

## **Minister Shatter publishes 2010 Report on the Garda Diversion Programme and announces appointments to the Programme's Monitoring Committee**

The Minister for Justice, Equality and Defence, Mr. Alan Shatter, T.D., today published the 2010 Annual Report of the Committee Appointed to Monitor the Effectiveness of the Diversion Programme.

Minister Shatter believes the Garda Diversion Programme to be of vital importance in dealing appropriately with child offenders and in helping to reduce the number of offences committed by young people.

The total number of child offender incidents referred to the Garda Diversion Programme in 2010 was 27,257, an increase of 13.8% over 2009. However, the total number of individual child offenders referred for consideration for inclusion in the Programme in 2010 fell by 533 to 17,986 (a drop of 2.88% from 2009). Of this number, 12,899 offenders were accepted into the Programme.

While the Minister welcomed the reduction in the number of child offenders, he expressed concern that the number deemed unsuitable for participation in the Diversion Programme in 2010 was, at 3,066, 1% higher than in the previous year. (A child offender is deemed unsuitable for the Programme if he or she does not accept responsibility for the behaviour or if it would not be in the interests of society to caution the child or if the child is offending persistently.) The files on such cases were returned to the local Garda Superintendent for possible prosecution.

All child offenders admitted to the Diversion Programme are cautioned; informally in the case of minor offences or formally in the case of a more serious offence. A formal caution is always accompanied by a period of supervision by a Juvenile Liaison Officer (JLO). The Minister noted that 9,332 (over 72%) of child offenders who were admitted to the programme in 2010 were given an informal caution whilst 3,567 children were given a formal caution.

The Minister welcomed the integration of the Diversion Programme database with the Garda Pulse system which has led to improvements in the timeliness of referrals to the Programme. Additionally, the alignment of youth crime classification with the Irish Crime Classification System, as used by the Central Statistics Office, will facilitate more in-depth analytical work in the future.

The Minister welcomed and endorsed the Report's Recommendations and stated his intention to request that further research be carried out in the area of youth recidivism. He particularly welcomed the significant increase in the level of Restorative Justice work being undertaken with child offenders and emphasised the importance of this upward trend continuing into the future.

Minister Shatter noted that 7 new Juvenile Liaison Officer posts were created in 2010, bringing the total number of JLOs to 123 across the country (115 Gardaí and 8 sergeants).

The top four youth offence categories for 2010 were public order/social code offences 31.35%, theft 22.4%, damage to property 11.1% and road/traffic offences 8.32%. Over 7% of youth offences related to assault or harassment. Whilst the change in offence classification and the link to Pulse makes a comparison with 2009 difficult, these offence categories are broadly in line with the previous year.

Minister Shatter thanked the members of the Committee Appointed to Monitor the Effectiveness of the Diversion Programme for their 2010 Report.

Minister Shatter also announced the appointment of members to the incoming Committee. Assistant Commissioner John Twomey has been appointed Chairperson of the Committee and Chief Superintendent Anne Marie McMahon has been appointed as a committee member. Both Gardaí served on the outgoing committee. Ms Norah Gibbons, Director of Advocacy, Barnardos and Mr John Cheatle, Barrister, have been appointed to the remaining positions (see attached CVs).

Announcing the appointments, the Minister said "I am delighted to appoint these four highly qualified people to this committee. The Committee plays a crucial role in helping to ensure that the Diversion Programme continues as an effective response to youth crime. I will ask the Committee to re-assess the Diversion Programme with a view to promoting an intensified outcomes-focused approach to tackling youth crime and to work closely with the Irish Youth Justice Service in this regard."

Minister Shatter expressed his appreciation to the outgoing members of the Committee, Mr Tim Dalton and Ms Phil Hanna for their work and dedication.

The Minister noted that the Programme for Government makes clear the determination of this Government to tackle anti-social behaviour and the plague of low level crime that is so destructive of community life. The Programme includes a number of significant commitments which will impact on youth crime and on anti-social behaviour. The Minister said he will be considering the implementation of these measures in consultation with the Garda Commissioner and with his colleague the Minister for Children and Youth Affairs, Frances Fitzgerald TD.

The Report is available on the websites of the Irish Youth Justice Service [www.iyjs.ie](http://www.iyjs.ie) and An Garda Síochána [www.garda.ie](http://www.garda.ie)"

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Note for editors:

The Diversion Programme Monitoring Committee comprises 4 members. Its structure and terms of reference for the committee are set out in Section 44 of the Children Act. The Chairperson and one member are Gardaí and are appointed following consultation with the Garda Commissioner. The two civilian members are appointed directly by the Minister for Justice and Equality.

1. The Garda Diversion Programme operates in accordance with Part 4 of the Children Act 2001, as amended, and under the general superintendence and control of the Garda Commissioner. The aim of the Diversion Programme is to deal with children who offend, by way of administering a formal or informal caution, thus diverting the offender away from the courts and minimising the likelihood of further offending. The Diversion Programme embraces, whenever possible, the principles of restorative justice and, at all times, it pays the highest regard to the needs of the victims. The Programme has proven to be successful in diverting young persons away from crime by offering guidance and support to juveniles and their families.

