# Ensuring the collaborative reform of youth justice in Ireland in line with international research and evidence-based approaches

Professor Ursula Kilkelly, Dr Louise Forde, Dr Emma Hurley, Dr Sharon Lambert, Dr Katharina Swirak, Deirdre Kelleher and Siobhan Buckley

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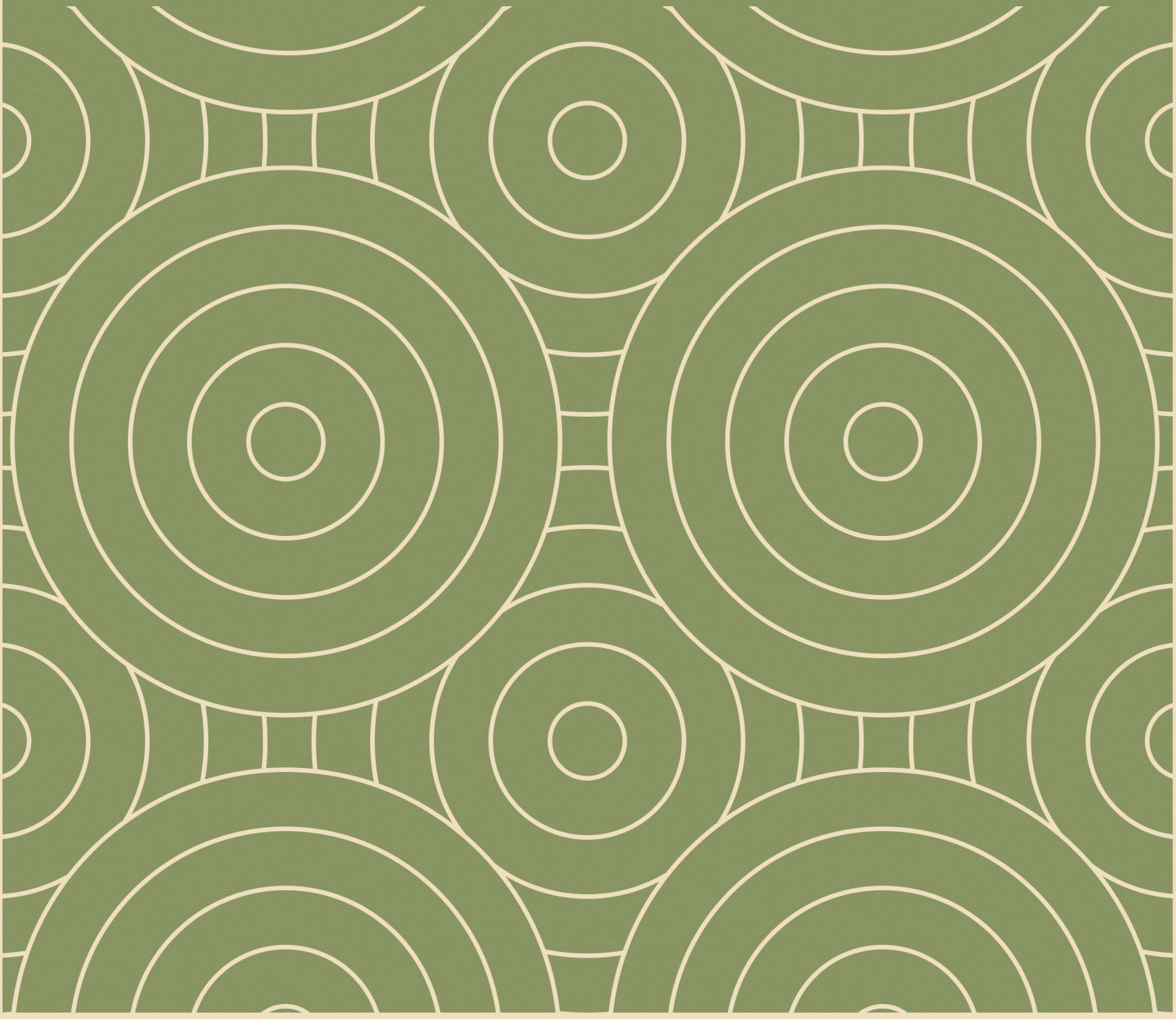

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# Executive Summary

This study was funded by the Department of Children, Equality, Disability, Integration and Youth (DCEDIY) through the Irish Research Council's COALESCE Strand 1F scheme, designed to harness the resources and expertise of the Irish research system to establish a collaborative alliance between academia and policy makers and to support the successful achievement of Ireland's policy goals. The purpose of the study was to support the development of effective and evidence-based policy and interventions for young people by combining the knowledge of academic research with the expertise of policy makers. In line with this goal, this report is intended to be a resource for policy-makers, researchers and students interested in understanding the experiences of young people in the Irish youth justice system with evidence that can be used to imagine a progressive future for Irish youth justice law and policy.

## Aims and Methodology

### Aims

In setting out the scheme, the DCEDIY identified three core questions as the basis for the study:

1. What are the factors associated with involvement in anti-social behaviour, getting into trouble with the Gardaí and/or contact with the youth justice system?
2. What are the factors which may operate in a protective or a preventative way for young people who do not become involved in anti-social behaviour or contact with the Gardaí and the youth justice system?
3. What implications do these findings have for the future development of Irish youth justice policy and youth justice practice?

### Methodology

To address these questions, this study examines literature on pathways into offending and compares this research to available Irish data.

The first component of the study was a review of available peer-reviewed literature from the disciplines of law, psychology and social science. This identified the factors

associated with involvement in offending, before moving on to consider approaches and interventions that address offending including those that prevent young people becoming more deeply involved.

The second component of the study aimed to test the international research against the Irish experience. A review of available Irish data was undertaken to identify the factors that contributed to young people's involvement in offending and to document responses such as interventions or programmes. An analysis of data from the Growing up in Ireland (GUI) longitudinal study (Child Cohort) was undertaken in order to identify the prevalence of the characteristics shared by young people in conflict with the law, and those that help young people avoid getting into trouble. In addition to this quantitative analysis, qualitative research with young people was undertaken through focus groups held nationally designed to ensure that young people's voice and experiences were captured in the study.

The final component of the study seeks to apply the lessons learned from the first two components of the study to national policy. The study ultimately aims to present the core learning as key messages for policy makers in order to ensure the continued progressive development of the Irish youth justice system.

The study was undertaken by a multi-disciplinary team, led out of the School of Law, University College Cork and including colleagues from psychology, criminology and law. The project was guided throughout by an International Expert Steering Group, a Young Person's Advisory Group and a Research Advisory Group.

## The Irish Youth Justice System and Young People in Conflict with the Law in Ireland

Available data suggests that offending rates amongst young people in Ireland are low, and the offences committed are largely minor in nature. However, a small proportion of young people in Ireland who come into conflict with the law come to the attention of the Gardaí on multiple occasions, or in relation to more serious offences.

Although Irish data on young people who come into conflict with the law is generally poor, some evidence indicates a consistency between the Irish experience and other jurisdictions in the area. In Ireland, as elsewhere, young people in conflict with the law experience a convergence of factors that impact on their involvement in offending

including a range of difficulties across multiple domains, including individual, family, school, and community.

## Young People's Pathways and Experiences of the Youth Justice System – the International Research

Cross-disciplinary research provides a variety of perspectives on how and why young people come into conflict with the law and allows us to consider this issue in light of emerging evidence about young people's biological and social development. The literature in this area is diverse, voluminous, and sometimes contradictory. It is clear that no one factor can be said to cause a young person to become involved in offending, and in practice, young people who come into conflict with the law have a variety of lived experiences ranging across individual, familial, social and environmental domains. The way in which these factors converge or accumulate explains why some young people become involved in offending, while others do not.

International literature indicates that states respond to offending behaviour in a variety of different ways. Although approaches vary widely, research highlights the importance of adopting an individualised approach with respect for children's rights. The potential for diversion should be maximised, children's needs should be met and engaging with young people's strengths and positive influences, such as family, education and training, supports young people to avoid involvement or further involvement in offending behaviour. What appears most important, however, is the quality of young people's relationships with the adults in their lives.

## Young People in Conflict with the Law in Ireland – Lessons from Young People and from Growing Up in Ireland

Many of the issues raised by young people in this study echoed the findings from the international literature; however others, including observations relating to their interactions with youth justice professionals, added different perspectives. Young people identified a number of factors that they felt led young people to get into trouble with the law, and factors that they felt had helped them to avoid getting into trouble. As regards their experiences with the youth justice system, young people expressed concern about their interactions with the adults they met and in particular, how they

were treated by them. While young people's responses varied, the nature of young people's interactions with adults, both positive and negative, was a dominant theme.

Analysis of data from the Growing up in Ireland (GUI) longitudinal study sought to identify key messages with respect to understanding young people's pathways into and out of offending behaviour. This highlighted that factors evident among this representative Irish cohort were similar to those found in their international counterparts. The analysis confirms the findings from the literature review that pathways into conflict with the law are complex, many-layered and are influenced by multiple factors both intrinsic and extrinsic to the person. These findings reflect the multi-layered nature of how young people come into conflict with the law, spanning personal, familial and social strata. While there are limitations to the use of the data for this purpose, some opportunities for further inquiry were identified.

## Key Learning and Conclusions

In conclusion, this report identifies a number of core messages for policy makers from a large, multi-faceted body of research. These core messages, combined with the experience and expertise of policy makers, have the potential to contribute to the continued development of the Irish youth justice system in an effective, progressive and rights-compliant way. In particular:

1. The study found that key correlates of youth involvement in offending span individual, family, community and societal domains, emphasising the complex, interconnected and highly individual factors that lead young people to come into conflict with the law.
2. Young people and their families experience multiple difficulties and challenges, and often report difficulties accessing services and state supports.
3. An individualised, rights-compliant and child-centred approach based on addressing the complex factors that lead to offending and the unmet needs of children is core to responding to and preventing young people from coming into conflict with the law.
4. Prevention efforts should be focused on promoting social inclusion, building family resilience, and access to universal services and facilities.

5. The development of positive relationships between young people and adults is a key factor which influences young people's experiences of contact with the youth justice system, and this can be especially significant in preventing a young person from offending or from engaging in further offending.
6. Interventions should focus on diversion, minimum intervention, relationship-building and individualised and holistic approaches to young people.
7. Young people should be supported to access the services they need, including education and employment opportunities. Attention should be paid to managing the end of the intervention, and to providing for the continuation of supports and services to the greatest extent possible.
8. Young people's lived experiences of the youth justice system and coming into conflict with the law are invaluable for policy makers seeking to understand the nature of youth offending, and their involvement is indispensable to the development of effective and child-centred responses to offending.
9. There is a continued need for further improvements and further enquiry, including improved and more consistent data collection systems, research into specific issues, and consideration of how longitudinal data such as the Growing Up in Ireland study can be used more effectively in this type of research.
10. The development of co-operative and effective relationships between policy makers and academics/researchers can contribute significantly to the development of effective and progressive youth justice systems and policies.

# Introduction

Ireland's youth justice system, based on the Children Act 2001 as amended, is a justice-based system informed by the goals of diversion and welfare. Although the 2001 Act has lasted well, global developments mean that it is now timely to re-examine law and policy to ensure that it is informed by the latest international research, applied to contemporary Irish society. This project, based on a collaborative alliance between research and policy makers, aimed to support such a review and to promote the reform of Irish youth justice in line with the best available research and evidence.

The Children Act 2001 frames the Irish youth justice system and in recent years its implementation has been shaped by national policy.[1] The development of a new national youth justice strategy to set the course for the development of Irish youth justice from 2021 to 2027 means that this is a good time to review approaches to youth justice from the perspective of young people themselves and international research.

There is now a significant body of research on why and how young people come into conflict with the law, and the various approaches and interventions designed to respond to young people's offending behaviour are also well documented. While Irish youth justice has been subject to increased research and evaluation in recent years, data collection is still relatively poor, making evidence-based policy making difficult.[2] In this and other respects, the opportunity to learn from international experience is key.

This research aims to point the future direction of Irish youth justice law and policy against international research. Grounded in a comprehensive literature review, the report presents the findings of original research consisting of analysis of the Growing Up in Ireland Child Cohort dataset which aims to understand the young people who come into conflict with the law in Ireland, and their backgrounds. Consultation with

[1] Irish Youth Justice Service, *Tackling Youth Crime: Youth Justice Action Plan 2014-2018* (Dublin: Irish Youth Justice Service, 2013); Irish Youth Justice Service, *National Youth Justice Strategy 2008-2010* (Dublin: Irish Youth Justice Service, 2008).

[2] Kilkelly, U., *Youth Justice in Ireland: Tough Lives, Rough Justice* (Dublin: Irish Academic Press, 2006) at pp.1-6 & 254-255; Seymour, M., *Youth justice in context: community, compliance and young people* (Abington, Oxon & New York: Routledge, 2013); Kilkelly, U., "Diverging or Emerging from Law? The Practice of Youth Justice in Ireland" (2014) 14(3) *Youth Justice* 212; Quigley, E. and Gavin, B., "ADHD and the Irish Criminal Justice System: The Question of Inertia" (2018) 15 *Irish Probation Journal* 84; Carr, N. and Mayock, P., *Children and Young People in Care and Contact with the Criminal Justice System* (Dublin: Irish Penal Reform Trust, 2018) at p.22; Kilkelly, U. and Forde, L., *Looking Back at Tackling Youth Crime: Youth Justice Action Plan 2014-2018:A Review of Progress Achieved and Lessons Learned* (Dublin: Department of Justice, 2021).

young people ensures the research is informed by the views and experiences of young people of the Irish youth justice system.

## 0.1 Aims and Methodology

### 0.1.1 Project Aims

This research was funded by the Department of Children, Equality, Disability, Integration and Youth (DCEDIY) through the Irish Research Council's COALESCE Strand 1F scheme, designed to harness the resources and expertise of the Irish research system to support the successful achievement of Ireland's policy goals. This project involved research to meet the needs of DCEDIY with regard to understanding pathways to involvement in anti-social behaviour among young people: identifying risk and protective factors and the opportunities for effective early intervention and prevention. The study sought to establish a collaborative alliance between academia and policy makers to secure evidence-based reform and development of preventive approaches to youth offending.

The study seeks to address the research questions by identifying the latest international research, mapping it against the Irish data in order to shape a better understanding of the factors that create pathways into offending and the protective approaches that prevent young people from having contact with the youth justice system.

In setting out the scheme, the DCEDIY identified three core questions as the basis for the study:

1. What are the factors associated with involvement in anti-social behaviour, getting into trouble with the Gardaí and/or contact with the youth justice system?
2. What are the factors which may operate in a protective or a preventative way for young people who do not become involved in anti-social behaviour or contact with the Gardaí and the youth justice system?
3. What implications do these findings have for the future development of Irish youth justice policy and youth justice practice?

To address these questions, this study examines international literature on pathways into offending, identifies the factors linked to young people's involvement in offending and compares this research to available Irish data. The study identifies approaches that prevent young people becoming involved in offending, or that have the potential to divert them from the youth justice system. In doing so, a number of core messages are distilled from the available research and presented as key messages for policy makers.

### 0.1.2 Methodology

The project was led out of the School of Law at University College Cork, with an inter-disciplinary team consisting of expertise in psychology, criminology and law. It was guided by three groups: an International Expert Steering Group, made up of leading international scholars on youth justice and child development who advised on the literature review, a Young Person's Advisory Group, who supported the consultation with young people, and a Research Advisory group, combining the research team, officials from the Department of Children, the Department of Justice and a UL REPPP project representative, who supported the research.

The first stage of the study was a review of the leading peer reviewed literature from the key disciplines of law, psychology, and social science, broken into two phases. Phase 1 analysed the international literature on the factors associated with involvement in offending and anti-social behaviour among young people. It identified the key factors that influence young people's pathways into and out of offending including those factors that might help young people avoid coming into conflict with the law altogether. The second phase of the literature review examined approaches and interventions that address offending, including those that prevent young people becoming more deeply involved. Given the vast nature of the literature, there was a specific focus on diversion which is a key principle of the Irish approach.

The second stage of the study aimed to test the international research against the Irish experience. A review of available Irish research and data was undertaken to identify the factors that contributed to young people's involvement in offending and to document responses such as interventions or programmes.

The study also had a strong empirical dimension. The first element of this was an analysis of relevant Growing up in Ireland (GUI) longitudinal study (Child Cohort,

children born in 1998) in order to identify the prevalence of the characteristics shared by young offenders and those that help young people avoid getting into trouble. The GUI dataset had not previously been used to examine young people's involvement in offending behaviour, and so its inclusion here presented a unique opportunity to examine factors which impact on young people coming into conflict with the law in Ireland.

The analysis of the GUI dataset focused on the third wave of the study, captured when participants were 17 years of age. There are two parts to the analysis. Firstly, factors contained in wave 3 and their relationship to young people coming into conflict with the law was presented. Secondly, a comparative network analysis was undertaken of 40 factors identified as contributing factors to young people coming into conflict with the law to examine how these factors might interact. Two networks are presented –young people who have come into conflict with the law and young people who have not. Further detail in relation to the approach taken to the analysis is presented in Chapter Three.

The second key aspect of the empirical research involved consultation with young people through a series of focus groups held nationally. It was important to hear the voices of young people in the study in line with a children's rights approach and the National Strategy on Children and Young People's Participation in Decision-making, 2015-2020[3] which includes a commitment to mainstream "the participation of children and young people in the development of policy, legislation and research".[4] This qualitative component also served to test the relevance and the validity of the international research against their experience. The focus groups applied good practice principles set out by Hub na nÓg at the Department of Children,[5] including those with different levels of contact with the youth justice system – the study included young people with no contact with the criminal justice system, those who have had some contact with the youth justice system (e.g. the Garda Síochána or the Children's Court) and young people who have served an order in Oberstown Children Detention Campus.

[3] Department of Children and Youth Affairs, *National Strategy on Children and Young People's Participation in Decision-making, 2015 – 2020* (Dublin: Government Publications, 2015).

[4] *ibid* at p.4.

[5] https://www.hubnanog.ie/good-practice-principles/

Every effort was made to include diversity in age (14 to 18 years), gender and geographical area including urban/rural. A Youth Advisory Group comprising of six young people from Cork Life Centre, a voluntary organisation that offers an alternative learning environment to young people outside the mainstream education system, provided guidance on this part of the process. All empirical elements of the study were completed in line with the ethical approval granted to the COALESCE project team by the UCC Social Research Ethics Committee (SREC) on 15 July 2019. No ethical issues arose during the course of the study although a child protection concern raised in one setting and was dealt with in the manner set out in the ethical approval.

The final component of the study applies the lessons learned from both the desk-based and the empirical research to identify ways in which this learning can be applied to national policy. The study ultimately aims to present the core learning as key messages for policy makers seeking to ensure the continued progressive development of the Irish youth justice system.

A final note on terminology: the term "young person" and "young people" as used throughout this report should be understood to mean "children under the age of 18". Although "child" is the term used in the United Nations Convention on the Rights of the Child (UNCRC) and the Children Act 2001, we are using this terminology in line with the views of young people who took part in our Youth Advisory Group. The use of this terminology throughout does not detract from the fact that all young people under the age of 18 are children and are entitled to benefit from the full range of rights set out under the UNCRC.

### 0.1.3 Chapter Outline

This report is broken up into three substantive chapters, and a final chapter with key messages for policy makers. Each substantive chapter is concerned with two key questions. First, it sets out international and Irish research on the experiences and characteristics of young people who come into contact with the law. Secondly, it considers the responses that states take to this offending, and the approaches and interventions used to prevent young people from becoming further involved.

The first chapter sets out the existing research about the pathways and experiences of young people in conflict with the law in Ireland. It begins with a brief overview of Irish law

and policy on youth justice and then considers available Irish research documenting the pathways and experiences of young people in conflict with the law. This includes available reports and evaluations on the Irish youth justice system and academic research relevant both to young people's pathways into the justice system and their experiences within it.

The second chapter aims to locate the Irish system within the broader context of international youth justice. It sought to provide a broader context in which to understand the available Irish research documenting the pathways and experiences of young people in conflict with the law. This chapter is divided into two distinct sections. The first part sets out the available national and international evidence relating to the profile of young people who come into contact with the youth justice system in a range of countries, discussing the factors that impact on young people's pathways into conflict with the law. The second part considers the responses that states take to this offending behaviour, and the approaches and interventions used in an attempt to prevent young people from becoming involved in further offending.

The third chapter presents the findings of the empirical research including the findings from the focus groups with young people across Ireland. It presents their views on how young people come into conflict with the law, and their experiences of contact with the youth justice system. The methodology used to analyse the GUI survey data is presented, along with the key messages from the study about young people's pathways into conflict with the law in Ireland.

Finally, in considering the available evidence about the pathways and experiences of young people in the Irish youth justice system in light of the broader international research, the study concludes by identifying core learning for policy makers. By providing access to the available academic research, this will ensure that Irish youth justice law and policy continues to develop progressively in line with best available research.

Chapter

# The Irish Youth Justice System and Young People in Conflict with the Law in Ireland

This chapter introduces the Irish youth justice system. The aim is to highlight the main literature and data, noting that a detailed analysis is beyond the scope of the study.

The chapter begins by setting out the Irish law and policy framework, before moving on to consider the research. An examination is undertaken first of the evidence about how young people come into conflict with the law in Ireland, before turning to a discussion of available literature documenting young people's experiences within the system and highlighting areas where there may be potential for development of the system.

## 1.1 Irish Law and Policy on Youth Justice

In Ireland, young people who come into conflict with the law encounter a mainly specialised youth justice system largely in line with international human rights standards like the UN Convention on the Rights of the Child (UNCRC).[6] Governed by the Children Act 2001 ("the 2001 Act"),[7] as amended,[8] Irish youth justice[9] is a 'hybrid' model that is substantially justice-based,[10] with welfare influences.[11] While youth justice is administered by criminal justice agencies, there is a strong emphasis on diversion and a focus on young people (defined as those under 18 years) as children throughout the

[6] Kilkelly, U. and Forde, L., "Human Rights Law and Juvenile Justice: Emerging Law and Practice" in Weber, L., Fishwick, E., Marmo, M. (eds.), *The Routledge International Handbook of Criminology and Human Rights* (London: Routledge, 2017).

[7] Children Act 2001 (No. 24 of 2001).

[8] Criminal Justice Act 2006 (No. 26 of 2006); Children (Amendment) Act 2015 (No. 30 of 2015).

[9] Seymour, M., *Youth justice in context: community, compliance and young people* (Abington, Oxon & New York: Routledge, 2013) at pp.65-67.

[10] Kilkelly, U., *Youth Justice in Ireland: Tough Lives, Rough Justice* (Dublin: Irish Academic Press, 2006) at p. xvii.

[11] Walsh, D., "Balancing due process values with welfare objectives in juvenile justice procedure: Some strengths and weaknesses in the Irish approach" (2008) 3(2) *Youth Studies Ireland* 3.

system. Most young people charged with criminal offences are dealt with in the Children Court (the District Court with some adaptations); however, those who commit serious crimes may be tried either in the Circuit Criminal Court or, on indictment in the Central Criminal Court, an adult court with some modifications. The 2001 Act provides for a range of measures and sanctions that offer a tailored approach to each young person. Detention is a last resort and children subject to a detention or a remand order are accommodated in a purpose-built facility focused on their care.

Under the Act, all children who come into conflict with the law must be considered for admission to the Garda Diversion Programme, a system of police diversion, where they can receive a caution or supervision by a specially trained Garda known as a Juvenile Liaison Officer (JLO).[12] Children under 12 cannot be charged with criminal offences in most cases (although children as young as 10 can be charged in the case of murder, manslaughter, and certain sexual offences[13]) and the consent of the Director of Public Prosecutions (DPP) is required to prosecute a child under 14.[14] Equally, the youth justice system only applies to young people who are under the age of 18. Section 96 of the Act, described by O'Malley as "the kernel of the entire Act",[15] recognises that children have rights and freedoms before the law equal to those of adults, including a right to be heard and to participate in court proceedings. Criminal proceedings are not to be used solely for the purpose of providing care to the child[16] and in line with international law,[17] detention must only be used as a last resort, only where there is no other appropriate sanction.

There have been three national youth justice strategies to date – the *National Youth Justice Strategy 2008-2010,*[18] *Tackling Youth Crime: Youth Justice Action Plan 2014-2018*[19] and the new Youth Justice Strategy 2021-2027 adopted by the Department of

[12] Section 18 of the Children Act 2001.

[13] Section 52(1)-(2) of the Children Act 2001.

[14] Section 52(4) of the Children Act 2001.

[15] O'Malley, T., *Sentencing Law and Practice* (2nd ed.) (Dublin: Thomson Round Hall, 2006) at pp.369-370.

[16] Section 96(1)(b) of the Children Act 2001.

[17] See Article 37 of the UN Convention on the Rights of the Child 1989. See further Goldson, B. and Kilkelly, U., "International human rights standards and child imprisonment: Potentialities and limitations" (2013) 21(2) *International Journal of Children's Rights* 345.

[18] Irish Youth Justice Service, *National Youth Justice Strategy 2008-2010* (Dublin: Irish Youth Justice Service, 2008).

[19] Irish Youth Justice Service, *Tackling Youth Crime: Youth Justice Action Plan 2014-2018* (Dublin: Irish Youth Justice Service, 2013).

Justice. The National Youth Justice Strategy 2008-2010 emphasised the need to ensure that appropriate services were in place to implement the Act,[20] and it highlighted the importance of inter-agency co-operation,[21] setting out five High Level Goals for the development of the youth justice system. The second key strategy produced by the IYJS, *Tackling Youth Crime: Youth Justice Action Plan 2014-2018* took a child-centred approach focused on positive, supportive interventions within the five High Level Goals set out. The new Youth Justice charts the future direction of youth justice in Ireland in a broadly progressive manner.[22]

### 1.1.1 Diversion

A key feature of Irish youth justice is its strong emphasis on diversion. Part 4 of the 2001 Act placed the Garda Diversion Programme on a statutory footing. The goal of the Programme is to divert children from becoming involved in further offending, and the Act requires that, unless it is in the interests of justice, all children involved in offending or anti-social behaviour must be considered for inclusion in the Programme.[23]

The most recent data on the operation of the Programme, from 2019, indicate that there were 18,567 referrals involving 9,842 to the Diversion Programme in 2019,[24] with 1,605 deemed unsuitable for admission.[25] This decision was often made where the young person had been referred to the Programme on multiple previous occasions, in cases of very serious offending, or because the young person did not admit to the offence, left the jurisdiction, or were not engaging with or were not contactable by Gardaí.

The criteria for admission to the Programme are set out in legislation. Before a child is admitted to the Programme, he or she must be over the age of criminal responsibility and under 18 years old; must accept responsibility for their part in the alleged offence or anti-social behaviour; must consent to be cautioned; and where appropriate, to be

[20] Irish Youth Justice Service, *National Youth Justice Strategy 2008-2010* (Dublin: Irish Youth Justice Service, 2008) at p.vi.

[21] *ibid* at p.6.

[22] Department of Justice, *Youth Justice Strategy 2021-2027* (Dublin: Department of Justice, 2021).As this strategy was adopted after the completion of this study, it is mentioned but not analysed here.

[23] Sections 18-19 of the Children Act 2001.

[24] An Garda Síochána, *Annual Report of the Committee Appointed to Monitor the Effectiveness of the Diversion Programme 2019* (Dublin: Garda Youth Diversion Bureau, 2019) at p.4.

[25] *ibid*.

supervised by a Juvenile Liaison Officer (JLO).[26] The decision on whether to admit a child rests with the Director of the Programme.

Once a young person is admitted to the Programme, they must agree to accept either an informal or a formal caution accompanied by JLO supervision; a young person may also receive what are described as 'restorative cautions'.[27] A JLO may refer a child to a Garda Youth Diversion Project (GYDP),[28] which provides interventions to improve children's capacity for empathy, to reflect on their actions, to develop motivation for change, and to improve school outcomes.[29] Young people can also become involved in these Projects in other ways and although some concerns have been raised about the direction of the GYDPs,[30] they are a significant plank of government policy in this area.

While concerns relating to due process have been raised with respect to the Garda Diversion Programme,[31] the Programme has been described as "overwhelmingly positive"[32] and "one of our most celebrated interventions."[33] The operation of the Garda Diversion Programme is subject to continuing review, and this area of Irish youth justice is likely to continue to develop in coming years.[34]

### 1.1.2 The Investigation of Offences

The 2001 Act recognises the importance of protecting the child's rights including when in police custody. As a guiding principle, section 55 requires that the Garda Síochána must carry out their duties "with due respect for the personal rights of the children and their dignity as human persons, for their vulnerability owing to their age and level of

[26] Section 23(1) of the Children Act 2001.

[27] Kilkelly, U., "Diverging or Emerging from Law? The Practice of Youth Justice in Ireland" (2014) 14(3) *Youth Justice* 212, at p.218; O'Dwyer, K. and Payne, B., "Restorative Justice" in Healy, D., Hamilton, C., Daly, Y., & Butler, M. (eds.), *The Routledge Handbook of Irish Criminology* (London & New York: Routledge, 2016), at pp.232-233.

[28] An Garda Síochána, *Annual Report of the Committee to Monitor the Effectiveness of the Diversion Programme 2010* (Dublin: Garda Office for Children and Youth Affairs, 2010) at p.23.

[29] Redmond, S., "A Baseline Analysis of Garda Youth Diversion Projects: Considering Complexities in Understanding Youth Crime in Local Communities in Ireland" (2009) 6 *Irish Probation Journal* 135, at p.147.

[30] Swirak, K., "Problematising Advanced Liberal Youth Crime Prevention: The Impacts of Management Reforms on Irish Garda Youth Diversion Projects" (2016) 16(2) *Youth Justice* 162.

[31] Campbell, L., "Garda Diversion of Young Offenders: An Unreasonable Threat to Due Process Rights?" (2005) 6(1) *Irish Journal of Applied Social Studies* 13; Brennan, A.M., "The Garda Diversion Programme and the juvenile offender: the dilemma of due process rights" (2012) 22(2) ICLJ 46.

[32] Kilkelly, U., *Youth Justice in Ireland: Tough Lives, Rough Justice* (Dublin: Irish Academic Press, 2006) at p.94.

[33] O'Sullivan, N., "Building Trust and Confidence – Challenges and Opportunities for the Garda Síochána" (2015) 12 *Irish Probation Journal* 7, at p.8.

[34] Kilkelly, U., "Policing, Young People, Diversion and Accountability in Ireland" (2011) 55 *Crime Law and Social Change* 133.

maturity and for the special needs of any of them who may be under a physical or mental disability". Specific provisions govern the treatment of children during the investigation of offences, including requiring that information should be given to a child - in language appropriate to the age and understanding of the child - on his or her arrest setting out the alleged offence, and that the child should be informed of their entitlement to consult a solicitor.[35] Equally, children should not be questioned or asked to make a written statement in the absence of a parent, guardian or "another adult" nominated by the member in charge of the Garda station.[36] A recent study has highlighted gaps between the legislative provision and children's experience of police questioning in practice.[37]

### 1.1.3 Court

Most young people face trial in the Children Court, although the Act provides an opportunity for that Court to adjourn proceedings and order a family conference to take place where an action plan to address the young person's offending must be drawn up. The Court can approve or reject the plan and can direct the child to comply with its terms and be supervised by the Probation Service.[38]

The District Court sits as the Children Court when hearing cases involving young people (legally children) under the age of 18.[39] Young people appearing in Children Court should be separated from persons attending other hearings[40] and s.96 requires that children should be treated equally to adults before the law, and in particular should have a right to participate and be heard in court proceedings. While efforts to adapt the Children Court to make the proceedings more suitable for young people have been made through the adoption of a Practice Direction for the Dublin Metropolitan District in 2014, the lack of more detailed statutory guidance has led to inconsistency in practice,[41] with impacts on the child's effective participation in the process.[42] Concerns

[35] Sections 57-8 of the Children Act 2001.

[36] Section 61 of the Children Act 2001.

[37] Kilkelly, U. and Forde, L. *Children's Rights and Police Questioning: A Qualitative Study of Children's Experiences of being interviewed by the Garda Síochána* (Dublin: Policing Authority, 2020).

[38] Sections 78-82 of the Children Act 2001.

[39] Section 71(1) of the Children Act 2001.

[40] Section 71(2) of the Children Act 2001.

[41] Kilkelly, U., "Diverging or Emerging from Law? The Practice of Youth Justice in Ireland" (2014) 14(3) *Youth Justice* 212, at pp.215-6.

[42] Forde, L., "Realising the Right of the Child to Participate in the Criminal Process" (2018) 18(3) *Youth Justice* 265.

with the operation of the Children Court were documented in the 2000s when recommendations that the process should achieve greater compliance with children's rights were made.[43] Children who commit more serious crimes may be sent to the Circuit or indicted before the Central Criminal Court for trial.[44]

### 1.1.4 Sanctions

If convicted, a young person can face a range of sanctions. Under s.96, detention must be a last resort and "any penalty imposed on a child for an offence should cause as little interference as possible with the child's legitimate activities and pursuits, should take the form most likely to maintain and promote the development of the child and should take the least restrictive form that is appropriate in the circumstances". The general approach is to prefer rehabilitation over punishment with penalties that "should be positive rather than negative in terms of the child's development".[45]

The court may take the child's age and level of maturity into account as mitigating factors and the penalty imposed should be no greater than that which an adult would receive, while having regard for the child's best interests, the interests of the victim and the protection of society.[46] The absence of more detailed sentencing guidance "means that judges use their own discretion as to how to approach the sentencing process when, as is often the case, one or more of the above factors conflict."[47]

The 2001 Act provides for a range of community sanctions "designed to ensure that there is an appropriate measure available for each child regardless of his/her needs or problems."[48] These sanctioning options provide that the child will be under the supervision of the Probation Service in the community, subject to a number of conditions. Specific orders, such as Day Centre Orders, Training or Activities Orders, Intensive Supervision Orders, and Mentor (Family Support) Orders, are set out in Part 9

[43] Carroll, J., Meehan, E. and McPhillips, S., *The Children Court: A National Study* (Dublin: Association for Criminal Justice Research and Development, March 2007); Kilkelly, U. "Youth Courts: The Irish Experience" (2008) 8 *Youth Justice* 39.

[44] Section 75 of the Children Act 2001.

[45] Walsh, D., *Juvenile justice* (Dublin: Thomson Round Hall, 2005) at p.190; See further O'Malley, T., *The Criminal Process* (Dublin: Roundhall Thompson Reuters, 2009) at p.146.

[46] Section 96 of the Children Act 2001.

[47] Kilkelly, U., *Children's Rights in Ireland: Law, Policy and Practice* (West Sussex and Dublin: Tottel Publishing, 2008) at p.550; Convery, U. and Seymour, M., "Children, crime and justice" in Healy, D., Hamilton, C., Daly, Y., and Butler, M. (eds.), *The Routledge Handbook of Irish Criminology* (London & New York: Routledge, 2016) at p.254.

[48] Kilkelly, U., *Youth Justice in Ireland: Tough Lives, Rough Justice* (Dublin: Irish Academic Press, 2006) at p.171.

of the Act, although it is difficult to know how these Orders are being implemented in practice.[49]

Under s.142 and s.144, a court may order a young person to serve a detention order or a detention and supervision order in Oberstown Children Detention Campus. Section 158 provides that the principal object of Oberstown is to provide "appropriate educational and training programmes and facilities", "to promote their reintegration into society and prepare them to take their place in the community as persons who observe the law and are capable of making a positive and productive contribution to society". Based on s.158, Oberstown's model of care – CEHOP – requires an integrated approach to the young person's Care, Education, Healthcare, Offending Behaviour and Preparation for leaving. This model has been integrated into Oberstown's mission statement and is at the centre of the new Oberstown Children's Rights Policy Framework.[50] Realising the rights of children in detention is not without complexity,[51] although substantial progress has been documented by the national inspectorate in this respect.[52]

### 1.1.5 Youth Justice Strategy

The introduction of national policy has had a significant impact on the implementation of the 2001 Act in practice. As noted above, the *National Youth Justice Strategy 2008-2010*[53] and *Tackling Youth Crime: Youth Justice Action Plan 2014-2018* have been instrumental in ensuring the progressive direction of the youth justice system.[54] As the

[49] Kilkelly, U., "Diverging or Emerging from Law? The Practice of Youth Justice in Ireland" (2014) 14(3) *Youth Justice: An International Journal* 212.

[50] See https://www.oberstown.com/who-we-are/mission-statement/

[51] See Kilkelly, U., "Translating International Children's Rights Standards into Practice: the Challenge of Youth Detention" in *Children against Torture in Detention: Global Solutions for a Global Problem* (Center for Human Rights & Humanitarian Law, American University Washington College of Law, 2017).

[52] See e.g. Health Information and Quality Authority Regulation Directorate, *Monitoring Inspection Report: Oberstown Children Detention Campus* (Inspection Dates: 27th-30th March 2017, Inspection ID: MON-0019299) (HIQA, 2017); Health Information and Quality Authority Regulation Directorate, *Monitoring Inspection Report: Oberstown Children Detention Campus* (Inspection Dates: 7th and 8th, 10th, 12th and 13th March 2018, Inspection ID: MON-0021170) (HIQA, 2018); Health Information and Quality Authority Regulation Directorate, *Report of Oberstown Children Detention Campus* (Inspection Dates: 16th-18th July 2019, Inspection ID: MON-0027284) (HIQA, 2019).

[53] Irish Youth Justice Service, *National Youth Justice Strategy 2008-2010* (Dublin: Irish Youth Justice Service, 2008).

[54] Kilkelly, U. and Forde, L., *Looking Back at Tackling Youth Crime: Youth Justice Action Plan 2014-2018: A Review of Progress Achieved and Lessons Learned* (Dublin: Department of Justice, 2021).

new Youth Justice Strategy is adopted, the time is opportune to reflect on the high-level goals and actions that require focus in the years ahead.[55]

## 1.2 Irish Research and Evidence on Young People's Pathways into Conflict with the Law

### 1.2.1 Trends and Patterns of Offending by Young People in Ireland

#### *a. Types of Offending*

The majority of offending by young people in Ireland is minor in nature.[56] The Garda Síochána Analysis Service analysis of crimes committed by young people between 2013 and 2017 demonstrated that 49% of all offences committed by young people in 2017 were made up of four offences – theft from shop, public order offences, criminal damage and simple possession.[57] Other offences documented by a study of Garda Youth Diversion Projects (GYDPs) in 2009 included drugs-related matters, violent offences, theft of motor vehicles and road traffic matters.[58] Offending behaviour by young people is often linked to alcohol,[59] and Garda statistics demonstrate that a significant number of offences related to drunkenness and public order occur on particular days of the year, such as St Patrick's Day and Hallowe'en.[60] In addition, some more serious offences, such as assault causing harm, are said to be "linked to the night-time economy".[61]

Annually, the Committee appointed to Monitor the Effectiveness of the Garda Diversion Programme reports the number of children who are engaged in offending

[55] Department of Justice, *Youth Justice Strategy 2021-2027* (Dublin: Department of Justice, 2021).

[56] Convery, U. and Seymour, M., "Children, crime and justice", in Healy, D., Hamilton, C., Daly, Y. and Butler, M. (eds.), *The Routledge Handbook of Irish Criminology* (Abingdon: Routledge, 2016) at p.251.

[57] An Garda Síochána, *Annual Report of the Committee Appointed to Monitor the Effectiveness of the Diversion Programme 2017* (Dublin: Garda Youth Diversion and Crime Prevention Bureau, 2017) at p.24.

[58] Irish Youth Justice Service, *Designing effective local responses to youth crime: A Baseline analysis of the Garda Youth Diversion Projects* (Dublin: Department of Justice and Law Reform, 2009) at pp.16-17.

[59] Convery, U. and Seymour, M., "Children, crime and justice", in Healy, D., Hamilton, C., Daly, Y. and Butler, M. (eds.), *The Routledge Handbook of Irish Criminology*, (Abingdon: Routledge, 2016) at p.251; Irish Youth Justice Service, *Designing effective local responses to youth crime: A Baseline analysis of the Garda Youth Diversion Projects* (Dublin: Department of Justice and Law Reform, 2009) at p.16.

[60] An Garda Síochána, *Annual Report of the Committee Appointed to Monitor the Effectiveness of the Diversion Programme 2017* (Dublin: Garda Youth Diversion and Crime Prevention Bureau, 2017) at p.24; see further Irish Youth Justice Service, *Designing effective local responses to youth crime: A Baseline analysis of the Garda Youth Diversion Projects* (Dublin: Department of Justice and Law Reform, 2009) at p.19.

[61] An Garda Síochána, *Annual Report of the Committee Appointed to Monitor the Effectiveness of the Diversion Programme 2017* (Dublin: Garda Youth Diversion and Crime Prevention Bureau, 2017) at p.25.

across a wide range of offence categories. The more serious forms of offending coming to the attention of Gardaí include sexual offences, assault causing harm and assault minor, burglary and robbery offences, and some drugs offences.[62] Murder threats were also reported to be the most common homicide-related offence in the period studied.[63]

Offending or crime trends can vary over time, and technology and social media related offences are now emerging.[64] Offending which takes place either online or in the private sphere may not be as visible as street-based offending behaviour; in considering the pathways of young people who come into conflict with the law, it is important to take account of the changing environment, and the less visible nature of some crimes. Recently, it has been documented that children can be drawn into peripheral involvement with gangs operating within the drug markets, with significant potential for them to become involved in offending or to become victims.[65] In 2009, facilitators working in GYDPs noted that in some cases young people could become involved in drug supply networks through broader family links or being groomed by adult dealers in their local area.[66] Recent research into this specific issue found that in one locality, criminal networks – sometimes involving family and kinship relationships – were influential in involving children in criminal behaviour, and these children became involved in repeated and serious offending.[67] This was maintained through debt obligations and environments of fear, intimidation and coercion.[68] Follow-up research highlighted that although the number of young people affected was relatively small, this problem extended beyond the location originally studied, and similar situations existed across the country, both in and out of large urban areas.[69]

[62] *ibid* at pp.25-26.

[63] *ibid* at p.25.

[64] *ibid* at p.18.

[65] Convery, U. and Seymour, M., "Children, crime and justice", in Healy, D., Hamilton, C., Daly, Y. and Butler, M. (eds.), *The Routledge Handbook of Irish Criminology* (Abingdon: Routledge, 2016) at p.251.

[66] Irish Youth Justice Service, *Designing effective local responses to youth crime: A Baseline analysis of the Garda Youth Diversion Projects* (Dublin: Department of Justice and Law Reform, 2009) at p.24.

[67] Redmond, S., *Lifting the lid on Greentown – Why we should be concerned about the influence criminal networks have on children's offending behaviour in Ireland* (Dublin: Department of Child and Youth Affairs, 2015).

[68] *ibid*.

[69] Naughton, C. and Redmond, S., *National Prevalence Study: Do the findings from the Greentown study of children's involvement in a criminal network extend beyond Greentown?* (Dublin: Department of Children and Youth Affairs, 2017).

Although trends and patterns in offending behaviour change over time, and need to be consistently monitored and analysed, it is worth noting that certain types of offending can become more prevalent during different time periods, and in some cases, young people involved in particular categories of offending may be involved in higher levels of re-offending.[70] It should be noted, however, that looking at offence categories alone will not take into account the individual, social and environmental factors that lead to young people coming into conflict with the law on repeated occasions. Therefore, while analyses based on offence type may be useful to take into account in determining the most appropriate form of diversionary intervention to be used, it should be taken into account only in light of the broader individual, family and community factors that impact on young people. This includes the need to explore how and why the youth justice system criminalises certain young people; in particular, if there are particular types of offending attracting attention, or young people from particular social groups or communities being disproportionately impacted, this should be kept under regular review.

***b. Levels of Offending Amongst Young People***

Offending rates amongst young people in Ireland thus appear to be low, and the offences committed are mostly minor in nature. The Garda Diversion Programme data reports a fairly consistent pattern in the number of referrals to the Programme, as well as the number of children receiving informal cautions, often for more minor forms of offending.[71]

However, a small proportion of young people in Ireland who come into conflict with the law come to the attention of the Gardaí on multiple occasions. In 2017, for instance, 5% of the children referred to the Garda Diversion Programme had been referred six or more times;[72] 67% of children deemed unsuitable for inclusion in the Programme had been referred six or more times.[73]

[70] An Garda Síochána, *Annual Report of the Committee Appointed to Monitor the Effectiveness of the Diversion Programme 2017* (Dublin: Garda Youth Diversion and Crime Prevention Bureau, 2017) at p.26.

[71] *see above*.

[72] An Garda Síochána, *Annual Report of the Committee Appointed to Monitor the Effectiveness of the Diversion Programme 2017* (Dublin: Garda Youth Diversion and Crime Prevention Bureau, 2017) at p.18.

[73] *ibid*.

An even smaller number of young people who come into conflict with the law progress to the "deeper" end of the system and are deprived of their liberty by order of court, either on remand or a detention order. Relatively small numbers of young people receive a custodial sanction. For instance, in the first quarter of 2019, there were 73 individual young people in Oberstown.[74] Latest available figures demonstrate that in any given month between January 2020 and July 2020 there were between 40 and 54 individual young people in Oberstown,[75] indicating a falling trend in the use of detention. Oberstown data shows that the vast majority of those detained are boys, 41% had a history of being in state care or of significant involvement with the Child and Family Agency, Tusla.[76]

### 1.2.2 Characteristics and Experiences amongst Young People in Conflict with the Law in Ireland

Although Irish data on young people who come into conflict with the law is not systematically collected or analysed, the available data on the circumstances and characteristics of these young people - published by the Garda Síochána and Oberstown Children Detention Campus - highlights the consistency between the Irish experience and the international literature in the area.

***a. Gender and over-representation of particular groups***

As in other countries, boys represent a large proportion of young people coming into conflict with the law in Ireland. At the more serious end of the system, males dominate the young people in detention, comprising 72 of the 75 young people detained in Oberstown in the first quarter of 2019 for instance.[77] Similar over-representation of males is found elsewhere in the system. In 2017, Garda statistics showed that 28% of child offenders were female, a number which had increased in 2017 when compared with previous years.[78] In addition, the type of offending carried out by females and males varied. Males made up for 89% of assault causing harm cases, and 71% of assault

[74] Oberstown Children Detention Campus, Annual Report 2019 (Dublin: Oberstown Children Detention Campus, 2020) at p.8.

[75] See further https://www.oberstown.com/campus-stats/

[76] Oberstown Children Detention Campus, *Annual Report 2019* (Dublin: Oberstown Children Detention Campus, 2020) at p.8.

[77] *ibid*.

[78] An Garda Síochána, *Annual Report of the Committee Appointed to Monitor the Effectiveness of the Diversion Programme 2017* (Dublin: Garda Youth Diversion and Crime Prevention Bureau, 2017) at p.24.

minor cases.[79] While 55% of theft from shop offences in the period analysed by the Garda Síochána Analysis Service in 2017 were committed by girls, a higher proportion of all female offenders were one-time offenders (78%) as compared to males (61%). Similarly, although the percentage of young people linked to ten or more incidents was small for both genders, 1.4% of all females coming into conflict with the law fell into this category as compared with 4.9% of males.[80]

The issue of the proportion of young people from minority backgrounds in Ireland is one that requires attention. Oberstown data indicates that 19% of all young people detained during the first quarter of 2019 were members of the Traveller community.[81] Seven of the 127 young people (or approximately 5.5%) in Oberstown during the same time period were born outside of Ireland.[82] While the over-representation of Travellers in the adult prison system has been documented,[83] much less information is available in the context of the youth justice system and this is clearly a matter requiring greater scrutiny so that the particular issues facing these young people can be understood.

Other young people, such as those in state care, have also been found to be over-represented within the Irish youth justice system.[84] More research is needed on the representation of young people from other minority groups, including other ethnic minorities, those born outside of Ireland, those with disabilities and LGBTI+ young people in order to identify any issues relating to disproportionate representation and potentially discriminatory practices among young people who come into conflict with the law.

### *b. Individual factors*

The circumstances of young people who come into conflict with the law are often complex and influenced by a range of factors, the convergence of which can be striking. According to Le Chéile Mentoring's 2019 Annual Report, young people involved in

[79] *ibid* at p.25.

[80] *ibid* at p.24.

[81] Oberstown Children Detention Campus, *Annual Report 2019* (Dublin: Oberstown Children Detention Campus, 2020) at p.8.

[82] *ibid* at p.9.

