

Old Enough To Know Better?

A briefing on young adults in the criminal justice system in England & Wales
January 2012



Young adults - the facts

- At the end of September 2011, there were 8,317 young people aged 18-20 in prison in England and Wales
- In the 12 months to June 2011, 12,509 young people were imprisoned under sentence
- 18-25 year-olds make up one in ten of the population as a whole, but they account for a third of those sent to prison each year, a third of the probation caseload and a third of the total social and economic cost of crime
- 58% of young people released from custody in the first quarter of 2008 reoffended within a year
- Young adults account for 20% of individuals in prison who self-harm although they represent only 12% of the prison population

Introduction

Over the past decade, the youth justice system for under-18 year-olds in England and Wales has been transformed. Thanks to the strategic work of the Youth Justice Board and positive interventions by individual Youth Offending Teams, those changes are now having a real impact on the ground. Between 2007/8 and 2009/10, the number of children entering the system for the first time fell by 39% to 61,422, and the number sentenced to custody fell from 6,853 to 5,130 - a drop of 25%.¹ Alongside this, the number of offences committed by children fell by around one-third to just under 200,000 in 2010 - contributing to the significant overall reduction in crime since the 1990s.

The time is now right to build on this success, by extending the multi-agency approach to young people aged 18 to 20 years-old. In September 2011, there were 8,317 18-20 year-olds in custody - almost 10% of the prison population. With a quarter of those appearing in court charged with offences related to the August riots falling into this age group, those numbers will have increased. Before the riots, the Ministry of Justice had noted a downward trend in the number of young adults sentenced to custody, but this was actually quite limited. Social factors obviously play their part. But the lack of any real focus on the specific needs of young adults in the criminal justice system undermines the chances of reducing their offending behaviour.

Reoffending rates following release from custody are unacceptably high for this age group, especially those serving short sentences. Her Majesty's Chief Inspector of Prisons has specifically raised concerns about young adults in prison, describing his impression of "*young men sleeping through their sentences*" in HMYOI Rochester² and a lack of engagement in work, education and

training opportunities across the young offender estate.³ Independent Monitoring Board (IMB) reports echo some of those concerns. Last year, for example, the IMB at HMYOI Portland noted that only 15% of prisoners posing the highest risk received treatment for behavioural problems,⁴ and the chair of the IMB at HMP/YOI Littlehey spoke of the "lost opportunities" to help cut reoffending and called for a "national strategy to deal with young offenders".⁵

The criminal justice system is failing to divert impressionable young men and women from falling into a pattern of offending in the first place and doing little to help them turn their lives around when they do. The independent panel investigating the cause of the riots has specifically identified the lack of support for young people moving from the youth to the adult justice system.

Given that the most common offences among young adults are theft, robbery, drugs and assault, no-one should pretend that there are easy answers. But for the sake of future victims of crime, a more focussed and intensive approach to rehabilitating young offenders is needed.

This report, published by *Out of Trouble*, the Prison Reform Trust's programme to reduce child and youth imprisonment, sets out the actions that now need to be taken urgently to begin to make that objective a reality.

Out of Trouble is supported by The Diana, Princess of Wales Memorial Fund.

Background

Over half young adults given a custodial sentence reoffend within one year of release, and up to two thirds within two years. The social and economic costs of young men and women offending have been estimated at anything up to £19 billion a year, including over £1 billion on imposing and enforcing custodial and community sentences. Young adults are disproportionately represented in the prison population - in September 2011, there were 8,317 18-20 year olds in custody.⁶ Despite the Children (Leaving Care) Act 2000 and additional duties on local authorities in the Children & Young Persons Act 2008, care leavers continue to be significantly over-represented in the prison population, along with young Afro-Caribbean men and others from black and minority ethnic backgrounds.

Research for the Barrow Cadbury Trust has revealed that:

- between 40-49% of young men in custody (aged between 18 and 21) have been in local authority residential care
- 40% of young women and 25% of young men in custody (aged between 18 and 21) report having suffered violence at home
- Over 30% of young women in custody (between the ages of 18 and 21) report having experienced sexual abuse at home.

