OVER-REPRESENTATION IN THE YOUTH JUSTICE SYSTEM IN NORTHERN IRELAND

FULL REPORT

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CONTENTS

EXECUTIVE SUMMARY

Background and Data

- Three types of analyses inform the findings presented in this report:
  - Descriptive analysis of Section 75 data from the PSNI, PPS and the YJA for the children they were in contact with who were suspected of involvement in criminal activity during the year 2018/2019.
  - Regression analyses of available administrative data provided by the YJA to investigate what factors influenced subsequent contact with the YJA (in the form of additional community referrals or admission into custody) during a one year follow-up period.
  - Thematic analysis of interviews with 28 key stakeholders (including representatives from criminal justice agencies, oversight bodies, relevant government departments and NGOs, and human rights organisations) examining additional factors that might impact on system contact and the potential high representation of some groups (e.g. the impacts of specific policies, laws, decision-making on some groups of children).

Measuring Over-representation

- A word of caution. Care should be taken in utilising the terminology of over-representation. Confirming and identifying the extent of over-representation in criminal justice contact requires sufficient levels of data to be available about the children in contact with the justice system, and information on the prevalence of these groups in the general population. *The data available in this report was limited on both these counts, which limits the ability to accurately measure over-representation.*

- High levels of incomplete and missing Section 75 data, variations in data collection practices, differences in what data is captured in different databases and challenges in linking data across databases and organisations limits the potential to identify patterns and outcomes across groups, including the possible over-representation of some groups.

- For these reasons, a statistical analysis of over-representation was only possible for Section 75 characteristics of age and gender. In all other instances, potential disproportional or high level representation is discussed.

Key Findings

<u>Gender</u>

- Reflective of international trends, and the gendered nature of offending, males were over-represented at all levels of system contact i.e. in the Section 75 data provided by the PSNI, PPS and YJA. Gender was also found to influence admission into custody during the one year follow-up period, with females being less likely to be admitted into custody than males.

<u>Age</u>

- Reflective of the youth justice population elsewhere, older children are over-represented in the profile of those in contact with the criminal justice system - in initial contact with the PSNI, arrest, prosecution, community referral to the YJA and admission to custody. In other words, younger children are under-represented. These trends may reflect policies to divert younger children from the YJS and/or age-related patterns in offending.

<u>Religion</u>

- When information was collected by criminal justice organisations on (self-reported) religious belief, this information was often missing/incomplete, making it difficult to assess the possibility of an over-representation of any particular religious group.

- However, YJA data on those in custody provided the most complete data on self-reported religion, with 62.9% of children in custody during 2018/2019 self-identifying as Catholic. As a comparison, 45.6% of the Northern Ireland population aged 10-17 years reported as Catholic in the 2011 Census[1].

- Analysis of the available administrative data on the children who received a community referral to the YJA or were admitted into custody during 2018/2019 indicates that a higher proportion of those living in predominantly Catholic areas, than those living in predominantly Protestant areas, were referred to the YJA in 2018/2019. Structural inequalities and their associated risks might help explain this as the data revealed that those living in highly concentrated Catholic areas were assessed by YJA workers as having more additional needs that contributed to their offending behaviour than those that lived in highly concentrated Protestant areas[2].

- Interview participants suggested additional factors that might explain high proportions of Catholic children interfacing with the justice system: structural and historical factors, operational factors, attitudinal and interactional factors.

- The regression analysis revealed that when examining the factors influencing subsequent contact with the YJA religion was not found to be statistically significant in influencing the number of community referrals children received to the YJA during the follow-up period. While religion initially appeared to be significant in influencing admission into custody during the follow-up period, it no longer reached statistical significance when the YJA workers' risk assessment of the children's needs were considered. This could suggest the higher likelihood of being admitted into custody experienced by Catholics in the follow-up period may be explained by their greater additional needs.

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[1] https://www.ninis2.nisra.gov.uk/public/SearchResults.aspx?sk=DC2114NI

[2] Care should be taken in the interpretation of these findings. Higher percentages or proportions do not equate with over-representation. This can only be assessed when there is comparable data of the rate of children who are Catholic (and living in deprived areas) in the general population.

<u>Care Status</u>

- Data on care status was only available for children admitted to custody. Over one-third (37.3%) of those admitted to custody in 2018/2019 were 'looked after'. That less than 1% of children in Northern Ireland were 'looked after' in 2018/2019[3] suggests that there is a higher percentage of 'looked after' children in custody than would be expected based on their prevalence in the general population.

- YJA workers' risk assessment of their needs were higher across all domains for children in care than for children not in care. Thus a range of individual, familial and social risks may impact initial contact with the youth justice system for this group.

- Living arrangements was significant in influencing both admission into custody and the total number of subsequent referrals that children received to the YJA during the one-year period, demonstrating the important role that living arrangements can play in influencing subsequent contact with the YJA.

- The analysis of interview data allowed a more detailed examination of the systems and processes which have a potential to propel children with experiences of care into formal, and more serious intervention, sooner than those not in care. These included: policing of behaviours which would otherwise escape response outside of residential care settings; lack of support (legal representation, suitable accommodation, appropriate adult, family support, etc.), which impacts on key decision-making points throughout the system. This seems to manifest most evidently in decisions around bail where such responses and limits to support make being granted bail, or keeping to bail conditions, difficult.

<u>Additional Need</u>

- YJA workers' risk assessment of the needs of children admitted to custody during 2018/2019 provides some evidence of their greater additional need, with these children presenting with greater needs on the following domains: education, training and employment (which includes special educational needs and learning difficulties); substance misuse; emotional and mental health; thinking behaviour, (which includes ADHD and neurological disorder).

- Substance misuse was found to strongly influence both community referrals to the YJA and admission into custody during the one year follow-up period.

- Interviews also highlighted that undiagnosed or 'hidden' need could negatively impact the nature of interactions with criminal justice professionals and agencies, and/or access to justice.

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[3] https://www.health-ni.gov.uk/sites/default/files/publications/health/child-social-care-18-19.pdf

1. PROJECT BACKGROUND AND DESIGN

1.1 Context

The complex lives and backgrounds of those involved in the criminal justice system is internationally recognised. In particular, concern has been expressed about the experiences of minority groups in criminal justice systems and their potential over-representation within criminal justice processes and agencies (Lammy, 2017; Spohn, 2015; United Nations Network on Racial Discrimination and Protection of Minorities, 2015). While experiences can differ between jurisdictions, studies have found that minority groups are often more likely to be stopped by the police, charged with an offence and imprisoned (Cochran and Mears, 2015; Kutateladze et al., 2014; Lammy, 2017; Wortley and Owusu-Bempah, 2011). Explanations for the over-representation of minority groups within the criminal justice system vary, with some arguing that criminal justice agencies and processes are biased towards over-policing poorer, marginalised groups, resulting in discriminatory practices which exacerbate social divisions and marginalisation (Sophn, 2015; Tonry, 1995; Wacquant, 2001). Others argue that minority groups are often exposed to greater levels of deprivation and criminogenic factors in society, contributing to a greater involvement in offending and their over-representation in the criminal justice system (e.g. Beaver et al., 2013; Umbach et al., 2018). However, our understanding remains limited and further research is required to investigate how individual variables, societal factors and discriminatory practices may interact with each other to contribute to this over-representation (Mears et al., 2016).

Concerns about the treatment of minority groups are especially important in Northern Ireland due to its history of conflict and the added emphasis placed on monitoring outcomes for minority groups to ensure equal opportunities and the avoidance of discriminatory practices (Harvey, 2012). Section 75 of the Northern Ireland Act 1998 requires designated public authorities to carry out their functions in a manner which promotes equality of opportunity and good relations between people of different religious belief, political opinion, race, age, marital status, sexual orientation, gender, disability and dependants. Designated public authorities are further required to mainstream equality considerations into their activities and reflect on how their policies and practices may affect minority groups. Despite these requirements, concerns have been expressed about the experiences of minority groups in the Northern Ireland criminal justice system. For instance, inspections have highlighted a tendency for Catholics to be over-represented in custody and under-represented within the criminal justice workforce (CJINI, 2009, 2018). The high proportions of particular groups of children in the youth justice system in Northern Ireland is also well-evidenced, highlighted in reviews, inspections and analysis of statistics. The Review of the Youth Justice System in Northern Ireland (2011), for example, highlighted the over-representation of children in care and children with mental health and substance misuse problems. It also noted the significant numbers of those in custody with low educational attainment or special educational needs (DOJ, 2011). Supporting this, the most recent inspection of Woodlands Juvenile Justice Centre (JJC) found that almost half of the children have special educational needs requiring additional learning support (CJINI, 2018).

Characteristics of the youth justice population in Northern Ireland do, in some ways, reflect those in other jurisdictions yet sufficient concern remains to warrant further examination of

factors which impact on the potential over-representation of these groups. International research consistently notes the over-representation of children in care in contact with the criminal justice system, drawing in part on explanations which point to individual characteristics but also to the potentially criminogenic nature of the care environment and criminalising responses of the justice system (see for example: Carr & Mayock, 2019). In Northern Ireland, their over-representation has been evidenced at all stages of the system. For example, in their *Human Rights Annual Report 2015*, the Northern Ireland Policing Board (2016: 233) noted the high proportion of referrals to Youth Diversion Officers among children with a care background: 'In 2013/14 0.66% of children in Northern Ireland were looked after yet they accounted for 16.6% of referrals.' An assessment of the effectiveness of youth conferencing in 2015 also noted that around 40% of Youth Conference referrals involved young people in care, with many of the offences related to the care home environment (e.g. damage or assaults to staff) (CJINI, 2015: 20). Their over-representation also continues into the hard end of the system where children in care have consistently represented around one-third of those admitted to Woodlands JJC (NIAO, 2017), increasing to 52% of admissions 2019/20 (Brown, 2020).

The potential over-representation of other groups in the youth justice system in Northern Ireland has also been highlighted as an area of concern. The 2018 inspection of Woodlands JJC, for instance, reported – 'It is concerning that, as well as the actual number of Catholic children admitted, their proportionate representation had increased steadily in recent years: from 57% in 2013-14 to 76% in 2016-17' (CJINI, 2018: 15). Two out of three children admitted to custody in 2019/20 identified as Catholic (Brown, 2020). Although the figures are lower, similar patterns have been identified in the youth and adult custodial populations (CJINI, 2018). Recognising that actions and decisions at earlier points in the system impact these experiences, the inspection of Woodlands JJC noted this as an issue for the Police Service of NI (PSNI), Public Prosecution Service (PPS) and NI Courts and Tribunal Services (NICTS) to address.

This research was commissioned by the Department of Justice to further explore, seek to understand and respond to some of these issues and concerns.

1.2   Study Aims

The study is funded by the Department of Justice (DoJ). The purpose was to identify and examine the potential over-representation of particular groups of children in the (youth) justice system in Northern Ireland, and factors that may influence this. To this end, there were a number of key objectives:

- Review relevant national and international literature to identify factors impacting criminal justice system contact (e.g. personal, social, economic, institutional factors).
- Carry out secondary analysis of available administrative (quantitative) data on the backgrounds of children and young people who have contact with various aspects of the criminal justice system to identify the representation of specific groups.
- Explore key stakeholders' perceptions of factors impacting engagement with children and young people, decision-making, and reasons for the potential over-representation of particular groups within the youth justice system.

- Combine quantitative and qualitative data in exploring potential reasons for the disproportionate representation, or over-representation, of particular groups of children in the youth justice system.

1.3   Study Design

The initial aim was to adopt a sequential explanatory mixed methods design whereby each stage of the study would inform and build upon the next (Creswell et al., 2003). A review of literature would inform possible issues to explore in both the administrative data and through qualitative interviews. More particularly, the aim was for the analysis of secondary administrative data to be followed by qualitative interviews within which patterns identified could be further explored.

Given significant delays in accessing administrative datasets, a decision was made, in consultation with the Project Steering Group, to alter the study design. Interviews were set up and carried out prior to the secondary analysis of administrative data. This meant that interview questions were based on data/ information already in the public domain (e.g. Youth Justice Agency Workload Statistics). It was also planned that the administrative data would be used to track children's interactions with the various criminal justice organisations at different stages of system contact. However, as described in detail in Section 1.5, this was not possible. Instead, the available administrative data is used to provide a profile of children in contact with various criminal justice agencies, and to examine potential factors influencing subsequent (i.e. follow-up) referrals to the Youth Justice Agency (YJA) or admissions to custody in a one year follow-up period. The purpose of this analysis is outlined in Section 1.5.

Ethical approval to conduct this research was obtained from the School Research Ethics Committee at the School of Social Sciences, Education and Social Work, QUB and a data sharing agreement established. All administrative data was anonymised with the necessary steps taken to adhere to data protection requirements.

1.4   Expert Interviews

A purposive sampling strategy was adopted and informed by the review of literature and in consultation with the Project Steering group. Participants were selected on the basis of their work with criminal justice agencies interfacing with children, their engagement with specific groups of children, or their work on equality issues. This included representatives from criminal justice agencies (e.g. policing, courts, legal profession, youth justice), oversight bodies, relevant government departments and NGOs, and human rights organisations. Participants represent experts in their fields, many having worked in their position or with their organisation for a significant period of time. A small number of those identified did not respond to requests to participate in the study, and one sent a short written response.

Semi-structured interviews were carried out with individuals, in pairs or in small groups virtually (via MS Teams, Zoom, Webex) or over telephone, depending on participants' preference. While interview schedules were tailored to individuals/groups, the following issues were explored in most: knowledge of the over-representation of particular groups of

children identified in previous analysis as interfacing with the (youth) justice system and possible explanatory factors; perceived factors impacting interactions with the criminal justice system; factors impacting decision-making at various stages/ by different actors in the criminal justice system; the collection of Section 75 data from children – perceived value, processes of and barriers to collecting data. Participants were also asked to reflect on what might be done to address the potential over-representation of some groups and to respond to limited Section 75 data on children in contact with criminal justice agencies.

An information sheet outlining study aims, methods of data collection, dissemination and ways in which anonymity and confidentiality would be respected (including potential limitations) was sent to potential participants. All participants were asked to give their active consent to participate by completing a consent form. In all but one occasion consent was provided to audio-record interviews, on this occasion a note-taker was present to ensure accuracy of information recording. Data collection took place in April and May 2021. In total, 28 individuals took part in an interview. A breakdown of participants, by sector, is provided in Appendix 1.

In utilising direct interview extracts throughout the report, individuals are identified by reference to their sector. Where there is more than one representative of a sector, they have been assigned a number (e.g. Legal 2 refers to the second participant interviewed representing the legal sector).

1.5   Administrative data

Contact was made with the PSNI, PPS, NICTS, PBNI and YJA to enquire about the availability of Section 75 administrative data on children in contact with the justice system and the extent to which such data would be accessible to the research team. The availability and accessibility of this administrative data shaped what type of analysis was conducted and the insights offered in this report.

The PSNI advised that limited Section 75 data was available on children they interacted with as possible suspects through databases containing information on stop and search, arrest, and Community Resolution Notices. Also, different information was captured in each database. Similarly, the PPS advised that while they did have some Section 75 data on suspects (e.g. age, gender and nationality), this information was limited and dependent on the information provided by the PSNI. It was acknowledged that some other Section 75 data may be recorded in the files provided by the PSNI but that this information was not recorded in a way that was extractable from existing PPS I.T. systems. The NICTS stated that they did not collect Section 75 data due to the inability of Court Clerks to capture this information in a court setting. While Section 75 data was collected on the children referred to the YJA, it emerged that a very small number (less than 10) may only have contact with the Probation Board (PBNI) and are not also referred to the YJA. It was decided not to pursue this data due to the small numbers and the complicated issues associated with attempting to link data between different criminal justice organisations in a way that would adhere to data protection and ethical requirements. The YJA were able to provide Section 75 data on children in contact with the YJA. Although, similar to the PSNI, this information was captured across different databases which increased the challenges associated with

attempting to link this data and extract it in a format that lent itself to detailed quantitative analysis. It emerged during discussions with the various criminal justice agencies and Project Steering Group that efforts were ongoing to improve administrative data through the development of new ways of sharing information and interconnecting information systems as part of a wider digital and reform agenda within the criminal justice sector. Yet, it was unclear to what extent this would improve the recording and collation of Section 75 information due to the different ways this information was recorded and captured across different databases within the various criminal justice organisations, the amount of data that went unreported/unrecorded, as well as the wider challenges associated with attempting to link data across multiple organisations and systems.

For these reasons, it was not possible to track individual children's interactions with the various criminal justice organisations at different stages of the justice system. Instead, and as detailed in Section 1.6 the available administrative data were used to provide a snapshot of the Section 75 characteristics of children in contact with the PSNI, PPS and YJA during the financial year 2018/19[4]. Further, a series of regression analyses was undertaken to examine what factors potentially influenced the extent to which children who were already in contact with the YJA in 2018/19 received further referrals to the YJA one year from initial contact, as well as if they were admitted into custody during this follow-up period. The 2018/2019 financial year was chosen in order to avoid potential distortions from the pandemic and lockdown restrictions.

1.6   Analysing Over-representation

1.6.1   Measuring Over-representation: Some Technicalities

To investigate over-representation of groups of children within the criminal justice system statistically, it is important to understand what over-representation refers to and the extent to which it can be captured within the data utilised in this research. Over-representation refers to a group having a higher prevalence in a category (e.g. contact, referral, arrest, sentence) than expected based on the population size of that group. In this specific case, it means a group (e.g. Catholics, those with learning disabilities, or males) representing a higher amount within contact with the criminal justice system in comparison to prevalence of that group within the population. For example, if 98% of the NI population identifies as ethnically White and 98% of those with contact are recorded as White this would not equate to over-representation. To be able to identify if groups are over-represented in categories, two key pieces of information are needed. Firstly, an accurate measure of the prevalence of that group within the category (e.g. an accurate measure of the proportion of those identifying as ethnically White having contact with the PSNI) and secondly, an accurate measure of the prevalence of that group within the population. The data available in the report were limited on both these counts, which limits the ability to accurately measure over-representation.

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[4] The 2018/2019 financial year was chosen in order to avoid potential distortions in the 2019/2020 data as a result of the Covid-19 pandemic and lockdown restrictions.

A full picture of the prevalence with which groups of children had contact with different elements of the criminal justice system was hindered by the large amount of data missing on Section 75 characteristics. It is not possible to accurately determine the prevalence of a group in the population if there is a large amount of 'missing', as this may potentially not be random. For example, in one statistic in the report disability is reported at 3% of the sample compared to 25% reporting no disability, but there is missing information in 72% of cases. If it was known the 'missing' was random, one could estimate that the pattern found in the non-missing would be found in the 72%. This would equate to 10% with a disability and 90% without. However, it is very possible that the missing is not random. Perhaps those with disabilities were more likely to have this section recorded due to practitioners identifying the importance of this in their interactions. Or perhaps those with disabilities that were less visible were more likely to be recorded as 'missing'. The actual range could be 3% upwards to 75%. This hinders making any firm conclusions on over-representation.

The second limitation is not having access to accurate data on the prevalence within the population. Northern Ireland Statistics and Research Agency (NISRA) only supplies yearly estimates on population size in Northern Ireland for age and sex due to limitations in gathering this information from reliable resources. While information is available for age and religion, as well as age and ethnicity, from the 2011 Census data, this data was not used due to concerns that it may not accurately reflect prevalence during 2018/2019 as it could miss trends such as non-Whites becoming more prominent within the population. For this reason, the mid-2018 NIRSA population estimates were used to provide a more accurate estimation of population size but estimations were not available for ethnicity, nationality and religion. Therefore, to accurately calculate over-representation of children with certain Section 75 characteristics in contact with criminal justice system it requires also having accurate estimates of the populations size of those Section 75 groups that are children in the same timeframe.

The ideal statistic for identifying if there is over-representation of children with Section 75 characteristics with criminal justice system contact is rates. Rate takes into account the incidence of an event over the size of the population within a certain timeframe. The advantage of this statistic is that it standardises population size by age group at a set time-period, which allows comparisons to be made across groups of different population sizes and *across years*[5]. The standardisation of both group-size and time-period makes rates the preferred statistic to measure over-representations of sub-groups in most cases. The accuracy of measuring over-representation in this research is limited again by the large amount of missing information but also by only requesting information for a one year period[6].

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[5] For illustration, we could have the hypothetical rate of 10 for male youths and 5 for female youths in regards to YJA contact (aged 10-17 in NI during the year 2018). The rates will take into account that in 2018 the NI population size for males and females aged 10-17 differed (96,208 and 91,325 respectively), which allows for direct comparisons in levels of contact by gender. We can interpret the hypothetical rates as for every 1,000 male youths in the general NI population during the year 2018, 10 had contact with YJA, whereas for every 1,000 female youths in the general NI population during the year 2018, 5 had contact with YJA. In other words, we could confidently conclude in this hypothetical case that males are over-represented as the rate is twice the amount of females. Moreover, a rate can provide a sense of prevalence of an event within the population (eg. 1 in 1,000 youth compared to 200 in every 1000 youth).

[6] It was not within the scope of this research to analyse data across multiple years.

Additionally, to fully understand over-representation, it is important to consider the statistical concept of being at-risk. The criminal justice system is layered and children can experience multiple avenues through the system. Currently these systems are not interlinked for a variety of reasons, including the difficulties of linking different IT systems across multiple agencies. The consequence for this research is that it is not possible to track individual children at different pinch points that could better clarify where or how over-representation might be occurring. For example, a certain group could be over-represented in custody. This could be because this group is more represented in being suspects, or they are committing more serious offences, or are more likely to receive a more severe punishment for committing an offence compared to other groups. It is not possible to discern this exact relationship without having clearer data on how children have contact *across* these different pinch-points. In other words, an over-representation seen in custody could be driven by processes that occurred well before the decision of being put into custody.

1.6.2   Analysing Over-representation in Administrative Datasets

Given these factors, the study's aim to estimate over-representation is done within the limits of the available data. Utilising the quantitative (administrative) data over-representation is investigated in two ways with caveats. First, the snapshot data has the amount of contact by group characteristics with the PSNI, PPS, and YJA. Rates are only available for age and sex as there are not population estimates available for these other characteristics. Furthermore, the accuracy of the data is shaped by the characteristics available for each agency, the amount of non-missing data, and the accuracy that these characteristics are recorded. Therefore, the research can provide *some evidence* of if certain groups appear represented at disproportionately high amounts but only age and gender can be accurately measured against the population. This, however, does not tell us if certain groups are having more contact due to being more involved in criminal activity and/or a reflection of decisions in the criminal justice system. The qualitative data can aid our understanding here.

The second type of quantitative analysis addresses this latter issue partly by examining if children who are known to the YJA during 2018/2019 have further contact with the YJA during 2019/2020. Although this analysis does not provide a comparison of children in the YJA to the NI population, it does allow some examination of at-risk to determine if certain groups are more likely to amass further contact with YJA than other groups within a one-year period. At the same time, it was possible to consider the children in the YJA population and determine if over-representation was occurring in the form of if certain groups were more likely to have repeated contact and if this could be explained by other factors. It is important to note, that this provides some information on over-representation on contact but specifically for cases of *subsequent* or repeat contact within a one year period. The factors that shape initial contact with the YJA are likely to differ from those that are related to subsequent contact. Moreover, the characteristics and factors examined where limited to what was available for extraction in the YJA dataset.

1.6.3   Combining Data Sources

Data triangulation involves using two or more sources of data to enhance the credibility of a study (Salkind, 2010), and the depth of understanding. In this research, the findings from qualitative interviews and analysis of administrative data are integrated to enhance our understanding of the over-representation or high proportions of certain groups of children in the justice system. Thematic analysis of the interview data offered insights into participants' views regarding the reasons why some groups may be over-represented or feature heavily in the justice system, as well as the processes and challenges involved in the collection of Section 75 data. This was information that could *not* be obtained through the available administrative data.

Combined, the data provide a more holistic analysis of the factors influencing the possible over-representation of particular groups of children in the justice system. While the statistical analysis might point to factors *within* the administrative data that impact upon system contact and future system contact, the qualitative data can speak to other factors and contexts that were *not* included in this data but which could also impact first and subsequent system contact (e.g. the nature of interactions, arrest and sentencing decisions, legal context).

2. PROFILE OF CHILDREN IN CONTACT WITH THE CRIMINAL JUSTICE SYSTEM

The available administrative data was used to provide a snapshot of children in contact with the justice system during the financial year 2018/2019 who were suspected of being involved in criminal activity. This snapshot provides a profile of the Section 75 characteristics of these children to identify potential issues with disproportionality and over-representation. It highlights several limitations with the reporting, recording and analysis of Section 75 data, which suggest that often this information goes unreported, resulting in Section 75 data not yet being collected and utilised in a way that maximises its potential or ability to explain disproportionality and over-representation. A profile of the Section 75 characteristics of children in contact with the PSNI, PPS and YJA during the financial year 2018/2019 is initially provided before moving on to explore interviewees' perceptions and experiences with regards to how Section 75 data is captured, recorded and used, as well as why they believe so much Section 75 data goes unrecorded.

2.1   Criminal Justice Contact and Section 75 Characteristics: Analysis of Administrative Data

Administrative data was provided by the PSNI, PPS and YJA for those under the age of 18 years. As the police are often the primary gatekeepers of the criminal justice system, the administrative data governing PSNI interactions with children as suspects is explored first. This is followed by an analysis of the PPS and YJA data. It was not within the scope of this research to compare interactions of children (under 18) in comparison to adults, but to explore patterns within the data from those under 18 years.

2.1.1   Police Contact

Three different administrative datasets were provided, consisting of cases of children stopped and searched/questioned, cases of children being arrested and cases of children being given a Community Resolution Notice[7].

2.1.1.1 Stop and Search

The PSNI Section 75 administrative data for the use of stop and search/question powers reveals that information is only available on a limited number of Section 75 characteristics. Information on age[8], gender and ethnicity was made available but no information on religion, nationality or other Section 75 characteristics was provided for this research. As discussed in Section 2.2.1, the PSNI do not currently collect information on religion and nationality during stop and search interactions. In the accompanying notes for this administrative data, it was stated that age and ethnicity may be officer perceived and that a degree of undercounting may exist for the Irish Traveller ethnic group, as some Irish Travellers are likely to be categorised as White.

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[7] The Community Resolution Notice was introduced in 2016 and is used in response to low level, less serious offending, diverting people accused of criminal offending away from appearing in Court. The PSNI decide if the offending behaviour is suitable to be dealt with by a Community Resolution Notice without submitting a file to the PPS to review (PPS, 2021).
[8] All data relate to those aged under 18.

During 2018/2019, there were 3,629 cases of children being stopped and searched/questioned, with males being over-represented in these statistics as males were six times more likely to be stopped and searched/questioned compared to females (rate of 32.72 per 1,000 of the general population of males compared to 5.23 per 1,000 of the general population of females[9]). Males represented 86.7% of all cases of children being stopped and searched/questioned, reflecting the wider tendency for males to be over-represented within the justice system (see Appendix 2, Table 1).

Older children were also more likely to be stopped and searched/questioned than younger children. Those aged 17 represented 40.6% of all stop and search/question cases and had the highest rate (65.37 per 1,000 in the general population) of being subjected to these police powers. This compared to children aged 12 or under who represented only 1.6% (n=57) of those stopped and searched/questioned and had a substantially lower rate (0.77 per 1,000 in the general population) of being subjected to these police powers (see Appendix 2, Table 1). The data also reveal that 95.2% of children stopped and searched/questioned were White, although it should be noted that Irish Travellers may be undercounted due to the potential for ethnicity to be recorded as officer perceived (see Appendix 2, Table 1).

2.1.1.2 Arrest

With regards to the 1,834 cases of children arrested on suspicion of criminal activity during 2018/2019, limited Section 75 information was available. Information was provided on age, gender, ethnicity and nationality but no other Section 75 characteristics were supplied. As noted in Section 2.2.1, the PSNI do not currently collect information on religion at the point of arrest. Examining the available Section 75 characteristics of children arrested reveals that again males are over-represented in comparison to other groups, with a rate of 15.62 per 1,000 in the general population. Reviewing the age of those arrested, while some children aged 12 or under were arrested (2.8%), most children were aged 17 (35.7%) or 16 (26.1%). Similar to the stop and search/question statistics, children aged 17 had the highest rate of being arrested (29.09 per 1,000 in the general population), indicating that they were more likely to be arrested in comparison to younger children (see Appendix 2, Table 2).

The ethnicity for most of these cases was recorded as White (91.2%), with Irish Travellers accounting for 4.6% of cases (see Table 2). Again, these figures may undercount Irish Travellers due to the possibility of ethnicity being recorded as officer perceived (see Section 2.2.1). Nevertheless, it is worth noting that a higher percentage of cases are identified as Irish Traveller in the arrestee database in comparison to the stop and search/question

[9] A rate per 1,000 people is used to describe the total number of events that occur when taking account of the size of that group in a population. For instance, if the population consisted of 86.7% males then the predominance of males being stopped and searched/questioned would be unsurprising as they are the largest group in the population and would be expected to make up the largest group in the stop and search/question statistics. Consequently, using a rate per 1,000 people allows for comparisons to be made between different groups to identify if some groups are over-represented in these statistics when compared to others. In this example, males are over-represented in stop and search interactions as 33 out of every 1000 males, compared to 5 out of every 1000 females (of those aged 10-17 in NI during 2018) were stopped and searched/questioned.

database or the Community Resolution Notice database (4.6% compared to 1.7% and 1.8% respectively). The reasons for this increase are unclear but could reflect a tendency for more Irish Travellers to be arrested and/or PSNI staff to accurately record the ethnicity of Irish Travellers at arrest instead of recording them as White based on officer perceived ethnicity. This latter point is supported by some of the qualitative data presented below (see Section 2.2.1). Although there is no information on age-specific prevalence of Irish Travellers in the mid-2018 NISRA population estimates, the 2011 Census reveals that Irish Travellers made up 0.1% of children aged 10-17 years in the NI population[10]. This does not confirm over-representation but is suggestive this may be taking place. Additionally, in most cases it was recorded that the children had a Northern Ireland nationality (80.8%), with a small number recorded as having a United Kingdom nationality (7.2%), an Irish Republic nationality (6.6%), an 'other' EU nationality (5.0%) or non-EU nationality (0.4%) (see Appendix 2, Table 2).