[83] Irish Penal Reform Trust, *Travellers in the Irish Prison System: A Qualitative Study* (Dublin: Irish Penal Reform Trust, 2014).

[84] Carr, N. and Mayock, P., *Children and Young People in Care and Contact with the Criminal Justice System* (Dublin: Irish Penal Reform Trust, 2018).

mentoring programmes have often "led difficult and chaotic lives, and they often present with a number of different vulnerabilities or issues requiring support".[85] In a 2009 study of GYDPs, facilitators identified a number of factors which impacted on young people's involvement in offending behaviour, including high levels of aggression, a lack of empathy, impulsivity and learning difficulties.[86] At the other end of the system, mental health needs were identified amongst 41% of young people detained in Oberstown in the first quarter of 2019 and a quarter of young people had been prescribed medication for a mental health concern.[87]

***c. Family***

The impact of the young person's family environment on their involvement in offending behaviour is a common theme in the literature. Among young people detained in Oberstown Children Detention Campus in the first quarter of 2019, 31% had suffered a significant loss in their family circle, through death, imprisonment, or no long-term contact with one or both parents. In a study of young people involved in GYDPs, those working with young people highlighted that in some cases parents had chaotic lifestyles and were engaged in drug or alcohol use, were involved in anti-social behaviour or had criminal histories, while in other cases there were high levels of violence experienced within the family home. A history of family difficulties that led to state involvement is also common among young people in Oberstown.[88]

***d. School***

Poor school attendance or difficulties in the education environment are common among young people in conflict with the law. In 2019, 57% of young people admitted to Oberstown Children Detention Campus in Quarter 1 that year had not been engaged with education prior to their detention and a significant number had a diagnosed learning disability.[89] Poor attendance or performance at school, and behaviour

[85] Le Chéile Mentoring, *Annual Report 2019* (Dublin: Le Chéile Mentoring, 2020) at p.18.

[86] Irish Youth Justice Service, *Designing effective local responses to youth crime: A Baseline analysis of the Garda Youth Diversion Projects* (Dublin: Department of Justice and Law Reform, 2009) at p.28.

[87] Oberstown Children Detention Campus, *Annual Report 2019* (Dublin: Oberstown Children Detention Campus, 2020) at pp.8-9.

[88] *ibid* at pp.8-9.

[89] *ibid* at pp.8-9.

problems in the school environment were also listed as factors influencing involvement in offending behaviour amongst young people involved in GYDPs.[90]

***e. Neighbourhood and environmental factors***

Studies have highlighted that factors relating to the young person's environment can impact young people's offending. For example, easy access to alcohol was cited by facilitators of GYDPs in a 2009 study.[91] As has already been noted, alcohol is considered to be a significant contributor to offending amongst young people in Ireland. Of the young people detained in Oberstown in the first quarter of 2019, 71% were considered to have substance misuse problems; it is particularly significant that such problems often co-occurred with other difficulties, including mental health problems, self-harm concerns and experiences of being in state care.[92]

Neighbourhood environments and dynamics between individuals in the local area can also play a part in young people coming into conflict with the law. In some cases, factors such as high concentrations of adult offending behaviour, acceptance of drug dealing and other forms of offending, and poor attitudes to the Gardaí were considered to have negatively impacted young people involved in GYDPs.[93] Facilitators in GYDPs interviewed in 2009 suggested that many conflicts between young people had roots in family disputes or other relationships, local rivalries or drugs-related disputes, sometimes amongst young people who had accrued debts.[94] Other research found that young people with vulnerabilities are particularly susceptible to being drawn into these activities.[95]

[90] Irish Youth Justice Service, *Designing effective local responses to youth crime: A Baseline analysis of the Garda Youth Diversion Projects* (Dublin: Department of Justice and Law Reform, 2009) at p.31.

[91] ibid at pp.21-22.

[92] Oberstown Children Detention Campus, *Annual Report 2019* (Dublin: Oberstown Children Detention Campus, 2020) at pp.8-9.

[93] Irish Youth Justice Service, *Designing effective local responses to youth crime: A Baseline analysis of the Garda Youth Diversion Projects* (Dublin: Department of Justice and Law Reform, 2009) at pp.31-32.

[94] *ibid* at p.22.

[95] Redmond, S., *Lifting the lid on Greentown – Why we should be concerned about the influence criminal networks have on children's offending behaviour in Ireland* (Dublin: Department of Child and Youth Affairs, 2015).

### 1.2.3 The Need for Further Research and Data Collection

The need for consistent and systematic data collection and research into the pathways of young people in conflict with the law has been noted repeatedly in the Irish context.[96] According to the Committee Appointed to Monitor the Effectiveness of the Garda Diversion Programme, particular attention needs to be paid to the small number of young people who come to the attention of the Gardaí on multiple occasions to enable more effective targeting of resources in this direction.[97] Data collection has improved in some areas with Oberstown Children Detention Campus, for instance, publishing data on the characteristics of young people in detention.[98] It is also very welcome that a number of consultations have been carried out in recent years with young people who have experience of contact with the youth justice system.[99] This type of research is important to understand the lived experiences of young people in conflict with the law. It is equally welcome that other organisations, such as the Probation Service, are beginning to collect more in-depth data on the young people engaged with the service; this will improve our knowledge of the issues impacting young people in this area. In addition, some recent projects have considered how certain youth justice interventions can be improved,[100] and research has explored how data collection methods in youth justice might be improved, learning from international experience.[101] At the same time, a more systematic and integrated approach to the collection of data is needed to promote an evidence-based approach to youth justice in Ireland. Investment in this priority is now long overdue.

[96] Convery, U. and Seymour, M., "Children, Crime and Justice", in Healy, D., Hamilton, C., Daly, Y. and Butler, M. (eds), *The Routledge Handbook of Irish Criminology* (Abingdon: Routledge, 2016) at p.252.

[97] An Garda Síochána, *Annual Report of the Committee Appointed to Monitor the Effectiveness of the Diversion Programme 2017* (Dublin: Garda Youth Diversion and Crime Prevention Bureau, 2017) at p.18.

[98] See further www.oberstown.com

[99] Roe, S., *Report on Consultations with Young People Engaged in Garda Youth Diversion Projects* (Department of Children and Youth Affairs, November 2018); O'Connor, L., *Consultation with Young People on their experience of Le Chéile Mentoring* (Dublin: Le Chéile Mentoring, January 2020); Oberstown Children Detention Campus, *Annual Report 2019* (Dublin: Oberstown Children Detention Campus, 2020) at p.18.

[100] Redmond, S., *Lifting the lid on Greentown – Why we should be concerned about the influence criminal networks have on children's offending behaviour in Ireland* (Dublin: Department of Child and Youth Affairs, 2015); Naughton, C. and Redmond, S., National Prevalence Study: *Do the findings from the Greentown study of children's involvement in a criminal network extend beyond Greentown?* (Dublin: Department of Children and Youth Affairs, 2017).

[101] Reddy, J. and Redmond, S., *Making it Count: Improving the Measurement of Effectiveness in the Irish Youth Justice System* (Research Evidence into Policy, Programmes and Practice (REPPP) Project, University of Limerick, 2019).

## 1.3 Responses to Young People in Conflict with the Law

This section aims to document the responses and approaches that the Irish youth justice system applies to children in conflict with the law. In addition to the sanctions and measures set out in the Children Act, these include programmes run by youth justice agencies, such as the Garda Síochána, the Probation Service, and Oberstown Children Detention Campus. Others are implemented by community-based organisations such as Le Chéile Mentoring and the Youth Advocacy Programme (YAP).

### 1.3.1 Prevention

A range of initiatives are in place which may help to prevent young people from becoming involved in offending. In the mid-2000s, these included the Springboard programme, the Early Start Programme, the School Completion Programme and Youthreach, as well as the Garda Special Projects (which later became the Garda Youth Diversion Projects).[102] While these approaches focused on preventing young people from becoming involved in offending, more punitive approaches like Behaviour Orders have also been introduced, going "against the philosophy and vision of the Children Act of 2001 which seeks to divert young people from the criminal justice system".[103] Notwithstanding that they have not frequently been deployed, they are a reminder of how regressive approaches can occasionally gain popularity.

### 1.3.2 Diversion

As noted previously, diversion is a significant feature of the Irish youth justice system with young people being diverted from court and offending via the Garda Diversion Programme and the Garda Youth Diversion Projects. Notwithstanding concerns about net-widening[104] and the dilution of due process guarantees,[105] diversion is one of the key strengths of the Irish youth justice system. According to the Garda Síochána Analysis Unit from 2013-2017, 64% of young people who received either a formal or an

[102] See further Seymour, M., "Transition and Reform: Juvenile Justice in the Republic of Ireland" in Junger-Tas, J. and Decker, S. (eds.), *International Handbook of Juvenile Justice* (Dordrecht: Springer Publishing, 2006).

[103] *ibid* at p.138.

[104] Griffin, D., "Restorative Justice, diversion and social control" in Lalor, K., Ryan, F., Seymour, M. and Hamilton, C. (eds.), *Young People and Crime: Research, Policy and Practice* (Dublin: Centre for Social and Educational Research, 2007) at pp.127-128.

[105] Campbell, L., "Garda Diversion of Young Offenders: An Unreasonable Threat to Due Process Rights?" (2005) 6(1) *Irish Journal of Applied Social Studies* 13; Kilkelly, U., "Policing, Young People, Diversion and Accountability in Ireland" (2011) 55 *Crime, Law and Social Change* 133, at pp. 145-148; Brennan, A.M., "The Garda Diversion Programme and the Juvenile Offender: The Dilemma of Due Process Rights" (2012) 22(2) *Irish Criminal Law Journal* 46.

informal caution as a first caution had not re-offended by the end of 2017.[106] At the same time, resources are needed in order to ensure that diversionary approaches are prioritised and effective and delivered in an age appropriate manner.[107]

### 1.3.3 Community Based Sanctions and Measures

Young people who receive a community sanction from the court are supervised by the Probation Service and in 2019, there were 553 new young people referred from the courts;[108] the Service managed young people on 581 supervision orders.[109] Although the court can refer a young person to the Probation Service for the purpose of holding a family conference, few such referrals are made in practice.

Restorative justice approaches are also used and some organisations have undertaken work in this area including Le Chéile Mentoring, who have established a Restorative Justice Project in Limerick, and provide restorative justice training to professionals. At the same time, the number of young people involved in these initiatives remains low. Le Chéile Mentoring reported that in 2019, 31 young people engaged with its project, with four restorative conferences carried out, three reparation projects and five victim/offender mediations initiated. While those who participated in the restorative justice initiative reported an overall positive change, the evaluation of these initiatives must be a priority.

Some interventions carried out with young people engage both young people and their families in the community. In a 2020 evaluation of one such programme carried out by the Youth Advocate Programme (YAP), young people, parents, and those involved in implementing and overseeing the programme all indicated that the approach had positive outcomes.[110] Echoing findings elsewhere in the international literature, a number of features of this Programme were considered particularly important to its success. These included a one-to-one, needs-led, relationship-based approach, focused on the development of a supportive relationship between the advocate and

[106] An Garda Síochána, *Annual Report of the Committee Appointed to Monitor the Effectiveness of the Diversion Programme 2017* (Dublin: Garda Youth Diversion and Crime Prevention Bureau, 2017) at p.26.

[107] *ibid* at p.29.

[108] Probation Service, *Annual Report 2019* (Dublin: Probation Service, 2020) at p.56.

[109] *ibid* at p.57.

[110] Brady, B., Devaney, C., Crosse, R., Rodriguez, L., and Silke, C., *Strengths and Challenges of the YAP Community Based Advocate Model* (Galway: UNESCO Child and Family Research Centre, National University of Ireland Galway, 2020).

the young person; carefully selected advocates to ensure suitability with the young person and his or her family; an approach that focuses on the strengths of the young person and their family and developing their talents and abilities; tailored, wraparound services that respond to the individual needs of the young person; emphasis on linking young people to community and social resources; significant emphasis on listening to the voices of young people and their families; focus on outcomes and measurement of the programme's impact; and the time-limited nature of the intervention.[111]

Young people may also be referred to a mentoring service by the court, or through the Probation Service. Le Chéile Mentoring engages in this work with young people and their families[112] and both young people and their parents have reported positive changes after participating in the programme.[113] Some of the positive outcomes reported include: increased levels of self-esteem, improved relationships and communication skills, greater integration of young people into activities and services in their community, and decreases in engagement in offending and anti-social behaviour.[114] Mentoring has also been found to be useful as a support mechanism for parents, who reported that they felt better placed to deal with the young person who was in trouble and to restore and develop a healthier family environment for the household. However, the most positive outcomes were reported in cases where parents were pro-active and supportive of young people.[115] In a consultation with young people who had engaged with Le Chéile Mentoring,[116] a number of familiar themes emerged. Young people, despite initial reservations, felt that they could express their opinions within the programme, and that they were valued; positive relationships between young people and their mentors was central to whether their experience with the project was a success.[117] In this regard, finding a mentor who was a "good match" was considered especially important to help young people remain

[111] *ibid*.

[112] Le Chéile Mentoring, *Annual Report 2019* (Dublin: Le Chéile Mentoring, 2020) at p.9.

[113] *ibid* at p.11.

[114] *ibid* at p.18; O'Dwyer, K., Reducing Youth Crime in Ireland: An Evaluation of Le Chéile Mentoring (Dublin: Le Chéile Mentoring, 2017) at p.21.

[115] O'Dwyer, K., *Reducing Youth Crime in Ireland: An Evaluation of Le Chéile Mentoring* (Dublin: Le Chéile Mentoring, 2017) at p.21.

[116] O'Connor, L., *Consultation with Young People on their experience of Le Chéile Mentoring* (Dublin: Le Chéile Mentoring, January 2020).

[117] *ibid* at p.5.

engaged.[118] Being able to express themselves, feeling as though they could trust their mentor and learning different things about themselves and gaining insight into their past behaviours were all cited as positive aspects of the programme by young people in the consultation.[119] However, other areas where additional support may be needed were also identified, such as supports for young people in keeping appointments.[120] In an earlier evaluation of Le Chéile Mentoring, it was suggested by a number of young people and their parents that they would have benefitted from earlier access to mentoring either when school attendance became problematic or family support services were involved, or where a young person was admitted to the Diversion Programme.[121]

It is notable that of the total of 75 young people detained in Oberstown during the first quarter of 2019, 31 of these (or approximately 41%) were detained on remand.[122] In light of these relatively high figures, it is important that supports and interventions in the community are provided to young people who may be at risk of being subject to a detention order in order to ensure that the deprivation of liberty of young people is only used as a last resort. To this end, a pilot Bail Supervision Scheme was established in 2016 and an evaluation found that it had generally very positive outcomes for young people, although there were difficulties including certain young people in the Scheme, including those in state care and with complex mental health needs.[123] This is now being rolled out nationally.

### 1.3.4 Detention

Where a young person is deprived of their liberty, Oberstown Children Detention Campus provides them with care, education and support to promote their return to society.[124] This is implemented through the delivery of the CEHOP (Care-Education-

[118] *ibid*.

[119] *ibid* at p.6.

[120] *ibid* at p.7.

[121] O'Dwyer, K., *Reducing Youth Crime in Ireland: An Evaluation of Le Chéile Mentoring* (Dublin: Le Chéile Mentoring, 2017) at p.16.

[122] Oberstown Children Detention Campus, *Annual Report 2019* (Dublin: Oberstown Children Detention Campus, 2020) at p.8.

[123] Naughton, C., Redmond, S. and Coonan, B., *Evaluation of the Bail Supervision Scheme for Children* (Dublin: Department of Children and Youth Affairs, December 2019).

[124] Section 158 of the Children Act 2001.

Health-Offending Behaviour-Preparation for Leaving) framework.[125] In Oberstown, particular programmes address their offending behaviour; these programmes take a range of approaches, including developing young people's responsibility and life skills, developing empathy for victims, CBT-based programmes, and programmes that help young people to address drug and alcohol issues. Young people are also provided with opportunities to engage in training focused on employment-focused skills, as well as formal education. They have opportunities to participate in vocational training and courses carried out in partnership with businesses which support young people to develop skills that will help them to find employment, such as barista and fitness training.[126]

A core part of the approach taken within Oberstown is based on promoting positive outcomes for young people through a focus on the relationships between young people, care staff and teachers on Campus.[127] This is based in part on research carried out in 2016 which focused on how to improve relationship building between young people and adults on campus. This research highlighted that a range of organisational and inter-personal factors are significant to support these relationships, and in particular highlighted the importance of factors such as an enabling structure which promotes education and a relaxed atmosphere, strategies to improve communication between staff and young people, putting in place an organisational structure that supports these outcomes, and monitoring and evaluating progress to learn and improve practice.[128] This is a good example of how research can be used to evaluate existing approaches and promote evidence based improvements.

### 1.3.5 Aftercare and reintegration

Young people have no statutory right to after care on leaving detention and their entitlement to support, post release, is weak.[129] Although a core part of Oberstown's approach is based on Preparation for Leaving, the success of this approach depends on the collaboration of partner organisations in the community. Difficulties with inter-

[125] Oberstown Children Detention Campus, *Annual Report 2019* (Dublin: Oberstown Children Detention Campus, 2020).

[126] *ibid*.

[127] *ibid*.

[128] Bamber, J., Brolly, C., Mills, E., and Farrar, C., *Building Relationships with Young People in Oberstown to Improve Pro-Social Outcomes* (Dublin: Centre for Effective Services, January 2016).

[129] Forde, L., "Aftercare for young people leaving care and detention" (2014) 32(12) *Irish Law Times* 180.

agency working have impacted the provision of aftercare and reintegration services for young people leaving Oberstown[130] and children with experience of state care can have particular difficulties in this regard.[131] Both legislative change to support young people's access to aftercare services, and effective systems of co-operation are needed to ensure that reintegrative, aftercare supports are provided to young people.[132]

## 1.4 Key Message

Irish research identifies that the young people who come into conflict with the law share a range of circumstances that span all aspects of their lives, including individual, family, peer, and societal factors. The evidence also shows that there are a range of approaches in place that address offending behaviour even if they are not universally available or systematically evaluated. Clear and progressive law and policy has been key to the implementation of progressive youth justice in Ireland and it is important that this continues with the adoption of the Youth Justice Strategy 2021-2027. Also important however is the adequate resourcing of youth justice approaches and interventions as well as universal childcare supports.[133] Seymour highlights the importance of the universal approach, noting the need for "the current inadequacies in social services support for children and their families [to be] appropriately targeted, expanded and sufficiently resourced" if the youth justice system is to be effective.[134] Ensuring that effective, integrated and inter-connected services are available to young people is crucial at all stages of the youth justice system. As will be discussed throughout this report, young people in conflict with the law may have a range of needs

[130] Health Information and Quality Authority, *Monitoring Inspection Report: Oberstown Children Detention Campus* (7th and 8th, 10th, 12th and 13th March 2018, MON-0021170) at p.32; Irish Penal Reform Trust, Barnardos, Children's Rights Alliance, EPIC, JCFJ, *Joint Submission to the Operational Review of Oberstown Detention Campus* (15 December 2016), available at: https://www.iprt.ie/youth-justice/joint-submission-to-the-operational-review-of-oberstown-detention-campus/, at p.17.

[131] Carr, N. and Mayock, P., *Children and Young People in Care and Contact with the Criminal Justice System* (Dublin: Irish Penal Reform Trust, 2018).

[132] Children's Rights Alliance, *Report Card 2014* (Dublin: Children's Rights Alliance, 2014) at p.118; Forde, L., "Aftercare for young people leaving care and detention" (2014) 32(12) *Irish Law Times* 180; Children's Rights Alliance, *Report Card 2015* (Dublin: Children's Rights Alliance, 2015) at pp.105-6; Irish Penal Reform Trust, *Progress in the Penal System (PIPS): A framework for penal reform* (2018) (Dublin: Irish Penal Reform Trust, 2018); Kilkelly, U. and Forde, L., *Looking Back at Tackling Youth Crime: Youth Justice Action Plan 2014-2018: A Review of Progress Achieved and Lessons Learned* (Department of Justice, 2019).

[133] Seymour, M., "Transition and Reform: Juvenile Justice in the Republic of Ireland" in Junger-Tas, J. and Decker, S. (eds.), *International Handbook of Juvenile Justice* (Dordrecht: Springer Publishing, 2006) at p.125.

[134] *ibid* at p.139.

and require access to particular services to help them to address these. In addition, more inter-connected services could help to refer children to appropriate mainstream services at an earlier stage if an issue is emerging. Difficulties in providing aftercare for young people deprived of their liberty have been noted as a particular issue in Ireland, but attention to improving interconnectedness between all children's services is important at all stages of the youth justice system. Training and specialisation for professionals working with children in these systems similarly remain key priorities.

Having set out the Irish law and policy framework and given some insights into the implementation of this in practice, the next chapter goes on to consider the international research on young people's pathways into conflict with the law, and the approaches adopted by states to respond to their offending behaviour.

Chapter

# Young People's Pathways and Experiences of the Youth Justice System – the International Research

This chapter aims to set out the leading international research relating to young people's pathways into conflict with the law, and in relation to the approaches and interventions taken to address offending behaviour. It is important that this research is understood in light of international children's rights standards set out under the UN Convention on the Rights of the Child (UNCRC), and other relevant guidance from the Committee on the Rights of the Child and the Council of Europe. Article 40 of the UNCRC requires that young people in conflict with the law must be "treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society". This overarching requirement is child-centred and based on the acknowledgement that children have fundamentally different circumstances and developmental needs which impact on their behaviour. The Committee on the Rights of the Child have emphasised that children's physical and psychological development must form the basis for understanding their involvement in offending, including their lesser culpability; this requires that a different approach must be taken when responding to this behaviour.[135] Equally, international evidence points substantially to prevention that must be rooted in community- and family-based programmes "designed to make positive changes in aspects of the various social systems (home, school, community, peer relations) that contribute to the serious behavioural difficulties of children reduce the risk of children coming into

[135] UN Committee on the Rights of the Child, *General Comment No.24 on children's rights in the child justice system* (2019) (CRC/C/GC/24) at para.2.

child justice systems", as well as investment in early childhood care and education and interventions which increase protective factors that strengthen children's resilience.[136]

## 2.1 Young People's Pathways into Conflict with the Law

Research provides a variety of perspectives on how and why young people come into conflict with the law, taking account of young people's biological, psychological and social development. Studies on the correlates and causes of offending among young people span decades and a variety of methods and approaches, including longitudinal studies, large scale surveys and smaller scale, more focused studies. The research focuses on a wide variety of issues, ranging from individual factors related to development, attitudes, resilience and self-control to broader community factors relating to peer groups, family, school performance and interaction with state authorities, to broader macro issues relating to the operation and implementation of criminal justice policies, including policing, child and family policy and the state care system, along with the role of race, gender and culture.

The breadth and range of this literature makes it challenging to synthesise into a single, unified, logical and coherent narrative. It is diverse, voluminous, and sometimes contradictory. The question of causation within this body of literature is vexed meaning that it is difficult to isolate cause and effect between a specific factor in a young person's life and their offending behaviour. Similarly, how various personal, social and wider structural factors interact with each other is not always clear. Correlates of youth crime and offending, on the other hand, are easier to identify; this still leaves open the question of why some young people who experience a particular mix of these factors will go on to engage in offending behaviour, and other young people who experience the same or a similar set of circumstances, will not. It is also important to take account of the fact that the literature – reflecting recorded trends in arrest and convictions – is largely focused on the offending that is detected and policed, and less focused on 'hidden' types of offending behaviours, such as those in the online sphere, and those which are less heavily policed.[137]

[136] *ibid* at paras.9-11.

[137] Yar, M., "Computer Hacking: Just Another Case of Juvenile Delinquency" (2005) 44(4) *The Howard Journal of Criminal Justice* 387.

This is not a complete literature review but rather a snapshot of the most authoritative research in the area, drawn from international, peer-reviewed journals from a range of disciplines. In this regard, the research includes both established research and new and emerging themes regarding how children and young people come into conflict with the law.

The methodology pursued by the inter-disciplinary research team, supported by the International Expert Steering Group, allowed for the inclusion of a significant number of large-scale and longitudinal studies – primarily from Australia, the United States, and the United Kingdom, but also from other countries, such as Germany and Finland. The literature highlighted that correlates of offending relate to multiple domains of young people's lives, including the individual and personal, family and community, and broader societal domains.

Notwithstanding the breadth and complexity of the literature, its review reveals a set of clear messages for policy makers to take into account in developing or redesigning responses to offending by children. Taken together, the findings cohere with our understanding of the young people who come into conflict with the law, and provide strong support for a holistic, individualised, children-first approach to the protection of their rights in youth justice.

### 2.1.1 Individual Factors

***a. Trajectories of Offending over Adolescence***

One of the distinctive factors when considering young people's involvement in criminal or anti-social behaviour is that the majority will 'grow out' of offending as they move into adulthood. Recent research on adolescent brain development has highlighted important developmental factors that support this view. There is now a body of literature that highlights how the development and maturation of the brain can impact behaviour during these years. In particular, sensation-seeking tendencies increase amongst adolescents after puberty and remain high into the early 20s, after which point they begin to decline. However, self-regulation and impulse control develop slowly through the adolescent years and into early adulthood; this combination of high sensation-seeking and undeveloped impulse self-regulation can contribute to

adolescents engaging in risky behaviour, including offending behaviour.[138] This pattern – demonstrating a heightened propensity towards risk taking during adolescence – has been found to be similar across a variety of countries.[139] Studies have highlighted that while cognitive capacity and psychosocial capacity mature at different rates, teenagers and young adults are generally less likely to have the self-restraint necessary to weigh up the penalties and privileges associated with their behaviour.[140] For instance, one study assessing the cognitive control of 13-25 year olds found that adolescents show heightened sensitivity to negative emotional information, which may potentially make them more vulnerable to poor decision making as compared to older and younger individuals; this study further found that cognitive control in young adulthood is still similarly vulnerable to negative emotional situations, a factor which may have implications for youth justice policy in relation to the boundaries of the youth justice system.[141] It has also been highlighted that some factors that are considered predictors of offending during adolescence continue to have an impact during emerging adulthood.[142] This research supports the case for expanding youth justice system processes, procedures and interventions to young or emerging adults.[143]

Scholars such as Moffitt have posited that there were two distinct types of offending patterns – "adolescent-limited" offenders, and "life-course persistent" offenders; while those in the former group tend to stop engaging in offending behaviour as they mature, the latter category continue to engage in criminal behaviour in a persistent manner into adulthood.[144] While there are concerns as to whether this approach is supported by sufficiently compelling evidence,[145] it nonetheless highlights that many young people

[138] Steinberg, L., "Adolescent Brain Science and Juvenile Justice Policymaking" (2017) 23(4) *Psychology, Public Policy, and Law* 410; Steinberg, L. et al., "Around the world, adolescence is a time of heightened sensation seeking and immature self-regulation" (2018) 21(2) *Developmental Science*.

[139] Steinberg, L. et al., *ibid*; Duell, N. et al., "Age Patterns in Risk Taking Across the World" (2018) 47 *Youth Adolescence* 1052.

[140] Icenogle, G. et al., "Adolescents' Cognitive Capacity Reaches Adult Levels Prior to Their Psychosocial Maturity: Evidence for a "Maturity Gap" in a Multinational, Cross-Sectional Sample" (2019) 43(1) *Law and Human Behaviour* 69.

[141] Cohen, A., "When Is an Adolescent an Adult? Assessing Cognitive Control in Emotional and Nonemotional Contexts" (2016) 27(4) *Psychological Science* 549.

[142] Hill, J., Blokland, A.A.J., van der Geest, V.R., "Risk factors for self-reported delinquency in emerging adulthood" (2018) 15(5) *European Journal of Criminology* 544, at p.559.

[143] Irish Penal Reform Trust, *Turnaround Youth: Young Adults (18-24) in the Criminal Justice System* (Dublin: Irish Penal Reform Trust, 2015).

[144] See discussion Skardhamar, T., "Reconsidering the Theory on Adolescent-Limited and Life-Course Persistent Anti-Social Behaviour" (2009) 49(6) *British Journal of Criminology* 863, at p.868.

[145] *ibid*.

do desist from offending behaviour as they grow into adulthood. The categorisation also risks losing sight of the other pathways that young people in conflict with the law experience. For instance, a German study – *Crime in the Modern City* – looking at rates of self-reports of urban crime among a cohort of over 3,000 adolescents highlighted the different patterns that exist in adolescent offending behaviour, including categories like adolescent intensive offenders, low-level offenders, early-desistance offenders, persistent offenders and early intensive/desistance offenders.[146] An Australian study into the offending trajectories of young people who onset with violent offences found that these young people do not have distinct offending careers and do not warrant specific intervention as a group.[147] Studies such as these highlight the reality that young people experience multiple pathways into involvement in criminal activity and the issue is complex and sometimes individualised. These studies also call into question traditional systems of categorisation which do not adequately account for patterns of offending where young people show high involvement in criminal activity early in adolescence, but desist early, nor for "late onset" offenders, who do not begin engaging in offending behaviour until late adolescence.[148] Such studies highlight the difficulties inherent in categorisation and attempts to predict trajectories of offending behaviour. The authors highlight that "[e]ven for those in the most active classes, desistance seems to be possible at any time".[149]

### *b. Developmental factors*

Neuroscience highlights that while adolescence in general is a time of high-sensation seeking and under-developed self-regulation, individual factors such as variations in levels of impulsivity and low self-control are important traits that are linked to involvement in offending behaviour.[150] The complexity of these phenomena is

[146] Bors, K. and Reinecke, J., "Explaining the development of adolescent violent delinquency" (2010) 7(6) *European Journal of Criminology* 499; Seddig, D. and Reinecke, J., "Exploration and explanation of adolescent self-reported delinquency trajectories in the Crimoc study" in Blokland, A. and van de Geest, V., *The Routledge International Handbook of Life-Course Criminology* (London & New York: Routledge, 2017).

[147] Mazerolle, P., Piquero, A., and Brame, R., "Violent Onset Offenders: Do Initial Experiences Shape Criminal Career Dimensions?" (2010) 20(3) *International Criminal Justice Review* 132.

[148] Seddig, D. and Reinecke, J., "Exploration and explanation of adolescent self-reported delinquency trajectories in the Crimoc study" in Blokland, A. and van de Geest, V., *The Routledge International Handbook of Life-Course Criminology* (London & New York: Routledge, 2017) at pp.173-4.

[149] *ibid* at p.174.

[150] Smith, D.J. and McVie, S., "Theory and Method in the Edinburgh Study of Youth Transitions and Crime" (2003) 43(1) *British Journal of Criminology* 169, at p.173; Salmi, V. and Kivivuori, J., "The Association between Social Capital and Juvenile Crime: The Role of Individual and Structural Factors" (2006) 3(2) *European Journal of Criminology* 123, at p.142; McAra, L. and McVie, S., "Youth crime and justice: Key messages from the Edinburgh study of Youth

illustrated by a study of Roma adolescents which found that while a young person's conflict with their mother was positively linked to low self-control, both maternal support and maternal monitoring were negatively linked to low self-control.[151]

Studies have also found some links between certain types of neuropsychological and behavioural risks and later involvement in offending. One study highlighted that male children who experienced neuropsychological risk during infancy had significantly higher levels of childhood anti-social behaviour as compared to those without such risks.[152] However, health risks during the neonatal period did not act as a significant predictor of anti-social behaviour during childhood.[153]

Studies have also shown that disruptive behaviour disorders were a predictor of involvement in delinquent behaviour.[154] However, other studies have highlighted that having behavioural problems during childhood was not significantly associated with continuous re-offending, whereas factors such as early alcohol use, early behavioural problems, and family arrest were significant in increasing the likelihood of recidivism amongst a cohort of sentenced adolescents in the US.[155] While research evidence such as this provides a clear sense that developmental factors such as neuropsychological risks and behavioural disorders may be linked to later offending, the picture is not always clear. A lack of data on the prevalence of certain conditions can hamper assessment of whether certain cohorts of people are over-represented or not.[156]

It is important to bear in mind, however, that while neurodevelopmental factors can be significant, they are not necessarily determinative. Young people with particular

Transitions and Crime" (2010) 10(2) *Criminology and Criminal Justice* 179, at p.187; Farrington, D.P., "Cross-national comparative research on criminal careers, crime and punishment" (2015) 12(4) *European Journal of Criminology* 386, at p.392; Rocque, M., Posick, C., Marshall, I.H., and Piquero, A.R., "A comparative, cross-cultural criminal career analysis" (2015) 12(3) *European Journal of Criminology* 400, at p.413; Hill, J., Blokland, A.A.J., and van der Geest, V.R., "Risk factors for self-reported delinquency in emerging adulthood" (2018) 15(5) *European Journal of Criminology* 544.

[151] Vazsonyi, A. T., Jiskrova, G. K., Ksinan, A. J., and Blatný, M., "An empirical test of self-control theory in Roma adolescents" (2016) 44 *Journal of Criminal Justice* 66, at p.70.

[152] Jackson, D.B. and Newsome, J., "The link between infant neuropsychological risk and childhood antisocial behaviour among males: the moderating role of neonatal health risk" (2016) 47 *Journal of Criminal Justice* 32, at p.38.

[153] *ibid*.

[154] Lay, B., Ihle, W., Esser, G., and Schmidt, M.H., "Juvenile-episodic, Continued or Adult-onset Delinquency? Risk Conditions Analysed in a Cohort of Children Followed up to the Age of 25 Years" (2005) 2(1) *European Journal of Criminology* 39, at p.61.

[155] Ozkan, T., "Reoffending among serious juvenile offenders: A developmental perspective" (2016) 46 *Journal of Criminal Justice* 18.

[156] Browning, A. and Caulfield, L., "The prevalence and treatment of people with Asperger's Syndrome in the criminal justice system" (2011) 11(2) *Criminology and Criminal Justice* 165.

neurodevelopmental difficulties are not "fated" to come into conflict with the law; instead, it is necessary to consider the particular issues and difficulties faced by some young people, and ensure that they and their families have access to appropriate resources in the community at the right time.

### *c. Complexity/overlapping nature of factors*

The literature highlights that the circumstances and factors in young people's lives that can lead to involvement in criminal behaviour can be complex and multi-faceted. Scholars have highlighted that young people who face challenges or 'risk factors' associated with offending often do so in multiple domains, and individual factors such as attitudes to offending and impulsivity often overlap with broader issues such as parenting styles, attendance at schools where involvement in criminal activity is a significant problem, and low socio-economic status.[157] This issue of the interplay of multiple adverse circumstances in a child's life is a common theme.[158] Studies have found that the sum and accumulation of psychosocial burdens and risk factors in the child's environment was the most important determinant of involvement in offending behaviour.[159]

### *d. Substance dependency*

One such factor is that of alcohol and substance use, which studies link to involvement in criminal activity.[160] Substance use has been highlighted in the research as a particular problem driving criminal involvement,[161] although it can also overlap with other adverse

[157] Junger-Tas, J., Ribeaud, D., and Cruyff, M.J.L.F., "Juvenile Delinquency and Gender" (2004) 1(3) *European Journal of Criminology* 333, at p.368; Farrington, D.P., "Cross-national comparative research on criminal careers, crime and punishment" (2015) 12(4) *European Journal of Criminology* 386, at p.392; Jolliffe, D., Farrington, D. P., Piquero, A. R., Loeber, R., and Hill, K. G., "Systematic review of early risk factors for life-course-persistent, adolescence limited, and late-onset offenders in prospective longitudinal studies" (2017) 33 *Aggression and Violent Behavior* 15, at p. 22.

[158] Freeman, S., "The Experience of Young People Remanded in Custody: A Case for Bail Support and Supervision Schemes" (2008) 5 *Irish Probation Journal* 91.

[159] Lay, B., Ihle, W., Esser, G. and Schmidt, M.H., "Juvenile-episodic, Continued or Adult-onset Delinquency? Risk Conditions Analysed in a Cohort of Children Followed up to the Age of 25 Years" (2005) 2(1) *European Journal of Criminology* 39, at p.61; Van der Laan, A.M., Blom, M. and Kleemans, E.R., "Exploring Long-Term and Short-Term Risk Factors for Serious Delinquency" (2009) 6(5) *European Journal of Criminology* 419, at pp.431-432.

[160] Smith, D.J. and McVie, S., "Theory and Method in the Edinburgh Study of Youth Transitions and Crime" (2003) 43(1) *British Journal of Criminology* 169, at p.173; Van der Laan, A.M., Blom, M. and Kleemans, E.R., "Exploring Long-Term and Short-Term Risk Factors for Serious Delinquency" (2009) 6(5) *European Journal of Criminology* 419, at p.431; McAra, L. and McVie, S., "Youth crime and justice: Key messages from the Edinburgh study of Youth Transitions and Crime" (2010) 10(2) *Criminology and Criminal Justice* 179, at p.187; Hill, J., Blokland, A.A.J., and van der Geest, V.R., "Risk factors for self-reported delinquency in emerging adulthood" (2018) 15(5) European Journal of Criminology 544.

[161] Webster, C., MacDonald, R., and Simpson, M., "Predicting Criminality? Risk Factors, Neighbourhood Influence and Desistance" (2006) 6(1) *Youth Justice* 7, at p.16.

circumstances such as experience of state care and homelessness, both of which can increase the likelihood of criminal justice system contact.[162] Whilst substance use is commonly perceived, and thus treated, as a criminal issue, it is a health issue often associated with mental health concerns, traumatic and/or adverse experiences, developmental issues and stressful life events (particularly those occurring in early childhood and throughout adolescence), including attachment difficulties and adversity within the family and community.[163]

***e. Mental health***

Studies have highlighted that young people with mental health problems are over-represented in youth justice systems,[164] and a significant proportion of young people involved in juvenile justice meet the criteria for at least one psychiatric disorder with studies reporting prevalence rates ranging from 30% to 70%.[165] However, the relationship between mental health and offending is not straightforward. Anxiety and depression appear to be both positively associated with involvement in delinquency and criminal activity,[166] however the directionality of the causal link is not clear. One study has suggested that anxiety decreased the likelihood of engagement in criminal behaviour, while being involved in criminal activities was itself predictive of higher levels of depression.[167] Other studies have also found that increases in depression and anxiety are often outcomes of offending, rather than being clear "risk factors" for involvement in offending; the literature in this area highlights that the causal chains linking depression, anxiety and offending remain uncertain.[168]

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[162] Boyd, J., Fast, D., and Small, W., "Pathways to criminalization for street-involved youth who use illicit substances" (2015) 26(5) *Critical Public Health 530*.

[163] Murphy, K. D., Lambert, S., McCarthy, S., Sahm, L. J., and Byrne, S., "You Don't Feel": The Experience of Youth Benzodiazepine Misuse in Ireland" (2018) 50(2) *Journal of Psychoactive Drugs* 121.

[164] Graves K., Frabutt J., and Shelton T., "Factors Associated With Mental Health and Juvenile Justice Involvement Among Children With Severe Emotional Disturbance" (2007) 5(2) *Youth Violence and Juvenile Justice* 147; Goodkind S., Shook J., Kim K., Pohlig R., and Herring D., "From Child Welfare to Juvenile Justice: Race, Gender, and System Experiences" (2013) 11(3) *Youth Violence and Juvenile Justice* 249; Reising, K., Ttofi, M.M., Farrington, D.P., and Piquero, A.R., "Depression and anxiety outcomes of offending trajectories: A systematic review of prospective longitudinal studies" (2019) 62 *Journal of Criminal Justice* 3.

[165] McReynolds, L.S., Schwalbe, C.S. and Wasserman, G.A., "The contribution of psychiatric disorder to juvenile recidivism" (2010) 37(2) *Criminal Justice and Behavior* 204.

[166] Fanti, K.A., Colins, O.F., and Andershed, H., "Unraveling the longitudinal reciprocal associations between anxiety, delinquency and depression from early to middle adolescence" (2019) 62 *Journal of Criminal Justice* 29, at p.31.

[167] *ibid*.

[168] Jolliffe, D., Farrington, D.P., Brunton-Smith, I., Loeber, R., Ahonen L., and Palacios, A.P., "Depression, anxiety and delinquency: Results from the Pittsburgh Youth Study" (2019) 62 *Journal of Criminal Justice* 42; Reising, K., Ttofi,

Several studies have further documented the link between mental health difficulties and delinquent behaviour. One such study, upon controlling for offence level and poverty, attributed a significant proportion of male (15.3%) and female (20.6%) youth offending to mental health disorders.[169] Some of the most socially excluded young people struggle to navigate mental health services and can, as a consequence, have undiagnosed mental health issues.

Research has also highlighted the relationship between early childhood trauma and high rates of offending behaviour in young people. One such study, which examined the predictive role of trauma in offending and health-risking sexual behaviour in adolescent girls, found that traumatic experiences, including physical abuse, sexual abuse, parental incarceration and witnessing domestic violence, increased the likelihood of delinquent behaviour in female adolescents. Notably, the findings suggest that the combination and complex nature of multiple traumatic experiences (including the personal impact of these experiences on the individual, the degree of loss, the nature/perceived sense of threat of the event(s) and the young person's sense of personal blame) are the strongest predictors of negative outcomes (i.e. trauma-related mental health difficulties) in girls in conflict with the law.[170] A recent report examined the levels of trauma histories in young people involved with Garda Youth Diversion services and young people had significantly higher levels of childhood traumas than those of the general public, these included adversities within the family home and also within the community. Of particular note was the large numbers of children who had experienced the loss of a parent due to death or separation at 73% as opposed to approximately 23% within the general population. Young people who are grieving a loss can struggle to process this and can be seen as 'bad' instead of 'sad'.[171]

However, the exact mechanisms through which early childhood trauma/victimisation potentiates delinquent and offending behaviour remains unclear. Ford et al proposed a

M.M., Farrington, D.P. and Piquero, A.R., "Depression and anxiety outcomes of offending trajectories: A systematic review of prospective longitudinal studies" (2019) 62 *Journal of Criminal Justice* 3, at p. 13.

[169] Copeland, W., Miller-Johnson, S., Keeler, G., Angold, A., and Costello, E. J., "Childhood psychiatric disorders and young adult crime: A prospective, population-based study" (2007) 164(11) *American Journal of Psychiatry* 1668, at p.1673.

[170] Smith, D., Leve, L., and Chamberlain, P., "Adolescent girls' offending and health-risking sexual behavior: The predictive role of trauma" (2006) 11(4) *Child Maltreatment* 346.

[171] Dermody A., Lambert S., Rackow, A., Garcia J., and Gardner C., *An Exploration of Early Life Trauma and its Implications for Garda Youth Diversion Projects* (Dublin: Youthrise / Quality Matters, 2020).

chronological pathway towards delinquency, which posited that trauma victimisation during early childhood activates "survival coping" of escalating emotional dysregulation and social information processing difficulties (presenting as depression, anxiety and conflicted interpersonal relationships), which in turn, precipitates persistent and repeated delinquency and covert resistance, through trauma-related reactivity.[172] It is thus suggested that the relationship between childhood trauma and youth delinquency may result from the interplay of numerous interpersonal and intrapersonal mechanisms.

***f. Race/Gender***

Many studies note that being male is associated with higher levels of involvement in criminal behaviour.[173] As noted earlier in this study, this is also a particular issue in the Irish context. Being male was found in one study to be a moderate predictor of involvement in prolonged, intensive forms of offending.[174] It has been suggested that this may be attributable to a combination of boys experiencing simultaneously more risk and less protection than girls.[175] Additionally literature on younger people's mental health would indicate that boys are more prone to externalising behaviours whereas girls are more likely to internalise mental distress.[176]

In comparing girls' and boys' trajectories, longitudinal research has highlighted a relatively low level of offending amongst girls, offending behaviour peaking in middle or late adolescence, with desistance generally occurring in late adolescence.[177] Studies have also highlighted that no significant gender differences appear in correlates of

[172] Ford, J. D., Chapman, J., Mack, J. M., and Pearson, G., "Pathways from Traumatic Child Victimization to Delinquency: Implications for Juvenile and Permanency Court Proceedings and Decisions" (2006) 57(1) *Juvenile and Family Court Journal* 13.

[173] Junger-Tas, J., Ribeaud, D., and Cruyff, M.J.L.F., "Juvenile Delinquency and Gender" (2004) 1(3) European Journal of Criminology 333, at p.355; Rocque, M., Posick, C., Marshall, I.H., and Piquero, A.R., "A comparative, cross-cultural criminal career analysis" (2015) 12(3) *European Journal of Criminology* 400, at p.413.

[174] Seddig, D. and Reinecke, J., "Exploration and explanation of adolescent self-reported delinquency trajectories in the Crimoc study" in Blokland, A. and van de Geest, V., *The Routledge International Handbook of Life-Course Criminology* (London & New York: Routledge, 2017), at p. 175.

[175] Fagan, A. A., Van Horn, M. L., Hawkins, J. D., and Arthur, M. W., "Gender similarities and differences in the association between risk and protective factors and self-reported serious delinquency" (2007) 8 *Prevention Science* 115.

[176] Campbell, S. B., *Behavior problems in preschool children, second edition: Clinical and developmental issues* (New York, NY: Guilford Publications, 2006).

[177] Jennings, W.G., Loeber, R., Ahonen, L., Piquero, A.R., and Farrington, D.P., "An examination of developmental patterns of chronic offending from self-report records and official data: Evidence from the Pittsburg Girls Study" (2018) 55 *Journal of Criminal Justice* 71, at p.77.

offending, suggesting that there is no need for radically different explanations of offending in boys and girls.[178] It has been highlighted, however, that girls may experience more "risk factors" than boys before they become involved in offending.[179] Broad societal assumptions about girls' behaviour can also have negative impacts, and girls in particular experience both the advantages and the disadvantages of welfare-based responses to offending.[180]

Research across various disciplines propose multiple theories that attempt to explain gender disparities in delinquent behaviour. Risk factors for offending behaviour are largely similar across genders and include factors such as attachment, educational attainment, relationships, community environment and experiences of adversity/trauma. However, the degree to which males and females are exposed to these risk factors and the way in which they respond/are impacted by them, differs. For example, research indicates a stronger relationship between maltreatment and delinquent behaviour in female adolescents, compared to males.[181] Moreover, the prevalence of child sexual violence is greater in females than males.[182]

While boys and girls may rely on different protective factors to help them avoid involvement in criminal behaviour and to foster resilience, what is important for both is an accumulation of protective factors.[183] In efforts to help young people avoid coming into conflict with the law, it is therefore important to give attention to gender-specific issues. It is necessary to consider research relating to masculinities in relation to the over-representation of boys in the youth justice system; however, in a system in which boys are pre-dominant, there is also a need to ensure that interventions within that system are appropriate and suitable for the needs of girls in conflict with the law.

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[178] Junger-Tas, J., Ribeaud, D., and Cruyff, M.J.L.F., "Juvenile Delinquency and Gender" (2004) 1(3) *European Journal of Criminology* 333, at p.367.

[179] Reef, J., Donker, A.G., van Meurs, I., Verhulst, F.C., and Van der Ende, J., "Predicting adult violent delinquency: Gender differences regarding the role of childhood behaviour" (2011) 8(3) *European Journal of Criminology* 187, at p.193.

[180] Gelsthorpe, L. and Worrall, A., "Looking for Trouble: A Recent History of Girls, Young Women and Youth Justice" (2009) 9(3) *Youth Justice* 209, at p.220.

[181] Zahn, M. A., Agnew, R., Fishbein, D., Miller, S., Winn, D. M., Dakoff, G., and Chesney-Lind, M., *Causes and correlates of girl's delinquency* (U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, 2010).

[182] Chesney-Lind, M. and Irwin, K., *Beyond bad girls: Gender, violence and hype* (New York: Routledge, 2007).

[183] Hartman, J. L., Turner, M. G., Daigle, L. E., Exum, M. L., and Cullen, F. T., "Exploring the Gender Differences in Protective Factors: Implications for Understanding Resiliency" (2009) 53(3) *International Journal of Offender Therapy and Comparative Criminology* 249.

