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**PSNI**  
**SECTION 75**  
**EQUALITY IMPACT ASSESSMENT**  
**YOUTH DIVERSION SCHEME**

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## Contents

<b>1 INTRODUCTION</b>	<b>3</b>
1.1 Background to the Youth Diversion Scheme	3
<b>2 AIMS OF POLICY DEFINED</b>	<b>5</b>
2.1 The Principles and Guidelines	5
2.2 The Precursor to the YDS: the Juvenile Liaison Scheme	5
2.3 Objectives of the YDS	6
2.4 Aims of the YDS	7
2.5 Operational Processes	8
<b>3 CONSIDERATION OF AVAILABLE DATA AND RESEARCH</b>	<b>13</b>
3.1 Key Metrics	13
3.2 Availability and Identification of Section 75 Data/Information from YDS	14
3.3 Comparison of Key Statistics set against NI Census Data	25
3.4 Detailed Analysis of Causative Factors	42
3.5.1 Research on Youth and Police Interaction	48
3.5.2 Persons of different Political Opinion	50
3.5.3 Persons of different Race	52
<b>4 ASSESSMENT OF IMPACTS</b>	<b>59</b>
4.1 Overview	59
4.2 Results of YDS Case File Analysis	59
4.5 Persons of Different Racial Group	65
4.6 Persons of Different Age	65
4.7 Persons of Different Marital Status	65
4.8 Persons of Different Sexual Orientation	66
4.9 Persons with a Disability and Persons Without	66
4.10 Persons with Dependents and Persons Without	67
<b>5 CONSIDERATION OF MITIGATING MEASURES &amp; ALT POLICIES</b>	<b>68</b>
5.1 Preamble	68
<b>6 CONSULTATION</b>	<b>70</b>
The responses from these consultations are set out at 6.1 and 6.2 below	71
6.1 Written Responses	71
6.2 Focus Group/Meetings Responses	80
6.3 Adult Focus Groups/Meetings	82
<b>7 DECISIONS</b>	<b>87</b>
7.1 Actions	87
7.2 Implementation of Operational Reforms Within the YDS	91
7.3 Monitoring	92

## **1 INTRODUCTION**

This Equality Impact Assessment (EQIA) relates to the Youth Diversion Scheme (YDS) as administered by The Police Service for Northern Ireland (PSNI). The scheme while being operated by the PSNI is one element of a larger Youth Justice process which applies an increasing multi disciplinary approach to youth crime and anti-social behaviour.

As it relates to youth in Northern Ireland its processes and procedures are targeted towards that group, namely those under 18 years and above 10 years.

This report also brings together all the research and data that has been applied to this EQIA. A Consultation Paper was distributed to several consultees and focused on the impacts assessed as having potential adverse differential impact on certain Section 75 categories. All data/research utilised in the full assessment for all Section 75 categories was not fully referred to in the Consultation Paper but is set out in this final report.

### ***1.1 Background to the Youth Diversion Scheme***

The PSNI YDS was established in September 2003, replacing the former Juvenile Liaison Scheme. The intention of the new Youth Diversion Scheme was to provide a framework within which the PSNI can respond to all children and young people aged over 10 and below 17, who come into contact with police for a variety of reasons, including non-offending behaviour, risk of offending, antisocial behaviour, or the commission of an offence.

Restorative justice is central to the YDS, and recognises that the police alone cannot address all of the issues, which lead to children and young persons committing crime and being involved in antisocial behaviour. It therefore aims to address these issues

in partnership with other public agencies and the community. A principal focus of the YDS is the implementation of an effective and proportionate policy across all of Northern Ireland which is designed to get the young person to take personal responsibility in a supported environment, and to divert young people from offending, taking account of Section 75 of the Northern Ireland Act 1998 and the Human Rights Act 1998.

December 2003 saw the introduction of the new Public Prosecution Service (PPS) pilot in Greater Belfast and in Fermanagh and Tyrone. Under the pilot, decisions on police files in those areas are made by the PPS rather than by the PSNI, although the police can, however, recommend to the PPS a disposal for each case. Recently, the implementation of the PPS decision-making process was commenced in other police districts, with a view to completion by December 2006, and the introduction of the PPS has resulted in considerable changes to the manner in which the YDS is administered. A further dimension affecting the Scheme was the inclusion, in August 2005, of 17 year olds who come under police attention.

## **2 AIMS OF POLICY DEFINED**

### ***2.1 The Principles and Guidelines***

The principles and guidelines for the operation of the YDS were issued in August 2003 and came into effect on 1 September 2003. These not only impact upon the police officer's who administer the scheme, Youth Diversion Officers (YDOs) and the police officer's who make the decisions about what happens to those referred to the scheme, Criminal Justice Managers, but also places important requirements on other police officers e.g. Uniform and CID personnel.

### ***2.2 The Precursor to the YDS: the Juvenile Liaison Scheme***

The Juvenile Liaison Scheme, which came to an end in August 2003, was the precursor to the YDS, and primarily involved the issuing of cautions and the provision of advice and warnings to juveniles involved in offending or anti-social behaviour. The scheme was designed to set down parameters for how cautions or advice and warnings were used. In theory, advice and warnings were given for much less serious offending, and were typically delivered by Juvenile Liaison Officers (plain clothes constables), often informally. Cautions were typically delivered by uniformed inspectors, with the offender addressed by the inspector in a formal manner with parents/guardians present.

In the late 1990s, the then Royal Ulster Constabulary (RUC) became concerned about the Juvenile Liaison Scheme, partly because of the developments in GB with regard to final warning schemes and Youth Offending Teams. The RUC was also concerned that the database used for the Juvenile Liaison Scheme was old, required all paperwork to be sent to a central location for central data entry, and suffered from major delays and gaps in the system. Other problems of significance which were connected with the Juvenile Liaison Scheme included:

- no formal thresholds existed for offenders (i.e. there were no set guidelines with regard to the number of chances an individual would receive before facing prosecution);
- for some officers, there was little or no training in the delivery of cautions;
- there were major inconsistencies between police divisions/districts (for example, the number of cautions on an individual's record);
- the knowledge that the issuing of multiple cautions provided little or no deterrent for juvenile offenders, as their widespread use effectively acknowledged that there were no clear boundaries for behaviour; and
- the overuse of advice and warnings had become highly inappropriate in many areas, as they were never intended to be used to deal with criminal behaviour, but ended up being employed by some officers to deal with relatively serious offences such as taking and driving away.

The net effect arising from the Juvenile Liaison Scheme was referred to as “confetti cautioning”, and involved the provision of multiple cautions with no recourse to prosecution, with minimal impact upon offenders in terms of changing their behaviours. Much of the scheme would appear to have been highly unstructured, lacking in any effective protocols or guidelines, devoid of effective training, and left to the discretion of police on the ground.

In light of these shortcomings and against this background, the YDS was designed and developed as a replacement initiative.

### ***2.3 Objectives of the YDS***

At present, Community Safety Branch within the PSNI bears responsibility for the running of the YDS. Youth Diversion Officers and Criminal Justice Units within the District Command Units (DCUs) are responsible for the local administration and

implementation of the scheme.

The objective of the YDS is *“to provide the framework within which the Police Service will respond to all children and young people who come into contact with police for non-offence behaviour, or who have offended or are potentially at risk of offending or becoming involved in anti-social behaviour”*. The Scheme was initially directed at juveniles below the age of 17 years<sup>1</sup>, and (from August 2005) was extended to cover all young people below the age of 18 years.

As set out within the principles and guidelines, the YDS:

*“draws on the philosophy and principles of restorative justice. It is built on the premise that children and young people commit crime and anti-social behaviour for reasons, which are many and varied. The Police Service alone cannot address all of the issues involved and therefore must work in partnership with key agencies and the community where appropriate to address the problem.”*

## **2.4 Aims of the YDS**

Seven specific aims are identified for the YDS within the General Order:

- 1) To work in partnership with agencies, both statutory and voluntary, the business sector and the community to prevent children and young people becoming involved in offending or anti-social behaviour.*
  
- 2) To provide an effective, equitable and restorative response to all children and young people throughout Northern Ireland who have*

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<sup>1</sup> The age of criminal responsibility remains 10 years, and children below the age of 10 years cannot commit criminal offences. 17 year olds were included within the Youth Justice system from August 2005, as part of the implementation of the Justice (NI) Act.

*offended or are at risk of offending or becoming involved in anti-social behaviour.*

- 3) To identify children and young people who are at risk in terms of their safety or well being, or at risk of becoming involved in offending or anti-social behaviour, but, initially come into contact with police for reasons which are non-offence related.*
- 4) To divert, whenever possible, those children and young people who have offended away from becoming further involved in the criminal justice system.*
- 5) To reduce the likelihood of re-offending by those children and young people who have already offended.*
- 6) To encourage children and young people, who have offended to take responsibility for their behaviour, and the consequences, to consider the choices they made, and explore the impact on others.*
- 7) To promote the needs of victims and the community throughout the process and whenever possible engage them appropriately in a restorative intervention.*

## **2.5 Operational Processes**

The principles and guidelines set out in considerable detail the process to be employed by YDOs and other police officers with regard to youth diversion cases.

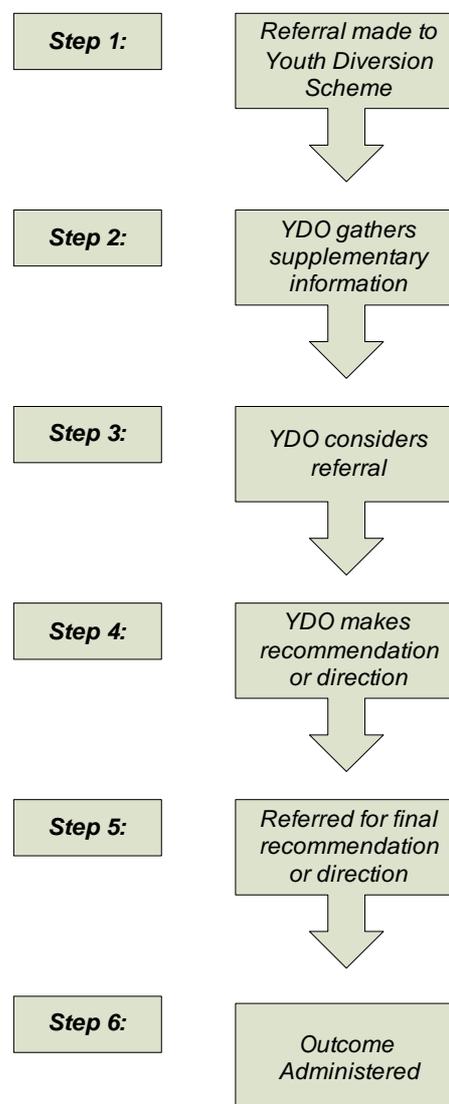
Figure 2.5 below depicts the generic process involved in the YDS, which consists of six steps:

- **Step 1:** a referral is made to the YDS, generally by uniformed police or by an investigating officer, in relation to non-offence or offence-related behaviour on behalf of the young person involved. In general, the circumstances leading to a referral can include:
  - an offence being committed by the young person
  - various types of antisocial behaviour which has attracted the attention of the police
  - a young person coming under police attention for a variety of reasons such as a missing person report being filed
  - the young person being the victim of a crime
  - the young person having their name taken by police whilst in the company of known offenders.

Where no offence has been committed, it is generally the case that no further action is undertaken by the police. There is no limit to the number of Non-Offence Referrals a child may be subject to. However, if the Youth Diversion Officer receives three such referrals for a particular child, within a rolling 12-month period, commencing with the date of first contact, then they should automatically consider referral of the child or young person to a relevant agency/multi-agency forum. Such a referral can only be made with the informed consent of the parent/guardian.

- **Step 2:** In the case of an offence, the next step is that the YDO requests supplementary information from a range of partner organisations (e.g. Probation Board, Social Services, Education Welfare, or voluntary/community projects) that may also have come into contact with the relevant young person. This information is used to provide additional background, which the YDO may wish to consider in reaching a recommendation on the particular method of disposal for the relevant referral.

- **Step 3:** This step entails the YDO considering and evaluating all information and aspects of the specific case, i.e. the gravity of the offence(s), supplementary information provided by other stakeholders, public interest factors, the number and nature of previous offences, and the nature of previous diversionary disposals. The guidelines set out in the General Order are also given due consideration.



**Figure 2.1:** *Generic YDS Process Flow*

- **Step 4:** The YDO makes a recommendation for disposal for the specific case on the basis of all the information available. Depending on the application of the rules outlined in the General Order this can either be for an informed warning, a restorative caution, or prosecution. An informed warning is recommended if the offence is deemed to be of a less serious nature or there are other mitigating circumstances. An informed warning is recorded on the individual's Criminal Record for 12 months. A restorative caution is recommended where it is required to send a strong signal to the young person that their offending behaviour is deemed to be more serious. A restorative caution is recorded on the individual's Criminal Record for 2.5 years. There is a maximum combination of informed warnings and restorative cautions that can be administered after which a young person must be referred for prosecution. This is set out in the YDS General Order as follows:
  - Restorative Caution + Restorative Caution – 3rd offence = Recommendation for Prosecution;
  - Informed Warning + Restorative Caution – 3rd offence = Recommendation for Prosecution;
  - Restorative Caution + Informed Warning – 3rd offence = Recommendation for Prosecution.

For 10-13 year olds, who may be deemed to be more at risk, the opportunity exists to receive a third diversionary disposal through the YDS.

- **Step 5:** Depending on the current arrangements within each DCU, the recommendation of the YDO is referred either to the Public Prosecution Service of Northern Ireland (PPS) or to the local Criminal Justice Unit within the DCU for final direction and approval. The final direction is made by either the PPS or the local Criminal Justice Manager, who then informs

the YDO of the outcome. When this EQIA commenced nine of the 29 DCUs had gone live with the PPS decision-making process on a pilot basis, with the remaining 20 continuing to have decisions made by the Criminal Justice Manager or another senior officer within the DCU (organisational structures vary between DCUs).

- **Step 6:** Under the final step, the outcome of the final direction and decision is implemented. The young person is informed of the decision and, where it is to be administered by the police, the YDO takes the necessary steps to implement the recommendation, i.e. the delivery of an informed warning or restorative caution. As detailed above, informed warnings and restorative cautions are held on the criminal record for predetermined timescales, after which the relevant paperwork is subject to “weeding” processes and should be destroyed.

### 3 CONSIDERATION OF AVAILABLE DATA AND RESEARCH

A record of the number of children and young people referred to the police are kept by the PSNI. There is no definitive analysis of data, which will indicate a complete breakdown of those referred into all nine categories under Section 75. However, those referred reflect Northern Ireland society and the potential groups, which may be impacted on. This is discussed in the EQIA but specific research was carried out to examine data from the scheme in terms of Section 75 groups. However, the data/information is not recorded for all groups.

