

Working with neurodivergent people in contact with the criminal justice system



About the authors

This evidence review has been written by a number of members of the Neurodivergence in Criminal Justice Network (NICJN) – a group of researchers, practitioners and community members interested in the challenges faced by neurodivergent individuals drawn into criminal justice systems (both in England and Wales, and globally). You can find out more about the NICJN [here](#).

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Dr Chloe Holloway-George is an Assistant Professor in Criminal Law and Criminal Justice in the School of Law, University of Nottingham. Her research specialises in autism and the law with specific focus on the rights of autistic people in society. Chloe has previously led research aimed at improving the support of autistic people in detention settings through changes to practice, policy and the custody environment. She has worked with the Nottinghamshire Autism Police Partnership to help co-produce an improved autism training package and toolkit for police custody staff and has delivered autism training for custody staff and offered advice on how police forces can make their custody suites more 'autism-friendly'. Most recently, Chloe has conducted an evaluation of the autism training and toolkit to understand how it is being used by police forces with a view to influencing the development of national neurodiversity criminal justice policy.

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Kayleigh Atkins is a current student at the University of Sunderland, studying an MSc in Inequality and Society and a recent Criminology graduate from the same university. Kayleigh's research interests include equality, diversity and inclusion within policy and practice, focusing on neurodiversity in the criminal justice system and educational inequalities for neurodivergent pupils in mainstream educational settings. She is particularly interested in the link between school exclusions and the school to prison pipeline. In practice, Kayleigh supports chronically disengaged (mostly neurodivergent) students with bespoke tailored mind and educational interventions, helping them to lead a life worth living and head towards a better future.

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Dr Tom Smith is Associate Professor of Law at the University of the West of England (UWE), Bristol, UK. His research focuses on suspect and defendant rights, pre-trial detention and bail, open justice, and neurodivergence in the criminal justice system. He is the founder and Joint Co-Ordinator of the Neurodivergence in Criminal Justice Network (NICJN): a group of academics, practitioners and community members promoting research and knowledge exchange, and evidence-led practice. He has undertaken funded projects on pre-trial detention and criminal defence lawyers' representation of Autistic suspects and defendants and provided training and CPD for criminal justice institutions and professionals including the College of Policing, Judicial College, HM Inspectorate of Constabulary & Fire and Rescue Services, and Australian defence lawyers. He has spoken at national and international conferences, including the European Society of Criminology Annual Conference; and published extensively on his areas of specialism in peer-reviewed journals. He has edited two books covering disclosure of evidence in criminal proceedings; and Autism in the criminal justice system.

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Why read this evidence review?

In recent decades, policymakers have become increasingly aware that the inherent differences in how neurodivergent individuals engage with the world around them combined with the, arguably, neurotypical bias of the CJS can create barriers to fair and effective criminal proceedings. There is a well-established concern that neurodivergent people are both over-represented within and under-served by the CJS, experiencing poorer justice outcomes than their neurotypical counterparts. This review looks at:

- 1 Embedding lived experience in the development of policy and practice
- 2 The Youth Justice System (YJS) and Neurodivergent Children and Young People (ND-CYP)
- 3 Neurodivergent suspects and Policing (including custody)
- 4 Neurodivergence in Criminal Courts
- 5 Prison and Probation based Behavioural Change Programmes for Neurodivergent Individuals
- 6 Getting started: How organisations can make their service more friendly to neurodivergent people



Introduction: Neurodivergence in the Criminal Justice System

Dr Nicole Renehan and Dr Tom Smith

This evidence review focuses on the fast-emerging issue of Neurodivergence within the criminal justice system (CJS).

Recent years have seen increased attention to both Neurodiversity as a general concept and social concern, and specifically to the way in which the CJS engages with individuals who are neurodivergent. Interest (and to some extent, action) in this area has been catalysed by an exponential increase in inter-disciplinary scholarship and policy-level engagement, not least because of the landmark evidence review by the Criminal Justice Joint Inspectorate in 2021 (CJJI, 2021). While often used interchangeably, 'Neurodiversity' refers to the natural variation in the neurodevelopmental profiles of the general population; that is, the variations in types of human brain. In contrast, 'Neurodivergence' commonly describes cognitive development which varies or diverges from the typical, related primarily to learning, attention, social and sensory processing, and mood regulation differences. Neurodivergence includes (but is not limited to) Autism, Attention Deficit and Hyperactivity Disorder (ADHD), Learning Disabilities, and Dyslexia, with types of neurodivergence often overlapping and intersecting (for more, see University of Birmingham, 2025).

