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Interim Evaluation of the Northern Ireland Youth Conferencing Scheme

Research and Statistical Bulletin 1/2005

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Introduction

This bulletin presents the interim findings of an evaluation of the recently introduced Northern Ireland youth conferencing initiative. The findings are based on research conducted by the Institute of Criminology and Criminal Justice at Queen's University, Belfast and focus on the functioning of the scheme in the early months of its operation, from its inception on the 1st December 2003 until the 31st August 2004.

Key Findings

Referrals to the Scheme

- ◆ 34% of the 50 referrals received by the Youth Conference Service in the period covered by this report (1st December 2003 – 31st August 2004) emanated from the Public Prosecution Service. The remaining 66% emanated from the youth courts.
- ◆ The majority (66%) of offenders given the opportunity to participate in a court-ordered youth conference chose to avail of the option. Comparative figures are not as yet available for referrals emanating from the Public Prosecution Service.

Convening of Conferences

- ◆ Three-quarters (74%) of the 50 referrals received by the Youth Conference Service resulted in the convening of a youth conference. The remainder were returned to the initial source of referral at either the co-ordinator's or offender's request.

Conference Participants

- ◆ The vast majority of offenders who participated in a conference were male (84%) and aged between 14 and 16 years of age (89%).
- ◆ The rate of victim participation in conferences, when considered in relation to other jurisdictions, was comparably high at 62%.
- ◆ Almost half (48%) of all victims who attended a conference were 'personal victims'. A further 44% were 'victim representatives', whilst the remainder were 'community representatives'. Victims chose to avail of the opportunity to attend with a supporter in only 5 of the 23 conferences with a victim present (in each case this was a member of their family).

Facilitation of a Conference

- ◆ Conferences typically followed a structured format, comprising of introductions, explanation of the process, discussion of the offence and discussion of what could be done to repair the harm.
- ◆ At the beginning of conferences, most co-ordinators were observed to introduce both participants and the process well. Certain aspects of the conferencing process were not, however, always adequately explained at this stage, most notably those relating to the confidential and voluntary nature of the process.
- ◆ In half of all conferences, co-ordinators were observed to offer participants the opportunity to ask questions or clarify points. This was not, however, always adequately facilitated in some conferences. Unnecessarily formal and/or complicated language was also observed to be used on a number of occasions.

Participant Engagement

◆ The vast majority of victims participated fully when discussing the impact of the offence. When invited to discuss the offence, however, just under half (47%) of all offenders provided full accounts. The remainders' failure to fully engage in this stage of the process appeared to be related to their relative youth, anger, defiance, nervousness and/or lack of recall.

Conference Plans

◆ In all but two conferences where a victim was present, the victim was observed to receive an apology from the offender. Apologies were not however exclusively confined to conferences with a victim presence: 84% of all conferences were seen to incorporate some form of apology, either verbal (36%), written (36%) or both (28%).

◆ Each of the 37 conferences convened during the period of the interim report successfully resulted in an agreed plan.

◆ Just over three-quarters (78%) of all conference plans contained some degree of reparation/restitution to the victim(s) of the offence; although on a number of occasions this simply involved an apology.

◆ The concept of punishment did not, as a general rule, feature highly in plans, with only 8% including any punitive element.

◆ Offender re-education about crime featured in over half (56%) of all plans, however helping the offender was clearly the predominant theme with 90% of all plans addressing this issue.

◆ Two-thirds of all offenders (65%) and victims (67%) stated that they felt the plan was proportionate to the offence ('neither too hard nor too soft').

◆ The vast majority of both offenders (91%) and victims (89%) rated the plan as 'fair' or 'very fair' to the offender. Similarly, 90% of offenders and 81% of victims rated the plan as 'fair' or 'very fair' to the victim.

Granting of Conference Plans and Orders

◆ All 15 plans returned to the Public Prosecution Service were ratified without change, as were 59% of the 22 returned to court. The remaining plans returned to court were either amended and subsequently granted in an alternative form (18%) or replaced with an alternative form of disposal (23%).

