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The criminal justice system in Northern Ireland

Conor Murray and Nicola Carr

KEY ISSUES

After studying this chapter, you should be able to:

- appreciate the historical, social, and political context of criminal justice in Northern Ireland;
- identify the main custodial and community-based sentences that are available to courts;
- critically assess the current provisions in place to accommodate prisoners;
- synthesise the different systems that are in place to administer justice to children and young people under the age of 18;
- outline the main inspection and oversight bodies that have been established to ensure the effective and fair operation of the criminal justice system.

Introduction

In any jurisdiction, criminal justice sits within a particular historical, social, and political context. This is especially significant for Northern Ireland, where over three decades of violent political conflict (from the late 1960s to the late 1990s) have shaped the contemporary criminal justice system. In the transition to peace, the reform of criminal justice agencies has been a key priority. In this chapter, we begin with a brief historical overview of Northern Ireland and some of the key ways in which criminal justice has been impacted by the long period of conflict known as the ‘Troubles’. We then briefly discuss the current system of government before outlining the current criminal justice context in Northern

Ireland and the key agencies involved, focusing particularly on the police, probation, prisons, youth justice system, and criminal justice oversight bodies. We also explore the challenges of the transition from conflict for the criminal justice system, ongoing reform, and continued legacies of the conflict. Having a good understanding of these issues will not only give you grounded knowledge of the criminal justice agencies that make up many justice systems globally, but will increase your appreciation of how politics and historical events can shape criminal justice practices and encourage you to continue developing your *Always Be Critical* mindset.

Northern Ireland in context

Before beginning our overview of the criminal justice agencies in place today we need an appreciation of Northern Ireland’s conflicted past. The Government of Ireland Act (1920) led to the partition of the island of Ireland into two separate jurisdictions—the southern jurisdiction, the Irish Free State (which subsequently became the Republic of Ireland) and the northern jurisdiction which became Northern Ireland and is part of the United Kingdom. The political conflict known as the Troubles erupted in Northern Ireland at the end of the 1960s. It lasted over 30 years and resulted in more than 3,500 deaths and 40,000 casualties (McKittrick and McVea, 2012). The causes of the political conflict were complex and linked to Ireland’s history. While the level of violence has decreased, the debates about ethnicity, nationality, and the constitutional status of Northern Ireland continue. There are two opposing viewpoints: ‘unionists’ (many of whom are Protestant) are in favour of Northern Ireland remaining part of the United Kingdom, whereas ‘nationalists’ (many of whom are Catholic) want Northern Ireland to break away from the United Kingdom and join with the Republic of Ireland to create a united Ireland (Rosland, 2009).

The Northern Ireland state that was formed in 1921 was made up of a majority Protestant population (65 per cent, compared to 35 per cent Catholic). The Northern Ireland parliament at Stormont was dominated by Protestants/Unionists and there was an under-representation of Catholics/Nationalists at all levels of government. In the 1960s, Catholics/Nationalists staged civil rights protests to highlight structural discrimination; in other words, institutional policies (such as those relating to employment and housing) that were having a negative impact on them. These protests led to political tensions and violence and, in August 1969, British troops were deployed on the

streets of Derry and Belfast in response to the civil unrest. The situation quickly escalated into a sustained conflict between Republican and Loyalist ‘paramilitaries’—a term used to refer to illegally formed organisations that operate like armies. The Republicans were largely aligned with the Catholic and Nationalist communities and sought a united Ireland, while the Loyalists wanted to retain the connection to the United Kingdom, and the British army (Dixon and O’Kane, 2011). In this context, the British government suspended the Northern Ireland parliament in March 1972 and imposed ‘Direct Rule’ from Westminster. This meant that the British government became responsible for administering Northern Ireland directly.

Crime and justice during conflict

During the period of Direct Rule, criminal justice policies in Northern Ireland often paralleled legislation in England and Wales and were made distinct only by rebranding an Act through adding ‘Northern Ireland’ to its title. However, in other ways the criminal justice system in Northern Ireland was very different, particularly in how it was applied to suppress and contain political conflict (McAlinden and Dwyer, 2015). This included the introduction of ‘Emergency’ legislation, which allowed for internment (the indefinite detention of terrorist suspects without trial), increased police and army powers, and the introduction of juryless ‘Diplock’ courts (named after a British judge) in cases of alleged terrorist offending.

The role of the police force, the Royal Ulster Constabulary (RUC), during the Troubles has been the subject of particular critique. There were concerns about police accountability, allegations of collusion with Loyalist paramilitaries, and

institutionalised discrimination (Hillyard and Tomlinson, 2000; Ellison and Mulcahy, 2001). As in other contexts, ‘the police’ was both an imagined and a material representation of the state (Ellison and Smyth, 2000). For many Protestants and Unionists, the police represented loyalty and service to the British crown. For many Catholics and Nationalists, the police represented the coercive embodiment of a state to which they owed no allegiance, as well as the ‘sharp end’ of sectarian and politically discriminatory policing tactics (Ruane and Todd, 1996; Mulcahy, 2006).

Over the course of the conflict, over 300 police officers were killed. Because of the perceived absence of legitimacy of policing in many parts of the Northern Ireland jurisdiction, paramilitary groups adopted quasi-policing roles within their local communities. In Loyalist communities, the emergence of paramilitary regulation from the early 1970s was initially viewed as an assistance to the police (Monaghan, 2004). This involved punishment beatings, exiles, shootings, and executions, as well as the monitoring of behaviour in local communities in the absence of an accepted form of policing (Feenan, 2002). The types of behaviour that were punished by paramilitaries included so-called ‘ordinary’ crime or antisocial behaviour (such as theft, ‘joy-riding’, drug-dealing, and vandalism).

Prisons were also key sites of political conflict because of the introduction of measures such as internment, and policies regarding the treatment of political prisoners. Prison officers were considered ‘legitimate targets’ by paramilitary organisations and over the course of the Troubles, 29 prison officers were killed by paramilitary groups. Internment was reintroduced into Northern Ireland in 1971 through the activation of emergency legislation which allowed a person to be detained if they were suspected of acting or having acted in a way that could disrupt peace in Northern Ireland (Spjut, 1986). One of the immediate effects of internment was the growth of the detention population; between 1971 and 1975 (when the practice ended), 1,981 people were interned. Internees were held in prisons and in old military facilities such as Long Kesh in County Down.

Alongside internees, the prisons also contained political prisoners, those sentenced or remanded (detained from arrest until trial) for conflict-related offences. Unlike the mainstream prison population, commonly known as ‘Ordinary Decent Criminals’ (ODCs) (Gormally et al., 1993), political prisoners were initially provided with ‘special category status’ which meant they could wear their own clothes and mingle freely. Political prisoners and internees were held separately from ODCs and prisoners of opposing paramilitary groups. The British government changed this policy in 1976 by removing the special category status of prisoners convicted of terrorist offences, instead requiring that they be treated the same as other convicted offenders (e.g. having to wear a prison uniform, limiting their associations, etc.) (McEvoy, 2001). The Maze—a new high-security,

purpose-built prison—was constructed on the Long Kesh site, and prisoners convicted of terrorist-related offences were held there.

The Republican prisoners reacted to their change in status by protesting. Large numbers of prisoners refused to wear prison-issue clothing, covering themselves only with blankets when leaving their cells, and soon became known as the ‘Blanket Men’ (McKeown, 2001). This protest then escalated into a ‘no wash’ or ‘dirty’ protest and led to prisoners smearing their cells with excrement. The protests extended to other prisons, including Armagh Women’s Gaol (Corcoran, 2007), and continued into the 1980s. Frustrated by their lack of success, prisoners in The Maze went on hunger strike in an attempt to achieve special category status. The British government refused to give in to the prisoners’ demands, and ultimately 10 prisoners starved to death (Beresford, 1987).

Crime and justice following the Good Friday Agreement

The most marked aspects of violent political conflict ended in 1998 following the success of the Belfast Peace Agreement, more commonly referred to as the Good Friday Agreement (NIO, 1998). Following this agreement, Direct Rule was lifted and in 1999 the Northern Ireland Assembly was restored. The Assembly, which is currently made up of 90 elected parliamentary representatives or MLAs (Member of the Local Assembly), is responsible for some areas of legislation, for example policy in relation to employment, education, and health and social services. However, similarly to the position of the devolved governments in Scotland and Wales, the Northern Ireland Assembly does not control matters considered to be of national importance, which remain the responsibility of the Westminster parliament. This includes areas such as international relations, defence, and national security. Because of the historically contested nature of criminal justice in Northern Ireland, policing and justice powers were not devolved to the Northern Ireland Assembly in 1998. The Good Friday Agreement set out plans for the establishment of an independent commission to make recommendations for the future policing arrangements of Northern Ireland (ICP, 1999) and a parallel wide-ranging review of other areas of the criminal justice system (Criminal Justice Review, 2000).

The reviews of both policing and other aspects of the criminal justice system led to a series of reforms that we will describe later in this chapter. Most significantly, we will discuss the establishment of a new police force, the use of restorative justice within the youth justice system, and new institutions for the oversight of the criminal justice system. The Good Friday Agreement also involved a commitment to release prisoners who had been convicted

of conflict-related offences. Through the multi-party Hillsborough Agreement (2010) policing and justice powers were devolved to the Northern Ireland Assembly in 2010 (NIO, 2010a) and a justice minister was appointed. The Minister for Justice initiated two substantive independent reviews—one of prisons and the other of the youth justice system in Northern Ireland, indicating the priority areas for the new department.

In considering Northern Ireland's conflicted past and its transition into peace we have reflected on some bleak realities including violence, murder, and state collusion. This gives us the essential background knowledge to appreciate the criminal justice landscape that is in place today.

Crime and justice in Northern Ireland today

One way for us to get a sense of crime and justice in Northern Ireland today is to explore the Police Service of Northern Ireland (PSNI) statistics on recorded crime. As we discuss in Chapter 5, there are some important caveats to bear in mind when assessing official crime statistics. These include:

- Not all crime is reported to the police and there is usually under-reporting of particular types of crime (e.g. hate crime and domestic violence).
- Recorded crime reflects police practices and priorities (Maguire, 2015)—in other words, there will appear to be higher rates of the crimes that they have chosen to target.
- Crime reporting is affected by confidence and trust in the police, which is particularly significant in Northern Ireland because of the legacy of political conflict (Ellison and Mulcahy, 2001).

Victim surveys are another potentially useful source of crime data. The Northern Ireland Crime Survey (NICS) is conducted annually amongst a representative sample of households. It measures victimisation rates (even where crimes have not been reported to the police), perceptions of crime, and public confidence in the police and the wider criminal justice system. The questions in the NICS are similar to the questions asked in the Crime Survey for England and Wales (CSEW); this is useful as it allows us to make comparisons across different jurisdictions.

