



An Roinn Dlí agus Cirt
Máinnystrie o tha Laa

OVER-REPRESENTATION IN THE YOUTH JUSTICE SYSTEM IN NORTHERN IRELAND

SUMMARY REPORT

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EXECUTIVE SUMMARY

Background and Data (see Section 1)

- 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 (See Section 2)

- 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

Gender (see Sections 3-5)

- 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.

Age (see Sections 3 & 5)

- 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.

Religion (see Sections 3 & 4)

- 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 Census¹.
- 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 areas².
- 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.

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.

Care Status (see Sections 3 & 5)

- 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 2018/2019³ 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.

Additional Need (see Sections 3 & 5)

- 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.

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 profile of the youth justice population in Northern Ireland in many respects reflects that of other jurisdictions. Concerns about the potential over-representation of some groups, however, have particular significance 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 practices⁴ (Harvey, 2012).

International research consistently notes the over-representation of children in care in contact within the criminal justice system (see Carr & Mayock, 2019). In Northern Ireland, their over-representation has been evidenced at all stages of the system. For example, 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 also noted that around 40% of Youth Conference referrals involved children in care, with many of the offences related to the care home environment (CJINI, 2015: 20). Their over-representation continues into custody where children in care consistently represent around one-third of those admitted to Woodlands Juvenile Justice Centre (JJC) (NIAO, 2017), increasing to 52% of admissions in 2019/2020 (Brown, 2020).

The potential over-representation of other groups has also been highlighted as an area of concern. The 2018 inspection of Woodlands JJC, for instance, reported concern about the number of Catholic children admitted, as well as their proportionate representation increasing from 57% in 2013-2014 to 76% in 2016-2017 (CJINI, 2018: 15). Two out of three children admitted to custody in 2019/2020 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. High proportions of children with mental health and substance misuse problems, low educational attainment and special educational needs in the youth justice system have also been identified (e.g. DoJ, 2011; CJINI, 2018).

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

⁴ 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 required to mainstream equality considerations into their activities and reflect on how their policies and practices may affect minority groups.

1.2 Study Aims

This research was commissioned by the DoJ as a direct response to some of the issues noted above. The overall 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. Project objectives were:

- 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.

Ethical approval to conduct the research was obtained from the School Research Ethics Committee at the School of Social Sciences, Education and Social Work, QUB.

1.3 Study Design

1.3.1 Literature Review

A review of national and international literature was carried out in order to inform issues to explore in both the administrative data and through qualitative interviews.

1.3.2 Expert Interviews

Interview participants represent experts in their fields and were selected on the basis of their work with criminal justice agencies interfacing with children, their work with specific groups of children, or their work on equality issues. This included representatives from various criminal justice agencies (policing, courts, legal profession, youth justice), oversight bodies, relevant government departments and NGOs, and human rights organisations. Data collection took place in April and May 2021. In total, 28 individuals took part in individual or small group interviews.

1.3.3 Administrative Data

It was planned that administrative (quantitative) data from various criminal justice agencies would be used to track children's interactions at different stages of system contact. However, this was not possible due to the differing ways in which information was collected and collated across and within organisations, the limited nature of the Section 75 data that was available for analysis, and the amount of Section 75 data that was missing.

Instead, the available administrative data is used to serve two purposes. Firstly, it provides a snapshot of children in contact with various criminal justice organisations during 2018/2019⁵. The aim of this analysis was to identify the characteristics of children having contact with agencies at one point in time, with a view to highlighting any disproportionate levels of system contact (limitations of this analysis are outlined in Section 2).

Secondly, focusing specifically on those children in contact with the Youth Justice Agency (YJA) in 2018/2019, it examines factors that potentially influence their *subsequent* referrals to the YJA during a one year follow-up period, as well as the factors influencing whether or not they were admitted into custody during this follow-up period. The aim of this analysis was to examine characteristics that might influence *subsequent* contact, thus potentially highlighting or explaining high levels of repeat representation.

1.3.4 Combining Data Sources

The findings from 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. 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).

⁵ 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.

2. MEASURING OVER-REPRESENTATION THROUGH SECTION 75 DATA: POSSIBILITIES AND LIMITATIONS OF AVAILABLE DATA

2.1 Analysing Over-representation

2.1.1 Defining Over-representation

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) having more contact with the CJS than expected based on their prevalence within the general population, or differing substantially from others in that category (e.g. Protestants, those without learning disabilities or females). 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 general population.

2.1.2 Measuring Over-representation in this Research: Limitations

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 if there is a large amount of 'missing' data as we do not know if those for whom we have data are representative of the population. In other words, that the administrative data may show a higher percentage of individuals recorded as Catholic does not demonstrate over-representation, as in most cases there are more individuals for whom this data is missing than is recorded. It simply demonstrates that for those for whom there is data, more reported as Catholic.