2.1.1.3 Community Resolution Notices

Different Section 75 characteristics was collected by the PSNI in this encounter. While the other datasets contained information on age, gender, ethnicity and sometimes nationality, this dataset contained information on age, gender, ethnicity, religion and disability. A total of 1,421 cases involving children were disposed of by using a Community Resolution Notice during 2018/2019. Few children aged 12 or under (11.5%) were given a Community Resolution Notice, with the majority given this disposal being aged 17 (20.1%), 16 (18.6%) and 15 (19.3%). Indeed, older children had a higher rate of being given a Community Resolution Notice compared to younger children (see Appendix 2, Table 3). These figures are likely to reflect that a higher proportion of older children have contact with the police rather than that older children are more likely to receive a Community Resolution Notice than younger children.

Additionally, of these cases, most were male (66.9%), although a greater percentage were female when compared to the number of females recorded in the stop and search/question or arrestee datasets (33.0% compared to 13.2% and 17.9% respectively). While the reasons for this are unclear, possible explanations may include a tendency for females to be involved in less serious offending and/or less likely to be monitored for offending behaviour by the police, contributing to females being more likely to receive a Community Resolution Notice and only come to the attention of the police when they have committed an offence.

The ethnicity listed in most cases was White (80.7%), with Irish Travellers accounting for 1.8% of cases. However, as before, caution may be required in interpreting these figures. A greater proportion of cases were also missing information in this dataset compared to the stop and search/question dataset and arrestee dataset. For instance, information on ethnicity was missing/unknown in 14.6% of cases, information on disability was missing/unknown in 72.3% of cases and information on religion was missing/unknown in 78.7% of cases, added to this was another 3.1% not wishing to report religion (see Appendix 2, Table 3). In only 2.8% of cases were children recorded as having some form of disability (primarily recorded as involving some form of learning, mental health, physical or sensory

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[10] https://www.ninis2.nisra.gov.uk/public/SearchResults.aspx?sk=DC2101NI.

disability or combination of these), while 24.9% were recorded as having no disabilities (see Table 3). It is noteworthy, however, as discussed in Section 2.3.1.1, that disability is likely to be under-reported for a range of reasons. While data on religion was 'missing' for most cases, 9.0% were recorded as Catholic, 4.3% as having no religion, 4.0% as Protestant, 3.1% as not wishing to provide this information and 0.9% as some other religion (see Appendix 2, Table 3). While more individuals who reported their religion identified as Catholic (9.0%) compared to those reporting any other religion or no religion, we know nothing about the religious identity of the vast majority of individuals (81.8%) given Community Resolution Notices. As such, it is not possible to draw any conclusions on the potential over-representation of Catholics in contact with the police through this encounter. That said, it is noteworthy that some interviewees perceived that those who identified as Catholic might be *less likely* to report their religion (and hence feature in the 'missing' or 'do not wish to answer' category) in criminal justice interactions.

Looking across the datasets provided by the PSNI, the varying nature of the Section 75 characteristics recorded, the extent to which some characteristics may be recorded as officer perceived rather than self-reported and the amount of missing/unknown information limits efforts to develop a profile of the Section 75 characteristics of children in contact with the police and assess if issues of over-representation begin in these initial contacts or emerge later in the justice system.

2.1.2   Contact with the PPS

The PPS is the principal prosecuting authority in Northern Ireland and makes decisions about whether the cases investigated by the PSNI should proceed to prosecution in the NICTS. In making such decisions, the PPS consider whether there is sufficient evidence to provide a reasonable prospect of conviction and if prosecution is in the public interest. Consequently, the PPS is another important gatekeeper of the justice system and has important decision-making powers which can influence the extent to which children have contact with the justice system.

2.1.2.1 Agency Contact

In the administrative data provided by the PPS, information was only made available on suspects' age, gender and nationality. All Section 75 administrative data held by the PPS is based on information provided by the PSNI and no data validation checks are undertaken by the PPS. While it was acknowledged that some additional information may be included in the files provided by the PSNI, if it was relevant to prosecution, this information was not readily extractable from existing PPS I.T. systems. For this reason, the only Section 75 information reliably captured on suspects related to their age, gender and nationality. To protect anonymity, PPS masked the numbers for categories with small numbers. As a result, some of the data is presented as a range; although the exact number is unknown, it would fall within the range given. During 2018/2019, the PPS received 2,906 files from the PSNI for consideration for prosecution involving 3,426 suspects aged between 10 and 17 years. Older children were more likely to have files sent by the PSNI to the PPS for consideration for prosecution than younger children (see rates per 1,000 in the general population in Appendix 2, Table 4).

Young men were over-represented in comparison to females (rate of 27.13 per 1,000 in the general population compared to 8.83 respectively), with males accounting for 76.2% of all suspects in the files received by the PPS (see Table 4). Nationality was missing/unknown in approximately 42.0% of cases, with 45.4% recorded as having a Northern Ireland nationality (see Table 4). This large amount of missing/unknown information on nationality, combined with an absence of information on other Section 75 characteristics, again limits the extent to which assessments can be made on whether entry, decisions, or outcomes vary by Section 75 characteristics.

2.1.2.2 Decision to Prosecute

The most common decisions issued by the PPS in respect of suspects aged 10-17 in the files they received from the PSNI during 2018/2019 was a summary prosecution, no prosecution or diversion (see Figure 1).

Figure 1. Percent distribution of decisions issued in respect of suspects aged 10-17
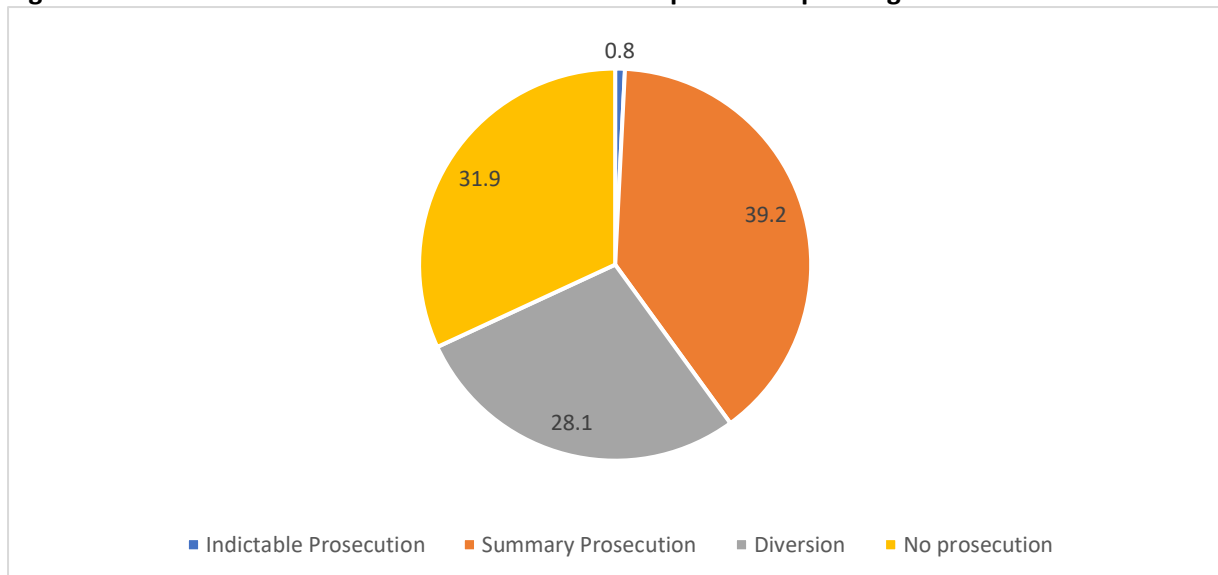
In only a small number of cases was a decision made to proceed with an indictable prosecution, with the most common decision being to proceed with a summary prosecution. The data also suggested that older children were more likely to be referred for an indictable or summary prosecution compared to younger children, who may be especially likely to receive a decision of no prosecution or diversion (see Appendix 2, Table 5). For example, 30.3% of 12 years olds were referred for an indictable or summary prosecution compared to 47.3% of 17 years olds (see Appendix 2, Table 5 for a more detailed breakdown of these statistics).

In terms of gender, males were more likely to be referred for a summary prosecution than females, with the available figures indicating that between 41.8% to 41.9% males were prosecuted compared to between 33.0% to 33.5% of females (see Appendix 2, Table 6). In many cases nationality was not recorded (46.1%), which means the recorded nationalities should be interpreted with extreme caution (as recorded cases might not accurately

represent these groups). Among those with a recorded Northern Ireland nationality, 42.8% were referred for an indicatable or summary prosecution, with somewhere in the range of 49.1-50.9% of those listed as United Kingdom and 38.1% listed as Republic of Ireland receiving a similar decision (see Appendix 2, Table 7 for a detailed breakdown of these figures).

2.1.2.3 Convictions

Investigating the extent to which these decisions led to convictions revealed a similar pattern with older children being more likely to be convicted of indicatable and summary offences than younger children (see Appendix 2, Tables 8 and 11 for a detailed breakdown of these figures). The percentage of those convicted of summary offences across gender was more similar, with males being only slightly more likely to be convicted than females (69.3% compared to 64.3% respectively) (see Appendix 2, Table 12). Again, due to the large amount of missing/unknown data on nationality and efforts to ensure anonymity by not revealing the exact number for small sample sizes, it is difficult to identify patterns in conviction rates by nationality (see Appendix 2, Tables 10 and 13 for further information).

2.1.3   Contact with the YJA

Administrative data was also provided by the YJA. This data could vary in what information was recorded depending on the nature of the contact and what database the information was recorded in, as different databases captured varying information. For the purposes of this research, the data was drawn from two databases containing information on community referrals to the YJA and admissions to custody. Information from the datasets was merged to obtain a profile of these children in contact with the YJA during 2018/2019. This revealed that 1,009 children had received a community referral to the YJA or been admitted to custody during 2018/2019, 153 of which had been admitted to custody at some point during that year. Limited information was available on their Section 75 characteristics, with some information provided on age, gender, ethnicity, and religion. Information on the looked after care status of children was not recorded in a manner that could be easily utilised in this research for those receiving a community referral. However, it was captured in a manner that could be easily used for the 153 children who were admitted into custody.

2.1.3.1 Agency Contact

Reviewing the Section 75 information that was available on the children in contact with the YJA, it was apparent that older children were over-represented in comparison to younger children (see rates per 1,000 in the general population in Table 5). Older children made up a higher proportion of the YJA caseload than younger children, with children aged 17 accounting for 32.9% of children in contact with the YJA in comparison to 13.1% of children aged 10-13 years (see Appendix 2, Table 14). Additionally, males were over-represented in comparison to females (rate of 8.12 per 1,000 in the general population compared to 2.43 respectively), reflecting the patterns observed in the PSNI and PPS data (see Appendix 2, Tables 1-3).

In comparison to the small percentage of missing date for gender, almost one third (30.3%) of cases were missing/unknown for ethnicity. In the remaining cases, 65.5% of children were recorded as White, with an additional 3.1% listed as non-white or Irish Traveller. Examining the religious characteristics of these children revealed that information on their religion was missing/unknown in 43.0% of cases. The remaining cases consisted of 27.9% reported Catholic, 15.9% as Protestant, 11.5% as being of no religious belief and 1.7% as another religion (see Appendix 2, Table 14). While the high proportion of missing data on religion limits meaningful interpretations around prevalence or over-representation, it is notable that the majority of those who reported a religious belief (27.9%) self-identified as Catholic. It is also noteworthy that despite a considerable level of missing/unknown data on religion that this is less than in other datasets. For example, there is completed data on religion for 57.0% of cases in the YJA dataset in comparison to 21.3% of cases in the PSNI's Community Resolution Notice dataset. As discussed in Section 2.2, this might be associated with differential practices in collecting this information.

2.1.3.2 Admission to the JJC

Focusing specifically on the subgroup of 153 children who had been admitted into custody during 2018/2019, the majority were overwhelmingly male (90.2%), white (90.8%) and aged 16 or 17 (68.6%) (see Appendix 2, Table 15). Similar to the other datasets, older children were over-represented in comparison to older children and males were more over represented compared to females (see rates per 1,000 in the general population in Appendix 2, Table 15). Most identified as Catholic (62.1%), with 19.0% identified as Protestant and 6.5% as being of another or no religious belief. Religious information was missing/unknown for the remaining 12.4%. This is the lowest rate of missing data on religion, and while the higher proportion of self-identifying Catholics in custody may not in itself be evidence of over-representation, the administrative data does demonstrate a higher proportion of Catholics in custody than any other religion.

For this subgroup of children, information was routinely captured and thus available on their looked after care status. While 60.8% of these children were not in care, 28.1% were recorded as subject to a care order, 9.1% as voluntary accommodated and information on 2.0% was missing/unknown (see Appendix 2, Table 15). Statistics from the Department of Health (2019) indicate that less than 1% of children in Northern Ireland were 'looked after' suggesting that there is a higher percentage of 'looked after' children in custody than would be expected based on their prevalence in the general population.

2.1.4   Summary

Overall, there remains insufficient data to examine issues of over-representation, especially relating to religion, ethnicity and nationality. While the available administrative data does suggest that males and older children tend to be over-represented in the system and a tendency for Catholics to be disproportionately represented in the custodial statistics, the amount of missing data limits the conclusions that can be drawn. Identified patterns in relation to age and gender are reflective of youth justice populations elsewhere (Bateman, 2020). That older children are 'over-represented' is not necessary negative and more

accurately demonstrates that younger children are under-represented in all areas of criminal justice system contact.

While it is notable that we had access to more complete Section 75 data from the YJA than some of the other criminal justice agencies, the relatively high levels of missing data for some categories makes it equally difficult to explore over-representation in a robust manner. Additionally, as data cannot be easily merged across datasets and agencies, it is still not possible to accurately identify trends within and across criminal justice organisations.

2.2   The Collection and Monitoring of Section 75 Data

While it was not within the original scope of this study to explore how organisations collect, collate and utilise Section 75 data, given the gaps identified in the administrative data we took the opportunity to explore this in the interviews. We acknowledge that there are limitations to the analysis presented below, as we did not always speak with those who had a detailed understanding of how this information was collected and utilised. Also, that the same questions should be asked of other public bodies interacting with children in ways that can impact their rights and freedoms. That said, the issues raised here shed some light on views on the importance, or otherwise, of the collection of Section 75 data, differential processes of collecting this data within and across criminal justice agencies, and perceptions on why data may be missing or incomplete. As such, it raises issues for more detailed research and analysis.

Most criminal justice representatives, while often noting their knowledge was limited, reflected upon the processes, meaning and purposes of the collection of Section 75 data. While some viewed the collection and monitoring of Section 75 data as important, others had a more detached understanding of it as a necessary exercise undertaken by their organisation, but which they had rarely reflected upon. In effect, some did not appear to make the connection between individual practice and wider equality impacts and outcomes, perceiving Section 75 data as 'for internal use' (Legal 4). Representatives from a range of criminal justice agencies enforced the point that there is no obligation on an individual to provide Section 75 data. Thus, information is always likely to be incomplete.

A small number of interviewees outside the criminal justice sector emphasised the importance of both collecting *and* monitoring Section 75 data, to: accurately identify trends; ensure transparency and enhance legitimacy; examine impacts on different groups; attempt to understand what may be impacting trends; and respond with changes in practice if necessary. Yet there was a perception among some NGO and rights sector representatives that the collection of Section 75 data had become a 'tick box' exercise. The importance of Section 75 monitoring across criminal justice agencies was reiterated by representatives from an oversight body:

> '… there are push points in the justice system, kind of key decisions sites, where that monitoring really should happen, because we've got to know that it is happening fairly … we recommended that they really needed to look at that and prioritise what they would monitor and develop actions around it.' (Oversight body 1)

22

The remainder of this section, drawing on the qualitative interviews and engagement with stakeholder agencies in accessing administrative data, discusses processes of collecting Section 75 data in different encounters and reflects on how this might impact the nature and level of complete data available for analysis.

2.2.1   Policing

As previously noted, the PSNI record information from children at different points of contact. The degree to which Section 75 data was captured at these points of contact, could vary depending on the extent to which staff were expected to record these characteristics, the willingness of people to share this information with the PSNI and the capacity of existing I.T. systems and software to record and collate this information in a useable format.

This was evident in the administrative data analysed as part of this study (see Section 2.1.1). For instance, information was provided on the age, gender and ethnicity of children stopped and searched/questioned, while information on age, gender, ethnicity, religion and disability was contained within the Community Resolution Notice dataset. In the arrest data, information age, gender, ethnicity and nationality was provided but no other Section 75 characteristics.

2.2.1.1 Stop and Search

There was much discussion among participants about recommendations from the Northern Ireland Policing Board (2013) and the UN Committee on the Rights of the Child (2016) for the PSNI to collect, and analyse additional information on those stopped and searched/questioned, particularly on the children's religious belief/ community background. Concerns were expressed by policing representatives about the practical, ethical and safety issues of requesting this information in what was defined as 'one of the most adversarial … interactions with policing' (Policing 5) (see also Section 2.3). It was also unclear how the information that is currently recorded is attained. While it was noted that officers asked specific questions, it was suggested that some data was assigned by officers based on 'visual characteristics' (Policing 5). Indeed, this was evidenced in the available administrative data provided by the PSNI where it was noted that some Section 75 information may be 'officer perceived' (see Section 2.1.1). This may explain why there is a fairly large amount of data on some categories and not others (e.g. ethnicity). A representative from an oversight body reported that four new options to collect information on religious belief/ community background are currently being reviewed (Oversight body 5).

2.2.1.2 Arrest and Detention

The process of collecting data from children in custody was described as 'niche' (Policing 3) because of the environment and the training of the custody sergeant/ detention officer. In this situation, it was reported that children were verbally asked for information which was then recorded on the system. Given that the interaction was generally longer, and the custody officer has 'trauma-informed training, they have cultural awareness training' (Policing 5), it was suggested that there was more potential for relationship building and hence sharing of information. While this may in part explain why some Section 75 data is

collected here and not in other interactions (see Section 2.1.1), a recent CJINI Inspection revealed that while 'the custody record required the collection of data for equality monitoring purposes, … community background and sexual orientation were important categories which were not included' (2020: 7). One policing sector representative reported that on the basis of this they were reviewing procedures.

2.2.1.3 Community Resolution Notices

If subject to a Community Resolution Notice, we were informed that children were asked to complete a form, 'the officer records it, and … it's then put onto the police system' (Policing 3). It is possible, however, that practice varies. The administrative data for Community Resolution Notices provided by the PSNI indicated that while a greater number of Section 75 characteristics were recorded compared to other types of contact, some categories had a substantial amount of missing data. For example, while age and gender were recorded for all, information on religion and disability was missing for the vast majority of cases (78.7% and 72.3% respectively). Ethnicity was recorded for most but remained missing/unknown for 14.6% of cases. It is noteworthy that those Section 75 characteristics that may be assigned based on 'visual characteristics' (Policing 5) were more complete than those that are harder to determine visually.

Children could also be recorded as not wishing to provide information on some Section 75 characteristics. For instance, children were listed as not wishing to provide information about their religion in 3.1% of cases (see Appendix 2, Table 3). Of course, this figure is likely to underestimate the true figure due to the large amount of missing data. In other words, because we lack accurate information on reporting and recording procedures it is unclear if some children actively refuse to provide this information, if they simply do not complete this portion of the form (or all of the form), or if they are asked these questions.

The nature of the data recorded by the PSNI is particularly important given that other criminal justice agencies reported that they relied heavily on this.

2.2.2   Prosecution and Courts

Related to difficulties in linking data across systems, our own experiences revealed that Section 75 data is not independently collected by all criminal justice agencies. The PPS and NICTS as 'receiver' agencies rely on the data provided to them from the PSNI. It did not appear that the PPS regularly sought to capture or monitor Section 75 data or that such information was readily extractable from existing I.T. systems. Thus, there is (some) equality data at the 'entry' (policing) and 'end' (custody) points of the system, with 'the gap in the middle … the Public Prosecution Service' (Legal 2), adding to difficulties in tracking individuals, and assessing the potential equality implications of decisions. Additionally, we were informed during the research that the NICTS do not capture Section 75 data. Consequently, as explained by a representative from an oversight body:

> '… there ends up being gaps in the middle, because the PPS don't have to ask this information and the courts don't have this information. So you've got, you know what goes in one end, from the police, and you know what comes out the other, to

prison, but there's like a big gap in the middle that we don't know.' (Oversight body 3).

The belief that Section 75 characteristics do not affect decisions was put forward as an explanation for why legal representatives may not need to actively engage with this data:

> 'It's not something that affects our decision-making or our appearances in court, so it's not something that I would be aware of personally.' (Legal 4)

2.2.3   Youth Justice

Like other criminal justice agency representatives, representatives from the youth justice sector emphasised that they were obliged to 'attempt to collect' Section 75 data and provide opportunities for children to give this information, but that it is 'a voluntary process' (Youth justice 2). Flexible practices in the collection of Section 75 data by the YJA ensured that children with diverse needs are provided with opportunities to share this information if they so wish and there is more complete data for at least some categories of equality information.

2.2.3.1 Community Services

At the community end, it was reported that equality monitoring forms are 'given to the young person to complete … and then they give it back to the practitioner or the coordinator' (Youth justice 4). In instances where it is perceived or known that a young person has literacy issues or learning disabilities 'the worker would sit down with the young person … ask the questions and fill in the form for them', if they which to provide the information (Youth justice 2). As outlined in Sections 2.3, however, practitioners may not always be aware of communication and support needs as some disabilities are more hidden.

It was further noted that some data, such as sex and age, may be more complete as 'we can get that from other sources when the young people are involved with us' (Youth justice 4). It was unclear if this meant that workers could complete these sections of equality monitoring forms or if this data could simply be extracted from elsewhere for equality monitoring purposes. The YJA have also introduced a section on their forms for practitioners to 'tick' verifying that equality information has been sought from a child. This is important for monitoring purposes and acts as a reminder for staff of the need to request this information.

2.2.3.2 Custodial Services

With regards to Custodial Services, the process appears not dissimilar to police custody whereby a worker sits with a child and collects a range of information, including Section 75 information. Again, this environment and process was felt to be more conducive to information sharing:

> '… it's [Section 75/ equality monitoring] more or less a hundred per cent completed in the JJC side, just due to the nature of the young person being there and they have

that wee chat. I don't want to say it's easier, but the circumstances make it more feasible to collect it.' (Youth justice 4)

Indeed, from examining the administrative data provided by the YJA, there did appear to be less missing information on Section 75 characteristics among those in Custodial Services.

2.2.4   Summary

As previously outlined, linking data across agencies and systems was a difficulty experienced first-hand in this project. While some criminal justice agencies collect Section 75 data, they do not all collect the same data or record it in a similar way. Even within the same agency the relevant data can be recorded across different databases. This makes tracking individuals and the outcomes they experience difficult. As identified by an inspection of equality and diversity within the criminal justice system, this 'meant there was limited understanding about the through-system journey for different equality groups' (CJINI, 2018: 7). While not complete, the analysis of recording practices in different interactions with young people may highlight reasons why some data is more 'complete' than others. This is explored further below.

2.3   Exploring Reasons for Missing and Incomplete Data

Participants reflected on reasons why (some) Section 75 information may be missing or incomplete for children interfacing with the criminal justice system. As noted above, there was an acknowledgement that some interactions were more conducive to collecting this information than others and that some information was not actively sought/recorded by some agencies. While much of the discussion focused on data relating to religion/ community background and political opinion, there was more general discussion about factors impacting the completion of Section 75 monitoring forms. These tended to fall into two broad categories – informant/youth-related reasons and agency/organisational-related reasons. Many noted a combination of factors.

2.3.1   Youth Factors

2.3.1.1 Lack of Engagement or Lack of Understanding?

As noted above, several criminal justice representatives outlined that there is no obligation for individuals to provide Section 75 information, and as such, many children simply do not. While a low number of returns may be due to the voluntary nature of the process, the level of active dissent and decision-making is unclear. While (at least some) Section 75 data appears to be requested from children in many criminal justice interactions, the nature of the communication, if and how children are informed about the meaning, value and use of the data, and the accessibility of the information provided, is unclear.

Some, it was suggested made an active decision to refuse, while for others it was felt there was a lack of interest and/or understanding of the form/questions or why the information was requested. This suggests that decision-making may be less active and informed for others. In the context of an interaction with a criminal justice professional it was recognised

that providing additional, non-required information may simply not be a priority for children. Several participants also recognised that children do not 'always identify in any box' (Youth justice 1) or 'have a strong opinion' (Health 1) and this may contribute to a rejection of providing information, particularly in relation to political opinion. Although it was also recognised that this may be related to a lack of understanding about why this information was sought and what it is used for.

More broadly, an NGO representative speculated on the basis of the children they work with that:

> 'if it [a form] is being filled in by themselves, is there maybe a lack of understanding of what the terms are, what the terminology is, and just sort of, kind of don't want to look stupid so just leave it empty?' (NGO 2)

Related to this, others spoke of potential difficulties in understanding monitoring forms due to the relatively high incidence of learning disabilities and low literacy levels among children in contact with the criminal justice system (see Section 1.1) A representative from the human rights sector highlighted that 'ignoring' forms should not be taken as an indication of disengagement:

> '… increasingly I'm getting frustrated with the system around ticking of boxes. These are often young people who can barely, whose literacy and numeracy skills and that of their families is not necessarily what we would want it to be. And so there could be a lot of ignoring of forms, there could be a lot of avoiding of forms.' (Human rights 2)

Others noted that some children may not understand the specific question on disability, nor recognise that they themselves have a disability.

The issues noted here raise questions that this research was unable to explore in depth, but which require further consideration. In particular, the nature and accessibility of Equality Monitoring Forms and related data collection procedures with children interfacing with criminal justice agencies.

2.3.1.2 Youth-Criminal Justice System Relations

The other main reason provided for why Section 75 data may be missing or incomplete focused on youth-criminal justice system relations. While the questions posed were about criminal justice agencies in general, as is also evident in Section 2.3.2, policing featured heavily. This may be a consequence of the visibility of the police in comparison to other criminal justice agencies, the current high profile of youth stop and search/question, or the dependence of other agencies on police data.

Some felt that due to already strained relations between some children and the police, and a lack of trust and legitimacy in some localities, that children would not provide non-essential information. A representative from the policing sector also recognised that limited privacy in street-based interactions could act as a barrier to children providing personal

information. While another noted the potential reticence of children to provide 'controversial' and 'contentious' information to the police. Knowledge of how sensitive and potentially 'contentious' the issue of religion is, they felt, was understood by all involved in policing interactions:

> 'It's controversial. It's Northern Ireland. You know, young people if they're being in contact with the police, they're from Northern Ireland, they know that it's an issue to admit whether you're a Protestant or a Catholic. So it's probably just that it is, it's a known issue for them and they're not willing to admit it, as well as the officers maybe not necessarily wanting to enforce asking it or brush over it too easily instead of asking for a definitive answer.' (Policing 2)

These issues are returned to below.

2.3.2   Organisational Factors

2.3.2.1 Lack of Prioritisation

Some participants suggested a lack of prioritisation of the collection of Section 75 data in a meaningful way among some criminal justice professionals. In part this was felt to relate to a perceived disconnect between this information and practice. As a representative from an oversight body reported from their experience:

> '… ask any [police] individual officer, or any individual prosecutor. On individual decisions they're saying "well we make this decision to investigate or arrest or to prosecute on an individual basis and we don't consider any other factors other than the evidence that we're presented with". So I don't think that, from an individual level, that link between those Section 75 areas is necessarily made, because they see themselves as independent …' (Oversight body 2)

Reflecting this a representative from the policing sector noted that asking/recording religion or community background:

> '… kind of runs contrary to what the police are about, where it's not as if we're wanting to identify people from one side, we want to treat everybody in accordance with their rights' (Policing 1)

Others felt that the amount of information professionals had to record more generally, and the administrative burden, meant that collecting Section 75 data was simply not prioritised. This was articulated by a representative from the policing sector who explained that the emphasis in working with vulnerable children was often on the information needed to inform decisions and provide support. The focus on 'real-life … on the here and now' they suggested, could mean that collecting Section 75 data was 'pushed to the wayside' (NGO 5).

In light of some of these issues, and what others suggested was a lack of organisational commitment, there was a belief that a routine of tick-boxing or not asking had become established in some agencies, often with little consideration of the meaning or monitoring

of data. There was a belief that for some the purpose of collecting this data had become obscured, perhaps in habit or routine (i.e. the rote ways information was sought or questions were asked). As expressed by a representative from an oversight body:

> ' … I think … they collect all the data but they don't actually use it for anything … they don't do anything with it except give it to us …' (Oversight body 3)

Finally, related to the issue of organisational rather than individual level commitment, one participant suggested that there was a general 'malaise' about collecting Section 75 data as it may reveal patterns that would have to be examined and responded to. In other words, 'it is less publicly and politically contentious' to have missing/incomplete data that does not stand up to robust analysis (Human rights 1). Yet more complete data which would allow for more robust analysis would address some of these criticisms and concerns.

2.3.2.2 Barriers to Collecting 'Sensitive' Information

There was much discussion about the collection of what was referred to as 'personal', 'sensitive' or 'controversial' information. This most often related to the Section 75 categories of sexual orientation, religion/community background and political opinion/nationality.

A number of participants, including those from the policing sector, reported a reticence among PSNI officers to collect data on religious beliefs. It was noted that it was not 'politically correct' to ask, that it would be 'a contentious issue to discuss' (Policing 3) and that doing so could 'inflame a situation' (Policing 4). A legal representative likened asking for religious background in some criminal justice encounters to 'political dynamite' (Legal 2). Safety remains a major concern for the PSNI and impacted their ability, never mind willingness to request some Section 75 data. A representative from the policing sector explained:

> 'We want to fill in what's lawfully required of us, but we're mindful of bricks being thrown at us or [being] shot at or, you know, there's many, many, many issues.' (Policing 4)

Also of concern was that asking for information on religion or nationality could be held against the police, potentially used as evidence of discriminatory or antagonistic policing. This was expressed by one policing representative as follows:

> 'I would class a stop and search as one of the most adversarial, after a house search, interactions with policing. And that whole bit of officers and colleagues trying to work through that in a sensitive manner and asking the likes of a question like that, like you imagine on a … body-worn video of stop and search, they would put it up as a measure of scrutiny. A policeman asking you "right, are you a Catholic or a Protestant?" That's just going to play into anybody's, you know, views in terms of fairness and dignity and respect and all the other elements.' (Policing 5)

Representatives from other sectors spoke specifically of the PSNI not collecting such data. While not all felt they should 'ask', particularly in interactions like stop and search, others felt that they had a duty to find ways to record Section 75 information. Indeed, two participants suggested that the discomfort may be with the those collecting the information, not those asked to provide it. A representative from an oversight body, for instance, stated:

> '… the sexual orientation question is an issue in that the police would say "oh we don't monitor sexual orientation because we don't think people will want us to ask that question". But I think, to some extent I think the police pre-empt or think there's going to be a problem when there probably isn't necessarily. Because if they, nowadays people are so used to being asked Section 75 questions … And I think what happens is they have this fear here about asking people "are you Protestant or Catholic?" and "are you gay or straight?" And they allow that to get in the way of monitoring data. … So I think there's this fear about asking people certain things, when actually that fear is probably not founded on actual evidence.' (Oversight body 3)

Likewise, a representative from the rights sector felt that if criminal justice professionals engaged in a respectful and trauma-informed manner 'asking those questions would not be that difficult to do' (Human rights 2).

