



I Know Your Type: Practitioners Perception and Understanding of Young Offenders in Ireland

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Abstract

This paper discusses how young offenders are perceived and understood by criminal justice practitioners who work with them on a daily basis. The paper draws on findings generated from in-depth qualitative interviews conducted with Irish youth justice practitioners, namely, judges, lawyers, probation officers, juvenile liaison officers [youth police officers] and detention school workers. Findings suggest that there is a convergence of opinion related to how these practitioners perceive, understand and label the young people they work with and that practitioners used a process of identifying specific characteristics related to young people as a means to understand and impression build, and this process thereafter guided decision making related to their case.

Keywords: Youth justice; Compliance; Remorse, Social Capital; Impression Building

Abbreviations: JLO: Juvenile Liaison Officers; IBID: Anti-Social Identity; CBT: Cognitive Behavioural Therapy; ACT: Ascribed A Criminological Theory.

Introduction

Young offenders are a particularly vulnerable group in the criminal justice field as a result of their age and maturity levels Kilkelly U [1], Seymour [2]. Their youth can often result in communication and engagement difficulties, and indeed an inability to recognise the long term consequences of their behaviour (Ibid). In this respect, this group has traditionally (since the enactment of the Children Act 1908) been treated differently to adults within the Irish criminal justice setting. However, communication and engagement can be influenced by more than age and maturity, and as such this simple

demarcation may not address all needs young people present with. Factors such as neurocognitive development for example can impact how a young person engages with practitioners and when this results in a negative presentation it can lead to practitioners perceiving the young person in a negative light, intervening according to this perception, and potentially doubly disadvantaging the young person within the system Connor et al. [3], Ginsberg et al. [4].

Indeed, evidence highlights that even fleeting interactions create immediate impressions of a person's character which can either be fixed or adapted over time Kamrath et al. [5]. Forming an impression results from a process of bringing together individual pieces of information about a person to form a whole impression Goodmon et al. [6], Rosenthal-Stott et al. [7] and whether or not this

impression is perceived in the negative or positive can impact future interactions. For example, such impressions can lead to identity ascribing and stereotyping and thus cause either explicit or implicit bias. Spohn et al. [8] discusses the impact of cumulative disadvantage on sentencing whereby a number of negative factors in a person's life (often beyond their control – race, age, gender, socioeconomic status and so on) cumulatively lead to harsher treatment at sentencing due to the internalisation of 'stereotypes of deviance' among the judiciary.

This results in a system which promotes justice, but potentially relies upon problematic value judgments about offenders to achieve this end. Therefore, problematic presentation, which may be beyond the control of the young person as a result of cognitive development, or even simple breaching of dominant social norms as expected by practitioners, such as attitude or dress, can create a negative or positive reaction from the practitioner and impact upon the young person's trajectory through the system regardless of the crime committed. Scholars have reported the stereotyping of deviance as a strong influencing factor in the decision making process. In this respect subjective judgments are made about the offender which relate to 'typical' expectations of how an offender of that profile should be presenting. This in turn influences how the practitioner understands, categorises and treats the individual. For example, Liber et al. [9] discuss the process whereby youth court officials adopt a shorthand perception of young people appearing before the courts and associates certain 'types' with fear and suspicion Tittle et al. [10].

Moreover, 'concentrated disadvantage', that is a package of various characteristics that suggest cumulative disadvantage (living in areas of disadvantage, drug use, belonging to a gang and so on), are perceived to be indicators of risk of re-offending and guide practitioners' perspectives of young people Barry M et al. [11]. Focal concerns theory argues that judges are concerned with blameworthiness and public protection; with the incapacitation of dangerous individuals; deterring further/potential offending; and with the social costs of sentencing (Hartley et al. [12]. However, this type of information is difficult to determine in the court environment and it is suggested that judges develop 'perceptual shorthand' based on stereotypes to aid the decision making process (ibid). The aim of this study was to explore impression building in an Irish youth justice context and to explore whether this occurred and if so the impact such impressions had on a young person's trajectory through the system. The study findings suggest

a shared ideological framework across practitioner groups included in this study, namely, judges, lawyers, probation officers, juvenile liaison officers and detention school workers, and that this shared ideological framework across practitioner groups supersedes the ideological framework of any individual profession. Moreover, when working with young people, practitioners identified and grouped certain characteristics as a means to categorise young people into 'identities.' The young person's identity was key to ascribing an appropriate intervention and progression pathway through the system. Practitioner's descriptive accounts of the young people they work with revealed four overarching identities that practitioners used to classify the young person and determine their criminal justice trajectory. This paper discusses how practitioners reach their understanding regarding a young person and presents a theoretical framework of their shared assumptions regarding a young person's identity.

