%) and damage to property and to the environment (11.10%) constitute the three main categories of offences for which children were referred. Changes in the compilation of offence categories does not facilitate comparisons with previous years.
- There were 7 new Juvenile Liaison Officer posts created in 2010 bring the total number of Juvenile Liaison Officer posts to 115 and 8 Juvenile Liaison Officer Sergeants.

THE DIVERSION PROGRAMME

The Diversion Programme is a package of measures for dealing with children between the age of 10 years and 18 years, who commit an offence or offences. The Programme is managed by a Garda Superintendent appointed by the Commissioner of An Garda Síochána and is known as the Director of the Programme. (Section 20) The Director must consider all cases and decide on the suitability or otherwise of the child for inclusion in the Programme.

In order to be admitted to the programme a child must:

- be between the age of 10 years and 18 years.
- accept responsibility for his/her criminal behaviour.
- consent to being cautioned and where appropriate, supervised.

If the child is deemed suitable for admission to the programme then s/he is given either a formal or an informal caution. In certain circumstances the victim of the offence may be invited to attend the caution. This is referred to as a restorative caution. The Juvenile Liaison Officer (JLO) may also recommend that a family conference be held in relation to the child.

A child given a formal caution is placed under Garda supervision for a period of 12 months. This period of supervision may, in certain circumstances, be varied by the Director. The caution will be administered either by a Garda not below the rank of Inspector or a JLO who has received mediation training. An informal caution is administered by a JLO and the child is not normally placed under supervision. In practice, both cautions are formal processes, one accompanied by a period of supervision and the other without supervision.

MEMBERSHIP AND TERMS OF REFERENCE OF THE COMMITTEE

In May 2002 a Ministerial Order was signed, bringing Part 4 of The Children Act 2001 into operation. This part of the Act deals entirely with the Diversion Programme and Section 44 directs 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

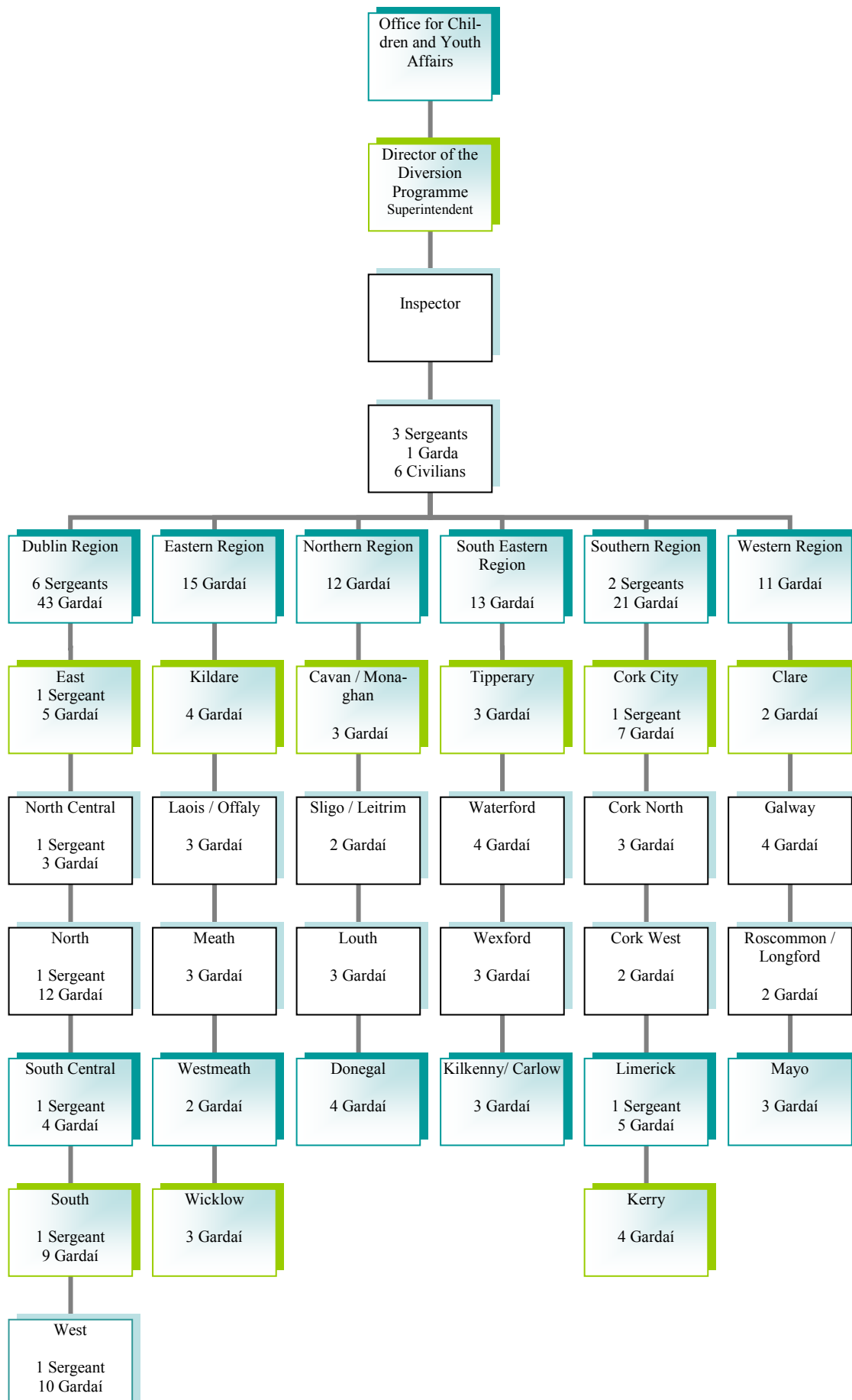
The tasks of the Committee are to:

- 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 John Twomey, Chairperson
- Chief Superintendent Anne Marie McMahon
- Ms. Phil Hanna
- Mr Tim Dalton
- Inspector Finbarr Murphy (Secretary)

HUMAN RESOURCE STRUCTURE



REFERRALS TO THE DIVERSION PROGRAMME

The total number of referrals received in 2010 amounted to 27,257. This is an increase of 3,305 (13.80%) on the figure of 23,952 referrals received in 2009.