Related to this, a small number of participants suggested that a lack of willingness or priority given by some criminal justice professionals to collecting Section 75 data in a meaningful and holistic manner, may be a consequence of a lack of training. One participant, for example, questioned whether:

> 'staff on the ground are confident, have been given the right tools and are confident in asking … the Section 75 background questions' (Human rights 2)

Linked to this, others spoke of staff 'on the ground' not fully understanding the uses and value of Section 75 data, and hence not being invested in it.

2.4   Responding to Gaps in Data

In reflecting on how to respond to missing/unknown data, it was firstly suggested by one participant that criminal justice agencies 'need to ask all the [S75] questions' (Oversight body 3). Others suggested that in situations where questions could not be asked that alternative methods of recording the information be found. Most often this was discussed in terms of stop and search/question, with the suggestion that postcode data be used as a proxy indicator for community background/religion 'as long as you present the data in an open and transparent way' (Human rights 1). There was also the suggestion that criminal justice professionals interacting with children may have collected information relevant to Section 75 monitoring in other forms and that this information could simply be transferred across: 'Making connections across forms' (Human rights 2), but also agencies. It was recognised, however, that this would require I.T. systems to be compatible to enable 'different databases … to talk to each' (Human rights 2), and for individuals to be tracked

across criminal justice agencies. While these suggestions are not without their limitations, it was felt by some that responses to the degree of missing/unknown data needed to be found for equality monitoring compliance.

Many of the points raised about why there may be gaps in Section 75 data – being fearful, uncomfortable, reluctant to collect personal information, not wanting to be accused of bias, not feeling it was relevant to practice, prioritising the collection of other information – could also be responded to, some suggested, with training and awareness raising of the purposes and use of Section 75 data. Building skills and confidence in criminal justice professionals to ask Section 75 questions and to engage with children in an appropriate manner could facilitate the communication of this information. One representative from the policing sector supported this suggesting: '… I think a wee bit of education is required for our officers, that you can ask for this information' (Policing 3). This might involve building skills in asking questions in 'creative' and 'imaginative' ways (Human rights 2), moving beyond what some felt had become formulaic practices. Those agencies supporting children, it was also suggested by one participant, could also play their part:

> '… if we are facing this challenge of children completing the information, and for them understandably not seeing the importance of it, maybe those representative groups for young people … might want to impress upon them the importance of it. Because just like the Census if you have good data it allows you to plan better.' (Youth justice 3)

Reiterating the importance and meaning of Section 75 monitoring was also suggested as key for frontline workers. In order for frontline workers to commit to the collection of this information and understand its importance and value, however, criminal justice agencies themselves needed to demonstrate their commitment. This could be done by engaging with the data collected, carrying out some basic analysis and asking questions of the data, investigating patterns, opening discussions and considering ways to better collect the data. Representatives from the rights sector felt that organisations need to be reminded of the purpose of collecting Section 75 data, otherwise any data collected was essentially meaningless.

2.5   Summary

The available administrative data does suggest that males and older children tend to be over-represented in the system and a tendency for Catholics to be disproportionately represented in the custodial statistics. Deeper analysis of the administrative data and consideration of the over or disproportionate representation of some groups is explored in more detail in Section 3. Overall, however, the amount of missing data on key characteristics, such as religion and ethnicity, limits the conclusions that can be drawn. Moreover, as NISRA does not provide population estimates based on religion and ethnicity, this further hinders the potential to examine issues of over-representation.

While the interviews with key stakeholders do not provide a complete picture of how Section 75 data is collected from children or how this information is monitored, it adds to our understanding of the challenges involved in collecting this data, as well as how current

practices, gaps in data collection and difficulties linking data across different organisations hinders effective equality monitoring. It also adds to our knowledge by identifying different ways in which Section 75 data can be recorded and practices amended to better collect this information. Some research participants reiterated that it is a legal duty to collect and monitor this information and that criminal justice organisations needed to be reminded of the aims and purposes of collecting Section 75 data in the hope that this would further reduce the amount of missing data, and that the information could be used more effectively to monitor outcomes.

3. EXAMINING CRIMINAL JUSTICE SYSTEM CONTACT

The available administrative data provided for this study, alongside interview data is drawn on to explore more fully the representation of particular groups of children in the criminal justice system. Despite a high proportion of missing data, the profile/snapshot data nonetheless provides some useful insights into the characteristics of those interfacing with different aspects of the criminal justice system. The most complete data was provided by the YJA, thus the tendency to draw most heavily upon it. This is not an indication that the issues discussed here relate only to children in contact with the YJA, we simply to do not have access to comparable/ robust data for similar analysis of other agencies.

As the snapshot data was not available until after interviews were completed, participants were asked their views on the representation of those groups or categories identified in institutional reports, workload statistics, inspection reports and previous research as featuring disproportionately in the criminal justice system. That is, children with experiences of care, children identifying as Catholic and children with additional needs (including mental health, substance misuse and special educational needs). Despite some of the issues noted with the language of over-representation (see Section 1.6), this was utilised in interviews as it is the language commonly used in referring to some of these issues (see Section 1.2).

The chapter begins with participants' reflections on the general profile of children in the criminal justice system, including the over-representation of boys/young men. This is followed by an examination of perceived factors impacting on the high proportion of children with experiences of care, children identifying as Catholic and children with additional needs. Where possible the administrative data is drawn on to support or query the qualitative data. Interview participants views on how the over- or high- representation of some groups might be responded to are also discussed.

3.1 System Contact: Multiple Disadvantage, Vulnerability and Intersectionality

There was varied understanding of the high representation of different groups, with some participants noting that this research was the first time they had been made aware of the statistics and information presented to them. Some also explained that their agency/institution was 'in receive mode' (Youth justice 1), that they 'can only deal with those who are before [them]' (Legal 1), and as such, they have no control over which children they interface with. Others emphasised that over-representation did not necessarily imply discrimination. With this in mind, many went on to discuss the various reasons they perceived may impact upon, or help explain, the higher proportions of some children in contact with the criminal justice system.

3.1.1 Gender

That boys/young men account for the greatest proportion of children in contact with the criminal justice system appeared, in many respects, to be taken as a given, is well supported by the administrative data (see Section 2) and reflects patterns elsewhere (Bateman, 2020). A small number of participants did, however, raise this specifically and on these occasions suggested similar reasons for the dominance of boys/ young men. These related to what

were perceived to be differential/gendered risks, visibility and the manifestations of 'trauma and distress' (Human rights 2). Illustrative of others, one participant said:

> '… we all know that our young people generally are in the system because they're traumatised. And when young men are traumatised they tend to commit crime, when young women are traumatised they tend to commit self-harm, child sexual exploitation…. So young women tend to do harm to themselves, young men tend to do harm to property or other people, and I think that explains some of the gender imbalance in the system.' (Youth justice 2)

In recognition that girls may equally experience adversities and vulnerabilities there was a sense that 'we do see more girls in our mental health system' (Human rights 2).

3.1.2   Age

Reflective of youth justice populations elsewhere (Bateman, 2020), the administrative data consistently demonstrates that older young people are over-represented in the profile of those in contact with the criminal justice system. This also means that younger children are under-represented at all stages of the system – in initial contact with the PSNI, arrest, prosecution, community referral to the YJA and admission to custody. While not discussed explicitly by interviewees there was much discussion of a need for diversion and early intervention at a young age (see Section 3.5.1). The findings from the administrative data may reflect this ethos in practice. They might also reflect age-related patterns in offending

3.1.2   Multiple Disadvantages

There was a broad understanding among those from all sectors that the majority of children who come into contact with the justice system experience multiple disadvantages and vulnerabilities, with economic disadvantage, under-resourced communities, conflict legacy, parenting stress, educational disadvantage, and family involvement in the criminal justice system regularly discussed. Reflective of the views of many, a representative from the education sector stated:

> 'I kind of see the cross-section of all of those groups. And, you know, it is that thing we all know of a population that just is like a washing machine going round the system … I've met very few young people who it's one thing or the other. You know, it's normally a whole raft of things. So those things end up compounding … .' (Education 1)

Economic disadvantage was often identified as an over-arching factor. Some noted that children from specific areas, particularly those ranking high on deprivation indicators, were over-represented in terms of all criminal justice contact. They 'could be identified as a [over-represented] group in themselves … [and] they come under other umbrellas as well' (NGO 2). While not equating to over-representation, it is instructive that data from the YJA demonstrated that on average, children who received a community referral to the agency or

had been admitted to custody in 2018/19, tended to reside in areas ranking higher on measures of multiple deprivation. Over half resided in the top 30% of most deprived areas[11].

As evidenced in Sections 3.2 and 3.3, participants also felt that economic deprivation and the risks/adversities that came with this, might be underlying factors accounting for the high representation of children with care experiences, and those identifying as Catholic. Vulnerability and the layering of 'disadvantage' were identified among those who had first contact with children (policing and early intervention), as well as those who had contact with children at the 'hard end' of the system (custody). Reflecting on the children who come to their attention, a policing representative noted:

> '... it's linked in with unemployment, with poor social-economic issues, with the hangover of, and the current, paramilitarism and the Troubles. I think parental support has a big factor to play as well, and activities really for juveniles, to keep them mentally stimulated but also have the strength not to move towards peers that are inappropriate ...' (Policing 4)

From a custodial perspective, it was also reported:

> 'A lot of our children come in obviously with educational deficits as well, a lot of our children have statements, a lot of children haven't been to school, have missed school for a range of reasons over the years as well. ... some of our children are third generational families who have been interfacing with the criminal justice system as well. ... Unfortunately they're coming from areas, you know, where they see the only way forward is a life of crime unfortunately.' (Youth justice 3)

Therefore, discussion with representatives across sectors regularly illustrated the complexity of the lives of those who come into contact with the criminal justice system, particularly those who have multiple or sustained system contact. The compounding nature of disadvantage experienced by some children, therefore, particularly children with care experiences, children from the Travelling community and migrant or refugee children, some felt, put them at increased risk of criminal justice contact – as both victims and potential offenders. Indeed a number of participants recognised that many children in the criminal justice system are themselves victims. As one noted:

> 'This proves how damaged so many of the young people are that come into the system, is that they themselves have experienced sexual assault and paramilitary intimidation.' (NGO 1)

Others perceived a relationship between children coerced, abused and exploited by paramilitary-style groups, and those in conflict with the law. Defined by one participant as 'nearly invisible' and 'very vulnerable' as they are often on the edge of care or social services engagement, they felt that the these were often not viewed or responded to as a vulnerable population by the criminal justice system, particularly the police (Education 1).

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[11] This analysis is based on 723 children for whom valid data was available on their static and dynamic risk assessment scores, deprivation measures and small area in which the children resided at the time of contact

The layering of family, community and socio-economic strains, combined with system responses (criminal justice, health, education etc), were again identified as impacting likelihood of criminal justice contact.

Finally, while there was broad recognition of how adverse life experiences may put children at an increased risk of offending, there was also understanding that some groups and areas are viewed, policed and responded to differently, hence impacting on criminal justice contact. Further, that children have differential access to capital – cultural and social – from which they can draw, and that this also impacts on who is in the system:

> PARTICIPANT 2: … it is very much a social disadvantage, socially disadvantaged children that we get in the main …
> PARTICIPANT 1: I guess that doesn't mean necessarily that all, you know, that the socially disadvantaged ones are the ones committing the crime. …
> PARTICIPANT 2: … A lot of our children, their parents are not in the position to do that [advocate to the police on their behalf], and that is because our socially disadvantaged children come through the doors because they don't have the nuance, their parents don't have the nuances, the finances, the knowledge to divert their own children. So their children invariably come into the system more quickly than somebody who has the parent who can sort something out for them.
> (Youth justice 1&2)

3.1.3   Summary

Interview participants regularly pointed to the range of complex factors that can work together to impact system contact for some children more than others. Rarely did they identify any one factor as most influential. It was recognised, however, as discussed below that some groups may experience more layering of disadvantage or risk than others. Hence it is not, for example, their religion or care status or mental health alone that heightens risk of criminal justice system contact but the increased vulnerabilities that come with these for some. In the sections that follow, participants reflect on the range of risks, stressors, responses and interactions that may impact criminal justice contact for particular groups. In so doing, they highlight the blend of structural, system-based, cultural and interactional factors that may influence disproportionate contact with the criminal justice system for some.

3.2   Religion: Exploring the Representation of Catholic Children

3.2.1   Representation in the Youth Justice System

As highlighted in Section 2.1 while there is a high proportion of missing data on religious identification, where individuals did respond/identify there are higher proportions identifying as Catholic in three datasets. Although this does not equate to over-representation it does suggest the need for further investigation. Added to this, where data is more complete (i.e. in the YJA custodial data) a notably higher proportion of individuals identify as Catholic (62.1% Catholic, 19.0% Protestant, 6.5% no or other religious belief, 12.4% unknown).

Further analysis of the YJA data was possible using a proxy measure for religion to account for missing self-report data (see Appendix 3 for explanation). This revealed a higher proportion of those living in highly concentrated Catholic areas, than those in highly concentrated Protestant areas among children receiving community referrals to the YJA or admitted to custody during 2018/2019 (see Figures A3-A5, Appendix 3). Over one-third (37.7%) of these children lived in areas where the population was 75+% Catholic, compared to less than a quarter (22.8%) who lived in areas where the population was 75+% Protestant. Perhaps more telling, 22.7% of all these children were from areas that were 90+% Catholic, compared to 1.62% of who were from areas that were 90+% Protestant. This, combined with some of the self-report data, may suggest that there are higher proportions of Catholics than Protestants receiving community referrals to the YJA and/or being admitted into custody.

Drawing on YJA workload statistics relating to children interfacing with the JJC, and noting incomplete data elsewhere, participants were asked to reflect on reasons for the potential over-representation of Catholic children interfacing with the justice system. The initial response of a majority of criminal justice sector representatives was that they were either unaware of this and/ or they did not know why it might be the case. This is despite this being noted by CJINI (2018: 15) as an issue for the PSNI, PPS and NICTS to address. Some emphasised that they did not feel statistics pointing to a high proportion of children from the Catholic community in parts of the criminal justice system were a consequence of discrimination, or their organisational/institutional practice. Reflective of other criminal justice sector representatives, a representative from the policing sector noted that religion was not an issue in their work:

> '… we don't really know what religion somebody is by just looking at a child … You know, we're person-centred. We're not religious-centred or Section 25-centred [sic], we're person-centred approach.' (Policing 4)

On the other hand, a representative from the legal sector did feel, on reflection, that the youth courts dealt with more children from the Catholic community, but was unsure why this might be the case. Again the notion of being a 'receiving' agency was noted:

> 'I think I do have to acknowledge that there do seem to be more from the Roman Catholic side than for the Protestant side. I don't know exactly why that is, because, I hope in terms of how the court deals with them there's a similarity in outcomes, but why there should be more from one side than the other I cannot tell, and would be very reluctant to say. … as I say the court can only deal with those who are before it.' (Legal 1)

While often cautious, many interviewees went on to suggest factors that might explain high proportions of Catholic children interfacing with the justice system. Responses fell into three inter-related categories – structural and historical factors, operational factors, attitudinal and interactional factors.

Poverty and Place

A significant number of interviewees felt that there was a potential relationship between place/ geographical area, deprivation levels and the numbers of Catholic children interfacing with the criminal justice system. Typical of others, one stated:

> '…there is still greater disadvantage and deprivation in Catholic households than Protestant. … while the gaps have narrowed … deprivation rates of unemployment et cetera still remain, and deprivation and disadvantage still remain higher in Catholic areas. But whether that's an answer to this I honestly don't know'. (Human rights 1)

Likewise, drawing on data they were of aware of, an another reflected:

> '… I saw something from NISRA to suggest that, is it seventeen out of the twenty most deprived wards in Northern Ireland identify as Nationalist? So perhaps the link between the deprivation and poverty, that's one thing that I could think of[12]'. (NGO 1)

Thus, the perceived link between deprivation and contact with the criminal justice system discussed in Section 3.1.2 was applied more specifically here given the higher proportion of Catholic/Nationalist communities experiencing deprivation. As noted above, participants outlined that with economic deprivation came additional risks and vulnerabilities, including: limited access to services and supports; family and parenting stress; educational disadvantage; as well as potentially greater police presence/ targeting. As such, it may be these rather than deprivation per se impacting system contact. Indeed an analysis of some of the YJA administrative data demonstrates that on all measures, those that lived in highly concentrated Catholic areas (75% or more of the population) had higher risk scores than those that lived in highly concentrated Protestant areas (75% or more of the population) (see Appendix 3, Table A11). The biggest average difference is community and neighbourhood. Other significantly different means were education training and employment, motivation and change, lifestyle, and living arrangements. Substance use, emotional and mental wellbeing, and thinking and behaviour have marginally significant differences (see Appendix 3, Table A11). Thus, the driving explanations on why religion or living in a highly deprived Catholic area might be increasing likelihood of contact with the criminal justice system could be due to the nature of community and neighbourhood factors, opportunities and risks experienced by these children.

Similar explanations were put forward by some criminal justice professionals based on their reflections on operational practice, or the children and areas they most regularly interface with. Speaking of the custodial population, one spoke of 'seven or eight hotspots … where we get a lot of children from' (Youth justice 3), noting that these are often Catholic areas of multiple deprivation. Some of these views do appear to be supported by the administrative

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[12] Analysis of economic deprivation data reveals that of the 29 most deprived wards, 19 are predominately Catholic, 6 are predominantly Protestant and 4 are 'mixed' (Donaghy, 2015).

data. For instance, almost one-third (28.9%) of children who received a community referral to the YJA or were admitted into custody during 2018/19 were living in areas that were 75+% Catholic and in the top 30% of most deprived areas. This compared to 8.1% of these children who lived in 75+% Protestant areas and in the top 30% of most deprived areas.

Related to this, one participant suggested there may be a geographical explanation for the over-representation of Catholic children in the JJC. They noted that children living in areas in close proximity to the Centre, which they intimated were more likely to be predominantly Catholic urban areas, may be more likely to be admitted under PACE. This was reiterated by other interviewees who reported that this was particularly the case when children were detained at night because of the availability of staff to transport them, and that that those further away may be held in police cells instead or being brought to the JJC.

Finally, despite discussion about a potential correlation between place, economic deprivation and religion, participants often qualified this. Many noted that while the overwhelming majority of children they come into contact with are from areas of material deprivation, these were both Catholic and Protestant areas. This is supported by the YJA referral data which indicates that while there is a large number of children in the sample coming from areas that are predominately Catholic and experiencing greater levels of deprivation, there are also a number of children coming from areas with a low Percent Catholic score (suggesting they are Protestant or of no or other religious belief) that are also living in areas with high levels of deprivation (see Appendix 3 for more detail).

3.2.3   Care and Custody

It is well established that children in care are over-represented in the criminal justice system (Laming, 2016). In Northern Ireland, this is most evident within the custodial population (see Section 3.3). Considering why children who identify as Catholic may be over-represented in the JJC one participant, reflective of others, suggested:

> '… there is a high proportion of children from a Roman Catholic background who are looked after children as well. So I imagine that there's a crossover there'. (Health 1)

This former point is supported by the Children's Social Care Statistics for Northern Ireland 2019/20 which report that 49% of 'looked after children'[13] were Catholic, with 38% from Protestant or other Christian denominations (DoH/NISRA, 2021). Added to this, working in partnership to respond to the high representation of children in care (of looked after status) within the JJC, four representatives from the human rights, NGO, health and youth justice sectors all spoke or some 'recent' discussions suggesting an over-representation of children identifying as Catholic in the Secure Care population. Information provided by a DoH representative attests to this. This demonstrates that of the 28 children and young people 'who had been in care for 12 months or longer, and on 30th September 2017, 2018 or 2019

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[13] 'A Child is Looked After by an Authority if he or she is in their care or if he or she is provided with accommodation for a continuous period of more than 24 hours by the Authority in the exercise of its Social Services function.' (DoH/NISRA, 2021: 52)

were in secure care', 82% identified as Catholic with the remaining 18% identifying as Protestant or 'other religious background'[14].

Given 'such a heavy link between secure [care] and Woodlands' (NGO 5), in that the 'same children bounce between … all those places' (Youth justice 3), some participants felt this may, at least in part, account for the high number of Catholic children in the JJC. This is not, however, necessarily supported by the administrative data from the JJC examined in this research. An analysis of self-reported religion of those in the JJC with a care status reveals a higher percentage identifying as Protestant (55.2%) than Catholic (31.6%) (see Appendix 3, Table A9). This means that contrary to the perception of some professionals, a higher proportion of Protestant than Catholic children in the JJC sample were coming from care. Given the small number of children for whom there is data on care status, however, the findings presented here should be interpreted with caution. Similar analysis of JJC data across different years may be useful in identifying any patterns.

3.2.4   Operational, Attitudinal and Interactional Factors

While there are many aspects of the criminal justice system that could have been considered in exploring why children identifying as Catholic appear to have high levels of referrals and initial system contact, almost all of the discussion with professionals revolved around policing. This included discussions of policing operations and practices, as well as attitudes towards and interactions with the police. Both were perceived to be impacted by historical factors and legacy issues. While discussed in isolation below, most often a combination of factors were considered to potentially influence criminal justice contact.

3.2.4.1 Police Operations and Practices

Some participants believed, based on practice knowledge and/or personal observations, that (some) Catholic/Nationalist/Republican (CNR) areas are policed differently, more heavily or had a greater police presence than Protestant/Unionist/Loyalist (PUL) areas, and as a consequence children from these areas were more likely to be drawn into the criminal justice system. One participant explained this in terms of a community desire for youth offending and anti-social behaviour to be dealt with through criminal justice (rather than 'informal justice') mechanisms:

> '… it's been very clear to me across the years that Republican, Nationalist communities demand the presence of the police in their area. They actually advocate for the police to come in and sort these children out. … Whereas Loyalist communities do not want the police in their communities. They tend to want to deal with these issues themselves. So I think it's about the presence of police in Nationalist communities is welcomed, and therefore they see more and therefore young people come to their attention more, and therefore more young people are arrested, and therefore more young people are remanded.' (Youth justice 2)

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[14] This data is based on annual community returns on children in care and relates to children who have been looked after continuously for 12 months of more. The analysis presented here accounts for approximately two-thirds of children and young people in secure care [Source: OC2 annual community return on children in care, DoH]

How this translated into the custodial population, they suggested, was that greater police presence meant that 'visible' and 'prolific' offending was more likely to be identified and responded to 'in real time'. Related to this, additional participants felt that the targeting or differential policing of some CNR areas on the basis of 'tackling paramilitarism' or perceived security threats, also meant that children in these areas were more likely to be drawn into the system. Again, as a result of offending being more 'visible', or because of negative reactions to the police in their community leading to violent/ criminalising responses.

A representative from the policing sector explained the basis upon which styles of policing differed across communities due to threats to the safety of officers. This was recognised by others from this sector as impacting on engagement, relationships and responses:

> '… different areas have different styles of policing. … Because [in some areas] the officers, there's less of a threat, they can walk about more freely, they can go in to chat to people. Whereas certain areas they're going out in maybe three or four cars, armoured cars, you know, tooled up with long-arms and everything. … They obviously have a duty to protect their officers first, as well, you know, they have a duty to their officers to keep them safe, not just the public. So it's a difficult one.' (Policing 4)

A third participant spoke of the increased 'recruitment' and exploitation of children and young people in some areas, combined with increased policing to 'tackle paramilitarism' leading to children and young people being arrested. It was suggested that offending behaviour (related to this) has traditionally manifested differently in the two communities (Education 1). That is, through violence and street disorder in CNR areas, and drug use/ dealing in PUL areas. The relative visibility of the former has impacted on policing responses and, they suggest, the background of those arrested.

On the other hand, another interviewee noted that at certain points in time there appeared to be significant numbers of children in the JJC from CNR communities with known paramilitary presence. Rather than this being reflective of 'criminality' linked to recruitment in these areas, they expressed concern that it reflected vulnerability to victimisation (Human rights 2). In other words, that custody could be a place of safety for young in conflict with/ victimised by paramilitary style groups. This is supported by other research which found a high proportion of children in the JJC to have experienced paramilitary-style threats and assaults. Also, that the JJC was a place of 'safety' or 'respite' for some experiencing particular difficulties (e.g. with substance use, housing, finances etc.) (Carr and McAlister, 2015).

Finally, returning to the relationship between deprivation and religion some participants suggested that areas of economic deprivation tend to experience more policing and that as noted earlier, these areas also tend to be disproportionately Catholic. That said, a representative from the policing sector reported that the internal data they had sight of did not suggest 'hotspots' in terms of a concentration of policing resources – 'I couldn't see a loading in terms of either community' (Policing 5). This disjuncture between what is seen at the custodial end and where this representative reports policing is focused, might suggest

other factors impacting over-representation (e.g. the style of policing; the nature of interactions; arrest decisions; sentencing decisions; family context; legal representation; living situation). As outlined below, many went on to specifically discuss police-youth interactions and how these might be impacted by historical relations negatively affecting outcomes for some.

3.2.4.2 Attitudes and Interactions

Police presence and policing style inevitably impact the nature of engagement and interaction, and some felt this could have particular significance in CNR communities. Acknowledging that interactions are relational, a representative from the policing sector mused:

> '… is it the police's interaction with the people or is it the people's interaction with the police that's accounting for the high numbers of people from, well as you say the Catholic community or poorer areas ….' (Policing 1)

Others spoke of historical relations between the police and the CNR community recognising that this could impact on how these communities are viewed and policed (even if unconsciously), as well as community/ youth attitudes and responses to policing. Noting that the police are often the first point of contact with the criminal justice system and that the nature of this interaction can influence subsequent interactions, an NGO representative intimated that negative early interactions could account for more contact with other parts of the system. Considering the high level of children identifying as Catholic within the custodial population, they identified a layering of factors relating to deprivation, conflict legacy and policing:

> '… areas of economic deprivation and so on, and I suppose tied into that would be areas potentially that have more experience of political conflict, and then potentially thinking about how that plays out and the interface between young people and the police. … So I would imagine there is something there in terms of the relationship or the interaction, or potentially the reaction of police to young Catholic males versus young Protestant males. ….' (NGO 1)

Some spoke of negative views of the police being passed down generationally 'feeding into' narratives of the past (Policing 5), 'a legacy of mistrust' (Policing 4) and potentially 'less respect for the state in some areas … [and] for the police' (Policing 3). Although they often noted that attitudes towards, and engagement with the police in some deprived PUL communities, were equally strained.

Thus it was recognised that perceptions of the police, policing style and the nature of the interaction, were key in impacting outcomes. A number of participants spoke of this in terms of escalating the seriousness of a situation and the response. As explained by a representative from the policing sector:

> 'Someone who's very aggressive, non-compliant, especially in things … where it would easily have been resolved if they had taken the time to talk and the police

officers had an opportunity then to explain and maybe sort the thing out informally. But that's taken off the table sometimes by the attitudes of some people.' (Policing 1)

In particular, police from 'outside the area' (i.e. not Youth Diversion Officers or Neighbourhood Police) and those responding to security threats/ paramilitarism, by the very nature of their operations, could escalate tension, with young people drawn into this. If, as suggested above, the policing of paramilitarism has focused heavily on CNR communities with already strained police-community relations, then children from these communities may be at risk of being criminalised through their responses.

While the majority of discussions focused on policing, a small number of participants did consider, albeit briefly, the potential impacts of attitudes towards, and interactions with, the criminal justice system and statutory services more generally. One noted a lack of trust in criminal justice institutions among some communities and that this could impact on, and be reflected in, more negative outcomes. Related to this, a representative from the rights sector felt it worth considering the disposals offered to children as well as factors that might impact on their engagement with these. Considering possible reasons for the over-representation of children identifying as Catholic in custody, they questioned:

> 'Is it because of a lack of confidence in policing and therefore young people don't take up the offer of disposals or don't trust the offer that's made? Or is it that the offer isn't made to them in the first place, and therefore they get accelerated into sort of … to prosecution, which accelerates them through the system and therefore brings custody closer …' (Human rights 2)

As sentencing decisions are not disaggregated by Section 75 categories other than gender, age and nationality (see Section 2), and there is a lack of (complete) equality monitoring data for Youth Engagement Clinics (CJINI, 2018), it is not possible to explore these issues further.

Finally, two participants also reflected that children from CNR communities did not appear to be over-represented in early intervention programmes, with one suggesting it was in fact the opposite. They considered if this might be because parents in PUL communities were more likely to 'reach out' to statutory services for support (NGO 2). Hence implying that needs and risks that might push some into the criminal justice system are not being identified and responded to early.

3.2.5   Summary

The high levels of missing data on religion across criminal justice agencies make it difficult to assess the possibility of an over-representation of any particular religious group. While the YJA profile data does demonstrate a higher proportion of (initial) referrals from children from highly concentrated Catholic areas, than highly concentrated Protestant areas[15], the lack of data from other agencies makes it difficult to identify stress points. That is, where

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[15] Note that this relates to the profile of those entering the YJA in 2018/19. Religion is not found to influence repeat referrals to the YJA in a one-year follow up period as outlined in Section 4.

any potential presentation of Catholic children might first start to appear in the criminal justice process. That the high proportion of Catholic children shows most obviously in custody suggests a need for further data and analysis at key decision-making points (e.g. referral and sentencing).

