

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

Diversion Programme

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Commissioner,

I am pleased to present the first Annual Report of the Committee appointed under Part 4 of the Children Act 2001 to monitor the effectiveness of the Diversion Programme.

The Committee was appointed in June 2003 for a period of four years by Mr. Brian Lenihan T.D. and Minister of State with responsibility for Children at the Departments of Health and Children; Justice, Equality and Law Reform; and Education and Science. The function of the Committee is to monitor the effectiveness of the Diversion Programme, review aspects of its operation, monitor training needs of Juvenile Liaison Officers (J.L.O.'s) and produce an annual report.

I take this opportunity to acknowledge the good work done by the Garda National Juvenile Office and Juvenile Liaison Officers (J.L.O.'s) throughout the State for the excellent start made in implementing the relevant provisions of the Children Act.

I, together with my fellow members am aware of the many challenges, demands, pressures and difficulties presented to J.L.O.'s in their daily work and the level of support, training and development required to ensure the continued success of the programme.

During the year the committee had the opportunity to attend the J.L.O. Annual Conference in the Garda College and to address the J.L.O.'s. Feedback from the conference indicated that our presence was well received and a welcome opportunity to share information, outline developments and discuss issues relevant to the effectiveness of the Diversion Programme.



Chairperson.

Patrick Crummey, Assistant Commissioner

# 1 Terms of Reference of the Committee

## 1.1 Introduction

In May of 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 the programme, children who commit offences are dealt with by means of administering a caution rather than having him/her prosecuted and brought before the courts. In certain circumstances the child is placed under Garda supervision. In June of 2003, a Committee was appointed in accordance with Part 4 of the Act to monitor the effectiveness of the programme.

## 1.2 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.

## 1.3 In general the committee understands its main tasks are

- 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.

## 2 Membership

### 2.1 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

## 3 Summary of work programme

- ### 3.1
- committee met on seven occasions
  - completed 2003 interim report
  - attended J.L.O. annual conference
  - commissioned research into children's pathways to court
  - commissioned research into recidivism rates of children included in the programme
  - examined a proposal on the sourcing of third level educational qualification for J.L.O.'s and agreed to progress the issue
  - requested review of policy and procedures.

## 4 The Diversion Programme

- 4.1 The Juvenile Liaison Officer (J.L.O.) Scheme, as it was then called, was first introduced in Ireland in September 1963. Initially set up in the Dublin Metropolitan Area, its purpose was to put in place a system for cautioning children who committed offences rather than having them dealt with by way of prosecution. The scheme proved successful and in 1981 was launched nationwide.

Following the introduction of Part 4 of the Children Act 2001 the J.L.O. 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 is 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 and where appropriate refer the case to the Director of Public Prosecutions with his/her recommendations. In 2004 the Director referred 421 cases to the D.P.P.

Under the Act where an offence is detected and the offender is a child, s/he must be considered for inclusion in the programme. It is the function of the director to consider the facts of each case referred and to decide if the child is suitable for inclusion in the programme. If the child is deemed suitable for admission 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.

- 4.2 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
- 4.3 Every child admitted to the programme will receive a caution. The caution may be either "formal" or "informal".
- 4.4 If a child is given a formal caution he or she 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 J.L.O. who has received mediation training. An informal caution is administered by a J.L.O. and the child is not normally placed under supervision.
- In practice, they are both formal processes, one being a caution accompanied by a period of supervision and the other without supervision.

## 5 Breakdown of referrals to Diversion Programme

- 5.1** The total number of referrals received in 2004 amounted to 20,607. This is an increase of 692 from the 2003 figure of 19,915. A breakdown by Garda region and division of how these referrals were dealt with is shown at appendix A.
- 5.2** 4,332 referrals were deemed "unsuitable for inclusion" in the programme. This occurs where the case is one where either the child does not accept responsibility for his or her actions, the offence is of such a nature that to deal with it by way of caution would not be in the interests of society or the child is a persistent offender. These matters are referred to either the D.P.P. or local Garda management to be considered for prosecution.
- 5.3** There was a total of 2,379 cases either pending (1,433) or requiring no further action (946) and this figure is a significant reduction from the 2003 total of 7,014.
- 5.4** There were 3,385 cases dealt with by way of formal caution compared with 1,568 in 2003 and a total of 10,511 cases dealt with by way of informal caution compared with 7,240 in 2003.

This table is further broken down into gender in appendix A (1) on page 18.



## 6 Breakdown of individuals referred to Diversion Programme

- 6.1 The total number of individuals referred to the National Juvenile Office amounted to 17,656. This total differs from the number of referral received as children who commit a number of offences are referred for each separate incident. A breakdown by Garda region and division of how these individuals were dealt with is shown at appendix B.
- 6.2 2,718 individuals were considered not suitable for inclusion in the programme and their cases were referred either to the D.P.P. or local Garda management to be considered for prosecution. This compares with a figure of 2,857 for 2003.
- 6.3 There was a total of 2,139 individuals who's cases were either pending (1,229) or which required no further action (910). This is a significant reduction from the 2003 total of 6,236.
- 6.4 2,902 individuals had their cases dealt with by way of formal caution compared with 1,314 in 2003 and 9,897 individuals had their case dealt with by way of informal caution compared with 6,636 in 2003.

This table is further broken down into gender in appendix B (1) on page 20.