#### 3.1 Key Metrics

Over the first 19 months of operation of the YDS, the following numbers and types of YDS cases were recorded:

<i>Referrals</i>	Total offence referrals	12,723
	Total non-offence referrals	10,017
	Total referrals	22,740
<i>Onward referrals</i>	Referrals to other agencies	2,271
<i>Diversionary disposals</i>	Informed warnings	2,054
	Restorative cautions – with victims present	386
	Restorative cautions – without victims present	1,058
	Total restorative cautions	1,444

**Table 3.1a:** *YDS Referrals and Disposals by PSNI, Sept 2003 – Mar 2005*  
(source: PSNI Statistical Reports for years ending 31 Mar 2004 and 31 Mar 2005)

The above figures relate only to the cases referred to the YDS, and the disposals carried out by the police; they do not include decisions on prosecution or the outcome of prosecutions, as this data is not routinely collated by the PSNI.

A sample of 915 YDS case files from 15 DCUs<sup>2</sup> represented approximately 5% of the total YDS caseload in those DCUs for the first 24 months' operation of the Scheme. Analysis of these files produced the following information on how cases were disposed:

<i>Individuals referred to the PPS / for prosecution</i>	Number		% of total	
	314		34.3%	
<i>YDO Recommendations and Case Outcomes (i.e. PPS or Police directions)</i>	Recommendation		Direction	
	Cases	%	Cases	%
Prosecution	436	60.1%	231	57.9%
Restorative Caution	128	17.7%	107	26.8%
Informed Warning	84	11.6%	61	15.3%
Not recorded	77	10.6%	0	0.0%
Total	725	100.0%	399	100.0%

**Table 3.1b:** *YDS Recommendations and Directions in 15 DCUs, Sept 2003 – Aug 2005*  
(source: analysis of 915 YDS files)

It should be noted that the number of directions does not correlate with the (much larger) number of YDO recommendations, as many PPS directions were either yet to be made (i.e. cases were unresolved) when the file review took place, or the decision had not been communicated back to the police.

In addition, the number of cases is greater than the number of individuals, as many persons referred to the YDS are considered for several offences and each prosecution is listed separately.

### **3.2 Availability and Identification of Section 75 Data/Information from YDS**

<sup>2</sup> 15 DCUs were selected to provide a sample across the PSNI: the nine PPS pilot DCUs of N Belfast, S Belfast, E Belfast, W Belfast, Fermanagh, Omagh, Dungannon & S Tyrone, Cookstown, Strabane, plus Foyle, Craigavon, N Down, Antrim, Ballymena and Newry & Mourne.

### **3.2.1 Overview**

Examination of 53 YDS case files selected from within four District Command Units (DCUs) showed that a number of the Section 75 categories are simply not recorded within YDS or other PSNI documentation. Findings in relation to Section 75 data availability are set out in the following paragraphs.

### **3.2.2 Categories Which Could Not Be Determined from YDS Recording**

Given that we were entirely dependent upon the YDS case files for Section 75 information, and that we were unable to engage in subsequent checking or to engage directly with children and young people referred to the YDS, a number of the Section 75 categories could not be determined, as follows:

- **Persons with a Disability:** this information is not routinely recorded within police Incident Report Forms (IRFs) or other PSNI documentation, and in only a very small number of cases could information regarding an individual's disability be inferred.
- **Persons with Dependants:** many individuals referred to the YDS are simply too young to have any dependants; older teenagers referred to the scheme may have dependants, but again this information is not routinely recorded within IRFs or other police documentation.
- **Political Opinion:** this information is not recorded within IRFs or other police documentation, and could probably not be inferred with any degree of accuracy.
- **Racial Group:** this information is not routinely recorded within IRFs or other PSNI documentation, although in a small number of instances certain inferences can be drawn, for example members of the Chinese community may be identified by name, or members of the Travelling Community may be identified by address (e.g. halting site).

- **Sexual Orientation:** this information is not recorded within IRFs or other police documentation; although IRFs do contain a field where the reason for a crime may be ascribed to homophobic motives (this was not a feature of any of the 915 case files reviewed).

**The analysis of data recorded from the scheme is presented and commented on below at sections 3.2.3 to 3.4.6. Additional background data relating to children and young people's relationship with police and those categories that have no data recorded from the scheme is presented at Section 3.5.**

### ***3.2.3 Section 75 Categories Where Information Is Available – Age***

Information pertaining to only two of the Section 75 categories – age and sex – is routinely recorded within IRFs and other YDS documentation. The following paragraphs deal with age; Section 3.2.5 below deals with sex and gender issues.

In relation to age, it should be noted that children and young people are typically referred to the YDS either because they have engaged in antisocial or criminal behaviour, or for other miscellaneous reasons. For example, in respect of the latter, children of very young age may be referred to the YDS as a result of their being victims, including infants present during episodes of domestic violence. Other young children of primary school age may also be referred to the YDS as a result of being reported missing for short periods; few of these children ever come to police attention again. Overall, these younger children are not the subject of any police intervention, diversionary or otherwise, but simply have their details recorded within a YDS referral. It is not believed that there are any Section 75 implications for this group.

With regard to the former group of children and young people involved in antisocial or criminal behaviour, the majority of these individuals who are referred to the YDS

are within the age range of 13 years to 17 years, and therefore represent a broadly homogenous group. From the analysis of the statistical information relating to the 915 case files reviewed, the main age cohorts (i.e. containing 100 or more members) were 13, 14, 15 and 16: it is highly probable that the recent inclusion of 17 year olds within the scope of the YDS was responsible for their numbers being quite low. The main findings from analysis of these four age cohorts show the following results with regard to the recommendations made by YDOs in relation to cases, and the decisions reached (i.e. outcomes) by either the Public Prosecution Service or by the DCU Criminal Justice Manager or other senior officer:

<b>YDO Recommendations by Age Cohort and Disposal Type (as % of total cohort size)</b>				
<b>Disposal Type</b>	<b>Age cohort</b>			
	<b>13 years</b>	<b>14 years</b>	<b>15 years</b>	<b>16 years</b>
Informed Warning	18.0%	20.0%	9.8%	13.8%
Restorative Caution	22.0%	20.0%	21.9%	18.3%
Prosecution	60.0%	60.0%	68.4%	67.9%
Cohort size	50	100	215	109

Table 3.2.4a: YDO Recommendations Broken Down by Age Cohort and Disposal Type

<b>Decisions made by PPS or PSNI Criminal Justice Managers, by Age Cohort and Disposal Type (as % of total cohort size)</b>				
<b>Disposal Type</b>	<b>Age cohort</b>			
	<b>13 years</b>	<b>14 years</b>	<b>15 years</b>	<b>16 years</b>
Informed Warning	23.7%	29.3%	9.7%	16.7%
Restorative Caution	31.6%	27.6%	26.9%	25.7%
Prosecution	44.7%	43.1%	63.4%	57.6%
Cohort size	38	58	145	66

Table 3.2.4b: Decisions made by PPS or PSNI Criminal Justice Managers, Broken Down by Age Cohort and Disposal Type

As shown by the above data, there is a much stronger likelihood that 15 and 16 year

olds referred to the YDS will be prosecuted, and a much lower probability that they will be given a diversionary disposal, than the 13 and 14 year old cohorts. The supporting data gathered during case file review suggests that the reason for this is that the older age cohorts typically consist of young people who have already been given diversionary disposals for previous offences, and who have been referred to the YDS as a result of continuing, and/or worsening, offending behaviour; this view is supported by anecdotal evidence offered by many YDOs and other stakeholders within the criminal justice system. As a consequence, it is believed that the figures presented above are a true reflection of the behaviour of the age cohorts involved, rather than any indication that older children and young people are treated any less favourably by the PSNI and PPS under the auspices of the YDS.

### **3.2.4 Section 75 Categories Where Information Is Available – Sex**

With regard to sex and gender issues, analysis of the statistical information relating to the 915 case files reviewed shows the following:

<b>YDO Recommendations by Gender and Disposal Type (as % of total cohort size)</b>		
<b>Disposal Type</b>	<b>Gender</b>	
	<b>Male</b>	<b>Female</b>
Informed Warning	8.3%	22.5%
Restorative Caution	16.9%	20.6%
Prosecution	63.1%	50.0%
Pending/not known	11.7%	6.9%
Cohort size	563	160

*Table 3.2.5a: YDO Recommendations Broken Down by Gender and Disposal Type*

<b>Decisions made by PPS or PSNI Criminal Justice Managers, by Gender and Disposal Type (as % of total cohort size)</b>		
<b>Disposal Type</b>	<b>Gender</b>	
	<b>Male</b>	<b>Female</b>
Informed Warning	12.7%	22.8%
Restorative Caution	24.6%	34.8%
Prosecution	62.7%	42.4%
Pending/not known	45.6%	42.5%
<b>Cohort size</b>	<b>563</b>	<b>160</b>

*Table 3.2.5b: Decisions made by PPS or PSNI Criminal Justice Managers, Broken Down by Gender and Disposal Type*

(It should be noted that the total cohort size for male and female presented above exceeds the total of the four age-related cohorts in Section 3.2.4 above, as the latter data did not include those aged younger than 13, or 17 year-olds. The number of recommendations or decisions is also greater than the number of individuals, as a juvenile may have committed a number of offences, each of which must be considered and disposed separately.)

As shown by the above data, there is a much stronger likelihood that boys referred to the YDS will be prosecuted, and a much lower probability that they will be given a diversionary disposal, than is the case with girls. The supporting data gathered during the case file review suggests that the reason for this is that boys are generally referred for more serious crime, including assault and other offences against the person, and that many young male offenders also engage in habitual, serious offending to a greater extent than females. Many girls referred to the PPS or the Criminal Justice Manager for possible prosecution are responsible for less serious offences, particularly petty crime such as shoplifting and minor theft. These views

are supported by anecdotal evidence offered by many YDOs and other stakeholders within the criminal justice system. As a consequence, it is believed that the figures presented above are a true reflection of the behaviour of males and females referred to the YDS, rather than any indication that boys and young men are treated any less favourably by the PSNI and PPS under the auspices of the YDS.

Further analysis of gender-related data is presented in Section 3.3.2 below.

### ***3.2.5 Religious Belief***

Of the nine Section 75 categories, arguably the most important within this evaluation is religious belief, given its political and historical context within Northern Ireland, particularly in terms of policing.

Explicit information on religious belief is not maintained on YDS files, nor is it collected by the police at any stage of the individual's involvement with uniformed officers, investigating officers or YDOs. Accordingly, there is nothing on any YDS file which provides definitive information on the individual's religious or community background, which has been provided by the person directly (and which would therefore be an accurate record of religious belief).

This being the case, and considering the importance of this Section 75 category when attempting to assess whether different categories of people had been treated equitably and fairly by the police (and PPS) within the YDS process, identification of the religion / community background of the individuals listed within the 915 case files reviewed, was tried by using proxy measures. Although not a perfect method, it was found that by using such data as the individual's address, the school attended, their name, or other information from the file (e.g. association with paramilitary groups), a reasonable approximation of the religion / community background of more than 80% of those referred to the YDS was gained. Discussions with YDOs also helped, for

example by identifying on which side of the “Peace Line” certain individuals in Belfast lived. Where there was any doubt over the individual, they were classified as being “undetermined”, and this group constituted 17.7% of the total. Of those whose religion could be determined by this proxy method, only 3 individuals were assumed to be neither Protestant nor Roman Catholic (two Chinese, and one African from a probable Islamic background). This left 320 Protestants within the sample (or 35%), and 430 Catholics (or 47%).

The key intention in considering this aspect of the Section 75 implications of the YDS was to assess whether Protestants and Catholics were treated in any way differently, either by the PSNI or by the PPS.

In relation to non-offending referrals, broadly similar patterns appear to exist with regard to Protestants and Catholics: non-offence referrals are made for between around 13% and 15% of both groups, “for information only” referrals for between 69% and 73%, and victim referrals for between 13% and 15%. These findings are displayed in diagrammatic format below:

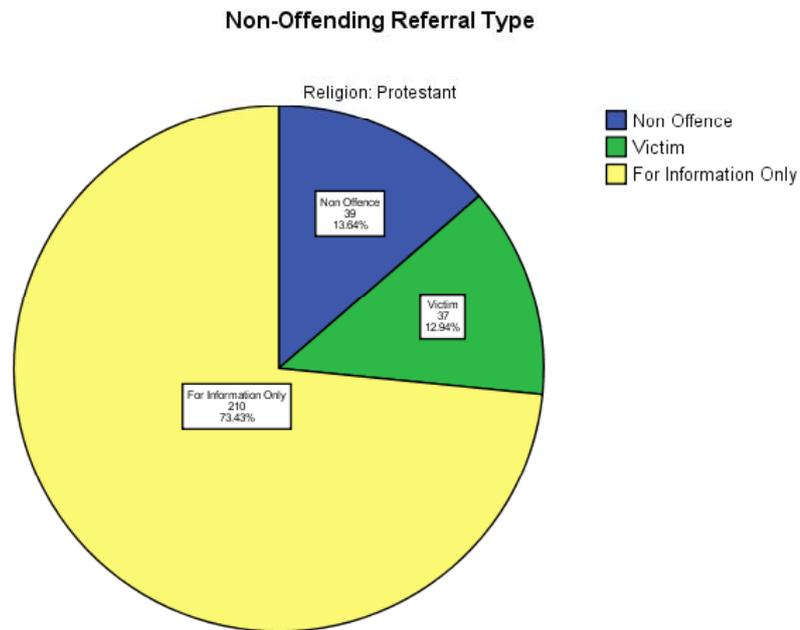


Figure 3.2.6a: Non-Offending Referral Breakdown – Protestants Only

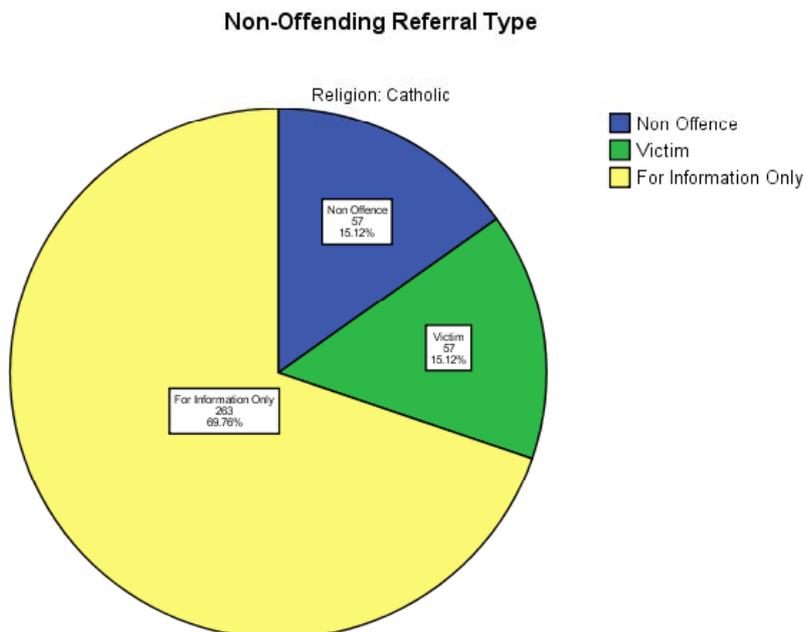


Figure 3.2.6b: Non-Offending Referral Breakdown – Catholics Only

Notwithstanding some definitional problems regarding the different types of non-offending referrals (namely, the fact that “information only” and “non-offence”

referrals are recorded more or less interchangeably), it is believed that it is safe to conclude that Protestants and Catholics are having very similar experiences with regard to non-offending YDS referrals, in terms of the statistical findings presented above.