Despite representatives from some agencies emphasising that they are 'receiving' agencies or that they do not make decisions on the basis of religion, the qualitative data points to ways in which policies and practices might impact upon, and indirectly discriminate against, children from some communities. Also, how the history and legacies of the Conflict can still impact policing operations, attitudes towards and interactions with the criminal justice system, thus enhancing the potential of system contact for some. As the qualitative data demonstrates, it is likely that any explanation for what appear to be high numbers of Catholic children interfacing with the criminal justice system are multiple and complex. A representative from the rights sector emphasised the importance of exploring all possible reasons. Another participant noted that the best way to respond to some of the speculation and concern around this issue was for agencies to collect better data, or to utilise their currently existing data to explore this issue in order to open and inform the discussion. This research represents an initial step in this direction.

3.3   Children with Experiences of Care

3.3.1   Representation in the Youth Justice System

Participants from all sectors were aware of the high representation of children with experiences of care in the youth justice system. Drawing on publicly available statistics on referrals for Youth Conferences and admissions to Woodlands (see Section 1.1), one youth justice professional noted this had been 'very obvious' in the 'last decade and a half' (Youth justice 2). Legal professionals also agreed that 'disproportionately more children in care appear in court than otherwise' (Legal 4). In relation to custody, many noted that the high representation of children with experiences of care has been a persistent problem:

> '[T]here clearly has been this persistent and stubborn issue of care-experienced young people more likely to be represented in the criminal justice system, … as the data will show, it's been just a long, long road and you don't see a particular break in that.' (NGO 1)

Participants' views that children with experiences of care accounted for approximately 40% of children in Woodlands were in line with available YJA data that 57 of 153 (37.3%) children in custody in 2018/19 had care status (see Section 2.1.3). Although the administrative data does not break down the data by type of care placement, participants' views were that the issue of over-representation was more acute for children living in residential homes, confirmed by one youth justice representative in their assessment of the population in Woodlands:

> '[S]ince probably 2006/07 when Woodlands was established this issue of looked after children has been an issue for ourselves, because that figure hasn't really got below 40%... and that's every single year. So we realise that 40% of our children are

looked after children. But especially in the looked after the majority also are then, 95% are coming from the residential care background.' (Youth justice 3)

Participants discussed potential explanations for the high representation of children with experiences of care in the youth justice system. The analysis identified three key factors: the individual and family backgrounds considered to place children at increased 'risk' of offending; the criminogenic nature of care, particularly residential homes; and, the criminalising processes of responding to children with experiences of care. Each are considered below.

3.3.2 'Risky' Individuals and Backgrounds

A number of participants articulated that the disproportionate representation of children with experiences of care in the youth justice system is explained, in part, by individual and family factors which have been associated with an increased propensity to offend. Participants identified 'underlying issues' (Human rights 1) and the 'complex needs' (NGO 1) considered typical of children with care experiences and linked these to a child's involvement in offending behaviour. One participant from the health sector noted:

> '[T]here's evidence to suggest that childhood trauma, adverse childhood experiences, you know, contribute to maybe behavioural difficulties, and certainly looked after children are shown to have very high levels of childhood trauma and family breakdown. I think from what I understand as well there is also evidence of sort of higher levels of neuro-disability and neurodevelopmental problems in looked after children and care-experienced children, which again I suppose may contribute to perhaps becoming involved in offending behaviours and becoming involved with the justice system. Things like, I mean all of these things are connected aren't they? It's things like speech and language and communication difficulties, and maybe just an inability to maybe formulate and to understand things that are happening. And obviously then that's linked very much to maybe exclusion from education or a lack of engagement with education. So I think there's so many different factors involved.' (Health 1)

References to 'trauma', 'disrupted lives', 'unsettled lifestyles' were common among participants. The impact of the family context was noted by many, particularly in reference to a lack of 'support system' or 'positive influence' present in 'most families' (Policing 2) as well as criminal activity within the family. Analysis of the administrative data of children in custody also showed that children in care have higher risk scores for living arrangements (a mean of 2.5 compared to a mean of 1.5 for those not in care), and on measures related to family and personal relationships (a mean of 2.6[16] compared to 2.1 for those not in care) (see Appendix 3, Table A10). Such factors, which some participants noted had existed in families across generations, were linked to 'a greater risk of getting involved in anti-social and criminal activities' (Human rights 2). This was explained by many with reference to a child's inability to deal with, or address, the events in their past. A number of participants

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[16] YJA workers assign a risk score between 0-4 to indicate the extent to which they believed family and personal relationships may affect the child's risk of offending, with 0 indicating 'no impact' and 4 indicating 'a very strong impact' (Section 4.2 and Appendix 5, Table 1 for a further information on YJA risk assessments).

noted that this distress often manifested in criminal damage to property or assault, sometimes directed towards care home staff. Illustrative of this a representative from the legal sector explained:

> '… a lot of the youngsters have had very little parenting, and they react, a lot of them, life has not been good to them so they don't have a lot of empathy for other people, and when things don't go their way they flare up, get very cross, very angry, and … they will respond sometimes by acts of aggression, which might be confined to physical damage to property, but quite often it is the care workers that they take it out on.' (Legal 1)

It was also noted, however, that children with backgrounds characterised by disruption, distress and victimisation had not received sufficient support to deal with their past and to minimise the potential impact of life events and experiences on their behaviour. Their vulnerability to various forms of exploitation through 'paramilitary groups', 'drug culture' (Education 1) and 'sexual exploitation' (Health 1) (often exacerbated when 'missing') also could act as pathways into offending. A number of participants noted that opportunities to intervene and support children do not happen sufficiently early:

> 'And so some of the support needs that those young people require are just not in place, and then sadly the behaviour leads to, potentially into conflict with the criminal justice system.' (NGO 1)

3.3.3   Care as Criminogenic?

When discussing the high incidence of children with experiences of care in the youth justice system, participants most often referred to children in residential care. In line with previous research (e.g Carr and Mayock, 2019), they noted various aspects of the care setting which may influence offending behaviour. One issue identified was the potential effect of the peer group. Some suggested that due to the shared backgrounds of children living in residential settings, they are 'set apart' from other children and 'are drawn then to each other because they have a common bond' (NGO 5). One participant noted the importance of such bonds for children:

> '[T]hey've got attachment difficulties, they've got trust issues, they find solace, even in the short-term, with other peers and groups where they feel they have a sense of belonging, that might be misplaced.' (Education 1)

Indeed a number of participants noted the tendency for children to socialise with those from the same or nearby care homes, the proximity increasing the likelihood of them coming together. The potential negative impact of such socialising was discussed by others where, as a legal representative stated, 'one child can be very disruptive and can set the tone for how the others behave' (Legal 1). Similarly, others suggested that children only started to offend once they entered the care system 'because they are with a different peer group' (Legal 4). Two NGO representatives working with children with experiences of care noted that in a context where residential staff have 'less power' to prevent children from

socialising and where 'they're not in education or training… not in a routine' then offending may occur (NGO 4). The process was explained as follows:

> 'I think one [issue] is the culture of residential homes. So I've had a few young people who have been maybe eleven, twelve and going into the assessment residential home without any criminal background, without any maybe drug use or alcohol use or any kind of anti-social behaviour. … but just the culture of the home … the culture of the other young people in the home may be alcohol, drugs, going out, being missing, CSE[17], and then that kind of often is the follow-on then to criminal damage, all the other things that then give them the criminal record.' (NGO 4)

Similarly, a policing representative highlighted the vulnerability of children going missing from care homes as a 'massive issue', putting them at risk of substance use and child sexual exploitation – which in turn can lead to involvement in criminal activity (Policing 3). A number, therefore, contexualised children's behaviour – both individually and within their peer group – with reference to the absence of 'traditional parenting practice' (Human rights 1) which allow children to leave the home, particularly at night when they might be most vulnerable.

Recognition was also given to the disruptive impact of 'multiple placement moves…. family breakdown, lots of traumatic experiences' (Health 1). Yet the system, some noted, was not resourced to respond to these needs:

> '… and a system that, yeah doesn't resource in terms of those therapeutic interventions, in terms of regional facilities, in terms of high level of support for mental health and trauma. You know, that's letting them down, and I couldn't fault staff in a children's home, you know, for trying to manage all of that.' (NGO 5)

Accounts therefore pointed towards not just the behaviour of children within care homes, but how system responses did not address their needs and how children in care can be drawn into the criminal justice system as a consequence of the care environment or their care status. The following section further explores the potentially criminalising responses to children with experiences of care.

3.3.4   Criminalising Responses to Children with Experiences of Care

3.3.4.1 Police Contact and 'Risky' Labels

Nearly all participants acknowledged that care status influenced responses to children's behaviour, particularly children living in care homes. Many noted that police were called to care homes for minor offences or incidents which a parent, if it had occurred at home, would not. These included 'section 42 assaults' and minor theft (such as stealing food) as well as incidents where children had left the care home when their care plan restricts movement. This contrast to 'traditional' parenting, explained one participant, could prompt children's interactions with police:

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[17] Child sexual exploitation

'… there are kind of issues about how children and young people in various care settings are treated differently… you can see how children and young people in those situations are disproportionately likely to end up both interacting with the police on the one hand and ultimately in the criminal justice system on the other, and the stats all show that.' (Human rights 1)

A number of police representatives noted a frustration related to regular calls from care homes, particularly when 'not necessarily a policing issue' (Policing 2). One felt they were used as a 'potential beating stick' where there was 'either a gap in training or a gap in the legislation or a restriction in guidelines with the homes that is stopping them dealing with it or dealing with it appropriately or taking a pragmatic approach to it' (Policing 4). On the other hand, an NGO representative noted that care homes are advised to call the police for safeguarding reasons. However, some responses result in an extensive list of police contact which can lead to children being labelled as 'risky':

'And the advice from the police would be to report to them for incidents like that. Because for them if they're involved in keeping a young person safe they say they need to know if a young person has absconded, they need to know if they've kicked the car, they need to know if they've broke the window, to allow the wider group, including the police, to come up with, or to have a better picture as to the patterns surrounding the young person. Which on one hand, when it was explained in that way you're going "well yes that makes sense, that the police are involved and need to understand how best to work with the child. If they're absconding then they need to be informed each and every time they abscond". But on the other hand it just creates a list of police calls the length of a load of sheets.' (NGO 5)

Such lists, for often minor and even non-criminal behaviour, feed into perceptions of 'bad kids…. not deserving of a second chance' (Human rights 2). The impact of labelling, some felt, is that the response of the police can be predetermined. Based on what the young people they work with experienced, one participant explained:

'[S]ome of the police reaction to an incident is already predetermined, again for, you know, a cohort of our young people, whereby if they are seen in a certain area, if they are seen to be doing this, that and the other, or outside of a timescale in terms of bail conditions, that it's almost predetermined as to their reaction, to encourage to go home, to put them in the car, or to put them in the handcuffs, you know?' (NGO 5)

Alternatively, policing representatives indicated it was higher levels of offending among children with experiences of care which determined police decision-making. Some children had run out of their 'yellow cards' in the number of CRNs, informal warnings and juvenile cautions they had received (Policing 4). However, even though the same guidelines may apply to all children, the frequency of police contact due to care home practice – particularly bringing children into contact with the police for minor offences and (non-criminal) safeguarding concerns - may mean that children with care experiences reach the threshold for more formal intervention sooner. An NGO representative noted that multiple

system contacts was indicative of a failure of the system for children with complex needs and who require multiple chances (NGO 1).

3.3.4.2 Navigating the Justice System

As children are processed through the youth justice system, participants noted the impact of care status in various ways. Diversionary disposals in Northern Ireland, such as a Restorative Caution and Diversionary Youth Conference require the admission of guilt by the child and cooperation in the process. NGO representatives noted that these can be difficult for children with experiences of care to engage with. One explained, for example, that a need to 'be [at] a place at a time, having to meet with a youth justice practitioner every week and do work' can be difficult for some children to comply with given their living arrangements (NGO 3). Another noted that these children may be less willing to agree to a diversionary process such as a youth conference as this reflects the ongoing surveillance and management of their lives by external bodies:

> 'For our young people … their lives are governed by sitting down and having formal meetings and having a chair and having people talk about your issues and your life. And our young people, what we see is our young people are reluctant sometimes to get involved in that… that approach to dealing with issues is how their everyday life is governed, and so I don't think for them it's something that they necessarily would be as keen to buy into or see as anything different really to dealing with it.' (NGO 5)

A legal representative noted the importance of access to legal advice at the early stages of the system. Reflecting on their professional experiences, they felt this typically does not occur during the youth engagement process or at a diversionary youth conference, due to what they described as an 'unwieldy' legal aid process (Legal 2). They also reported that children with experiences of care, and those in residential care in particular, were less likely to access legal advice yet more likely to accept the judgements made on them unquestionably:

> 'I would find, from personal experience, that if someone is in care they're less likely to have a lawyer, because, particularly once their liberty is curtailed, they're more deferential and they curl up into themselves, and they just say "whatever the direction of travel is I'm going with that"…. in those particular circumstances they will just wait to be told what to do by a detention officer, by a police officer, by a social worker, by someone from the appropriate adult scheme. … it is night and day between a looked after child and a, and someone who has much more significant family support ready, in place … a child who's more used to an institutionalised environment, if they're told that they are a suspect in doing something wrong the majority of them in my experience will accept that at face value.' (Legal 2)

Even where children do access legal advice, they felt that there continues to be a divergence in their experiences, where, despite being issued, legal representatives may struggle to access 'massively important' (Legal 2) documents as a result of children's movement between multiple care placements (carrying potential implications for decisions made about them in the system).

3.3.4.3 Limited Support Network

For children with experiences of care, participants highlighted the lack of family support as having a potentially negative impact on decision-making even if this was 'probably more unconsciously than consciously' (Human rights 1). Some suggested that police may 'take a softer approach' (Human rights 1) with children whose parents were supportive, advocated on their behalf and outlined ways in which they agreed to respond to any behavioural issues. This was a potential issue for children in care:

> 'I think sadly for the care-experienced young people, I don't think those other avenues of support are found. So I definitely think the status is more likely to fast-forward them down a criminalisation route.' (NGO 1).

Another participant noted that the assumptions of youth conferencing 'that you have a family, that you have a support network…. Just don't fall in with our young people, you know, in terms of that steady relationship with parents' (NGO 5).

The support of family was also considered important in the context of custody. Participants considered the over-representation of children with experiences of care in custody as a product of decisions around whether to hold children on PACE or on remand. This, again, was raised as a particular issue for children living in a residential home. A number of participants explained that where a child's offence had been committed in a care home or against care home staff, it was often considered inappropriate for them to return to this setting where 'staff feel unsafe… and that person's disruptive to all the other kids that are there' (Policing 4).

Alternatively, if a child has gone missing from the home, it may be the case that it is too late for them to return due to lack of available staff:

> 'In that situation … the home says "well we only have a limited number of staff in the home overnight. No one is able to come out to be an appropriate adult", so it'll have to wait until the next morning when a social worker comes on duty. But that's particularly an issue whereby the police's hands are tied but they have to find a safe place for the child, but there is nobody available from social services or from the children's home, of an appropriate adult, so they end up spending a night in custody, very often unnecessarily.' (Oversight body 3)

The appropriate adult scheme was considered problematic by a number of participants, particularly due to unavailability outside of conventional working hours. Based on their experience, a legal representative explained:

> 'Quite frequently during working hours, or conventional working hours, you would hear that no one's available, but at night-time or at weekends it's even more limited, in that you won't even get a response. … Children have ended up being detained to go to court due to the absence of social services support, due to the absence of an alternative address, due to a lack of communication and of connectivity. And albeit

yes of course sometimes they will be taken to Bangor [Woodlands JJC], but it still doesn't take away from the fact that they lose their liberty until a court looks at the situation.' (Legal 2)

3.3.4.4 Conditional Bail

As some participants noted, children who are not in care may avail of a number of possible bail addresses through different family members, whereas children in care contexts 'spend a wee bit longer in JJC waiting for somewhere to go' (NGO 3). The frustration is evident among legal professionals charged with decision making in relation to children:

> 'The idea that … we should not refuse bail because of an address, you know, there are pros and cons to it. … the court on Saturday morning, that's when these systems are truly tested, because quite often I'll have children appearing with neither parent, no social worker, and they want bail but I can't, in all conscience, let them out until I know where they're going. I may set the bail in those vague terms, but I give the police a strong warning that I expect this child to be in a safe bed tonight, and we really need to know where they are.' (Legal 1)

Unfortunately for children with experiences of care – and particularly those residing in care homes – that safe bed is likely to be, temporarily, within custody. A key issue, as the participant above alludes to, is the limited accommodation available as alternatives to custody in these contexts, an issue first raised, as one human rights representative noted, in the Criminal Justice Review in 2000. A representative from the NGO sector notes the particular gap in provision:

> 'And obviously there's an issue in terms of lack of suitable accommodation then for children who maybe are not accepted back into the home that they were in because of an incident, or because of their behaviour towards the staff member, and there's no other place for the young people to go. But this is why they end up obviously in Woodlands … So lack of suitable accommodation is a massive thing and we've been banging on about it for far too long … I think it needs to not be Woodlands.' (NGO 1)

A number of participants also noted the particular challenges children in care face in keeping to bail conditions which are in contrast to children returning to a family home who may be able to avail of more support and stability in the family environment. Some reported that for children in care, bail conditions can be unrealistic and can have the additional requirement to abide by the rules and conditions of a children's care home. Where bail conditions are not exactly in line with care home regulations this can lead to confusion, possible breach of conditions and re-engagement with the system. The impact can be far reaching where decisions made later in the system may draw on a previous refusal of bail or a child's breach of bail conditions. One legal representative explained the process:

> '[I]f somebody's appearing in front of a judge or a panel and they're not on bail any longer, or not on a summons, it does colour, you know, it also colours the assessments. You know, if it's a probation assessment or a youth justice report you will, it will definitely be impacted as to whether somebody has behaved well on bail.

And the judges, or the panel, will certainly factor it into the equation … But definitely that inability to keep bail for, I think, children in the care system more than anything else, will ultimately also give them a double whammy, because not only will they pay the price in terms of problems with bail, but at the end of the case the disposal is absolutely impacted upon those …. And again if you're from a more stable environment with more support you will most likely be able to stick to your bail better.' (Legal 2)

While the available administrative data did not allow for a representative analysis of the outcomes of children in care in comparison to their non-care experienced peers, a significant number of professionals suggest that children who struggle to abide by bail conditions due to issues related to their care status could be at increased risk of future, and harsher system contact. These issues have been raised in other research (DOJ, 2011; Haydon, 2020; McFarlane, 2018)

3.3.5   Summary

While there was limited administrative data on the care status of children in contact with the criminal justice system, over one-third (37%) of children in custody in 2018/19 were 'looked after'. The qualitative findings speak to this and outline a number of factors that may impact on potentially high levels of system contact, particularly for children in residential care. Interview data and risk assessment scores provided by the YJA point to individual and family factors, as well as living arrangements, as associated with offending behaviour. Additionally, as outlined in Section 4, living arrangements were found in this research to influence subsequent community referrals to the YJA and admission into custody during a one year follow-up period (see Appendix 4, Tables 4-6).

Interviewees, however, articulated a stronger message that the administrative data cannot speak to, suggesting that criminal justice system contact was influenced by responses and processes which adversely impact children with experiences of care. Whilst a residential setting was considered potentially criminogenic, attention was brought to a system inadequately resourced to meet children's needs and offer protection from certain vulnerabilities. Engaging the police for minor offending and non-criminal behaviours (e.g. absconding from care or 'going missing'), it was felt, can contribute to a profile of 'risky' children enhancing the nature and extent of criminal justice system contact. A lack of appropriate support and legal advice in navigating the legal system can also increase the potential to accept guilt unquestionably, whilst the lack of appropriate accommodation and family support may influence assessments on suitability for diversion or bail. Bail conditions for children in residential care settings can present a challenge and a potential avenue for further criminalisation. Analysis of the expert interviews, therefore, reflect international research which identifies police and judicial discretion as significant in shaping the pathways of care experienced children through the justice system, including accelerated paths to incarceration (McFarlane 2018). That is, systems failures and processes have the potential to propel children with experiences of care into formal, and more serious, intervention sooner than those not in care.

3.4 Children with Additional Needs

Previous analyses of youth justice data has identified the prevalence of additional needs (e.g. speech and language difficulties, mental health problems, low educational attainment, special educational needs) among children referred to the youth justice agency, and especially among those in custody (DOJ, 2011; CJINI, 2018). Participants' views reflected such analyses, acknowledging the prevalence of mental health issues, substance using behaviour and special educational needs and also noted how these factors interact - particularly the impact of substance use on a child's mental health. In addition to considering the prevalence of additional needs individually, therefore, it is important to recognise that children may experience multiple additional needs which can present increased difficulties. As detailed below, participants suggested that offending could occur as a consequence of additional needs. However, they often gave more attention to the processes which may indirectly discriminate against children with additional needs in the system and highlighted issues of late diagnosis, lack of services and gaps in training and how this may impact on children's criminal justice system contact.

3.4.1   Individual Explanations of Offending

A small number of participants noted the potential link between additional needs and an increased propensity to offend. For example, connections were made between children's additional needs and their engagement with and performance at school, the likelihood of having 'trust issues', 'behavioural issues' and lacking in 'strong relationships'. Some suggested that such needs may 'go hand in hand with maybe impulsive behaviours, maybe a lack of understanding of consequence' (Health 1), that offending could be used to fund substance use (Human rights 1 & Legal 1) or, as one legal representative noted, that offending could emerge out of frustration. The latter stated:

> '…without doubt mental health has now come into the equation as something that is at the root of so much of the offending. And particularly children. They find it so difficult to ventilate their frustrations, and I think it often comes out on a window or on some aimless piece of criminal damage or shouting.' (Legal 2)

Indeed, whilst there were gaps in the administrative datasets in relation to additional needs (see Section 2.1), YJA Assessments give an indication of issues across a number of relevant domains: education, training and employment (including special educational needs and learning difficulties); substance misuse; emotional and mental health; thinking behaviour, (includes ADHD and neurological disorder). Of the sample of 731 children referred to the YJA for whom risk assessments were available, 7.9% scored 3 or 4[18] for education, training and employment; 17.1% for substance misuse; 15.4% for emotional and mental health; 18.8% for thinking behaviour. When considering the custodial sample of 153 children, the proportion of children scoring 3 or 4 for the same risk scores increased: 28.0% for education, training and employment; 46.5% for substance misuse; 35.1% for emotional and mental health; 45.6% for thinking behaviour. Therefore the proportion of children

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[18] YJA workers assign a risk score between 0-4 to indicate the extent to which they believed these factors may affect the child's risk of offending, with 0 indicating 'no impact' and 4 indicating 'a very strong impact'.

presenting with additional needs appears to increase at the sharp end of the system. Additionally, the regression analysis (see Section 4) found that the risk score for education, training and employment influenced subsequent total community referrals to the youth justice agency received during the one year follow-up period, while substance misuse was found to strongly influence both total community referrals and admission into custody during the follow-up period.

3.4.2   Undiagnosed Need and Lack of Support

Whilst participants did allude to links between individual characteristics associated with additional needs and offending, more attention was given to the impact of late diagnoses of mental health issues or disabilities and the challenges in accessing appropriate services in childhood. Participants' views were such that if needs remained undiagnosed or untreated, the potential for associated negative behaviours may intensify. Whilst some noted that the shame and stigma attached to a range of additional needs can act as a barrier for individuals or their family to seek help, the key issue for many was 'significant waiting lists' (Policing 4), particularly for mental health treatment and diagnosis. A human rights representative considered the relationship between this and criminal justice system contact:

> ' … getting access to mental health services when you're a child or a young person, you almost have to have reached a crisis point before you will get, and of course crisis point can be because you're then in the criminal justice system. … We don't have much of a kind of prevention, early intervention, in the CAMHS service in the way that we should have.' (Human rights 1)

A number of participants also spoke of difficulties in attaining a diagnosis – or receiving a misdiagnosis – for children with learning disabilities and complex needs. One NGO representative working with children with care experience, for example, noted the 'fine line' of meeting the threshold of a learning disability and that some children, with very complex needs, may just fall short of a diagnosis being made.

Participants also noted a disparity in access to services based on individual or family resources, highlighting that those with more access to income could be pro-active in seeking diagnosis and suitable treatment. A human rights representative, for instance, suggested that children with experiences of care, or who are known to social services, could be overlooked due to instability in their lives (Human rights 2). A policing representative also noted that children who present with substance use issues may be delayed in accessing mental health services with a requirement to 'get sober' before they can engage (Policing 4). These examples point to ways in which children with multiple needs may experience longer delays in accessing appropriate supports and services. In relation to criminal justice system contact, the concern is that undiagnosed needs/disabilities and a lack of support treatment may trigger or influence behaviours and reactions which can lead to offending behaviour and/or criminalisation. An NGO representative summarised the process which could occur as follows:

> '… you know, special needs that they had or, you know, undiagnosed mental health issues that just weren't picked up [in school], potentially translated as something

else, and were translated as naughtiness and bold behaviour and a sign of somebody who wasn't adhering to the rules and adhering to the system. So they don't get the help that they need from a very early start at school, and then some young people either just disengage from that and come away from school, and then end up getting into trouble, and some young people kick back against it and then become angry, and then that results in certain behaviours in a classroom. And then it becomes part of that journey then, which potentially can end up in the criminal justice system …' (NGO 1)

Similarly, other participants noted a tendency to 'criminalise' children with additional needs 'where they actually should be having a medical response as opposed to a criminal justice response' (NGO 3). A number of participants reported, therefore, that it could take children getting into trouble or arriving in secure care before a diagnosis is attained and relevant support is secured. A legal representative noted, for example, that children may only get diagnosed through Youth Engagement Clinics:

'A lot of children wouldn't be receiving any help, or maybe haven't even been identified as being ASD or having mental health issues or addiction issues, and it's actually through the youth engagement process that that is highlighted and they can avail of help, which could be a positive experience for them because they, eventually they are actually getting help that they desperately need. But yes we do have issues with children just not being diagnosed and not being given the help that they need, and then they end up in the criminal justice system because they're not being dealt with appropriately. That is something that we do see a lot of.' (Legal 4).

In a similar vein, an NGO representative noted that children with experiences of care may only receive a diagnosis in secure care or the JJC, 'after a whole trail of catastrophes beforehand' (NGO 5). Whilst it was acknowledged by those inside and outside of the youth justice system that the range of services children can access once referred to the youth justice agency, particularly those in custody, are of a high quality, concerns were raised, as expressed by one legal representative, that sometimes 'it seems easier to put a child through the criminal justice system than to treat him through the health system …' (Legal 1). A representative from the youth justice sector emphasised, however, that once children were released from the JJC, they often struggled to access continuity of treatment and care (Youth justice 3).

The prevailing view among participants, therefore, is that early diagnosis and access to treatment and support in the community, particularly for children facing additional adversities, may go some way to preventing offending behaviour and/or criminalisation of children with the most complex needs.

3.4.3 Recognising Need and Facilitating Access to Justice

The impact of the late/mis-diagnosis and lack of support and treatment is compounded, participants noted, by the lack of awareness among those who come into contact with children with additional needs. One human rights representative felt that this is a widespread issue 'whether that's in school, whether that's in society at large, or whether it

becomes an issue for police' (Human Rights 1). Whilst this could impact responses to children throughout the criminal justice system, participants spoke mostly about the importance of interactions with police officers who are likely to be unaware that a child has, for example, mental health issues or a learning disability. One concern was a danger of focusing on the offence – 'what the young person has just done' – rather than looking at the 'underlying reasons' or recognising that children may be repeatedly coming to police attention as a result of their additional needs (Human rights 1).

Whilst police representatives did note some relevant training there remained concern among participants about the level of understanding among criminal justice professionals. An NGO representative, for example, noted the hidden nature of additional needs and that they may not be taken into account in interactions with police officers. They elaborated with a notable example of the use of spit and bite guards by the PSNI (NGO 1). Such methods are likely to impact on a child with certain types of additional needs, potentially prompting a reaction that receives a more formal or punitive response from criminal justice professionals:

> '… if a child has a vulnerability or a particular need that would make the use of this spit and bite guard, you know, really detrimental to that young person's mental and physical health. So that's an example of where we're saying, you know, the police can't possibly know if the child has some issue or previous trauma that the use of the guard would just make everything worse.' (NGO 1).

A representative from an oversight body therefore noted that awareness of issues needed to be accompanied by changes in practice to respond to the needs of children:

> '[I]t's not so much the sentencing … it's supposed to be understanding of that among frontline officers and then decision-makers, so that they're able to adapt and adjust their practices ... it's about the skills of the officers and how they respond to that. Because something might escalate, and perhaps that could then lead to a justice intervention.' (Oversight body 4).

As the participant above alludes to, awareness of additional needs and the adaptation of responses is not solely a concern of frontline officers. Additional difficulties potentially arise when a child is assessed for the suitability of certain disposals. For example, one legal representative expressed concern that children with additional needs may not be considered suitable for a youth conferences because of capacity or levels of engagement:

> 'One of the problems I'm increasingly getting referred to by the Youth Justice Agency is they worry that some of the children we have before us are not mentally capable of taking part in youth conferencing, which is, somewhat worries me, that they would be possibly denied the opportunity to go through that process, because just again perhaps they're seen as too difficult to work with…' (Legal 1)

Similarly, those children most likely to require or benefit from 'intensive supervision' (Legal 1) may be overlooked because of questions of capacity. This does not, however, mean that alterative disposals are not considered.

Another legal professional highlighted particular issues and implications for children in front of the court, where their legal representative is unable to access suitable experts to inform their case:

> 'I have had various cases involving children that have really needed, and the judge and the panel have been desperate for an expert report, and that has been adjourned, I have cases that have been adjourned tens of times just on that one issue of the expert report.' (Legal 2)

Such examples, where practices and responses can impact more heavily on certain groups of children, illustrate where indirect discrimination can (unknowingly) occur when legal repercussions manifest more severely. Such issues may, therefore, impact on disproportionate levels of representation.

3.4.4   Summary

The presence of additional needs among children in the justice system was noted by participants and supported by the administrative data, particularly in relation to children in custody. The qualitative analysis demonstrated that challenges can present as a child with additional needs navigates the justice system where their suitability for disposals can be assessed on perceptions of their capacity, and delays are experienced due to difficulties in accessing expert reports. Processes related to disproportionate representation, however, may originate in the delayed access to services and supports in the community, and misinterpretation of behaviour in the classroom, meaning that learning disabilities and mental health issues can go undiagnosed. As a result, in their early interactions with the justice system, their behaviour may be misunderstood as troublesome or reactionary which, participants suggested, can impact on police interactions and decision-making. Therefore, participants' explanations of the prevalence of additional need in the youth justice population was less to do with a direct impact on behaviour and instead highlighted systems responses and processes which could lead to the criminalisation of this group.