Satisfaction levels

◆ The vast majority of victims interviewed expressed predominately positive feedback on the conferencing initiative with 79% of participating victims rating their experience as either 'satisfactory' (32%) or 'very satisfactory' (47%). Offender's responses to conferencing were, however, more varied with 22% failing to identify any positive aspect of their experience when asked.

◆ All victims interviewed, and the vast majority of offenders, said they were happy with the level of information received prior to attending a conference.

◆ All victims unequivocally stated that they would recommend the initiative to another person in their position, as did all but two offenders.

Background

Restorative Justice

1. Restorative justice emerged as a critique of the traditional criminal justice system and has experienced significant international growth in recent years. Based upon principles of encounter, reparation, reintegration and participation (Van Ness and Strong, 1997), restorative justice claims to address the needs of victim, offender, community and state. Though restorative initiatives may differ in their implementation and practice, most share several common elements:

- ◆ An emphasis on the role and experience of victims;
- ◆ The involvement of relevant parties to discuss the offence, its impact and what should be done to 'repair the harm';
- ◆ Decision making carried out by both lay and legal actors (Daly 2002:58).

Youth Conferencing

2. The Northern Ireland youth conferencing scheme was introduced in December 2003, in response to recommendations in the Criminal Justice Review (2000) that a statutory model of restorative justice should be integrated into the juvenile justice system in Northern Ireland.

3. Modelled on the New Zealand system of family group conferencing, youth conferencing is a new and innovative approach to youth offending in Northern Ireland. Based on restorative principles, it seeks to facilitate a 'safe' mediated meeting between victim and offender, the dual purpose of which is to enable the victim to receive reparation for the harm caused and to address the young person's offending behaviour.

4. As recommended by the Criminal Justice Review Group (2000), youth conferencing focuses on:

- ◆ reparative justice and meeting the needs of victims;
- ◆ rehabilitative justice;
- ◆ proportionality, rather than pure retributive justice;
- ◆ re-integrative shaming and repairing relationships;
- ◆ devolving power to the youth conference participants, but requiring approval from either the court or the prosecutor; and
- ◆ encouraging victims and offenders to bring supporters and significant others.

5. The new youth conferencing initiative currently applies to offenders aged 10 to 16 years inclusive, who reside within the Greater Belfast or Fermanagh/Tyrone

regions of Northern Ireland. Most offences are eligible for inclusion in the scheme however offences with a mandatory penalty of life imprisonment are excluded.

6. There are two routes by which a young person can be referred to a youth conference: via the Public Prosecution Service (PPS) or via a court. In either instance, referral is dependent not only on the offender's admission of guilt (or, in the case of court, a finding of guilt) but also their voluntary consent¹.

Methodology

7. The findings presented in this report are derived primarily from a series of observations and interviews. Observations took place with respect to both youth conferences and relevant court proceedings. Structured interviews were completed with conference participants, while semi-structured interviews were employed with key stakeholders such as magistrates, police and the Public Prosecution Service.

8. It must be noted that the findings contained within this bulletin report, relate only to the 50 referrals received and processed by the Youth Conference Service prior to 31st August 2004². The findings presented herein, though accurate in their representation of the early months of the scheme, should therefore be interpreted both in light of these limited numbers and the scheme's ongoing development.

Court Observations

9. Having obtained consent from the relevant magistrate(s), observation of court proceedings took place between mid-April and mid-September 2004 in Belfast Youth Court. Researchers attended court twice weekly during this time, sitting silently at the back of the courtroom where they could unobtrusively observe and take notes on relevant proceedings. Researcher observations were largely qualitative in nature, focusing both on initial court ordered referrals to the Youth Conference Service and the subsequent granting/refusal of Conference Orders by the court.

Conference Observations

10. Detailed observations of youth conference proceedings formed a central element of the research. Attending conferences in a non-participative role, researchers seated themselves outside the circle of participants, taking care to physically distance themselves from conference participants whilst at the same time ensuring a clear view of the offender and, if possible, the victim also. Researchers focused on, amongst other things, the conference process, levels of participant engagement, group dynamics, adherence to practice guidelines and conference outcomes.

