

Literature Review¹

Introduction

The over-representation of marginalised groups is widely documented in the criminal justice literature (Lammy, 2017; Spohn, 2015) which highlights that members of minority groups are more likely to be stopped by police, charged, and incarcerated (Cochran and Mears, 2015; Kutateladze et al, 2014; Lammy, 2017; Wortley and Owusu-Bempah, 2011; Baumer, 2013). Explanations for over-representation of minority groups varies, but is largely centred around two accounts: bias of criminal justice agencies and processes, including policing, that discriminates against marginalised groups and exacerbates social division and marginalisation (Spohn, 2015); and a higher occurrence of criminogenic factors and deprivation in marginalised groups, which contributes to greater involvement in offending behaviours and consequently their over-representation in the criminal justice system (Beaver et al, 2013; Umbach et al, 2018; Cochran, Mears and Bales, 2014). Nonetheless, there remains limited understanding of how micro factors such as individual variables and macro factors such as societal factors coalesce with discriminatory factors at both micro and macro levels to contribute to this over-representation (Mears, Cochran and Lindsey, 2016).

The historical conflict in Northern Ireland makes the treatment of minority groups more pertinent in the monitoring of outcomes to ensure equality (Banks et al, 2018; Harvey, 2012). Under the Northern Ireland Act 1998, public authorities must carry out their duties in a manner that promotes equality of opportunity and good relations between people of different religions, political opinions, race, age, marital status, sexual orientation, gender, disability and dependents. Public authorities are further required to insert these equality considerations into their policies and activities, reflecting on how their practices may affect different groups. This review will discuss these measures with reference to children and young people (youth) in the youth justice system, particularly considering the public authority duty to promote *good relations* between persons of different race, political and religious belief, and consider the over-representation of different groups in the context of international and national literature by fulfilling the following objectives:

- I. Presenting a profile of young people in the youth justice system in Northern Ireland;
- II. Explore the profiles of young people in other youth justice systems and examine international and UK literatures that may offer explanations for these profiles;
- III. Contextualising these profiles in the Northern Irish context in order to support discussion of factors that influence youth contact with the police, and how these interplay with individual, institutional and structural variables.

1. Youth Justice statistics in Northern Ireland: what we know

A small number of young people in Northern Ireland are linked to a high number of incidents of crime and disorder (NIAO, 2017). Several reports have highlighted the over-representation of a number of groups in the youth criminal justice system. There is a tendency for Catholic youth to be over-represented in custody with both actual numbers consistently higher than Protestant children; proportionate representation of Catholic young people has increased from 57% in 2013/14 to 76% in 2016/17 (CJINI, 2009, 2018); in

¹ Completed by Dr. Amy Hanna

2019/20, two out of three children in custody were Catholic (Brown, 2020). This is reflected in the adult criminal justice system where Catholics are also over-represented, and simultaneously under-represented in the criminal justice workforce (CJINI, 2009, 2018). This under-representation in the workforce has been attributed to perceptions of reduced legitimacy as well as community threat and disapproval individuals may face for joining these organisations (Deloitte, 2016). It is reasonable to think that perceptions of the PSNI as illegitimate, and the disapproval of family members and friends if young people were seen to 'side' with PSNI may also be present amongst the youth of Catholic communities and warrants further investigation.

In Northern Ireland, young males account for three quarters of involvement with the PSNI (NIAO, 2017). Significant numbers of young people in custody also have communication challenges, mental health problems, special educational needs and low educational attainment (DOJ, 2011). Almost half of young people admitted to Woodlands JJC in 2016 were involved with mental health services, and had a mental health diagnosis (NIAO, 2020); they also had major educational challenges including moderate to severe learning disabilities, with over 75% not in education or training (NIAO, 2020). This is further demonstrated by a recent inspection of Woodlands JJC which indicated that almost half of the children in custody had special educational needs or required additional learning support (CJINI, 2018). Children in care are also overrepresented in the youth justice system (NIAO, 2017). For example, care-experienced children accounted for 52% of admissions to Woodlands JJC in 2019/20 (Brown, 2020), and earlier reports suggest they also feature heavily in diversionary strategies: for example, an inspection of the youth conference service published in 2015 noted that around 40% of referrals for Youth Conferences involve young people in care, and many of the offences related to the care home environment (e.g. damage or assaults on care home staff) (CJINI, 2015). Despite 0.66% of children in Northern Ireland living in out of home care, they accounted for 16.6% of referrals to Youth Diversion Officers in 2013/14 (NIPB, 2015).

Existing recommendations of reports on the youth justice system focus on interventions that reduce offending, but lack measures to understand why some young people (for example, male, Catholic, care-experienced youth) are repeatedly in conflict with the law (NIAO, 2017). Such overrepresentation of these groups raises important questions about the needs of these children because they are often among society's most vulnerable young people and to criminalise them is a direct contradiction of the 'best interest' principle often cited in youth justice policy, and social policy generally (see Bateman, 2020). Goldson et al., (2021) note that, particularly at a time when youth criminal justice is reluctant to criminalise young people, it is concerning that youth justice is increasingly reserved for punishing and controlling the children and young people most in need. This is particularly the case for those whose complex needs manifest as challenging behaviour, as the Criminal Justice Inspectorate highlighted that most young people were in Woodlands for low level offences of dishonesty and behavioural matters (CJINI, 2018). These statistics are helpful in demonstrating the demographics of young people in the youth criminal justice system to highlight patterns. Nevertheless, these patterns are at the 'back-end' of the system; in order to be able to create interventions that target these demographics, it is also necessary to understand the decision-making processes at the 'front-end' of the youth justice system which includes policing, the Public Prosecution Service, and the Courts and Tribunals

Service. Before we can apply the statistics to decision-making at the front end, however, it is necessary to present a profile of the young people in the youth justice system.

2. Young people in the justice system – an international perspective

The profiles of young people in the youth justice system in Northern Ireland are not dissimilar to those in other jurisdictions, and existing research has examined some of the factors that might provide explanations for the over-representation of different groups in Northern Ireland. Disadvantaged populations among young people are prone to disproportionately high levels of criminalisation and detention (Baldry et al, 2018; Baldry and Cunneen, 2019). These disadvantaged groups of youth typically centre around a specific number of marginalised social groups: care-experienced children; children with intellectual or neuro-disabilities and mental ill-health; children who live in poverty and socioeconomic deprivation; and youth from racial and cultural minority groups. It is important to highlight, however, that these social groupings are not discrete or mutually exclusive, and in order to understand the nuances of overrepresentation, it is fundamental to understand that many of our most marginalised youth fall into several of these categories simultaneously, which compounds their disadvantage (Goldson and Chigwada-Bailey, 1999) and overrepresentation through criminal justice processes.

Criminalisation is not only an end point, but a *dynamic process* of intersecting social, political and legal practices that operate both in defining, and responding to youth ‘crime’ (Goldson et al, 2021: 101, emphasis in original). Scraton and Chadwick (2019) explain this criminalisation is enacted through discretionary decisions that pervade police, courts, youth justice agencies and custodial institutions; a selective policing and disciplining of identifiable groups. Reducing the discretion that youth justice agents have in decision-making may reduce disparities because it reduces the likelihood that stereotypical heuristics will influence behaviour and ‘fill in missing information’ (Spencer et al, 2016: 59). Those who work at the front end of youth criminal justice may have in mind the populist discourses that pervade ‘law and order common sense’ (Hogg and Brown, 1998: 18-44) and moral panics: groups of persons, in this case young people, who emerge ‘to become defined as a threat to societal values and interests’ (Cohen, 2002: 1). Such ‘common sense’ logic extends to ‘risk’: what Goldson et al (2021) argue are benign and well-meaning responses to youth where assessments are based on early identification of ‘risk’, and therefore preventative intervention. As Haydon (2014) highlights, however, ‘early intervention’ is a term for which the meaning is unclear, and which leads to different types of programme. These include preventative, protective and therapeutic programmes (Haydon, 2014). This early intervention policy, however, may also serve to bring more children into the youth justice system as these programmes are often housed under the umbrella of youth justice, or prevention of offending; what Haydon’s (2014) study suggests contributes to criminalisation and labelling of young people who are in need. A focus on risk directs the attention of those who work at the front end of the youth criminal justice system to correcting supposed, historical or current, deficiencies in the child rather than to provision of future oriented support (Case and Haines, 2015). Risk-led interventions, because they prioritise professional assessments of risk above and beyond children’s understanding and interpretation of their circumstances, may undermine the establishment of meaningful relationships between children and front line practitioners. This is in spite of well-established evidence that

relationships are pivotal to successful outcomes of youth justice intervention (Trotter, 2020; Creaney, 2014; Burnett and McNeill, 2005).

While there is merit to well-meaning responses where assessments are premised on the basis that early identification of those at risk will facilitate preventative intervention, it is argued that these constructions of 'at risk' serve to 'sanitise and individualise multiple indices of poverty and structural disadvantage' (Goldson et al, 2021). Others note the risk paradigm targets perceived deficiencies of individual children rather than understanding children's lawbreaking as a normalised response to broader issues of socioeconomic deprivation, unemployment, poverty and ethnicity, for example (France et al, 2012; Case and Haines, 2015). Social injustices and deprivation shift to the fault of the individual (Goldson et al, 2021). Simultaneously, Goldson (2005, cited in Goldson et al., 2021) argues that children face judgement, not based on wrongdoing or guilt, but on what they '*might do, who they are, or who they are thought to be*', including guilt by association with a family member, peers and friends. Interventions and interactions with youth, Goldson et al., (2021) argue, therefore become a question of opaque professional judgement, rather than transparent justice.

The following section will discuss how these phenomenon extend from the entry or 'front end' of the criminal justice system (such as arrest and court appearance), to the end point or 'back end' (such as custody or other sentence), and occurrences of 'filtering' (exit or alternative disposal) in between. Drawing on international and UK-based literatures on these groups, a profile of youth in the youth criminal justice system will be presented.

2.1 Care-experienced children

Similarly to the experience of children who are care-experienced in Northern Ireland (see section 1), children who have been neglected or abused, and who have come into contact with social services are more likely to come into contact with youth justice systems (Laming, 2016; Gerard et al, 2019). In Australia, children who are subject to Care and Protection Orders are 20 times more likely to be under youth justice supervision (AIHW, 2016b); 41% of young people in custody were also involved in child protection services in the same year (AIHW, 2016b). Young people with experience of child protection services and who were care experienced were also more likely to come into contact with the youth justice system at a younger age (Goldson et al, 2021). As Goldson et al. (2021) point out, over-representation of care-experienced children in the system further disadvantages Aboriginal and Torres Strait Islander children who are more likely than their non-indigenous counterparts to be involved with social welfare agencies, and who are twice as likely to be placed in alternative care before the age of 16 years old (Haysom et al, 2014).

In the UK, HM Inspectorate of Prisons (2016) found that almost 40% of youth detained in youth secure estate had been in care, and approximately 70% had been known to social services (Jacobson et al, 2010). This is emphasised by the Laming Review, which highlighted that although only 1% of youth in England and 2% in Wales, are taken into care, approximately half of youth held in custody have experienced the care system. Bateman (2020) points to the structural features of the care system which exacerbate negative pre-care disadvantage and increase the prospect of criminalisation. Day et al (2020), for example, found that the experiences of looked-after children, particularly those in

residential care placed far from their families and communities, out of their local authority area, contributed to them spending considerable periods of time on the street in the company of other young people who were out of education and away from adult supervision. The adoption of a 'street lifestyle' was conducive to behaviours that contravened the law. These reports suggest that structural considerations are thus manifested in different experiences, which are then exacerbated by subjective feelings of injustice among care-experienced children, as the system appears to simultaneously propel them onto the streets and punish them for that lifestyle 'choice'. Indeed, if children from lower socioeconomic communities are more likely to be criminalised as a consequence of spending time in public spaces, this is particularly the case for children in residential care who have little access to private space which is free from surveillance by authority (Bateman, 2020).