3.5   Addressing and Responding to the Representation of Children in the YJS

Many of the suggestions for responding to the high representation of particular children in (some parts) of the criminal justice system closely mirror the perceived reasons for their contact. These are discussed under three broad, but inter-related, themes below: responding to need; training for criminal justice professionals; legal responses. The need for multiple responses, one youth justice representative felt, reflected the complexity of factors potentially influencing disproportionate system contact:

> '… the only thing you can do is get to the source. … Is it because of the social [and economic] circumstances these children face? Is it because of the interaction with the police, and the families' ability or otherwise to divert the children away from sentencing? Or is it all of that at play? And if it's all of that at play then it's about getting to that source, that point, and saying "right what do we do there?"'(Youth justice 1)

Some participants focused on specific groups, particularly children with experiences of care and children with disabilities, when considering how high levels of representation may be addressed. Where relevant, this is drawn out explicitly in the sections below.

3.5.1   Responding to Need: Diversion, Early Intervention and Community Supports

One of the most consistent themes was a belief that most children interfacing with the criminal justice system experience complex and multiple adversities. Responding to these through early intervention and social care rather than criminal justice responses was felt to be paramount, and was a view shared by representatives from all sectors. Some working in the criminal justice system were aware that justice system contact may not be in the child's best interests, and expressed a commitment to early intervention and diversion:

> '… probably eighty-five per cent of PSNI's calls per year are mental health related, vulnerability related. So I think focusing on early intervention, addressing root causes, supporting the Trusts, so god-willing they don't ever come near us. And really for better focus on like the ACEs, adverse childhood experiences, and how, certainly in policing we don't want to traumatise further or re-traumatise, and turn kids into criminals. It's about finding that right approach.' (Policing 4)

Representatives from the human rights and NGO sectors reiterated this, but emphasised the need for responses to be located in community and social services, with criminal justice having a 'supporting' role. That is: 'childcare services, children's services, family support services, youth work services' (Human rights 2). They primarily explained this on the basis of the expertise of these services and professionals, and the potentially stigmatising and criminogenic effect of criminal justice system contact. Raising the minimum age of criminal responsibility was also noted by some as a necessary starting point to divert children in need from the criminal justice system, followed by a 'genuine' commitment to use arrest and custody 'as a last resort' (Human rights 2). In addition, however, was a need for 'enhanced community provision and much better resourced services and community alternatives' (NGO 1).

Family support, CAMHS, addiction services and early diagnosis of children with SEN, were frequently discussed. This is in line with the analysis of the administrative data which suggests that those who experience particular difficulties with living arrangements, education, substance use etc. are more likely to have subsequent youth justice agency contact (see Section 4). It was frequently recognised that community supports may preclude contact with the criminal justice system. As expressed by one participant:

> 'we need to recognise that if the underlying issue is the addiction or mental health then custody is not the answer to dealing with these underlying issues.' (Human rights 1)

In addition to increased investment in community-services, some also spoke of the importance of services being flexible, needs focused and trauma-informed (see Section 3.5.2). Flexibility is important to respond to the complex and sometimes chaotic nature of

some children's lives. This might involve trying multiple ways of working with, and supporting children, despite what appears a lack of willingness to engage, or a lack of success (NGO 1). All of this, it was generally recognised, necessitates cross-departmental and multi-agency working to ensure responses which address various domains of children's lives – notably health, education and community. Despite much discussion of past and current cross-departmental initiatives, particularly in terms of early intervention and diversion, some felt these fell short of responding to some of the issues identified as impacting disproportionate/ high representation due to a lack of adequate resourcing and/or legislative change.

A number of participants did, however, note the potential of the strategic review of regional facilities to facilitate cross-departmental work and enhance coordinated work across the agencies involved in children's lives. A representative from the education sector, however, highlighted that this work focuses on the 'acute end' and there was a need to 'back up to the early stages' (Education 1). As such, some participants from outside the criminal justice system suggested a need to move beyond 'willingness' and 'paying lip service' to early intervention and cross-departmental working by 'putting resources in across the piste' (Human rights 1). What is also required, according to a representative from the youth justice sector, is a starting point which acknowledges over-/high representation as an issue for multiple agencies/services. Essentially, an understanding that the children disproportionately represented in the justice system were often the same children that other agencies were trying to support:

> '… I think that largely the focus has been on over-representation in the justice system, so invariably what that creates is almost a "well that's your children" type of view. And I think, the Executive, I think wider society needs to realise that … vulnerable children tend to be over-represented in education issues, health issues, everything. … until everyone understands that they all own the problem, and therefore the solutions, no one else is really looking at it. … we're all collectively responsible.' (Youth justice 1)

On exiting the youth justice system, more effective joined-up services were identified as necessary by a number of participants, to promote aftercare that enhanced stability, particularly in terms of education and housing, to limit chances of subsequent youth justice referral.

3.5.2   Training: Understanding and Engaging with Children

Given that some participants felt that the nature of engagement with criminal justice professionals could impact on youth responses and/or criminal justice outcomes (and hence the disproportionate representation of some children), they often suggested more training for professionals. Based on an understanding that children in conflict with the law regularly experience multiple vulnerabilities, the need for trauma-informed approaches was raised by participants across all sectors. In relation to children with experiences of care, for example, a representative from the health sector noted that trauma informed care would incorporate 'an understanding of their experiences and life, and the impact that those experiences have on their behaviour and their presentation' (Health 1). Consideration should also be given to

who is most appropriate to engage with a child. One police representative, for instance, pointed to another jurisdiction where children who have 'run away' from home are first interviewed by a Barnardo's representative instead of a police officer. While it was noted that trauma-informed practice was already in place, or being rolled out in some criminal justice agencies, what this entailed and how it impacted practice was not within the scope of this study to examine. It is also important to examine how interactions are experienced by children and young people in order to assess if the aims and ethos of training are translated into practice.

Linked to this, were discussions about the need for training in engaging with children and young people, including identifying, communicating and responding appropriately with those who may have hidden disabilities or 'hidden needs'. A number of participants focused on the training of police officers in this regard to be able to 'adapt and adjust their practices' (Oversight body 4) when interacting with children with additional needs, whilst also recognising that specialist Youth Diversion Officers may not always be available at the time of contact/arrest. One police representative articulated their concern regarding the skill base of frontline officers:

> 'It's something about those [additional] needs wouldn't be clearly visible… we do try to fill the voids in terms of understanding of young people and what special needs would be like … But it's just that challenge, you know, we're skilled in lots of areas, but if you take the training that a youth service worker gets to deal and manage with young people, or social services who have specially trained teams, for example within CAMHS, and, you know, we just might not always be the most specialist or the appropriate person to be talking to young people in scenarios.' (Policing 4)

The role of the registered intermediary was identified as a potential support for criminal justice professionals in interacting with children with additional needs, yet was typically restricted to core working hours and did not operate at times when children may be more likely to come into contact with frontline officers.

A representative from the education sector also further spoke of the importance of training for all those interfacing with children and young people, particularly the PSNI, in the UNCRC. They felt this would alter the lens through which children in conflict with the law were viewed, engaged with and responded to (Education 1). Article 2 of the UNCRC aligns with the aims of Section 75, that all children should have equal access to their rights being protected and promoted. Also, that the State should ensure 'that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members' (UNCRC, Art 2, para 2). This also relates to indirect discrimination which is important given that some participants were keen to highlight that decisions are not made on the basis of characteristics and, therefore, not direct discrimination. Nevertheless practices might lead to indirect discrimination by not taking account of needs or circumstances, or because of what one participant acknowledged could be 'unrecognised bias' (Legal 1).

While the majority of discussion relating to training and engagement focused on professionals, one representative from the policing sector also felt that some work may be

necessary with the public. This was due to the belief, as discussed in Section 3.3.4 that certain responses to the police could inflame the interaction and the outcome. This individual suggested: 'A kind of, a class on how to, if you are speaking with the police what to say and what not to say' (Policing 1).

3.5.3   Legal Responses/ Changes

A number of participants discussed legislative changes and supports for children in conflict with the law. As highlighted in Section 3.2.4, some had noted limitations of the appropriate adult scheme. One NGO representative spoke of the importance of a 'supportive adult' being present with children throughout the process, particularly for those with experiences of care who 'may feel a bit unprepared, you know, mentally and emotionally' (NGO 2). Another participant stressed the importance of legal advice for children from the earliest stages of system contact, including point of arrest, youth engagement clinics and diversionary conferences. Based on their professional experiences they identified a 'culture … against involving legal representatives' and an 'unwieldy' legal aid process. Access to legal advice, they continued, can assist children to make judgements based on the risks and implications of admissions of wrongdoing:

> 'Because you really shouldn't be engaged in the diversionary process without an admission of wrongdoing. But again sometimes young people are just taking the most convenient route out of an immediate predicament, and no one is really arguing their corner for that moment … And I think there's actually a ticking timebomb on that front, because I think an awful lot of children have admitted, and been allowed to admit, matters that in law they actually might not have been proven to be guilty of or didn't do ….' (Legal 2).

As noted in Section 3.2.4 bail conditions and remand are key issues for children with experiences of care, those with limited access to suitable accommodation or whose families were unable to provide various levels of support. A youth justice representative noted the extent of training with youth justice staff to work with the police, Trusts, social services and a commitment to 'challenge' police to 'stop police bringing people to Woodlands in the first place', ensuring that 'every other avenue' had be considered before bringing a child into custody (Youth justice 3). Nevertheless, the refusal of bail for children, particularly those in care, remained a key concern among participants as did bail conditions which prove too challenging for particular groups of children to adhere to, and could, therefore, impact upon disproportionate system contact.

At the time of interview, participants highlighted proposed legislative changes to bail conditions as positive. As key stakeholders in youth justice policy, a number were aware of provisions planned to be introduced to the Northern Ireland Assembly in a Justice Bill. These included: strengthening the existing presumption of bail for children, through the introduction of a statutory right to bail; unconditional bail as standard with any conditions applied only where proportionate and necessary; conditions which must be met before a child can be remanded into custody. The potential for the Bill's impact 'to try and prevent any young person being held in custody unnecessarily, or have their liberty restricted unnecessarily' (Health 1) was welcomed as was the removal of bail conditions, such as

adhering to the rules of a residential home, which impact discriminately on children with experiences of care. Subsequent to the completion of data collection, however, the original Justice Bill was not progressed[19] and a revised Justice (Sex Offences and Trafficking Victims) Bill, which did not contain the legislative proposals to amend bail and remand for children, was introduced to the Assembly on 5th July, 2021[20].

As a result, the concerns noted in this report, particularly for those in residential care, remain key issues for the disproportionate representation of groups of children in custody. Without the progression of the proposed changes, participants' calls for increased sufficient appropriate accommodation in the community for children who need a suitable bail address remains pertinent. Whilst, as a health representative noted, the repurposing of the Woodlands campus may entail the development of alternative accommodation provision for children requiring a bail address, there is, at the time of writing, a lack of clarity as to what this will entail. A need for support for children on bail more generally was also noted, and whilst the work of the YJA in its bail support service was deemed 'impressive', the same participant felt this had not been as prominent in recent years (Legal 2).

Participants also reflected on the implications of criminal records and the retention of biometric material, particularly for children who had committed relatively minor offences. Participants highlighted history of offending and system contact as important in decision-making around responses to children's behaviour. Linked to this a number from the rights sector advocated avoiding processes and outcomes which label children as criminal for relatively minor offences and can have longer term consequences:

> '[J]ust to try not to shoulder young people with criminal records, even for diversionary disposals, and just, you know, get them out of the system as quick as, with nothing that they have, no baggage that they have to carry further on that will affect their employment and educational opportunities.' (NGO 1).

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[19] Minister Long outlined the delays in progressing the introduction of the Bill in the Assembly on 24th May (see http://data.niassembly.gov.uk/HansardXml/plenary-24-05-2021.pdf, p. 40).
[20] See http://www.niassembly.gov.uk/globalassets/documents/legislation/bills/executive-bills/session-2017-2022/justice-sexual-offences-and-trafficking-victims-bill/justice-so--tv---as-introduced---full-print-version-.pdf

4.   QUANTITATIVE ANALYSIS OF FACTORS INFLUENCING SUBSEQUENT CONTACT WITH THE YOUTH JUSTICE SYSTEM

4.1   Introduction

Although issues with data availability, sharing, and linkage limited efforts to track children's interactions across the various criminal justice organisations and over time, it was possible to track their interactions with the YJA over a one-year follow-up period. Longitudinal analysis of administrative (quantitative) data was utilised to examine which factors influenced the subsequent number of referrals to the YJA children amassed during a one year follow-up period (2018/2019), as well as whether or not they were admitted into custody during this follow-up period. More specifically, a series of regression analyses were conducted to assess what role the children's Section 75 characteristics, deprivation ranking, static and dynamic risk assessment scores played in influencing the number of referrals to the YJA they received and whether or not they were detained in custody during the one year follow-up. In the following sections, the methodology employed to conduct this analysis is described, before moving on to present the results of the analysis and concluding with a summary of the key findings and limitations associated with the analysis.

4.2   Context to the YJA Longitudinal Data

As outlined in Section 2.1.3, there were 1,009 children who received a community referral to the YJA and/or where admitted into custody during 2018/2019. These children were followed-up for one year after the date of their initial contact with the YJA in 2018/2019. For example, if a child had a referral on 1 April 2018, the analysis would track the number of additional YJA community referrals or admissions into custody they received up to 31 March 2019. In addition to collecting information on the children's age, gender, ethnicity, and religion, data was also made available on the static and dynamic factors considered by YJA workers when assessing their risk of committing a crime[21], as well as the Small Area in which the children resided at the time of this contact[22]. This data was used to understand how these characteristics might shape the accumulation of further contact with the YJA and the nature of that contact. Information on these factors was included as they are variables that may influence subsequent contact with the justice system. This analysis enabled us to examine the possible role Section 75 characteristics may play in influencing subsequent contact with the YJA during the one year follow-up period.

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[21] The YJA conducts a range of assessments in relation to children they are in contact with to help formulate an intervention plan. The suite of assessments afford the youth justice worker a framework/structure to consider a range of areas of a child's life that may have contributed to their difficulties, and offending, including both 'static' factors (i.e. factors that are difficult to change e.g. offending history), as well as 'dynamic' factors (i.e. factors that may be changed through the provision of additional services and supports e.g. living arrangements). The YJA risk assessment is one tool used by social/youth justice workers to inform and support decision-making. Analysis of risk assessments should be interpreted with some caution as they include a distinct number of categories and often represent only one method used to inform an intervention plan. Assessments are also made based on worker's (professional) evaluations. Given this there may be some variation in interpretation, application and assessment (YJB/MOJ, 2021).

[22] Small Areas are the smallest geographical areas for which Census data and Northern Ireland Neighborhood Statistics are available. There are 4,537 Small Areas in Northern Ireland based on 2011 Census data and the average size of these is 400 people and 155 households.

YJA staff linked the postcode information in the children's files to Small Area information and Northern Ireland Multiple Deprivation Measure (2017) deprivation rankings in the anonymised administrative dataset shared with the research team. This allowed us to develop a proxy measure of deprivation (See Appendix 3). Further, given the substantial number of children for whom data in religion was missing/unknown, a proxy measure of the religion of the small area in which the children resided was developed (see Appendix 3 for technical details). It was not possible to develop a proxy measure for the children's dynamic and static risk scores[23] or Small Area information, resulting in the missing/unknown cases for these measures being excluded from the longitudinal analysis leaving a final sample size of 723 children. Further information about the measures used in the longitudinal analysis, including a description of the meaning of the various dynamic and static risk factors, is provided in Table 1, Appendix 4. The risk factor scores included in the analysis are based on assessments completed by YJA workers at the time of the child's initial contact with the agency during 2018/2019.

4.3   Descriptive Statistics

Descriptive statistics indicated that on average the 723 children included in the longitudinal analysis tended to reside in more deprived areas in which 50.1% of the people identified as Catholic (see Table 2, Appendix 4). They also tended to be older, with the largest group (33.1%) aged 17, followed by those aged 16 (25.2%) and 15 years (18.5%). The majority were male (77.0%). Ethnicity was recorded as White for 71.1% of children, while 2.8% were recorded as being non-White or an Irish Traveller. Information on ethnicity was missing/unknown or did not wish to answer for 26.1% of children (see Table 2, Appendix 4).

4.3.1   Risk Assessment

Static risk factors consisted of offence type, age at first contact with the justice system, age of first guilty verdict in a court setting and number of previous formal sanctions. The most common offence type was 'other' (72.5%), followed by theft (13.8%), motoring offences (9.7%) and burglary (4.0%). Most children were between 13 and 18 years old at age of first contact with the justice system (62.1%), with nearly one third (31.7%) listed as having no prior contact (see Table 2, Appendix 4). The majority had not been found guilty of committing a crime in court (75.2%) and nearly half were recorded as having no prior formal sanctions (47.7%) (see Table 2, Appendix 4).

Dynamic risk factor assessment scores for the children's living arrangements, family and personal relationships, education, training, and employment, community and neighbourhood, lifestyle, substance misuse, emotional and mental wellbeing, perception of self and others, thinking and behaviour, attitudes to offending, and motivation to change were also provided, with children on average tending to score on the lower range of these measures (see Table 2, Appendix 4). This indicates that YJA workers tended to assess that

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[23] Further analysis suggested that children whose dynamic and static risk factors were missing/unknown were actually less likely to amass community referrals to the YJA during the one year follow-up period or be detained in custody during this timeframe.

for most children with initial contact in 2018/19 these factors had limited impact on their probability of offending.

4.4   Regression Analysis

A series of regression analyses were conducted to assess what role the children's Section 75 characteristics, deprivation ranking, static and dynamic risk factor assessment scores may play in influencing their subsequent contact with the YJA. Two negative binomial regression analyses[24] were used to examine whether these factors influenced the total number of YJA community referrals children accumulated during the one year follow-up period, as well as the number of statutory community referrals[25] to the YJA they amassed during this timeframe. Lastly, a logistic regression[26] was used to investigate if the children's Section 75 characteristics, deprivation ranking, static and dynamic factor risk assessment scores influenced whether or not the children were detained in custody during the one year follow-up period.

4.4.1   Level of Subsequent Contact

Of the 723 children in the sample, 51.5% were referred to the YJA during the one year follow-up period, with children on average being referred 1.4 times (2.2 SD), ranging from 0 to 15 times. Similarly, 46.2% of children received a statutory referral to the YJA during the follow-up period, with the children on average receiving 1.3 statutory referrals (2.2 SD), ranging from 0 to 15 referrals. Further, 11.8% of children had been admitted to custody in the one year follow-up period (see Table 3, Appendix 4).

4.4.2   Subsequent Contact among All YJA Referrals

Examining the regression results for the total number of community referrals to the YJA the children accumulated during the one year follow-up reveals a number of significant factors. There are three models, Model 1 examines the role religion may play in influencing subsequent contact with the YJA using the proxy measure of Percent Catholic. Model 2 examines the role of religion, alongside deprivation, age, gender and ethnicity, to assess what role these factors may play in influencing subsequent contact. Model 3 assesses the role religion, deprivation, age, gender, ethnicity, static and dynamic risk factor assessment scores may play in influencing subsequent contact with the YJA. Looking at multiple nested models (such as these three models) can be helpful in determining if the association between characteristics might be partly or fully examined by other characteristics - called moderation (e.g. if an over-representation of Catholics in subsequent referrals could be

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[24] Negative binomial regressed were chosen due to having over-dispersed count outcome variables. Diagnostic tests supported the use of this regression as fitting the data better than other count regressions (Poisson or zero- inflated regression model).

[25] Statutory referrals include Diversionary, Court Ordered, Community Orders and Other (Juvenile Justice Custody Order, Probation and Bail).

[26] Preliminary tests showed that there was not sufficient range in the outcome measure to warrant using a count regression. Only 11.8% were admitted into custody over the year, and only 2.4% had 4 or more admittances (range 0 to 13). Therefore, logistical regression was used as it can be easier to interpret and better fits the data for measuring the likelihood of a rare event.

explained by Catholics having higher levels of deprivation). The results are presented in Table 4, Appendix 4.

4.4.2.1 Religion

No significant relationships were observed with percent Catholic suggesting that this was not influencing the subsequent contact (in the form of referrals) that the children had with the YJA during the follow-up period. The results give no strong indication of a moderation occurring as percent Catholic was not significant in Model 1, Model 2, or Model 3. This suggests that there was no statistically significant relationship between percent Catholic and total number of community referrals to the YJA the children amassed during the one year follow-up, even when the possible influence of other demographic, static and dynamic risk assessment scores were considered.

4.4.2.2 Age

Concentrating on Model 3 which includes all the measures examined, broadly speaking, positive coefficients indicate the measure (factor) is associated with a higher number of referrals. For instance, of the Section 75 characteristics examined, age emerged as significant. In comparison to those that were aged 17[27], younger children had more referrals to the YJA during the follow-up period..

4.4.2.3 Gender, Ethnicity and Deprivation

No significant relationships were observed with gender, ethnicity or deprivation ranking, suggesting that these factors were not influencing the subsequent contact (in the form of referrals) that the children had with the YJA during the follow-up period.

4.4.2.4 Risk Factors

All static factor and many of the dynamic factor risk assessment scores were found to have a significant influence on consequent referral. In comparison to those whose offence type was 'other', children whose offence was theft had a higher than expected number of referrals to the YJA during the follow-up timeframe. Those who were aged 13-18 at first contact with the justice system were also more likely to amass more referrals compared to those who had no previous contact with the justice system. Additionally, those who were aged 14-18 when first found guilty of a crime in court had a higher than expected number of referrals to the YJA during the follow-up period than those who had not been found guilty of a crime in court. Similarly, children who were recorded as having previous formal sanctions had a higher than expected number of referrals in the follow-up period compared to those who had no previous formal sanctions.

With regards to the dynamic factors, living arrangements, education, training, and employment, lifestyle, substance misuse, and perception of self and others risk assessment

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[27] It is important to note that for those children aged 17, it is possible that some of their subsequent contact with the justice system may not be recorded by the YJA, as if they had turned 18 they may be considered an adult and dealt with under the adult system which is separate to the YJA.

scores were found to be significant in influencing the number of YJA referrals the children accumulated, with higher risk scores associated with more referrals during the follow-up period. In contrast, the community and neighbourhood dynamic factor was found to be significant but negatively related to the number of YJA referrals children accumulated during the follow-up period. Children scoring higher on this factor had a lower than expected number of referrals to the YJA during the follow-up, while controlling for all other measures in the regression analysis.

4.4.3   Subsequent Contact among Statutory Referrals

Focusing specifically on the total number of statutory community referrals to the YJA children accumulated during the follow-up period reveals a similar pattern of results (these are presented in Table 5, Appendix 4).

4.4.3.1 Religion

As in the previous analysis, three models were run, with percent Catholic not emerging as a statistically significant variable in Model 1, Model 2, or Model 3, suggesting that there was no statistically significant relationship observed between percent Catholic and the total number of statutory community referrals to the YJA the children amassed during the one year follow-up period.

4.4.3.2 Age

Age was the only Section 75 characteristic found to be significant, with younger children being more likely to accumulate statutory referrals during the follow-up period than those aged 17 years[28].

4.4.3.3 Gender, Ethnicity and Deprivation

No significant relationship was observed with gender, ethnicity or deprivation ranking in Model 3, indicating that these factors were not influencing the number of statutory referrals children received during the one year follow-up.

4.4.3.4 Risk Factors

All static and most dynamic factors were found to be significant (see Table 5, Appendix 4). As before, those with an offence of theft had a higher than expected number of statutory referrals compared to those whose offence was listed as 'other'. Children who were aged 13-18 at first contact with the justice system were more likely to amass statutory referrals during the follow-up than those who had no previous contact. Likewise, those who were aged 14-18 when first found guilty of committing a crime in court had a higher than expected number of statutory referrals during the follow-up than those who had not been found guilty. Similarly, those with a history of previous formal sanctions had a higher than

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[28] As before, it is important to note that for those children aged 17, it is possible that some of their subsequent contact with the justice system may not be recorded by the YJA, as if they had turned 18, they may be considered an adult and dealt with under the adult system.

expected number of statutory referrals during the one year follow-up compared to those with no prior sanctions.

The following dynamic factors were also found to be significant, with higher scores on these risk factors being associated with a higher number of statutory referrals during the follow-up period: living arrangements; education, training, and employment; lifestyle; substance misuse and perception of self and others. As in the previous analysis, the dynamic factor of community and neighbourhood was again found to be significant but negatively associated with the children's accumulated statutory referrals. Thus indicating that children who scored higher on this measure had a less than expected number of statutory referrals to the YJA during the follow-up period, when all other measures in the regression analysis were controlled for.

4.4.4   Subsequent Contact among those Admitted to Custody

Lastly, in examining what variables influenced whether or not the children were admitted to custody during the one year follow-up period, some differences emerged. As previously, three models are presented, with the influence of religion examined in Model 1, the influence of religion, age, gender, ethnicity and deprivation examined in Model 2, and religion, age, gender, ethnicity, deprivation as well as the static and dynamic factors examined in Model 3. The results are presented in Table 6, Appendix 4

4.4.4.1 Religion

Focusing on religion (as measured by the proxy percent Catholic measure), this appeared to be significant in influencing whether a child was admitted into custody during the one year follow-up period in both Model 1 and Model 2. Children living in areas with a higher percentage of people identifying as Catholic were found to be more likely to be admitted into custody during the one year follow-up period. However, when the possible role of the static and dynamic risk factors was considered, alongside religion, age, gender, ethnicity and deprivation, in Model 3, religion was no longer found to be statistically significant). This suggests that when the role of static and dynamic risk factors is considered alongside Section 75 characteristics and deprivation, religion no longer appeared to be a statistically significant influence on whether or not children were admitted to custody during the one year follow-up period. It is important to note, however, that the coefficient did not notably reduce (OR 1.01 in all models), which suggests the potential moderating effect of the static and dynamic factors could be minor. Although percent Catholic lost significance in the last model there was only small changes in the effect size. In other words, caution should be taken and this result should not be simplistically interpreted as religion itself having no influence.

4.4.4.2 Other Section 75 Characteristics

In all the models, age, gender, and ethnicity showed significant associations with whether a child experienced custody during the follow-up period, but deprivation ranking did not. Reviewing the results for Model 3 reveals that children aged 15 and aged 16 had a significantly higher likelihood of being admitted into custody during the follow-up compared

to those aged 17 years[29]. However, small sample sizes for those aged 10-13 and 14 may have reduced the probability of these age groups achieving statistical significance. Gender was statistically significant, with females being less likely to be admitted into custody in comparison to males. With regards to ethnicity, in comparison to people recorded as being White, those who did not wish to disclose their ethnicity/missing/unknown were significantly less likely to be admitted to custody during the follow-up period. No statistically significant relationship was observed between being non-white or an Irish Traveller with admittance into custody during the follow-up period, however the small sample size of this group may have limited its ability to achieve statistical significance.

4.4.4.3 Risk Factors

Further, differences were evident in the static and dynamic factors that were found to be significant. The age at which children were first found guilty of committing a crime in court was significant, with those aged 14 to 18 at first finding of guilt in the courts being significantly more likely to be admitted into custody during the follow-up period compared to those with no previous finding of guilt in the courts. Among the dynamic factors, living arrangements, substance misuse and motivation to change were found to be statistically significant. In all cases, children who had a higher risk score on these dynamic factors were more likely to be admitted to custody during the follow-up period. No other factors emerged as statistically significant.

4.5   Summary

Based on this analysis, several important findings emerge. Focusing on religion (as measured by the proxy variable of the percentage of people identifying as Catholic in the areas the children resided in), religion was not found to substantially influence subsequent contact with the YJA during the one year follow-up period. For instance, religion did not appear to be statistically significant in influencing the number of community referrals children received (all and statutory) to the YJA during the one year follow-up period. It was, however, significant in influencing whether children were admitted into custody. Although it was no longer found to be significant when the influence of the other Section 75 characteristics, deprivation, static and dynamic risk factors were considered. In other words, once the children's age, gender, ethnicity, experience of deprivation, offending history and YJA workers' assessment of their living arrangements, relationships, community and neighbourhood, lifestyle, emotional wellbeing, perception of self and others, thinking and behaviour, attitudes towards offending and motivation to change was considered, religion was no longer found to influence if they were admitted to custody in the follow-up period. This finding indicates caution should be taken in inferring that religion alone influences the frequency and severity of (subsequent) contact with the YJA as these relationships appear weak. The loss of significance when accounting for the inclusion of static and dynamic risk factors suggests religious differences in contact might be explained by variations in risk factors. In other words, the relationship between religion and contact might be explained by those living in areas with a higher percentage Catholic population possessing higher risk

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[29] Again, it is important to note that children aged 17 might have had future contact with the adult justice system if they turned 18 in the follow-up period.

assessment scores on these static and dynamic factors, which place them at a greater risk of future contact. Some of these issues were raised by interviewees in Section 3.3.

Other factors did, however, consistently influence subsequent contact with the YJA during the follow-up period. For instance, age influenced referrals (all and statutory) as well as whether the children were admitted into custody, with younger children being more likely to amass referrals and be detained in custody compared to those aged 17. However, it should be noted that this analysis may underestimate the number of contacts that those aged 17 have with the justice system due to the possibility of some of these children turning 18 and being dealt with through the adult system. The age at which the children first received a finding of guilt in a court setting also influenced the referrals received (all and statutory) and admission into custody during the follow-up period. Children who were first found guilty in a court aged 14-18 were more likely to amass referrals (all and statutory) and be admitted into custody during the follow-up period compared to those that were not previously found guilty in a court. Furthermore, children whose living arrangements and substance misuse was assessed by YJA workers as contributing to their offending behaviour were more likely to accumulate referrals (all and statutory), as well as be admitted into custody during the follow-up period. These results suggest a particular need for assisting children to ensure they have appropriate access to stable and secure living arrangements, as well as a need for additional assistance in accessing support and treatment for substance misuse (see Section 3.5).

With regards to gender, this only emerged as significant in influencing whether children were admitted into custody during the follow-up period, with females being less likely to be detained compared to males. The reasons for these findings are unclear but possible explanations may include the types of offending girls are convicted of, with boys more likely to be convicted of violent offences. Alternatively, this could reflect different responses to girls in court, with a desire to divert females from custody or a tendency to respond to their offending through mental health rather than criminal justice interventions (see Section 3.1). Further research is needed to uncover the explanations for these findings.