We can see that the rate of crime in Northern Ireland has fallen over time, reflected in both the PSNI and NICS data. Between 2002/3 and 2019/20 the numbers of recorded crimes fell from 138,132 to 106,585 (PSNI, 2020a). Theft

offences, including burglary and criminal damage, account for the greatest proportion of recorded crime (46 per cent in 2019/20). Within the overall context of declining crime, there has been an upward trend in recorded offences involving violence against the person (including sexual offences and robbery), which accounted for 42 per cent of recorded crime in this period—the highest level recorded (PSNI, 2020a). Furthermore, despite an overall downward trend in the number of homicides, particularly when compared to the periods of most intense political conflict (376 in 1972), we can see that there has been a relative spike in homicide cases in recent years. There were 23 murders in 2017/18 (the second highest figure in the last 10 years), 24 murders in 2018/19 (the highest in the last 10 years), and 19 in 2019/20 (the fourth highest figure in the last 10 years) (PSNI, 2020a). Comparisons between the NICS and the CSEW show that the risk of becoming a victim of crime (7.5 per cent) remains lower in Northern Ireland than it does in England and Wales (14.9 per cent) (Banks and Campbell, 2020).

Alongside the main crime statistics, we can also keep up to date on Northern Ireland's current 'security situation' through statistics published by the police. This information includes levels of recorded 'security-related deaths', shootings, bombing incidents, and arrests made under the Terrorism Act. While there is a marked decrease in levels of violence since the Troubles there is still ongoing activity, including two killings between February 2020 and January 2021 (PSNI, 2021). Information is also recorded on so-called 'paramilitary-style' shootings and assaults. These are particularly likely to be under-reported but nonetheless, through the available information we can see continued levels of paramilitary activity within communities.

The Northern Ireland criminal justice system

Similar to the criminal justice systems of England and Wales and of Scotland, in the Northern Ireland system we see a range of agencies involved in the administration

of justice. This includes the police, prosecution services, the courts, probation, and prisons. We will discuss the elements and key characteristics of each of these agencies in

this section. For young people under the age of 18, there is a separate but parallel system—we will discuss this system later in ‘Youth justice in Northern Ireland’.

Policing and police reform

By now you will have an appreciation of Northern Ireland’s historical conflict, and the impact on its criminal justice system. Reform of policing was seen as integral to the peace process, particularly given the extensive criticisms of the role of the Royal Ulster Constabulary (RUC) during the Troubles. The Independent Commission on Policing (ICP) in Northern Ireland, chaired by Chris Patten, published a report in September 1999 setting out 175 recommendations for police reform (ICP, 1999). The Patten Report, as it became known, foregrounded the protection of human rights as a core function of the police, emphasising accountability and transparency. It recommended renaming the force ‘Police Service of Northern Ireland’ and it called for equal recruitment of Catholics and Protestants, and the establishment of new governance structures.

After the Police (Northern Ireland) Act (2000) was passed in 2001 the RUC did indeed become the Police Service of Northern Ireland (PSNI) (Mulcahy, 2006). A new uniform, badge, and an oath for new officers were introduced and the first PSNI-trained officers took up post in April 2002. In **Conversation 1.1** we hear from an anonymous former RUC and PSNI Officer who discusses their first-hand experiences of the transition from RUC to PSNI. In addition to the reformation of policing, the Police Act (Northern Ireland) 2000 established the Northern Ireland Policing Board (NIPB). This independent public body comprises 19 political and independent members. The main statutory duties and responsibilities of the NIPB are to secure an effective and efficient public service, set priorities and targets for police performance, and appoint (and dismiss, if necessary) the most senior police officers. It is also responsible for monitoring the performance of the PSNI in complying with the Human Rights Act 1998.

As the Patten Report observed (ICP, 1999), the RUC was not representative of the society it policed. Catholics constituted 8 per cent of the force, despite making up over 40 per cent of the Northern Ireland population. In order to encourage more equal representation of Catholics and Protestants within the police workforce, a 50/50 recruitment policy was introduced. The policy was in place for ten years (2001–11), and during this time the Catholic composition of the workforce increased from 8.3 to 29.38 per cent. It is also worth noting that the proportion of women in the police increased from 12.6 to 25.54 per cent during that period (NIO, 2010b). According to the latest figures available at the time of writing, Catholics now constitute 31.92 per cent of the force, Protestants 66.74 per cent, and ethnic minority

backgrounds 0.58 per cent (reflective of the broader composition of the Northern Ireland population, which is less diverse than other jurisdictions in the United Kingdom). The number of women in the police force has also continued to increase, rising to 29.87 per cent (PSNI, 2020b).

As well as these systemic reforms, there were also attempts to shift the focus of policing towards a more community-based model (Ellison and O’Rawe, 2010), which involved establishing Policing and Community Safety Partnerships (Justice Act 2011). However, some have questioned the success of these efforts (Topping, 2015). In addition, the threat of dissident Republicans (dissidents are those who oppose the official policy of a state) remains a challenge to the normalisation of policing, as a number of Republican paramilitary groups continue to be militant and oppose the ceasefire. Since 2001, two police officers have been killed by dissidents (Constable Stephen Carroll was shot in 2009 and Constable Ronan Kerr was killed in a car bomb in 2011) and the continued level of overall threat is assessed as ‘severe’, meaning a terrorist attack is ‘highly likely’ (PSNI, 2021). The continued activities of both Republican and Loyalist paramilitaries within communities is another source of concern.

Prosecution, courts, and sentences

After someone in Northern Ireland is charged by the police with having committed a criminal offence, their case is first reviewed by the Public Prosecution Service (PPS). This body has a similar function to the Crown Prosecution Service in England and Wales. It is responsible for prosecuting cases at court, as well as deciding whether there is enough evidence for prosecution and if prosecution is within the public interest. The courts are run by the Northern Ireland Courts and Tribunal Service (NICTS) and the court structure is similar to that of England and Wales. Individuals charged with less serious offences will have their cases held in the Magistrates’ courts, for those charged with more serious offences, their cases will be heard in the Crown Court—and there is a separate youth court for under-18s. Should an offender wish to appeal a decision made in court, recourse can be made to the Court of Appeal. Most prosecutions that proceed to court are finalised at the magistrates’ court level, however over the years there have been consistent concerns about how long it takes cases to progress through the courts (CJINI, 2010). The outcomes for offenders found guilty in court differ, but monetary penalties (fines) are the most frequently used disposals—in 2019 almost 54 per cent of all cases before the courts were dealt with in this way. Just over 13 per cent of cases resulted in a prison sentence, 16 per cent received a suspended prison sentence, and 13 per cent received a community sentence (Graham, 2020).

CONVERSATION

RUC to PSNI: The Journey

with a former RUC and PSNI Officer

Coming from a policing family, with my father, brother, and brother-in-law all serving in the RUC, I suppose it could be said that policing was in the blood and my decision to join was a forgone conclusion. I led a very sheltered upbringing, protected from the harrowing times of the seventies and the bitter sectarian divergence that ravaged Northern Ireland by parents who raised me without political or religious opinion.

It was the 1980s when I found myself travelling to the RUC Depot (training centre) in Enniskillen to start my career as a police officer in the RUC. I arrived full of enthusiasm, with thoughts of making a difference and serving the community, and of course the good salary and career security were also part of the decision-making process. The basic police training consisted of a combination of legislation and procedures, intermixed with foot drill and physical fitness which was delivered within a very strict disciplinary regime. Much emphasis was placed upon having pride in your appearance and the uniform you wore. The instructors took time out from these structured studies to discuss the history of policing within the island of Ireland and we received several personal inputs from retired members, highlighting our predecessors' personal sacrifices and devotion to duty. The consistent theme was courtesy, respect for others, and self-discipline. In my squad, we had a mix of genders and religious backgrounds, and we also had some international students. Irrespective of whether you came from a city estate or country townland, everyone seemed extremely proud to be a member of the RUC.

I had a rude awakening as to what policing in Northern Ireland would really entail when on 4th September 1985 the Enniskillen training depot was mortared by the IRA injuring 30 people, of which I was one. The realisation there and then for the whole squad was disturbing. A short time later I was to be subjected to my first policing role at a Loyalist day of action which was equally harrowing;

the abuse and threats were so intimidating it left me wondering what the RUC's role was. During my service, I always ended up working on a border, either a green field which contained a dividing line between two countries or a peace line which placed a physical division between two differing communities. I found myself in a catch-22, where you are damned if you do and damned if you don't. It was very difficult to navigate, especially in a vacuum where there were calls for disbandment, claims of collusion, and oppressive policing behaviours.

During the political discussions on police reform, the conversations within the RUC ranks were of fear for our jobs and disbelief at the rhetoric being used to describe us and our sacrifices. There was much talk about the new name, the new uniform, and the new logo but there was little or no consultation with the RUC as a whole.

On the day the name changed, feelings were running very high. As officers wore the uniform they were so proud of for the last time, some were tearful, others very cross, and some experienced feelings of bereavement. The pace and stealth of the removal of all things RUC caused widespread anxiety and upset in the initial days and weeks. However, Policing is Policing; there was a job to be done and communities to serve, and that is exactly what happened. The majority of officers embraced the change and the new look, carrying out their duties as required in very difficult and demanding times.

Flags and emblems are a very contentious issue within the divided society of Northern Ireland and the RUC emblem was no different in a policing context. It is still remembered by the various bodies that 'mark the sacrifices and honour the achievements' of the RUC (the mission of the RUC George Cross Foundation).

The face of policing has changed dramatically and continues to do so, especially within the Northern Irish context. I believe the PSNI continues to engage with those changes with open arms; the changes do not always please everyone, but as one of my earliest lessons taught me in Enniskillen, 'The law is no respecter of persons'.

Probation services: Community sanctions and measures

As you will know from your study of criminology so far (and from Chapters 24 and 25, particularly), many people receive part or all of their punishment in the community.

The Probation Board for Northern Ireland (PBNI) is the organisation responsible for the supervision of people subject to Community Sanctions and Measures (CSMs). Such sanctions and measures are defined as those:

... which maintain suspects or offenders in the community and involve some restrictions on their liberty through the

imposition of conditions and/or obligations. The term designates any sanction imposed by a judicial or administrative authority, and any measure taken before or instead of a decision on a sanction, as well as ways of enforcing a sentence of imprisonment outside a prison establishment. (Council of Europe, 2017)

We can see that this definition encompasses both community sanctions imposed by the court and the supervision of people in the community instead of a prison sentence or following release from prison.

