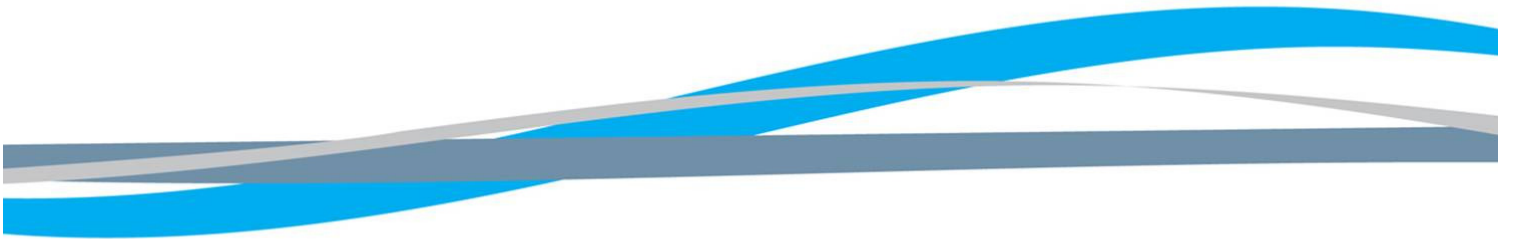


Universities of Crime

Young Adults, the Criminal Justice System and Social Policy

A report by the Transition to Adulthood Alliance



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Contents

Executive Summary.....	3-4
Introduction.....	5-6
Report.....	6-27
Conclusions and Next Steps.....	27-28
About the T2A Alliance.....	29

Executive Summary

1. In recent years, there have been substantial efforts to develop distinctive laws, policies and practices for dealing with children under 18 who are in conflict with the law. Yet there have been virtually no specific measures to deal with the problems caused by, and faced by, people in their late teens and early twenties.
2. These young adults (aged 18-24) are a neglected, under-funded and largely ignored group in the Criminal Justice System. There is a widespread lack of recognition of the specific needs and characteristics of this age group, and little debate about how to respond effectively to them.
3. There have been reforms in the policies of some government departments, enabling them to respond better to the needs of young adults (such as care leavers, drugs policy and welfare programmes). But the Criminal Justice System, particularly the type and nature of detention facilities, remains vastly out of step with this progress and out of line with international norms and experience.
4. There have been repeated calls for reform by respected experts in the Criminal Justice System, including the Chief Inspector of Prisons. Despite promises from all sides of the political spectrum, little progress has been made.
5. While opinions vary about when adulthood starts, it is clear that adolescence is becoming more protracted, both starting earlier and extending into the mid-20s. The rigid demarcation line of 18 between the youth and adult criminal justice is therefore unhelpful and unfit for purpose.
 - a. Social and demographic changes testify to the changing concept of adulthood; people leave home later and take on the responsibilities of adulthood later.
 - b. Cognitive development studies show that the brain develops into 'adulthood' later than the system accounts for – until the mid-20s young adults are 'low on reason and high on emotion', for instance.

6. Poverty and social exclusion are key drivers for young adults ending up in the Criminal Justice System. Meeting the education and welfare needs of this age group, while holding them appropriately to account for their behaviour, is likely to produce better results than a purely punitive model.
7. Often as a consequence of the cumulative effects of damning poverty and social exclusion, family breakdown and educational failure, young adults in the Criminal Justice System have a range of unmet and complex needs; many have a background of the care system, lack of skills, unemployment, poor mental health and substance misuse. Evidence shows that these needs are more acute for the young adult population than older prisoners. Young people from black and minority ethnic communities face disproportionate difficulties.
8. The Criminal Justice System, in particular custody, has a damaging effect on young adults. As the young adult brain is still very influenced by its environment and by peers, the adult custodial regime may not be appropriate. Many of the problems which lead young people into trouble are made worse by imprisonment, resulting in very high reoffending rates and a lifetime in the system.
9. Various areas of government policy weigh the needs of young adults differently. There is little consistency in the way this age group is treated by government departments and agencies.
10. The recession could have devastating effect on young adults. Those on the fringes of the Criminal Justice System, and those within it, have increasing chances of unemployment and crime.
11. The T2A Alliance is issuing a call for evidence from all of those organisations and individuals concerned about improving the way we support young adults in, and on the fringes of, the Criminal Justice System. We are looking to uncover the specific challenges faced by young adults in trouble and to identify and promote examples of good practice in meeting these needs. We are also looking for evidence of where the system is failing and where improvements need to be targeted.

