



***Young Adults
in Custody***
THE WAY FORWARD

Rob Allen



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The Transition to Adulthood Alliance www.t2a.org.uk is a coalition of 12 criminal justice, health and youth organisations, which identifies and promotes more effective ways of working with young adults throughout the criminal justice process. Convened by the Barrow Cadbury Trust (BCT) since 2008, its membership encompasses 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, and YoungMinds.

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Foreword



Many times in my career I have sat in rooms with European colleagues discussing how best to deal with young people who commit crime. All too often I have felt what I can only describe as ‘policy and practice envy’! Therapeutic, educational, flexible, treatment, families, communities – these were the words heard most as they talked about how things were done in their countries. These feelings returned when I read the section in Rob Allen’s excellently researched report ‘Young Adults in Custody: the way forward’ which describes custody regimes for young adults in other European countries, drawing out suggestions as to how we could improve what we offer. Before you get to that chapter however you will read his descriptions of the approach to young adults in custody that has taken place in England and Wales over the last few decades. To describe it as an approach is not accurate: words that come to mind are stop, start, uncertainty, absence of clear policy, no strategy, erosion, lack of distinctiveness. As my predecessor as Chair of the T2A Alliance and former Chief Inspector of Prisons, Dame Anne Owers, wrote in an earlier publication “they (young adult offenders) have remained ‘a neglected and under-resourced age group’”.

Custody, up until now, has not had the research and practice focus from T2A that all other steps in the criminal justice system have received. Quite rightly we have concentrated on building up the evidence as to how reoffending can be prevented through community and rehabilitation projects, so reducing the need for ineffective custody. We have also shown, through our research into maturity and brain injury and the results from the pilot projects, why and how this age group need a distinctive approach. And we are beginning to see some welcome changes in how young adults are dealt with in courts, police stations and probation.

But not, as yet, within prisons even though the evidence and knowledge is just as applicable to the overrepresented numbers of young adults who are sentenced to custody - the need for specifically trained staff; appropriate education; regimes that recognise lack of maturity; different approaches to reducing violence; the specific needs of women and young black men. New thinking and a coherent approach is needed if we are to impact positively on their reoffending, their ability to lead productive lives outside prison and to be able to create a system, for those who do need custody, that is effective both in terms of costs and impact.



Rob Allen dispassionately sets out what should be included in a new approach, acknowledging that we don't as yet have all the answers. However he also, worryingly, points out that despite the lack of a coherent policy, significant changes are happening anyway. One such change is the re-designation of prisons from Youth Offender Institutions to Adult Institutions and the mixing of young adults and adult offenders, any benefits of which have not been clearly seen by Inspectors.

So the time is very right for this report. It doesn't set out a brief as to what must happen but gives us direction, based on research, as to what should be included in a custody rethink. There are other changes happening in the criminal justice system which could benefit young adults, the renewed focus on rehabilitation, mentoring and results, for instance. Thinking through what part custody could play and how best to achieve maximum benefit from the regimes provided is a further important piece of the reform jigsaw. The reductions in crime and reduction in resources mean a bold approach is called for and Rob Allen's report gives the evidence on which to base it.

Joyce Moseley OBE, Chair of the T2A Alliance





Introduction



In her review of the Prison service in Northern Ireland, Dame Anne Owers described the young adult population as in many ways a forgotten group in the penal system. This is true, the report continued, of young adults throughout the United Kingdom, for whom much statutory support and protection fall away at age 18.¹ This report focuses on the forgotten group and aims to consider the best arrangements for dealing with these young people and what might be done to improve the current system of imprisonment for this age group in England and Wales. It is timely given the recommendation made by the Chief Inspector of Prisons following a highly critical report about Feltham Young offender Institution that the National Offender management Service:

Since its formation, the T2A Alliance has largely concentrated its efforts in finding and promoting effective ways of dealing with young adult offenders outside the prison setting. Whatever the success of work to develop community based measures to prevent and respond to crime committed by young adults, there are always likely to be some young people who will have to be deprived of their liberty.

The paper is in four parts. Part one starts with some background information about policy developments relating to young adults in custody while part two describes the current arrangements. Part three looks at lessons from selected jurisdictions. Part four contains proposals for reforming the system.

“(NOMS) should think radically about the way young adults are housed within the wider adult population.”²

1. Review of the Northern Ireland Prison Service Conditions, management and oversight of all prisons (2011)
2. Report on an unannounced full follow-up inspection of HMP/YOI Feltham (Feltham B –young adults) 18 – 22 March 2013
It has been announced by Ministry of Justice in September 2013 that HMP/YOI Feltham would be replaced by a new prison in 2014.



Part One

Background

There has been a specialist approach to young offenders in custody since at least the end of the 19th century when the Gladstone Committee saw the need to keep young people apart from older and more experienced convicts.³ The Borstal system was developed in the 1900's to provide an educational approach to offenders up to the age of 21 and subsequently 23. A harsher philosophy was enshrined through the later introduction of Detention Centres where the infamous short sharp shock regimes were briefly implemented at the end of the 1970's. Since 1988 there has been a unified custodial sentence of Detention in a Young offender Institution for young people under 21.







Background



Over the last twenty years there has been much more policy interest in dealing with the under 18's than 18-21 year olds. Although in 1997 the incoming Labour government rejected the recommendation by the then Chief Inspector of Prisons (Sir David [now Lord] Ramsbotham) that under 18's should be removed from the prison system altogether,⁴ the creation of the Youth Justice Board and considerable investment of resources in the so-called juvenile institutions has led to some improvements in the establishments housing the younger age group.

In February 2013, the government published "Transforming Youth Custody" a consultation paper promising more radical reform to the juvenile secure estate. Its vision is:

*"for a youth estate of 'Secure Colleges'. These facilities will have education at their heart, equipping young offenders with the skills and qualifications, self-respect and self-discipline to turn their backs on crime for good."*⁵

Despite its title, the consultation paper says nothing about young offenders over the age of 18. Back in 1997 Lord Ramsbotham argued that reforms should not be limited to the juvenile age range. He made it clear that:

*"it would be wrong to ignore the particular needs of those aged 18 to 21 by regarding them as adult prisoners. For many the process of maturation will still be taking place beyond the age of 18 and they still require help and direction to become adults. The inability to withstand peer pressure is a particular feature of this age group. Others will be vulnerable and, if mixed with adults, might well be preyed upon."*⁶

The government responded to this proposal to retain a distinctive approach to young adults in a somewhat contradictory way. On the one hand, the government legislated in 2000 to abolish the sentence of DYOI so that all defendants aged 18 or over receiving a custodial sentence would be sentenced to imprisonment and the protections afforded by a separate sentence would disappear. On the other hand, the Labour party election manifesto a year later promised to:

*"build on our youth justice reforms to improve the standard of custodial accommodation and offending programmes for 18 to 20-year-old offenders."*⁷

In the event neither the legislation to abandon DYOI nor the manifesto commitment to improve it, have been implemented.