¹. The main legislative provisions are contained within sections 57 through to 61 of the Justice (Northern Ireland) Act 2002.

². Although this number of referrals is much lower than originally anticipated, ongoing research reveals that the volume of cases now being referred has increased considerably, with a total of 214 referrals received as of 31st December 2004 (150 court-ordered; 64 diversionary).

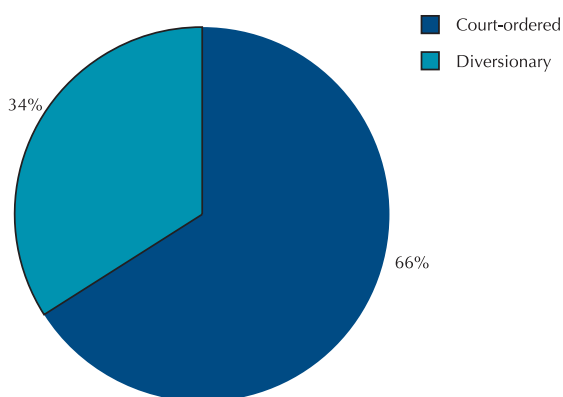
Participant Interviews

11. After the completion of each conference, face to face individual interviews were carried out with all consenting offender and victim participants. All interviews were preceded by the interviewer explaining, in straightforward language, the voluntary nature of consent, the purpose of the interview, the anticipated use of any data and issues of confidentiality and anonymity. All interviews were also preceded by an opportunity for interviewees to ask questions of the researcher about any element of the research or their involvement, about which they were as yet unclear.

Referrals to the Scheme

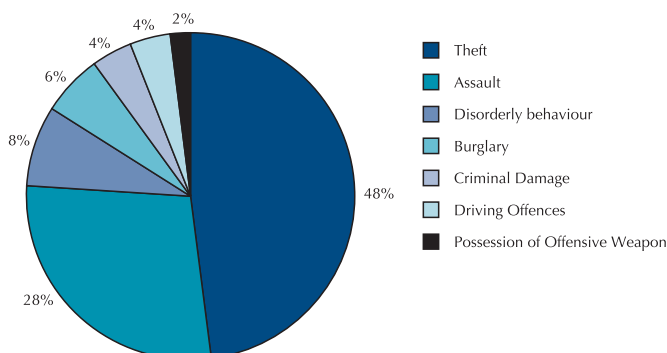
12. As highlighted previously, a total of 50 referrals were received and processed by the Youth Conference Service in the period covered by this interim report. As illustrated in Figure 1, 34% of the referrals received during the period of this interim report were diversionary referrals emanating from the Public Prosecution Service, whilst the remaining 66% were court-ordered referrals.

Figure 1: Source of Referrals



13. As illustrated in Figure 2, the vast majority of referrals to youth conferencing related to offences of either theft (48%) or assault (28%). The remainder related to disorderly behaviour (8%), burglary (6%), criminal damage (4%), driving offences (4%) or possession of an offensive weapon (2%). The vast majority also related to offences committed by 14-16 year old males.

Figure 2: Referrals to Youth Conferencing by Offence Category



14. Three-quarters of all referrals received by the Youth Conference Service during the period covered by this interim report resulted in the convening of a youth conference. The remaining quarter (26%) were returned to court or the PPS prior to the conferencing stage either because the offender withdrew their consent to the process (8 court ordered and 1 diversionary referral) or because the co-ordinator deemed the offender unsuitable for conferencing as a result of their repeated refusal to engage in the process (1 court ordered and 1 diversionary referral), or welfare-related complications to the case (2 court ordered).

15. Reasons recorded in the Youth Conference Service Database for offenders' withdrawal from the process include: not agreeing with the PSNI statement; not remembering much about the incident; not wanting to meet the victim; not wanting to give account of one's actions in a room full of people; and not wanting 'to apologise for something I didn't do'.