Introduction

Young adults (18 to 24 year olds) make up more than a third of those sentenced to prison and a third of those under probation supervision¹. They also have some of the highest re-offending rates of any group. The current policy approach to them is confused and ineffective. There is a lack of recognition of how to work with young adults and a long-term failure to develop suitable regimes, either in custody or in the community. This is despite repeated warnings about the failures of the current approach and calls for change.

At the same time, broader policy areas such as housing, welfare, mental health and social care also have considerable blind spots when it comes to young adults or 'the invisible early twenties'². There has been a significant amount of energy directed at children's services over the last five years, along with an increasing proportion of social services spending on the elderly. While this is understandable, it has left relatively scant attention or resources targeted at young adults.

These failures carry a high individual cost, trapping people in patterns of offending and punishment. But they are also extremely costly to the wider community through further crime, the lost potential for positive contributions to society, and the amount of taxpayers' money that is required to pick up the pieces in the long term.

Crime committed by this age group costs up to £19.2 billion each year,³ with a further £90 million *per week* attributed to the costs of young adult unemployment.⁴ Money is spent ineffectively, with little invested in meeting the key needs of young adults – such as addressing housing or education as part of resettlement from prison.

These problems can have life-long consequences. Young adults caught up in the Criminal Justice System spend their 'age of possibilities' with very limited options and even more limited support. At an age when young people develop their identity, their aspirations and their ambitions in life, young adults in the Criminal Justice System are immersed in a culture and a community of offending, cut off from the opportunities that could help them move on. Contrasted with the experience of the increasing

¹ Ministry of Justice, (2007), Offender Management Caseload Statistics.

² Social Exclusion Unit Report, (2005), *Transitions: Young Adults with Complex Needs*.

³ Bowles and Pradiptyo, (2005), *Young Adults in the Criminal Justice System: Cost and Benefit, Considerations*, Centre for Criminal Justice, Economics and Psychology: University of York.

⁴ Prince's Trust, (2007), *The Cost of Exclusion; Counting the cost of youth disadvantage in the UK*.

numbers of young adults entering higher education, the common description of prisons as ‘universities of crime’ is more appropriate than ever.

With this age group set to bear the brunt of the economic downturn,⁵ and with the potential of the recession to trigger rising crime levels, it is vital that we plug these gaps. In addition, with crime and criminal justice policy so prominent, this age group is central to meeting priorities from across the political spectrum.

The Transition to Adulthood (T2A) Alliance, convened by the Barrow Cadbury Trust, will publish a series of reports over the coming year that examine the issues facing young adults, and articulate the policy responses required to address them, culminating in a Young Adults Manifesto in the autumn. This first paper lays the foundations for this work, outlining the case for a specific approach to young adults in the Criminal Justice System, identifying the current needs of this group and assessing the implications of failing to act.

Long Time Coming

The argument for reform, though powerful, is not new. As far back as 1997, the problems facing young adults in the Criminal Justice System were highlighted in a report by the then Chief Inspector of Prisons⁶ on suicide. This was followed by a Labour Party Manifesto pledge for the 2001 general election 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.

Although the Young Adult Offenders project was established as part of the National Offender Management Service in 2005, its work to review the approach to young adults (broadening their definition to 18- to 24-year-olds) is still underway. The current Chief Inspector of Prisons has repeatedly highlighted the problems still facing young adult prisoners – first in a thematic report, as well as in her two most recent annual reports.

⁵ The Guardian, Saturday 10th January 2009; Generation crunch: young face crisis in hunt for work.

⁶ Home Office, (1999), *Suicide is Everyone's Concern, A Thematic Review* by HM Chief Inspector of Prisons for England and Wales, Home Office, London.

⁷ Labour Party (2001) Election Manifesto.

“Significant new investment in young adults, promised as long ago as 2001, has not materialised. And we have seen staff who are increasingly frustrated at the gap between what is expected and what is deliverable.”