The analysis of cases dealt with by YDOs showed the following key findings:

- 15.9% of cases involving Protestants, and 8.8% of cases involving Catholics, were recommended to be resolved via an Informed Warning;
- 21.0% of cases involving Protestants, and 16.6% of cases involving Catholics, were recommended to be resolved via a Restorative Caution;
- 56.5% of cases involving Protestants, and 66.0% of cases involving Catholics, were recommended to be prosecuted;
- the recommendations relating to 6.5% of cases involving Protestants, and 8.8% of cases involving Catholics, were not recorded, or the case was still live and yet to receive a YDO recommendation.

As the above figures show, the level of variation between recommendations for Protestants and Catholics ranges between 4.4% and 9.5%.

However, it is interesting to group the diversionary disposals (Informed Warnings, and Restorative Cautions) together, and separate these figures from prosecutions.

This shows that:

- of all cases involving Protestants, 36.9% were recommended for diversionary disposal;
- of all cases involving Catholics, 25.4% were recommended for diversionary disposal.

Here, the variation is 11.5%, and is noteworthy, particularly in the light of subsequent

analysis undertaken, which is described in Section 3.3 below.

Turning to the directions made by the PPS and Criminal Justice Managers in respect of Protestants and Catholics, broadly similar findings were obtained (using only data from cases where a PPS direction or decision from a Criminal Justice Manager had been received), as follows:

- 20.9% of cases involving Protestants, and 12.0% of cases involving Catholics, were directed to be resolved via an Informed Warning;
- 27.8% of cases involving Protestants, and 24.8% of cases involving Catholics, were directed to be resolved via a Restorative Caution;
- 51.3% of cases involving Protestants, and 63.2% of cases involving Catholics, were directed for prosecution .

As with the YDO recommendations, the case directions made by the PPS and Criminal Justice Managers in respect of diversionary disposals (Informed Warnings and Restorative Cautions) were grouped together, and separated these figures from prosecutions. This shows that:

- of all cases involving Protestants, 48.7% were directed for diversionary disposal;
- of all cases involving Catholics, 36.8% were directed for diversionary disposal.

Here, the variation is 11.9%, and is noteworthy. It appears to show that, statistically, Catholics are somewhat less likely to receive a diversionary disposal than Protestants.

Further analysis of religious data is presented in Section 3.3 below.

### 3.3 Comparison of Key Statistics set against NI Census Data

#### 3.3.1 Overview

An analysis of the Section 75 information is set out in the preceding paragraphs, comparing it against data from the 2001 Northern Ireland census. Given that PSNI DCUs are coterminous with local authority boundaries and in Belfast with the four parliamentary constituencies, how people fared under the YDS by reference to their community background was assessed.

#### 3.3.2 Analysis of Referrals to YDS by Gender

The first main analysis undertaken referred to the number of juveniles referred to the YDS and their gender, using the 915 files reviewed in the 15 DCUs. Analysis of information from the 2001 Census shows the breakdown of males and females aged 0 – 17 inclusive, in the 15 DCUs involved in the study, and comparing this information with the data from the 915 case files provides the following results:

<b>Referrals to YDS by Gender – 15 DCUs Visited (total persons, and as % of total)</b>				
<b>Gender</b>	<b>Number of juveniles referred to YDS</b>	<b>% of total juveniles referred</b>	<b>Gender of juveniles aged 0-17 as % of area population</b>	<b>Variance</b>
<b>Male</b>	653	71.4%	51.2%	+ 20.2%
<b>Female</b>	258	28.2%	48.8%	- 20.6%
<b>Undetermined</b>	4	0.4%	0.0%	- 0.4%
<b>Total</b>	915	100.0%	100.0%	n/a

*Table 3.3.2a: YDS Referrals Broken Down by Gender, for the 15 DCUs visited*

As may be observed, this shows that a disproportionately much higher number of

male juveniles, and a disproportionately much lower number of female juveniles, have been referred to the YDS than population demographics would suggest.

It should be noted that even though females make up just under half of the population aged 0 to 17, we would not expect the YDS referral numbers to be pro rata, as (in general terms) the number of females committing offences is smaller than that of males, and the offences committed by females tend to be less serious. Comparative statistics in this field are hard to come by, but it is interesting to note that within the adult prisoner population in Northern Ireland in 2004/05, on average only 2.3% of prisoners were female.

Taking this into account, along with anecdotal evidence provided by YDOs and other police officers, we believe that the male/female breakdown in YDS referrals merely reflects the extent to which these gender groups are involved in offending and in other activity relevant to the YDS, and that there are no issues concerning gender-based bias in respect of referrals of male and female juveniles to the YDS.

### ***3.3.3 Analysis of Referrals to YDS by Religion***

The second main analysis which we undertook referred to the number of juveniles referred to the YDS and their religion/community background, using the 915 files reviewed in the 15 DCUs. Analysis of information from the 2001 Census shows the breakdown of persons aged 0 – 17 inclusive, by religion, in the 15 DCUs involved in the study, and comparing this information with the data from the 915 case files to provides the following results:

<b>Referrals to YDS by Religion – 15 DCUs Visited (total persons, and as % of total)</b>				
<b>Religion</b>	<b>Number of juveniles referred to YDS</b>	<b>% of total juveniles referred</b>	<b>Religion of juveniles aged 0-17as % of area population</b>	<b>Variance</b>
<b>Protestant</b>	320	35.0%	32.0%	+ 3.0%
<b>Catholic</b>	430	47.0%	53.5%	- 6.5%
<b>Other</b>	3	0.3%	0.3	0.0%
<b>Undetermined or None</b>	162	17.7%	14.2	- 3.5%
<b>Total</b>	915	100.0	100.0	n/a

*Table 3.3.3a: YDS Referrals Broken Down by Religion, for the 15 DCUs visited*

This would appear to suggest that a slightly disproportionately higher number of Protestant juveniles have been referred to the YDS than population demographics would suggest, and that a disproportionately lower number of Catholic juveniles have been referred to the YDS.

However, it is important to note that the religion or community background of 17.7% of the persons whose files were examined in our survey could not be determined. Within the NI Census, which (in the case of juveniles) is completed by a family member, 14.2% of juveniles were listed as being of “no religion or religion not stated”, which is not the same as the inability to classify certain individuals due to the absence of key items of data.

Elimination of those individuals whose religion was not determined in our survey, and those listed in the Census as being of “no religion or religion not stated”, reveals the following:

<b>Referrals to YDS by Defined Religion – 15 DCUs Visited (total persons, and as % of total)</b>				
<b>Religion</b>	<b>Number of juveniles referred to YDS</b>	<b>% of total juveniles referred</b>	<b>Religion of juveniles aged 0-17 as % of area population</b>	<b>Variance</b>
<b>Protestant</b>	320	42.5%	38.5%	+ 4.0%
<b>Catholic</b>	430	57.1%	61.2%	- 4.1%
<b>Other</b>	3	0.4%	0.3	+ 0.1%
<b>Total</b>	753	100.0	100.0	n/a

*Table 3.3.3b: YDS Referrals Broken Down by Defined Religion (i.e. eliminating those who religion was not stated or could not be determined), for the 15 DCUs visited*

This again shows that a slightly disproportionately higher number of Protestant juveniles, and a slightly disproportionately lower number of Catholic juveniles, have been referred to the YDS than population demographics would suggest.

As these figures are only slightly disproportionate, it is noted that they fall within a +/- 5% margin of error (i.e. variance in reported percentages if the same data collection exercise were taken multiple times: the larger the margin of error, the less confidence one has that the reported percentages are close to the "true" percentages, that is the percentages in the whole population.) The +/- 5% margin of error is the most widely used such measure in statistical analysis. This being the case, we do not believe that there are any issues of bias relating to the percentages of Catholics and Protestants referred to the YDS.

### **3.3.4 Analysis of YDO Recommendations by Gender**

A detailed analysis of the recommendations made by YDOs across the 15 DCUs examined under this study and the preceding assignment for the NIO/PSNI, determines how male and female juveniles fare under YDS. Taking the information from the 2001 NI Census as a backdrop to show the breakdown by gender only of persons aged 0 – 17, indicates the following:

<b>YDO Recommendations by Gender and Disposal Type – 15 DCUs Visited (total cases, and as % of total)</b>				
<b>Disposal Type</b>	<b>Gender</b>			
	<b>Male</b>	<b>Female</b>	<b>Undetermined</b>	<b>Total</b>
<b>Total:</b> Informed Warning	47	36	1	84
Restorative Caution	95	33	0	128
Prosecution	355	80	1	436
Not recorded	66	11	0	77
<b>As % of total:</b> Informed Warning	56.0%	42.9%	1.2%	100%
Restorative Caution	74.2%	25.8%	0.0%	100%
Prosecution	81.4%	18.3%	0.2%	100%
Not recorded	85.7%	14.3%	0.0%	100%
Number of juveniles aged 0-17 in area	142585	136113	0	278698
Gender of juveniles aged 0-17 as % of area population	51.2%	48.8%	0.0%	100%

Table 3.3.4a: YDO Recommendations Broken Down by Gender and Disposal Type

Given that 2.53 times more males are referred to the YDS than females, an examination of the different types of disposal recommended by YDOs by gender, revealed the following:

<b>Male : Female Ratio of YDO Recommendations, by disposal – 15 DCUs Visited (total cases, and gender ratios)</b>				
<b>Disposal Type</b>	<b>Gender</b>			
	<b>Male</b>	<b>Female</b>	<b>Undetermined</b>	<b>Total</b>
<b>Total:</b>				
Informed Warning	47	36	1	84
Restorative Caution	95	33	0	128
Prosecution	355	80	1	436
Not recorded	66	11	0	77
Number of juveniles referred to YDS	653	258	4	915
	<b>Male : Female</b>			
Referrals	2.53 : 1		<b>Ratio of referrals</b>	
Informed Warning	1.31 : 1		<b>Ratios of disposals</b>	
Restorative Caution	2.88 : 1			
Prosecution	4.44 : 1			
Not recorded	6.00 : 1			

Table 3.3.4b: YDO Recommendations Broken Down by Gender and Disposal Type, shown by Male : Female Ratios

As may be observed, females receive a disproportionately high number of YDO recommendations for informed warnings by comparison with males, and substantially lower numbers of prosecution recommendations. YDOs also tend to recommend females for slightly lower numbers of restorative cautions than they do males.

These findings are consistent with the earlier observation that females generally tend to be referred to the YDS for less serious offending, or for non-offending behaviour or incidents, with the result that the disposals recommended for them by YDOs are often at the lower end of the scale of available disposals. On that basis, it is not

believed that there is any inherent bias within the YDS, which results in male juveniles receiving recommendations for higher-tariff disposals, and females being recommended by YDOs for lower-tariff disposals.

### ***3.3.5 Analysis of YDO Recommendations by Religion and Disposal Type***

A detailed analysis of the recommendations made by YDOs across the 15 DCUs examined under this study and the preceding assignment for the NIO/PSNI, determines how people from different religious/community backgrounds fare under YDS. Taking the information from the 2001 NI Census as a backdrop to show the breakdown by religion only of those persons aged 0 – 17 identified the results shown at Table 3.3.5a below:

<b>YDO Recommendations by Religion and Disposal Type – PPS Pilots Only (total cases, and as % of total)</b>					
<b>Disposal Type</b>	<b>Religion</b>				
	<b>Protestant</b>	<b>Catholic</b>	<b>Other</b>	<b>None/Unknown</b>	<b>Total</b>
<b>Total:</b> Informed Warning	27	24	1	12	64
Restorative Caution	34	46	0	15	95
Prosecution	99	212	0	44	355
Not recorded	12	31	0	27	70
<b>As % of total:</b> Informed Warning	42.2%	37.5%	1.6%	18.8%	100%
Restorative Caution	35.8%	48.4%	0.0%	15.8%	100%
Prosecution	27.9%	59.7%	0.0%	12.4%	100%
Not recorded	17.1%	44.3%	0.0%	38.6%	100%
Number of juveniles aged 0-17 in area	47439	82983	492	21848	152762
Religion of juveniles aged 0-17as % of area population	31.1%	54.3%	0.3%	14.3%	100%
<b>Disposals per 1000 juvenile population</b>					
Informed Warning	0.57	0.29	2.03	0.55	0.42
Restorative Caution	0.72	0.55	0.00	0.69	0.62
Prosecution	2.09	2.55	0.00	2.01	2.32
Not recorded	0.25	0.37	0.00	1.24	0.46

Table 3.3.5a: YDO Recommendations Broken Down by Religion and Disposal Type, for the nine PPS Pilot DCUs only

Disposal Type	Religion				
	Protestant	Catholic	Other	None/Unknowr	Total[DQ1]
<b>Total disposals:</b>					
Informed Warning	7	11	0	2	20
Restorative Caution	11	20	0	2	33
Prosecution	22	52	0	7	81
Not recorded	2	4	0	1	7
<b>As % of total:</b>					
Informed Warning	35.0%	55.0%	0.0%	10.0%	100%
Restorative Caution	33.3%	60.6%	0.0%	6.1%	100%
Prosecution	27.2%	64.2%	0.0%	8.6%	100%
Not recorded	28.6%	57.1%	0.0%	14.3%	100%
Number of juveniles aged 0-17 in area	41650	66129	356	17765	125900
Religion of juveniles aged 0-17as % of area population	33.1%	52.5%	0.3%	14.1%	100%
<b>Disposals per 1000 juvenile population</b>					
Informed Warning	0.17	0.17	0.00	0.11	0.16
Restorative Caution	0.26	0.30	0.00	0.11	0.26
Prosecution	0.53	0.79	0.00	0.39	0.64
Not recorded	0.05	0.06	0.00	0.06	0.06

Table 3.3.5b: YDO Recommendations Broken Down by Religion and Disposal Type, for the six non-PPS Pilot DCUs covered by this study

What the above data tends to suggest is as follows:

- Within the nine PPS pilot DCUs covered by this study, there is – across all religions – a much greater likelihood (between twice and four times as likely) that a juvenile will come into contact with the YDS, and will receive some form of disposal; this may be a reflection of the greater extent of crime in the four Belfast DCUs included within the PPS pilot, by comparison with rural DCUs.
- Within the nine PPS pilot DCUs, between 31% and 97% more Protestants than Catholics are recommended by the YDOs for a diversionary disposal (informed warning or restorative caution), measured by the number of disposals by type per 1000 members of the juvenile population (i.e. ages 0 to 17).
- Within the same nine DCUs, Catholic juveniles make up 54.3% of the total juvenile population, but are recommended by the YDOs for a disproportionately high number of prosecutions, and a disproportionately low number of diversionary disposals.
- Within the nine PPS pilot DCUs, 22% more Catholics than Protestants are recommended by the YDOs for prosecution, using the same basis of measurement.
- Within the six non-PPS pilots visited, Protestants and Catholics are recommended by the YDOs for diversionary disposals in similar quantities, again measured by the number of disposals by type per 1000 members of the juvenile population (i.e. ages 0 to 17).
- Within the six non-PPS pilots visited, 49% more Catholics than Protestants are recommended by the YDOs for prosecution, using the same basis of measurement.
- Within the same six non-PPS DCUs, Catholic juveniles make up 52.5% of the total juvenile population, but are recommended by the YDOs for a disproportionately high number of prosecutions, and a disproportionately

high number of diversionary disposals.

