



In the third part of our series on the juvenile justice system, Security Correspondent Ann Murphy looks at the Garda Youth Diversion Programme.

Juveniles given three cautions

THERE are three cautions under the Juvenile Liaison system:

- **Informal:** A young offender comes to the garda station, or the garda juvenile liaison officer meets them in their home.

Their parents or guardians are present for the meeting, where the offence is discussed.

- **Formal:** The young offender is invited to the garda station in the company of their parents or guardian where they are formally cautioned by the juvenile liaison officer, or inspector or superintendent.

This is followed by a period of supervision for up to 12 months. The period of time is determined by criteria including the severity of the offence.

- **Restorative caution:** The offender and his or her parents or guardians are invited to take part in a meeting with the victim and his or her parents (if the victim is still a juvenile).

The meeting takes place in a setting outside of a garda station.

The function of the meeting is that the offender can see the effect his or her crime has had on the victim. There are several hours of preparation work to be done with a victim and with the offender through the juvenile liaison scheme before both sides can come together in the same room.

The meeting is chaired by a juvenile liaison officer, trained in mediation.

The outcomes can be a verbal or written apology from the offender and the possibility of compensation for any damage caused in the event of material damage.

The offender may also be referred to a youth club or sent for driving lessons (in the event of the offence being a road traffic matter).

Sexual and serious violent crimes are not dealt with by means of a restorative caution.

2,000 referred

MORE than 2,000 referrals are processed through the garda juvenile liaison scheme in Cork city and county each year.

Of those, approximately 1,500 are in Cork city, for offences including underage drinking, public order and criminal damage.

A recently released report from the Irish Youth Justice Service found that up to 50% of youth crime is committed in situations where alcohol has been consumed.

The Irish Youth Justice Service is responsible for the country's four detention schools for young offenders.

The juvenile liaison scheme is part of the Garda Youth Diversion Programme, aimed at steering young offenders away from a life in crime and keeping them out of the detention system.

Although the programme is in existence for more than two decades, it only became a statutory implement in dealing with juvenile crime through the Children Act 2001.

Cork city-based Sergeant Ben Flahive said: "Since the introduction of the Children Act, every juvenile who commits an offence has to be considered for suitability for the juvenile liaison system. The process could take between two weeks and two months after the detection of an offence."

The offender must first admit involvement in the offence.

The equivalent of the Office of the Director of Public Prosecutions is the Garda Office for Children and Youth Affairs, until recently known as the National Juvenile Liaison Office.

While files on crimes committed by adults are sent to the DPP for direction, files on most crimes by juvenile offenders are sent to the Garda Office for Children and Youth Affairs for a decision.

The outcome can be cautioning informally, formally or restoratively (see panel).



Sergeant Ben Flahive of the Juvenile Liaison Office in Cork says said that up to 90% of juveniles who go through the liaison scheme do not end up in the courtroom.

Sgt Flahive said another avenue open to gardai through the juvenile liaison scheme is restorative conference.

In such conferences, representatives from education, youth workers and social workers come together with other interested parties including the parents or guardians to discuss the welfare of the offender and to develop a programme aimed at diverting him or her from a life in crime.

Sgt Flahive, who oversees the JLO system in Cork city and county, said that up to 90% of juveniles who go through the system do not reach the courtroom. Instead, they are dealt with through the caution system.

He heads up a team of six juvenile liaison officers in Cork city and five in Cork county.

Jesuit priest Fr Tony O'Riordan believes that interven-

tions such as the Garda Youth Diversion Programme are crucial in preventing young people from continuing in a life of crime.

The Cork-born cleric said: "Youth projects including the Garda Youth Diversion Programme and its projects are much preferable to the detention system. If young people engage in something positive, they deal with their problems better."



Michael McLoughlin of Youth Work Ireland says ASBOs were never the way to go in preventing youth crime. The ASBO system is now being reviewed.

ASBO system to be reviewed two years after it was introduced

A REVIEW of the anti-social behaviour order (ASBO) legislation is being carried out by gardai, just over two years after it was introduced.

The review is being carried out for the Department of Justice to determine the effectiveness of the legislation and identify any improvements that can be made.

A total of 22 children in Cork city and county were given anti-social behaviour warnings in the first six months of this year.

Anti-social behaviour warnings came into effect in 2007 and are enshrined in law under the Criminal Justice Act 2006.

Warnings are given for a variety of reasons, including causing disturbances in public places, such as gangs gathering and drinking in public, as well as public order disturbances. Warnings last for three months.

If the warning does not lead to an improvement in behaviour then the young person

must enter into a "good behaviour" contract. If the contract is broken an application can be made for an ASBO.

The ASBO can't last longer than two years. Youths who breach conditions of the order can receive an €800 fine and/or three months detention in a detention centre.

An adult's breach can result in a fine of €3,000 and/or six months in prison.

Spokesman for Youth Work Ireland (formerly the National Youth Federation), Michael

McLoughlin, said there are viable alternatives to the anti-social behaviour legislation, including the Garda Youth Diversion Programme.