### 2.1.2 Family, Peer and Community Factors

#### *a. Families*

Adverse family conditions, including parental conflict, are commonly found to increase the risk of involvement in offending behaviour.[184] Family turbulence and family deprivation were found to be significant factors, specifically for girls in the Edinburgh Study of Youth Transitions and Crime.[185] Other studies have suggested that girls and boys may respond differently to stress within the household.[186] Parental drug use was noted as a predictor of involvement in crime in some studies,[187] and parental involvement in criminal behaviour has also been linked with similar behaviour in their children.[188] Studies have suggested that the negative impact of parental criminal history may be mitigated by ensuring the accessibility of education.[189] Poor parental monitoring is also discussed within the research as a significant factor linked to involvement in offending,[190] and low levels of parental support are similarly linked.[191] Studies suggest that single-parent families experience greater difficulties meeting the young person's support and monitoring needs, whilst attending to and managing the

[184] Smith, D.J. and McVie, S., "Theory and Method in the Edinburgh Study of Youth Transitions and Crime" (2003) 43(1) *British Journal of Criminology* 169, at p.188; Lay, B., Ihle, W., Esser, G., and Schmidt, M.H., "Juvenile-episodic, Continued or Adult-onset Delinquency? Risk Conditions Analysed in a Cohort of Children Followed up to the Age of 25 Years" (2005) 2(1) *European Journal of Criminology* 39, at p.61; Farrington, D.P., "Cross-national comparative research on criminal careers, crime and punishment" (2015) 12(4) *European Journal of Criminology* 386, at p.392; Vazsonyi, A. T., Jiskrova, G. K., Ksinan, A. J., and Blatný, M., "An empirical test of self-control theory in Roma adolescents" (2016) 44 *Journal of Criminal Justice* 66, at p.70.

[185] McAra, L. and McVie, S., "Youth crime and justice: Key messages from the Edinburgh study of Youth Transitions and Crime" (2010) 10(2) *Criminology and Criminal Justice* 179, at p.187.

[186] Thijs, P.E., van Dijk, I.K., Stoof, R., and Notten, N., "Adolescent problem behaviour: The gender gap in European perspective" (2015) 12(6) *European Journal of Criminology* 598.

[187] Manly J T., Oshri A., Lynch M., Herzog M., and Wortel S., "Child Neglect and the Development of Externalizing Behavior Problems: Associations with Maternal Drug Dependence and Neighborhood Crime" (2013) 18(1) *Child Maltreatment* 17; Redmond, S., "The Greentown Crime Network: Introducing its Cast of Principal Actors" (2015) 12 *Irish Probation Journal* 205, at p.220.

[188] Bright, C. and Jonson-Reid, M., "Young Adult Outcomes of Juvenile Court–Involved Girls" (2010) 36(2) *Journal of Social Service Research* 94, at p.99; Connolly, E.J., Schwartz, J.A., Jackson, D.B., and Beaver, K.M., "How far does the apple fall from the tree? Maternal delinquency and sex-specific patterns of offspring delinquent behaviour" (2018) 54 *Journal of Criminal Justice* 50.

[189] Ramakers, A. A., Bijleveld, C., and Ruiter, S., "Escaping the family tradition: A multi-generation study of occupational status and criminal behaviour" (2011) 51(5) *The British Journal of Criminology* 856, at p.869.

[190] Smith, D.J. and McVie, S., "Theory and Method in the Edinburgh Study of Youth Transitions and Crime" (2003) 43(1) *British Journal of Criminology* 169, at p.173; Van der Laan, A.M., Blom, M., and Kleemans, E.R., "Exploring Long-Term and Short-Term Risk Factors for Serious Delinquency" (2009) 6(5) *European Journal of Criminology* 419, at p.431; McAra, L. and McVie, S., "Youth crime and justice: Key messages from the Edinburgh study of Youth Transitions and Crime" (2010) 10(2) *Criminology and Criminal Justice* 179, at p.187.

[191] Salmi, V. and Kivivuori, J., "The Association between Social Capital and Juvenile Crime: The Role of Individual and Structural Factors" (2006) 3(2) *European Journal of Criminology* 123, at p.140.

financial demands of a single-income household,[192] thereby, contributing to violent victimisation and increasing the likelihood of delinquent behaviour.[193] This appears consistent with research conducted by Demuth and Brown, whose findings suggested parental absence (i.e. single-parent households) is associated with increased delinquency in adolescents.[194] The findings suggest that reduced parental monitoring, supervision, involvement and closeness, as a result of parental absence may account for this.

Research has examined the influence of divorce on offending behaviour, for which numerous studies conducted between 1991 and 2001 indicated a positive association. However, this association appears less evident of late, with research now indicating a small, however, temporary, relationship between parental divorce/separation and delinquency in adolescence.[195]

A further dimension which should be considered is the literature on child-to-parent violence. Literature on this specific type of offending highlights its gendered nature, often involving violence by a son towards a mother.[196] Daughters who engaged in this type of behaviour were found to have significantly higher levels of direct and multiple forms of victimisation.[197] Prior experience of intra-family violence has been highlighted as a potential factor in child-to-parent violence.[198] Family Low Socioeconomic Status (SES) is a further risk factor for victimisation and offending, although the literature

[192] McNulty, T. L. and Bellair, P. E., "Explaining racial and ethnic differences in adolescent violence: Structural disadvantage, family well-being, and social capital" (2003) 20(1) *Justice Quarterly* 1, at pp.5-6.

[193] Demuth, S. and Brown, S. L., "Family Structure, Family Processes, and Adolescent Delinquency: The Significance of Parental Absence Versus Parental Gender" (2004) 41(1) *Journal of Research in Crime and Delinquency* 58.

[194] *ibid* at pp.77-78.

[195] Boccio, C. M. and Beaver, K. M., "The Influence of Family Structure on Delinquent Behavior" (2019) 17(1) *Youth Violence and Juvenile Justice* 88, at pp.101-103.

[196] Ibabe, I. and Jaureguizar, J., "Child-to-parent violence: Profile of abusive adolescents and their families" (2010) 38(4) *Journal of Criminal Justice* 616, at p.622; Condry, R. and Miles, C., "Adolescent to parent violence: Framing and mapping a hidden problem" (2014) 14(3) *Criminology and Criminal Justice* 257, at pp.264-266; Armstrong, G.S., Cain, C.M., Wylie, L.E., Muftic, L.R., and Bouffard, L.A., "Risk factor profile of youth incarcerated for child to parent violence: A representative sample" (2018) 58 *Journal of Criminal Justice* 1, at p.2.

[197] Armstrong, G.S., Cain, C.M., Wylie, L.E., Muftic, L.R., and Bouffard, L.A., "Risk factor profile of youth incarcerated for child to parent violence: A representative sample" (2018) 58 *Journal of Criminal Justice* 1, at p.p.7-8; See further Condry, R. and Miles, C., "Adolescent to parent violence: Framing and mapping a hidden problem" (2014) 14(3) *Criminology and Criminal Justice* 257, at p.271.

[198] Ibabe, I. and Jaureguizar, J., "Child-to-parent violence: Profile of abusive adolescents and their families" (2010) 38(4) *Journal of Criminal Justice* 616, at pp.617-618.

suggests this is interrelated with other factors like race and family structure.[199] Haynie et al suggest that low SES is associated with direct and indirect victimization, behavioural difficulties and increased offending in adolescence.[200]

Finally, many studies have examined the relationship between attachment and delinquency, for which a meta-analytic review by Hoeve and colleagues suggested a small to moderate association between poor attachment to parents and increased delinquent behaviour.[201] This had a stronger effect if the child and parent were of the same sex and the influence of the attachment relationship weakened as the child became older.

The family can also be a protective environment, however, helping young people to avoid coming into conflict with the law. Both positive attachments to parents, and the child-rearing methods practised by parents to build up resilience and internal inhibitions against offending, are highlighted as important factors in the literature in this area.[202] Support from parents was considered to be a significant protective factor for involvement in delinquent or criminal activity.[203] Parental monitoring has also been noted as having an important role in the development of moral values and emotions.[204] Importantly, high parental interest in education has been found to operate as an important protective factor.[205] Parents can also have a positive influence on self-

[199] Hartinger-Saunders, R. M., Rittner, B., Wieczorek, W., Nochajski, T., Rine, C. M., and Welte, J., "Victimization, psychological distress and subsequent offending among youth." (2011) 33(11) *Children and Youth Services Review* 2375.

[200] Haynie, D., Silver, E., and Teasdale, B., "Neighborhood characteristics, peer networks, and adolescent violence" (2006) 22(2) *Journal of Quantitative Criminology* 147.

[201] Hoeve, M., Stams, G. J. J., Van der Put, C. E., Dubas, J. S., Van der Laan, P. H., and Gerris, J. R., "A Meta-analysis of Attachment to Parents and Delinquency" (2012) 40(5) *Journal of Abnormal Child Psychology* 771.

[202] Farrington, D.P., "Cross-national comparative research on criminal careers, crime and punishment" (2015) 12(4) *European Journal of Criminology* 386, at p. 392; Hill, J., Blokland, A.A.J., and van der Geest, V.R., "Risk factors for self-reported delinquency in emerging adulthood" (2018) 15(5) *European Journal of Criminology* 544, at p.554.

[203] Hill, J., Blokland, A.A.J., and van der Geest, V.R., "Risk factors for self-reported delinquency in emerging adulthood" (2018) 15(5) *European Journal of Criminology* 544, at p.559.

[204] Farrington, D.P., Ttofi, M.M., and Piquero, A.R., "Risk, promotive and protective factors in youth offending: Results from the Cambridge study in delinquent development" (2016) 45 *Journal of Criminal Justice* 63, at p.69; Swensson, R., Pauwels, L.J.R., Weerman, F.M., and Bruinsma, G.J.N., "Explaining individual changes in moral values and moral emotions among adolescent boys and girls: A fixed-effects analysis" (2017) 14(3) *European Journal of Criminology* 290, at p.302.

[205] Farrington, D.P., Ttofi, M.M., and Piquero, A.R., "Risk, promotive and protective factors in youth offending: Results from the Cambridge study in delinquent development" (2016) 45 *Journal of Criminal Justice* 63, at p.69.

control in early and mid-adolescence; however, this influence gradually decreases during mid-adolescence.[206]

### *b. Peers*

Association with peers who are involved in offending behaviour is considered to be a strong predictor of involvement in offending behaviour.[207] However, one German study found that delinquent peer group association did not have an effect either on young people who desisted early from involvement in criminal activity or those whose onset of offending occurred later in adolescence.[208] Studies in the Netherlands have suggested that associations with offending peers increase the risk of offending only where friends live in close proximity, and where there is regular contact and strong attachments.[209]

Peer social attachments are particularly important in relation to the development of attitudes and values that facilitate involvement in offending behaviour. Association with peers who are involved in offending is considered to be a potential source of the development of delinquent attitudes and beliefs, particularly for young people considered to have hedonistic tendencies.[210] Acceptance of pro-violent norms and violent behaviour can facilitate the development and maintenance of offending

[206] Meinert, J. and Reinecke, J., "Self-control during adolescence. Examining the stability of low self-control and the effects of parental social controls" (2018) 15(5) *European Journal of Criminology* 523.

[207] Smith, D.J. and McVie, S., "Theory and Method in the Edinburgh Study of Youth Transitions and Crime" (2003) 43(1) *British Journal of Criminology* 169; Megens, K.C.I.M., and Weerman, F.M., "Attitudes, delinquency and peers: The role of social norms in attitude-behaviour inconsistency" (2010) 7(4) *European Journal of Criminology* 299; McAra, L. and McVie, S., "Youth crime and justice: Key messages from the Edinburgh study of Youth Transitions and Crime" (2010) 10(2) *Criminology and Criminal Justice* 179, at p. 187; Smith, D.J. and Ecob, R., "The influence of friends on teenage offending: How long does it last?" (2013) 10(1) *European Journal of Criminology* 40; Rocque, M., Posick, C., Marshall, I.H., and Piquero, A.R., "A comparative, cross-cultural criminal career analysis" (2015) 12(3) *European Journal of Criminology* 400, at p.413.

[208] Seddig, D. and Reinecke, J., "Exploration and explanation of adolescent self-reported delinquency trajectories in the Crimoc study" in Blokland, A. and van de Geest, V., *The Routledge International Handbook of Life-Course Criminology* (London & New York: Routledge, 2017) at p.197.

[209] Rokven, J.J., de Boer, G., Tolsma, J., and Ruiter, S., "How friends' involvement in crime affects the risk of offending and victimisation" (2017) 14(6) *European Journal of Criminology* 697.

[210] Bors, K. and Reinecke, J., "Explaining the development of adolescent violent delinquency" (2010) 7(6) *European Journal of Criminology* 499, at p.513; Seddig, D. and Reinecke, J., "Exploration and explanation of adolescent self-reported delinquency trajectories in the Crimoc study" in Blokland, A. and van de Geest, V., *The Routledge International Handbook of Life-Course Criminology* (London & New York: Routledge, 2017) at p.175; Swensson, R., Pauwels, L.J.R., Weerman, F.M., and Bruinsma, G.J.N., "Explaining individual changes in moral values and moral emotions among adolescent boys and girls: A fixed-effects analysis" (2017) 14(3) *European Journal of Criminology* 290, at p.303.

cycles.[211] Peer groups can also support learning criminal behaviour through imitation, and learning of context-specific criminal behaviour, such as theft.[212]

Group dynamics within peer groups are also a possible source of explanation for involvement in offending during teenage years[213] and peer dynamics can be - but are not always[214] - an important factor in sustaining involvement in offending behaviour.[215] A Dutch study found that peer group dynamics were less important during emerging adulthood than they were during adolescence,[216] and others have highlighted that friendships can act as a protective factor in helping young people avoid pathways into drug use and crime.[217]

One of the key factors relevant to relationships with offending peers is that social networks often tend to become smaller over time; this can operate to restrict long-term opportunities to access wider networks for education, training and employment.[218] Drug use can further limit these networks, and these factors can operate against desistance.[219] Studies highlight that in contexts characterised by a lack of opportunity, social capital may be gained from friendship bonds, but yield limited opportunities for social mobility or access to other forms of capital.[220] The ability of

[211] Seddig, D., "Peer group association, the acceptance of norms and violent behaviour: A longitudinal analysis of reciprocal effects" (2014) 11(3) *European Journal of Criminology* 319, at p.333-334.

[212] Beier, H., "Peer effects in offending behaviour across contexts: Disentangling selection, opportunity and learning processes" (2014) 11(1) *European Journal of Criminology* 73, at p.85; Rokven, J.J., de Boer, G., Tolsma, J., and Ruiter, S., "How friends' involvement in crime affects the risk of offending and victimisation" (2017) 14(6) *European Journal of Criminology* 697.

[213] Bors, K. and Reinecke, J., "Explaining the development of adolescent violent delinquency" (2010) 7(6) *European Journal of Criminology* 499, at p. 514.

[214] See for example Hill, J., Blokland, A.A.J., and van der Geest, V.R., "Risk factors for self-reported delinquency in emerging adulthood" (2018) 15(5) *European Journal of Criminology* 544, at p.556.

[215] Seddig, D. and Reinecke, J., "Exploration and explanation of adolescent self-reported delinquency trajectories in the Crimoc study" in Blokland, A. and van de Geest, V., *The Routledge International Handbook of Life-Course Criminology* (London & New York: Routledge, 2017) at p. 175.

[216] Hill, J., Blokland, A.A.J., and van der Geest, V.R., "Risk factors for self-reported delinquency in emerging adulthood" (2018) 15(5) *European Journal of Criminology* 544, at p. 556.

[217] Maclure, R. and Sotelo, M., "Youth Social Capital Formation in Nicaragua" (2014) 22(2) *International Journal of Children's Rights* 385, at p.400.

[218] Webster, C., MacDonald, R., and Simpson, M., "Predicting Criminality? Risk Factors, Neighbourhood Influence and Desistance" (2006) 6(1) *Youth Justice* 7, at p.13-14.

[219] *ibid*.

[220] Maclure, R. and Sotelo, M., "Youth Social Capital Formation in Nicaragua" (2014) 22(2) *International Journal of Children's Rights* 385.

young people to change their social setting and to form new relationships has been highlighted as being important to support the desistance process.[221]

### *c. School*

School and educational attainment are important factors with regard to whether a young person becomes involved in anti-social or criminal behaviour. A number of adverse circumstances in the school environment have been linked to involvement in offending. Low academic achievement is considered to be a "risk factor" for involvement in offending behaviour.[222] Weak attachments to school are also considered a relevant factor amongst young people who offend.[223]

School exclusions are particularly problematic and can have significant negative impacts, including disengagement from education and increased likelihood of involvement in drug abuse, anti-social behaviour, and further marginalisation within society as a whole.[224] The link between school exclusion and involvement in offending behaviour is a common theme in US literature in particular, where already marginalised groups – such as African-American, low-income families and young people with learning difficulties – are found to be disproportionately affected by school exclusion policies.[225] More generally, it has been highlighted that young people with complex needs are over-represented amongst those who are excluded from school.[226] At the same time, research highlights that while assuming a direct causal relationship between

[221] Smith, D.J. and Ecob, R., "The influence of friends on teenage offending: How long does it last?" (2013) 10(1) *European Journal of Criminology* 40, at p.55.

[222] Farrington, D.P., "Cross-national comparative research on criminal careers, crime and punishment" (2015) 12(4) *European Journal of Criminology* 386, at p.392; Savage, J. and Ellis, S., "Academic Achievement, School Attachment, and School Problems in the Differential Etiology of Violence" (2018) *Journal of Developmental and Life-Course Criminology* 1.

[223] Van der Laan, A.M., Blom, M., and Kleemans, E.R., "Exploring Long-Term and Short-Term Risk Factors for Serious Delinquency" (2009) 6(5) *European Journal of Criminology* 419, at p.431.

[224] McCrystal, P., Percy, A., and Higgins, K., "Exclusion and Marginalisation in Adolescence: The Experience of School Exclusion on Drug Use and Antisocial Behaviour" (2007) 10(1) *Journal of Youth Studies* 35; Rocque, M. and Snellings, Q., "The new disciplinology: Research, theory and remaining puzzles on the school-to-prison pipeline" (2018) 59 *Journal of Criminal Justice* 3.

[225] Rocque, M. and Snellings, Q., "The new disciplinology: Research, theory and remaining puzzles on the school-to-prison pipeline" (2018) 59 *Journal of Criminal Justice* 3; Welch, K., "The effect of minority threat on risk management and the 'new disciplinology' in schools" (2018) 59 *Journal of Criminal Justice* 12.

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

school exclusion and offending is overly simplistic, the labelling of children as a 'problem' and the official and unofficial routes to exclusion are significant.[227]

While truancy is found to be linked to involvement in offending behaviour, studies suggest that truancy itself is less important than how that time was spent, in particular, where the time was spent with offending peers, this was significant.[228] Unstructured socialising is not problematic in and of itself, but its influence depends on the crime propensity of young people and of their peers.[229]

While negative experiences in school have the potential to contribute to a young person becoming involved in offending behaviour, this will not always be the case. The school environment can be a particularly important site for preventative efforts.[230] Strong school bonds were negatively correlated with involvement in offending behaviour for a number of groups of offenders identified by the German Crimoc study.[231] Equally, school can be an important site for young people to learn pro-social norms and attitudes which are unfavourable to law-breaking.[232] Teachers can play a particularly important role in the transmission of these attitudes.[233] Importantly, however, this is dependent on a good teacher-student relationship, with the quality of student-teacher relationships often being more important for the learning of pro-social attitudes than for the direct learning of behaviour.[234] Studies have highlighted that positive school environments, including a positive climate in the school, and positive relationships with and supervision by teachers were highly significant factors for the development of pro-social norms during the teenage years.[235] Given the significant

[227] Kemshall H., Marsland L., and Boeck T., "Young People, Pathways and Crime: Beyond Risk Factors" (2006) 39(3) *Australian and New Zealand Journal of Criminology* 354, at p.360.

[228] Webster, C., MacDonald, R. and Simpson, M., "Predicting Criminality? Risk Factors, Neighbourhood Influence and Desistance" (2006) 6(1) *Youth Justice* 7, at p.10.

[229] Gerstner, D. and Oberwittier, D., "Who's hanging out and what's happening? A look at the interplay between unstructured socialising, crime propensity and delinquent peers using social network data" (2018) 15(1) *European Journal of Criminology* 111.

[230] Savage, J. and Ellis, S., "Academic Achievement, School Attachment, and School Problems in the Differential Etiology of Violence" (2018) *Journal of Developmental and Life-Course Criminology* 1.

[231] Seddig, D. and Reinecke, J., "Exploration and explanation of adolescent self-reported delinquency trajectories in the Crimoc study" in Blokland, A. and van de Geest, V., *The Routledge International Handbook of Life-Course Criminology* (London & New York: Routledge, 2017) at p.175.

[232] Theimann, M., "School as a space of socialization and prevention" (2015) *European Journal of Criminology* 1.

[233] *ibid* at p.7.

[234] *ibid* at p.21.

[235] Bors, K. and Reinecke, J., "Explaining the development of adolescent violent delinquency" (2010) 7(6) *European Journal of Criminology* 499, at p.513.

impact school can have, then, it seems as though working to develop suitable and positive educational environments for all children is key in preventing young people from getting into trouble with the law.

***d. Neighbourhood and community***

The neighbourhood context has been examined in relation to youthful involvement in offending behaviour, with the suggestion that community factors - including economic disadvantage, the prevalence of danger and violence in the community, and exposure to peer groups involved in offending - can increase the risk of involvement in criminal activity.[236] While studies have often associated offending with disadvantaged neighbourhoods, this is not always consistent.[237]

The availability of resources within a community is important.[238] A lack of having 'something to do' in the community has been found to link to involvement in offending behaviour as young people feel a need to seek excitement.[239] Equally, the availability, accessibility and affordability of community resources such as schools, medical services, and recreational and social facilities can play an important role.[240] Neighbourhoods can help to shape the expectations that children and young people have about the employment opportunities that may be open to them.[241] The literature in this area therefore highlights the importance of ensuring that young people can access resources in a wide range of areas in helping young people avoid coming into conflict with the law.

It has been suggested that involvement in violence is partly influenced by the context in which it takes place. A Canadian study highlighted that being on the street, having criminal peers and using drugs and alcohol influence how young people perceive harm, their willingness to use force to settle a dispute, and the routines developed to deal

[236] Ingoldsby E M. and Shaw D S., "Neighborhood Contextual Factors and Early-Starting Antisocial Pathways" (2002) 5(1) *Clinical Child and Family Psychology Review* 21, at p.44.

[237] Webster, C., MacDonald, R. and Simpson, M., "Predicting Criminality? Risk Factors, Neighbourhood Influence and Desistance" (2006) 6(1) *Youth Justice* 7, at p.12.

[238] Leventhal, T. and Brooks-Gunn, J., "The neighbourhoods they live in: The effects of neighbourhood residence on child and adolescent outcomes" (2000) 126(2) *Psychological Bulletin* 309, at pp.322-324.

[239] Corr, M.L., "Young People's Offending Careers and Criminal Justice Contact: A Case for Social Justice" (2014) 14(3) *Youth Justice* 255, at p.259.

[240] Leventhal, T. and Brooks-Gunn, J., "The neighbourhoods they live in: The effects of neighbourhood residence on child and adolescent outcomes" (2000) 126(2) *Psychological Bulletin* 309, at pp.322-324.

[241] *ibid* at pp.324.

with conflict.[242] Neighbourhood dynamics can also influence the extent to which young people become associated with deviant peers.[243] Peer involvement was often important to young people within their neighbourhood contexts, however, and could provide both a feeling of safety and social support.[244]

While neighbourhoods can negatively impact young people, they can also exert a protective impact. While neighbourhoods with low collective efficacy and poor social control can create risks for young people,[245] neighbourhoods where there are high levels of mutual trust and a willingness to step in to supervise children can act as protective factors.[246] It has also been suggested that enabling young people to participate in their communities may be effective in helping to reduce anti-social behaviour,[247] and creating places where young people feel like they belong can help build social capital.[248]

***e. Poverty and marginalisation***

The marginalisation of young people is a common theme in literature in this area. Marginalisation is experienced by young people in multiple ways in their communities; young people report the negative perceptions of adults contributing to young people's alienation, and to places in neighbourhoods where they could not go because of either limitations placed on them by parents or by the need to avoid danger.[249] Young people

[242] Baron S.W., Forde D.R., and Kennedy L.W., "Disputatiousness, Aggressiveness, and Victimization Among Street Youths" (2007) 5(4) *Youth Violence and Juvenile Justice* 411.

[243] Ingoldsby, E.M. and Shaw, D.S., "Neighborhood Contextual Factors and Early-Starting Antisocial Pathways" (2002) 5(1) *Clinical Child and Family Psychology Review* 21, at p.49.

[244] Neary, J., Egan, M., Keenan, P.J., Lawson, L., and Bond, L., "Damned if they do, damned if they don't: negotiating the tricky context of anti-social behaviour and keeping safe in disadvantaged urban neighbourhoods" (2013) 16(1) *Journal of Youth Studies* 118; See further Visser, K., Sichling, F., and Chaskin, R.J., "Hot times, hot places: Youths' risk perceptions and risk management in Chicago and Rotterdam" (2017) 20(60) *Journal of Youth Studies* 763.

[245] Leventhal, T. and Brooks-Gunn, J., "The neighbourhoods they live in: The effects of neighbourhood residence on child and adolescent outcomes" (2000) 126(2) *Psychological Bulletin* 309, at pp.327; Ingoldsby, E. M. and Shaw, D.S., "Neighborhood Contextual Factors and Early-Starting Antisocial Pathways" (2002) 5(1) *Clinical Child and Family Psychology Review* 21, at p.50.

[246] Webster, C., MacDonald, R., and Simpson, M., "Predicting Criminality? Risk Factors, Neighbourhood Influence and Desistance" (2006) 6(1) *Youth Justice* 7, at p.12.

[247] Neary, J., Egan, M., Keenan, P.J., Lawson, L., and Bond, L., "Damned if they do, damned if they don't: negotiating the tricky context of anti-social behaviour and keeping safe in disadvantaged urban neighbourhoods" (2013) 16(1) *Journal of Youth Studies* 118.

[248] Magson, N.R., Crave, R.G., Munns, E., and Yeung, A.S., "It is risky business: can social capital reduce risk-taking behaviours among disadvantaged youth" (2016) 19(5) *Journal of Youth Studies* 763.

[249] Neary, J., Egan, M., Keenan, P.J., Lawson, L., and Bond, L., "Damned if they do, damned if they don't: negotiating the tricky context of anti-social behaviour and keeping safe in disadvantaged urban neighbourhoods" (2013) 16(1) *Journal of Youth Studies* 118; Nichols, N., "Technologies of evidence: An institutional ethnography from the standpoints of 'youth-at-risk'" (2017) 37(4) *Critical Social Policy* 604.

also reported feeling that they were labelled as a result of where they lived and went to school.[250] Rapid economic change, de-industrialisation, and other broader societal factors can operate to increase the risk of offending in unstable neighbourhoods.[251] One Irish study indicated how economic marginalisation impacted young people who experienced challenges in accessing employment, and as a result, the drug economy filled a gap for young people without a legitimate means of earning money.[252] Given the particular issues faced by young people in relation to poverty in Ireland, including CSO findings that children aged 0-17 were the age group most likely to be living in consistent poverty[253] and warnings that child income poverty rates may increase substantially in the absence of economic recovery following the COVID-19 pandemic,[254] it is clear that significant attention is needed to the issue of child poverty in Ireland generally, but also in the context of preventing young people from coming into conflict with the law.

Experiences of marginalisation are also particularly problematic to the extent that cycles of marginalisation and exclusion can become self-perpetuating. In seeking to access legitimate employment or training opportunities, a history of criminal justice system contact can disrupt these attempts.[255] Other studies have highlighted that young people who live in persistently food insecure households are significantly more likely to be involved in early delinquency and demonstrate lower levels of self-control.[256]

An absence of meaningful youth voice can help shape young people's experience of exclusion, which in turn can impact on the likelihood of their involvement in offending behaviour.[257]

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[250] Nichols, N., "Technologies of evidence: An institutional ethnography from the standpoints of 'youth-at-risk'" (2017) 37(4) *Critical Social Policy* 604.

[251] Webster, C., MacDonald, R. and Simpson, M., "Predicting Criminality? Risk Factors, Neighbourhood Influence and Desistance" (2006) 6(1) *Youth Justice* 7, at p.19.

[252] Corr, M.L., "Young People's Offending Careers and Criminal Justice Contact: A Case for Social Justice" (2014) 14(3) *Youth Justice* 255; see also Hourigan, N., "Juvenile Justice, Crime and Early Intervention: Key Challenges from the Limerick Context" (2012) 9 *Irish Probation Journal* 64.

[253] Central Statistics Office, *Survey on Income and Living Conditions 2019* (CSO, 2020), available at www.cso.ie.

[254] Regan, M. and Maître, B., *Child Poverty in Ireland and the Pandemic Recession* (Dublin: ESRI, July 2020).

[255] Corr, M.L., "Young People's Offending Careers and Criminal Justice Contact: A Case for Social Justice" (2014) 14(3) *Youth Justice* 255.

[256] Jackson, D.B., Newsome, J., Vaughan, M.G., and Johnson, K.R., "Considering the role of food insecurity in low self-control and early delinquency" (2018) 56 *Journal of Criminal Justice* 127, at pp.132-133.

[257] Nichols, N., "Technologies of evidence: An institutional ethnography from the standpoints of 'youth-at-risk'" (2017) 37(4) *Critical Social Policy* 604.

### *f. Victimisation and Adversity*

Young people who are in conflict with the law can themselves be victims of crime. The Edinburgh Study of Youth Transitions and Crime found that involvement in violent behaviour at age 15 was significantly predicted by being a victim of crime at the same age.[258] It also found that for boys, in particular, there was a complex interaction between early experiences of crime victimisation and later experiences of crises within the family that suggested that later involvement in violent offending is predicted by sustained adversity over time.[259] Equally, high rates of victimisation, particularly within the family, were common amongst one study involving young women in custody in Scotland.[260] This study found that experiences of violence and abuse could result in anger and aggression, as well as unresolved feelings of grief and rage.[261] A German study has suggested that young people may engage in deviant coping strategies as a reaction to victimisation, but the nature of this overlap does not appear to be stable over time and reactions may change over the life-course.[262]

Research findings highlight that there are links between childhood sexual exploitation and offending, with 40% of participants in one study who had experienced this exploitation being implicated in criminal activities.[263] Being a victim of repeated bullying can also be linked to involvement in offending.[264] At the same time, studies have shown how young people develop strategies to help minimise the risk of victimisation within their communities, both through avoidance of dangerous areas, or through taking protective measures such as travelling in groups.[265]

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[258] McAra, L. and McVie, S., "Youth crime and justice: Key messages from the Edinburgh study of Youth Transitions and Crime" (2010) 10(2) *Criminology and Criminal Justice* 179, at p.187.

[259] *ibid* at p.187.

[260] Batchelor, S., "'Prove me the bam': Victimization and agency in the lives of young women who commit violent offences" (2005) 52(4) *Probation Journal* 358.

[261] *ibid*.

[262] Erdmann, A. and Reinecke, J., "Youth Violence in Germany: Examining the Victim-Offender Overlap During the Transition From Adolescence to Early Adulthood" (2018) *Criminal Justice Review* 1.

[263] Cockbain, E. and Brayley, D., "Child sexual exploitation and youth offending: A research note" (2012) 9(6) *European Journal of Criminology* 689.

[264] Staubli, S. and Killias, M., "Long-term outcomes of passive bullying during childhood: Suicide attempts, victimization and offending" (2011) 8(5) *European Journal of Criminology* 377; Higgins, G., Khey, D., Dawson-Edwards, B., and Marcum, C., "Examining the Link Between Being a Victim of Bullying and Delinquency Trajectories Among an African American Sample" (2012) 22(2) *International Criminal Justice Review* 110.

[265] Visser, K., Sichling, F., and Chaskin, R.J., "Hot times, hot places: Youths' risk perceptions and risk management in Chicago and Rotterdam" (2017) 20(6) *Journal of Youth Studies* 763.

A number of studies have looked at adverse childhood experiences (ACEs) as they impact on youth justice system involvement and offending behaviour, noting that increased experiences of adversity tends to increase convictions over the life course.[266] While there is a clear overlap here with studies that examine experiences of victimisation, and difficult family backgrounds, literature highlights the long-term impact of adverse experiences during childhood. For instance, one US study on the prevalence of ACEs amongst a cohort of arrested young people showed that over four-fifths of the young people had experienced family violence; this study found that if a young person had been exposed to one ACE, they were significantly more likely to have experienced another.[267] Other studies have also documented cohorts of young people who experience multiple types of trauma, including bereavement, domestic violence, emotional and physical abuse, and community violence, amongst others.[268]

Further studies have highlighted the prevalence of trauma and adverse experiences in childhood. One admittedly small-scale study in England and Wales found that 90% of young people in the sample either had a background of various forms of child abuse, or there was partial evidence in files or staff interviews to suggest that this had been the case.[269] Exposure to violence during childhood has been found to have negative effects on young people, including contributing to propensity to violence.[270] Bereavement or loss of contact with a parent or significant family member is also a factor.[271] Self-harming behaviour was also associated with offending in the Edinburgh Study of Youth Transitions and Crime.[272]

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[266] Craig, J.M., Piquero, A.R., Farrington, D.P., and Ttofi, M.M., "A little early risk goes a long bad way: Adverse Childhood Experiences and life-course offending in the Cambridge study" (2017) 53 *Journal of Criminal Justice* 34.

[267] Baglivio, M.P. and Epps, N., "The Interrelatedness of Adverse Childhood Experiences Among High-Risk Juvenile Offenrs" (2016) 14(3) *Youth Violence and Juvenile Justice* 179.

[268] Finkelhor D., "Prevalence of Child Victimization, Abuse, Crime, and Violence Exposure" in White, J.W., Koss, M.P., and Kazdin, A.E., (eds.), *Violence against women and children: Mapping the terrain* (Washington, DC: American Psychological Association, 2011); Dierkhising, C., Ko, S., Woods-Jaeger, B., Briggs, E., Lee, R., and Pynoos, R., "Trauma histories among justice-involved youth: findings from the National Child Traumatic Stress Network" (2013) 4(1) *European Journal Of Psychotraumatology* 20274.

[269] Boswell, G.R., "Criminal Justice and Violent Young Offenders" (1998) 37(2) *The Howard Journal of Crime and Justice* 148.

[270] Logan-Greene, P., Nurius, P.S., Herting, J.R., Hooven, C.L., Walsh, E., and Adams Thomson, E., "Multi-domain risk and protective factor predictors of violent behaviour among at-risk youth" (2011) 14(4) *Journal of Youth Studies* 413.

[271] Boswell, G.R., "Criminal Justice and Violent Young Offenders" (1998) 37(2) *The Howard Journal of Crime and Justice* 148.

[272] McAra, L. and McVie, S., "Youth crime and justice: Key messages from the Edinburgh study of Youth Transitions and Crime" (2010) 10(2) *Criminology and Criminal Justice* 179, at p.187; see further Batchelor, S., "'Prove me the bam':

### 2.1.3 Systemic Factors

The broader societal, law and policy framework can also have an impact on offending. It has already been noted above that economic factors, particularly destabilising economic change, can serve to marginalise young people, especially those in deprived communities. The broader landscape of policy for children and young people can also serve to create an environment in which young people can either thrive, or in which they experience persistent problems. In Canada, a link has been established between high offending and areas where social and family policies have been relatively weak; the authors argue that where social policies are in place to adequately protect the rights of children, young people are more likely to be steered away from pathways into serious criminal activity.[273]

#### *a. Criminal justice system involvement*

Criminal justice system contact itself can have the effect of drawing young people deeper into the system and exacerbating offending trajectories. This is particularly the case where young people are subject to harsh treatment or transferred to adult criminal justice processes. This can be a particular issue for young people who are charged with serious offences, and who are transferred from youth-specific systems to adult criminal courts. In Belgium, it was found that transferring young people to adult court had an iatrogenic effect.[274] In the US, it has also been highlighted that legal variables such as the referral type, offence, and past history of being detained made a young person significantly more likely to receive a formal disposition at sentencing stage, prolonging criminal justice system contact.[275]

Inadequate state interventions, particularly within child protection services, combined with harsh drug laws and homeless policies, can exacerbate negative outcomes for vulnerable young people.[276] Findings from the International Self-Report and Delinquency Study highlighted that an accumulation of negative experiences with

Victimization and agency in the lives of young women who commit violent offences" (2005) 52(4) *Probation Journal* 358.

[273] Howe, B., "Children's Rights as Crime Prevention" (2008) 16(4) *International Journal of Children's Rights* 457.

[274] Jaspers, Y., Nuytiens, A., Christiaens, J., and Dumortier, E., "Pathways of Transferred Youth Offenders into Adulthood" (2017) 17(2) *Youth Justice* 153, at p.163.

[275] Caudill J., Morris R., El Sayed S., Yun M., and DeLIsis M., "Pathways Through the Juvenile Justice System: Predictors of Formal Disposition" (2013) 11(3) *Youth Violence and Juvenile Justice* 183.

[276] Boyd, J., Fast, D., and Small, W., "Pathways to criminalization for street-involved youth who use illicit substances" (2015) 26(5) *Critical Public Health* 530, at p.538.

official institutions such as school, probation and court may have a negative impact on young people.[277] US studies have indicated that juvenile court intervention was associated with a nearly threefold increase in the likelihood of an individual being arrested as an adult.[278]

Policing practice can also increase the likelihood that certain young people will become involved in the youth justice system. A history of adversarial contact with the police has also been found to be a predictor of involvement in offending.[279] A comparative study in Australia and England and Wales found that problematic police engagement, particularly with young people with complex support needs, began a cycle of police contact which becomes more frequent over time, with the result that young people are brought deeper into the criminal justice system.[280]

Notably, as young people develop their cognitive capacity, and as their social world expands, their exposure to institutions beyond the family increases, in addition to their ability to form a sophisticated understanding of and critically evaluate social authority, including law enforcement and the justice system. Previous research indicates that young people develop perceptions of legal authorities, based upon experiences of those within their home and community.[281] To this end, where young people tend to perceive legal authority negatively, this is associated with delinquency and non-compliance.[282] There is therefore a need to consider how to improve relationships generally between legal authorities and communities where this is an issue.

[277] Vettenburg, N., Brondeel, R., Gavray, C., and Pauwels, L.J.R., "Societal vulnerability and adolescent offending: The role of violent values, self-control and troublesome youth group involvement" (2013) 10(4) *European Journal of Criminology* 444.

[278] Bright, C. and Jonson-Reid, M., "Young Adult Outcomes of Juvenile Court–Involved Girls" (2010) 36(2) *Journal of Social Service Research* 94, at p.103.

[279] Smith, D.J. and McVie, S., "Theory and Method in the Edinburgh Study of Youth Transitions and Crime" (2003) 43(1) *British Journal of Criminology* 169, at p.198.

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

[281] Tyler, T. R. and Trinkner, R., *Why children follow rules: Legal socialization and the development of legitimacy* (New York, NY: Oxford University Press 2018).

[282] Friedman, W., Lurigio, A. J., Greenleaf, R., and Albertson, S., "Encounters between police officers and youths: The social costs of disrespect" (2004) 27 *Journal of Criminal Justice* 1.

### *b. Children in state care*

Children in state care have been found to be vastly over-represented in youth justice systems, in many different jurisdictions and contexts.[283] Although placement in state care seems to be a particular issue for girls,[284] several studies link placement in residential care to increased involvement in the criminal justice system.[285] While this experience is not the same for all young people in residential care,[286] studies have highlighted the particularly negative effects of placement instability, identifying the need to intervene early to prevent young people from becoming involved in offending behaviour.[287]

Stigma and negative attitudes towards young people in care also seem to play a part. Canadian studies have highlighted how police profiling and racial discrimination are part of the pathways of young people who have been in state care into the criminal justice system.[288] The actions and interactions of state stakeholders can heighten this exposure, for example through antagonism between different actors, increased surveillance and over-reliance of residential care workers on police interventions to address problems.[289]

It is significant that young people in state care are likely to have experienced multiple forms of negative experiences, including loss, abuse, neglect, or domestic violence.[290]

[283] Smith, D.J. and McVie, S., "Theory and Method in the Edinburgh Study of Youth Transitions and Crime" (2003) 43(1) *British Journal of Criminology* 169, at p.184; McFarlane K., "Care-criminalisation: The involvement of children in out-of-home care in the New South Wales criminal justice system" (2018) 51(3) *Australian and New Zealand Journal of Criminology* 412; Gerard A., McGrath A., Colvin E., and McFarlane K., "'I'm not getting out of bed!' The criminalisation of young people in residential care" (2019) 52(1) *Australian and New Zealand Journal of Criminology* 76.

[284] Malvaso, C., Delfabbro, P., and Day, A., "Child maltreatment and criminal convictions in youth: The role of gender, ethnicity and placement experiences in an Australian population" (2017) 73(1) *Children And Youth Services Review* 57.

[285] Jansen, A., "Victim or troublemaker? Young people in residential care" (2010) 13(4) *Journal of Youth Studies* 423; Gerard A., McGrath A., Colvin E., and McFarlane K., "'I'm not getting out of bed!' The criminalisation of young people in residential care" (2019) 52(1) *Australian and New Zealand Journal of Criminology* 76.

[286] Jansen, A., "Victim or troublemaker? Young people in residential care" (2010) 13(4) *Journal of Youth Studies* 423.

[287] Goodkind S., Shook J., Kim K., Pohlig R., and Herring D., "From Child Welfare to Juvenile Justice: Race, Gender, and System Experiences" (2013) 11(3) *Youth Violence and Juvenile Justice* 249; Malvaso, C., Delfabbro, P., and Day, A., "Child maltreatment and criminal convictions in youth: The role of gender, ethnicity and placement experiences in an Australian population" (2017) 73(1) *Children And Youth Services Review* 57, at p.64; McFarlane K., "Care-criminalisation: The involvement of children in out-of-home care in the New South Wales criminal justice system" (2018) 51(3) *Australian and New Zealand Journal of Criminology* 412.

[288] Boyd, J., Fast, D., and Small, W., "Pathways to criminalization for street-involved youth who use illicit substances" (2015) 26(5) *Critical Public Health* 530, at p.535.

[289] Taylor, C., "Justice for Looked after Children?" (2003) 50(3) *Probation Journal* 239, at p.244; Gerard A., McGrath A., Colvin E., and McFarlane K., "'I'm not getting out of bed!' The criminalisation of young people in residential care" (2019) 52(1) *Australian and New Zealand Journal of Criminology* 76.

[290] McFarlane K., "Care-criminalisation: The involvement of children in out-of-home care in the New South Wales criminal justice system" (2018) 51(3) *Australian and New Zealand Journal of Criminology* 412.

Lack of adequate support mechanisms for children in state care, like the lack of proper aftercare support, can lead to further association with negative behaviours such as drug use and further involvement with the criminal justice system.[291] This highlights the importance of continuous care planning and interagency work for young people in the care system.[292]

While it is important that the link between experience of state care and involvement in the youth justice system is considered carefully, it is also important to acknowledge that many young people in state care have no history of involvement in the criminal justice system so it is important to avoid stigmatising young people in such circumstances.[293]

### 2.1.4 Prevention and Protection

While the preceding analyses identify the common factors associated with offending behaviour, not all such children go on to be involved in offending behaviour; according to Smith and McVie, this indicates the importance of influences during adolescence.[294] While much of the literature focuses on the "risks" for involvement in offending behaviour, the literature contains important messages regarding the protective factors that help young people avoid involvement in offending behaviour. Experience of school, family etc. are key, as are personal factors. Low hyperactivity, low impulsivity, low "troublesomeness" and high levels of nervousness, for example, have been found to be protective factors predicting later life success.[295] Some studies have suggested that certain protective factors can mitigate specific "risk" factors. For example, high verbal intelligence and school attainment were found to protect against poor child-rearing; parental supervision and parental interest in education are important.[296] Scholars have

[291] Taylor, C., "Justice for Looked after Children?" (2003) 50(3) *Probation Journal* 239; Boyd, J., Fast, D., and Small, W., "Pathways to criminalization for street-involved youth who use illicit substances" (2015) 26(5) *Critical Public Health* 530, at p.537.

[292] Taylor, C., "Justice for Looked after Children?" (2003) 50(3) *Probation Journal* 239, at p.248.

[293] *ibid* at p.243.

[294] Smith, D.J. and McVie, S., "Theory and Method in the Edinburgh Study of Youth Transitions and Crime" (2003) 43(1) *British Journal of Criminology* 169, at p.170.

[295] Farrington, D.P., Ttofi, M.M., Piquero, A.R., "Risk, promotive and protective factors in youth offending: Results from the Cambridge study in delinquent development" (2016) 45 *Journal of Criminal Justice* 63, at p.66; Craig, J., Piquero, A. and Farrington, D., "Not All At-Risk Boys Have Bad Outcomes: Predictors of Later Life Success" (2019) Crime & Delinquency 1.

[296] Farrington, D.P., Ttofi, M.M., and Piquero, A.R., "Risk, promotive and protective factors in youth offending: Results from the Cambridge study in delinquent development" (2016) 45 *Journal of Criminal Justice* 63, at p.68.

also suggested that improving critical thinking skills and empathy may lessen young people's likelihood of involvement in offending.[297] Equally, both strong school and family bonds, and attachment and bonds to non-violent peers are all found to be important protective factors.[298] Outside of academic achievement, the relationship a child has with school can also be protective.[299] Family factors were found to be significant. Having a mother who was employed was identified as a protective factor.[300] High parental interest was also considered to be a strong buffer.[301]

Interventions seeking to prevent young people from becoming involved in crime should address problems in multiple domains, including the individual, family, and peer and school environments.[302]

## 2.2 Responses to Young People in Conflict with the Law

This section sets out the available national and international evidence on the principal approaches used by states to address offending behaviour by young people. State responses to youth offending are varied and not all approaches applied are interchangeable. International standards that are informed by strong consensus among states provide a compelling case for approaches that respect the rights of young people. Under Article 40 of the UNCRC, age-appropriate treatment which respects the dignity of young people, instils respect for the rights and freedoms of others, and prioritises approaches that support the young person to reintegrate and assume a constructive role in society should guide decision-making in the context of youth justice.[303] In addition, the UNCRC prescribes diversionary approaches that minimise

[297] Currie, F. and Covell, K., "Juvenile justice and juvenile decision making: A comparison of young offenders with their non-offending peers" (1998) 6(2) *International Journal of Children's Rights* 125, at p.135.

[298] Bors, K. and Reinecke, J., "Explaining the development of adolescent violent delinquency" (2010) 7(6) *European Journal of Criminology* 499, at p.513.

[299] Jolliffe, D., Farrington, D.P. Loeber, R., Pardini, D., "Protective factors for violence: Results from the Pittsburgh Youth Study" (2016) 45 *Journal of Criminal Justice* 32.

[300] Craig, J., Piquero, A. and Farrington, D., "Not All At-Risk Boys Have Bad Outcomes: Predictors of Later Life Success" (2019) *Crime & Delinquency* 1.

[301] *ibid.*

[302] Logan-Greene, P., Nurius, P.S., Herting, J.R., Hooven, C.L., Walsh, E., & Adams Thomson, E., "Multi-domain risk and protective factor predictors of violent behaviour among at-risk youth" (2011) 14(4) *Journal of Youth Studies* 413.

[303] UN General Assembly, *United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules")*, A/RES/40/33 (United Nations, 1985); Article 40(1) of the UNCRC; UN Committee on the Rights of the Child, General Comment No.24 on children's rights in the child justice system (2019) (CRC/C/GC/24).

young people's contact with the formal criminal justice system,[304] and proposes responses that prioritise social and educational measures, above all ensuring that deprivation of liberty is only used as a last resort and for the shortest appropriate period of time.[305] In addition to measures to prevent involvement in offending, the Convention requires that a wide range of community measures must be available, to allow for a response based on the individual needs and circumstances of the young person as well as on the offence.[306]

The review of the international literature in this area covers two separate but related issues. The first part is concerned with early intervention, prevention and diversion, and considers some of the interventions which take place that are aimed at preventing contact with the youth justice system or diverting young people away from it. The second half of this review considers studies and evaluations of the various types of interventions that take place within the youth justice system, once a young person has already been involved in offending.

### 2.2.1 Early Intervention and Prevention

While the international standards highlight the need for a comprehensive youth justice strategy to include early intervention and prevention,[307] what this looks like in practice can vary widely from jurisdiction to jurisdiction. The Riyadh Guidelines recommend that approaches to early intervention should include both mainstream initiatives to ensure that young people and their families have access to a range of social services in the community, and targeted interventions for young people who have particular needs;[308] both aspects are considered vital for a comprehensive early intervention strategy. The Committee on the Rights of the Child has further recommended that prevention and early intervention programmes should be focused on support for families, adopt a systemic approach that includes closing pathways into contact with the youth justice

[304] Article 40(3) of the UNCRC; UN Committee on the Rights of the Child, *General Comment No.24 on children's rights in the child justice system* (2019) (CRC/C/GC/24) at paras.13-18.