## 7 Cautions and Conferences

- 7.1** The presence of the victim at a formal caution or at a family conference is provided for in the Act (sections 26 and 29 respectively) and it is here that the concept of restorative justice is introduced.
- 7.2** 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. In doing so it is hoped that the offender will realise that the offence was not merely an offence against law but against a person or even a community. 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 "undo" the harm. This act of "restoration" may be by way of replacing goods stolen, compensating for a loss, mending some damage caused or agreeing conditions for future behaviour designed to reassure the victim that the offending will not re-occur.
- 7.3** When the victim is invited to attend at the formal caution of a child it is known as a restorative caution. In certain circumstances the victim may choose not to attend but instead may wish to have his or her views represented by way of letter, recording or by having a friend, supporter or other person represent their perspective.
- 7.4** 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, the child's parents or guardian, the child's schoolteacher, social worker, extended family or any other person who may have a positive influence on his or her future behaviour.
- 7.5** Collectively restorative cautions and restorative conferences are referred to as restorative events. There was a total of 177 restorative events, an increase of 59 on the 2003 total of 118. The 177 events comprised of 138 restorative cautions and 39 restorative conferences. (Appendix C) This increase is an indication that the principles of restorative justice are being applied more often by J.L.O.'s, as a means of processing cases referred to the Diversion Programme.
- 7.6** Offence types for which restorative events were held included assaults, robbery, burglary, theft, criminal damage, nuisance phone calls and motoring offences.
- 7.7** The Committee is satisfied that good progress is being made in the development of the restorative justice element in accordance with part 4 of the Act.

## 8 Juvenile Liaison Officer Annual Conference 2004

- 8.1 The Committee attended the J.L.O. Annual Conference on the 11th and 12th November 2004 in the Garda College, Templemore. The Committee's chairperson Assistant Commissioner Crummey addressed the conference. In his address he introduced the Committee and outlined to the J.L.O.'s the role of the Committee, what their terms of reference were and that they viewed their role as one of supporting the development and continued success of the Diversion Programme as well as undertaking an assessment of any difficulties that might arise. The Chairperson's address was followed by a question and answer session where the J.L.O.'s were given the opportunity to further explore issues of concern.
- 8.2 The Committee attended the remainder of the conference and the various presentations and workshops which included presentations on
- Adolescent Behaviour, Dr. Ciaran McCullough, Department of Sociology, U.C.C
  - The Children Act 2001, Mr. Geoffrey Shannon, Solicitor and Lecturer on Child Law at the Law Society
  - Adolescent Mental Health, Dr. Brian Houlihan, Department of Child and Family Psychiatry, Mater Hospital.
  - Alcohol Use and Abuse, Mr. Joe Treacy, Alcohol and Addiction Counsellor, Western Health Board
  - Substance Use and Abuse, Dr. Desmond Corrigan, Drugs Counsellor at Trinity Court Drugs Treatment Clinic
  - Programmes for Dealing with Children who have Sexual Behavioural Problems, Ms. Joan Cherry, Temple Street Hospital
- 8.3 The Committee consider the conference to be extremely relevant to the work of J.L.O.'s both as a means of obtaining new knowledge and expertise and for sharing best practices.

## 9 Training and Development

### 9.1 Training

The following outlines the current training programme for Juvenile Liaison Officers

- Two weeks general training for new appointees. All J.L.O.'s have completed this training.
- Three days training in the so-titled 'Real Justice' Programme\* of cautioning and the principles of Restorative Justice. All J.L.O.'s 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. Sixty eight J.L.O.'s have completed this training and a further ten are currently being trained.
- Two days victim/offender mediation training. Thirty six J.L.O.'s 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.

### 9.2 Development

- Fourteen J.L.O.'s are receiving accredited mediation training to M.I.I. (Level 2)
- Five J.L.O.'s are currently undertaking a two year Diploma in the Study of Adolescent Behaviour at University College Cork.

The Committee has been consulted by the National Juvenile Office regarding the development of a third level Diploma for all J.L.O.'s and fully supports its endeavours in this regard.

\* "Real Justice" is an international non profit provider of conferencing and restorative practices training.

## 10 Observations and Recommendations

### 10.1 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 in 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 Act, in particular the concepts of family conferencing and restorative justice. They are availing of the opportunity to increase their skills by way of additional training.

### 10.2 The Committee recommends that

- the National Juvenile Office continue with its endeavours to secure a suitable third level qualification for J.L.O.'s.
- the numbers of J.L.O.'s employed in each Garda Division is 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 put in place regulations in accordance with section 47 of the Act.

### 10.3 The Committee welcomes submissions from J.L.O.'s on the strengths and weaknesses of the Diversion Programme and areas where difficulties present.

### 10.4 The Committee has been consulted in relation to the ongoing development of policy and procedures in relation to Part 4 of the Act.

