

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

2005

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FOREWORD

Photo
Chairman

Dear Commissioner,

It is my pleasure to present the 2005 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 incidents referred to the Diversion Programme during 2005 was 21,497 an increase of 890 or 4.3% on 2004. The total number of individual children referred to the programme was 17,567 which was a decrease of 67 or .5% from the 2004 total.

While there is little or no change in the age profile or the type of offence for which children are referred it is pleasing to note that the number of children deemed unsuitable for inclusion and referred on to the courts system, continues to decline. This is in keeping with the diversionary ethos of the programme.

Alcohol related offences (20%) and theft (18%) constitute the two main categories of offence for which children were referred.

The Garda programme of restorative justice continues to evolve with Juvenile Liaison Officers facilitating 262 restorative events of which 236 were restorative cautions and 26 were restorative conferences.

I want to thank the committee for their work during the year and also the Director of the Programme Superintendent Coleman, his staff at the National Juvenile Office and the Juvenile Liaison Officers throughout the country for their dedication and work

| _____Chairperson.

Patrick Crummey, Assistant Commissioner

Executive summary

- The total number of incidents referred to the Diversion Programme during 2005 was 21,497 an increase of 890 or 4.3% on the previous year.
- The total number of individual children referred to the programme was 17,567 which was a decrease of 89 or .5% from the 2004 total of 17,656.
- 10,135 (58%) children had their cases dealt with by way of informal caution.
- 2,958 (17%) children had their cases dealt with by formal caution.
- 981 (5.5%) children required no further action.
- 978 (5.5) children had a decision in their case pending.
- 2,515 (14%) children were considered not suitable for inclusion in the programme.
- There continues to be an increase in the number of referrals received at the National Juvenile Office.
- There was a decrease of 203 children in the not suitable category from the previous year's figures.
- There was no significant change in the types of offences for which children were referred to the programme.
- Alcohol related offences (20%) and theft (18%) constitute the two main categories of offence for which children were referred.
- There was no significant change in the age profile of those referred with children aged 15, 16 and 17 comprising of 72% of all referrals.
- The Garda programme of restorative justice continues to evolve with Juvenile Liaison Officers facilitating 262 restorative events of which 236 were restorative cautions and 26 were restorative conferences.
- A comprehensive evaluation of the restorative justice programme by the Garda Research Unit is expected to be completed in mid 2006.
- All Juvenile Liaison Officers are now trained to level 1 mediation and a further six have submitted their work to the Mediation Institute of Ireland (MII) for level 2 accreditation.

- Three Juvenile Liaison Officers who have received diplomas in the Study of Adolescent Behaviour from University College Cork.
- The National Juvenile Office is actively pursuing the prospect of a third level course being made available for all Juvenile Liaison Officers.
- Two research projects, one on recidivism and one on pathways to court, both commissioned by the Committee have recently been completed by the Garda Research Unit, and the findings are being assessed by the National Juvenile Office.
- At the end of the year 87 Garda Juvenile Liaison Officers and 8 Juvenile Liaison Officer Sergeants were working on the programme.
- One additional Juvenile Liaison Officer was appointed during the year to the Clare Division.
- On the recommendation of the Monitoring Committee, the National Juvenile Office carried out a review of the number of Juvenile Liaison Officer positions and the findings have been submitted to Garda Human Resource Management for consideration.
- In September Mr. Martin Tansey reported to the Committee on his attendance at a two day conference in Glasgow titled “Young People and Crime” which was hosted by the Scottish Executive as part of the UK Presidency of the European Union. A presentation was made at the conference by Inspectors Finbarr Murphy and Paul Moran from the Garda National Juvenile Office on the subject of Youth Diversion and Garda Youth Diversion Projects. This presentation was one of the highlights of the conference, was most informative and excellently presented. Presentations were also made by Spain, Germany, Latvia and Scotland, each presenting various models of interventions in use in their respective countries.

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. In June of 2003, a Committee was appointed in accordance with Section 44 of the Act to monitor the effectiveness of the programme.

The terms of reference of the Committee are to:

- *monitor the effectiveness of the Diversion Programme*
- *review all aspects of its operation*
- *monitor the ongoing training needs of the facilitators*
- *make annually a report to the Commissioner of the Garda Síochána on its activities during the year*

In general the committee understands its main tasks 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*
- *advise on any relevant matters*
- *prepare an annual report*

Membership

The members of the Committee appointed in June 2003 are

- Assistant Commissioner Patrick Crummey, Chairperson,
- Chief Superintendent Patrick Cregg
- Ms. Phil Hanna
- Mr. Martin Tansey
- Inspector Finbarr Murphy (Secretary)

Summary of work programme 2005

The Committee

- met on eleven occasions
- presented the 2004 annual report to the Garda Commissioner
- discussed the appropriateness and content of a proposed diploma course for Juvenile Liaison Officers
- discussed various aspects and interpretations of the Act with the new Director of the Programme, Superintendent Michael Coleman
- attended a two day “Victim Offender Training” seminar at Cahir, Co. Tipperary
- observed a restorative justice event (restorative caution) in Dublin
- reviewed submission to the DPP on regulations under section 47
- attended conference titled “Young People and Crime, a European Perspective” in Glasgow, Scotland
- discussed the financial arrangements in place for the Diversion Programme and the restorative justice programme
- discussed the optimum time for case preparation for restorative cautions and conferences
- made certain observations and recommendations regarding the operation of the programme

The Diversion Programme

Following the introduction of Part 4 of the Children Act 2001 the Juvenile Liaison Officer Scheme came to an end and was replaced by the Diversion Programme, which could be described as a package of measures for dealing with children under the age of 18 who commit an offence or offences. The Diversion Programme retained many of the tried and tested methods for dealing with children who commit offences, as well as introducing a number of new options. The Programme is managed by a Garda Superintendent appointed by the Commissioner and 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. Where appropriate, he must refer cases to the Director of Public Prosecutions (DPP) with his recommendations. In 2005 the Director of the Programme referred 436 cases to the D.P.P. for a direction.

In order to be admitted to the programme a child must

- be over the age of criminal responsibility and under 18 years of age
- accept responsibility for the offence(s) committed
- consent to being cautioned and 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 or the J.L.O. may 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 Juvenile Liaison Officer who has received mediation training. An informal caution is administered by a Juvenile Liaison Officer 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.

Referrals to Diversion Programme

The total number of referrals received in 2005 amounted to 21,497. This is an increase of 890 (4%) on the 2004 figure of 20,607.