The main community sentences that can be imposed by the courts in Northern Ireland are:

- **Probation Order:** this places a person under the supervision of a probation officer. The courts can sentence someone to this order for a period of between six months and three years.
- **Community Service Order:** this requires a person to carry out unpaid work in the community. It may be given to anyone over the age of 16 and for a period ranging from 40 to 240 hours.
- **Combination Order:** this sentence combines a Probation Order with a Community Service Order. The element of probation supervision can last from one to three years and the community service component can range from 40 to 100 hours.

These three orders are supervised entirely in the community. The courts can also impose sentences which involve a period of imprisonment followed by a period of supervision in the community after release from prison:

- **Determinate Custodial Sentence:** this is a sentence of imprisonment for a period set by the court. The first half of the sentence is spent in custody and the second half in the community.
- **Extended and Indeterminate Custodial Sentences:** these were introduced in Northern Ireland in the Criminal Justice (Northern Ireland) Order 2008. They are sometimes referred to as ‘public protection’ sentences (Carr, 2015a), as they can only be imposed if a person has committed a serious offence and the court believes that a person is ‘dangerous’ and likely to commit further offences that would result in serious harm. For an Extended Custodial Sentence (ECS), the court must specify the maximum time to be spent in prison at the point of sentence. For an Indeterminate Custodial Sentence (ICS), no release date is set—a characteristic which has been strongly criticised, as we consider in ‘Controversy and debate’. At the point of sentence, the court sets a ‘tariff’ date, which is the earliest point at which a person subject to an ICS can be considered for release.

The Parole Commissioners for Northern Ireland (PCNI) decide when prisoners serving Extended and Indeterminate Custodial Sentences can be released on licence. They also consider the point at which a person subject to a life sentence, which is imposed for the most serious offences (such as murder), can be released. The PCNI is a statutory body comprising 41 commissioners who work on a part-time basis and are appointed based on their professional expertise (e.g. law, psychiatry, policing, and probation). They make their decisions based on a number of factors, including an assessment of the risk of further offending and the likelihood of a person causing further serious harm. They must also consider what is best to support the rehabilitation of the prisoner (PCNI, 2016).

When a person is released on licence, they have to agree to obey certain conditions. These typically include a requirement to live at an approved address, to keep in touch with their probation officer, to only travel abroad with prior permission, and to not commit further offences. They might also have to agree to more specific conditions based on the particular characteristics of the person’s offending history and the assessed level of risk. These can include restrictions on contact with specified individuals or groups, restrictions on specific activities, and curfew requirements, which can involve electronic monitoring. If they fail to adhere to the conditions of a licence, a person can be ‘recalled’ to prison.

Probation officers are employed by the Probation Board for Northern Ireland (PBNI) and supervise people subject to community sentences or those released on licence in the community. The arrangements for probation in Northern Ireland differ from other UK jurisdictions. The PBNI is a non-departmental public body, which means that although it receives most of its funding from the government, it operates at arm’s length from government departments. It is governed by a board made up of representatives from the community (Fulton and Carr, 2013). Probation offices are located throughout Northern Ireland and some probation officers also work in prison. In Scotland, criminal justice social workers (the equivalent of probation officers) work in local authorities (McNeill, 2016), while in England and Wales probation services—which were split into public and private provision following the reforms of the ‘Transforming Rehabilitation’ programme (see Chapter 25)—have been ‘renationalised’ under the ambit of the National Probation Service.

The particular governance structure of probation in Northern Ireland is linked to the political conflict. In the 1980s, the decision to establish a board comprising members of the community was based on the view that probation should be representative of the entire community. The PBNI took a ‘neutral’ stance during the political conflict, which meant that it only worked with people involved in politically motivated offending on a voluntary basis (i.e. if



CONTROVERSY AND DEBATE

Indeterminate Custodial Sentences

The Criminal Justice Act (2003) introduced the ‘Imprisonment for Public Protection’ (IPP) sentence for England and Wales. The intention was to create a sentence that would keep the most dangerous offenders in prison for an indeterminate period (i.e. they had no set release date) to protect the public. Individuals given these sentences were provided with a minimum tariff date, and after this date passed it was up to the Parole Board to decide when to release the prisoner based on whether they believed the individual’s risk was manageable in the community (Harris et al., 2020).

These sentences came under immense criticism because the indeterminate nature of their incarceration left prisoners feeling hopeless, frustrated, and distressed (Addicott, 2012; Smart 2019). It put prisoners off seeking support for mental illness out of fear that the support would show up on their records and subsequently cause the Parole Board to believe they were failing to progress (Sainsbury Centre for Mental Health, 2008; Independent Advisory Panel on Deaths in Custody, 2019).

IPPs were further criticised because of a ‘net-widening’ effect. They were originally intended for the most

serious and prolific offenders, however increasing numbers of low-level offenders were given the sentence (Harris et al., 2020). In recognition of all these criticisms the IPP sentence was abolished in 2012, but not retrospectively—meaning that no one new could be given the sentence, however those that had already been given the sentence were not released. At the time of the sentence being abolished it was estimated there were over 6,000 prisoners serving IPP sentences (Bettinson and Dingwall, 2013).

Under the Criminal Justice (Northern Ireland) Order (2008), sentencing in Northern Ireland adopted a similar approach to ‘public protection’. In doing so, two public protection sentences were introduced: Indeterminate and Extended Custodial Sentences (ICS and ECS respectively). While the ICS, Northern Ireland’s equivalent to the IPP, has not been applied anywhere near as frequently as its England and Wales counterpart (there were 48 prisoners on ICS sentences in March 2020), those prisoners that have been subjected to these sentences share the same pains of indeterminacy. Unlike the IPP, the ICS has not been abolished.

the prisoners requested support). The reasoning behind this approach was that those who had become involved in the criminal justice system as a result of politically motivated offending did not consider themselves to need ‘rehabilitation’. As a result of its neutral stance, probation officers were able to operate in communities that were considered no-go areas by other criminal justice agencies, such as the police. It also meant that, unlike prison officers or the police, probation officers were not considered ‘legitimate targets’ by paramilitaries and no probation officers were killed during the conflict because of their occupation (Carr and Maruna, 2012).

The stated purpose of community sentences such as probation orders is to ‘secure the rehabilitation of the offender’ and to ‘protect the public from harm’ (Criminal Justice (Northern Ireland) Order 1996). This dual emphasis on rehabilitation and public protection has become a common feature of probation practice in many countries (Robinson and McNeill, 2016). Central to the practice is the emphasis on assessing risk, both of reoffending and the likelihood of causing serious harm. Probation officers write pre-sentence reports for the courts on request, providing information on a person’s background and reasons for their offending. They also provide an assessment of risk and make

recommendations to the court accordingly. Ultimately, the court decides the sentence.

Table 1 provides a snapshot of the numbers of people who were under the supervision of PBNI in March 2020—this includes people subject to community sentences and post-custodial supervision (i.e. those released on licence from prison). To help you make sense of the figures, the term ‘Juvenile Justice Centre Order’ applies to under-18s who are sentenced to detention in the Juvenile Justice Centre and are then supervised for a period following their release; a ‘Sex Offender Licence’ involves supervision of people who have been convicted of a sexual offence following their release from custody; and a ‘GB Transfer Licence’ is for people who have been served a sentence in a prison in England, Wales, or Scotland but are supervised in Northern Ireland for the period of their licence. It is also worth noting that some people may be subject to more than one order at the same time.

Alongside the range of sentences and licences supervised by the PBNI that we have considered so far, it is also worth noting the number of people subject to some form of supervision in the community. In the following section (‘Prisons in Northern Ireland’) you will see that the average daily prison population in Northern Ireland at the end of 2020 was just over 1,516 prisoners (Redmond and Palmer, 2020).

Orders/Licences	Number
Combination Order	460
Community Service Order	530
Custody Probation Order	39
Determinate Custodial Sentence	1,168
Enhanced Combination Order	244
Juvenile Justice Centre Order	12
Probation Order	1,541
Life Sentence Licence	244
Sex Offender Licence	75
GB Transfer Licence	51
Extended Custodial Sentence	174
Indeterminate Custodial Sentence	48
Other	18
Total People:	4,216

Table 1 People under supervision of PBNi in March 2020 by Order/Licence
Source: PBNi (2020)

Therefore, the ratio of people under supervision in the community compared to those in prison is approximately 3:1. The relationship between prison and probation populations has been under scrutiny in different countries (Aebi et al., 2015; Heard, 2015). In many contexts, community sentences are promoted as a means of reducing prison populations. In other words, sentencers are encouraged to use community sentences rather than short prison sentences. However, in an analysis of trends in Europe, Aebi et al. (2015) found that community sentences can actually have a ‘net-widening’ effect, as people who may previously have been dealt with informally (via an informal warning) are now receiving a formal ‘disposal’ and being brought into the criminal justice system. This means that rather than reducing the prison population, there are increasing numbers of people both in prison and subject to some form of community supervision; we also see movement of people from prison to community and vice versa. As discussed in Chapters 24 and 25, this is to some extent a UK-wide issue.

One of the ways in which people move from the prison to the community and sometimes back into prison is through the practice of ‘recall’—when people are returned to prison for breaching their licence conditions. A report published by the Criminal Justice Inspection Northern Ireland (CJINI, 2016a) stated that between 2010 and 2015, out of 2,505 prisoners released from custody on licence, 723 were subsequently recalled to custody, a recall rate of

29 per cent. As you can imagine, these numbers clearly have an impact on the overall prison population. There are also broader issues raised by recalls, including the evidence used to support the process and the extent to which it may delay the process of desistance from offending (Digard, 2010; Irwin-Rogers, 2016).

Prisons in Northern Ireland

As we have outlined, the political conflict had a profound effect on Northern Ireland’s prison population. The overall population rose dramatically following the outbreak of the conflict (from approximately 600 prisoners in 1969 to 3,000 in 1979) (McEvoy, 2001). During the decades of conflict, political prisoners constituted up to two-thirds of Northern Ireland’s prison population and this fact shaped the entire prison regime, in particular approaches to security (McEvoy, 2001). The release of political prisoners was a key element of the Good Friday Agreement. Two years after the agreement, the Northern Ireland (Sentences) Act 1998 enabled the release of political prisoners on licence. Between 1998 and 2007, 449 politically affiliated prisoners were released (Dwyer, 2007). The Maze prison, which had been used to detain political prisoners, closed in 2000 and the remaining political prisoners who did not qualify for release were moved to Maghaberry prison just outside Belfast.