Individuals drawn into the CJS – as suspects, defendants, victims or witnesses – generally face significant challenges due to the stressful, complex and specialised nature of criminal proceedings. The inherent differences in how neurodivergent individuals engage with the world around them combined with the, arguably, neurotypical bias of the CJS can create barriers to fair and effective criminal proceedings. There is a well-established concern that neurodivergent people are both overrepresented within and under-served by the CJS, experiencing poorer justice outcomes than their neurotypical counterparts (CJJI, 2021).

This review has been created by the Neurodivergence in Criminal Justice Network (NICJN) – a group of researchers, practitioners and community members interested in the challenges faced by neurodivergent individuals drawn into criminal justice systems (both in England and Wales, and globally). The review provides a snapshot of several areas of the CJS, drawing on a range of research literature and evidence (including the research of NICJN members in their respective fields, several of whom have very kindly contributed to this review). While the summaries are brief, they offer key insights into specific topics, complimented by recommended further reading. Equally, the network and the individual section authors can be contacted for further information.



This report is divided into six sections, covering neurodivergence in the context of the following:

- 1 Embedding lived experience: Learning Lessons from The Ministry of Justice Action Plan on Neurodiversity in the Criminal Justice System – Kayleigh Atkins
- 2 The Youth Justice System (YJS) and Neurodivergent Children and Young People (ND-CYP) – Dr Anne-Marie Day and Dr Nikki Rutter
- 3 Neurodivergent suspects and Policing (including custody) – Dr Chloe Holloway-George and Professor Clare Allely
- 4 Neurodivergence in Criminal Courts - Dr Jen Hough, Dr Katie Maras, Dr Tom Smith
- 5 Prison and Probation based Behavioural Change Programmes for Neurodivergent Individuals – Dr Luke Vinter and Dr Nicole Renehan
- 6 Getting started: How organisations can make their service more friendly to neurodivergent people – Dr Nicole Renehan and Dr Tom Smith

We would like to thank all of the section authors for freely giving their expertise and their time to contribute to this review – we are hugely grateful. We hope that readers will find the insights offered informative and that they will inspire further reading, research and action on this important topic.

Nicole and Tom

NICJN Co-Coordiators

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University of Birmingham, 'Understanding Neurodivergence and Neurodiversity': <https://www.birmingham.ac.uk/schools/education/departments/disability-inclusion-special-needs/resources/understanding-neurodivergence>



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CLINKS

Section 1: Embedding lived experience Lessons from the Ministry of Justice Action Plan on Neurodiversity in the Criminal System

Kayleigh Atkins

In July 2021, the Criminal Justice Joint Inspection (CJJI) published their landmark report, 'Neurodiversity in the Criminal Justice System (CJS), A Review of Evidence' (CJJI, 2021; GOV.UK, 2023). It concluded that a lack of reliable or systematic data collection, screening, information sharing and practitioner understanding of neurodivergence across the criminal justice system made it difficult to identify or address individual support needs and reoffending. Its wide-ranging and extensive review of how neurodivergence is engaged with by various parts of the CJS culminated in six core recommendations, summarised below:

- 1 A coordinated and cross-government approach to the issue, with development of a national strategy (with input from lived experience)
- 2 Development of a common CJS-wide screening tool and information sharing protocol
- 3 Collection and aggregation of data to better inform analysis and service delivery
- 4 Awareness raising and specialised training for CJS practitioners and staff, developed with input from lived experience
- 5 Improved identification of the needs of neurodivergent people and use of adjustments to meet those needs
- 6 CJS agency and collaboration and coordination with statutory and third sector organisations to help prevent offending and support rehabilitation

Crucially, His Majesty's Prison and Probation Service (HMPPS) and Ministry of Justice (MoJ) were required to officially respond to the review and produce an action plan, which was published in June 2022 (GOV.UK, 2023). The action plan either agreed, partly agreed or did not agree to the recommendations; notably, only one recommendation (6) was agreed in full, with the remainder being partly agreed (GOV.UK, 2023).