Methodology

Qualitative interviews with youth justice practitioners were conducted to gather rich and descriptive information related to the Irish youth justice system. The qualitative interview method allowed for practitioners to discuss how they interact with the system and how and why they make decisions. Five different classes of practitioner were selected for the study, namely, judges, lawyers, An Garda Síochána (Juvenile Liaison Officers – Irish youth justice police), Young Persons Probation Officers, and key workers in detention schools. These groups were selected because of their regular and repeated interactions with each other and with young people who come into conflict with the law. Irish youth justice practitioners do not operate in isolation and therefore focusing upon one particular group of practitioner would have limited the findings and produced only a partial picture of contemporary practice in this space. A total of 25 practitioners participated in the in-depth qualitative interviews – Judges (N:5); lawyers (N:5); Juvenile liaison officers (N:5); young persons' probation officers (N:5); and key workers at the detention schools (N:5). The interviews were conducted on a national basis and the findings are therefore applicable to practice both within and outside the Dublin area.

The interviews were held at a place and time which suited the participant and this generally resulted in the interviews being conducted at the work place of each participant. They were held in an informal discussion style and lasted on average 50 minutes each. Each interview was audio recorded and transcribed. The

transcriptions were coded using NVivo and grounded theory was utilised to develop a theoretical framework based in the emerging themes. Thus, the themes guided the development of a theoretical schema which provided an understanding of how practitioners interpret and reinterpret information presented to them, develop an understanding/impression of the young person, and if/how this process influences decision making and a young person's trajectory through the system.

Limitations

Whilst the sample size is small, the Irish youth justice area is a relatively small subsection of the Irish criminal justice system with only one full-time court dedicated to hearing youth justice matters and other national courts hearing youth matters on a particular day each week. Whilst the inclusion of various groups of practitioners, rather than focusing upon one group, may be perceived as a weakness because of the small number in each group, it is argued that the interconnectedness of the practitioners justified this approach and provided the researcher with an opportunity to gather rich and varied data on youth justice practitioner decision-making processes, as well as to explore areas of convergence and divergence of opinion and ideology across practitioner groups. Further, since the aim of this study was to explore impression building in an Irish youth justice context and to explore whether this occurred and if so the impact such impressions had on a young person's trajectory through the system it was necessary to include all practitioner groups rather than focus solely upon one.

Findings and Discussion

Compliance and identity construction

The identities constructed by practitioners and discussed in this paper all have one overarching theme running through them, namely, compliance. A young person's perceived willingness and ability to comply were central features in the construction and retention/transformation of an ascribed identity. Information about compliance enabled the practitioner to form judgements about the young person and to justify their decision making process. In other words, the ascribed compliance identity assisted practitioners with forming an understanding of the young person before them and thereafter deciding what progression pathway or trajectory through the system was most appropriate. Compliance is commonly discussed in the area of criminal justice. For example, Bottoms et al. [13] discusses four types of compliance, namely, instrumental (based on incentives and disincentives), normative (based on acceptance of norm, attachment,

legitimacy), constraint based (based on physical or structural restriction), and compliance based on habit (based on habit or routine). Seymour et al. [2] discusses the external/internal distinction in Bottoms et al. [13] compliance typology. For example, she discusses external compliance resulting from instrumental and constraint based compliance. Instrumental compliance is based around responses to incentives and sanctions, thus individual behaviour is predicated and influenced by the fear of detection and sanctions.

Constraint based compliance is compliance based upon either actual constraint upon the offender (arrest, lack of opportunity and so on) or coercion constraints upon the offender (coercion based upon power-based relationships). She then discusses internal influencing factors such as 'norms, values, attachments and routines' Seymour et al. [2] which result in compliance through habit or routine, an almost unquestioned adherence resulting from 'mental dispositions' (ibid), and normative compliance which refers to the conscious acceptance of a norm. Thus, behaviour is related to meaningful social relationships and emotional attachment to society, and legitimacy and fairness of the system Seymour [2]. The compliance identities discussed by practitioners in this study were similar in terms of the evaluation and reevaluation of the type of compliance a young person was perceived as displaying. As will be discussed, practitioners sought normative and habitual compliance but relied upon constraint compliance when the former did not naturally materialise.

Normative-compliance

Young people who were reported as normative-compliers were discussed in terms of possessing strong social capital. For example, they were often described in terms of their stable family backgrounds and strong family support, were less likely to be discussed in relation to problematic social backgrounds and were more likely to be involved in education and training. Furthermore, these young people were held responsible and indeed accepted responsibility for their behaviour. In addition, this cohort was held responsible for desisting from offending behaviour and normalising their own lives (responsibilisation). They were less likely to be discussed in relation to their socio-economic status and were often described as committing minor offences as a result of peer pressure and/or efforts to negotiate dominant adult culture.

They were described as being remorseful in relation to their behaviour and embarrassed about its impact upon the family/guardian. In this respect there was an

assumption that this cohort came from a family background which frowned on offending behaviour and that the shame of having their family attend the Garda station (Irish police station) was sufficient to deter them from future offending. JLO 5: 'They [young person] lied to mammy and daddy and climbed out the back window; they set off fireworks once and were unlucky enough that they got caught. They're not Ronnie Biggs and they're going to feel bad enough, having come in here [Garda Station] drag their parents in here and face us. They're not going to do it again – job done.