HM Chief Inspector of Prisons 2008

Inspection reports into individual Young Offender Institutes (YOIs) have also been highly critical of the treatment of young adults.⁸ For example, a report into Norwich Prison and YOI highlighted widespread bullying of the young adults held there, with almost two-thirds reporting that they had felt unsafe. Self-harm incidents had more than trebled over the previous twelve months. More than half of the young adults held there were locked in their cells during the day with no workshops available for them to access. Across the inspections carried out, just one per cent of young adults said they spent more than ten hours a day out of their cells. The Norwich inspection report concluded that “young adults, many of whom would spend the whole of their sentence at Norwich, were therefore likely to leave prison without having increased their chances of employment or decreased their chances of re-offending” (HMIP 2007).

Elsewhere within government, the Social Exclusion Unit produced a report in 2005 that highlighted both the specific needs of young adults and the paucity of services targeted at them. This was mirrored by evidence from the Howard League and a 2005 report, *Lost in Transition*, published by a previous Commission supported by the Barrow Cadbury Trust.

More recent reforms of leaving-care-services, education, social exclusion and welfare have all taken greater account of young adults (see below). Yet those who find themselves within the Criminal Justice System are still held back by the lack of suitability of either community sentences or, more acutely, custody to help them change behaviour or move away from crime.

Plans announced in 2007 by Home Office Minister Gerry Sutcliffe included a specific regime for 18 to 24 year-olds as part of the new prison building programme. In response to the Home Affairs Select Committee on young black people and the Criminal Justice System, the Ministry of Justice announced the following:

⁸ Rob Allen, (2008), *Lost in Transition: Three Years On*.

'Our response to the Committee set out our intention to test specialist provision for 18- to 25-year-olds. We will pilot the proposed regime for 18- to 25-year-olds at the new Belmarsh East establishment, which it is anticipated will begin accommodating offenders in late 2009. The National Offender Management Service continues to develop the detail in preparation for the pilot; however, they are clear that the main theme of the new regime is a focus on adolescent-specific development needs, such as social skills, impulsivity, relationship management, education, communication skills and vocational training, within an age-specific structure.⁹

The T2A Alliance waits with interest to see further details of the new regime. In the meantime, plans for improving community supervision of young adults are still just in development.

Given the severity of the problems facing young adults, the extent of the broader costs to society and the catalysing effect of the anticipated recession, we simply cannot afford to wait any longer. Both through the operation of the Criminal Justice System and through wider social policy there is now an urgent need to bridge the gap in support that faces young people as they grow into adulthood.

Defining and Describing Young Adulthood

While the age of majority marks the legal watershed between child and adult, it does not provide a similar clear-cut line for social or individual judgements about adulthood. Childhood and, particularly, adolescence are contested concepts that change considerably over time and between societies¹⁰.

Often, debates about age-ranges in youth justice policy focus on the age of criminal responsibility (currently 10 in England and Wales) and on the definition and treatment of juveniles (under-18s in England and Wales). There is, however, confusion over public conceptions of childhood, particularly when it comes to young offenders. Media stereotypes of young offenders as jobs, thugs and 'hoodies' dehumanise them and distance them from the concept of childhood. Critics have also pointed to what they see as the 'adultification' of young people in the Criminal Justice System¹¹ through approaches to imprisonment, the use of restraint and so on. Most recently,

⁹ Home Affairs Select Committee Inquiry: Young Black People and the Criminal Justice System, First Annual Report, December 2008.

¹⁰ Muncie, John, (2004), *Youth and Crime: A Critical Introduction*.

¹¹ Muncie (2004); Margo, Julia and Stevens, Alex (2008), *Make Me a Criminal: Preventing Youth Crime*.

while justifying a call for officers in YOIs to be allowed to carry batons, the Chair of the Prison Officers Association challenged the notion of under-18s as children, arguing that a 16 year-old could be physically imposing or taller than the staff responsible for them.

With such contested ground applying to those under 18, at first glance it may seem a challenge to argue for special treatment for a slightly older age group. In fact, there is extensive evidence, both demographic and developmental, for recognising 'young adulthood' as a particular stage in life. It also chimes with public attitudes towards young people moving through further or higher education. Crucially, a proper understanding of young adulthood can help explain some of the failures of current policy and also point to some solutions.