Secondly, to accurately calculate over-representation of children with certain Section 75 characteristics in contact with the criminal justice system requires also having accurate estimates of the population size of those Section 75 groups that are children in the same timeframe. There are only yearly estimates on population size in Northern Ireland for age and sex. This means, for example, that we do not know the population size of different ethnic groups, nationalities or religious affiliations for those aged 10-17 in the NI population for the year 2018. In other words, even if a disproportionately high percentage of individuals in contact with the criminal justice system self-identify as Catholic, we do not know if this is an over-representation as we do not know the percentage of Catholic children aged 10-17 in the NI population during 2018.

Thus, both of these factors limit the accuracy with which any claims about over-representation can be statistically analysed or supported (other than in relation to age and sex) in this research. It is for this reason that we utilise the language of high/ disproportionate representation when referring to factors other than age and sex throughout this report.

Finally, to fully understand over-representation in action, it is important to track children's journey through the criminal justice system as this could reveal different pinch points to clarify where or how over-representation might be occurring. This is not possible as current systems/ data across the criminal justice system are not interlinked. 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, but the data does not allow for this analysis.

2.1.2 Interpreting the Findings of this Research

Given these issues, the study's aim to estimate over-representation is achieved within the limits of the available data. 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 in terms of over-representation. This analysis is presented in Section 3.

Because the data is more complete, and the YJA matched anonymised data over two time periods, the specific analysis of YJA data does enable a determination to some extent, of whether certain groups are more likely to amass further contact with YJA than other groups within a one-year period. Repeat contact, and the factors influencing it, may point to over-representation. It is important to note, however, that this is 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 are limited to what was available for extraction in the YJA dataset. Qualitative data is, therefore, used to supplement the analysis of available administrative data throughout this research.

2.2 Utilising Section 75 Data

Data was provided by the PSNI, PPS and YJA and utilised to provide a snapshot of children in contact with the justice system during the financial year 2018/2019. This snapshot provides a profile of the Section 75 characteristics of these children to identify potential issues with disproportionality and over-representation (see Section 3). However, as noted in Section 2.1, high levels of missing or incomplete data impacted the potential to analyse system contact, decisions and outcomes across Section 75 characteristics.

The full report includes an exploration of Section 75 collection and monitoring processes across various criminal justice agencies. A range of challenges and barriers to collecting and analysing Section 75 data in a criminal justice context are identified. These include:

- Challenges encountered in collecting and providing potentially sensitive information in settings that lack privacy and may be adversarial;
- Unease among some professionals about collecting some of this data, linked to safety concerns, perceptions/ beliefs about requesting 'personal' information and the potential negative impact of doing so on interactions;
- A lack of understanding of the meaning and uses of the data by professionals and children;
- Processes of collecting/ requesting Section 75 data from children may not be meaningful or accessible, this might contribute to low levels of completion;

- Key decision-making sites which influence the outcomes children experience do not collect this data and view it as disconnected from their own work.

Overall, the analysis 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.

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

With the caveats noted in Section 2, and based on the data made available for this research, this section provides a snapshot of the profile of children in contact with various criminal justice agencies in 2018/2019. It provides a breakdown by agency, nature of contact, some Section 75 characteristics and, where the data exists, additional factors such as deprivation and risk factors.

3.1 Police Contact

3.1.1 Stop and Search

During 2018/2019, there were 3,629 cases of children stopped and searched/ questioned. Section 75 data was available on age⁶, gender and ethnicity. No other Section 75 was available. A breakdown of the figures presented here can be found in Appendix 2, Table 1 of the main report.

3.1.1.1 Gender

Males represented 86.7% of all cases of children being stopped and searched/questioned. Over-representation of males is evident by the fact that 33 out of every 1000 males, compared to 5 out of every 1000 females were stopped and searched/questioned. Thus, males were six times more likely to be stopped and searched/questioned than females.

3.1.1.2 Age

Older children were 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% 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.

3.1.1.3 Ethnicity

The data reveals 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 perceived⁷.

3.1.2 Arrest

There were 1,834 cases of children arrested on suspicion of criminal activity during 2018/2019. Section 75 data was available on age, gender, ethnicity and nationality but no

⁶ All data relate to those aged under 18.

⁷ 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.

other Section 75 characteristics were supplied. A breakdown of the figures presented here can be found in Appendix 2, Table 2 of the main report.

3.1.2.1 Gender

Males were over-represented in the arrest statistics in comparison to females, with a rate of 15.62 arrests per 1,000 of the general population in comparison to 3.60 per 1,000 of the population respectively.

3.1.2.2 Age

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.

3.1.2.3 Ethnicity

The ethnicity for most of these cases was recorded as White (91.2%), with Irish Travellers accounting for 4.6% of cases. Although there is no information on age-specific prevalence of Irish Travellers in the 2018 NI population, the 2011 Census reveals that Irish Travellers made up 0.1% of children aged 10-17 in the NI population⁸. This does not confirm over-representation but is suggestive that it may be taking place.