TABLE 1: 2005 REFERRALS PER REGION AND DIVISION

| | TOTAL | UNSUITABLE | FORMAL | INFORMAL | NO FURTHER ACTION | PENDING |
|------------------------------------|--------------|-------------|-------------|--------------|-------------------|-------------|
| <u>EASTERN REGION</u> | - | - | | | | |
| CARLOW/KILDARE | 848 | 124 | 110 | 498 | 54 | 62 |
| LAOIS/OFFALY | 641 | 150 | 119 | 328 | 20 | 24 |
| LONGFORD/WESTMEATH | 517 | 111 | 90 | 263 | 27 | 26 |
| LOUTH/MEATH | 1028 | 161 | 164 | 592 | 43 | 68 |
| EASTERN REGION TOTAL | 3034 | 546 | 483 | 1681 | 144 | 180 |
| <u>DUBLIN MET. REGION</u> | | | | | | |
| DUBLIN EAST | 1082 | 217 | 160 | 609 | 30 | 66 |
| DUBLIN NORTH CENTRAL | 570 | 190 | 88 | 194 | 35 | 63 |
| DUBLIN NORTH | 1482 | 217 | 259 | 866 | 43 | 97 |
| DUBLIN SOUTH CENTRAL | 477 | 140 | 94 | 174 | 35 | 34 |
| DUBLIN SOUTH | 1951 | 584 | 261 | 908 | 115 | 83 |
| DUBLIN WEST | 1963 | 472 | 329 | 931 | 101 | 130 |
| DUBLIN REGION TOTAL | 7525 | 1820 | 1191 | 3682 | 359 | 473 |
| <u>NORTHERN REGION</u> | | | | | | |
| CAVAN/MONAGHAN | 466 | 63 | 84 | 253 | 25 | 41 |
| DONEGAL | 704 | 103 | 119 | 375 | 53 | 54 |
| SLIGO/LEITRIM | 214 | 20 | 35 | 111 | 38 | 10 |
| NORTHERN REGION TOTAL | 1384 | 186 | 238 | 739 | 116 | 105 |
| <u>SOUTH EASTERN REGION</u> | | | | | | |
| TIPPERARY | 638 | 165 | 119 | 305 | 27 | 22 |
| WATERFORD/KILKENNY | 1343 | 268 | 224 | 696 | 64 | 91 |
| WEXFORD/WICKLOW | 654 | 81 | 132 | 376 | 35 | 30 |
| SOUTH EASTERN TOTAL | 2635 | 514 | 475 | 1377 | 126 | 143 |
| <u>SOUTHERN REGION</u> | | | | | | |
| CORK CITY | 1807 | 559 | 271 | 859 | 69 | 49 |
| CORK NORTH | 641 | 122 | 117 | 344 | 43 | 15 |
| CORK WEST | 459 | 69 | 73 | 285 | 27 | 5 |
| KERRY | 545 | 89 | 68 | 344 | 14 | 30 |
| LIMERICK | 1419 | 445 | 426 | 484 | 38 | 26 |
| SOUTHERN REGION TOTAL | 4871 | 1284 | 955 | 2316 | 191 | 125 |
| <u>WESTERN REGION</u> | | | | | | |
| CLARE | 576 | 96 | 103 | 302 | 34 | 41 |
| GALWAY WEST | 651 | 48 | 106 | 407 | 45 | 45 |
| MAYO | 428 | 66 | 58 | 265 | 28 | 11 |
| ROSCOMMON /GALWAY EAST | 343 | 43 | 62 | 203 | 21 | 14 |
| WESTERN REGION TOTAL | 1998 | 253 | 329 | 1177 | 128 | 111 |
| <u>OUTSIDE JURISDICTION</u> | 50 | 2 | 6 | 27 | 9 | 6 |
| TOTAL | 21497 | 4605 | 3677 | 10999 | 1073 | 1143 |

The reason why a case is recorded as unsuitable is further explained on page 17

Figure 1 Referrals 2001 – 2005

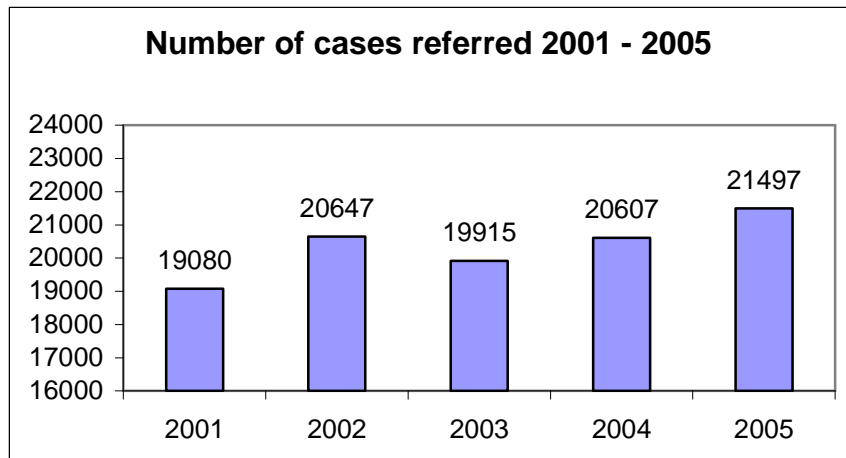
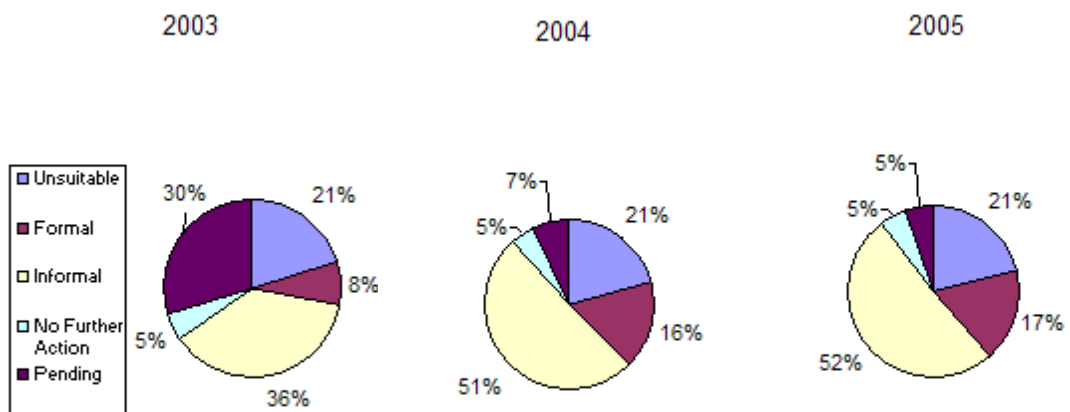


Figure 2 Case decisions as a percentage of total referrals 2003 - 2005

Figure 2



Children referred to Diversion Programme

The total number of children referred in 2005 amounted to 17,567. This is a decrease of 89 children (.5%) on the 2004 total of 17,656.

TABLE 2: NUMBER OF CHILDREN REFERRED IN 2005 by REGION AND DIVISION

| | TOTAL | UNSUITABLE | FORMAL | INFORMAL | NO FURTHER ACTION | PENDING |
|-----------------------------------|--------------|-------------|-------------|--------------|-------------------|------------|
| EASTERN REGION | | | | | | |
| CARLOW/KILDARE | 733 | 73 | 96 | 462 | 44 | 58 |
| LAOIS/OFFALY | 519 | 71 | 97 | 309 | 20 | 22 |
| LONGFORD/WESTMEATH | 406 | 67 | 70 | 226 | 22 | 21 |
| LOUTH/MEATH | 859 | 90 | 137 | 533 | 43 | 56 |
| EASTERN REGION TOTAL | 2517 | 301 | 400 | 1530 | 129 | 157 |
| DUBLIN MET. REGION | | | | | | |
| DUBLIN EAST | 927 | 123 | 145 | 569 | 30 | 60 |
| DUBLIN NORTH CENTRAL | 446 | 111 | 75 | 183 | 30 | 47 |
| DUBLIN NORTH | 1257 | 133 | 214 | 793 | 39 | 78 |
| DUBLIN SOUTH CENTRAL | 384 | 78 | 77 | 164 | 33 | 32 |
| DUBLIN SOUTH | 1566 | 334 | 205 | 840 | 110 | 77 |
| DUBLIN WEST | 1648 | 290 | 273 | 876 | 94 | 115 |
| DUBLIN REGION TOTAL | 6228 | 1069 | 989 | 3425 | 336 | 409 |
| NORTHERN REGION | | | | | | |
| CAVAN/MONAGHAN | 388 | 40 | 68 | 227 | 22 | 31 |
| DONEGAL | 621 | 69 | 102 | 350 | 51 | 49 |
| SLIGO/LEITRIM | 191 | 15 | 28 | 103 | 35 | 10 |
| NORTHERN REGION TOTAL | 1200 | 124 | 198 | 680 | 108 | 90 |
| SOUTH EASTERN REGION | | | | | | |
| TIPPERARY | 488 | 87 | 82 | 275 | 25 | 19 |
| WATERFORD/KILKENNY | 1061 | 128 | 174 | 635 | 53 | 71 |
| WEXFORD/WICKLOW | 561 | 39 | 107 | 356 | 33 | 26 |
| SOUTH EASTERN REGION TOTAL | 2110 | 254 | 363 | 1266 | 111 | 116 |
| SOUTHERN REGION | | | | | | |
| CORK CITY | 1363 | 244 | 222 | 787 | 66 | 44 |
| CORK NORTH | 527 | 71 | 92 | 310 | 42 | 12 |
| CORK WEST | 394 | 36 | 57 | 269 | 27 | 5 |
| KERRY | 432 | 46 | 56 | 291 | 13 | 26 |
| LIMERICK | 1033 | 201 | 325 | 449 | 33 | 25 |
| SOUTHERN REGION TOTAL | 3749 | 598 | 752 | 2106 | 181 | 112 |
| WESTERN REGION | | | | | | |
| CLARE | 459 | 59 | 69 | 267 | 33 | 31 |
| GALWAY WEST | 571 | 35 | 89 | 385 | 27 | 35 |
| MAYO | 396 | 46 | 53 | 258 | 28 | 11 |
| ROSCOMMON/GALWAY EAST | 287 | 27 | 39 | 191 | 19 | 11 |
| WESTERN REGION TOTAL | 1713 | 167 | 250 | 1101 | 107 | 88 |
| OUTSIDE JURISDICTION | 50 | 2 | 6 | 27 | 9 | 6 |
| TOTAL | 17567 | 2515 | 2958 | 10135 | 981 | 978 |