Day et al (2020) estimate that children in care who come into contact with the justice system are about seven times more likely to be given custodial sentences than their non-care equivalents. Such overrepresentation is consistent with accounts predicated on a relationship between socioeconomic status and contact with the youth justice system; life experiences of care-experienced children are often characterised by high levels of deprivation, neglect and abuse (Day et al, 2020). Figures published by the Department for Education (2019) indicate that children with care experience are between three and five times as likely as their peers in the general population to be made subject to a formal youth justice disposal. These are likely to be an underestimation, according to Bateman (2020), however, because they relate to those who have been in care continuously for twelve months or longer and almost half (49%) of children who acquire care status are looked after for periods shorter than one year (Department for Education, 2019). Moreover, a lower threshold for involving the police as a mechanism of control, and responding to service shortcomings, combine to make it more likely that children's behaviour in a care setting will be managed through the youth justice system, and more likely to result in a formal criminal sanction than children who are not in care (Bateman, 2020). Research suggests that these responses are particularly employed for children placed in residential provision which is more intensively policed with recourse to authorities than private homes, particularly for minor infractions (Carr and Mayock, 2019; Fitzpatrick, 2014; Hayden, 2010). This has the effect of promoting and intensifying criminal justice responses to young people's behaviour which is reflected in older children (aged 16 and 17) being 15 times more likely to be criminalised than children of the same age (Howard League, 2016; Howard League, 2018). Some residential care is used for teenagers with multiple and complex difficulties that are unsuitable for catering to such needs (Carr and Mayock, 2019).

Carr and Mayock (2019) further identify looked after children as in need of special consideration within the system, including specific issues around provision of appropriate accommodation for children when care placements break down. In some cases, lack of appropriate placement renders a child 'homeless' and leads to young people unable to perfect bail and being remanded in custody – an inappropriate use of custodial institutions that has been highlighted elsewhere (CJINI, 2018). This included a small number of young people who were granted bail, but preferred to remain in custody owing to complex family circumstances, and refused to perfect their bail. Carr and Mayock (2019) also highlight that a recommendation to improve bail prospects for children with no suitable address to the

Youth Justice Agency in 2015 was accepted, yet 50% of admissions to Woodlands JJC resulted from breaches of bail, primarily by young people in residential care (CJINI, 2018: 17). Woodlands JJC was still being used when no alternative accommodation was available for children with complex needs, despite insignificant offending profiles of the current group: some had no previous convictions and others included petty, persistent offenders who had breached the terms of their bail and/or probation orders (CJINI, 2018: 7). Diversionary approaches for children in care also remained difficult when applied to children living in care homes (CJINI, 2020). The PSNI and HSCB developed a joint protocol regarding young people in residential units and for safeguarding children who go missing from care (HSCB and PSNI, 2012), in addition to DHSSPS (2011) guidance for residential care and social work staff to support looked after children who are arrested or who appear in court.

Overrepresentation of young people who are care experienced in the criminal justice system, may therefore be due to their likelihood of scoring highly in many risk factor frameworks (Schofield et al., 2012; Schofield et al., 2015) which can attach stigma to care experienced youth. Such stigmatisation of the care population and harsher sentencing can operate to further disadvantage the care population when they appear in court (Bateman et al, 2018; Oakley et al, 2018; Day, 2017). In a New Zealand study, Stanley (2017) found that the institutionalised nature of residential care prompted children to internalise (pseudo) custody and perceive future imprisonment as an adult as inevitable. This is perhaps related to frequent behaviour challenges amongst the looked after children population which may lead to not only involvement in the criminal justice system, but increased likelihood of placement breakdown (Day, 2017). Much of the research on the overrepresentation of care-experienced children within the criminal justice system has been influenced by 'risk factor' research, which seeks to establish characteristics that pose greater risk of young people offending (Carr and Mayock, 2019; see also Farrington, 1996, 2007; Haydon, 2014). Risk factor research focuses, however, on the characteristics of individuals, and does not sufficiently account for structural inequality (France, 2008; MacDonald et al., 2005). The focus on individual factors means that the individual subject bears responsibility for effecting change (Phoenix & Kelly, 2013). Moreover, rationales for intervention are framed in problematic terms because young people must first be seen as failing or representing a threat (Goldson et al, 2021). In this way, it is not only 'criminal' children who are targeted, but 'almost' criminal, 'possibly criminal', 'potentially problematic' (Goldson, 2005) and other quasi-criminal labels that produce stigma against, and criminalise, care-experienced children. This serves to strengthen impulses towards net-widening, and greater punitiveness, against marginalised and excluded young people who both face and pose the greatest 'risk' (Goldson et al, 2021).

2.2 Children with special educational needs, cognitive disabilities and mental illness

Children and young people with mental health disorders, cognitive and neuro-disabilities and complex needs are overrepresented in custodial institutions not only in the UK, but globally (Goldson et al, 2021; UN, 2019). Both cognitive disability and neuro-disability are used interchangeably here to refer to a wide range of neurological conditions which may require additional educational support and intervention, including but not limited to: intellectual impairment; communication disorders; attention deficit hyperactive disorder; autism spectrum disorders; acquired or traumatic brain injuries; epilepsy and foetal alcohol

syndrome disorders (see Hughes et al, 2012). Of course, such conditions may also occur with trauma and mental illness; connections with experiences of trauma, neglect and abuse are well-established (Jacobson et al, 2010) and the relevance of the prevalence of children with such disabilities is crucially related to the experience of care-experienced children and young people. Therefore, this 'categorisation', like others, is not a discrete one, and young people may also simultaneously come from other disadvantaged populations. Rather than focus on the individual 'deficit' construction of impairment, this section will attend to the disabling effects of youth criminal justice systems and institutions, drawing on critical disability studies, and critical criminology. Critical disability studies present disability as a socially constructed phenomenon that creates obstructions and discriminatory barriers that disable people; critical criminology foregrounds the context of power and social-structural relations that create systemic injustice (see for example, Baldry et al, 2018; Baldry, 2017). Such a focus directs attention to the *relationships* at the centre of, and in the intersections between, different institutional processes, particularly where these interactions intersect at education and public care; systems Goldson et al (2021) argue that are fundamentally broken.

Despite widespread acknowledgement of the overrepresentation of children with cognitive disabilities in the youth criminal justice system, reliable and longitudinal data is scarce and indicative of neglect (Goldson et al, 2021) – both of young people themselves, and the issue. Nonetheless, youth with mental health disorders, neuro-disabilities and complex needs are more likely to be engaged with youth justice systems (Goldson et al, 2021). Baldry et al (2018) highlight the prevalence of mental health disorders, and cognitive and neuro-disabilities amongst youth engaged in youth justice systems in both the UK and Australia. Studies have found that 17% of children in custody in Australia, and 23% in England and Wales have low intellectual functioning, indicating intellectual impairment; 38.5% in Australia, and 36% in England and Wales fall into the borderline range of intellectual functioning (Goldson et al., 2021). International research also reveals that many youth in contact with criminal justice systems have other cognitive or neuro-disabilities such as speech and language impairments (Hughes et al, 2012; Anderson et al, 2016); acquired brain injury (Farrer et al, 2013); ADHD (Young et al, 2014); ASD (Hughes et al, 2012) and foetal alcohol spectrum disorders (Education and Health Standing Committee, 2012).

Such young people may display difficulty with memory, impulse control, communication, short attention spans, managing emotions and displaying inappropriate sexual behaviour (Australian Medical Association, 2016) – behaviours that may be interpreted as defiance or criminal propensity when misunderstood. They may also be easily led and blamed by co-offenders, and can be more conspicuous and therefore more likely to be apprehended at the front end of the system (McCausland and Baldry, 2017). Goldson et al (2021) suggest that the occurrence of individuals suffering from undiagnosed conditions, and who may display consequential behaviour, may be misinterpreted as non-compliance, defiance or indifference.

Children with such disabilities are more likely to be suspended or permanently excluded from school (Indig et al, 2011), which makes more probable the prospect of engagement with the youth criminal justice system (Hemphill et al, 2016; McCara and McVie, 2010; Fitzpatrick et al, 2019; see also Haydon, 2014). Young people outside education are also

more conspicuous because they are more likely to spend time on the streets, and come to the attention of police; tolerance thresholds towards looked after children are also lower as behaviours are more likely to be reported to the police than is the case for young people living with their parents (Goldson et al, 2021). Such educational criminogenic disabling effects for children who have these disabilities is intensified for children who are living in care, and contact with police is often negative and disproportionately criminalising (Goldson et al, 2021; Baldry and Dowse, 2013). Care-experienced children are four times more likely to have a special educational need (education parlance for cognitive disability), and five times more likely to be excluded from school (Department for Education, 2018, 2019). Emotional and mental health problems, and substance misuse also impact care-experienced children disproportionately (Murray, 2012; Kennedy, 2013).

One of the problems surrounding youth with cognitive disabilities is their understandings of proceedings and processes from the front end of the youth justice system to the back end. Most crucially, these young people experience grave difficulties understanding youth justice processes, and in participating meaningfully in court (Haines et al, 2012; Goldson et al, 2021; Carlile, 2014; see also Bateson, 2020). The same young people are more likely to be refused bail, to be held on remand because they are unable to comprehend bail conditions, and to be subject to overly stringent bail conditions (Goldson et al, 2021). Diversionary measures have been applied unevenly to youth with disabilities and mental ill-health, in addition to racialised youth, who have not benefitted from decarceration in the same way as others, to the extent that young people with the greatest need are disproportionately present in the youth justice system (Goldson et al, 2021). Ultimately, the correlations between cognitive disabilities, educational disadvantage, care status and mental health disorders produces a 'matrix of multiplying and compounding disabling effects' (Goldson et al, 2021: 136). The behaviours communicated by young people who are care experienced, and who have suffered trauma (particularly relevant in a post-conflict society) are complex when considering the aetiology, or causes, of youth crime and therefore interventions that are modelled on a 'trauma informed youth justice' model (Goldson et al, 2021; see Youth Justice Board, 2017) may be more successful in treating the causes of such behaviour.

2.3 Children living in socioeconomic deprivation

The material conditions wherein childhood is lived impose enduring and powerful legacies that carry over into adulthood (Pearson, 2016), and a 50% increase in UK child poverty was expected by 2020 (CPAG, 2016). Poverty, inequality and deprivation are all linked to offending and violence (Webster and Kingston, 2014; Kingston and Webster, 2015; Fergusson, 2016; Webster, 2017), and longitudinal studies such as that by Savage (2009) demonstrate the effects of enduring poverty on the likelihood of persistent offending. Children who live in enduring poverty are more likely than others to suffer psychological and social challenges, including criminality, as they grow up (Webster, 2019), and indeed, those who come to the attention of criminal justice agencies are disproportionately drawn from working class backgrounds (Bateman, 2020). Typically, Goldson et al. (2021) suggest, youth justice systems 'sweep' youth from the most disadvantaged communities, who are from low income families, and typically suffer low education levels. When youth come from structural unemployment and disproportionate levels of alcohol and substance abuse, these factors are compounded by racialised, gendered and class-based injustice, and social service intervention and disability. Persistently high levels of incarceration reproduce conditions

that recycle patterns of overrepresentation in youth justice processes and outcomes (Goldson et al, 2021). Problems of marginalisation lie at the heart of much youth criminality (White and Cunneen, 2015). Consequently, the structural transformations in global political economy are represented socially in ways that reinforce negative images of, and direct law enforcement practices directed at, the most vulnerable sections of the community. These processes serve to entrench further the unemployability, alienation and social outsider status of members of such communities (White and Cunneen, 2015).