3.1.2.4 Nationality

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%).

3.1.3 Community Resolution Notices

A total of 1,421 cases involving children were disposed of by way of a Community Resolution Notice during 2018/2019. Section 75 information was available on age, gender, ethnicity, religion and disability. A breakdown of the figures presented here can be found in Appendix 2, Table 3 of the main report.

3.1.3.1 Gender

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,

⁸ <https://www.ninis2.nisra.gov.uk/public/SearchResults.aspx?sk=DC2101NI>

contributing to females being more likely to receive a Community Resolution Notice and only coming to the attention of the police when they have committed an offence.

3.1.3.2 Age

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 likelihood of being given a Community Resolution Notice compared to younger children. 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.

3.1.3.2 Ethnicity

The ethnicity listed in most cases was White (80.7%), with Irish Travellers accounting for 1.8% of cases. Information on ethnicity was missing/unknown in 14.6% of cases.

3.1.3.3 Disability

In only 2.8% of cases were children recorded as having some form of disability (primarily recorded as some form of learning, mental health, physical or sensory disability or a combination of these), while 24.9% were recorded as having no disabilities. Information on disability was missing/unknown in 72.3% of cases. It is noteworthy that disability is likely to be under-reported for a range of reasons outlined in Section 2.3.1.1 of the main report.

3.1.3.4 Religion

While data on religion was 'missing' for most cases (78.7%), 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. While more individuals who reported their religion identified as Catholic (9.0%) compared to those reporting any other religion or no religion, nothing is known 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.

3.2 Contact with the PPS

3.2.1 Agency contact

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. Section 75 information was made available on children's age, gender and nationality. A breakdown of the figures presented here can be found in Appendix 2, Table 4 of the main report. Some of the findings are presented below.

3.2.1.1 Gender

Males accounted for 76.2% of all suspects in the files received by the PPS and were, therefore, over-represented in comparison to females (at a rate of 27.13 and 8.83 per 1,000 in the general population respectively – i.e. over three times the amount of females).

3.2.1.2 Age

Older children were more likely than younger children to have files sent by the PSNI to the PPS for consideration for prosecution. This may reflect policy objectives to divert children from the criminal justice system, offending careers and/or greater levels of PSNI contact among older children.

3.2.1.3 Nationality

The most frequently recorded nationality was Northern Irish, however, nationality was missing/unknown in approximately 42.0% of cases. Due to high levels of missing data, no further analysis of nationality is presented below.

3.2.2 Decision to Prosecute

In the majority of cases children were either not prosecuted (31.9%) or diverted (28.1%). The remainder proceeded to summary prosecution (39.2%) or indictable prosecution (0.8%). A breakdown of the data presented here can be found in Appendix 2, Tables 5-7.

3.2.2.1 Gender

Males were more likely to be referred for an indictable or summary prosecution than females. It is estimated that between 41.8% to 41.9% of males were prosecuted compared to between 33.0% to 33.5% of females (see Appendix 2, Table 6). This may reflect the nature of offending.

3.2.2.2 Age

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. Again this may reflect policy objectives to divert children from the criminal justice system, nature of offending and/or past system contact.

3.2.3 Conviction

3.2.3.1 Gender

The percentage of those convicted of summary offences across gender was fairly 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 of main report).

3.2.3.2 Age

However, analysing the extent to which these decisions led to convictions revealed a similar age-related pattern to previously, with older children being more likely to be convicted of indictable and summary offences than younger children (see Appendix 2, Tables 8 and 11 of the main report).

3.3 Contact with the YJA

3.3.1 Agency Contact

During 2018/2019, 1,009 children received a community referral to the YJA or had been admitted to custody, 153 of these children had been admitted to custody at some point during that year. Section 75 information was provided on age, gender, ethnicity, and religion. Given high levels of missing data for self-reported religion, postcode data of area of residence was used to develop a proxy measure of religion, as well as a measure of deprivation. Full details on the development of these measures can be found in Appendix 3 of the main report.

Data was also made available on the static and dynamic factors considered by YJA workers when assessing children's risk of committing a crime⁹. A full list of these factors and what they include can be found in Appendix 4, Table 1 of the main report. Data on all of these factors was only available for 723 of all of the 1,009 children who received a community referral to the YJA or had been admitted to custody during 2018/2019.

Unless stated otherwise, the analysis presented below provides a profile of the full sample of 1,009 children who received a community referral to the YJA or had been admitted to custody in 2018/2019. *It refers to those presenting during this period only.* A breakdown of the figures presented below can be found in Appendix 2, Table 14 of the main report unless otherwise stated.