[305] Article 37 of the UNCRC; UN Committee on the Rights of the Child, *General Comment No.24 on children's rights in the child justice system* (2019) (CRC/C/GC/24) at para. 19.

[306] Article 40(4) of the UNCRC; UN Committee on the Rights of the Child, *General Comment No.24 on children's rights in the child justice system* (2019) (CRC/C/GC/24) at paras.17-19, 108-109.

[307] UN General Assembly, *UN Guidelines for the Prevention of Juvenile Delinquency: The Riyadh Guidelines,* A/RES/45/112 (United Nations, 1990); UN Committee on the Rights of the Child, *General Comment no.24 on children's rights in the child justice system* (2019) (CRC/C/GC/24) at paras.9-12.

[308] UN Guidelines for the Prevention of Juvenile Delinquency (Adopted and proclaimed by General Assembly resolution 45/112 of 14 December 1990).

system, as well as child-friendly and multi-disciplinary approaches based on a comprehensive assessment of the child's needs.[309]

### *a. Types of Early Intervention Approaches*

There are a variety of approaches to early intervention and each should be viewed in the context of the broader social, economic and legal conditions. For instance, the traditional Nordic model of child welfare was based on the strict separation of criminal justice and social welfare systems, the prioritisation of minimum intervention and a preference for using social welfare measures.[310] However, this model has been changed by the introduction of initiatives focused on local crime prevention through directing early intervention at criminogenic risk factors such as a poor home environment and poor parental skills, targeted primarily at those who were considered in danger of marginalisation.[311] In this context, prevention and local securitisation strategies included the establishment of parental patrols of the street at night and the establishment of night-time cafes, where emphasis was placed on building parental involvement and providing support to parents considered to be 'at risk'.[312] Scholars have raised concerns that programmes such as these, based on concepts of concern, risk and intervention are reflective of a tougher climate of regulation and control directed almost exclusively at children.[313]

Programmes focused on targeting risk have also been introduced in other jurisdictions, including Northern Ireland,[314] where these programmes have equated 'risk of offending' to other types of vulnerability and social marginalisation, with the result that those tasked with implementing the programmes struggle to disentangle these factors.[315]

Other such interventions include programmes promoting inclusion in sports that use these activities as opportunities to broaden young people's perspectives and provide

[309] UN Committee on the Rights of the Child, *General Comment No.24 on children's rights in the child justice system* (2019) (CRC/C/GC/24) at paras.9-12.

[310] Harrikari, T., "Securitizing Childhood – Childhood and Youth in Finnish Crime Prevention Programmes" (2013) 13(1) *Youth Justice* 57, at p.59.

[311] *ibid* at pp.60-1.

[312] *ibid* at pp.63-4.

[313] *ibid* at p.69.

[314] Haydon, D., "Early Intervention for the Prevention of Offending in Northern Ireland" (2014) 14(3) *Youth Justice* 226.

[315] *ibid* at pp.231-232.

access to "lifestyle, educational and employment opportunities".[316] Some of these programmes offered a 'two-tier' system, based on access to activities for all young people interested, and more intensive programmes for young people referred to the programmes.[317]

Scholars have raised concerns about the potential for targeted early intervention programmes to stigmatise young people who are already vulnerable, even where participation in these programmes may have some positive outcomes for young people.[318] The Edinburgh Study of Youth Transitions and Crime has indicated that early intervention programmes, rather than reducing the number of offence referrals, can have the opposite effect and draw young people into repeated cycles of contact with the system.[319] A particular difficulty with early intervention programmes focused on targeting risk lies in the fact that this may legitimise intervention in the lives of young people who would not have been otherwise involved in or convicted of offending; this may be counter-productive by increasing system contact, leading to damaging long-term effects.[320] In the same vein, early intervention can result in net widening and the increased criminalisation of some young people; this contrasts with perspectives that argue that early intervention can be an effective means of preventing the need for more serious intervention later.[321]

***b. Features of approaches to early intervention***

Some studies highlight the positive aspects of early intervention and prevention programmes. In the UK 'Positive Futures' initiative, for instance, it was found that young people valued as positive elements the social interactions, fun, enjoyment, developing relationships with coaches, and the opportunities which arise to volunteer with the programme or access training.[322] Other early intervention projects highlight

[316] Kelly, L., "Representing and Preventing Youth Crime and Disorder: Intended and Unintended Consequences of Targeted Youth Programmes in England" (2012) 12(2) *Youth Justice* 101.

[317] *ibid* at pp.107-8.

[318] *ibid* at p.101.

[319] McAra, L. and McVie, S., "Youth Justice? The Impact of System Contact on Patterns of Desistance from Offending" (2007) 4(3) *European Journal of Criminology* 315, at p.337.

[320] Haydon, D., "Early Intervention for the Prevention of Offending in Northern Ireland" (2014) 14(3) *Youth Justice* 226, at p.237.

[321] Kelly, L., "Representing and Preventing Youth Crime and Disorder: Intended and Unintended Consequences of Targeted Youth Programmes in England" (2012) 12(2) *Youth Justice* 101, at p.109.

[322] *ibid* at p.106.

the importance of family support in reducing the likelihood of involvement in the criminal justice system.[323] It has been stated that the Chinese study-work model has the "potential to achieve the global notions of child protection and child-centred juvenile justice" through its focus on social inclusion.[324] A similar observation was made in a UK study of early intervention projects which found that helping young people return to education may not lead to them gaining sustainable employment; positive experiences of greater inclusion experienced within these projects could be hampered by broader societal exclusionary processes.[325] A further important component contributing to positive outcomes in this study was reported to be the moral, behaviour and legal education which was delivered to young people as part of this programme.[326]

Other studies drawing on surveys of young people in the UK highlighted young people's view that having greater access to things to do in the community and places to go could operate to reduce youthful anti-social behaviour.[327]

Research supports preventive measures targeting particular issues, such as young people reporting with Adverse Childhood Experiences (ACEs).[328] However, some studies indicate that targeted interventions in and of themselves may not be enough to prevent offending.[329] In this regard, interventions that occur in the absence of addressing systematic issues such as poverty and social exclusion may be limited.

### 2.2.2 Diversion

The international standards highlight the importance of diversion to a children's rights-based approach to youth justice. The UNCRC supports the importance of responding to offending by young people without resorting to judicial proceedings wherever

[323] Haydon, D., "Early Intervention for the Prevention of Offending in Northern Ireland" (2014) 14(3) *Youth Justice* 226, at pp.231-2.

[324] Shen, A., "The Role of the Study–Work School: A Chinese Case Study on Early Intervention and Child-Centred Juvenile Justice" (2015) 16(2) *Youth Justice* 95, at p.108.

[325] Kelly, L., "Representing and Preventing Youth Crime and Disorder: Intended and Unintended Consequences of Targeted Youth Programmes in England" (2012) 12(2) *Youth Justice* 101, at p.107.

[326] Shen, A., "The Role of the Study–Work School: A Chinese Case Study on Early Intervention and Child-Centred Juvenile Justice" (2015) 16(2) *Youth Justice* 95, at p.104.

[327] Crawford, A., "Criminalizing Sociability through Anti-social Behaviour Legislation: Dispersal Powers, Young People and the Police" (2009) 9(1) *Youth Justice* 5, at p.12.

[328] Kowalski, M. A., "Adverse Childhood Experiences and Justice-Involved Youth: The Effect of Trauma and Programming on Different Recidivistic Outcomes" (2019) 17(4) *Youth Violence and Juvenile Justice* 354, at p.358.

[329] Shen, A., "The Role of the Study–Work School: A Chinese Case Study on Early Intervention and Child-Centred Juvenile Justice" (2015) 16(2) *Youth Justice* 95, at p.105.

appropriate and desirable.[330] Diversionary approaches can help young people avoid the negative and stigmatising effects of formal criminal justice contact and can also impact on custody rates.[331]

What "diversion" means in practice can vary, however, and it can be understood to mean different things in different contexts.[332] In particular, the term is used to refer to interventions which seek to divert a young person from the criminal justice system – particularly judicial interventions[333] – as well as to those programmes that aim to divert young people from offending.

### *a. Features of Diversionary Practices*

Diversion programmes can take different forms.[334] While some may include an element of supervision, attendance at a community-based programme,[335] or family-based treatment,[336] others include more novel components, such as reading programmes.[337]

Rather than focusing solely on the young person, family-based treatment programmes are used to address both risk and protective factors within the young person's family.[338] These programmes can target specific components such as engagement, motivation and relational factors, as well as dealing with behavioural change.[339]

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[330] Article 40(3)(b) of the UNCRC.

[331] Bateman, T., "Who Pulled the Plug? Towards an Explanation of the Fall in Child Imprisonment in England and Wales" (2012) 12(1) *Youth Justice* 36; Wilson, H. A. and Hoge, R. D., "The effect of youth diversion programs on recidivism: A meta-analytic review" (2013) 40(5) *Criminal Justice and Behavior* 497, at p.498; NeMoyer, A., Gale-Bentz, E., Goldstein, N. E., and Harvey, L., "Factors Associated With Successful Completion of a Community-Based, Postarrest Juvenile Diversion Program and Subsequent Rearrest" (2019) 66(5) *Crime & Delinquency* 603.

[332] Richards, K., " 'Blurred Lines: Reconsidering the Concept of 'Diversion' in Youth Justice Systems in Australia" (2014) 14(2) *Youth Justice* 122, at p.125; NeMoyer, A., Gale-Bentz, E., Goldstein, N. E., and Harvey, L., "Factors Associated With Successful Completion of a Community-Based, Postarrest Juvenile Diversion Program and Subsequent Rearrest" (2019) 66(5) *Crime & Delinquency* 603.

[333] Wilson, H. A. and Hoge, R. D., "The effect of youth diversion programs on recidivism: A meta-analytic review" (2013) 40(5) *Criminal Justice and Behavior* 497.

[334] Wong, J. S., Bouchard, J., Gravel, J., Bouchard, M., and Morselli, C., "Can at-risk youth be diverted from crime? A meta-analysis of restorative diversion programs" (2016) 43(10) *Criminal Justice and Behavior* 1310, at p.1311

[335] NeMoyer, A., Gale-Bentz, E., Goldstein, N. E., and Harvey, L., "Factors Associated With Successful Completion of a Community-Based, Postarrest Juvenile Diversion Program and Subsequent Rearrest" (2019) 66(5) *Crime & Delinquency* 603.

[336] Kretschmar, J.M., Tossone, K., Butcher, F., and Marsh, B. "Examining the impact of a juvenile justice diversion program for youth with behavioral health concerns on early adulthood recidivism" (2018) 91 *Children and Youth Services Review* 168.

[337] Seroczynski, A. D., "Reading for Life and Adolescent Re-Arrest: Evaluating a Unique Juvenile Diversion Program" (2016) 35(3) *Journal of Policy Analysis and Management* 662.

[338] Kretschmar, J.M., Tossone, K., Butcher, F., and Marsh, B. "Examining the impact of a juvenile justice diversion program for youth with behavioral health concerns on early adulthood recidivism" (2018) 91 *Children and Youth Services Review* 168.

[339] *ibid*.

Other programmes focus on young people's needs for treatment for mental health problems or to address behavioural issues, with an emphasis on community-based treatment and alternatives to arrest and imprisonment.[340] Interventions such as the Special Needs Diversion Programme operating in Texas since 2001 found some success in reducing recidivism rates amongst the young people involved in the programme, suggesting that there may be long-term benefits for the young people involved.[341] These programmes can use a variety of types of interventions, including task-centred case management, parent management training, and cognitive behavioural therapy approaches.[342]

Where concerns are education or school related, diversion programmes can provide wraparound services to young people, including tutoring, mentoring, attendance checks, inclusion in after-school programmes and daily check-ins with programme staff.[343] In the US, success has been achieved in reducing the number of referrals to the youth justice system for school-based offences through the introduction of civil citation (non-criminal) programmes which identify appropriate community service operations and assess the young person's need for further assessment or services.[344]

Restorative justice programmes are often focused on diversion.[345] Police diversion schemes can combine restorative elements of practice into warning or caution programmes.[346] A meta-analysis of restorative justice diversion programmes implemented in the United States, Australia, New Zealand and Europe found that

[340] Jeong, S., Lee, B. H., and Martin, J. H., "Evaluating the effectiveness of a special needs diversionary program in reducing reoffending among mentally ill youthful offenders" (2014) 58(9) *International Journal of Offender Therapy and Comparative Criminology* 1058.

[341] *ibid*.

[342] Gearing, R. et al., "C-FIT adolescent diversion program: A behavioral intervention pilot test for delinquent offenders" (2017) 60(5) *International Social Work* 1111, at p.1112-3.

[343] Fader, J. J., Lockwood, B., Schall, V. L., and Stokes, B., "A promising approach to narrowing the school-to-prison pipeline: The WISE arrest diversion program" (2015) 13(2) *Youth Violence and Juvenile Justice* 123; see also Sullivan, C. J., Dollard, N., Sellers, B., and Mayo, J., "Rebalancing response to school-based offenses: A civil citation program" (2010) 8(4) *Youth Violence and Juvenile Justice* 279.

[344] Sullivan, C. J., Dollard, N., Sellers, B., and Mayo, J., "Rebalancing response to school-based offenses: A civil citation program" (2010) 8(4) *Youth Violence and Juvenile Justice* 279.

[345] Wong, J. S., Bouchard, J., Gravel, J., Bouchard, M., and Morselli, C., "Can at-risk youth be diverted from crime? A meta-analysis of restorative diversion programs" (2016) 43(10) *Criminal Justice and Behavior* 1310.

[346] Smith, R., "Re-inventing Diversion" (2014) 14(2) *Youth Justice* 109, at p.113.

diversion programmes often have a beneficial impact in terms of reduced recidivism rates.[347]

Programmes that adopt a therapeutic approach can aim to address young people's needs and behaviours through empowering, strengths-based interventions that are focused on setting goals and helping young people to attain those goals.[348]

***b. Outcomes of Diversionary Approaches***

Studies evaluating the impact of diversion programmes on recidivism have produced varying results.[349] A meta-analysis of studies carried out of 73 diversion programmes based either on a non-interventionist "caution" approach or based on diverting young people to specific interventions in Canada found that both types of diversionary programmes were significantly more effective in reducing rates of re-offending amongst young people than the traditional criminal justice system.[350] Particular initiatives have also been found to be successful in reducing rates of recidivism amongst young people, such as the "Reading for Life" programme,[351] programmes using restorative justice approaches,[352] and interventions focused on providing treatment targeting mental health and behaviour.[353]

In contrast, however, a study synthesising experimental research evaluations of diversion programmes published between 1980 and 2011 found that formal diversion programmes did not prevent recidivism rates any better than "warn-and-release"

[347] Wong, J. S., Bouchard, J., Gravel, J., Bouchard, M., and Morselli, C., "Can at-risk youth be diverted from crime? A meta-analysis of restorative diversion programs" (2016) 43(10) *Criminal Justice and Behavior* 1310, at p.1319.

[348] Belciug, C., Franklin, C., Bolton, K. W., Jordan, C., and Lehmann, P., "Effects of goal commitment and solution building on the completion rates for a juvenile diversion program" (2016) 43(7) *Criminal Justice and Behavior* 923.

[349] Wilson, H. A. and Hoge, R. D., "The effect of youth diversion programs on recidivism: A meta-analytic review" (2013) 40(5) *Criminal Justice and Behavior* 497, at p.500; Wong, J. S., Bouchard, J., Gravel, J., Bouchard, M., and Morselli, C., "Can at-risk youth be diverted from crime? A meta-analysis of restorative diversion programs" (2016) 43(10) *Criminal Justice and Behavior* 1310, at p.1311; Wylie, L. E., Clinkinbeard, S. S., and Hobbs, A., "The Application of Risk–Needs Programming in a Juvenile Diversion Program" (2019) 46(8) *Criminal Justice and Behavior* 1128.

[350] Wilson, H. A. and Hoge, R. D., "The effect of youth diversion programs on recidivism: A meta-analytic review" (2013) 40(5) *Criminal Justice and Behavior* 497, at p.510.

[351] Seroczynski, A. D., "Reading for Life and Adolescent Re-Arrest: Evaluating a Unique Juvenile Diversion Program" (2016) 35(3) *Journal of Policy Analysis and Management* 662, at pp.687-9.

[352] Wong, J. S., Bouchard, J., Gravel, J., Bouchard, M., and Morselli, C., "Can at-risk youth be diverted from crime? A meta-analysis of restorative diversion programs" (2016) 43(10) *Criminal Justice and Behavior* 1310, at p.1319.

[353] Jeong, S., Lee, B. H., and Martin, J. H., "Evaluating the effectiveness of a special needs diversionary program in reducing reoffending among mentally ill youthful offenders" (2014) 58(9) *International Journal of Offender Therapy and Comparative Criminology* 1058; Gearing, R. et al., "C-FIT adolescent diversion program: A behavioral intervention pilot test for delinquent offenders" (2017) 60(5) *International Social Work* 1111.

models or formal court processing,[354] although evidence-based interventions were not routinely used as central components of the diversion programmes studied.[355] In another US study of 72 diversion programmes, the programmes enjoyed varying levels of success in reducing recidivism, a variation that could be related either to the level of risk amongst young people involved in these programmes in the first instance, or to specific factors related to service delivery that made them more or less effective.[356]

Aside from effects on recidivism, however, these programmes may produce other effects that are not immediately or clearly related to rates of re-offending within the study follow-up period or at all. For instance, mental health interventions may impact positively on mental health outcomes, as well as recidivism rates;[357] and after-school programmes can help to keep young people off the streets, having diversionary benefits outside of the school setting as well as within school.[358]

The results of some studies have indicated that family-based programmes were associated with "statistically significant" reductions in rates of recidivism amongst young people who participated.[359] Supports from both family and community have been highlighted as important for young people receiving interventions specific to addressing mental health difficulties.[360] Other studies of Family Functional Therapy programmes found that those who completed these programmes successfully were less likely to re-offend in early adulthood, compared to those who either did not complete the programme or who did not enrol.[361]

[354] Schwalbe, C. S., Gearing, R. E., MacKenzie, M. J., Brewer, K. B., and Ibrahim, R., "A meta-analysis of experimental studies of diversion programs for juvenile offenders" (2012) 32(10) *Clinical Psychology Review* 26, at p.30.

[355] *ibid* at p.31.

[356] Sullivan, C. J. and Latessa, E., "The coproduction of outcomes: An integrated assessment of youth and program effects on recidivism" (2011) 9(3) *Youth Violence and Juvenile Justice* 191, at p.200.

[357] Gearing, R. et al., "C-FIT adolescent diversion program: A behavioral intervention pilot test for delinquent offenders" (2017) 60(5) *International Social Work* 1111.

[358] Fader, J. J., Lockwood, B., Schall, V. L., and Stokes, B., "A promising approach to narrowing the school-to-prison pipeline: The WISE arrest diversion program" (2015) 13(2) *Youth Violence and Juvenile Justice* 123, at pp.131-2.

[359] Schwalbe, C. S., Gearing, R. E., MacKenzie, M. J., Brewer, K. B., and Ibrahim, R., "A meta-analysis of experimental studies of diversion programs for juvenile offenders" (2012) 32(10) *Clinical Psychology Review* 26, at p.30.

[360] Jeong, S., Lee, B. H., and Martin, J. H., "Evaluating the effectiveness of a special needs diversionary program in reducing reoffending among mentally ill youthful offenders" (2014) 58(9) *International Journal of Offender Therapy and Comparative Criminology* 1058.

[361] Kretschmar, J.M., Tossone, K., Butcher, F., and Marsh, B. "Examining the impact of a juvenile justice diversion program for youth with behavioral health concerns on early adulthood recidivism" (2018) 91 *Children and Youth Services Review* 168, at p.174.

The development of personal relationships between young people and mentors or facilitators in the context of diversionary interventions was also considered an important factor in some studies.[362]

Scholars have suggested that interventions focused on young people's strengths, that build on their solution-building competencies can be an important component in diversionary practice.[363]

Studies have also highlighted the potential of interventions that offer a direct psychosocial intervention, such as family-based interventions or behavioural components which offer opportunities for restorative justice approaches (including family group conferences or victim-offender mediation to be developed further).[364] While restorative justice approaches have been found to be promising in terms of combating recidivism, motivation on the part of young people to engage in and fulfil requirements relating to victim and community reparation may be important in achieving successful outcomes.[365] Aside from impacting on re-offending rates, however, it is important to recognise that other positive outcomes can emerge from restorative justice approaches, including remorse on the part of offenders, improved perceptions of the fairness of the processes involved, and victim satisfaction with the process.[366] In practice, however, much of the success of restorative justice approaches can depend on the approach of the facilitator, and restorative justice approaches also carry risks for the rights of individuals involved.[367]

[362] Seroczynski, A. D., "Reading for Life and Adolescent Re-Arrest: Evaluating a Unique Juvenile Diversion Program" (2016) 35(3) *Journal of Policy Analysis and Management* 662, at p.664; Belciug, C., Franklin, C., Bolton, K. W., Jordan, C., and Lehmann, P., "Effects of goal commitment and solution building on the completion rates for a juvenile diversion program" (2016) 43(7) *Criminal Justice and Behavior* 923, at p.923.

[363] Belciug, C., Franklin, C., Bolton, K. W., Jordan, C., and Lehmann, P., "Effects of goal commitment and solution building on the completion rates for a juvenile diversion program" (2016) 43(7) *Criminal Justice and Behavior* 923, at p.933.

[364] Schwalbe, C. S., Gearing, R. E., MacKenzie, M. J., Brewer, K. B., and Ibrahim, R., "A meta-analysis of experimental studies of diversion programs for juvenile offenders" (2012) 32(10 *Clinical Psychology Review* 26, at p.32.

[365] Wong, J. S., Bouchard, J., Gravel, J., Bouchard, M., and Morselli, C., "Can at-risk youth be diverted from crime? A meta-analysis of restorative diversion programs" (2016) 43(10) *Criminal Justice and Behavior* 1310, at p.1324.

[366] *ibid*; Earle, R., Newburn, T., and Crawford, A., "Referral Orders: Some Reflections on Policy Transfer and 'What Works'" (2002) 2(3) *Youth Justice* 141.

[367] Lynch, N., "Restorative justice through children's rights lens" (2010) 18(2) *International Journal of Children's Rights* 161.

Programme completion has also been found in a number of studies to be an important predictor of effectiveness in terms of reducing re-offending.[368] Programmes where services were offered to young people based on risk and needs were more successful in reducing recidivism where young people completed their plans.[369] It has been highlighted that identifying barriers for young people in successfully completing programmes, and providing appropriate supports to help them to overcome these issues, may be important for both long- and short-term outcomes for young people.[370] Equally, ensuring that young people are prepared adequately for the programme, and taking steps to increase young people's commitment to it can help to increase the likelihood of successful programme completion.[371]

In a number of studies, the importance of interventions and approaches that take an individualised and holistic approach to young people was emphasised. It has been highlighted that there is a need to consider whether diversion programmes work in terms of connecting young people to the services they need through an individualised approach to diversion planning, rather than focusing solely on effectiveness in terms of recidivism.[372] Studies of diversionary interventions have highlighted that programmes should consider the major needs of the young people they work with, provide suitable treatment based on these needs, and ensure follow-up at a later date to assess the effectiveness of the programme.[373]

Conversely, a number of factors were also identified in diversion programmes which negatively impacted young people participating in them. For example, where young

[368] Kretschmar, J.M., Tossone, K., Butcher, F., and Marsh, B., "Examining the impact of a juvenile justice diversion program for youth with behavioral health concerns on early adulthood recidivism" (2018) 91 *Children and Youth Services Review* 168; NeMoyer, A., Gale-Bentz, E., Goldstein, N. E., and Harvey, L., "Factors Associated With Successful Completion of a Community-Based, Postarrest Juvenile Diversion Program and Subsequent Rearrest" (2019) 66(5) *Crime & Delinquency* 603.

[369] Wylie, L. E., Clinkinbeard, S. S., and Hobbs, A., "The Application of Risk–Needs Programming in a Juvenile Diversion Program" (2019) 46(8) *Criminal Justice and Behavior* 1128, at p.1145.

[370] Kretschmar, J.M., Tossone, K., Butcher, F., and Marsh, B., "Examining the impact of a juvenile justice diversion program for youth with behavioral health concerns on early adulthood recidivism" (2018) 91 *Children and Youth Services Review* 168, at p.174.

[371] Belciug, C., Franklin, C., Bolton, K. W., Jordan, C., and Lehmann, P., "Effects of goal commitment and solution building on the completion rates for a juvenile diversion program" (2016) 43(7) *Criminal Justice and Behavior* 923, at p.932.

[372] Wylie, L. E., Clinkinbeard, S. S., and Hobbs, A., "The Application of Risk–Needs Programming in a Juvenile Diversion Program" (2019) 46(8) *Criminal Justice and Behavior* 1128, at p.1141.

[373] Sullivan, C. J., Veysey, B. M., Hamilton, Z. K., and Grillo, M., "Reducing out-of-community placement and recidivism: Diversion of delinquent youth with mental health and substance use problems from the justice system" (2007) 51(5) *International Journal of Offender Therapy and Comparative Criminology* 555, at p.573.

people had to meet a number of requirements during the course of their participation in diversion programmes, a greater number of requirements was found to decrease the likelihood of successful completion of the programme.[374] It has been suggested that setting reasonable expectations within diversion programmes and providing appropriate supports for specific issues where necessary may be beneficial.[375] It has also been suggested that where diversion programmes contain a number of requirements to allow charges to be dismissed, those which offer services based on risk and needs (but where a young person is not required to necessarily complete those services as a condition of their charge being dismissed) may be advisable.[376] Other studies have highlighted the need for practitioners to inform and prepare young people adequately about the programmes they are taking part in, to allow young people to make an informed choice and to seek young people's active co-operation.[377]

***c. Diversion as a means of reducing formal system contact***

There are risks attached to diversion where instead of "diverting from" offending, a young person is effectively "diverted to" another initiative leading to problems of system contact and stigmatisation.[378] There can be substantial differences in practice with a system that prioritises diversion from court processes based on the assumption that a young person will grow out of offending as part of their normal development, and a system which pre-supposes that without some form of more active intervention, a young person will inevitably engage in further offending behaviour.[379] There is thus a need to ensure that diversion from the youth justice system is promoted along with diversion to forms of intervention that enhance the well-being of young people and promote their social inclusion.[380]

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[374] NeMoyer, A., Gale-Bentz, E., Goldstein, N. E., & Pema Harvey, L., "Factors Associated With Successful Completion of a Community-Based, Postarrest Juvenile Diversion Program and Subsequent Rearrest" (2019) 66(5) *Crime & Delinquency* 603.

[375] *ibid*.

[376] Wylie, L. E., Clinkinbeard, S. S., and Hobbs, A., "The Application of Risk–Needs Programming in a Juvenile Diversion Program" (2019) 46(8) *Criminal Justice and Behavior* 1128, at p.1143.

[377] Belciug, C., Franklin, C., Bolton, K. W., Jordan, C., and Lehmann, P., "Effects of goal commitment and solution building on the completion rates for a juvenile diversion program" (2016) 43(7) *Criminal Justice and Behavior* 923, at p.933.

[378] Richards, K., "Blurred Lines: Reconsidering the Concept of 'Diversion' in Youth Justice Systems in Australia" (2014) 14(2) *Youth Justice* 122, at p.129.

[379] Nelken, D., "Italian Juvenile Justice: Tolerance, Leniency or Indulgence?" (2006) 6(2) *Youth Justice* 107, at p.117.

[380] Smith, R., "Re-inventing Diversion" (2014) 14(2) *Youth Justice* 109, at p.119.

A number of factors have to be considered in the implementation of any programme, however, and the importance of national and local context in this area is clear. Studies of particular programmes have highlighted that further research and evaluations are needed to assess whether they are capable of being implemented and their success replicated in other contexts and situations.[381]

McAra and McVie of the Edinburgh Study of Youth Transitions and Crime have highlighted the importance of minimal intervention and maximum diversion in responses to young people in conflict with the law in order to prevent young people from being drawn into cycles of contact with the criminal justice system.[382] Some studies of the effectiveness of diversionary programmes have supported this approach based on minimum intervention and the promotion of diversion.[383] In one meta-analysis of 73 diversionary interventions, it was found that caution programmes were more successful in decreasing recidivism than those which included some form of specific intervention.[384] In addition, that study found that in diversion programmes that involved targeted interventions, those that targeted medium- to high-risk young people were more effective in reducing recidivism than those that targeted low-risk offenders.[385]

It is significant that approaches that are based on commitments to principles of minimum intervention, and of limiting the extent of the intervention, have been put forward in the UK in more recent years as a way of reducing the unnecessary criminalisation of children.[386] Approaches to youth justice based on "children first, offenders second" principles, have emphasised the need for diversion to be a core objective of the youth justice system, based on principles relating to minimum intervention, the needs of children, and restorative principles.[387]

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[381] Seroczynski, A. D., "Reading for Life and Adolescent Re-Arrest: Evaluating a Unique Juvenile Diversion Program" (2016) 35(3) *Journal of Policy Analysis and Management* 662, at pp.679-80.

[382] McAra, L. and McVie, S., "Youth Justice?: The Impact of System Contact on Patterns of Desistance from Offending" (2007) 4(3) *European Journal of Criminology* 315.

[383] Corr, M., "Young People's Offending Careers and Criminal Justice Contact: A Case for Social Justice" (2014) 14(3) *Youth Justice* 255, at p.264.

[384] Wilson, H. A., and Hoge, R. D., "The effect of youth diversion programs on recidivism: A meta-analytic review" (2013) 40(5) *Criminal Justice and Behavior* 497, at p.507.

[385] *ibid* at p.511.

[386] Smith, R., "Re-inventing Diversion" (2014) 14(2) *Youth Justice* 109, at pp.117-8.

[387] Smith, R., "Re-inventing Diversion" (2014) 14(2) *Youth Justice* 109, at pp.118-9; Haines, K.R. and Case, S.P., *Positive Youth Justice: Children First, Offenders Second* (Policy Press, 2015); Case, S.P. and Haines, K.R., "Children First, Offenders Second: The centrality of engagement in positive youth justice" (2015) 52(2) *The Howard Journal of*

Finally, it has been highlighted that stringent legal requirements around admission, and the types of admission that need to be made in order to access diversion programmes can act as a barrier to young people accessing the benefits of diversion.[388] In light of the importance of diversion and the avoidance of formal system contact for young people coming into conflict with the law, it is important that while legal safeguards and appropriate thresholds should be maintained, these requirements should not be so stringent to have the effect of acting as a barrier to accessing the benefits of diversion, with the result that young people are processed through formal criminal justice systems unnecessarily.

### 2.2.3 Interventions and Community-Based Sanctions

International children's rights standards emphasise the need for a variety of dispositions to be available in youth justice; these should include orders such as counselling, probation, foster care, education and training and other community-based sanctions.[389] Ensuring a range of sanctions and measures are available is crucial, both to ensure an individualised approach to young people in conflict with the law, and to ensure that the principle of detention as a last resort is respected.

The next section presents some of the international literature on the interventions and approaches taken to young people in the youth justice system. It begins by discussing some of the scholarship relating to desistance and predictors of recidivism generally, before considering some of the approaches taken to designing and implementing interventions and programmes that address offending behaviour by young people.

#### *a. Desistance*

Vast international scholarship examines desistance, examining how people at different stages of life break the cycle of offending. Desistance is often linked to the process of maturation[390] and normative neurodevelopment can impact on the ability of specific

*Criminal Justice* 157; Case, S.P. and Haines, K.R., "Transatlantic 'positive youth justice': Coherent movement or disparate critique?" (2018) 20(3) *Crime Prevention and Community Safety* 208.

[388] Cushing, K., "Diversion from Prosecution for Young People in England and Wales – Reconsidering the Mandatory Admission Criteria" (2014) 14(2) *Youth Justice* 140.

[389] Article 40(4) of the UNCRC.

[390] Shapland, J. and Bottoms, A., "Reflections on social values, offending and desistance among young adult recidivists" (2011) 13(3) *Punishment & Society* 256, at p.256; Rocque, M., "The lost concept: The (re)emerging link between maturation and desistance from crime" (2015) 15(3) *Criminology & Criminal Justice* 340, at p.341.

interventions to impact on the behaviour of young people.[391] Points of transition in a young person's life can also be important in terms of decisions to become involved in offending or to desist. Studies of young people's transitions to young adulthood have shown that participants' desire to desist from offending increased as time went on,[392] with much scholarship on how young people navigate key turning points, or critical moments, in their lives such as the transition from education to employment.[393]

Both individual motivation and external supports are important for desistance. A number of studies have highlighted that young people who were engaged in desistance processes had reached a point where they no longer wanted to engage in offending behaviour.[394] Individual motivation to change can also play a crucial role in activating other resources in the desistance process, such as relationships with important figures in the young person's life.[395] It can also be a crucial factor that impacts on both successful completion of intervention programmes and successful outcomes subsequent to participation in these programmes.[396]

Internal processes and emotions may also have an impact on desistance,[397] with research suggesting that interventions that encourage young people to take responsibility for their behaviour and acknowledge the negative consequences of their

[391] Evans-Chase, M., Kim, M., and Zhou, H., "Risk-taking and self-regulation: A systematic review of the analysis of delinquency outcomes in the juvenile justice intervention literature 1996-2009" (2013) 40(6) *Criminal Justice and Behavior* 608, at p.625.

[392] Shapland, J. and Bottoms, A., "Reflections on social values, offending and desistance among young adult recidivists" (2011) 13(3) *Punishment & Society* 256, at pp.262-3.

[393] Weerman, F., "Delinquency after Secondary School: Exploring the Consequences of Schooling, Working and Dropout" (2010) 7(5) *European Journal of Criminology* 339.

[394] Shapland, J. and Bottoms, A., "Reflections on social values, offending and desistance among young adult recidivists" (2011) 13(3) *Punishment & Society* 256, at pp.272-3; Pyrooz, D. and Decker, S., "Motives and methods for leaving the gang: Understanding the process of gang desistance" (2011) 39(5) *Journal of Criminal Justice* 417, at p.42; Terry, D. and Abrams, L., "Dangers, Diversions, and Decisions: The Process of Criminal Desistance Among Formerly Incarcerated Young Men" (2015) 61(7) *International Journal of Offender Therapy and Comparative Criminology* 727, at p.736.

[395] Martí, J., Albani, E., Ibàñez, A., and Cid, J., "Personal networks and desistance from crime in young offenders" (2019) *European Journal of Criminology* 1, at p.14.

[396] Cann, J., Falshaw, L., Friendship, C., "Understanding 'What Works': Accredited Cognitive Skills Programmes for Young Offenders" (2005) 5(3) *Youth Justice* 165, at p.172.

[397] Hosser, D., Windzio, M., and Greve, W., "Guilt and shame as predictors of recidivism: A longitudinal study with young prisoners." (2008) 35(1) *Criminal Justice and Behavior* 138.

actions may prevent further recidivism.[398] The development of resilience through introspection may also help to support desistance from crime.[399]

Where individual motivation to change exists, young people often look for external sources of support.[400] Studies with young people who had been released from custody have highlighted that desistance was not something that could be achieved alone, and supports were vital to enable young people to access supports, build a routine, and stay motivated.[401] The literature has highlighted that social opportunities facilitate or restrict individual decisions, as well as an internal motivation or need for change.[402] Young people engaged in desistance processes have reported using particular strategies to navigate risks in their environment that may lead them back into offending.[403] In some cases, changing outward appearance and clothing choices were important in the desistance process, particularly for young people who were previously affiliated with gangs.[404]

Intervention programmes that support desistance might usefully consider providing alternatives to the "lost pleasures" associated with offending for young people.[405] Ensuring that young people are able to access education and the job market can be important steps in supporting a young person's desistance.[406]

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[398] *ibid* at p.149.

[399] Fitzpatrick (née Taylor), C., "What is the Difference between 'Desistance' and 'Resilience'? Exploring the Relationship between Two Key Concepts" (2011) 11(3) *Youth Justice* 221; Zemel, O., Ronel, N., and Einat, T., "The impact of introspection and resilience on abstention and desistance from delinquent behavior among adolescents at risk" (2015) 13(1) *European Journal of Criminology* 111, at pp.123-4.

[400] Shapland, J. and Bottoms, A., "Reflections on social values, offending and desistance among young adult recidivists" (2011) 13(3) *Punishment & Society* 256, at p.274.

[401] Nugent, B., "Reaching the 'Hardest to Reach'' (2014) 15(3) *Youth Justice* 271, at pp.277-8.

[402] Gormally, S., ''I've Been There, Done That…': A Study of Youth Gang Desistance" (2014) 15(2) *Youth Justice* 148, at pp.151-2.

[403] Terry, D. and Abrams, L., "Dangers, Diversions, and Decisions: The Process of Criminal Desistance Among Formerly Incarcerated Young Men" (2015) 61(7) *International Journal of Offender Therapy and Comparative Criminology* 727, at p.745.

[404] *ibid* at pp.736-7.

[405] Murray, C., "Young people's perspectives: The trials and tribulations of going straight" (2011) 12(1) *Criminology & Criminal Justice* 25, at p.32.

[406] Schubert, C. A., Mulvey, E. P., Hawes, S. W., and Davis, M., "Educational and Employment Patterns in Serious Adolescent Offenders With Mental Health Disorders: The Importance of Educational Attainment" (2018) 45(11) *Criminal Justice and Behavior* 1660, at p.1674; Abeling-Judge, D., "Stopping Out and Going Back: The Impact of Educational Attainment on Criminal Desistance Among Stopped-Out Offenders" (2019) 65(4) *Crime & Delinquency* 527.

A young person's relationships can be particularly important in understanding how and if a young person desists successfully from offending behaviour.[407] It has been highlighted that desistance programmes and processes must be understood within the context of human relationships.[408] While relationships can play a number of different roles in a young person's life, depending on the networks they are a part of, pre-existing relationships such as relationships with parents or old friends can play an important role in the desistance process, particularly where young people reinterpret these relationships as "hooks for change".[409] Some studies have highlighted the different roles that different types of relationship can play; within the Sheffield Desistance Study, it was highlighted that while friends could play a role in pulling young adults into further offending behaviour, family and intimate relationships could help young people to desist.[410] Young people involved in some studies of desistance highlighted how ongoing relationships with particular peers could wither support or hamper their processes of desistance.[411] Other studies have highlighted that for young people engaged in desistance processes, restoring and repairing relationships with parents and family members was often a more important consideration for young people than the process of internal personal reform.[412]

Desistance processes can take a number of different forms, which can depend on a combination of individual factors relating to the young person themselves, and the social and economic environment in which they live.[413] It is important to note that the desistance process is often difficult for young people; they can sometimes experience bullying and loss of status when they choose to disengage from offending behaviour

[407] Martí, J., Albani, E., Ibàñez, A., and Cid, J., "Personal networks and desistance from crime in young offenders" (2019) *European Journal of Criminology* 1.

[408] Sandøy, T., "Beyond personal reform: Adolescent drug-law offenders and the desistance process" (2018) 21(5) *Punishment & Society* 578, at p.591.

[409] Martí, J., Albani, E., Ibàñez, A., and Cid J, "Personal networks and desistance from crime in young offenders" (2019) *European Journal of Criminology* 1, at p.14.

[410] Shapland, J. and Bottoms, A., "Reflections on social values, offending and desistance among young adult recidivists" (2011) 13(3) *Punishment & Society* 256, at p.272; see further Sandøy, T., "Beyond personal reform: Adolescent drug-law offenders and the desistance process" (2018) 21(5) *Punishment & Society* 578, at p.586.

[411] Terry, D. and Abrams, L., "Dangers, Diversions, and Decisions: The Process of Criminal Desistance Among Formerly Incarcerated Young Men" (2015) 61(7) *International Journal of Offender Therapy and Comparative Criminology* 727, at p.743.

[412] Sandøy, T., "Beyond personal reform: Adolescent drug-law offenders and the desistance process" (2018) 21(5) *Punishment & Society* 578, at p.578.

[413] Murray, C., "Typologies of Young Resisters and Desisters" (2009) 9(2) *Youth Justice* 115.

and peers involved in offending.[414] For some young people, desistance can be a long, complicated and unpredictable process.[415]

### *b. Probation Supervision*

Supervision by probation services is a common response to young people in conflict with the law in many jurisdictions. Where a young person is placed under the supervision of a probation officer, a range of different approaches and interventions can be employed to work with them. The risk, need and responsivity model has been discussed in a number of studies as an approach that allows a mechanism by which young people can be matched with appropriate treatment services based on an assessment of their level of risk in relation to re-offending, their individual needs, and factors related to their amenability to treatment.[416] In some programmes, young people are required to have a significant amount of contact time with probation officers on a weekly basis, as in the Intensive Supervision and Surveillance (ISS) order in England and Wales.[417] Other programmes which may be used include Intensive Supervision Program (ISP) interventions based on multi-systemic therapy (MST) where support is provided both to young people and their families.[418]

Studies have noted the impact of probation interventions on reducing re-offending. For example, in a qualitative study of the impact of an ISP programme delivered in New South Wales, families of young people reported that for the majority, it had been successful in helping young people desist from offending entirely or had led to improvements in the frequency or seriousness of offending.[419]

However, differences found between various programmes in terms of the rates of recidivism have been found in other studies.[420] In one US systematic review, those that

[414] Murray, C., "Young people's perspectives: The trials and tribulations of going straight" (2011) 12(1) *Criminology & Criminal Justice* 25, at pp.34-5.

[415] Webster, C., MacDonald, R., and Simpson, M., "Predicting Criminality? Risk Factors, Neighbourhood Influence and Desistance" (2006) 6(1) *Youth Justice* 7, at p.18.

[416] Vieira, T. A., Skilling, T. A., and Peterson-Badali, M., "Matching court-ordered services with treatment needs: Predicting treatment success with young offenders" (2009) 36(4) *Criminal justice and behaviour* 385.

[417] Grandi, L. and Adler, J., "A Study into Breaches of Youth Justice Orders and the Young People Who Breach Them" (2015) 16(3) *Youth Justice* 205.

[418] Stout, B., Dalby, H., Schraner, I., "Measuring the Impact of Juvenile Justice Interventions: What Works, What Helps and What Matters?" (2017) 17(3) *Youth Justice* 196.

[419] *ibid* at p.198-9.

[420] *ibid* at p.203.

adopted a therapeutic approach involving the young person and their family, and the provision of multiple services in the community were found to significantly reduce recidivism rates amongst young people.[421] Mixed evidence was found as to the effectiveness of approaches involving the imposition of curfews and electronic monitoring amongst 16-21 year olds in evaluations of these approaches in Scotland.[422]

Despite variations, it is significant that participation in these programmes can still lead to positive outcomes including impacts on behaviour, particularly in terms of helping young people establish a routine and become involved in training.[423] Others reported improved relationships with school and greater uptake of education or training courses.[424]

Studies of interventions based on Multi-systemic Therapy ("MST") and cognitive treatment programmes found that there were some positive outcomes for young people. Cognitive skills programmes aim to help young people to think and behave in a more pro-social manner;[425] although the results of these programmes can vary.[426] In one study of a cognitive treatment programme delivered in a detention centre in the US, it was found that participation in this programme could bring about changes in the self-perception of young people, but that this could be difficult to sustain when they returned to their communities.[427] Programmes based on MST also had the potential to contribute to improved mental health, and lead to less problematic drug use than before.[428] For some young people who engage in these programmes – particularly those who are considered high risk or who have a more substantial history of offending

[421] Evans-Chase, M. and Zhou, H.,"A systematic review of the juvenile justice intervention literature: What it can (and cannot) tell us about what works with delinquent youth." (2014) 60(3) *Crime & Delinquency* 451, at pp.461-2.

[422] Deuchar, R., "The impact of curfews and electronic monitoring on the social strains, support and capital experienced by youth gang members and offenders in the west of Scotland" (2011) 12(2) *Criminology & Criminal Justice* 113.

[423] Corr, M.L., "Young People's Offending Careers and Criminal Justice Contact: A Case for Social Justice" (2014) 14(3) *Youth Justice* 255, at pp.263-4.

[424] Stout, B., Dalby, H., and Schraner, I., "Measuring the Impact of Juvenile Justice Interventions: What Works, What Helps and What Matters?" (2017) 17(3) *Youth Justice* 196, at p.199.

[425] Cann, J., Falshaw, L. and Friendship, C., "Understanding 'What Works': Accredited Cognitive Skills Programmes for Young Offenders" (2005) 5(3) *Youth Justice* 165, at p.168.

[426] *ibid* at p.175.

[427] Rajah, V., Kramer, R. and Sung, H., "Changing narrative accounts: How young men tell different stories when arrested, enduring jail time and navigating community reentry" (2014) 16(3) *Punishment & Society* 285.

[428] Stout, B., Dalby, H. and Schraner, I., "Measuring the Impact of Juvenile Justice Interventions: What Works, What Helps and What Matters?" (2017) 17(3) *Youth Justice* 196, at p.199-200.

– they may benefit from additional supports such as post-MST service referrals or booster sessions to maintain positive effects from the intervention.[429]

The approach of practitioners is important where building relationships between youth workers, other practitioners and young people is key.[430] In a study of an ISP programme in New South Wales, it was highlighted that the "creative and flexible approach" adopted by facilitators was crucial.[431] Similarly, building a helping relationship between young people and practitioners is significantly impacted by the development of trust, mutual respect and advocacy.[432] In other words, the value of taking time to build meaningful relationships based on respect, trust, empathy and acceptance – amongst other issues – was considered important for young people and youth workers.[433]

Where positive relationships were established between young people and youth workers, it could have an important impact for young people in broadening horizons and supporting positive change.[434] In programmes where young people were paired with a mentor, particularly where young people engaged with mentors in an activity they found interesting, there were a number of positive outcomes, including improvements in mental health and the ability to set goals and plan ahead; in developing these gains, the "excellent relationship" between mentors and young people was found to underpin all other advantages.[435] It has further been highlighted that effective social work services often aim to engage other important actors in a young person's life (such as family), and adopt a strengths-based approach.[436]

[429] Connell, C. M., Steeger, C. M., Schroeder, J. A., Franks, R. P., and Tebes, J. K., "Child and case influences on recidivism in a statewide dissemination of multisystemic therapy for juvenile offenders" (2016) 43(10) *Criminal Justice and Behavior* 1330, at p.1342.

[430] Gunay, A. and Bacon, A., "Experiences of Youth Mentoring Through Street Dance" (2019) *Youth Justice* 1, at p.6.

[431] Stout, B., Dalby, H., and Schraner, I., "Measuring the Impact of Juvenile Justice Interventions: What Works, What Helps and What Matters?" (2017) 17(3) *Youth Justice* 196, at p.197.

[432] Drake, D., Fergusson, R., and Briggs, D., "Hearing new voices: Re-viewing Youth Justice Policy through Practitioners' Relationships with Young People" (2014) 14(1) *Youth Justice* 22, at pp.30-31.

[433] Harland, K. and McCready, S., "Rough Justice: Considerations on the Role of Violence, Masculinity and the Alienation of Young Men in Communities and Peacebuilding Processes in Northern Ireland" (2014) 14(3) *Youth Justice* 269, at p.278.

[434] Drake, D., Fergusson, R., and Briggs, D., "Hearing new voices: Re-viewing Youth Justice Policy through Practitioners' Relationships with Young People" (2014) 14(1) *Youth Justice* 22, at p.33.

[435] Gunay, A. and Bacon, A., "Experiences of Youth Mentoring Through Street Dance" (2019) *Youth Justice* 1.

[436] Cheung, C., Chi-mei, Li J., and Lee, T., "Social Work Contribution to Desistance Among At-Risk Youth" (2016) 62(5) *International Journal of Offender Therapy and Comparative Criminology* 1216, at p.1232.