## Appendices



## Appendix A : Breakdown of 2004 Referrals

	TOTAL	UNSUITABLE	FORMAL	INFORMAL	NO FURTHER ACTION	PENDING
<b>EASTERN REGION</b>						
CARLOW/KILDARE	1054	160	249	540	42	63
LAOIS/OFFALY	666	114	152	310	32	58
LONGFORD/WESTMEATH	495	103	76	256	32	28
LOUTH/MEATH	947	207	150	439	45	106
<b>EASTERN REGION TOTAL</b>	<b>3162</b>	<b>584</b>	<b>627</b>	<b>1545</b>	<b>151</b>	<b>255</b>
<b>DUBLIN MET. REGION</b>						
EAST	938	192	153	484	22	87
NORTH CENTRAL	707	220	70	328	28	61
NORTH	1635	222	212	1026	75	100
SOUTH CENTRAL	549	142	130	187	22	68
SOUTH	1766	514	177	877	87	111
WEST	1520	309	229	777	68	137
<b>DUBLIN MET. REGION TOTAL</b>	<b>7115</b>	<b>1599</b>	<b>971</b>	<b>3679</b>	<b>302</b>	<b>564</b>
<b>NORTHERN REGION</b>						
CAVAN/MONAGHAN	516	127	88	251	21	29
DONEGAL	684	185	115	274	46	64
SLIGO/LEITRIM	173	27	36	74	24	12
<b>NORTHERN REGION TOTAL</b>	<b>1373</b>	<b>339</b>	<b>239</b>	<b>599</b>	<b>91</b>	<b>105</b>
<b>SOUTH EASTERN REGION</b>						
TIPPERARY	708	181	162	275	42	48
WATERFORD/KILKENNY	1527	250	317	790	63	107
WEXFORD/WICKLOW	574	76	109	314	49	26
<b>SOUTH EASTERN TOTAL</b>	<b>2809</b>	<b>507</b>	<b>588</b>	<b>1379</b>	<b>154</b>	<b>181</b>
<b>SOUTHERN REGION</b>						
CORK CITY	1659	541	185	790	63	80
CORK NORTH	514	75	70	336	18	15
CORK WEST	547	82	75	360	19	11
KERRY	401	61	68	220	16	36
LIMERICK	1107	282	202	535	30	58
<b>SOUTHERN REGION TOTAL</b>	<b>4228</b>	<b>1041</b>	<b>600</b>	<b>2241</b>	<b>146</b>	<b>200</b>
<b>WESTERN REGION</b>						
CLARE	388	33	77	209	13	56
GALWAY WEST	511	66	94	282	35	34
MAYO	670	122	99	402	30	17
ROSCOMMON /GALWAY EAST	329	41	84	167	21	16
<b>WESTERN REGION TOTAL</b>	<b>1898</b>	<b>262</b>	<b>354</b>	<b>1060</b>	<b>99</b>	<b>123</b>
<b>OUTSIDE JURISDICTION</b>	<b>22</b>	<b>0</b>	<b>6</b>	<b>8</b>	<b>3</b>	<b>5</b>
<b>TOTAL</b>	<b>20607</b>	<b>4332</b>	<b>3385</b>	<b>10511</b>	<b>946</b>	<b>1433</b>



## Appendix A (I) : Breakdown by gender of 2004 Referrals

	TOTAL	UNSUITABLE		FORMAL		INFORMAL		NO FURTHER ACTION		PENDING	
		M	F	M	F	M	F	M	F	M	F
<b>EASTERN REGION</b>											
CARLOW/KILDARE	1054	151	9	229	20	430	110	30	12	58	21
LAOIS/OFFALY	666	89	25	130	22	240	70	20	12	53	5
LONGFORD/WESTMEATH	495	71	32	72	4	185	71	27	5	23	5
LOUTH/MEATH	947	193	14	135	15	326	113	37	8	102	4
<b>EASTERN REGION TOTAL</b>	<b>3162</b>	<b>504</b>	<b>80</b>	<b>566</b>	<b>61</b>	<b>1181</b>	<b>364</b>	<b>114</b>	<b>37</b>	<b>236</b>	<b>19</b>
<b>DUBLIN MET. REGION</b>											
EAST	938	175	17	125	28	375	109	17	5	78	9
NORTH CENTRAL	707	203	17	61	9	226	102	20	8	58	3
NORTH	1635	206	16	175	37	741	285	57	18	84	16
SOUTH CENTRAL	549	119	23	102	28	138	49	17	5	59	9
SOUTH	1766	408	106	153	24	646	231	65	22	97	14
WEST	1520	257	52	197	32	566	211	45	23	112	25
<b>DUBLIN MET. REGION TOTAL</b>	<b>7115</b>	<b>1368</b>	<b>231</b>	<b>813</b>	<b>158</b>	<b>2692</b>	<b>987</b>	<b>221</b>	<b>81</b>	<b>488</b>	<b>76</b>
<b>NORTHERN REGION</b>											
CAVAN/MONAGHAN	516	96	31	77	11	197	54	14	7	22	7
DONEGAL	684	177	8	104	11	221	53	30	16	64	0
SLIGO/LETRIM	173	26	1	32	4	57	17	18	6	11	1
<b>NORTHERN REGION TOTAL</b>	<b>1373</b>	<b>299</b>	<b>40</b>	<b>213</b>	<b>26</b>	<b>475</b>	<b>124</b>	<b>62</b>	<b>29</b>	<b>97</b>	<b>8</b>
<b>SOUTH EASTERN REGION</b>											
TIPPERARY	708	172	9	142	20	234	41	37	5	42	6
WATERFORD/KILKENNY	1527	206	44	248	69	543	247	53	10	95	12
WEXFORD/WICKLOW	574	67	9	100	9	250	64	41	8	23	3
<b>SOUTH EASTERN TOTAL</b>	<b>2809</b>	<b>445</b>	<b>62</b>	<b>490</b>	<b>98</b>	<b>1027</b>	<b>352</b>	<b>131</b>	<b>23</b>	<b>160</b>	<b>21</b>
<b>SOUTHERN REGION</b>											
CORK CITY	1659	453	88	135	50	574	216	48	15	71	9
CORK NORTH	514	70	5	62	8	250	86	9	9	13	2
CORK WEST	547	80	2	73	2	288	72	16	3	10	1
KERRY	401	59	2	66	2	149	71	14	2	36	0
LIMERICK	1107	267	15	182	20	422	113	22	8	51	7
<b>SOUTHERN REGION TOTAL</b>	<b>4228</b>	<b>929</b>	<b>112</b>	<b>518</b>	<b>82</b>	<b>1683</b>	<b>558</b>	<b>109</b>	<b>37</b>	<b>181</b>	<b>19</b>
<b>WESTERN REGION</b>											
CLARE	388	28	5	67	10	163	46	10	3	49	7
GALWAY WEST	511	58	8	71	23	181	101	18	17	34	0
MAYO	670	120	2	89	10	295	107	24	6	17	0
ROSCOMMON /GALWAY EAST	329	39	2	73	11	123	44	12	9	15	1
<b>WESTERN REGION TOTAL</b>	<b>1898</b>	<b>245</b>	<b>17</b>	<b>300</b>	<b>54</b>	<b>762</b>	<b>298</b>	<b>64</b>	<b>35</b>	<b>115</b>	<b>8</b>
<b>OUTSIDE JURISDICTION</b>	<b>22</b>	<b>0</b>	<b>0</b>	<b>6</b>	<b>0</b>	<b>8</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>5</b>	<b>0</b>
<b>TOTAL</b>	<b>20607</b>	<b>3790</b>	<b>542</b>	<b>2906</b>	<b>479</b>	<b>7828</b>	<b>2683</b>	<b>704</b>	<b>242</b>	<b>1282</b>	<b>151</b>