3.3.1.1 Gender

Reflecting the patterns observed in the PSNI and PPS data, males were over-represented in the YJA data in comparison to females (at a rate of 8.12 per 1,000 of the general population

⁹ 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).

compared to 2.43 per 1,000 respectively). Again males are presenting at over three times the amount of girls.

3.3.1.2 Age

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. Thus older children were over-represented, and younger children under-represented.

3.3.1.3 Ethnicity

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.

3.3.1.4 Deprivation

On average children who received a community referral to the YJA or had been admitted to custody tended to reside in areas ranking higher on measures of multiple deprivation. Over half resided in the top 30% of most deprived areas¹⁰.

3.3.1.5 Religion

Information on self-reported religion was missing/unknown in 43.0% of cases. The remaining cases consisted of 27.9% reported as Catholic, 15.9% as Protestant, 11.5% as being of no religious belief and 1.7% as another religion. While the high proportion of missing data on self-reported religion limits meaningful interpretations around prevalence, it is notable that the majority of those who reported a religious belief (27.9%) self-identified as Catholic.

As noted in Section 3.3.1 due to high levels of missing data on self-reported religion, a proxy measure was developed¹¹. 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. 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. To examine this further, however, accurate measures on the percentage of children living in high percentage Catholic/ Protestant areas would be needed. Appendix 3, Figures A3-A5 of the main report display this data.

¹⁰ 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

¹¹ See footnote 6

It is also noteworthy that over one-quarter (28.9%) of children who received a community referral to the YJA or were admitted into custody during 2018/2019 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 (see Appendix 3, Figure A6). This analysis may, therefore, suggest an association between the religion of an area, level of deprivation and contact with the YJA in 2018/2019¹².

3.3.1.6 Risk Factors

An analysis of dynamic risk factor assessment scores revealed that children on average tended to score on the lower range of all measures - 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 (see Appendix 4, Table 2 of the main report). This indicates that YJA workers tended to assess that for most children presenting to them in 2018/2019 these factors had limited impact on their probability of offending.

3.3.2 Admission to Custody

A total of 153 children had been admitted into custody during 2018/2019. In addition to information on age, gender, religion and ethnicity data was also available on the care status of these children. A breakdown of the figures presented below can be found in Appendix 2, Table 15 of the main report unless otherwise stated.

3.3.2.1 Gender

Children admitted to custody were overwhelmingly male (90.2%). Males were more likely to be admitted to custody than females.

3.3.2.2 Age

Similar to the other datasets, older children were again over-represented in comparison to younger children in admissions to custody.

3.3.2.3 Ethnicity

There were lower levels of missing data on the ethnicity of children admitted to custody (2.0%). For the majority, ethnicity was recorded as White (90.8), with the remaining 7.2% recorded as Non-white or Irish Traveller.

¹² 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.

3.3.2.4 Religion

There were also lower levels of missing data/unknown on religion (12.4%). Most of those admitted to custody identified as Catholic (62.1%), with 19.0% identified as Protestant and 6.5% as being of another or no religious belief. While the high proportion of self-identifying Catholics in custody may not in itself be evidence of over-representation¹³, the administrative data does demonstrate a higher proportion of self-reported Catholics in custody than any other religion.

3.3.2.5 Care status

While 60.8% of children admitted to custody were not in care, 28.1% were recorded as subject to a care order and 9.1% as voluntary accommodated. Information on the remaining 2.0% was missing/unknown. That over one-third (37.3%) of those admitted to custody have a 'looked after' status does suggest disproportionately high levels of contact. 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.

Analysis of the recorded risk factor data for children who received a community referral to the YJA or had been admitted to custody revealed higher average scores than those not in care on all domains¹⁴. Most significant was living arrangements (a mean of 2.5¹⁵ for those in care compared to 1.5 for those not in care). Other significant areas in which children in care received higher risk assessment scores (compared to those not in care) were family and personal relationships, attitudes to offending, perceptions of self and others, and thinking and behaviour (see Appendix 3, Table A10 of the main report).

3.3.2.6 Risk/ Additional Need

YJA assessments give an indication of static and dynamic factors across a number of domains related to additional need: 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 723 children for whom information on the static and dynamic factors risk assessment scores was available, 7.9% scored 3 or 4¹⁶ 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, 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

¹³ As this might reflect the distribution of religion among children in the NI population, however there are no annual population counts on these characteristics.

¹⁴ This data was available for 113 of the 153 sample of children admitted to custody

¹⁵ 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 of the main report for a further information on YJA risk assessments).

¹⁶ See previous footnote

misuse; 35.1% for emotional and mental health; 45.6% for thinking behaviour. Therefore the proportion of children presenting with additional needs appears to increase at the sharp end of the system.