There were also differences evident in the static and dynamic factors found to influence referrals and admission into custody. In comparison to those who had not previously received a caution, warning, or diversionary conference, children who received their first caution, warning, or diversionary conference aged 13-18 were more likely to accumulate referrals (all and statutory) during the follow-up period, while this variable was not found to be statistically significant in influencing admittance into custody. Additionally, while the number of previous formal sanctions children had received, as well as their risk assessment scores for the dynamic factors of education, training and employment, lifestyle, community and neighbourhood, and perceptions of self and others were found to influence the number of referrals (all and statutory) children amassed during the follow-up period, these factors were not found to influence admission into custody within the one-year follow-up period.

Dynamic factors of living arrangements, substance misuse and motivation to change were, however, found to be statistically significant in relation to admission to custody. This may suggest that admission into custody could be linked to care status (reflected within living arrangement scores). It could also be reflective of the numbers of children in custody on

PACE admissions or remand (accounting for 98% of all admissions in 2019/20 (Brown, 2020) where custody may be assessed as a safe place for a child due to a lack of suitable alternatives for those in care (see, Section 3.3.4.4) or substance using histories. Other possible explanations for this difference may include that admission into custody is based on the seriousness of the current offence in addition to a child's history of system contact. Additionally, the limitation of a one year follow up may not capture the influence of dynamic factors on custody for younger children, given that 85% of children admitted to custody are aged 15+ and nearly a third are aged 17+ (Brown, 2020). This highlights the advantage of further longitudinal analysis over a longer period to capture the potential impact of these factors on younger cohorts in this analysis. Moreover, motivation to change was only found to influence admission into custody. This suggests that children who were assessed as lacking goal or ambition, unable to identify potential opportunities or reasons to stop offending, lacking support to change, or as unwilling to co-operate to achieve change were at a greater risk of experiencing custody. It is worth considering, however, that negative outlooks assessed in this category may be reflective of the substantial barriers and 'pains'[30] faced by children in stopping offending, most notably structural barriers which are not included in such assessments but were identified in the expert interviews (see Section 3). It may also reflect how the adverse impact of (early) criminal justice contact and criminal records can shape children's perceptions as they begin to appreciate the barriers to 'moving on'.[31]

These findings, therefore, highlight several factors as associated with children's subsequent contact with the YJA. This offers us insight into what factors may be driving further contact with the justice system for those children who already have contact with the YJA. The analysis is restricted, however, to the factors included in the administrative data and the potential for additional factors to influence system contact remains. This analysis would be further enhanced by an extended longitudinal analysis, to identify impact over a longer timeframe. Due to issues with data availability, sharing, and linking data across different criminal justice organisations, it was not possible to compare the characteristics of children who entered the justice system with those who did not. Therefore it was not possible to identify the factors contributing to children entering the justice system.

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[30] Nugent, B. and Schinkel, M. (2016) The pains of desistance. *Criminology and Criminal Justice,* 16, 5, 568-584.
[31] Corr, M.L. (2014) Young people's offending careers and criminal justice contact: A case for social justice. *Youth Justice*, 14, 3, 255-268; McAra, L. and McVie, S. (2007) Youth justice? The impact of system contact on patterns of desistance from offending. *European Journal of Criminology*, 4, 3, 315-345.

REFERENCES

Bateman, T. (2020) *The State of Youth Justice 2020: An overview of trends and developments*, London: National Association for Youth Justice

Beaver, K. M., DeLisi, M., Wright, J. P., Boutwell, B. B., Barnes, J. C., and Vaughn, M. G. (2013) No evidence of racial discrimination in criminal justice processing: Results from the National Longitudinal Study of Adolescent Health, *Personality and Individual Differences*, 55, 29-34

Brown, T. (2020) *Northern Ireland Youth Justice Agency Annual Workload Statistics*, Department of Justice/NISRA

Carr, N., and Mayock, P. (2019) *Care and Justice: Children and Young People in Care and Contact with the Criminal Justice System*, Irish Penal Reform Trust

Cochran, J. C., and Mears, D. P. (2015) Race, ethnic and gender divides in juvenile court sanctioning and rehabilitative intervention, *Journal of Research in Crime and Delinquency*, 52, 181-212

Creswell, J.W., Plano Clark, V.L., Gutmann, M.L., and Hanson, W.E. (2003) Advances in mixed methods research designs. In: Tashakkori, A., Teddlie, C., (eds) *Handbook of mixed methods in social and behavioral research.* Thousand Oaks, CA (pp. 209–240).

CJINI (Criminal Justice Inspection Northern Ireland) (2015) *Monitoring of Progress on Implementation of the Youth Justice Review Recommendations*. Belfast: CJINI.

CJINI (2018) *An Announced Inspection of Woodlands Juvenile Justice Centre*, Belfast: CJINI

Department of Health/NISRA (2021) *Children's Social Care Statistics for Northern Ireland 2019/20*. Department of Health/ NISRA.

Department of Health/NISRA (2020) *Children's Social Care Statistics for Northern Ireland 2018/19*. Department of Health/ NISRA.

Harvey, C. (2012) Contextualised equality and the politics of legal mobilisation: Affirmative action in northern Ireland. *Social & Legal Studies*, 21(1), 23-50

Kutateladze, B. L., Andiloro, N. R., Johnson, B. D., and Spohn, C. (2014) Cumulative disadvantage: Examining racial and ethnic disparity in prosecution and sentencing. *Criminology*, *52*(3), 514-551.

Lammy, D. (2017) *The Lammy Review: An Independent Review into the Treatment of, and Outcomes for, Black, Asian and Minority Ethnic Individuals in the Criminal Justice System*, London: UK Government Publishing Service

Mears, D., Cochran, J. C., and Lindsey, A. M. (2016) Offending and Racial and Ethnic Disparities in Criminal Justice: A Conceptual Framework for Guiding Theory and Research and Informing Policy, *Journal of Contemporary Criminal Justice*, 32(1), 78-103

Northern Ireland Audit Office (2017) *Managing Children Who Offend*, Belfast: NIAO

Northern Ireland Policing Board (2016) *Human Rights Annual Report: Monitoring the compliance of the PSNI with the Human Rights Act 1998*, NIPB

PPS (2021) *Public Prosecution Service for Northern Ireland Guidelines for the Use of Diversionary Disposals June 2021*. Available at https://www.ppsni.gov.uk/sites/ppsni/files/publications/Guidelines%20for%20the%20Use%20of%20Diversionary%20Disposals_0.pdf (Accessed 14 January 2022).

Spohn, C. (2015) Race, Crime and Punishment in the Twentieth and Twenty-First Centuries, *Crime and Justice,* 44, 49-98

Tonry, M. H. (1995) *Malign neglect: Race, crime, and punishment in America*. New York: Oxford University Press.

Umbach, R., A. Raine, R. C. Gur, J. Portnoy (2018) Neighborhood Disadvantage and Neuropsychological Functioning as Part Mediators of the Race-Antisocial Relationship: A Serial Mediation Model, *Journal of Quantitative Criminology*, 34, 481-512

United Nations Network on Racial Discrimination and Protection of Minorities (2015) *Minorities in the Criminal Justice System.* Geneva: Forum on Minority Issues.

Wacquant, L. (2001) Deadly Symbiosis: When Ghetto and Prison Meet and Mesh. *Punishment & Society*, *3*(1), 95-133.

Wortley, S. & Owusu-Bempah, A. (2011) The usual suspects: police stop and search practices in Canada, *Policing and Society*, 21:4, 395-407

YJB/MOJ (2021) *Assessing the needs of sentenced children in the Youth Justice System 2019/20 England and Wales*: *Youth Justice Board / Ministry of Justice Experimental Statistics bulletin*. London: YJB/MOJ

APPENDIX 1: INTERVIEW SAMPLE

Table 1: Interview Sample

Sector	Number of representatives
Human rights	2
Policing	5
Youth Justice	4
Oversight body	6
NGO	5
Legal	4
Health	1
Education	1

APPENDIX 2: PROFILE OF CHILDREN IN CONTACT WITH CRIMINAL JUSTICE AGENCIES

Table 1. Descriptives of children stopped and searched 2018/2019 (n=3,629)

Characteristic	Freq.	Percent[a]	Rate per 1,000
Age			
Under 12	57	1.6	0.77
13	130	3.6	5.64
14	353	9.7	15.49
15	595	16.4	26.64
16	1,022	28.2	45.72
17	1,472	40.6	65.37
Gender			
Female	478	13.2	5.23
Male	3,148	86.7	32.72
Unknown/Transgender[b]	3	0.1	N/A
Ethnicity			
White	3,454	95.2	
Irish Traveller	61	1.7	
Black	26	0.7	N/A
Other	68	1.9	
Unknown	20	0.5	

[a] To compensate for rounding, unknown ethnicity was rounded down to have the percentages add to 100.
[b] Due to small sample sizes and to protect their anonymity, those who identified as transgender were combined with those cases for whom gender was unknown.

Table 2. Descriptives of children arrested during 2018/2019 (n=1,834)

Characteristic	Freq.	Percent[a]	Rate per 1,000[b]
Age			
10 to 12	51	2.8	0.68
13	88	4.8	3.81
14	206	11.2	9.04
15	356	19.4	15.94
16	478	26.1	21.38
17	655	35.7	29.09
Gender			
Female	329	17.9	3.60
Male	1,503	82.0	15.62
Missing/Unknown/Transgender[c]	2	0.1	N/A
Ethnicity			
White	1,673	91.2	
Irish Traveller	84	4.6	
Black	25	1.3	N/A
Other	51	2.8	
Missing/Unknown	1	0.1	
Nationality[d]			
Northern Ireland	1482	80.8	
Irish Republic	121	6.6	
United Kingdom	132	7.2	N/A
Other EU	92	5.0	
Non-EU	7	0.4	

[a] To compensate for rounding, Black ethnicity was rounded down to have the percentages add to 100.
[b] Rates were calculated using mid-2018 NIRSA population estimates. Year population estimates are only available for age and gender. Therefore, it was not possible to calculate rates for the transgender/missing/unknown group, ethnicity or nationality. Furthermore, characteristics are reported by case, therefore these are estimated rates based on cases.
[c] Due to small sample sizes and to protect their anonymity, those who identified as transgender were combined with those cases for whom gender was missing/unknown.
[d] First Nationality recorded.

Table 3. Descriptives of children given Community Resolution Notices (n=1,421)

Characteristic	Freq.	Percent[a]	Rate per 1,000[b]
Age			
10	16	1.1	0.62
11	40	2.8	1.61
12	108	7.6	4.57
13	177	12.5	7.67
14	255	18.0	11.19
15	274	19.3	12.27
16	265	18.6	11.85
17	286	20.1	12.70
Gender			
Female	470	33.0	5.15
Male	950	66.9	9.87
Missing/Unknown/Transgender[c]	1	0.1	N/A
Ethnicity			
White	1,147	80.7	
Irish Traveller	25	1.8	
Black	17	1.2	N/A
Other	24	1.7	
Missing/Unknown	208	14.6	
Disability Type			
Some type	40	2.8	
None	353	24.9	N/A
Missing/Unknown	1,028	72.3	
Religion			
Protestant	57	4.0	
Roman Catholic	128	9.0	
Other Christian	5	0.4	
Muslim	5	0.4	N/A
None	61	4.3	
Other	2	0.1	
Missing/Unknown	1,119	78.7	
Did not wish to answer	44	3.1	

[a] To compensate for rounding, age 14 was rounded up while female gender, and none disability type were rounded down to have the percentages add to 100.

[b] Rates were calculated using mid-2018 NIRSA population estimates. Year population estimates are only available for age and gender. Therefore, it was not possible to calculate rates for the transgender/missing/unknown group, ethnicity or nationality. Furthermore, characteristics are reported by case, therefore these are estimated rates based on cases.

[c] Due to small sample sizes and to protect their anonymity, those who identified as transgender were combined with those cases for whom gender was missing/unknown.

Table 4: Descriptives of child suspect files received by PPS between 1st April 2018 and 31st March 2019 (n=3,426)

Characteristics	Freq.	Percent[a]	Rate per 1,000[b]
Age			
10	12	0.3	0.46
11	59	1.7	2.38
12	119	3.5	5.03
13	250	7.3	10.84
14	458	13.4	20.10
15	649	18.9	29.05
16	828	24.2	37.04
17	1051	30.7	46.67
Gender			
Male	2610	76.2	27.13
Female	806	23.5	8.83
Missing/Unknown/ Transgender	10	0.3	N/A
Nationality			
Northern Ireland	1557	45.4	
Irish Republic	112	3.3	
United Kingdom	126	3.7	N/A
Other EU	#	~	
Non EU	-	0.0-0.1	
Missing/Unknown	~	42.0*	

[a] To compensate for rounding, age 10 was rounded down to have the percentages add to 100.

[b] Rates were calculated using mid-2018 NIRSA population estimates. Year population estimates are only available for age and gender. Therefore, it was not possible to calculate rates for the transgender/missing/unknown group or nationality. Furthermore, characteristics are reported by case, therefore these are estimated rates based on cases.

[c] Due to small sample sizes and to protect their anonymity, those who identified as transgender were combined with those cases for whom gender was missing/unknown.

"-" represents a number less than 3 that has been suppressed to avoid disclosure.

"#" represents a number of >=3 which has been suppressed to avoid disclosing small numbers elsewhere.

"*" represents approximately 42% of suspects did not have a nationality recorded- this is the level of detail and wording provide by the FOI request

"~" represents unable to determine. Due to the supressed numbers and given only the approximate percent of missing these could not be determined with accuracy.

Table 5: Decisions Issued in respect of Suspects aged 10-17 [1,2] by Age Year on Files Received by PPS between 1st April 2018 and 31st March 2019

Suspect Age	Indictable Prosecution	Summary Prosecution	Diversion	No prosecution	Total[3]
10	0	-	-	#	12
11	-	#	23	#	59
12	0	36	34	49	119
13	0	60	88	102	250
14	0	158	143	154	455
15	-	241	#	210	647
16	8	351	227	239	825
17	17	480	251	303	1,051
Total	28	1,337	962	1,091	3,418

[1] Based on the suspect age at date file received.
[2] Please note that suspect age is based on date of birth information provided to the PPS by the PSNI or other file source, no data validation checks have been undertaken by PPS.
[3] Excludes 8 suspects pending issue of decision.

"-" represents a number less than 3 that has been suppressed to avoid disclosure.

"#" represents a number of >=3 which has been suppressed to avoid disclosing small numbers elsewhere.

Patterns shows higher numbers as age increases for all types of outcomes. More than a third of all suspects (39.9%) have an indictable or summary prosecution. This also generally increases by age; for example, 30.3% of 12 years olds received an indictable or summary prosecution compared to 47.3% of 17 years olds (percentages not shown in table).

Table 6: Decisions Issued in respect of Suspects aged 10-17[1,2] by Gender on Files Received by PPS between 1st April 2018 and 31st March 2019

Suspect Gender	Indictable Prosecution	Summary Prosecution	Diversion	No prosecution	Total[3]
Male	#	1,062	737	#	2,602
Female	-	#	224	#	806
Missing/Unknown/Transgender	0	#	1	-	10
Total	28	1,337	962	1,091	3,418

[1] Based on the suspect age at date file received.
[2] Please note that suspect age is based on date of birth information provided to the PPS by the PSNI or other file source. Suspect gender is as provided to the PPS by the PSNI or other file source. No data validation checks have been undertaken by PPS.
[3] Excludes 8 suspects pending issue of decision.

"-" represents a number less than 3 that has been suppressed to avoid disclosure.

"#" represents a number of >=3 which has been suppressed to avoid disclosing small numbers elsewhere.

While it is not possible to estimate the exact percentages of the gender breakdown of those who were more prosecuted (indictable or summary), from the available figures it appears that males are more likely to be prosecuted (indictable or summary) than females, with between 41.8% to 41.9% of males compared to between 33.0% to 33.5% of females prosecuted.

Table 7: Decisions Issued in respect of Suspects aged 10-17[1,2] by Nationality[3,4] on Files Received by PPS between 1st April 2018 and 31st March 2019

Suspect Nationality	Indictable Prosecution	Summary Prosecution	Diversion	No prosecution	Total[5]
Northern Ireland	15	651	405	482	1,553
Irish Republic	0	48	40	38	126
United Kingdom	-	55	#	32	112
Other EU	-	21	11	#	#
Non EU	0	0	0	-	-
Unknown	#	562	#	521	1576
Total	28	1,337	962	1,091	3,418

1 Based on the suspect age at date file received.
2 Please note that suspect age is based on date of birth information provided to the PPS by the PSNI or other file source, no data validation checks have been undertaken by PPS.
3 Please note that suspect nationality is as provided to the PPS by the PSNI or other file source, no data validation checks have been undertaken by PPS. Some nationalities have been combined to prevent disclosure due to small numbers.
4 51.4% of suspects with a decision issued did not have a nationality
5 Excludes 8 suspects pending issue of decision.

"-" represents a number less than 3 that has been suppressed to avoid disclosure.

"#" represents a number of >=3 which has been suppressed to avoid disclosing small numbers elsewhere.

Notably, around half of respondents did not report their nationality[32], with between 36.5% to 36.2% of those with an unknown nationality receiving a decision of an indictable or summary prosecution. Among those for whom nationality was reported, the majority were recorded as Northern Ireland, 42.9% of which received an indictable or summary prosecution. Those reporting a United Kingdom nationality were slightly higher (somewhere in the range of 49.1-50.9%), while those reporting an Irish Republic nationality were slightly lower in receiving a decision of an indicatable or summary prosecution at 38.1%.

Among the 20 indictable outcomes, 18 were convicted of at least one offense and 2 were acquitted.

Table 8: Indictable Outcomes in respect of Defendants aged 10-17[1,2,3] by Age Year on Files Received by PPS between 1st April 2018 and 31st March 2019[4]

Suspect Age	Convicted of At Least One Offence	Acquitted	Total
11, 15, 16	5	*	#
17	13	*	#
Total	18	2	20

[1] Based on the defendant/suspect age at date file received.
[2] Please note that defendant/suspect age is based on date of birth information provided to the PPS by the PSNI or other file source, no data validation checks have been undertaken by PPS.
[3] Ages aggregated to prevent the disclosure.
[4] 8 defendants are pending outcome as of September 2021

"" represents a category for which a further breakdown cannot be provided due to small numbers involved.*
"#" represents a number of >=3 which has been suppressed to avoid disclosing small numbers elsewhere.

[32] Figures reported in the decisions issued in respect of suspects aged 10-17 by nationality on files received between 1st April 2018 and 31 March 2019 in Table 7 vary with the PPS reporting that nationality was unknown for 51.4% of suspects but 46.1% of decisions based on the figures provided by the PPS in Table 10.

Table 9: Indictable Outcomes in respect of Defendants aged 10-17[1,2] by Gender on Files Received by PPS between 1st April 2018 and 31st March 2019[3]

Suspect Gender	Convicted of At Least One Offence	Acquitted	Total
Male	#	*	-
Female	-	*	#
Total	18	2	20

1 Based on the defendant/suspect age at date file received.
[2] Please note that defendant/suspect age is based on date of birth information provided to the PPS by the PSNI or other file source. Defendant/suspect gender is as provided to the PPS by the PSNI or other file source. No data validation checks have been undertaken by PPS.
[3] 8 defendants are pending outcome as of September 2021
"-" represents a number less than 3 that has been suppressed to avoid disclosure.
"#" represents a number of >=3 which has been suppressed to avoid disclosing small numbers elsewhere.

Table 10: Indictable Outcomes in respect of Defendants aged 10-17[1,2] by Nationality[3,4] on Files Received by PPS between 1st April 2018 and 31st March 2019

Suspect Nationality	Convicted of At Least One Offence	Acquitted	Total
Northern Ireland	8	*	#
Irish Republic	-	*	-
Other EU	0	*	0
Unknown	#	*	#
Total	18	2	20

[1] Based on the defendant/suspect age at date file received.
[2] Please note that defendant/suspect age is based on date of birth information provided to the PPS by the PSNI or other file source, no data validation checks have been undertaken by PPS.
[3] Please note that defendant/suspect nationality is as provided to the PPS by the PSNI or other file source, no data validation checks have been undertaken by PPS. Some nationalities have been combined to prevent disclosure due to small numbers.
[4] 50% of defendants with an outcome did not have a nationality recorded.
[5] 8 defendants are pending outcomes as of September 2021

"*" represents a category for which a further breakdown cannot be provided due to small numbers involved.

"-" represents a number less than 3 that has been suppressed to avoid disclosure.

"#" represents a number of >=3 which has been suppressed to avoid disclosing small numbers elsewhere.

Among defendants aged 10-17 with files received by PPS between 18/19 financial year (n=1,290), 880 were convicted of at least one offence, 71 were acquitted, and 339 had another type of outcome.

Table 11: Summary Outcomes in respect of Defendants aged 10-17[1,2,3] by Age Year on Files Received by PPS between 1st April 2018 and 31st March 2019

Suspect Age	Convicted of At Least One Offence	Acquitted	Other	Total[4]	Rate convicted per 1,000	% convicted
10&11	3	0	6	9	0.06	33.3
12	22	-	-	35	0.93	62.9
13	33	#	#	58	1.43	56.9
14	98	8	49	155	4.30	63.2
15	148	18	69	235	6.63	63.0
16	235	18	84	337	10.51	69.7
17	341	22	98	461	15.14	74.0
Total	880	71	339	1,290	4.69	68.2

[1] Based on the defendant/suspect age at date file received.
[2] Please note that defendant/suspect age is based on date of birth information provided to the PPS by the PSNI or other file source, no data validation checks have been undertaken by PPS.
[3] Ages 10 and 11 have been combined to prevent the disclosure of small numbers elsewhere.

[4] 47 defendants are pending outcome as of September 2021

"-" represents a number less than 3 that has been suppressed to avoid disclosure.

"#" represents a number of >=3 which has been suppressed to avoid disclosing small numbers elsewhere.

Table 12: Summary Outcomes in respect of Defendants aged 10-17[1,2] by Gender on Files Received by PPS between 1st April 2018 and 31st March 2019

Suspect Gender	Convicted of At Least One Offence	Acquitted	Other	Total[3]	% convicted
Male	714	56	260	1,030	69.3
Female	162	15	75	252	64.3
Transgender	4	0	4	8	50.0
Total	880	71	339	1,290	68.2

[1] Based on the defendant/suspect age at date file received.
[2] Please note that defendant/suspect age is based on date of birth information provided to the PPS by the PSNI or other file source. Defendant/suspect gender is as provided to the PPS by the PSNI or other file source. No data validation checks have been undertaken by PPS.
[3] 47 defendants are pending outcome as of September 2021.

Based on First Papers Received Date and Overall Summary Outcome

Table 13: Summary Outcomes in respect of Defendants aged 10-17[1,2] by Nationality[3,4] on Files Received by PPS between 1st April 2018 and 31st March 2019[5]

Suspect Nationality	Convicted of At Least One Offence	Acquitted	Other	Total	% convicted
Northern Ireland	449	31	156	636	70.6
Irish Republic	29	-	#	50	58.0
United Kingdom	31	-	#	44	70.5
Other EU	12	-	-	15	80.0
Unknown	359	35	151	545	65.9
Total	880	71	339	1290	68.29

[1] *Based on the defendant/suspect age at date file received.*

[2] *Please note that defendant/suspect age is based on date of birth information provided to the PPS by the PSNI or other file source, no data validation checks have been undertaken by PPS.*

[3] *Please note that defendant/suspect nationality is as provided to the PPS by the PSNI or other file source, no data validation checks have been undertaken by PPS. Some nationalities have been combined to prevent disclosure due to small numbers.*

[4] *47 defendants are pending outcome as of September 2021..*

[5] *42% of defendants with an outcome did not have a nationality recorded*

"-" represents a number less than 3 that has been suppressed to avoid disclosure.
"#" represents a number of >=3 which has been suppressed to avoid disclosing small numbers elsewhere.
Based on First Papers Received Date and Overall Summary Outcome.

Table 14. Descriptives of children receiving a community referral to the YJA or admitted into custody during 2018/2019 (n=1,009)

	Frequency	Percent[a]	Rate per 1,000[b]
Age			
10 to 13	132	13.1	1.35
14	126	12.5	5.53
15	178	17.6	7.97
16	241	23.9	10.78
17	332	32.9	14.74
Gender			
Male	781	77.4	8.12
Female	222	22.0	2.43
Do not wish to answer	1	0.1	N/A
Transgender/Missing/Unknown[c]	5	0.5	
Ethnicity			
White	661	65.5	
Non-white and Irish traveller	31	3.1	N/A
Did not wish to answer	11	1.1	
Missing/unknown	306	30.3	
Self-reported Religion			
Catholic	282	27.9	
Protestant	160	15.9	
Other religion	17	1.7	N/A
No religion	116	11.5	
Missing/unknown	434	43.0	

[a] To compensate for rounding, age 15 was rounded down to have the percentages add to 100.
[b] Rates were calculated using mid-2018 NIRSA population estimates. Year population estimates are only available for age and gender Transgender population estimates are not included and due to low counts, any potential cases were combined with missing. Therefore, it was not possible to calculate rates for that group, do not wish to answer gender, religion nor ethnicity.
[c] Due to small sample sizes and to protect their anonymity, those who identified as transgender were combined with those cases for whom gender was missing/unknown.

Table 15. Descriptives of children in JCC during 2018/2019 (n=153)

	Frequency	Percent[a]	Rate per 1,000[b]
Age			
10 to 13	7	4.6	0.07
14	10	6.5	0.44
15	31	20.2	1.39
16	46	30.1	2.06
17	59	38.6	2.62
Gender			
Male	138	90.2	1.43
Female	15	9.8	0.16
Ethnicity			
White	139	90.8	
Non-white and Irish traveller	11	7.2	N/A
Missing/unknown	3	2.0	
Self-reported Religion			
Catholic	95	62.1	
Protestant	29	19.0	N/A
No religious belief/Other	10	6.5	
Missing/unknown	19	12.4	
Looked after status			
Not in care	93	60.8	
Subject to a care order	43	28.1	N/A
Voluntary accommodated	14	9.1	
Missing/unknown	3	2.0	

[a] To compensate for rounding, voluntary accommodated looked after status was rounded down to have the percentages add to 100.

[b] Rates were calculated using mid-2018 NIRSA population estimates. Year population estimates are only available for age and gender. Therefore, it was not possible to calculate rates for ethnicity, religion, or looked after status. Furthermore, characteristics are reported by case, therefore these are estimated rates based on cases.

APPENDIX 3

One goal of this project was to assess if Catholic children were over-represented in the justice system. However, our ability to do this was hampered by a lack of available administrative data on religion, and when information on religion was recorded, a large proportion of it was frequently listed as missing/unknown. It was not feasible to develop a proxy measure of religion for the PSNI and PPS data. However, we were able to develop a proxy measure of religion for the YJA dataset that could be used as an indicator of the children's religion by using postcode data. For data protection purposes, the YJA statistical team reviewed the postcodes of the children and provided the QUB team with the Small Area information for each child. The QUB team then matched the children's Small Area information to the 2011 Census data on the percent distribution of Catholic, Protestant, other religion or no religion for each Small Area. There are four categories of religion or 'religion brought up in' available in the 2011 Census: Catholic; Protestant and Other Christian (including Christian related); Other religions; None. The range for each group could range from 0% to 100%. It would not be feasible to include all the groups in the analysis due to issues around collinearity (e.g. as percent Catholic increase, percent Protestant decreases) and interpretability. Preliminary tests were, therefore, performed to determine: 1) if percent religion in a Small Area would provide an acceptable proxy for self-reported religion and 2) which of the reported religions would make the better measure. Postcode information was missing/unknown for 24 children in the YJA dataset, which meant that it was not possible to identify what Small Area they resided in or the percent distribution of religions in their Small Area. Consequently, it was only possible to identify the Small Area information and associated data for 985 children in the YJA dataset.

Table A1 shows the mean, standard deviation, minimum and maximum percentages of religion by Small Area within the analytic sample. The key information to note is that there are large ranges for Catholic and Protestant with about 0 to 95% and over, whereas no areas have a majority reporting other religion or no religion. Combining Other religions and None into the one category, gives the maximum value of an area having 27.36% of the population reporting as neither Catholic nor Protestant. Moreover, the mean and the standard deviation are on the smaller end (mean 6.5; SD 5), indicating that most of the children are living in areas with very small numbers of residents that are identifying as Other religion or no religion (None). Accordingly, the largest group in these Small Areas are always either Protestant or Catholic. From this data, it was determined that percent of Other religion or None would not be a strong indicator to use as a proxy measure and was therefore excluded from the analysis.

Table A1. Descriptives of percent of each religion within Small Areas

Variable	Obs	Mean	SD	Min	Max
Catholic	985	51.5	34.6	0	98.6
Protestant	985	42.1	31.5	0.3	94.7
Other religion	985	0.9	1.1	0	14.2
No Religion	985	5.6	4.5	0	26.8
Other/No Religion combined	985	6.5	5.0	0	27.4

In the next set of preliminary diagnostics tests, we examined how the self-reported religion matched with the percent Catholic (Figure A1) and percent Protestant (Figure A2) recorded in the Small Areas. In Figure A1, it is evident from the green shaded area that those that self-reported being Catholic, most lived in high percent Catholic Small Area. Conversely, for those that self-reported as Protestant (see the blue shaded area), these children tended to reside in low percent Catholic Small Areas. We can also see that for those whose religion was missing/unknown (represented by the red colour), the pattern shows a two hump concentration with some children concentrated in lower percent Catholic Small Areas whereas some are concentrated in higher percent Catholic Small Areas. Notably, although there is a clear spilt among those children with missing/unknown religion both in high and low Catholic areas, the concentration seems to be slightly higher in Catholic areas. At the same time, it is critical to mention here that a large proportion (slightly less than half) of the children with missing/unknown religion are living in minority Catholic area.