## Appendix B : Breakdown of individuals Referred in 2004

	TOTAL	UNSUITABLE	FORMAL	INFORMAL	NO FURTHER ACTION	PENDING
<b>EASTERN REGION</b>						
CARLOW/KILDARE	870	97	168	508	41	56
LAOIS/OFFALY	560	65	133	283	29	50
LONGFORD/WESTMEATH	423	70	64	236	28	25
LOUTH/MEATH	793	99	141	424	45	84
<b>EASTERN REGION TOTAL</b>	<b>2646</b>	<b>331</b>	<b>506</b>	<b>1451</b>	<b>143</b>	<b>215</b>
<b>DUBLIN MET. REGION</b>						
EAST	823	132	137	461	22	71
NORTH CENTRAL	611	166	63	301	28	53
NORTH	1492	169	187	967	74	95
SOUTH CENTRAL	463	94	110	182	22	55
SOUTH	1508	336	157	833	81	101
WEST	1374	236	205	741	67	125
<b>DUBLIN MET. REGION TOTAL</b>	<b>6271</b>	<b>1133</b>	<b>859</b>	<b>3485</b>	<b>294</b>	<b>500</b>
<b>NORTHERN REGION</b>						
CAVAN/MONAGHAN	432	63	81	240	21	27
DONEGAL	588	110	109	270	44	55
SLIGO/LEITRIM	155	19	30	71	24	11
<b>NORTHERN REGION TOTAL</b>	<b>1175</b>	<b>192</b>	<b>220</b>	<b>581</b>	<b>89</b>	<b>93</b>
<b>SOUTH EASTERN REGION</b>						
TIPPERARY	560	96	142	248	41	33
WATERFORD/KILKENNY	1241	141	254	704	55	87
WEXFORD/WICKLOW	528	62	95	297	49	25
<b>SOUTH EASTERN TOTAL</b>	<b>2329</b>	<b>299</b>	<b>491</b>	<b>1249</b>	<b>145</b>	<b>145</b>
<b>SOUTHERN REGION</b>						
CORK CITY	1320	293	156	745	62	64
CORK NORTH	451	42	61	316	18	14
CORK WEST	473	52	63	329	19	10
KERRY	355	41	57	213	16	28
LIMERICK	943	182	178	506	29	48
<b>SOUTHERN REGION TOTAL</b>	<b>3542</b>	<b>610</b>	<b>515</b>	<b>2109</b>	<b>144</b>	<b>164</b>
<b>WESTERN REGION</b>						
CLARE	355	25	69	199	13	49
GALWAY WEST	459	41	87	272	32	27
MAYO	571	66	80	383	27	15
ROSCOMMON /GALWAY EAST	286	21	69	160	20	16
<b>WESTERN REGION TOTAL</b>	<b>1671</b>	<b>153</b>	<b>305</b>	<b>1014</b>	<b>92</b>	<b>107</b>
<b>OUTSIDE JURISDICTION</b>	<b>21</b>	<b>0</b>	<b>6</b>	<b>8</b>	<b>3</b>	<b>5</b>
<b>TOTAL</b>	<b>17656</b>	<b>2718</b>	<b>2902</b>	<b>9897</b>	<b>910</b>	<b>1229</b>