Notwithstanding the requirements of the CJJI recommendations, there was a notable absence of proportionate representation from those with lived experience of neurodivergence in the action plan (GOV.UK, 2023). Such omissions can impact on equal access to justice and effective participation in the development of adequate responses (Chapman and Carel, 2022). Each response had a responsible 'owner' and a partnership with criminal justice charity Revolving Doors to 'ensure real lived experience is embedded within policy and operational decision making' (GOV.UK, 2023: 6-7). However, the Revolving Doors forum only consisted of six neurodivergent people who have had 'recent, repeated contact with the CJS' (Wynne, 2022:1), which is unrepresentative of the neurodivergent



individuals within the criminal justice system, or indeed the large neurodivergent community in England and Wales. As such, the Action Plan did not fully capture and therefore feed in neurodivergent experience at every stage of the CJS, including crucial points of delivery such as pre-sentencing (Bradley, 2009; Wynne, 2022). This is a substantial limitation to the development and implementation of the MoJ/HMPPS response, particularly considering potential access to the approximately 31% of prisoners identified as neurodivergent on arriving in prison (Prison Reform trust, 2024).

Embedding lived experience of neurodivergence more substantially in the action plan, could have facilitated the goal of a more inclusive and cost-effective criminal justice process fit for all and more effectively reflected the principle of 'nothing about us without us' (Anderson and Bigby, 2024).. This approach could have served as a model for future lived experience-led and informed research, that positively influences policy and practice via neurodivergent co-production of knowledge. Ultimately, such an approach would have better met the aims set out in the CJI report and the responses in the MoJ Action Plan (Lewis and Arday, 2023; Prison Reform Trust, 2024; Shildrick, 2002).

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Section 2: Youth Justice System (YJS) and Neurodivergent Children and Young People (ND-CYP)

Dr Anne-Marie Day and Dr Nikki Rutter

There are a disproportionate number of ND-CYP in the YJS (Day, 2022; Day et al., 2024). We advocate for them being supported through a Child-First lens (Day, 2022).

Early identification

Early identification and support for ND-CYP is important as contact with the YJS is frequently an outcome of earlier institutional neglect of ND-CYP in education, health and social care systems:

- ND-CYP are more likely to be excluded from school, increasing their risk of social exclusion, exploitation and contact with the YJS (Catch22, 2023; Chapman, 2023; Gill et al., 2017).
- If ND-CYP do not have their needs met, including within educational settings, it can result in them harming themselves (Holt, 2024; Rutter, 2024); their families (Holt, 2023; Holt, 2024; Rutter, 2024); and their communities (Day, 2022). Thus, increasing the likelihood of them encountering both mental health services and the YJS.

The Youth Justice System

When ND-CYP enter the YJS, they have specific needs and challenges:

- Many children in the YJS and in custody have a speech and language difference, but this is not identified until after children have been arrested (Hughes & Peirse-O'Byrne, 2016).
- It has been highlighted that many children in the YJS struggle with literacy, with some unable to read full texts (Hughes & Peirse-O-Byrne, 2016; Turner, 2019; Turner & Hughes, 2022).
- Many neurodivergent children have their needs met by an Education Health and Care Plan (EHCP), issued by Local Authorities and delivered by educational settings (such as schools). Yet, these provisions do not follow them into the YJS, meaning that their needs are not met in challenging (and adult-oriented) settings like custody (Day, 2022).
- Children in custody are not receiving their mandated 15 hours of education per week (HMIP, 2024), with many locked up for up to 23 hours per day.



Recommendations

- Speech and language plans should be part of assessments and support plans for all children in the community and in custody.
- Educational provision must be improved as a priority within custody, including the inclusion of provisions outlined in existing EHCPs.

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Section 3: Neurodivergence and Policing (including Custody)

Dr Chloe Holloway-George and Professor Clare Allely

Neurodivergent people may be more likely to encounter police interactions (Collins et al., 2023). For example, research has shown autistic people may be more likely to experience victimisation (Douglas & Sedgwick, 2024) and may be at greater risk of being arrested, not because they are more likely to offend, but because police may misinterpret their behaviour (Tint et al., 2017; Dickie et al., 2019). However, neurodivergent people may not be identified as such by police during such interactions. Research has found that neurodivergent people may not disclose and that police may find it difficult to recognise neurodivergence (Crane et al., 2016; Holloway et al., 2020; Young et al., 2013). This can prevent police from making reasonable adjustments (Slavny-Cross et al., 2022) and implementing safeguards such as the Appropriate Adult (Slavny-Cross et al., 2023; Dehaghani and Smith, 2024).