Some caution must be applied to these statistics, for the following reasons:

- Although a sample of 915 files within 15 DCUs has been used, these numbers are still relatively small (constituting an approximate 5% sample of all YDS case files between September 2003 and August 2005), and in some of the smaller DCUs the sample has constituted as few as 20 to 30 files, which may give rise to some statistical imbalance or unreliability.
- The data is entirely based on that contained within YDS files within the DCUs, and it should be noted that some problems with administration of YDS files by YDOs was noted by the researchers; accordingly, some unintended imbalance may have entered their sampling and the statistical analysis reported above.
- As some key items of data were absent in certain YDS files – the religion of the person referred (in 17.7% of cases), their gender (in 0.4% of cases), the recommendation of the YDO (in 10.6% of cases), and the decision of the prosecuting authority (in 45% of cases – these included decisions pending and not yet reached) – there may be some further unintended imbalance in the analysis.
- Even where the data seems to suggest that members of one Section 75 category fare less well within the YDS than others, there may entirely valid reasons for this: for examples, juveniles from one category grouping (e.g. religion or gender) may be involved in offending behaviour to a greater extent than those from another category grouping, so that the figures may simply be reflecting what is happening in society, rather than indicating any bias on the part of PSNI or PPS staff. This is commented on in Section 3.3.6 below.

### 3.3.6 Analysis of Case Outcomes by Gender

A detailed analysis has been undertaken of the decisions made by the PPS or police across the 15 DCUs examined under this study and the preceding assignment for the NIO/PSNI, with a view to determining how male and female juveniles fare when YDS cases reach their final outcome (i.e. up to but not including court). Taking the information from the 2001 NI Census as a backdrop to show the breakdown by gender only of those persons aged 0 – 17, the following is found:

<b>Case Outcomes by Gender and Disposal Type – 15 DCUs Visited (total cases, and as % of total)</b>				
<b>Disposal Type</b>	<b>Gender</b>			
	<b>Male</b>	<b>Female</b>	<b>Undetermined</b>	<b>Total</b>
<b>Total:</b>				
Informed Warning	39	21	1	61
Restorative Caution	75	32	0	107
Prosecution	192	39	0	231
Not known/pending	257	68	1	326
<b>As % of total:</b>				
Informed Warning	63.9%	34.4%	1.6%	100%
Restorative Caution	70.1%	29.9%	0.0%	100%
Prosecution	83.1%	16.9%	0.0%	100%
Not known/pending	78.8%	20.9%	0.3%	100%
Number of juveniles aged 0-17 in area	142585	136113	0	278698
Gender of juveniles aged 0-17 as % of area population	51.2%	48.8%	0.0%	100%

Table 3.3.6a: Case Outcomes Broken Down by Gender and Disposal Type

Given that 2.53 times more males are referred to the YDS than females, examination of the different types of disposal recommended by YDOs by gender, shows:

<b>Male : Female Ratio of Case Outcomes, by disposal – 15 DCUs Visited (total cases, and gender ratios)</b>				
<b>Disposal Type</b>	<b>Gender</b>			
	<b>Male</b>	<b>Female</b>	<b>Undetermined</b>	<b>Total</b>
<b>Total:</b>				
Informed Warning	39	21	1	61
Restorative Caution	75	32	0	107
Prosecution	192	39	0	231
Not recorded	257	68	1	326
Number of juveniles referred to YDS	653	258	4	915
Referrals	<b>Male : Female</b>		<b>Ratio of referrals</b>	
	2.53 : 1			
Informed Warning	1.86 : 1		<b>Ratios of disposals</b>	
Restorative Caution	2.34 : 1			
Prosecution	4.92 : 1			
Not recorded	3.78 : 1			

Table 3.3.6b: Case Outcomes Broken Down by Gender and Disposal Type, shown by Male : Female Ratios

As may be observed, males receive a disproportionately low number of informed warnings and restorative cautions by comparison with females, and substantially higher numbers of prosecutions.

These findings are broadly consistent with the earlier observations regarding YDO recommendations, and support the contention that females generally tend to be referred to the YDS for less serious offending, or for non-offending behaviour or

incidents, with the result that the outcomes they receive are often at the lower end of the scale of available disposals.

Again, it is not believed that there is any inherent bias within the YDS, which results in male juveniles receiving higher-tariff disposals, and females receiving lower-tariff disposals. The imbalances observed in the statistics with regard to gender are, it is considered, are more likely to be a manifestation of patterns of offending and other YDS-related behaviour amongst male and female juveniles.

### ***3.3.7 Analysis of Case Outcomes by Religion and Disposal Type***

Finally, a detailed analysis of the case outcomes across the 15 DCUs examined under this study and the preceding assignment for the NIO/PSNI, determines how people from different religious/community backgrounds fare under YDS. Taking the information from the 2001 NI Census as a backdrop to show the breakdown by religion only of those persons aged 0 – 17, identifies the following results:

<b>Case Outcomes by Religion and Disposal Type – PPS Pilots Only (total cases, and as % of total)</b>					
<b>Disposal Type</b>	<b>Religion</b>				
	<b>Protestant</b>	<b>Catholic</b>	<b>Other</b>	<b>None/Unknown</b>	<b>Total<sup>[DQ2]</sup></b>
<b>Total:</b>					
Informed Warning	18	18	1	8	45
Restorative Caution	24	43	0	16	83
Prosecution	47	111	0	21	179
Not recorded	83	141	0	53	277
<b>As % of total:</b>					
Informed Warning	40.0%	40.0%	2.2%	17.8%	100%
Restorative Caution	28.9%	51.8%	0.0%	19.3%	100%
Prosecution	26.3%	62.0%	0.0%	11.7%	100%
Not recorded	30.0%	50.9%	0.0%	19.1%	100%
Number of juveniles aged 0-17 in area	47439	82983	492	21848	152762
Religion of juveniles aged 0-17 as % of area population	31.1%	54.3%	0.3%	14.3%	100%
<b>Disposals per 1000 juvenile population</b>					<i>average</i>
Informed Warning	0.38	0.22	2.03	0.37	0.29
Restorative Caution	0.51	0.52	0.00	0.73	0.54
Prosecution	0.99	1.34	0.00	0.96	1.17
Not recorded	1.75	1.70	0.00	2.43	1.81

Table 3.3.7a: Case Outcomes Broken Down by Religion and Disposal Type, for the nine PPS Pilot DCUs only

<b>Case Outcomes by Religion and Disposal Type – 6 Non-PPS DCUs Only (total cases, and as % of total)</b>					
<b>Disposal Type</b>	<b>Religion</b>				
	<b>Protestant</b>	<b>Catholic</b>	<b>Other</b>	<b>None/Unknown</b>	<b>Total</b> <sup>[DQ2]</sup>
<b>Total disposals:</b>					
Informed Warning	6	10	0	0	16
Restorative Caution	8	15	0	1	24
Prosecution	12	37	0	3	52
Not recorded	16	25	0	8	49
<b>As % of total:</b>					
Informed Warning	37.5%	62.5%	0.0%	0.0%	100%
Restorative Caution	33.3%	62.5%	0.0%	4.2%	100%
Prosecution	23.1%	71.2%	0.0%	5.8%	100%
Not recorded	32.7%	51.0%	0.0%	16.3%	100%
Number of juveniles aged 0-17 in area	41650	66129	356	17765	125900
Religion of juveniles aged 0-17 as % of area population	33.1%	52.5%	0.3%	14.1%	100%
<b>Disposals per 1000 juvenile population</b>					<i>average</i>
Informed Warning	0.13	0.12	0.00	0.00	0.13
Restorative Caution	0.17	0.18	0.00	0.05	0.19
Prosecution	0.25	0.45	0.00	0.14	0.41
Not recorded	0.34	0.30	0.00	0.37	0.39

*Table 3.3.7b: Case Outcomes Broken Down by Religion and Disposal Type, for the six non-PPS Pilot DCUs covered by this study*

What the above data tends to suggest is as follows:

- Within the nine PPS pilot DCUs, around 73% more Protestants than Catholics receive an informed warning, measured by the number of disposals by type per 1000 members of the juvenile population (i.e. ages 0 to 17). Almost the same percentages of Catholics and Protestants receive restorative cautions in these DCUs.
- Within the same nine DCUs, 35% more Catholic juveniles than Protestants are prosecuted under the YDS. Overall, Catholic juveniles

receive a disproportionately high number of prosecutions in these DCUs, and a disproportionately low number of diversionary disposals,

- Within the six non-PPS pilots visited, Protestants and Catholics receive diversionary disposals (informed warnings and restorative cautions) in very similar quantities, again measured by the number of disposals by type per 1000 members of the juvenile population (i.e. ages 0 to 17).
- Within the six non-PPS pilots visited, 80% more Catholics than Protestants are prosecuted, using the same basis of measurement.
- Within the same six non-PPS DCUs, Catholic juveniles make up 52.5% of the total juvenile population, but receive a disproportionately high number of all types of disposal.

As previously stated, it is important to understand that the above data is not necessarily indicating that there is any bias on behalf of either YDOs or PPS staff: the caveats expressed in Section 3.3.5 above regarding data integrity apply equally in this instance, and there may well be legitimate reasons why the data appears to show that Catholics fare less well under the YDS with regard to case outcomes than do Protestants.

Furthermore, given that 326 of the 725 cases analysed had yet to receive a decision (or no decision was recorded on the YDS file), it may be that the decisions reached in the 399 finalised cases included a greater percentage of the more straightforward (i.e. lesser tariff) cases, and that many of the more complex (i.e. higher tariff) cases were yet to be decided due to their nature. This may also have tended to introduce some imbalance into the findings.

Given the significance of the findings as presented in the preceding paragraphs, some additional more detailed research regarding the possible reasons for the reported imbalances was carried out. This is detailed in Section 3.4 below.

## **3.4 Detailed Analysis of Causative Factors**

### **3.4.1 Overview**

The findings in respect of Catholic juveniles tending to be recommended for, and to receive, fewer diversionary disposals and more prosecutions than their Protestant counterparts is a significant issue. The PSNI and the researchers were collectively keen to understand whether any etiological factors might exist to explain the statistical patterns observed.

### **3.4.2 Possible Causative Factors**

The implications of the data was focused on, and it was suggested that the imbalances were as a result of one or more of four factors:

- The data might in some way be skewed, leading to misrepresentation or lack of balance;
- PSNI officers or PPS staff might be biased (whether intentionally or unintentionally) in their judgement;
- Catholic juveniles might be responsible for more offences, and for more serious offences attracting higher tariffs, than their Protestant counterparts;
- Some other factor might be operating, causing larger proportions of Catholic juveniles to be referred to the YDS for more serious offences.

In respect of the latter point, it was suggested that one possible reason might be that in Catholic/nationalist areas, the emergence of community restorative justice schemes might be resulting in fewer offences of a less serious nature being referred to the PSNI, with these offences being referred instead to the local schemes, with the result that Catholic juveniles tend to come to police attention only for more

serious offences.

### ***3.4.3 Impact of YDS Protocols***

Another issue worthy of detailed investigation was the protocols in place under the YDS, which in many instances impose a mandatory outcome for the case. In particular, the General Order states that where the offence is denied, or where the offender fails to show remorse, then a diversionary disposal is not possible, and the offender must be referred for prosecution. Similarly, certain offences are of such seriousness (murder, rape, attempted murder etc) that they are indictable, again leading to summary prosecution. Finally, the YDS protocols entail multiple or serial offenders, who have already received the maximum number of diversionary disposals, having to be prosecuted.

### ***3.4.4 Further Research Conducted***

Given the issues raised in the emerging findings, additional analysis of the existing case file material was undertaken, using the anonymised data from the 915 case files we reviewed in the 15 DCUs. This was to draw out further material relating to the existence of any imbalance between Catholic and Protestant juveniles, and factors such as the admission of guilt, the seriousness of the offence, and the ineligibility of serial offenders for diversionary disposals. The key part of this work entailed going manually through the electronic case file information (held on an Access database and manipulated in SPSS statistical analysis software), and attaching an indicator referring to these factors. This was done as part of an exercise involving the PSNI and researchers, and followed further discussions with the PPS, so that the indicators attached were on the basis of a combined judgement from the PSNI and the researchers.

### **3.4.5 Outcome of Further Research**

In analysing the 915 case file records, it was quickly ascertained that a very high proportion of those cases which involved an offence had received a disposal recommendation from the YDO, and subsequently a direction from the PPS or the PSNI Criminal Justice Manager (CJM), in which the outcome was effectively predetermined by the circumstances of the case and the behaviour of the offender. Examples of these included:

- Cases where a juvenile has no criminal record and has committed a relatively minor offence, where an informed warning or restorative caution is merited;
- Cases where a juvenile who has already received a diversionary disposal has committed a second offence, where a restorative caution is merited;
- Cases involving individuals who have already reached their maximum number of informed warnings and restorative cautions, and who are not eligible for a further diversionary disposal – this typically involves repeat, habitual juvenile offenders who are beyond the capacity of the YDS to have any beneficial impact;
- Cases where the local DCU Commander had taken an operational policy decision that all offenders charged with offences relating to public disorder (e.g. riotous behaviour, assault on police etc) around contentious parades were to be prosecuted, in order to provide a deterrent to others and to send a strong message that such behaviour would not be tolerated;
- Cases involving motoring offences which require to be tried in court and cannot be resolved via a diversionary disposal;
- Indictable offences requiring mandatory prosecution;
- Cases where the offender denies the offence and/or fails to express any remorse.

In such instances, the terms of the General Order and other prevailing statute (in respect of indictable offences) provide a mandatory path for the YDO and PPS to follow, with no capacity for discretion.

The detailed examination of the 725 offences referred to the PPS or Criminal Justice Manager showed that 18 cases were not subsequently pursued, typically because of lack of evidence or withdrawal of a complaint. Of the 707 cases, which were the subject of a PPS direction or CJM decision, the following results were observed from the case file review:

<b>Factors / Cases</b>	<b>Number</b>	<b>% of total</b>
Indictable offences requiring summary prosecution	11	1.6%
Decisions prescribed by YDS protocol	676	95.6%
Offences denied by the accused	52	7.4%

(It should be noted that in some instances, the outcome was predetermined as a result of protocol and denial – hence the above numbers total more than 707. Several cases went straight to prosecution as they were indictable and featured a denial of the charges by a serial offender – i.e. all three factors applied.)