Instead, following the launch of the Barrow Cadbury Trust's Lost in Transition Report in 2005, a National Offender Management Service Young Adult Offender Project was announced to identify how the special needs of young adults could best be met in the context of a new approach to offender management, and new custodial and community sentences in the Criminal Justice Act 2003. The project was:

*"to consider the appropriate age range for those to be treated as young adult offenders, the use of the prison estate for this age group, and the regimes and interventions required in prison and in the community. It will also consider the commencement of Section 61 of the Criminal Justice and Courts Services Act 2000 (which abolishes the sentence of detention in a young offender institution) and the consequent safeguards which will be required for this age group."*⁸

4. Young Prisoners: A Thematic Review by HM Chief Inspector of Prisons for England and Wales. 1997
5. Transforming Youth Custody: Putting education at the heart of detention Ministry of Justice Feb 2013
6. Se n2
7. Labour Party Ambitions for Britain 2001
8. Hansard HoC 7 Nov 2005: Column 8WS



Meetings were held over the next 18 months involving the prison and probation service, other government departments and representatives from the voluntary and community sector. Little concrete was achieved. Indeed a parliamentary answer given in 2011 revealed that the *“Young Adult Offender Project informed Ministers’ policy on young adult offenders but did not give rise to a published report.”* Reports and analysis about the custodial estate for young adults *“remained as work in progress when the project was closed.”*⁹

At its closure in May 2007, the government announced that *“the project recommended that the abolition of DYOI in favour of a specialist provision based on needs, vulnerability and development stage was the optimum solution. However, it was concluded that:*

*“taking account of the both the constraints posed by current prison capacity and the need to undertake further work to test out a new approach to young adult offenders, the time is not yet right to abolish detention in a young offender institution (DYOI).”*¹⁰

A ‘suite of proposals’ were also announced to address the specific needs of a wider group of young adults from 18-24 years old. These included: the piloting of a new regime for this age group in prison and the community; the implementation of the recommendations from the inquiry into the death of Zahid Mubarek, the young Asian man murdered by his cell mate at Feltham YOI in 2001; and the implementation of an improved NOMS/YJB protocol to ensure effective transition arrangements are put in place in respect of 18 year olds who move from YOT to probation supervision.

Since 2007 there have been some important developments. HMP/YOI Isis opened in July 2010, the only category C training prison for young men

aged 18 to 25 and the first new public prison to be opened for 20 years. It has got off to a difficult start. When they inspected the prison in November 2011, HMIP found poor staff prisoner relationships, a large number of violent incidents and insufficient and underutilised education, training and work places, although resettlement and drugs work were more positively assessed¹¹. In their annual report for 2012, the Independent Monitoring Board asked the minister to reconsider the present policy of bringing together into HMP/YOI Isis sentenced young men originating from the London area.

*“In practice, this has created an environment of underlying fear and violence with serious implications for both staff and offenders. A more effective and intelligence-led allocations policy is required as a matter of urgency.”*¹²

In July 2012, NOMS published its Commissioning Intentions for 2013-14 which for the first time includes specific consideration of the needs of young adults. For this age group the document concluded that behavioural and cognitive behavioural programmes show the greatest effects with educational and vocational training programmes also found to be promising.



9. HoC Written Answers 13 September 2011

10. HoL Debs 8 May 2007 : Column WS55

11. Report on an announced inspection of HMP/YOI Isis 12–16 September 2011 by HM Chief Inspector of Prisons

12. <http://www.justice.gov.uk/downloads/publications/corporate-reports/imb/annual-reports-2012/isis.pdf>



Background

Interventions, such as multi-systemic therapy, that target the offender and his/her family together are also effective. Deterrence and supervision based interventions have not been shown to be effective. *"Research into the impact of mentoring with young adult offenders shows mixed results."*¹³

In September 2012 NOMS and the YJB published a protocol on the transfers from under 18 Young Offender Institutions to young adult Young Offender Institutions. This says that, for every young person, being transferred in this way:

*"represents a significant change in environment, regime and peer group, making it a particularly challenging part of their time in custody. During this period they are likely to be especially vulnerable and present an increased risk of self harm. It is therefore essential that their transition to the young adult estate is completed as smoothly as possible and that particular consideration is given to issues of safety and security and the sentence planning process."*¹⁴

Despite these developments, there is still a cloud of uncertainty hanging over the shape of the system of custody for young adults. There has not been a definitive answer given to the question raised by the Mubarek inquiry as to:

*"whether the advantages of holding young offenders on the same wing as adult prisoners outweigh the disadvantages, and whether the practice should be extended".*¹⁵

The government's response was that the Young Adult Offender Project would identify current practice in HM Prisons and Young Offenders Institutions, and assess the benefits and drawbacks of mixing, taking account of the views of prisoners,

staff, and other stakeholders. The views about the desirability of mixing young adults and adults are varied. The former Chief Inspector of Prisons warned of the risks of decanting young adults into the mainstream adult prison population but the current Chief Inspector has noted that some prisons, such as Norwich, have aimed to improve safety by integrating young adults with older prisoners and *"there was some evidence that this was working."*¹⁶ The Inspectorate's highly critical report about Feltham YOI concluded that:

*"the concentration of young people and young adults in a single establishment presented local managers with huge challenges in maintaining a safe environment which they were currently not able to provide." Their findings caused them: "to question the viability of part of this institution being set aside for just young adult prisoners."*¹⁷

The Independent Monitoring Board at Portland YOI which has recently started to take adults took the view that this provided an opportunity to use mature prisoners to mentor some of the more volatile young offenders.

*"Some of the adult prisoners have brought valuable skills and knowledge with them, for example in gardening and husbandry, which they are now using and passing on. On the other hand some other adult prisoners are a less good influence, in particular by placing coercive pressures of various kinds on youngsters".*¹⁸

The Parliamentary Welsh Affairs Committee was concerned to learn of the proposals to end the separation of adult and young adult offenders in 2007.

13. <http://www.justice.gov.uk/downloads/about/noms/commissioning-intentions-2013-14.pdf>

14. <http://www.justice.gov.uk/downloads/youth-justice/youth-adult-transitions/guidance-transfers-from-under18-yoi-to-adult-yoi.pdf>

15. Report of the Zahid Mubarek Inquiry 2006

16. HM Chief Inspector of Prisons for England and Wales Annual Report 2010 –11 p20

17. See n 2

18. HMP and YoI Portland IMB Annual report for the year to March 2012 para 21



Although this might enable more Welsh young offenders to be held nearer to home in adult prisons, they believed that:

*"they should continue to be held in Young Offender Institutions that can provide specialist services for those that are vulnerable."*¹⁹

All young adult women in custody are placed in mixed prisons and YOI's. Prison Service Standing Order 4800 describes how many older prisoners take on the role of the parent to young prisoners but points to the risks involved in mixing age groups – *"young women may be vulnerable to exploitation by other prisoners – both adults and other YOs."* The Inspectorate has recently identified a pattern of failure to address the specific needs of young adults. At Eastwood Park *"the prison management and some prisoners felt that the challenges of managing young adults had been reduced by mixing them with adults."*²⁰ However, HMIP were concerned that there was no strategic oversight or provision for the specific needs of young women.

Inspection reports have generally shown that young adult males fare worse in mixed establishments than in YOI's although the Inspectorate's thematic report on young adult males in 2006 recommended that there should be more locations across the country where young adult men can be held close to their home areas. The report made it clear however that:

*"where young adults are held in adult prisons they should be located in dedicated self-contained accommodation with staff who are trained and supported to work with them."*²¹

Despite the absence of a clear policy and legislative underpinning for the custodial care of young adults, since May 2010, at least four adult prisons and four YOI's have been re-designated as mixed establishments.²² There have been reports that *"increasing numbers of young offenders are being held in adult prisons with wings or single cells being 're-designated' as young offender institutions"* (although it is not clear if this refers to anything beyond the recent re-designations).²³

The government has assured parliament that: *"whatever the location, young adults detained in YOIs have separate sleeping accommodation"* although in dual designation establishments the majority of facilities are shared. At HMP/YOI Portland, Nelson wing has been assigned to hold adult prisoners and will provide around 70 adult places. At HMP/YOI Rochester, F, G, H and R wings have been assigned to hold adult prisoners and will provide around 300 adult places.²⁴ According to the report of an inspection carried out there in January 2013²⁵, the Institution appears to now be called HMP Rochester having lost the designation YOI.²⁶

Placing young adults both reasonably close to home and in establishments which meet their developmental needs is a difficult circle to square. It is not made easier by the fact that custody for young adults lacks an overall strategy and, unlike the under 18's, there is no body like the YJB to drive policy and practice development. Without this there is a danger that the pressures of population management will prevail over the needs of young people.