Figure A1
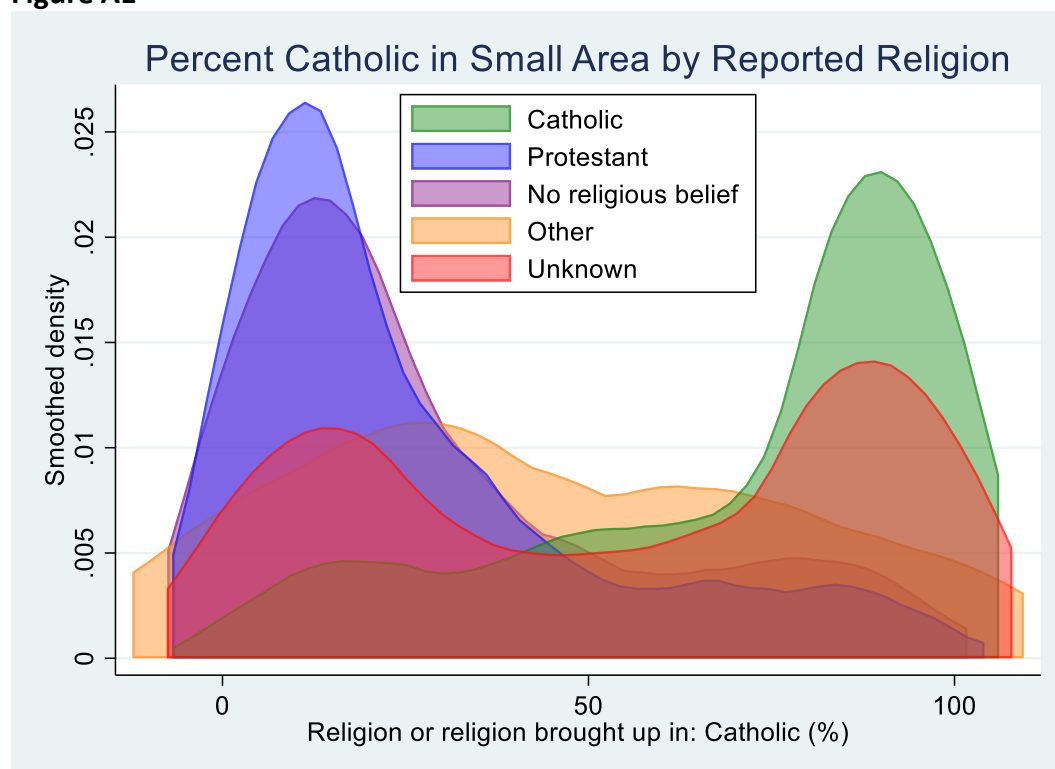
Figure A2 examines self-reported religion by percent Protestant in the Small Areas and supports the trend witnessed in Figure A1. The results are not a perfect mirror due to the percent Other religion and None in the Small Areas. In other words, a youth could live in a

60% Catholic, 30% Protestant, and 10% Other religion/None Small Area. Figure A1 shows the 60% Catholic and Figure A2 shows the 30% Protestant, which is close to a mirror but not exact as these do not add up to 100. Three key pieces of information can be drawn from Figure A2. First, that this measure provides similar results for self-reported religion of Protestant and Catholic children. Secondly, children that self-reported as Protestants, primarily live in Small Areas that are minority Catholic (Figure A1) and majority Protestant (Figure A2). Thirdly, children that self-reported as Catholic, primarily live in Small Areas that are majority Catholic (Figure A1) and minority Protestant (Figure A2). In other worlds, both percent Catholic and percent Protestant measures provide reliable estimates of if a child is likely to be Protestant or Catholic.

Figure A2
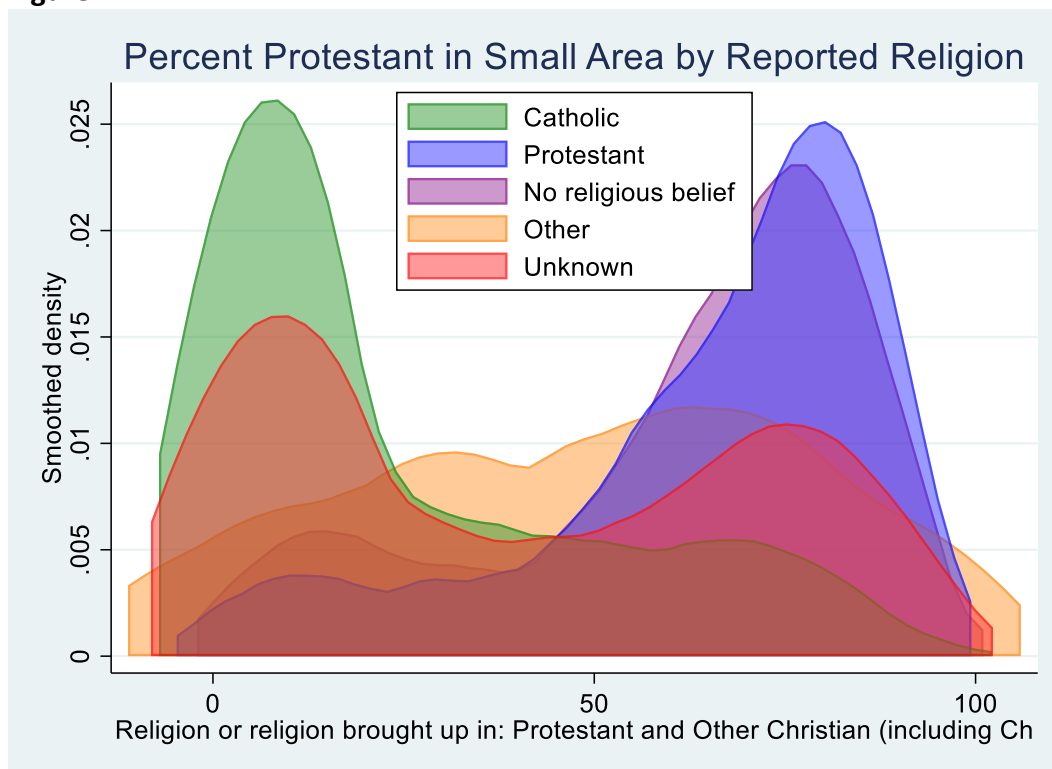
Turning to the amount of children living in Small Areas that is predominantly not their religion (Catholics living in majority Protestant areas or Protestants living in majority Catholic areas), it is evident that there are more Catholics living in majority Protestant areas (Figure A2) than there are Protestants living in majority Catholic areas (Figure A1). Moreover, both Figure A1 and A2 reveal that those reporting an other religion or no religion are generally living in minority Catholic and majority Protestant Small Areas. Therefore, the percent Catholic in a Small Area measure provides a stronger estimate of self-reported religion. For example, only Catholic children (and a slight majority of those whose religion is missing/unknown) show a high concentration in Catholic majority Small Areas; whereas in addition to Protestant children displaying a higher concentration in Protestant majority Small Areas, children with no or other religion are also in Protestant majority areas. In short, percentage Catholic in a Small Area provides a more accurate estimate of being Catholic or not whereas percentage Protestant in a Small Area provides a weaker estimate of being Protestant or not.

Table A2 provides further analysis that presents these points in a numerical format. The table shows the mean, standard deviation, and range of percent Catholic by self-reported religion. Those that self-reported as Protestant lived on average in areas that were 26% Catholic and those that self-reported Catholic lived on average in areas that were 71% Catholic. Those that self-reported an other religion or no religion lived in areas that are minority Catholic, whereas those for whom their religion was missing/unknown lived on average in areas that were 55% Catholic.

Table A2. Descriptive Statistics of Percent Catholic in Small Area by Self-Reported Religion

Self-Reported Religion	Statistics of % Catholic in Small Area			
	Mean	SD	Range	n
Protestant	25.9	24.9	0.00 - 97.2	159
Catholic	71.4	27.6	1.3 - 98.0	272
Other	43.9	31.3	4.3 - 92.9	14
None	29.3	26.5	1.0 - 93.3	116
Missing/unknown	54.6	34.7	1.7 - 98.6	424
Total				985

The following Tables A3-A5 show the regression analyses for the alternative measurement of self-reported religion rather than the percent Catholic in Small Area. These versions were not used in the main analysis due to the large amount of data missing/unknown self-reported religion which raised concerns about validity and reliability. The tables are presented for full disclosure and can be seen to produce mostly similar results found to the regression results reported in the main report using the proxy measure of religion, percent Catholic in Small Area.

Table A3. Negative Binominal Regression of Child Characteristics Including Self-Reported Religion on Accumulation of Total Referrals(n=727)

	Model 1			Model 2			Model 3		
	Coef.	SE	[95% CI]	Coef.	SE	[95% CI]	Coef.	SE	[95% CI]
Self-reported religion									
Catholic		reference			reference			reference	
Protestant	-0.03	0.20	[-0.34 , 0.29]	0.01	0.16	[-0.31 , 0.32]	0.23	0.14	[-0.04 , 0.49]
No religious belief	-0.78 ***	0.52	[-1.17 , 0.38]	-0.72 ***	0.20	[-1.11 , -0.32]	-0.23	0.18	[-0.58 , 0.11]
Other	-0.63	0.16	[-1.64 , -0.38]	-0.29	0.52	[-1.30 , 0.71]	-0.31	0.43	[-1.15 , 0.53]
Unknown	-0.65 ***	0.14	[-0.92 , -0.38]	-0.45 *	0.18	[-0.81 , -0.09]	-0.01	0.16	[-0.32 , 0.30]
Deprivation Rank 2017				0.00	0.00	[0.00 , 0.00]	0.00	0.00	[0.00 , 0.00]
Age									
10 to 13				0.49 *	0.19	[0.11 , 0.87]	0.98 ***	0.19	[0.61 , 1.35]
14				0.87 ***	0.19	[0.50 , 1.24]	0.90 ***	0.16	[0.58 , 1.21]
15				0.78 ***	0.16	[0.46 , 1.10]	0.81 ***	0.14	[0.54 , 1.08]
16				0.61 ***	0.15	[0.32 , 0.91]	0.65 ***	0.13	[0.40 , 0.91]
17					reference			reference	
Gender									
Male					reference			reference	
Female				-0.22	0.14	[-0.49 , 0.05]	-0.20	0.12	[-0.43 , 0.03]
Do not wish to				0.09	0.83	[-1.53 , 1.71]	0.55	0.64	[-0.71 , 1.80]
Ethnicity									
White					reference			reference	
Non-white and Irish traveller				0.14	0.33	[-0.50 , 0.78]	0.07	0.26	[-0.45 , 0.59]
Did not wish to answer				-0.20	0.72	[-1.62 , 1.21]	-0.16	0.63	[-1.40 , 1.07]
Missing/unknown				-0.27	0.19	[-0.65 , 0.11]	-0.20	0.17	[-0.52 , 0.13]
Static Risks									
Risk Offense Type									
Other								reference	
Theft							0.32 *	0.12	[0.07 , 0.56]
Burglary							0.18	0.22	[-0.26 , 0.61]
Motoring							-0.28	0.18	[-0.64 , 0.08]
Age at First Warning/Caution/Diversion conference									
No previous contact								reference	
10 to 12							0.36	0.22	[-0.07 , 0.79]
13 to18							0.21 *	0.15	[0.09 , 0.67]
Age at First Court Finding of Guilt									
No previous court finding of guilt								reference	
10 to 13							0.02	0.32	[-0.60 , 0.65]
14 to 18							0.21	0.13	[-0.05 , 0.46]
Number of Previous Formal Sanctions									
No previous formal sanctions								reference	
1 to 3							0.43 **	0.13	[0.17 , 0.69]
4 or more							0.41 *	0.17	[0.07 , 0.75]
Dynamic Risks[a]									
Living arrangements							0.21 **	0.06	[0.09 , 0.32]
Family and personal relationships							-0.02	0.06	[-0.14 , 0.10]
Education, training, and employment							0.16 **	0.06	[0.04 , 0.27]
Community and neighbourhood							-0.15 *	0.07	[-0.28 , -0.02]
Lifestyle							0.24 **	0.07	[0.10 , 0.38]
Substance misuse							0.19 ***	0.05	[0.09 , 0.29]
Emotional and mental wellbeing							-0.02	0.06	[-0.14 , 0.09]
Perception of self and others							0.14 *	0.07	[0.00 , 0.27]
Thinking and behaviour							0.03	0.07	[-0.11 , 0.16]
Attitudes to offending							-0.05	0.08	[-0.22 , 0.11]
Motivation to change							-0.04	0.08	[-0.19 , 0.12]
Constant	0.63	0.10	[0.44 , 0.82]	0.15	0.15	[-0.14 , 0.44]	-1.86 ***	0.20	[-2.25 , -1.47]
chi2(1)		(4)33.50			(14)71.82***			(34)354.35***	
Log Likelihood		-1146.9645			-1127.8027			-986.5413	

Notes: *p<.05; **p <.01; ***p <.001

[a] responses range from 0= low risk to 4= high risk

Table A4. Negative Binominal Regression of Child Characteristics Including Self-Reported Religion on Accumulation of Statutory Referrals (n=727)

	Model 1			Model 2			Model 3		
	Coef.	SE	[95% CI]	Coef.	SE	[95% CI]	Coef.	SE	[95% CI]
Self-reported Religion									
Catholic		reference			reference			reference	
Protestant	-0.06	0.22 [-0.41 ,	0.28]	-0.03	0.18 [-0.38 ,	0.32]	0.21	0.15 [-0.08 ,	0.51]
No religious belief	-0.91 ***	0.55 [-1.35 ,	-0.48]	-0.83 ***	0.22 [-1.27 ,	-0.39]	-0.29	0.20 [-0.68 ,	0.10]
Other	-0.56	0.18 [-1.65 ,	0.52]	-0.20	0.55 [-1.28 ,	0.88]	-0.19	0.45 [-1.08 ,	0.70]
Unknown	-0.68 ***	0.15 [-0.98 ,	-0.39]	-0.49 *	0.20 [-0.88 ,	-0.09]	0.00	0.18 [-0.34 ,	0.35]
Deprivation Rank 2017				0.00	0.00 [0.00 ,	0.00]	0.00	0.00 [0.00 ,	0.00]
Age									
10 to 13				0.47 *	0.21 [0.05 ,	0.88]	0.91 ***	0.21 [0.50 ,	1.32]
14				0.89 ***	0.21 [0.49 ,	1.30]	0.88 ***	0.18 [0.54 ,	1.23]
15				0.80 ***	0.18 [0.45 ,	1.15]	0.80 ***	0.15 [0.50 ,	1.10]
16				0.61 ***	0.17 [0.29 ,	0.94]	0.67 ***	0.14 [0.39 ,	0.95]
17					reference			reference	
Gender									
Male					reference			reference	
Female				-0.21	0.15 [-0.50 ,	0.09]	-0.19	0.13 [-0.45 ,	0.06]
Refused/Missing/Transgen				0.02	0.92 [-1.79 ,	1.83]	0.49	0.72 [-0.93 ,	1.90]
Ethnicity									
White					reference			reference	
Non-white and Irish traveller				0.15	0.36 [-0.55 ,	0.85]	0.05	0.29 [-0.52 ,	0.62]
Did not wish to answer				-0.08	0.77 [-1.58 ,	1.42]	0.00	0.66 [-1.29 ,	1.30]
missing/unknown				-0.26	0.21 [-0.67 ,	0.16]	-0.19	0.18 [-0.55 ,	0.17]
Static Risks									
Risk Offense Type									
Other								reference	
Theft							0.33 *	0.14 [0.07 ,	0.60]
Burglary							0.14	0.25 [-0.34 ,	0.62]
Motoring							-0.29	0.20 [-0.69 ,	0.10]
Age at First Warning/Caution/Diversion conference									
No previous contact								reference	
10 to 12							0.43	0.24 [-0.05 ,	0.90]
13 to18							0.41 *	0.16 [0.09 ,	0.73]
Age at First Court Finding of Guilt									
No previous court finding of guilt								reference	
10 to 13							0.05	0.35 [-0.65 ,	0.74]
14 to 18							0.27	0.14 [-0.01 ,	0.54]
Number of Previous Formal Sanctions									
No previous formal sanctions								reference	
1 to 3							0.51 ***	0.15 [0.22 ,	0.80]
4 or more							0.43 *	0.19 [0.06 ,	0.80]
Dynamic Risks[a]									
Living arrangements							0.21 **	0.07 [0.08 ,	0.34]
Family and personal relationships							-0.02	0.07 [-0.15 ,	0.12]
Education, training, and employment							0.17	0.06 [0.05 ,	0.30]
Community and neighbourhood							-0.16 *	0.07 [-0.30 ,	-0.02]
Lifestyle							0.28	0.08 [0.13 ,	0.43]
Substance misuse							0.17 **	0.06 [0.06 ,	0.28]
Emotional and mental wellbeing							-0.02	0.06 [-0.15 ,	0.10]
Perception of self and others							0.17 *	0.07 [0.02 ,	0.32]
Thinking and behaviour							0.04	0.08 [-0.11	0.19]
Attitudes to offending							-0.06	0.09 [-0.23	0.12]
Motivation to change							-0.04	0.09 [-0.21	0.12]
Constant	0.56 ***	0.11 [0.35 ,	0.77]	0.08	0.16 [-0.24 ,	0.40]	-2.17 ***	0.22 [-2.60 ,	-1.74]
chi2(df)		(4)32.47			(14)65.45***			(34)344.66***	
Log Likelihood		-1082.8047			-1066.312			-926.70923	

Notes: *p<.05; **p <.01; ***p <.001

[a] responses range from 0= low risk to 4= high risk

Table A5. Logistic Regression of Child Characteristics including Self-reported Religion on if Admitted into Custody During the Follow-Up Period (n=724)

	Model 1			Model 2			Model 3		
	OR	SE	[95% CI]	OR	SE	[95% CI]	OR	SE	[95% CI]
Self-reported Religion									
Catholic		reference			reference			reference	
Protestant	0.36 **	0.11	[0.20 , 0.67]	0.40 **	0.13	[0.21 , 0.76]	0.44	0.20	[0.18 , 1.07]
No religious belief	0.14 **	0.07	[0.05 , 0.39]	0.14 **	0.08	[0.05 , 0.41]	0.28	0.19	[0.07 , 1.03]
Other	0.31	0.33	[0.04 , 2.52]	0.47	0.51	[0.06 , 4.01]	0.34	0.41	[0.03 , 3.54]
Unknown	0.09 **	0.03	[0.05 , 0.19]	0.24 **	0.10	[0.11 , 0.56]	0.41	0.23	[0.13 , 1.23]
Deprivation Rank 2017				1.00	0.00	[1.00 , 1.00]	1.00	0.00	[1.00 , 1.00]
Age									
10 to 13				1.35	0.67	[0.51 , 3.55]	4.47 *	3.28	[1.06 , 18.81]
14				1.41	0.63	[0.58 , 3.41]	2.64	1.59	[0.81 , 8.60]
15				2.56 *	0.94	[1.25 , 5.24]	4.75 **	2.36	[1.80 , 12.56]
16				2.65 **	0.88	[1.38 , 5.10]	4.66 **	2.10	[1.93 , 11.27]
17					reference			reference	
Gender									
Male					reference			reference	
Female				0.26 **	0.11	[0.11 , 0.58]	0.23 **	0.12	[0.08 , 0.64]
Ethnicity									
White					reference			reference	
Non-white and Irish traveller				1.55	0.93	[0.48 , 5.01]	1.38	1.16	[0.26 , 7.16]
Did not wish to answer/missing/unknown				0.12 **	0.09	[0.02 , 0.56]	0.11 *	0.10	[0.02 , 0.64]
Static Risks									
Risk Offense Type									
Other								reference	
Theft							1.68	0.71	[0.73 , 3.84]
Burglary							3.40	2.37	[0.87 , 13.34]
Motoring							0.82	0.48	[0.26 , 2.58]
Age at First Warning/Caution/Diversion conference									
No previous contact								reference	
10 to 12							3.76	2.78	[0.86 , 16.08]
13 to 18							1.21	0.72	[0.43 , 3.85]
Age at First Court Finding of Guilt									
No previous court finding of guilt								reference	
10 to 13							1.62	1.53	[0.25 , 10.28]
14 to 18							2.46 *	1.04	[1.07 , 5.63]
Number of Previous Formal Sanctions									
No previous formal sanctions								reference	
1 to 3							0.82	0.41	[0.31 , 2.21]
4 or more							0.48	0.30	[0.14 , 1.64]
Dynamic Risks[a]									
Living arrangements							1.58 *	0.32	[1.06 , 2.36]
Family and personal relationships							1.06	0.23	[0.69 , 1.61]
Education, training, and employment							1.01	0.21	[0.67 , 1.51]
Community and neighbourhood							0.73	0.17	[0.46 , 1.15]
Lifestyle							1.39	0.36	[0.84 , 2.30]
Substance misuse							1.83 **	0.32	[1.29 , 2.59]
Emotional and mental wellbeing							0.83	0.16	[0.57 , 1.21]
Perception of self and others							1.36	0.32	[0.86 , 2.16]
Thinking and behaviour							0.92	0.24	[0.56 , 1.52]
Attitudes to offending							0.82	0.22	[0.48 , 1.41]
Motivation to change							1.89 *	0.50	[1.12 , 3.17]
Constant	0.36 ***	0.05	[0.26 , 0.48]	0.26 **	0.08	[0.14 , 0.48]	0.01 ***	0.00	[0.00 , 0.03]
chi2(df)		(4)66.18***			(12)100.72***			(32)251.57	
Log Likelihood		-230.80465			-213.53339			-138.10898	

Notes: *p<.05; **p <.01; ***p <.001

[a] responses range from 0= low risk to 4= high risk

Figures A3-A5 depict the distribution of children receiving a community referral to the YJA or admitted to custody by the measures of percent Catholic, percent Protestant or percent other or no religion in the Small Areas. The bars moving from left to right show low to high concentration of the religious groups, with the x axis showing the percentage of the sample living in these area

Figure A3: Percent distribution of children receiving a community referral to the YJA or admitted into custody by percent Catholic in Small Area
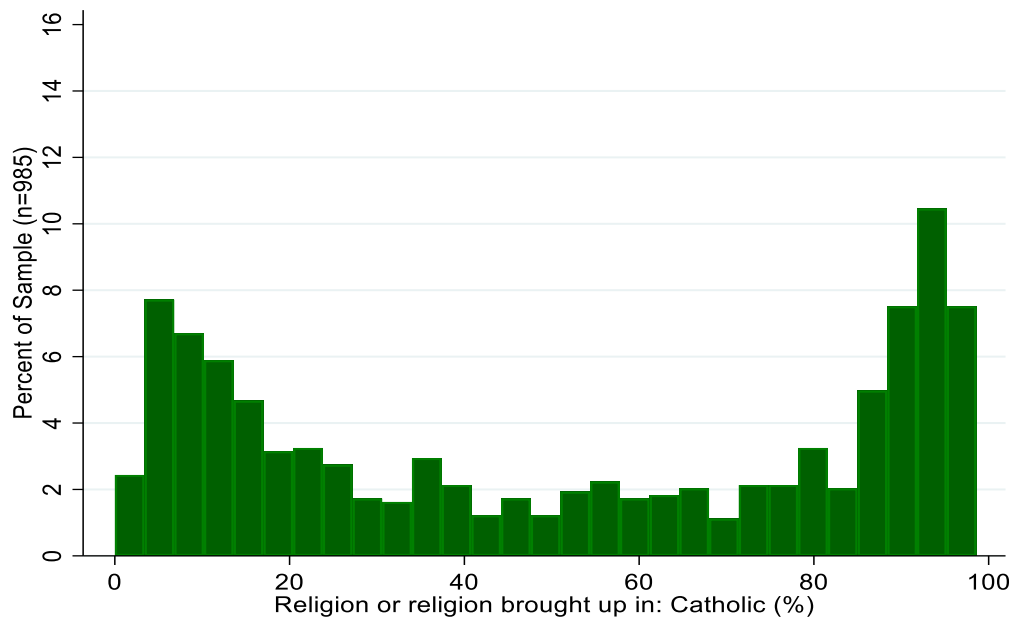
Figure A4: Percent distribution of children receiving a community referral to the YJA or admitted into custody by percent Protestant in Small Area
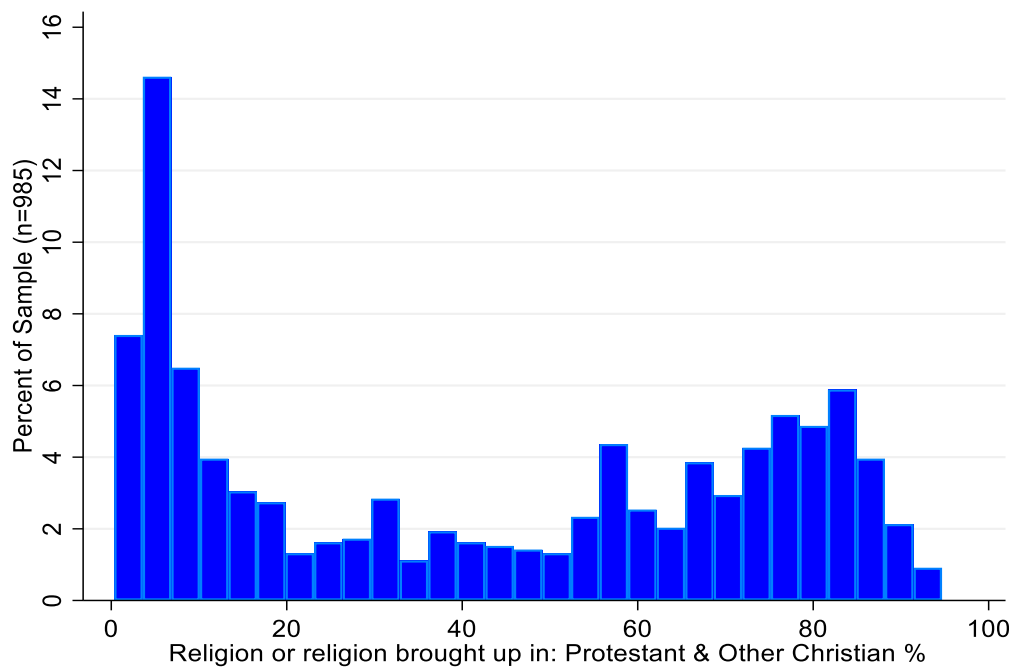
Figure A5: Percent distribution of children receiving a community referral to the YJA or admitted into custody by percent other religion or no religion in Small Area.
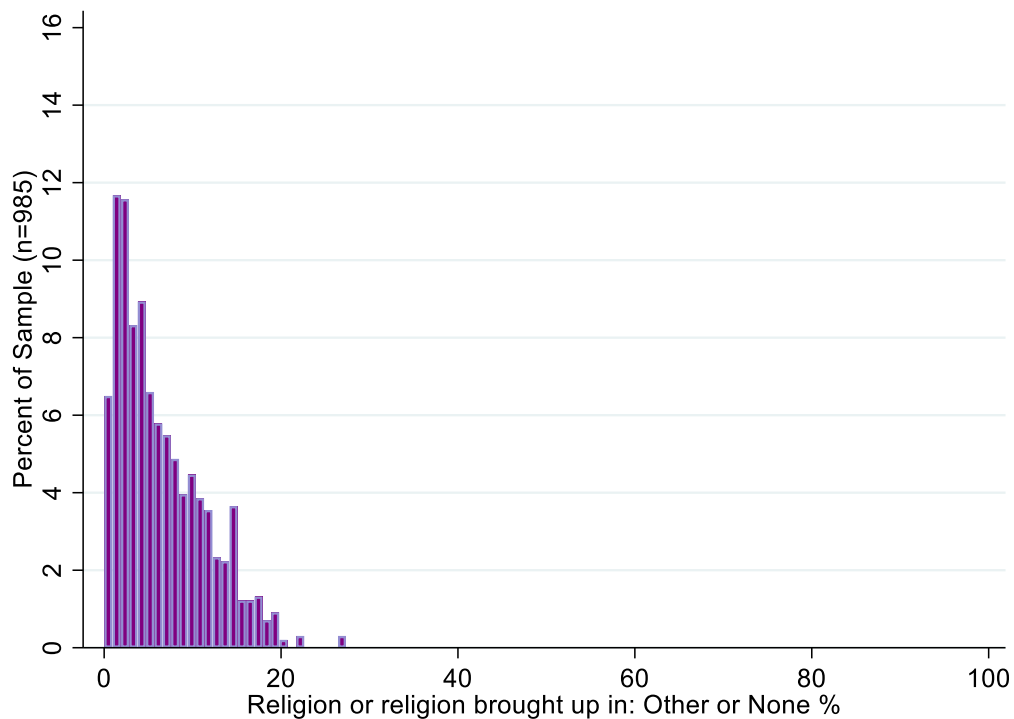
Figure A6 shows the pattern between deprivation and percent Catholic in the Small Areas that the children lived. Each dot represents a child in the YJA sample. The vertical y axis shows the deprivation rank of the Small Area where the child lived, with the higher scores at the top representing more affluent areas and the lower score at the bottom indicating greater levels of deprivation. The horizontal x axis is the percent Catholic of the Small Area for where the child lived. Notably, the largest cluster of cases is in the bottom right of the graph. This indicates that there is a large number of children in the sample that are coming from areas that are predominately Catholic and experience greater levels of deprivation. Although, it should also be noted that there are several children who are also coming from Small Areas with a low percent Catholic score (suggesting they are Protestant or of no or another religious belief) that are also living in areas with high levels of deprivation. When looking among low percent Catholic areas the deprivation levels are fairly evenly spread. The figure therefore illustrates that those coming from highly concentrated Catholic areas are often also coming from deprived areas and generally would represent a notable portion of the sample.