Some studies have highlighted the need to ensuring that interventions and approaches to working with young people, and matching young people to services related to their needs, is done on an individualised basis, in order to maximise the potential for rehabilitation within the youth justice system, and to reduce rates of recidivism.[437] Interventions that have been implemented in the US targeted at meeting basic unmet needs of young people in conflict with the law, and providing support programmes that continued the provision of services to young people after they had completed probation, had an impact on the length of time it took for young people to re-offend.[438]

***c. Family-Based Interventions***

The family is a crucial site for interventions to address young people's involvement in offending. While styles of parenting and other parental behaviours can impact on offending by young people, family can also exert a significant positive influence on young people, impacting on desistance efforts.[439] For this reason, and given the importance of these relationships and their potential impact on young people, interventions may need to be dedicated to family members – particularly parents – as well as to the young people themselves.[440]

A number of interventions aim to actively engage family in the process of supporting young people's desistance from offending.[441] Significant changes could result from engagement in some of these programmes, both for young people and for parents; parents highlighted that benefits for them of participating in ISP programmes included that they were "calmer, more focused, and used the skills they had learned" through

[437] Vieira, T. A., Skilling, T. A., and Peterson-Badali, M., "Matching court-ordered services with treatment needs: Predicting treatment success with young offenders" (2009) 36(4) *Criminal Justice and Behaviour* 385, at p.396; Vitopoulos, N. A., Peterson-Badali, M., and Skilling, T. A., "The relationship between matching service to criminogenic need and recidivism in male and female youth: Examining the RNR principles in practice" (2012) 39(8) *Criminal Justice and Behavior* 1025, at p.1035.

[438] Ashford, J. B. and Gallagher, J. M., "Preventing Juvenile Transitions to Adult Crime: A Pilot Study of Probation Interventions for Older, High-Risk Juvenile Delinquents" (2019) 46(8) *Criminal Justice and Behavior* 1148, at p.1161.

[439] Stout, B., Dalby, H., and Schraner, I., "Measuring the Impact of Juvenile Justice Interventions: What Works, What Helps and What Matters?" (2017) 17(3) *Youth Justice* 196, at p.198.

[440] Baglivio, M. T., Wolff, K. T., Piquero, A. R., DeLisi, M., and Vaughn, M. G., "Multiple pathways to juvenile recidivism: examining parental drug and mental health problems, and markers of neuropsychological deficits among serious juvenile offenders" (2017) 44(8) *Criminal Justice and Behavior* 1009, at p.1024.

[441] Stout, B., Dalby, H., and Schraner, I., "Measuring the Impact of Juvenile Justice Interventions: What Works, What Helps and What Matters?" (2017) 17(3) *Youth Justice* 196, at p.197.

participation in the programme.[442] In addition, it was found that the functioning of families overall was improved by participation in the programme.[443]

Other approaches towards family engagement take a more punitive approach, focusing on parental responsibility for young people's offending behaviour. For example, a study of parenting orders introduced in the UK evaluated the outcomes of parents required to attend parenting programmes as a result of their children's offending behaviour.[444] The study found that while there were differing rates of reconviction of children whose parents attended different types of programmes, the data indicated that these orders "had little or no positive effect" on preventing further youth offending.[445] This study also found that a high percentage of the parents studied had previous involvement with a social care or other helping agency of some sort,[446] highlighting the level of need amongst these families.

While many interventions focus on the family specifically, studies of other interventions have highlighted that there can be more negative outcomes where families are excluded from or not kept informed about interventions being pursued with young people in the youth justice system. For example, family members and caregivers reported feeling that they were not included in decision-making processes or the development of treatment plans for young people when they were in an out-of-home placement.[447] Some studies have suggested that young people returning home after a period of time spent in detention may benefit from individual or family counselling to prepare the family for their return home.[448]

In studies which look at offending across generations of families, some have looked at how interventions targeted at parents who have been convicted may impact the offending trajectories of their children. Some studies, drawn from the Cambridge Study on Delinquent Development, suggested that family-based prevention programmes

[442] *ibid* at p.200.

[443] *ibid* at p.210.

[444] Evans, R., "Parenting Orders: The Parents Attend Yet the Kids Still Offend" (2012) 12(2) *Youth Justice* 118.

[445] *ibid* at pp.130-1.

[446] *ibid* at pp.124-5.

[447] Mullis, R. L., Mullis, A. K., Cornille, T. A., Kershaw, M. A., Beckerman, A., and Perkins, D., "Young chronic offenders: A case study of contextual and intervention characteristics" (2005) 3(2) *Youth Violence and Juvenile Justice* 133, at p.144.

[448] *ibid* at p.143.

such as parent education and parent management training could be offered to all fathers with a conviction, regardless of whether their own offending has been sporadic or chronic in nature.[449] Some research has also highlighted that the experiences and stories of fathers with experience of imprisonment may have important implications for the length and severity of their son's involvement in crime and imprisonment, though at present this is an under-researched area.[450]

### *d. Education*

As in the case of diversion programmes, interventions within the youth justice system often can include an educational component and scholars have recognised that education can play an important part in the reduction of crime and of offending amongst young people.[451] Successfully accessing educational opportunities can provide both short-term and long-term benefits for supporting desistance from crime.[452] In a US study of the impact of re-enrolment in education on patterns of offending, findings suggested that education could play an important part in facilitating desistance amongst early school-leavers, as well as being an important prevention strategy.[453]

Some studies have highlighted the need to improve opportunities and build on young people's strengths, rather than simply seeking to address any deficits or unmet needs in education. It has been highlighted that there is a need to focus on getting young people onto the right path, rather than merely focusing on getting them off the wrong one.[454] However, educational attainment in and of itself may not be enough; decreasing social inequality, ensuring greater opportunities for those at risk of social exclusion and

[449] Besemer, S. and Farrington, D., 'Intergenerational transmission of criminal behaviour: Conviction trajectories of fathers and their children' (2012) 9(2) *European Journal of Criminology* 120, at p.134.

[450] Halsey, M. and Deegan, S., "Father and son: Two generations through prison" (2012) 14(3) *Punishment & Society* 338.

[451] Sabates, R., "Educational attainment and juvenile crime: Area-level evidence using three cohorts of young people" (2008) 48(3) *The British Journal of Criminology* 395, at p.406.

[452] Abeling-Judge, D., "Stopping Out and Going Back: The Impact of Educational Attainment on Criminal Desistance Among Stopped-Out Offenders" (2019) 65(4) *Crime & Delinquency* 527.

[453] *ibid* at p.548.

[454] Schubert, C. A., Mulvey, E. P., Hawes, S. W., and Davis, M., "Educational and Employment Patterns in Serious Adolescent Offenders With Mental Health Disorders: The Importance of Educational Attainment" (2018) 45(11) *Criminal Justice and Behavior* 1660, at p.1674.

increasing the role of families in supporting learning and preventing anti-social behaviour in early years is equally important.[455]

### *e. Mental Health*

Considering the high number of young people in the youth justice system who experience some form of mental health difficulty, interventions which help young people address these challenges have been considered in the scholarship in this area. It has been highlighted that if those experiencing mental health difficulties do not receive appropriate treatment or interventions, they are at a greater risk of re-offending.[456]

Interventions to address mental health difficulties can take a variety of forms. Some US studies have suggested that the provision of probation services to young people was most effective when combined with rehabilitative therapies such as family-functioning therapy, multidimensional treatment foster care, and cognitive behavioural therapy.[457] While there is often support for programmes such as CBT for young people, not all analyses of existing studies indicate that these approaches are effective in reducing recidivism rates.[458] While CBT can be very effective for many cohorts, there are groups for whom this approach does not work, particularly those who have multiple challenges.[459]

The interaction of mental health difficulties with other issues, particularly substance use and ACEs, can impact on young people in conflict with the law, and studies have suggested that interventions for young people should address all three of these issues.[460] Dual diagnosis of a mental health issue and a substance dependence issue is particularly problematic in an Irish context where these issues are treated in silo services. A report conducted in 2004 indicated a need for services to work in a holistic

[455] Sabates, R., "Educational attainment and juvenile crime: Area-level evidence using three cohorts of young people" (2008) 48(3) *The British Journal of Criminology* 395, at p.409.

[456] Jeong, S., Lee, B. H. and Martin, J. H., "Evaluating the effectiveness of a special needs diversionary program in reducing reoffending among mentally ill youthful offenders" (2014) 58(9) *International Journal of Offender Therapy and Comparative Criminology* 1058.

[457] Robst, J., "Disposition of Charges, Out-of-Home Mental Health Treatment, and Juvenile Justice Recidivism" (2015) 61(11) *International Journal of Offender Therapy and Comparative Criminology* 1196.

[458] Kim, B., Merlo, A. V., and Benekos, P. J., "Effective correctional intervention programmes for juveniles: review and synthesis of meta-analytic evidence" (2013) 15(3) *International Journal of Police Science & Management* 169, at p.184.

[459] Garber, J., Frankel, S.A. and Herrington, C.G., "Developmental demands of cognitive behavioral therapy for depression in children and adolescents: cognitive, social, and emotional processes" (2016) 12 *Annual review of clinical psychology* 181.

[460] Kowalski, M. A., "Adverse Childhood Experiences and Justice-Involved Youth: The Effect of Trauma and Programming on Different Recidivistic Outcomes" (2019) 17(4) *Youth Violence and Juvenile* Justice 354, at pp.357-8.

way,[461] however these services still do not exist. Young people can be bounced between mental health and addiction services and this gap in care frequently leads to disengagement.[462] In studies which have considered interventions for violent young people, it has been noted that approaches that interfere with the provision of mental health services in favour of deterrent sanctions or other behaviour management interventions may not be advisable.[463]

It was found in one US study of a diversionary programme targeted at mentally-ill young offenders that participation in the Special Needs Diversionary Program (SDNP) was linked to reduced recidivism as compared with mentally-ill young offenders who did not participate in the programme.[464] However, it was highlighted that there was a need for further study to identify what specific elements of mental health treatment might be helpful in reducing repeat offending.[465] Other studies similarly found that young people who received mental health treatment had a lower likelihood of re-arrest than those on standard probation supervision, though this was not always consistent across types of arrest.[466]

A number of studies have emphasised the need to ensure that young people who need services in this area are matched to appropriate treatments without undue delay, taking account of behavioural and mental health needs and substance use issues.[467] It has been suggested that ensuring that young people receive appropriate mental health treatments promptly after arrest can be of greatest benefit to young people.[468]

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[461] MacGabhann, L., Scheele, A., Dunne, T., Gallagher, P., MacNeela, P., Moore, G., and Philbin, M., *Mental health and addiction services and the management of dual diagnosis in Ireland* (Dublin: The Stationery Office, 2004).

[462] Murphy, K.D., Lambert, S., McCarthy, S., Sahm, L.J., and Byrne, S., " "You Don't Feel": The Experience of Youth Benzodiazepine Misuse in Ireland" (2018) 50(2) *Journal of psychoactive drugs* 121.

[463] Caldwell, M. F. and Van Rybroek, G. J., "Reducing violence in serious juvenile offenders using intensive treatment" (2005) 28(6) *International Journal of Law and Psychiatry* 622, at p.633.

[464] Jeong, S., Lee, B. H., and Martin, J. H., "Evaluating the effectiveness of a special needs diversionary program in reducing reoffending among mentally ill youthful offenders" (2014) 58(9) *International Journal of Offender Therapy and Comparative Criminology* 1058, at p.1074.

[465] *ibid.*

[466] Robst, J., "Disposition of Charges, Out-of-Home Mental Health Treatment, and Juvenile Justice Recidivism" (2015) 61(11) *International Journal of Offender Therapy and Comparative Criminology* 1196, at pp.1203-4.

[467] Hoeve, M., McReynolds, L. S., Wasserman, G. A., and McMillan, C., "The influence of mental health disorders on severity of reoffending in juveniles" (2013) 40(3) *Criminal Justice and Behavior* 289, at p.299.

[468] Robst, J., "Disposition of Charges, Out-of-Home Mental Health Treatment, and Juvenile Justice Recidivism" (2015) 61(11) *International Journal of Offender Therapy and Comparative Criminology* 1196, at p.1205.

Equally, there is a clear need to ensure that young people experiencing mental health difficulties are responded to appropriately by professionals. Authorities, including police, must be appropriately trained to respond to young people with mental health issues. Increasing the capacity of professionals in the system and recognising the role of parents was important in formulating plans for young people and identifying referral pathways to appropriate mental health services.[469]

### *f. Substance Use*

Given that young people in conflict with the law may also have issues with licit or illicit substances, some interventions are targeted specifically at addressing this. Where this is the target of a particular intervention or programme, there remains a need to consider this in tandem with the impact of other factors in an individual's life. Studies of mental health treatments have highlighted the need to integrate treatments for mental illness and substance use where both issues are present.[470] In particular, it has been suggested that where people have experience of trauma, it is necessary to treat the trauma in order to provide effective treatment related to substance dependence.[471]

Some scholars have suggested that there may be an important distinction to be made between young people who use illicit substances for the purposes of social interaction which may lead to criminal activity, and those with substance use or mental health disorders, designing interventions accordingly.[472] It has also been suggested that a number of other factors can have significance for someone recovering from drug use, and could be influenced by particular life events; while it is not always easy to identify the factors that will promote or support desistance, events such as the establishment of stable partnerships, becoming a parent, and employment could be important factors

[469] Doulas, A. V., and Lurigio, A. J., "Juvenile crisis intervention teams (CITs): a qualitative description of current programmes" (2014) 87(2) *The Police Journal* 114.

[470] Hoeve, M., McReynolds, L. S., Wasserman, G. A., and McMillan, C., "The influence of mental health disorders on severity of reoffending in juveniles" (2013) 40(3) *Criminal Justice and Behavior* 289, at p.299; Jeong, S., Lee, B. H., and Martin, J. H., "Evaluating the effectiveness of a special needs diversionary program in reducing reoffending among mentally ill youthful offenders" (2014) 58(9) *International Journal of Offender Therapy and Comparative Criminology* 1058, at p.1074.

[471] Hammersley, R., "Pathways through drugs and crime: Desistance, trauma and resilience" (2011) 39(3) *Journal of Criminal Justice* 268, at p.272.

[472] Sullivan, C. J., Veysey, B. M., Hamilton, Z. K., and Grillo, M., "Reducing out-of-community placement and recidivism: Diversion of delinquent youth with mental health and substance use problems from the justice system" (2007) 51(5) *International Journal of Offender Therapy and Comparative Criminology* 555, at p.556.

in the desistance processes of young people who were involved in using drugs and in offending behaviours.[473]

### *g. Trauma Aware Services*

Trauma aware services imply an understanding of the psychological and biological mechanisms through which traumatic experiences and/or adversity (on an individual, community and societal level) impact upon a young person's behaviour, motivation, outlook and understanding of the world around them.[474] In turn, a trauma informed service endeavours to incorporate this understanding and awareness of trauma into their ethos, practice and service delivery. While a trauma aware service does not necessitate the provision of interventions to address experiences of trauma, it does maintain a focus on trauma responsiveness and understanding through every aspect of service delivery.

Trauma aware services are cognisant that trauma, and the prevailing impact of a traumatic experience, is complex and enduring and thus, the service should seek to "do no harm and reduce the potential for re-traumatisation".[475] An awareness and understanding of trauma applies not only to clinical staff with whom the young person works, but to every staff member in an organisation with whom the young person may engage upon entering the service. This increases awareness of involuntary trauma response activations, thereby, reducing the potential for behavioural and emotional responses, disengagement and re-traumatisation.[476]

### *h. Gender-Responsive Programmes*

Literature has discussed the need for gender-specific interventions to take girls' specific needs into account, and to respond to different patterns of offending on the part of girls and boys.[477] Commentators have observed that the needs of young women

[473] Webster, C., MacDonald, R., and Simpson, M., "Predicting Criminality? Risk Factors, Neighbourhood Influence and Desistance" (2006) 6(1) *Youth Justice* 7, at p.18.

[474] Lambert, S., Gill-Emerson, G., Horan, A., and Naughton, A., *Moving towards trauma-informed care. A model of research and practice* (2017). Cork: Cork Simon Community.

[475] Dermody, A., Gardner, C., Davis, S., Lambert, S., Dermody, J., and Fein, M., "Resilience in the face of trauma: implications for service delivery" (2018) 15 *Irish Probation Journal* 161.

[476] Lynch, O. and Lambert, S., *EU Issue Paper on Child Returnees to Europe from ISIL held territories in Syria/Iraq* (Brussels: Radicalisation Awareness Network (RAN) Centre of Excellence, EU 2016) at p.7.

[477] Veysey, B. and Hamilton, Z., "Girls Will Be Girls: Gender Differences in Predictors of Success for Diverted Youth With Mental Health and Substance Abuse Disorders" (2007) 23(4) *Journal of Contemporary Criminal Justice* 341, at p.359; Anderson V.R., Walerych, B.M., Campbell, N.A., Barnes. A.R., Davidson, W.S., and Campbell, C.A., "Gender-

are often overlooked in youth justice policy and research, which often focuses attention either on boys within the youth justice system, or adult women, and rarely addresses the specific issues affecting girls involved in the youth justice system.[478] It has been argued that assessment tools, primarily based on norms of crime-involved populations that are predominantly male, may not always address girls' specific needs.[479] Where crime statistics are not routinely disaggregated by both age and gender, it can act as a barrier to identifying specific issues faced by girls and young women in the youth justice system.[480] Therefore, scholars have highlighted the need for gender-specific assessment tools and programmes to determine what intervention should occur.[481]

While evidence is mixed, there is some evidence that gender-responsive programmes can produce positive results both in relation to recidivism, as well as in relation to other outcomes, such as the development of positive support systems, access to employment, and increases in self-esteem and empowerment.[482] However, there is often a lack of interventions designed specifically for young women.[483] This can lead to a lack of consideration being given to the specific needs and pathways of girls as opposed to boys, and in some cases disengagement due to a lack of interest on the part of young women.[484]

Responsive Intervention for Female Juvenile Offenders: A Quasi-Experimental Outcome Evaluation" (2016) 14(1) *Feminist Criminology* 24.

[478] Burman, M. and Batchelor, S., "Between Two Stools? Responding to Young Women who Offend" (2009) 9(3) *Youth Justice* 270.

[479] Veysey, B. and Hamilton, Z., "Girls Will Be Girls: Gender Differences in Predictors of Success for Diverted Youth With Mental Health and Substance Abuse Disorders" (2007) 23(4) *Journal of Contemporary Criminal Justice* 341, at p.343.

[480] Burman, M. and Batchelor, S., "Between Two Stools? Responding to Young Women who Offend" (2009) 9(3) *Youth Justice* 270, at pp.273-4.

[481] Veysey, B. and Hamilton, Z., "Girls Will Be Girls: Gender Differences in Predictors of Success for Diverted Youth With Mental Health and Substance Abuse Disorders" (2007) 23(4) *Journal of Contemporary Criminal Justice* 341, at p.359.

[482] Anderson, V.R., Walerych, B.M., Campbell, N.A., Barnes. A.R., Davidson, W.S., and Campbell, C.A., "Gender-Responsive Intervention for Female Juvenile Offenders: A Quasi-Experimental Outcome Evaluation" (2016) 14(1) *Feminist Criminology* 24, at p.29.

[483] Burman, M. and Batchelor, S., "Between Two Stools? Responding to Young Women who Offend" (2009) 9(3) *Youth Justice* 270, at p.277.

[484] Kelly, L., "Representing and Preventing Youth Crime and Disorder: Intended and Unintended Consequences of Targeted Youth Programmes in England" (2012) 12(2) *Youth Justice* 101, at p.108.

The importance of gender-responsive interventions for girls in conflict with the law has been highlighted in a number of studies.[485] Research has suggested that gender-responsive interventions should contain a number of specific elements; they should provide an integrated treatment model for young women; they should address trauma; promote resilience; and have a focus on young people's strengths and on building relationships.[486]

The importance of meeting the needs of girls has also been emphasised. While some studies have found young women to be especially receptive to education while they are in custody,[487] there is a need to ensure that adequate supports are available in all parts of the system, including when young people leave custody and return to their communities. The specific gendered consequences of "welfare inaction" and failure to provide appropriate assistance to young women can lead to continued interaction with and exposure to the adult criminal justice system, which in turn can have more serious consequences in terms of further exclusion and marginalisation.[488] Equally, it has been highlighted that there is a need to consider the inter-connected factors and issues that can impact on girls' offending; it has been highlighted that some interventions are aimed at addressing one specific problem, rather than considering the inter-connected nature of the factors that can impact on offending behaviour.[489]

Equally, it has been highlighted that there is also a need to ensure that interventions address specific issues that are faced by young men. The value of specific programmes which address boys' issues, particularly around masculinities, has been highlighted.[490]

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[485] Veysey, B. and Hamilton, Z., "Girls Will Be Girls: Gender Differences in Predictors of Success for Diverted Youth With Mental Health and Substance Abuse Disorders" (2007) 23(4) *Journal of Contemporary Criminal Justice* 341, at p.359; Anderson V.R.,Walerych, B.M., Campbell, N.A., Barnes. A.R., Davidson, W.S., and Campbell, C.A., "Gender-Responsive Intervention for Female Juvenile Offenders: A Quasi-Experimental Outcome Evaluation" (2016) 14(1) *Feminist Criminology* 24.

[486] Anderson V.R.,Walerych, B.M., Campbell, N.A., Barnes. A.R., Davidson, W.S., and Campbell, C.A., "Gender-Responsive Intervention for Female Juvenile Offenders: A Quasi-Experimental Outcome Evaluation" (2016) 14(1) *Feminist Criminology* 24, at p.26.

[487] Burman, M. and Batchelor, S., "Between Two Stools? Responding to Young Women who Offend" (2009) 9(3) *Youth Justice* 270, at p.279.

[488] Myers, R., "The Biographical and Psychic Consequences of 'Welfare Inaction' for Young Women in Trouble with the Law" (2013) 13(3) *Youth Justice* 218.

[489] Anderson V.R., Walerych, B.M., Campbell, N.A., Barnes. A.R., Davidson, W.S., and Campbell, C.A., "Gender-Responsive Intervention for Female Juvenile Offenders: A Quasi-Experimental Outcome Evaluation" (2016) 14(1) *Feminist Criminology* 24, at pp.26-7.

[490] Harland, K. and McCready, S., "Rough Justice: Considerations on the Role of Violence, Masculinity and the Alienation of Young Men in Communities and Peacebuilding Processes in Northern Ireland" (2014) 14(3) *Youth Justice* 269.

This is particularly important given the significant over-representation of boys within the youth justice system.

### *i. Serious/Violent Offending*

A number of studies have examined the effect of programmes that aim to address serious or violent offending. Early onset of involvement in offending behaviour is recognised in a number of studies as being a strong predictor of negative outcomes later on.[491] Other studies have highlighted that misconduct among young people in detention, including violence towards staff, may indicate a greater risk of further recidivism following release.[492]

Treatment plans which allow for co-ordinated efforts by various agencies and advocates of the young person are important for young people who persistently offend or who commit serious offences.[493] Research has also suggested that effective treatment should be based on principles of risk, need and responsivity.[494]

Research indicates that gang-related association in adolescence is primarily understood as a mechanism of identity development, particularly in those with a low level of personal identity, whom, coupled with an absence of a sense of direction, purpose and value, feelings of worthlessness and high sensation seeking/impulsivity, are significantly more likely to have friends that belong to a gang.[495] Membership to a gang facilitates the young person in adjusting and adapting to difficult or adverse life circumstances, upon which, the young person may experience changes in their identity and as such, their gang membership may assist the adolescent in overcoming developmental difficulties.[496] Therefore, gang-related association and involvement may be considered a 'normal' response to a set of adverse conditions or experiences during adolescence.

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[491] Mullis, R. L., Mullis, A. K., Cornille, T. A., Kershaw, M. A., Beckerman, A., and Perkins, D., "Young chronic offenders: A case study of contextual and intervention characteristics" (2005) 3(2) *Youth Violence and Juvenile Justice* 133.

[492] Caudill, J. and Trulson, C., "The hazards of premature release: Recidivism outcomes of blended-sentenced juvenile homicide offenders" (2016) 46 *Journal of Criminal Justice* 219, at p.225.

[493] Mullis, R. L., Mullis, A. K., Cornille, T. A., Kershaw, M. A., Beckerman, A., and Perkins, D., "Young chronic offenders: A case study of contextual and intervention characteristics" (2005) 3(2) *Youth Violence and Juvenile Justice* 133.

[494] Caldwell, M. F. and Van Rybroek, G. J., "Reducing violence in serious juvenile offenders using intensive treatment" (2005) 28(6) *International Journal of Law and Psychiatry* 622, at p.624.

[495] Peacon, R. and Theron, A., "Identity Development of the Incarcerated Adolescent with Particular Reference to Prison Gang Membership" (2007) 20(3) *Acta Criminologica* 61.

[496] *ibid*.

Change in external perceptions can also impact desistance. Studies of desistance from gangs found that being respected and afforded new responsibilities in the community created circumstances in which young people stopped participating in gang-related activities.[497]

It has been suggested that approaches which focus on improving negative criminal attitudes may play an important role in reducing recidivism rates.[498] New opportunities can be important in supporting the desistance process. Where young people gained opportunities such as education or social acceptance through other means, it may help young people in the process of change.[499] Some meta-analyses of studies in this area have suggested that interventions focused on family functioning, behavioural issues, interpersonal skills and community integration can be effective.[500]

Specific interventions for serious or violent young offenders, including interventions that aim to generate conditions that foster change, have the potential to reduce levels of serious and violent recidivism.[501] Multi-dimensional Treatment Foster Care was found to have positive effects on recidivism amongst serious and chronic young offenders in one US study.[502]

Studies of interventions delivered in the context of community corrections facilities in the US found that these programmes were more effective when they targeted young people considered to be at high risk of re-offending, incorporated cognitive and behavioural programmes, and were delivered by trained and qualified staff.[503]

[497] Gormally, S., " 'I've Been There, Done That…': A Study of Youth Gang Desistance" (2014) 15(2) *Youth Justice* 148, at p.158.

[498] Fine, A., Baglivio, M. T., Cauffman, E., Wolff, K. T., and Piquero, A. R., "Does the Effect of Self-Regulation on Adolescent Recidivism Vary by Youths' Attitudes?" (2018) 45(2) *Criminal Justice and Behaviour* 214, at p.227.

[499] Gormally, S., "'I've Been There, Done That…': A Study of Youth Gang Desistance" (2014) 15(2) *Youth Justice* 148, at pp.159-60.

[500] Caldwell, M. F. and Van Rybroek, G. J., "Efficacy of a decompression treatment model in the clinical management of violent juvenile offenders" (2001) 45(4) *International Journal of Offender Therapy and Comparative Criminology* 469, at p.470.

[501] Caldwell, M. F. and Van Rybroek, G. J., "Reducing violence in serious juvenile offenders using intensive treatment" (2005) 28(6) *International Journal of Law and Psychiatry* 622, at pp.633-4.

[502] Evans-Chase, M. and Zhou, H., "A systematic review of the juvenile justice intervention literature: What it can (and cannot) tell us about what works with delinquent youth" (2014) 60(3) *Crime & Delinquency* 451, at p.463.

[503] Lowenkamp, C. T., Makarios, M. D., Latessa, E. J., Lemke, R., and Smith, P., "Community corrections facilities for juvenile offenders in Ohio: An examination of treatment integrity and recidivism" (2010) 37(6) *Criminal Justice and Behavior* 695, at p.706.

A number of barriers to the success of intervention efforts have been highlighted. Lack of both basic services for young people and families, as well as a lack of comprehensive intervention services have been highlighted as problematic.[504] Equally, where young people do not have opportunities to gain capital, or where they have not had access to other symbolically-important paths to adulthood, they are more likely to continue engaging in criminal behaviour.[505] Lack of effective communication between professionals and caregivers associated with the young person can also hamper the success of interventions targeted at this group of young people.[506]

Other studies have highlighted the importance of proper supports for young people transitioning back into their communities after a period of time in a residential facility.[507] Both post-release supervision and support in accessing community services can be important for young people returning to their communities.[508]

### *j. Aftercare and Reintegrative Supports*

Where young people have spent a period of time in detention, ensuring that suitable supports are available to them on their return to their communities is crucial. When young people return to their communities, they can face a number of risks in their transition process, facing challenges in relation to education, employment, and the possibility of re-arrest.[509] Family, living circumstances and peer influence can also pose challenges for young people.[510]

While programmes delivered with young people in detention can have an impact, the gains can be difficult to sustain when young people return to their communities,[511] especially when the structure and support they received in the institutional setting is no

[504] Mullis, R. L., Mullis, A. K., Cornille, T. A., Kershaw, M. A., Beckerman, A., and Perkins, D., "Young chronic offenders: A case study of contextual and intervention characteristics" (2005) 3(2) *Youth Violence and Juvenile Justice* 133.

[505] Gormally, S., " 'I've Been There, Done That…': A Study of Youth Gang Desistance" (2014) 15(2) *Youth Justice* 148, at p.160.

[506] Mullis, R. L., Mullis, A. K., Cornille, T. A., Kershaw, M. A., Beckerman, A., and Perkins, D., "Young chronic offenders: A case study of contextual and intervention characteristics" (2005) 3(2) *Youth Violence and Juvenile Justice* 133.

[507] Chung, H. L., Schubert, C. A., and Mulvey, E. P., "An empirical portrait of community reentry among serious juvenile offenders in two metropolitan cities" (2007) 34(11) *Criminal Justice and Behavior* 1402, at p.1402.

[508] *ibid* at p.1403.

[509] *ibid*.

[510] *ibid*.

[511] Rajah, V., Kramer, R., and Sung, H., "Changing narrative accounts: How young men tell different stories when arrested, enduring jail time and navigating community reentry" (2014) 16(3) *Punishment & Society* 285.

longer available.[512] Where there is a lack of meaningful supports available to young people on their return home, positive gains achieved during the period of detention or residential treatment can be difficult to maintain and sustain.[513]

The need for aftercare supports for young people leaving detention, particularly to address social inequalities and deficiencies in the labour market, are important for young people on release from detention.[514] Studies have highlighted that close supervision and effective service contacts can be important for young people returning to the community, both in terms of preventing a return to offending behaviour, and for supporting engagement in employment or education.[515] Equally, the need to find stable long term accommodation and to ensure that young people have something to do with their time following release is crucial.[516] Scholars have highlighted the importance of ensuring that the underlying problems and needs of a young person continue to be addressed through a joint approach from mainstream children's services and those working in the youth justice system to provide appropriate services to address those needs.[517]

## 2.3 Key Messages

The evidence and research presented here spans a significant breadth of disciplines, jurisdictions, and areas of enquiry. It is clear that no one factor can be said to cause a young person to become involved in offending, and in practice, young people who come into conflict with the law have a variety of lived experiences. The convergence and accumulation of individual, family, social and community factors is important when trying to understand why some young people become involved in offending, while others do not. In this way, understanding the complexity of young people's lives, and

[512] Chung, H. L., Schubert, C. A., and Mulvey, E. P., "An empirical portrait of community reentry among serious juvenile offenders in two metropolitan cities" (2007) 34(11) *Criminal Justice and Behavior* 1402, at p.1403.

[513] Myers, R., "The Biographical and Psychic Consequences of 'Welfare Inaction' for Young Women in Trouble with the Law" (2013) 13(3) *Youth Justice* 218, at pp.225-7.

[514] Rajah, V., Kramer, R., Sung, H., "Changing narrative accounts: How young men tell different stories when arrested, enduring jail time and navigating community reentry" (2014) 16(3) *Punishment & Society* 285, at p.301.

[515] Chung, H. L., Schubert, C. A., and Mulvey, E. P., "An empirical portrait of community reentry among serious juvenile offenders in two metropolitan cities" (2007) 34(11) *Criminal Justice and Behavior* 1402, at p.1423.

[516] Myers, R., "The Biographical and Psychic Consequences of 'Welfare Inaction' for Young Women in Trouble with the Law" (2013) 13(3) *Youth Justice* 218, at p.227.

[517] Gray, P., "Youth Custody, Resettlement and the Right to Social Justice" (2011) 11(3) *Youth Justice* 235, at pp.238-9.

the diverse experiences of each individual young person, is key to understanding why they might become involved in offending. While this does not provide any simple or straightforward answer to the question of how young people can be prevented from becoming involved in offending, the clearest message emerging from this data is that an individual approach based on the needs, characteristics and circumstances of young people must guide any response to their offending behaviour.

Taken as a whole, the clear message is that a holistic approach that centralises the individual experiences of children in the decision-making process is required to respond to young people who are involved in conflict with the law. The state should take care in choosing how and when to intervene.

Similarly, the international literature in this area underscores the fact that a wide variety of options are available to states when responding to offending behaviour by young people in an effective, child-centred and rights-compliant manner. Research highlights the broad range of approaches taken to young people in conflict with the law and a number of core features can be identified. One of the key messages highlighted by the literature in this area is the importance of ensuring that young people and their families can access appropriate services within their communities. The importance of wraparound service provision is highlighted as part of many approaches to intervention. There is a clear need for an individualised approach respect for rights; maximising the potential for diversion; meeting children's needs; and engaging young people's strengths and positive influences, such as family and opportunities for education and training, in supporting young people to avoid involvement or further involvement in offending behaviour.

The difficulties inherent in policy transfer should nonetheless be borne in mind, given that jurisdictions' different society, culture and legal systems can make it difficult to apply learnings across borders.[518] In examining the introduction of restorative justice approaches into Scotland, based largely on experiences from Australia and New Zealand, it was highlighted that interactive processes that involved politicians, policy-makers, practitioners and academics in designing and implementing policies was

[518] Nelken, D., "Italian Juvenile Justice: Tolerance, Leniency or Indulgence?" (2006) 6(2) *Youth Justice* 107.

useful.[519] Therefore, careful consideration should be given to implementing new interventions to respond to young people in conflict with the law, giving preference to approaches which have a clear evidence base, and which are evaluated in relation to effectiveness and compliance with relevant international rights standards on an ongoing basis.

A number of key themes have thus emerged from national and international research, and a number of promising and positive approaches have been highlighted here. Most important, however, appears to be the quality of relationships that young people have with the adults around them, and particularly those they work with in programmes and interventions designed to reduce offending. This was, perhaps, the strongest theme of the literature, and, as will be discussed in more detail in the next chapter, it was sentiment also strongly echoed by the young people who participated directly in this study.

[519] Earle, R., Newburn, T., and Crawford, A., "Referral Orders: Some Reflections on Policy Transfer and 'What Works'" (2002) 2(3) *Youth Justice* 141, at p.149.

Chapter

# Young People in Conflict with the Law in Ireland – Lessons from Young People and from Growing Up in Ireland

This chapter builds on the international research and literature about young people's pathways into conflict with the law, and on the existing evidence available in Ireland about young people's experiences of the youth justice system. As part of this study, quantitative and qualitative research was undertaken to ascertain how the experiences of young people in Ireland might compare with the international research and evidence in this area. This research took the form of quantitative analysis of the Growing Up in Ireland longitudinal dataset, and of focus groups carried out with young people with and without experience of getting into trouble with the law across the country. The first part of this chapter outlines the findings of the research from focus groups carried out with young people, while the second part of the chapter sets out the findings from the analysis of the Growing Up in Ireland dataset.

## 3.1 The Views and Experiences of Young People in Ireland

A key aspect of an approach based on children's rights is that children have the right to be heard about all matters affecting them (UNCRC, Article 12). While this is clearly important in the context of youth justice proceedings, such as court hearings and police questioning, it is equally important that research into the pathways and experiences of young people in conflict with the law takes account of these experiences. To ensure the study was itself rights-based, young people with differing levels of experience of the youth justice system, from those with no experience, to those at the "deeper" end, including young people deprived of their liberty, participated

in the research. The aim of this section is to present their views on the subject of pathways in and out of offending.

### 3.1.1 Methodology

Focus groups are used in qualitative social research to explore how research participants view or experience particular issues. The overall aim of focus groups is to produce qualitative data that provides insights into attitudes, perceptions, experiences and opinions.[520] Focus groups allow researchers to 'obtain perceptions on a defined area of interest in a permissive, non-threatening environment'.[521] As opposed to individual interviews, focus groups are particularly useful as the group setting can provide stimulus for research participants to engage. Particularly when working with children and young people, the group setting can support the research process very effectively. Focus groups are based on the assumption that attitudes and perceptions do not develop in isolation, but also during interaction with peers.

As a research methodology, focus groups are located in the paradigm of qualitative social inquiry, placing emphasis on the exploration of meaning making and the capturing of subjective experiences. Like any other type of qualitative social research, focus groups do not claim to produce universally valid findings, but rather emphasise the importance of looking for general trends, commonalities and contradictions in focus groups' participants' narratives. Qualitative data, when combined in a mixed methods approach as in this study, is particularly useful as it can be/has been triangulated with both the available literature on children and young people's pathways in and out of offending, in addition to the quantitative analysis of data from the Growing Up in Ireland study.

#### *a. Children's Rights Based Participatory Approach*

In 2015, Ireland adopted the first National Strategy on Children and Young People's Participation in Decision-making, 2015-2020.[522] In order to ensure that the voices of children and young people are heard when decisions are made about their everyday

[520] Bloor, M., Frankland, J., Thomas, M., and Robson, K., *Focus Groups in Social Research* (London: Sage Publications, 2001).

[521] Krueger, R.A., *Focus Groups: A Practical Guide for Applied Research* (2nd edn) (Thousand Oaks: Sage Publications, 1994) at p.6.

[522] Department of Children and Youth Affairs, *National Strategy on Children and Young People's Participation in Decision-making, 2015-2020* (Dublin: Government Publications, 2015).

lives. In particular, the Strategy includes a commitment to mainstream "the participation of children and young people in the development of policy, legislation and research".[523] The Strategy is underpinned by the Lundy model of participation which requires that the four elements of space, voice, audience and influence are present in order to ensure that the views of children and young people are heard in a rights compliant manner.[524]

The focus groups that formed part of this project were developed in line with the Strategy. A Youth Advisory Group was formed with young people from Cork Life Centre, a voluntary organisation that offers an alternative learning environment to young people outside the mainstream education system. The researchers met with six young people who had varying degrees of experience with the youth justice system and over the course of three meetings the Advisory Group developed and tested the documentation (information sheets and consent forms) and question frames for use in the focus groups. Their feedback on the questions to be asked and the format of the focus groups was incorporated into later drafts of the materials. A final meeting took place to confirm that the version for use with focus group participants around the country was in keeping with the Advisory Group's expectation.

***b. Focus Group Composition and Organisation***

In focus group research, attention has to be paid to focus group selection and composition, so as to ensure that the findings are valid. As set out in the original project outline, focus groups in this study were organised on the basis of hearing from cohorts of children and young people according to their differential 'system contact', i.e. contact with the youth justice system. Therefore, it was decided to conduct focus groups with three different cohorts: those with no contact with the youth criminal justice system; those who have had some contact with the youth criminal justice system (i.e., through the Garda Síochána formally/informally, through a Garda Youth Diversion Project or through the Children's Court); and those who had experience of detention in Oberstown Children Detention Campus.

[523] *ibid* at p.4.

[524] Lundy, L., "Voice is not enough: Conceptualizing Article 12 of the UNCRC" (2007) 33(6) *British Educational Research Journal* 927.

Over the course of the COALESCE project, the research team undertook five focus groups with young people around the country. Those involved came from various geographical areas, were of varying ages and a mix of male and female. Additionally, as mentioned above, there was variety in the level and nature of contact that each young person had with the youth justice system in Ireland.

The table below outlines the different focus groups conducted, their size composition and location. Young people who participated were aged between 14 and 18; a number of young people who participated had reached the age of 18 (and were therefore adults) but were included as they had recent experience of contact with the youth justice system. In addition to system contact, focus group locations were selected across different geographical regions (rural/urban/suburban). Focus group size was determined by the availability and willingness of young people to participate; they are indicated in the table below.

Table 1: Focus group participants

| Focus Group Number | Number of young people | Contact with the youth justice system | Focus group location |
|---|---|---|---|
| 1 | 4 | Mixed (some had definite contact, others had peripheral contact or no contact) | Rural |
| 2 | 4 | Yes (limited contact) | Suburban |
| 3 | 5 | No | Rural |
| 4 | 5; 4 exercised their right to leave before the last activity took place | Yes | Oberstown (young people from across the country) |
| 5 | 2 | Yes | Urban |

### *c. Focus group process and ethical issues*

Ethical approval for this research was granted by the Social Research Ethics Committee in University College Cork on 15 July 2019. Among the ethical issues anticipated by the research team was the direct engagement by researchers with children and young people. All such engagement was conducted in compliance with the University's Child

Safeguarding Policy, GDPR and Children First requirements. Participation by all young people was entirely voluntary and each person gave informed, written consent prior to taking part. It was made clear that a young person could choose to leave a focus group at any time; to elect not to answer any question or to withdraw their consent to participate at any point. Complete anonymity of all participants was guaranteed, and contact details were provided in case any participant needed to be directed to additional supports. Where concerns arose in the context of one focus group, these were reported in line with the process stipulated in the Ethical Approval.

The research team sought to identify potential participants through reaching out to groups and organisations that worked with young people; these included some groups who worked specifically with young people in conflict with the law, as well as youth organisations working with all young people (which may include those with experience of contact with the law but did not do so exclusively). Potential facilitator groups were contacted through an e-mail with an invitation to participate (see Appendix B) and a follow up phone call, explaining the purpose and process of the research at hand. Young people were informed about the project by facilitators within their organisation, and an information sheet and consent form were provided by the research team both to young people and to their parents/guardians (where the young person was under the age of 18) to explain the purpose and aims of the project. They were informed about the reasons for the focus groups and the way they would work. Young people were asked to identify if they were interested in participating in the project, and if so, to complete the relevant consent forms.

A team of two COALESCE researchers conducted each focus group discussion. While facilitators from the youth organisation who assisted the research team with the identification of participants and who provided space for the focus groups to be conducted were generally present at the beginning of the session (while researchers were introducing themselves to young people), these facilitators were not present during the focus groups themselves.

The focus groups were generally facilitated equally by the two researchers present, with each taking a lead on different activities. An overall description of the project was provided at the beginning of each focus group and each section of the focus group was

explained in detail at the appropriate time. There was a mix of individual and group data gathered in the course of each focus group and while young people were working on their own, both researchers were available to provide any additional explanations or clarifications. Participants were asked to provide as much detail as possible in their responses to questions, preferably in their own writing. Where a young person sought assistance with recording their answers, the researchers helped with writing the answers by transcribing exactly what the young person said and reading it back when finished to ensure its accuracy. General notes were recorded at each session, recording information such as the number of young people present, the gender and age profile of participants and the level of contact with the justice system that each young person had experienced. No names or other identifying details were retained by the research team.

***d. Formulation of focus group questions***

The overall aim of the focus groups was to identify and better understand young people's experiences of factors that they felt led young people into conflict with the law, things that young people found to be positive in helping them avoid trouble, and their experiences of various aspects of their contact with the youth justice system. Applying good practice principles set out by Hub na nÓg at the Department of Children,[525] young people were engaged from the start in the development of the focus groups. Initial plans for the methodology were broadly based on participatory methods utilised by Hub na nÓg. As outlined above, a Youth Advisory Group (YAG) was established and a series of consultations were held with members in order to refine and adjust the questions and methodology in line with young people's advice. Following on from consultations with the YAG, a format and question frame for the focus groups was created (see Appendix B).

After an initial introduction to the overall project and to the purpose of the focus group along with some ice-breaker activities, young people were invited to map or document their own experiences. Those with experience of the youth justice system were asked to consider two aspects of that experience. They were asked to think about what they believed led to them getting into trouble in the first place and then, thinking about the

[525] https://www.hubnanog.ie/good-practice-principles/

agencies and individuals they encountered as a result, what that experience was like, positive and negative.

Young people without experience of the youth justice system were asked to share their thoughts and opinions about why young people get into trouble and were also asked to record what they thought might help young people avoid or stay out of trouble and what could contribute to making a situation worse.

Each young person completed an individual worksheet with their answers to the questions and were encouraged to provide as much detail as possible to avoid any misinterpretation or misunderstanding of their answers.

Once this part of the focus group was finished, the participants were asked to work as a group for the remainder of the session. The second section of the focus group involved using sticky notes to record individual answers to two pairs of related questions. The groups were first asked "What things lead to young people getting into trouble with the law?" and "What kinds of things do you think help young people to stay out of trouble?" Each answer given by the young people was written on a sticky note and they recorded these themselves or asked for assistance to write down their answers. Once all the answers to each question had been noted, the groups were asked to review all the sticky notes. They were asked if they could identify themes or similarities among the answers and where they could, to group those answers together. The young people agreed categories among themselves and placed whatever answers they felt appropriate within those categories.

This process was repeated for a second pair of questions, namely "Is there anything that the Guards/youth workers/etc. do that you think makes the situation worse for young people, or that might lead them to get into more trouble?" and "Is there anything that the Guards/youth workers/etc. could do that would be helpful to young people and help them stay out of trouble?". Once the groups had answered all the questions and arranged the sticky notes with those answers to their satisfaction, the session moved to its final stage.

The last part of the focus groups was aimed at identifying the recommendations that the young people would most like to share with policy makers. The first element of the

recommendations stage was to agree which categories from the sticky note activity (part two) were the most important. Once four of those categories were identified, the groups worked collectively to suggest recommendations under those headings. In focus groups other than those where young people exercised their right to end their participation early, once all recommendations were recorded, each participant was given 12 dot stickers. They were asked to think about the recommendations made in each category and to place a sticker on what they personally believed to be the three most important recommendations within each category. Once all votes were cast, the views of the young people on which issues were most important were identified based on this voting process.

Throughout each focus group young people were reminded of their right to withdraw at any stage or to choose not to answer a question or to engage with a particular section. The right to withdraw early or not to answer a question was exercised on a number of occasions but no young person revoked their consent to participate up to the point of withdrawal.

***e. Focus group analysis***

The focus group analysis offers a comprehensive presentation of everything that was stated by young people during the respective focus groups. Findings were noted in an excel sheet under the respective questions and the findings are presented so as to give an overview of the trends that emerged in the respective focus groups. In terms of selection of 'quotes' from young people, and decisions as to what to describe in the analysis, an 'exhaustive' process was used. This means that the analysis has summarised trends, i.e. frequently mentioned themes and commonalities, but also highlighted anything that was mentioned in contradiction or addition to the main trends emerging in the focus group research. It is important to highlight that focus group analyses in general do not claim universal validity, but rather provide a snap-shot of participants' views and experiences.

### 3.1.2 Getting into Trouble and Staying out of Trouble: The Experiences of Young People

This part of the study concentrated on young people's experiences of the youth justice system. Young people were asked why they thought young people got into trouble with

the law, either based on their own experiences or based on what they knew or thought about young people getting into trouble. Many of the issues raised by young people in the focus groups echoed findings from the international literature; however, others, including interactions with the Gardaí, added additional perspectives.

***a. Friends and Peers***

In this study, young people most frequently cited peers or friends as the main reason why they got into trouble. When asked why they got into trouble, young people responded as follows: "getting in with the wrong crowd", "hanging around the streets with my friends", "I would have been hanging out with friends" and "acting the maggot with friends at a younger age".

When explored further, peers and friends were identified as possible contributors or influences with regard to young people getting into trouble. On the more serious end of the spectrum, these relationships resulted from gang activity in their locality. For instance, one young person stated: "gangs are in every town. Gangs could be big or small. Gangs are hard for the guards to stop because there could be loads of people in them."

Other young people, including those with no experience of the law, referred to friends as being a factor in leading to young people getting into trouble. It could be "hanging out with friends on the street" or "going by dodgy places, looking like you're up to no good" or "hanging out late on the weekends".

***b. Drugs and Alcohol***

Young people said that drugs were a significant factor in getting into trouble. Across all focus groups, whether the young person did or did not have direct experience of the youth justice system, the issue of drugs was identified as a significant factor and, when combined with responses citing alcohol as a reason for getting into trouble, it is evident that substance use is a key factor among those who get into conflict with the law.

Substance use, whether alcohol or drugs, was the only category of answers that spanned all five focus groups and was raised in every group as a factor why young people get into trouble. Engagement with drugs included "taking drugs" or "dealing drugs" and drugs were seen as having the potential to "get young people into a lot of

trouble by owing money and getting in with the wrong crowd". One person also noted the issue of needing "money for drugs and alcohol."

Fighting was identified by two groups as being a factor in getting into trouble. Fighting had potential to be linked to drugs according to one participant: "fighting can get people in trouble with the guards. Fighting can be caused by drugs or just for no reason."