The release of prisoners led to a significant reduction in Northern Ireland’s prison population. The remaining adult prisons in Northern Ireland—Maghaberry, Magilligan, and Hydebank Wood—accommodate remand (those that have not been convicted and are awaiting trial), committal prisoners (new arrivals undertaking an induction period), and young offenders (prisoners between the ages of 18 and 21). In **Table 2** we see an overview of the current prison estate in 2019/20. You will notice that women are housed at Hydebank Wood (Ash House); the same location as male young offenders. There has been no separate site for women prisoners in Northern Ireland since the closure of the women’s prison, Armagh Gaol, in 1986. When it closed, women were initially accommodated in Mourne House, a unit on the Maghaberry prison site, but after numerous critical reports this unit was closed and Ash House was opened in the grounds of Hydebank Wood Young Offenders Centre (Scraton and Moore 2005, 2007).

To put the prison population in perspective, the prison population rate in Northern Ireland at 80 per 100,000 is significantly lower than in Scotland (135 per 100,000) and England and Wales (133 per 100,000). The overall average daily prison population in Northern Ireland at the end of 2019 was 1,516 compared to 1,160 in 2003, showing that the prison population has been steadily rising over the past two decades (Redmond and Palmer, 2020). The reasons for the rise in numbers (shown in **Figure 1**) include that greater

Prison	Type	Category	Average daily population 2019/20
Maghaberry	Male High Security	Remand and Sentenced	902
Magilligan	Male Low/Medium Security	Sentenced	447
Hydebank Wood College	Young Offender Centre	Remand and Sentenced	92
Hydebank Wood (Ash House)	Women	Remand and Sentenced	74

Table 2 The Northern Ireland prison estate and average daily population in 2019/20
 Source: Redmond and Palmer (2020); *The Northern Ireland Prison Population 2019/20*

numbers are being processed through the courts, there has been an increase in short prison sentences, and the use of remands is high (and worsened by delays in the criminal justice system) (PRT, 2011; Department of Justice [DoJ], 2014). Another factor which has an impact on the prison population is the issue we mentioned previously of people being recalled to prison for breaches of their licence conditions, so-called ‘back-door’ sentences (Weaver et al., 2012).

The challenge faced now by the criminal justice system is how to reconfigure and reorient a prison regime that has such strong roots in political conflict. Following the devolution of policing and justice powers to the Northern Ireland Assembly in 2010, the then Minister for Justice, David Ford, appointed a Prison Review Team (PRT) to investigate the situation in prisons and make recommendations for reform.

In the PRT’s subsequent report, it made the following observation:

The prison system that has developed in Northern Ireland is intimately connected to its history. Not only has the approach of those working in the service been conditioned by the experience of the Troubles, but events in prison play out in the community and vice versa. Prisons therefore have political, as well as criminal, significance and importance.

(PRT, 2011: 9)

The PRT identified a number of significant shortcomings in the Northern Ireland prison system and their observations reflected what has been described as a ‘decade of stagnation’ (Scraton, 2015: 192) within the prisons following the Good Friday Agreement. The PRT

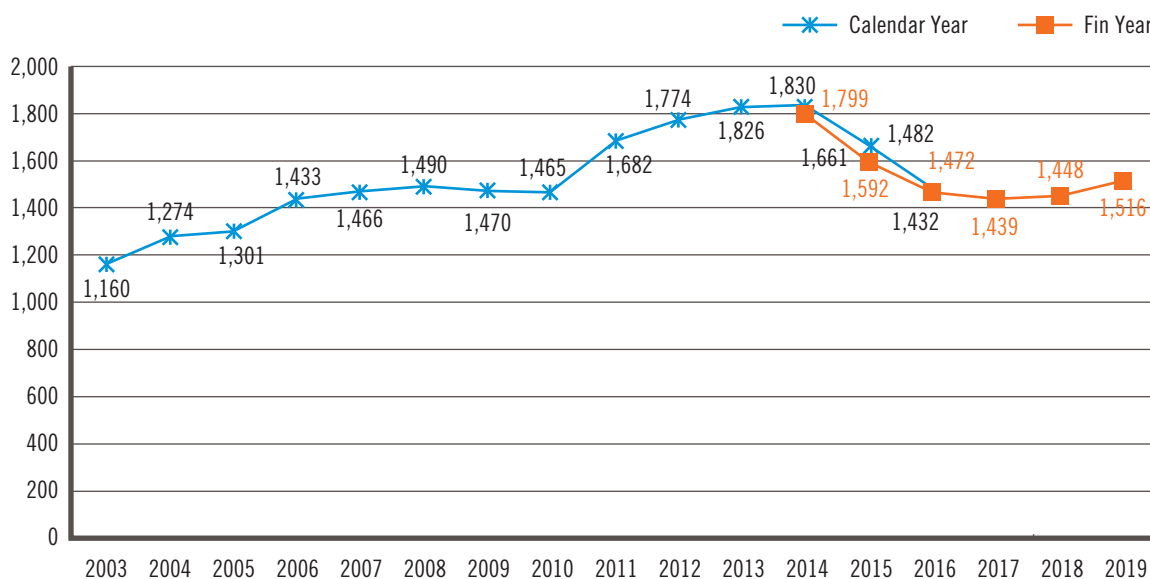


Figure 1 Northern Ireland Average Daily Prison Population 2003-2019/20

Source: Redmond and Palmer (2020) *The Northern Ireland Prison Population 2019/20*, content available under the Open Government Licence v3.0

recommended the reconfiguration of Maghaberry prison into three ‘mini-prisons’ (one for short-sentenced and remanded prisoners, one for those serving long or life sentences, and one for high risk prisoners); that Hydebank Wood Young Offenders Centre be redesignated as a ‘secure college’; and that a separate bespoke facility be built for women (see ‘New Frontiers’). It also proposed a ‘twin-track’ approach to ‘refreshing and developing’ staff (PRT, 2011: 54), noting that while there were relatively high staff-to-prisoner ratios, there had been little recruitment into the service for a number of years. It noted the need for the appointment of a ‘change management’ team to drive the reforms with appropriate oversight at the senior political level.

The recommendations of the review were accepted in full by the then Minister for Justice, and some of the reforms have been implemented. Hydebank Wood Young Offenders Centre was redesignated as a ‘secure college’ in 2015. After some initial criticisms of the new regime,

particularly in relation to the prevalence of bullying and violence (CJINI, 2016b; Murray, 2019, 2020), in 2020 the inspectorate stated that the progress made in Hydebank was ‘quite remarkable’ (CJINI, 2020: 3). It was judged to be at the highest standard in three out of the four ‘healthy prison’ tests (it was found to be ‘good’ in terms of Safety, Respect, and Rehabilitation and Release Planning, but ‘reasonably good’ in terms of Purposeful Activity). However, while some progress has been made in Hydebank, other recommendations outlined by the PRT have not been achieved, including the reconfiguration of Maghaberry and the development of a new women’s prison facility (Scraton, 2015; Moore and Wahidin, 2015; Butler, 2017). Prisons are also still tangled within the wider political context, as illustrated by the killing of two prison officers in recent years: David Black in 2012 and Adrian Ismay in 2016. Both killings are believed to have been carried out by dissident Republicans.

NEW FRONTIERS

Women prisoners in Northern Ireland

The imprisonment of women in the UK is often regarded as a contentious issue because (as we discuss in Chapter 11) large numbers of women are incarcerated for non-violent crimes, such as theft, which are committed as a means of survival (McNaull, 2019). There is also the fact that many women prisoners have experienced domestic violence, abuse, poverty, addictions, homelessness, and mental illness; issues that have often contributed to their offending behaviour (Moore et al., 2017).

With these long-standing issues in mind, Baroness Jean Corston conducted a review of the experiences of vulnerable women in the criminal justice system in England and Wales, publishing her findings in the Corston Report (2007). This report included a series of recommendations relating to women and imprisonment and influenced official policies in the UK jurisdictions, including Northern Ireland (see, for example, Department of Justice, 2010). Some of Corston’s recommendations continue to be relevant to women prisoners in Northern Ireland, namely:

- ‘women with histories of violence and abuse are over represented in the criminal justice system and can be described as victims as well as offenders’ (Corston 2007: 3);

- many women are in prison (either on remand or serving sentences) for minor, non-violent offences. For these women, prison is both disproportionate and inappropriate, so ‘custodial sentences for women must be reserved for serious and violent offenders who pose a threat to the public’ (2007: 9);
- governments should ‘replace existing women’s prisons with suitable, geographically dispersed, small, multi-functional custodial centres’ (2007: 35); and
- to create a more gender-appropriate prison environment through ‘investment in more rigorous training and ongoing support and supervision for all those charged with meeting the complex needs of women’ (2007: 13).

At present, women prisoners are accommodated in Ash House in the grounds of Hydebank Wood College, which also houses Northern Ireland’s cohort of young male offenders (Scraton and Moore, 2005, 2007). Locating Northern Ireland’s cohort of women prisoners in Hydebank has been consistently criticised by academic research, independent organisations, and criminal justice inspections and it has been suggested that *if* women continue to be put in prison they should have their own smaller and separate bespoke facility founded upon a therapeutic regime (PRT, 2011; Moore and Scraton, 2014; McNaull, 2017, 2019).

The Northern Ireland Prison Service accepted these criticisms and committed to building ‘a new, purpose-built women’s prison facility’ (DoJ, 2010: 55) while, in the meantime, ‘implementing a process of incremental change within the current facilities available to women at Hydebank Wood’ (DoJ, 2010: 56). However, despite these promises the purpose-built facility has still not been built and the process of change (the transformation of Hydebank from a Young Offender’s Institution to a ‘Secure College’) has come under significant criticism. It has been argued that the transition has not been equitable or applied in a gender-appropriate manner. Most of the resources and focus have been placed on the needs of the young male prisoners and the ‘reforms were left to “trickle-down” to women’ (McNaull 2017: 99). For example, women are still being subjected to verbal abuse and harassment from the young men—which is particularly troubling for survivors of sexual abuse. Women of all ages are also subjected to the same educational framework as the young men, with some allocated to joinery, bricklaying, and

plumbing classes (which, though they may suit some women, will not be appropriate or valuable for others) and threatened with lock-up and reductions in their weekly income if they do not attend (McNaull, 2017; also see Moore and Scraton, 2014).

At the time of writing, the Northern Ireland Prison Service are still planning to build a new facility for women prisoners in the grounds of the Hydebank Wood Estate. This contradicts most of the recommendations of academic and independent researchers and criminal justice inspectors, but most importantly directly opposes some of the guidance outlined in the Corston Report. That being said, Justice Minister Naomi Long launched a public consultation in January 2021 (titled ‘Empowering Change in Women’s Lives: Strategy for supporting and challenging women and girls in contact with the justice system’) with the aim of developing a new strategic approach to support and challenge women and girls involved with the criminal justice system. This begs the question: what are the new frontiers for women prisoners in Northern Ireland?

