Criminal Justice Alliance

Sentencing young adults: Getting it right

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About the Transition to Adulthood Alliance

The T2A Alliance is a broad coalition of organisations that identifies, develops and promotes more effective ways of working with young adults in the criminal justice system. Convened by the Barrow Cadbury Trust, its membership encompasses leading criminal justice, health and youth organisations Addaction, Catch22, the Centre for Crime and Justice Studies, Clinks, the Criminal Justice Alliance, the Howard League for Penal Reform, Nacro, the Prince's Trust, the Prison Reform Trust, Revolving Doors Agency, the Young Foundation, Young People in Focus and YoungMinds. Following a comprehensive programme of research and consultation, in November 2009 the T2A Alliance published a 'Young Adult Manifesto' containing ten recommendations that would make the way in which we deal with young adult offenders more effective, fairer and less costly.

For more information on the T2A Alliance and its work visit www.t2a.org.uk/alliance

About the Criminal Justice Alliance

The Criminal Justice Alliance is a coalition of 58 organisations - including campaigning charities, voluntary sector service providers, research institutions, staff associations and trade unions – involved in policy and practice across the criminal justice system. The Criminal Justice Alliance works to establish a fairer and more effective criminal justice system.

For more information on the Criminal Justice Alliance and its work visit www.criminaljusticealliance.org

About the Barrow Cadbury Trust

The Barrow Cadbury Trust is an independent, charitable foundation, committed to supporting vulnerable and marginalised people in society. The Trust provides grants to grassroots voluntary and community groups working in deprived communities in the UK, with a focus on the West Midlands. It also works with researchers, think tanks and government, often in partnership with other grant-makers, seeking to overcome the structural barriers to a more just and equal society.

For more information on the Barrow Cadbury Trust and its work visit www.barrowcadbury.org.uk

Sentencing young adults: Getting it right

In June 2011, the Government published the *Legal Aid, Sentencing and Punishment of Offenders Bill*, following the publication of a green paper on criminal justice reform, *Breaking the Cycle*, in December 2010. While elements of the Bill are welcome, such as proposals to reduce the use of remand, it is disappointing that no specific reference is made to the distinct needs of young adults in the criminal justice system.

This is a missed opportunity. The Transition to Adulthood (T2A) Alliance, which identifies and promotes more effective ways of working with young adults in the criminal justice system, has argued that the sentencing of young adults should take into account the maturity of the offender, rather than just their chronological age. The Bill could have been used, alongside the recent and welcome inclusion of lack of maturity as a mitigating factor in sentencing guidelines, to solidify this change.

This briefing sets out the current situation with regards to the sentencing of young adults, examines the case for considering maturity as part of the sentencing process and discusses what the benefits of this approach would be. It then considers how a new approach to sentencing young adults could be implemented in practice, and makes the following recommendations for change.

Recommendation 1
A version of the German Sentencing Model for young adults, which enables young adults aged 18-20 to be sentenced under juvenile law where appropriate, should be piloted in England and Wales.

Recommendation 2
Lack of maturity should be seen as a factor reflecting reduced culpability and a factor reflecting personal mitigation in the development of sentencing guidelines.

Recommendation 3
Sentencers should receive comprehensive training on understanding maturity, and the impact of lack of maturity, to better inform their sentencing decisions.

Recommendation 4
Service providers should work with the courts and probation to engage with sentencers and make them aware of any young adult-specific provision that is available in their area, and sentencers should understand its importance.

Recommendation 5
Young adult-specific interventions and services need to be made available in custody and in the community, and strong links made with the courts and probation.

Young adults and sentencing: The current situation

The work of the T2A Alliance has demonstrated the significant extent to which young adults are caught up in the criminal justice system, and the very limited specific provision made for young adults within the sentencing framework.

What the statistics show

Criminal justice statistics show that young adults aged 18-24, who constitute less than 10% of the population, are disproportionately involved in the criminal justice system, making up almost one-third of offenders found guilty or cautioned for an indictable offence, more than one-third of those commencing a Community Order or Suspended Sentence Order, and almost one-third of those sentenced to prison each year. More than a quarter of the sentenced prison population is aged 18-24.