This is in line with Braithwaite's et al. [14] re-integrative shaming theory which promotes offender reintegration through informal judgments that are relayed to the offender by those close to them (family or community) as opposed a disconnected judge or person of authority. For such a model to succeed there must be strong community ties that convey the shame to the offender in a positive way whilst accepting them back into the fold Robinson et al. [15]. Whilst offending behaviour within this cohort was discussed in terms of being influenced by external factors, such as their peer group, practitioners also believed that they 'should know better'. Therefore, they were reported as being responsible for engaging in the peer culture and as such responsible for extricating themselves from such problematic life choices. These young people were often referred to in terms of 'slipping up' and as unlikely to come to the attention of the authorities again. One juvenile liaison officer described the typical trajectory for such young people. JLO 5: 'A lot of public order offences are created by teenagers who have a house and a home and have parents and they just go mad at Halloween or they have a bad six months and they're hanging around with Johnny down the road, you know. I'll meet those years later and they're grand and they'll never be in trouble again.' Thus, this cohort was described as having a lifestyle that was predominantly in line with dominant social norms but to have drifted as a result of their life stage Matza et al. Indeed, practitioners appeared to be describing Matza's theory and applying Moffitt's et al. [16] taxonomy of young offenders, which distinguishes between temporary (adolescent-limited) anti-social behaviour and persistent (life-course persistent) anti-social behaviour – normative compliers fitting within the adolescent-limited type.

This theory argues that adolescent-limited offending behaviour is ubiquitous and primarily results from social mimicry and the adoption of behaviours of peers perceived to be more successful (i.e. life-course persistent offenders). It is suggested that this cohort receive reinforcement for their behaviour from peers and this

leads to a cutting of ties with parental influences and thus a feeling of becoming independent. This group desist as a result of having the ability to adapt, in a pro-social manner, to new adult contexts and so avail of pro-social opportunities. Consequently, they revert to their pro-social status possessed prior to the adoption of an anti-social identity (Ibid). Conversely, life-course persistent offenders are a small group of young offenders. It is suggested that they experience neuropsychological vulnerabilities which are compounded by a disadvantaged and criminogenic environment. As a result, this group never develop the pro-social skills necessary to avail of pro-social opportunities and are thus at a disadvantage when compared to their adolescent limited peers in terms of moving away from an anti-social lifestyle Moffitt et al. [16]. In this respect practitioners appear to be recognising the heterogeneity and normality of adolescent delinquency and categorised this cohort as temporary transgressors whose involvement with the system is limited.

This cohort was not discussed as being in need of interventions to reduce the prospect of further offending nor as being in need of interventions to reform any deficits in their life. Thus, being involved with the system, albeit at a minimal level (being brought to the Garda station and receiving a caution for example), was sufficient to prevent further engagement. This process, for this cohort, reduces the prospect of labelling the young person as 'criminal' by diverting them at a very early stage from further system involvement. Furthermore, and in line with commentators who suggest intervening with low risk offenders increases the prospect of re-offending McAra et al. [17-18], practitioners discussed over-involvement with the system as problematic for this group: YPP 5: 'if a first time offender and it was once off and you felt that the young person would not offend again and there was good support at home, good structures, and he was in school and activities and was doing well- a fairly normal life and things were OK and this was a blip on the landscape and you were reasonably confident that there would be no involvement with further offending behaviour. If you felt a client didn't require any services I'd be anxious not to bring children into the system when we can avoid it. If they have a lot of support and are doing quite well and it would be of no benefit to them - being involved with us - it wouldn't be in their best interest'.

The shared aim of practitioners was to return the young person to a position where their attitude and behaviour corresponds with dominant social norms. That these young people are described as already conforming to dominant social norms reduces the need to change them

or their lifestyle to any great degree. Indeed, this cohort are not 'bothered', as is the case with the identities discussed below, rather they are 'samed' in so far as they are recognised as 'normal' and meeting the expectations of the practitioner. The 'bothered' young people meet ambivalence whereas the 'samed' meet understanding Jenson et al. [19]. By perceiving this cohort as the same, the practitioners adopt an empathetic approach which benefits these young people in terms of their experience within the system. This cohort was unlikely to be described as suffering from external welfare issues which could be understood as influencing their behaviour. Strong family support was discussed as being central to deference to the family. Juvenile liaison officers often described deferring to the family in such cases.

