

ANNUAL REPORT OF THE COMMITTEE
appointed to Monitor the Effectiveness
of the

**D I V E R S I O N
P R O G R A M M E**



Copies of this Report are available on Garda Website www.garda.ie
and

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FOREWORD



Dear Commissioner,

It is my pleasure to present the 2007 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 2007 was 27,853, an increase of 2,773 or 11% on 2006. The total number of individual children referred to the programme was 21,941 which was an increase of 1,925 or 10% from the 2006 total.

Alcohol related offences (19.9%), theft (15.2%) and road traffic offences (15.8%) constitute the three main categories of offence for which children were referred.

The Garda programme of restorative justice continues to evolve with Juvenile Liaison Officers facilitating 378 restorative events, an increase of 23% on the 2006 figure.

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

Finally, on behalf of the Committee I wish to express deep regret and sadness at the death of Mr. Martin Tansey in March of 2007. Mr. Tansey was a member of the Monitoring Committee from when it was established in 2003 and was always a considerable source of knowledge and expertise on matters relating to youth justice.

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

Chairperson.

Louis Harkin, Assistant Commissioner

Executive summary

- The total number of incidents referred to the Diversion Programme during 2007 was 27,853.
- The total number of individual children referred to the programme was 21,941.
- 16,753 (76%) children were admitted to the Diversion Programme.
- 12,485 (57%) children had their cases dealt with by way of informal caution.
- 4,268 (19%) children had their cases dealt with by formal caution.
- 790 (4%) children had a decision in their case pending.
- 1,190 (5%) children required no further action.
- 3,208 (15%) children were considered not suitable for inclusion in the programme.
- There was no significant change in the types of offences for which children were referred to the programme.
- Alcohol related offences (19.9%), road traffic offences (15.8%) and theft (15.2%) constitute the three main categories of offence for which children were referred.
- There were 2,485 referrals from the Fixed Charge Penalty System.
- The Garda programme of restorative justice continues to evolve with Juvenile Liaison Officers facilitating 378 restorative events an increase of 71 cases from 2006.
- There were 7 new Juvenile Liaison Officer positions created in 2007.
- A 5 module training course was created for newly appointed JLO's.
- There are 94 Garda Juvenile Liaison Officers and 8 Juvenile Liaison Officer Sergeants working on the programme.

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 current members of the Committee are

- Assistant Commissioner Louis Harkin, Chairperson
- Chief Superintendent Gabriel Mc Intyre
- Ms. Phil Hanna
- Mr Tim Dalton
- Inspector Finbarr Murphy (Secretary)

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 each child for inclusion in the Programme..

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 the Diversion Programme

The total number of referrals received in 2007 amounted to 27,853. This is an increase of 2,773 (11.06%) on the figure of 25,080 referrals received in 2006

Table 1 : 2007 Referrals per Region and Division

| | TOTAL | UNSUITABLE | FORMAL | INFORMAL | NO FURTHER ACTION | PENDING |
|-------------------------------|--------------|-------------|-------------|--------------|-------------------|-------------|
| EASTERN REGION | | | | | | |
| CARLOW/KILDARE | 1343 | 296 | 266 | 672 | 59 | 50 |
| LAOIS/OFFALY | 707 | 119 | 151 | 360 | 24 | 53 |
| LONGFORD/WESTMEATH | 691 | 180 | 137 | 304 | 24 | 46 |
| LOUTH/MEATH | 1582 | 383 | 339 | 724 | 82 | 54 |
| EASTERN REGION TOTAL | 4323 | 978 | 893 | 2060 | 189 | 203 |
| DUBLIN MET. REGION | | | | | | |
| EASTERN | 1279 | 297 | 201 | 693 | 40 | 48 |
| NORTH CENTRAL | 685 | 276 | 82 | 254 | 32 | 41 |
| NORTHERN | 2141 | 405 | 427 | 1123 | 65 | 121 |
| SOUTH CENTRAL | 427 | 155 | 59 | 182 | 16 | 15 |
| SOUTHERN | 2134 | 729 | 222 | 1040 | 105 | 38 |
| WESTERN | 2296 | 665 | 338 | 1074 | 146 | 73 |
| DUB. MET. REGION TOTAL | 8962 | 2527 | 1329 | 4366 | 404 | 336 |
| NORTHERN REGION | | | | | | |
| CAVAN/MONAGHAN | 825 | 140 | 178 | 398 | 45 | 64 |
| DONEGAL | 1212 | 187 | 278 | 656 | 52 | 39 |
| SLIGO/LEITRIM | 528 | 102 | 115 | 265 | 27 | 19 |
| NORTHERN REGION TOTAL | 2565 | 429 | 571 | 1319 | 124 | 122 |
| SOUTH EASTERN REGION | | | | | | |
| TIPPERARY | 774 | 189 | 139 | 392 | 27 | 27 |
| WATERFORD/KILKENNY | 1587 | 283 | 340 | 836 | 73 | 55 |
| WEXFORD/WICKLOW | 1045 | 151 | 242 | 554 | 44 | 54 |
| SOUTH EASTERN TOTAL | 3406 | 623 | 721 | 1782 | 144 | 136 |
| SOUTHERN REGION | | | | | | |
| CORK CITY | 1713 | 492 | 284 | 848 | 81 | 8 |
| CORK NORTH | 1066 | 217 | 213 | 542 | 56 | 38 |
| CORK WEST | 633 | 96 | 68 | 424 | 27 | 18 |
| KERRY | 810 | 144 | 168 | 345 | 54 | 99 |
| LIMERICK | 1501 | 556 | 437 | 477 | 20 | 11 |
| SOUTHERN REGION TOTAL | 5723 | 1505 | 1170 | 2636 | 238 | 174 |
| WESTERN REGION | | | | | | |
| CLARE | 625 | 142 | 132 | 281 | 36 | 34 |
| GALWAY WEST | 945 | 149 | 207 | 488 | 61 | 40 |
| MAYO | 631 | 110 | 143 | 335 | 26 | 17 |
| ROSCOMMON /GALWAY EAST | 587 | 82 | 114 | 341 | 29 | 21 |
| WESTERN REGION TOTAL | 2788 | 483 | 596 | 1445 | 152 | 112 |
| OUTSIDE JURISDICTION | 86 | 7 | 11 | 43 | 24 | 1 |
| TOTAL | 27853 | 6552 | 5291 | 13651 | 1275 | 1084 |