3.4 Summary

Available Section 75 data on children presenting to various criminal justice agencies in 2018/2019 suggests that males and older children tend to be over-represented in all areas of the system. These patterns are reflective of youth justice populations elsewhere (e.g. Bateman, 2020). That older children are 'over-represented' is not necessarily negative and more accurately demonstrates that younger children are under-represented in all areas of criminal justice system contact. Overall, however, the amount of missing data on key characteristics, such as religion and ethnicity, limits the conclusions that can be drawn. YJA data did, however, enable some additional analysis. This demonstrated that a high proportion of children presenting to the YJA in 2018/2019 live in highly concentrated Catholic areas ranking high on measures of multiple deprivation. The enhanced needs, and associated risks, of children in custody were also evident from this data. Potential explanations for some of these patterns are explored in Section 5.

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

While the snapshot data can provide some information on the profile of children in contact with criminal justice system (see Section 3), due to the aforementioned limitations with this data, the potential to examine if any of these factors influence system contact is limited. However, it was possible to examine the factors that influenced subsequent contact with the YJA during a one year follow-up period due to the quantity and quality of the available data collected by the YJA. Longitudinal analysis of administrative 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. A series of regression analyses¹⁷ were then conducted to assess what role the children's Section 75 characteristics, deprivation ranking, static and dynamic risk assessment scores played in influencing the total number of community referrals to the YJA they received during a one-year follow-up period and whether or not they were detained in custody during this one year follow-up.

Full details of the results of this analysis can be found in Section 4, and Appendix 4, of the main report. A summary of the key findings are presented here.

4.1 Context to the YJA Longitudinal Data

As outlined in Section 3.3.1, there were 1,009 children who received a community referral to the YJA and/or were 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 crime¹⁸, as well as the Small Area in which the children resided at the time of this contact¹⁹. This enabled the construction of proxy measures for deprivation and religion (given the high levels of missing data in self-reported religion). Full details on the development of these measures can be found in Appendix 3 of the main report.

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, and

¹⁷ Regression analysis is a form of statistical analysis that involves identifying the relationship between a dependent variable (e.g. number of community referrals received and/or whether someone was admitted into custody) with one or more independent variables (e.g. age, gender, ethnicity, static and dynamic risk assessment scores, etc.).

¹⁸ See footnote 5 above.

¹⁹ 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.

other factors, may play in influencing subsequent contact with the YJA during the one year follow-up period. Data on all of these variables was available for 723 children who are included in the analysis presented below.

4.2 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. A total of 11.8% had been admitted to custody in the follow-up period (see Appendix 4, Table 3 of the main report).

4.3 Subsequent Community Referrals to the YJA

Three regression analyses were carried out to examine the factors associated with subsequent contact with the YJA during a one year follow-up period, in the form of the total number of community referrals children received during the one year follow-up period. Model 1 examined the role religion may play in influencing subsequent contact with the YJA (using the proxy measure Percent Catholic). Model 2 examined the role of religion, alongside deprivation, age, gender and ethnicity, to assess what role these factors may play in influencing subsequent contact. Model 3 assessed the role religion, deprivation, age, gender, ethnicity, static and dynamic risk factor assessment scores may play in influencing subsequent contact with the YJA. This analysis can be helpful in determining if the initial relationships observed might be partly or fully explained by other characteristics (e.g. if an over-representation of Catholics in subsequent community referrals could be explained by Catholics having higher levels of deprivation). The results are presented in Appendix 4, Table 4 of the main report.

4.3.1 Religion

No significant relationships were observed with percent Catholic, suggesting that religion was not influencing the subsequent number of community referrals to the YJA the children received during the follow-up period.

4.3.2 Age

Concentrating on Model 3, which includes all the measures examined, age emerged as significant. In comparison to those that were aged 17²⁰, younger children received more community referrals to the YJA during the follow-up period.

4.3.3 Gender, Ethnicity and Deprivation

No significant relationships were observed with gender, ethnicity or deprivation ranking in Model 3, suggesting that these factors were not influencing the subsequent number of community referrals to the YJA the children received during the follow-up period.

²⁰ It is important to note that that children aged 17 might have had future contact with the adult justice system if they turned 18 in the follow-up period. They would not, therefore, appear in YJA data.

4.3.4 Risk Factors

All static factors and many of the dynamic factor risk assessment scores were found to have a significant influence on the subsequent number of community referrals to the YJA the children received during the one year follow-up period. For instance, those aged 13-18 at first contact with the justice system were more likely to amass more community 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 were found to have more community 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 more community referrals to the YJA in the follow-up period compared to those who had no previous formal sanctions.

Risk assessment scores relating to living arrangements, education, training, and employment, lifestyle, substance misuse, and perception of self and others, were found to be significantly associated with the number of community referrals to the YJA the children received during the follow-up, with higher risk scores associated with more referrals.

