

Will the Director of the Programme get to hear how I feel about the case?

If you wish to have your views on this matter conveyed to the Director please inform the JLO

Is a caution a criminal conviction?

No. However, in the event of a subsequent court case involvement in the programme can be given at the point of sentence.

Will this affect me if I take a civil case?

The restorative caution is confidential and any admissions in the course of it cannot be used in any civil or criminal prosecutions.

Can I get compensation through this process?

This is a possibility but since the process is a voluntary one compensation may or may not feature in any agreement.

Does the offender have to engage in this process?

No. It is a voluntary process. He/she cannot be forced to take part.

Who will pay if I have travel expenses?

You will be reimbursed for any travel expenses that you incur when attending a restorative caution.

What did other victims think of Restorative cautions?

Over 90% of victims who took part said that they were happy with the process and would recommend it.

Where can I find out more information about this process?

From your local JLO, Victim Support, the Garda Office of Children and Youth Affairs or see the Garda information leaflet on Restorative Justice

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**Garda Office of Children and Youth Affairs,
Harcourt Square,
Dublin 2**

**Ph: 01-6663831/32
Fax: 01-6663827**

**www.garda.ie
Email: childrenandyouthaffairs@garda.ie**

The Juvenile Liaison Officer dealing with this case is:

He/she may be contacted at:

Restorative Justice



A Guide for Victims of Youth Crime

Information Leaflet for Victims of Youth Crime

Introduction

The majority of young people are good, honest and well behaved members of the community. Many dedicate themselves to study, sport, music or whatever it is that they choose to pursue as an interest. However, there are a small number of young people in society who for whatever reason, come in conflict with the law and commit crime or offences. If you have been a victim of youth crime this leaflet is designed to explain to you the options that are available to An Garda Síochána for dealing with that young person.

The Law

Under criminal law a person who is under 18 years of age is dealt with under the Children Act 2001. Children under 10 years of age are not dealt with within the criminal justice system. Their behaviour is considered to be as a result of welfare needs and they are dealt with by the Health Service Executive. Children over ten years of age are dealt with in a variety of ways depending on the age of the child or young person and the circumstances of the case. The outcome can vary from a caution without supervision for lesser offences, to prosecution in the Children's Court for the most serious offences and repeat offending.

The Diversion Programme

Before any young person is brought before the courts they must first be considered for a caution. The decision to caution or prosecute is made by the Director of the Programme who is a Garda Superintendent at the Garda Children and Youth Affairs Office.

To be considered suitable for caution the young person must take responsibility for the offending behaviour, agree to be cautioned and where appropriate agree to terms of supervision.

The Director's decision is based on a number of factors including the nature of the offence, the impact of the offence on the community, the views of the victim and the previous history of the young person. This programme for dealing with young people who commit offences or crimes is known as the Diversion Programme.

The views of any victim will also be considered, however the victim does not make the decision whether or not a young person is accepted into the programme. The Director of the programme is responsible for this decision.

How does the process work?

In all cases a Juvenile Liaison Officer (JLO) will make contact with and meet the young person and discuss the offending behaviour. This meeting may take place in the child's home or in the Garda Station. The child and the child's parent/s or guardian will have to be present. A discussion will take place during which the offending behaviour will be challenged and the young person will be expected to undertake not

to offend in the future. The JLO and the family will work to support whatever efforts the young person is willing to make to prevent any future offending.

What is a Restorative Caution?

In certain cases where a formal caution is being considered the victim of the offending behaviour is invited to be present at the caution. This is called a Restorative Caution and takes the form of a meeting which brings together all those affected by the crime. The meeting is chaired by a JLO who has received specialised training and it is held at a venue which all parties are agreeable to. The length of the meeting varies depending on the numbers present but normally lasts about one hour.

Restorative Justice is a voluntary process where the young person accepts responsibility for his/her offending behaviour and becomes accountable to those he or she has harmed. The victim is given the opportunity to have their views represented either by meeting the young person face to face or being represented by someone else.

What are the possible benefits for the Victim?

By being present you are given a voice and you will be invited to address the meeting and if you wish you may tell how you were affected by the offending behaviour. You will get to say what it is that you would like to see happen in order to restore things to where they were prior to the offence.

You may like to bring someone to support you provided that the person you invite has met with the JLO prior to the day of the caution. If desired, a representative from a victim support group could attend. The JLO can invite any other person whom he/she thinks may have a positive influence on the meeting. In most cases the following people are present; the offender, his/her parents or guardians, the victim and his/her supporter(s), the JLO, another JLO who will chair the caution and possibly the Garda who investigated the offence. The JLO will tell you in advance, the names of those who will be present.

If you do not wish to meet the offender face to face you can wait in a separate room and your views will be presented by a JLO or the investigating Garda and feedback of the progress of the meeting will be given to you. Alternatively, you could nominate another person such as a family member or friend, a member of victim support or other person to be present on your behalf or if you prefer you can express your views by letter, audio or a tape or video or you can have a telephone or web cam link up.

Some Questions that we have been asked.

If I do not engage in this process will the offender be charged?

The decision to caution or charge will not be affected by your decision to engage in this process. Having taken all matters into consideration, this decision will be made by the Director.