

Chair, Committee Members

Last month I provided a detailed briefing to the Policing Authority in public on the problems with the youth referral system.

I don't wish to repeat myself or unnecessarily take up the Committee's time, but I do think it is important that I place on the record of the Houses of the Oireachtas and with this Committee the key points from that briefing.

At the outset, on behalf of An Garda Síochána, I want to apologise to the more than 3,000 individual and corporate victims that we let down. They expected us to pursue the crimes committed against them to the fullest extent possible and in their cases we did not do this.

Each and every one of these crimes should have been investigated. The public expects that if something is reported that it is investigated. I expect the same.

We also let society down by not fully pursuing these crimes, some of them serious, committed by young people.

I also want to apologise to those young people that we let down – these were generally vulnerable children who had committed crimes in the past and would commit further crimes. We should have done better by them at the time.

Before I get into the detail of the problem, I think it is important to say that while our examination has found serious issues with how some crimes committed by young people were processed by An Garda Síochána, this should not take away from the significant and important work that has been done and is being done by the Garda Youth Diversion programme in preventing crime, protecting communities and steering thousands of young people away from a life of crime.

Almost two-thirds of children receiving an informal or formal caution as their first caution under the Diversion Programme do not re-offend. This has been a major benefit to the individuals, their families, their communities and society at large.

As you may be aware, in every case where a child commits an offence the investigating member must forward a referral to the Director of the Garda Youth Diversion Programme – who is a senior Garda officer - for them to consider the child for inclusion in the Diversion Programme.

If the Director deems the child is suitable for the Programme, they receive a caution from a Juvenile Liaison Officer who is assigned to their case and supports are put in place to help ensure the young person doesn't re-offend. In 2017, 75% of children referred were admitted to the Programme.

If the Director deems the child is not suitable, the case is returned to the local District Office to decide whether prosecution should commence or a file sent to the DPP.

It is some of these cases where the problems were found.

Potential issues with the youth referral system were first identified by An Garda Síochána and the Garda Inspectorate in 2014. Subsequent examinations by the Garda Professional Standards Unit, the Inspectorate and GSOC found further issues, and in 2017 a scoping exercise was conducted to identify the scale of the problem. Following this, an examination team headed by a Detective Superintendent was appointed in January 2018 to examine all youth referrals from July 2010 to July 2017.

The examination team found that while the vast majority of the 158,521 youth referrals over the seven years had been dealt with correctly, 7,894 had not been appropriately progressed.

What this significant failing means in human terms is that 2,492 individuals and 988 individual organisations who were victims of crime during those seven years did not see their cases progressed properly.

Most of the crimes committed against them – 73% - were in four common crime categories: public order, theft, traffic, and criminal damage.

There were also 55 incidents of serious crimes including an incident of rape, a sexual offence incident, and an incident of child neglect.

Where appropriate, we are writing to each victim to apologise to them, provide them with information on the supports available to them from An Garda Síochána and the independent Crime Victims Helpline, and they have been given the option of a personal visit by a local Garda team.

In addition, a freephone helpline was open seven days a week for the last number of weeks for anyone who felt they may have been affected by this issue. The helpline received 35 relevant calls and 16 emails.

A number of victims of serious crimes have received a personal visit and this remains on-going.

There are 3,489 children associated with the referrals not appropriately progressed.

The vast majority of these children had a history of re-offending, which meant they had a lot of contact with An Garda Síochána before and after the incident that was not appropriately progressed.

Each of the 3,489 children will receive a letter from An Garda Síochána specific to their case informing them that their case was not progressed appropriately and details of the helpline where more information and support will be provided if required.

Those who are now adults will receive a letter. If they are still under 18 the letter will issue to their parent/guardian.

The Garda examination team has established that this serious problem was caused by organisational and individual failings.

It should be said though that a change to PULSE in 2015 that enhanced supervision and oversight of crime incidents including youth referrals significantly reduced the issue. In 2010, the error rate for youth referrals was 7.3%. By 2017, this had fallen to 0.7%.

Further actions were also taken in 2018 and in 2019 to address the problem.

These included:

- February 2018 - Pulse release 7.3 introduced, which means that youth referrals can only be created with approval of a PAF administrator and/or a District Officer
- November 2018 – A new monitoring system for youth referrals introduced
- December 2018 – A National Bureau for Child Diversion established. A Chief Superintendent has been assigned full-time to head the Bureau
- Staffing in the Bureau was increased in 2018 and will be further increased in 2019.
- 2018 – There was a general increase across the organisation in the number of supervisors at Sergeant and Inspector ranks.
- January 2019 – A standard operating procedure for youth referrals introduced

- January 2019 – Mandatory requirement for Garda members to complete e-learning on youth referral process.
- February 2019 – An Assistant Commissioner has been appointed on a full-time basis to the Community Engagement Unit, which manages the Youth Diversion Programme
- The Youth Referral system will be subject to internal audit inspection in 2019, 2020 and 2021.

We will continue to closely monitor this matter at local and national level to prevent any re-occurrence.

Along with organisational accountability, the issue of individual accountability does arise.

Our examination found that over the seven years 3,414 Garda members are associated with the not appropriately progressed referrals. Of these, 184 are no longer serving.

Under the Garda disciplinary regulations, Divisional Officers have been delegated responsibility for disciplinary matters relating to Garda members under their management. As such, I don't wish to say anything that could be construed as fettering the independence of the Divisional Officers nor could prejudice any individual disciplinary process that may or may not arise from this examination.

What I can say is that all referrals not progressed properly have been sent to the relevant Divisional Officers for them to consider under the disciplinary regulations. In addition, general guidance on disciplinary processes and penalties has been provided to all Divisional Officers

As is standard, we will pay close attention to this process, gather data and keep our oversight bodies including this Committee informed.

It should also be stated that An Garda Síochána appointed Crowe Ireland to independently validate our examination process. They started work on this in early January and to date they are happy to stand over our process and data.

What is being presented today is an interim report and the final figures may change as a result of further examination and the outcomes of individual disciplinary processes arising from this issue.

We will keep the Committee, the Policing Authority and the Department of Justice regularly informed on the outcomes of those disciplinary

processes and also provide re-assurance that the system is continuing to work correctly.

Thank you.