Youth justice in Northern Ireland

In Chapter 9 we considered youth justice in some depth, looking at societal attitudes towards young people, the potential reasons for their offending behaviour, and the main responses to it in England and Wales. As for the other UK jurisdictions, in Northern Ireland there is a separate system of justice for under-18s, and this is our focus here.

An overview of youth justice

The Youth Justice Agency was established to administer youth justice in Northern Ireland following a recommendation by the Criminal Justice Review (2000). The legislation (Justice Act (Northern Ireland) 2002) which helped establish the agency also set out the main measures to deal with young people involved in offending. Restorative justice initiatives were developed in communities as a response to paramilitary violence and the perceived absence of police legitimacy, and were used to prevent paramilitary punishments and beatings (Eriksson, 2009). Restorative justice approaches, which we discuss in depth in Chapter 30, are based on the principle that those most closely involved in and affected by an offence should be enabled to resolve and address the harms caused, through a process of dialogue and reconciliation. The Criminal Justice Review Group (2000) noted their success in this context, but recommended that

restorative justice approaches should be brought under the umbrella of the formal justice system and administered by the Youth Justice Agency (Doak and O’Mahony, 2011).

Following this recommendation, the Northern Ireland Youth Conferencing Service was introduced as part of the Justice (Northern Ireland) Act 2002. A distinct feature of the Northern Ireland system is that restorative justice-based youth justice conferences are the main measures used for dealing with youth offending (Haydon and McAlister, 2015). There are two types of youth justice conferences: a conference that is directed by the court (a court-ordered youth conference) or one that is directed by the Public Prosecution Service (a diversionary youth conference). The second type means that a young person engages in a youth justice conference at the direction of the PPS without going to court. The legislation specifies that where a young person goes to court, a youth justice conference should be the main method for dealing with offending if (a) the young person admits the offence and (b) they agree to participate in a conference. There are only a small number of serious offences (e.g. those for which, in the case of an adult, a life sentence would apply) where the court does not have to order a conference when these conditions are met.

The conference is a meeting involving the young person, a police officer, an appropriate adult, and—where possible—the victim of the offence. A ‘coordinator’ who is employed by the

Youth Justice Agency is also there to try to ensure a smooth process. As the conference is based on restorative justice principles, the aim is to repair the harm caused by offending (Van Ness and Strong, 2014). It will involve a discussion of the offence and the reasons for offending. In some cases, if the victim is present, the young person may make an apology. The final result of the conference should be an agreed plan. Conference plans typically involve a young person engaging in forms of reparation (e.g. voluntary work), offence-focused work, and purposeful activities (e.g. attendance at school). For court-ordered conferences, the plan must be approved by the court and the young person will then be made subject to something called a Youth Conference Order, which is an order requiring them to comply with certain requirements. They may be electronically monitored or ‘tagged’ and if the terms of the plan are breached, the case will be referred back to court. For diversionary conferences (where the case does not go to court), the PPS approves the plan.

Research and evaluations of youth justice conferences note some positive aspects of this approach, especially compared to alternative models of justice. In an evaluation, Campbell et al. (2005) found that conferences led to more participation by the young people and victims than a traditional court setting. Victims who attended youth

conferences reported high levels of satisfaction. However, research exploring young people’s perceptions of conferences has revealed mixed experiences: some young people find the process stigmatising, particularly when their life experiences are not taken fully into account (McAlister and Carr, 2014). As there is no limit on the number of conferences a young person may have to attend, some young people report ‘conference fatigue’ and a sense of going through the motions of the process (McAlister and Carr, 2014). Consider this mixed feedback further in ‘What do you think?’ 1.

Figure 2 provides an overview of all the referrals made to the Youth Justice Agency between 2015/16 and 2019/20. We can see that diversionary and court-ordered youth conferences account for approximately 70 per cent of all referrals. The Youth Justice Agency also supervises community orders, which are court ordered sentences. These include:

- **Attendance Centre Orders:** an order requiring a young person to attend a designated centre to undertake a structured programme of activities for a specified amount of time decided by the court, which can be between 12 and 24 hours.
- **Community Responsibility Orders:** a form of community service which requires the young person to

WHAT DO YOU THINK? 1

Youth justice conferences

Restorative practices can be used in a range of different social situations and are often employed in schools, communities, and workplaces to dissolve conflict, build relationships, and repair harm through open and effective communication. Youth justice conferences build on restorative philosophies and introduce key principles of responsibility, punishment, reparation, and (victims’) rights to youth justice (McAlister and Carr, 2014).

In research exploring the relationship between youth conferences and desistance from offending, Marsh and Maruna (2016) reported that conferences in which a young person meets a direct victim of violence are particularly impactful. That being said, many young people criticise youth justice conferences because they feel there are unequal levels of participation, with the other participants targeting the young offender and their voice ignored. We can see elements of these criticisms in the following quote:

I had to show remorse for what I’d done like... like for the different offences, like I was in a youth conference there ages ago for a burglary, it was one of my first offences, and I just got diverted to a youth conference because it wasn’t a serious burglary, you know. I had to sit in a room

with the person from the shop and I had to sit there and just to listen to him and say sorry and all. He just sat there and gave me abuse basically, he was an English boy and he called me a ‘yob’ or something like that. I hadn’t a clue what that meant, I had to say—‘what the fuck’s a yob like?’ And he says a ‘hood’ or something like that it is. And I said— ‘I’m no hood’.

(Paul, aged 15, cited in McAlister and Carr, 2014: 248)

As mentioned, restorative practices are now commonly used in other social institutions. Can you recall any examples from your own life where you have been brought together with friends, classmates, or work colleagues to resolve a dispute or apologise? Was this an effective way of resolving the situation? What impact did it have on those involved?

Bearing these feelings in mind, reflect on the following questions:

- Do you think that it is appropriate to take a different, more restorative approach when dealing with young people (under the age of 18) who have offended?
- How do you feel about victims being invited to youth justice conferences? Is it fair on the young person? Does it benefit any of those involved?

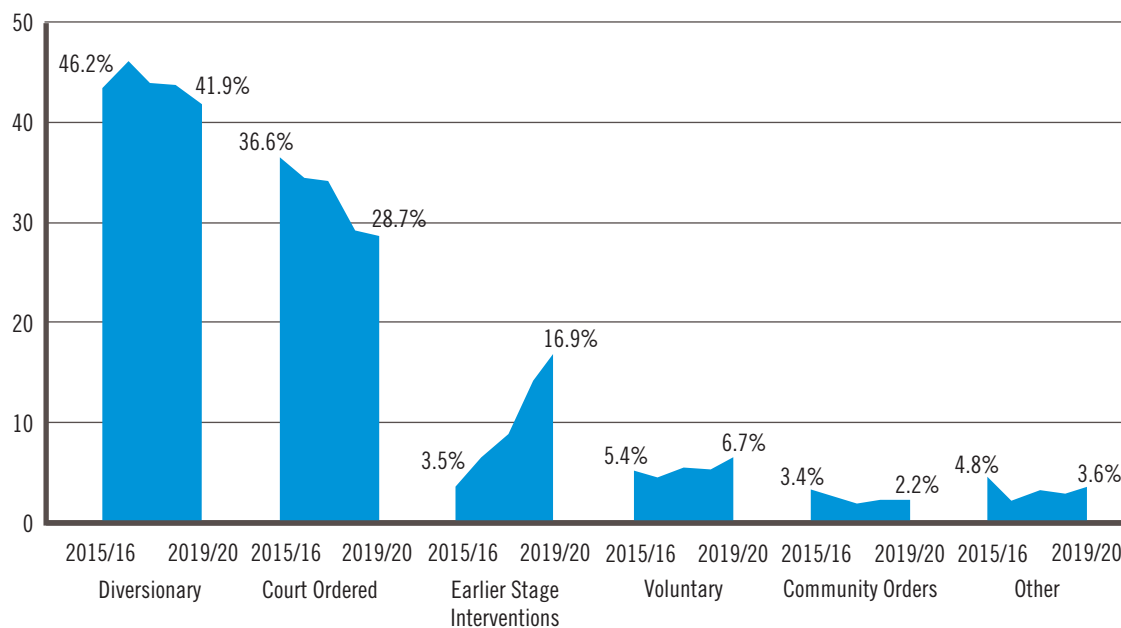


Figure 2 Referrals to the Youth Justice Agency—2015/16-2019/20

Source: Brown (2020), Youth Justice Agency Annual Workload Statistics 2019/20, content available under the Open Government Licence v3.0

complete a specified number of hours—between 20 and 40—to be spent on practical activities and instruction on citizenship.

- **Reparation Orders:** these require a young person to make reparation to either the victim of the offence or the wider community for specified amount of time of up to 24 hours.

However, because legislation has made youth justice conferences the default way of dealing with young offenders, these community orders only ever make up a small proportion of referrals (3.6 per cent in 2019/20). The ‘Other’ category includes Juvenile Justice Centre Orders (a period of time in custody, followed by an equivalent period of time in the community under the supervision of the Youth Justice Agency), reducing offending programmes, bail support cases, and work with probation.

Youth custody

Earlier in the chapter (see ‘Prisons in Northern Ireland’) we considered the three facilities that are in place in Northern Ireland to imprison adults. There is one juvenile custodial facility in Northern Ireland which is operated by the Youth Justice Agency. The Juvenile Justice Centre (JJC)—Woodlands—is located just outside Belfast. It is made up of six units and has a total capacity for 48 children, accommodating both males and

females. There are three routes through which a young person can be admitted to the centre:

1. On remand from the court.
2. Under a court sentence.
3. Under a PACE admission (Police and Criminal Evidence Order 1998).

The PACE Order allows for the secure detention of a young person in the JJC pending a court appearance. Typically, PACE admissions are for a short time (e.g. one or two days). The average daily occupancy of Woodlands in 2019/20 was 17 young people. On any given day, most young people are detained on remand (Brown, 2020).

Like other jurisdictions, the overall number of young people in detention in Northern Ireland has declined over time (Bateman, 2012; Hamilton et al., 2016). However, there have been some concerns over the ‘churn’ of young people through detention, i.e. the speed at which we see young people move in and out of custody (CJINI, 2015b). For example, in 2019/20 there were 416 admissions to the JJC of 126 children. Another consistent issue is the over-representation of ‘Looked After Children’ (LAC) in custody. LAC are children who are in the care of their local authority. In 2019/20, 24 per cent of young people detained were ‘looked after’ (Brown, 2020). The reasons for the over-representation of LAC in the youth justice system are complex and include individual and systemic factors, such as complex needs and the lack of appropriate alternative accommodation (Carr and McAlister, 2016).