**The implication of these findings is substantial, as they show that in every case examined, the recommendations made by YDOs and case outcome decisions made by the police or PPS were fully in line with YDS protocols and statutory obligations.**

These included the cases of 26 offenders where the detailed analysis suggested that there were possibly some grounds for believing that an excessive tariff had been recommended by the YDO: subsequent checking with the YDOs involved showed that 10 of these cases were in line with protocol, and 12 required mandatory prosecution as a result of the accused denying the charges. In five of the 26 cases, the charges were subsequently dropped and the case did not proceed (i.e. the initial case file review suggested a probable outcome which the later, more detailed analysis showed not to have been brought to completion).

#### ***3.4.6 Conclusions Arising from Further Research***

Overall, the analysis of the data has shown that Catholics appear to fare less well under the YDS with regard to case outcomes than do Protestants, in terms of both YDS recommendations and ultimate PPS or CJM decisions.

**KEY FINDING:** Having undertaken the secondary analysis of YDS cases, which was described in Sections 3.4.1 to 3.4.5 above, the researchers categorically concluded that the imbalance between Catholic and Protestant juveniles is not as a result of any judgemental bias on behalf of the PSNI or PPS.

In **every** instance, covering a sample of 707 offences, which were either brought to a diversionary disposal or to prosecution, it has been definitively shown that the PSNI and PPS have made their recommendations and decisions in line with YDS protocols and with statutory requirements. Researchers have not observed any cases where an individual was recommended for a higher tariff disposal on an arbitrary basis, and no situations where Catholic juveniles appeared to be treated any less favourably than their Protestant counterparts.

The researchers commented on this issue:

**“Furthermore, the fact that the PSNI tend to refer slightly higher numbers of Protestant juveniles to the YDS (by comparison with local demographics) would tend further to suggest that there is no inherent application of bias by the police: both communities appear to receive treatment which is fair and in line with protocols.”**

This, of course, brings in question why Catholic juveniles receive higher tariff disposals under the YDS: *prima facie*, it would appear that Catholic Juveniles are not reported for the more minor offences which attract a diversionary disposal or they commit (or reported or get apprehended for) more offences, and more serious offences which attract higher tariffs. This may be connected with issues such as societal problems, or socio-economic difficulties and deprivation in some predominantly Catholic and nationalist communities.

### **3.5 Additional data/information relating to YDS population.**

In addition to the specific research into the recorded data held by the PSNI, which can be analysed as above, there is other quantitative and qualitative data/information which can be applied to the YDS population. This relates to the general youth

population and Section 75 categories particularly. These are as follows:

### **3.5.1 Research on Youth and Police Interaction**

In addition to the research relating to YDS referrals there are several reports that reflect on the interaction between police officers and young people. Those specific reports, which deal with police and youth interaction in Northern Ireland, provide both positive and negative perceptions though in the main they report higher rates of negative perceptions than positive. Examination of these perceptions provides an insight into potential reasons why there may be less acceptance of the scheme by one group rather than another. A lack of trust etc could hamper cooperation thereby impact on the possible diversionary disposal or other path the YDO or PPS may follow.

In a 2003 study<sup>3</sup> of young people's perspective of police accountability young people provided "predominately negative" responses with 24% reporting negative dissatisfaction with the police. The Northern Ireland Commissioner for Children and Young People (NICCY) commissioned research "*Children's Rights in Northern Ireland*" (2004) indicated that negative perceptions of police were common across the research focus groups.

On the other hand in the Children's Law Centre "*Shout Out Soon*" report (2004) there were several comments reflecting a desire to see more police dealing with concerns to their social surroundings, i.e.

"Some children and young people stated that the reason they did not feel safe was that there was no police (PSNI) on the streets"; "Children and young people suggested the PSNI needed to work with them, in their communities, in order to reduce the incidence of teenage drinking, joyriding and vandalism"; "Some children

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<sup>3</sup> Hamilton, J. Radford, K and Jarman, N. (2003) *Policing, Accountability and Young People*, Institute for Conflict Research.

and young people suggested that if the police were more visible, they could prevent much of the substance abuse which often happens in public areas and which can make the surrounding area in which they live, feel unsafe”.

Examples of comments made by children and young people were:

*“We need more Police on the streets”* (13 year old)

*“Police need to become more involved with young people and safety on the streets”*  
(10 year old)

*“There needs to be more police on the streets to catch underage drinkers and stricter rules to make it harder for young people to get alcohol”* (17 year old)

*“There should be a harsher punishment (by police) towards people who abuse others”* (18 year old on discrimination and hate crimes)

The police service in Northern Ireland has a history of pursuing interaction and engagement with children and young people. The Community Safety Branch, as it is now known, have either independently or in partnership with other agencies and organizations (statutory and voluntary) established, organized and/or participated in schools liaison programmes, conferences, seminars and cross community projects etc. The PSNI URZONE website is targeted towards children and young people to provide advice and direct access to the service. It includes a facility for participants to air their views and concerns and get answers to queries.

A survey of youth in North Belfast by the Policing Board<sup>4</sup> in respect of attitudes to police indicates that there is a 6% - 22% variance across a range of perceptions of police between Protestant and Catholic youth. This indicates a difference between two religious groups in regards to how police are perceived. This variance for whatever reason (there is a suggestion that many variables within that community

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<sup>4</sup> Byrne J, Conway M and Ostermeyer M, (2005) *Young People’s Attitudes and Experiences of Policing, Violence and Community Safety in North Belfast*, Institute for Conflict Research [http://www.nipolicingboard.org.uk/word\\_docs/PDFs/YOUTH%20SURVEY.pdf](http://www.nipolicingboard.org.uk/word_docs/PDFs/YOUTH%20SURVEY.pdf)

are having an impact on perceptions of youth) may also be impacting on how the scheme is perceived by one group in comparison to another. The co-operation and take up by Catholic groups of what the scheme offers in terms of diversion could therefore be influenced.

### **3.5.2 Persons of different Political Opinion**

Estimating the political opinion of the youth population is difficult. Only 21% of young people between 12 and 18 stated that they had “quite a lot” or a “great deal” of interest in contemporary politics. Males are more likely to have a definite opinion than females.<sup>5</sup>

Table’s 3.5.1 and 3.5.2 below present the outcome of the Northern Ireland Life and Times Survey 2005 in relation to political identity.

- Table 3.5.1<sup>6</sup> indicates the political opinion for all the population.
- Table 3.5.2<sup>7</sup> provides an analysis of political opinion for the age group 18 – 24 years.

The latter provides an insight into the potential evolving political opinion of the 18 years and below.

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<sup>5</sup> M Smyth and M Scott: *The Youthquest 2000 Survey: A Report on Young People’s Views and Experiences in Northern Ireland INCORE 2000*

<sup>6</sup>Northern Ireland Life and Times Survey 2005  
[http://www.ark.ac.uk/nilt/2005/Political\\_Attitudes/index.html](http://www.ark.ac.uk/nilt/2005/Political_Attitudes/index.html)

<sup>7</sup>Northern Ireland Life and Times Survey 2005,  
[http://www.ark.ac.uk/nilt/2005/Political\\_Attitudes/NIPARTY.html](http://www.ark.ac.uk/nilt/2005/Political_Attitudes/NIPARTY.html)

**Table 3.5.1**

	<b>Catholic%</b>	<b>Protestant%</b>	<b>No religion%</b>
<b>Ulster Unionist Party (UUP)</b>	<b>0</b>	<b>38</b>	<b>8</b>
<b>Social Democratic &amp; Labour Party (SDLP)</b>	<b>50</b>	<b>2</b>	<b>9</b>
<b>Democratic Unionist Party (DUP)</b>	<b>0</b>	<b>32</b>	<b>12</b>
<b>Alliance Party</b>	<b>5</b>	<b>7</b>	<b>18</b>
<b>Sinn Fein</b>	<b>22</b>	<b>0</b>	<b>5</b>
<b>Progressive Unionist Party (PUP)</b>	<b>0</b>	<b>0</b>	<b>1</b>
<b>Women's Coalition</b>	<b>1</b>	<b>2</b>	<b>1</b>
<b>Other Party (specify)</b>	<b>1</b>	<b>1</b>	<b>6</b>
<b>(None)</b>	<b>9</b>	<b>9</b>	<b>26</b>
<b>Other Answer (specify)</b>	<b>4</b>	<b>2</b>	<b>4</b>
<b>(Don't know)</b>	<b>8</b>	<b>7</b>	<b>11</b>

**Table 3.5.2**

	<b>%</b>
	<b>18-24</b>
<b>Ulster Unionist Party (UUP)</b>	<b>9</b>
<b>Social Democratic &amp; Labour Party (SDLP)</b>	<b>16</b>
<b>Democratic Unionist Party (DUP)</b>	<b>16</b>
<b>Alliance Party</b>	<b>4</b>
<b>Sinn Fein</b>	<b>9</b>
<b>Progressive Unionist Party (PUP)</b>	<b>1</b>
<b>Women's Coalition</b>	<b>2</b>
<b>Other Party (specify)</b>	<b>0</b>
<b>(None)</b>	<b>28</b>
<b>Other Answer (specify)</b>	<b>2</b>
<b>(Don't know)</b>	<b>14</b>

### **3.5.3 Persons of different Race**

In the Children's Law Centre 2004 Shoot Out Soon report it was reported that from their sample of 1045 children and young people, "Ten percent (99) children and young people from the age of 5 upwards raised issues around racial and homophobic discrimination."

The racial background for children and young people it can be assumed is reflective of the general population. Table 3.5.3<sup>8</sup> provides the census figures for 2001 in terms of ethnicity.

**Table 3.5.3**

<b>Ethnic Group</b>	<b>Population</b>
White	1,670,988
Irish Traveller	1,710
Mixed	3,319
Indian	1,567
Pakistani	666
Bangladeshi	252
Other Asian	194
Black Caribbean	255
Black African	494
Other Black	387
Chinese	4,145
Other Ethnic Group	1,290

Table 3.5.4 provides a breakdown of school attendance for 200/01 in terms of racial identity.

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<sup>8</sup> 2001 Northern Ireland Census, Northern Ireland Statistics & Research Agency

**Table 3.5.4**

	<b>Primary Schools</b>	<b>Secondary Schools</b>
<b>Irish Travellers</b>	<b>410</b>	<b>153</b>
<b>Chinese</b>	<b>420</b>	<b>352</b>
<b>Indian</b>	<b>146</b>	<b>117</b>
<b>Pakistani</b>	<b>109</b>	<b>33</b>
<b>Bangladeshi</b>	<b>41</b>	<b>4</b>
<b>Black Caribbean</b>	<b>22</b>	<b>11</b>
<b>Black African</b>	<b>64</b>	<b>34</b>
<b>Other ethnic pupils</b>	<b>221</b>	<b>251</b>
<b>Mixed ethnic pupils</b>	<b>433</b>	<b>140</b>
<b>Total</b>	<b>1,866</b>	<b>1,095</b>
<b>Total No of Pupils</b>	<b>172,384</b>	<b>155,553</b>
<b>% ethnic pupils</b>	<b>1.1</b>	<b>0.7</b>

Recent reports into race and policing have indicated negativity and problems at the service delivery level of policies etc. The Next Stephen Laurence report<sup>9</sup> provides an indication of problems in terms of ethnic minorities reporting incidents to police. It referred to the under reporting of racist incidents stating:

*“Under-reporting is and probably will for the foreseeable future remain, a problem”  
(p.22)*

The report also highlighted reluctance in reporting due to alleged inactivity of police in responding and dealing with racist violence. During the consultations with ethnic groups in the screening consultation of PSNI policies some ethnic groups identified

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<sup>9</sup> McVeigh R (2006) *The Next Stephen Lawrence? Racist Violence and Criminal Justice in Northern Ireland*, Research Report for Northern Ireland Council for Ethnic Minorities.

cultural problems with engaging with police. Some groups reflected on the perception of policing from their identified family/cultural origins, which was often negative and influenced not only their own view but also that of their children. The influence of extended family members among some groups was reported as high and this impacted on children's perspectives. Some youths involved in those focus groups indicated a lack of contact with police as being a reason why they would not talk to them.

The branding and image of police for ethnic minority groups was also highlighted during focus groups established by PSNI to examine reasons for low recruitment from these groups

The general feeling among ethnic minority groups towards police is in the main positive. This was reflected in focus groups and meetings with ethnic minority groups during the 2005 screening of policies. Only a small number of respondents to surveys in respect of racial violence<sup>10</sup> indicated a feeling of racism being displayed by individual officers. This positive feeling is, however, countered by a negative experience of service delivery when a police service is requested. It can be assumed that these perceptions are reflected in the younger ethnic minority population.

The studies and observations referred to above provide insight into perceptions of the police. If there is reluctance in reporting incidents there may also be reluctance in co-operating with the YDS. As an admission of guilt is necessary to be dealt with under the YDS, a lack of cooperation could have an impact on the young person's experience of the YDS.

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<sup>10</sup> McVeigh R (2006) *The Next Stephen Lawrence? Racist Violence and Criminal Justice in Northern Ireland*, Research Report for Northern Ireland Council for Ethnic Minorities. Belfast and Radford, K , Betts, J and Ostermyer, M (2006) *Policing, Accountability and Black and Minority Ethnic Communities in Northern Ireland*, Institute for Conflict Research, Belfast

### **3.3.4 Persons of different Marital Status**

The registrar for Deaths, Births and Marriages in Northern Ireland records marriages for 49 Bachelors and 131 spinsters between 16 – 19 years for 2004. It can be assumed that a small number of the children and young person population are married.

### **3.5.5 Persons of different Sexual Orientation**

The Children's Law Centre reference at the Youth and Race section above to the 10% of 5 year olds upwards identifying issues around both race and homophobia provides an indicator of one area of concern from this age category. There is nothing to indicate concern about the YDS scheme by any members of the LGBT community. When examining the sexual orientation of young people there is no definitive figure of how many perceive themselves as members of that community. YouthNet in their report Shout (2003)<sup>11</sup> provided an estimate of young people in Northern Ireland who identify as lesbian, gay, bisexual and/or transgender (LGBT).

*“In a survey of young people in Northern Ireland 10.9% of men and 3.6% of women reported sex with same sex partners on at least one occasion (Schubotz et al, 2002). Based on the 2001 Census population data of 5 – 25 year olds taking the 2 - 10% possibility, this means that between 12,190 and 60,953 young people in Northern Ireland may identify as lesbian, gay, bisexual.” (P.6)*

A report relating to police and the LGBT community by the Police Ombudsman<sup>12</sup> highlighted both positive and negative perceptions towards police by members of this

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<sup>11</sup> Carolan, F & Redmond, S. (2003) *The needs of young people in Northern Ireland who identify as lesbian, gay, bisexual and/or transgender (LGBT)*, Belfast: Youthnet.

<sup>12</sup> Radford, K, Betts J and Ostermeyer, M (2006) *Policing, Accountability and the Lesbian, Gay and Bisexual Community in Northern Ireland*, Institute for Conflict Research

community. Though the sample surveyed were generally adult, 30% were 18 years and under. Whilst the majority of questions related to their treatment as victims of crime or abuse this data does provide a pen picture of perceptions of police held by members of the LGBT community across all ages.