Additionally, the latest statistics on reconviction rates show that 47.2% of 18-20 year olds and 43% of 21-24 year olds released from custody or commencing a court order under probation supervision in 2008 were convicted of committing a further offence within one year. For all adults the reconviction rate was 40.1%. This demonstrates the importance of recognising the distinct needs and circumstance of young adults in developing effective sentencing, in order to reduce high reconviction levels among this age group.

What is currently available?

Despite the significant over representation of young adults in the criminal justice system, there is very limited distinct provision for young adults in the sentencing process. At present, the sentence of Detention in a Young Offender Institution, available for young adults aged 18-20, is the only significant custodial sentence specifically designed for this age group. This custodial sentence is served in specialist Young Offender Institutions, and however long the sentence is, it is followed by a period of supervision in the community. A sentence plan is developed for all offenders serving more than four weeks, and all Young Offender Institutions have personal officer schemes. The *Criminal Justice and Courts Services Act 2000* proposed that this sentence would be abolished but the relevant provisions have not been implemented.

In terms of sentences served in the community, the attendance centre requirement, which can be imposed as part of a Community Order or a Suspended Sentence Order, is specifically available for adult offenders up to the age of 25. This requirement involves attendance at a centre to participate in demanding (and often physical) activities, and can be from 12 hours up to a maximum of 36 hours, in sessions of up to three hours. Clause 40 of the *Criminal Justice and Immigration Act 2008* also enabled an attendance centre requirement to be imposed on young adult (aged under 25) fine defaulters, with the duration of the requirement being linked to the amount of the unpaid fine. However, the attendance centre requirement is very rarely used by sentencers.

As well as this specific requirement, there is also some provision of services that are designed specifically for young adults, which can be used within the generic requirements of the Community Order and the Suspended Sentence Order. For example, the Intensive Alternative to Custody pilot in Manchester, which was launched in 2009 to develop a credible and effective alternative to custody for offenders who would normally receive a prison sentence of less than 12 months, works exclusively with 18-24 year old male offenders. It involves tailored interventions for each offender and intensive supervision and support, and the order is delivered by a partnership of statutory, voluntary and private sector providers.

In addition, as part of its T2A work, the Barrow Cadbury Trust has established three pilot projects, running from 2009-2012, which are testing different approaches to improving services for young adults in the criminal justice system. The T2A pilots enable community interventions to be tailored to the needs of the individual, with the aim of reducing the risk of reoffending. The three pilots are in Birmingham, Worcester and London, and are delivered by Staffordshire and West Midlands Probation Trust,

YSS and the St Giles Trust respectively.[1] A formative evaluation by the University of Oxford's Centre for Criminology already points to promising early results and highlights the pilots' success in engaging young adults in actions which will help them towards better lives.

Finally, when the Sentencing Council's first definitive guideline, covering assault offences, was published in March 2011, it established 'Age and/or lack of maturity where it affects the responsibility of the offender' as a mitigating factor in sentencing, even for those over the age of 18.[2] This formally introduced the issue of maturity, as opposed to just age, into the sentencing process for the first time. The two draft guidelines that the Sentencing Council has subsequently produced for consultation, on drugs offences and burglary, have both also proposed including this mitigating factor.

This change is particularly welcome and the sentence of Detention in a Young Offender Institution, while flawed due to failures in its implementation and in the quality of the custodial estate, is also of some benefit. Both the Manchester Intensive Alternative to Custody pilot and the T2A pilots also show considerable promise. However, there is clearly a lack of system-wide specific provision for young adults within the current sentencing framework.

Young adults and sentencing: The case for change

The T2A Alliance advocates the recognition of the specific needs of young adults within the criminal justice system, including in sentencing, because there is extensive evidence, both demographic and developmental, that young adults are frequently not fully mature and require a flexible approach.

In demographic terms, young adults face a range of transitions as they move towards adulthood. These include: the move from education to employment; the move into a long-term relationship, perhaps becoming a parent; and the move from the parental home to their own 'household'. In recent decades, there has been a significant shift in the age at which these milestones are reached. For example, people are, on average, significantly older now when they complete their education, live independently, get married and have children than was the case forty years ago. As the Social Exclusion Unit's comprehensive report on young adults stated, "the transition to adulthood is becoming more complex, longer and more risky".[3] The criminal justice system's arbitrary determination that those over the age of 18 are 'adults' is thus out of step with cultural and social norms of transitions to adulthood, and fails to recognise changes in broader society in recent decades.