Research has shown that a lack of support may affect neurodivergent people's experiences of police custody (Crane et al., 2016; Holloway et al., 2020; Holloway-George et al., forthcoming). For example, autistic people report negative experiences of police custody due to inaccessible police practices and custodial environments (Holloway et al., 2020; Holloway-George et al., forthcoming). Police interactions during an investigative interview can also be uniquely and highly stressful for autistic people (Gibbs et al., 2021). Autistic people can exhibit several associated features that may be perceived negatively (e.g. as challenging or confrontational behaviour or as evidence of evasion or guilt). Some of these features may include specific memory differences, difficulty with the recollection of events in a sequential manner (temporal sequencing impairments or challenges), differences in social communication and interaction, issues with time to respond, and emotional expressions or behaviours which may be perceived as unusual or inappropriate in the context (Allely, 2022; Mattison & Allely, 2022; Allely & Murphy, 2023; Maras et al., 2020). Further, exhibiting good expressive language skills and strong intellectual capabilities may mask difficulties in understanding, processing and responding to police questions and demands (North, Russell, & Gudjonsson, 2008) and can cause police officers to underestimate an individual's vulnerability (Dickie et al., 2018).

To improve the experiences of neurodivergent people, it is suggested that changes should be made to police practice, custodial environments and policy (Holloway et al., 2020; Holloway-George et al., forthcoming). The need for consistent and role specific training has also been emphasised (Holloway et al., 2022; Day, 2022) as well as key practical recommendations for more fair and effective interviewing of neurodivergent suspects.



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Section 4: Neurodivergence in Criminal Courts

Dr Jen Hough, Dr Katie Maras, Dr Tom Smith

Courtrooms can be spaces of heightened emotion for any participant, but for those who are neurodivergent, this can be magnified immensely. The court process is rigid and formulaic; cognitively demanding; creates prolonged sensory stress; and presents expectations around social communication and behaviour, all of which may be challenging for neurodivergent witnesses and defendants. This can, ultimately, affect the quality of evidence, their ability to effectively participate, as well as causing emotional exhaustion and burnout (Chaplin et al, 2024; Criminal Justice Joint Inspectorate, 2021; Woodhouse et al., 2024).

Existing research indicates that judges, lawyers and other legal professionals do not always recognise and effectively respond to the needs of neurodivergent individuals in court proceedings (Maras et al., 2017; Cooper and Allely, 2017; Smith 2024). This may, in part, be explained by participants in proceedings, such as Autistic individuals, 'camouflaging' their differences and a lack of appropriate training for legal professionals (Slavny-Cross et al., 2022). For neurodivergent individuals giving evidence during trials, access to special measures (such as an intermediary) may be crucial to addressing such issues, when recognised; however, there is currently limited empirical research to inform and guide the provision of special measures. Neurodivergent witnesses are likely to be eligible under statutory provisions, though implementation has significant challenges in practice (see Baird, 2021). Defendants do not have equivalent statutory rights, potentially leaving them without critical support.

Neurodivergent individuals may have different ways of communicating, behaving, and coping, which may be misunderstood or misconstrued by judges, juries and others involved in court processes (Cooper and Allely, 2017; Sturges and Nuñez, 2021; Tidball, 2024). This can adversely affect outcomes like remand, verdict and sentence (Criminal Justice Joint Inspectorate, 2021; Smith 2024). Importantly, research suggests these biases are dissipated if observers are appropriately informed (e.g. of a relevant diagnosis) (Maras et al., 2019; Sturges and Nuñez, 2021). Reducing prejudicial and inaccurate interpretations of neurodivergent presentation during the court process therefore requires systematic awareness and understanding of its variability and meaning (which is currently lacking – see CJI, 2021). We would therefore recommend the establishment of systematic and practical processes for screening, training, information sharing, and adaptation of court processes for neurodivergent people drawn into criminal proceedings.



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Section 5: Prison and Probation Based Behavioural Change Programmes for Neurodivergent Individuals

Dr Luke Vinter and Dr Nicole Renehan

In the context of neurodivergence in offending behaviour programmes, the research literature remains relatively scant. What we do know more broadly is that neurodivergent people drop out of programmes at much higher rates than their neurotypical counterparts (Romero-Martínez et al., 2023). This is likely a consequence of failing to consider neurodivergence in their development or implementation (Renehan, 2024a, Lansdell et al., 2021; Buitelaar et al., 2021, Akerele et al., 2017). Most research in this area has been qualitative, exploring the lived experiences of neurodivergent participants in offending behaviour programmes and the professionals working with them. Moreover, this work has predominantly focused on interventions to address interpersonal offending behaviours, such as domestic abuse and sexual crime.