4.4 Subsequent Contact among those Admitted to Custody

Subsequent contact with the YJA was also examined by investigating the factors that were found to influence whether the children were admitted into custody during the one year follow-up period. Three regression analyses were carried out to examine factors that might influence whether or not the children were admitted to custody during the one year follow-up period. Again the influence of religion was examined in Model 1, the influence of religion, age, gender, ethnicity and deprivation was examined in Model 2, and religion, age, gender, ethnicity, deprivation as well as the static and dynamic factors were examined in Model 3. The results are presented in Appendix 4, Table 6 of the main report.

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. 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 these factors were taken into account, religion no longer had a statistically significant influence on whether or not children were admitted to custody during the one year follow-up period. While an important finding, care should be taken in its interpretation given the relatively small effect size of religion change across the models.²¹.

²¹ The coefficient for religion was 1.01 across all three models. If risk scores were explaining the relationship between religion and admission, we would expect to see a loss of significance as well as the coefficient value to reduce (as part of the effect was being explained by risk). Therefore the loss of significance suggest moderation may be occurring; however, care should be taken as there was little change on the effect size of religion.

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 years²². Gender was also statistically significant, with females being less likely to be admitted into custody in comparison to males.

4.4.3 *Risk Factors*

An analysis of the impact of static and dynamic risk factor assessment scores in Model 3 on admission to custody during the one year follow-up period revealed that 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 higher risk assessment scores 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. Firstly, religion was not statistically significant in influencing the number of community referrals children received to the YJA during the one year follow-up period. While religion initially appeared to be significant in influencing whether children were admitted into custody, once the influence of the static and dynamic risk assessment scores were considered alongside the other Section 75 characteristics and deprivation, religion was no longer found to be significant in influencing if the children were admitted to custody during the follow-up period. 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 static and dynamic risk factors.

Other factors found to consistently influence subsequent contact with the YJA during the follow-up period included age, age at which children first received a finding of guilt in a court setting, living arrangements and substance misuse. Age influenced community referrals received as well as whether the children were admitted into custody, with younger children being more likely to amass more community referrals, while children aged 15 and 16 were more likely to be admitted into custody compared to those aged 17. However, it is important to remember that this analysis may underestimate admissions into custody for those aged 17 due to the possibility of some of these children turning 18 and being dealt

²² 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.

with through the adult system. The age at which the children first received a finding of guilt in a court setting also influenced the number of community referrals received and if children were admitted into custody during the follow-up period. 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, as well as be admitted into custody during the follow-up period. 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 2019/2020) (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 of the main report) or substance using histories.

Gender 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. There were also differences evident in the static and dynamic factors found to influence community referrals and admission into custody. For instance, 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 community referrals to the YJA the children amassed during the follow-up period, they were not found to influence admission into custody. 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. Moreover, motivation to change was only found to influence admission into custody. Negative outlooks assessed in this category may be reflective of the substantial barriers and 'pains' 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 of the main report).

Overall, these findings offer an insight into factors that may be driving *further* contact with the youth 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.

5. EXPLAINING CRIMINAL JUSTICE SYSTEM CONTACT

Despite a high proportion of missing data, the profile/ snapshot data provides some useful insights into the characteristics of those interfacing with different aspects of the criminal justice system. Analysis of the YJA longitudinal data provides additional insights into factors potentially influencing *subsequent* community referrals to the YJA and admission to custody during a one year follow-up period. This data, alongside the interview data, is drawn on in this section to explore possible reasons for what appears to be the high representation of particular groups/ those with particular characteristics in the criminal justice system.

Interview participants reflected on the range of risks, stressors, responses and interactions that may impact criminal justice contact for particular groups. In so doing, they highlighted the blend of structural, system-based, cultural and interactional factors that may influence disproportionate contact with the criminal justice system for some. A summary of key points is outlined below. An analysis of the data is presented in Section 3 of the main report.

5.1 Gender

Reflecting the wider tendency for males to be over-represented within the justice system (Bateman, 2020) the administrative data available for this research demonstrated an over-representation of males at all levels of system contact – i.e. in the Section 75 data provided by the PSNI, PPS and YJA. Gender also appeared to be 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. Some interview participants considered the high representation of boys in the criminal justice system to be reflective of the gendered nature of offending and more specifically differential/gendered risks, visibility and manifestations of ‘trauma and distress’. Boys and young men it was noted tended to externalise (harms others, property etc) and girls and young women internalise (harm self).

5.2 Age

Reflective of youth justice populations elsewhere (Bateman, 2020) the administrative data also consistently demonstrates that older children are over-represented in the profile of those in contact with the criminal justice system. That younger children are under-represented in stop and search, arrest, summary and indictable prosecution, YJA community referrals and admissions to custody reflects, to some degree, policy objectives to divert children from the CJS and/or age-related patterns in offending.