Developmentally, many young adults also exhibit immaturity that may be related to their offending, with research into brain development identifying a range of changes that continue through the young adult age range. A recent review of research and other literature relating to the issue of the maturity of young adult offenders, commissioned by the Barrow Cadbury Trust and conducted by the University of Birmingham,[4] found that: "Development of those areas of the brain concerned with higher order cognitive processes and executive functions, including control of impulses and regulation and interpretation of emotions, continues into early adulthood; the human brain is not 'mature' until the early to mid-twenties".

The report concludes that: "There is strong evidence that, from a neurological perspective, the human brain is not fully developed in its capacity for cognitive functioning and emotional regulation until well into the period of young adulthood. From a psychological perspective, evidence shows that psychosocial capacities and moral reasoning abilities vary considerably between individuals in the young adult age group, so that some remain

1 For more information on the T2A pilot projects, see http://www.t2a.org.uk/pilots

2 Sentencing Council (2011) A*ssault: Definitive guideline*, London: Sentencing Council.

3 p.6: Social Exclusion Unit (2005) *Transitions: Young adults with complex needs*, London: Office of the Deputy Prime Minister.

4 Prior, D., Farrow, K., Hughes, N., Kelly, G., Manders, G., White, S. and Wilkinson, B. (2011) *Maturity, young adults and criminal justice: A literature review*, Birmingham: University of Birmingham.

immature longer than others, including after the legal age of adulthood."

This supports the findings of a report by the T2A Alliance, *Universities of Crime: Young Adults, the Criminal Justice System and Social Policy*,[5] which demonstrated that it is widely recognised that brain development continues into young adulthood and that young adults potentially face greater difficulties in controlling behaviour, are more prone to risky behaviour and are less able to plan for the future. These conclusions were also supported by discussions at a T2A Alliance expert roundtable hosted by Lord Bradley in the House of Lords in February 2011, which brought together key experts from the world of neurology, psychology and criminology to discuss the concept of maturity.

The Social Exclusion Unit's *Transitions: Young Adults with Complex Needs* report similarly noted that "research in the field of cognitive behaviour and adolescent brain development reinforces the importance of considering young adults' thinking and behaviour as distinct. A study of brain development indicates that the brain's centre of reasoning and problem solving is among the last to mature, meaning that even into the twenties young people may think and react very differently from older adults."[6] This demonstrates the extent to which young adults are still maturing, something that is largely unrecognised across the criminal justice system.

In addition, young adults in trouble with the law often have particularly high levels of complex need and are from backgrounds of great disadvantage, and young adults with the most troubled or traumatic childhoods often take a lot longer than average to mature. Vulnerable young adults frequently lack positive adult role models and also suffer from high levels of mental ill-health and alcohol and drug misuse problems. As a member of staff describing the young adults using their specialist service put it: "They're very needy. They're very vulnerable. They haven't had good role models. They often have chaotic lives, and lead very hand to mouth existences. And some of them, despite their age, are amazingly unskilled at coping with adult responsibilities." [7]

Young adults themselves also recognise that they are not fully mature. Interviewed for the T2A Alliance report *Made to Measure*, produced by Young People in Focus, young adults said that they while they are legally an adult, they often do not feel that way. Despite reaching 18, the young adults did not feel they were 'fully-fledged' adults, and were certainly not ready to take on full adult responsibilities. As one 23-year-old woman described it:

> "A lot of my friends were saying, 'at 18 everything changes, you're an adult. You'll feel like it'. But I still felt like a 15 year- old. I still felt like I wasn't ready for everything. I was finding things really difficult like sorting out my flat and beginning to learn to cook and remembering to sort things out, like my bills. Everything in general, I just felt like I wasn't able to do it." [8]

Young adults are also the most likely age group to desist and 'grow out of crime', and an inappropriate sentence at this time can slow desistance and therefore extend the period during which a young adult might commit crime. The wrong interventions with young adults within the criminal justice system can also hamper their ability to maintain relationships and family contact, both of which can play a central role in supporting desistance from offending. During young adulthood, the focus should be therefore on encouraging desistance from crime and supporting the factors which reduce criminal behaviour, for example employment, housing and good health.