19. HC74 2007 Welsh Prisoners in the Prison Estate para 15

20. Report on an unannounced short follow-up inspection of HMP & YOI Eastwood Park 21–23 February 2012 by HM Chief Inspector of Prisons para2.66

21. Young adult male prisoners: A short thematic report. October 2006 para4.26

22. Cardiff, Forest Bank, Nottingham, Preston. Swansea Prisons. Northallerton, Portland, Rochester, Stoke Heath YOI's, HoC Debs 9 Jan 2013: Column 362W

23. Fears over young offenders held in adult prisons Children and Young People Now 05 September 2012

24. HC Debs 27 Jun 2011: Column 522W

25. Report on an announced full follow-up inspection of HMP Rochester 21–25 January 2013

26. It is not clear that this is lawful given the requirement in The Powers of Criminal Courts Act 2000 S98 which states that an offender sentenced to detention in a young offender institution shall be detained in such an institution other than in particular cases



Part Two

The Current Position in England and Wales


One of the few areas in criminal justice in which the special status of young adult offenders is recognised is the sentence of Detention in a Young Offender Institution. This is the custodial sentence which courts can impose on young people from the age of 18 to 21. The sentence is served in specialist Young Offender Institutions (YOI's) as required by section 98 of the Powers of the Criminal Courts (Sentencing) Act 2000.

In contrast with older adults, all sentences, however short, are followed by a period of supervision on licence in the community. Where the length of the sentence takes the young offender beyond their 21st birthday, they will be transferred to an adult prison when that point is reached. The small numbers of young adults who are categorised as needing to be held in conditions of high security are held in high security establishments. At any one time about 200 young offenders over the age of 18 are held in the juvenile secure estate completing sentences imposed on them prior to their 18th birthdays.²⁷





The Current Position in England and Wales

 YOIs have historically been self-contained establishments but are increasingly situated within an adult prison with which they share the majority of their facilities. Whatever the location, young adults detained in YOIs have separate sleeping accommodation and are always managed in accordance with the YOI rules.

At the time of writing there are:

7 dedicated Young Offender Institutions for young adult males aged 18-21, and a further one, Feltham which is a split site taking young adults on one side and under 18's on the other.

There are five further YOIs for under 18's.

Of the dual designation establishments which house both adults and young adults, HMP/YOI Isis, is designed for young men aged 18-25 as is Thorn Cross.

There are in addition a number of prison establishments which serve both as Category C adult prisons and Young Offender Institutions.

Just under half of 18 to 20-year-olds under immediate custodial sentence were received into an establishment whose predominant function was to hold adult prisoners in England and Wales in each of the years 2007-09.

The proportion of young adults in custody who were in dual purpose establishments rose from 37% in June 2008 to 40% in June 2011.²⁸

On 3 February 2012, 3,510 18 to 20 year-olds were accommodated in predominantly adult establishments.²⁹

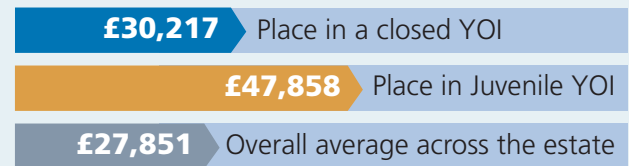
Young adult women are all held in combined institutions that are predominantly for adults.

Young adults on remand can find themselves placed in local prisons or in Young Offender Institutions.

The Inspectorate's review of remands in 2012 pointed out that detainees in local prisons are often held close to home, which makes it easier to receive visits.

"As there are fewer establishments for young adults and women, these groups may be held far from their home."

The cost per place in the young adult YOIs were in 2011-12 more than the average for the prison service as a whole but much less than the cost of under 18 establishments. In terms of direct resource expenditure:



The cost per place:



The costs in large part reflect differences in staffing:

The ten YOIs for male young adults had on average one prison officer for every 2.8 young people.

This compares with a prison officer for every 1.17 in the under 18 establishments.



The average across the prison estate was 3.4.

See Annex A for details

28 <http://www.publications.parliament.uk/pa/ld201212/ldhansrd/text/120213w0001.htm#1202135000597>

29 <http://www.publications.parliament.uk/pa/ld201212/ldhansrd/text/120227w0004.htm#12022745003865>

30 Costs per place and costs per prisoner National Offender Management Service Annual Report and Accounts 2011-12 Management Information Addendum



1 RULES, REGULATIONS AND GUIDELINES



Young Offender Institutions are governed by specific legislation in the form of the Young Offender Institution Rules 2000. These state that the aim of a young offender institution:

“shall be to help offenders to prepare for their return to the outside community” and this aim shall be achieved in particular, by:

- (a) providing a programme of activities, including education, training and work designed to assist offenders to acquire or develop personal responsibility, self-discipline, physical fitness, interests and skills and to obtain suitable employment after release;*
- (b) fostering links between the offender and the outside community; and*
- (c) co-operating with the services responsible for the offender's supervision after release.³¹*

The bulk of the rules are very similar to the adult prison rules. In addition, there are only two specific regulations which apply to young adults. Prison Service Instruction PSI 41/2011 concerns the categorisation and re-categorisation of young adult male prisoners and PSI 2012-37 deals with supervision after release from the sentence of DYOI.

There is however a PSI, 2012/08, about the care and management of young people in prison establishments but despite its title, it does not apply to those individuals who are aged over 18 (other than the small number who are held in an under 18 establishment finishing off a sentence imposed while subject to the youth justice system.) The purpose of the PSI is to ensure appropriate regimes for those under 18 and it has nothing to say about young adults.

“Underpinning the entire PSI is the belief that custody should not just be about containment, and that regimes should have a positive influence by recognising that young people do change, that adults matter to young people and that young people need the right balance between care and control.³²”

There is a strong case for saying that almost all of what is said in PSI 2012-8 by way of rationale for a distinctive regime for under 18's, could equally be applied to the young adult age range above the age of majority.

Prison Service Order PSO4800 on women prisoners has rather more guidance about how prison establishments should meet the needs of young women, arising perhaps from the fact that young adult women are all held in combined establishments.

³¹ <http://www.legislation.gov.uk/uksi/2000/3371/made>
³² PSI 2012-08 Care and management of Young People



The Current Position in England and Wales

The PSO points out the need to address the vulnerabilities such as high levels of self-harm, mental health needs and victimisation from their peer group. The PSO also says that younger prisoners will tend to need more supervision and organisation in their leisure time and that they should be consulted (at least once a year) to determine their need for particular activities, regimes and programmes. Younger women may need particular supervision and encouragement to use their spare time constructively and to avoid boredom and may need particular help in overcoming barriers to learning.

The detailed criteria used by HM Inspectorate of Prisons to assess establishments also include some specific requirements in respect of the young adult age group. The Inspectorate requires that *“young adults are treated equitably and according to their individual needs.”*³³

Inspectors reach their judgements about prison establishments on the basis of whether:

- a) staff are aware of the distinct needs of young adults, recognising and responding to individual levels of maturity
- b) Comprehensive risk assessments are in place to ensure young adults are and feel safe from other prisoners
- c) Young adults are given, where appropriate, a multidisciplinary care plan which is kept up to date and reviewed regularly and
- d) Young adults arriving from the children and young people’s estate are identified systematically on arrival and support processes are in place to aid the young adult’s transition in the adult estate.