From this emerging research base, it has become clear that there are two broad areas of need in relation to enhancing working practices with neurodivergent people. First, there are initial adjustments that can be implemented in the short term, to respond to programme level challenges that neurodivergent people are reported to experience. These typically focus on the practical adaptation of programmes and programme delivery to be more responsive to the needs of neurodivergent participants and to encourage and enable engagement in programmes (Renehan, 2024b, Vinter et al., 2025). This includes reasonable adjustments to the social and sensory environment within a programme, neuro-inclusive adaptations to communication in programme delivery, the enhancement of staff neurodiversity knowledge and awareness, and broader considerations relating to how neurodivergent people are supported in the broader context beyond the programme space (e.g., prisons, Woodhouse et al., 2024). Second, beyond these adjustments and accommodations, evidence suggests a more fundamental shift is needed, with deeper consideration of bigger picture issues of two-way communication, power, inclusion, and meaningful engagement and relationships when working with neurodivergent people (Renehan, 2024b, Milton, 2012).

A recent (uncontrolled, pre/post programme) evaluation of criminal justice programmes adapted for learning disabled (sexually/domestically violent) offenders provides some early indication of positive progress within this population (Hubble, 2024). Further research is needed to understand how neurodivergent people are experiencing different types of offending behaviour interventions, how different contexts may be relevant, rehabilitative outcomes for neurodivergent people, and how intersectionality may be relevant to criminal justice interventions for neurodivergent people (e.g., gender, sexuality, race, class).



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Section 6: Getting started: How organisations can make their service more friendly to neurodivergent people

Dr Tom Smith and Dr Nicole Renehan

This evidence review began by highlighting the importance of foregrounding lived experience of neurodivergence when developing a fairer and more effective criminal justice system. Furthermore, as Day and Rutter set out, neurodivergent individuals are disproportionately represented in youth justice, suggesting the need for engagement with neurodivergent communities and their families in the education system. Sections three and four highlighted the barriers neurodivergent people experience at the 'coal face' of policing and courts. These stressful and formulaic environments, compounded by practitioner misunderstandings of neurodivergence, can result in a higher likelihood of being arrested, charged, convicted and receiving harsher (and less appropriate) sentencing decisions. Once sentenced, rehabilitative interventions in the form of behaviour change programmes present further obstacles, as the structure and content of these have thus far neglected to engage neurodivergent people.

While each section in this review has covered a different aspect of the criminal justice journey, they converge around one crucial point: a pervasive lack of awareness and understanding of how neurodivergent people present, interact and experience the world around them. Misunderstanding leads to misinterpretation of neurodivergent presentations and a breakdown of communication. Yet, misunderstandings and miscommunications are ordinarily attributed solely to neurodivergent people (Autistic Advocate, 2022). Considering the power wielded in criminal justice processes and the professionals administering them, this deficit of understanding and (consequently) fair treatment needs to be addressed urgently.

Alongside better awareness and understanding (which this review aims to offer, as a starting point), professionals and organisations can make their practice and services more neurodivergent friendly in a variety of ways. These are often low or no cost, practical, and simple – yet can be highly effective in addressing the various issues discussed in this review. Below we have provided some general and more specific suggestions for criminal justice professionals to more effectively support and engage neurodivergent individuals.



Professional Curiosity and Development

- » *Asking the individual what they need/what will help (when appropriate) – they will be the best expert (but may need support to convey this from others)*
- » *Developing knowledge and understanding from various sources, including the individual, their loved ones, other criminal justice professionals and external expertise*
- » *Drawing on published information (e.g. specialist literature, lived experience accounts)*
- » *If not specifically identified, being mindful of differences in neurodivergent individuals and alive to the signs:*
 - *Body language, communication, behaviour (i.e. 'presentation')*
 - *Note: this should recognise the variety of different ways individuals may present, making stereotypes or assumptions unhelpful*

Supporting emotional and sensory needs

- » *Offering sensory/regulatory support items within your organisation (police station, consultations, group programmes) which can include - fidget toys, stress balls, ear defenders, etc*
 - *Allowing (safe) comfort items – which may be specific or unusual - in cells, interviews, consultations*
- » *Providing certainty where possible to manage anxiety*
- » *Encouraging/accepting any coping/regulatory behaviours (e.g. stimming, focused interests)*
- » *Considering location and environmental factors (e.g. noise, light, heat, comfort, space); and adjusting the environment when possible (e.g. lighting)*
- » *Considering eye contact, physical contact, space, body language – do not assume all people communicate or relate in the same way*
- » *Non-judgemental attitude/approach – making sure all staff and/or clients understand differences and preferences in communicating, moving*