In addition to the broader arguments in favour of recognising the specific circumstances of young adults within the criminal justice system, there are also a number of reasons for taking a distinct

5 T2A Alliance (2009) *Universities of crime: Young adults, the criminal justice system and social policy*, London: T2A Alliance.

6 p.35: Social Exclusion Unit (2005) *Transitions: Young adults with complex needs*, London: Office of the Deputy Prime Minister.

7 p.34: Devitt, K. and Lowe, K. (2010) M*ade to measure: Bespoke services for young adults – Examples of promising practice*, Brighton: Young People in Focus.

8 p.35: Devitt, K. and Lowe, K. (2010) M*ade to measure: Bespoke services for young adults – Examples of promising practice*, Brighton: Young People in Focus.

approach specifically to the sentencing of young adults. Youth can be seen as a reason for differential treatment in sentencing due to the offender's reduced culpability as a result of cognitive factors (a lack of understanding of the consequences of their actions) and reduced volitional controls (a lesser ability to postpone gratification, restrain actions resulting from anger or aggression, and resist peer pressures). Another reason for differentiated sentencing is the perceived greater 'punitive bite' of sentences on young people, as a penalty is more onerous when experienced by a young person and has greater negative effects on their life chances, development and self-esteem. With custodial sentences, there is also a greater risk of self harm than exists in relation to an adult.[9] These rationales are commonly applied to under-18s, but are equally relevant for young adults over the age of 18.

Adolescence is also a time when young people are encouraged to begin making their own decisions and are developing their own sense of autonomy. A logical extension of allowing and encouraging young people to make their own decisions is to expect them to make some bad ones, which may have harmful consequences. However, there is also an expectation that young people will learn from their mistakes, and that this is a natural part of developing as an adult. As a result, sentences should arguably be reduced or specifically designed to accommodate this, and to minimise the harm done to young people in the long term.[10]

The Sentencing Advisory Panel, one of the predecessors of the current Sentencing Council, summarised the 'factors that are most commonly regarded as having the potential to influence the penalty imposed' with regards to age as: offending by a young person is frequently a phase which passes fairly rapidly and therefore reaction needs to be kept well balanced in order to avoid alienating the young person from society; a criminal conviction at this stage of a person's life may have a disproportionate impact on the ability of the young person to gain meaningful employment and play a worthwhile role in society; the impact of punishment is felt more heavily by young people in the sense that any sentence will seem to be far longer in comparison with their relative age than for adult offenders; young people may be more receptive to changing the way they conduct themselves and be able to respond more quickly to interventions; young people should be given greater opportunity to learn from their mistakes; and young people will be no less vulnerable than adults to the contaminating influences that can be expected within a custodial context and probably more so.[11] While this was related to under-18s, these factors could also be applied to young adults over the age of 18. This further demonstrates the arbitrary nature of the sharp differentiation between the youth and adult sentencing systems.

Young adults and sentencing: What's the solution?

If we are going to tackle crime effectively, it is essential that the criminal justice system recognises the distinct needs of young adults. There is a need for a targeted approach to young adults in the criminal justice system, an approach that is proportionate to their maturity and responsive to their specific needs. To achieve this, a number of reforms are needed to make the sentencing of young adults fairer and more effective.

Introducing the 'German Model'

Firstly, the principles of proportionate sentencing for juveniles should be adapted for the young adult age group, in order to take into account young adults' levels of maturity and the economic, social and structural factors that specifically impact upon them. In examining how this could best be implemented the T2A Alliance was most convinced by the model of sentencing of young adults in Germany that allows sentencers a level of discretion in trying young adults up to the age of 21 under juvenile law.

In this system, all young adults aged 18-20 are

9 Von Hirsch, A. and Ashworth, A. (2005) *Proportionate sentencing – Exploring the principles*, Oxford: Oxford University Press.