Table 1: Number of Referrals in 2010 by Region and Division

	Total	Formal	Informal	NFA	Pending	Unsuitable
EASTERN REGION						
KILDARE	901	139	436	18	57	251
LAOIS / OFFALY	754	159	303	9	56	227
MEATH	612	153	262	24	34	139
WESTMEATH	509	125	232	16	35	101
WICKLOW	634	152	265	28	59	130
Eastern Total	3410	728	1498	95	241	848
D.M.R. REGION						
D.M.R. EAST	948	189	327	43	145	244
D.M.R. NORTH	2054	354	813	60	178	649
D.M.R. NORTH CENTRAL	903	139	159	12	119	474
D.M.R. SOUTH	1849	258	679	85	92	735
D.M.R. SOUTH CENTRAL	547	68	169	20	73	217
D.M.R. WEST	2290	463	685	100	241	801
DMR Total	8591	1471	2832	320	848	3120
NORTHERN REGION						
CAVAN / MONAGHAN	739	172	345	13	38	171
DONEGAL	928	292	396	25	69	146
LOUTH	659	125	354	16	22	142
SLIGO / LEITRIM	421	80	176	10	18	137
Northern Total	2747	669	1271	64	147	596
SOUTH EASTERN REGION						
KILKENNY/CARLOW	846	131	432	26	47	210
TIPPERARY	975	245	480	23	57	170
WATERFORD	945	232	338	27	58	290
WEXFORD	676	194	340	11	24	107
South Eastern Total	3442	802	1590	87	186	777
SOUTHERN REGION						
CORK CITY	1965	434	808	65	46	612
CORK NORTH	881	182	430	32	31	206
CORK WEST	591	122	291	27	23	128
KERRY	793	131	340	47	48	227
LIMERICK	1575	493	450	41	81	510
Southern Total	5805	1362	2319	212	229	1683
WESTERN REGION						
CLARE	849	192	252	49	61	295
GALWAY	1266	248	609	63	70	276
MAYO	611	132	304	16	18	141
ROSCOMMON / LONGFORD	459	83	203	2	25	146
Western Total	3185	655	1368	130	174	858
OUTSIDE JURISDICTION	77	8	39	14	11	5
Overall Total	27257	5695	10917	922	1836	7887
	100%	21%	40%	3%	7%	29%

REFERRALS TO THE DIVERSION PROGRAMME

Figure 1 : Number of Cases Referred 2006 -2010

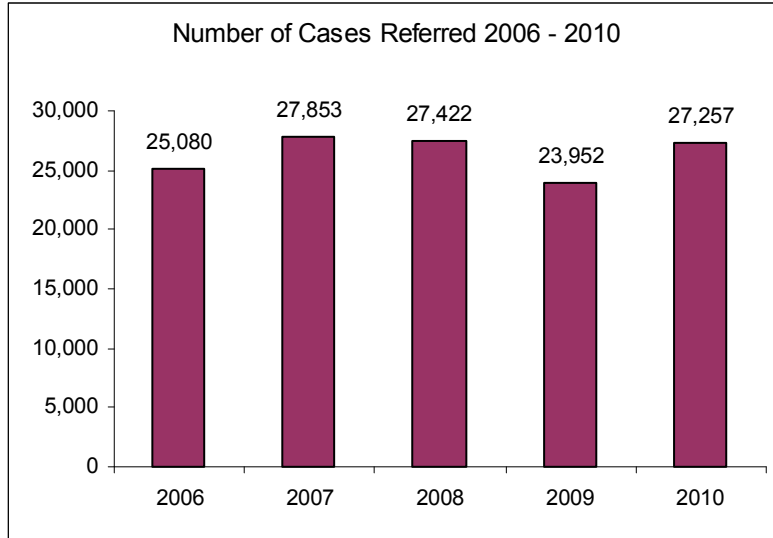
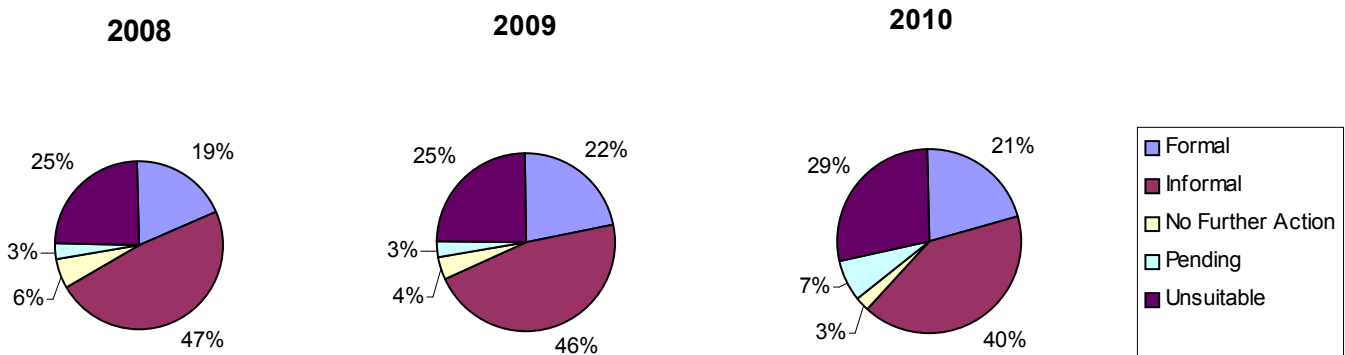


Figure 2 : Case Decisions as a percentage of total referrals 2008 - 2010



* Figures have been rounded to the nearest percentage point

CHILDREN REFERRED TO THE DIVERSION PROGRAMME

The total number of children referred in 2010 amounted to 17,986. This is a decrease of 533 (2.88%) on the 2009 total of 18,519 and a further decrease on the 2008 figure of 21,412.