5.3 Deprivation and Disadvantage

Interview participants regularly identified economic disadvantage as an over-arching characteristic of children in contact with the criminal justice system. Based on their practice experience some noted that children from specific areas, particularly those ranking high on deprivation indicators, were over-represented in terms of all criminal justice contact. Data on the profile of referrals to the YJA in 2018/19 supports this view, but deprivation was not

found to influence *subsequent* contact to the YJA. That said, a range of risk factors that are likely to be associated with deprivation were found to influence subsequent contact.

The view that it was not deprivation in itself that might influence criminal justice system contact was reflected in interviews. 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 was regularly discussed. The layering of family, community and socio-economic strains, combined with system responses (criminal justice, health, education etc) identified as impacting likelihood of criminal justice contact.

5.4 Religion: Exploring the Representation of Catholic Children

There were high levels of missing/incomplete Section 75 data on religious belief/community background across the datasets utilised to provide a profile of children interacting with the criminal justice system in 2018/19. When religion was self-reported, however, a higher percentage of children identified as Catholic than any other religion (among children receiving Community Resolution Notices, referrals to the YJA and particularly admissions to custody). Additional analysis of YJA data also 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. Given that the YJA is a 'receiving agency' patterns identified in relation to presentations here are likely reflective of patterns in other parts of system. In examining factors influencing *subsequent* contact with the YJA within a one-year period, religion was not found to have a substantial influence.

Interview participants suggested various factors that might explain the proportions of Catholic children interacting with the justice system. Responses fell into three inter-related categories – structural and historical factors, operational factors, attitudinal and interactional factors.

5.4.1 Poverty, Place and Risk

A significant number of interviewees felt there was a potential relationship between place/geographical area, deprivation levels and the numbers of Catholic children interfacing with the criminal justice system. In particular they pointed to the high levels of deprivation in Catholic/Nationalist areas hypothesising that the risks and vulnerabilities associated with deprivation (e.g. limited access to services and supports; family and parenting stress; educational disadvantage; as well as potentially greater police presence/ targeting) might explain high levels of offending/system contact. As such, it may be these rather than religion or deprivation per se impacting system contact.

This view is supported by some of the YJA administrative data which 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). Further, when risk factors were included in the

analysis of the influence of religion on subsequent admission to custody, religion no longer appeared to have an influence. This suggests that the relationship between religion and admission to custody could be explained by those living in areas with a higher percentage Catholic population possessing higher risk assessment scores on static and dynamic factors, thus placing them at a greater risk of future contact.

5.4.2 Care, Custody and Religion?

Interviewees from a range of sectors questioned whether the high number of children in the JJC identifying as Catholic may be related to the high numbers of Catholic children in the care population, given that the same children often interface with both the care and justice systems. Analysis of the JJC administrative data did not, however, support this. This found a higher proportion of the care population in the JJC self-identifying as Protestant (55.2%) than Catholic (31.6%) (see Appendix 3, Table A9 of the main report).

5.4.3 Operational, Attitudinal and Interactional Factors

It was recognised by interview participants that perceptions of the police, policing style and the nature of the interaction, were key in impacting outcomes. Some spoke of historical relations between the police and the Catholic/Nationalist/Republican (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, which could effectively lead to criminalisation.

Some believed, based on practice knowledge and/or personal observations, that (some) CNR areas are policed differently, more heavily or had a greater police presence than Protestant/Unionist/Loyalist (PUL) areas. The nature and style of policing could be reflective of greater police targeting of areas of deprivation (of which more are majority Catholic), policing operations relating to tackling paramilitarism, and/or concerns for officer safety. As a consequence, some suggested, children from these areas may be more likely to be drawn into the criminal justice system due to greater likelihood of offending being detected, or negative responses to police presence leading to criminalisation. Some policing policies and practices could, therefore, (inadvertently) negatively impact particularly communities and put Catholic children at higher risk of criminal justice system contact.

5.5 Children with Experiences of Care

While there was limited administrative data on the care status of those in contact with the criminal justice system, 'looked after children' represent a high proportion of those admitted to custody (37.3%). Analysis of interview data also suggested high levels of contact at the front end of the system, particularly in relation to frequent police contact for minor offending or non-criminal behaviour (e.g. going 'missing'). Indeed, interviewees from a range of criminal justice sectors reflected that they engaged with a disproportionately high number of children with experiences of care.

Three main explanations emerged from the analysis to account for what was felt to be disproportionately high levels of children with experiences of care in contact with the YJS. These are summarised below.

5.5.1 Risky Backgrounds and Circumstances

The administrative data for admission to the JJC suggests that children with experiences of care have, on average, higher risk factor scores than children not recorded as having a 'looked after' status. In particular, YJA workers' risk assessment scores of the children's living arrangements was significantly associated with the total number of community referrals to the YJA they subsequently received, as well as if they were admitted to custody, demonstrating the important role that living arrangements can play in influencing *subsequent* contact with the YJA.