Figure 3 number of children referred 2001 -2005

Figure 3

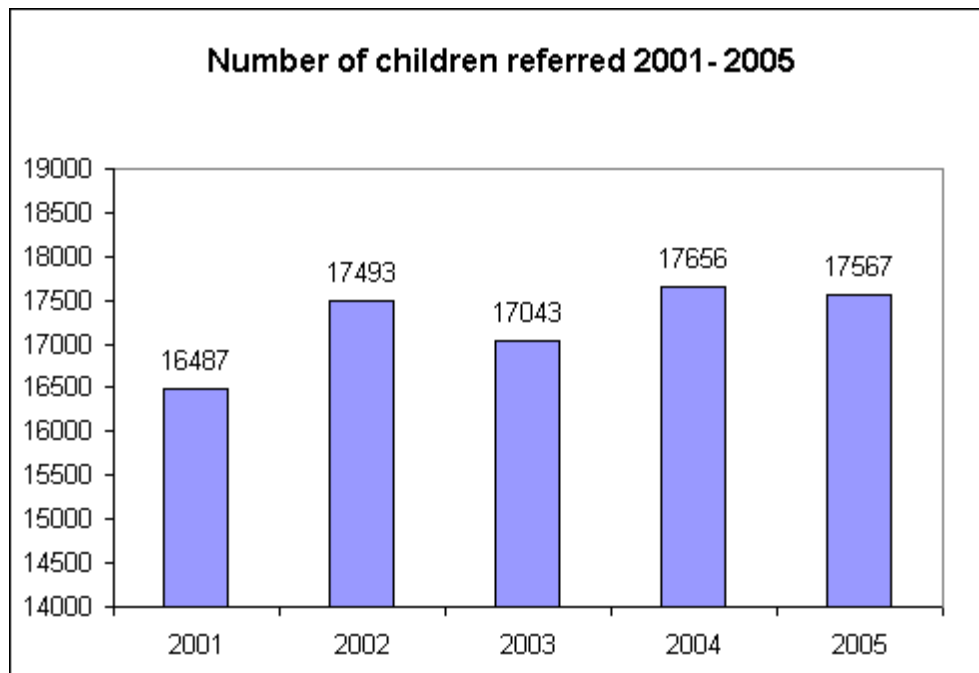
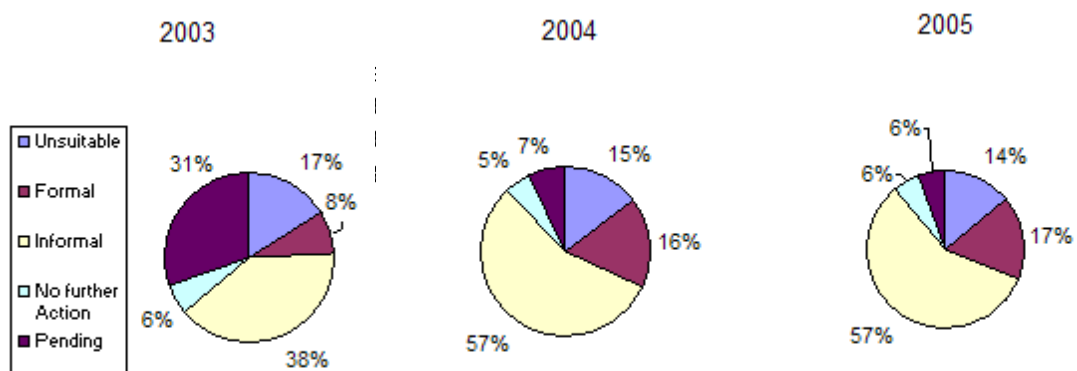