Figure 1

Number of cases referred 2003 - 2007

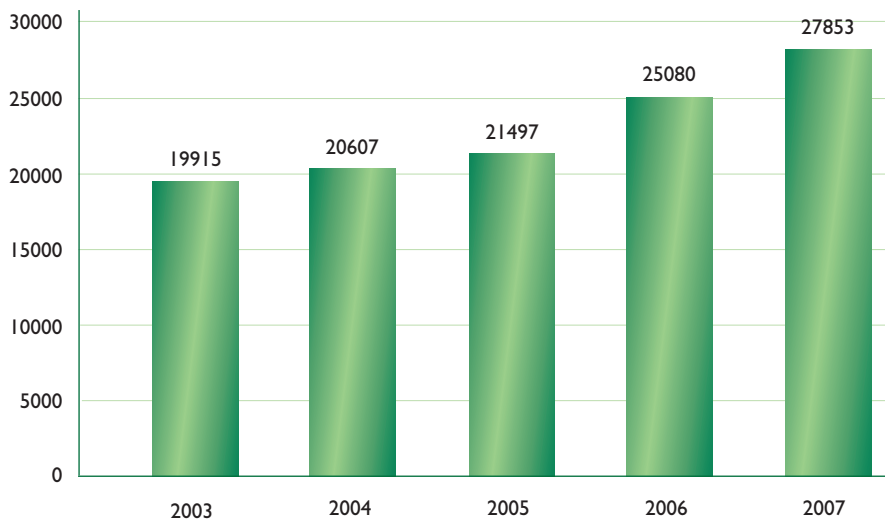
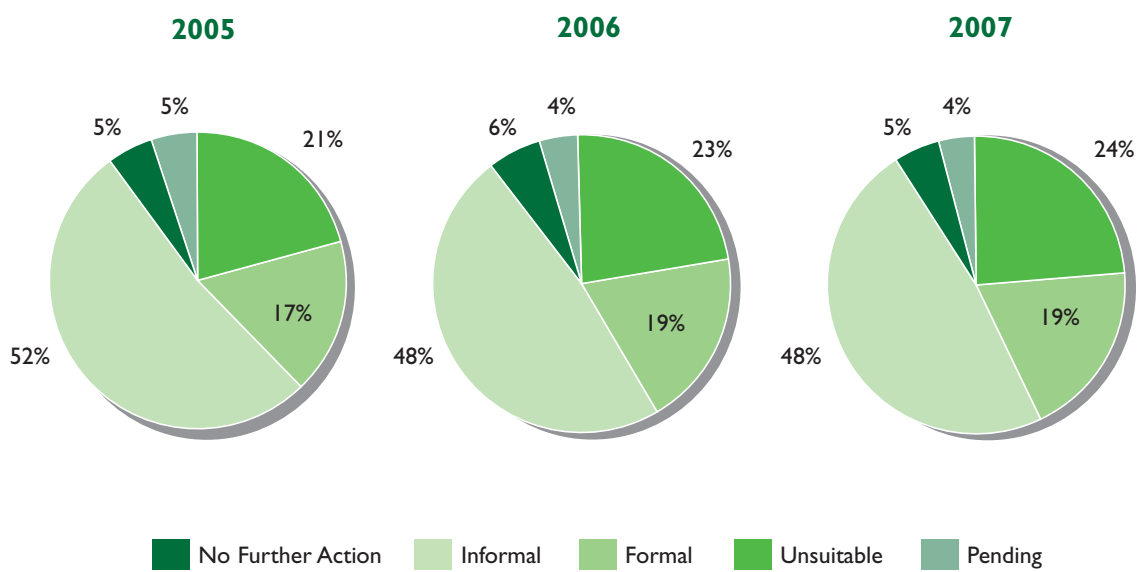


Figure 2

Case decisions as a percentage of total referrals 2005 - 2007



Children Referred to the Diversion Programme

The total number of children referred in 2007 amounted to 21,941. This is an increase of 1,925 children (9.6%) on the 2006 total of 20,016.

Table 2 : Number of Children referred in 2007 by Region and Division

| | TOTAL | PROSECUTED | FORMAL | INFORMAL | NO FURTHER ACTION | PENDING |
|-------------------------------|--------------|-------------|-------------|--------------|-------------------|------------|
| EASTERN REGION | | | | | | |
| CARLOW/KILDARE | 1091 | 147 | 217 | 629 | 56 | 42 |
| LAOIS/OFFALY | 574 | 78 | 128 | 320 | 23 | 25 |
| LONGFORD/WESTMEATH | 531 | 91 | 102 | 275 | 24 | 39 |
| LOUTH/MEATH | 1247 | 179 | 261 | 682 | 78 | 47 |
| EASTERN REGION TOTAL | 3443 | 495 | 708 | 1906 | 181 | 153 |
| DUBLIN MET. REGION | | | | | | |
| EASTERN | 1045 | 139 | 178 | 650 | 40 | 38 |
| NORTH CENTRAL | 486 | 124 | 68 | 235 | 28 | 31 |
| NORTHERN | 1757 | 214 | 358 | 1032 | 63 | 90 |
| SOUTH CENTRAL | 319 | 72 | 49 | 169 | 16 | 13 |
| SOUTHERN | 1633 | 375 | 191 | 930 | 103 | 34 |
| WESTERN | 1865 | 392 | 287 | 998 | 131 | 57 |
| DUB. MET. REGION TOTAL | 7105 | 1316 | 1131 | 4014 | 381 | 263 |
| NORTHERN REGION | | | | | | |
| CAVAN/MONAGHAN | 595 | 56 | 141 | 318 | 41 | 39 |
| DONEGAL | 995 | 95 | 211 | 604 | 52 | 33 |
| SLIGO/LEITRIM | 408 | 32 | 91 | 244 | 27 | 14 |
| NORTHERN REGION TOTAL | 1998 | 183 | 443 | 1166 | 120 | 86 |
| SOUTH EASTERN REGION | | | | | | |
| TIPPERARY | 601 | 86 | 108 | 365 | 24 | 18 |
| WATERFORD/KILKENNY | 1282 | 135 | 283 | 749 | 69 | 46 |
| WEXFORD/WICKLOW | 836 | 67 | 186 | 507 | 34 | 42 |
| SOUTH EASTERN TOTAL | 2719 | 288 | 577 | 1621 | 127 | 106 |
| SOUTHERN REGION | | | | | | |
| CORK CITY | 1343 | 250 | 228 | 777 | 80 | 8 |
| CORK NORTH | 814 | 114 | 167 | 475 | 51 | 7 |
| CORK WEST | 520 | 38 | 60 | 390 | 26 | 6 |
| KERRY | 592 | 51 | 121 | 312 | 51 | 57 |
| LIMERICK | 1091 | 247 | 358 | 456 | 20 | 10 |
| SOUTHERN REGION TOTAL | 4360 | 700 | 934 | 2410 | 228 | 88 |
| WESTERN REGION | | | | | | |
| CLARE | 492 | 60 | 107 | 267 | 27 | 31 |
| GALWAY WEST | 763 | 70 | 155 | 460 | 48 | 30 |
| MAYO | 521 | 56 | 110 | 314 | 26 | 15 |
| ROSCOMMON /GALWAY EAST | 460 | 35 | 92 | 288 | 28 | 17 |
| WESTERN REGION TOTAL | 2236 | 221 | 464 | 1329 | 129 | 93 |
| OUTSIDE JURISDICTION | 80 | 5 | 11 | 39 | 24 | 1 |
| TOTAL | 21941 | 3208 | 4268 | 12485 | 1190 | 790 |