Reviewing youth justice

The Hillsborough Agreement (2010) allowed Westminster to devolve policing and justice powers to the Northern Ireland Assembly, and following the agreement, the Minister for Justice established a review of the youth justice system—the Youth Justice Review Team (YJRT). The review reported in 2011 and made 21 recommendations (YJRT, 2011). One of the most prominent of these was that the minimum age of criminal responsibility (MACR) should be raised from 10 to 12 with immediate effect and that lawmakers should consider raising it further, to age 14, within two years (YJRT, 2011).

In support of its recommendation, the review team noted that young people under the age of 14 formed a relatively small proportion of the population (under-12s less than 3 per cent and under-14s less than 15 per cent) so raising the age, while symbolically important, would not have a drastic effect on the numbers processed through the system. While the then Minister for Justice accepted this recommendation, he did not receive wider political support (as part of the process of changing law, MLAs vote on a proposal) and therefore the MACR in Northern Ireland, like that of England

and Wales, remains the lowest in Europe (Goldson, 2013). Consider this further in ‘What do you think?’ 2.

Another recommendation made by the YJRT was to introduce a procedure that would allow young people’s criminal records to be erased. Again, this proposal was blocked. Legislation has been introduced which allows certain ‘old’ and ‘minor’ records to be filtered out in criminal record disclosures but this is limited in scope, and the current criminal record regime allows information on juvenile offending to be disclosed in certain criminal cases. This goes against the rationale for establishing a separate system of justice for juvenile offenders, which was to limit the potentially harmful impact of contact with the criminal justice system and protect the confidentiality of children involved in criminal proceedings (Jacobs, 2014). Examples of disclosures include information on investigations that did not lead to prosecution and circumstances where a person has been acquitted of an offence (i.e. they have been found legally innocent). Research conducted with young people also suggests that there is limited understanding of the criminal record regime, which raises concerns about the extent to which young people are giving ‘informed consent’ when they agree to certain disposals (Carr et al., 2015; Carr, 2019).

WHAT DO YOU THINK? 2

The minimum age of criminal responsibility

The minimum age of criminal responsibility (MACR) refers to the minimum age that a child has to be in order to be prosecuted and punished by law for an offence. In Northern Ireland the MACR is 10 years old. This falls below the internationally recommended absolute minimum of 12 years and is the lowest MACR in Europe. To put this in context with some life milestones, in Northern Ireland if you are older than 10 you are viewed as sufficiently mature to be held accountable before the law as though you are an adult, but you are not deemed able to consent to sex, leave school, drive a car, or buy a pet until you are 16, and you cannot vote, sit on a jury, or buy alcohol, tobacco, or fireworks until you are 18 (HoP, 2018).

As we noted in Chapter 9, contemporary research has consistently identified that during the period of adolescence (ages 10–19) the brain is going through a significant period of development which can impact decision-making and increase the likelihood of impulsive, risk-taking, and sensation-seeking behaviour (Steinberg et al., 2018). Research has also highlighted that the best

strategies in dealing with young people that offend are based on ‘minimal intervention and maximum diversion’ (McAra and McVie, 2007: 319). This is because involvement with the criminal justice system at a young age often results in a negative label of ‘young offender’ becoming ascribed to the young person, a label which is difficult to escape (McAra and McVie, 2007; Carr, 2015b).

What do you think about the MACR in Northern Ireland? Reflect on this issue by considering the following questions:

- Do you think that the MACR in Northern Ireland (10 years of age) is too low?
- Thinking back to when you were 10 years old, do you think that you would have had the maturity and mental capacity to understand the difference between what is legal and illegal?
- How do you think being labelled as a ‘criminal’ and ‘young offender’ at the age of 10 would impact a young person as they progress through their adolescent years?

Oversight and Northern Irish criminal justice

In much of your study of criminology you will be considering the experiences of offenders, or exploring the intricacies of the different agencies that make up the criminal justice system. However, it is important to recognise that there are also a range of justice inspection and oversight bodies that operate to ensure the effectiveness and public legitimacy of the criminal justice system—some of which we have already mentioned in the course of our discussion. The main bodies are those overseeing the police, the prison service, and the overall criminal justice system.

The Office of the Police Ombudsman for Northern Ireland (OPONI) was established under the Police (Northern Ireland) Act 1998. The office is independent of the police and investigates complaints made against the police. It is formed of two directorates, which deal separately with current and historic investigations against the police. The office receives about 1,500 complaints per year. Most current complaints fall into the categories of failure in duty or oppressive behaviour, and the Historic Investigations Directorate deals with complaints relating to the police role during the Troubles.

The Prisoner Ombudsman for Northern Ireland (PONI) was established in 2005. The Ombudsman is appointed by the Minister for Justice and operates independently of the prison service, investigating and reporting on all deaths in custody and also dealing with complaints from prisoners and visitors to prison. The PONI's powers regarding

investigation of complaints by prisoners or visitors to prison establishments are set out in the Prison and Young Offender Centre (Northern Ireland) Rules 2009. In 2018/19, the office received 408 complaints, more than half of which came from integrated prisoners; the others were complaints from separated Republican prisoners in Maghaberry prison. That year, the office also initiated investigations into the deaths of eight prisoners and two ex-prisoners (PONI, 2019). Reports of investigations into prisoner deaths are published on the Prisoner Ombudsman for Northern Ireland's website.

Criminal Justice Inspection Northern Ireland (CJINI) was established under the Justice (Northern Ireland) Act 2002 as an independent statutory inspectorate following a recommendation by the Criminal Justice Review (2000). It is responsible for inspecting all aspects of the criminal justice system, except for the judiciary. It carries out inspections of the operation of all the main criminal justice agencies (e.g. policing, prosecution services, courts, prisons, probation, and youth justice), as well as other institutions and agencies involved in the administration of justice (e.g. community-based restorative justice projects and the Health and Safety Executive). It also carries out thematic reviews of aspects of the system (e.g. delays within the criminal justice system). By law, it is required to make its reports publicly available and lay them before the Northern Ireland Assembly.

Conclusion

Northern Ireland's transition from violent political conflict into (relative) peace time has been held up internationally as an example of success. However, questions of how to deal with the legacy of violent political conflict remain. While various aspects of criminal justice have been subject to reforms brought on by the transition to a post-conflict situation, there has been no systematic process of truth recovery to deal with the past (Bell, 2002; Lawther, 2015) and the criminal justice system has become the default method of seeking amends for past injustices (Lawther, 2015). For example, the PSNI and the PONI have been involved in investigating conflict-related offences (Lawther, 2008), while courts and criminal appeal mechanisms have been used in attempts to redress historic miscarriages of justice (Quirk, 2013; Requa, 2015). Critics have identified some difficulties

with these approaches, including the problem of whether ordinary criminal justice bodies are equipped to carry out such tasks with impartiality or effectiveness (Lawther, 2015).

Issues regarding the 'past' do not only exist in that time, and there have been points throughout the contemporary post-conflict period where the political stability in Northern Ireland has faltered because of these unresolved concerns. While quite clear progress has been made through a range of criminal justice reforms, there are a number of continuing challenges. Not least of these is the continuing paramilitary violence within communities. The rate of crime in Northern Ireland may be lower than elsewhere in the United Kingdom, but complex challenges in crime and justice—often of the kind that is unlikely to be fully captured in official crime data—remain.

SUMMARY

After reading this chapter and working your way through its features you should now be able to:

- **Appreciate the historical, social, and political context of criminal justice in Northern Ireland**

In this chapter we have considered the historical, social, and political context of criminal justice in Northern Ireland. The jurisdiction is slowly progressing away from one of the longest civil conflicts in western European history. From the 'emergency' legislation which allowed for internment and the juryless Diplock courts, to prisoners' dirty protests and hunger strikes, to accusations of state collusion between the RUC and Loyalist paramilitaries; throughout the conflict criminal justice was a topic of constant public and political debate. We saw how these issues prompted a series of ongoing criminal justice reforms. These reforms were arguably most visible in policing and the transformation of the RUC into the PSNI.

- **Identify the main custodial and community-based sentences that are available to courts**

There are a range of custodial and community-based sentences available to the courts in Northern Ireland. The main custodial sentences are the Life sentence, Indeterminate Custodial Sentence, Extended Custodial Sentence, Determinate custodial sentence, and the Juvenile Justice Centre Order (for those under the age of 18). The main non-custodial sentences are Community Service Orders, Probation Orders, Combination Orders, and Youth Conference Orders (for those under the age of 18). We discussed the controversial aspect of indeterminacy which underpins ICS sentences, causing many prisoners distress and hopelessness as they do not know their release date and have concerns about seeking support while in prison in case it damages their prospects of parole. We also explored the unique nature of youth justice in Northern Ireland, which places emphasis on restorative practices and youth justice conferences with the central aim of repairing the harm caused by offending.

- **Critically assess the current provisions in place to accommodate prisoners**

At present in Northern Ireland there are three adult prison estates and one Juvenile Justice Centre. The three adult prison estates: HMP Maghaberry is a high security prison that accommodates adult male prisoners that are on remand or on long-term sentences; HMP Magilligan is a medium to low security prison which holds male, sentenced prisoners; Hydebank Wood College and Women's Prison accommodates young male offenders aged 18-24 and female prisoners. Woodland's Juvenile Justice Centre houses young offenders under the age of 18. Through a critical lens we considered the varying academic, independent, and inspectorate criticisms of imprisoning female offenders on the same site as young men. We further questioned whether constructing a new building for women on the Hydebank Wood estate was the best approach, especially bearing in mind the Corston Report's recommendation that women offenders should be housed in 'suitable, geographically dispersed, small, multi-functional custodial centres' (2007: 35).

- **Synthesise the different systems that are in place to administer justice to children and young people under the age of 18**

In parallel with the other jurisdictions within the United Kingdom, Northern Ireland has a separate system of justice for offenders under the age of 18. The Youth Justice Agency was established to administer this justice; however, it adopts a rather unique approach by shaping punishment around restorative and reparative principles. Youth justice conferences are the main method of disposal used, and there are two types: a youth justice conference that is directed by the court (a court-ordered youth conference) or one that is directed by the Public Prosecution Service (a diversionary youth conference). The latter means that a young person engages in a youth justice conference at the direction of the PPS, without going to court. While some research has identified the advantages of this approach, particularly when contrasted with alternative models of justice (such as imprisonment) (Campbell et al., 2005), we considered the

criticisms many young people had about the conferences. At times they felt condemned and ignored (McAlister and Carr, 2014).