10 Zimring, F. (1982) *The changing legal world of adolescence*, New York: Free Press.

11 p.21: Sentencing Advisory Panel (2008) *Consultation paper on principles of sentencing for youths*, London: Sentencing Advisory Panel.

transferred to the jurisdiction of juvenile courts, with courts having the option of sentencing according to the juvenile law or the adult law. Juvenile law should be applied if "a global examination of the offender's personality and of his social environment indicates that at the time of committing the crime the young adult in his moral and psychological development was like a juvenile". Juvenile law is also applied if it appears that the motives behind and the circumstances surrounding the offence are those of a typical juvenile crime. For those young adult offenders that are dealt with in the adult system, lack of maturity is still seen as a mitigating factor. Nearly two-thirds of young adults are sentenced as juveniles and on the whole it is more serious cases that are dealt with in the juvenile jurisdiction and minor, particularly traffic, offences that are dealt with in the adult system.[12]

This approach, which has been used in Germany since 1953, has been endorsed by the Council of Europe's Committee of Ministers, which has recommended that "reflecting the extended transition to adulthood, it should be possible for young adults under the age of 21 to be treated in a way comparable to juveniles and to be subject to the same interventions, when the judge is of the opinion that they are not as mature and responsible for their actions as full adults."[13]

Economic analysis carried out for the T2A Alliance by Matrix Evidence found that implementing this approach would produce savings for the public purse,[14] while polling carried out in 2011 for the T2A Alliance by ComRes[15] also shows there is a high level of support for taking account of emotional and psychological maturity in sentencing amongst MPs and among the general public. The polling found that:

- 69% of the public think a person's emotional and psychological maturity should be taken into account when they are accused of breaking the law, rated higher than age, which only 57% of the public thought should be taken into account.
- Less than a third (28%) of the public think that emotional and psychological maturity is not important.
- More than 8 in 10 (81%) MPs think maturity should be taken into account by the courts.

This poll supports the T2A Alliance's argument that, as people mature at different rates and many young adults in trouble with the law exhibit developmental levels characteristic of younger people, courts should treat young adults differently on the basis of their maturity rather than arbitrarily based on their age.

To test out this approach, the T2A Alliance has recommended that a pilot should be set up in England and Wales based on maturity assessments and drawing on practice in Germany for sentencing young adults under juvenile law, depending on the nature of the crime and the offender's level of maturity. In line with the German system, this could be applied (at least initially) to 18-20 year olds, which would be consistent with the existence of provisions for those aged 18-20 in Young Offender Institutions.

This pilot should be run in two court areas, with training for the sentencers and relevant court staff. This should be introduced through an amendment to the current *Legal Aid, Sentencing and Punishment of Offenders Bill* with minimal funding provided by the Ministry of Justice. To help to develop this, the T2A Alliance has recently begun an extensive programme of work examining maturity, including looking at the concept of assessing maturity based on the circumstances of the offence as well as on the individual offender's characteristics. This work will help to demonstrate how this system of sentencing could work in practice.

If this proved to be successful, this system could be rolled out initially to all 18-20 year olds, which would affect approximately 10% of the people who

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12 For more details, see: Dünkel, F. (2006) 'Juvenile justice in Germany: Between welfare and justice', in Junger-Tas, J. and Decker, S. H. (Eds.) *International handbook of juvenile justice*, Berlin: Springer, p. 225-262.

13 p.3: Council of Europe Committee of Ministers (2003) *Recommendation Rec (2003) 20 of the Committee of Ministers to member states concerning new ways of dealing with juvenile delinquency and the role of juvenile justice.*

14 Matrix Evidence (2009) *Economic analysis of interventions for young adult offenders* – available at http://www.t2a.org.uk/publication-download.php?id=29

15 For more details, see http://www.comres.co.uk/poll/18/t2a-research-on-young-adult-offenders.htm

are sentenced by the courts in England and Wales each year (for example, 131,344 people out of the 1,357,600 offenders sentenced during 2010 were aged 18-20). The Ministry of Justice could also explore the potential to expand it to cover all offenders aged 18-24. In the meantime, lack of maturity should continue to be used as a mitigating factor within the adult system, as proposed in the Sentencing Council's recent guideline on assault (see 'Getting sentencing guidelines right', below).

Recommendation 1
A version of the German Sentencing Model for young adults, which enables young adults aged 18-20 to be sentenced under juvenile law where appropriate, should be piloted in England and Wales.

Alongside this fundamental change to the sentencing structure, there is also a need to make further, young adult-specific changes that would support and combine with this reform to ensure that effective sentences are made available for all young adults who are convicted of offences.