Social and Demographic Changes

Adulthood is typically defined according to notions of independence, decision-making and responsibility¹² (although young people themselves appear to think about adulthood more in terms of competence)¹³. In particular, financial independence and the ability 'to stand on your own two feet' are closely tied to adult status, particularly in neo-liberal countries such as the UK or USA. In fact, however, young people face a range of transitions as they move towards adulthood. These include:

- The move from education to employment;
- The move into a long-term relationship, perhaps becoming a parent; and
- The move from the parental home to their own 'household'.

These, along with other cultural milestones, tend to be used as an estimation of adult status rather than just age.¹⁴

In recent decades, there has been what one commentator calls a 'quiet revolution' in the age at which these milestones are reached¹⁵. Social and economic changes across western societies have had a dramatic impact on the process of 'growing up'. De-industrialisation has whittled away traditional routes to employment and

¹² Arnett, Jeffrey Jensen (2004), *Emerging Adulthood: The Winding Road from the Late Teens through the Twenties*; HM Inspector of Prisons (2006); SEU (2005)

¹³ Thomson et al, (2002), 'Critical moments: Choice, chance and opportunity in young people's narratives of transition to adulthood'

¹⁴ MacArthur Foundation, (2003, *Between Adolescence and Adulthood: Expectations about the Timing of Adulthood*.

¹⁵ Arnett (2004)

independence, particularly for those from working class backgrounds¹⁶. And changing attitudes to marriage as well as changing expectations and pressures around education and the need for qualifications have effectively delayed the route to adulthood.

Outlining his notion of 'emerging adulthood', Arnett points out that with more than two-thirds of Americans going on to college after graduating from high school, the average ages at which people first marry and have their first child both went up by four years between 1970 and 2000.

A very similar pattern can be detected in England and Wales: in 1971 the average age of first marriage was 25.6 years for males and 23.1 years for females, whereas in 2004 this average had increased substantially to 31.4 and 29.1 respectively. The average age of the mother at the birth of her first child rose from 23.6 to 27.6 over a slightly longer period (1971 to 2006).¹⁷

The age at which young people first live alone has also increased. In 2006, 58% of males and 39% of females aged 20-24 were still living in the family home, compared to just 50% and 32% in 1991. And, while the numbers of single-person households in ages 25-44 have more than doubled since 1986, the numbers of single-person households among 16-24 year-olds have fallen by around half a per cent in that time.¹⁸

As in the US, the extended time spent in education has been a central trend underlying these changes. The 'staying on rate' for post-16 education in England more than doubled from 38 per cent in 1970 to 78 per cent today, with some 40 per cent of young people currently going on to university. In addition to changing the nature of young adulthood, this also has implications for those not completing education, restricting their employment options and life chances.

All of this, Arnett argues, supports the idea that while young adults may have moved on from adolescence as traditionally understood, they are yet to fully take on the roles and responsibilities of adults. It is also an 'in-between' age, with 60 per cent of those Arnett interviewed answering 'yes and no' when asked if they felt they had

¹⁶ Newman, Tim (2003) *Crime and Criminal Justice Policy*; Muncie (2004)

¹⁷ www.statistics.gov.uk

¹⁸ Social Trends 38, 2008 ed. ONS

reached adulthood. Such ambivalence is unsurprising given the different aspects of the move towards adulthood and the non-linear nature of many changes. Some young people may have 'reached adulthood' in one part of their life (moving into their own home, for instance) but not in others (perhaps entering the world of work or settling into a long-term relationship). Set-backs and false starts can also have an impact on the transition period.

However, in addition to Arnett's focus on the extension of adolescence upwards into adulthood, it appears that the boundary with childhood is also moving. The average age at which young people become sexually active has dropped from 20 or 21 in the 1950s to just 16 by the mid 1990s,¹⁹ with the proportion of young people having sex before the age of consent increasing from 1 to 25 per cent over the same period.

While reported drug and alcohol use among under-18s is declining overall, use among the youngest age group is not, and the age at which young people report their first use of illicit drugs (predominantly cannabis or solvents) is getting earlier.²⁰

Commentators²¹ have also pointed to increasing consumerism within youth culture, underpinned by high rates of advertising and marketing aimed at children and young people.