Figure 4 Case decisions as a percentage of overall number of children referred

Figure 4

Manner in which children dealt with 2003 – 2005



CHILDREN REFERRED IN 2005 BY GENDER, REGION AND DIVISION

TABLE 3: 2005 GENDER OF CHILDREN REFERRED BY REGION AND DIVISION

| | TOTAL | UNSUITABLE | | FORMAL | | INFORMAL | | NO FURTHER ACTION | | PENDING | |
|------------------------------|--------------|-------------|------------|-------------|------------|-------------|-------------|-------------------|------------|------------|------------|
| | | MALE | FEMALE | MALE | FEMALE | MALE | FEMALE | MALE | FEMALE | MALE | FEMALE |
| EASTERN REGION | | | | | | | | | | | |
| CARLOW/KILDARE | 733 | 64 | 9 | 83 | 13 | 353 | 109 | 33 | 11 | 52 | 6 |
| LAOIS/OFFALY | 519 | 64 | 7 | 76 | 21 | 241 | 68 | 18 | 2 | 16 | 6 |
| LONGFORD/WESTMEATH | 406 | 59 | 8 | 63 | 7 | 162 | 64 | 17 | 5 | 20 | 1 |
| LOUTH/MEATH | 859 | 73 | 17 | 115 | 22 | 401 | 132 | 37 | 6 | 52 | 4 |
| EASTERN REGION TOTAL | 2517 | 260 | 41 | 337 | 63 | 1157 | 373 | 105 | 24 | 140 | 17 |
| DUBLIN MET. REGION | | | | | | | | | | | |
| DUBLIN EAST | 927 | 101 | 22 | 121 | 24 | 427 | 142 | 17 | 13 | 51 | 9 |
| DUBLIN NORTH CENTRAL | 446 | 99 | 12 | 69 | 6 | 135 | 48 | 22 | 8 | 43 | 4 |
| DUBLIN NORTH | 1257 | 119 | 14 | 186 | 28 | 636 | 157 | 32 | 7 | 70 | 8 |
| DUBLIN SOUTH CENTRAL | 384 | 71 | 7 | 68 | 9 | 120 | 44 | 28 | 5 | 28 | 4 |
| DUBLIN SOUTH | 1566 | 258 | 76 | 172 | 33 | 670 | 170 | 81 | 29 | 58 | 19 |
| DUBLIN WEST | 1648 | 237 | 53 | 245 | 28 | 640 | 236 | 71 | 23 | 99 | 16 |
| DUBLIN REGION TOTAL | 6228 | 885 | 184 | 861 | 128 | 2628 | 797 | 251 | 85 | 349 | 60 |
| NORTHERN REGION | | | | | | | | | | | |
| CAVAN/MONAGHAN | 388 | 35 | 5 | 57 | 11 | 183 | 44 | 16 | 6 | 27 | 4 |
| DONEGAL | 621 | 64 | 5 | 96 | 6 | 289 | 61 | 42 | 9 | 39 | 10 |
| SLIGO/LEITRIM | 191 | 14 | 1 | 25 | 3 | 74 | 29 | 25 | 10 | 9 | 1 |
| NORTHERN REGION TOTAL | 1200 | 113 | 11 | 178 | 20 | 546 | 134 | 83 | 25 | 75 | 15 |
| SOUTH EASTERN REGION | | | | | | | | | | | |
| TIPPERARY | 488 | 77 | 10 | 75 | 7 | 203 | 72 | 19 | 6 | 18 | 1 |
| WATERFORD/KILKENNY | 1061 | 103 | 25 | 127 | 47 | 422 | 213 | 35 | 18 | 51 | 20 |
| WEXFORD/WICKLOW | 561 | 33 | 6 | 97 | 10 | 284 | 72 | 31 | 2 | 24 | 2 |
| SOUTH EASTERN TOTAL | 2110 | 213 | 41 | 299 | 64 | 909 | 357 | 85 | 26 | 93 | 23 |
| SOUTHERN REGION | | | | | | | | | | | |
| CORK CITY | 1363 | 211 | 33 | 183 | 39 | 587 | 200 | 47 | 19 | 35 | 9 |
| CORK NORTH | 527 | 64 | 7 | 79 | 13 | 247 | 63 | 30 | 12 | 11 | 1 |
| CORK WEST | 394 | 36 | 0 | 46 | 11 | 196 | 73 | 18 | 9 | 4 | 1 |
| KERRY | 432 | 43 | 3 | 46 | 10 | 212 | 79 | 11 | 2 | 23 | 3 |
| LIMERICK | 1033 | 191 | 10 | 265 | 60 | 336 | 113 | 30 | 3 | 19 | 6 |
| SOUTHERN REGION TOTAL | 3749 | 545 | 53 | 619 | 133 | 1578 | 528 | 136 | 45 | 92 | 20 |
| WESTERN REGION | | | | | | | | | | | |
| CLARE | 459 | 48 | 11 | 60 | 9 | 194 | 73 | 27 | 6 | 27 | 4 |
| GALWAY WEST | 571 | 31 | 4 | 79 | 10 | 282 | 103 | 24 | 3 | 29 | 6 |
| MAYO | 396 | 42 | 4 | 44 | 9 | 202 | 56 | 21 | 7 | 10 | 1 |
| ROSCOMMON/GALWAY EAST | 287 | 23 | 4 | 29 | 10 | 153 | 38 | 15 | 4 | 8 | 3 |
| WESTERN REGION TOTAL | 1713 | 144 | 23 | 212 | 38 | 831 | 270 | 87 | 20 | 74 | 14 |
| OUTSIDE JURISDICTION | 50 | 2 | 0 | 5 | 1 | 27 | 0 | 9 | 0 | 5 | 1 |
| TOTAL | 17567 | 2162 | 353 | 2511 | 447 | 7676 | 2459 | 756 | 225 | 828 | 150 |

Formal and informal cautions

As shown in Table 2, the total number of children who received either a formal or informal caution in 2005 was 13,093. This amounts to 74.5% of the total number of children referred. 10,135 (57.5%) received an informal caution and 2,958 (17%) received a formal caution. These figures compare with 56% and 16.5% respectively for the previous year.

Figure 5 shows the number of children cautioned for each of the past five years and Figure 6 shows the percentage of children referred who were considered suitable for inclusion in the programme.

Figure 5

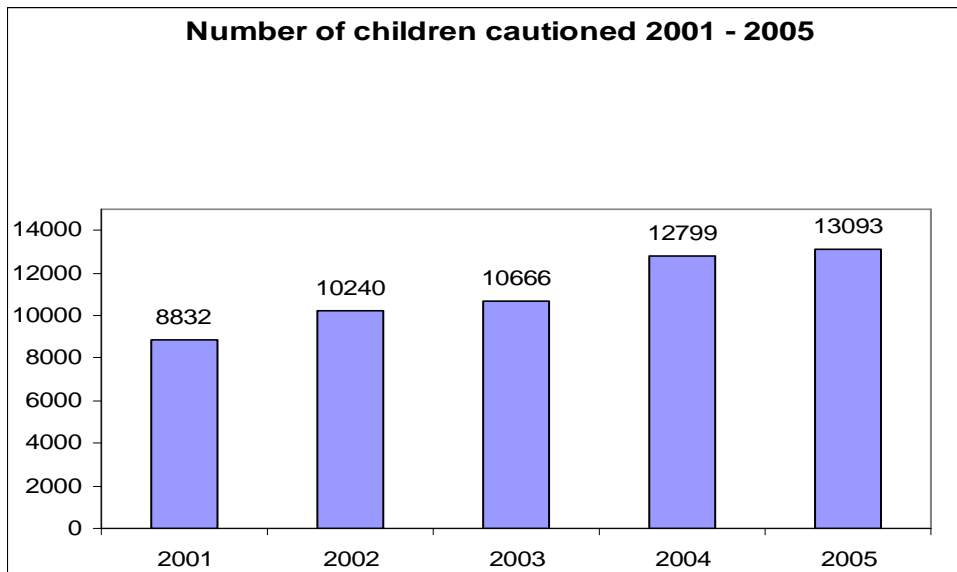
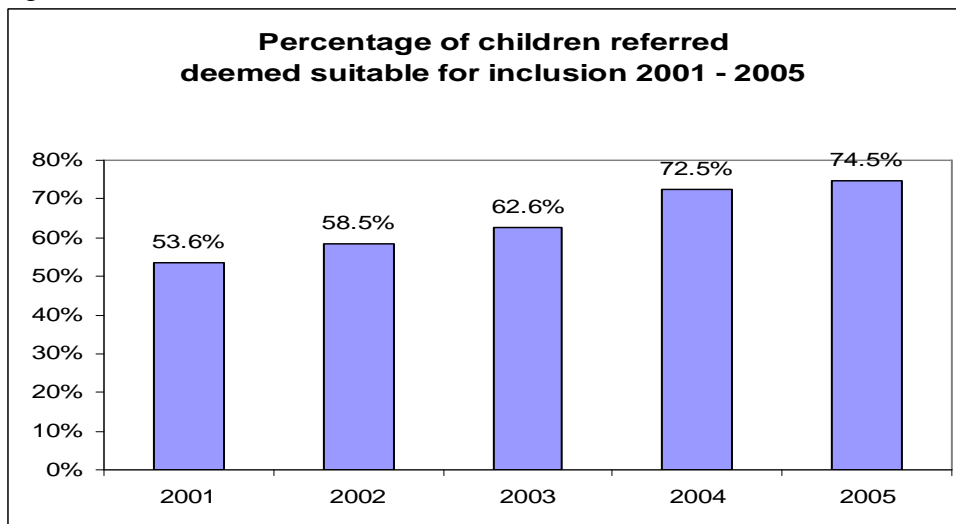


Figure 6



Garda Restorative Cautions and Conferences

The presence of the victim at a formal caution or at a family conference is provided for in the Children Act 2001 (sections 26 and 29 respectively) and it is here that the concept of restorative justice is introduced.