White and Cunneen (2015) argue that poverty is entrenched at a spatial level of 'place', and this has major ramifications in terms of local community infrastructure. Poor people often live in areas with deteriorating housing, suffer more profoundly any cutbacks in public amenities, and are more likely to experience declining quality in their health, educational and welfare services. Their neighbourhoods become heavily stigmatised as 'crime prone', thus giving rise to a policy of containment and attracting the more repressive interventions from state agencies (White and Cunneen, 2015). Where large numbers of young working-class people congregate in particular areas, White and Cunneen (2015) suggest they constitute visible evidence of failing social and economic conditions within which poverty and inequality are rife, and the threats to social order posed by such structural failure. The phenomenon of groups of young people 'hanging out' in the public domains of the streets, shopping centres and malls is one manifestation of the search for social connection (White and Cunneen, 2015), perhaps also because youth living in areas of high density are more likely to socialise in larger groups in public spaces, thereby attracting attention from authorities for behaviour which might be overlooked in other settings (Bateman, 2020). Indeed, children are perceived to be disproportionately engaged in street-based antisocial behaviour, a perception that is reflected in a higher occurrence of antisocial behaviour sanctions for under-18s (Wigzell, 2014; Bateman, 2020). This is perpetuated by a circular process whereby high crime areas attract higher levels of policing and increased prospects of detention for children who do break the law. .

Such analyses are increasingly marginalised within dominant discourses that tend to privilege individual agency and moralist agendas. In this way, members of the so-called 'underclass' are perceived and portrayed as morally corrupt and as a group made up of individuals in need of discipline and reform (White and Cunneen, 2015). The social status of young people in groups today has also been influenced by broader changes in the nature of public space. The use of public space by low income, marginal groups of young people has been accompanied by concerted efforts to make them invisible in the urban landscape. The response of state police and private security companies to their presence in the 'commercial' spaces of shopping centres, for example, has been to move them on, to exclude them from community life and participation (see White and Alder, 1994). Thus the very use of space itself is increasingly constructed around the notion of space as a commodity – those with the resources have access, those without are denied. This process of imposed social exclusion and criminalisation, is not class neutral. It is primarily directed at the most marginalised sections of the youth population (White and Cunneen, 2015).

2.4 Race, ethnicity and culture

Differential treatment of racial minorities is well-established, and various inquiries across the globe (for example, Australia, Canada, US and UK) have repeatedly identified the

problem of over-representation. Such inquiries and reports often repeat recommendations from one inquiry to the next, but despite such long-established knowledge, and recommendations for reform, Goldson et al., (2002) argue that over-representation has not been addressed successfully. Racialised treatment of young people is not simply a matter of criminal justice, however. These young people are also over-represented in other disadvantaged populations such as looked after children, and children who have mental illnesses or intellectual disabilities – also groups that are over-represented in the criminal justice system (Baldry et al, 2018; Baldry and Cunneen, 2019).

‘Race’ is a problematic term because it reduces complex and contested processes to a diminutive term; rather than a fixed definition, ‘race’ is a ‘complex, political and contested process’ (Patel and Tyrer, 2017: 2). Goldson et al (2021) employ the term ‘racialisation’ to recognise the processes by which dominant state power works to represent different racial groups, and make this representation meaningful in different circumstances (see also Glynn, 2014). As Collins et al (2000) note, racialisation is not simply representation, but *relations*: ‘social practices through which political, economic and social relations are structured’. This includes the creation of a racialised ‘other’ whose difference to the dominant ‘us’ is used to explain and rationalise social exclusion and marginalisation. Murji (2019: 430) explains racialisation as ‘a process by which a particular group, or its characteristics or actions, is identified as a collectivity by its real or imagined... cultural characteristics or “race”.’ This process is highlighted by Lammy (2017) on the complexity of the term BAME (black and minority ethnic), within which there is considerable diversity. Whilst such a term may present interracial differences, it also masks variance (Goldson et al, 2021).

Internationally it is suggested that youth justice systems work to maintain modes of colonial ordering that subjugate racial minorities; one such example is Aboriginal and Torres Strait Islander communities in Australia (Blagg, 2016; Cunneen, 2020). In 2015/16, despite comprising around 5% of the nation’s child population (AIHW, 2019), Aboriginal and Torres Strait youth accounted for 59% of incarcerated young people (Goldson et al, 2021). In Canada, indigenous youth are eight times more likely to be incarcerated than non-indigenous peers (Corrado et al, 2014) and, although indigenous youth represented only 7% of the general population in 2014/15, they accounted for 33% of custody admissions (Canadian Centre for Justice Statistics, 2016). Similarities also exist in England, despite a different (post)colonial context, in what Goldson et al (2021) call a ‘racialisation of justice’ where black children and young people are seven times more likely than white children to be stopped and searched, and five times more likely to be in prison (see, for example: Jones and Singer, 2008; May et al., 2010; Webster, 2015; Webster, 2019 cited in Goldson et al., 2021). Racial categories infer a monolithic homogeneity, but the reality is nuanced and fluid. By obscuring complexity when it comes to culture, broad categories and over-simplified fixed elements serve to attribute social meanings – connected to criminality – to diverse populations of children and young people whose only shared characteristic is being ‘other’ (Goldson et al, 2021). In many cases, racialised constructions are implied by reference to ‘dysfunctional cultures’, for example, former Prime Minister David Cameron’s comments about black youth during public disorder in 2011:

This is not about poverty, it's about culture. A culture that glorifies violence, shows disrespect to authority... Territorial, hierarchical and incredibly violent, they are mostly composed of young boys, mainly from dysfunctional homes. (cited in Sveinsson, 2012: 6)

Goldson et al (2021) go on to analyse the ways in which 'race' is manipulated to become synonymous with crime, and used as a medium for espousing discourses of 'cultural' deficit. As Sveinsson (2008: 7) has noted: 'stating that "black people have a criminal nature" is not politically acceptable [but] stating that "black culture glorifies crime" is'. This reflects what Sampson (2014) argues is entrenched racial and ethnic inequality which may contribute to formal social control, including implicit biases which operate sub-consciously to influence behaviours, but which have profound effects on life outcomes (Spencer et al, 2016; Greenwald et al, 2015). These implicit biases influence judgements through a range of processes, including misattribution where behaviour is attributed to an incorrect cause, and disambiguation where ambiguity is resolved using prejudicial stereotypes, highlighted by Spencer et al (2016). When decision-making needs to be rapid, humans are more likely to be influenced by mental shortcuts like stereotypes to interpret information (Bodenhausen, 1990).

It is argued that these patterns of over-representation at the 'back end' of youth justice systems are a direct result of racialised practices at the 'front end' of the same processes. Police contact is, after all, the entry point into the criminal justice system, and therefore Spencer et al. (2016) suggest that biases held by police almost certainly prompt racially discriminatory decision-making regarding who to investigate and how to interpret their behaviour (see also Glaser, 2014). Goldson et al (2021) highlight that there is ample evidence to confirm that police powers are applied disproportionately in accordance with racialised interpretations of youth crime and disorder (see for example Cunneen et al, 2015; Sharp and Atherton, 2007; Barrett et al, 2014; Lammy, 2017). In the US, a study by Mears and Cochran (2015) suggested that minority youth, especially black males, are more likely to receive punitive sanctions and are less likely than white young people to receive rehabilitative interventions; similar disparities emerged on examination of diversion and probation.

It is not surprising then, that young people from racial minorities may feel targeted and harassed, even 'threatened' by police. This is particularly interesting when considering these processes from a relational point of view: where representation of youth is as a 'threat', police responses perpetuate 'threat'. At the front-end of the respective youth justice systems, a range of police powers and practices such as 'move-on', 'stop and search' and arrest are routinely applied in racialised contexts (Goldson et al, 2021). Proliferation of interventions which straddle civil and criminal domains such as curfews, exclusion orders and antisocial behaviour orders have led to disproportionately negative outcomes for racialised children and young people (Goldson et al, 2021). Lammy (2017) found that a majority of BAME people (51%) believe the criminal justice system discriminated against particular groups and individuals, compared with 35% of British-born white people. Negative and repeated experiences of stop and search amongst black and minority ethnic young people undermined confidence and trust in the police (Just for Kids Law and Children's Rights Alliance for England, 2019).

Evidence also suggests that overrepresentation increases in line with the intensity of youth justice intervention: BAME children who enter the system are, in other words, more likely to receive harsher levels of punishment. For example, in 2019, BAME children represented 26% of children receiving a formal youth justice sanction but accounted for 35% of those convicted, indicating that they were less likely to be cautioned (Bateman, 2020). More worryingly perhaps, according to Bateman (2020), 42% of children receiving a custodial sentence in 2019 were from a BAME background and were given longer sentences: in 2019, 48% of children given a longer-term custodial sentence in the Crown court for more than two years were from a BAME background (Ministry of Justice, 2020a). The Lammy (2017) review highlighted the stages of the youth justice process that have the biggest impact on overrepresentation (Uhrig, 2016): racial disproportionality at the point of arrest was one of the most significant determinants of what happens subsequently. Nevertheless, there was also evidence of disproportionate outcomes at other decision-making points: black and mixed race males were more likely to be charged than white males, and once cases proceeded to prosecution, black males were almost 60% more likely than white males to be committed to the Crown court where long term sentences are available (Bateman, 2020).

In the US, history of poor race relations has contributed to concerns about unfair treatment of minorities (Mears et al, 2016), and this is borne out in statistics: national arrest rates indicate that blacks are arrested at a rate 2.3 times higher than whites (Snyder and Mulako-Wangota, 2014); Brame et al (2014) estimate that by age 23, almost half (49%) of black males will have experienced an arrest, compared with 38% of white males, and a study by Reaves (2013) found that in large urban counties in the US, 45% of felony defendants are black, 30% white and 24% Latino. Disproportionality was also visible at sentencing, with black youth more likely to receive severe sanctions (Fader et al, 2014; Cochran and Mears, 2015).

Several theories have been posited to explain overrepresentation, including racial and cultural discrimination in criminal justice processes, higher indigenous offending rates, and the type of offences committed by indigenous peoples warranting custodial sentences (Bracken, 2008). Each of these, however, can be connected to socioeconomic disadvantage, low educational attainment, and poverty (Balfour, 2012). Criminal justice reforms, including sentencing, therefore, cannot address indigenous offending because it cannot confront problems of inadequate housing, low educational attainment and the lack of opportunity (Anand, 2000). Indeed, in Australia, Canada and New Zealand sentencing has been found to have little impact on the over-representation of indigenous youth in custodial systems but rather it is influenced by non-judicial factors through the exercise of discretion, decisions of police and prosecutors at the front end and the social conditions of indigenous peoples (Jackson, 2015; Jeffries and Stenning, 2014).

Cochran and Mears (2015) argue that focal concerns theory may explain how social groups that are perceived as threatening will experience disparate and more punitive sanctions where, for example, court actors perceive minorities to be more culpable, dangerous and threatening and therefore deserving of tougher punishment. Where court processes are subject to resource constraints, court actors must make rapid decisions based on limited information and this is where stereotypes become a primary tool whereby court employees can assess cases and identify outcomes that appear to be warranted; where minority youth

are seen as 'criminal' and threatening, the court may in this way steer black youth towards more control oriented punishments (Cochran and Mears, 2015). It is therefore crucial that there is critical examination of the implicit biases that court actors may hold about certain groups and communities that in turn contribute to sentencing decisions (Baumer, 2013; Cochran and Mears, 2015).