JLO 4: 'If we think the parents can manage the situation adequately an informal caution means that the matter is done and we don't need to talk about it further.' Deference to young peoples' families indicates a process where a value judgment in relation to family support networks and a confidence in their ability to intervene in the young person's life is constructed. When family/home support is considered adequate to socialise the young person, professional interventions are deemed inappropriate. Indeed, the desistance literature suggests that social bonds are key to achieving desistance Maruna et al. [20] and therefore these young people are at an advantage when compared to those who do not possess such social currency. This cohort of young person was described in terms of being easy to work with, more likely to comply with requests and engage with any services which might be suggested, and knowing right from wrong. They were therefore described as requiring minimal incentives to achieve the desired goal of normalisation: JLO 4: 'some children can come in and be very placid and acceptance [sic] and apologise and understand the, and know the difference between right and wrong and you can trust, for want of a better word, that type of child'. Therefore, young people who are ill- equipped to behave in an expected manner, as this group does, may be at a disadvantage at this stage of the process.

Partial-compliance

Young people who were categorised as partial-compliers were often described as victims of their social environment. As a result of exposure to such an environment, they were referred to as having internalised problematic social ideas and behaviours which required re-socialisation through rehabilitative interventions. This cohort was more likely to be described as being outside the education system and not involved in any formal training or work activities. When discussing this cohort,

practitioners often described them as having experienced difficult family relationships and chaotic familial organisation and structures. They were more likely to have committed multiple offences but were willing to show remorse and take responsibility for their behaviour. A judge discussed this cohort as follows: Judge 1: 'Usually, in my experience they come from homes where parents are alcoholics or drug addicts or there is just no control at home and the parents have their own issue a huge amount of young people would have had difficult, very difficult backgrounds'.

Social and environmental factors were often discussed as being a cause of young people's problematic behaviours. However, unlike discussions regarding the previous identity, deference to the family was problematic because the young person's family was considered part of the problematic social environment. In that respect this cohort was often referred to in terms of having limited responsibility in relation to their previous behaviour and as being victims of external forces which resulted in socially determined negative actions and as such were not held responsible for not helping themselves up to that point. Moreover, they were often discussed in relation to having been failed by family and the state (social services) during their lives and were therefore largely understood as victims. This cohort's entrance into the criminal justice system was largely discussed in terms of inevitability. One judge discussed the inevitability: Judge 2: 'A lot of the time one has a sneaking suspicion that the child has been failed by welfare services in his youth, maybe he has been failed within his family and maybe he has been failed within the school system and maybe a pile of things has not been picked up on and he finds himself in your court and there is a tragic element of inevitability about it'.

The inevitability in relation to their entrance into the criminal justice system resulted in them being discussed in sympathetic terms. This was in contrast to normative-compliers who were described in non-emotive language and simply as young people who had made a mistake but had the ability to return to social norm compliance without much, if any, intervention. In contrast, partial-compliers were often discussed in emotive terms and as being in need of assistance to reach a level of social compliance which was acceptable to the dominant social structures. One juvenile liaison officer described this cohort as: JLO 2: 'coming from families where their uncles and aunts are in and out of jail and like they have just grown up with it and that's all their used to. They've never been given an opportunity by anyone to break out of that mould'.

A young person's level of remorse and compliance influenced whether the practitioner believed them capable of redeemability. Young people who displayed remorse and compliance were more likely perceived as victims who were remedying the situation; and those displaying limited remorse and compliance were perceived as resisting the 'right' pathway and therefore their victim status was reduced. This suggests moralistic expectations on the part of the practitioners and a search for 'right' behaviour as understood according to their cultural and social position. Protective factors were often discussed as lacking in this cohort's environment and they were often referred to as having minimal opportunity to engage with society in a socially acceptable manner. Thus, they were reported as not engaging with society in the manner expected and indeed required by dominant social norms and were described in terms of being lost and living a life with little hope. A judge stated that: Judge 1: 'They haven't a hope really, have they? It's a lot to do with not having any structure and no goals and all of this spare time and the money, ehmmm, no long term goals'. All practitioners discussed the need to engage this cohort in activities that would prevent them having nothing to do with their time' and to offer some form of future prospects in relation to education and training. This suggests that practitioners adopt a desistance approach and perceive the offender as in need of social inclusion, full citizenship, and a pro-social identity Healy et al. [21]: Judge 1: 'I would be very concerned in relation to training, are they going to get some kind of training, so it's not just whether they are going to behave or going to commit crime. I would be interested in their future lives.' By understanding partial-compliers' behaviour in terms of external social influences and problematic socialisation the practitioner is reducing the young person's responsibility in relation to the offending behaviour and building an image of the young person as a victim of external influences, such as familial and social failures. Within this image an application of full responsibility and punitive interventions are illogical and unnecessary. Consequently, their main concern is centred on social treatment interventions related to family services, education, training, and employment opportunities. Indeed, a lawyer discussed how punishment is a secondary concern for youth justice practitioners: Lawyer 1: 'Punishment would be secondary and to show some type of progress towards changing the young persons' behaviour would be the primary aim'.