Table 2 : Number of Children Referred in 2010 by Region and Division

	Total	Formal	Informal	NFA	Pending	Unsuitable
<u>EASTERN REGION</u>						
KILDARE	610	97	363	16	46	88
LAOIS / OFFALY	492	106	247	12	35	92
MEATH	439	104	232	16	28	59
WESTMEATH	342	58	207	18	19	40
WICKLOW	433	84	234	31	41	43
Eastern Total	2316	449	1283	93	169	322
<u>D.M.R. REGION</u>						
D.M.R. EAST	664	126	301	41	94	102
D.M.R. NORTH	1414	240	720	62	121	271
D.M.R. NORTH CENTRAL	453	64	133	12	75	169
D.M.R. SOUTH	1226	184	573	76	63	330
D.M.R. SOUTH CENTRAL	327	48	139	19	34	87
D.M.R. WEST	1567	332	615	93	161	366
DMR Total	5651	994	2481	303	548	1325
<u>NORTHERN REGION</u>						
CAVAN / MONAGHAN	506	107	286	13	29	71
DONEGAL	614	154	332	20	43	65
LOUTH	503	87	313	16	15	72
SLIGO / LEITRIM	252	48	156	9	10	29
Northern Total	1875	396	1087	58	97	237
<u>SOUTH EASTERN REGION</u>						
KILKENNY/CARLOW	565	77	356	24	28	80
TIPPERARY	609	133	354	18	29	75
WATERFORD	587	141	293	25	35	93
WEXFORD	456	108	291	14	20	23
South Eastern Total	2217	459	1294	81	112	271
<u>SOUTHERN REGION</u>						
CORK CITY	1265	238	695	63	29	240
CORK NORTH	641	123	376	34	15	93
CORK WEST	410	82	245	24	14	45
KERRY	475	73	275	34	26	67
LIMERICK	940	299	407	34	43	157
South Eastern Total	3731	815	1998	189	127	602
<u>WESTERN REGION</u>						
CLARE	480	121	200	42	35	82
GALWAY	936	189	529	61	42	115
MAYO	423	84	259	12	10	58
ROSCOMMON / LONGFORD	291	52	169	2	16	52
Western Total	2130	446	1157	117	103	307
<u>OUTSIDE JURISDICTION</u>	66	8	32	15	9	2
Overall Total	17986	3567	9332	856	1165	3066
	100%	20%	52%	5%	6%	17%

CHILDREN REFERRED TO THE DIVERSION PROGRAMME

Figure 3 : Number of Children Referred 2006 -2010

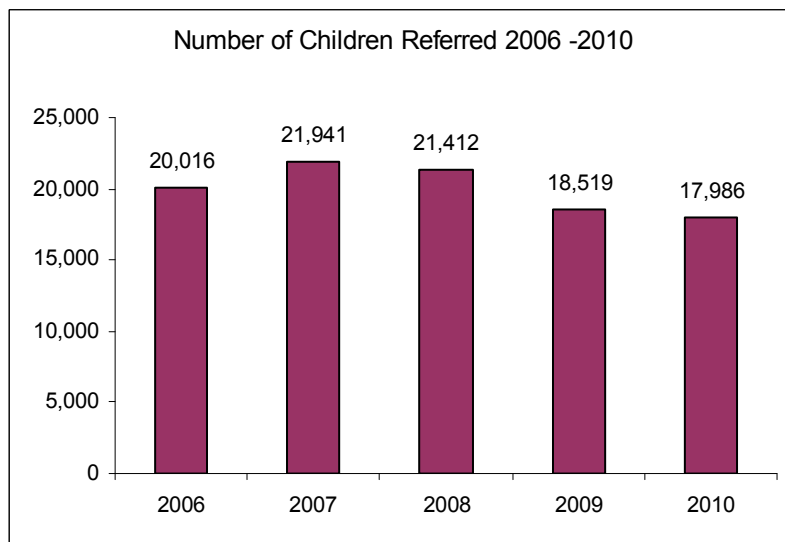
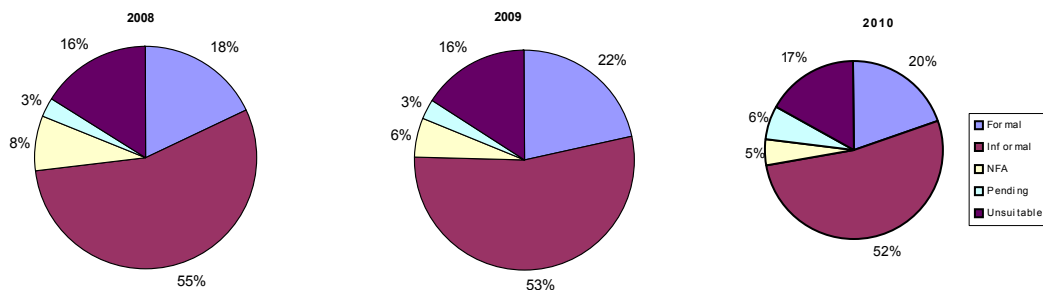


Figure 4 : Case decisions as a percentage of overall number of children referred



* Figures have been rounded to the nearest percentage point

CHILDREN REFERRED BY GENDER, REGION AND DIVISION

In 2010 3,952 (22%) of the children referred to the Programme were female while 14,034 (78%) of the children referred were male.