In 2004, the Prison Reform Trust published *Lost Generation*, a detailed study of the experiences of young adults in prison. Gathering information from Independent Monitoring Boards (IMBs) across England and Wales, the report revealed a bleak picture of young prisoners facing high levels of movement from jail to jail, impoverished regimes involving long hours locked up and inadequate preparation for release.⁷

The last Labour government appeared to recognise the challenges faced by this age group as early as 2001. Its General Election manifesto that year promised to extend the focus on youth justice upwards to this lost generation of young adults. Those working with young offenders had hoped the same intensive services would be introduced to divert them from offending.

In his speech at the Conservative Party conference the following year, Shadow Home Secretary, Rt Hon Oliver Letwin MP described the image of a conveyor belt on which the individual law-breaker passes through successive stages:

An image that springs to mind in describing the personal history of the law-breaker is that of a conveyor belt on which the individual passes through successive stages: neglected or abused child, disruptive pupil, anti-social teenager, young offender, first-time prisoner, repeat offender, hardened criminal.

At each stage, the individual has the option of stepping off the conveyor belt. But it cannot be expected that this choice will be made unless society finds ways of providing for the individual not only easily accessible exit points off the conveyor belt to crime, but also a hand helping him to those exits.

A succession of media-inspired panics about anti-social behaviour overshadowed the work of both government and opposition but in 2005, Home Office Minister, Fiona Mactaggart MP announced that:

The National Offender Management Service is to establish a project to develop a strategy and standard for the management of younger adult offenders in custody and the community. The purpose of the project will be to identify how the special needs of young adults can best be met in the context of the new approach to offender management.⁸

To support this initiative, a project board was set up and a reference group of external stakeholders established including the Prince's Trust, Community Service Volunteers, RAINER Foundation, Barrow Cadbury Trust, NACRO, Prison Reform Trust, Howard League for Penal Reform and YMCA. An initial scoping study was carried out and a cost benefit analysis of custodial and community sentences for young adults commissioned.

The Opposition appeared sympathetic to this agenda. In 2007, the Social Justice Policy Group chaired by former Conservative Party Leader, Rt Hon Iain Duncan Smith MP concluded that:

Increasing penalties for offenders will do little to stop the next generation of prisoners and unlock the cycle of deprivation which so many young people are trapped in, unless it is accompanied by an attempt to tackle underlying drivers of crime.

In May 2007, the new Home Office Minister, Gerry Sutcliffe MP told Parliament:

.... we are firmly committed to further work to ensure we plan for appropriate provision to address the specific needs of 18-24 year-olds. We will progress a suite of proposals to enable us to test the best approaches both in custody and in the community There will be a further report to the House later in the year.⁹

By that time, however, the project board had already met for the last time and its work was soon to stopped. No explanation was ever given to the external stakeholders involved and none of the project's research was published to help inform future policy-making. Parliament did not receive the further report promised and none of the research was published. As a result, young adults continue to languish in a criminal justice system that does little to support their efforts or those of staff charged with their care, to turn their lives around.



Transition to adulthood

In 2008, the Transition to Adulthood alliance, a coalition of voluntary sector organisations working with young adults in the criminal justice system was established under the auspices of the Barrow Cadbury Trust to help inform the Ministry of Justice's work with this age group.

The Trust's Transition to Adulthood (T2A) initiative has undertaken detailed research and, in partnership with the St Giles Trust, YSS - Youth Support Services and the West Midlands Probation Service, also piloted in three areas the kind of wrap-around support for young adults, both as part of community sentences and after release from prison, that are proven to be most effective.