Whilst practitioners discussed external influences as being correlated with offending behaviour, changing such behaviour was also discussed in relation to changing internal thought processes. Highlighting an alignment

with learning theories Akers et al. [22] Thus, practitioners appeared to adopt a psychosocial approach to understanding the causes of youth offending. In this respect practitioners suggested that problematic thought processes and perceptions of the social world have developed as a result of poor socialisation but can be changed by bringing the young person in line with normative social development pathways. How a young person approached lifestyle choices influenced how practitioners understood their ability to overcome such difficulties: YPP 5: 'change comes from within really we can point clients in the right direction and can make suggestions but the client has to want to. And, it would have to be in a space that they're able to commit to it.

Sometimes they might be in a very chaotic cycle and it can be hard for them to do that and it's better to wait till they get stable and things are going reasonably well and then you might bring in CBT [cognitive behavioural therapy]. Whether it is at the Garda Youth Diversion Programme level, the Children Court level, or the detention level, the partial complier is required to engage and comply with practitioner requests to desist from offending and lead a pro-social lifestyle. In this respect the young person is given a chance to remedy the previous problematic socialisation through positive engagement with services offered at the different stages of involvement with criminal justice agencies. However, they were reported as being responsible for identifying that they had a problem and thereafter taking the required steps to remedy the problem, highlighting a type of rational actor perspective adopted by practitioners in terms of the young person being expected to make decisions which conformed with objective rational choices, and a process of responsabilisation, whereby the young person is required to be an active citizen who will self-regulate and self-manage Kemshall et al. [23]. For example, a judge highlighted the necessity of the young person to engage in and take active steps to help themselves: Judge 2: 'if they are engaging [with the process and suggested services] and they kind of get it you have some hope that they can identify the problem. Once they have identified the problem the solutions suggest themselves. Then there is an entirely different way of approaching that problem because it's solvable'. The responsabilising and normalising process, therefore, begins during the intervention phase. Thus the young person is not perceived as capable of making a rational decision until such time as there are pro-social influences on offer by An Garda, Probation, Court or Detention service. Once the pro-social influences are made available to the young person they are expected to make a decision to engage and comply.

Non-compliance

The characteristics discussed above, in relation to partial-compliers, namely, external social influences, protective factors and responsabilisation are also relevant to non-compliers. However, findings suggest that this cohort of young person differ in relation to their attitude to the process, their compliance and engagement with services and orders, and their progression through the system. This cohort was reported as failing to comply with requests of practitioners and as not engaging with services as required. They were described as making a decision in relation to non-compliance and were therefore reported as capable of engaging and complying if they so decided. In other words, this group of young person was understood as making a choice not to engage with the process, and a decision to resist adopting a lifestyle aligned with dominant social norms. Furthermore, they were often initially identified as partial-compliers but, as a result of their repeated non-compliance, resistance to change, lack of remorse and problematic attitude to the process, their categorisation was altered to that of a non-complier identity.

It was under these circumstances that the young person was reported as moving from a position where they were understood in terms of punishment being largely illogical - due to their perceived need for treatment oriented approaches to remedy the socially unacceptable behaviour - to a position where punishment was utilised to encourage/compel the young person to take responsibility in relation to their engagement with services, and compliance with requests and orders. In discussing non-compliers, a YPP Officer stated: YPP Officer 3: 'Say it's a case where he's not going to engage, or I had my doubts about him engaging with drugs say cause he's telling me that 'I don't need to' I'd adjourn for two to three months to give him an opportunity to engage with drug counselling and then if he doesn't - he's back in court and he knows that. I say if anybody is sending you to Pat's it's you not me. I turn it back on them.

The responsibility is theirs'. When discussing young people who fell within the non-complier category practitioners often referred to them as having made a decision in relation to not availing of the provided interventions sufficiently. Furthermore, non-compliers were often discussed in terms of limited possibilities for future desistance. As was the case with partial-compliers, this cohort was discussed in relation to inevitability in terms to their previous behaviour. However, future offending behaviour was also viewed as inevitable due to their pro-criminal attitude, and this differed from the previous identities discussed in this paper. Thus, young

people with this identity were discussed in terms of limited prospects of imminent change. A juvenile liaison officer described this as being as a result of: JLO 4: 'the child has got a firm mind that they want to offend and that's where they get their buzz, they're going to offend and even if they only get out for one day a year they're going to offend and then they shouldn't be out on that one day. If that's the decision the child has made and that's the way they act out'. Whilst the practitioners considered it difficult to engage this type of young person, they did report repeated attempts at engaging them in a manner that would potentially lead to their pro-social normative compliance. Practitioners reported young people's non-engagement and non-compliance as a choice which had some potential to be changed, albeit with intensive and drawn out intervention. This suggests reluctance on the practitioner's part to accept that the offender is a life-course persistent type. For example, a young persons' probation officer stated: YPP Officer 2: 'If they come into me and their engagement is very limited and they kind of don't want to be here and have a bit of an attitude, it says to me that possibly that on a more consistent and long term basis they won't engage'.