Table 3: Gender of Children referred by Region and Division

	Formal		Informal		No Further Action		Pending		Unsuitable		
	F	M	F	M	F	M	F	M	F	M	
EASTERN REGION											
KILDARE	16	81	92	271	3	13	8	38	8	80	610
LAOIS / OFFALY	14	92	62	185	1	11	3	32	8	84	492
MEATH	21	83	59	173	3	13	8	20	6	53	439
WESTMEATH	14	44	63	144	1	17	0	19	2	38	342
WICKLOW	12	72	63	171	2	29	9	32	5	38	433
Eastern Total	77	372	339	944	10	83	28	141	29	293	2316
D.M.R. REGION											
D.M.R. EAST	18	108	95	206	4	37	17	77	16	86	664
D.M.R. NORTH	33	207	197	523	16	46	19	102	39	232	1414
D.M.R. NORTH CENTRAL	10	54	39	94	4	8	20	55	10	159	453
D.M.R. SOUTH	15	169	168	405	19	57	13	50	43	287	1226
D.M.R. SOUTH CENTRAL	7	41	33	106	3	16	5	29	10	77	327
D.M.R. WEST	42	290	207	408	24	69	20	141	30	336	1567
DMR Total	125	869	739	1742	70	233	94	454	148	1177	5651
NORTHERN REGION											
CAVAN / MONAGHAN	17	90	64	222	6	7	10	19	12	59	506
DONEGAL	15	139	80	252	7	13	5	38	2	63	614
LOUTH	10	77	91	222	4	12	5	10	3	69	503
SLIGO / LEITRIM	11	37	44	112	1	8	0	10	1	28	252
Northern Total	53	343	279	808	18	40	20	77	18	219	1875
SOUTH EASTERN REGION											
KILKENNY/CARLOW	9	68	101	255	6	18	4	24	3	77	565
TIPPERARY	18	115	97	257	5	13	3	26	4	71	609
WATERFORD	29	112	70	223	8	17	10	25	11	82	587
WEXFORD	14	94	81	210	2	12	3	17	2	21	456
South Eastern Total	70	389	349	945	21	60	20	92	20	251	2217
SOUTHERN REGION											
CORK CITY	58	180	234	461	21	42	6	23	24	216	1265
CORK NORTH	23	100	99	277	12	22	2	13	10	83	641
CORK WEST	12	70	76	169	3	21	3	11	4	41	410
KERRY	12	61	68	207	11	23	4	22	4	63	475
LIMERICK	47	252	137	270	9	25	12	31	17	140	940
Southern Total	152	663	614	1384	56	133	27	100	59	543	3731
WESTERN REGION											
CLARE	22	99	52	148	13	29	9	26	3	79	480
GALWAY	36	153	174	355	20	41	10	32	20	95	936
MAYO	7	77	63	196	0	12	1	9	6	52	423
ROSCOMMON / LONGFORD	4	48	54	115	1	1	2	14	8	44	291
Western Total	69	377	343	814	34	83	22	81	37	270	2130
OUTSIDE JURISDICTION											
OUTSIDE JURISDICTION	2	6	2	30	6	9	1	8	1	1	66
TOTAL	548	3019	2665	6667	215	641	212	953	312	2754	17986

CAUTIONS—FORMAL AND INFORMAL CAUTIONS

In 2010 the total number of children who were either cautioned formally or informally was 12,899. This equates to 72% of the total number of children referred. Informal cautions accounted for 9,332 (52%) while 3,567(20%) received a formal caution, comparing with 54% and 22% for 2009.

Figure 5 : Number of Children Cautioned 2006 - 2010

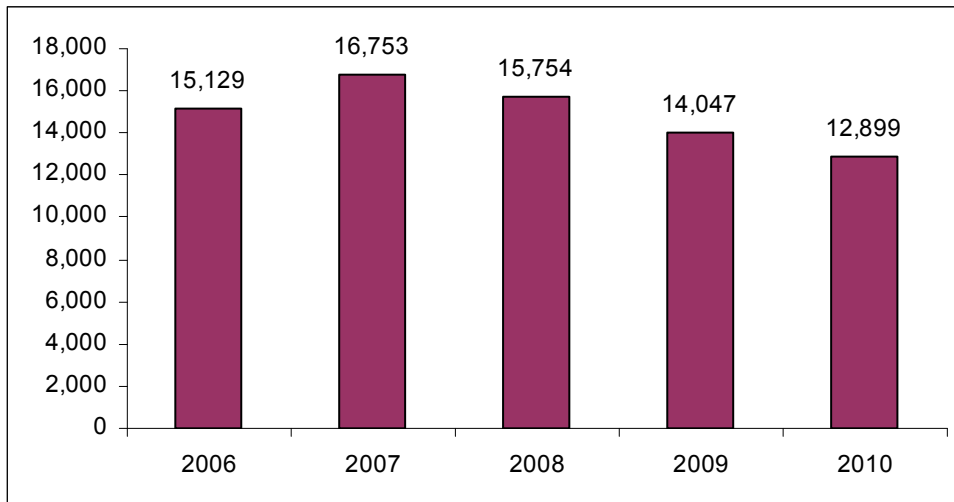
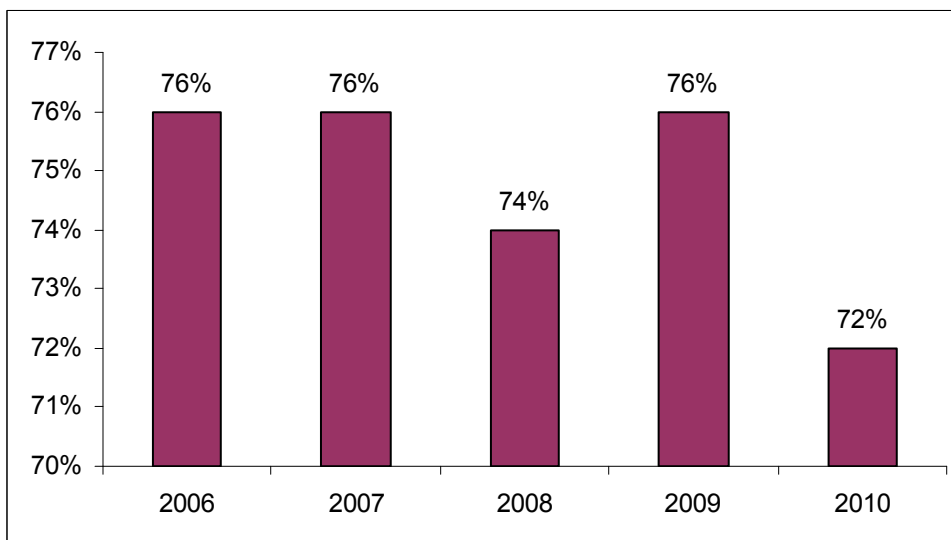


Figure 6 : Percentage of Children Deemed Suitable for Inclusion 2006 -2010



(When the statistics are adjusted for comparison with last years figures to allow for a 3% increase in cases pending resulting from the introduction of pulse the number of children deemed suitable is expected to increase by approximately 2%).