Figure 3

Number of children referred 2003 - 2007

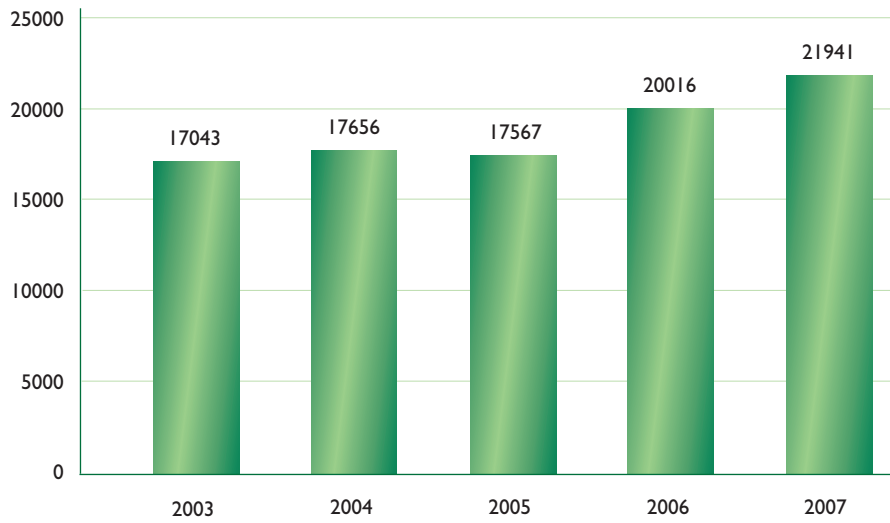
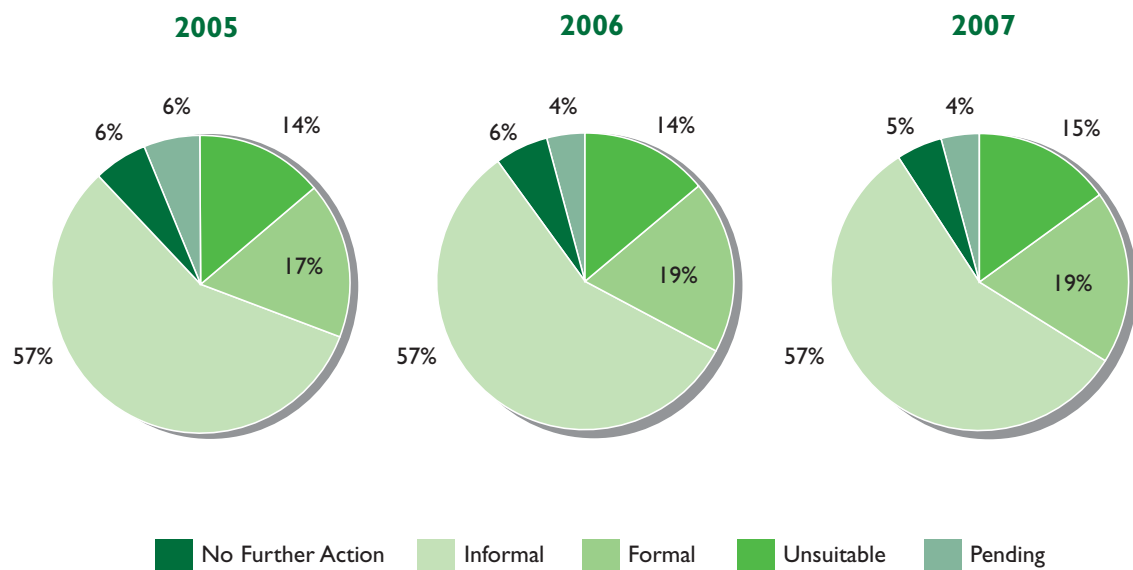