The last of these expectations has been given added impetus by the publication in 2012 of guidance from the National Offender Management service (NOMS) on transfers from under 18 Young Offender Institutions to young adult Young Offender Institutions. This says that for every young person, being transferred in this way:

*“represents a significant change in environment, regime and peer group, making it a particularly challenging part of their time in custody. During this period they are likely to be especially vulnerable and present an increased risk of self harm. It is therefore essential that their transition to the young adult estate is completed as smoothly as possible and that particular consideration is given to issues of safety and security and the sentence planning process”*³⁴

There are some basic differences (for example in the system of categorisation) but many aspects of YOI’s are similar to adult prisons and increasingly different from YOI’s for under 18’s. Young adults may be expected to share a cell but as a young offender they will not share a cell with anyone aged 21 or over. The Ministry of Justice report that a ‘sentence plan’ using the Offender Assessment System (OASys) should be developed for all young offenders who have at least four weeks to serve; that all YOI’s have personal officer schemes; and that in YOI’s “recreation and interaction with other young offenders is encouraged and most YOIs provide at least one hour per day. At the weekends there are more opportunities for activities such as voluntary work, sports and leisure activities such as arts and crafts”³⁵



2 CHALLENGES IN THE CUSTODIAL CARE OF YOUNG OFFENDERS ARE TREATED IN PRISON ESTABLISHMENTS



The thematic report by the Chief Inspector of Prisons on male young adults in prison in 2006 concluded that young adults remain a group whose needs had not been systematically addressed over the preceding five years, in spite of their evident needs and their high re-offending rates.

Seven years on the position does not seem to have changed fundamentally. The prison service website is commendably frank when it says that:

“Prison life for a young offender held in a Young Offender Institution (or YOI) isn't that different to prison life for adult prisoners; however there are some differences in the way YOIs are run.”³⁶

The evidence suggests that the already limited distinctiveness of the approach in YOI's is further eroded in establishments that are predominantly for adults. At HMP/YOI Highdown where 12 per cent of the population were young adults who are integrated into the general population HMIP found:

“no specific strategy to meet their needs and this was evidently needed.” At HMP/YOI Lewes “the specific needs of young adults were not considered and there was no monitoring of young adult data to ensure equality of treatment or access to the regime.”

Reports by HMIP and Independent Monitoring Boards paint a somewhat depressing picture of life for young adults both in dedicated YOI's and combined establishments. Young adults seem to fare worse than other groups in prison, even in respect of the most basic elements of care. In 2011-2 only 69% of young adults said they could have a shower every day against an average of 82% across all prisons.

Inspection, monitoring and research reports suggest that there are eight key challenges facing the custodial care of young adults.

A INADEQUATE INFRASTRUCTURE

Since the introduction of adult prisoners into four establishments which had hitherto been dedicated YOI's, that there are now only six dedicated YOI's for 18-21's. In addition there is a specialist young adult focus at HMP/YOI Isis and the open YOI at Thorn Cross takes 18-25's; the split site at Feltham and Swinfen Hall which takes young adults serving long sentences also gives some focus on the age group.



The Current Position in England and Wales

The growing use of dual designation establishments may have met the Inspectorate's complaint that the rehabilitation and resettlement needs of young adults is compromised by the considerable distances from home of the establishments where they are held. It is not clear whether closeness to home is outweighed by the lack of a dedicated and distinctive regime.

Most of the YOI's are large in size. Only Reading with a capacity of 297 and Thorn Cross (321) among the establishments listed above house fewer than 400 prisoners. The Inspectorate found that size was the most influential factor in how prisons performed against their tests of safety and respect, and overall. Prisons holding 400 or fewer prisoners are significantly more likely to perform well in these tests than larger prisons holding more than 800 prisoners.³⁷ While only Glen Parva among the dedicated YOI's has a capacity of more than 800, many of the dual designation establishments exceed this. At High Down (1103) many young adults told inspectors that they felt apprehensive on arrival at the prison, and many adult prisoners spoke of having to "tolerate young adults."³⁸

There is also a question of the availability of accommodation to meet differing security levels. While open conditions are offered at Thorn Cross there is limited availability in the South of England. The inspection of Isis found nine category D prisoners and four young adults categorised as suitable for open conditions. Pressures on the open estate meant that opportunities for progression were limited. The prison was investigating ways of holding those eligible for the lower security category while allowing them access to a more suitable regime, although there was nothing yet in place to support this.³⁹

Brinsford IMB reported on a concerted effort to increase the number of "Red Bands", trusted prisoners, who work both inside and outside the establishment.⁴⁰ Without places to move on to – pre-release or open units, the opportunities afforded by such progression will be limited.

There are likely to be some young adults in custody whose needs would best be met in institutions outside the prison service. Under the Offender Management Act 2007, under 18's sentenced to Detention and Training Orders can serve the secure part of their sentence in any establishment authorised by the Ministry of Justice. The possibility of extending this to young adults should be explored.

Work has been undertaken on the idea of a Young Offenders Academy- a campus with secure and semi secures components with a focus on education. While the original target group has been those under 18 there is no reason why the thinking behind such a facility could not extend to those over 18. Greater use of hostels or other more flexible types of accommodation could be piloted as opposed to the prison environment, along with greater use of open conditions for this group. Many practitioners consider that it is important to give young adults something to aim for while in custody.

Within prison establishments there is a need to provide a range of living arrangements to meet the varying and developing needs of young adults. Particular attention needs to be focussed on those who are vulnerable – a total of 46 young adults aged 20 or under died in prison custody between 2005 and 2011. Almost half of those received into custody under sentence are serving their first sentence.⁴¹



B INADEQUATE REGIMES FOR YOUNG ADULTS

The 2006 Inspectorate review of young adult males found the inability to occupy them purposefully to be the most common failing. Last year the Inspectorate found that only five per cent of young adults were unlocked for the expected length of time - at least 10 hours out of their cells on weekdays. "Too often" they found that activity places were under-used."⁴² In 2010-11 HMIP reported that:

"young adult establishments generally had high numbers of men locked in cells during the working day, even where there were sufficient activity places."⁴³

At Brinsford YOI in the West Midlands for example HMIP found time out of cell remained too limited and was fairly poor for most young men. Evening association was restricted to two evenings a week and over a third of prisoners remained locked in their cell during the working part of the day.⁴⁴ At Reading YOI "many prisoners had only one evening period of association each week."⁴⁵ The Independent Monitoring Board at Rochester noted that the amount of time young offenders spent on purposeful activity was exaggerated because "purposeful" was used to define any, and all, out of cell activities, not all of which were strictly purposeful, and some were concerned only with prisoners' personal requirements".⁴⁶ At Portland access to the library met the needs of the prisoners, even though it was still not open at weekends. Some prisoners only had access to PE or outdoor exercise once a week.

At HMP Isis, the new purpose built training prison for 18-25 year olds, the core day indicated that a fully employed prisoner could achieve about nine hours out of cell on Monday to Thursday and

about seven hours on Fridays, but in practice HMIP found this was much less for a significant number who did not work. At a roll check during the core day, they found "too many prisoners locked in their cells." While there were currently sufficient places in education and training, "the level and range of courses did not meet all prisoners' needs. Vocational training classes were generally full, with some long waiting lists, and achievement of qualifications was very high. Education courses generally operated well below capacity, but most of those who attended achieved their qualifications."⁴⁷

At Feltham, the Inspectorate found over 40% of the population locked up and inactive, while the daily routine was subject to frequent delays and cancellations. There was insufficient activity to meet need, with 43% of prisoners recorded as unemployed.⁴⁸

In combined establishments the regime for young adults seems to be worse than the dedicated YOI's. At HMP/YOI Lewes the specific needs of young adults were not considered and there was no monitoring of young adult data to ensure equality of treatment or access to the regime.⁴⁸ At Littlehey, HMIP found:

"simply too few activity places available for young adults. There were no activity places for a quarter of the young adult population and even with attendance of about 90%, it was not surprising that we found a third of the young adults locked in their cells with nothing to do during the working part of the day."⁵⁰

Moreover the young adult time out of cell had been restricted in the interests of safety and maintaining good order. They had just 30 minutes a day of outside exercise, and evening association