The Coalition government has begun to turn its attention to the specific needs of young adults in the justice system and the challenges they present. In a recent debate during the passage of the Legal Aid, Sentencing & Punishment of Offenders Bill, the Prisons & Probation Minister, Crispin Blunt MP said:

*We need to ensure that, given the colossal cost of failing to turn this particular age group around, we find ways to get interventions and investment into it, which will then deliver savings to the Ministry of Justice, because of the huge advantage of getting these people better and making them pro-social members of society.*¹⁰

Recommendations

The Prison Reform Trust and others in the T2A alliance believe it is now essential to kick start that long overdue work. As a first step, the Prison Reform Trust advocates the following reforms:

- Introducing a robust community sentence, tailored to the specific needs of this age group – this could take the form of the intensive alternative to custody (IAC) successfully piloted in Manchester and West Yorkshire supervised by the Probation Service.
- Diverting first-time and low-level offenders out of the criminal justice system through the use of restorative pre-court disposal similar to the Youth Restorative Disposal.
- Expanding the age-remit of youth offending teams (YOTs) to engage with 18-20 year-olds – this would enable the complex needs and challenges of this age group to be more effectively addressed through the multi-agency structure of YOTs.
- Developing sentencing guidelines specific to young adults – in recognition of their age, maturity, intellectual and emotional capacity.
- Establishing specialist services for young adults both in the community and in prison that reduce alcohol and drug misuse as drivers to crime.
- Ensuring that the new diversion and liaison schemes at police stations and courts are equipped to respond to the particular needs of young men and young women with mental health problems or learning difficulties and learning disabilities.

Intensive community orders

Building on growing evidence that community sentences are more effective than short prison sentences at reducing reoffending, the pilot Intensive Alternative to Custody (IAC) schemes were pivotal.

First introduced in Bradford in 2008, the IAC is exactly that – an intensive alternative to custody. These orders were focussed on those for whom short sentences had already proved ineffective and others whose offences were so serious that they were potentially facing custody for the first time.

As well as supervision, those serving these orders are usually given three or four statutory requirements. These are designed to maintain a constant engagement with offenders to prevent them drifting back into their past patterns of behaviour. There are swift and decisive sanctions for non-compliance.

£14 million of Ministry of Justice funding enabled six more pilots to be established from 2009 onwards in Derbyshire, Dyfed-Powys, Humberside, Manchester, Merseyside, and South Wales, and the Bradford pilot was extended to Leeds. Each was tailored to a specific target group of offenders and, in Manchester, young adults between 18-24 years-old were chosen.

Like West Yorkshire, it achieved very good compliance rates and early indications are that it is successful in reducing reoffending rates amongst participants. Experienced probation officers describe it as the first real opportunity that they have had to create a package of requirements that will change offending behaviour. Local magistrates are also very supportive of the IAC model and HM Inspectorate of Probation has specifically commended the team's work.

Jason's story

Jason is four months into a 12 month IAC for threatening behaviour. He first got into trouble at the age of 15 for driving a motorbike without insurance, spending two days in police cells before being bailed. The case was later dropped. When he was 17, Jason was given a 12 month Detention and Training Order for stealing a car. He turned 18 whilst in prison.

Following his release on licence, a mix-up between probation and the YOT meant he had no supervision for the first week, just a curfew and restrictions on who he could associate with. He was recalled to prison for a month for breaching his licence, and spent four months on remand for his involvement in a subsequent incident. He was eventually sentenced to an IAC, which included an electronically monitored curfew and community payback. Compared to the YOT, Jason found the IAC:

harder but better... you've got more appointments to keep. So you've constantly got to get up. You can't just one day think 'Oh can't be bothered with that.' I'm 19 now, no point running round like a kid any more. It keeps you motivated, keeps you getting up in the morning. And it helps you find work and everything. So if anything's ever like a struggle... they'll sort it out for you. I mean I didn't know you could actually get jobs here. They've helped me find them on the internet and everything. It gets you up. It's like working but not getting paid.

The Manchester IAC involves:

- tailored interventions for each offender
- intensive supervision
- enhanced monitoring
- 30 hours per week of activity
- curfew
- accredited programme
- unpaid work
- court reviews progress
- swift sanctions for non-compliance.