Figure 4

Case decisions as a percentage of overall number of children referred



Children Referred in 2007 by Gender, Region & Division

Table 3 : Gender of Children referred by Region and Division

| | TOTAL | PROSECUTED | | FORMAL | | INFORMAL | | NO FURTHER ACTION | | PENDING | |
|-------------------------------|--------------|-------------|------------|-------------|------------|-------------|-------------|-------------------|------------|------------|-----------|
| | | M | F | M | F | M | F | M | F | M | F |
| EASTERN REGION | | | | | | | | | | | |
| CARLOW/KILDARE | 1091 | 128 | 19 | 191 | 26 | 474 | 155 | 46 | 10 | 39 | 3 |
| LAOIS/OFFALY | 574 | 69 | 9 | 107 | 21 | 270 | 50 | 18 | 5 | 22 | 3 |
| LONGFORD/WESTMEATH | 531 | 73 | 18 | 78 | 24 | 220 | 55 | 17 | 7 | 34 | 5 |
| LOUTH/MEATH | 1247 | 173 | 6 | 241 | 20 | 555 | 127 | 60 | 18 | 44 | 3 |
| EASTERN REGION TOTAL | 3443 | 443 | 52 | 617 | 91 | 1519 | 387 | 141 | 40 | 139 | 14 |
| DUBLIN MET. REGION | | | | | | | | | | | |
| EASTERN | 1045 | 116 | 23 | 158 | 20 | 530 | 120 | 36 | 4 | 32 | 6 |
| NORTH CENTRAL | 486 | 105 | 19 | 61 | 7 | 166 | 69 | 21 | 7 | 27 | 4 |
| NORTHERN | 1757 | 190 | 24 | 303 | 55 | 782 | 250 | 50 | 13 | 79 | 11 |
| SOUTH CENTRAL | 319 | 69 | 3 | 39 | 10 | 133 | 36 | 11 | 5 | 12 | 1 |
| SOUTHERN | 1633 | 302 | 73 | 167 | 24 | 703 | 227 | 80 | 23 | 29 | 5 |
| WESTERN | 1865 | 341 | 51 | 251 | 36 | 761 | 237 | 102 | 29 | 49 | 8 |
| DUB. MET. REGION TOTAL | 7105 | 1123 | 193 | 979 | 152 | 3075 | 939 | 300 | 81 | 228 | 35 |
| NORTHERN REGION | | | | | | | | | | | |
| CAVAN/MONAGHAN | 595 | 48 | 8 | 126 | 15 | 248 | 70 | 39 | 2 | 36 | 3 |
| DONEGAL | 995 | 81 | 14 | 191 | 20 | 507 | 97 | 45 | 7 | 29 | 4 |
| SLIGO/LEITRIM | 408 | 25 | 7 | 75 | 16 | 204 | 40 | 15 | 12 | 13 | 1 |
| NORTHERN REGION TOTAL | 1998 | 154 | 29 | 392 | 51 | 959 | 207 | 99 | 21 | 78 | 8 |
| SOUTH EASTERN REGION | | | | | | | | | | | |
| TIPPERARY | 601 | 81 | 5 | 94 | 14 | 278 | 87 | 22 | 2 | 15 | 3 |
| WATERFORD/KILKENNY | 1282 | 98 | 37 | 229 | 54 | 553 | 196 | 57 | 12 | 36 | 10 |
| WEXFORD/WICKLOW | 836 | 67 | 0 | 156 | 30 | 425 | 82 | 31 | 3 | 38 | 4 |
| SOUTH EASTERN TOTAL | 2719 | 246 | 42 | 479 | 98 | 1256 | 365 | 110 | 17 | 89 | 17 |
| SOUTHERN REGION | | | | | | | | | | | |
| CORK CITY | 1343 | 219 | 31 | 196 | 32 | 598 | 179 | 45 | 35 | 7 | 1 |
| CORK NORTH | 814 | 99 | 15 | 132 | 35 | 365 | 110 | 44 | 7 | 6 | 1 |
| CORK WEST | 520 | 34 | 4 | 51 | 9 | 303 | 87 | 21 | 5 | 6 | 0 |
| KERRY | 592 | 45 | 6 | 105 | 16 | 243 | 69 | 44 | 7 | 53 | 4 |
| LIMERICK | 1091 | 211 | 36 | 316 | 42 | 338 | 118 | 14 | 6 | 7 | 3 |
| SOUTHERN REGION TOTAL | 4360 | 608 | 92 | 800 | 134 | 1847 | 563 | 168 | 60 | 79 | 9 |
| WESTERN REGION | | | | | | | | | | | |
| CLARE | 492 | 50 | 10 | 90 | 17 | 206 | 61 | 18 | 9 | 25 | 6 |
| GALWAY WEST | 763 | 60 | 10 | 135 | 20 | 353 | 107 | 37 | 11 | 27 | 3 |
| MAYO | 521 | 51 | 5 | 91 | 19 | 241 | 73 | 17 | 9 | 15 | 0 |
| ROSCOMMON /GALWAY EAST | 460 | 30 | 5 | 78 | 14 | 238 | 50 | 23 | 5 | 14 | 3 |
| WESTERN REGION TOTAL | 2236 | 191 | 30 | 394 | 70 | 1038 | 291 | 95 | 34 | 81 | 12 |
| OUTSIDE JURISDICTION | 80 | 4 | 1 | 10 | 1 | 36 | 3 | 24 | 0 | 1 | 0 |
| TOTAL | 21941 | 2769 | 439 | 3671 | 597 | 9730 | 2755 | 937 | 253 | 695 | 95 |

Formal and Informal Cautions

As shown in Table 2, the total number of children who were cautioned either formally or informally in 2007 was 16,753. This equates to 76.35% of the total number of children referred. 12,485 (56.9%) received an informal caution and 4268 (19.45%) received a formal caution. These figures compare with 56.5% and 19% respectively for 2006.

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 : Number of children cautioned 2003 - 2007

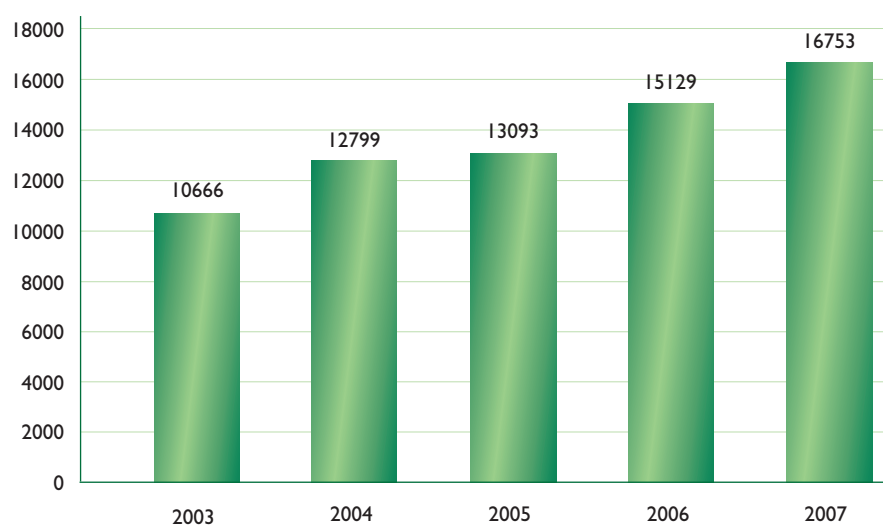
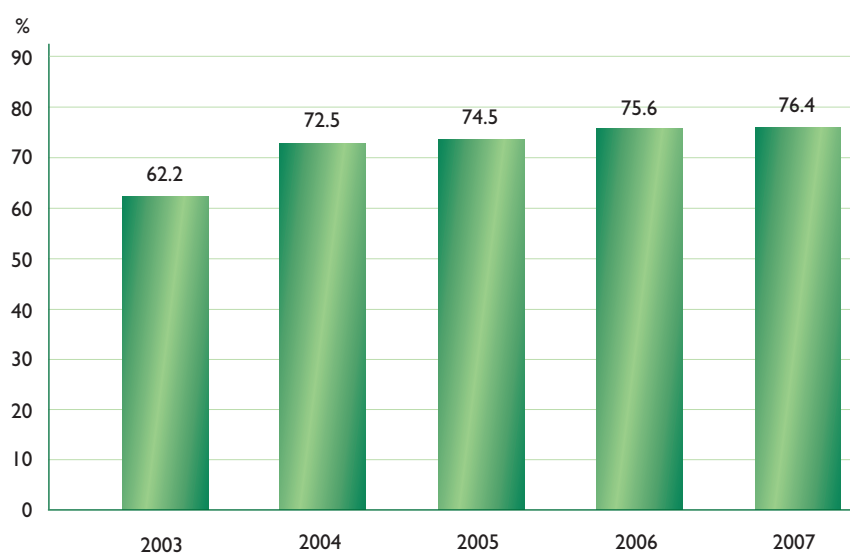


Figure 6 : Percentage of children deemed suitable of inclusion 2003 - 2007



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 reoccur.

