

## Brain Science and How It Affects Children Accused Of Crimes

### Introduction

Children and young people (CYP) who come into contact and / or conflict with the law are likely to have a neuro-disability (ND), which is a form of condition of the brain that leads to developmental impairment. The most common being Traumatic Brain Injury (TBI) caused by falls, accidents, fights and assaults, which recent studies have shown to be present in more than half of young people incarcerated. The United Nations Committee on the Rights of the Child, in its General Comment 24 on juvenile justice, states that children with Neuro-disability (ND) are heavily represented in those who enter custody. Those children should have their needs identified whilst detained, but, foremost, should not be at risk of being imprisoned in the first place.

This workshop aims to identify how United Nations member states may protect the rights of children and young people with Neuro-disability (ND) who are in contact and/or in conflict with the law. Neuro-Disabilities, such as Traumatic Brain injury may often underlie behaviours that are criminalised. This session will present examples of policy and practice developments in this area – pre-judicial, judicial and custody. Key experts in this field will provide examples of good practices, and we will establish a working group to encourage future innovations. The results of this session would not only improve lives of those affected, but also, we argue, reduce future crime.

### Specific objectives:

- To highlight the need for judicial professionals to take into account Neurodisabilities in the management of children and young people in contact with the law, as recommended by the UN Convention on the Rights of the Child.
- To make justice system professionals in contact with children accused of crimes or suspects of crimes and particularly those who sentence, - aware of the prevalence and impact of Traumatic Brain Injury & other NDs in children and adolescents.
- To understand the role of NDs in complicating existing trauma, and to enable adapting practice to account for deficits and difficulties that may be present following identified TBI.
- To enable Justice personnel in identifying possible TBI in those on their caseload using screening tools.
- To encourage changes in justice systems by screening for TBI to enable better management of children and young people to reduce incarceration and crime.

## Proposed Agenda

### May 15th, 2023

#### Afternoon session: Orientation to the problem.

Brief presentations from experts. Orientation to the workshop/meeting, what we will achieve and cover the following topics:

- What does criminalisation of children with neurodisabilities look like at the moment, why is it a problem, how big is the problem, what does it look like around the globe?
- Children's rights and access to justice
- Existing legislation
- Short presentation outlining our definition of neurodisabilities, agreeing shared terminology and starting points

### May 16th, 2023

#### Morning session: Policy levers for change, barriers to change.

- What are the systems involved, what policies do they have, how do they interact, how can they work together to solve the problem?
- What happens when they don't work together? What are the global governing or influencing bodies?
- What current barriers to change exist within and between systems?
- Working groups to identify policy levers and consider a case study, and then coming together for the afternoon?
- Presentation of a case study of a child navigating these different systems to pin the discussions to something tangible, and thinking about what each of these systems could do differently to prevent criminalisation:
 

→ Education	→ Police
→ Health care	→ Courts and sentencing
→ Social care	→ Prison, probation, youth offending services

### May 16th, 2023

#### Afternoon session: Problem solving.

Now that we have identified the levers for change, what are the solutions? What do we want to see going forwards?

- Share examples of good practice from around the world (e.g. Stan police VRU)
- Policy change, strategic litigation, what are the issues with current legislation
- Working groups
- Research/emerging evidence

### May 17th, 2023

#### Morning session: Future directions.

Action plan – compiling our recommendations and priorities

- Development of toolkits – what would be practical/helpful, identify need for toolkits or online training, establish working groups for these
- Call to action.