Of the 1,851 offenders sentenced to IAC around England and Wales by 1 March 2011, 539 had successfully completed with 672 still serving their orders

A process evaluation of the IAC pilots was published in July 2011. This revealed that the average cost of an IAC order per offender was around £5,000 a year compared to almost £50,000 a year for a place at a young offender institution and that only around a quarter of those orders had been revoked. It concluded that:

when IACs are compared against short custodial sentences, given the differential costs between these two disposals, IACs are likely to be more cost effective provided they do at least as well as short custodial sentences in rehabilitating offenders.¹¹

Ministry of Justice funding for the seven IAC pilot schemes ended in March 2011 and the individual Probation Trusts have been left to continue their work from diminished mainstream budgets. No commitment was ever given to extend the IAC pilots. However, the IAC model fits well with the Coalition government's "rehabilitation revolution" outlined in its *Breaking the Cycle* Green Paper. We hope ministers will ultimately decide to roll it out nationwide.

Keiron's story

Keiron is currently ten months into his 12 month IAC order after being convicted of theft with violence. His father and uncle have both served time in prison. He had not previously been convicted of any offence. He spent the first three months on tag, which he found helpful in avoiding getting into further trouble. Unlike those of his friends who have served community orders, Keiron did not breach his curfew. The IAC Team helped Keiron find accommodation, have regular contact with his baby daughter and complete his Construction Skills Certification Scheme (CSCS) card.

The IAC team has helped me grow up and come to a realisation that this is helpful, even though it is a punishment.

Before I came here I was a bit hot headed. But I'm not as bad now, nowhere near. It's made me more conscientious, patient and more aware of my surroundings. At the same time, it's made me aware that re-offending is going to be more detrimental than anything. After ten months in here, it's not really something I'd do now. They've given me other options, like going on different courses. Plus, because my offence is drink related, I had to learn to curb my drinking. It's made it a lot more unlikely for me to reoffend.

Clearly, the key evidence is the reoffending rates of those who participated in the IACs. The Ministry of Justice is still considering whether it is feasible and affordable to commission a full evaluation of its impact on reoffending rates. Importantly, this research could inform policy-making in the medium-term. In the meantime, there is clearly scope to introduce further intensive community order pilots focussed on young adults under the Coalition's "Payment by Results" model.

Young Adult Offending Teams

The creation of the Youth Justice Board and the development of individual youth offending teams (YOTs) within local authorities has been a crucial factor in the reduction in youth crime and the number of children sentenced to custody. The YJB has provided the focal point for the coordination and dissemination of best practice by courts, councils and the police. YOTs have been given the responsibility to ensure those at risk of falling into a pattern of offending behaviour are diverted from that outcome. With this level of political intervention and funding to match, it is no surprise that both the number of children in custody and the number of offences committed by children has fallen by one-third over the past few years.

In contrast, the number of young adult offenders has remained largely static. Responsibility for them rests with the Probation Service and several individual Trusts do have dedicated young adult teams. However, with the National Offender Management Service's (NOMS) increased focus on those posing the

greatest risk to the public and cuts to their budgets, this is much less common today than in the past. In addition, while some Trusts do second probation officers into YOTs to help with the transition of 17 year-olds into the adult system, this is not done universally. There are strong grounds for requiring a named body or official to be charged with a specific responsibility for reducing reoffending by young adult offenders.

There are two options. The remit of YOTs could be extended to young adult offenders. However, we recognise that, at a time when their budgets are being reduced, local councils are unlikely to want the burden of additional responsibility unless funding is guaranteed to come with it. If the Ministry of Justice does not back this reform, we hope ministers and NOMS will at least require all Probation Trusts to have dedicated young adult teams, and ensure much closer working between these officers and the YOTs in their areas.



Youth referral order and youth restorative disposal

Restorative justice brings victims and offenders together, so that victims can tell offenders about the real impact of their crime and receive an apology; and so that offenders are encouraged to take responsibility and make amends. Over the last decade restorative justice has been embedded in the youth justice system, firstly through the reparative/restorative requirement within the referral order and more recently through the youth restorative disposal.