RESTORATIVE JUSTICE

Restorative justice is the term used to describe the process whereby the victim of an offence is given the opportunity to meet with or have his / her views presented to the offender. Restorative justice is provided for in the Children Act 2001 by way of having the victim present at a formal caution or at a family conference. It is hoped that the offender will realise that the offence was not merely an offence against law but also against a person or a community. It should be noted that restorative justice applies to the formal caution in accordance with sections 26 and 29 of the Children Act 2001.

In addition to humanising the harm, the behaviour is challenged and an opportunity is afforded to the offender not only to apologise but to also take some action to repair the harm. This act of reparation may be by way of replacing goods stolen, compensating for a loss, mending damage caused or agreeing conditions for future behaviour designed to reassure the victim that the offending will not recur.

When the victim is invited to attend at the formal caution of a child it is known as a restorative caution. In certain circumstances victims may prefer to have their views represented by way of letter or recording or by having a friend, supporter or other person represent their perspective.

When the victim is invited to attend a family conference in relation to a child it is referred to as a restorative conference. The restorative conference is similar to a restorative caution in many respects. The victim is given a voice and the impact of the offending behaviour is humanised. The caution and conference differs, in that the conference makes a greater effort to engage a broader range of expertise in an attempt to challenge the child's behaviour and to support any change that might come about as a result of the conference. For instance, those present at the conference might include not only the victim and the victims supporters but also the child's schoolteacher, social worker, extended family or any other person who may have a positive influence on his or her future behaviour.

Juvenile Liaison Officers used Restorative Justice Practices to deal with 792 referrals in 2010. Many of the cases in which restorative interventions were used were serious cases of assault, assault on Gardaí, robbery, arson, burglary, harassment and public order.

In 2010 eight Garda JLOs qualified as trainers in Restorative Practices and have collaborated with local communities and other agencies in particular the probation Service in delivering training and developing restorative practice communities.

The JLO Office in Dublin Metropolitan Region East have piloted a road safety restorative justice programme in partnership with the GOCYA and the Garda Road Safety Unit. Young drivers who have committed road offences are challenged about their behaviour using a restorative approach.

The GOCYA, Gardaí in Tallaght and The Children Development Initiative Tallaght West are currently collaborating in an extensive Community Restorative Practices project. This project involves training 800 people within the community in the principles of restorative practices and promoting the use of these principles when dealing with young people in the Tallaght West area.

The GOCYA and Gardaí in Waterford are leading an inter agency Restorative Practices Project in Waterford City. The project involves training all stakeholders who interact with children in the principles of Restorative Practices to create a common language for service delivery within the youth sector.

The Committee is satisfied that good progress is being made in the development of restorative justice in accordance with Part 4 of the Act.

RESTORATIVE JUSTICE IN PRACTICE - THREE CASE STUDIES

Serious Assault on a 15 year old boy

A 15 year old boy Paul was assaulted by a school colleague resulting in him receiving a broken arm and some bruising. Paul was very worried that he would be attacked again as both boys used the same mode of public transport to school and also socialised in the same area at weekends and were involved in the same football club. The wrong-doer John was initially suspended from school.

It was decided to hold a restorative meeting. John was accompanied by his parents who were deeply ashamed at their sons behaviour and they told of how they were having difficulties with his behaviour since his suspension from school. John apologised to Paul and explained that he was devastated when he heard that he had broken Pauls arm and that it was never his intention to do that. He explained that it was a real wake up call for him and he wanted to call around to apologise but had been afraid to do so. He apologised at the meeting and Paul accepted that it was a genuine apology.

The school principal was also in attendance and he agreed to allow John back to school provided that he applied himself to his work and improved his behaviour. John was assured by Paul that there would be no further incidents and that if they met on the street that John would cross over the road if that would help the situation.

Both boys returned to school and Paul expressed his satisfaction that he had got an apology and an assurance that this would not happen again. John received a caution from the JLO and was placed under Garda supervision for a period of 12 months. He has not been in trouble since this incident and has completed his junior certificate.

Criminal Damage to a Community Development

A small village development association had in recent years developed an area in the vicinity of the local river to enable people in the community to swim. As part of this development they provided dressing rooms and toilet facilities for people who wished to use them. They also converted an old church into a restaurant with meeting rooms and conference facilities.

On a number of occasions during the summer months this amenity was vandalized, with damage caused to windows, doors and toilets in the dressing rooms and some plants and shrubs. Five young boys were found to be responsible for this damage and were referred to the Diversion Programme and it was decided to hold a restorative caution.

The restorative meeting was held in the centre where the wrong-doers met face to face with members of the community and the facility caretakers. Each person was given the opportunity to say how the bad behaviour had impacted on them. The crime was no longer against a building but instead against a community and against people who cared for the centre. The outcome resulted in the four young people present apologising to the caretakers and the community and they agreed to make four window boxes with floral arrangements for display on the four front windows of the centre. They agreed to help out on two Saturday mornings with tidying and general cleaning outside the building in preparation for anniversary celebrations later in the month. Two of the parents offered to assist with the supervision of this work and this was agreed.

The harm was repaired and the young people accepted back into their community having learned a valuable lesson.

RESTORATIVE JUSTICE IN PRACTICE - THREE CASE STUDIES

Criminal Damage to a Car

Four youths travelled from Dublin to spend the weekend with the mother of one of the youths in her new home, in a rural town in the west of Ireland. Having been allowed out to spend some time in town, the four consumed some alcohol and then began 'messing around' with cars parked in the square. They subsequently caused an estimated €500 worth of damage to one car.

All were remorseful for their actions and their parents were anxious to have each youth cautioned under the terms of the Juvenile Diversion Programme. The victim was a secondary school teacher in the town. It was decided to explore a restorative caution for the boys.