Restorative Justice is the term used to describe the process whereby the victim of an offence is given the opportunity to meet or have his or her views presented to the offender. It is hoped that the offender will realise that the offence was not merely an offence against law but 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 Act.

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 “restoration” 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. Where it differs, is 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 victim’s 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.

Collectively restorative cautions and restorative conferences are referred to as restorative events. A total of 262 restorative events were held in 2005 an increase of 85 (48%) on the 2004 total of 177. The 262 events comprised 236 restorative cautions and 26 restorative conferences. This increase is an indication that the principles of restorative justice are being applied more often by Juvenile Liaison Officers as a means of processing cases referred to the Diversion Programme. Table 4 shows the number of events on a regional and divisional basis.

Offence types for which restorative events were held included road traffic offences, breaches of public order, assaults, robbery, burglary, theft, criminal damage and nuisance phone calls.

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

Table 4

RESTORATIVE JUSTICE EVENTS 2005 PER REGION AND DIVISION

| | 2003 | 2004 | 2005 |
|-------------------------------|-------------|-------------|-------------|
| CARLOW/KILDARE | 3 | 7 | 7 |
| LAOIS/OFFALY | 4 | 10 | 6 |
| LONGFORD/WESTMEATH | 4 | 7 | 6 |
| LOUTH/MEATH | 1 | 13 | 10 |
| TOTAL EASTERN REGION | 12 | 37 | 29 |
| DUBLIN EAST | 8 | 3 | 26 |
| DUBLIN NORTH CENTRAL | 0 | 1 | 6 |
| DUBLIN NORTH | 7 | 8 | 12 |
| DUBLIN SOUTH CENTRAL | 1 | 6 | 9 |
| DUBLIN SOUTH | 12 | 9 | 21 |
| DUBLIN WEST | 0 | 11 | 24 |
| TOTAL DUBLIN REGION | 28 | 38 | 98 |
| CAVAN/MONAGHAN | 1 | 6 | 1 |
| DONEGAL | 3 | 3 | 6 |
| SLIGO/LEITRIM | 3 | 7 | 4 |
| TOTAL NORTHERN REGION | 7 | 16 | 11 |
| TIPPERARY | 4 | 3 | 3 |
| WATERFORD/KILKENNY | 11 | 11 | 14 |
| WEXFORD/WICKLOW | 5 | 2 | 6 |
| TOTAL S/EASTERN REGION | 20 | 16 | 23 |
| CORK CITY | 11 | 19 | 20 |
| CORK NORTH | 2 | 1 | 13 |
| CORK WEST | 13 | 20 | 29 |
| KERRY | 0 | 8 | 4 |
| LIMERICK | 0 | 4 | 13 |
| TOTAL SOUTHERN REGION | 26 | 52 | 79 |
| CLARE | 0 | 0 | 0 |
| GALWAY WEST | 5 | 6 | 5 |
| MAYO | 11 | 5 | 8 |
| ROSCOMMON /GALWAY EAST | 9 | 7 | 9 |
| TOTAL WESTERN REGION | 25 | 18 | 22 |
| TOTALS | 118 | 177 | 262 |

Events include both cautions and conferences under section 26 and 29 of the Children Act

Children considered unsuitable for inclusion

2,515 children were deemed not suitable for inclusion in the diversion programme. This continues the downward trend in the percentage of children in this category since 2002 and is in keeping with the diversionary ethos of the programme.

A case is recorded as unsuitable if the child does not meet the conditions for eligibility or

- the child does not accept responsibility
- it would not be in the interests of society to caution the child
- the child is offending persistently

These matters are then referred to either the D.P.P. or local Garda management to be considered for prosecution

Figure 7

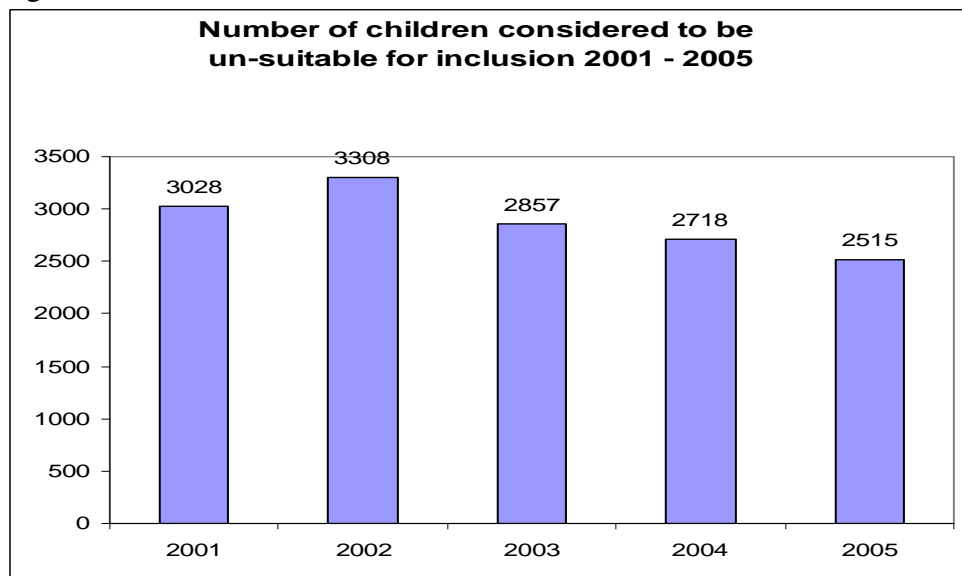
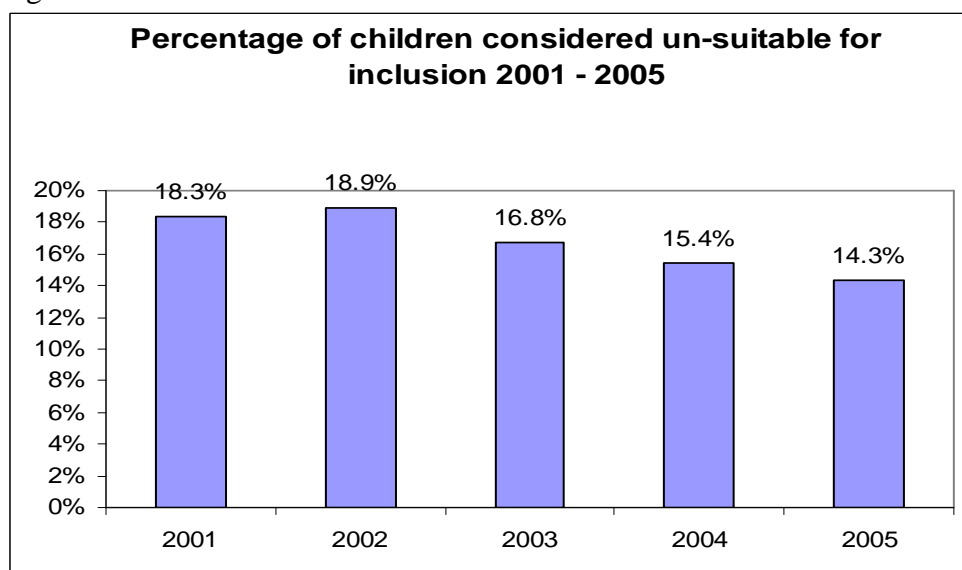