Referral orders were piloted in eleven areas between 1999/2000 and 2001/02 and became available across England and Wales in April 2002. The referral order's primary aim is to prevent children reoffending and provide a restorative justice approach within a community setting. Data on reoffending rates for 2007 showed that the proportion of juveniles that reoffended following a referral order was 40.5%. The frequency rate of reoffending showed that these offenders committed an average of 117.6 offences per 100 offenders. These are the lowest reoffending rates of all sentences imposed by the youth courts.¹²

When the court makes a referral order, the young offender is referred to the youth offending panel, comprising two volunteer members representing the local community and an experienced YOT worker. At the initial panel meeting with the young offender and his/her parents or carers, the members review the offence and its consequences. Victims are invited to participate, either by attending the panel or having their views represented. The young offender agrees with the panel a contract which should include two core elements:

- reparation/restoration to the victim or wider community
- a programme of interventions/ activities to address reoffending risk.

The panel monitors the young offender's compliance with the contract. If, at the end of the referral order period, the contract has been successfully completed, the conviction will be spent. However, if the offender is unwilling to agree a contract or fails to comply with it, they will be referred back to the court, which may then revoke the order and impose an alternative sentence. YOTs are required to provide regular reports to judges, magistrates and their legal advisers on the operation of referral orders.¹³

The Criminal Justice & Immigration Act 2008 introduced the Youth Restorative Disposal (YRD) as a quick and proportionate response to a young person's low-level offending in a way that allows victims to have a voice in how the offence is resolved. It is only possible to use a YRD for a first offence and it is not used in response to a serious crime, such as weapons or sexual offences. Both the victim and the offender must agree to participate.

The YRD was piloted in eight police force areas – Avon & Somerset, Cumbria, Greater Manchester, Lancashire, Metropolitan (Greenwich & Lewisham), Norfolk, North Wales and Nottinghamshire. Using restorative justice techniques, a child has to face up to the impact of their offence, offer an apology and examine why the offence took place. Where appropriate, a plan is made for the child to make good the harm that was caused in the offence. By identifying young people on the cusp of further offending it allows YOTs to put in place the support needed to help address their behaviour and reduce the risk of reoffending.

In its 2010 report, *Cutting Crime: The case for justice reinvestment*, the Justice Select Committee, concluded:

We are surprised by the cautious approach that the Government has taken towards restorative justice We urge the Justice Secretary to take immediate action to promote the use of restorative justice and to ensure that he puts in place a fully funded strategy which facilitates national access to restorative justice before the end of this Parliament. ¹⁴

The Coalition government's Justice Green Paper, *Breaking the Cycle* includes many references to ministers' intention to increase the use of restorative justice. For example:

The government are committed to increasing the range and availability of restorative justice approaches to support reparation Restorative justice for adults is sometimes viewed as an afterthought to

sentencing. We are looking at how we might change this so that in appropriate cases restorative justice is a fundamental part of the sentencing process. ¹⁵

Ministers should make a reality of this welcome ambition by taking the opportunity to make amendments to the Legal Aid, Sentencing and Punishment of Offenders Bill currently in Parliament. The Ministry of Justice could start by extending the referral order and youth restorative disposal to young adult offenders as well as children.



Sentencing guidelines

The criminal justice system treats young adult offenders as fully mature when they are not. Many young men especially are no more mature at 19 than they were at 17. This approach often means they are more, not less, likely to offend.

Sentencing is the key to effective rehabilitation, especially among juvenile and young adult offenders. That is why the Prison Reform Trust and allied organisations so strongly supported the creation of the Sentencing Council and its efforts to secure a more consistent approach to sentencing through the publication of national guidelines.

There is now a growing body of evidence revealing the impact of maturity on offending. As research commissioned by the Barrow Cadbury Trust for the *Transition to Adulthood* alliance¹⁶ has shown, while physical and intellectual maturity is usually reached during adolescence, emotional and social development is often not completed by the age of 18. Neuroscientific studies suggest that the

higher executive functions of the brain – such as planning, verbal memory and impulse control are among the last areas of the brain to mature; they may not be fully developed until half way through the third decade of life.

Research literature also indicates that levels of both psychosocial maturity in decision-making and moral reasoning vary significantly between individuals during adolescence and early adulthood.