The teacher was too upset by events to have a face to face meeting with the boys but instead agreed to discuss the case with them through a telephone conference.

The four boys and their parents met in Dublin and spoke to the teacher by conference phone. The teacher explained that a number of her pupils summer exams and project work had been taken from her car, destroyed and strewn around the street. She explained how the boys actions had impacted not only on her but on a large number of her pupils whose hard work had been lost. The teacher found it very difficult to explain this to her students the next day. She wanted the boys to be aware of this and how it affected her students.

The boys now had a greater understanding of how their behaviour impacted on other young people and they had an appreciation of how unacceptable it was. They apologised and the teacher accepted that the apology was genuine. The offer of financial reparation was accepted and a timeframe agreed as to when and how it would be paid. They were cautioned by the JLO and placed under Garda supervision for a period of 12 months.

RESTORATIVE JUSTICE 2010 PER REGION AND DIVISION

Table 4: Restorative Justice 2006 -2010

	2006	2007	2008	2009	2010
EASTERN REGION					
CARLOW / KILDARE ¹	11	8	17	-	-
KILDARE ²	-	-	-	10	11
LAOIS / OFFALY	8	10	14	9	28
LONGFORD / WESTMEATH ¹	4	7	-	-	-
LOUTH/MEATH ¹	14	14	-	-	-
MEATH ²	-	-	7	12	11
WESTMEATH ²	-	-	11	6	38
WICKLOW ²	-	-	5	8	2
Eastern Region Total	37	39	54	45	90
DUBLIN MET. REGION					
DMR EAST	33	34	24	16	31
DMR NORTH CENTRAL	4	8	15	13	20
DMR NORTH	12	52	46	54	59
DMR SOUTH CENTRAL	11	12	11	10	10
DMR SOUTH	17	18	18	13	16
DMR WEST	23	16	28	32	44
DMR Total	100	140	142	138	180
NORTHERN REGION					
CAVAN/MONAGHAN	6	9	21	10	5
DONEGAL	3	6	4	3	8
SLIGO / LEITRIM	-	3	5	4	3
LOUTH ²	-	-	9	10	17
Northern Region Total	9	18	39	27	33
SOUTH EASTERN REGION					
KILKENNY/CARLOW ²	-	-	-	14	10
TIPPERARY	4	3	14	7	48
WATERFORD ²	-	-	-	11	13
WATERFORD / KILKENNY ¹	10	18	22	-	-
WEXFORD / WICKLOW ¹	8	16	-	-	-
WEXFORD ²	-	-	12	12	13
South Eastern Region Total	22	37	48	44	84
SOUTHERN REGION					
CORK CITY	39	47	35	57	162
CORK NORTH	12	17	19	34	54
CORK WEST	42	26	19	25	32
KERRY	8	6	1	1	5
LIMERICK	11	9	9	10	42
Southern Region Total	112	105	83	127	295
WESTERN REGION					
CLARE	1	-	2	-	4
GALWAY	4	12	27	22	67
MAYO	10	10	3	5	17
ROSCOMMON / GALWAY EAST ¹	12	17	-	-	-
ROSCOMMON / LONGFORD ²	-	-	24	8	22
Western Region Total	27	39	56	35	110
Overall Total	307	378	422	416	792

¹ Divisions which are no longer in operation due to boundary re-alignments in 2008 and 2009

² New Divisions created during boundary re-alignments in 2008 and 2009

CHILDREN CONSIDERED UNSUITABLE FOR INCLUSION IN THE DIVERSION PROGRAMME

In 2010 3,066 (17%) children were deemed not suitable for inclusion in the Diversion Programme.

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

- The child does not accept responsibility for the behaviour
- It would not be in the interests of society to caution the child
- The child is offending persistently

These matters are then returned to local Garda management who decide, following consultation with the Director of Public Prosecutions where appropriate, if a prosecution will be taken.

Figure 7: Number of Children Considered Unsuitable for Inclusion 2006 -2010

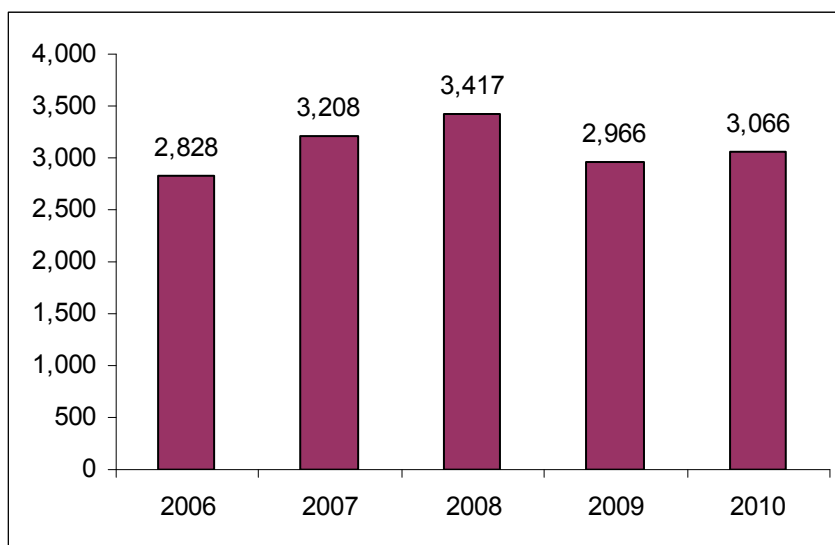
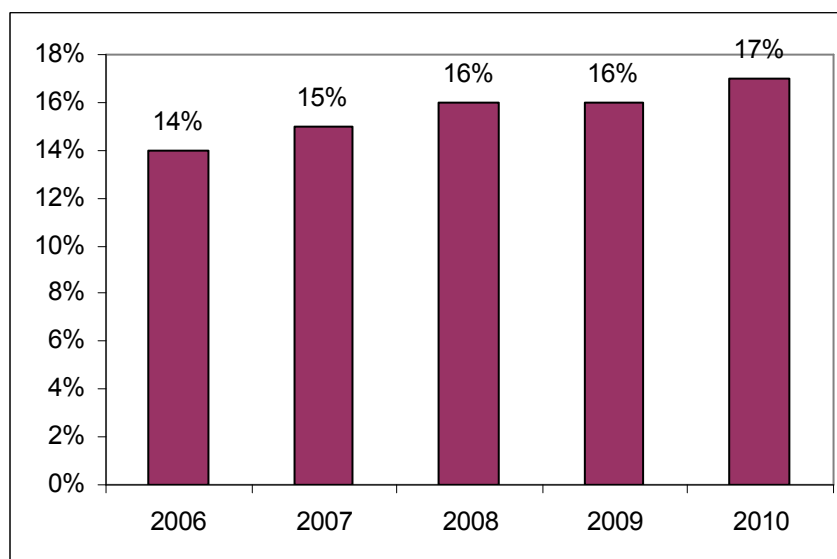