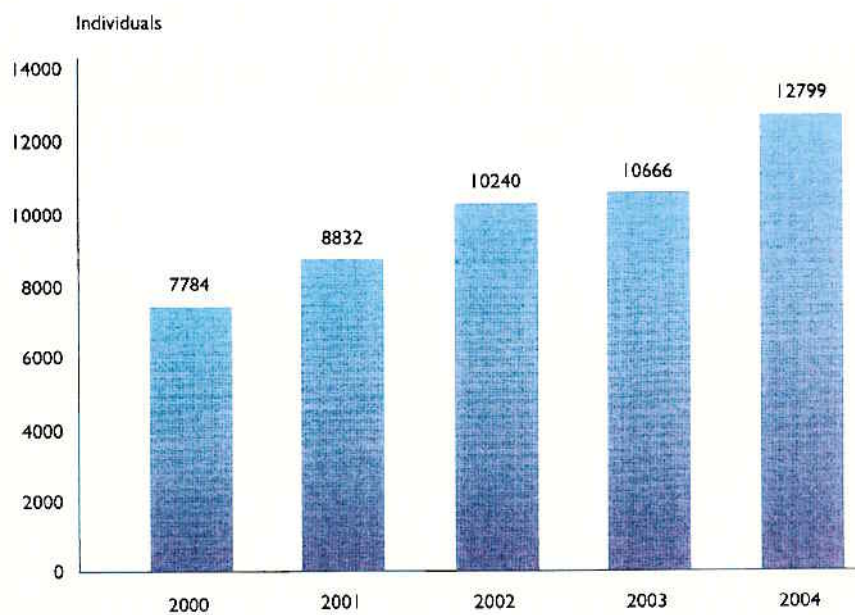
## Appendix B(I) : Breakdown by gender of individuals Referred in 2004

	TOTAL	UNSUITABLE		FORMAL		INFORMAL		NO FURTHER ACTION		PENDING	
		M	F	M	F	M	F	M	F	M	F
<b>EASTERN REGION</b>											
CARLOW/KILDARE	870	90	7	148	20	400	108	29	12	52	4
LAOIS/OFFALY	560	54	11	112	21	217	66	17	12	47	3
LONGFORD/WESTMEATH	423	50	20	61	3	168	68	23	5	20	5
LOUTH/MEATH	793	87	12	127	14	312	112	37	8	80	4
<b>EASTERN REGION TOTAL</b>	<b>2646</b>	<b>281</b>	<b>50</b>	<b>448</b>	<b>58</b>	<b>1097</b>	<b>354</b>	<b>106</b>	<b>37</b>	<b>199</b>	<b>16</b>
<b>DUBLIN MET. REGION</b>											
EAST	823	119	13	112	25	361	100	17	5	64	7
NORTH CENTRAL	611	150	16	54	9	202	99	20	8	50	3
NORTH	1492	156	13	158	29	697	270	56	18	81	14
SOUTH CENTRAL	463	74	20	89	21	137	45	17	5	47	8
SOUTH	1508	259	77	136	21	611	222	61	20	88	13
WEST	1374	195	41	179	26	536	205	45	22	101	24
<b>DUBLIN MET. REGION TOTAL</b>	<b>6271</b>	<b>953</b>	<b>180</b>	<b>728</b>	<b>131</b>	<b>2544</b>	<b>941</b>	<b>216</b>	<b>78</b>	<b>431</b>	<b>69</b>
<b>NORTHERN REGION</b>											
CAVAN/MONAGHAN	432	58	5	71	10	189	51	14	7	20	7
DONEGAL	588	103	7	98	11	217	53	28	16	55	0
SLIGO/LEITRIM	155	18	1	26	4	54	17	18	6	10	1
<b>NORTHERN REGION TOTAL</b>	<b>1175</b>	<b>179</b>	<b>13</b>	<b>195</b>	<b>25</b>	<b>460</b>	<b>121</b>	<b>60</b>	<b>29</b>	<b>85</b>	<b>8</b>
<b>SOUTH EASTERN REGION</b>											
TIPPERARY	560	88	8	123	19	212	36	36	5	27	6
WATERFORD/KILKENNY	1241	121	20	201	53	482	222	45	10	76	11
WEXFORD/WICKLOW	528	54	8	87	8	237	60	41	8	22	3
<b>SOUTH EASTERN TOTAL</b>	<b>2329</b>	<b>263</b>	<b>36</b>	<b>411</b>	<b>80</b>	<b>931</b>	<b>318</b>	<b>122</b>	<b>23</b>	<b>125</b>	<b>20</b>
<b>SOUTHERN REGION</b>											
CORK CITY	1320	242	51	120	36	539	206	48	14	56	8
CORK NORTH	451	38	4	53	8	232	84	9	9	12	2
CORK WEST	473	50	2	61	2	260	69	16	3	9	1
KERRY	355	39	2	55	2	143	70	14	2	28	0
LIMERICK	943	168	14	161	17	397	109	21	8	43	5
<b>SOUTHERN REGION TOTAL</b>	<b>3542</b>	<b>537</b>	<b>73</b>	<b>450</b>	<b>65</b>	<b>1571</b>	<b>538</b>	<b>108</b>	<b>36</b>	<b>148</b>	<b>16</b>
<b>WESTERN REGION</b>											
CLARE	355	20	5	61	8	153	46	10	3	42	7
GALWAY WEST	459	35	6	64	23	173	99	16	16	27	0
MAYO	571	64	2	73	7	278	105	23	4	15	0
ROSCOMMON /GALWAY EAST	286	19	2	61	8	121	39	11	9	15	1
<b>WESTERN REGION TOTAL</b>	<b>1671</b>	<b>138</b>	<b>15</b>	<b>259</b>	<b>46</b>	<b>725</b>	<b>289</b>	<b>60</b>	<b>32</b>	<b>99</b>	<b>8</b>
<b>OUTSIDE JURISDICTION</b>	<b>22</b>	<b>0</b>	<b>0</b>	<b>6</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>5</b>	<b>0</b>
<b>TOTAL</b>	<b>17656</b>	<b>2351</b>	<b>367</b>	<b>2497</b>	<b>405</b>	<b>7336</b>	<b>2561</b>	<b>675</b>	<b>235</b>	<b>1092</b>	<b>137</b>