Unnever and Gabbidon's (2011) theory of African American offending suggests that discriminatory processing of racial minorities in criminal justice may contribute to perceptions among minorities, and in particular black people, that police, the courts and custodial institutions operate in discriminatory ways. Indeed, they argue that offending among African Americans in the US is in no small part due to a weak attachment to white-dominated institutions which forms part of a defining world view on the part of black people; many residents of structurally disadvantaged neighbourhoods feel estranged from formal institutions (Stewart, 2007). Black people may therefore experience anger and frustration at such disparate treatment and commit crime out of defiance, resulting in punishment which may itself be criminogenic (Mears et al, 2016). When minorities perceive their treatment by law enforcement, courts and prison systems to be unfair, they convey these views to their home communities where youth populations in particular take note and come to view crime and punishment as normal parts of life (Unnever and Gabbidon, 2011; Gau and Brunson, 2010). Rather than concluding that this implies minorities are more likely to reoffend, it suggests outcomes that would arise when any group is subjected to processing and sanctioning decisions that are discriminatory, criminogenic, or both (Mears et al, 2016).

Jackson (2015) argues that over-policing of indigenous communities, and the systemic racism and discrimination inherent in such over-policing plays a part in overrepresentation of youth in custody. Notably, he also suggests that in exercising their discretion, police may be more likely to respond informally to non-indigenous youth, for example, through diversion, and more formally to indigenous youth: through arrest. The potential for prejudice in these interactions is exacerbated by over-policing of these communities because more incidences of formal contact diminish the likelihood (or possibility) of diversionary disposals (Jackson, 2015). Available data repeatedly suggests that black and minority ethnic youth are particularly targeted in use of stop and search powers (Children's Rights Alliance for England, 2017; Cunneen et al, 2018). Research indicates that black people are stopped and searched six times more often than white people and Asians more than twice as often but that overwhelmingly, searches result in nothing being found and no further action (Eastwood, Shiner and Bear, 2013; Keeling, 2017).. Keeling (2017) further found that three quarters of young people from a BAME background think their communities are targeted unfairly by stop and search whilst indigenous young people in Canada Perry (2009) argues, are hostile toward police when they are routinely stopped, searched and questioned. Unnever and Gabbidon's (2011) thus argue that systemic racism in the criminal justice system is in fact a criminogenic factor because greater efforts to impose social control on crime worsens it, while undermining perceptions of justice (Mears et al, 2016).

This racialised treatment is also repeated in 'filtering' young people away from custodial disposals. In 2013, according to Goldson et al (2021) in Australia, 39% of non-indigenous

children were diverted from the youth criminal justice system, compared with 21% of indigenous children. In the same year, 63% of indigenous youth bypassed diversionary options and were instead referred to court, compared to 30% of non-indigenous youth. Moreover, the method of bringing indigenous young people to court was more punitive through use of arrest and bail at the front end of the system, rather than a summons posted to young people's address. These patterns also exist in England and Wales where police can opt to charge a young person or divert them through no further action, a reprimand or warning. May et al (2010) found that considerably higher proportions of arrests of BAME and mixed race children originated from proactive police work at the front end of the system than arrests of other groups. Furthermore, a smaller proportion of black and mixed race children, when compared with white youth, were dealt with by no further action and higher proportions of black and mixed race children were charged compared to white youth, irrespective of 'proactive' or 'reactive' arrests. In both Australia and in England and Wales indigenous youth and black or mixed race defendants were more likely to be refused bail than non-indigenous or white defendants (Cunneen et al, 2015; May et al, 2010; Cunneen et al, 2018).

Existing literature suggests that overrepresentation of black and ethnic minorities and indigenous youth cannot be explained by a single factor such as police discrimination or socioeconomic distress, but by a complex mix of systemic racism, greater levels of offending, and over-policing (Corrado et al, 2014). Indeed, these are social issues that cannot be resolved by law reform only, but which require a monumental change in attitude and associated practices of police, and public policy that underpins poverty (Brown, 2012; Balfour, 2012). Moreover, the design of such public policy and programmes aimed to solve such overrepresentation have been based on adversarial justice, and interventions that fail to respond to not only the needs and aspirations of indigenous and other minority peoples (Ryan et al, 2006), but which have perhaps failed to consult these communities for their experiences and perspectives. Initiatives designed to support indigenous communities must be sensitive to histories of colonialism, and address previous oversights of minority groups in consultation, and rushing in with expedient solutions (Schwan and Lightman, 2013; Cesario et al, 2019).

3. Marginalised youth in the Northern Irish context

As discussed above, it is important to highlight that the profiles of young people in the youth justice system are not discrete categories. Each of these variables exist in an apposite framework that presents a clearer understanding of practices in youth justice which may account for the over-representation of marginalised groups of young people (Goldson et al, 2021). Marginalisation occurs when identifiable groups of young people are excluded systematically from mainstream organisations such as schools, and are compelled to seek social networks and friendship groups on the periphery of society (White, 2011). This becomes troublesome when the same young people become targets for concerted interventions and become constructed in the public eye as 'problematic' to social order, and thus warranting forceful modes of intervention such as stop and search, for example. From the profiles discussed above, it is clear that efforts to understand and reduce offending require a detailed illumination of how criminal justice processing and sanctions may in fact contribute to offending, rather than reduce it (Mears et al, 2016; Unnever and Gabbidon, 2011), and indeed the extent that custody may in fact be criminogenic (Cochran et al, 2014).

This section will continue discussion around the profiles of children in the criminal justice system which have been presented above, focusing on how these profiles traverse gender and policing, and apply these profiles to the social, cultural and political context of Northern Ireland, focusing on the front end of youth justice.

3.1 Gender and place

Being male is the greatest risk factor for experiencing violent crime, and increases the likelihood of perpetrating violent acts (WHO, 2014), and Northern Ireland simultaneously has one of the highest rates of male suicide in Europe (McLafferty et al, 2016). As discussed above, the vast majority (75%) of young people in custody in Northern Ireland are male, with almost half of young people (including minority girls) admitted to Woodlands JJC in 2016 involved with mental health services, and having mental health diagnosis (NIAO, 2020; see also Walsh and Schubotz, 2019). It is necessary to consider how young people's gender identities may influence everyday behaviours that seek status in the face of structural disadvantage (Walsh and Schubotz, 2019). Walsh and Schubotz (2019) argue that expectations of male behaviour vary in degree of conformity by young males to masculine ideals which are unspoken. Understanding of masculine identity in relation to conflict has been developed by theoretical frameworks from scholars such as Connell and Messerschmidt (2005) and Messerschmidt, Martin and Messner (2018) and furthered by studies from Harland and McCready (2014) and McAlister et al (2014) which suggest that normative ideas about masculinity can influence young males to refute thoughts, behaviours and emotions perceived to be feminine, and to police others' behaviours according to these norms, particularly in deprived areas. Among those who are disadvantaged and otherwise powerless, violence against others can be linked to young males' need to attain status, social power and honour (Messerschmidt and Thomsen, 2018). In this context, the nature of peoples' immediate social environments and place can shape their trust in the police who are charged with regulating those environments (Bradford et al, 2018).

In Northern Ireland, trust in the police is intertwined with place, community identity and diversity, and is closely bound to the history of armed conflict (Bradford et al, 2019). This is particularly the case in deprived areas (Ellison et al, 2013; Byrne and Monaghan, 2008), demonstrated by McAlister et al (2014) who suggest that it is in communities most affected by the conflict where deprivation continues to foster crime. Whilst race is perhaps not a major driver in overrepresentation in Northern Ireland owing to its largely homogenous racial context, culture and its relation to *place* may be much more salient. Walsh and Schubotz (2019) suggest that ideas about structural and cultural violence (Galtung, 1969, 1990) may be useful in understanding how aspects of culture can legitimise structural violence in urban working class areas in Northern Ireland which are controlled by paramilitary groups. They argue that this is particularly the case where young males gain social status of 'defenders' of their communities and cultures (places), particularly where religious and language cards are monopolised by politicians to reinforce social division which bears the hallmarks of cultural violence (Walsh and Schubotz, 2019).

3.2 Policing

Policing is separate to youth justice, but in seeking to understand the processes by which some young people are overrepresented in the youth criminal justice system, it is necessary

to understand processes at the 'front end' of the system. It is widely acknowledged that childhood is one of the most regulated stages of the human life course (Rose, 1999) and policing constitutes a central aspect of this regulation. The way in which police perform this function is critical for the subsequent pathways of children in conflict with the law, because police act as gatekeepers who, albeit sometimes in deliberation with other agencies, determine whether, and which, individuals enter the youth justice system or are diverted from it, and they therefore have an influence on overrepresentation of particular groups of young people (Bateson, 2020). It is also important to locate policing in Northern Ireland in the context of the conflict known as 'the Troubles' from 1969 to the Good Friday Agreement in 1998. The Royal Ulster Constabulary, before it was disbanded, was perceived by many Catholic communities as a representative arm of an illegitimate and oppressive British state. By Protestants, however, it was seen as a defender of Britishness in response to Republican terrorism (Bradford et al, 2018; Ellison, 2010). Similarly to the relationships, perhaps, of black communities in the US and the police, heavy handed police powers and counter-terrorism tactics alienated many Catholic communities (Hillyard and Tomlinson, 2000; Mulcahy, 2006).

Against this backdrop of history, a range of policing practices, and police powers, such as stop and search, arrest and detention in police cells are routinely applied to young people generally (Goldson et al, 2021) and in Northern Ireland, and, as Bradford (2017) argues, young people's first contact with the criminal justice system impacts their future contact. A key objective for the PSNI over the past 15 years has been to establish legitimacy and public support for the PSNI across sectarian divides (Topping and Bradford, 2020; see also Topping, 2015, Ellison, 2007). Yet, over the past five years, the proportion of admissions to Woodlands JJC attributed to Police and Criminal Evidence (NI) Order 1989 (PACE) has been steadily increasing. In 2019/20, 66.1% of admissions were related to PACE (YJA, 2020), with 50% released within 24 hours. CJINI (2018) has previously described this practice as 'questionable', with Woodlands being used when no alternative accommodation was available for children with complex needs and challenging behaviour.

Police 'Stop and Search' powers are also governed primarily by PACE, and by the Misuse of Drugs Act 1971. Police use of stop and search increased by 74% between 2004/5 and 2015/16. Since 2017, age-related stop and search figures have highlighted 28,000 uses of the powers against children in the preceding six years (Topping, 2017). The focal point for these powers is 15-17 year old males who are subjected to stop and search at a rate of 82 per 1000 population; four times higher than their number relative to population. In the 2017 Young Life and Times (YLT) survey, youth who lived in a city were significantly less likely to agree with the statement that young people in their area were treated fairly by the PSNI: 37% agreed, and 35% disagreed that the PSNI treated young people fairly (Topping and Schubotz, 2018). Furthermore, significant differences in opinion existed along religious lines: 49% of Catholics and 50% of respondents with no religious affiliation agreed or strongly agreed that the PSNI treated youth fairly in the area where they lived, but at 65%, the proportion was much higher amongst Protestants. When asked about the place or area in which they lived, this disparity became more polarised with 62% of respondents living in mainly Loyalist areas agreeing, but only 40% of those living in mostly Republican areas. Topping and Schubotz (2018) suggest that this may indicate that religious identity and *place* is associated with whether 16 year olds feel treated fairly or not by the PSNI. Elsewhere, the

College of Policing (2017) acknowledge that stop and search may be more traumatic for children and can have long term impact on their perceptions of police, even so far as being harmful to children's trust in police and causing resentment (National Police Chiefs' Council, 2015). Bateman (2020) argues that in recent years, considerable uneasiness has been expressed about stop and search, in relation to its potential for discrimination and the impact on relations between the police and communities (see for instance, Equality and Human Rights Commission 2010; Keeling, 2017). In 2013, HM Inspectorate of Constabulary (2013: 48) found that, in more than a quarter of cases, there were insufficient grounds to justify a legal search, that many police forces were not complying with the requirements to monitor the searches they undertook (see also Topping and Schubotz, 2018).