42 Annual Report 2011-12

43 Annual Report 2010-11

44 Report on an unannounced full follow-up inspection of HMYOI Brinsford 4 - 11 November 2011

45 Report on an unannounced short follow up inspection of HMYOI Reading 9 -11 May 2012

46 IMB Annual Report 2012

47 See n9

48 See n2

49 Report on an unannounced inspection of HMP/YOI Lewes 5-16 November 2012

50 Report on an unannounced full follow-up inspection of HMP/YOI Littlehey



The Current Position in England and Wales

was alternated between landings, so that prisoners had only two sessions a week. The IMB were concerned about the lack of activities available at the weekends asking for assurances from the Governor *“that he will ensure that these young men are actively engaged at weekends – particularly that gym and PE facilities are fully utilised?”*⁵¹

The situation for remanded young adults is worse than for sentenced. Just over half (54%) of remanded young adults in YOIs said they had been in employment at the prison, considerably fewer than sentenced prisoners (74%), and similarly, fewer said they were in a job currently (28% against 39%). A relatively high proportion (77%) of remanded women said they had had a job at some point, although less than half (47%) said they were in a job currently, fewer than the sentenced women (63%).⁵²

As HMIP says of all prisoners, young men aged between 18 and 21 years

*“should be involved in activities that give them the habits, experience and training they need to get and hold down a job when they leave custody. In addition, a prison where young men are kept occupied is likely to be a safer and more positive place for prisoners and staff alike”.*⁵³

PREVENTING AND REDUCING VIOLENCE

Ensuring that young adult offenders are

safe in prison is a major challenge in many establishments which accommodate them. In their 2013 report on Feltham, the Inspectorate found the establishment not to be safe enough with high levels of violence, and serious incidents included gang attacks on individual prisoners. They were shocked at what seemed to be the unprecedented use of extendable batons by staff, which had been drawn 108 times during 2012 and used 25 times. This was beyond anything the Inspectors had seen in other establishments and suggested use had become normalised to an extent at odds with the Prison Service’s own instructions.

In the majority of YOIs involved in a recent study of education in prison, violent behaviour and conflict between gangs were a problem, especially where youngsters were being held from the local area. This impinged on the education offer that could be made: some types of courses were restricted because of the danger presented by using particular resources that could be used as weapons, and in other cases learners could not be put into the same group as another learner if they had issues around gang membership.⁵⁴

In 2010–11, 12% of young adults who responded to HMIP’s surveys of prisoners in the establishments they visited had experienced some form of physical abuse from other prisoners.⁵⁵ In combined establishments like High Down young adults are more likely to be the perpetrators or victims of violence than older prisoners but the level of violence seem to be lower than in juvenile YOIs.⁵⁶ At HMP/YOI Moorland, some prisoners told the Inspectorate that groups of young offenders were bullying older men but evidence from a survey and from a sample of bullying incidents did not support this impression.⁵⁷

51 IMB annual report February 2011 – January 2012

52 Remand prisoners A thematic review August 2012

53 HMIP Annual report 201-11

54 Jane Hury, Lynne Rogers, Margaret Simonot and Anita Wilson Inside Education: The Aspirations and Realities of prison education for under 25s in the London area Institute of Education 2012

55 HMIP annual Report 2010-11

56 Report on an announced inspection of HMP/YOI High Down 18–22 July 2011

57 Report on an unannounced full follow-up inspection of HMP/YOI Moorland 3–7 December 2012



Violence reduction is an important priority in many establishments but all too often this appears to be achieved through reducing the hours which young people spend out of their cells and in association. As in all prisons, there are many causes of violence ranging from pre-existing animosities, gang affiliations, or unpaid debts. HMIP's 2006 review recommended that violence reduction strategies in establishments holding young men should be alert to the physical nature of the bullying that is characteristic of this age group.⁵⁸ At HMP Thameside which opened in 2012, Inspectors found problematic gang issues, between young adult gangs in South East London with prisoners routinely trying to settle scores or debts from the community. The prison was building up a clear picture of gang identity and recruitment, and making efforts to try to reduce or avoid conflict.⁵⁹

In Rochester organised fights, involving adult prisoners betting on young adults, had occurred on E wing during November 2012 although it was swiftly addressed.⁶⁰

Attempts have been made in some establishments to apply the lessons learned about how to manage self harm and suicide to incidents of violence. Restorative responses have also been piloted although there seems considerable scope for developing more of these problem-solving approaches. One consequence of holding young people closer to home may be that they are holding on to their group/gang affiliations (rather than forming new peer groups). Intervention to support exit from gangs and desistance from crime may be more challenging. NOMS is committed to zero tolerance to violence in prisons where no act of violence is acceptable, be it verbal, physical or directed at property. In 2010-11 however, the Inspectorate found some establishments for young adults were over-reliant on using formal

disciplinary procedures and under-used the more flexible minor reports system.⁶¹ Across the prison estate, 11% of prisoners reported having spent a night in the segregation unit. This was highest for young adults (23%) higher even than those in high security prisons (22%). In HMIP surveys, 18% of young adults said they had been physically restrained by staff in the last six months, compared to no more than 7% in local, training, high security and open prisons.⁶²

Prevention of, as well as responses to violence and misbehaviour can also lead to a lack of proportionality. At Littlehey young adults were being banned from attendance at religious worship for inadequate reasons.⁶³ Young adults should be subjected to restrictive security measures such as strip-searching and banning from attendance at religious worship only on the basis of current individual risk assessment.

There are strong links between domestic abuse and serious youth violence and it is clear that interventions in custody needed to recognise and respond accordingly. A socio therapeutic approach to violence should be pioneered based on that adopted in Germany (see page 31). There should be more opportunities to consult prisoners about safety. As the Chief Inspector noted at Feltham:

"the reduction of violence and making the prison safer would need an improvement of staff-prisoner relationships and the provision of more meaningful and challenging activity".⁶⁴

58 See n18

59 Report on an unannounced inspection of HMP Thameside 14–17 January 2013

60 Report on an announced full follow-up inspection of HMP Rochester 21–25 January 2013

61 Annual report

62 See n 57

63 See n 46

64 See n 2



The Current Position in England and Wales

D STAFFING AND CULTURE

In HMIP surveys in 2011-12, 70% of prisoners said that most staff treated them with respect, but in young adult establishments the figure was 64%. At High Down staff had low expectations of young adults, who were much more likely than older prisoners to say they felt unsafe and much less likely to say they had a member of staff they could turn to with a problem.⁶⁵ At Feltham, Inspectors found examples where staff were working well, but *"too many staff were disengaged. but expectations of young adults generally were low."*⁶⁶

It is partly a question of adequate numbers of staff. Supervising association, providing a genuine personal officer scheme and assisting with plans for resettlement all require sufficient staff to provide a reliable and systematic service response. The IMB at Brinsford reported that *"with the financial restraints being imposed it is proving difficult at times to provide an officer to escort prisoners to the library."*⁶⁷ But it is also a question of culture and training. At High Down *"some staff stereotyped the behaviour of young adults and responded to them in a way that validated this stereotype."* This may go some way to explaining the fact that young adults are disproportionately represented in the use of force against them at Feltham and among those held in segregation units.

"little was asked or expected of young men and it was difficult to see why they would have any investment in engaging with the prison and what it had to offer."

Even At Thorn Cross, described by HMIP as *"one of the better establishments in the prison estate"*, inspectors received many reports of disrespectful staff behaviour and the staff culture did not adequately acknowledge that an older population {young people up to 25} was held in open conditions and being prepared for return to the community.⁶⁸

There appears a strong case that prison staff receive specialist training to support their work with this demanding age group. Given the over representation of black and minority ethnic young people in custody, renewed efforts should be made to recruit BAME staff and to address the perceptions of some young people that the system is racist.