While the normal caution about self-reported data needs to be applied, taken as a whole we have a picture of a shortened childhood while adulthood is increasingly postponed. 'Adolescence' is effectively being stretched at both ends.

A range of labels have been coined to cover these changes, including extended adolescence, emerging adulthood and early adulthood. But whatever label is applied, there is clear evidence of the underlying social changes. In this paper, we will refer to 'young adulthood'.

¹⁹ See Margo and Stevens, Alex (2008)

²⁰ Fuller, Elizabeth (2008) *Smoking, drinking and drug use amongst young people in 2007*; Reuter, Peter & Stevens, Alex (2007) *An Analysis of UK Drug Policy*.

²¹ Margo (2008) for summary.

Cognitive Development in Young Adulthood

While the social milestones that help shape adulthood are very rarely reached by 18 (and often not all reached by the age of 25), nor are some of the developmental ones. The most recent research into brain development has identified a range of developmental changes that continue through the young adult age range.

Melissa Caulum²² has surveyed the various research evidence and the implications for US penal policy. Young adults potentially face greater difficulties in controlling behaviour, are more prone to risky behaviour and less able to plan for the future. Or, as Caulum puts it:

“The human brain continues to mature until at least the age of twenty-five, particularly in the areas of judgment, reasoning, and impulse control.”

In particular:

- While adults rely on the pre-frontal cortex in certain cognitive tests, 18-25 year-olds relied more on the amygdala, a region of the brain associated with gut reactions and overall emotional responses. This changed over time, with greater reliance on the pre-frontal cortex as people aged.
- The immaturity of the pre-frontal cortex is also associated with greater levels of impulsivity amongst young adults. Development of the cortex and in particular the process of myelination continues well into the mid-twenties.
- A study by Dartmouth College found that during the freshman year at college (at around age 18 to 19) young adults' brains were still environmentally sensitive and subject to significant change.

This latter finding raises particular questions about the impact of custody on young adults, and the findings overall lead Caulum to conclude:

“A legal system that arbitrarily distinguishes between juveniles and adults based on the age of eighteen cannot be reconciled with the psychological, behavioural, and

²² Caulum, Melissa, (2007), *Postadolescent Brain Development: A Disconnect Between Neuroscience, Emerging Adults and the Corrections System*.

cognitive research that shows significant development through the age of twenty five.”

These findings also support an analysis of young adults' thinking and behaviour carried out for the Social Exclusion Unit. Here, most young adults were found to work towards a short-term strategy, driven by more immediate concerns that for many 'come within the category of affectual, or habitual, rather than rational action', especially where they were responding to crises. However, as already noted, the transition to adulthood is an extremely dynamic process with different young adults moving at very different speeds and these differences were heavily affected by environmental, cultural and socio-economic factors.

This suggests that young adults as a group are still physically maturing up to the age of 25. And that the environment and the context in which they mature can have a significant impact on how effectively they move into adulthood.

An Age of Inequality

Young adulthood is an age of both instability and possibility. The constraints and limitations of childhood have been left behind but individuals have yet to 'settle down' into the stability and commitments of their adult lives. Young adults explore different identities and experiences, particularly in terms of work and relationships.