This disparity along religious grounds is repeated when examining the relationship between socioeconomic background and whether young people agree that youth in their area are treated fairly by the PSNI. Respondents from affluent backgrounds were much more likely to agree that young people in the areas where they live are treated fairly by the PSNI. This is compounded when these variables are put together: 78% of youth from well-off backgrounds who lived in mixed-religion areas agreed that the PSNI treat youth in their area fairly; this fell to 37% for youth from not well-off, Catholic areas, and 61% Protestant, not well-off areas. Young people living in urban areas were much more likely to be stopped and searched than young people living in rural areas (Topping and Schubotz, 2018). Youth from not well-off backgrounds were over twice as likely to be stopped and searched compared to those from average or well-off backgrounds. Catholic respondents from not well-off backgrounds who had been stopped and searched experienced this as unnecessary harassment, compared to 27% of Protestants; this rose to 56% for those self-defined as Republican and not well-off. Topping and Schubotz (2018) further highlight that negative experiences with the police have disproportionately more impact than positive ones (see Skogan, 2006).

An absence of attention to stop and search powers has kept the exercise of this coercive power relatively 'invisible', perhaps as part of the political emphasis on policing in NI being 'seen to be normal' (Topping and Bradford, 2020). Amidst the 'hot' climate of policing in NI, stop and search exists in the 'cool' policy climate, and is not mentioned once in a decade of policing plans stipulated by the Northern Ireland Policing Board (Topping, 2017; see also Murray and Harkin, 2017). From a policing perspective, 'cool' policy climates may be synonymous with 'favourable' to the extent that it indicates a political and social environment of low interest. Tension with specific groups therefore continues unchecked because the attention of hyper-accountability is on the 'hot' policing climate, but also because it affirms progress away from the legacy of sectarian conflict (Topping and Bradford, 2020). Furthermore, the utility of stop and search is perhaps an indicator of its capacity to deal with 'visible' young men as a popular heuristic of criminal danger and a risk that can be apprehended (Bradford, 2017; Topping and Bradford, 2020); typically these visible young men, as discussed above, are from low income and socially deprived areas. The exercise of stop and search powers therefore reflect the broader profiles of youth who are overrepresented in the youth justice system presented in the preceding section, and the paradigms of risk that accompany these profiles. Instead of the intersection of 'race', in Northern Ireland, the religion and its relation to *place* and socioeconomic status may operate through similar processes to undermine trust in the police and in procedural justice.

Topping and Byrne (2016) raise concerns about the PSNI's success at delivering neighbourhood policing, or 'policing with the community' as a central way in which to achieve a more 'normalised' model of policing. Policing is not a neutral concept in NI (Topping and Byrne, 2016), and it is more than reasonable to suggest that community perceptions of over-policing of low socioeconomic and Catholic areas mirror the distrust in policing highlighted with regard to racialised processes above. It is also pertinent to suggest that as a police force that is over 70% Protestant (Deloitte, 2016; PSNI, 2017), there may be a similarly weak attachment to, or estrangement from, formal institutions in nationalist communities that parallels those described in the context of racial and ethnic minorities in the international literature. That is, some sections of the Catholic/nationalist community may associate the PSNI with the RUC/Protestant regime (Byrne and Monaghan, 2008). Hostile and confrontational styles of policing – including stop and search – may exacerbate such perceptions in different areas, and can in fact lead to increased violence against the PSNI by youth, and contribute to attacks on the PSNI as part of broader public order situations (see Byrne et al, 2013).

This may partially account for statistics gathered by the Youth Justice Agency (2020) which demonstrate that of the 1,246 statutory referrals during 2019/20, the highest proportion involved violence against the person (34.3%; 428). It may be that the underlying distrust informs behaviours in youth towards police that are met with policing responses based on a backdrop of 'hot' policing and threat. It is important to note that police officers are also human beings who are prone to making stereotype-based judgements like all of us, often working in conditions of uncertainty, stress and threat which can lead to 'disparate rates of stops, searches, arrests and use of force' (Spencer et al, 2016: 59). This reflects existing literature that indicates reactions to young people in deprived urban areas are symbolic of anxieties about deviance and antisocial behaviour (McAlister et al, 2009; McAra and McVie, 2005); areas where suspect youth live are recoded as areas of criminal propensity (McAlister et al, 2009; see also Topping and Schubotz, 2018 discussed above). When the significance of *place* is overlaid with socioeconomic deprivation, cognitive disability and mental illness, gender, and involvement with social services, the experience of these young people may reinforce the already divided and disparate perceptions of the PSNI's treatment of young people along religious lines, or what Topping and Bradford (2020: 103) refer to as 'cultural segregation'.

Bradford et al (2019) emphasise that for marginalised groups, procedural fairness during interactions can be particularly important and such groups are sensitive to signs of respect and inclusion from police because they represent values previously instrumental in exclusion. Ideas about, and experiences of, police are linked to experience and perceptions of neighbourhood and community more broadly (Kwak and McNeeley, 2017; Bradford et al, 2019). Sampson (2012) suggests that one of the features of economic decline in local areas is damage to social cohesion; Bradford et al (2019) add trust to the effects of this damage, and conclude that the wider implications of their study suggest that sectarianism and societal division may shape public trust in the PSNI in ways that escape the 'best-funded reform process in the world'. This echoes Stewart's (2007) observation that fostering trust in police is difficult and particularly so with young people. This raises new questions for how police practice can be re-oriented to overcome culturally, socially and politically embedded

barriers to trust instead of reforming processes that concentrate on altering structure and practice of police institutions (Bradford et al, 2019). Whilst Stewart (2007) cites mixed results as to whether community policing is effective at improving relationships with police in local areas (Reisig and Parks, 2004; Piquero et al, 2000), it depends how it is implemented: goals of community policing vary and include reducing crime or fear of crime, enforcing laws, and whilst the major focus is usually on crime control, this appears to be mutually exclusive with respectful service to residents (Stoutland, 2001).

Conclusion

Ultimately, there are no ready-made solutions for meeting the needs of young people who inhabit these profiles. There is, however, a grave need for developing close, respectful, and power-sharing relationships with not only youth, but the communities from which these young people originate. This requires time and resources with which to endeavour to understand youth from *within* their cultures and communities, rather than *about* culture and community (Swatze, 2009). This includes involving young people in decision making about relationships within their communities, including with police, and developing youth-centric programmes in conjunction with respected members of their communities where young people are not just participants, but leaders (Cesario et al, 2019). One of the most powerful ways of mitigating bias is engaging in positive contact with 'out-group members' (Spencer et al, 2016: 55) which increases affinity and familiarity.

In democracies, fairness is a paramount goal of criminal justice, yet when society rests on structural inequality, it contributes to disparate rates of offending across different groups, and in so doing, ensures that these groups are more scrutinised by police and the courts (Mears et al, 2016). Structural inequality, therefore, arises in the exercise of social control, even if the agents of this control do so impartially, and is amplified if these actors hold biased views about such groups, and act on these biases, whether intentionally or not. Moreover, this structural inequality is even further amplified if these groups perceive their treatment to be discriminatory, and respond with hostility and criminal activity (Mears et al, 2016). Police should work in partnership with communities, schools, churches and local leaders to improve community relations (Stewart, 2007), and it is suggested the policing goal should be building trust and respectful relationships rather than crime control, or creating interventions based on the risk paradigm which only serve to involve young people with the youth justice system under a pseudonym. Although immediate results may not be forthcoming (Piquero et al, 2000), communities who believe they have been treated fairly and with respect are more likely to attribute legitimacy to police (Tyler, 2006; Tyler and Wakslak, 2004), and other institutions in the youth justice system.

Reference List

Albonetti, C. A., and Hepburn, J. R. (1996) Prosecutorial Discretion to Defer Criminalization: The Effects of Defendant's Ascribed and Achieved Status Characteristics, *Journal of Quantitative Criminology*, 12, 63-81

Álvarez, A., Pagani, M., & Meucci, P. (2012). The clinical application of the biopsychosocial model in mental health: A research critique. *American Journal of Physical Medicine and Rehabilitation*, 91(13), S173–S180

Anand, S. (2000). The sentencing of Aboriginal offenders, continued confusion and persisting problems: A comment on the decision in R. v. Gladue, *Canadian Journal of Criminology*, 42(3), 412–420

Anderson, A., Hawes, D. and Snow, P. (2016) 'Language impairments among youth offenders: A systematic review', *Children and Youth Services Review*, 65(c): 195–203

Ariam, M., Haque, M., Johal, L., Mathur, P., Nel, W., Rais, A., Sandhu, R., and Sharma, S. (2013) Maturation of the adolescent brain, *Neuropsychiatric Disease and Treatment*, 9, 449–461

Australian Institute of Health and Welfare (AIHW) (2012a) *Children and Young People at Risk of Social Exclusion: Link between Homelessness, Child Protection and Juvenile Justice*, Cat. no. CSI 13. Canberra: Australian Institute of Health and Welfare

Australian Institute of Health and Welfare (AIHW) (2016a) *Youth Detention Population in Australia 2016*, Bulletin 138. Canberra: Australian Institute of Health and Welfare

Australian Institute of Health and Welfare (AIHW) (2016b) *Child Protection Australia 2014–15*, Child welfare series no. 63. Cat. no. CSW 57. Canberra: Australian Institute of Health and Welfare

Australian Institute of Health and Welfare (AIHW) (2019) *Youth Justice in Australia 2017–18*, Cat. no. JUV 129. Canberra: Australian Institute of Health and Welfare

Australian Medical Association (2016) *AMA Submission to Inquiry into the Indefinite Detention of People with Cognitive and Psychiatric Impairment in Australia*, Canberra: Australian Medical Association

Baldry, E. (2014) Disability at the margins: Limits of the law, *Griffith Law Review*, 23(3), 370-388

Baldry, E. 2017. "People with Multiple and Complex Support Needs, Disadvantage and Criminal Justice Systems: 40 Years after the Sackville Report." In *Law and Poverty: 40 Years after the Sackville Report*, edited by B. Edgeworth, A. Durbach, and V. Sentas, 103–118. Federation Press

Baldry, E. and Cunneen, C. (2019) 'Locking up kids damages their mental health and sets them up for more disadvantage. Is this what we want?', *The Conversation*, 20 June.

Baldry, E., Clarence, M., Dowse, L., and Troller, J. (2013) Reducing vulnerability to harm in adults with cognitive disabilities in the Australian criminal justice system, *Journal of Policy and Practice in Intellectual Disabilities*, 10(3), 222-229

Baldry, E., Dowse, L., & Clarence, M. (2012). *People with intellectual and other cognitive disability in the criminal justice system*. Sydney: University of New South Wales

Baldry, E. and Dowse, L. (2013) 'Compounding mental and cognitive disability and disadvantage: Police as care managers', in D Chappell (ed.) *Policing and the Mentally III: International Perspectives*. Boca Raton, FL: CRC Press.