Expert interviews also identified individual, social and family factors present among children which overlap with risk factors found to be associated with offending behaviour (Schofield et al., 2015). References to 'trauma', 'disrupted lives', 'unsettled lifestyles' and a lack of 'support system' were common among participants. The weight or layering of some of these risk factors might, therefore, influence increased risk of offending and/ or system contact.

5.5.2 Care as Criminogenic?

Based on their professional experiences interview participants spoke to ways in which care, particularly residential care, could be criminogenic thus putting these children at a greater risk of offending and/or criminal justice system contact. Discussions related to peer group influences, less control or supervision of children than might be experienced in the family home, and as noted below, a range of responses that can put these children at increased risk of criminalisation.

5.5.3 Criminalising Responses to Children with Experiences of Care

Nearly all interview participants acknowledged that care status influenced responses to children's behaviour, particularly children in residential care. 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. Some practices aimed at safeguarding 'missing' children were also identified as enhancing the potential for criminalisation. The frequency of police contact may, therefore, mean that children with care experiences reach the threshold for more formal intervention sooner.

As children are processed through the youth justice system participants also noted the adverse impact of care status, including a lack of appropriate legal guidance and limited support networks to advocate on children's behalf or to provide safe accommodation if they cannot return to their care setting. Many considered the high proportion of children with experiences of care in custody as a product of decisions around whether to hold children on PACE or on remand. Limited appropriate accommodation as an alternative to custody was identified as a long-standing issue.

A number of participants also noted the challenges children in care face in adhering 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. These suggested 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.

5.6 Additional Need

Research in the UK and internationally consistently finds children with mental health disorders, cognitive and neuro-disabilities and complex needs to be over-represented in youth justice systems (Baldry et al., 2018; Goldson et al., 2021). Some of the administrative data relating to children admitted to the JJC further supports this with a greater proportion of these children receiving higher risk scores in domains including: 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). The analysis of static and dynamic risk assessment scores influencing subsequent contact with the YJA during the one year follow-up period also suggest that factors associated with additional need can influence subsequent contact. Substance misuse, for example, was found to strongly influence both community referrals to the YJA and admission into custody during the one year follow-up period.

Interview participants reflected on the range of ways in which additional needs could increase the risk of offending/ system contact. These are summarised below.

5.6.1 Individual Explanations of Offending

Reflective of some of the administrative data outlined above, a small number of interview participants noted the potential link between additional need and an increased propensity to offend. Connections were made between impulsive behaviour, lack of understanding of the consequences of behaviour, substance misuse and offending.

5.6.2 Undiagnosed Need and Lack of Support

Many interviewees discussed the potential impacts of late diagnoses of mental health issues or disabilities, and the challenges in accessing appropriate services in childhood. Concern was expressed 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. Based on their experiences, a number of participants reported that it could take children getting into trouble or arriving in secure care before a diagnosis is attained and relevant support is secured.

5.6.3 Recognising Need and Facilitating Access to Justice

The impact of late/mis-diagnosis and lack of support and treatment is compounded, some interviewees noted, by the lack of awareness among those who come into contact with children with additional needs. The hidden nature of additional needs, it was felt, meant these were not always taken into account in criminal justice interactions, thus potentially

negatively impacting the nature of interactions and/or access to justice. Some practices and responses could, therefore, (inadvertently) impact more heavily on certain groups of children, enhancing the risk potential for disproportionate levels of representation in the criminal justice system.

5.7 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. Three broad inter-related themes were identified in the data: responding to need; training for criminal justice professionals; legal responses. Identification of the need for multiple responses reflected an understanding of the complexity of factors potentially influencing disproportionate system contact.

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

While some of the administrative data may point to a tendency to divert younger children from the criminal justice system, interview participants suggested the need for greater emphasis on diversion, early intervention and community supports. Participants consistently expressed the 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. Investment in community-based services, cross-departmental and multi-agency working to ensure responses which address various domains of children's lives were felt to be essential. Family support, CAMHS, addiction services and early diagnosis of children with SEN, were frequently discussed. This is instructive given that the analysis of administrative data suggests that those who experience particular difficulties with living arrangements, education and substance misuse were more likely to experience subsequent contact with the YJA during the follow-up period.

5.7.2 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. This included training in: trauma-informed practice; children's rights; engaging with children and young people; identifying, communicating and responding appropriately with those who have disabilities, including hidden disabilities.

5.7.3 Legal Responses

Given that some current laws and practices were felt to negatively impact particular children (see, for example, Section 5.5.3 in relation to children with experiences of care), potentially enhancing the risk of system contact, a number of participants discussed legislative changes and supports for children in conflict with the law. This included: changes to the appropriate adult scheme; access to legal advice; changes to bail conditions; increasing the minimum age of criminal responsibility.

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