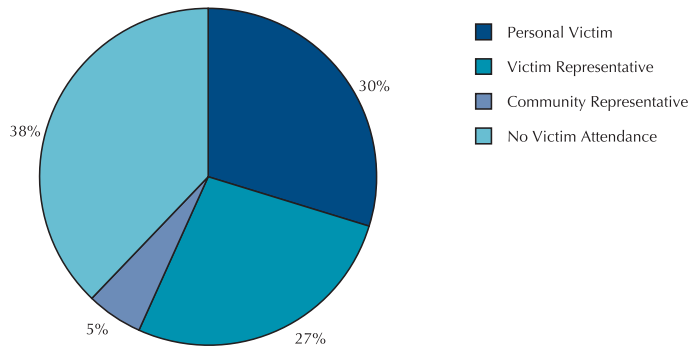
16. As regards the initial processing of conference referrals, court observations reveal that court-ordered referrals appear to be proceeding relatively smoothly to date, with the majority (66%) of offenders who are offered participation in a court-ordered conference choosing to avail of the option.

17. Although a number of procedural and implementation issues were noted in the early stages of the research, continued court observations reveal that many of these appear to be rectifying themselves as the process becomes more established. Issues that may still warrant closer attention, however, include ensuring informed consent on the part of the offender and procedural consistency at the referral stage.

Conference Participants

18. Every conference that took place had, by law, a co-ordinator and police officer present throughout. Each also had an offender and designated appropriate adult in attendance. Though not all had a victim or victim representative present (as some declined the opportunity to attend), the rate of victim attendance at conferences was observed to be high with a 'personal victim', 'victim representative' or 'community representative' present in just under two-thirds (62%) of all conferences (Figure 3).

Figure 3: Victim Attendees by Type



19. Conference observations reveal that only 5 of the 23 victims who attended a conference took advantage of the opportunity to bring along a supporter. In all five instances, the person who accompanied them was a family member.

20. The two main reasons put forward by victims for attending a conference was a desire to explain to the offender how the offence affected them (95%), and wanting to hear what the offender had to say (90%). This suggests that the opportunity to interact and convey the personal impact of the offence face-to-face with the offender was clearly important to many victims. A further interesting finding is the extent to which victims attended in order to help the offender, with 80% of victims citing this as one of their main reasons for choosing to participate in a conference.

21. International commentary warns that the goal of achieving victim participation must always be balanced with the awareness that such attendance should be voluntary and free from any coercion or duress. This consideration appears to be translating well into practice with the vast majority of participating victims indicating that their decision to attend a conference was either 'all' (65%) or 'mostly' (25%) their own.

22. Only two of the fourteen conferences that proceeded in the absence of a physical victim presence, did so without any alternative form of victim input. As illustrated in Table 1, the remainder incorporated varying degrees of either direct or indirect victim contribution including tape recorded interviews and letters.

Table 1: Alternative Forms of Victim Participation/Representation

| Form of Input | Number | Percent |
|--|--------|---------|
| Tape recording of victim interview | 1 | 7% |
| Victim letter read | 1 | 7% |
| YCS staff summarised likely impact of offence on victim | 2 | 14% |
| Police officer summarised likely impact of offence on victim | 2 | 14% |
| Co-ordinator summarised previous conversation(s) with victim | 6 | 43% |
| No victim perspective integrated | 2 | 14% |

23. As Table 2 illustrates, the vast majority (84%) of offenders who attended a youth conference were male. All were aged thirteen or above, with the vast majority (89%) falling into the 14-16 year old category. Two-thirds (67%) were living with a parent and/or step-parent at the time of the conference. A further 8% were residing with another relative, whilst the remaining 25% were 'in care'.

Table 2: Offenders Participating in Conferences, by Age and Gender

| Age | Males | Females | Total Percent |
|----------------------|------------|------------|---------------|
| Thirteen | 4 | 0 | 11% |
| Fourteen | 10 | 3 | 35% |
| Fifteen | 9 | 1 | 27% |
| Sixteen | 8 | 2 | 27% |
| Total percent | 84% | 16% | 100% |

Preparation for a Conference

24. Most victims and offenders indicated that, prior to attending a conference, they were both well informed about the process and aware of what to expect. The vast majority said they were satisfied both with the informational material received and the co-ordinator's pre-conference visits.