Baldry, E., Briggs, D. B., Goldson, B., and Russell, S. (2018) 'Cruel and unusual punishment': an interjurisdictional study of the criminalisation of young people with complex support needs, *Journal of Youth Studies*, 21(5), 636-652

Balfour, G. (2012). Do law reforms matter? Exploring the victimization-criminalization continuum in the sentencing of Aboriginal women in Canada. *International Review of Victimology*, 19, 85–102

Bamford Review of Mental Health and Learning Disability (2005) *A Strategic Framework for Adult Mental Health Services*. Belfast: DHSSPS

Barker, B., Alfred, G. T., Fleming, K., Nguyen, P., Wood, E., Kerr, T., and DeBeck, K. (2015) Aboriginal street-involved youth experience elevated risk of incarceration, *Public Health*, 129, 1662–1668

Barker, B., Alfred, G. T., and Kerr, T. (2014) An uncaring state? The overrepresentation of First Nations children in the Canadian child welfare system, *Canadian Medical Association Journal*, 186, 533–534

Barrett, G. A., Fletcher, S. M. and Patel, T. G. (2014) 'Black minority ethnic communities and levels of satisfaction with policing: Findings from a study in the north of England', *Criminology and Criminal Justice*, 14(2): 196–215

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

Baumer, E. P. (2013) Reassessing and Redirecting Research on Race and Sentencing, *Justice Quarterly*, 30, 231-261

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

Bishop, D., Leiber, M., and Johnson, J. (2010) Contexts of Decision Making in the Juvenile Justice System: An Organizational Approach to Understanding Minority Overrepresentation, *Youth Violence and Juvenile Justice*, 8, 213-33

Blagg, H. (2016) *Crime, Aboriginality and the Decolonisation of Justice*, 2nd edition. Leichhardt: Federation Press

Bodenhausen, G. V. (1990) Stereotypes as judgmental heuristics: Evidence of circadian variations in discrimination, *Psychological Science*, 1, 319–322

Bracken, D. C. (2008) *Canada's Aboriginal people, fetal alcohol syndrome & the criminal justice system*, Ottawa, ON: Aboriginal Corrections Policy Unit, Public Safety Canada

Bracken, D. C., Deane, L., & Morrisette, L. (2009). Desistance and social marginalization: The case of Canadian Aboriginal offenders. *Theoretical Criminology*, 13, 61–78. doi: 10.1177/13624806100173

Bradford, B. (2011) Convergence, not divergence: Trends and trajectories in public contact and confidence in the police, *British Journal of Criminology*, 51, 179–200

Bradford, B. (2017) *Stop and Search and Policing Legitimacy*, Abingdon: Routledge

Bradford, B., Topping, J., Martin, R., and Jackson, J. (2019) Can diversity promote trust? Neighbourhood context and trust in the police in Northern Ireland, *Policing and Society*, DOI: 10.1080/10439463.2018.1479409

Brame, R., Bushway, S. D., Paternoster, R., & Turner, M. G. (2014). Demographic patterns of cumulative arrest prevalence by ages 18 and 23. *Crime & Delinquency*, 60, 471-486

Bridges, G. S., and Steen, S. (1998) Racial Disparities in Official Assessments of Juvenile Offenders: Attributional Stereotypes as Mediating Mechanisms, *American Sociological Review*, 63, 554-570

Brown, L. (2012). The criminalisation of conduct: Indigenous youth in the criminal justice system, *Indigenous Law Bulletin*, 7, 8–11

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

Brunson, R. (2007) Police don't like black people: African American young men's accumulated police experiences, *Criminology and Public Policy*, 6(1),

Bunting, B. P., Ferry, F. R., Murphy, S. D., O'Neill, S. M., and Bolton, D. (2013) Trauma Associated with Civil Conflict and Posttraumatic Stress Disorder: Evidence from the Northern Ireland Study of Health and Stress, *Journal of Traumatic Stress*, 26, 134–141

Burnett, R and McNeill, F (2005) 'The place of the officer-offender relationship in assisting offenders to desist from crime' in *Probation journal* 52(3): 221-242

Byrne, J. and Monaghan, L. (2008) *Policing loyalist and republican communities: understanding key issues for local communities and the PSNI*, Belfast: Institute for Conflict Research

Byrne J, Jarman N and Topping J (2013) *Community perspectives on public order policing*. Ulster University/Institute for Conflict Research. Unpublished research report, commissioned by Police Service of Northern Ireland

Canadian Centre for Justice Statistics. (2016). *Youth Correctional Statistics in Canada, 2014/2015*. Ottawa: Statistics Canada

Carlile, A. (2014) *Independent Parliamentarians' Inquiry into the Operation and Effectiveness of the Youth Court*. London: National Children's Bureau

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

Case, S and Haines, K (2015) 'Risk management and early intervention: a critical analysis' in Goldson, B and Muncie, J (eds) *Youth crime and justice*. 2nd edition. London: Sage, 100-119

Cesaroni, C., Grol, C., and Fredericks, K. (2019) Overrepresentation of Indigenous youth in Canada's Criminal Justice System: Perspectives of Indigenous young people, *Australian and New Zealand Journal of Criminology*, 52(1), 111-128

Child Poverty Action Group (2016) 'Child poverty facts and figures', CPAG

Children's Rights Alliance for England (2017) *State of Children's Rights in England 2017: Policing and Criminal Justice*. London: Children's Rights Alliance for England.

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

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

Cochran, J. C., Mears, D. P., and Bales, W. D. (2014). Assessing the effectiveness of correctional sanctions. *Journal of Quantitative Criminology*, 30, 317-347

Cockram, J., and Underwood, R. (2000) Offender with an intellectual disability and the arrest process, *Law in Context*, 17(2), 101-119

Cohen, S. (2002) *Folk Devils and Moral Panics*, 3rd edition. London: Routledge.

College of Policing (2017) *Authorised professional practice: Stop and search*. Modified September 2017, available at: <https://www.app.college.police.uk/app-content/stop-and-search/>

Collins, P. (2015) Intersectionality's definitional dilemmas, *Annual Review of Sociology*, 41, 1-20

Collins, J., Noble, G., Poynting, S. and Tabar, P. (2000) *Kebabs, Kids, Cops and Crime: Youth, Ethnicity and Crime in Sydney*. Annandale: Pluto Press

Connell, R. W., and J. W. Messerschmidt, (2005) Hegemonic Masculinity: Rethinking the Concept, *Gender and Society*, 19(6), 829-859

Corrado, R. R., Kuehn, S., and Margaritescu, I. (2014) Policy issues regarding the overrepresentation of incarcerated Aboriginal young offenders in a Canadian context, *Youth Justice*, 14, 40–62

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

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

CJINI (2020) *Police Custody: The Detention of Persons in Police Custody in Northern Ireland*, Belfast: CJINI

Creaney, S (2014) 'The position of relationship based practice in youth justice' in *Safer Communities* 13(3): 120-125

Cunneen, C. (2006). Racism, discrimination and overrepresentation in the Criminal Justice System. *Current Issues in Criminal Justice*, 17, 329–346

Cunneen, C. (2020) 'Youth justice and racialization: Comparative reflections', *Theoretical Criminology*. <https://doi.org/10.1177/1362480619889039>

Cunneen, C., White, R., and Richards, K. (2015) *Juvenile Justice: Youth and crime in Australia* (5th edn), Melbourne: OUP

Cunneen, C., Goldson, B. and Russell, S. (2018) Human rights and youth justice reform in England and Wales: A systemic analysis, *Criminology and Criminal Justice*, 18(4): 405–430

Day, A. M. (2017) 'Hearing the voice of looked after children: challenging current assumptions and knowledge about pathways into offending' in *Safer Communities* 16(3): 122-133

Day, AM, Bateman, T and Pitts, J (2020) *Surviving incarceration: the pathways of looked after and non- looked after children into, through and out of custody*. Luton: University of Bedfordshire

Deloitte (2016) *Understanding barriers affecting police officer recruitment: Final Report*, Deloitte

Department for Education (2018) *Permanent and Fixed Period Exclusions in England: 2016 to 2017*. London: Office for National Statistics.

Department for Education (2019a) *Outcomes for Children Looked after by Local Authorities in England, 31 March 2018*. London: Department for Education

Department for Education (2019b) *Children accommodated in secure children's homes at 31 March 2019: England and Wales*. London: Department for Education

Department of Health, Social Services and Public Safety (DHSPSS) (2011) *Regional Guidance for Residential Care and Field Social Work Staff on Supporting Looked After Children who are Arrested/Questioned by Police or Appear in Court on Criminal Matters*. Belfast: DHSPSS

Douglas, L., & Cuskelly, M. (2012). A focus group study of police officers' recognition of individuals with intellectual disability. *Psychiatry Psychology and Law*, 19(1), 35–44.

Dowse, L., Baldry, E., and Snoyman, P. (2009) Disabling criminology: Conceptualising the intersections of critical disabilities studies and critical criminology for people with mental health and cognitive disabilities in the criminal justice system, *Australian Journal of Human Rights*, 15(1): 29–47

Dowse, L., Cumming, L., Strnadova, I., Jung-Sook, L., and Trofimovs, J. (2014) Young people with complex needs in the criminal justice system, *Research and Practice in Intellectual and Developmental Disabilities*, 1(2), 174-185

Eadens, D., Cranston-Gingras, A., Dupoux, E., & Eadens, D. (2016). Police officer perspectives on intellectual disability. *Policing: An International Journal of Police Strategies & Management*, 39(1), 222–235.

Eastwood, N., Shiner, M. and Bear, D. (2013) *The Numbers in Black and White: Ethnic Disparities in the Policing and Prosecution of Drug Offences in England and Wales*. London: Release

Education and Health Standing Committee (2012) *Foetal Alcohol Spectrum Disorder: The Invisible Disability*. Perth: Education and Health Standing Committee

Ellem, K., Wilson, J., O'Connor, J., & MacDonald, S. (2012) Supporting young people with mild/borderline intellectual disability exiting state out-of-home care: Directions for practice. *Developing Practice*, 32, 55–65.

Ellison, G. (2007) A blueprint for democratic policing anywhere in the world: Police reform, political transition, and conflict resolution in Northern Ireland, *Police Quarterly*, 10(3), 243-269

Ellison, G. (2010) Police-community relations in Northern Ireland in the post-Patten era: towards an ecological analysis, In: J. Doyle (ed) *Policing the narrow ground: lessons from the transformation of policing in Northern Ireland*. Dublin: Royal Irish Academy, pp242–276

Ellison, G., Pino, N., and Shirlow, P. (2013) Assessing the determinants of public confidence in the police: a case study of a post-conflict community in Northern Ireland, *Criminology and criminal justice*, 13 (5), 552–576

Emerson, E. (2010). Self-reported exposure to disability is associated with poorer self-reported health and well-being among adults with intellectual disabilities in England: A cross-sectional survey. *Public Health*, 124(12), 682–689

Emerson, E., & Halpin, S. (2013). Anti-social behaviour and police contact among 13- to 15-year-old English adolescents with and without mild/moderate intellectual disability. *Journal of Applied Research in Intellectual Disabilities*, 26, 362–369.

Emerson, E. and Hatton, C. (2007) 'Mental health of children and adolescents with intellectual disabilities in Britain', *British Journal of Psychiatry*, 191(6): 493–499

Equality and Human Rights Commission (2010) *Stop and think: a critical review of the use of stop and search powers in England and Wales*. London: EHRC

Fader, J. J., Kurlychek, M. C., and Morgan. K. A. (2014) The Color of Juvenile Justice: Racial Disparities in Dispositional Decisions, *Social Science Research*, 44, 126-40

Farrer, T., Frost, R and Hedges D. (2013) 'Prevalence of traumatic brain injury in juvenile offenders: A meta-analysis', *Child Neuropsychology*, 19(3): 225–234

Farrington, D. P. (1996) *Understanding and Preventing Youth Crime*, York: Joseph Rowntree Foundation

Farrington, D. (2007) 'Childhood risk factors and risk-focused prevention', in M. Maguire, R. Morgan and R. Reiner (eds.), *The Oxford Handbook of Criminology*. Oxford: Oxford University Press

Fine, A., Cavanagh, C., Donley, S., Frick, P. J., Steinberg, L., & Cauffman, E. (2017). Is the effect of justice system attitudes on recidivism stable after youths' first arrest? Race and legal socialization among first-time youth offenders, *Law and Human Behavior*, 41, 146–158.