E EDUCATION

Given the priority which is supposed to attach to education, it is disappointing that standards are so variable in establishments for young adults. Recent research on education of young adults in custody in London identified a number of challenges on top of the familiar problems arising from short lengths of stay, the demands of security and movement or unavailability of prisoners. These include unnecessarily complex organisational arrangements in which education and vocational training are managed separately, the isolation of teachers from their colleagues in the community and “a conflict” between the need to ensure achievement, which is the criterion on which funding is allocated to prison education, and the ability to meet the learners’ need to develop other skills and qualities which can subsequently form the base of a positive learning attitude. At least 80 per cent of the budget is compulsorily allocated to hard-core targets that have qualifications up to Adult Literacy/Numeracy or Key Skills Level 2.⁶⁹

In fact qualifications achieved by learners tend to be at lower levels which do not equip learners for employment. In the IOE research, assessment data demonstrated that learners were able to pursue higher level qualifications. This has implications for both prison provision and for progression on release.

Research also suggests that many young offenders may suffer from hitherto undiagnosed learning and speech and language difficulties, or autism. Speech and language therapists could make a substantial difference.

At Brinsford the IMB reported on problems with the educational provider cancelling classes despite staff working hard to get prisoners to education.⁷⁰ On the other hand HMIP found some very good vocational training with high levels of learner achievement but limited opportunities for progression. At Feltham, Inspectors found that education and work places that were available were too often underused. The vocational training was better than the education on offer, much of which was poorly taught and did not meet need.⁷¹

At Aylesbury the IMB has repeatedly complained that education spaces are available for only about 50% of the prisoner population.⁷²

There is a need for a model for informal learning that could be used with consistency across all areas of purposeful activity, including education and training in prison. Little attention or kudos is given to the arts as providing a source of imagination, expression, confidence-building or as nurturing the soul in its own right.

Above all there is a need as the IOE report recommends to ensure that education and training become core priorities in prisons.

69 Hurry J et al Inside Education: The Aspirations and Realities of prison education for under 25s in the London area IOE 2012

70 See n 37

71 See note 2

72 IMB Annual report Aylesbury July 2011-June 2012



The Current Position in England and Wales

F RESETTLEMENT

"[They] say that keeping in touch with family and friends is the most important thing for coming out of prison and not reoffending but they make it so hard for you to keep in contact."

The Inspectorate found in 2010-11 that in the combined institutions many of the resettlement strategies made no reference to the needs of specific groups of prisoners held, such as young adults. Young offenders will only have contact with their home probation service on an exceptional basis. This is in contrast to a consistent YOT worker's involvement throughout custody for young people.

At Littlehey for example young adults responded more negatively than adults over most issues relating to resettlement provision in the HMIP survey. There was limited use of release on temporary licence on the adult site, mainly for external gardens and for working in the staff mess, but none as yet for young adults.

Even in the dedicated YOI at Brinsford, the approach to resettlement was disappointing according to the HMIP. The IMB reported that one prisoner, *"who the Board hope is the first of many, is released daily on ROTL working in the outside community."*⁷³

There are however number of specific initiatives aimed at increasing the prospects of young adults. At Thorn Cross young adults can participate in the high intensity training (HIT) programme – a 'boot camp' style programme with prisoners spending the final eight weeks before release working near

and living at home on weekdays. There is also an independent living unit (ILU) that housed six adults working out and six young adults on the HIT programme. The inspectorate found that the ILU was not used to best effect. *"There was no process for identifying prisoners for entry to the unit and they received little support for independent living on release. Prisoners could not even cook for themselves, although there was a fully functional kitchen on both floors."*⁷⁴

At Reading, the Kennet Resettlement Unit continued to be underused, and although the prison planned to develop its use to a wider prisoner group, this had yet to be implemented.⁷⁵

Much greater emphasis is needed on family relationships and maintaining these links very important for this age group but often neglected in the adult estate. This should be a feature of any regime as many will end up going back to live with their parents or wider family. The Inspectorate found that at Rochester, in the six months before their visit, *"less than 3% of prisoners were released without an address, but significantly the majority of these were young adults."*⁷⁶



G WOMEN

Young adult women are fully integrated with older women

throughout the prison estate and there is a clear need to ensure the specific needs of young women were considered and met. Notwithstanding the lack of specific standards and guidance and the findings quoted above, HMIP consider that young adult men are much more consistently recognised as a distinct group with separate need from older adults than young adult women. *“A failure to identify and address the specific needs of young adult women is becoming a consistent feature of our inspections of women’s prisons”.*⁷⁷

For instance at New Hall where 10% of the population were young adults aged 18 to 21,

*“there was little attempt to identify and meet their specific needs, yet girls under 18 in the YOI attached to the prison received high levels of age-appropriate support. The needs of these young women did not suddenly change when they became 18 and needed greater consideration.”*⁷⁸

At Eastwood park, HMIP were concerned that their specific needs were not identified and addressed in a number of areas. Young adults should be located together, where there is specific regime provision and staff dedicated to them.⁷⁹

H BLACK AND ETHNIC MINORITY YOUNG PEOPLE IN CUSTODY

Not only are black and minority ethnic young people

overrepresented among those remanded or sentenced to custody, so too do they fare worse than white young people in custody. The question of overrepresentation needs to be addressed throughout the criminal justice process, with action to ensure that discrimination does not take place in decisions made by police, prosecutors and courts as well as in prisons. It is of particular concern that the striking falls in the use of custody for under 18’s since 2008 *“have not applied as much to black and minority ethnic children as to white.”*⁸⁰

According to HMIP prisoners from black and minority ethnic backgrounds and Muslim and foreign national prisoners continued to have poorer perceptions of their treatment and conditions than the prison population as a whole. Ethnic monitoring showed that proportionally more black and minority ethnic than other prisoners were segregated, subject to the use of force and adjudications and on the basic level of the IEP scheme at some establishments. Over the years, HMIP surveys of both young men and women have showed a steady decline in the proportion of young people who felt that the majority of staff treated them with respect. Significantly, the perception of black and minority ethnic young people remained worse than their white peers.

Clearly, a continuing priority needs to be given to delivering race equality within criminal justice and prisons underpinned by a sustained dialogue between the prison service and civil society about what specifically needs to be done in respect of the young adult age group.

77 HMIP Annual report 2011-12

78 Report on an unannounced full follow-up inspection of HMP & YOI New Hall 31 January–10 February 2012

79 n17

80 Allen R Last Resort? Exploring the reduction in child imprisonment 2008-11



Part Three

What can we learn from other jurisdictions?

A number of jurisdictions approach the young adult age group in a distinctive way or at least are planning to do so, some of which are described below.

SCOTLAND AND NORTHERN IRELAND

Closer to home, the Scottish Prison Service (SPS) is seeking to change the way that young people are dealt with in custody, shifting the emphasis from 'correctional' management to an approach that is based on the development of the individual young person. In partnership with Education Scotland, the SPS has begun work to create a new environment at HMYOI Polmont, the male young offender establishment. The aim is to promote development of core skills and encourage engagement with learning and vocational training to help achieve more positive outcomes for the young people.

A multi-agency Learning and Skills forum has been set up at Polmont to drive forward change including professional development for prison staff.⁸¹

In Northern Ireland the Owers review recommended major reforms to the young offender prison Hydebank Wood. It should become a secure college, offering a full programme of skills-based activities and one to one support, with a multi-disciplinary trained staff group, and working in partnership with a range of external providers and agencies.⁸²





What can we learn from other jurisdictions?

NORDIC COUNTRIES

The Nordic countries are well known for taking a minimalist approach to the use of imprisonment. Denmark, Finland, Norway and Sweden all have rates of imprisonment well under half of that in England and Wales. Comparative research found that in 2002 in Finland only two juveniles (aged 15-21) were serving custodial sentences and a further eight were being held on remand.⁸³

There are many reasons for this, but one is likely to be the better developed welfare systems for dealing with troubled young people. In Norway for example, The Child Welfare Act applies to persons under 18; however, with the consent of the person involved, measures implemented before the age of 18 may be prolonged until the age of 20 and in Finland for example the child and youth welfare system institutionalises a larger number of children and young people, pro rata, than England and Wales.