25. All offenders received a personal visit from a youth conference co-ordinator prior to the conference as recommended by the practice guidelines. Most offenders found this visit to be helpful: two-thirds described it as either 'very good' (32%) or 'good' (32%) whilst the remaining third (35%) rated it as 'ok'. No offender said they were in any way unhappy or dissatisfied with the visit.

26. In general, victims also commented that they were well briefed about the conferencing process. All victims

interviewed said they were happy with the level of information received, with over two-thirds (69%) stating that it was 'very good' and the remaining 31% describing it as 'good'. No victims indicated that they were in any way dissatisfied.

The Convening of a Conference

27. A total of 37 conferences took place during the period covered by this interim report. The average length of time taken from the receipt of a referral to the convening of a conference was 20 calendar days.

28. Just over four-fifths (84%) of all conferences were held in the Belfast headquarters of the Youth Conference Service, with an average duration of 58 minutes. Virtually all took place within working hours (between 9am and 5pm), with only two taking place after 5pm.

29. The vast majority of both court ordered and diversionary referrals were successfully processed by the Youth Conference Service within the time-scale initially granted by either the court or PPS. Nine-tenths (90%) of all court ordered referrals were returned to court accompanied by a post-conference report within the 4 week time-frame initially allocated by the magistrate. Similarly, 87% of all diversionary referrals were returned to the PPS within the 30 days set out in Article 7 of The Youth Conference Rules (Northern Ireland) 2003.

Participant Engagement

30. The vast majority of victims were observed to participate fully when discussing the impact of the offence. Only one victim - a police officer who had been assaulted - failed to explain the impact of the offence on them at all.

31. In just under half (47%) of all cases, the offender was also forthcoming in their explanation, providing a relatively full account of the offence. The remaining offenders' failure to fully engage in this stage of the process appeared to be variously related to their relative youth, nervousness, learning or behavioural difficulties, anger, defiance and/or lack of recall.

The Facilitation of Conferences

32. The Youth Conference Service Practice Manual lays out a series of guidelines as to what the co-ordinator should undertake to cover at the start of every conference. Researcher observations established that the requirements laid out in these guidelines were, in most cases, well adhered to, most notably those pertaining to the conveyance of information regarding the purpose of the conference, the role of participants, the rules and boundaries of the conference and the progressive stages of the proceedings. Certain aspects of the conferencing process were not however always adequately explained at the start of conferences, most notably those relating to the confidential and voluntary nature of the process.

33. In half of all conferences observed, co-ordinators were seen to provide participants with an opportunity to ask questions or clarify points following their introduction to the rules, boundaries and processes of the conference. In spite of the importance placed on this in the practice guidelines, in the remaining cases the co-ordinator failed to ascertain if participants had any concerns or queries or to determine whether or not they understood how the conference would proceed and what their involvement in this would be.

34. This finding is particularly important when taken with the fact that almost one-third (30%) of offenders commented in interview that there were aspects of the co-ordinator's explanation that they did not understand, most frequently particular words or phrases used in the explanation.

35. Conferences were typically comprised of two distinct parts (discussion of the offence and discussion of what could be done to repair the harm) exploration of which was both contextualised by, and explored through, the following elements:

- ◆ Welcome by co-ordinator and group introductions
- ◆ Purpose of conference, confidentiality, voluntary involvement, ground rules, and practicalities explained
- ◆ Police officer invited to summarise facts of offence
- ◆ Offender provided with the opportunity to respond to this and explain the offence from their perspective
- ◆ Victim given the opportunity to respond to the offender's account and explain the impact of the offence
- ◆ Opportunity for offender to apologise
- ◆ Other participants offered chance to explain their perspective on the offence
- ◆ Co-ordinator summarises offence and impact of the offence to the group
- ◆ Discussion of possible outcomes for action plan amongst participants
- ◆ Negotiation of action plan
- ◆ Agreement of action plan
- ◆ Closing remarks
- ◆ Signing of the action plan

36. When facilitating conferences, most co-ordinators were observed to be inclusive in their practice, treating all participants fairly and with respect. Many were observed to show both sensitivity and wisdom in how they dealt with situations which could involve contentious debate, participant aggression or emotional distress.