Figure A6. Scatterplot of deprivation by percent Catholic in Small Area
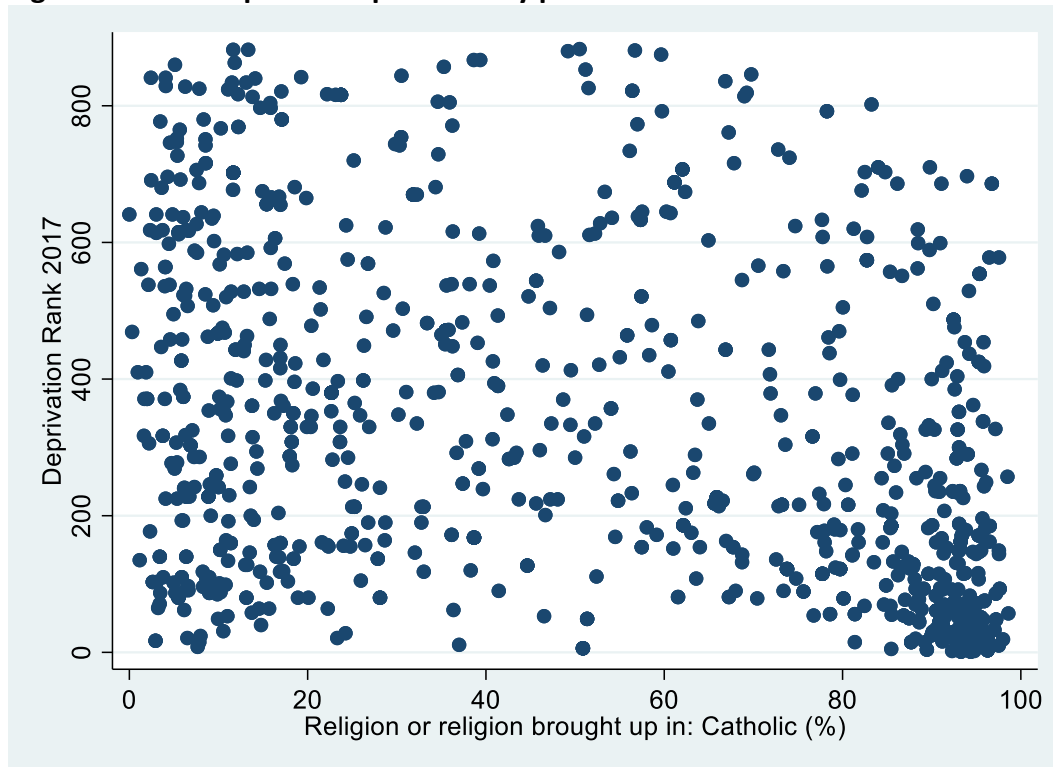
Table A6. Average percent Catholic in Small Area by 2017 Deprivation Decile

Deprivation Decile	Mean	SD
1	74.8	2.2
2	55.8	2.6
3	57.8	2.9
4	44.5	3.4
5	40.6	3.4
6	33.5	3.1
7	42.2	4.1
8	38.4	3.6
9	29.1	4.3
10	31.0	3.3

This is further supported by Table A6 that shows that those in the most deprived decile (those living in the top 10% most deprived areas) reside in Small Areas averaging 74.8 percent Catholics, whereas those in the least deprived decile (those living in the bottom 10%, or in other words the top 10% of affluent areas) reside on average in 31.0 percent Catholics Small Areas.

The following Table A7 shows the amount of total community referrals, statutory community referrals, and JCC admissions by ethnicity group. This analysis addresses the question on whether certain ethnic groups, in particular Irish Travellers might be overrepresented due to repeat contact with the YJA. In other words, it examines if those recorded as being Irish Travellers are accumulating a large number of referrals and

admissions into custody proportionally in comparison to other groups of children in contact with the YJA. Based on the available data, over half (60.0%) of those who identified as Irish Travellers had no further contact with the YJA during the one year follow-up period, with these figures indicating a very similar pattern to those recorded as White. In terms of admissions to custody, a larger percentage of children identified as White had no admissions (86.7%) during the one year follow-up compared to 66.7% of those identified as Irish Travellers; however, none of the Irish Travellers had 6 or more admissions compared to 1.5% of Whites. It is important to highlight that there a very few Irish Travellers in the sample (n=9) and therefore these numbers should be interpreted with caution. Overall, the available administrative data does not indicate a pattern of Irish Travellers accumulating a disproportionally high number of *subsequent* referrals among individual children compared to other ethnic groups.

Table A7. Amount of contact by reported ethnicity

Type of contact	Reported Ethnicity				
	Irish Travelers (n=15)	White (n=661)	Other (n=16)	Unknown/Missing/Do Not Wish to Answer (n=317)	Total (n=1009)
Total Referrals					
0	60	53.86	50	63.41	56.89
1 to 2	20	29.2	31.25	29.34	29.14
3 or more	20	16.94	18.75	7.26	13.97
Total	100	100	100	100	100
Total Statutory Referrals					
0	60	58.7	56.25	70.35	62.34
1 to 2	20	27.53	25	23.03	25.97
3 or more	20	13.77	18.75	6.62	11.69
Total	100	100	100	100	100
JCC Admissions					
0	66.67	86.69	87.5	99.37	90.39
1 to 5	33.33	11.8	12.5	0.63	8.62
6 or more	0	1.51	0	0	0.99
Total	100	100	100	100	100

Note: To equal 100 percent, total referrals 1 to 2 and total statutory referrals 0 were rounded down.

Tables A8 and A9 provide information on care status. Notably, information on care status was not captured in a manner that was easily utilised in this research for those receiving a community referral to the YJA but was easily utilised for those 153 children who were admitted into custody during 2018/2019. Focusing on those 153 children who were

admitted into custody, Table A8 shows the total number of community referrals these children received and whether they were detained in custody during the one year follow-up, revealing that those who were in care were slightly more likely to have accumulated at least one contact with the YJA during the one year follow-up period. Using chi-square tests, these figures did not reach statistical significance, however this may be due to small sample sizes (chi2(1) =3.52, p=.06; chi2 (1)=1.72. p=.19). Furthermore, in additional tests (not shown) combining subject to care order and voluntary accommodated into one category provides similar results.

Table A8. Contact by care status

		Care Status	
		Not in Care	**Subject to Care**
Type of Contact		(n=93)	(n=43)
Total Referrals			
	0	25.8	11.6
	1+	74.2	88.4
	total	100	100
JCC Admissions			
	0	51.6	39.5
	1+	48.4	60.5
	total	100	100

Table A9 below presents the percentages in care by self-reported religion that reveals a higher percentage of Protestants are coming from care (55.2%) compared to Catholics (31.6%). At the same time, there are more Catholics in care than Protestants. In other words, among the sample there are more Catholic children in care as revealed by their larger numbers but proportionally a higher proportion of Protestants who have been in custody were more likely to report being in care in comparison to Catholics. It should be remembered, however, that care status was only examined for the smaller sub sample of children who were admitted into custody during 2018/2019, therefore this is a select group that excludes those who had only received community referrals.

Table A9. Percent Distribution in Care by Religious Group

Care Status	Protestant	Catholic	No religious belief/ Other/Unknown
Among all custody sample	(n=29)	(n=95)	(n=29)
In care	55.2	31.6	37.9
Not in care	44.8	67.3	55.2
Unknown	0	1.1	6.9
Total	100	100	100

1 Only youths with custody contact at the start of 2018/2019 had information on care status

Additional tables (Table A10 and Table A11) are also presented below examining dynamic risk assessment scores by care status, as well as by the Small Area data with percent Catholic and percent Protestant scores of 75% or higher.

Table A10. Means Comparison of Dynamic Risk Scores by Care Status

Dynamic Risks	Not in Care (n=61)	In Care (n=52)	
Living arrangements	1.5	2.5	***
Family and personal relationships	2.1	2.6	**
Education, training, and employment	1.7	1.8	
Community and neighbourhood	2.0	2.1	
Lifestyle	2.2	2.3	
Substance misuse	2.2	2.4	
Emotional and mental wellbeing	1.9	2.3	
Perception of self and others	1.6	1.9	*
Thinking and behaviour	2.2	2.7	**
Attitudes to offending	1.7	2.2	**
Motivation and change	1.9	2.0	

Note: one-tail t-test due to hypothesis of in care having higher risk scores; sample limited to those with non-missing information on care (all of which were admitted into custody at start of timeframe) and non-missing of risk scores

Table A11. Risk score by religion

Dynamic Risks[a]	Pct Catholic >=75% (n=255)	Pct Protestant >=75% (n=178)	
Living arrangements	1.0	0.6	**
Family and personal relationships	1.3	1.2	
Education, training, and employment	1.1	0.7	***
Community and neighbourhood	1.2	0.6	***
Lifestyle	1.3	0.9	**
Substance misuse	1.3	1.0	*
Emotional and mental wellbeing	1.3	1.2	
Perception of self and others	1.1	0.9	
Thinking and behaviour	1.6	1.4	*
Attitudes to offending	1.0	0.7	*
Motivation and change	1.0	0.6	***

Note: two-tail t-test

Table 1. Description of measures utilised in longitudinal analysis[33]

Variable Name	Description
Percent (Pct) Catholic in Small Area	This is a measure of the percentage of people living in the Small Area in which the child resided when they had their initial contact with the YJA during 2018/2019 who identify as Catholic. This data is taken from the mid 2018 NISRA data and a detailed description of this measure, the rationale for using this measure and evidence to support its use can be found in Appendix 4.
Deprivation Rank 2017	This provides a measure of the total deprivation experienced in the Super Output Areas (SOAs) in which the child resided during their initial contact with the YJA in 2018/2019. Northern Ireland is geographically clustered by 890 areas called Super Output Areas (SOAs). Deprivation in these SOAs is ranked from highest to lowest (1-890), with a ranking of 1 indicating that the area is the most deprived in comparison to other SOAs. This measure of deprivation provides a combined measure of deprivation across seven domains including: income; employment; health and disability; education, skills and training deprivation; access to services; living environment; as well as crime and disorder. The overall deprivation ranking for each SOA is calculated by NISRA[34].
Age	This is a measure of how old the child was when they had their initial contact with the YJA during 2018/2019 and assesses age in years. Due to small numbers and to protect the anonymity of the children, those aged between 10 and 13 years are presented together in one group.
Gender	Gender was recorded as being 'male', 'female', 'transgender' or children could state they did not wish to answer this question. Due to small numbers, those children who identified as 'transgender' are presented with those for whom the information is missing/unknown to protect their anonymity.
Ethnicity	Ethnicity was recorded as being White, Asian, Black African, Black Other, Chinese, Irish Traveller and Mixed ethnicity. Children could also state that they did not wish to answer this question. Due to small numbers, ethnicity

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[33] All measures were provided by the YJA workers based on information contained in the children's YJA files at the time of their initial contact with the YJA during 2018/2019 and based on the YJA risk assessment conducted with the children around the time of their initial contact with the YJA during 2018/2019.
[34] See link for more information about the deprivation ranking measure:
https://www.nisra.gov.uk/sites/nisra.gov.uk/files/publications/NIMDM17-%20with%20ns.pdf

	has been combined into the following three groups to ensure the anonymity of the children: White; non-White and Irish Travellers, as well as those who did not wish to answer this question.
Static Risk Factors Offence Type	The offences which led to their initial contact with the YJA during 2018/2019 were grouped into four categories by the YJA in their risk assessment. These categories were motoring offences, burglary, theft and other offences. Any offence that was not motoring, burglary or theft related was listed as 'other'.
Age at First Warning, Caution and/or Diversionary Conference	This measure assessed the age the child was when they received their first ever warning/caution/diversionary conference in the justice system. This measure was grouped by the YJA into three response categories: aged 10-12; aged 13-18; or no previous contact with the justice system.
Age at First Court Finding of Guilt	This measure assessed the age the child was when they received their first ever finding of guilt in a criminal court and was grouped into three response categories by the YJA: aged 10-13; aged 14-18; or no previous finding of guilt in the criminal courts.
Number of Previous Formal Sanctions	Information on the number of previous formal sanctions that children had experienced at the time of their initial contact with the YJA during 2018/2019 was also captured and used by the YJA to inform their risk assessment. This information was grouped into three response categories including: None (i.e. no previous formal sanctions); 1-3 previous formal sanctions; or 4 or more previous sanctions.
Dynamic Risk Factors Living arrangements	This measure examines the child's living arrangement at the time of their initial contact with the YJA during 2018/2019 and considers whether the child is living in secure and stable accommodation that meets their needs, the extent to which they may be living with known offenders, absconding/staying away, of no fixed abode or residing in unsuitable accommodation that does not meet their needs. YJA workers assign a risk score between 0-4 to indicate the extent to which they believe the child's living arrangements will affect their risk of offending, with 0 indicating 'no impact' and 4 indicating a 'very strong impact'.
Family and Personal Relationships	In this measure, YJA workers assessed the extent to which children had a stable relationship with at least one adult, family members modelling pro-social behaviour, consistent supervision, interest shown in the child and if they had experienced abuse or loss. As before, YJA workers assigned a risk score between 0-4 to indicate the

	extent to which they believed family and personal relationships may affect the child's risk of offending, with 0 indicating 'no impact' and 4 indicating a 'very strong impact'.
Education, training and employment	This measure was used by YJA workers to assess the extent to which children had obtained qualifications, experienced exclusion, truancy, bullying, difficulties with numeracy or literacy, had learning difficulties, had poor relationships with teachers, lacked training/employment and/or had a negative attitude towards these activities. Again, YJA workers assigned a risk score between 0-4 to indicate the extent to which they believed the children's experiences of education, training and employment may affect the child's risk of offending, with 0 indicating 'no impact' and 4 indicating a 'very strong impact'.
Community and Neighbourhood	The extent to which children were residing in areas where there were high crime levels, exposure to drugs, lack of age-appropriate facilities, isolation, community cohesion and pro-social community models was assessed by YJA workers in this measure. YJA workers assigned a risk score between 0-4 to indicate the extent to which they believed the child's community and neighbourhood may affect their risk of offending, with 0 indicating 'no impact' and 4 indicating a 'very strong impact'.
Lifestyle	In this measure, YJA workers assessed the extent to which children lacked prosocial peers, lacked age-appropriate friendships, experienced paramilitary threats and had opportunities to be involved in prosocial activities. As before, YJA workers assigned a risk score between 0-4 to indicate the extent to which they believed the child's lifestyle may affect their risk of offending, with 0 indicating 'no impact' and 4 indicating a 'very strong impact'.
Substance misuse	This measure related to the children's attitude towards substance misuse, the extent to which substance misuse may have had a negative impact on their relationships and education, as well as if they offend to fund the misuse of substances. YJA workers assigned a risk score between 0-4 to indicate the extent to which they believed substance misuse may affect the child's risk of offending, with 0 indicating 'no impact' and 4 indicating a 'very strong impact'.
Emotional and mental health	YJA workers assessed the children's resilience and good coping skills in this measure. They also assessed the extent to which children had problems coming to terms with significant past events, had contact with mental health services, had suicidal thoughts, self-harmed and/or

	had sleeping, eating or neurological disorders. YJA workers assigned a risk score between 0-4 to indicate the extent to which they believed the children's emotional and mental health may affect their risk of offending, with 0 indicating 'no impact' and 4 indicating a 'very strong impact'.
Perceptions of self and others	In this measure, YJA workers assessed the children's self-esteem, ability to build relationships with others, the extent to which they were trusting of others and/or displayed discriminatory attitudes. Again, YJA workers assigned a risk score between 0-4 to indicate the extent to which they believed the children's perceptions of self and others may affect their risk of offending, with 0 indicating 'no impact' and 4 indicating a 'very strong impact'.
Thinking and behaviour	The extent to which children displayed maturity, self-control, an understanding of the consequences of their actions, a tendency to succumb to peer pressure, ADHD, impulsivity, a constant need for excitement, neurological disorders and poor temper control were assessed by YJA workers in this measure. As before, YJA workers assigned a risk score between 0-4 to indicate the extent to which they believed the child's thinking and behaviour may affect their risk of offending, with 0 indicating 'no impact' and 4 indicating a 'very strong impact'.
Attitudes to offending	In this measure, YJA workers considered the extent to which children demonstrate a willingness to reflect on the views of victims, families and neighbourhoods, believe that certain offences are acceptable and a have tendency to view offending as inevitable. YJA workers assigned a risk score between 0-4 to indicate the extent to which they believed the children's attitudes toward offending may affect their risk of offending, with 0 indicating 'no impact' and 4 indicating a 'very strong impact'.
Motivation to change	YJA workers assessed the children's willingness to change in this measure. They considered the extent to which children could see potential 'turning points', would receive support from family, friends and community, have a goal/ambition to change, can identify reasons to change and were willing to cooperate with others to achieve change. As before, YJA workers assigned a risk score between 0-4 to indicate the extent to which they believed the children's motivation to change may affect their risk of offending, with 0 indicating 'no impact' and 4 indicating a 'very strong impact'.

Table 2. Descriptives of the research sample (Longitudinal analysis) (n=723)

	Percent	Mean	SD	Range
Pct Catholic in Small Area		50.1	34.3	0 - 98.6
Deprivation Rank 2017		321.9	239.9	1 - 882
Age				
10 to 13	12.0			
14	11.2			
15	18.5			
16	25.2			
17	33.1			
Gender				
Male	77.0			
Female	22.7			
Did not wish to answer/missing/unknown/transgender	0.3			
Ethnicity				
White	71.1			
Non-White and Irish traveller	2.8			
Did not wish to answer	0.8			
Static Risks				
Risk Offense Type				
Other	72.5			
Theft	13.8			
Burglary	4.0			
Motoring	9.7			
Age at First Contact				
No previous contact	31.7			
10 to 12	6.2			
13 to 18	62.1			
Age at First Court Finding of Guilty				
No previous findings of guilty	75.2			
10 to 13	2.1			
14 to 18	22.7			
Number of Previous Formal Sanctions				
No prior formal sanctions	47.7			
1 to 3	36.2			
4 or more[a]	16.1			
Dynamic Risks[b]				
Living arrangements		0.9	1.1	0 - 4
Family and personal relationships		1.3	1.2	0 - 4
Education, training, and employment		0.9	1.0	0 - 4
Community and neighbourhood		0.9	1.1	0 - 4
Lifestyle		1.2	1.1	0 - 4
Substance misuse		1.2	1.3	0 - 4
Emotional and mental wellbeing		1.3	1.2	0 - 4
Perception of self and others		1.0	1.0	0 - 4

Thinking and behaviour	1.5	1.1	0 - 4
Attitudes to offending	0.9	1.1	0 - 4
Motivation to change	0.8	1.0	0 - 4

[a] Note '4 or more' number of previous formal sanctions was rounded upward to sum to 100.

Table 3. Frequency and nature of YJA contact during the follow-up period (n=723)

Contact type	Percent	Mean	SD	Range
Total Number of Community Referrals		1.4	2.2	0-15
0	48.5			
1	23.5			
2	9.8			
3	6.4			
4	3.5			
5	1.7			
6	2.1			
7	1.4			
8	1.2			
9+	1.9			
Number of Statutory Community Referrals		1.3	2.2	0-15
0	53.8			
1	20.8			
2	10.2			
3	4.3			
4	3.0			
5	1.5			
6	1.8			
7	1.5			
8	1.1			
9+	2.0			
Admitted into Custody				
No	88.2	0.3	1.2	0-13
Yes	11.8			

Note: One and 9+ total number of community referrals were rounded up to have the total equal 100. In the regression analyses, total and statutory referrals are included as continuous variables and are not collapsed into category of 9+. Percentages by number of referrals is presented to provide more detailed information on the distribution of these variables; however, to protect anonymity, 9+ was collapsed in this table to avoid revealing groups with low numbers. Moreover, information on the number of times children were admitted into custody was provided in the administrative data, with the statistics presented in this table indicating the mean, SD and range of the number of times children were admitted into custody during the follow-up period. Due to the small number of children experiencing repeated admission into custody during the follow-up period, a logistic regression was used to determine the factors influencing whether children were detained in custody during the follow-up period rather than the number of times they were detained in custody.

Table 4. Negative Binominal Regression of Child Characteristics on Accumulation of Total Referrals(n=723)

	Model 1			Model 2			Model 3		
	Coef.	SE	[95% CI]	Coef.	SE	[95% CI]	Coef.	SE	[95% CI]
Pct Catholic in Small Area	0.00	0.00 [0.00 , 0.01]		0.00	0.00 [0.00 , 0.01]		0.00	0.00 [0.00 , 0.00]	
Deprivation Rank 2017				0.00	0.00 [0.00 , 0.00]		0.00	0.00 [0.00 , 0.00]	
Age									
10 to 13				0.37	0.20 [-0.01 , 0.75]		0.94 *** 0.19 [0.56 , 1.32]		
14				0.87 *** 0.19 [0.50 , 1.24]			0.89 *** 0.16 [0.57 , 1.22]		
15				0.77 *** 0.16 [0.45 , 1.10]			0.83 *** 0.14 [0.56 , 1.11]		
16				0.64 *** 0.15 [0.34 , 0.94]			0.65 *** 0.13 [0.40 , 0.91]		
17				reference			reference		
Gender									
Male				reference			reference		
Female				-0.23	0.14 [-0.50 , 0.04]		-0.19	0.12 [-0.43 , 0.04]	
Refused/Missing/Transgen				-0.55	1.11 [-2.73 , 1.63]		0.18	0.92 [-1.62 , 1.99]	
Ethnicity									
White				reference			reference		
Non-white and Irish traveller				0.18	0.33 [-0.46 , 0.81]		0.01	0.27 [-0.52 , 0.53]	
Did not wish to answer				-0.46	0.71 [-1.86 , 0.94]		-0.17	0.62 [-1.39 , 1.05]	
missing/unknown				-0.56 *** 0.14 [-0.84 , -0.29]			-0.23	0.12 [-0.47 , 0.01]	
Static Risks									
Risk Offense Type									
Other							reference		
Theft							0.30 *	0.13 [0.05 , 0.55]	
Burglary							0.19	0.23 [-0.25 , 0.64]	
Motoring							-0.29	0.18 [-0.65 , 0.07]	
Age at First Warning/Caution/Diversion conference									
No previous contact							reference		
10 to 12							0.33	0.23 [-0.11 , 0.77]	
13 to18							0.39 **	0.15 [0.10 , 0.68]	
Age at First Court Finding of Guilt									
No previous court finding of guilt							reference		
10 to 13							0.04	0.33 [-0.60 , 0.68]	
14 to 18							0.26 *	0.13 [0.00 , 0.51]	
Number of Previous Formal Sanctions									
No previous formal sanctions							reference		
1 to 3							0.41 **	0.13 [0.15 , 0.67]	
4 or more							0.39 *	0.18 [0.04 , 0.74]	
Dynamic Risks[a]									
Living arrangements							0.22 *** 0.06 [0.10 , 0.34]		
Family and personal relationships							0.00	0.06 [-0.13 , 0.12]	
Education, training, and employment							0.15 *	0.06 [0.03 , 0.26]	
Community and neighbourhood							-0.16 *	0.07 [-0.29 , -0.03]	
Lifestyle							0.22 **	0.07 [0.08 , 0.36]	
Substance misuse							0.18 *** 0.05 [0.08 , 0.29]		
Emotional and mental wellbeing							-0.02	0.06 [-0.13 , 0.09]	
Perception of self and others							0.14 *	0.07 [0.00 , 0.27]	
Thinking and behaviour							0.04	0.07 [-0.09 , 0.18]	
Attitudes to offending							-0.06	0.08 [-0.23 , 0.10]	
Motivation to change							-0.02	0.08 [-0.18 , 0.13]	
Constant	0.18	0.11 [-0.03 , 0.38]		-0.23	0.19 [-0.60 , 0.14]		-1.88 *** 0.21 [-2.30 , -1.46]		
chi2(1)	(1)2.59			(11)57.67***			(31)340.71***		
Log Likelihood	-1152.0062			-1124.4685			-982.94899		

Notes: *p<.05; **p<.01; ***p <.001

[a] responses range from 0= low risk to 4= high risk

Table 5. Negative Binominal Regression of Child Characteristics on Accumulation of Statutory Referrals (n=723)

	Model 1			Model 2			Model 3		
	Coef.	SE	[95% CI]	Coef.	SE	[95% CI]	Coef.	SE	[95% CI]
Pct Catholic in Small Area	0.00	0.00	[0.00 , 0.01]	0.00	0.00	[0.00 , 0.01]	0.00	0.00	[0.00 , 0.00]
Deprivation Rank 2017				0.00	0.00	[0.00 , 0.00]	0.00	0.00	[0.00 , 0.00]
Age									
10 to 13				0.36	0.21	[-0.05 , 0.78]	0.89 ***	0.21	[0.47 , 1.31]
14				0.91 ***	0.20	[0.51 , 1.30]	0.89 ***	0.18	[0.54 , 1.24]
15				0.77 ***	0.17	[0.43 , 1.12]	0.83 ***	0.15	[0.53 , 1.13]
16				0.61 ***	0.16	[0.30 , 0.93]	0.65 ***	0.14	[0.37 , 0.93]
17				reference			reference		
Gender									
Male				reference			reference		
Female				-0.09	0.15	[-0.38 , 0.21]	-0.11	0.14	[-0.38 , 0.16]
Refused/Missing/Transgen				0.55	0.38	[-0.18 , 1.29]	0.39	0.31	[-0.22 , 0.99]
Ethnicity									
White				reference			reference		
Non-white and Irish traveller				0.30	0.34	[-0.36 , 0.97]	-0.02	0.29	[-0.59 , 0.55]
Did not wish to answer				0.57	0.35	[-0.11 , 1.25]	0.05	0.29	[-0.51 , 0.62]
missing/unknown				-0.39 **	0.15	[-0.69 , -0.10]	-0.15	0.13	[-0.41 , 0.11]
Static Risks									
Risk Offense Type									
Other							reference		
Theft							0.32 *	0.14	[0.05 , 0.60]
Burglary							0.21	0.25	[-0.28 , 0.70]
Motoring							-0.25	0.20	[-0.64 , 0.14]
Age at First Warning/Caution/Diversion conference									
No previous contact							reference		
10 to 12							0.42	0.25	[-0.07 , 0.91]
13 to18							0.44 **	0.17	[0.12 , 0.76]
Age at First Court Finding of Guilt									
No previous court finding of guilt							reference		
10 to 13							0.13	0.36	[-0.57 , 0.83]
14 to 18							0.32 *	0.14	[0.05 , 0.60]
Number of Previous Formal Sanctions									
No previous formal sanctions							reference		
1 to 3							0.50 **	0.15	[0.21 , 0.79]
4 or more							0.40 *	0.19	[0.03 , 0.78]
Dynamic Risks[a]									
Living arrangements							0.19 **	0.07	[0.06 , 0.33]
Family and personal relationships							0.01	0.07	[-0.13 , 0.14]
Education, training, and employment							0.15 *	0.07	[0.02 , 0.28]
Community and neighbourhood							-0.17 *	0.07	[-0.32 , -0.03]
Lifestyle							0.25 **	0.08	[0.09 , 0.40]
Substance misuse							0.17 **	0.06	[0.06 , 0.28]
Emotional and mental wellbeing							-0.03	0.06	[-0.15 , 0.10]
Perception of self and others							0.18 *	0.08	[0.03 , 0.33]
Thinking and behaviour							0.06	0.08	[-0.09 , 0.21]
Attitudes to offending							-0.06	0.09	[-0.24 , 0.12]
Motivation to change							-0.03	0.09	[-0.20 , 0.14]
Constant	0.04	0.12	[-0.19 , 0.27]	-0.47 *	0.20	[-0.87 , -0.07]	-2.27 ***	0.24	[-2.74 , -1.80]
chi2(df)		(1)3.48			(11)83.55***			(31)339.58***	
Log Likelihood		-1086.6543			-1046.6154			-918.60227	

Notes: *p<.05; **p<.01; ***p<.001

[a] responses range from 0= low risk to 4= high risk

Table 6. Logistic Regression of Child Characteristics on Admission into Custody During the Follow-Up Period (n=721[a])

	Model 1			Model 2			Model 3		
	OR	SE	[95% CI]	OR	SE	[95% CI]	OR	SE	[95% CI]
Pct Catholic in Small Area	1.01 **	0.00	[1.00 , 1.02]	1.01 **	0.00	[1.01 , 1.02]	1.01	0.01	[1.00 , 1.02]
Deprivation Rank 2017				1.00	0.00	[1.00 , 1.00]	1.00	0.00	[1.00 , 1.00]
Age									
10 to 13				0.90	0.46	[0.34 , 2.43]	3.71	2.71	[0.88 , 15.58]
14				1.49	0.66	[0.62 , 3.56]	2.71	1.60	[0.85 , 8.65]
15				2.33 *	0.84	[1.15 , 4.70]	4.41 **	2.14	[1.71 , 11.39]
16				2.71 **	0.89	[1.42 , 5.14]	4.80 **	2.14	[2.00 , 11.48]
17					reference			reference	
Gender [a]									
Male					reference			reference	
Female				0.23 ***	0.10	[0.10 , 0.52]	0.23 **	0.12	[0.08 , 0.62]
Ethnicity [b]									
White					reference			reference	
Non-white and Irish traveller				2.19	1.23	[0.72 , 6.60]	1.58	1.33	[0.30 , 8.24]
Did not wish to answer/ missing/unknown				0.05 ***	0.04	[0.01 , 0.21]	0.06 **	0.05	[0.01 , 0.30]
Static Risks									
Risk Offense Type									
Other								reference	
Theft							1.67	0.72	[0.72 , 3.87]
Burglary							3.81	2.61	[0.99 , 14.60]
Motoring							0.91	0.53	[0.30 , 2.83]
Age at First Warning/Caution/Diversion conference									
No previous contact								reference	
10 to 12							4.11	3.07	[0.95 , 17.75]
13 to18							1.28	0.71	[0.43 , 3.77]
Age at First Court Finding of Guilt									
No previous court finding of guilt								reference	
10 to 13							1.63	1.47	[0.28 , 9.54]
14 to 18							2.29 *	0.95	[1.02 , 5.18]
Number of Previous Formal Sanctions									
No previous formal sanctions								reference	
1 to 3							0.85	0.42	[0.32 , 2.26]
4 or more							0.61	0.37	[0.18 , 2.01]
Dynamic Risks [c]									
Living arrangements							1.52 *	0.30	[1.03 , 2.25]
Family and personal relationships							1.06	0.23	[0.70 , 1.62]
Education, training, and employment							0.96	0.20	[0.64 , 1.44]
Community and neighbourhood							0.73	0.16	[0.46 , 1.13]
Lifestyle							1.40	0.35	[0.86 , 2.28]
Substance misuse							1.79 **	0.31	[1.27 , 2.53]
Emotional and mental wellbeing							0.88	0.16	[0.61 , 1.26]
Perception of self and others							1.44	0.33	[0.91 , 2.27]
Thinking and behaviour							0.92	0.23	[0.56 , 1.51]
Attitudes to offending							0.82	0.22	[0.48 , 1.38]
Motivation to change							1.94 *	0.50	[1.18 , 3.21]
Constant	0.08 ***	0.02	[0.05 , 0.12]	0.07 ***	0.03	[0.03 , 0.16]	0.00 ***	0.00	[0.00 , 0.01]
chi2(df)		(1)8.60**			(9)83.55***			(29)243.80***	
Log Likelihood		-257.20865			-219.7342			-139.6113	

Notes: *p<.05; **p <.01; ***p <.001

[a] The category Refused/Missing/Transgender was excluded from this regression due to dropped due to small sub-sample being perfectly predicted

[b] The category "did not wish to answer" was combined with "missing and unknown" due to small sub-sample being perfectly predicted

[c] Responses range from 0= low risk to 4= high risk