

Youth Justice Strategy

Theme 2 - **Diversion**

Discussions of Steering Group

12 June 2019

International Standards

- Diversion essential element in Youth Justice system
- For those who have committed offence - by free informed consent
- Maximise opportunities for Diversion
- Full information – with legal advice
- Qualified specialised professionals
- Supporting fundamental principles
 - Best Interest
 - Voice of the Child
 - Rights and Development

What do we mean by Diversion?

- Alternative sanction or positive support
- Addressing underlying issues
- More than current Garda / GYDP provision
- Achieving wraparound support depends on individual situation
- Overlap with Early Intervention – same structural coordination issues

Who do we want to divert?

- Narrower focus than Early Intervention
- Contact (self, family, peers) with Gardai
- Crude estimate of 15,000 under 18's including some under 12's
- 18-24's – unquantified number but different system approach needed
- Hard-to-reach group - continuous support cycle
 - In community
 - In Detention
 - Reintegration support and Diversion

How do we want to divert?

- Current provision
 - Garda Cautions
 - JLO Supervision
 - GYDPs
- Light-touch, Repeat Offending, Hard-to-Reach, Children in Care
- Building in new opportunities - Charge, Pre-Court, Bail (see Chart)
- Collaborative case-specific action must underpin Diversion measures
- Sharing of Information

Legal requirements and System Weaknesses

- Garda Youth Crime Review – unsuitable for Diversion cases
- Evolution of Diversion from pre Children Act 2001
- Prima facie case – Principle that a crime must have been committed
- What is the “public good” where Diversion not applicable
- Justice issue with unsuitable due to serious offending
- Welfare and Diversion issue for unsuitable due to insufficient evidence as well as serious offending

Approaching Reform

- Garda Review Group - Judge Hussey
- Re-align policy, legislation practice
- Align with PA and CoFPI
- Monitoring / Assessment of Youth Justice System not only Diversion

Strategic Objectives – Collective Efforts

- Collaborative action – linking Garda / GYDP / Schools / Tusla etc., to address individual cases as early as possible
- Special focus on hard-to-reach children and young people
- Effective monitoring and assessment of YJ System (including Diversion)
- Prompt assessment of cases for Diversion, resourced and informed by relevant expert opinion
- Increasing awareness and support for implementing Diversionary principles by Gardai and other agencies through training and specialisation
- Continuum of Diversionary measures (see Chart)

Oversight and Governance Objectives **AGAIN!**

- We will review service coordination and funding arrangements for **child and youth services, including Garda services**, to ensure the alignment and coordination of services in order to address more effectively the situation of **children young people and families**, who may be at risk in relation to criminal activity.
- We will put mechanisms in place to drive a culture of cross-programme and cross-agency cooperation and collaboration in delivery of an integrated service to children and families at risk, **including children who have committed offences**.
- We will ensure that relevant agencies and funding programmes coordinate the design of youth, family and child services and coordinate at the point of service delivery, with a strong oversight and governance role vested in the Minister for Children and Youth Affairs.

How can we best support collective delivery of flexible services?

State Provision	Early Intervention	Light Touch Diversion	Diversion Programme	Diversion - Hard to Reach
Child, Youth and Family Supports	Universal Mainstream Services	Universal Mainstream Services	Special Programmes (GYDPs) and Mainstream Services	Specialised Community Programmes
Garda Services	Community Policing	Community Policing Garda warnings	Community Policing Garda Cautions, JLO Supervision	Integrated Regional Teams (CoFPI) JARC / Y-JARC
	Garda supported			Garda Led