SWEDEN

In Sweden, arrangements can be made for young people aged 20 or less to be made subject to a compulsory care or LVU placement. This is for young people whose health or development is at risk as a result of their family situation, substance abuse or criminal activity. The duration of placement is not fixed but it is reviewed by the social services every 6 months. The Council of Europe's Committee for the Prevention of Torture (CPT) has reported favourably on the regimes in institutions where such placements are made. For instance at Barby "*developed and individualised programmes of activities*" were offered to residents.⁸⁴

RUSSIA

The Russian Federal Penitentiary Service has recently drafted proposals allowing teenage offenders to stay in juvenile correctional facilities if their behaviour improves. Under the current law teenage offenders are transferred to adult penal colonies when they reach the age of 19, but if the amendment is accepted the cut off point will be extended to 25.⁸⁵

83 Pitts J Need or Deeds in Prison Service Journal September 2011 p16

84 Report to the Swedish government on the visit to Sweden carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 9 to 18 June 2009

85 Moscow Times 19th June 2013 <http://www.themoscowtimes.com/news/article/prison-service-wants-to-delay-young-offenders-entry-into-adult-penal-colonies/481936.html>



GERMANY

Each of the 16 Lander (Regions) in Germany has its own criminal justice and prison system. As is well known young people up to 21 can be sentenced either as juveniles or as adults depending on the offence and the maturity of the young offender.

In the state of Mecklenburg Western Pomerania, visited as part of this study, there is one youth prison in the town of Neustrelitz. The youth facility is really a campus, designed for young people aged 14 and above who are in pre-trial detention and youth custody. In exceptional cases young people under 26 can serve prison sentences. It caters for both male and females and includes a unit for the male adolescents and young adults serving a four week detention order. There is also a pre-release open unit from where young people go out to work in the town. The facility has a total of 297 places.

Young people under 18 cannot share cells with those over 18 although they are able to live in the same unit where appropriate. The CPT has concluded that the practice, which is well established in Germany, of holding juveniles and young adults together can be beneficial to the young persons involved, but requires careful management to prevent the emergence of negative behaviours such as domination and exploitation, including violence.

Some of the German Lander keep under 18's in separate units or establishments. Young women live in a separate unit but join with young men in education, work and recreation sessions. There is a well equipped area for mothers and babies.

The young person's stay starts in a unit which houses remands and acts as an induction unit. In Germany, if a defendant who is not remanded in custody is given a custodial sentence, they are not (as in the UK), immediately taken to the cells to await escort to prison. Rather, they will receive a letter a few days later inviting them to report to a particular establishment within 21 days of a particular date. This gives time for young people and their families to sort out their

affairs before commencing their sentence. If they fail to arrive they are liable to be arrested and brought to the prison by the police.

The period in the Induction unit for assessment depends on the length of the sentence but an individualised plan is produced involving a step by step approach towards a normalised regime. Once placed on one of the living units, depending on progress young people can spend more time out of their cells, eat in the common areas and prepare snacks in the small kitchens attached to each wing. Before release young people can be moved to a 20 place open unit situated outside the secure perimeter. Such units play an important part in German youth prisons. At Hameln Juvenile Prison in Lower Saxony, Germany's largest youth prison with a capacity of 727, there is a 72-place open section.

At Neustrelitz, there are special units for young people with the most problematic behaviour and violent offences. These have a higher staff ratio, plus therapists offering individual and group work sessions after education or work. There is also a special unit for vulnerable young people who cannot cope with the demands of the ordinary regime.



What can we learn from other jurisdictions?

GERMANY CONTD

The regime at Neustelitz is normalised and relaxed. Lunch is taken in a canteen in groups during a break from work or education. There are sufficient places for all young people to do a full working week in one of a wide range of well equipped vocational training workshops. Occupational therapy is provided for vulnerable young people. Young people are paid for work training or education.

Recreation and leisure activities include sports (football, athletics), drama and music (including a choir and music lessons), arts (including wood sculpture) and other opportunities such as fire fighting.

Specialist treatment programmes are provided for violent, sexual, property, drug and traffic offenders with additional programmes for those who cannot live in groups, have unstable personalities, learning difficulties and are potential victims.

Preparation for Release is highly structured with a standardised transition from custody to community using a programme called (INSTAR). This starts six months before release and involves a clear time line of activities including case conferences and other planning mechanisms using standardised documentation. Special attention is given to those young people with nowhere to go on release through a "Safe landing" programme.

Neustrelitz is not exceptional in Germany. The Council of Europe's Committee for the Prevention of Torture (CPT) gained a particularly favourable impression of the regime offered to juveniles and young adults at Schwäbisch Gmünd Prison in Baden-Württemberg, where virtually all of them were offered work, vocational training or education (secondary school, computing, etc). In addition, various recreational activities were organised (e.g. sports, handicrafts, cooking, gardening, discussion groups), so that all inmates could spend the whole day outside their cells (including at weekends).⁸⁶

In North Rhine Westphalia, the CPT was also satisfied by what they found at Herford Juvenile Prison. The great majority of

inmates worked in the prison workshops (bakery, electrical works, heating installation, carpentry or gardening) or within the establishment (maintenance, cleaning), or participated in vocational training (painting, construction or cooking) or education (e.g. German classes). During the evening, all the juveniles could participate until 10 p.m. in various sports and recreational activities (theatre, music, video projects, cooking, etc.) or could visit other inmates in their cells.

The CPT also visited the Juvenile Detention Centre in Berlin, where young offenders between 14 and 21 years are subjected to short-term detention (Jugendarrest) on the basis of Section 16 of the Law on Juvenile Justice (Jugendgerichtsgesetz – JGG). This type of detention is imposed by a juvenile court and is not considered a criminal sanction but instead as an educational measure to prevent juveniles from re-offending. The maximum period of detention is four weeks (Dauerarrest); young offenders may also be detained in the centre at weekends (Kurzarrest) or during leisure time periods on weekdays (Freizeitarrrest).



The regime appeared largely positive to the CPT with some inmates going to school or work outside the establishment during the day from Mondays to Fridays. The remainder were subjected to a three-level regime with varying lock-up periods. During out-of-cell time, inmates could mix freely in the common rooms to watch TV, play table tennis or table football, and (if the weather allowed) ball games could be played in the courtyard. Male and female juveniles, who were accommodated separately, could mix during recreation time in the courtyard. In addition, the inmates were offered some education (i.e. computer classes) and occupational activities (woodwork) on site.

The CPT did not find it acceptable that inmates who were subjected to weekend detention at the Berlin Juvenile Detention Centre remained locked up in their rooms from Friday to Sunday without being able to benefit from outdoor exercise. Nor did they like the disciplinary measures which could be imposed which included deprivation of reading material for a certain period, prohibition of contacts with the outside world for up to two weeks, exclusion from communal activities and solitary

confinement. In this respect the Berlin Centre appears to contrast with other juvenile establishments visited where the CPT found that the imposition of disciplinary sanctions was very rare and was to a large extent substituted by "*educational measures*".⁸⁷

87 CPT/Inf (2007)18, paragraph 118

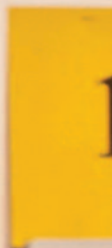
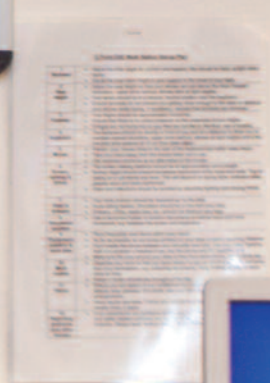
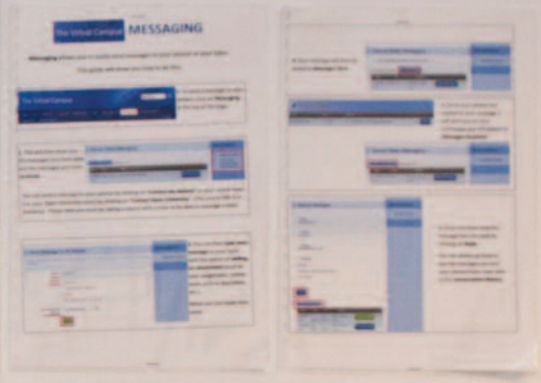


Part Four

Proposals for Reform

Developing custodial establishments which best meet the needs of young adults is by no means straightforward. Historically best practice has taken the form of distinct institutions for 18-20 year olds but in recent times there has been a loss of faith in the model.