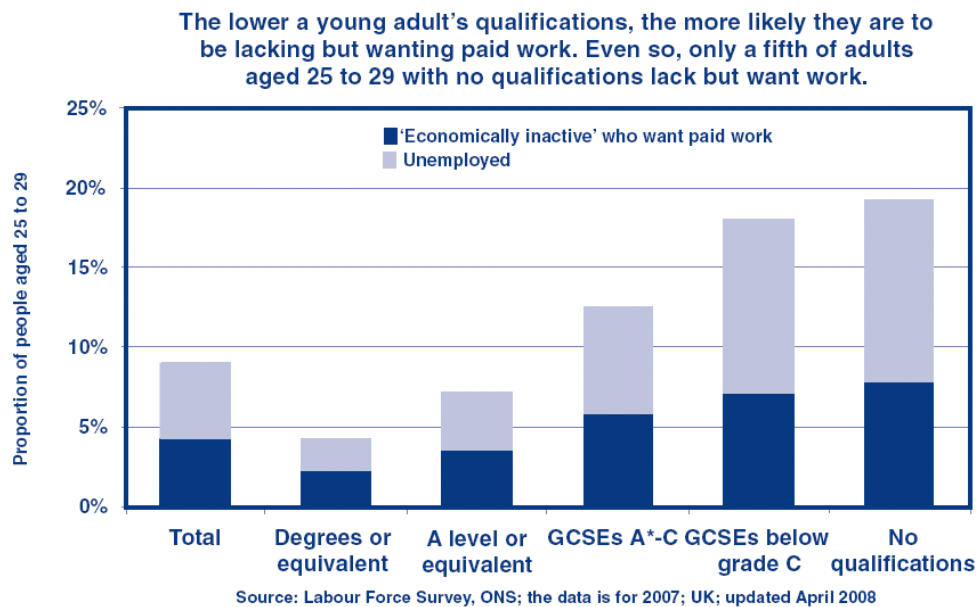
The context in which these changes take place is extremely important. Young adults are heavily polarised between those who have the support, the encouragement and the opportunities to explore the various options open to them; and those who do not, who are effectively 'fast-tracked' into adulthood²³. For example, young people leaving care may have to cope with multiple changes such as moving out on their own, finding employment and becoming a parent in an extremely short amount of time²⁴, and at a much earlier age than other young people. Elsewhere, parents may be unwilling or unable to support young people through an extended period in education, particularly where traditional working-class aspirations to move quickly into work hold strong. The increasing demand for skills across the workforce, and the collapse in manufacturing and related industries, are increasingly likely to undermine these aspirations, and increase the risks of disengagement from education or entrapment

²³ Transitions, (2005), *Thinking and Behaviour of Young Adults*, Gill Jones for the SEU.

²⁴ Stein, Mike (2005), *Resilience and Young People Leaving Care*.

in long-term unemployment. Against the backdrop of the increasing numbers of young people going on to college or university, this leaves a group of young people falling further behind their peers in the labour market. This has a marked effect on young adult men in even greater proportion than young adult women.

An analysis of labour force surveys by the New Policy Institute points to the importance of staying in further and higher education. While the majority of young people who reach 16 without a level 2 qualification do gain one by the age of 19, those who miss this window are extremely unlikely to ever make up ground and therefore do not tend to achieve level 2 even by the age of 21²⁵. They also find that poor educational attainment builds a major barrier to finding work as people enter adulthood: just one in twenty people aged 25 to 29 with degrees or equivalent are lacking but seeking paid work; this rises to one in five for those who have no educational qualifications.



Even among those young adults who do find work early, the majority will be in low-paid roles. Some 70 per cent of 18-21 year-olds²⁶ (1.3 million) earned less than £7 per hour in 2008. While the Prince's Trust estimate that being out of education,

²⁵ www.poverty.org.uk

²⁶ Low pay data is segmented as 18 – 21 and 22+. The £7 per hour figure is relative to average earned income.

employment or training as a young adult (aged 16-24) leads to a 'wage scar' of around 15 per cent of lifetime income.²⁷

At the extremes, young adults can find themselves facing a complex set of problems including drug or alcohol misuse, homelessness, mental ill health and involvement in crime.

The Essential Safety Net

One of the main drivers of inequality is the contrast between the support structures – parental or state – that are accessible to different groups of young adults. Those going on to university are typically backed not just by their own family but by a wrap-around support system comprising subsidised and semi-supported housing, the availability of discounted goods and services, and easily accessible healthcare (including for sexual health, substance misuse and counselling services). They are supported by mentoring schemes and some of the most comprehensive information, advice and guidance available. While it is easy to think of university as simply an educational service, it has in fact also developed into an exemplary 'transition to adulthood' scheme for those who are able to access it.²⁸

By contrast, those who are struggling with housing, substance misuse or mental ill health, and those who are at risk of young parenthood or long-term unemployment, tend to get a highly partial and fragmented service that requires multiple access points, referral criteria and often the navigation of highly complex systems.²⁹ As the Social Exclusion Unit itself noted:

“There are relatively few examples of public services that address the needs of 16-25 year-olds and their families or that ensure an effective transition from youth services to adult services.”