Fergusson, R (2013) 'Risk, responsibilities and rights: reassessing the 'economic causes of crime' thesis in a recession' in *Youth Justice* 13(1): 31–56

- Fergusson, R (2016) *Young people welfare and crime: governing non-participation*. Bristol: Policy press
- Fitzpatrick, C. (2014) *Achieving Justice for Children in Care and Care Leavers*. London: Howard League for Penal Reform
- Fitzpatrick, C., Hunter, K., Staines, J. and Shaw, J. (2019) *Exploring the Pathways between Care and Custody for Girls and Women: A Literature Review*. London: Nuffield Foundation
- France, A. (2008) Risk factor analysis and the youth question, *Journal of Youth Studies*, 11(1), 1–15
- France, A, Bottrell, D and Armstrong, D (2012) *A political ecology of youth and crime*. Basingstoke: Palgrave Macmillan
- French, P. (2007). *Disabled justice: The barriers to justice for persons with disability in Queensland*. Brisbane: Queensland Advocacy Inc
- Galtung, J. (1969) Violence, Peace and Peace Research, *Journal of Peace Research*, 6(3), 167-191
- Galtung, J. (1990) Cultural Violence, *Journal of Peace Research*, 27(3), 291-305
- Gau, J. M., and Brunson, R. K. (2010) Procedural justice and order maintenance policing: A study of inner-city young men's perceptions of police legitimacy, *Justice Quarterly*, 27, 255-279
- Greenwald, A. G., Banaji, M. R., & Nosek, B. A. (2015) Statistically small effects of the Implicit Association Test can have societally large effects, *Journal of Personality and Social Psychology*, 108, 553–561
- Glynn, M. (2014) *Black Men, Invisibility and Crime: Towards a Critical Race Theory of Desistance*. London: Routledge
- Goldson, B. (2005) 'Taking liberties: Policy and the punitive turn', in H. Hendrick (ed.), *Children and Social Policy: An Essential Reader*. Bristol: The Policy Press
- Goldson B. and Chigwada-bailey, R. (1999) '(What) Justice for black children and young people?', in B. Goldson (ed.), *Youth Justice: Contemporary Policy and Practice*. Aldershot: Ashgate
- Goldson, B., Cunneen, C., Russell, S., Brown, D., Baldry, E., Schwartz, M., and Briggs, D. (2021) *Youth Justice and Penalty in Comparative Context*, London: Routledge
- Harland, K., and S. McCready, (2014) Rough Justice: Considerations on the Role of Violence, Masculinity and the Alienation of Young Men in Communities and Peace-Building in Northern Ireland, *Youth Justice*, 14(3), 269-283

Harris, J. W., and Jones, M. S. (2020) Shaping youths' perceptions and attitudes towards the police: Difference in direct and vicarious encounters with police, *Journal of Criminal Justice*, <https://doi.org/10.1016/j.jcrimjus.2020.101674>

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

Haydon, D. (2014) Early Intervention for the Prevention of Offending in Northern Ireland, *Youth Justice*, 14, 226-240

Haines, A., Goldson, B., Haycox, A., Houten, R., Lane, S., McGuire, J., Nathan, T., Perkins, E., Richards, S., and Whittington, R. (2012) *Evaluation of the Youth Justice Liaison and Diversion Pilot Scheme*. Liverpool: University of Liverpool

Haysom, L., Indig, D., Moore, E., Gaskin, C. (2014) 'Intellectual disability in young people in custody in New South Wales, Australia – Prevalence and markers', *Journal of Intellectual Disability Research*, 58(1): 1004–1014

Hemphill, S., Broderick, D. and Heerde, J. (2017) 'Positive associations between school suspension and student problem behaviour: Recent Australian findings', *Trends and Issues in Crime and Criminal Justice*, No. 531. Canberra: Australian Institute of Criminology

HM Inspectorate of Constabulary (2013) *Stop and search powers: are the police using them effectively and fairly?* London: HMIC

HM Inspectorate of Prisons (2016) *Children in Custody 2015–16: An Analysis of 12–18 Year Olds' Perceptions of Their Experiences in Secure Training Centres and Young Offender Institutions*. London: Her Majesty's Stationary Office

Hogg, R., and Brown, D. (1998) *Rethinking Law and Order*, Sydney: Pluto Press.

Howard League for Penal Reform (2016a) *Criminal Care: Children's Homes and Criminalising Children*, London: Howard League for Penal Reform

Howard League for Penal Reform (2018a) *Child Arrests in England and Wales 2017: Re- search Briefing*, London: Howard League for Penal Reform

Howard League for Penal Reform (2018b) *Ending the Criminalisation of Children in Residential Care. Briefing Three: 'Hearts and Heads' – Good Practice in Children's Homes*, London: Howard League for Penal Reform

(HSCB and PSNI) Health and Social Care Board and Police Service of Northern Ireland (2012) *Regional Guidance Police Involvement in Residential Units: Safeguarding of Children Missing from Home and Foster Care*, Belfast: HSCB and PSNI

Hughes, N., Clasby, B., Williams, W.H. and Chitsabesan, P. (2016) 'A systematic review of the prevalence of foetal alcohol spectrum disorders among young people in the criminal justice system' *Cogent Psychology*, 3(1) doi: 10.1080/23311908.2016.1214213

Hughes, N., Williams, H., Chitsabesan, P., Davies, R. and Mounce, L. (2012) *Nobody Made the Connection: The Prevalence of Neurodisability in Young People Who Offend*, London: Children's Commissioner for England

Indig, D., Vecchiato, C., Haysom, L., Beilby, R., Carter, J., Champion, U., Gaskin, C., Heller, E., Kumar, S., Mamone, N., Muir, P., van den Dolder, P. and Whitton, G. (2011) *2009 Young People in Custody Health Survey: Full Report*. Sydney: Justice Health

Jackson, N. (2015) Aboriginal youth overrepresentation in Canadian correctional services: Judicial and non-judicial actors and influence, *Alberta Law Review*, 52, 927–947

Jacobson, J., Bhardwa, B., Gyateng, T., Hunter, G., and Hough, M. (2010) *Punishing Disadvantage*. London: Prison Reform Trust

Jeffries, S., & Stenning, P. (2014). Sentencing Aboriginal offenders: Law, policy, and practice in three countries, *Canadian Journal of Criminology and Criminal Justice/Revue Canadienne De Criminologie Et De Justice Penale*, 56, 447–494

Just for Kids Law and Children's Rights Alliance for England (2019) *State of Children's Rights in England 2018: Policing and Criminal Justice*. London: Just for Kids Law and Children's Rights Alliance for England

Kane, R. (2005) Compromised police legitimacy as a predictor of violent crime in structurally disadvantaged communities, *Criminology*, 43, 469-498

Keeling, P. (2017) *No Respect: Young BAME Men, the Police and Stop and Search*. London: Criminal Justice Alliance

Kelly, L and Armitage, V (2015) 'Diverse diversions: youth justice reform, localised practice and a 'new interventionist diversion'' in *Youth Justice* 15(2): 117-133

Kennedy, E. (2013) *Children and Young People in Custody 2012–13: An Analysis of 15–18-Year-Olds' Perceptions of Their Experiences in Young Offender Institutions*. London: The Stationary Office

Kincaid, A. P., and Sullivan, A. L. (2020) Parity or Disparity? Outcomes of Court-Involved Youth with and Without Disabilities, *Remedial and Special Education*, 41(6), 368-377

Kingston, S and Webster, C (2016) The most 'undeserving' of all? How poverty drives young men to victimisation and crime in *Journal of Poverty and Social Justice* 23(3), 215-227

- Kutateladze, B. L., Andiloro, N. R., Johnson, B. D., and Spohn, C. (2014) Cumulative disadvantage: Examining racial and ethnic disparity in prosecution and sentencing. *Criminology*, 52(3), 514-551.
- Kwak, H. and McNeeley, S., 2017. Neighbourhood characteristics and confidence in the police in the context of South Korea, *Policing and society*, 57, 1–14
- Laming, L. (2016) *In Care, Out of Trouble*, London: Prison Reform Trust.
- Lammy, D. (2017) *The Lammy Review: An Independent Review into the Treatment of, and Outcomes for, Black, Asian and Minority Ethnic Individuals in the Criminal Justice System*, London: UK Government Publishing Service
- Leavey, G., Galway, K., Rondon, J., and Logan, G. (2009) *A Flourishing Society: Aspirations for Emotional Health and Wellbeing in Northern Ireland*, Belfast: Northern Ireland Association for Mental Health
- MacDonald, R., Shildrick, T., Webster, C. & Simpson, D. (2005) Growing up in poor neighbourhoods: The significance of class and place in the extended transitions of ‘socially excluded’ young adults, *Sociology*, 39(5), 873–891
- MacGillivray, P., and Baldry, E. (2013) Indigenous Australians, mental and cognitive impairment and the criminal justice system, *Indigenous Law Bulletin*, 8(9), 22-26
- May, T., Gyateng, T. and Hough, M. (2010) *Differential Treatment in the Youth Justice System*. London: Equality and Human Rights Commission.
- McLafferty, M., Armour, C., O’Neill, S., Murphy, S., Ferry, F., and Bunting, B. (2016) “Suicidality and Profiles of Childhood Adversities, Conflict Related Trauma and Psychopathology in the Northern Ireland Population.” *Journal of Affective Disorders* 200: 97–102. doi:10.1016/j.jad.2016.04.031
- Mears, D. P., and Bacon, S. (2009). Improving criminal justice through better decisionmaking: Lessons from the medical system. *Journal of Criminal Justice*, 37, 142-154
- Mears, D., Cochran, J. C., and Lindsey, A. M. (2016) Offending and Racial and Ethnic Disparities in Criminal Justice: A Conceptual Framework for Guiding Theory and Research and Informing Policy, *Journal of Contemporary Criminal Justice*, 32(1), 78-103
- McAlister, S., P. Scraton, and D. Haydon (2014) Childhood in Transition: Growing up in Post Conflict Northern Ireland, *Children’s Geographies*, 12(3), 297-311
- McAra, L. and S. McVie (2005) The usual suspects? Street-life, young people and the police, *Criminal Justice*, 5(1), 5-36
- McAra, L., and McVie, S. (2010) Youth crime and justice: key messages from the Edinburgh Study of Youth Transitions and Crime, *Criminology and Criminal Justice* 10(2), 179-209

McCausland, R. and Baldry, E. (2017) “‘I feel like I failed him by ringing the police’”: Criminalising disability in Australia’, *Punishment & Society*, 19(3): 290–309

Mears, D. P., & Cochran, J. C. (2015). *Prisoner reentry in the era of mass incarceration*, Thousand Oaks, CA: Sage

Messerschmidt, J. W., P. Y. Martin, and M. A. Messner (2018) *Gender Reckonings: New Social Theory and Research*, New York: NYU Press

Messerschmidt, J. W., and S. Tomsen (2018) Masculinities and Crime, in *Routledge Handbook of Critical Criminology*, by W. S. DeKeseredy and M. Dragiewicz (eds) Oxon: Routledge, pp83-95

Ministry of Justice (2020) *Criminal Justice Statistics 2019*. London: Ministry of Justice, available at: <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2019>

Ministry of Justice / Youth Justice Board (2020) *Youth justice statistics 2018/19: England and Wales*. London: Ministry of Justice, available at: <https://www.gov.uk/government/collections/youth-justice-statistics>

Mitchell, O. (2005). A meta-analysis of race and sentencing research: Explaining the inconsistencies, *Journal of Quantitative Criminology*, 21, 439-466

Murji, K. (2019) ‘Racialization’, in E. McLaughlin and J. Muncie (eds.), *The SAGE Dictionary of Criminology*. London: Sage

Murray, R. (2012) *Children and Young People in Custody 2011–12: An Analysis of the Experiences of 15–18-Year-Olds in Prison*. London: HM Inspectorate of Prisons