Some sentencers argue that the maturity of offenders is already taken into account by magistrates and judges. However, there is little evidence of a consistent approach. The Sentencing Council's recent guidelines on assault, burglary and drug offences explicitly acknowledge this and include a specific requirement for sentencers to take note of the "age and/or maturity" of the offender as a

personal mitigating factor in sentencing offenders.

This recognition that maturity is not completed by the age of 18 is very welcome. However, this approach of incorporating it within the guidelines on individual offences means it will still be several years before all offences are covered. More importantly, it does not guarantee that those guidelines will be effectively implemented by individual sentencers.

There is still uncertainty about how a magistrate or district judge would make an assessment of maturity under these new guidelines. A widespread programme of training, information and support through the Judicial College is needed for magistrates in particular to develop confidence in using this new guideline to inform sentencing decisions.

The publication of the *Overarching Principles of Sentencing in Youth Justice* in 2009 was a key step in encouraging sentencers to view custody as a sentence of last resort for juvenile offenders. Common themes could be clearly laid out in a set of overarching principles of sentencing for young adult offenders. The Ministry of Justice should encourage the Sentencing Council to undertake that work.

Anecdotal evidence indicates a growth in the use of the common law doctrine on joint enterprise by the police and Crown Prosecution Service to tackle alleged gang related crimes. Young men appear to be particularly affected by these sentences. A recent Justice Select Committee inquiry has recommended that the Director of Public Prosecutions issue guidance on the proper threshold at which association potentially becomes evidence of involvement in crime and that joint enterprise should be enshrined in legislation. This is likely to prove an important step in increasing proportionality and fairness in sentencing young adults.

Addictions, alcohol and drugs

Alcohol and drug misuse are key drivers to offending by young adults. A study of assessment data from 2004/5 found that 37% of offenders had both a problem with alcohol and/or were regular binge drinkers. Nearly a third admitted violent behaviour related to their alcohol abuse.¹⁷ In Scotland, drinking rates among 18-21 year old male offenders have quadrupled between 1979 and 2007.¹⁸

Fortunately drug use appears to be going down, though it is still a significant problem and a driver to acquisitive crime. In 2003 over half (55%) of all prisoners reported committing offences connected to their drug taking, with the need for money to buy drugs the most commonly cited factor. But young adults' drug use is different in nature to that of older adults. 18-24 year olds are the least likely group to be problem drug users and less likely to be in treatment for harder drugs like heroin and crack.

This different pattern of usage suggests that young adults should have access to specialist services. There are very few services geared to this age group. An exception is Young Addaction Derby, which offers a unique transition service for 18-24 year olds who require support for any kind of drug use. The workers address substance misuse but also explore all other aspects of that person's life.

One of the advantages of this service is that young people are not mixed with adults with worse drug problems, which means they are not tempted to either increase their drug use or try harder drugs, or to feel that their problem is not serious enough to merit support. In order to reduce alcohol and drug misuse as a driver to crime, we need to develop specialist services for young adults both in the community and in custody.

Lee's story

Lee is 20 years-old. He served nine months in young offender institutions on drugs charges. Soon after being released he was charged with affray and remanded back into custody. He received a suspended sentence, but was convicted of two further common assaults shortly afterwards. After being placed on the Intensive Alternative to Custody pilot, Lee has identified drinking as one of the causes of his problems.

I have changed my way of thinking but there is no way that I could turn round and say I will never get in trouble again because it doesn't work like that. I am easily led in a way. I am trying to stay out of trouble but I am still easily led. If I have a drink I do stupid stuff. That is where people can say to me "Go and do this" and I am "Come on then let's go and do it" not thinking about it because I have had a drink.

On the IAC, the alcohol and drugs support workers try and make me think "Why go out and have that many drinks?" Before I would just go out and get wrecked. Now, I will drink three or four WKDs and I will just chill out because I know what is going to happen. It is going to kick off and I am going to be in the middle of it. That is what happens all the time. They have explained to me, if you know that certain friends are like that, try not to drink as much with those friends.

Mental health problems and learning disabilities

It has long been known that high numbers of children and adults who offend experience mental health problems. For example, more than two thirds of adult prisoners suffer from two or more mental health disorders and, at any one time, around 10% of the adult prison population has 'serious mental health problems', while children who offend are three times as likely to experience mental health problems compared to children in the general population.