These young people were often reported as having internalised an anti-social mentality and lacking in pro-social skills, and therefore as difficult to work with. A juvenile liaison officer described that: JLO 4: 'the more difficult are emotional, they're emotionally disturbed, for whatever has happened in their lives if they're intent on being criminal that person is very difficult to deal with.' Furthermore, this cohort was difficult to define at first and practitioners often reported difficulty in deciding if the young person was a normative complier (complying as a result of accepting social norms); an instrumental complier (complying as a result of incentives and/or disincentives); or if they were unable to comply. The extent of a young person's insight into their behaviour contributed to the practitioner understands and led to a distinction being made between those who had ability in relation to insight but decided to ignore it; and those who had no ability in relation to insight. Young people who were categorised as non-compliers were understood as having insight into the morality of their behaviour but as deciding to ignore such insight. In other words, the young person was reported as making a decision (against dominant social norms) to ignore opportunities to develop in a pro-social manner as offered by the criminal justice agencies and thus making a conscious decision to continue with their offending and non-socially acceptable lifestyle.

A lawyer discussed the position of a young person who had insight but decided to continue offending: Lawyer 1: 'Obviously if someone has insight and they continue offending it's up to them'. The centrality, within the Irish youth justice system, of taking responsibility at all stages of the system alongside the requirement to comply with social norms and make reparation where possible leaves young people who are labelled as non-compliers in a problematic situation. They are understood as deciding not to fully engage or comply and this indicates to practitioners that they reject the system and its requests, and therefore are more likely to be understood in terms of apathy. Their perceived absence of remorse and lack of desire to make reparation or change their behaviour was reported as concerning for practitioners and often led to a feeling of helplessness when working with this type of young person. Ilan's et al. [24] highlighted a lacuna between concerns and values that are important to this cohort of young person when compared with concerns and values important to dominant social norms. He found that the youth justice interventions impose idealised values downwards upon young offenders whilst the subcultural outlook of the young offenders causes them to upwardly resist (Ibid). Thus, it is suggested that youth justice interventions are predicated on the assumed existence of a universally agreed normality. However, this normality may not fit with the young person's life as they perceive, understand and live it. Thus, such normality may in fact be an abnormality in their eyes as a result of them perhaps having to navigate a more complex set of norms. Indeed, these processes are not dissimilar to Strain Theory whereby illegitimate means are the most rational choice to secure social mobility and/or resources which would otherwise be out of reach Agnew et al. [25].

This may be a difficult concept for practitioners to grasp, resulting in the view that it is a rejection of 'good' social norms. A lawyer stated that: Lawyer 3: 'Remorse is a massive factor as well ehmmm because if they show that they feel remorse they feel some form of guilt over what they've done ehmmm but if that's not there then they nearly can't get over the hump. They can't see the impact that it's having on them or anyone else. Ultimately, this led to deeper and more prolonged immersion in the criminal justice system. This cohort was more likely to be discussed in terms of requiring coercion to normalise their behaviour and to engage with intensive rehabilitative interventions. Where all else failed these interventions were likely to be imposed during a period of detention and this was often described as the only manner of dealing with this cohort: JLO 4: 'I don't see the court benefits somebody unless they are so out of control that they have to be curtailed and be put into custody,

taken off the street on a physical level there's no other way, we have no way of controlling kids if they're a genuine person and they're honest and they want to make amends, we can deal with that. But, when someone like that comes in they stick out cause that's not normal'.

This process suggests a conflation of rational choice and treatment theories, thus an assumption that when the young person encounters increased incentives they will make a rational decision to engage as a result of the benefit to them being outweighed by the cost (i.e. detention); alongside an assumption that treatment in detention will normalise them. In this respect, young people in this group were perceived as an 'other' who requires coercion to make correct decisions and treatment to normalise. There was agreement amongst practitioners that some young people will not desist from offending no matter how intensive the intervention at that point in their life cycle. This cohort was reported as more likely to continue offending until they decided to stop and this usually occurred when they became 'fed up' with the lifestyle. One judge described this process as follows: Judge 1: 'I was talking to my colleagues about this and there is almost a period when a lot of young men who when in their teenage years and in their twenties, and really nothing is going to stop them until they just get fed up with it... they make the decision'. Thus, whilst findings suggest that this cohort is understood as likely to offend and live an anti-social lifestyle for a prolonged period, they were not considered incapable of change. In other words, even when a young person was vigorously resisting attempts by practitioners to bring their life in line with pro-social norms practitioners were reluctant to describe them as incapable of change – rather they were discussed as incapable at a particular point in time. This suggests that practitioners adopt a 'belief in redeemability' in terms of all offending young people and understand treatment as likely to benefit even those who will only desist from offending behaviour when they get 'fed up' or start a 'family' albeit at a later stage in their lifecycle -diverging from public opinion who perceive a certain cohort of offender as evil and incapable of change Maruna et al. [26]. As a result, rehabilitative attempts reported as not assisting at that point were described as providing lifestyle tools for a later point in their life: DSW 1: 'we are probably too late to keep them all from going through a life of crime and criminality but if we have given them the basis to be able to rear their children we've done a good job' Further, rehabilitative attempts on non-compliers, whilst not producing immediate effective outcomes at a particular point in time, was reported as providing tools to the young person in terms of living a pro-social life at some point in the future and was

therefore not perceived to be a futile process: JLO 2: 'he's been offered everything, counselling and he just doesn't want to do it [engage] yet'.