“56% of these respondents were either satisfied or very satisfied with the service they received from the PSNI.

- 32% of respondents experienced problems with the police in the last year, of these 42% found the service from the PSNI unsatisfactory and 40% said a police officer had been impolite or rude.
- 25% of respondents who had experienced problems with the police felt these were due to their sexual orientation.” (p. 6)

### ***3.5.6 Persons with a Disability and persons without***

The Northern Ireland Education and Library Boards Youth Services<sup>13</sup> estimate that 30,000 young people have a disability from a total population of 541,272. Disability Action advises that people with disabilities are a vulnerable, as well as a marginalised group, and on a day-to-day basis can experience prejudice and harassment. A report about sexual abuse of adults<sup>14</sup> with learning difficulties reference was made to research that indicated the incidence of abuse as being as much as four time higher than among the non-disabled population. The report also highlighted the fact that few cases are reported, few reach court and even fewer result in conviction. Mencap have during consultation expressed the view that this is likely to be replicated with children and young people with learning disabilities.

### ***3.5.7 Persons with Dependents and persons without***

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<sup>13</sup> Developing the Citizens of Tomorrow (2004) Northern Ireland Education and Library Boards' Youth Services

<sup>14</sup> Behind Closed Doors, (2001) Voice/Respond/Mencap

In terms of young people with dependents Derek McCambley, development officer of the Northern Ireland Multiple Sclerosis Society stated,

“There’s probably about a quarter of a million people who are carers in Northern Ireland but you couldn’t say with any degree of certainty how many young carers were part of that number,”<sup>15</sup>

The Northern Ireland Continuous Household Survey indicates that a 14% of all surveyed identified themselves as carers with 9% coming from the 16-29 age group.<sup>16</sup> In a UK survey<sup>17</sup> of 6,178 young carers 56% were female, 44% were male and the average age was 12. Eighty-four percent were white and the largest ethnic minority group was African-Caribbean. In this EQIA a carer group representative estimated that 5 – 10% of carers in Northern Ireland were children or young people.

### **3.5.8 Summary**

Data is available from the scheme to directly assess impacts on age, gender and religion categories. While no direct data is available in respect of the other categories there is data and information available from other sources that can inform the EQIA as to potential impacts and possible reasons for impacts. This EQIA has highlighted the need to gain more specific data/information in regards to those categories, which are not directly monitored by the scheme.

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<sup>15</sup> Young carers have an integral role in society (2000)

<sup>16</sup> Northern Ireland Continuous Survey 2005, Northern Ireland Statistics and Research Agency [http://www.csu.nisra.gov.uk/archive/Surveys/CHS/Results/12\\_Carers/Prevalence\\_of\\_carers\\_by\\_sex\\_and\\_age.xls](http://www.csu.nisra.gov.uk/archive/Surveys/CHS/Results/12_Carers/Prevalence_of_carers_by_sex_and_age.xls)

<sup>17</sup> Dearden, C & Becker, S (2004) Young Carers in the UK, Carers UK.

## **4 ASSESSMENT OF IMPACTS**

### **4.1 Overview**

As a result of the analysis which we have undertaken of the YDS, both for this EQIA and the wider independent 2005 evaluation on behalf of the PSNI, it is believed that there are two primary ways in which the YDS impacts upon individuals from an equality perspective:

- The imbalance regarding how different Section 75 categories of people fare under the YDS, as evidenced from the data analysis presented in Section 3 above;
- The means by which the YDS is managed, organised and administered within the DCUs, and the operational differences which is believed evident in the application of the Scheme between DCUs.

Those impacts, which relate to the Section 75 categories, Men and Women generally and Persons of different religion are examined in Sections 4.2 and 4.3 below. The potential impacts in relation to the other section 75 categories are then examined in Sections 4.4 to 4.10 thereafter.

### **4.2 Results of YDS Case File Analysis**

It was reported in Section 3 above that a number of areas appear to show imbalance in terms of how different types of people fare under the YDS, with specific issues existing in the following areas:

- A substantial imbalance exists in the number of male juveniles referred to the YDS, with males constituting 71.4% of persons referred but only

51.2% of the juvenile population (and similarly, females are statistically under-represented in the number of persons referred);

- A minor (but probably not statistically relevant) imbalance exists in the number of Protestant juveniles referred to the YDS, with Protestants constituting 35% of persons referred but only 32% of the juvenile population (and similarly, Catholics are statistically under-represented in the number of persons referred);
- Males generally fare much worse under the YDS than females, being recommended for, and subsequently receiving, higher tariff disposals;
- Substantial imbalances exist in the recommendations for case disposal made by YDOs, with greater percentages of Catholics tending to be recommended for prosecution, and greater percentages of Protestants tending to be recommended for diversionary disposals (i.e. lower tariff outcomes);
- Substantial imbalances exist in the decisions for case disposal made by the PPS and PSNI Criminal Justice Managers, with greater percentages of Catholics tending to be prosecuted, and greater percentages of Protestants tending to receive diversionary disposals (i.e. lower tariff outcomes).

With regard to gender imbalance, the qualitative assessment of the YDS would suggest that the features displayed in the statistical analysis set out above are more likely to represent the differing types of offending behaviour occurring between males and females: for the most part, males tend to commit more offences, and more serious offences, than females. We believe that the statistical breakdown of cases between males and females is not a manifestation of any bias on the part of the PSNI or PPS, but merely a reflection of actual activity within the juvenile population.

Turning to the imbalances seen with regard to religion, this area is more problematic, and the issues which arise as a result of historical attitudes to / interaction with the police amongst the two main communities in Northern Ireland are recognised. On a *prima facie* basis, the data suggests that Catholics fare much worse under the PPS than Protestants, and this may lead some people to assume that this is as a result of some bias on the part of PSNI or PPS staff.

**However, the further more detailed analysis (described in Section 3.4 above) has categorically concluded that this imbalance between Catholic and Protestant juveniles is not as a result of any judgmental bias on behalf of the PSNI or PPS.**

In all of the 707 cases examined in the sample from 15 DCUs, PSNI and PPS staff have followed protocol and statutory requirements in every instance, and no bias has occurred. Instead, the greater representation of Catholic juveniles within the category of offenders who are prosecuted appears to be as a result of these individuals having committed more serious offences attracting higher tariffs, and as a result of a greater tendency amongst Catholic juveniles to deny their offences. This points to wider societal issues, which are beyond the remit of this EQIA, and which may merit further investigation.

Unfortunately, little research of any substance has been done in this field. Neither the PSNI nor any other criminal justice agency publishes (or indeed appears to collect) source information regarding the religion / community background of those individuals moving through the justice system, although it is probable that some of the pilot work being done on equity monitoring at present may address these issues in future. As a result, given the paucity of information available at present, we are not in a position to offer any clear reasons as to why Catholic juveniles appear to be reported for more serious offences, than Protestants. We must, therefore, simply note that the statistical analysis displays these imbalances, and suggest that further

work is done to attempt to get behind these figures. However, we can definitively refute the possible suggestion that this is the outcome of any bias exercised by the PSNI or PPS, both of which organisations have followed protocol in this area. The Police Ombudsman in response to consultation indicates that the proportion of complaints from the Protestant and Catholic communities generally reflect the composition of the wider population in Northern Ireland.

### **4.3 Functional Analysis of YDS Operations**

#### ***4.3.1 Inconsistencies and Differences Between DCUs***

When the qualitative data from interviews with YDOs and other stakeholders, was examined it identified potential differences exist with regard to how the application of the Scheme. Key issues included the following:

- Further clarity is needed as to the definition of "information only" and "non-offence" referrals;
- The practice of home visits (8.5% of all contacts with parents and guardians) should not continue.
- Even though a central feature of the YDS is its capacity to refer children and young people on to other agencies, it is disappointing to see that this has had a very low uptake (and none whatsoever in some DCUs), with only 6.7% of individuals referred on to another agency;
- Although the YDS General Order includes clear protocols regarding escalation and the number of Informed Warnings and Restorative Cautions which can be administered, there is evidence that, in a small number of cases, the use of multiple warnings or cautions has persisted; without knowing the specific circumstances which applied in these cases.
- The use of diversionary disposals varies between DCUs;

- Although turnaround times between PSNI referral and the PPS decision (a major problem within the YDS generally) reduced substantially between 2003 and 2005, the average timescale in 2005 was still relatively high, and 56.1 working days (or around two and a half months in elapsed time);
- Some variations are observed in terms of YDO recommendations between DCUs;
- The amount of training for YDOs in relation to the Youth Diversion Scheme varies across the DCUs
- Different resourcing arrangements exist between DCUs, with some YDOs regularly undertaking unrelated duty, and consequently not available for youth diversion work for extended periods.

It is worth noting that these inconsistencies and differences continue to exist, even though the YDS was introduced in order to provide greater conformity with the standards set down in the principles and guidelines, by comparison with the less structured approaches entailed in the previous Juvenile Liaison Scheme. That said, however, it is believed that the YDS is a considerable improvement on the JLS, although there is clearly much still to be done to achieve the full implementation of common standards and protocols.

#### ***4.3.2 Impact on Persons Referred to the YDS***

Taking the above matters into account, it is believed that there may be some potential for equality impact issues arising as a result of the inconsistencies of approach which appear between different DCUs, and the varying interpretation of some aspects of the YDS, as reported above (and recounted in greater depth in our separate evaluation report to the NIO/PSNI). Although the sample size of 915 cases files across 15 DCUs would not permit further breakdown of the figures on a reliable basis, the qualitative evaluation and the assessment of YDS processes suggests

that the potential exists for people to be treated differently between DCUs, albeit without any intention of bias on the part of the YDO.

Examples of potential differences are:

- A person living in one DCU where there are strong inter-agency partnership arrangements, and who could benefit from referral on to another agency, could receive a substantially better intervention from the YDO than in a neighbouring DCU where there is no such inter-agency collaboration.
- One individual is prosecuted after receiving a single Restorative Caution, yet in another DCU a different individual charged with the same offence could be given 2 or more Restorative Cautions.

These difficulties clearly need to be addressed, in the context of the ongoing evolution of the YDS and the elimination of any inconsistencies and lack of clarity following evaluation and the production of this EQIA report.

#### **4.4 Persons of different Political Opinion**

It is difficult to gauge and assess impacts in relation to political opinion. There is no database available with which to do so and to try and extrapolate from other data/information would not be reliable or valid. However there is potential in respect of political opinion if a loose extrapolation is made between religion and politics. If an assumption is made that those catholic youths are of a nationalist political opinion then it could be said there is potential for impact on a political generic group, nationalists. If that loose extrapolation is made then the same observations in relation to religious belief applies to this category.

The scheme is directed towards equality of standards and a positive impact on all groups. PSNI does not believe that there is an adverse differential impact on people of different political opinion as a result of the YDS policy.

#### **4.5 Persons of Different Racial Group**

There were only three referees from the sample taken from which race could be extrapolated. Such data/information is only an indicator that a small number of ethnic minority groups are involved that could be reliable extrapolated from the data/information. It could not identify members of the traveler community. From a previous consultation with ethnic minority groups during the screening of policies in 2005 there was evidence that some minority ethnic groups felt children and young people were not involved in situations where they would come in contact with police. This was due to a belief that children and young people were guided and directed through family and cultural influences towards education and a showing of respect. PSNI does not feel there is anything to indicate that the YDS policy has an adverse differential impact on people of different race.

#### **4.6 Persons of Different Age**

The YDS relates directly to children and young people under the age of 18 so it therefore targets those of that age group. It is aimed at providing positive outcomes for those in that group. It also operates in corroboration with other agencies in achieving that aim. The fact that parents/carers of children and young people are of various ages' means the potential to impact on other age groups could exist. The aims and purpose of the scheme is directed towards positive outcomes for people of this age group. PSNI does not feel there is anything to indicate that the YDS policy has an adverse differential impact on people from this category.

#### **4.7 Persons of Different Marital Status**

While there is a possibility that married people may be included within the YDS nothing is specifically directed towards those within this group. There is a generic application of the scheme in regards to people as members of the 18 and below group. Nothing from the consultative process during the EQIA identified an adverse or potential adverse differential impact on this group as a result of the policy.

#### **4.8 Persons of Different Sexual Orientation**

No record is kept of sexual orientation and this is not referred to unless the incident linked to a referral is classed as a homophobic attack. This is done for recording purposes and has no effect on the YDS process.

It could be extrapolated that the same ratio of young people as the adult population are represented through referrals to the YDS. This could mean that there is a potential to adversely impact on this group. However, PSNI believes there is nothing that indicates people from this group suffer an adverse or potential adverse differential impact as a result of the YDS.

#### **4.9 Persons with a Disability and Persons Without**

The rationale for implementing this EQIA was to answer concerns in respect of a potential impact as a result of persons with disability not understanding or comprehending the YDS process. The scheme does not differentiate in terms of disability but there may be a lack of awareness among uniform officers as to the different levels of disability people may have. Should any difficulties arise this will be picked up by YDOs and relevant support and understanding will be applied to the referral from that stage on. For that reason PSNI believes that the YDS does not have an adverse differential impact on this group. It does however feel that more work needs to be done in relation to the recognition of this group and the potential impacts that may be created at the level of service delivery.

#### **4.10 Persons with Dependents and Persons Without**

The YDS sets out procedures and protocols and these are applied across all groups under the age of 18 years. Referral to relevant agencies will be made as part of the process should a YDS referral be made which indicates specific support or consideration for a youth referred is needed. This is in line with the YDS aims.

Concern has been raised in relation to the recognition of young carers within the YDS and the potential affect on them if referred. While this cannot be ascribed to adverse impacts of the YDS a lack of awareness as to the scheme and the network of support and involvement of relevant agencies could have an effect on this. PSNI believe that the YDS does not in itself have an adverse differential impact on this group. It does however agree that recognition of young carers and the potential impacts on this group should be examined.

## **5 CONSIDERATION OF MITIGATING MEASURES & ALTERNATIVE POLICIES**

### **5.1 Preamble**

The researchers into the YDS concluded that fundamentally, as youth diversion is seen internationally to represent an effective set of interventions, the YDS in Northern Ireland should be retained. Although empirical data does not currently exist to prove definitively that the YDS is producing better societal outcomes than would be the case if it did not exist, the overall conclusion of the research into the scheme is that the YDS is meeting its objectives and is proving to be beneficial, albeit in the context that more work needs to be done to effect necessary improvements.

Against that backdrop, two main areas in this EQIA have been reported where equality-related impacts upon individuals have been observed:

- The figures from 15 DCUs which show that Catholics appear to fare statistically worse under the YDS than Protestants;
- The lack of operational consistency and the extent of differences between DCUs, which may result in people receiving different treatment between police districts.

In relation to the former issue, it has been commented previously that the imbalances observed are not as a result of any bias exercised by the PSNI or PPS, but appear to be a reflection of offending patterns within society.

With regard to the latter issue of operational consistency, a series of proposals are provided below regarding alternative measures, which, it is believed will go a long way towards eradicating the current differences between DCUs.