The necessity of protecting young adults from experienced adult offenders has been called into question and the viability of doing so declined as sentence lengths have become longer and prisons more crowded. At a practical level, being placed close to home may be a more significant factor in producing successful resettlement outcomes than experiencing a specialist regime far away from family – although for some young people there may be benefits to putting some distance from negative peer groups and gang affiliations.





Proposals for Reform

Ideally the custodial estate should seek to provide a variety of high quality facilities so that young adults can be placed where both their needs can be met and their links with home maintained. Rather than seeking to evaluate the various ways in which the estate might be reconfigured to try to approximate to that ideal situation, it may be more fruitful to identify the characteristics of age appropriate environments and services wherever they are needed- in dedicated young offender institutions, dual purpose establishments which mix 18-20's with adults up to their mid twenties, or in predominantly adult prisons with smaller numbers of young adult offenders.

While there is an absence of clear evidence about the relative effectiveness of particular models, inspections and monitoring do suggest some of the key challenges in developing distinctive culture or micro-culture. At the institutional level, the key dimension is effective leadership, in which the governor recognises the specific characteristics of the age group and ensures that the way the establishment is run pays sufficient regard to their distinctive needs. This is crucial in combined establishments where integration of young adults into the overall regime may in fact mean that their needs are ignored.

An example of this is at Rochester where Inspectors found that young adult prisoners were disproportionately over-represented in a number of key areas, such as violent incidents, adjudications and use of force; and under-represented among prisoners released on temporary licence. *"The prison was not aware of these issues or taking steps to address them"*.⁸⁸ In this context it seems important that establishments which accommodate sentenced young adults continue to be designated as Young Offender Institutions and not simply prison.

This review suggests that effective measures for young adults will require specific commitment to meeting the health and well being needs of the age group, regimes which provide a full daily programme of supervised activities, vocational and work style learning opportunities effective personal officer schemes and highly proactive resettlement programmes.

Developing an individualised approach to young adults in custody will require a more thoroughgoing assessment of maturity to be undertaken than is currently the case. T2A's guide for Probation practitioners could relatively easily be adapted for use by prison staff.⁸⁹

It will also require specific training for staff. A T2A study of policing young adults concluded that *"the police need to develop more imaginative and effective ways of engaging with this age group, particularly those who are openly hostile towards them"*.⁹⁰ Much the same can be said of prison staff.



In terms of specific proposals, the findings of the review suggest the following measures would help to ensure a more age appropriate experience for young adults in custody starting with the most achievable in the short term:

1**DRIVE REFORMS FORWARD**

A body in central government should be established to drive forward reforms, along the lines of the way the YJB has led change in respect of young people under 18.

2**PRISON SERVICE ORDER**

A prison service order should be drawn up emphasising the distinctive needs of this age group alongside the development of age appropriate systems of discipline and restraint, incentives and privileges, and accredited programmes. This should draw on the existing PSI for juveniles which stresses the importance of contact with families and carers, the influence of peers on behaviour, impulsivity and short term thinking, emotional immaturity, even when a young person appears physically mature and the potential to mature and grow out of crime.



Proposals for Reform

3

TACKLING VIOLENCE

Research should be undertaken on the best ways of preventing and tackling violence without diminishing regime activities. A socio-therapeutic model should be piloted along the lines of the German youth facility.

4

SUFFICIENT STAFF

Sufficient staff should be available to ensure that young adults in custody can safely participate in a full day of education, training and work during the working week with opportunities for cultural and sporting activities in the evenings and weekends.

5

TRAINING

A training course should be developed for those working with young adults in custody, emphasising that staff should take into account the characteristics of young people's behaviour and stage of development through appropriate role modelling, promoting and maintaining positive behaviour, and clearly defining behavioural boundaries.



6

RESETTLEMENT

A more structured approach to resettlement should be introduced.

7

YOUNG ADULT WOMEN

A revised prison service order should be produced in respect of young adult women in custody building on PSO 4800 by promoting good practices and interventions such as violence/abuse counselling, help to raise self-esteem, help to resist peer pressure, offending behaviour work around acquisitive crime, family mediation and mentoring by trained peers.

8

RESIDENTIAL PLACEMENTS

A wider range of residential placements should be developed for young adults in conflict with the law, both inside and outside the prison system



Proposals for Reform

9

SECURE COLLEGES

All dedicated Young Offender Institutions should be remodelled as Secure Colleges – not just those for the juveniles age range – with an integrated programme of education and training at its core; a normalised regime and the possibilities of progression to open conditions.

10

CAMPUS MODEL

A pilot institution for young people should be introduced based on the campus model in Germany.

See Annex B for details



Annex A



NUMBERS OF YOUNG PEOPLE PER PRISON OFFICER

Young Adult YOI's 31st August 2012⁹¹



NORTHALLERTON		3.7
ISIS		3.3
PORTLAND		3
ROCHESTER		3
AYLESBURY		2.8
GLEN PARVA		2.8
LANCASTER FARMS		2.6
BRINSFORD		2.5
DEERBOLT		2.4
READING		2.1

Under 18 YOI's



WERRINGTON		1.5
ASHFIELD		1.46
WETHERBY		1.3
HINDLEY		1
WAREN HILL		0.9
COOKHAM		0.86

91 Data derived from parliamentary answer given re staff numbers
<http://www.publications.parliament.uk/pa/cm201213/cmhansrd/cm121022/text/121022w0003.htm#12102231001598> and Prison
 service Monthly Population Bulletin for August 2012 <https://www.gov.uk/government/publications/prison-population-2012>



Annex B

ELEMENTS OF PILOT YOUNG OFFENDER CAMPUS

- Small size – (<400) Single and double cells with under 18's not to share with over 18's but able to live in same units where appropriate.
- Separate unit for young women but joint education, work and recreation activities.
- Induction unit for assessment followed by step by step approach towards normalised regime Implementation plan. Three weeks induction? More than current.
- Open unit attached with young people working in the community before release.
- Socio-therapeutic unit for those with most problematic behaviour and violent offences. Higher staff ratio, plus therapists offering individual and group work.
- Treating violence in the same way as self-harm
- Special unit for vulnerable young people.

DAILY LIVING

- Normalised regime as far as possible.
- Lunch in canteen in groups during break from work /education.
- Responsible young people able to dine out in the living units.
- Small kitchen for young people to prepare snacks.

EDUCATION, TRAINING AND EMPLOYMENT

- Sufficient places for all to do full day.
- Occupational therapy for those with vulnerabilities.
- Education.
- Vocational Training in a variety of trades.
- Work Opportunities.
- Payment for work training and education.

RECREATION AND LEISURE ACTIVITIES

- Sports (Football, athletics).
- Drama and Music (including Choir and Music lessons).
- Arts (including wood sculpture).

TREATMENT PROGRAMMES

- Specialist treatment programmes for violent, sexual, property, drug and traffic offenders.
- Programmes for those who cannot live in groups, have unstable personalities, learning difficulties and are potential victims.

PREPARATION FOR RELEASE

- Standardised and structured transition from custody to community (INSTAR).
- Starts 6 months before release.
- Case conference.
- Standardise documentation
- Special programme for those with nowhere to go "Safe landing".
- Mentoring for all/Through the Gate.





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