Murray K and Harkin D (2017) Policing in cool and hot climates: Legitimacy, power and the rise and fall of mass stop and search in Scotland. *British Journal of Criminology* 57(4): 885–905

Murphy, G., & Mason, J. (2007). People with intellectual disabilities who are at risk of offending. In N. Bouras & G. Holt (Eds.), *Psychiatric and behaviour disorders in intellectual and developmental disabilities* (2nd ed., pp. 173–201). Cambridge: Cambridge University Press

National Police Chief’s Council (2015) *National strategy for the policing of children and young people*, Available at <https://www.npcc.police.uk/documents/edhr/2015/CYP%20Strategy%202015%202017%20August%202015.pdf> Accessed 23rd March 2021

Northern Ireland Audit Office (2020) *Managing Children Who Offend: Follow Up Review*, Belfast: NIAO

- Northern Ireland Audit Office (2017) *Managing Children Who Offend*, Belfast: NIAO
- Northern Ireland Policing Board (2016) *Human Rights Annual Report: Monitoring the compliance of the PSNI with the Human Rights Act 1998*, NIPB
- Oakley, M, Miscampbell, G and Gregorian, R (2018) *Looked-after children: the silent crisis*. London: Social Market Foundation
- Patel, T. and Tyrer, D. (2011) *Race, Crime and Resistance*. London: Sage
- Payne, M. (2014). *Modern social work theory*. Basingstoke: Palgrave Macmillan
- Pearson, H. (2016) *The Life Project: The Extraordinary Story of Our Ordinary Lives*. London: Allen Lane
- Perry, B. (2009) *Policing race and place in Indian country: Over- and under-enforcement*, Toronto: Lexington Books
- Phoenix, J. & Kelly, L. (2013) 'You have to do it yourself' Responsibilization in youth justice and young people's situated knowledge of youth justice practice, *British Journal of Criminology*, 53(3), 419–437
- Piquero, A., Greene, J., Fyfe, J., Kane, R. J., and Collins, P. (2000) 'Implementing community policing in public housing developments in Philadelphia: Some early results' In Geoffrey Alpert and Alex Piquero (eds.), *Community Policing: Contemporary Readings*. 2nd ed. Prospect Heights: Waveland Press
- Police Service of Northern Ireland (2017), *Workforce composition statistics*, PSNI
- Polloway, E., Patton, J., Smith, T., Beyer, J., & Bailey, J. (2011). Special challenges for persons with disabilities in the criminal justice system: Introduction to the special issue. *Exceptionality: A Special Education Journal*, 19(4): 211–218
- Potter, H. (2013). Intersectional criminology: Interrogating identity and power in criminological research and theory. *Critical Criminology*, 21(3), 305–318
- Reisig, M. D., and Parks, R. D. (2004) Can community policing help the truly disadvantaged? *Crime and Delinquency*, 50, 139-167
- Reaves, B. A. (2013) *Felony defendants in large urban counties, 2009—Statistical tables*, Washington, DC: Bureau of Justice Statistics
- Richards, K. and K. Ellem (2019) Young people with cognitive disabilities and overrepresentation in the criminal justice system: service provider perspectives on policing, *Police Practice and Research*, 20(2), 156-171
- Rose, N (1999) *Governing the soul: The shaping of the private self*, 2nd edition, London: Free Association Books

- Rosenbaum, D. P., Schuck, A. M., Costello, S. K., Hawkins, D. F., and Ring, M. K. (2005) Attitudes toward the police: The effects of direct and vicarious experience, *Police Quarterly*, 8, 343–65
- Ryan, N., Head, B., Keast, R., & Brown, K. (2006). Engaging Indigenous communities: Towards a policy framework for Indigenous community justice programmes. *Social Policy and Administration*, 40, 304–321
- Sampson, R. J. (2012) *Great American city: Chicago and the enduring neighborhood effect*, University of Chicago Press, Chicago
- Sampson, R. J. (2014) Criminal Justice Processing and the Social Matrix of Adversity, *The Annals of the American Academy of Political and Social Science*, 651, 296-301
- Savage, J. (ed.) (2009) *The Development of Persistent Criminality*. Oxford: Oxford University Press
- Schofield, G., Ward, E., Biggart, L., Scaife, V., Dodsworth, J., Larsson, B., Haynes, A. and Stone, N. (2012) *Looked after children and offending: Reducing risk and promoting resilience*. Norwich: University of East Anglia
- Schofield, G., Biggart, L., Ward, E. & Larsson, B. (2015) 'Looked after children and offending: An exploration of risk, resilience and the role of social cognition,' *Children and Youth Services Review*, 51, 125–133
- Schwan, K., & Lightman, E. (2013). Fostering resistance, cultivating decolonization. The intersection of Canadian colonial history and contemporary arts programming with Inuit youth. *Cultural Studies Critical Methodologies*, 15, 15–29
- Scraton, P. and Chadwick, K. (2019) 'Criminalization', in E. McLaughlin and J. Muncie (eds.), *The SAGE Dictionary of Criminology*, London: Sage
- Sharp, D. and Atherton, S. (2007) 'To serve and protect? The experiences of policing in the community of young people from black and other ethnic minority groups', *The British Journal of Criminology*, 47(5): 746–763
- Simpson, J. (2013). *Participants or just policed? Guide to the role of DisabilityCare Australia with people with intellectual disability who have contact with the criminal justice system*. Sydney: NSW Council for Intellectual Disability
- Skogan, W. (2006). 'Asymmetry in the Impact of Encounters with Police', *Policing and Society* 16 (2), 99-126
- Snyder, H. N., & Mulako-Wangota, J. (2014). *Arrests in the United States, 1980-2012* (Arrest Data Analysis Tool). Available from <http://www.bjs.gov>

- Spencer, K., Charbonneau, A., and Glaser, J. (2016) Implicit bias and policing, *Social and Personality Psychology Compass*, 10(1), 50-63
- Spohn, C. (2015) Race, Crime and Punishment in the Twentieth and Twenty-First Centuries, *Crime and Justice*, 44, 49-98
- Stanley, E (2017) 'From care to custody: trajectories of children in post-war New Zealand' in *Youth Justice* 17 (1): 57-72
- Stewart, E. (2007) Either they don't know or they don't care: Black males and negative police experiences, *Criminology and Public Policy*, 6(1), 123-130
- Stoutland, S.E., (2001) The multiple dimensions of trust in resident/police relations in Boston, *Journal of research in crime and delinquency*, 38 (3), 226–256
- Sturmey, P., & Drieschner, K. (2014). Offenders with developmental disabilities. In P. Sturmey & R. Didden (Eds.), *Evidence-based practice and intellectual disabilities* (pp. 280–291). London: Wiley
- Sveinsson, K. P. (2008) *A Tale of Two Englands – 'Race' and Violent Crime in the Press*. London: Runnymede Trust
- Sveinsson, K. P. (2012) 'Introduction', in K. P. Sveinsson (ed.), *Criminal Justice v. Racial Justice: Minority Ethnic Overrepresentation in the Criminal Justice System*, London: Runnymede Trust
- Swayze, N. (2009). Engaging Indigenous urban youth in environmental learning: The importance of place revisited, *Canadian Journal of Environmental Education*, 14, 59–73
- Topping, J. (2015) Policing in transition, In C. Dwyer and A. McAlinden (eds) *Criminal Justice in Transition: The Northern Ireland Context*, Oxford: Hart Publishing, pp109-130
- Topping, J. (2017). 'What's wrong with children? Stop and search as a barometer of young people's treatment in a post-conflict landscape', paper presented at the *European Society of Criminology*, Cardiff, 9th September
- Topping, J. and D. Schubotz (2018) *The 'Usual Suspects'? Young People's Experiences of Police Stop and Search Powers in Northern Ireland*, Belfast: ARK Available at https://www.ark.ac.uk/ARK/sites/default/files/2018-07/update120_0.pdf Last accessed 10th March 2021
- Topping, J. and B. Bradford (2020) Now you see it, now you don't: On the (in)visibility of police stop and search in Northern Ireland, *Criminology and Criminal Justice*, 20(1), 93-110
- Topping JR and Byrne J (2016) Shadow policing: The boundaries of community-based 'policing' in Northern Ireland. *Policing and Society* 26(5): 522–543

Trotter, C (2020) 'Effective supervision of young offenders' in in Ugwudike, P, Raynor, P, McNeill, F, Taxman, F, Trotter, C, Graham, H (eds) *The Routledge Companion to Rehabilitative Work in Criminal Justice*. Abingdon: Routledge, 755-765

Tyler, Tom R. 2006. *Why People Obey the Law*. Princeton, NJ: Princeton University Press.

Tyler, T. R., and Jeffrey Fagan, J. (2008) Legitimacy and cooperation: Why do people help the police fight crime in their communities? *Ohio State Journal of Criminal Law* 6, 231–75.

Tyler, T. R., and Wakslak, C. J. (2004) Profiling and police legitimacy: Procedural justice, attributions of motive, and acceptance of police authority, *Criminology*, 42, 253–81

Uhrig, N. (2016) *Black, Asian and minority ethnic disproportionality in the criminal justice system in England and Wales*, London: Ministry of Justice

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

United Nations Committee on the Rights of the Child (2019) *General Comment No. 24 (2019) on Children's Rights in the Child Justice System*. Geneva: United Nations

Unnever, J. D., & Gabbidon, S. L. (2011) *A theory of African American offending: Race, racism, and crime*, New York: Routledge.

Walsh, C., and Schubotz, D. (2019) Young men's experiences of violence and crime in a society emerging from conflict, *Journal of Youth Studies*, DOI: 10.1080/13676261.2019.1636012

Cohen, S. (2011) *Folk Devils and Moral Panics*, London: Routledge

Webster, C. (2017) 'Diversity and The Criminal Justice Process', in Harding, J., Davies, P. and Mair, G. (eds.) *An Introduction to Criminal Justice*. London: Sage

Webster, C. (2019) "'Race", ethnicity, social class and juvenile justice in Europe', in B Goldson (ed.) *Juvenile Justice in Europe: Past, Present and Future*. London and New York: Routledge

Webster, C. and Kingston, S. (2014) 'Poverty and Crime', in *Reducing Poverty in the UK: A Collection of Evidence Reviews*, pp. 148–152, York: Joseph Rowntree Foundation

White, R. (2011) 'Gangs and transnationalisation', in B. Goldson (ed.), *Youth in Crisis? 'Gangs', Territoriality and Violence*. London and New York: Routledge

White, R. and Alder, C. (eds) (1994) *The Police and Young People in Australia*, Melbourne: Cambridge University Press

White, R., and Cunneen, C. (2015) 'Social class, youth crime and youth justice' in Goldson, B and Muncie, J (eds) *Youth crime and justice*, London: Sage, pp17-30

Wieland, J., & Zitman, F. (2016). It is time to bring borderline intellectual functioning back into the main fold of classification systems. *BJPsych Bulletin*, 40(4), 204–206

Wigzell, A (2014) 'Moving Beyond the ASBO? A review of the proposed anti-social behaviour measures and their implications for children' in *Safer Communities* 13(3): 73-82

World Health Organisation (2014) *Global Status Report on Violence Prevention*, Luxembourg: WHO

World Health Organisation. (2017). *International classification of diseases (ICD-11) Beta Draft*. Geneva: World Health Organisation

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

Young, S., Moss, D., Sedgwick, O., Fridman, M. and Hodgkins, P. (2015) 'A meta- analysis of the prevalence of attention deficit hyperactivity disorder in incarcerated populations', *Psychological Medicine*, 45(2): 247–258

Youth Justice Board (2017) *In-brief: Trauma-Informed Youth Justice*. London: Youth Justice Board for England and Wales