Nevertheless, as a result of obvious non-compliance and resistance this cohort was often reported in terms of progressing from the Garda Diversion Programme more quickly and remaining in the court system for longer due to repeated returns for breaches - which often ended in a period of detention. Thus, whilst partial-compliers remained in the system for longer due to continued offending and attempts at rehabilitation, non-compliant young people were more likely to remain in the system as a result of continued offending, attempts at rehabilitation and punishment for continued breaches. In other words, non-compliant young people were more likely to experience punishment for breaches as well as their original offence.

Whilst practitioners reported an unlikelihood of desistance at that particular point in time they did report a need to compel the young person to engage with services and thus comply with orders with the aim of imposing change. This is similar to Bottoms et al. [12] concept of constraint based compliance. It was through this intensive process that practitioners hoped to achieve change and where change did not occur a sense of having protected the public for that period of time was discussed: JLO 1: they need to be locked up ... there is a duty that if a fella is prolific, he should be taken off the street. He should be off the street. The Courts are there, he's committed multiple offences, and he should be locked up and stopped'.

Unable-compliance

Young people who are categorised as unable-compliers differ substantially from the other three identities. Socio-economic status was not discussed in terms of this cohort and practitioners reported mixed social environments in relation to these young people's lives. However, a supportive family background was recognised as a protective factor. When discussing this cohort practitioners often viewed the offending behaviour as a result of a young person's diagnosed learning difficulties and/ or mental health issues which made them particularly vulnerable within their peer environment; or with reference to the young person being so out of control that there were suspected cognitive/neurodevelopmental and/or mental health causes, albeit undiagnosed, and thus this young person was often reported as being in need of special care.

In these cases, a young person's attitude was not reported as important as a result of them being understood as incapable of making rational choices regarding their behaviour. Therefore, responsabilisation was reported as limited due to the young person being cognitively and/or mentally incapable of taking responsibility for their own engagement with services or making the decision to adapt their behaviour in line with dominant social norms. These young people were understood as the most vulnerable cohort that present to youth justice practitioners. Those discussed in terms of having diagnosed or suspected learning difficulties and/or mental health issues were reported as presenting to practitioners with issues that met such a high threshold that their involvement with the criminal justice system was reported as inappropriate. Lawyers were often required to raise these matters before the court and seek alternative interventions. For example, one lawyer discussed the problems faced when working with this cohort of young people: Lawyer 5: 'I can think of a number of my clients where really if we had the possibility of doing a hospital order, that would be where they should be and if you want to detain somebody it should be to deal with their mental health issues'.

The involvement of non-criminal justice agencies resulted in the young person's offending behaviour becoming a secondary issue. When retained within the criminal justice system this cohort was more likely to be remanded for a full assessment at the assessment facility at Oberstown Detention Centre, a detention school for young offenders in Ireland. Practitioners reported as problematic a process where young people receive social service provision through the criminal justice system and stated: Lawyer 2: 'It's unfortunate that it's only available in a detention facility. I mean the assessments that are done are good, it's a multidisciplinary approach. But the fact that it's done in a detention centre is ridiculous. There should be an option to do it in the community.' In this respect the lines between welfare service provision and criminal justice provision become blurred and practitioners raised concerns in relation to this blurring of lines: JLO 4: 'They're [judges] there to judge on the crime and the guilt or not of the offence but the Children's Court is not, should never be used, to deal with these problems [welfare], with reports.

Say if you take the school attendance thing that was changed to a committee, I think if they had a committee thing to deal with the welfare issues. But once a child comes into the Court there should be a committee there saying what are the needs of this child and let the judge deal with the criminal charge but there needs to be some way of intervening in the life of that child to say this is

what the child's needs are and this is what the problem is. It's become blurred down there completely blurred as to what's real and what not real. But it's the only process that exists.' Although this cohort was understood as requiring services which were outside of the remit of the criminal justice system, practitioners reported having to regularly manage such cases within the criminal setting. These findings suggest that practitioners are torn between addressing the criminal behaviour, which is their official role, and addressing problematic social issues in a young person's life, sometimes so extreme that full psychological and educational assessments are required. When cases such as these appeared before the court all practitioners adopted a role of negotiating the system so as to secure social services. They went beyond their criminal justice role so as to ensure that the young person received appropriate care and interventions.