## Appendix C : Restorative Justice 2003/2004

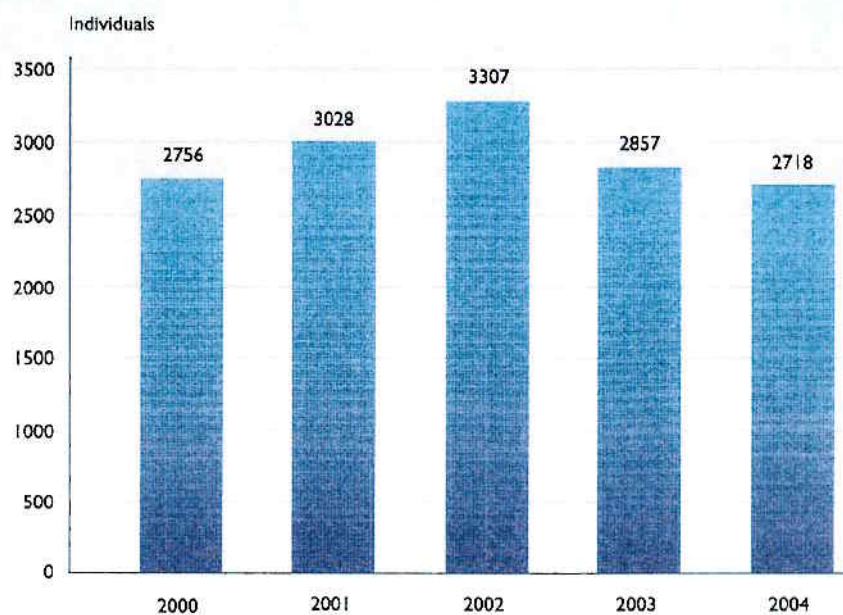
	2003	2004
<b>EASTERN REGION</b>	<b>12</b>	<b>37</b>
CARLOW/KILDARE	3	7
LAOIS/OFFALY	4	10
LONGFORD/WESTMEATH	4	7
LOUTH/MEATH	1	13
<b>DUBLIN MET. REGION</b>	<b>28</b>	<b>38</b>
EAST	8	3
NORTH CENTRAL	0	1
NORTH	7	8
SOUTH CENTRAL	1	6
SOUTH	12	9
WEST	0	11
<b>NORTHERN REGION</b>	<b>7</b>	<b>16</b>
CAVAN/MONAGHAN	1	6
DONEGAL	3	3
SLIGO/LEITRIM	3	7
<b>SOUTH EASTERN REGION</b>	<b>20</b>	<b>16</b>
TIPPERARY	4	3
WATERFORD/KILKENNY	11	11
WEXFORD/WICKLOW	5	2
<b>SOUTHERN REGION</b>	<b>26</b>	<b>52</b>
CORK CITY	11	19
CORK NORTH	2	1
CORK WEST	13	20
KERRY	0	8
LIMERICK	0	4
<b>WESTERN REGION</b>	<b>25</b>	<b>18</b>
CLARE	0	0
GALWAY WEST	5	6
MAYO	11	5
ROSCOMMON /GALWAY EAST	9	7
<b>TOTALS</b>	<b>118</b>	<b>177</b>

## Appendix D : No. of individuals cautioned 1999 to 2004



The above chart (Appendix D) indicates the number of individuals who were cautioned over the past five years. There is a continuing increase in the number of children being dealt with by way of caution under the Diversion Programme.

## Appendix E : No. of individuals considered un-suitable for inclusion into the J.D.P.



The above chart (Appendix E) indicates the number of children deemed not suitable for inclusion into the Diversion Programme.

Both patterns are in keeping with the ethos of the Diversion Programme, which is to divert away from the courts and to deal with the child by way of caution.

## Appendix F : Age Profile of children referred to the Diversion Programme

The chart (Appendix F) 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 to the nearest percentage point.