Figure 8

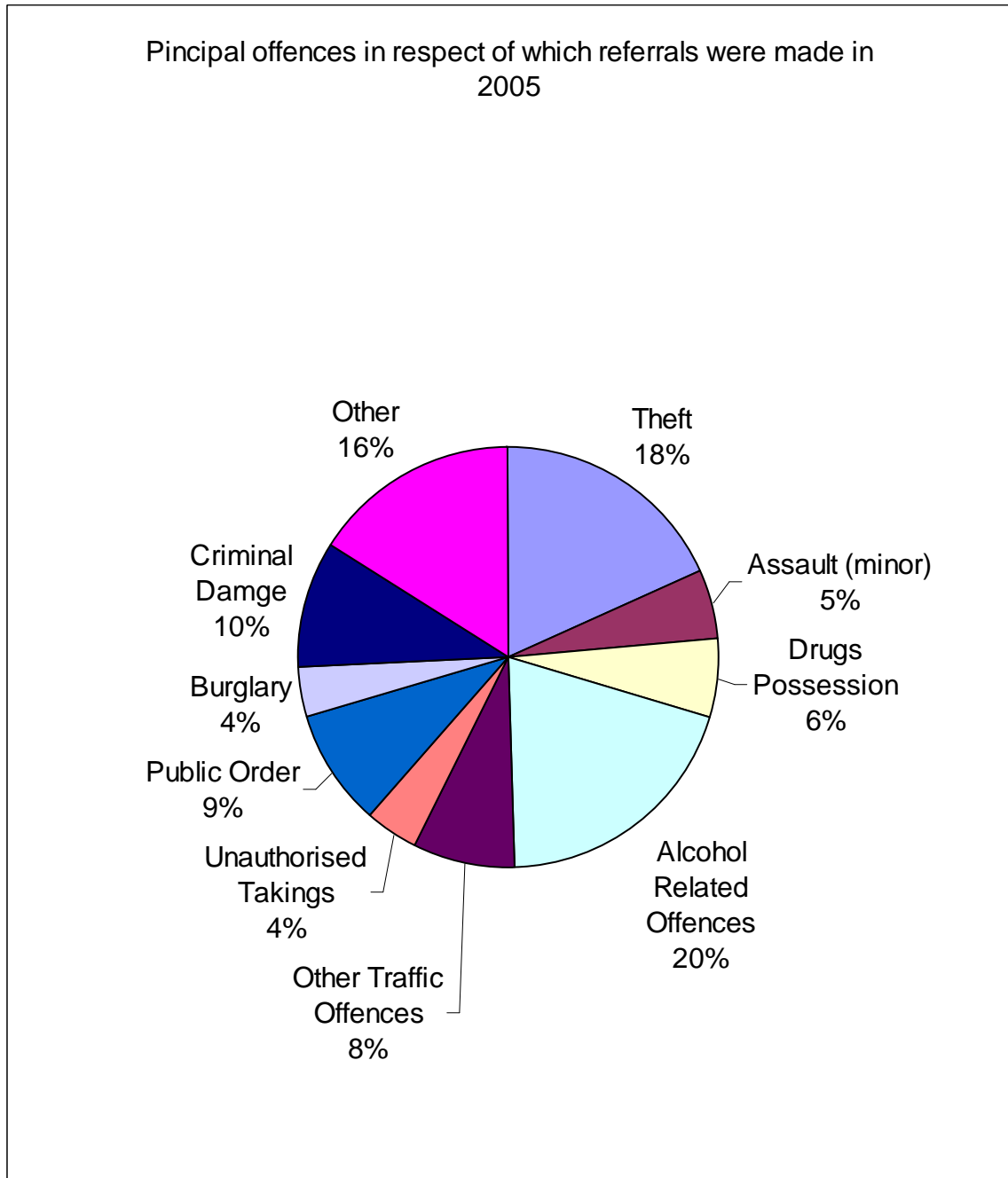


Types of offence for which children were referred

There is no significant change in the category of offence for which children were referred to the programme. Alcohol related offences 20%, theft 18% and criminal damage 10% are the three most common offences. The level of offending for these three categories has not changed compared with the 2004 figures.

Figure 9 shows the percentage breakdown of the categories of offences received.

Figure 9



The 16% "other" in the above pie chart is the combined total of other offences none of which amounted to more than 4% of the overall total. The type of offence and the percentage amount can be found in Table 5.

The following two tables show the offence category in respect of which children were referred. Table 5 shows the main offence categories and Table 6 gives a more detailed breakdown for selected categories.