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 378 restorative events were held in 2007 an increase of 71 on the 2006 total of 307. The 378 events comprised of 373 restorative cautions and 5 restorative conferences which involved 538 children. 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 and criminal damage.

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.

Restorative Justice Events 2007 per Region and Division

Table 4

| | 2004 | 2005 | 2006 | 2007 |
|-------------------------------|------------|------------|------------|------------|
| EASTERN REGION | | | | |
| CARLOW/KILDARE | 3 | 7 | 11 | 8 |
| LAOIS/OFFALY | 4 | 6 | 8 | 10 |
| LONGFORD/WESTMEATH | 4 | 6 | 4 | 7 |
| LOUTH/MEATH | 1 | 10 | 14 | 14 |
| EASTERN REGION TOTAL | 12 | 29 | 37 | 39 |
| DUBLIN MET. REGION | | | | |
| EASTERN | 8 | 26 | 33 | 34 |
| NORTH CENTRAL | 0 | 6 | 4 | 8 |
| NORTHERN | 7 | 12 | 12 | 52 |
| SOUTH CENTRAL | 1 | 9 | 11 | 12 |
| SOUTHERN | 12 | 21 | 17 | 18 |
| WESTERN | 0 | 24 | 23 | 16 |
| DUB. MET. REGION TOTAL | 28 | 98 | 100 | 140 |
| NORTHERN REGION | | | | |
| CAVAN/MONAGHAN | 1 | 1 | 6 | 9 |
| DONEGAL | 3 | 6 | 3 | 6 |
| SLIGO/LEITRIM | 3 | 4 | 0 | 3 |
| NORTHERN REGION TOTAL | 7 | 11 | 9 | 18 |
| SOUTH EASTERN REGION | | | | |
| TIPPERARY | 4 | 3 | 4 | 3 |
| WATERFORD/KILKENNY | 11 | 14 | 10 | 18 |
| WEXFORD/WICKLOW | 5 | 6 | 8 | 16 |
| SOUTH EASTERN TOTAL | 20 | 23 | 22 | 37 |
| SOUTHERN REGION | | | | |
| CORK CITY | 11 | 20 | 39 | 47 |
| CORK NORTH | 2 | 13 | 12 | 17 |
| CORK WEST | 13 | 29 | 42 | 26 |
| KERRY | 0 | 4 | 8 | 6 |
| LIMERICK | 0 | 13 | 11 | 9 |
| SOUTHERN REGION TOTAL | 26 | 79 | 112 | 105 |
| WESTERN REGION | | | | |
| CLARE | 0 | 0 | 1 | 0 |
| GALWAY WEST | 5 | 5 | 4 | 12 |
| MAYO | 11 | 8 | 10 | 10 |
| ROSCOMMON /GALWAY EAST | 9 | 9 | 12 | 17 |
| WESTERN REGION TOTAL | 25 | 22 | 27 | 39 |
| TOTALS | 118 | 262 | 307 | 378 |

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

Children Considered Unsuitable for Inclusion

3,208 children were deemed not suitable for inclusion in the diversion programme.

A case is recorded as unsuitable if;

- 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 to be unsuitable for inclusion 2003 - 2007

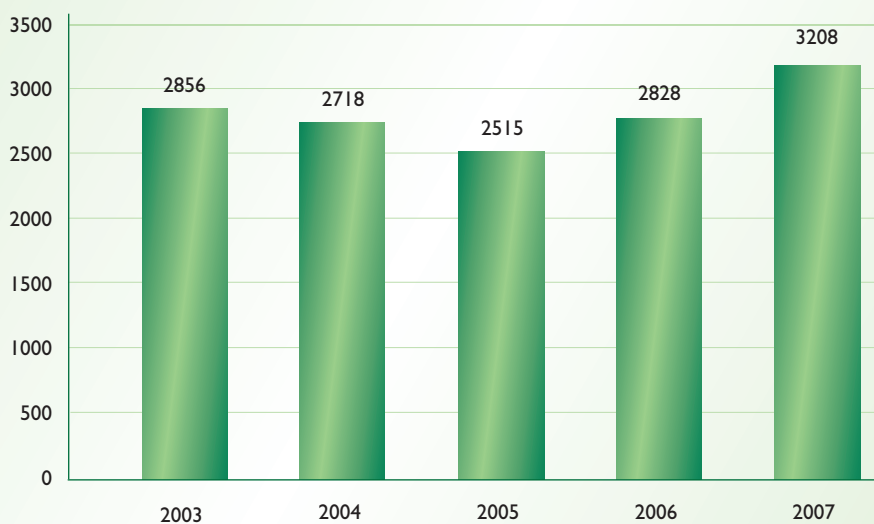
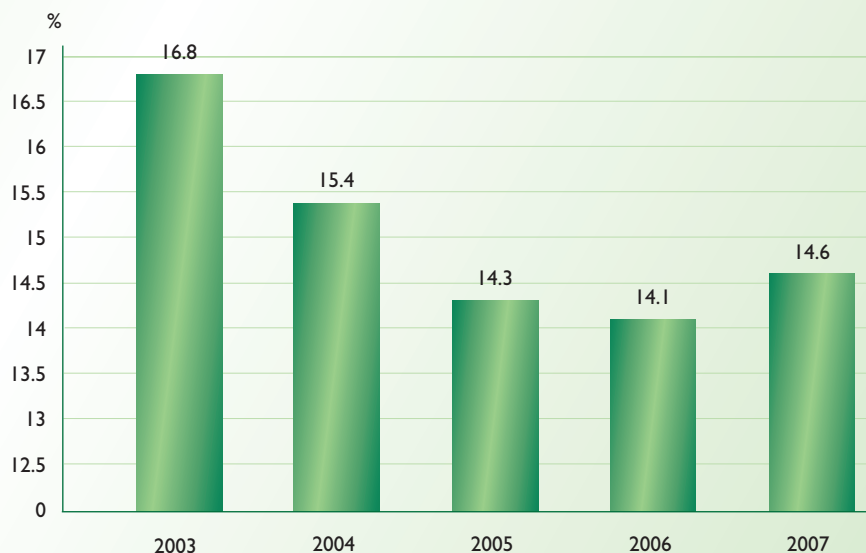


