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 or the investigating member.

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. However, the offender will still be cautioned, during which, a discussion will take place about the offending behaviour.

Who will pay if I have travel expenses?

You will be reimbursed for any reasonable 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 Youth Diversion Office or see the Garda information leaflet on Restorative Justice. The list of JLOs and their respective Garda Stations can be found at www.garda.ie.
Introduction

When a person under 18 years of age is responsible for a crime, the matter can be dealt with in one of two ways:
1. the young person can be cautioned or
2. brought before the courts.

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 Diversion Programme who is a Garda Superintendent at the Garda Youth Diversion Office.

The 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 alternative programme for dealing with an offence or crime is known as the Diversion Programme. In this programme the young person receives a Garda caution either with or without twelve months supervision. In certain circumstances the victim of the young person's behaviour is invited to attend at the caution and this is called a restorative caution.

What Is Restorative Justice?

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 having their views represented by someone else. This meeting is set up and run by a Juvenile Liaison Officer (JLO).

Who Can Be Involved?

All those taking part in a Restorative Justice meeting do so voluntarily. Participants should include the young person who has offended, his/her family and the victim, who may also bring along someone to support them. Any person, who can positively contribute to the process, may be invited by either the victim or the young person. The process is organised by a (JLO) and is usually chaired by another JLO who is specially trained. Examples of people invited to attend include: persons to support the victim, teachers, social workers, sports trainers and youth or project workers.

What Happens At A Restorative Meeting?

The chairperson, who is a JLO, introduces everyone and outlines how the meeting will run. The young person accounts for his/her behaviour. Each participant then has the opportunity to tell his/her story without interruption, outlining how the offending behaviour impacted upon them. When everyone who wishes to speak has concluded, there will be an opportunity to respond and ask questions. The offender will be given an opportunity to apologise and the victim will be invited to suggest what outcome they would like from the meeting. A discussion takes place on how best to meet the needs of the victim and to address the harm. The future behaviour of the young person is then discussed. Where possible, the meeting will identify supports to be put in place which will help divert the young person from reoffending.

Where Will The Meeting Be Held?

The restorative meeting can be held in any location agreeable to the parties directly involved. A requirement for favourable outcomes is that the parties invited would feel safe and comfortable. Such venues include community centres, sports centres, parish centres, hotels and Garda stations.

Will Privacy Be Respected?

By law, issues that are disclosed at the meeting and the content of any agreement reached are confidential and will not be disclosed to any person without the prior permission of those directly involved.

What Are The Possible Benefits For The Young Person?

The restorative caution and conference provide an opportunity for the young person to accept responsibility for his/her actions and to account for their behaviour. They have a chance to apologise directly to the victim and, where appropriate, to do something positive to repair the harm caused. The meeting will endeavour to assist the young person avoid re-offending through acceptance and reintegration.

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.

What Are The Possible Benefits For The Victim?

Importantly, victims get a chance to be heard, to give their side of the story and explain the full impact of the offence on them. They also get a chance to meet the offenders and challenge their behaviour. Feedback from victims suggest this process is helpful in moving on from the offence. The meeting may also help them overcome worries about possible future victimisation or to obtain answers to questions that are troubling them. While there are no guarantees as to the final outcome, victims may also benefit from financial compensation or other forms of restitution. Recent research indicated that over 90% of victims were satisfied with the manner in which the case was dealt with by using this process.