**27% were aged 17 years**

**25% were aged 16 years**

**19% were aged 15 years**

**12% were aged 14 years**

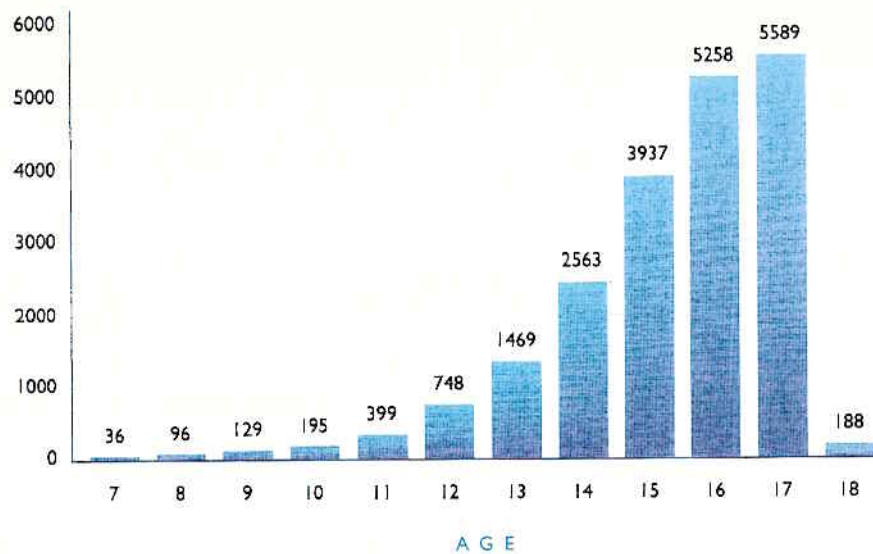
**8% were aged 13 years**

**4% were aged 12 years**

**4% were under 12 years**

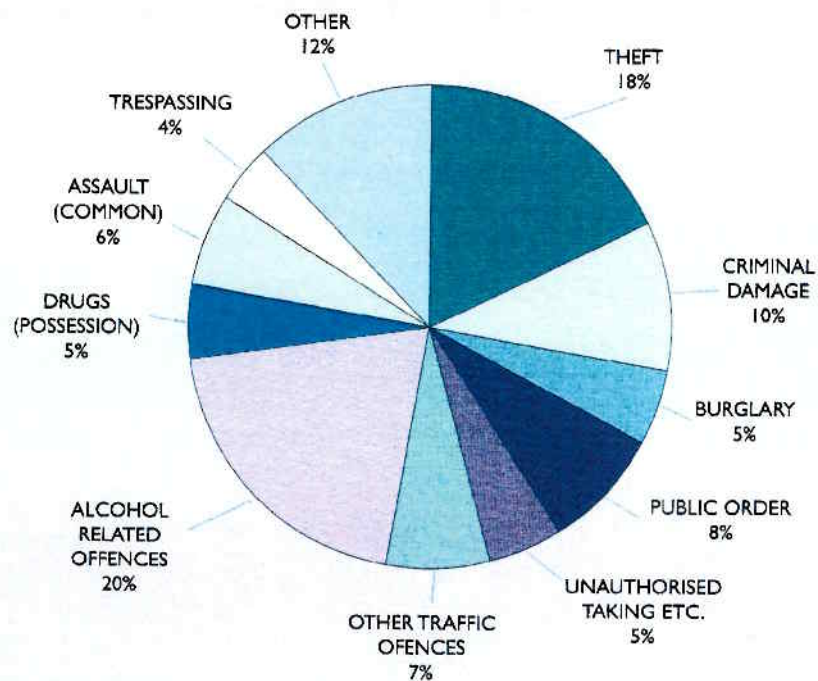
**1% were 17 at the time of commission of the offence  
but had since turned 18 years of age**

### Age of Children Referred



## Appendix G : Type of offences for which children were referred

In general, adult and child offenders commit similar criminal offences. Certain offences, such as under-age drinking may only be committed by children. The chart below shows the type of offences in respect of which referrals were made in 2004. Taken together, theft, criminal damage, burglaries and alcohol related offences, comprise just over half of the total offences involved, (53%). There has been no major trend change in the category of offences for which children have been referred to the Diversion Programme since the 2003 figures.





## Appendix H

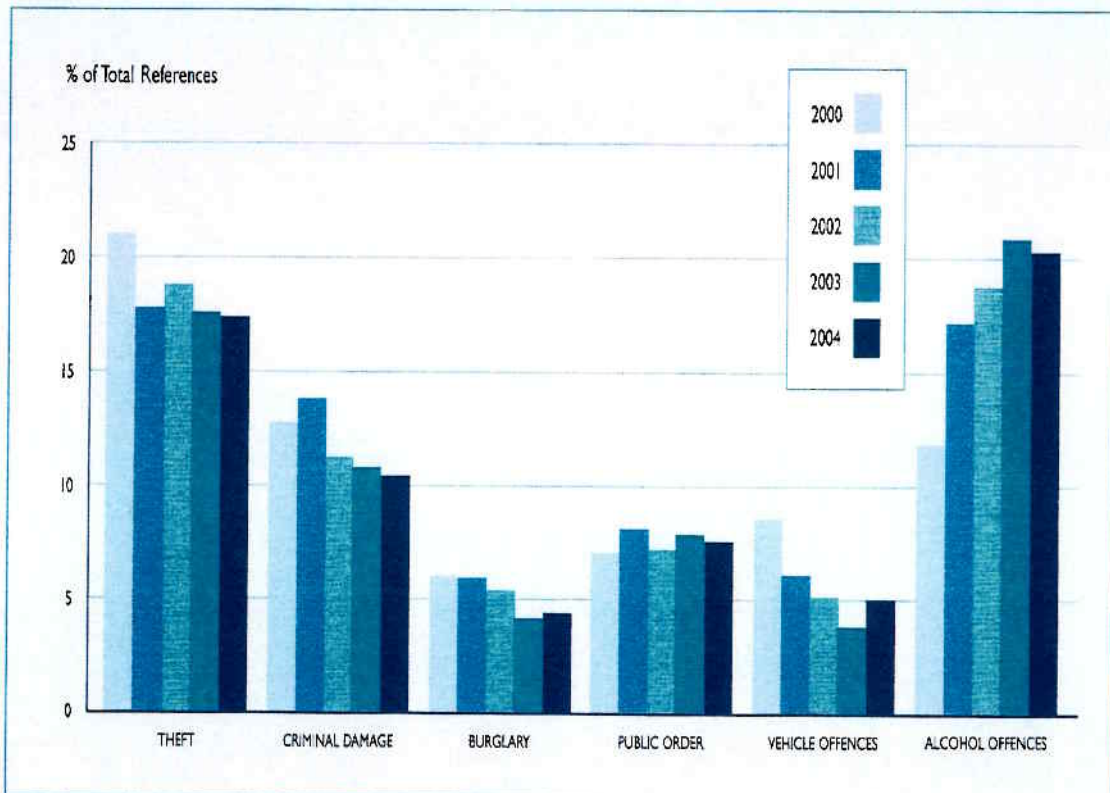
The following table shows the offence type, the number of referrals for each offence type and the percentage for each offence type for which children were referred to the programme.