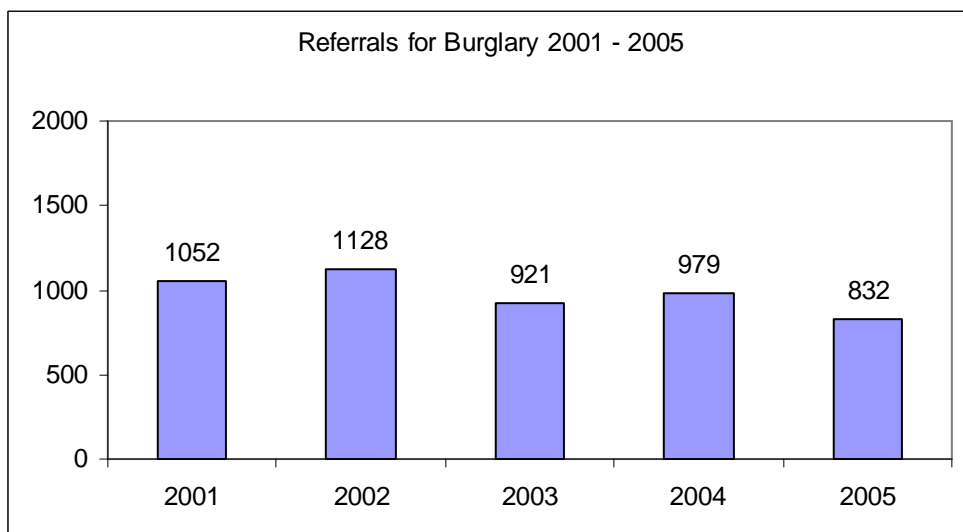
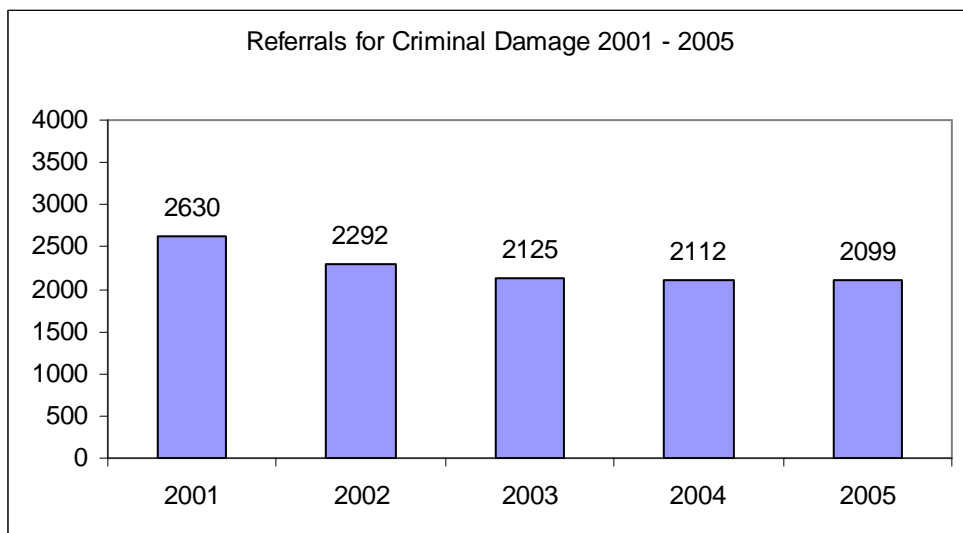
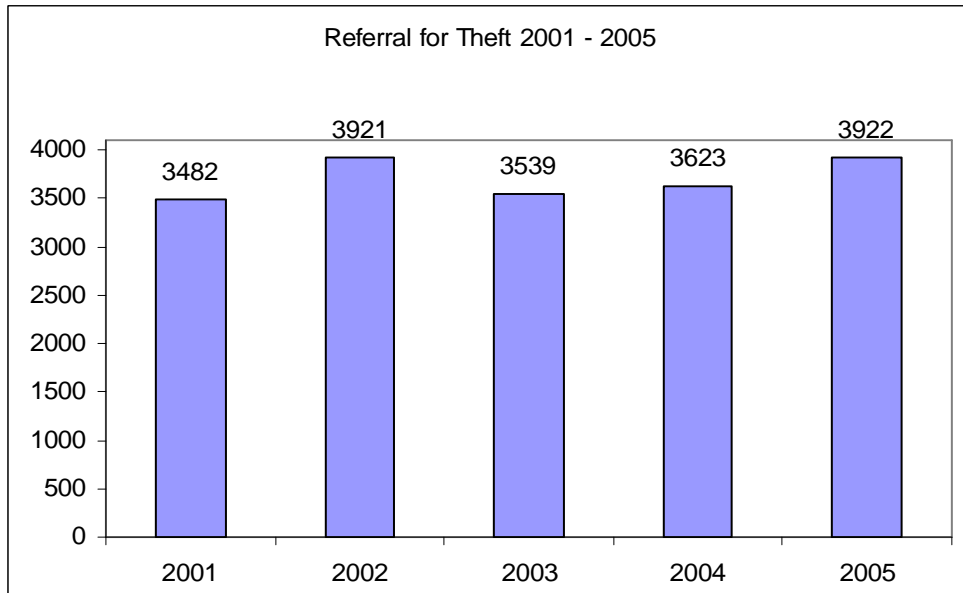
| Table 5 | Number | Percentage |
|---|---------------|-------------------|
| Theft | 3,922 | 18.2% |
| Fraud related offences (see Table 6E) | 143 | 0.7% |
| Possession of articles with intent | 38 | 0.2% |
| Robbery (incl. demanding money with menaces) | 191 | 0.9% |
| Burglary | 832 | 3.9% |
| Aggravated burglary | 14 | 0.1% |
| Handling stolen property | 286 | 1.3% |
| Criminal damage | 2,099 | 9.8% |
| Arson | 90 | 0.4% |
| Unauthorised taking/carriage/interference with M.P.V | 951 | 4.4% |
| Traffic offences (see Table 6A) | 1,652 | 7.7% |
| Alcohol related offences (see table 6B) | 4,217 | 19.6% |
| Public order (see Table 6C) | 1,861 | 8.7% |
| Drugs (Possession) | 1,356 | 6.3% |
| Drugs (Sale/Supply) | 177 | 0.8% |
| Possession of offensive weapons etc. | 291 | 1.4% |
| Firearms related offences | 112 | 0.5% |
| Assault minor | 1,125 | 5.2% |
| Assault on Garda | 7 | .. |
| Serious assault (see Table 6D) | 325 | 1.5% |
| Begging | 122 | 0.6% |
| Sexual offences (see Table 6F) | 109 | 0.5% |
| Casual trading offences | 55 | 0.3% |
| Trespass/found on enclosed premises | 1,126 | 5.2% |
| Railway Acts (trespass line, stone throwing, non-payment of fare) | 23 | 0.1% |
| Street and house to house collections | 3 | .. |
| Public mischief (incl. hoax telephone calls) | 63 | 0.3% |
| False imprisonment | 4 | .. |
| Offences against animals | 4 | .. |
| Miscellaneous | 299 | 1.4% |
| | 21,497 | 100.00% |

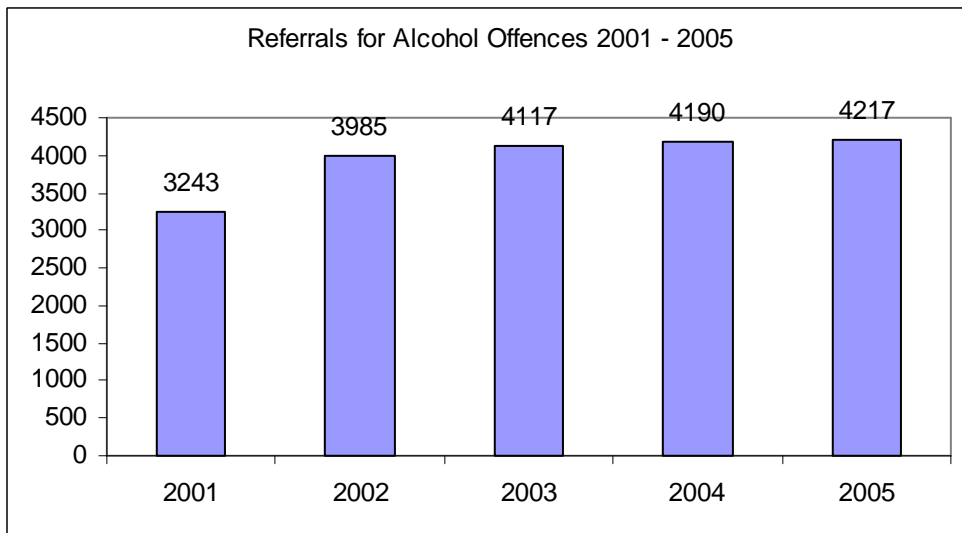
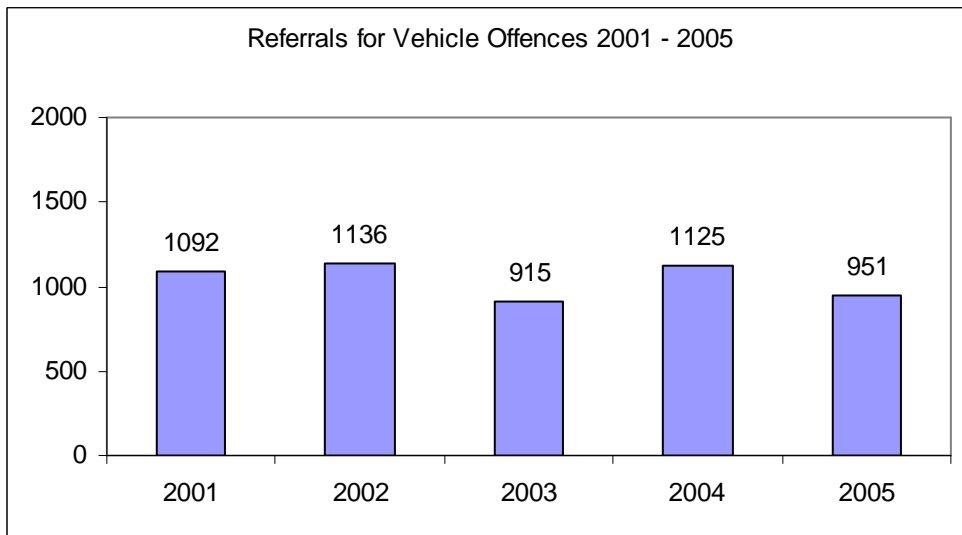
Table 6