More recently it has been recognised that many children and adults who offend have very low IQs, and some have learning disabilities. For

example, 23% of children and young people who offend have an IQ of less than 70 and a further 36% an IQ of 70-79,¹⁹ and it is generally acknowledged that between 5 and 10% of the adult offender population has a learning disability.

Recent research suggests that young offenders are three times more likely to have a mental health problem than the general population, while young adults in custody are 8-10 times more likely to commit suicide than young adults in the general population.²⁰

The provision and availability of particular treatment and support for young adults as they make the transition from children's to adult

Danny's story

Danny has ADHD. He has been in prison nine times, and has just completed the first three months of the IAC. Permanently excluded from school at the age of 14 because "*I was too angry. I was too violent*", Danny's first brush with the law came a few days later when he smashed a window cleaner's car window, receiving a warning. After this, he got in trouble regularly for car-related crimes - "*I've always been mad about cars. I'm a petrol head*" - and was given various community orders which "*didn't really help*".

At 16 he was imprisoned for four months, then received 18 months for aggravated burglary. Whilst in custody, his ADHD meant that he was a "*wild child*" and staff wouldn't let him out of his cell unless he had taken his medication. He was released from prison on licence, but stole another car soon afterwards and was involved in a police chase, for which he received a 16 month sentence. Being imprisoned was "*easier second time round. Mainly it was still the same people who was in there. And some of me mates were in there as well.*"

He spent nine months on remand for a further offence, before being released on bail with tagging, but was breached and returned to custody. He expected another prison sentence, but instead Danny was put onto the IAC. Initially sceptical about his ability to comply, Danny now sees the IAC as being "*full of opportunities*" and credits it with helping him to understand the impact which his offending has had on those around him.

I thought that I'd rather be in jail than be out here because it's easier. It's easy in jail because you've got more worries out here. I thought all the appointments that you have to go to...because I'm not a morning person me I hate getting up in the morning. But here they respect you for who you are, speak to you normal, don't look down at you ...it changes your views about everything. Now I want a steady job, my own place and my own car, so I don't take no-one else's.

services can be problematic. Levels of provision, and thresholds for access to support, vary between children's and adult services, with certain child focused support disappearing at 18 years of age, and across geographical boundaries, while accessing child and adolescent mental health services can be difficult for older children, i.e. 16 and 17 year olds, especially those who offend and those with learning disabilities.²¹

Recognising when young adult offenders might have mental health problems and/or learning disabilities poses further problems. There is currently no routine or systematic screening procedure to identify when young adults might have a very low IQ or learning disabilities and youth justice screening tools underestimate the prevalence of mental health problems.

In 2011 the Coalition government announced plans and funding for a national network of liaison and diversion services by 2014. Schemes will operate in police custody suites and in court and, amongst other duties, will assist in identifying suspects and defendants with mental health problems or learning

disabilities and in informing the most appropriate course of action in order to deal with both the offending behaviour and mental health problem or learning disability.

For some this might mean diversion away from criminal justice and into treatment and care, while for others it might mean support to enable effective participation in the criminal justice process and, if convicted, treatment and support as an integral part of their sentence. However, there are particular challenges for young adult offenders with mental health problems and/or learning disabilities and it is important to ensure the effective transition between children's and adult services well in advance of an 18th birthday.



Recommendations

Young adults are disproportionately responsible for offences and yet the measures needed to prevent them from falling into a pattern of behaviour are not adequately delivered by the criminal justice system. Reconviction rates show that the short, sharp, shock of a spell in custody simply does not work. It is now time for politicians of all parties to re-focus their attention on diverting young offenders from a life of crime. As a first step, the Prison Reform Trust advocates the following reforms:

- Introducing a robust community sentence, tailored to the specific needs of this age group – this could take the form of the intensive alternative to custody piloted in Manchester and West Yorkshire supervised by the Probation Service.
- Diverting first-time and low-level offenders out of the criminal justice system through the use of restorative pre-court disposal similar to the youth restorative disposal.
- Expanding the age-remit of youth offending teams (YOTs) to accommodate 18-20 year-olds – this would enable the complex needs and challenges of this age group to be more effectively addressed through the multi-agency structure of YOTs.
- Developing sentencing guidelines specific to young adults – in recognition of their age, maturity, intellectual and emotional capacity.
- Establishing specialist services for young adults both in the community and in prison to reduce alcohol and drug misuse as drivers to crime.
- Ensuring that the new diversion and liaison schemes at police stations and courts are equipped to respond to the particular needs of young men and young women with mental health problems or learning difficulties and learning disabilities.