***c. Negative Interactions with the Garda Síochána***

Engagement with the Garda Síochána was regularly mentioned by young people among the reasons for getting into trouble. "Guards are quick to stop you but if you need help from them they are slow" and "Guards can stop you for how you look, if you are wearing 'sketchy' clothes" and "if you're someone who gets involved with the guards you will get stopped" are all examples of answers given by the young people in the focus groups. Young people sometimes felt singled out by Gardaí, saying: "guards say they are stopping me because I am out late even if I am on my way home from the shops" and "guards will pull you over based on how you look". These responses indicate that contact with the criminal justice system, no matter how benign, can be a significant consideration for young people who get into trouble. Being known to the authorities was seen as a factor by four individual contributors: "once you get in trouble with the shades, they'll be on your back", "if you get your first caution they will keep a look for ya", "once you get a Garda caution they know everything about you so will search you whenever" and "when the guards get to know you, they pick you up for smaller things."

***d. Family***

Young people talked about the role of family and school pointing to the links that may exist between these and whether or not a young person gets into trouble. Some young people who have been in contact with the criminal justice system referred to family, noting that "cousins" and "no Dad figure" played a part in how they got into trouble. For another young person, parental separation was identified as a key moment where things became difficult: "parents split [when I was] 14/15, things started changing then". This mirrors the views of the young people in the non-contact group who also referred to family being influential with regard to young people getting into trouble. They alluded to "family – problems with family", "parents take drugs and the kids might

think it's ok to do it also", "family don't care what their children [are] doing or don't know mostly" and "following in the footsteps" of family members as their impressions of these issues.

***e. School/Education***

Young people referred broadly to school as a factor associated with getting into trouble. One person noted that "sometimes students get in trouble with teachers in school and when they go out they might do something." A participant expanded on these concerns: "if you lose education, it could lead you to taking or selling drugs to make money. That can lead to fighting because you are owed or you could owe money. That then can lead to prison or death." Those with experience of the youth justice system also referenced school, citing "getting into trouble with school" and "didn't like school – too many people in the class" as among the things that happened that led them to getting into trouble.

***f. Boredom and Lack of Resources***

The issues of boredom or lack of resources in an area and being out at night were discussed only by young people with system contact. Young people said that being bored and having "nothing to do, not in school, not in Youthreach" was a contributing factor to getting in trouble. Others observed that they were more likely to get into trouble at night which could be "being out at late times on the weekend", "out past 12.00" and "sneaking out/staying out late [when] young". Young people with contact with the justice system highlighted that lack of 'stuff to do' was a factor; they discussed 'not going to school' and 'getting bored', suggesting that the absence of structure provided by school played a role in whether or not people end up in trouble.

Some young people referred to being 'framed' or 'blaming us for things we didn't do' as reasons that had led to them getting into trouble. Others mentioned the opportunism of getting into trouble – one person "got away with it the first time so did it again" and another "started small, got bigger".

### 3.1.3 Helping Young People to Stay Out of Trouble

Young people were also asked if they had any suggestions about how young people could be helped to stay out of trouble. Young people without experience of the youth justice system made suggestions that centred on school and family. They highlighted

their views that young people could be provided with "programmes in school to show what is legal or not, punishment information". School was seen as a forum that could provide "talks, awareness" and "workshops". One young person felt that young people in trouble "wanna be good in school and get a job". The role of family was seen as significant – "if someone has a good parent, it could help a lot". It was felt that there should be "more family control", that family ought to be "strict on rules", with "strict parents." Other suggestions that came from the non-contact group included "not taking drugs/alcohol", having "better friends", "talk to a trustworthy adult" and the perhaps deceptively difficult challenge of "be a good kid".

***a. Engagement in Employment, Education, or Other Meaningful Activities***

Across all the focus groups, the participants identified ways for young people to occupy themselves as being pivotal in helping them to keep out of trouble. What this looked like varied between the groups, but each focus group identified at least one area that could assist.

For many young people, the importance of work was regularly referenced as something that would assist: "get a job", "a job set up for us when we get out, or a school place", "more actively to get help getting a job". Having a job was seen as a key factor in keeping a young person out of trouble.

Engagement with education was also raised by young people. "Staying in school" and education were highlighted as means of staying out of trouble. Similarly, developing skills like driving and "being able to get a licence at 16" or doing "courses outside, instead of school" were also proposed as ways to minimise getting into trouble.

Another option put forward by young people with experience of contact with the youth justice system was to engage in hobbies or sports, activities that would help to occupy young people. As one young person put it "if you have a hobby, it might distract you from getting in trouble". Activities suggested focused on sports, gym and going to the cinema, suggesting that access to such amenities and resources would be welcomed.

Access to youth services or youth clubs was also given as an example of how to help young people stay out of trouble. Specific services and their staff were mentioned. One

person advised "more money [for] places like garda diversion", while others spoke more generally of "youth services" and "youth clubs".

***b. Positive relationships with adults***

"Having access to someone to talk to" featured among the responses given by young people, both with experience of the system and those without. Young people who have not had contact with the youth justice system suggested that being able to "talk to a trustworthy adult (teacher and parents)" is important, while those with experience echoed this but did not identify specific people who could fulfil that role.

***c. Friends and Peers***

While not all focus groups raised the issue of the influence of peers, those with more limited or no system contact tended to raise this issue more. Participants advised that having "good friends", "don't fall in with the wrong crowd", "don't be influenced by others" and "stay away from bad company" would help young people to stay out of trouble.

***d. Family***

The role of family in staying out of trouble was more regularly referenced by young people with little or no contact with the youth justice system, with only one person who had experienced this contact mentioning family as a significant factor. Young people who discussed family referred to "a scary parent" or "that person's parents" when asked to think about what helps to keep young people out of trouble, while the non-contact group suggested "family (do what your parents want)" and "more family control, my family cares".

***e. Support for problem substance use***

Following on from earlier references to use of drugs and/or alcohol and possible substance use issues, support for such challenges was also raised as a means to help young people to stay out of trouble. It was suggested that access be made available to "services around alcohol" and "services to help with drugs". These suggestions indicate an acknowledgement that a young person may already be drinking alcohol and/or taking drugs, which contrasts somewhat with the suggestion from the non-contact group that "not taking drugs" would be a way to avoid trouble.

### 3.1.4 The Experiences of Young People of the Youth Justice System in Ireland

Young people who engaged in focus groups as part of this study also spoke about their experiences of the youth justice system. In particular, they highlighted aspects of the system which they felt made their experience worse, as well as things that they had experienced as being positive and making recommendations for improvements. As the questions at this stage were very dependent on the level of experience or contact that participants had with the Irish youth justice system, the answers are more easily analysed when considered separately.

***a. Interactions with professionals in the youth justice system***

The young people who had experience of the youth justice system reported that they had come into contact with many services and professionals within the system. Many of the comments made by young people were concerned with their interactions with adults within the system, and in particular how they felt that they had been treated. Young people spoke about Gardaí, Juvenile Liaison Officers (JLOs), judges, solicitors, drug counsellors and social workers, as well as the youth workers and other professionals that they had come into contact with through the GYDPs, the Probation Service, Oberstown Children Detention Campus, Tusla, and Child and Adolescent Mental Health Services (CAMHS).

*i. Gardaí and JLOs*

Young people consulted for the study talked most frequently about their interaction with the Garda Síochána. Many of the comments made about Gardaí were negative – "no good rats", "tramps [and] fools", "calling you bad names", "beating you with towels", "they harassed me, wouldn't leave me alone", "were bad and would hit you at times". One young person observed that Gardaí "are fair at the start but as they get to know you, they don't treat you fair". One young person described some of what they experienced as follows: "We'd be doing nothing", "they could stop you three or four times a week", "guards on the street wouldn't listen to you, they'd believe you sometimes but after you give such and such a point, they wouldn't believe you".

When talking about JLOs, however, the responses tended to be more positive. Comments shared on these specially trained Gardaí included: "I think it's a grand job getting involved with the juvenile office because he will help you out". According to

young people, JLOs "were grand help on bad times", "was ok, she was understanding" and "can be strict but would listen to you". One young person said that they had found their involvement in the Garda Diversion Programme to be very useful and said that the Programme "should be given more money because I found it very helpful".

### *ii. Legal Professionals*

Many of the young people with experience of the youth justice system referred to their experience of the formal courtroom and the judges presiding. The physical space was described by one: "from left to right, has seats the whole way round. It's (wouldn't say scary) but depressing". Judges were the subject of varied comments, giving validity to one observation that "not all judges are same": "judge did his job, he scared me and I learned my lesson", "judge – fool also, smart bastard, know they have control", "judge always takes the guard's side", "judge didn't' listen to me or the solicitors" and "haven't had bad experience with judge yet."

One person gave a brief account of their court appearances and experiences: "my first time I was given curfew and put on bail, given people to stop hanging around with". Young people also spoke about the impact of delays: "It just keeps getting put back" until "after waiting months you get a court date over two petty crimes". The potential consequences of a court appearance were set out by one young person as follows: "if court doesn't go your way, you could lose a part of you because you're not yourself after you go in there – court or prison."

Some young people spoke about their interactions with their solicitor, which were often viewed positively. One young person's solicitor "makes me sound good and helps me with anything" and another tries "to fight corner but judge fights them". Having a solicitor was seen to be a person "being on your side."

### *iii. The Probation Service*

Engagement with the Probation Service elicited mixed viewpoints: "probation is very bad, it's pointless, they give you too long of a sentence, it's more pointed towards adults" and "if I had it at the start, wouldn't have got in trouble". It was, according to one person, "nicer than in other parts of the system" and "good, tried to keep me out of

trouble." Others felt that "probation get too much in your business" or that "probation worker [was] very strict".

#### *iv. Oberstown Children Detention Campus*

Observations from young people with regard to detention included that Oberstown Children Detention Campus is "not the worst place in the world", that "you have lots of opportunities to change", that "you have a healthy lifestyle" and that there are "no drugs". At the same time, many young people highlighted that they "should be allowed to smoke on campus".

#### *v. Health Professionals, Youth Workers and Mentors*

Young people referenced a number of different professionals with whom they have had interaction. They were largely silent as to whether these interactions were positive or negative and generally did not go into detail as to what kind of work they did with these professionals. Those referred to included "drug and alcohol councillor", "CAMHS", "social worker" and "having a mentor – someone to talk to and do activities with".

### 3.1.5 Young People's Recommendations

During the course of the focus groups, the research team asked young people what they thought was most important for policy makers to know about young people and crime. They were also asked to include any recommendations for change in their comments here. Young people engaged in the focus groups had a number of suggestions for ways in which young people could be prevented from becoming involved in or supported to desist from offending. In some cases, they had very clear views about the most important things that policy makers should know about young people and about the youth justice system, and in some cases put forward specific recommendations for change. This final section documents the recommendations made by young people.

#### ***a. Difficulties experienced by young people***

Young people felt it was important for policy makers to know about the difficulties and challenges experienced by young people, and they felt that this should be taken into account when important decisions were being taken. Some of these difficulties related

to how easy it was for young people to become involved in drugs and drinking: "It's very easy to get led into drink and drugs".

Other difficulties experienced by young people related to their neighbourhoods, and risks that young people may be exposed to in this context: "They should be aware of the consequences of ratting". Some young people spoke about the "fear to walk around" they experienced in their local area and said that this led to them feeling "Paranoid and always looking over my shoulder" and "feeling safer with your mates".

***b. Access to education, employment and activities***

Young people also spoke about the impact of exclusion from educational opportunities. One young person said, "Free time when you're kicked out of school is a big shock - that's when I started picking up charges", and the same young person recommended that "If you're kicked out of school, you should be given another school to go to straight away, not just under 16". This young person had been unable to access Youthreach because they only accepted young people under the age of 16. Another said, "Staying in school helps – if you leave at a young age you're hanging around all day, and it helps you get a job."

As noted above, access to employment opportunities and receiving help in finding employment were also raised by young people. Young people said, "People can help us get a job".

***c. Relationships with peers, family and supportive adults***

A prominent theme that emerged from focus groups was the impact of peer behaviour. Young people felt that this was important for preventing young people from getting into trouble in the first place. Young people made comments such as: "Make sure your friends don't do stupid stuff" and "Have friends that set a better example for each other. Ensure that if a friend is struggling that you act on it sooner rather than later".

Young people who did not have any experience of the criminal justice system felt that having support from parents was important in helping young people to avoid getting into trouble. They said that parents should "be friendly to their kids/be close with their kids" and suggested that help should be given to parents to do this: "Some parents

don't know how to deal with the situation. There should be someone to help the parents in a bad situation – advise them how to deal with it".

***d. Assistance with substance dependency***

As noted, drugs were identified as a major issue by young people across all five focus groups and some of the recommendations made were that policy makers should take specific action in this area. Young people who had less contact with the criminal justice system suggested that "government should put or increase the tax on drugs/alcohol, make it so expensive that young people can't afford it. I think when it's expensive the amount of users might reduce". They also said that the government should "Get Garda to stop the sources and the providers of drugs".

Others emphasised the importance of dedicated support services to assist young people with these types of issues. Young people commented that "people should get more chances in drugs programmes". One young person said that they "couldn't get off drugs before... – should have been able to get into rehab earlier – decisions should have been made much quicker".

***e. Negative interaction with criminal justice professionals and adults***

A significant theme that emerged in the focus group were the interactions young people had with adults. A number of young people spoke in very negative terms about their experiences with Gardaí and made a number of recommendations about how Gardaí should interact with young people. Some young people felt strongly that they shouldn't be stereotyped or targeted because they were young, dressed a certain way, or because of the neighbourhood they were in: "Young people shouldn't be treated by the way they look or where they grow up". They emphasised the importance of being treated with "respect", emphasising "not all young people are criminals" and that "Guards should treat people better". Young people who had no experience of the criminal justice system or the Gardaí also felt that this was important; they said Gardaí/Youth Workers and all the professionals in the system should be "more friendly/understanding not judging them".

***f. Experiences of youth justice processes***

Young people had recommendations related to their experiences of different parts of the system, also. In relation to the courts, young people said that "I don't think children

should be in the same courts as adults", and that "There should not be big delays in the court process – you should know what is going to happen and when". Similarly, some young people felt that it was problematic when they did not have enough information about the process or what was going to happen next. One young person said: "Young people should always be in the loop of what's going on because they did the crime so they should know what's happening next". Others said that it was helpful when they were able to talk to someone before court.

Some young people commented on the outcome in court and the perceived disparity in treatment between young people. One young person said, "Free legal aid is different, compared to people who pay get better outcomes", and another commented "People get different sentences for the same kinds of offences, there shouldn't be differences because they go to different courts around the country".

A few young people also commented on the use of probation, and their experiences of the probation service. Some of these related to the length and appropriateness of probation orders: "They give out very long sentences on probation"; "Probations should not be given for incidents that are not actual offences". Young people suggested that alternative approaches should be in place that were specific to young people. It was commented that there "should be something different in probation for children – very geared towards adults", and it was suggested that "instead of using probation, people should get the chance of AA meetings, victim awareness courses".

Many of the recommendations made by young people in relation to Oberstown related to the rules and conditions of detention; young people commented that they should be allowed to smoke and should have access to unscreened visits, and young people spoke about the negative experiences of being put in handcuffs when being brought to and from court, and about being searched on arrival in Oberstown. One young person made a recommendation that policy makers should "Examine why the young people in Oberstown are mostly from the country, not from Dublin".

### 3.1.6 Core Messages from the Young People

The experiences and views shared by the young people who participated in this study clearly mirror the findings of the international literature. The examples can generally be categorised as individual, family/peer/community or system and institutional factors.

As the above analysis shows, young people can come into conflict with the law for a variety of reasons.

The most prominent theme and message from the young people who participated in the study was that the quality of their relationships and their interactions with adults are crucial for young people. Having access to a supportive adult was considered particularly important for young people and was noted to be helpful in supporting them to stay out of trouble. Good relationships with youth workers and other adults were the subject of much positive comment. Conversely, negative interactions with professionals in the youth justice system, and particularly with Gardaí, could make the experiences of young people worse, and could, young people said, lead to young people feeling stigmatised and targeted by Gardaí.

These insights are critical to understanding the experience and views of young people who come into conflict with the law with regard to keeping them out of trouble and diverting them away from offending when it does occur. Policy makers now have the opportunity to take account of the lived experiences of young people and should ensure that their voices are taken into account in the development of the national youth justice strategy, and more generally in conversations about policy development affecting young people.

## 3.2 Young People in Conflict with the Law: An Analysis of the Growing Up in Ireland Data

### 3.2.1 Introduction

The Growing Up in Ireland (GUI) survey is a longitudinal study of children in Ireland whose primary purpose is to inform Government policy in relation to children, young people and their families. The study describes the lives of children in different age cohorts, charts their development and identifies the key factors that help or hinder their development.[526] There are two cohorts: Cohort 98 (formerly the child cohort) began in 2008 with 8,500 children age 9 years, with a further three waves at 14, 17/18 and 20. For the purposes of this study, data was drawn from the researcher microdata

[526] Murray, A., McCrory, C., Thornton, M., Williams, J., Quail, A., Swords, L., Doyle, E., and Harris, E., Growing Up in Ireland: Design, instrumentation and procedures for the Child Cohort (aged 9 years). (Child Cohort Technical Report No.1) (Dublin: ESRI/TCD/DCYA, 2010).

files (RMF) of this cohort[527] using anonymised data gathered from young people, their primary and secondary caregivers and teachers and principals of the school they attended. Initial examination of the GUI data considered the first three waves - the fourth had not been released at the time of data analysis – and this chapter focuses on the third wave as it contains the most salient information regarding this cohort's contact with the law.

Although no specific term is used in the GUI study to refer to children involved in offending, for consistency within this report the term 'children/young people in conflict with the law' refers to those who have responded affirmatively to the question 'Have you ever been in trouble with the Gardaí, excluding minor traffic offenses?'

Based on the literature presented elsewhere in this report, it was expected to identify from the GUI data multiple factors related to young people who come into conflict with the law. We also expected that these factors would interact in complex ways and would differ between young people who had come into conflict with the law and those who had not.

### 3.2.2 Method

The purpose of analysing the Growing Up in Ireland (GUI) data for this study was to ascertain if the findings from the literature review and the qualitative research were reflected in Ireland's longitudinal study of children. There are therefore two sections to the analyses of the GUI data presented here. The first is a presentation of the most salient factors related to children in conflict with the law drawn from the third wave of the GUI '98 cohort at age 17/18. This includes a study of the personal, environmental and structural factors associated with young people coming into conflict with the law. The second is a comparative network analysis of young people who have or have not come into conflict with the law at age 17/18. This analysis explores the complex pathways that contribute to young people's involvement in offending behaviour.

Network analysis produces a graphical representation of the factors relevant to young people in conflict with the law. Here we produce two representational networks – one for young people who have come into conflict with the law and one for those who have

[527] Results in this report are based on analyses of data from Research Microdata Files provided by the Central Statistics Office (CSO).

not. Network analysis is particularly useful to examine relationships between many factors at once. It also serves to examine how multiple factors are related to each other – factors that are closer together are more related, while factors at a distance bear less similarity. A mediating factor is represented in a network analysis by a factor connecting two other factors.[528] We can examine how a factor might moderate the impact of one factor on another. Clusters are groupings of factors in close proximity, their 'nearness' indicates that these factors are very similar. Hubs are a set of factors with a central node, suggesting this central node has a strong influence on the interaction of nodes within the hub.

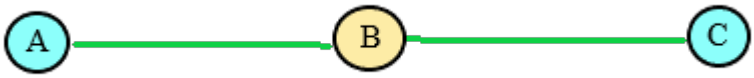



*Figure 1. Exhibit of a factor mediating two factors in a network*

As demonstrated in *Figure 1*, if we know the temporal relationship between factors and that A precedes C, we can assert that C will not happen unless B is present. However, if we are not certain of the temporal relationship between factors, we cannot make this assertion, only that B represents a mediating effect on A and C in the network.

We can also examine if any one factor represents a hub or central node through which many factors must pass.

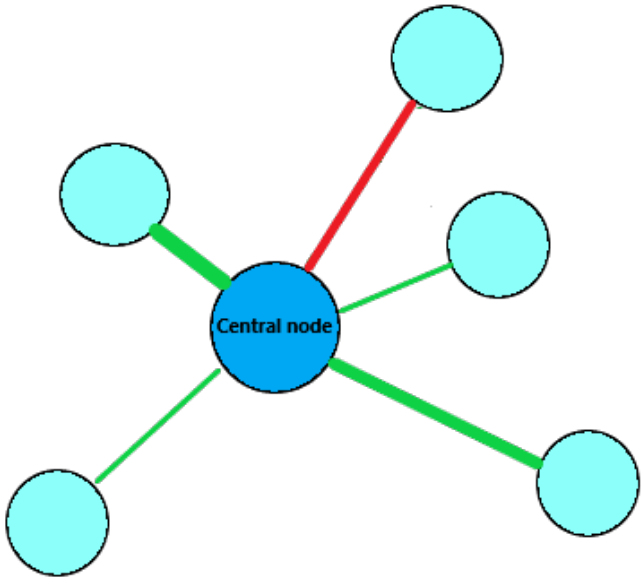



*Figure 2. Exhibit node configuration in a network*

[528] Borsboom, D., "Psychometric perspectives on diagnostic systems" (2008) 64 Journal of Clinical Psychology 1089.

In this case, as depicted by *Figure 2*, a single factor acts as a hub through which many edges pass, such nodes are of interest because they mediate multiple connections in the system.

Various approaches can be taken to fitting the data to the space. For our purposes, non-metric multi-dimensional scaling (NMDS)[529] was selected as it preserves the distances between factors in a meaningful way.[530] In particular, factors which appear closer together in the space are more closely related than those further away. Edges, represented by lines between factors, indicate strength of relationship between factors, while thicker edges indicate stronger relationships. Red edges indicate a negative correlation between factors while green edges represent a positive association between factors.[531] Non-metric multidimensional scaling produces a representation of the data, the bounds of which are dictated by the data contained therein. To usefully compare networks, each network must be rendered into a common space. This ensures that the scale, rotation and reflection of the maps are the same. Therefore, the two networks were subject to General Procrustes Analysis. This process renders each network into a common space allowing them to be usefully compared.[532]

### 3.2.3 The Sample

A total of 56,497 9-year-olds were registered in the Census of Population in Ireland in 2006. Sampling carried out as part of the GUI study was conducted based on a random sample of schools. If there were less than 40 children in a school, all children aged 9 were asked to participate. If there were more than 40 children aged 9, a random sample was taken of children aged 9 years old in that school. Response rate to invitation to participate was 57% for wave 1 of the child cohort.

[529] Cox, T.F. and Cox, M. A. A., *Multidimensional Scaling* (2nd ed.) (London: Chapman & Hall, 2001).

[530] Guttman, L., "A general nonmetric technique for finding the smallest coordinate space for a configuration of points" (1968) 33(4) *Psychometrika* 469; Jones, P. J., Mair, P., and McNally, R. J., "Visualizing psychological networks: A tutorial in R" (2018) 9 *Frontiers in Psychology* 1742; Hurley, E., *The Development of an Idiographic Method of Measurement for Use in Dynamic Assessment* (PhD Thesis, University College Cork, 2020).

[531] Epskamp, S., Rhemtulla, M., and Borsboom, D., "Generalized network psychometrics: Combining network and latent variable models" (2016) 82 *Psychometrika* 904; Fried, E. I., van Borkulo, C. D., Cramer, A. O., Boschloo, L., Schoevers, R.A., and Borsboom, D., "Mental disorders as networks of problems: a review of recent insights" (2017) 52 *Soc. Psychiatry Psychiatr. Epidemiol* 1.

[532] Gower, J. C., "Generalized Procrustes Analysis" (1975) 40(1) *Psychometrika* 33.

The longitudinal study is a fixed panel design, meaning cases lost to attrition are not replaced across waves.[533] There were 8,570 responses to the initial survey (Wave 1) conducted in 2007/8, representing 14% of that population (i.e., children aged 9 years old as registered in the 2006 census). Of the original cohort, 7,400 responded to wave 2 and 6,216 or 11% of the population of 17/18 year olds.[534]

Participation at 17/18 years was also lower among one-parent families, though some of this may reflect the background characteristics or composition of family types – one parent families being more likely to be more disadvantaged in terms of income, education, and social class grouping. There was also higher attrition of young people who had lower scores on the Drumcondra test, at wave two.[535] In summary, disadvantaged young people had higher attrition rates than the rest of the sample at wave 3.

This report examines researcher microdata files (RMF) from wave 3 of the GUI 98 cohort. The RMF dataset contains information from the sensitive questionnaire delivered to primary caregivers and young people. The RMF consists of raw data responses and weighted variables. One of the aims of this study was to examine relationships between factors associated with young people coming into conflict with the law; socio-economic status, cognitive ability and household type are of interest based on the literature review. Attrition at the lower ends of these groups means that we cannot make estimates of how many people would come into conflict with the law. However, as we want to understand the relationship between variables and how these cause emergent properties, we use the unweighted raw data.[536]

[533] Thornton, M., Williams, J., McCrory, C., Murray, A., and Quail, A., *Design, Instrumentation and Procedures for the Child Cohort at Wave Two* (Dublin: Department of Children and Youth Affairs, 2016).

[534] The Economic and Social Research Institute (ESRI), *Growing up In Ireland Cohort '98 (Child Cohort) Wave 3 - 17/18 years, 2016*. [dataset]. Version 1. (Irish Social Science Data Archive, 2018).

[535] Murphy, D., Quail, A., Williams, J., Gallagher, S., Murray, A., McNamara, E., and O'Mahony, D., *A Summary Guide to Wave 3 Of Growing Up in Ireland's Child cohort (AT 17/18 YEARS)* (Dublin: ESRI, 2018).

[536] Cam, L.L., "The Central Limit Theorem around 1935" (1985) 1 *Statistical Science* 78; Hammond, S., "The idiographic measurement of change" in K. Sheldon., J. Davies, and K. Howells (eds.), *Research in practice for forensic professionals* (pp. 198-214) (London: Routledge, 2012).

### 3.2.4 Analysis

***Selection of factors for inclusion in the analyses***

All three waves of the data were examined, and their suitability considered for inclusion. Each wave consists of responses to more than 2,000 questions. Broadly, responses were considered for inclusion if they pertained to those factors identified as contributing to young people coming into conflict with the law as highlighted in the literature review in this report. Six broad areas were considered: individual factors, family, peers, education, community and contact with state agencies (see Appendix C for a detailed list of factors). Descriptive statistics of all responses were examined.

The responses of primary caregivers to questions addressing elements of the literature review were considered across all three waves. There were considerable differences in primary caregivers' responses to certain questions compared to the responses by young people on the same questions. Primary caregivers tended to characterise their neighbourhoods in a more positive light and felt considerably safer in their neighbourhood than young people. There were also a number of very positive responses (ceiling effects) to questions regarding quality of home life and the primary caregivers' experience of the young people. For example, there was remarkably high endorsement of questions such as 'we eat together as a family every evening' and of the prosocial behaviour subscale of young people in the Strengths and Difficulties Questionnaire. The questionnaire overall has acceptable reliability for this sample (Cronbach's $\alpha$. = 0.7). Primary caregivers reported fewer instances of young people coming into conflict with the law and being convicted of an offence than young people did (less than half compared to young people's responses).

Taken together, these findings suggest a degree of social desirability responding among primary caregivers. For these reasons, where there were duplications of questions for primary caregivers and young people, the young person's responses were used for the analysis. Questions retained from primary caregiver responses to the survey included demographic data such as gender of primary caregiver, level of education, the age primary caregivers first left education, socio-economic status and responses pertaining to their mental and physical health and diagnoses regarding the young person with respect to learning difficulties and mental health.

***Defining conflict with the law***

The question 'have you ever been cautioned by a Garda (police)?' was considered as a metric for identifying young people who had come into conflict with the law by age 17/18. However, it was not clear that the meaning of 'being cautioned' would have been understood in a legal sense by all participants. This question constituted part of the young people's sensitive questionnaire and may not have been explained by the interviewer. If the young person said 'yes' to the question 'Have you ever been in trouble with the Gardaí, excluding minor traffic offenses', they are defined for our purposes as having been in conflict with the law.

### 3.2.5 Results

The results section is presented in the following format.

(a) Descriptive statistics - an analysis of the basic features of the data such as relationships between conflict and the law, and gender and education for example.

(b) A comparative network analysis (CNA) examining factors identified as having significant correlations with young people coming into conflict with the law in Ireland. As the term suggests, two networks are presented: the first for young people who have not come into conflict with the law and the second for young people who have come into conflict with the law. In this way we can examine differences in the network of factors identified as influencing outcomes for young people.

***a. Descriptive Statistics***

Of the third wave sample of 6,216 young people responses, 6,142 responded to the question 'Have you ever been in trouble with the Gardaí, excluding minor traffic offenses?' to which 567 answered 'yes'. Of these, 382 reported being cautioned by a Garda, 107 had participated in a youth diversion project, 44 had appeared in court (not as a witness) and 34 had been found guilty of an offence (*Table 2*).

*Table 2. Have you ever been in trouble with the Gardaí, excluding minor traffic offenses?*

| | N | % |
|---|---|---|
| No | 5,575 | 90.7 |
| Yes | 567 | 9.3 |
| Total | 6,142 | 100 |

Source: GUI data from the third wave of the '98 cohort.

### *Gender and conflict with the law*

The GUI survey has consistently balanced responses from males and females across waves, reflective of the gender balance in the population. At wave three, of those who came into conflict with the law, 65.4% were male and 34.6% were female. Of the young people who had not come into conflict with the law, 46.7% were male and 53.3% were female (*Table 3*).

*Table 3. Gender and conflict with the law*

| | Male | % | Female | % | Total N | Total % |
|---|---|---|---|---|---|---|
| Yes | 371 | 65.4 | 196 | 34.6 | 567 | 100 |
| No | 2,606 | 46.7 | 2,969 | 53.3 | 5,575 | 100 |

Source: GUI data from the third wave of the '98 cohort.

### *Socio-economic status and conflict with the law at wave 3.*

The Economic and Social Research Institute (ESRI) recommends a multi-dimensional approach to evaluating social deprivation.[537] There were several socio-economic status indicators in the GUI dataset. Although ideally all of these measures would be included in the analysis, as per ESRI guidelines, the small number of responses at lower and higher ends of certain salient factors such as education of primary caregiver and measures of basic deprivation for example means that we cannot report those statistics. However, household social class and age of primary caregiver leaving school met requirements for reporting and give an indication of social economic status.

[537] Watson, D., Whelan, C.T., Maître, B., and Williams, J., "Non-Monetary Indicators and Multiple Dimensions: The ESRI Approach to Poverty Measurement" (2017) 48(4) *The Economic and Social Review* 369.

*Table 4. Social class and conflict with the law*

| Household Social Class | % Of overall sample | Valid percent young people not in conflict with the law | Valid percent young people in conflict with the law | Difference |
|---|---|---|---|---|
| Professional | 14.4 | 14.7 | 11.1 | -3.6 |
| Managerial and Technical | 36.5 | 36.6 | 34.7 | -1.9 |
| Non-manual | 19.2 | 19.4 | 17.6 | -1.8 |
| Skilled Manual | 9.0 | 8.7 | 11.3 | 2.6 |
| Semi-skilled | 8.0 | 7.9 | 10.4 | 2.5 |
| Unskilled | 1.1 | 1.1 | 0.9 | |
| All others gainfully occupied and unknown | | 0.5 | 0.5 | |
| Validly no social class | 11.1 | 10.9 | 13.4 | 3.4 |
| Total | | 100 | 100 | |

Source: GUI data from the third wave of the '98 cohort.

Of note here is that there is a spread of young people in conflict with the law across all social classes, with little difference between actual and expected figures if we were to expect a proportional representation from each class. However, we see lower prevalence of conflict with the law in the first three classes in the table and higher than expected in subsequent classes. The largest differences being at the tail ends: there is a 3.6% lower representation of young people in conflict with the law in the professional class and 3.4% higher for no social class (*Table 4*).

***Education and conflict with the law***

Level of education of the primary caregiver and young person staying in education have been identified as protective factors in the literature. Educational attainment of primary caregiver is used as a metric of socio-economic status in other longitudinal studies.[538] Where necessary we have collapsed levels, or categories, of variables for analyses. For example, for level of education it might be possible to collapse Master's level of education and PhD level of education into a category of 'level 9 or higher'. In this case, we want to examine the impact of levels of education of the mother on young people's outcomes. Attrition across waves means that level of education of primary caregivers

[538] Entwisle, D. and Astone, N., "Some Practical Guidelines for Measuring Youth's Race/Ethnicity and Socioeconomic Status" (1994) 65(6) *Child Development* 1521.

could not be reported, with unacceptably low response rates at both ends of response levels even when some levels of this variable were collapsed. For that reason, we use the response of primary caregivers to the question 'age left education for the first time' in the network analysis as an indicator of the level of education of primary caregiver. The young people question 'Are you still in education?', with response options 'Yes, left within last six months, more than six months ago', is used to examine the impact of staying in education and the likelihood of young people coming into conflict with the law.

There was a small but statistically significant relationship between age of primary caregiver leaving school and the likelihood of young people coming into conflict with the law ($r_s$ = -.044, P<.001). The younger the primary caregiver left education the more likely the young person was to come into conflict with the law. Overall, the mean age of primary caregiver leaving school was lower in the conflict with the law group. There was also a difference between the levels of education of primary caregiver across the two groups. There was a significant correlation between percentage of household income drawn from social welfare payments and young people in conflict with the law. This information coupled with differentials across household social class suggests that socio-economic status affects young people's likelihood of coming into conflict with the law; young people in conflict with the law have, on average, a lower socio-economic status than those who do not come into conflict with the law.

***Household type and conflict with the law***

Young people from one parent households are more likely to come into conflict with the law compared to two caregiver families. One parent families represent 14.9% of the overall sample but they constitute 22.5% of those coming into conflict with the law. While two parent families represent 85% of the overall population, only 77.4% of those who come into conflict with the law are from two parent families (*Table 5*). The correlation between household type and conflict with the law is statistically significant ($r_s$ = .073, P<.01).

*Table 5. Percentage of young people coming into conflict with the law by household type*

| | Young people in conflict with the law | Young people not in conflict with the law | Difference |
|---|---|---|---|
| One Parent | 22.5 | 14.2 | + 8.3 |
| Two Parent | 76.4 | 85.9 | - 9.5 |

Source: GUI data from the third wave of the '98 cohort.

As noted in the GUI summary report for wave three, single primary caregiver families have, on average, lower socio-economic status than two parent families.539 Young people who come into conflict with the law are disproportionately represented in single primary caregiver households.

### *Stressful Life Events*

Stressful life events are captured in the GUI study in the child sensitive questionnaire. Fourteen questions relating to stressful life events are included (*Table 6*).

*Table 6. Stressful life events questions from the GUI wave 3 '98 cohort*

| | |
|---|---|
| Death of a parent | Serious illness/injury |
| Death of a close family member | Serious illness/injury of a close family member |
| Death of a close friend | Drug taking/alcoholism in immediate family |
| Separation/divorce of parents | Mental disorder in immediate family |
| Moving house | Conflict between parents |
| Moving country | Parent in prison |
| Stay in foster care/residential care | Other disturbing event |

No single stressful life event was associated with young people coming into conflict with the law. This would appear consistent with research regarding adverse childhood experiences (ACEs) as previously discussed in this report. Cumulative scores of stressful life events reflect expected findings based on previous literature. There was a statistically significant correlation between the young person's total score of stressful life events and their likelihood of coming into conflict with the law ($r_s = 0.031$, $P<.01$).

[539] Murphy, D., Quail, A., Williams, J., Gallagher, S., Murray, A., McNamara, E., and O'Mahony, D., A., *Summary Guide to Wave 3 Of Growing Up in Ireland's Child cohort (AT 17/18 YEARS)* (Dublin: ESRI, 2018).

### *Social Capital*

*Confidence in institutions.*

The GUI study examined young people's confidence in institutions (*Table 7*).

*Table 7. Young people's confidence in institutions*

| | Church | Education | Gardaí | Social Welfare system | Healthcare System | Politicians | The Courts System |
|---|---|---|---|---|---|---|---|
| A great deal | 5.4 | 13.0 | 22.7 | 5.5 | 16.1 | 0.9 | 11.3 |
| Quite a lot | 23.5 | 55.0 | 54.0 | 45.6 | 48.5 | 13.6 | 50.1 |
| Not very much | 43.9 | 28.6 | 19.4 | 36.1 | 29.3 | 53.6 | 27.8 |
| None at all | 26.8 | 3.2 | 3.5 | 7.4 | 4.7 | 29.9 | 7.2 |
| Total | 99.5 | 99.8 | 99.6 | 94.5 | 98.7 | 98.0 | 96.5 |

Source: GUI data from the third wave of the '98 cohort.

Of the six institutions, young people overall had least confidence in the Church and politicians, followed by the social welfare system and the courts. Overall, high levels of confidence were expressed for the Gardaí. Young people who come into conflict with the law had lower confidence in the Court system and the Gardaí, compared to those not in conflict with the law (*Table 8*).

*Table 8. Confidence in state institutions and conflict with the law*

| | Ever been convicted of an offense? | N | Mean | SD | t | df | Sig. | Effect size |
|---|---|---|---|---|---|---|---|---|
| Confidence in Church | No | 5554 | 2.91 | 0.844 | -4.347 | 6118 | <.001 | 0.843 |
| | Yes | 556 | 3.07 | 0.839 | | | | |
| Confidence in education | No | 5572 | 2.2 | 0.693 | -6.951* | 663.382 | <.001 | 0.70 |
| | Yes | 567 | 2.43 | 0.707 | | | | |
| Confidence in Gardaí | No | 5563 | 1.99 | 0.726 | -11.949* | 657.682 | <.001 | 0.735 |
| | Yes | 566 | 2.42 | 0.822 | | | | |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Confidence in Social Welfare system | No | 5288 | 2.47 | 0.713 | -3.235* | 623.972 | 0.001 | 0.721 |
| | Yes | 535 | 2.58 | 0.796 | | | | |
| Confidence in healthcare system | No | 5516 | 2.23 | 0.769 | -1.145* | 665.757 | 0.232 | 0.773 |
| | Yes | 553 | 2.27 | 0.81 | | | | |
| Confidence in politicians | No | 5478 | 3.13 | 0.672 | -4.370* | 659.571 | <.001 | 0.674 |
| | Yes | 553 | 3.28 | 0.699 | | | | |
| Confidence in the Courts | No | 5396 | 2.3 | 0.769 | -6.927* | 655.943 | <.001 | 0.772 |
| | Yes | 548 | 2.54 | 0.793 | | | | |

*Equal variances not assumed

There was a small, but highly significant relationship between coming into conflict with the law and confidence in many state institutions (P < .001). With the exception of confidence in the healthcare system, young people who had come into conflict with the law had statistically significant, lower confidence in these institutions than their counterparts.

***Perceptions of the condition of neighbourhood.***

Questions were asked about the frequency of rubbish laying around, graffiti, condition of houses and gardens, vandalism and drunkenness and drug taking as follows:

- How common in the local area - Homes and gardens in bad condition.
- How common in the local area - Rubbish and litter lying about.
- How common in the local area - Vandalism and deliberate damage to property.
- How common in the local area - People being drunk or taking drugs in public.

The scores for these responses were aggregated into a 'total condition of neighbourhood' score. Higher scores indicating a more negative perception of the condition of their neighbourhood. Higher scores on overall condition of their

neighbourhood were associated with the likelihood of young people coming into conflict with the law ($r_s$ = -.069, P < .001).

***Is my neighbourhood safe?***

There was a difference in responses between primary caregivers and young people regarding the safety of their neighbourhood, with caregivers perceiving their neighbourhood as safer than the young people. For the reasons stated above, this analysis focuses on the young people's responses to these questions. There was a statistically significant correlation between a young person's endorsement of safety of neighbourhood and young people in conflict with the law ($r_s$ = -0.062, P < .001). In other words, the less safe young people considered their neighbourhood to be, the more likely they were to come into conflict with the law.

***Quality of family and peer relationships.***

A number of questions address the quality of the relationship between young people and primary caregivers, teachers and peers. Analysis indicates a number of correlations between the quality of those relationships and young people in conflict with the law.

Primary caregiver disclosure, as a measure of indicators of positive attachment styles and open communication, was correlated to lower conflict with the law. Having a positive experience of relationships with people in the home was correlated with lower conflict with the law. Positive peer attachments and open communication with peers were correlated with lower conflict with the law.

Negative primary caregiver behaviours, such as higher scores on conflict and unreliability, were correlated with higher levels of conflict with the law.

***Anti-social behaviours, alcohol consumption, smoking and sexual activity***

A series of questions addressed frequency of anti-social behaviours. All of these behaviours with the exception of 'Taken money or something that did not belong to you from your home' had very small, but significant correlations with being in conflict with the law. Patterns of responses differed between those in conflict with the law and those not in conflict with the law (*Table 9*).

*Table 9. Correlations of anti-social behaviours and conflict with the law.*

| | M2. Ever been in trouble with the Gardai (excluding minor traffic offences) reverse scored. |
|---|---|
| M1a. Taken something from a shop or store without paying for it | .055** |
| M1b. Not paid the correct fare on a bus or train | .053** |
| M1c. Behaved badly in public so that people complained and you got into trouble | .058** |
| M1g. Deliberately damaged or destroyed property that did not belong to you | .060** |
| M1i. Written things or sprayed paint on things that do not belong to you | .042** |
| M1k. Taken money or something else that did not belong to you from your home | -0.008 |
| M1n. Hit, kicked or punched someone on purpose in order to hurt or injure them | .082** |
| M1q. Purposely hurt or injured a bird or an animal | .031* |

*Correlation significant to P < .01

** Correlation significant to P < .001 The question in the GUI dataset was coded 1 for 'yes' and 2 for 'no'. This question has been reverse coded from the original data.

Higher levels of sexual activity, higher levels of alcohol consumption and smoking were all correlated with conflict with the law.

***Measures of cognitive ability.***

Cognitive reasoning is considered an indicator of likelihood of coming into conflict with the law.[540] Young people's performance on the vocabulary, mathematical reasoning and word recognition tests that were carried out in wave 3 of the survey was taken as a measure of cognitive reasoning ability. Vocabulary (naming) and maths cognitive tests were all negatively correlated with young people being in conflict with the law with higher scores relating to lower probability of conflict with the law. Having a general learning disability was positively related to young people being in conflict with the law, as was lower scores on the adult identity resolution scale (AIRS), a measure of psycho-social development (*Table 10*).[541]

[540] Beaver K.M., Schwartz J.A., Nedelec J.L., Connolly E.J., Boutwell B.B., and Barnes J.C., "Intelligence is associated with criminal justice processing: Arrest through incarceration" (2013) 41(5) *Intelligence* 277.

[541] Murphy, D., Quail, A., Williams, J., Gallagher, S., Murray, A., McNamara, E., and O'Mahony, D., A., *Summary Guide to Wave 3 Of Growing Up in Ireland's Child cohort (AT 17/18 YEARS)* (Dublin: ESRI, 2018).

*Table 10. Correlation of conflict with the law and cognitive measures*

| | M2. Ever been in trouble with the Gardai (excluding minor traffic offences) |
|---|---|
| Cognitive Naming Total | -.048** |
| Cognitive Maths Total | -.104** |
| Does young person have a general learning disability | .072** |
| Scale (AIRS) Wave 3 | -0.007 |

** Correlation significant to P < .001

Note: scores on the AIRS are not statistically significant, however lasso regression (presented later in this analysis) retains this factor as contributing to the model and so is presented here.

***Mental health status of young people***

Questions pertaining to the mental health and wellbeing of the young person in the GUI survey were examined. Having an emotional or psychological condition was positively correlated with young people in conflict with the law (rs= .039, P < .001). Frequency of young people contacting a helpline in the last 12 months was also positively correlated with young people in conflict with the law ($r_s$= .045, P<.001).

***Personality factors (TIPI scales)***

The TIPI personality scale is a brief ten item inventory which measures five personality factors. The five subscales capture measures of Extraversion, Agreeableness, Conscientiousness, Emotional Stability, and Openness to Experience respectively.[542] In the GUI sample at wave 3, higher scores on conscientiousness indicated less likelihood of young people coming into conflict with the law, while higher scores on agreeableness and extraversion were correlated with young people coming into conflict with the law. Research suggests that people scoring higher on conscientiousness are more likely to assess risk before acting, while extraversion is related to sensation-seeking behaviour.[543] Agreeableness is a trait associated with being more likely to engage in

[542] Gosling, S. D., Rentfrow, P. J., and Swann, W. B. Jr., "A very brief measure of the Big Five personality domains" (2003) 37 *J. Res. Pers.* 504.

[543] Knust, S. and Stewart, A. L., "Risk-Taking Behaviour and Criminal Offending: An Investigation of Sensation Seeking and the Eysenck Personality Questionnaire" (2002) 46(5) *International Journal of Offender Therapy and Comparative Criminology* 586; McGhee, R., Ehrler, D., Buckhalt, J., and Phillips, C., "The Relation between Five-Factor Personality Traits and Risk-Taking Behavior in Preadolescents" (2012) 3 *Psychology* 558.

pleasing behaviour. It is theorised that higher scores on agreeableness encourages group cohesion. People with higher scores on agreeableness are less likely to disrupt group norms. The GUI study also measures control - young people who had higher scores in internal locus of control measures were less likely to come into conflict with the law.[544]

*Table 11. Correlation of 5 personality factors from the TIPI inventory and conflict with the law*

| | Correlation with conflict with the law | N |
|---|---|---|
| YP TIPI extravert subscale | 0.056** | 6,138 |
| YP TIPI agreeable subscale | -0.068** | 6,136 |
| YP TIPI conscientiousness subscale | -0.080** | 6,139 |
| YP TIPI emotional stability subscale | -0.014 | 6,140 |
| YP TIPI openness subscale | 0.036** | 6,136 |

**Correlation significant to P< .001

### *b. A network analysis of factors identified as having significant correlations with young people coming into conflict with the law in Ireland*

Network analysis is a relatively new approach to the examination of factors influencing outcomes for people. The results from our literature review suggest that there are multiple factors influencing the likelihood of a young person coming into conflict with the law. However, it is unclear from the univariate correlations reported above how variables are related to one another. Network analysis allows the examination of those relationships in a number of ways. Firstly, comparative network analysis (CAN) allows us to examine if there are differences between the relationships between the variables for young people coming into conflict with the law as compared to young people who have not come into conflict with the law. Secondly, we can examine the differences in strength of connections between factors influencing each network. Network analysis allows for the consideration of co-occurring and overlapping factors. It can also make manifest the complex dynamics between multiple factors at once, which is of particular

[544] Rotter, J. B., "Generalized expectancies for internal versus external control of Reinforcement" (1966) 80 *Psychological Monographs: General and Applied* 1.

interest here and allows comparison between the two groups.[545] Examination of differences across networks may allow the identification of factors central to a network for a group (a hub) and highlight indicators worthy of further examination. As networks are rendered into the same space and orientation, we can visually compare networks and see the relationships between factors (expressed as proximity or distance in the network) visually.

***Selection of initial 115 variables for consideration***

So far, we have only looked at variables that were highlighted by the literature review as important. However, this may miss confounding factors, or overemphasis collinear factors while highlighting spurious correlations. To start to examine this in a systematic way, variables were considered for inclusion if they had an adequate sample size across groups and had a significant correlation with coming into conflict with the law ($P < .05$ ). This reduced the data set to 115 variables which were considered for analysis (see Appendix C for a full list of 115 variable considered). A lasso regression was then conducted using these 115 variables in order to further reduce the size of the network. Lasso regression is a technique that reduces the number of independent variables to increase the accuracy of the analysis and produce a more manageable range of factors. Certain risk factors which significantly related to conflict with the law were excluded by lasso regression due to a low sample response. For example, while frequency of smoking had a highly significant correlation with conflict with the law, it was excluded due to low sample size relative to the overall sample. Quality of peer attachment was also excluded by lasso regression. The regression was run using multiple variable sets to ensure the most salient variables were retained. This resulted in 40 factors which account for the highest variance in the model (*Table 12*). A small number of factors emerged as having a statistically significant correlation with conflict with the law. This is expected with a large sample size. It also mirrors our literature review suggesting the complex nature of young people in conflict with the law. Appendix D presents the correlation of conflict with the law and 40 factors identified in lasso regression.

[545] Astle, D. E. and Fletcher-Watson, S., "Beyond the Core-Deficit Hypothesis in Developmental Disorders" (2020) 29(5) *Current Directions in Psychological Science* 431.