Figure 8: Percentage of Children Considered Unsuitable for Inclusion 2006 -2010



CRIME TYPE FOR WHICH CHILDREN WERE REFERRED

Table 5 illustrates the crime type for which Children were referred to the Diversion programme in 2010.

Table 5: Crime type for which Children were referred 2010

CRIME TYPE	Number of Referrals	% of Total
Homicide Offences		
Murder / Manslaughter / Infanticide	5	0.02%
Dangerous Driving Leading to Death	1	0.00%
Sexual Offences		
Rape of a Male or Female	50	0.18%
Defilement of a Boy or Girl less than 17 Years Old	10	0.04%
Sexual Offence involving a Mentally Impaired Person	0	0.00%
Aggravated Sexual Assault	3	0.01%
Sexual Assault (Not Aggravated)	119	0.44%
Other Sexual Offences	13	0.05%
Attempts / Threats to Murder, Assaults, Harassments and Related Offences		
Murder- Attempt	0	0.00%
Murder - Threat	3	0.01%
Assault Causing Harm - Poisoning	520	1.91%
Other Assault	1375	5.04%
Harassment and Related Offences	37	0.14%
Dangerous or Negligent Acts		
Dangerous Driving Causing Serious Bodily Harm	1	0.00%
Driving / In Charge of a vehicle while over the legal alcohol Limit	95	0.35%
Driving / In Charge of a vehicle under the influence of Drugs	11	0.04%
Dangerous / Careless Driving and Motorway Offences	285	1.05%
Speeding	202	0.74%
Endangerment with Potential for Serious Harm / Death	20	0.07%
Abandoning a Child, Child Neglect and Cruelty	0	0.00%
Dangerous Use of a Vessel (Air, Sea) or Facilities	0	0.00%
Endangering (Road) Traffic	68	0.25%
Kidnapping and Related Offences		
False Imprisonment	4	0.01%
Abduction of Person Under 16 Years of Age	0	0.00%
Robbery, Extortion and Hijacking Offences		
Robbery of an Establishment or Institution	19	0.07%
Robbery of Cash or Goods in Transit	0	0.00%
Robbery from the Person	505	1.85%
Blackmail or Extortion	2	0.01%
Carjacking, Highjacking / Unlawful Seizure of an Aircraft / Vessel	14	0.05%