Getting sentencing guidelines right

The Sentencing Council should include 'lack of maturity' as a potential mitigating factor in sentencing in all future guidelines, as it did in its first guideline on assault. It should also recognise lack of maturity, where it is linked to the commission of an offence, as a factor indicating lower culpability. As stated above, the work of the T2A Alliance has shown that many young adults exhibit immaturity that may be related to their offending, with research into brain development identifying a range of developmental changes that continue through the young adult age range. The fact that immaturity can affect judgment and impulse control, in particular, suggests that it may be causally related to offending and should be considered as a relevant factor in determining culpability.

Within the current structure of the Sentencing Council's guidelines, this would see 'Age/lack of maturity where linked to the commission of the offence' included as a factor indicating lower culpability, taken into account at Step 1 of the process, and (to prevent double counting) 'Age/lack of maturity where not linked to the commission of the offence' included as a factor reflecting personal mitigation, taken into account at Step 2 of the process. This should be the case for all future sentencing guidelines.

Recommendation 2
Lack of maturity should be seen as a factor reflecting reduced culpability and a factor reflecting personal mitigation in the development of sentencing guidelines.

Support for sentencers

For these changes to be effective, sentencers will need to have better training on lack of maturity and its impact on offending behaviour, as well as on how to assess maturity and how to respond effectively. Effective training would ensure that sentencers would be able to use their discretion and retain control over the decision as to the offender's level of maturity and its impact on the sentence given, rather than relying on introducing formulaic tests or expert witnesses. However, the Sentencing Council's training material for sentencers that accompanied the assault guideline gave no information on how assessments of lack of maturity should be made.[16] This will need to be addressed by ensuring that all sentencers are given training and information on maturity, including through the Judicial College's initial training for new judicial office-holders and their continuing professional education for existing sentencers.

Recommendation 3
Sentencers should receive comprehensive training on understanding maturity, and the impact of lack of maturity, to better inform their sentencing decisions.

As well as developing a better understanding of maturity, sentencers will also need to be aware of what provision that is suitable for young adults is available in the community in their area. However, research has suggested that there is a general lack of knowledge amongst sentencers about the

16 See http://sentencingcouncil.judiciary.gov.uk/guidelines/training-and-support.htm for details (accessed on 19 June).

availability of community order requirements in their local areas, which may be contributing to the infrequent use of requirements such as the attendance centre requirement, the mental health treatment requirement and the alcohol treatment requirement.[17] A detailed knowledge of the available services, and who they can most appropriately be used for, would help to ensure that community sentences are effectively tailored to best prevent reoffending by young adults. More needs to be done to ensure that all sentencers have this knowledge.

Recommendation 4
Service providers should work with the courts and probation to engage with sentencers and make them aware of any young adult-specific provision that is available in their area, and sentencers should understand its importance.

Provision of effective services

For sentencers to be able to make use of this information effectively there will also need to be more young adult-specific provision available to sentencers in their area, both in custody and in the community.

With regards to custody, the T2A Alliance strongly supports the retention of separate and distinct custodial institutions for young adults. The T2A Alliance's work has found that young adults often feel extremely intimidated in adult prisons, where they are often seen as easy targets for intimidation and bullying by older inmates, while the rules that govern Young Offender Institutions have a much stronger emphasis on education. However, there is much that could be done to improve the facilities of Young Offender Institutions and their regimes, to better focus them on training, education and rehabilitation. It is also important that the National Offender Management Service ensures that the sentence is implemented properly and that young adults are genuinely being held in distinct accommodation (which anecdotal evidence suggests is not currently the case). The Ministry of Justice should also consider how it can develop and improve the provision of Young Offender Institutions.[18]

With regards to provision in the community, there is already recognition by probation trusts that community sentences for young adults should be tailored to their specific needs. The Intensive Alternative to Custody pilot in Manchester, as mentioned previously, works exclusively with 18-24 year old male offenders and is designed to work specifically with young adults. While the evaluation is yet to be published, initial reports suggest that the project is both reducing reconviction rates and diverting young adults from custody.