He said: "We felt when the legislation was introduced that ASBOs were not the way to go. If you are putting legislation in and training gardai in it, is it not better to put the efforts into the juvenile liaison system? More than 80% of young people who go through that system do not come into contact with gardai again."

to juvenile system



With the help of funding from the European Commission, and the co-operation of gardai, the Justice Project in the Hollyhill/Knocknaheeny area is pioneering an approach which aims to divert young people away from trouble.

Keeping our youth out of harms way

THE Knocknaheeny/Hollyhill Justice Project was one of the first diversion projects set up in Ireland.

The project was set up in 1994 by voluntary youth leaders, in conjunction with local gardai.

Funding was secured for the project in 1994, after four years of lobbying. Funding of €200,000 a year is now granted to the project — compared with just £40,000 in 1994.

The project is based in Hollyhill Shopping Centre and has three strands — the Garda Youth Diversion Project, a local drugs taskforce project, and financial aid from the EU Social Funding project.

It targets boys and girls between eight and 19 years.

Project manager Tony Fitzgerald said the aim of the project is to prevent young people coming into contact with the justice system.

"You cannot qualify or quantify what we do here because it is a preventative model. We work with the gardai and other agencies in providing a programme that helps young people and gives them a positive alternative, as well as support," he said.

There are three modules in the project — activities such as sport and outdoor pursuits, group work to help the participants explore social and personal issues, and one to one sessions to help young people look at issues including their

Alternatives to detention under new system

SINCE early 2007, new alternatives to detention were made available to judges in children's courts.

The alternatives are ten community sanctions, the implementation of which is overseen by the Probation Service. The ten sanctions are:

- **Community Service Order:** A child of 16 or 17 years of age agrees to complete unpaid work for a set number of hours.

- **Day Centre Order:** A child is to go to a centre at set times and to take part in a programme of activities.

- **Probation Order:** This places a child under the supervision of the Probation Service for a period during which time the child must meet

certain conditions which are set by the Court.

- **Training or Activities Order:** A child has to take part in and complete a programme of training or similar activity. The aim is to help the child learn positive social values.

- **Intensive Supervision Order:** A child is placed under the supervision of a named probation officer and has to attend a programme of education, training or treatment as part of their time under supervision.

- **Residential Supervision Order:** This is where a child is to live in a suitable hostel. The hostel is to be close to where they normally live, attend school or go to work.

- **A Suitable Person (care and supervision) Order:** With the agreement of the parents or guardian, the child is placed in the care of a suitable adult.

- **A Mentor (family support) Order:** A person is assigned to help, advise and support the child and his/her family in trying to stop the child from committing further offences.

- **A Restriction of Movement Order:** This requires a child to stay away from certain places and to be at a specific address between 7pm and 6am daily.

- **A Dual Order:** This combines a Restriction of Movement Order with either supervision by a probation officer or attendance at a day centre.

This year, the summer programme got underway on July 1 and runs until August 28.

A total of 10 day trips have been organised, along with health promotion, classes, competitions and sports events. This includes a six-week tournament which got underway on July 21.

The 6,000-square foot premises incorporates an office, activity rooms and a

café area which is used as a community café during the day and as a youth café two days a week.

A drug awareness project is included in the work of the justice project.

A full-time drug and alcohol worker has also been appointed to support and advise young people in the area about the dangers of drugs and alcohol.

Programme helps 28,000

THERE were 27,853 referrals made to the Garda Youth Diversion Programme in 2007, according to a report by the Irish Youth Justice Service published in 2008. This was an increase of 11% on referrals made in 2006.

Referrals for Cork city:

- 1,713 in total
- 492 were deemed unsuitable
- 284 received a formal caution
- 848 were cautioned informally
- 81 had no further action
- 8 cases were pending at the time of publication

Referrals for Cork north:

- 1,066 in total
- 217 were deemed unsuitable
- 213 received a formal caution
- 542 were cautioned informally
- 56 had no further action
- 38 pending at the time of publication

Referrals for Cork west:

- 633 in total
- 96 were deemed unsuitable
- 68 received a formal caution
- 424 were cautioned informally
- 27 had no further action
- 18 cases were pending at the time of publication

Projects across county

GARDA Youth Diversion Projects in Cork city:

- BAP Project, Ballincollig
- Douglas West Project
- FAYRE Project, Farranree
- GAP Project, The Glen
- Knocknaheeny/Hollyhill Youth Justice Project
- MAY Project, Blackrock
- TACT, Togher

Garda Youth Diversion Projects in Cork county:

- Bandon Youth Project
- Feabhas Project, Cobh
- Mallow Project
- Youghal Project

The Irish Youth Justice Service also funds six local drugs taskforces around the country, which operate in tandem with the Garda Youth Diversion Projects. They include:

- Knocknaheeny/Hollyhill local drugs taskforce
- Kerrigan Tyrell local drugs taskforce
- NPU JLO fund, Anglesea Street
- Togher Link-Up local drugs taskforce
- Yew Tree local drugs taskforce, Anglesea Street.

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