References

- 1 All data from Youth Justice Board Annual Workload Data.
- 2 HM Inspectorate of Prisons (2011) *Report on an announced inspection of HMYOI Rochester* 14-18 February 2011 HMIP: London
- 3 HM Inspectorate of Prisons (2011) *HM Chief Inspector of Prisons for England and Wales Annual Report 2010/11* TSO: London
- 4 Independent Monitoring Boards (2011) *HMYOI Portland Independent Monitoring Board annual report for the year to 31st March 2011*
- 5 www.bbc.co.uk/news/uk-england-cambridgeshire-13765477
- 6 Ministry of Justice (2011) *Offender Management Statistics Quarterly Bulletin January to March 2011, England and Wales* MoJ: London
- 7 Prison Reform Trust (2004) *A Lost Generation: the experiences of young people in prison* PRT: London
- 8 Hansard HC, 07 November 2005, c8WS
- 9 Hansard HC, 08 May 2007c WS55
- 10 www.publications.parliament.uk/pa/cm201011/cmpublic/legalaid/111013/pm/111013s01.htm
- 11 Research Summary 3/11, Ministry of Justice (July 2011)
- 12 Hansard HC, 23 June 2009, c741W
- 13 Ministry of Justice (2009) *Referral Order Guidance* MoJ: London
- 14 House of Commons Justice Committee (2010) *Cutting Crime: The case for justice reinvestment* First report of session 2009-10 Volume 1 TSO: London
- 15 Ministry of Justice (2010) *Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders* TSO: London
- 16 University of Birmingham Institute of Applied Social Studies School of Social Policy (2011) *Maturity, young adults and criminal justice: A literature review*
- 17 Institute of Alcohol Studies (2010) *Alcohol and crime factsheet* IARS: Cambridgeshire
- 18 Scottish Prison Service (2009) *Alcohol and violence among young male offenders in Scotland (1979-2009)* SPS: Scotland
- 19 Youth Justice Board (2005) *Mental health needs and effectiveness of provision for young offenders in custody and in the community* YJB: London
- 20 Young People in Focus (2009) *Young adults today Key data on 16-25 year olds Transitions, disadvantage and crime* YPIF: Brighton
- 21 Prison Reform Trust (2010) *Seen and Heard: supporting vulnerable children in the youth justice system* PRT: London



PRISON
REFORM
TRUST

The Prison Reform Trust aims to create a just, humane and effective penal system. We do this by inquiring into the workings of the system; informing prisoners, staff and the wider public; and by influencing parliament, government, and officials towards reform.



OUT OF
TROUBLE

For the last four years the Prison Reform Trust has been running Out of Trouble (www.outoftrouble.org.uk), a programme whose aim is to reduce the number of children and young people imprisoned in the UK. This programme is supported by The Diana, Princess of Wales Memorial Fund over five years.
www.prisonreformtrust.org.uk



Diana
Princess of Wales Memorial Fund
THE WORK CONTINUES

The Diana, Princess of Wales Memorial Fund continues the Princess' humanitarian work in the UK and overseas. By giving grants to organisations, championing charitable causes, advocacy, campaigning and awareness raising, the Fund works to secure sustainable improvements in the lives of the most disadvantaged people in the UK and around the world.
www.theworkcontinues.org

Photographs: Andrew Aitchison www.prisonimage.org

Prison Reform Trust, 15 Northburgh Street, London EC1V 0JR

Tel: 020 7251 5070

Fax: 020 7251 5076

www.prisonreformtrust.org.uk