However, research conducted by the Centre for Crime and Justice Studies on the use of the Community Order and Suspended Sentence Order for young adults[19] has concluded that overall there has been "little innovation in the practical application of the new sentencing arrangements for young adults, with the Community Order appearing to mirror the old community sentences". The research also found that "the overall pattern of use of the Community Order and the Suspended Sentence Order tends to work against what is known about young adults' needs and the factors associated with their offending". There is a heavy reliance on unpaid work and, to a lesser degree, supervision, with little done to address young adults' rehabilitative needs.

In order to make community sentencing more effective in reducing reoffending by young adults, community provision should therefore be made available that addresses the specific needs of young adults and the causes of their offending (including gender-specific provision that meets the needs of young adult women). In particular, this would require the expansion of services tailored specifically to this age group, addressing issues related to drugs and, in particular, alcohol. Young adult offenders are particularly likely to have a

17 Mair, G., Cross, N. and Taylor, S. (2008) *The community order and the suspended sentence order: The views and attitudes of sentencers*, London: Centre for Crime and Justice Studies; Khanom, H., Samele, C. and Rutherford, M. (2009) *A missed opportunity? Community sentences and the mental health treatment requirement*, London: Centre for Mental Health.

18 For example HMP&YOI Isis, which opened in 2010, holds young adults aged 21-24 as well as those aged 18-20.

19 Stanley, S. (2007) *The use of the community order and the suspended sentence order for young adult offenders*, London: Centre for Crime and Justice Studies.

problem with alcohol and have more problematic drinking behaviour than their older counterparts, with a higher proportion of young adult offenders exhibiting a criminogenic need relating to alcohol than of other age groups.[20]

The Ministry of Justice should look to build on the work carried out specifically with young adults through the Intensive Alternative to Custody pilot in Manchester, and should also consider whether better use could be made of the attendance centre requirement. For example, the Camden Women's Probation Centre in London is using this requirement to work with women offenders aged 18-24 in order to address the causes of their offending behaviour. This could be used as a more effective alternative to community payback and could also be seen as a viable option to replace a short prison sentence.

The experience of the T2A pilot projects should be instrumental in developing a young adult-focused approach. The pilots have demonstrated the benefits of working intensively with young adults, combining mentoring and brokerage (connecting them to services and resources), in order to reduce reoffending by enabling them to 'get on' with their lives. These lessons can be adapted to develop community provision for young adults that is more likely to be effective in reducing their reoffending.

The T2A pilots are also demonstrating how service providers can work with the courts to secure better outcomes for young adults. For example, the Birmingham T2A pilot works directly with local courts and a number of referrals to the project are made by court-based practitioners. This enables the T2A workers to engage with young adults prior to sentencing and support them throughout the court process. The T2A project has also had a direct impact on judicial decision-making. For example, when a young adult was told that a custodial sentence was inevitable, his involvement with T2A and his engagement with the project led to the judge suspending the sentence for 12 months to allow the young adult to demonstrate his motivation to change his behaviour and work with the project.

Recommendation 5

Young adult-specific interventions and services need to be made available in custody and in the community, and strong links made with the courts and probation.

Conclusion

The sentencing of young adults should take into account the maturity of the offender rather than just the offender's chronological age. A report by the Advisory Council on the Penal System stated that "a special concentration of public effort upon this group of young adults, who are in danger of going on to long and costly criminal careers, is a sensible investment by society at a time when resources, both human and material, are too scarce to allow a similar degree of attention to be paid to all age groups".[21] That was in 1974. Action on this important issue, and in particular to make the sentencing of young adults more effective, is long overdue.

20 Young People in Focus (2011) *Substance misuse and young adults in the criminal justice system*, Brighton: Young People in Focus.

21 p.3: Advisory Council on the Penal System (1974) *Young adult offenders*, London: HMSO.

Young adults aged 18-24 constitute less than 10% of the population, but make up almost one-third of offenders found guilty or cautioned for an indictable offence, more than one-third of those commencing a Community Order or Suspended Sentence Order, and almost one-third of those sentenced to prison each year. Yet there are very limited provisions within the sentencing framework made specifically for young adults.

This briefing is aimed at policy makers, sentencers, the Sentencing Council, the Judicial College, and those involved in the provision of prison and probation services. It sets out the current situation with regards to the sentencing of young adults, examines the case for considering maturity as part of the sentencing process and discusses what the benefits of this approach would be. It then proposes how this could be implemented in practice.

Criminal Justice Alliance

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