When this cohort is not diverted at an earlier stage and enter the detention system, as they inevitably do as a result of their complex and various difficulties, detention school workers reported them as requiring alternative treatment settings: Detention School Worker 1: But what we're getting now is a lot of kids who need a lot of help, probably a lot more psychiatric help and whether we are able to give them that I don't know. I don't think we're, as a body of people working here, I don't think we are qualified to go the medical line unfortunately this is the only safe place to put them and for that reason alone they should be here because they're a danger to themselves and to others outside but the system is not there to look after them so we're the safest place to look after them you have the likes of Ballydowd and that which are purposely built to deal with that but they've ended up here'.

These vulnerable young people were described as displaying behaviour so risky and dysfunctional that they

were deemed to be beyond the control of the family or the criminal justice practitioners: Lawyer 3: 'It's a poor state of affairs that a child has to become so unruly and start collecting charges to have welfare issues addressed they fall through the cracks a lot of the time from the HSE point of view.' Whilst practitioners reported the involvement of unable-compliers in the youth justice system as problematic they were also reported as being more likely to progress through the initial phases of the system more quickly and remain in the Court/detention phase of the system for longer. Whilst juvenile liaison officers reported making attempts to divert this cohort at an early stage they also reported a lack of appropriate services as an obstacle: JLO 5: 'unless you're at crisis point the HSE won't look at you - and I find that very difficult.

If you look at the interventions -a little goes a long way -if you fix this now you won't have all this happen down the road and they don't do that well, in the main that would be the one thing that I would have a problem with is the early intervention and just to see them now - fix this little bit, give them this little bit of help and let them move on and not continue down this road. But then they let them get so far down the road that they have to be sent to Clonmel [open residential centre for boys with diverse needs]. These findings highlight the problematic nature of dealing with mentally unwell or cognitively deficient young people within a criminal justice setting. Further, they highlight practitioner resistance to treating this cohort as offenders and a willingness to negotiate the system so as to divert them from criminal interventions and sanctions. Further, it highlights a flexibility on the part of practitioners to go beyond their official remit so as to provide supports for young people and their families in crisis Table 1.

	Habitual Offender	Accept Responsibility	Remorse	Compliance	Cause of Crime
Normative-Complier	No	Yes	Yes	Normative/habitual	Choice
Partial-Complier	Yes	Yes	Partial/Yes	Instrumental	Choice/social
Non-Complier	Yes	Partial/No	Partial/NO	Constraint	Internal deficit/social/Choice
Unable-Complier	Yes	N/A	N/A	N/A	Internal deficit

Table 1: Offender identity characteristics

Conclusion

This paper highlights that Irish youth justice practitioners identify individual pieces of information about young offenders which they then combine to form a whole

impression. Information on compliance, social capital, remorse and redeemability was central to influencing practitioners' perceptions and impressions of young people within the youth justice system whereby such information allowed practitioners to make sense of and

categorise, into types, the young people they worked with [17]. A young person's ascribed identity determined the practitioner's understanding of the offence, why it was committed, whether the young person will reoffend and what type of intervention/punishment, if any, the young person required.

Interestingly, this also impacted upon practitioners theoretical/ideological underpinning of why individuals offend- normative-compliers were associated with Matza's drift theory, partial-compliers were associated with Akers learning theory, non-compliers were associated with Agnew's strain theory, with unable-compliers not fitting within any overarching theory-highlighting a complex and dynamic understanding of why young people offend accompanied by an equally complex and dynamic understanding of the individual young person before them in their daily work. Whilst the identities discussed above are ideal types it must be recognised they are not static. Rather, a young person's identity can change and therefore they may shift from identity to identity according to the information presented to the practitioner and its interpretation and reinterpretation at a point in time. Nevertheless, findings suggest that it is this process facilitates practitioners with deciding upon the most appropriate pathway through the system for a young person [28].

Once the practitioner made sense of the young person (ascribed an identity) and made sense of why they offended (ascribed a criminological theory) the practitioner either understood the offender as a rational responsabilised actor capable of compliance (normative-offender); as a victim capable of compliance and responsabilisation once appropriate opportunities are provided (partial-complier); an offender who is difficult to responsabilise and who will not comply as a result of engrained problematic attitudinal and environmental exposure (non-complier); or incapable of compliance and responsabilisation as a result of mental and/or cognitive deficits (unable-complier) [29,30].

These findings are important in terms of 1) understanding the process whereby practitioners make sense of the information provided to them; 2) understanding how practitioners interpret and reinterpret such information over time and thereby adjust their perception of the young person; and 3) how this information facilitates practitioners' determination as to the most appropriate trajectory through the system for the young person. This study has highlighted that practitioners' theory of why young people offend is tied into the impression built around that young person. This in turn highlights a multi-

layered complex and dynamic process of subjective perceptions and understandings based upon objective and normative expectations.

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