*Table 12. Variables for network analysis following lasso regression.*

| Retained variables | Beta coefficient | |
|---|---|---|
| Stressful life events total | 0.0073 | ** |
| Does young person have a psychological or emotional condition? | 0.0050 | ** |
| Is young person still in education? | -0.0233 | ** |
| Does the young person have a general learning difficulty? | 0.0062 | ** |
| What age did you (PCG) first leave full time education? | 0.0118 | ** |
| How much confidence in the police/Gardaí | -0.0437 | ** |
| Young person perception of condition of neighbourhood total | -0.0143 | ** |
| Agree or not- this is a safe area | -0.0001 | ** |
| How many times in last 12 months consulted helplines (for physical or mental health difficulties?) | 0.0112 | ** |
| On average how well would you say members of your household get on? | -0.0095 | ** |
| Adult Identity Resolution Scale | -0.0222 | |
| Belief in work | -0.0030 | |
| Belief in sex equality | -0.0642 | ** |
| EDS discrimination scale | 0.0700 | ** |
| Young person level of sexual activity | 0.0355 | ** |
| Mother conflict subscale | 0.0026 | ** |
| Mother unreliability subscale | 0.0072 | ** |
| Young person report control | -0.0386 | ** |
| Coping strategy indicator- seeking social support indicator | -0.0505 | ** |
| Coping strategy indicator- avoidance subscale | 0.0185 | ** |
| Internet addiction total score | -0.0238 | ** |
| PCG disclosure subscale | -0.0141 | ** |
| SDQ emotional subscale | -0.0357 | ** |
| SDQ conduct subscale | 0.0114 | ** |
| SDQ hyperactivity subscale | 0.0445 | ** |
| Household type at wave 3 | -0.0512 | ** |
| Young person AUDIT total (alcohol consumption) | 0.1763 | ** |

| | | |
|---|---|---|
| Total score - opposition to authority scale | 0.0834 | ** |
| Total score - fear of love withdrawal scale | -0.0153 | ** |
| How much confidence in the courts system? | -0.0112 | ** |
| Cognitive naming total | -0.0100 | ** |
| Cognitive maths total | -0.0917 | ** |
| How often in the last year - taken something from a shop or store without paying for it | 0.0157 | ** |
| How often done in the last year - not paid the correct fare on a bus or train | 0.0094 | ** |
| How often done in the last year - behaved so badly that people complained or got you in trouble | 0.0075 | ** |
| How often done in the last year - deliberately damaged or destroyed property that did not belong to you | 0.0047 | ** |
| How often done in the last year - written things or sprayed paint on things that did not belong to you | 0.0173 | ** |
| How often done in the last year - taken money or something else that did not belong to you from home | 0.0154 | ** |
| How often in the last year - hit, kicked or punched someone on purpose in order to hurt them | 0.0636 | ** |
| How often in the last year - purposely hurt or injured a bird or animal | 0.0071 | ** |

Note. ** Spearman correlation with conflict with the law is significant at the 0.01 level

While all of these factors correlate with young people in conflict with the law, these correlations are small. This suggests a complex relationship between many factors and it is likely that some are risk factors, while others are protective. Two variables (Adult Identity Resolution Scale and Belief in work) were not significant but were still retained as useful by the Lasso regression.

Some factors regarding quality of relationship with primary caregiver and peers were filtered out during the lasso regression analysis. However, there are a number of factors retained pertaining to family members and primary caregivers. Quality of relationships with those in the home was an indicator of lower levels of conflict with the law, higher scores being protective, while fear of love withdrawal by primary caregiver was also a protective factor. Disclosure to primary caregiver, i.e. how likely the young person was to confide in their primary caregiver, was also a protective factor. Higher

primary caregiver scores on conflict and unreliability scales were more common in the young people in conflict with the law group.

Positive coping strategies such as young people seeking support was negatively associated with coming into conflict with the law, while avoidant coping strategies were positively correlated with conflict with the law. Risk taking behaviours such as higher levels of sexual activity, alcohol consumption and antisocial behaviours (Factors 33-40, see *Figure 3* below) were all indicative of a higher likelihood of coming into conflict with the law. A higher score on the internet addiction scale was associated with a lower likelihood of coming into conflict with the law. Higher scores on the cognitive tests, staying in education, having a primary caregiver who stayed in education and higher level of maturity (Adult Identity Resolution Scale) were all protective factors. Higher levels of trust in the Gardaí and courts were associated with being less likely to come into conflict with the law. The directionality of this relationship cannot be established from this analysis; therefore, we cannot state if a low level of trust in the Courts and Gardaí is a precursor to conflict with the law or vice versa. Higher scores on 'condition of neighbourhood' indicate a more negative perception of condition of neighbourhood. Higher scores in relation to the condition of their neighbourhood and not feeling safe in their neighbourhood were correlated with young people coming into conflict with the law.

### *c. A network analysis of young people coming into conflict with the law compared to young people not coming into conflict with the law*

For this report we consider two groups: young people in conflict with the law and young people who have not come into conflict with the law. From the data, we can examine how the two groups differ in terms of the relationships between factors and the strength of those relationships. All 40 variables contributed to the model and were included in the network analysis.

#### *Data preparation*

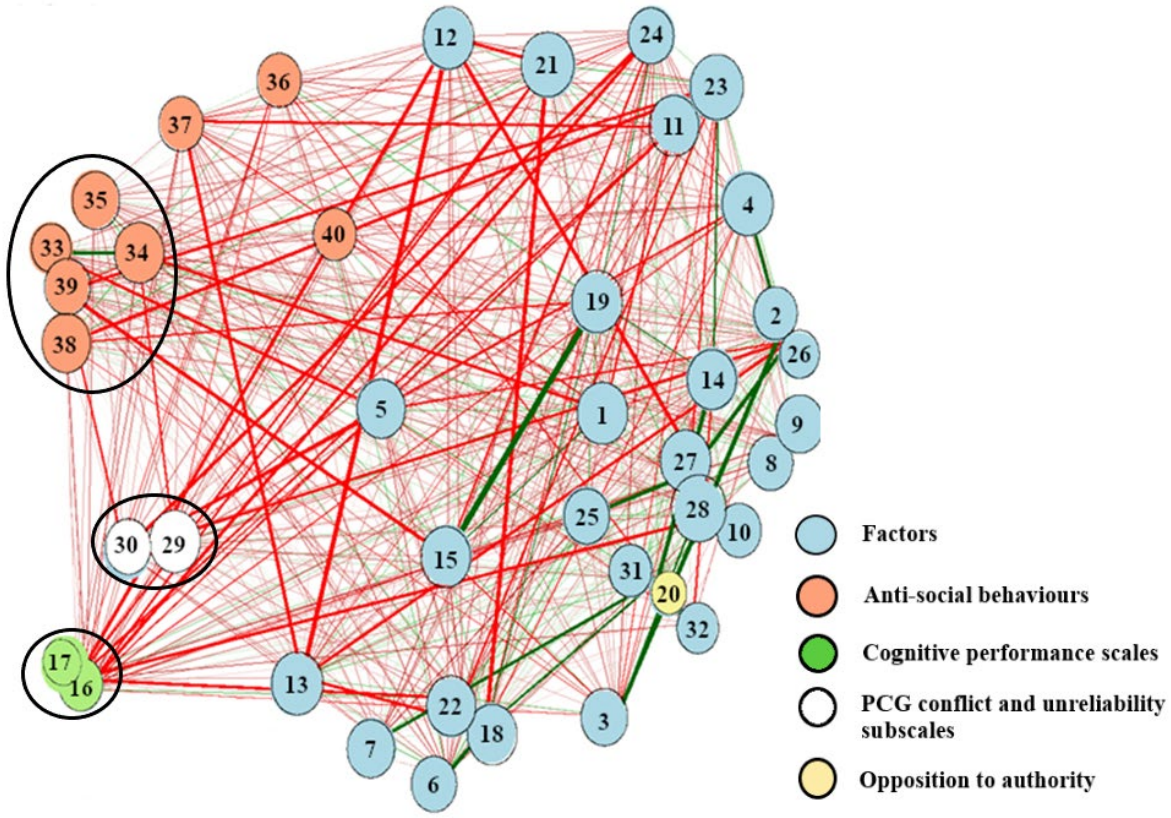
Non-metric multidimensional scaling (NMDS) is a method of data reduction which allows for the representation of elements, in this case factors in graphical format. In order to prepare the data for NMDS analysis, it was necessary to ensure that all factors had consistent directionality – that is all factors either ran from positive to negative

along a continuum.[546] The analysis was anchored on the response to the question 'Have you ever been in trouble with the Gardaí, excluding minor traffic offenses?', 1 being no and 2 being yes (suggesting 'conflict with the law'). Subsequent factors were therefore coded from positive to negative. For example, condition of neighbourhood scored from 4 to 16, higher scores indicting a poorer condition of neighbourhood. Decisions regarding categorical variables such as household type were grounded in the findings from the previous analyses. Therefore, single primary caregiver households were coded 2, while two primary caregiver households were coded 1. The dataset was then split between those who had come into conflict with the law (N = 567) and those who had not (N = 5,575).

Each dataset was then converted to a non-parametric similarity matrix (Spearman's r) in SPSS. These matrices were then used to produce a dissimilarity matrix and conduct a multidimensional scaling network analysis in R Studio. Once these has been produced the matrices were then subjected to Generalized Procrustes Analysis (GPA) which reflects each matrix into a common space. That is, the scale and orientation of both networks are the same in the two-dimensional space. This ensures that the matrices can be compared in a meaningful way. Goodness of fit - a measure of how well the network fits the space - for the matrices was good at .98.

[546] Hurley, E., *The Development of an Idiographic Method of Measurement for Use in Dynamic Assessment* (PhD Thesis, University College Cork, 2020).

*Figure 3. A network of factors for young people who have not come into contact with the law, N=5575*




| | | | |
|---|---|---|---|
| 1 | Stressful life events total | 21 | Mother – fear of love withdrawal |
| 2 | Has young person ever had a psychological or emotional condition? | 22 | Coping strategy indicator- seeking social support indicator |
| 3 | Does the young person have a general learning difficulty? | 23 | Coping strategy indicator- avoidance subscale |
| 4 | Consulted helplines - for physical or mental health difficulties* | 24 | Internet addiction total score |
| 5 | Household type at wave 3 | 25 | PCG disclosure |
| 6 | Is YP still in education? | 26 | SDQ emotional subscale |
| 7 | Age PCG left school for first time | 27 | SDQ conduct subscale |
| 8 | Young person perception of condition of neighbourhood total | 28 | SDQ hyperactivity subscale |
| 9 | YP agree or not. This is a safe area | 29 | Cognitive naming total |
| 10 | How well would you say members of your household get on | 30 | Cognitive maths total |
| 11 | Adult Identity Resolution Scale | 31 | Confidence in the Gardaí |
| 12 | Belief in value of work | 32 | Confidence in the courts |
| 13 | Belief in sex equality | 33 | Taken something from a shop or store without paying for it* |
| 14 | EDS discrimination scale | 34 | Not paid the correct fare on a bus or train* |
| 15 | Young person level of sexual activity | 35 | Behaved so badly that people complained or got you in trouble* |
| 16 | Mother conflict subscale | 36 | Deliberately damaged or destroyed property that did not belong to you* |
| 17 | Mother unreliability subscale | 37 | Written things or sprayed paint on things that did not belong to you* |
| 18 | Young person report control | 38 | Taken money or something else that did not belong to you from home* |
| 19 | Young person AUDIT total (alcohol consumption) | 39 | Hit, kicked, or punched someone on purpose in order to hurt them* |
| 20 | Total score- opposition to authority scale | 40 | Purposely hurt or injured a bird or animal* |

* Frequency in the last 12 months

Anti-social behaviours form a cluster to the left of the network; generally, edges between these factors are positive (green) but weak, suggesting participation in one behaviour does not predict behaviour in another; with the exception of Factor 33 "Taken something from a shop or store without paying for it" and Factor 34 "Not paid the correct fare on a bus or train". Connection between other factors in the network tend to be direct – i.e. their effect is not moderated by mediating factors. There is a moderate relationship between damage to property and cognitive maths total, suggesting that young people with lower scores on this factor are more likely to damage property. There was a similar relationship between cognitive naming total and graffiti. Factor 40 relating to harming animals is separate from the cluster, suggesting the nature of this factor is dissimilar to the others.

A diagnosis of an emotional or psychological condition and young people's scores on the emotional scale of the SDQ are closely related. Total scores on condition of neighbourhood and young person's perceptions of safety of that neighbourhood are very close together.

In terms of moderating influences in the network, there is a strong negative correlation between the reverse-scored Adult Identity Resolution Scale (AIRS), depicted by a red edge between these factors, and household type (coded 1=two primary caregivers and 2=single primary caregiver). This means that two primary caregiver households were related to higher identity resolution.

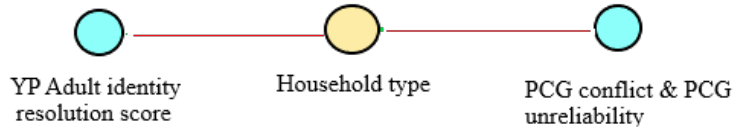



*Figure 4: Three nodes in the network of young people who have not come into conflict with the law*

Note. Household type mediates young person's AIRS and primary caregiver (PCG) negative parenting behaviour in a sample of young people who have not come into conflict with the law.

This suggests that the impact of primary caregiver's conflict and unreliability is moderated by household type (one or two caregivers in the household), young people from two caregiver households being likely to have a higher score on the adult identity resolution scale. Interestingly, this pattern is not seen in the conflict with the law group, household type having very few connections in the network and where there are connections, they are weak.

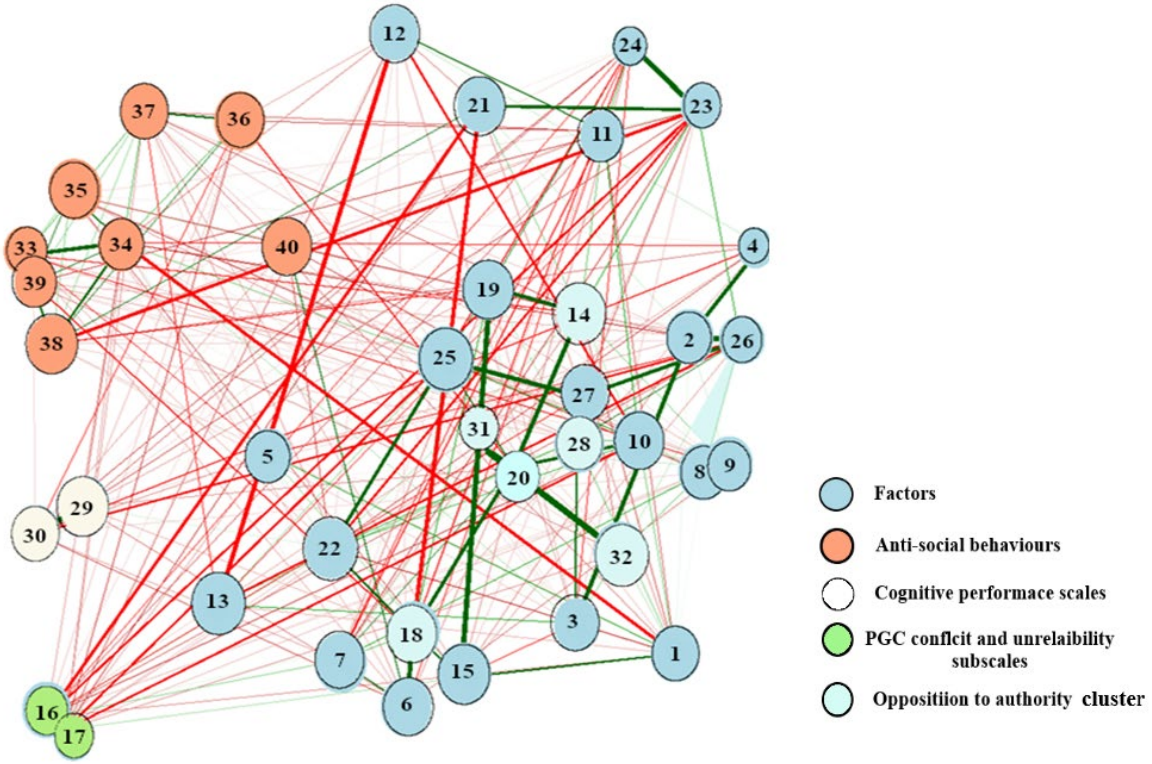
There is a positive edge between young person's retention in school and young person's reported control.

Mothers' unreliability subscale and mothers' conflict subscale are negatively associated with a number of factors. The factors have negative edges with both cognitive scales, suggesting that negative parenting characteristics directly impacts cognitive performance. These two factors also negatively relate to young person disclosure and seeking support as a coping strategy, suggesting that negative parenting styles impact effective communication between the primary caregiver and the young person**.** Young people's scores on hyperactivity and conduct are closely related to how well the young person feels members of their family get on. There is a positive edge between primary caregiver disclosure and young people's conduct.

There is a strong, positive edge between alcohol consumption and sexual activity. Sexual activity shares a negative edge with primary caregiver disclosure, suggesting that negative communication styles between the primary caregiver and the young person increases the likelihood of this behaviour. Total number of stressful life events is also positively related to sexual activity and negatively associated with value of work.

When taken together, these findings suggest that the behaviour of young people who have not come into conflict with the law is moderated by factors associated with their relationships with significant adults in their lives – particularly their primary and secondary caregivers.

*Figure 5. A network of factors for young people who have come into conflict with the law (N=567)*




| | | | |
|---|---|---|---|
| 1 | Stressful life events total | 21 | Mother – fear of love withdrawal |
| 2 | Has young person ever had a psychological or emotional condition? | 22 | Coping strategy indicator- seeking social support indicator |
| 3 | Does the young person have a general learning difficulty? | 23 | Coping strategy indicator- avoidance subscale |
| 4 | Consulted helplines - for physical or mental health difficulties* | 24 | Internet addiction total score |
| 5 | Household type at wave 3 | 25 | PCG disclosure |
| 6 | Is YP still in education? | 26 | SDQ emotional subscale |
| 7 | Age PCG left school for first time | 27 | SDQ conduct subscale |
| 8 | Young person perception of condition of neighbourhood total | 28 | SDQ hyperactivity subscale |
| 9 | YP agree or not. This is a safe area | 29 | Cognitive naming total |
| 10 | How well would you say members of your household get on | 30 | Cognitive maths total |
| 11 | Adult Identity Resolution Scale | 31 | Confidence in the Gardaí |
| 12 | Belief in value of work | 32 | Confidence in the courts |
| 13 | Belief in sex equality | 33 | Taken something from a shop or store without paying for it* |
| 14 | EDS discrimination scale | 34 | Not paid the correct fare on a bus or train* |
| 15 | Young person level of sexual activity | 35 | Behaved so badly that people complained or got you in trouble* |
| 16 | Mother conflict subscale | 36 | Deliberately damaged or destroyed property that did not belong to you* |
| 17 | Mother unreliability subscale | 37 | Written things or sprayed paint on things that did not belong to you* |
| 18 | Young person report control | 38 | Taken money or something else that did not belong to you from home* |
| 19 | Young person AUDIT total (alcohol consumption) | 39 | Hit, kicked, or punched someone on purpose in order to hurt them* |
| 20 | Total score- opposition to authority scale | 40 | Purposely hurt or injured a bird or animal* |

* Frequency in the last 12 months

What is notable here, compared to the young people who had not come into conflict with the law group, is the lower number of very small edges between factors, suggesting a clearer, dynamic interaction between key factors and young people in conflict with the law. Anti-social behaviours, denoted in light salmon, form a cluster in the left hand of the network. There are strong positive edges between most of these factors; Factor 40, 'have you ever hurt an animal' is distanced from the cluster which may suggest it is characterised not as anti-social behaviour or delinquency but something else. 'Taken something from a store' and 'not paying the correct bus fare' have a strong positive edge between them and appear close together on the map and have strong edges with 'taken money from home'. There is a positive edge between graffiti and destroyed or damaged property. The clustering of these factors suggest they are strongly related, while the positive edges suggest that young people in conflict with the law engaging in one are likely to engage in others (with the exception of harming an animal). There is a positive association between harming an animal and the age young people left school.

Opposition to authority and confidence in the Gardaí while negatively correlated, are very close together suggesting a strong relationship between the two. Opposition to authority is a mediating factor between a number of factors in this network (*Figure 6*), suggesting that it may be central to some processes. While the directionality of these relationships is not established, findings from the qualitative analysis suggest that young people in conflict with the law's experience of Gardaí after their first contact is associated with increased distrust. There is a strong positive edge between opposition to authority and confidence in the courts. Once again directionality cannot be established here and warrants further investigation.

Total scores of stressful life events are related to higher levels of sexual activity, negatively related to support as a coping strategy, and positively related to household type, suggesting that young people from single primary caregiver households are more likely to report a higher number of stressful life events. It should be noted that losing a primary caregiver through death or separation was not controlled for in this study, therefore a certain number of young people from single primary caregiver households will, by default, have experienced a higher number of stressful life events.

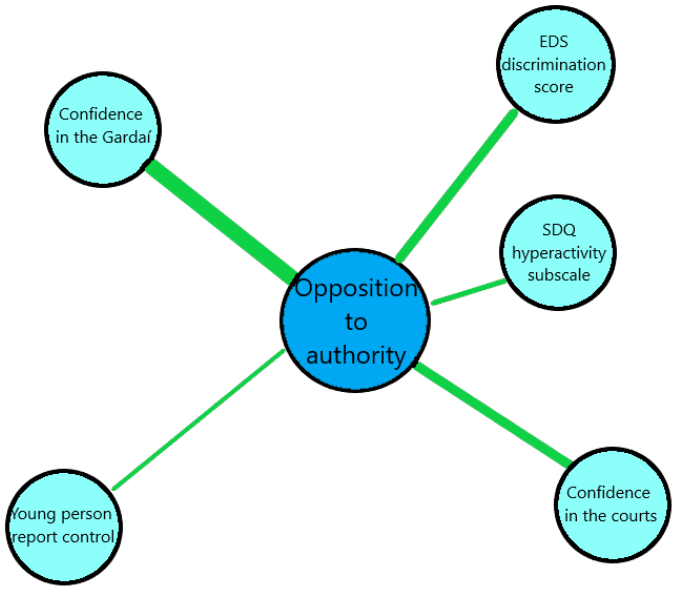



*Figure 6: The Opposition to Authority cluster in the network for young people who have come into conflict with the law*

There is a strong positive relationship between internet addiction and avoidance as a coping strategy. There is a strong edge between young people having an emotional and psychological disorder and frequency of contacting helplines. There is also a negative edge between young people having an emotional or psychological condition and how well their family members get on. There is a strong positive edge between higher scores on the experiencing discrimination scale and alcohol consumption and opposition to authority.

There are similarities between this network and the young people who have not come into conflict with the law group. Primary caregiver conflict and primary caregiver unreliability occupy the same space; this suggests a dynamic between these two factors. There is a strong positive edge between young people's conduct and primary caregiver disclosure. Taken together, they suggest that a good relationship between primary caregiver and young people may serve as a protective factor. 'Condition of neighbourhood' and 'perception of safety of neighbourhood' occupy the same space.

The results of the descriptive analysis above, coupled with the network analysis suggest that household type, relationship with primary caregiver, stressful life events, internal factors such as cognitive ability and control, and socio-economic status all

contribute to the likelihood of young people coming into conflict with the law. The network analysis strongly indicates that these factors contribute to the likelihood of a young person coming into conflict with the law in a dynamic fashion.

### 3.2.6 Discussion

Consistent with the findings of our literature review, results of the descriptive analysis identified that a wide range of factors (individual, family, community, institutional) play a role in the pathways of young people into and away from offending behaviour. Gender (male), personality factors (agreeableness, extraversion), and lower cognitive ability and control were found to be associated with an increased risk of coming into conflict with the law. This aligns with the international research in the first part of this study which has identified individual factors such as being male,[547] having learning difficulties and variations in personality traits, including high levels of impulsivity and low self-control, as positively correlated with engagement in offending behaviour.[548] In addition, attitudes towards the court and Gardaí, and perceptions of neighbourhood condition and safety, were associated with coming into conflict with the law.

The literature has also explored the complex relationship between mental health and young people coming into conflict with the law[549] and current findings indicate an increased risk of offending behaviour among those with emotional and psychological difficulties. Multiple stressful life events were positively related to conflict with the law,

[547] Junger-Tas, J., Ribeaud, D. and Cruyff, M.J.L.F., "Juvenile Delinquency and Gender" (2004) 1(3) *European Journal of Criminology* 333, at p.355; Rocque, M., Posick, C., Marshall, I.H. and Piquero, A.R., "A comparative, cross-cultural criminal career analysis" (2015) 12(3) *European Journal of Criminology* 400, at p.413.

[548] Salmi, V. and Kivivuori, J., "The Association between Social Capital and Juvenile Crime: The Role of Individual and Structural Factors" (2006) 3(2) *European Journal of Criminology* 123, at p.142; Irish Youth Justice Service, *Designing effective local responses to youth crime: A Baseline analysis of the Garda Youth Diversion Projects* (Dublin: Department of Justice and Law Reform, 2009) at p.28; Farrington, D.P., "Cross-national comparative research on criminal careers, crime and punishment" (2015) 12(4) *European Journal of Criminology* 386, at p.392; Hill, J., Blokland, A.A.J., and van der Geest, V.R., "Risk factors for self-reported delinquency in emerging adulthood" (2018) 15(5) *European Journal of Criminology* 544, at p.554; Savage, J. and Ellis, S., "Academic Achievement, School Attachment, and School Problems in the Differential Etiology of Violence" (2018) *Journal of Developmental and Life-Course Criminology* 1.

[549] Wasserman, G. A., McReynolds, L. S., Ko, S. J., Katz, L. M., and Carpenter, J. R., "Gender differences in psychiatric disorders at juvenile probation intake" (2005) 95(1) *American Journal of Public Health* 131; Copeland, W., Miller-Johnson, S., Keeler, G., Angold, A., and Costello, E. J., "Childhood psychiatric disorders and young adult crime: A prospective, population-based study" (2007) 164(11) *American Journal of Psychiatry* 1668, at p.1673; Graves K., Frabutt J., and Shelton T., "Factors Associated With Mental Health and Juvenile Justice Involvement Among Children With Severe Emotional Disturbance" (2007) 5(2) *Youth Violence and Juvenile Justice* 147; Reising, K., Ttofi, M.M., Farrington, D.P., and Piquero, A.R., "Depression and anxiety outcomes of offending trajectories: A systematic review of prospective longitudinal studies" (2019) 62 *Journal of Criminal Justice* 3; Fanti, K.A., Colins, O.F., and Andershed, H., "Unraveling the longitudinal reciprocal associations between anxiety, delinquency and depression from early to middle adolescence" (2019) 62 *Journal of Criminal Justice* 29, at p.31.

supporting a body of literature reflecting the negative effects of childhood adversity.[550] Results provide further support for existing research which has identified anti-social and risk-taking behaviours as correlates of offending behaviour.[551]

Family dynamics were also identified as potential risk factors, with one-parent families and low socio-economic status (low income, limited levels of parental education, early school leaving) associated with an increased likelihood of coming into conflict with the law. This is consistent with an extensive body of literature on the vulnerability of children to aspects of their family environment.[552] However, consistent with the literature review, our findings indicated the buffering effect of family relations, with strong primary caregiver/family relationships, attachment, supervision/monitoring and open communication identified as protective factors. Results similarly pointed to the protective role of positive peer relations in reducing the risk of engaging in criminal behaviour. These findings are compatible with the literature which has explored the complex and multi-directional influence of family/peer relations on offending behaviour, having the potential to direct young people towards or equally out of conflict with the law.[553] Results thereby reaffirm the wide variety of variables which may

[550] Smith, D., Leve, L., and Chamberlain, P., "Adolescent girls' offending and health-risking sexual behavior: The predictive role of trauma" (2006) 11(4) *Child Maltreatment* 346; Dierkhising, C., Ko, S., Woods-Jaeger, B., Briggs, E., Lee, R., and Pynoos, R., "Trauma histories among justice-involved youth: findings from the National Child Traumatic Stress Network" (2013) 4(1) *European Journal Of Psychotraumatology* 20274; Baglivio, M.P., and Epps, N., "The Interrelatedness of Adverse Childhood Experiences Among High-Risk Juvenile Offenrs" (2016) 14(3) *Youth Violence and Juvenile Justice* 179; Craig, J.M., Piquero, A.R., Farrington, D.P., and Ttofi, M.M., "A little early risk goes a long bad way: Adverse Childhood Experiences and life-course offending in the Cambridge study" (2017) 53 *Journal of Criminal Justice* 34.

[551] Hill, J., Blokland, A.A.J., and van der Geest, V.R., "Risk factors for self-reported delinquency in emerging adulthood" (2018) 15(5) *European Journal of Criminology* 544, at p. 554; Van der Laan, A.M., Blom, M., and Kleemans, E.R., "Exploring Long-Term and Short-Term Risk Factors for Serious Delinquency" (2009) 6(5) *European Journal of Criminology* 419, at p.431.

[552] McNulty, T. L. and Bellair, P. E., "Explaining racial and ethnic differences in adolescent violence: Structural disadvantage, family well-being, and social capital" (2003) 20(1) *Justice Quarterly* 1, at pp.5-6; Demuth, S. and Brown, S. L., "Family Structure, Family Processes, and Adolescent Delinquency: The Significance of Parental Absence Versus Parental Gender" (2004) 41(1) *Journal of Research in Crime and Delinquency* 58; Haynie, D., Silver, E., and Teasdale, B., "Neighborhood characteristics, peer networks, and adolescent violence" (2006) 22(2) *Journal of Quantitative Criminology* 147; Hartinger-Saunders, R. M., Rittner, B., Wieczorek, W., Nochajski, T., Rine, C. M., and Welte, J., "Victimization, psychological distress and subsequent offending among youth." (2011) 33(11) *Children and Youth Services Review* 2375.

[553] Van der Laan, A.M., Blom, M., and Kleemans, E.R., "Exploring Long-Term and Short-Term Risk Factors for Serious Delinquency" (2009) 6(5) *European Journal of Criminology* 419, at p.431**;** McAra, L. and McVie, S., "Youth crime and justice: Key messages from the Edinburgh study of Youth Transitions and Crime" (2010) 10(2) *Criminology and Criminal Justice* 179, at p.187; Bors, K. and Reinecke, J., "Explaining the development of adolescent violent delinquency" (2010) 7(6) *European Journal of Criminology* 499, at p.513; Hoeve, M., Stams, G. J. J., Van der Put, C. E., Dubas, J. S., Van der Laan, P. H., and Gerris, J. R., "A Meta-analysis of Attachment to Parents and Delinquency" (2012) 40(5) *Journal of Abnormal Child Psychology* 771; Smith, D.J. and Ecob, R., "The influence of friends on teenage offending: How long does it last?" (2013) 10(1) *European Journal of Criminology* 40; Farrington, D.P., "Cross-national comparative research on criminal careers, crime and punishment" (2015) 12(4) *European Journal of Criminology* 386,

increase or decrease the risk of young people coming into conflict with the law, with the relatively small, but significant, correlations indicating the need for a network analysis to explore the potentially dynamic interaction between these factors and offending behaviour.

Results of the descriptive analysis, coupled with the network analysis, suggest that household type, relationship with primary caregiver, stressful life events, internal factors such as cognitive ability and control and socio-economic status all contribute to the likelihood of young people coming into conflict with the law. Given that no one factor has a high correlation with young people coming into conflict with the law, these factors contribute to the likelihood of a young person coming into conflict with the law in a dynamic fashion. This is consistent with the literature, outlined above, which indicates that the convergence of risk factors in the child's environment is at the fulcrum of determining the direction taken along the pathway into or away from conflict with the law.[554]

A network analysis comparison of the GUI data shows that a complex interaction of factors identified as contributing to young people coming into conflict with the law. Patterns of interaction of factors are very different across the two groups. The young people who have not come into conflict with the law group are characterised by fewer edges between risk factors. This suggests that certain protective factors are at play.

While not definitive, it is likely that this is due to differences identified in the descriptive analyses. Institutional factors identified were socio-economic status, staying in education, household type, quality of primary caregiver and family relationships and personal factors, such as positive coping mechanisms, adult identity resolution and control. In particular anti-social behaviours have an additive effect in the young people in conflict with the law group. Stressful life events and risk-taking behaviours are related to other factors in the young people in conflict with the law network while their relationships to other factors in the young people who have not come into conflict with

at p. 392; Hill, J., Blokland, A.A.J., and van der Geest, V.R., "Risk factors for self-reported delinquency in emerging adulthood" (2018) 15(5) *European Journal of Criminology* 544, at p.554.

[554] Lay, B., Ihle, W., Esser, G., and Schmidt, M.H., "Juvenile-episodic, Continued or Adult-onset Delinquency? Risk Conditions Analysed in a Cohort of Children Followed up to the Age of 25 Years" (2005) 2(1) *European Journal of Criminology* 39, at p.61; Van der Laan, A.M., Blom, M., and Kleemans, E.R., "Exploring Long-Term and Short-Term Risk Factors for Serious Delinquency" (2009) 6(5) *European Journal of Criminology* 419, at pp.431-432.

the law group are weak. Alcohol consumption of primary caregivers was not a factor in the network analysis. These findings reflect many of the factors identified in the literature review as indicators of pathways into and away from offending behaviour.

To reiterate, factors on an individual and broader level may overlap and intertwine, with the interplay of multiple adverse circumstances consistently reflected in the literature.[555] The current findings reflect and reinforce the complexity of identifying those at risk of coming into conflict with the law – with the dynamic and interrelated nature of the associated factors requiring an individualised approach to intervention.

### 3.2.7 Limitations of the Study and Future Directions

This was a secondary data analysis. While the GUI 98 cohort is a valuable, representative longitudinal dataset, its use to examine factors impacting on young people coming into conflict with the law has presented some challenges. As is the case with such datasets, the type of analysis possible was dependent on the nature of the data. For instance, the outcome variable 'have you ever been in trouble with the Gardaí' consisted of two levels which ruled out certain regression techniques which may have captured more variation in the model. The lasso regression accounts for 20% of the variance in the model, suggesting that certain factors contributing to young people coming into conflict with the law were not adequately captured in the GUI dataset. This may be due to certain factors such as education level of mother, other measures of socio-economic status and more in-depth intelligence scales being omitted from our analysis. Inclusion of these factors may provide more robust correlations with conflict with the law. As young people in detention are not included in the sample, this is likely to mean that more serious offenders are omitted from the analysis. Separately, attrition at the lower ends of factors of interest has had implications for variable selection. In terms of future survey design, accounting for attrition for certain groups might be worth consideration to enable the tracking of an adequate, balanced sample across time.

[555] Junger-Tas, J., Ribeaud, D., and Cruyff, M.J.L.F., "Juvenile Delinquency and Gender" (2004) 1(3) *European Journal of Criminology* 333, at p.368; ; Farrington, D.P., "Cross-national comparative research on criminal careers, crime and punishment" (2015) 12(4) *European Journal of Criminology* 386, at p.392; Jolliffe, D., Farrington, D. P., Piquero, A. R., Loeber, R., and Hill, K. G., "Systematic review of early risk factors for life-course-persistent, adolescence limited, and late-onset offenders in prospective longitudinal studies" (2017) 33 *Aggression and Violent Behavior* 15, at p.22.

This analysis examined data gathered at wave 3 of the longitudinal study. To develop the analysis further, indicators could be examined across waves for both groups to examine variation in outcomes, patterns of stressful life events, attachment with primary caregivers, psycho-social development, socio-economic status, social capital and education. A range of issues warrant further analysis, including the relationship between early school leaving and harming an animal. Consideration might also be given to addressing severity of law-breaking and in this regard, a study targeting young people in conflict with the law combined with data from other sources such as is the case with the Edinburgh study on Youth Transitions and Crime, may give clearer indications of pathways in and out of contact with the law.[556]

The relationship between opposition to authority and perceptions of the Gardaí and the courts is clear. Further investigation of the factors identified here across waves may be able to establish the directionality of this relationship. The fourth wave of the GUI child cohort is now available and examining life trajectories of young people who have come into conflict with the law at age 20 based on our findings may indicate patterns of reduction in anti-social behaviour, opposition to authority and adult identity resolution in certain clusters (by gender for example). This is particularly important in light of the increased importance of 'emerging adults' in national policy.[557]

### 3.2.8 Implications for Policy Makers

These findings reflect the phenomenon of young people coming into conflict with the law in Ireland as being multi-layered. While there are limitations to this analysis, there are clear avenues for intervention. Socio-economic status, trust in adults across a range of domains, staying in education for both primary caregivers and young people, social capital (in particular safety and condition of neighbourhoods), psychological traits such as level of maturation, control and cognitive ability are avenues for exploration. The findings suggest the impact of stressful life events is ameliorated by higher socio-economic status.

Quality of relationship with the primary caregiver is key. The network analysis suggests that coping strategies are a function of attachment type. Young people who had

[556] Smith, D.J. and McVie, S., "Theory and Method in the Edinburgh Study of Youth Transitions and Crime" (2003) 43(1) *British Journal of Criminology* 169.

[557] Department of Justice, *Youth Justice Strategy 2021-2027* (Dublin: Department of Justice, 2021).

positive perceptions of their primary caregivers' parenting style tended to engage in healthy coping strategies, while young people who perceived the quality of relationship with their primary caregiver as poor tended to engage in negative coping strategies such as avoidance and non-disclosure. Young people who used support as a coping strategy had better outcomes compared to young people with avoidant coping strategies. As the likelihood of young people coming into conflict with the law is impacted by the quality of attachment to primary caregivers, and given that the parenting style of the primary caregiver contributes to this dynamic, the importance of early intervention addressing quality of relationships with primary caregivers and significant adults in the young person's life is indicated. In particular, quality and style of communication between adults and young people requires examination. While primary caregivers reported high levels of communication with their children, the quality of that communication varied. Young people in conflict with the law were more likely to report lower levels of disclosure behaviour (likelihood to share information with primary caregiver) to their primary caregiver. Primary caregivers' low levels of communication around sensitive issues such as sex education and relationships at wave 3, suggest quality of communication between primary caregivers and their children warrants attention. Training for parents around positive parenting strategies and communication may provide an avenue for early intervention. In cases where the quality of relationship between the primary caregiver and the child is poor, it is clear that having a secondary caregiver in the home is protective. This aligns with the research on 'one good adult' while, in comparison, quality of relationship with peers had a small impact on coming into conflict with the law in this sample.

Household type was one of the stronger indicators of young people coming into conflict with the law. Caution should be taken in the interpretation of this finding given that these households are disproportionately in lower socio-economic status brackets, but nonetheless young people from single primary caregiver households also scored lower on the Adult Identity Resolution Scale (AIRS) suggesting, on average, slower maturation compared to their peers.

Anti-social behaviours were interrelated in the conflict with the law group, suggesting multiple infractions across different types of anti-social behaviour compared to the

young people who have not come into conflict with the law group. While the young people who have not come into conflict with the law group might engage in one anti-social behaviour, they tended to be unrelated to others. Risk taking behaviours such as alcohol consumption and sexual activity were related to anti-social behaviour in the conflict with the law group.

One of the considerations is that effective intervention should be multi-faceted, addressing not just factors identified as internal to young people but also encompassing, in particular, adults in the young person's life and structural elements such as interactions with the Gardaí and the court system. This is reflective of the guidance from the extensive literature outlined in the earlier part of this study.

These findings indicate several pathways and timepoints into intervention. Interventions tangential to the young people such as discouraging early school-leaving and retaining primary caregivers in education should be examined. Increasing social capital in the form of condition and safety of neighbourhood is indicated and is reflected too in the qualitative analysis elsewhere in this report. In terms of young people who have come into conflict with the law, pathways out include interventions targeting personal factors such as control and cognitive reasoning skills and supports regarding education and employment. The fact that males mature cognitively later than females with respect to executive functioning may be a factor relating to higher rates of males, compared to females, coming into conflict with the law. In fact, there were indications that slower maturation, indicated by lower scores on the AIRS, low internal locus of control or having a general learning difficulty may increase the likelihood of young people coming into conflict with the law. This raises the issue of capacity in general and indicates that maturity cannot be measured by chronological age alone. Based on our findings, there is a strong case for taking these factors into account when considering the capacity of young people who come into contact with the law.

Overall, it is important, in line with the literature review, that any strategy be multi-faceted, evidence-based and subject to regular evaluation. While sensitive areas of development have been highlighted and recommendations made, a comprehensive, coherent strategy is essential for success.

# Key Learning and Conclusions

This study has presented key learnings from international research and literature on the pathways of young people into conflict with the law, exploring the range of state interventions and approaches used in response. Irish research sheds light on some of the issues and challenges impacting young people who come into conflict with the law, and documents approaches aimed to prevent involvement in future offending. When brought together with new research utilising the GUI study data to understand the pathways of young people into conflict with the law and documenting the views and experiences of young people in Ireland through direct consultation with them, this literature points a clear direction to policy makers as to how best to address the challenges presented by young people who come into conflict with the law.

The final section of this report, therefore, aims to identify the core messages for policy makers emerging from this large, multi-faceted body of research. These core messages have the potential to significantly enhance the continued development of the Irish youth justice system in an effective, progressive and rights-compliant way.

1. **The study found broadly consistent findings in relation to key correlates of youth involvement in offending, spanning individual, family, community and societal domains. These findings emphasise the complex, interconnected and highly individual factors that lead young people to come into conflict with the law.**

Young people who come into conflict with the law have much in common with their counterparts in other jurisdictions. The findings from the Irish data matched results from the international literature search regarding the key factors in young people's lives that correlate with offending; relationships between these factors and offending are noticeably complex.

Correlates of offending are found across individual, familial, social, community and structural domains, and are vitally important in understanding the pathways of young people who come into conflict with the law in Ireland. As suggested by the analysis of the GUI data, pathways into offending by young people in Ireland are multi-layered. While young people who participated in this study placed particular emphasis on drugs,

peer interaction, and boredom, it is clear that the pathways of young people into conflict with the law are highly individualised, in line with international literature.

The research identified important protective factors that can increase young people's resilience and reduce their likelihood of involvement in offending (or further involvement in offending). Identification of these protective factors and developing approaches designed to strengthen these factors can be extremely important in understanding how to prevent young people from coming into conflict with the law, and in developing ways to avoid young people coming into repeated contact with the youth justice system. Newer research regarding adolescent and emerging adult development also suggests that there may be merit in considering the expansion of youth-specific procedures, processes and measures to young adults.

2. **Young people and their families experience multiple difficulties and challenges, and often report difficulties in accessing services and state supports**

Young people in conflict with the law often experience a range of difficulties and have a range of unmet needs. Experiences of loss, bereavement, and trauma are features of many young people's lives, as is experience of involvement with the state care system. The interactions between and levels of exposure to a multiplicity of issues and needs in a young person's life is key to understanding their offending behaviour. It is notable that at the deeper end of the system, where young people have been detained as a result of serious or repeat offending, the number and complexity of these experiences and difficulties also increase.

Young people who participated in this study raised the need for education while reporting having nothing to do, and the GUI analysis suggests the need both to increase social capital amongst young people and to increase access to training and supports. This highlights the need to ensure that all young people have access to the appropriate resources and services they need throughout their childhood to promote positive outcomes and prevent young people from coming into conflict with the law.

3. **An individualised, rights-compliant and child-centred approach based on addressing the complex factors that lead to offending and the unmet needs**

**of children is core to designing responses to youthful offending and to preventing young people from coming into conflict with the law**

This study highlights the highly individualised nature of each young person's experiences, challenges and pathways into conflict with the law, making it imperative to avoid a one-size-fits-all response. While it is clear that an accumulation of protective factors increases young people's resilience and helps to prevent them coming into conflict with the law, it is difficult to identify the reasons why young people with similar experiences will go on to become involved in serious or persistent forms of offending, while others either have much more limited experience of contact with the youth justice system, or do not have any such contact. The clear message coming through this research is there is a need for an individualised approach, based on addressing young people's needs.

While desistance is often linked to a natural process of maturation and may be linked to key transition points and critical moments in young people's lives, interventions which take an individualised approach and which aim to ensure young people's needs are met, enable protective factors and individual strengths to be recognised and developed further, as well as addressing other factors related to that young person's offending.

4. **Prevention efforts should be focused on promoting social inclusion, building family resilience, and access to services and facilities**

Prevention strategies should form a core part of an effective youth justice system. Research and the international children's rights standards make clear that these strategies should be developed for all children, not just those who are considered to be at risk of coming into conflict with the law.

While prevention efforts are essential, care needs to be taken with the manner in which these efforts are developed and implemented. Targeted early intervention programmes may stigmatise already vulnerable young people and draw them further into the criminal justice system. Both research evidence and children's rights guidance emphasise that prevention strategies must focus on ensuring that children and their families have access to the supports and services they need on a universal basis, and that comprehensive early childhood and family support initiatives should be in place.

Research demonstrates that social policies that are child- and family-centred can be protective. In addition, where targeted prevention or earlier intervention measures are needed, these should retain their focus on the provision of necessary supports to young people and their families. Positive early intervention programmes can include those that provide opportunities for social interaction, involvement in activities, and which provide family support. Both the international research and evidence documented in this study in relation to young people who come into conflict with the law in Ireland emphasise the importance of school as a crucial site for prevention efforts – inclusive, supportive school environments, with positive relationships with teachers can all act as protective factors. The promotion of social inclusion through access to community and state services, education and employment opportunities, and leisure activities are also vital. There is a clear need for children's services to connect and co-ordinate so that resources are available to young people in a timely way, when they need them.

In addition to prevention, diversionary strategies – particularly those that develop the resilience of young people and their families – are vital to facilitate desistance at critical moments in early teenage years. Diversionary strategies can take a number of forms, but those that have shown positive results include family-based programmes and those that develop positive relationships between mentors or facilitators. Research has shown that family-based diversionary interventions can produce positive results, as can therapeutic or rehabilitative approaches.

5. **The development of positive relationships between young people and adults is a key factor which influences young people's experiences of contact with the youth justice system, and which can be especially significant in preventing a young person from offending or from engaging in further offending**

The development of positive relationships between adults and young people was a core theme across multiple dimensions of this study, prominent in the national and international literature and in the consultation with the young people.

There are two distinct aspects to this. Strong relationships are significant protective factors. Positive relationships with parents, teachers, and relationships with positive

peers are all protective factors. In addition, positive relationships can support desistance efforts. Diversionary programmes based on the development of positive relationships between adults – whether mentors or facilitators – have shown positive results. The importance of positive relationships between youth justice practitioners and young people is evident from the research and the young people who participated in this study. This was also borne out by the analysis of the Growing Up in Ireland dataset. This analysis indicated that a range of complex, interconnected factors within the family can have significant impacts on whether young people come into conflict with the law in the first place.

Conversely negative interactions with adults – particularly with Gardaí and other professionals within the youth justice system – can have harmful effects on young people and can result in breaches of their rights. Research has further shown that criminal justice system contact – particularly where it is adversarial in nature (e.g. adversarial police contact) – is iatrogenic and can lead to repeated system contact.

6. **System contact/interventions in the system should focus on diversion, minimum intervention, relationship-building, individualised and holistic approaches to young people**

Diversionary strategies are key to facilitating desistance; evidence from the literature supports approaches based on minimum intervention and maximum diversion, which are most effective in removing young people from further and repeated contact with the youth justice system.

Key moments that offer opportunities for the assumption of adult roles and responsibilities and that interrupt habitual ways of acting are important to support desistance from offending. For example, both diversion programmes and interventions within the context of the criminal justice system that focus on building young people's strengths and competencies have shown positive results**.** Similarly, interventions that take an individualised and holistic approach to young people have shown positive results. Other approaches that may be effective include programmes that engage the young person and their family and help facilitate access to multiple services. Provision of supports to young people to facilitate programme completion can be important factors in helping young people to succeed in programmes and interventions. Finally,

specific interventions may be needed for specific cohorts of young people, including girls, those in marginalised and particularly vulnerable groups, and for those who engage in serious or violent offending.

7. **Interventions should support young people to access the services they need, as well as education and employment opportunities. Attention needs to be paid to managing the end of the intervention, and to provide for the continuation of supports and services to the greatest extent possible**

Successfully accessing education – particularly those that focus on young people's strengths – can have long- and short-term benefits for supporting pathways out of offending. The lack of basic services or opportunities impacts young people's abilities to desist from offending, and so should be addressed. Young people's difficulties in accessing services at various points before and during their contact with the youth justice system and the failure of services to respond to their needs show that significant efforts are needed to improve the systems themselves. It is particularly important to develop effective systems of co-operation between services to ensure that young people can access needed resources in practice.