The main impact identified related to male catholic youth who were more likely to receive a non-diversionary disposal [prosecution]. The only alternative measure that could be considered related to the possibility that the criteria could be altered or changed to reduce or remove that impact. Given that there are ethical and legal factors related to these no alternative measure for change could be identified by PSNI.

The research also suggested that further research and analysis is required to determine why Catholics appear to fare worse under the YDS than Protestants.

The impact identified in relation to gender is believed to be a natural occurring factor, which is not in the remit of the policy to change. This is referred to in the research report the variance being comparable with the adult prison population.

These were set out in the consultation but the respondents did not produce any measure, which could be considered as likely to mitigate an adverse impact. There was however some agreement with the initial EQIA research that indicated some administration changes were needed to better improve the effectiveness of the scheme. Some respondents referred to the fair and effective administration of the scheme as a means of improving equality of opportunity and good relations.

## 6 CONSULTATION

A consultation process was employed which attempted to reach and engage not only those the policy impacts on but those who had an interest in and direct involvement with the specific groups the policy is aimed at.

A full twelve-week period of consultation was set aside for this EQIA, which ran from the 7<sup>th</sup> July 2006 to 29<sup>th</sup> September 2006. A public notice of the EQIA, its accessibility, timescale and contact details was published in the Belfast Telegraph, The Newsletter and the Irish News. That notice also included the offer of a meeting for any one who wished it. Five hundred letters providing details of the EQIA consultation, access to supporting documents, (specific formats provided when requested) timescale and relevant contact details were sent to a range of organizations, agencies and individuals. Offers of a meeting were also included in the letter.

In addition, a total of seven focus groups were held three with young people and four with a mix of individuals mainly adult. A variety of young people of various ages and backgrounds were invited to attend. The adult focus groups invited a sample of agencies, community workers parents and victims to attend. In many areas difficulty was encountered in obtaining permission of parents for young people to attend focus groups. The permission and voluntary co-operation of the young person was sought for all focus groups and meetings.

A general mix of young people attended the focus groups including some who had been referred to the YDS. They came from a range of social backgrounds and included young people with learning disabilities. The ratio in terms of religion for young people attending focus groups and meetings was 6:5 Protestant to Catholic.

The attendees in the mixed focus groups represented several agencies and organisations with interests in children and young people. One focus group involved a young male who had experienced the scheme and his parent. One youth organization attempted to establish a focus group but were unable to do so.

A total of 26 meetings were held with individuals who were unable to attend focus groups or were approached directly by PSNI. These included 4 meetings with young people and 1 with mother and her son who had been referred to the scheme.

Organisations/agencies etc. represented on adult focus groups and meetings were as follows:

Youth Justice Agency	Local Schools – Principals and Deputy
Probation Service	Principals
Social Services	Community Workers
NIACRO	Youth Workers
Local Health Boards	Residential Homes
Education and Welfare Officers	Victims
Indian Community	Parents
Chinese Community	

The responses from these consultations are set out at 6.1 and 6.2 below

### **6.1 Written Responses**

A total of 4 requests were made for hard copies of the consultation papers and supporting documents, none of these however, submitted any responses. In total 4 written responses were received in respect of this EQIA. One of them, Northern Ireland Tourist Board, offered no comment while the other three commented as follows:

Respondent	Response and PSNI Response
<b>Police Ombudsman</b>	<p><b>Response</b></p> <ol style="list-style-type: none"> <li>1. While criteria for prosecution seems equitable and wholly logical 11% differential in prosecution of young Catholics is higher than expected and significant. It would be worth monitoring any ongoing disparity.</li> <li>2. Ombudsman's statistics suggest proportion of complaints from Protestant and Catholic communities generally reflects the composition of the wider population in Northern Ireland.</li> </ol>
	<p><b>PSNI Response</b></p> <ol style="list-style-type: none"> <li>1. PSNI note the remarks of the Ombudsman and accept the need for monitoring such disparities. PSNI are seeking to develop enhanced mechanisms to capture data. Random dip sampling will be undertaken in relation to Youth Diversion referrals.</li> <li>2. The statistical information relating to complaints is appreciated and worthy of note.</li> </ol>

Respondent	Response and PSNI Response
<p><b>Northern Ireland Commissioner for Children and Young People (NICCY)</b></p>	<p><b>Response</b></p> <p>NICCY positively support the concept of the scheme.</p> <ol style="list-style-type: none"> <li>1. NICCY supports the recommendations that further research and analysis is required in relation to the variance between male protestant and male Catholics in relation to referral for prosecution.</li> <li>2. They also refer to the negative perceptions of police in this community group. They suggest that these existing tensions and a lack of trust between this community and the police might in some way, explain why they are less likely to admit the offence. They recommend further research and analysis to explore the intricacies of these issues to identify possible solutions into this.</li> <li>3. NICCY feel it is important when considering the “don’t admit the offence” option it is important that issues of comprehension and understanding are considered. The officers administering the scheme should be aware of the need to ensure appropriate and effective communication with young people in order to guarantee informed decisions regarding denial or admission. Should appropriate knowledge and experience not currently exist, it is crucial this be identified as a priority training need.</li> <li>4. NICCY feel that working in relationship with young people, parents, carers, local communities and key agencies in the field the YDS could by its very nature improve relations between people of all backgrounds. If it is not effectively operated and closely monitored it runs the risk of detrimental impact upon both relations within communities and between these communities and the police.</li> <li>5. NICCY view direct engagement with children, young people, parents/carers and all types of communities along side regular thorough evaluative reviews are positive ways of promoting equality of opportunity and good relations.</li> </ol>

Respondent	Response and PSNI Response
<p><b>Northern Ireland Commissioner for Children and Young People (NICCY) [continued]</b></p>	<p><b>PSNI Response</b></p> <p>PSNI acknowledge the support of the Commissioner for the YDS and comments on responses as follows: -</p> <ol style="list-style-type: none"> <li>1. Research of the acknowledged disparity may help in understanding this situation. This could be achieved through monitoring techniques, data collation and analysis. PSNI will take steps to carry out a monitoring process.</li> <li>2. PSNI is aware of the negative perceptions within certain groups in the community though this cannot all be placed at the door of the police. The 2005 research survey completed by the Policing Board for Northern Ireland in relation to young people's perceptions in North Belfast would tend to suggest that there is a correlation with the societal influences and problems of the area. Engagement and interaction with children and young people is an integral part of PSNI's objectives and is ongoing through the establishment of an Independent Advisory Group model in Districts and through engagement with young people in accordance with the recently introduced policy on 'Policing Children and Young People'.</li> <li>3. It is acknowledged that greater emphasis must be placed upon the need to communicate more effectively with young people, their parents / guardians at the caution/interview stage of an investigation. This will be reinforced through a revision of the Service direction of the Youth Diversion Scheme.</li> </ol>

Respondent	Response and PSNI Response
<p><b>Northern Ireland Commissioner for Children and Young People (NICCY)</b> [continued]</p>	<p>4 PSNI notes the comments and concerns in relation to the beneficial influences the scheme could have on good relations. PSNI agrees that monitoring its effectiveness is important. The Youth Diversion Scheme is part of the PSNI Citizenship and Safety Education Programme delivered across all key stages in schools in Northern Ireland. It will also be reinforced through the medium of Independent Advisory Groups, Safer School project work and by staff on secondment to the Prince's Trust.</p> <p>5 In keeping with the PSNI policy on 'Policing Children and Young People' active engagement with young people is actively pursued throughout Districts. This is reinforced through the projects outlined at point 4 above.</p> <p>6. PSNI are actively engaging with children and young people from all parts of the community. It remains an important part of its Community Safety Programme</p>

Respondent	Response and PSNI Response
<p style="text-align: center;"><b>Children's Law Centre</b></p>	<p><b>Response</b></p> <p>The Children's Law Centre had several concerns relating to this EQIA.</p> <ol style="list-style-type: none"> <li>1. The need to actively engage and directly involve with those the assessment is most likely to impact on was highlighted.</li> <li>2. The Centre refers to the need to comply with International Standards and suggests that the scheme be child proofed to ensure compliance. It also refers to the UNCRC Committee's recommendation that the age of criminal responsibility be raised.</li> <li>3. The Centre feels that insufficient data/information has been collated and presented with which to carry out a proper EQIA. They refer to the fact that no data is available on six of the nine groups listed under Section 75. Specific reference is made to the lack of data relating to young people with dependents. While there may be few with children the position of young people acting in a caring role is highlighted. It also makes reference to the comment by researchers about certain categories who 'may not be relevant' to the YDS</li> <li>4. The Centre feels that the impacts highlighted by the EQIA have not been adequately considered in terms of their potential for impact. They suggest that though the claim that protocols have been met the potential for the protocols to impact on groups has not been considered. It feels "there are clearly problems inherent in the Scheme or Protocols which are causing adverse impact to be experiences by 15 -16 year old Catholic males</li> <li>5. The Centre wishes to see staff routinely and regularly trained in Children's Rights.</li> </ol>

Respondent	Response and PSNI Response
<p><b>Children's Law Centre [continued]</b></p>	<p><b>PSNI Response</b></p> <p>The concerns of the Children's Law Centre are noted by the PSNI.</p> <ol style="list-style-type: none"> <li>1. The consultation process employed in the EQIA involved direct engagement with a representation of children and young people and across a wide range of individuals. It also consulted with individuals and organizations that work closely with and for children and young people.</li> <li>2. PSNI feels the scheme is directed towards compliance with International Standards. Its aims and objectives reflect this and its active participation with agencies in diversionary strategies and programmes also provide evidence of that compliance. The age of criminal responsibility is not in the remit of PSNI but they note the present arguments in relation to the raising of the age to 14 and its potential for impact on a large number of children and young people. Initial communication took place at the consultation stage with key opinion formers in the remit of Youth issues, rights and responsibilities.</li> <li>3. PSNI accept that no record has been provided in terms of six of the groups.</li> </ol> <p>PSNI are attempting to address this issue by establishing an effective, efficient, valid and reliable means of equality monitoring all its various databases and information systems. It is also examining a process by which Section 75 data/information will be collected at an early stage of contact with the police service.</p>

Respondent	Response and PSNI Response
<p><b>Children’s Law Centre [continued]</b></p>	<p><b>PSNI Response (Continued)</b></p> <p>The reference to children and young people with dependents as a result of being a carer is noted and a consultee has raised this during the consultation process. This has been reflected within this EQIA report. PSNI will also take steps to amend their policy directive to ensure this aspect of responsibility is reflected in operational working practices.</p> <p>PSNI in focusing on categories where adverse impact occurs is dependent on accessing reliable and valid information with which to do so. Due to the lack of databases, which provide such information, PSNI targeted those categories which reasonable reliable and valid information was available. As the Children’s Law Centre highlights in its response:</p> <p><i>“ . It is widely accepted that the statistics produced in relation to children accessing their rights in Northern Ireland are limited and that those produced cross different parameters, timescales and ages.”</i> (p.9)<sup>18</sup></p> <p>The Equality Commission [Para. 3.8; Practical Guidance on Equality Impact Assessment] refers to how the process of conducting an EQIA should focus attention increasingly on those categories where adverse impact occurs. They also state that an audit trail should be made in relation to all nine groups mindful that the final report should make reference to conclusions, which have been drawn in relation to each. This EQIA has presented the data/research applied to this EQIA and referred to the conclusions drawn in respect of each category</p>

<sup>18</sup> Response to the Police Service of Northern Ireland’s consultation paper on its Equality Impact Assessment of its Youth Diversion Scheme (2006)

Respondent	Response and PSNI Response
<p><b>Children’s Law Centre [continued]</b></p>	<p><b>PSNI Response (Continued)</b></p> <p>PSNI take note of the inference the Children’s Law Centre have made in respect of the researchers comment about certain categories who ‘may not be relevant’ to the YDS. This is a comment made by the researcher and PSNI did not apply it to the overall EQIA. All nine categories were examined in relation to the YDS and assessment made on the data/research available.</p> <ol style="list-style-type: none"> <li>4. PSNI does not accept that “there are clearly problems inherent in the Scheme or Protocols which are causing adverse impact to be experiences by 15 -16 year old Catholic males”. This tends to assume that no other factor or variable could be creating this anomaly other than the scheme. It could be the result of societal, cultural and individual influences rather than the scheme. This has been suggested during the EQIA consultation by several consultees. The fact that the anomaly and the criteria for prosecution were highlighted in the EQIA and consultees were asked to consider how they might be impacting indicates PSNI acceptance of both possibilities.</li> <li>5. Training for YDOs in respect of UNCRC will be addressed. Other training modules have commenced regarding issues of mental health / learning - behavioural difficulties for Children and Young People in keeping with research available from Dr M O’Rawe and experiences of the Youth Diversion staff, as indicated in a training needs analysis. A Human Rights training programme is provided for all PSNI officers.</li> </ol>

## **6.2 Focus Group/Meetings Responses**

### **6.2.1 Youth Focus Groups and Meetings**

Responses from youth involved in the focus groups and meetings involving young people were generally consistent. They could be categorised as follows:

#### **6.2.2 YDS**

In general the response from the young people involved in the groups was favourable to the YDS. Those who volunteered their experiences of the scheme felt that it had helped them though they hadn't always taken up the opportunities that had been offered.

Those who had only been made aware of the scheme felt knowledge of it would be useful for young people. Some expressed the view that knowledge may be counterproductive telling young people that they would get chances whenever they did something wrong. When the restorative caution scenario was explained to them they thought awareness of that experience would provide enough censure to counter any negative impact knowledge might have.

The provision of knowledge of the scheme they felt could be provided by a range of mediums with school talks being the main one. Television and press announcements were also suggested.

#### **6.2.3 Criteria for Prosecution**

The criteria for prosecuting was generally understood and some comments were made about admitting the offence, "*I wouldn't admit it even if I had done it*"; "*The uniform is enough to put me off. If they were in plain clothes I might talk to them*". Knowledge of the scheme at an early stage of involvement might help young people

understand that the system was not out to get them. Those who had knowledge of the scheme and experienced it supported this. One female stated, *“I would admit it if I had done it”*.

#### **6.2.4 Youth Diversion Officers**

Those young people who had been referred to the scheme rated the Youth Diversion Officers as being considerate and communicative. Their experience of the process, they felt, was made easier by these officers. There was also a general perception that the YDS is a part of a larger process which involved the other agencies, the Youth Justice Agency being particularly noted for its involvement. The work of Social Services, Probation and other programmes were remarked on as being part of the process that YDS belonged to.

#### **6.2.5 Attitudes towards Police**

Attitudes towards police were generally in line with findings from a variety of sources. Reference to police officer’s acceptable behaviour appeared to rest on their initial approach to young people. *“They stereotype you”* (16 year old Catholic male); *“They move you on just because you’re standing with someone who is known by them.”* (16 year old Protestant male); *“It’s the way they talk to you, they talk down to you”* (17 year old Catholic female); *“They don’t listen to you”* (15 year old Catholic male); *“They don’t treat you as a person”* (14 year old Protestant female).