- Outline the main inspection and oversight bodies that have been established to ensure the effective and fair operation of the criminal justice system

A number of oversight bodies have been created to ensure the effective operation and public legitimacy of the criminal justice system in Northern Ireland. The Office of the Police Ombudsman for Northern Ireland (OPONI) is an independent organisation which investigates complaints made against the police. Similarly, the Prisoner Ombudsman for Northern Ireland (PONI) operates independently and investigates and reports on all deaths in custody. It also deals with complaints from prisoners and visitors to prison. Finally, the Criminal Justice Inspection Northern Ireland (CJINI) has responsibility for inspecting all aspects of the criminal justice system, with the exception of the judiciary. It carries out inspections of the operation of institutions and agencies as well as thematic reviews of aspects of the system, and it is required by law to make its reports publicly available and lay them before the Northern Ireland Assembly.

REVIEW QUESTIONS

1. Why was it important for Northern Ireland to embark on a process of criminal justice reform?
2. Policing arguably went through the biggest post-conflict reform. What were the key characteristics of the transition from RUC to PSNI?
3. Why have many academic researchers, independent organisations, and criminal justice inspections criticised the approach to women's imprisonment in Northern Ireland?
4. What are the main features of youth justice in Northern Ireland?
5. Why is it especially important to have oversight organisations in place in Northern Ireland?

FURTHER READING

Healy, D., Hamilton, C., Daly, Y., and Butler, M. (eds) (2016) *The Routledge Handbook of Irish Criminology*. London: Routledge.

This handbook provides an overview of crime and the criminal justice systems in Ireland, both North and South. Some of the chapters deal with agencies which respond to crime. The contributions contrast the different systems in place in the Republic of Ireland and Northern Ireland and provide a good overview of the Northern Ireland criminal justice system and a useful starting point for a comparative analysis.

McAlinden, A. and Dwyer, C. (eds) (2015) *Criminal Justice in Transition: The Northern Ireland Context*. Oxford: Hart Publishing.

This edited collection considers the criminal justice system in the context of the transition from conflict. Chapters cover different aspects of the criminal justice system, e.g. policing, courts, prisons, probation, and youth justice. There are also contributions considering some of the challenges facing criminal justice in transitional societies, such as how to effectively deal with the past.

McKittrick, D. and McVea, D. (2012) *Making Sense of the Troubles: A History of the Northern Ireland Conflict*. London: Penguin Books.

The particular contours of the Northern Ireland criminal justice system are linked to the political conflict and the post-conflict transition. This book provides an excellent overview of the Northern Ireland conflict. It traces the historical factors that led to the eruption of violent conflict in the late 1960s and describes key events in the Troubles. It also documents the transition to peace in the 1990s and the development of the political power-sharing arrangements.

REFERENCES

- Addicott, P. (2012) 'Frustrations within': Imprisonment for public protection (IPP) *Prison Service Journal* 201: 24–30.
- Aebi, M. F., Delgrande, N., and Marguet, Y. (2015) 'Have Community Sanctions and Measures Widened the Net of the European Criminal Justice Systems?' *Punishment and Society* 17(5): 575–9.
- Banks, V. and Campbell, P. (2020) *Experience of Crime: Findings from the 2018/19 Northern Ireland Crime Survey*. Belfast: Department of Justice (DoJ).
- Bateman, T. (2012) 'Who Pulled the Plug? Towards an Explanation of the Decline in Child Imprisonment in England and Wales' *Youth Justice* 12(1): 36–52.
- Bell, C. (2002) 'Dealing with the Past in Northern Ireland' *Fordham Law Review* 26(4): 1095–147.
- Beresford, D. (1987) *Ten Men Dead: The Story of the 1981 Hunger Strike*. London: Grafton.
- Bettinson, V. and Dingwall, G. (2013) 'Challenging the ongoing injustice of imprisonment for public protection: James, Wells and Lee v the United Kingdom' *Modern Law Review* 76(6): 1094–105.
- Brown, T. (2020) *Youth Justice Agency Annual Workload Statistics 2019/20*. Belfast: DoJ.
- Butler, M. (2017) 'The Northern Ireland Prison Reform Programme: Progress Made and Challenges Remaining'. Belfast: Northern Ireland Assembly Knowledge Exchange Seminar Series. Available at: http://pure.qub.ac.uk/portal/files/122986874/KESS_Policy_Briefing_NI_Penal_Reform_Programme.pdf
- Campbell, C., Devlin, R., O'Mahony, D., Doak, J., Jackson, J., Corrigan, T., and McEvoy, K. (2005) *Evaluation of the Northern Ireland Conference Service*. Belfast: Northern Ireland Office.
- Carr, N. (2015a) 'Probation and Community Sanctions in Northern Ireland: Historical and Contemporary Contexts' in McAlinden, A. and Dwyer, C. (eds) *Criminal Justice in Transition: The Northern Ireland Context*. Oxford: Hart Publishing.
- Carr, N. (2015b) 'Why the age of criminal responsibility should be raised in Northern Ireland' *Queen's Policy Engagement*. Available at: <http://qppl.qub.ac.uk/raise-age-of-criminal-responsibility-in-ni/>
- Carr, N. (2019) 'The albatross of juvenile criminal records' in Meijer, S., Annison, H. and O'Loughlin, A. (eds) *Fundamental rights and legal consequences of criminal conviction*. London: Hart Publishing
- Carr, N., Dwyer, C., and Larrauri, E. (2015) *Young People, Criminal Records and Employment Barriers*. Belfast: NIACRO.
- Carr, N. and McAlister, S. (2016) 'The Double-Bind: Looked After Children, Care Leavers and Criminal Justice' in Mendes, P. and Snow, P. (eds) *Young People Transitioning from Out-of-Home Care*. Palgrave Macmillan.
- Carr, N. and Maruna, S. (2012) 'Legitimacy through Neutrality: Probation and the Conflict in Northern Ireland' *Howard Journal* 51(5): 474–87.
- CJINI (Criminal Justice Inspection Northern Ireland) (2010) *Avoidable Delay*. Belfast: CJINI.
- CJINI (2015a) *Report on an unannounced inspection of Maghaberry Prison, 11th–22nd May, 2015*. Belfast: CJINI.
- CJINI (2015b) *An Announced Inspection of Woodlands Juvenile Justice Centre*. Belfast: CJINI.
- CJINI (2016a) *The Impact of Prisoner Recalls on the Criminal Justice System in Northern Ireland June 2016*. Belfast: CJINI.
- CJINI (2016b) *Report on an unannounced visit to Hydebank Wood Secure College 9–19 May 2016*. Belfast: CJINI.
- CJINI (2020) *Report on an unannounced visit to Hydebank Wood Secure College 23–24 October & 4–7 November 2019*. Belfast: CJINI.
- Corcoran, M. (2007) 'Normalization and its Discontents: Constructing the "Irreconcilable" Female Political Prisoner in Northern Ireland' *British Journal of Criminology* 47(3): 405–22.
- Corston, B.J. (2007) *The Corston Report: A Report of a Review of Women with Particular Vulnerabilities in the Criminal Justice System*. London: Home Office.
- Council of Europe (2017) Recommendation CM/Rec (2017) XX of the Committee of Ministers to the member states on the European Rules on community sanctions and measures. Strasbourg, 25 January 2017. Available at [http://www.coe.int/t/DGHL/STANDARDSETTING/PRISONS/PCCP%20documents%202017/Recommendation%20CM%20Rec%20\(2017\)%20XX%20of%20the%20Committee%20of%20Ministers%20to%20the%20member%20states%20on%20the%20European%20Rules%20on%20community%20sanctions%20and%20measures.pdf](http://www.coe.int/t/DGHL/STANDARDSETTING/PRISONS/PCCP%20documents%202017/Recommendation%20CM%20Rec%20(2017)%20XX%20of%20the%20Committee%20of%20Ministers%20to%20the%20member%20states%20on%20the%20European%20Rules%20on%20community%20sanctions%20and%20measures.pdf)
- Criminal Justice Review Group (CRG) (2000) *Review of the Criminal Justice System in Northern Ireland*, Belfast: HMSO.
- Department of Justice (2010) *Women's Offending Behaviour in Northern Ireland: A Strategy to Manage Women Offenders and Those Vulnerable to Offending Behaviour 2010–2013*. Belfast: DoJ.
- Department of Justice (2014) *Prison Population Review: A Review of Factors Leading to the Growth in Prison Numbers between 2009 and 2013*. Belfast: DoJ.
- Digard, L. (2010) 'When Legitimacy is Denied: Offender Perceptions of the Prison Recall System' *Probation Journal* 57(1): 43–61.
- Dixon, P. and O'Kane, E. (2011) *Northern Ireland Since 1969*. Harlow: Pearson Education.
- Doak, J. and O'Mahony, D. (2011) 'In Search of Legitimacy: Restorative Youth Conferencing in Northern Ireland' *Legal Studies* 31(2): 305–25.
- Dwyer, C. (2007) 'Risk Politics and the "Scientification" of Political Judgement: Prisoner Release and Conflict Transformation in Northern Ireland' *British Journal of Criminology* 47(5): 779–97.