37. The majority of co-ordinators achieved high rates of participation, interaction, engagement and, ultimately in terms of agreeing a conference plan, group consensus. Further attention may, however, be required with respect to the type of language used on occasion, the facilitation of participant questions, the engagement of offenders, and the degree to which co-ordinators may dominate the conferencing process.

Apology

38. In all but two conferences where a victim was present, the victim was observed to receive an apology from the offender. Apologies were not, however, exclusively confined to conferences with a victim presence: 84% of all conferences were seen to incorporate some form of written and/or verbal apology to the victim of the offence.

39. Most victims, when interviewed, responded positively towards the offender's apology, with 89% stating that they were either 'happy' (72%) or 'sort of happy' (19%) with the apology received. Only 11% stated that they were unsatisfied with the apology they received. In most cases, this related to doubts as to whether or not the apology was genuine.

Conference Plans

40. Conference plans were agreed and signed in all 37 conferences that took place. The majority of both victims (67%) and offenders (65%) informed researchers that they felt the plan agreed was proportionate to the offence. The majority also stated that they felt the plan was fair to both victim and offender, with 77% of victims and 90% of offenders stating that the plan was fair to the victim and 89% of victims and 91% of offenders stating that the plan was fair to the offender.

41. Just over three-quarters of all plans contained some degree of reparation/restitution to the victim(s) of the offence, although on a number of occasions this simply involved an apology. Interestingly, where a victim was present there appeared a greater likelihood of them receiving direct restoration or restitution.

42. The concept of punishment did not, as a general rule, feature highly in plans, with only 8% of plans including any punitive element (e.g. curfews or geographical restrictions). It was evident that most victims were more concerned with helping the offender and/or preventing re-offending, as illustrated by the fact that 90% of all plans contained some form of help for the offender and just over half of all plans contained some degree of re-education about crime.

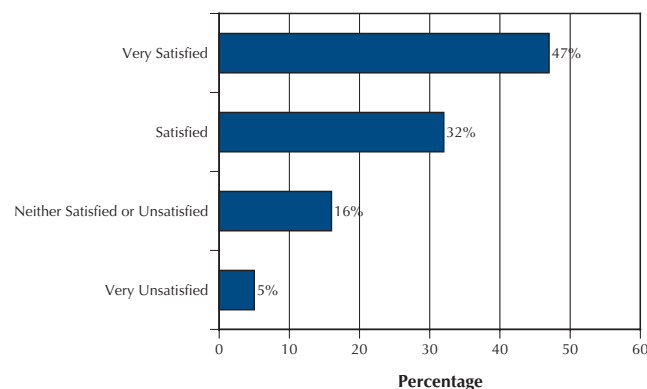
43. Though many plans were the result of natural and inclusive dialogue between conference participants, the research found that some conference plans appeared to be somewhat pre-determined prior to the conference and/or devised under the influence of external forces. It is therefore recommended that further efforts be made to ensure any decisions reached are the result of inclusive spontaneous dialogue within the confines of a conference.

44. Given that one-quarter of all offenders said they agreed to a plan, not because they wanted to, but because they 'felt they had to', it is similarly recommended that further attention be paid to the issue of voluntary agreement and the extent to which offenders understand what they are committing to in agreeing a conference plan.

Participant Satisfaction

45. The vast majority of victims or victim representatives who participated in a conference found it to be a positive experience, with four-fifths (79%) rating their experience as either 'satisfactory' or 'very satisfactory' (Figure 4).

Figure 4: Victim Satisfaction with Outcome of Conference



46. All victims interviewed indicated that they would recommend conferencing to an individual in a similar position, even where their own experience was not completely satisfactory. When asked if they would prefer the offender to have been dealt with by a court, 91% of victims indicated an explicit preference for conferencing.

47. Only two victims interviewed stated that they found the conferencing process in any way 'unfair' (both of whom were victims of assault). Although this represents a small number of cases, this finding does correspond with other research which suggests victims of interpersonal crimes may be less likely to be satisfied with restorative interventions than other types of victims (Strang, 2002).