There was a general feeling that some police officers treat young people differently from adults, with a general perception that they would listen to them and treat them more fairly. Examples of police dealing with drunkenness in the street were referred to as an example of how adults and young people were treated differently. Young people feel there is a greater level of acceptance of behaviour in relation to adults. A young youth worker also referred this to.

These responses are supported by those that relate to officers who are seen as acceptable, “*They will have a chat with you*” (15 year old Protestant female); “*They will give you advice in a friendly manner*” (12 year old Protestant female). One 17-year-old female Catholic volunteered the comment “*If it wasn’t for the police I would be dead, if they hadn’t followed me and got me help I would have died from alcohol poisoning*”.

### **6.3 Adult Focus Groups/Meetings**

The responses from the mixed focus groups could be categorised as follows:

#### **6.3.1 YDS**

There was a general appreciation of the scheme and Youth Diversion Officers. The scheme was perceived as being effective as an operational scheme and achieved its aims and objectives as far as possible. There were comments made in regards to how respondents felt where the scheme sat in the PSNI organisation. Some respondents felt it did not receive sufficient recognition. There was also some comment in relation to the fact that Youth Diversion Officers were utilised as a human resource and diverted from the scheme. This varied from area to area and was dependent on the emphasis they felt was placed on the scheme and the YDOs. A victim representative considered the scheme in conjunction with the Youth Justice Agency was fair and proportionate, one referral having been contracted from a restorative caution to assist him in his shop. He felt the young person had gained from the experience and he had been dependable during the contracted period.

The scheme was felt to be an integral element of a wider holistic approach to youth justice. The network that existed between the YDS and its partner agencies the Youth Justice Agency in particular, was identified as being essential to that approach. The working relationship established through experience of each agency

and a building of trust provided a unified front when dealing with referrals and families. Early information sharing was listed as an important aspect of the working relationship between agencies, e.g.

*“Very often the smallest piece of information can make a difference to how I deal with a family” (Social Services)*

*“Whenever the children come in here on a Monday they know that we know what they have been up to and they are dealing with more than just the police.” (Youth Justice Agency)*

*“Information no matter how small can influence how we deal with a young person” (Probation)*

While there were variances on the structures used to ensure information sharing and discussion of referrals there was a general desire to formalise this as far as possible. Those areas, which utilised a regular Youth Forum structure to action information sharing and discussion, were felt to be exemplifying good practice and attempts were being made by local staff to form such forums. The fact that many YDOs stayed within the scheme ensured such working relationships were maintained and built on.

YDOs referred to a need for further training in procedures and recognition of the scheme in the overall holistic partnership approach to youth justice.

Reference was made by all agency staff to the ‘time lag’ between referral and decision, particularly those covered by the Public Prosecution Service.

### **6.3.2 Religious Anomaly**

There was a general consensus that a cultural or historical barrier existed whereby young people either from their own beliefs or family/cultural influences did not admit

the offence. A basic mistrust of police and sometimes anyone perceived as being a person representative of government was cited as being the most likely reason.

Two areas cited other influencing factors. One Youth Justice Agency staff member felt that in some strong nationalist areas there was an historical influence. Juvenile Liaison Officers [those operating the Juvenile Liaison Scheme prior to YDS] had been unable to fully implement the scheme by reason of not being able to carry out home visits and parents were reluctant to attend police stations due to personal beliefs or fear of being seen. He felt that this had established a cultural 'norm' with some of the community but thought it was lessening. In Belfast a Probation Officer referred to the propensity for young catholic males to be involved in car crime in a particular area and the likelihood of them receiving cautions etc from an early age thereby coming under the prosecution criterion. A priest from the area also referred to this, along with the traditional mistrust of police.

Several also referred to the influence of solicitors who advised their clients not to cooperate with the scheme. This not only impacted on the decision to prosecute but barred intervention of any kind until court appearances were finalised. The inability of police or other agencies approaching the referred youth and families at an early stage impacted on potential cooperation and intervention programmes. It also impacted on the family being made aware of the scheme and the whole youth justice concept of diversion.

Agency staff who knew that previous schemes had included a home visit also highlighted this loss of early intervention. They felt a home visit provided for early intervention which allowed for information about the scheme and its processes to be imparted to both those referred and their parents/carers. While uniformed officers provide basic information as to what will happen when being referred to the scheme it does not ensure families are made aware thereby potentially blocking any influence of family.

#### ***6.3.4 Criteria for Prosecution***

There were no suggestions for change in terms of the criteria for prosecution.

#### ***6.3.5 Impacts on Other groups***

There were concerns raised in respect of how young people with learning difficulties were informed and made aware of the processes involved in the scheme. It was generally agreed that it would be difficult for anyone with lack of training to identify all the various levels that could be encountered. However, it was considered that the knowledge, experience and working relationship with other agencies would generally counter any lack of identification by uniform officers. Again information sharing and early intervention was considered as essential in this area. Comment was made in relation to the need for uniform officers to be aware that their approach and involvement with all young people should be sensitive and carefully considered.

#### ***6.3.6 Good Relations and Equality of Opportunity***

There were no specific suggestions for improving the scheme to better improve good relations and equality of opportunity. There was a consensus that the effective and fair application of the scheme would lead towards that aim. Some respondents referred to continual monitoring and evaluation as essential for that aim. Some respondents referred to the link with general policing and the perceptions people had of the way police dealt with them as being part of an overall method of improving good relations and equality of opportunity.

In general the responses highlight the following as important for the scheme:

- Early Intervention with young people referred to the scheme, the agency involved is irrelevant.

- Information sharing at an early stage was important in terms of making the scheme effective and identifying those referred with special needs and consideration.
- Recognition of the YDS as part of a more holistic approach to youth crime and diversion.
- A structured forum approach to information sharing, partnership and recommendations involving young people.
- Early decision-making should occur to remove loss of impact and ensure early intervention and awareness creation.
- The perception of uniformed police officers was negative in some areas and this needed addressed.
- A need for officers to be sensitive to their approach to children and young people and aware of the various levels of disability [particularly learning disability] they may encounter.

## 7 DECISIONS

### 7.1 Actions

PSNI welcomes the comments made by respondents to this consultation. In responding PSNI wishes to signify its commitment to examining all comments made during the deliberations made in the decision making process applied to this EQIA.

The responses provided through written submission and focus groups/meetings are generally in agreement. The religious anomaly between male Protestants and Catholics is considered as possibly related to: -

- the mistrust and perceptions of male Catholics thereby influencing their cooperation with the scheme and potentially an admission of an offence.
- the possible influence of solicitors.
- the domination of specific crimes in some areas.
- the lack of early awareness for families.
- more minor offences not being reported in some Catholic areas

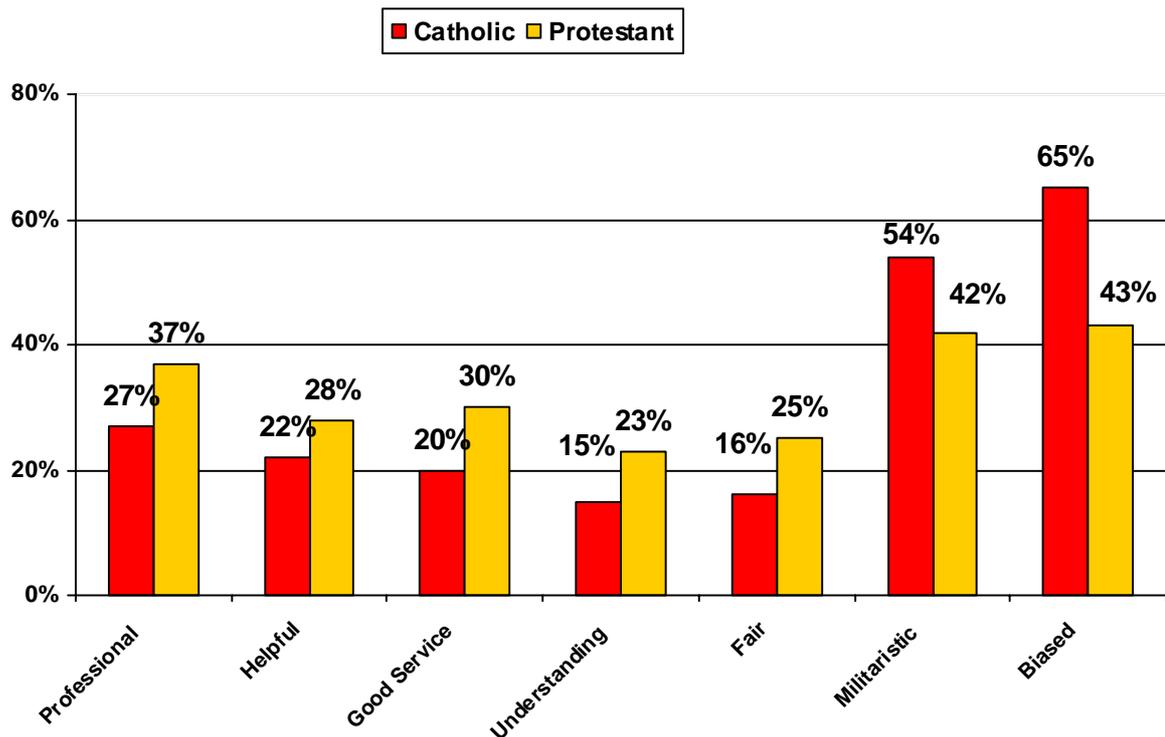
The perceptions of young catholic youth are well highlighted, e.g. research from the NICCY, Children's Law Centre and Policing Board<sup>19</sup>. The Policing Board research finding of a 6% - 22% variance across a range of perceptions of police [Chart reproduced below] between Protestant and Catholic youth provides an indicator of the difference of perceptions of police in certain areas. When perceptions of police were compared with other youth who lived outside North Belfast there were significant differences between young people who lived within and outside North Belfast in their experiences of the police, with young people outside North Belfast

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<sup>19</sup> Byrne J, Conway M and Ostermeyer M, (2005) Young People's Attitudes and Experiences of Policing, Violence and Community Safety in North Belfast, Institute for Conflict Research [http://www.nipolicingboard.org.uk/word\\_docs/PDFs/YOUTH%20SURVEY.pdf](http://www.nipolicingboard.org.uk/word_docs/PDFs/YOUTH%20SURVEY.pdf)

generally having more positive experiences. This would fit in with the comments made by one respondent to certain areas having specific issues with policing.

**Attitudes of young Catholics and Protestants to the police in North Belfast**



The rationales provided by respondents for the religious anomaly are fair and reasonable. More clarity is needed in relation to the statistical recording and analysis of these groups for future comparison.

The PSNI feels its recently implemented strategy 'policing Children and Young People' relating to the interaction with children and young people will go some way to addressing concerns in relation to engagement. It should also be remembered that police are constantly engaging with Children and Young People at various levels. Involvement in the school curriculum, joint projects with statutory and voluntary

agencies are ongoing. A number of Independent youth Advisory Groups have been established and which will assist in this process.

The concerns arising from the negative interactions young people experience from some uniformed officers is something the PSNI will continue to strive to improve in association with the EQIA. Community Safety Branch PSNI will carry out the following actions: -

Action – Establish a monitoring strategy in respect of children and young people, which will provide data/information relating to interactions between police and the 9 key groups.

Action - Regularly review data/information available in respect of the perceptions of children and young people in regards to police and the service provided. This review will inform communication strategies and training.

Action - PSNI will actively pursue the integration of youth issues in to the PSNI College curriculum. A recent Training Needs Analysis has identified mental health and learning-behavioural difficulties as key to the area of training needs. This has commenced and will be developed upon.

Action - Establish a number of Young Persons' Independent Advisory Groups by March 2007, which can collect qualitative data on operational service delivery to young people.

The references to the potential differences in relation to dealing with people with learning difficulties are noted. Community Safety Branch in partnership with Mencap has produced a user-friendly booklet for people with learning difficulties, which explain how they can avail of police services. YDOs are specifically tasked with identifying all pertinent aspects of a referral and making recommendations according

to the factors and facts of each referral. Referral to relevant agencies should support or advice be needed is available through the partnership network used by YDOs.

Action - PSNI will take steps to identify potential training needs on learning disability and young people through the opinion mechanism of the Independent Advisory Groups.

The comments in relation to delay between referral and decision are noted. A review of the procedures in conjunction with the Public Prosecution Service is being undertaken to correct this anomaly.

The Equality Impact Research also made recommendations in relation to standardisation of the scheme to ensure consistency across DCUs and additional training of YDOs. A protocol has been established between PSNI and the PPS to progress standardisation issues.

As stipulated in its aims and objectives the PSNI sees the YDS as an integral part of a wider more holistic approach to youth diversion. It cannot work alone in this field and gladly shares responsibility with its partner agencies. Any formalising of that partnership is desirable and PSNI will direct its efforts towards achieving that. It will continue to do so in the spirit of partnership and through monitoring and evaluation seek to enhance and improve its effectiveness.

The concerns raised by the respondents to this EQIA are understandable and along with their suggestions are appreciated. PSNI does, however, believe that this EQIA has attempted to address not only the impacts identified initially but also seek to identify others which may exist. The EQIA and the consultation process was utilised to try and identify all potential impacts across all categories.

Some consultees referred to the effectiveness of the scheme as being a way of improving equality and good relations. This has been noted by PSNI and is in general agreement with them.

## **7.2 Implementation of Operational Reforms Within the YDS**

- The YDS General Order will be revised and refreshed, with a view to eliminating any lack of clarity and taking into account the experiences of the YDS within its first two and a half years of operation;
- The PSNI will in discussion with PPS institute the development of more standardised protocols for the YDS as part of the new General Order;
- The requirement for some form of “bureau” style approach is presently being pursued with the cooperation and engagement of other agencies and will involve a structured arrangement for regular case conferences between agencies, agreed protocols for information sharing, and better inter-agency contact targeted on the needs of the individual young person;
- The PSNI will institute the development of inter-agency protocols and facilitate engagement from PSNI management with their counterparts in other agencies.
- An improved model of engagement with victims of Youth Offending is being progressed through a pilot with Victim Support Northern Ireland and will be evaluated for best practice in PSNI.
- Improved training for YDOs and other PSNI staff involved in the YDS will be provided, on an in-service/continuing development basis by PSNI Staff and other appropriate consultants;
- An examination of YDO caseloads and work patterns to ensure a more consistent approach across DCUs.

- More consistent approaches will be introduced at administrative levels, e.g. file management, weeding, etc;
- Effective data collection and ICT-enabled data management arrangements will be researched.

### **7.3 Monitoring**

While no adverse differential impacts have been identified as a result of the EQIA process a number of actions have been decided on that will enhance the policy and equality of opportunity and good relations. These will be monitored and assessed after twelve months with particular emphasis on the religious difference in terms of diversionary disposal and prosecution rates. Both quantitative and qualitative data will be employed in this process.

The commitment to introduce Section 75 equality monitoring of policing services as they are delivered to the community has been made as a result of the Equality Impact process. The Policing Plan 2007 - 2010 has been amended to include the introduction of equality monitoring at point of contact during 2007 –2008, progress on the implementation of this will be monitored by the Policing Board.