2. Garda Youth Diversion Projects are funded by the Irish Youth Justice Service (IYJS), through An Garda Síochána. The projects are community-based, multi-agency crime prevention / crime reduction 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, and promote civic responsibility and improve long-term employability prospects. By doing so, the projects also contribute to improving the quality of life within communities and to enhancing Garda/community relations. The projects may also work with young people who are significantly at risk of becoming involved in anti-social and /or criminal behaviour. Essentially the projects provide a resource to An Garda Síochána and to Juvenile Liaison Officers in particular, in the implementation of the Diversion Programme. There are currently 100 of these projects operating throughout the country. Most projects are located within areas of high social deprivation.

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## **Civilian Appointees to the Committee to Monitor the Effectiveness of the Diversion Programme**

**Mr John Cheatle**

### **1 Educational Qualifications:**

Bachelor of Arts (U.C.D.)

Diploma in Legal Studies, Kings Inns

Barrister at Law Degree, Kings Inns

Diploma in Arbitration, (U.C.D.)

Diploma in International Arbitration, (U.C.D.)

Accredited Mediator, (C.E.D.R)

## **2 Employment History:**

Hibernian Insurance, Claims Department, 1990-1994

Self- employed, Barrister, 1994 to date.

## **3 Expertise:**

John's main area of practice and expertise is in the fields of both personal injuries defence and professional negligence defence. He acts for a number of insurance companies in that capacity and the requirements of those areas of practice include the drafting of legal proceedings, preparation of opinions, advising on the proofs required for the trial of actions, settlement negotiations and advocacy.

John also has considerable experience in the fields of arbitration, mediation, banking and commercial law, probate law, employment law and family law. He has, as a lawyer, acted in a number of child custody disputes.

John is interested in the application of mediation to criminal law and he has researched victim offender mediation schemes in other jurisdictions. He has an interest in and has written about the beneficial use of restorative justice in dealing with youth offenders.

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## **Ms Norah Gibbons**

### ***Education***

#### **M.Sc. (Economics) in the Management of Care**

University of Wales

#### **Certificate of Qualification in Social Work/Diploma in Social Work**

University of Newcastle-on-Tyne, England

#### **Higher Diploma in Education**

University College Galway

#### **B.A. History & English**

University College Galway

## ***Career to Date***

### **March 05 – Present          Director of Advocacy and Central Services, Barnardos**

- Member of Barnardos Senior Management Team.
- Develops, leads and co-ordinates Barnardos' advocacy agenda. Responsible for establishing and maintaining constructive, professional relationships with Government, senior public officials and statutory bodies, represents Barnardos externally and contributes to a number of networks and alliances, in the pursuit of agreed advocacy objectives.

In addition, has senior management responsibility for:

- Barnardos Training and Resource Service
- Guardian *ad Litem* Service
- Bereavement Service
- Origins Service
- Post Adoption Advice Service.

### **March 2010-Present: Independent Review Group on Child Deaths**

Appointed as a member of the Independent Child Death Review Group by the Minister for Children and Youth Affairs. This Inquiry was established to review the deaths of children in care, in Aftercare Services or known to HSE child protection services from 2000-2010. The review is ongoing.

### **January 2009-October 2010 Chairperson Roscommon Child Care Inquiry**

Appointed by the HSE as independent chair of an investigation into how health officials handled a family case where child abuse and neglect had taken place. The Inquiry summarised its findings and recommendations in a Report completed in May 2010 and published in October 2010.

### **2000 – March 2009 Commissioner: Commission to Inquire into Child Abuse**

- Appointed by the Minister for Education to an independent, statutory Commission.
- Chairperson of the Confidential Committee 2000-2005.
- Board member 2000-2009.

**April 1990 – June 2000**

**Barnardos, Christchurch Square, Dublin**

Held a variety of positions within Barnardos' services. Appointed as Director of Child Care with Barnardos in 1998.

**1989 – April 1990                      I.C.T.U. Unemployed Centre, Finglas - Manager**

Norah's responsibilities included the establishment of the centre, as well as recruitment, training and support of 20 participants on a community employment scheme.

**1976 – 1989**

Held a number of positions in statutory social services in the UK:

- Child protection social worker( included work in area of juvenile justice)
- Mental Health practitioner
- *Guardian Ad Litem*
- Adoption and fostering work

**Current Interagency Commitments:**

- Chairperson: Alcohol Action Ireland
- Council Member: Association for Criminal Justice Research and Development Ltd.
- Board member: "Start Strong" (early years organisation)
- Chairperson: "Stop It Now" – a public health campaign aimed at preventing child sexual abuse
- Member of Anti Child Trafficking Roundtable Group
- Member of HSE committee tasked with reviewing criteria for special care admissions
- Member of Advisory Committee as part of a new study "An International Literature Review of Child Protection and Children in State Care". UCD