Engaging with others

- » *Engaging support (e.g. family, allies, supporters, experts) to help understand neurodivergent individuals, as the neurodivergent individual needs/wants and where possible or necessary*
- » *If formal supports are limited, thinking creatively – whose support can you enlist to assist the service user/client (e.g. professionals unique knowledge/experience that may be useful)*
- » *When planning ways to support individuals, considering how best to demonstrate need to other professionals/institutions*



Supporting understanding, communication and engagement

- » *Helping individuals prepare for key processes (for example at court, police interview, probation) – a walkthrough or talk-through will help*
 - *Including explaining consequences - what will happen; why*
- » *Providing clear structure for interactions – explaining order of events, content of interactions (i.e. what will be discussed/covered/involved)*
- » *Summaries/checking of understanding – make sure that the client has fully understood*
- » *Being clear on expectations (of the individual, of other professionals of yourself) and potential or likely outcomes (both of specific interactions and wider proceedings)*
- » *Explanations for legal terminology and language – breakdown and/or prepare instructions in simple formats*
- » *Providing more time – designating more time for interactions (e.g. consultations, interviews, meetings); punctuality; clear expectations around timings/timeframes; building in time for/offering breaks (incl. shorter but more frequent interactions); allowing more time for cognitive processing during interactions*
- » *Considering the method and frequency of interactions – can they be conducted in an alternative way (e.g. email, via intermediary)? Are more/less interactions appropriate?*
- » *Provision of/access to communication aids (e.g. visual aids, written notes)*
- » *Adaptation your own communication*
 - *e.g. clear, non-abstract wording; avoidance of idiom/metaphor; short, discrete points; avoiding of multi-part concepts/sentences; closed questions*
 - *Level of detail (more/less depending on the individual)*

Supporting understanding, communication and engagement

To support implementation, see below some suggest key reading/viewing to get started:

- 1 Understanding communication and relating: An introduction to the double empathy problem (The Autistic Advocate, 2022) <https://www.youtube.com/watch?v=qpXwYD9bGyU>
- 2 The Advocate's gateway: responding to communication needs in the criminal justice system: <https://www.theadvocatesgateway.org/>
- 3 The Access Brief, Communicourt: <https://www.communicourt.co.uk/the-access-brief/>
- 4 Neurodivergence in the Justice System webinar series, Garden Court Chambers: https://www.youtube.com/playlist?list=PLFJbPC3N3gPv_XPhm1gg-V7C0HR_pnA0t
- 5 Finally, if organisations are interested in sharing and learning about good practice, receiving newsletters and hearing about events, we encourage criminal justice practitioners to join the NiCJN [here](#).



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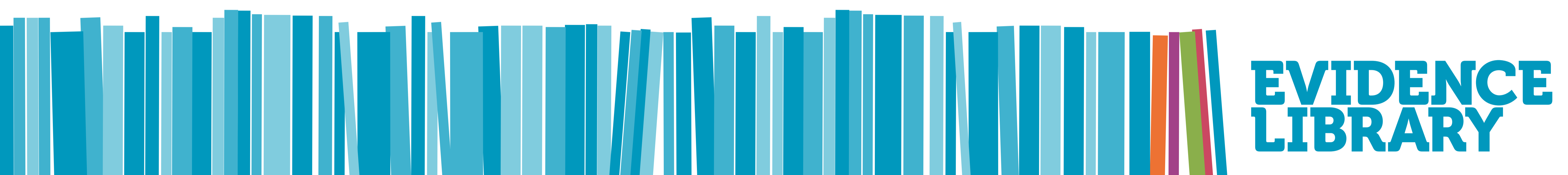
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An online evidence base for the voluntary sector working in the criminal justice system

This article forms part of a series from Clinks, created to develop a far-reaching and accessible evidence base covering the most common types of activity undertaken within the criminal justice system. There are two main aims of this online series:

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- 2 To encourage commissioners to award contracts to organisations delivering an evidence-based approach.

Each article has been written by a leading academic with particular expertise on the topic in question. The topics are selected by Clinks' members as areas of priority interest. With the support of Russell Webster, Clinks is working towards building a comprehensive directory of the best evidence available across a wide range of criminal justice topics.

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