Figure 8

Percentage of children considered unsuitable for inclusion 2003 - 2007

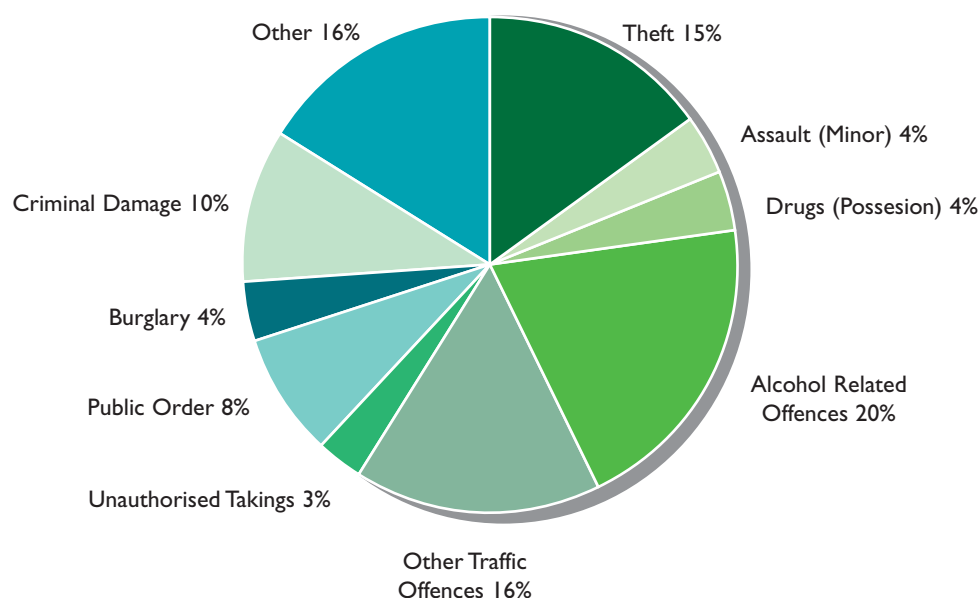


Types of offences for which children were referred

There is no significant change in the category of offence for which children were referred to the programme. Alcohol related offences 19.7%, road traffic offences 15.7% and theft 15.1% are the three most common offences. The level of offending for these three categories has not changed significantly compared with the 2006 figures.

Figure 9

Principal offences in respect of which referrals were made in 2007



The 16% 'other' in the pie chart above is the combined total of other offences, none of which accounted for more than 4% of the overall total. The type of offence and 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 | 4240 | 15.2% |
| Fraud related offences (see Table 6 E) | 258 | 0.9% |
| Possession of articles with intent | 35 | 0.1% |
| Robbery (incl. demanding money with menaces) | 272 | 1.0% |
| Burglary | 1169 | 4.2% |
| Aggravated burglary | 10 | – |
| Handling stolen property | 252 | 0.9% |
| Criminal damage | 2833 | 10.2% |
| Arson | 121 | 0.4% |
| Unauthorised taking/carriage/interference with M.P.V | 937 | 3.4% |
| Traffic offences (see Table 6A) | 4390 | 15.8% |
| Alcohol related offences (see Table 6B) | 5536 | 19.9% |
| Public order (see Table 6C) | 2330 | 8.4% |
| Drugs (Possession) | 972 | 3.5% |
| Drugs (Sale/Supply) | 138 | 0.5% |
| Possession of offensive weapons etc. | 432 | 1.6% |
| Firearms related offences | 64 | 0.2% |
| Assault minor | 1234 | 4.4% |
| Assault on Garda | 50 | 0.2% |
| Serious assault (see Table 6D) | 477 | 1.7% |
| Begging | 43 | 0.2% |
| Sexual offences (see Table 6 F) | 87 | 0.3% |
| Casual trading offences | 79 | 0.3% |
| Trespass/found on enclosed premises | 1381 | 5.0% |
| Railway Acts (trespass line, stone throwing, non-payment of fare) | 37 | 0.1% |
| Street and house to house collections | 50 | 0.2% |
| Public mischief (incl. hoax telephone calls) | 92 | 0.3% |
| False imprisonment | 3 | – |
| Offences against animals | 4 | – |
| Miscellaneous | 327 | 1.2% |
| | 27853 | 100.0% |

Table 6

| (A) Other traffic offences | |
|--|-------------|
| Insurance offences | 819 |
| Dangerous driving | 296 |
| Careless driving | 231 |
| Pedal cycle offences | 9 |
| Holding a mobile phone whilst driving | 133 |
| Drunk driving offences | 123 |
| No driving licence | 248 |
| Hit and run traffic accident | 28 |
| No helmet/seatbelt | 440 |
| Speeding | 847 |
| No road tax | 587 |
| Dangerous driving causing death | 1 |
| Miscellaneous | 628 |
| Total | 4390 |
| (B) Alcohol related offences | |
| Purchase/possession/consumption of alcohol | 2107 |
| Intoxication in public place | 3360 |
| Drunk and disorderly/danger to traffic | 3 |
| Simple drunkenness | 0 |
| Found on licensed premises | 66 |
| Miscellaneous | 0 |
| Total | 5536 |
| (C) Public order offences | |
| Affray | 27 |
| Riot | 0 |
| Urinate in public | 17 |
| Disorderly conduct in public | 118 |
| Threatening behaviour etc. | 1481 |
| Failure to comply with Garda direction/Obstruction | 463 |
| Wilful obstruction | 21 |
| Violent disorder | 20 |
| Other | 183 |
| Total | 2330 |

Table 6 (continued)

| (D) Serious assault | |
|--|------------|
| Murder | 2 |
| Assault causing serious bodily harm | 18 |
| Assault causing bodily harm | 457 |
| Assault with intent | 0 |
| Total | 477 |
| (E) Fraud related offences | |
| Forgery/uttering/fraud | 25 |
| Fraud Deception | 233 |
| Embezzlement | 0 |
| Total | 258 |
| (F) Sexual offences | |
| Aggravated sexual assault | 2 |
| Sexual Assault | 55 |
| Indecency | 9 |
| Rape/unlawful carnal knowledge (including attempt) | 17 |
| Loitering for purpose of prostitution | 0 |
| Soliciting for purpose of prostitution | 0 |
| Other | 4 |
| Total | 87 |

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.