- Ellison, G. and Mulcahy, A. (2001) 'Policing and Social Conflict in Northern Ireland' *Policing and Society* 11(3–4): 243–58.
- Ellison, G. and O'Rawe, M. (2010) 'Security Governance in Transition. The Compartmentalizing, Crowding Out and Corraling of Policing and Security in Northern Ireland' *Theoretical Criminology* 14(1): 31–57.
- Eriksson, A. (2009) *Justice in Transition: Community Restorative Justice in Northern Ireland*. Cullompton: Willan.
- Feenan, D. (2002) 'Justice in Conflict: Paramilitary Punishment in Ireland (North)' *International Journal of the Sociology of Law* 30: 151–72.
- Fulton, B. and Carr, N. (2013) 'Probation in Europe: Northern Ireland' in van Kalmthout, A. and Durnescu, I. (eds) *Probation in Europe*. Utrecht: Confederation of European Probation.
- Goldson, B. (2013) "'Unsafe, Unjust and Harmful to Wider Society": Grounds for Raising the Minimum Age of Criminal Responsibility in England and Wales' *Youth Justice* 13(2): 111–30.
- Gormally, B., McEvoy, K., and Wall, D. (1993) 'Criminal Justice in a Divided Society: Northern Ireland Prisons' *Crime and Justice* 17: 51–135.
- Graham, I. (2020) *Court Prosecutions, Convictions and Out of Court Disposals Statistics for Northern Ireland, 2019*. Belfast: DoJ.
- Hamilton, C., Fitzgibbon, W., and Carr, N. (2016) 'Punishment, Youth Justice and Cultural Contingency: Towards a Balanced Approach' *Youth Justice* 16(3): 226–45.
- Harris, M., Edgar, K., and Webster, R. (2020) "'I'm always walking on eggshells, and there's no chance of me ever being free": The mental health implications of Imprisonment for Public Protection in the community and post-recall' *Criminal Behaviour and Mental Health* 30(6): 331–40.
- Haydon, D. and McAlister, S. (2015) 'Young People, Crime and Justice in Northern Ireland' in McAlinden, A. and Dwyer, C. (eds) *Criminal Justice in Transition: The Northern Ireland Context*. Oxford: Hart Publishing.
- Heard, C. (2015) *Community Sentences Since 2000: How They Work—And Why They Have Not Cut Prison Numbers*. London: Centre for Crime and Justice Studies.
- Hillyard, P. and Tomlinson, M. (2000) 'Patterns of policing and policing Patten' *Journal of Law and Society* 27(3): 394–415.
- Houses of Parliament (2018) *Age of Criminal Responsibility*. Available at: <https://yjlc.uk/wp-content/uploads/2018/06/ACR.pdf>
- Independent Advisory Panel in Deaths in Custody. (2019) *Indeterminate sentences for public protection (IPPs): Preventing self-harm and deaths in custody*. London: Ministerial Council on Deaths in Custody.
- Independent Commission of Policing in Northern Ireland (ICP) (1999) *A New Beginning: Policing in Northern Ireland* (Patten Report). Belfast: HMSO.
- Irwin-Rogers, K. (2016) 'Legitimacy on Licence: Why and How it Matters' *Howard Journal of Crime and Justice* 56(1): 53–71.
- Jacobs, JB. (2014) 'Juvenile Criminal Record Confidentiality' in Zimring, FE. and Tanenhaus, DS (eds) *Choosing the Future for American Juvenile Justice*. New York: New York University Press.
- Lawther, C. (2008) "'Securing" the Past: Policing and the Contest over Truth in Northern Ireland' *British Journal of Criminology* 50(3): 455–73.
- Lawther, C. (2015) 'Criminal Justice, Truth Recovery and Dealing with the Past in Northern Ireland' in McAlinden, A. and Dwyer, C. (eds) *Criminal Justice in Transition: The Northern Ireland Context*. Oxford: Hart Publishing.
- McAlinden, A. and Dwyer, C. (eds) (2015) *Criminal Justice in Transition: The Northern Ireland Context*. Oxford: Hart Publishing.
- McAlister, S. and Carr, N. (2014) 'Experiences of Youth Justice: Youth Justice Discourses and their Multiple Effects' *Youth Justice* 14(3): 241–54.
- McAra, L. and McVie, S. (2007) 'Youth justice? The impact of system contact on patterns of desistance from offending' *European Journal of Criminology* 4(3): 315–45.
- McEvoy, K. (2001) *Paramilitary Imprisonment in Northern Ireland: Resistance, Management and Release*. Oxford: Oxford University Press.
- McKittrick, D. and McVea, D. (2012) *Making Sense of the Troubles: A History of the Northern Ireland Conflict*. London: Penguin Books.
- McKeown, L. (2001) *Out of Time: Irish Republican Prisoners, 1972–2000*. Dublin: Beyond the Pale Publications.
- McNeill, F. (2016) 'Reductionism, Rehabilitation and Reparation: Community Punishment in Scotland' in Robinson, G. and McNeill, F. (eds) *Community Punishment: European Perspectives*. London: Routledge.
- McNaull, G. (2019) *The Space In-between: The Gendered Marginalisation of Women's Custodial Remand, Policy Briefing Paper*. Belfast: QUB.
- McNaull, G. (2017) 'Post-Corston Reflections on Remanded Women's Experiences in Northern Ireland' in Moore, L., Scraton, P. and Wahidin, A. (eds.) *Women's Imprisonment and the Case for Abolition: Critical Reflections on Corston Ten Years On*. London: Routledge.
- Maguire, M. (2015) 'Criminal Statistics and the Construction of Crime' in Maguire, M., Morgan, R., and Reiner, R. (eds) *The Oxford Handbook of Criminology* (5th edn). Oxford: Oxford University Press.
- Marsh, B. and Maruna, S. (2016) 'Desistance and Restorative Justice: Learning from Success Stories of Northern Ireland's Youth Justice Agency' *Restorative Justice* 4(3): 369–87.
- Monaghan, R. (2004) "'An Imperfect Peace": Paramilitary "Punishments" in Northern Ireland' *Terrorism and Political Violence* 16(3): 439–61.
- Moore, L. and Scraton, P. (2014) *The Incarceration of Women: Punishing Bodies, Breaking Spirits*. London: Springer.

- Moore, L., Scraton, P. and Wahidin, A. (2017) 'Introduction' in Moore, L., Scraton, P. and Wahidin, A. (eds.) *Women's Imprisonment and the Case for Abolition: Critical Reflections on Corston Ten Years On*. London: Routledge.
- Moore, L. and Wahidin, A. (2015) 'Transition, Women and Criminal Justice in Northern Ireland' in McAlinden, A. and Dwyer, C. (eds) *Criminal Justice in Transition: The Northern Ireland Context*. Oxford: Hart Publishing.
- Mulcahy, A. (2006) *Policing Northern Ireland: Conflict, Legitimacy and Reform*. Cullompton: Willan.
- Murray, C. (2019) *'Do your whack': Investigating the needs and experiences of young men imprisoned in Northern Ireland*. Belfast: ARK.
- Murray, C. (2020) 'Can't hack the whack': Exploring young men's gendered discourses on time in prison' *Criminology & Criminal Justice* 1–20.
- Northern Ireland Office (NIO) (1998) *The Belfast Agreement (Good Friday Agreement)*. Belfast: NIO. Available at <https://www.gov.uk/government/publications/the-belfast-agreement>.
- NIO (2010a) *The Hillsborough Castle Agreement*. Belfast: NIO. Available at: <https://www.gov.uk/government/publications/hillsborough-castle-agreement>.
- NIO (2010b) *Consultation Paper: Police (Northern Ireland) Act, 2000—Review of Temporary Recruitment Provisions*. Belfast: NIO.
- Parole Commissioners for Northern Ireland (PCNI) (2016) *Annual Report 2015–2016*. Belfast: PCNI.
- Police Service of Northern Ireland (PSNI) (2020a) *Trends in Police Recorded Crime in Northern Ireland 1998/99 to 2019/20*. Belfast: PSNI.
- PSNI (2020b) *Workforce Composition Statistics*. Belfast: PSNI.
- PSNI (2021) *Police Recorded Security Situation Statistics Covering the 12 month period 1 February 2020 to 31 January 2021*. Belfast: PSNI.
- Prison Review Team (PRT) (2011) *Review of the Northern Ireland Prison Service: Conditions, Management and Oversight of all Prisons. Final Report, October, 2011*. Belfast: Prison Review Team.
- Prisoner Ombudsman for Northern Ireland (PONI) (2019) *Prisoner Ombudsman for Northern Ireland Annual Report 2018–19*. Belfast: PONI.
- Probation Board for Northern Ireland (PBNI) (2020) *Probation Board for Northern Ireland Caseload Statistics Report Financial Year 2019/20*. Belfast: PBNI.
- Quirk, H. (2013) 'Don't Mention the War: The Court of Appeal, the Criminal Cases Review Commission and Dealing with the Past in Northern Ireland' *Modern Law Review* 76(6): 949–80.
- Redmond, R. and Palmer, P. (2020) *The Northern Ireland Prison Population 2019/20*. Belfast: NIPS.
- Requa, M. (2015) 'Revisiting the Past: Miscarriages of Justice, the Courts and Transition' in McAlinden, A. and Dwyer, C. (eds) *Criminal Justice in Transition: The Northern Ireland Context*. Oxford: Hart Publishing.
- Robinson, G. (2016) 'Patrolling the Borders of Risk: The New Bifurcation of Probation Services in England and Wales' in Bosworth, M., Hoyle, C., and Zedner, L. (eds) *Changing Contours of Criminal Justice*. Oxford: Oxford University Press.
- Robinson, G. and McNeill, F. (2016) *Community Punishment: European Perspectives*. London: Routledge.
- Rosland, S. (2009) 'Victimhood, identity, and agency in the early phase of the Troubles in Northern Ireland' *Identities: Global Studies in Culture and Power* 16(3): 294–320.
- Ruane, J. and Todd, J. (1996) *The Dynamics of Conflict in Northern Ireland*. Cambridge: Cambridge University Press.
- Sainsbury Centre for Mental Health. (2008) *The dark: The mental health implications of Imprisonment for Public Protection*. London: Sainsbury Centre for Mental Health.
- Scraton, P. (2015) 'Prisons and Imprisonment in Northern Ireland' in McAlinden, A. and Dwyer, C. (eds) *Criminal Justice in Transition: The Northern Ireland Context*. Oxford: Hart Publishing.
- Scraton, P. and Moore, L. (2005) *The Hurt Inside: The Imprisonment of Women and Girls in Northern Ireland*. Belfast: NIHRC.
- Scraton, P. and Moore, L. (2007) *The Prison Within: The Imprisonment of Women and Girls in Northern Ireland*. Belfast: NIHRC.
- Spjut, R. J. (1986) 'Internment and Detention without Trial in Northern Ireland 1971–1975: Ministerial Policy and Practice' *Modern Law Review* 49(6): 712–40.
- Smart, S. (2019) *'Too many bends in the tunnel? Women serving indeterminate sentences of IPP – what are the barriers to risk reduction, release and resettlement?'* London: The Griffins Society.
- Steinberg, L., Icenogle, G., Shulman, E. P., Breiner, K., Chein, J., Bacchini, D., ... & Takash, H. M. Chang, L., Chaudhary, N., Di Giunta, L., Dodge, K.A., Fanti, K.A., Lansford, J.E., Malone, P.S., Oburu, P., Pastorelli, C., Skinner, A.T., Sorbring, E., Tapanya, S., Tirado, L.M.U., Alampay, L.P., Al-Hassan, S.M., Takash, H.M.S. (2018) 'Around the world, adolescence is a time of heightened sensation seeking and immature self-regulation' *Developmental Science* 21(2): 1–13.
- Topping, J. (2015) 'Policing in Transition' in McAlinden, A. and Dwyer, C. (eds) *Criminal Justice in Transition: The Northern Ireland Context*. Oxford: Hart Publishing.
- Van Ness, D. W. and Strong, K. H. (2014) *Restoring Justice: An Introduction to Restorative Justice* (5th edn). London: Routledge.
- Weaver, B., Tata, C., Munro, M., and Barry, M. (2012) 'The Failure of Recall to Prison: Early Release, Front-Door and Back-Door Sentencing and the Revolving Prison Door in Scotland' *European Journal of Probation* 4(1): 85–98.
- Youth Justice Review Team (YJRT) (2011) *A Review of the Youth Justice System in Northern Ireland*. Belfast: DoJ.