| (A) Other traffic offences | |
|--|-------------|
| Insurance offences | 673 |
| Dangerous driving | 209 |
| Careless driving | 62 |
| Pedal cycle offences | 2 |
| Public Transport (PSV) offences | 5 |
| Drunk driving offences | 75 |
| No driving licence | 132 |
| Hit and run traffic accident | 19 |
| No helmet/seatbelt | 65 |
| Speeding | 151 |
| No road tax | 51 |
| Dangerous driving causing death | 5 |
| Miscellaneous | 201 |
| Total | 1652 |
| (B) Alcohol related offences | |
| Purchase/possession/consumption of alcohol | 1536 |
| Intoxication in public place | 2628 |
| Drunk and disorderly/danger to traffic | 5 |
| Simple drunkenness | 0 |
| Found on licensed premises | 31 |
| Miscellaneous | 17 |
| Total | 4217 |
| (C) Public order offences | |
| Affray | 14 |
| Riot | 1 |
| Urinate in public | 14 |
| Disorderly conduct in public | 183 |
| Threatening behaviour etc. | 1194 |
| Failure to comply with Garda direction/Obstruction | 353 |
| Wilful obstruction | 0 |
| Violent disorder | 10 |
| Other | 92 |
| Total | 1861 |

| | |
|--|------------|
| (D) Serious assault | |
| Murder (9 referrals relating to 2 incidents) | 9 |
| Assault causing serious bodily harm | 4 |
| Assault causing bodily harm | 312 |
| Assault with intent | 0 |
| Total | 325 |
| (E) Fraud related offences | |
| Forgery/uttering/fraud | 122 |
| Fraud Deception | 21 |
| Embezzlement | 0 |
| Total | 143 |
| (F) Sexual offences | |
| Aggravated sexual assault | 0 |
| Sexual Assault | 56 |
| Indecency | 11 |
| Rape/unlawful carnal knowledge (including attempt) | 37 |
| Loitering for purpose of prostitution | 0 |
| Soliciting for purpose of prostitution | 2 |
| Other | 3 |
| Total | 109 |

The following figures show the number of referrals received over the past five years for theft, criminal damage, burglary, public order, vehicle offences and alcohol related offences

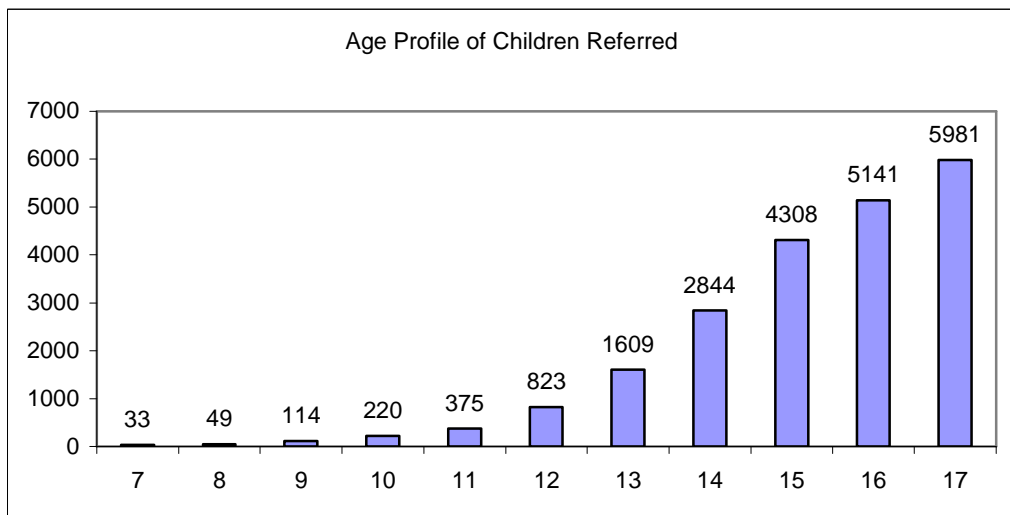




The chart below outlines the age profile of children referred to the Diversion Programme. Of those referred the following are the percentage of the overall total of children referred in each age category

- 28% were aged 17 years**
- 24% were aged 16 years**
- 20% were aged 15 years**
- 13% were aged 14 years**
- 7% were aged 13 years**
- 4% were aged 12 years**
- 4% were under 12 years**

Chart H



Training and Development

Training

The following outlines the current training programme for Juvenile Liaison Officers

- Two weeks induction training for new appointees. All Juvenile Liaison Officers have completed this training.
- Three days training in the so-titled 'Real Justice' Programme* of cautioning and the principles of Restorative Justice. All Juvenile Liaison Officers have completed this training.
- Ten days generic mediation training to Level 1 accreditation from Mediation Institute Ireland (M.I.I.) delivered over a four month period to allow members practise their skills. All Juvenile Liaison Officers have completed this training with the exception of those who were recently appointed.
- Victim/offender mediation training is ongoing and fifty four Juvenile Liaison Officers have completed this training.

The Committee recommends that the present level of training continues and that this training be evaluated before final decisions are made on the training programme.

Development

- Six Juvenile Liaison Officers have submitted work to the Mediation Institute of Ireland with a view to receiving Level 2 accreditation.
- Three Juvenile Liaison Officers have graduated with Diplomas in the Study of Adolescent Behaviour from University College Cork and two others have completed Year One in the same course. One Juvenile Liaison Officers has commenced a Diploma in Child Protection and Welfare and another has undertaken a Higher Diploma in Conflict and Dispute Resolution Studies in Trinity College Dublin.

The Committee is aware that efforts by the National Juvenile Office are continuing to develop a third level qualification for Juvenile Liaison Officers. The Committee fully supports the endeavours of the National Juvenile Office in this regard.

Observations and Recommendations

The committee is satisfied

- with the leadership shown and the efforts made by the Director of the Programme and the staff of the National Juvenile Office with regard to the development of the Diversion Programme as set out in the Act.
- from information coming to the Committee that Juvenile Liaison Officers are operating Part 4 of the Children Act, in particular the concepts of restorative justice and that they are availing of the opportunity to increase their skills by way of additional training.

The Committee recommends that

- The National Juvenile Office continues with its endeavours to secure a suitable third level qualification for Juvenile Liaison Officers.
- The numbers of Juvenile Liaison Officers employed in each Garda Division be kept under review.
- the National Juvenile Office review its processes and procedures relating to files submitted to the Director of Public Prosecutions
- arrangements be made to develop draft regulations in accordance with section 47 of the Act.
- a comprehensive policy document be produced in respect of all sections of part 4 of the Children Act and
- comprehensive guidelines and procedures are produced in respect of Part 4 of the Act
- Juvenile Liaison Officers should be encouraged to submit suggestions on the strengths and weaknesses of the Diversion Programme.

Appendix 1

POLICY STATEMENT BY THE COMMISSIONER OF AN GARDA SÍOCHÁNA

I, as Commissioner of An Garda Síochána, welcome the introduction of the Children Act 2001 and I am committed, through the office of the Director of the Diversion Programme, to implementing its provisions in the area of Restorative Justice. I recognise the restorative justice process as an attempt to repair the harm done by criminal behaviour through a process of victim/offender interaction and communication. This process is also aimed at preventing re-offending by the perpetrator of such criminal behaviour. Restorative justice interventions can only enhance the service that we as a Police Force give to the community.

I, as Commissioner, set out the following general principles to which An Garda Síochána commits itself when conducting restorative interventions.

- 1. The rights and needs of victims, offenders and the community generally must be taken cognisance of when restorative interventions are employed.**
- 2. In all such interventions consent of all parties involved must be the underlying principle**
- 3. The need for confidentiality is paramount throughout the restorative justice process**
- 4. Restorative interventions should only be carried out by properly trained and accredited personnel**
- 5. An Garda Síochána will be guided by established best practice in the area of restorative justice**
- 6. An Garda Síochána is cognisant of the various documents on restorative justice issued by the United Nations, Council of Europe, and other intergovernmental and non-governmental organisations and has taken their provisions into account when formulating policy**
- 7. An Garda Síochána recognises the importance of partnership with other voluntary and statutory agencies who are also involved in the area of restorative justice and mediation**

MP Byrne
Patrick Byrne
Commissioner of An Garda Síochána
14 February 2002