Figure 10

Referrals for theft 2003 - 2007

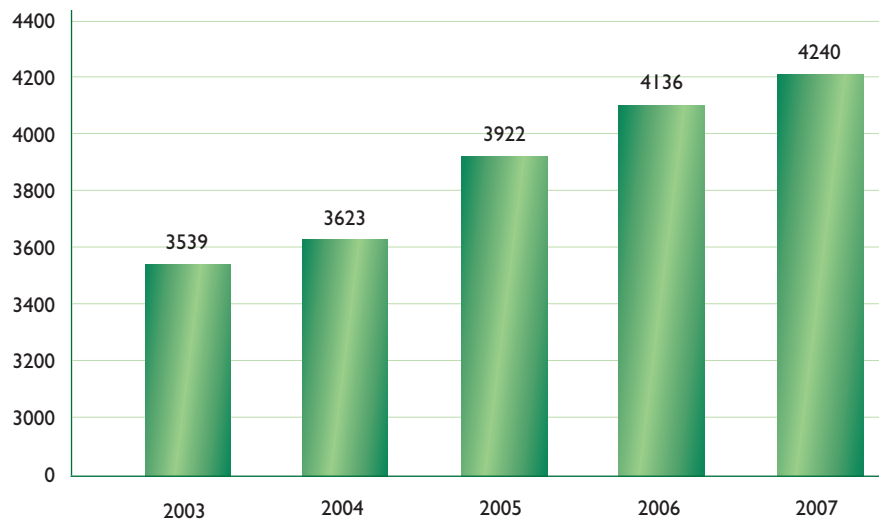


Figure 11

Referrals for criminal damage 2003 - 2007

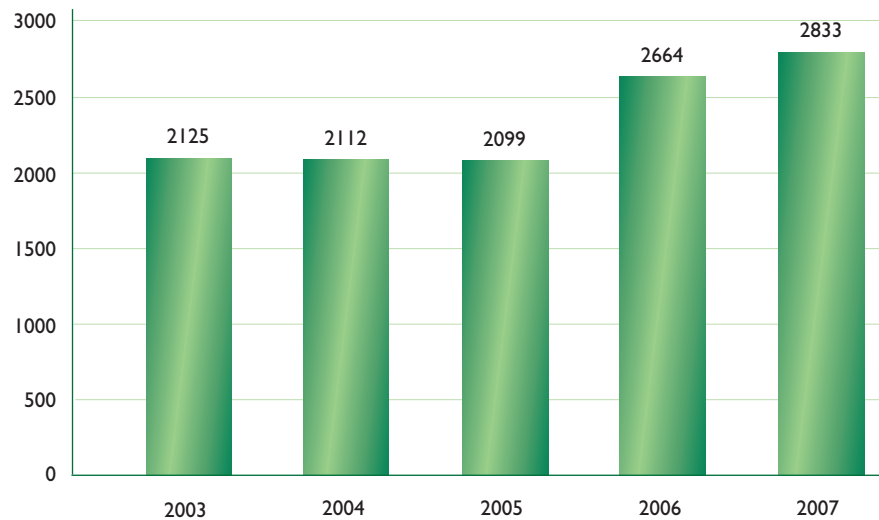


Figure 12

Referrals for burglary 2003 - 2007

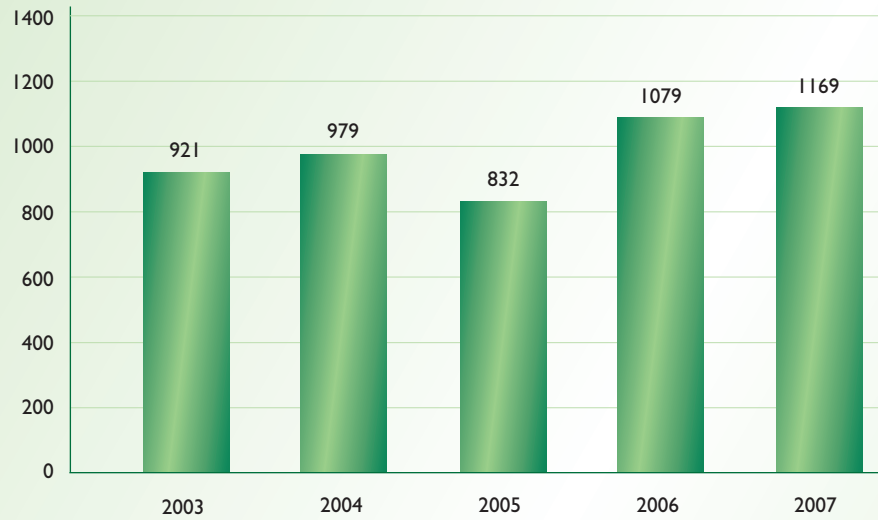


Figure 13

Referrals for public order 2003 - 2007

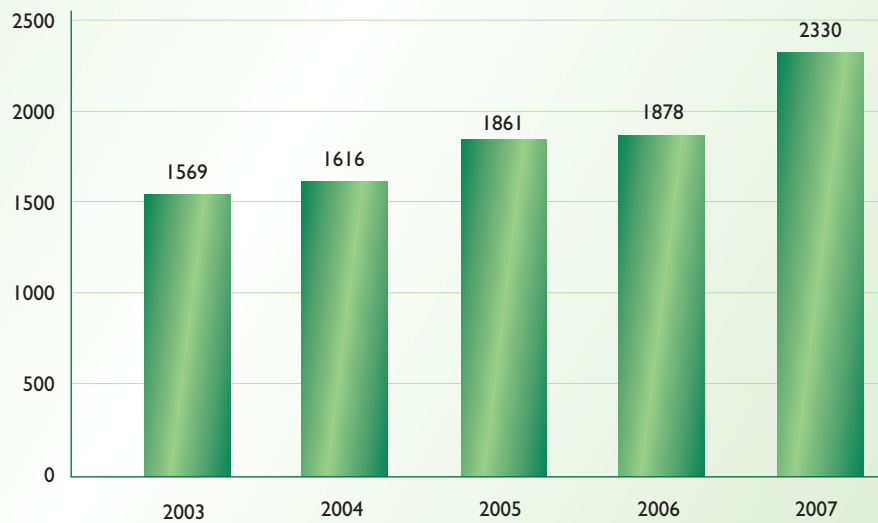


Figure 14

Referrals for vehicle offences 2003 - 2007

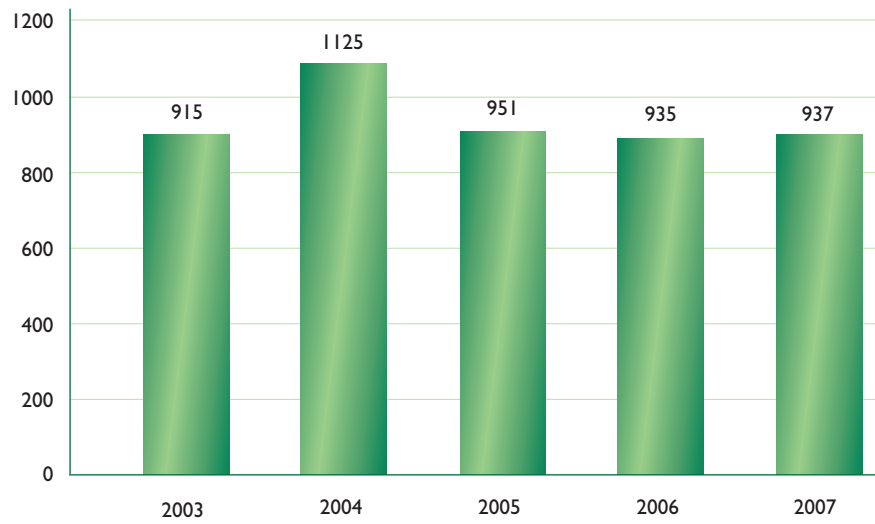
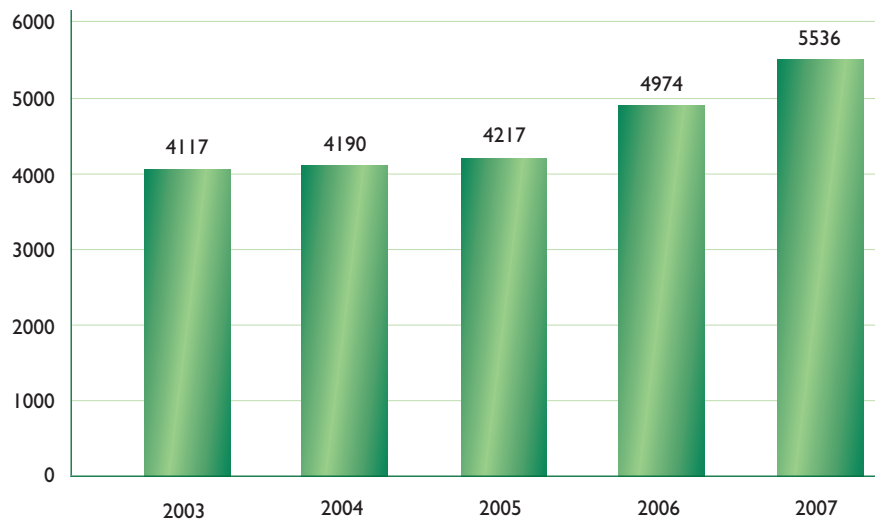


Figure 15

Referrals for alcohol offences 2003 - 2007



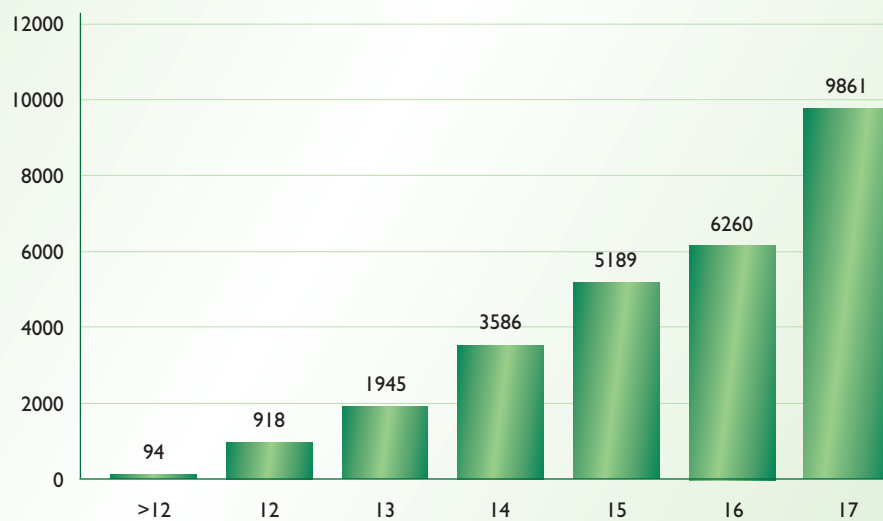
Age Profile of Children Referred to the Diversion Programme

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

- 35% were aged 17 years
- 22% were aged 16 years
- 19% were aged 15 years
- 13% were aged 14 years
- 7% were aged 13 years
- 3% were aged 12 years
- > 0.33% were below the age of 12 years

Figure 16

Age Profile of children referred



Training and Development

Training

In October 2007 a new training programme for Juvenile Liaison Officers (JLO) was introduced by the National Juvenile Office (NJO). The training programme was developed by a working group comprised of JLO's, staff of the NJO and staff of the Garda College.

The programme consists of five modules delivered over an eighteen month period.

1. Introduction to the work of a JLO and appointment of a mentor. Familiarisation visit to the NJO and presentation of training pack and reading material.
2. One week training programme that includes presentations and discussion on The Children Act 2001, Youth Offending, Sexual Offending, Communication Skills, Garda Procedures, Ethics and Best Practices in Youth Justice.
3. Restorative Justice Training; three days training in the 'Real Justice' model of cautioning and the principles of Restorative Justice.
4. Eighty hours mediation training delivered over a four month period. Training is certified by the Mediation Institute of Ireland.
5. A revision module covering all aspects of learning to date.

The Committee is aware of efforts by the National Juvenile Office in continuing to attain a third level accreditation for Juvenile Liaison Officers on completion of their training. 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 3rd level accreditation for trained Juvenile Liaison Officers.
- The numbers of Juvenile Liaison Officers employed in each Garda Division be kept under review.
- a comprehensive policy document be produced in respect of all sections of part 4 of the Children Act 2001.

Appendices – Human Resource structure