The number of referrals increased by 692 when compared to 2003. There was an increase of 116 referrals for theft in 2004 over the previous year. Referrals for burglary have increased by 58 over the same period.

Appendix H	Number	Percentage
Theft	3,623	17.58%
Robbery (incl. demanding money with menaces)	218	1.06%
Burglary	979	4.75%
Aggravated burglary	21	0.10%
Handling stolen property	337	1.64%
Criminal damage	2,112	10.25%
Arson	98	0.48%
Unauthorised taking/carriage/interference of M.P.V	1,125	5.46%
Other traffic offences	1,367	6.63%
Public order	1,616	7.84%
Alcohol related offences	4,190	20.33%
Drugs (Possession)	1,057	5.13%
Drugs (Sale/Supply)	145	0.70%
Possession of offensive weapons etc.	262	1.27%
Possession of articles with intent	54	0.26%
Firearms related offences	99	0.48%
Assault (Common)	1,173	5.69%
Assault Garda/Peace Officer	4	0.02%
Serious assault	448	2.17%
Fraud related offences	134	0.65%
Begging	62	0.30%
Sexual offences	92	0.45%
Casual trading offences	24	0.12%
Trespass/found on enclosed premises	903	4.38%
Railway acts (trespass line, stone throwing, non-payment of fare)	19	0.09%
Street and house to house collections	8	0.04%
Public mischief (incl. hoax telephone calls)	103	0.50%
False imprisonment	3	0.01%
Offences against animals	13	0.06%
Miscellaneous	318	1.54%
	<b>20,607</b>	<b>100.00%</b>

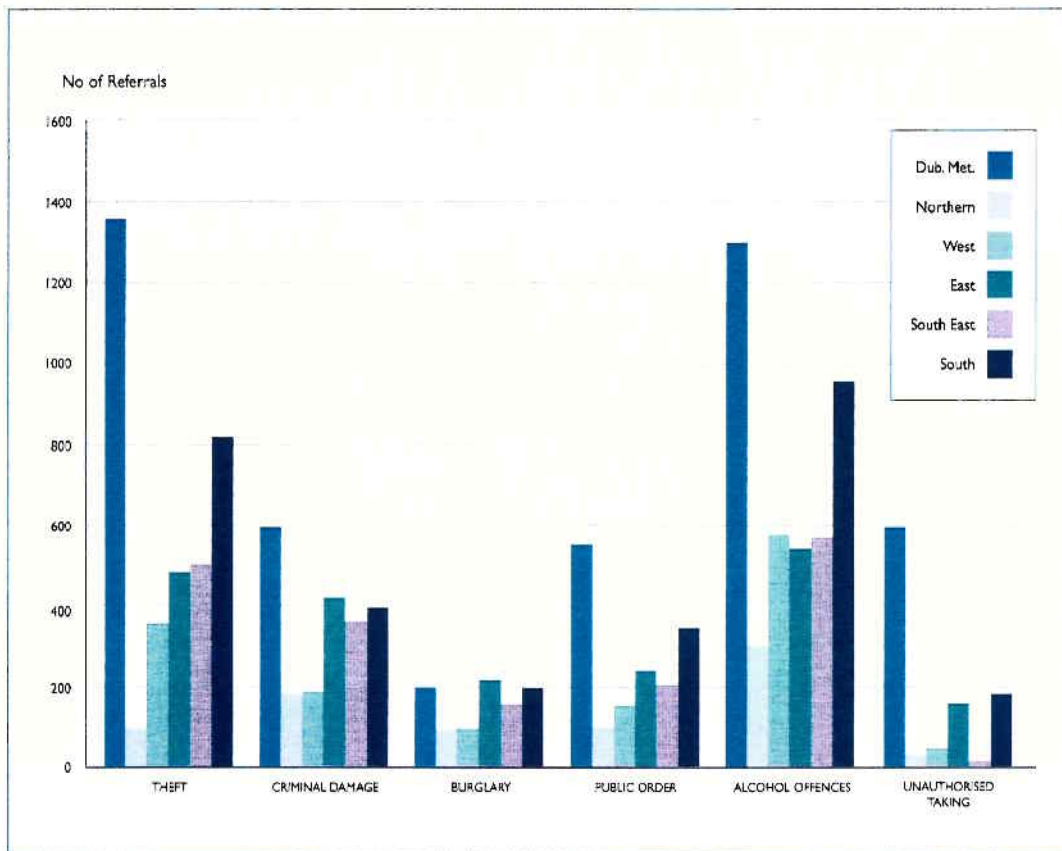
## Appendix I : Principal Offences 2000 – 2004

The chart below compares the principal offences as a percentage of the total referrals received at the National Juvenile Office for each of the years 2000 to 2004.



## Appendix J : Comparison of Principal Offences by Region

The chart below illustrates the number of principal offences in the six Garda Regions. Theft and alcohol related offences are the most prevalent. Unauthorised taking and criminal damage also feature prominently in the Dublin Metropolitan Region.





## Appendix L : 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**



Copies of this Report are available on  
Garda Website  
[www.garda.ie](http://www.garda.ie)

and

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Harcourt Square, Harcourt Street, Dublin 2.  
Tel: 01-666 3831/2/3/4. Fax: 01-666 3827.  
Email: [agecard@iol.ie](mailto:agecard@iol.ie)