Supporting access to legitimate opportunities for young people, like access to work and education, is particularly valuable. Provision of supports for young people, particularly around mental health difficulties, substance use, and adverse childhood experiences, can be very important factors in reducing the possibility of re-offending.

In addition, it is necessary to give consideration to the continuity of community supports at the end of the youth justice intervention. These supports are needed in relation to employment, education/training, accommodation, and accessing mainstream children/youth services. Ensuring that these rights are in place following an intervention is crucial, particularly for young people who have been in detention and are in the process of returning to their communities.

8. **Young people's lived experiences of the youth justice system and coming into conflict with the law are invaluable for policy makers seeking to understand the nature of youth offending, and are indispensable for developing effective and child-centred responses to offending behaviour**

Research demonstrates that young people can often feel misrepresented or ignored, as though their experiences do not matter. Policy and services concerning young people should not be designed or reviewed without their input and it is crucial that young people are heard in the process of youth justice research, policy development and reform. Listening to young people can provide valuable insights that would not otherwise be considered. For example, the young people consulted in this study highlighted the very different views and experiences of those who have had contact with the criminal justice system and those who have not. While these views often mirrored the findings of the literature, they also presented different perspectives. Negative experiences with Gardaí, boredom and lack of things to do, substance use, socialising with peers, getting into trouble at school, and difficulties in family life were all associated with getting into trouble with the law, while access to educational courses and training, employment opportunities, leisure activities, and having a trusted adult to talk to were all identified as factors that would help young people to stay out of trouble.

Young people's experiences also shed light on particular issues experienced by young people in the youth justice system. Within the system, young people's experiences of how they were treated by Gardaí and other professionals, including judges and lawyers, were very significant factors in their lives. And yet, they had positive things to say and recommend regarding how the experience of the youth justice system could work out better for others.

9. **There is a continued need for further improvements and further enquiry, including improved and more consistent data collection systems, research into specific issues, and consideration of how longitudinal data such as Growing Up in Ireland can be used more effectively in this type of research**

While this research deepened our understanding of key issues, it also points to the need for significant further research in the area. For instance, experiences of minority groups including Traveller children, girls, LGBTI+ children, children with disabilities and children with experience of state care are not well understood. Given the extent of disproportionate minority contact in other countries, these experiences are particularly important to explore.

Data collection in Ireland remains problematic, despite some recent improvements. The lack of consistency in approaches in data collection and dissemination amongst key agencies within the youth justice system needs to be addressed so that its operation can be better understood.

Ensuring that these steps are taken is crucial to ensure that our knowledge- and evidence-base about youth justice and young people in conflict with the law continues to grow. This is not only essential for the development of progressive, evidence-based law and policies into the future, but is also necessary to identify and understand new and emerging issues that need to be addressed. Importantly, this evidence base should involve consultation with young people who have lived experience.

10. **The development of co-operative and effective relationships between policy makers and academics/researchers can contribute significantly to the development of effective and progressive youth justice systems and policies**

Funded through the IRC COALESCE programme, this research was a collaboration between University College Cork and the Department of Children, Equality, Disability, Integration and Youth. Through partnership and collaboration, in the research and the associated events, the study sought to place the best available national and international research in the hands of policy makers given responsibility for charting the direction of Irish youth justice. As such, we hope it is an exemplar for how researchers and policy makers can leverage our respective strengths towards better policy and ultimately better outcomes in the interests of young people in conflict with the law.

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## International Standards

UN Convention on the Rights of the Child 1989

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UN General Assembly, *United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules")*, A/RES/40/33 (United Nations, 1985)

UN General Assembly, *UN Guidelines for the Prevention of Juvenile Delinquency: The Riyadh Guidelines,* A/RES/45/112 (United Nations, 1990)

## Legislation

Children Act 2001 (No. 24 of 2001)

Children (Amendment) Act 2015 (No. 30 of 2015)

Criminal Justice Act 2006 (No. 26 of 2006)

## Websites

www.cso.ie

www.hubnanog.ie

www.oberstown.com

# Appendices

## Appendix A

**Additional Researchers**

Darragh Farrell

Chelsea Carr

Dr Ciara Guiney

Laura Lanigan

Dyllen Moore

Fiona Ní Léime

Katie Power

**Members of the International Steering Group**

Dr Duncan Astle, Cambridge University

Professor Stephen Case, Loughborough University

Professor Nancy Dowd, University of Florida

Professor Frieder Dunkel, University of Greifswald

Professor Neal Hazel, University of Salford, Manchester

Professor Ton Liefaard, Leiden University

Professor Laura Lundy, Queens University Belfast

Associate Professor Nessa Lynch, University of Wellington

Professor Lesley McAra, University of Edinburgh

Professor Ann Skelton, University of Pretoria

Professor Elizabeth Scott, Columbia University

Professor Laurence Steinberg, Temple University

Professor Neal Hazel, University of Salford, Manchester

**Members of the Youth Advisory Group**

Members of the Youth Advisory Group comprised young people from the Cork Life Centre. While names are not recorded here to ensure the anonymity of the young

people, we are extremely grateful to the young people who gave us valuable feedback and advice in relation to our methodologies, and to Don, Rachel, Thomas and all at the Cork Life Centre for supporting this research.

**Members of the Research Advisory Group**

Dr Kasey Treadwell Shine, Assistant Principal Officer Research and Evaluation Unit, DCEDIY

Dr Grainne Collins, Assistant Principal Officer Research and Evaluation Unit, DCEDIY

Dr Clare Farrell, Assistant Principal Officer Research and Evaluation Unit, DCEDIY

Brendan Sheehy, Assistant Principal Officer, Community Safety Applied Policy Unit, Department of Justice

Dr Catherine Naughton, Research Fellow, Research Evidence into Policy Programmes and Practice Project

Lorcan O'Broin, HEO, Research and Evaluation Unit, DCEDIY

# Appendix B – Focus Group Materials

## INFORMATION SHEET for young people

UCC
University College Cork, Ireland
Coláiste na hOllscoile Corcaigh

IRISH RESEARCH COUNCIL
An Chomhairle um Thaighde in Éirinn

**Purpose of the Study.** This project is being led by Prof Ursula Kilkelly, from the School of Law, University College Cork, and undertaken by researchers from UCC. They are carrying out a research study to find out how young people come into contact with the youth justice system, or how they get into trouble with the law. The research is trying to understand what the experiences of young people are, and to identify things that made the experience worse, or things that helped young people avoid further contact with criminal justice agencies, like the Gardaí or the courts. We hope that by understanding the experiences of young people better, we can learn from the experiences to help decision-makers make youth justice policies that are informed by young people's experiences in future.

**What will the study involve?** The study will involve you participating in a focus group with researchers and other young people.

**Do you have to take part?** It is your choice whether you want to participate in this study or not. You may choose not to take part in this study. The researcher is also seeking permission from your parent or guardian. If you are happy for to take part in a focus group, please sign the consent form attached. There will be no consequence for your case if you choose not to participate in this study. It is entirely your choice.

If you take part in a focus group, you **will not** be able to withdraw after the focus group takes place, because it will be impossible to separate your views from the views of other young people in the group.

**Will your participation in the study be kept confidential?** Your participation will be anonymous. You will not be identified by the researchers in any output produced as a result of this study.

**What will happen to the information which you give?** The data will be kept confidential for the duration of the study, available only to Prof Ursula Kilkelly, and to her research team. The only exception is where information is disclosed which indicated that there is a serious risk to you or to others. Please be aware, however, that while we can guarantee that we will maintain

confidentiality, we cannot guarantee that other participants in the focus group will do the same.

**What will happen to the results?** The results will be published in a research report, and this report will be shared with the Department of Children and Youth Affairs and the Irish Youth Justice Service. It is also possible that the researchers will publish the results of the research in a research journal in an article or series of articles, or it may be published in a book. The results may also be presented at conferences arranged for professionals and people interested in children's rights and youth justice, or might be discussed in the media. The anonymised results (which will not identify you), may be made available in a research repository so that it is available to researchers in future. Whatever form the results are published in, your privacy will be respected and you will never be identified.

**What are the possible disadvantages of taking part?** I don't envisage any negative consequences for you in taking part. However, we may be discussing topics that are sensitive and personal in nature. You can choose not to answer any question and there will be no consequences for this. It is entirely your choice whether to continue to participate, and you can choose to stop speaking to the researcher at any time.

**What if there is a problem?** You can contact the researchers at the e-mail address: u.kilkelly@ucc.ie, copying in louise.forde@ucc.ie.

**Who has reviewed this study?** Approval has been given by the Social Research Ethics Committee of UCC for this study to take place.

**Any further queries?** If you need any further information, you can contact us at u.kilkelly@ucc.ie, copying in louise.forde@ucc.ie, and we will do our best to answer your questions.

If you agree to take part in the study, please sign the consent form overleaf

# CONSENT FORM for young people

I……agree to participate in Prof Ursula Kilkelly's research study on the experiences of young people who get into trouble with the law or who come into contact with the youth justice system.

The purpose and nature of the study has been explained to me in writing, and I understand them.

Through allowing the researchers to speak with me and hear my experiences, I am taking part in a project that aims to understand the experiences of young people, and learn from these experiences to make recommendations about how Irish youth justice policy can be improved.

I am participating voluntarily. I give permission to Prof Ursula Kilkelly & her research team to record my views.

I understand that I can withdraw from the study, without repercussions, at any time, whether before it starts or while I am participating.

I understand that I **cannot withdraw** permission to use the data after the focus group ends, because it will not be possible to separate my contributions from those of other young people.

I understand that anonymity will be ensured in the write-up by disguising my identity. This means that:

- no one other than the researchers will know that I have participated
- At no time will my name be used in any publication.

I understand that I should not disclose anything any other focus group participants say to anyone outside of the focus group.

**Please tick one:**

- **I agree to take part in this study** ☺ ☐
- **I do not agree to take part in this study** ☹ ☐

Signed: ……  Date: ……..

PRINT NAME: ……..

# INFORMATION SHEET for parents/guardians

**Purpose of the Study.** This project is being led by Prof Ursula Kilkelly, from the School of Law, University College Cork, and undertaken by researchers from UCC. They are carrying out a research study to find out how young people come into contact with the youth justice system, or who get in trouble with the law. The study aims to understand the pathways of these young people, including identification of factors which may have led them to getting into trouble with the law, and of factors which may have helped them to stay out of trouble. The study aims to understand the experiences of young people better, and to learn from these experiences to help decision-makers make youth justice policies that are informed by young people's experiences in future.

**What will the study involve?** The study will involve young people taking part in a focus group with other young people and researchers.

**Do you have to take part?** You may choose not to allow your child to take part in this study. Young people may also choose not to take part in the study. It is your choice whether to allow your child to participate or not. If you are happy for your child to take part in a focus group, please sign the consent form attached. There will be no consequence if you choose not to participate in this study. It is entirely your choice.

If a young person chooses to take part in a focus group, you or they **will not** be able to withdraw after the focus group takes place, because it will be impossible to separate their views from the views of other young people in the group.

**Will your participation in the study be kept confidential?** The participation of all young people will be anonymous. No one who participates in this study will be identified by the researchers in any output produced as a result of this study, and their name will never be used.

**What will happen to the information which you give?** The data will be kept confidential for the duration of the study, available only to Prof Ursula Kilkelly, and to her research team. The only exception is where information is disclosed which indicated that there is a serious risk to a young person or to others. Please be aware, however, that while we can guarantee that we will maintain confidentiality, we cannot guarantee that other participants in the focus group will

do the same.

**What will happen to the results?** The results will be published in a research report, and this report will be shared with the Department of Children and Youth Affairs and the Irish Youth Justice Service. It is also possible that the researchers will publish the results of the research in a research journal in an article or series of articles, or it may be published in a book. The results may also be presented at conferences arranged for professionals and people interested in children's rights and youth justice, or might be discussed in the media. The anonymised results (which will not identify any of the participants), may be made available in a research repository so that it is available to researchers in future. Whatever form the results are published in, your privacy will be respected and you will never be identified.

**What are the possible disadvantages of taking part?** I don't envisage any negative consequences for you in taking part. However, we may be discussing topics that are sensitive and personal in nature. Young people can choose not to answer any question and there will be no consequences for this. It is entirely up to young people whether they choose to continue to participate, and they can choose to stop speaking to the researcher at any time.

**What if there is a problem?** You can contact the researchers at the e-mail address: u.kilkelly@ucc.ie, copying in louise.forde@ucc.ie.

**Who has reviewed this study?** Approval has been given by the Social Research Ethics Committee of UCC for this study to take place.

**Any further queries?** If you need any further information, you can contact us at u.kilkelly@ucc.ie, copying in louise.forde@ucc.ie, and we will do our best to answer your questions.

If you agree to take part in the study, please sign the consent form overleaf

# CONSENT FORM for parents/guardians

UCC
University College Cork, Ireland
Coláiste na hOllscoile Corcaigh

IRISH RESEARCH COUNCIL
An Chomhairle um Thaighde in Éirinn

I……agree to allow …… to participate in Prof Ursula Kilkelly's research study on the experiences of young people who get into trouble with the law or who come into contact with the youth justice system.

The purpose and nature of the study has been explained to me in writing, and I understand them.

Through allowing …… to take part in this focus group, I am taking part in a project that aims to understand the experiences of young people, and learn from these experiences to make recommendations about how Irish youth justice policy can be improved.

I am participating voluntarily. I give permission to Prof Ursula Kilkelly & her research team to record ……'s views.

I understand that …….. can withdraw from the study, without repercussions, at any time, whether before it starts or while I am participating.

I understand that if ……..chooses to take part, they **cannot withdraw** permission to use the data after the focus group ends, because it will not be possible to separate my contributions from those of other young people.

I understand that anonymity will be ensured in the write-up by disguising the identity of all individuals involved. This means that:

- no one other than the researchers will know who has participated
- At no time will any participants' name be used in any publication

**Please tick one:**

| | |
|---|---|
| **I agree to allow …….. to take part in this research study** | ☐ |
| **I do not agree to allow my child to take part in this research study** | ☐ |

Signed: ……  Date: ……..

PRINT NAME: ……..

# COALESCE

## Draft Question Frame for Focus Groups

***Advisory Group 10.09.2019***

The focus group will take the form of a number of activities, listed below. Young people will work both individually and together to come up with answers and recommendations. These will be recorded in a variety of formats, including community maps, memo pads, and charts. No young person's name will appear on any of these materials.

1. **Introductions**

   *What do you think of our information sheets? What information do young people need?*

   *Should young people come up with ground rules? What type of ground rules do you think we should try to have?*

2. **Community Mapping**

   Key focus for this activity is:

   - to ask young people to map life experiences that were important to them either in bringing them to a point where they were getting into trouble with the law or into contact with the youth justice system, *or* to helping them to stay out of trouble.

Young people can record their experiences in whatever way they like – using words, or through drawings.

*What do you think of this activity? Is it a good way of getting the information we want?*

*Do you think young people would be happy to discuss what they have come up with the group as a whole? Should we ask young people what they prefer?*

*Do you think we could improve this activity in any way?*

### 3. Brainstorming and Key Factors

We have two key questions we want young people to consider in this activity. These are:

i. What things do you think led to you getting into trouble with the law, and coming into contact with the youth justice system?
ii. What things helped you to stay out of trouble with the law, and out of trouble with the youth justice system?

Ideas are recorded by each young person individually on stickies first. These stickies are then put up on the wall, and young people work together to group similar ideas together to come up with themes.

*What do you think of this activity? Do you think it will allow young people to get their ideas out properly?*

*Is there anything you think we could do that would improve this activity, or help us get the information we are looking for in a more interesting way?*

### 4. Graffiti Wall – Experiences and Recommendations

All the themes young people identified will be put on individual posters. Young people will work in small groups, and each group will work on a theme together. Young people will be asked:

i. 1. What do you think it is important for us to know about why **[this issue/theme]** helped or did not help you to stay out of trouble?
ii. 2. What could have been done differently that would have helped to change your experience or make it better?

*What do you think of this activity? Is it a good way of capturing young people's experiences and recommendations?*

*Is there any way we could make this activity better or more interesting for young people?*

*Do you think that there is anything that it is important to ask young people that we are not asking already?*

*Do you have any other ideas or feedback on the activities or the questions we are asking?*

# COALESCE Focus Groups

## Final Methodology

- **Introductions**
    - Aim
    - What's going to happen to it
    - Identity Protection
    - Don't have to answer any questions if you don't want to
    - Contact details

- **Ice-breaker?**

- **Agree Ground Rules**

- **Mapping Your Experiences**

  *Group with Experience of the System*

    - AIM: "To have you chart out what your experiences have been so far in the youth justice system – both good and bad"
    - 1) What things happened that led to you getting into trouble in the first place?
    - 2) Who did you have dealings with (Garda, GDYPs, courts, etc.)? What were your experiences with those like – did anything make the situation worse? Was there anything that helped?

  *Group without Experience of the System*

    - AIM: "To have you chart out what you know about the youth justice system, and to think about things that might have helped you to stay out of trouble.
    - 1) What kinds of things do you think lead to young people getting into trouble with the police or the courts?
    - 2b) What kinds of things help young people to stay out of trouble? What kinds of things do you think would make the situation worse?

- **Key Issues for Young People (Stickies Activity)**

    - 1a) What things lead to young people getting into trouble with the law
    - 1b) What kinds of things do you think help young people to stay out of trouble?
    - 2a) Is there anything that the Guards/youth workers/etc. do that you think makes the situation worse for young people, or that might lead them to get into more trouble?
    - 2b) Is there anything that the Guards/youth workers/etc. could do that would be helpful to young people and help them stay out of trouble?

- **Recommendations**

    - What are the most important things policy-makers should know about young people's experiences?
    - What recommendations would you have to policy-makers about how the way the youth justice system works could be made better for young people?

**Voting**

# Appendix C

## 115 Variables Included in lasso Regression Analysis

| | |
|---|---|
| ID | Household ID |
| CWL | M2. Ever been in trouble with the Gardai (excluding minor traffic offences) |
| SLEtotal | Stressful life events total |
| pc_current_health | A1. How would you say your current health is in general |
| pc3b2f | B2f. Does YP have a psychological or emotional condition |
| Pc_Yp_still_in_ed | C1. Is YP still in education (school or college) |
| Pc_yp_gld | D3c. Does YP have general learning disabilities (mild, moderate, severe/profound) |
| pc_level_of_educ | F1. What is the highest level of education you have completed |
| pc_age_left_full_time_ed | F7. Age left full-time education for the first time |
| pc3_totalinc_sw | G11. What proportion of total household income would you say comes from social welfare payments |
| pc3h1 | H1. How long have you lived in your local area - Months? |
| pc3h3a | H3a. How common in local area - rubbish and litter lying about |
| pc3h3b | H3b. How common in local area - homes and gardens in bad condition |
| pc3h3c | H3c. How common in local area - vandalism and deliberate damage to property |
| pc3h3d | H3d. How common in local area - people being drunk or taking drugs in public |
| CondOfNeighbourhood | Condition of neighbourhood total PCG |
| cq3b1c | B1c. Did you sit the Junior Certificate examinations |
| cq3e1e | D21e. How often have/did your parent asked how you are/were getting on with friends |
| cq3j6n2 | J6n2. How often - Hanging out with friends |
| cq3k2a | K2a. How much confidence in the church |
| cq3k2b | K2b. How much confidence in the education system |
| cq3k2c | K2c. How much confidence in the police/gardai |
| cq3k2d | K2d. How much confidence in the social welfare system |
| cq3k2e | K2e. How much confidence in the health care system |
| cq3k2f | K2f. How much confidence in politicians |
| cq3k2g | K2g. How much confidence in the courts system |
| cq3k6 | K6. In general, would you describe yourself as a spiritual person (even if you do not belong to a religion) |
| cq3l1 | L1. How long have you lived in your local area - Months? |
| cq3l3a | L3a. How common in the local area - Rubbish and litter lying about |

| | |
|---|---|
| cq3l3b | L3b. How common in the local area - Homes and gardens in bad condition |
| cq3l3c | L3c. How common in the local area - Vandalism and deliberate damage to property |
| cq3l3d | L3d. How common in the local area - People being drunk or taking drugs in public |
| cq_cond_neigh_total | Young person condition of neighbourhood total |
| cq3l4a | L4a. Agree or not - This is a safe area |
| cq3l4d | L4d. Agree or not - I have lots of family/friends living in this area |
| cq3m8d | M8d. How many times in the last 12 months consulted other professional, psychologist, psychiatrist, counsellor, etc. |
| cq3m8h | M8h. How many times in the last 12 months consulted health helplines (for physical or mental health issues) |
| cq3sb1d | B1d. Approx. how many cigarettes smoked in a week |
| cq3sb6a | B6a. YP AUDIT scale |
| cq3sg6 | G6. How satisfied are you with your own life in general |
| cq3sh11 | H11. On average how well would you say that the members of your household get on |
| w3cq_AIRS | YP score on the Adult Identity Resolution Scale (AIRS) Wave 3 |
| w3cq_workbelief | YP Belief in the value of work Wave 3 |
| w3cq_Sexequality | YP Support for sex equality - Wave 3 |
| w3cq_extravert | YP TIPI extravert Subscale W3 |
| w3cq_agreeable | YP TIPI agreeable Subscale W3 |
| w3cq_conscientious | YP TIPI conscientious Subscale W3 |
| w3cq_emotstab | YP TIPI emotional stability Subscale W3 |
| w3cq_openness | YP TIPI openness Subscale W3 |
| w3cq_EDS | EDS discrimination scores YP W3 |
| w3cq_peeratt_trust | IPPA Level of peer trust YP W3 (10 items) |
| w3cq_peeratt_Communication | IPPA Level of peer Communication YP W3 (8 items) |
| w3cq_peeratt_alienation | IPPA alienation subscale - YP Wave 3 (7 items) |
| w3cq_peer_attachment | IPPA Peer attachment total summary score |
| w3cq_AUDIT_total | Total AUDIT score YP W3 |
| w3cq_level | Young Person Level of Sexual Activity |
| w3cq_selfesteem_total | Summary score Rosenberg Self-esteem scale- 6 items w3 |
| w3cq_sg2control | Level of self-control-10 items |
| w3cq_authority | Total score- Opposition to Authority scale |
| w3cq_selfefficacy | Total self-efficacy score |
| w3cq_mintimacy | Mother Intimacy subscale |
| w3cq_madmiration | Mother Admiration subscale |
| w3cq_mconflict | Mother Conflict subscale |

| | |
|---|---|
| w3cq_munreliability | Mother Unreliability subscale |
| w3cq_mwithdrawl | Mother Fear of love withdrawal |
| w3TOT_con_YP | Young Person report control W3 |
| w3cq_SMFQ_total | Short Mood and Feelings Questionnaire (SMFQ) Total score - Wave 3 |
| w3cq_DASS_anxiety | DASS- Total Anxiety subscale |
| w3cq_CSI_probsolving | Coping Strategy indicator - problem solving subscale YP W3 |
| w3cq_CSI_support | Coping Strategy indicator - seeking social support subscale YP W3 |
| w3cq_CSI_avoidance | Coping Strategy indicator - avoidance subscale YP W3 |
| w3cq_internetaddict | Internet Addiction total score |
| w3cq_ILCtot | Total score for Internal Locus of Control |
| w3TOT_pcmon_PCG | PCG monitoring W3 |
| w3TOT_pcdis_PCG | PCG disclosure W3 |
| w3pcg_SDQemotional | SDQ Emotional subscale - PCG Wave 3 |
| w3pcg_SDQconduct | SDQ Conduct subscale - PCG Wave 3 |
| w3pcg_SDQhyper | SDQ Hyperactivity subscale - PCG Wave 3 |
| w3pcg_SDQpeerprobs | SDQ Peer problems subscale - PCG Wave 3 |
| w3pcg_SDQprosocial | SDQ Prosocial subscale - PCG Wave 3 |
| w3pcg_SDQtotaldiffs | SDQ Total difficulties score - PCG Wave 3 |
| w3pc_extravert | PCG TIPI extravert Subscale W3 |
| w3pc_agreeable | PCG TIPI agreeable Subscale W3 |
| w3pc_conscientious | PCG TIPI conscientious Subscale W3 |
| w3pc_emotstab | PCG TIPI emotional stability Subscale W3 |
| w3pc_openness | PCG TIPI openness Subscale W3 |
| w3pc_DAS | PCG total Dyadic Adjustment Score - 4 items- Wave 3 |
| w3pc_stress | Parental stress scores for pcgs - Wave 3 |
| w3ces_tot_pcg | Total depression score for primary caregiver W3 |
| w3fastotf | PCG total on FAST for females |
| w3hhtype4 | household type at Wave 3 |
| CognitiveNamingTotal | CogNamingTot |
| CognitiveMathsTotal | CogMathsTot |
| CognitiveVocabularyTotal | CogVocabTot |
| hsdclassW3 | hsdclass |
| cq3sm1a | M1a. How often done in the last year - Taken something from a shop or store without paying for it |
| cq3sm1b | M1b. How often done in the last year - Not paid the correct fare on a bus or train |
| cq3sm1c | M1c. How often done in the last year - Behaved badly in public so that people complained and you got into trouble |

| | |
|---|---|
| cq3sm1d | M1d. How often done in the last year - Stolen or ridden in a stolen car or a van or on a stolen motorbike |
| cq3sm1e | M1e. How often done in the last year - Taken money or something else that did not belong to you from school |
| cq3sm1f | M1f. How often done in the last year - Carried a knife or weapon with you in case it was needed in a fight |
| cq3sm1g | M1g. How often done in the last year - Deliberately damaged or destroyed property that did not belong to you (e.g., windows, cars, streetlights) |
| cq3sm1h | M1h. How often done in the last year - Broken into a house or building to steal something |
| cq3sm1i | M1i. How often done in the last year - Written things or sprayed paint on things that do not belong to you (for example, a phone box, car, building, bus shelter) |
| cq3sm1j | M1j. How often done in the last year - Used force, threats or a weapon to get money or something else from somebody |
| cq3sm1k | M1k. How often done in the last year - Taken money or something else that did not belong to you from your home without permission |
| cq3sm1l | M1l. How often done in the last year - Broken into a car or van to steal something from it |
| cq3sm1m | M1m. How often done in the last year - Deliberately set fire or tried to set fire to someone's property or a building (e.g. school or shed) |
| cq3sm1n | M1n. How often done in the last year - Hit, kicked or punched someone on purpose in order to hurt or injure them |
| cq3sm1o | M1o. How often done in the last year - Been involved in a serious physical fight where someone got badly hurt or needed to see a doctor |
| cq3sm1p | M1p. How often done in the last year - Truanted from school |
| cq3sm1q | M1q. How often done in the last year - Purposely hurt or injured a bird or an animal |
| AntiSocialTot | AntiSocialTot |
| cq3sm5a | M5a. Ever appeared in court (not as a witness) |
| cq3sj4 | J4. Ever been diagnosed with depression or anxiety by a doctor/ psychologist/ psychiatrist |
| cq3sk1 | K1. Have you ever hurt yourself on purpose in any way |

# Appendix D

## Correlation of conflict with the law and 40 factors identified in lasso regression.

| | M2. Ever been in trouble with the Gardai | Stressful Life Events Total | B2f. Does YP have a psychological or emotional condition | D3c. Does YP have general learning disabilities (mild, moderate, severe/profound) | M8h. How many times in the last 12 months consulted health helplines | Household type at Wave 3 | C1. Is YP still in education (school or college) | F7. Age left full-time education for the first time | Yp condition of neighbourhood total | L4a. Agree or not - This is a safe area | H11. On average how well would you say that the members of your household get on | YP score on the Adult Identity Resolution Scale | YP Belief in the value of work Wave 3 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| M2. Ever been in trouble with the Gardai (excluding minor traffic offences) | 1 | | | | | | | | | | | | |
| Stressful life events total | .031* | 1 | | | | | | | | | | | |
| B2f. Does YP have a psychological or emotional condition | -.039** | -.063** | 1 | | | | | | | | | | |
| D3c. Does YP have general learning disabilities | -.072** | -.041** | .144** | 1 | | | | | | | | | |
| M8h. How many times in the last 12 months consulted health helplines | .045** | 0.020 | -.116** | 0.009 | 1 | | | | | | | | |
| household type at Wave 3 | -.073** | -.028* | 0.007 | .036** | -0.016 | 1 | | | | | | | |
| C1. Is YP still in education (school or college) | .076** | .031* | -.031* | -.038** | 0.018 | -0.010 | 1 | | | | | | |
| F7. Age left full-time education for the first time | -.044** | -0.010 | 0.009 | .061** | 0.003 | 0.003 | -.114** | 1 | | | | | |
| Yp condition of neighbourhood total | -.069** | -.065** | .054** | 0.014 | -.036** | 0.013 | -.048** | .110** | 1 | | | | |
| L4a. Agree or not - This is a safe area | .062** | .066** | -.060** | -0.023 | .026* | -0.022 | .039** | -.124** | -.439** | 1 | | | |
| H11. On average how well would you say that the members of your household get on | -.105** | -.083** | .078** | .049** | -.049** | 0.004 | -0.016 | .038** | .118** | -.138** | 1 | | |
| Scale (AIRS) Wave 3 | -0.007 | -0.008 | .058** | -0.016 | -0.017 | -0.014 | .056** | -.063** | .041** | -.066** | .138** | 1 | |
| YP Belief in the value of work Wave 3 | -0.015 | -0.010 | .033** | -.051** | -0.023 | 0.001 | .045** | -.031* | 0.004 | -0.017 | -0.022 | .087** | 1 |

*. Correlation is significant at the 0.05 level (2-tailed). **. Correlation is significant at the 0.01 level (2-tailed).

Note: M1a-M1q indicates frequency in the last 12 months

| | M2. Ever been in trouble with the Gardai | Stressful Life Events Total | B2f. Does YP have a psychological or emotional condition | D3c. Does YP have general learning disabilities (mild, moderate, severe/profound) | M8h. How many times in the last 12 months consulted health helplines | Household type at Wave 3 | C1. Is YP still in education (school or college) | F7. Age left full-time education for the first time | Yp condition of neighbourhood total | L4a. Agree or not - This is a safe area | H11. On average how well would you say that the members of your household get on | YP score on the Adult Identity Resolution Scale | YP Belief in the value of work Wave 3 | YP Support for sex equality - Wave 3 | EDS discrimination scores YP W3 | Young Person Level of Sexual Activity | Mother Conflict subscale | Mother Unreliability subscale | Young Person report control W3 | Total AUDIT score YP W3 | Total score- Opposition to Authority scale | Mother Fear of love withdrawl |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **YP Support for sex equality - Wave 3** | -.110** | .048** | -.062** | .104** | 0.023 | .033** | -.044** | .025* | -.055** | -0.005 | .038** | -0.009 | -.162** | 1 | | | | | | | | |
| **EDS discrimination scores YP W3** | .166** | .043** | -.099** | -0.016 | .071** | -.040** | 0.017 | -0.006 | -.140** | .130** | -.212** | -.134** | -0.024 | -0.016 | 1 | | | | | | | |
| **Young Person Level of Sexual Activity** | .170** | .070** | -.036** | .067** | .048** | 0.012 | .058** | -.041** | -.073** | .037** | -.074** | 0.023 | -0.010 | 0.000 | .207** | 1 | | | | | | |
| **Mother Conflict subscale** | .048** | .035** | -.052** | .032* | .045** | -0.012 | -0.020 | .059** | -.090** | .048** | -.293** | -.150** | -0.012 | .040** | .205** | .101** | 1 | | | | | |
| **Mother Unreliability subscale** | .089** | .036** | -.047** | -0.007 | 0.024 | -0.008 | -0.008 | .044** | -.070** | .050** | -.285** | -.090** | -0.018 | -0.014 | .224** | .051** | .397** | 1 | | | | |
| **Young Person report control W3** | -.125** | -0.018 | 0.010 | .045** | -0.008 | 0.010 | -.104** | .099** | .034** | -.039** | .073** | -.042** | -0.011 | .073** | -0.020 | -.048** | .072** | -0.001 | 1 | | | |
| **Total AUDIT score YP W3** | .235** | 0.025 | -.043** | 0.013 | .046** | -.028* | .067** | -0.007 | -.073** | 0.026 | -.126** | -.048** | 0.003 | -.076** | .260** | .418** | .148** | .125** | -.149** | 1 | | |
| **Total score- Opposition to Authority scale** | .233** | .055** | -.110** | -.040** | .034** | -0.013 | .110** | -.123** | -.169** | .178** | -.247** | -.134** | -0.017 | -.136** | .351** | .228** | .171** | .195** | -.168** | .299** | 1 | |
| **Mother Fear of love withdrawl** | -0.007 | .026* | -.076** | 0.006 | 0.015 | -0.012 | -0.012 | -0.011 | -.060** | .055** | -.097** | -.046** | .032* | 0.020 | .163** | .043** | .135** | .109** | .148** | .042** | .075** | 1 |
| **CSI - seeking social support subscale YP** | -.106** | -0.017 | .055** | .039** | -0.012 | 0.005 | -0.024 | 0.003 | .048** | -.047** | .149** | .075** | -.048** | .149** | -.116** | .063** | -0.013 | -.102** | .183** | -.044** | -.202** | 0.021 |
| **CSI - avoidance subscale YP W3** | .030* | .069** | -.150** | .037** | .068** | -0.006 | -0.009 | -0.008 | -.125** | .119** | -.200** | -.166** | -.050** | .092** | .293** | .071** | .240** | .217** | .056** | .141** | .233** | .241** |
| **Internet Addiction total score** | -0.006 | .036** | -.052** | .049** | .032* | -0.005 | -.029* | .054** | -.080** | .032* | -.128** | -.153** | -.036** | .096** | .165** | .080** | .237** | .134** | .068** | .149** | .096** | .119** |
| **PCG disclosure W3** | -.119** | 0.008 | .031* | .059** | -0.024 | 0.021 | -.074** | -.056** | .033* | -0.011 | .164** | .067** | -0.002 | .132** | -.101** | -.064** | -.132** | -.141** | .118** | -.167** | -.182** | 0.008 |

***. Correlation is significant at the 0.05 level (2-tailed). **. Correlation is significant at the 0.01 level (2-tailed).**

**Note: M1a-M1o indicates frequency in the last 12 months**

| | M2. Ever been in trouble with the Gardai | Stressful Life Events Total | B2f. Does YP have a psychological or emotional condition | D3c. Does YP have general learning disabilities (mild, moderate, severe/profound) | M8h. How many times in the last 12 months consulted health helplines | Household type at Wave 3 | C1. Is YP still in education (school or college) | F7. Age left full-time education for the first time | Yp condition of neighbourhood trivial | L4a. Agree or not - This is a safe area | H1l. On average how well would you say that the members of your household get on | YP score on the Adult Identity Resolution Scale | YP Belief in the value of work Wave 3 | YP Support for sex equality - Wave 3 | EDS discrimination scores YP W3 | Young Person Level of Sexual Activity | Mother Conflict subscale | Mother Unreliability subscale | Young Person report control W3 | Total AUDIT score YP W3 | Total score- Opposition to Authority scale | Mother Fear of love withdrawl |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| SDQ Emotional subscale - PCG Wave 3 | -0.005 | .110** | -.281** | -.088** | .067** | 0.011 | .044** | -.100** | -.120** | .120** | -.105** | -.067** | -.039** | .105** | .083** | -0.023 | .097** | .063** | -0.004 | -.029* | .091** | .133** |
| SDQ Conduct subscale - PCG Wave 3 | .127** | .076** | -.130** | -.076** | .049** | -0.012 | .050** | -.057** | -.107** | .062** | -.200** | -.063** | 0.015 | -.035** | .136** | .110** | .239** | .139** | -.033* | .156** | .197** | .056** |
| SDQ Hyperactivity subscale - PCG Wave 3 | .138** | .096** | -.163** | -.183** | .045** | -0.022 | .075** | -.090** | -.113** | .085** | -.117** | -.048** | .033** | -.096** | .149** | .131** | .110** | .087** | -.052** | .144** | .237** | .063** |
| CogNamingTot | -.048** | 0.008 | 0.020 | 0.014 | -0.007 | -0.011 | 0.000 | 0.010 | 0.000 | -0.008 | 0.011 | 0.013 | 0.003 | -0.009 | -0.015 | -0.004 | -0.007 | -0.014 | -0.008 | 0.012 | 0.014 | -0.001 |
| CogMathsTot | -.104** | 0.010 | .030* | 0.015 | -0.023 | 0.008 | -0.018 | 0.021 | 0.013 | -0.020 | 0.004 | 0.021 | 0.019 | -.053** | 0.000 | -0.020 | -0.014 | -0.015 | -.026* | -0.017 | 0.021 | -.034** |
| K2c. How much confidence in the police/gardai | .156** | .075** | -.052** | -0.020 | .031* | -.041** | .074** | -.094** | -.126** | .156** | -.132** | -.089** | -.025* | -.076** | .169** | .120** | .055** | .078** | -.135** | .127** | .383** | .031* |
| K2g. How much confidence in the courts system | .092** | .036** | -.063** | -.054** | 0.014 | -0.006 | .083** | -.067** | -.092** | .108** | -.063** | -.046** | -0.004 | -.041** | .072** | .037** | .039** | .044** | -.055** | .049** | .194** | .032* |
| M1a. Taken something from a shop or store without paying for it | -.055** | .026* | -0.017 | -0.008 | -0.010 | 0.005 | 0.019 | -0.021 | -0.006 | 0.016 | 0.011 | -0.001 | 0.022 | -0.011 | -0.015 | -0.023 | -0.010 | -0.015 | -0.015 | -0.018 | 0.015 | -0.016 |
| M1b. Not paid the correct fare on a bus or train | -.053** | 0.006 | 0.024 | -0.010 | -0.008 | -0.017 | -0.002 | 0.015 | .026* | -0.024 | 0.004 | 0.005 | .028* | -0.022 | -0.001 | -.028* | -0.003 | 0.008 | 0.008 | -0.007 | -0.009 | -0.005 |
| M1c. Behaved badly in public so that people complained and you got into trouble | -.058** | .041** | 0.001 | -0.023 | -0.017 | 0.007 | 0.013 | -0.002 | 0.007 | 0.009 | 0.010 | 0.014 | 0.014 | -.031* | 0.008 | -0.018 | -0.014 | 0.012 | -0.017 | -.038** | 0.003 | 0.005 |
| M1g. Deliberately damaged or destroyed property that did not belong to you | -.060** | .037** | 0.007 | 0.001 | -0.013 | -0.007 | 0.011 | 0.000 | -0.008 | 0.018 | 0.006 | 0.019 | -0.008 | -.035** | 0.005 | -0.007 | -0.023 | -.029* | -.034** | -0.009 | 0.010 | -.028* |
| M1i. Written things or sprayed paint on things that do not belong to you | -.042** | 0.018 | 0.007 | 0.011 | -0.012 | 0.014 | 0.008 | -0.021 | -0.003 | 0.003 | 0.004 | 0.023 | 0.003 | -0.006 | 0.009 | 0.002 | -0.025 | -0.008 | -0.014 | 0.004 | 0.004 | -0.013 |
| M1k. Taken money or something else that did not belong to you from your home | 0.008 | 0.004 | -0.003 | -0.011 | -0.003 | -0.022 | -0.008 | -0.009 | 0.002 | -0.012 | -0.003 | 0.016 | 0.007 | -0.017 | 0.001 | -0.014 | 0.009 | 0.006 | 0.020 | 0.002 | 0.004 | 0.009 |
| M1n. Hit, kicked or punched someone on purpose in order to hurt or injure them | -.082** | .025* | 0.002 | -0.004 | -0.016 | 0.001 | 0.020 | 0.011 | -0.003 | 0.003 | .027* | 0.015 | 0.016 | -.055** | -0.003 | 0.003 | -.027* | -0.011 | -0.023 | 0.005 | 0.011 | -0.016 |
| M1q. Purposely hurt or injured a bird or an animal | -.031* | 0.015 | -0.007 | 0.012 | -0.013 | -.027* | -0.013 | 0.014 | -0.024 | 0.005 | 0.016 | 0.009 | -0.014 | -0.005 | 0.000 | -0.003 | -0.018 | -0.013 | -0.012 | 0.003 | 0.005 | -0.008 |

*. Correlation is significant at the 0.05 level (2-tailed). **. Correlation is significant at the 0.01 level (2-tailed).

Note: M1a-M1q indicates frequency in the last 12 months

| | CSI - seeking social support subscale YP W3 | CSI- avoidance subscale YP W3 | Internet Addiction total score | PCG disclosure W3 | SDQ Emotional subscale - PCG Wave 3 | SDQ Conduct subscale - PCG Wave 3 | SDQ Hyperactivity subscale - PCG Wave 3 | CogNamingTot | CogMathsTot | K2c. How much confidence in the police/gardai |
|---|---|---|---|---|---|---|---|---|---|---|
| **CSI - seeking social support subscale YP** | 1 | | | | | | | | | |
| **CSI - avoidance subscale YP W3** | -.079** | 1 | | | | | | | | |
| **Internet Addiction total score** | .045** | .325** | 1 | | | | | | | |
| **PCG disclosure W3** | .171** | -.065** | -.028* | 1 | | | | | | |
| **SDQ Emotional subscale - PCG Wave 3** | -0.015 | .224** | .102** | -0.015 | 1 | | | | | |
| **SDQ Conduct subscale - PCG Wave 3** | -.050** | .081** | .056** | -.255** | .267** | 1 | | | | |
| **SDQ Hyperactivity subscale - PCG Wave 3** | -.068** | .074** | 0.002 | -.238** | .283** | .414** | 1 | | | |
| **CogNamingTot** | -0.019 | -0.010 | -0.014 | -0.007 | -0.004 | 0.008 | -0.016 | 1 | | |
| **CogMathsTot** | -.048** | -.026* | -.043** | -.034** | -.046** | -0.009 | 0.003 | .249** | 1 | |
| **K2c. How much confidence in the police/gardai** | -.094** | .064** | 0.007 | -.088** | .060** | .117** | .124** | 0.005 | 0.006 | 1 |

***. Correlation is significant at the 0.05 level (2-tailed). **. Correlation is significant at the 0.01 level (2-tailed).**

**Note: M1a-M1q indicates frequency in the last 12 months**

| | CSI - seeking social support subscale YP W3 | CSI- avoidance subscale YP W3 | Internet Addiction total score | PCG disclosure W3 | SDQ Emotional subscale - PCG Wave 3 | SDQ Conduct subscale - PCG Wave 3 | SDQ Hyperactivity subscale - PCG Wave 3 | CogNamingTot | CogMathsTot | K2c. How much confidence in the police/gardai | K2g. How much confidence in the courts system | M1a. Taken something from a shop or store without paying for it | M1b. Not paid the correct fare on a bus or train | M1c. Behaved badly in public so that people complained and you got into trouble | M1g. Deliberately damaged or destroyed property that did not belong to you | M1i. Written things or sprayed paint on things that do not belong to you | M1k. Taken money or something else that did not belong to you from home | M1n. Hit, kicked or punched someone on purpose | M1q. Purposely hurt or injured a bird or an animal |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **K2g. How much confidence in the courts system** | -.052** | .055** | 0.012 | -.035** | .107** | .087** | .100** | 0.002 | -0.020 | .347** | 1 | | | | | | | | |
| **M1a. Taken something from a shop or store without paying for it** | -0.009 | -0.008 | -.028* | -.030* | 0.003 | -0.023 | 0.000 | -0.002 | 0.014 | 0.005 | -0.024 | 1 | | | | | | | |
| **M1b. Not paid the correct fare on a bus or train** | -0.018 | -0.014 | -0.011 | -0.015 | 0.000 | 0.003 | -0.010 | -0.014 | 0.016 | -0.006 | -.035** | .273** | 1 | | | | | | |
| **M1c. Behaved badly in public so that people complained and you got into trouble** | -.035** | -.033* | -0.020 | -.039** | -0.019 | -0.010 | 0.024 | 0.016 | .056** | 0.008 | -0.021 | .307** | .254** | 1 | | | | | |
| **M1g. Deliberately damaged or destroyed property that did not belong to you** | -.045** | -.028* | -0.018 | -0.024 | -.036** | -0.017 | 0.009 | -0.004 | .029* | 0.018 | -0.002 | .296** | .146** | .328** | 1 | | | | |
| **M1i. Written things or sprayed paint on things that do not belong to you** | -0.006 | -0.015 | -.032* | -0.025 | -.027* | -0.005 | 0.002 | -0.021 | 0.014 | 0.018 | -0.022 | .265** | .164** | .255** | .380** | 1 | | | |
| **M1k. Taken money or something else that did not belong to you from your home** | -0.009 | -0.012 | -0.013 | -0.017 | -.026* | 0.004 | 0.005 | 0.004 | 0.021 | 0.004 | -0.006 | .259** | .230** | .207** | .216** | .220** | 1 | | |
| **M1n. Hit, kicked or punched someone on purpose in order to hurt or injure them** | -.043** | -.048** | -.049** | -.036** | -.050** | -0.022 | 0.008 | .029* | .059** | -0.001 | -.038** | .249** | .165** | .294** | .353** | .230** | .226** | 1 | |
| **M1q. Purposely hurt or injured a bird or an animal** | 0.006 | -0.008 | -0.011 | -0.003 | -.028* | -0.024 | -0.006 | -0.004 | 0.012 | 0.000 | -0.019 | .128** | .042** | .136** | .194** | .121** | .103** | .191** | 1 |

***. Correlation is significant at the 0.05 level (2-tailed). **. Correlation is significant at the 0.01 level (2-tailed).**

**Note: M1a-M1q indicates frequency in the last 12 months**

# Appendix E

## List of factors identified in the literature pertaining to young people coming into conflict with the law.

Factors identified in the literature review.

### Individual Factors

- Age at first contact with police/criminal justice agencies
- Age of last contact with police/criminal justice agencies
- Propensity to risk-taking behaviour (impulsivity)
- Propensity to risk-taking behaviour which is also criminal behaviour
- Cognitive capacity/ability
- Presence/prevalence of neuropsychological risk during infancy/early childhood
- Presence/prevalence of behavioural disorders/difficulties
- Presence/prevalence of official diagnosis – behavioral disorders/difficulties
- Alcohol use/misuse
- Substance use/misuse
- Adverse childhood experiences
- Experience of victimisation
- Mental health difficulties
- Attitudes to involvement in offending
- Attitudes to police/criminal justice system/state authorities
- Gender
- Race
- Ethnicity

### Family

- Parenting styles
- Parental monitoring/supervision
- Presence of parental conflict
- Attitudes to involvement in offending
- Attitudes to police/criminal justice system/state authorities

- Attitudes to education
- History of family involvement in criminal justice system
- Alcohol use/misuse amongst family members
- Substance use/misuse amongst family members
- Intra-family violence (domestic violence, child-to-parent violence)
- Significant loss/bereavement in family
- Level of attachment to parents
- Socio-economic background (including parental employment status)

### Peers

- Peer involvement in offending/anti-social behaviour
- Activities while with peers
- Peer attitudes to offending/anti-social behaviour
- Involvement in criminal activities with peers
- Levels of violence among peer groups
- Involvement of peers in education
- Involvement of peers in training/employment

### Education

- Attendance at school/levels of truancy
- Level of educational attainment
- Attitude to school
- Attitude to/relationships with teachers
- School discipline involving suspension/exclusion
- Presence/accessibility of school/educational supports
- Opportunities for young people to have voice heard in school

### Community

- Socio-economic profile of neighbourhood
- Crime prevalence in the neighbourhood – youth crime/adult crime
- Fear of/levels of violence in community

- Experience of victimisation in community
- Involvement of adults in community in supervising/monitoring young people
- Ability to access youth services in the community
- Use of youth services in the community
- Ability to access general support services in the community
- Use of general support services in the community
- Ability to access leisure/social facilities in the community
- Use of leisure/social facilities in the community
- Ability to access necessary health services
- Use of necessary health services
- Ability to access necessary specialist health services
- Use of access necessary specialist health services
- Ability to access employment opportunities in the community
- Use of employment support services
- Ability to access training opportunities
- Use of available training opportunities
- Opportunities for young people to have voice heard in community

### Contact with State agencies

- History of state care (including type of state care, length, etc.)
- History of social work involvement
- Adversarial contact with police/criminal justice agencies
- Contact with police/criminal justice agencies in the community
- History of criminal justice system interventions
- Opportunities to have voice heard in contact with state authorities
- Impact of marginalisation/labelling on young people

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