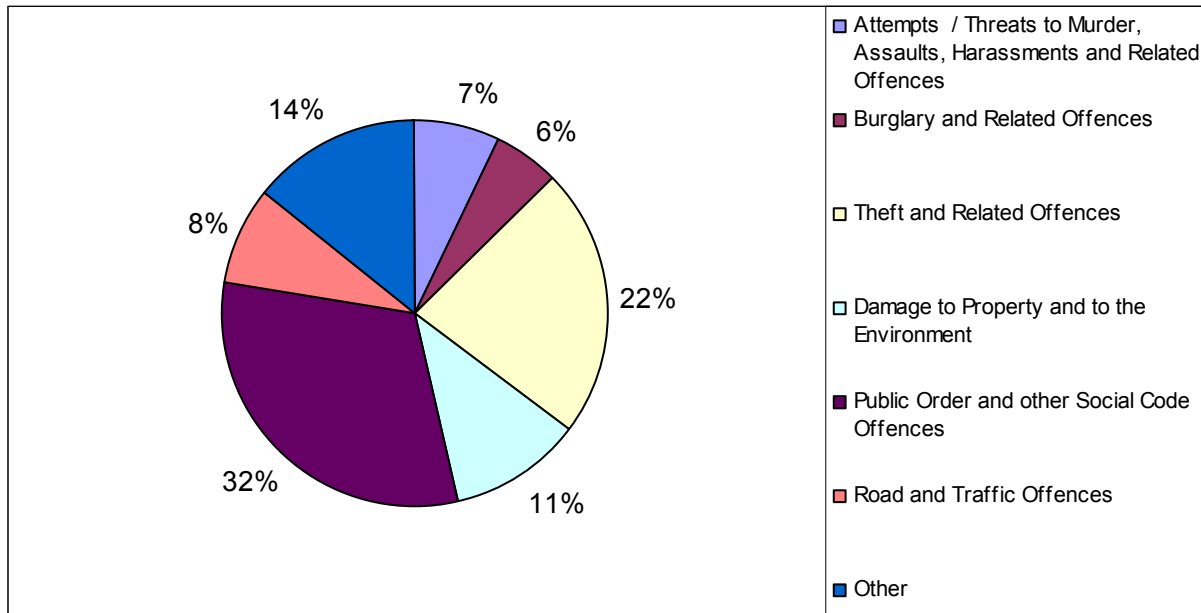
CRIME TYPE FOR WHICH CHILDREN WERE REFERRED

Burglary and Related Offences		
Aggravated Burglary	26	0.10%
Burglary (not aggravated)	1440	5.28%
Possession of an Article (with Intent to Burgle, Steal, Demand)	85	0.31%
Theft and Related Offences		
Theft / Taking of Vehicle and Related Offences	619	2.27%
Theft from Person	88	0.32%
Theft from Shop	4180	15.34%
Other Thefts, Handling Stolen Property	1218	4.47%
Fraud, Deception and Related Offences		
Fraud, Deception and Related Offences	228	0.84%
Controlled Drug Offences		
Importation of Drugs	0	0.00%
Cultivation or Manufacture of Drugs	17	0.06%
Possession of Drugs for Sale or Supply	203	0.74%
Possession of Drugs for Personal Use	963	3.53%
Other Drug Offences	43	0.16%
Weapons and Explosives Offences		
Explosives, Chemical Weapons Offences	28	0.10%
Firearm Offences	43	0.16%
Offensive Weapons Offences	456	1.67%
Fireworks Offences	174	0.64%
Damage to Property and to the Environment		
Arson	227	0.83%
Criminal Damage (Not Arson)	2791	10.24%
Litter Offences	7	0.03%
Public Order and other Social Code Offences		
Disorderly Conduct	5976	21.92%
Trespass Offences	1555	5.70%
Liquor Licensing Offences	951	3.49%
Prostitution Offences	2	0.01%
Regulated Betting / Money, Collection / Trading Offences	59	0.22%
Social Code Offences	1	0.00%
Road and Traffic Offences		
Driving Licence / Insurance Offences	712	2.61%
Vehicle Tax / Registration Offences	227	0.83%
Roadworthiness / Regulatory Offences	1290	4.73%
Road Transport / Public Service Vehicles Offences	40	0.15%

CRIME TYPE FOR WHICH CHILDREN WERE REFERRED

Offences against Government, Justice Procedures and Organisation of Crime		
Offences Against Government and its agents	65	0.24%
Organisation of Crime and Conspiracy to Commit Crime	6	0.02%
Perverting the Course of Justice	0	0.00%
Offences while in Custody, Breach of Court Orders	100	0.37%
Offences Not Elsewhere Classified		
Importation / Control / Welfare of Animals Offences	23	0.08%
Fisheries / Maritime Offences	2	0.01%
Use of Data, Electronic Counterfeit and Broadcasting	0	0.00%
Miscellaneous Offences	50	0.18%
Overall Total	27257	100.00%

Figure 9: Crime Type as a percentage of Total Referrals 2010

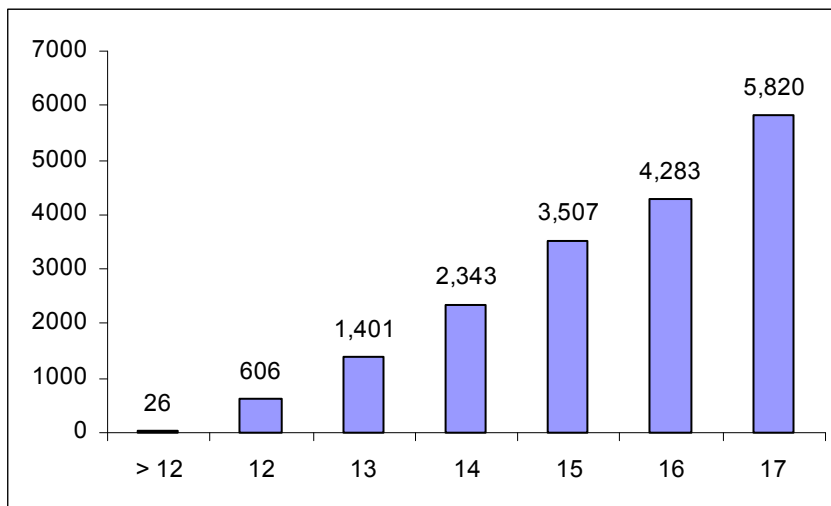


AGE PROFILE OF CHILDREN REFERRED TO THE DIVERSION PROGRAMME

Figure 9 illustrates the age profile of children referred to the Diversion Programme. Of those children referred

- 32.4% were aged 17 years (2009; 35%)
- 23.8% were aged 16 years (2009 ; 24%)
- 19.5% were aged 15 years (2009; 18%)
- 13% were aged 14 years (2009 ;12%)
- 7.8% were aged 13 years (2009; 7%)
- 3.4% were aged 12 years (2009; 3%)
- 0.1% were aged below 12 years (2009; 1%)

Figure 9 : Age Profile of Children Referred 2010



GARDA YOUTH DIVERSION PROJECTS

Garda Youth Diversion Projects (GYDPs) reflect An Garda Síochána's corporate commitment to a multi-agency partnership approach in tackling youth crime and anti-social behaviour at community level. GYDPs are funded by the Irish Youth Justice Service (IYJS) which is an executive office of the Department of Justice and Law Reform.

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

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

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

The project works with the child and sets an individual plan of intervention for him/her which seeks to assist participants to examine their decision making processes 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 participants must be positively re-enforced at home, in school, within peer groups and in the community.

All project staff and JLOs have received familiarisation training in pro-social modelling and motivational interviewing techniques designed to enhance the skill set of those working on the projects.

Throughout 2010 the GOCYA have worked closely with the Irish Youth Justice Service to improve interventions provided by projects. In particular the work has focussed on realigning the project outcomes with local crime trends. This involved local Garda management identifying the key issues relating to youth offending in their Districts and working with the Project to design and implement appropriate interventions to challenge the identified offending behaviour.

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

OBSERVATIONS AND RECOMMENDATIONS

The Committee acknowledges;

- the work of the Garda Office for Children and Youth Affairs and Juvenile Liaison Officers throughout the state in delivery of the Diversion Programme
- The creation by the Garda Commissioner of an additional 7 Juvenile Liaison Officer Posts
- The contribution of the Gardaí to the growth of restorative justice within the youth justice sector
- The work of the Garda Office for Children and Youth Affairs in the integration of the Diversion Programme into the PULSE database
- The importance of the role of the Diversion Projects in delivery and supporting the Diversion programme

The Committee recommends that ;

- The Garda Analysis Service research recidivism rates for youths included in the Diversion Programme
- The Garda Office for Children and Youth Affairs undertake a review of all cases where the young person is under 16 years of age and has been deemed unsuitable for inclusion in the Diversion Programme for all future cases.
- Consideration is given to adapting restorative practices for all JLO work