48. Offender responses to the conferencing initiative were more varied than those of victims, with many offenders expressing a degree of discontent with certain aspects of the process and/or outcome. In spite of the fact that many offenders expressed some degree of dissatisfaction with their experience of the conferencing process, only two indicated a preference for court over a conference and/or stated that they would not recommend the initiative to another person in a similar position.

49. The reasons given by offenders for preferring a conference over court tended to relate to the severity and/or nature of sentence anticipated from either route. Virtually all offenders interviewed perceived the conferencing route to be a less onerous one than that presented by court. It will, however, be interesting to see if, and how, these perceptions change upon commencing the activities contained within a conference plan.

Granting of Conference Plans and Orders

50. Thus far, the vast majority of plans decided at conferences have been passed unaltered. All 15 plans returned to the Public Prosecution Service have been ratified without change (Figure 5), as have three-fifths (59%) of the 22 plans returned to court (Figure 6). The remainder of plans returned to court have either been amended and subsequently granted (18%) or replaced with an alternative form of disposal (23%).

Figure 5: The Granting of Diversionary Conference Plans

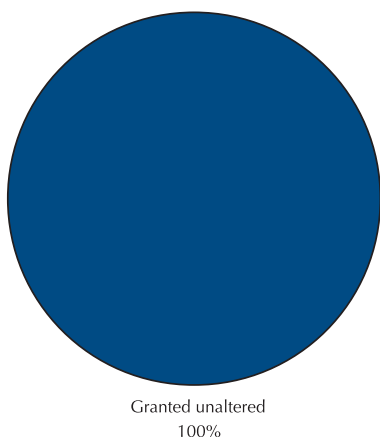
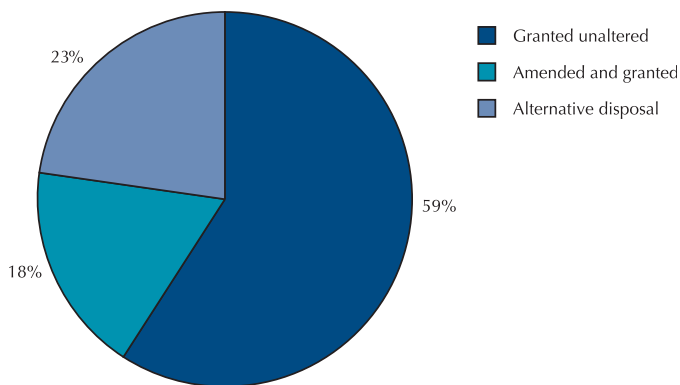


Figure 6: The Granting of Court Ordered Conference Plans



51. With regard to the processing of these cases in court, it appears that legislative requirements are, on the whole, being met, however further attention may be required with regard to the degree of explanation offered to offenders upon the granting of a youth conference order.

Stakeholder Interviews

52. From the interviews conducted, it is apparent that all major stakeholders generally endorse the restorative approach that underpins the recent reforms introduced within the Northern Ireland youth justice system. Although some felt that the reforms had been ‘imposed’ in the aftermath of the Criminal Justice Review, most expressed a general confidence in the overall direction of the reforms.

53. Some stakeholders were however somewhat concerned about the use of the youth conference process for very minor offences. Some also expressed doubt as to the appropriateness of youth conferencing in situations where a young person is already being prosecuted for other offences. The issue of the proportionality of conference plans was also raised in some stakeholder interviews.

Conclusion

54. The findings presented in this bulletin refer only to experiences during the initial implementation stages of the new youth conferencing scheme. Overall, the implementation of the new youth conferencing scheme appears to be proceeding well and without major difficulty.

55. The vast majority of participants interviewed have expressed predominantly positive feedback on their experience of conferencing, with all victims and all but two offenders unequivocally stating that they would recommend the initiative to another person in their position.

56. Furthermore, continued observations post 31st August 2004 indicate that, as the scheme continues to develop and expand, some of the preliminary issues raised herein are already beginning to be addressed.

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