²⁷ Prince's Trust (2008)

²⁸ Universities still have a 22% 'drop out' rate. Those most likely to drop out are poorer students, older students and students with disabilities. This is attributed to lack of personal support and financial pressures: <http://www.guardian.co.uk/education/2008/feb/20/highereducation.uk1>

²⁹ IPPR and Turning Point, (2004). *Meeting Complex Needs*.

So, at the very point when life feels most unstable, and when young people need a firm base from which to try out the different life options that are open to them,³⁰ the support structures fall away. For example, both housing and employment for disadvantaged young adults tend to be short-term and rapidly changing. More than half of young adults in England and Wales had moved within the past year.³¹ The majority of those interviewed in two studies³² were in short term and often low-paid employment. And while schemes to support young adults with aspects of work (particularly the New Deal) or housing are in place, they are unforgiving when things go wrong. Many of those young adults who experience problems with social housing when first living alone can find themselves barred from claiming further support. Arguments with neighbours, an inability to manage household bills or rent payments, and simply 'giving up' a tenancy because they feel overwhelmed, can all be classed as intentional homelessness by local authority housing departments, with the result that further help can be denied³³. Given that Arnett's study found young adults were by far the most likely to report having moved house in the past year, and for at least half of 18-25 year-olds this included a move back in with their parents, the importance of a 'fall-back' option when things don't go to plan should not be underestimated.

In addition to contrasts in state support, there is also often a difference in parental support. While all parents want their children to thrive, the willingness to support them into long-term education relies on a belief in the importance of that education (predominantly found among those who themselves have completed university of similar courses) and the income or savings to be able to afford to offer ongoing assistance. Both of these tend to be concentrated in wealthier households, limiting the social mobility of young adults from other backgrounds.

The Social Exclusion Task Force has recently highlighted the importance of individual and parental aspirations in attainment at school. Strand (2007) found that young people aged 14 whose parents aspired for them to stay in post-16 education achieved Key Stage 3 progression scores on average four points higher than other

³⁰ Arnett (2004); SEU, *Thinking and Behaviour of Young Adults*.

³¹ SEU (2005)

³² Johnston, L., MacDonald, R., Mason, P., Ridley, L. & Webster, C. (2000). *Snakes and Ladders: Young people, transitions and alternative careers*. Bristol, Policy Press and the Joseph Rowntree Foundation. McDowell, L. (2001). *Young Men Leaving School: White working class masculinity*. Leicester: Youth Work Press and the Joseph Rowntree Foundation.

³³ Rainer, (2007), *Home Alone*.

young people.³⁴ Young adults themselves may reject further and higher education because it imposes a continued dependence on parents and can lead to increasing conflict within the home³⁵. Or they may adapt their aspirations in response to the options that they see around them. In one study, the numbers of disadvantaged young people who aspired to have 'an interesting job' fell 12 per cent between ages 14-17 and ages 22-25. Again, this process can be key to accelerating inequality, with the SEU finding that both 'the expectation of failure deterred some from trying' and that early experiences of failure (for example in education) could have a powerful impact on shaping expectations and feelings of competency, which then in turn contribute to lowering future aspirations.

While the 2008 Social Exclusion Task Force report found important cultural differences in aspirations (for example, with diverse, urban populations faring far better than ex-industrial, predominantly white populations in the North of England), there was a clear overlap between disadvantaged communities and areas with poor educational achievement as well as higher levels of long-term social exclusion.³⁶

Taken as a whole, the availability of finances and support structures, along with family, individual and community aspirations and experiences of what is possible, all help to propel young adults along different routes to adulthood. Continued involvement in education, and particularly university, offers a highly supported and heavily structured route into adulthood. Those experiencing early exit from the education system, living in disadvantaged communities (particularly former industrial working class neighbourhoods), surrounded by peers with similar frustrations and tight boundaries around what is perceived to be achievable, all find themselves pushed out to the margins of society. As will be argued below, they too often find themselves in the 'clearing house' of the Criminal Justice System.

³⁴ Strand 2007 from SETF. This finding has been controlled for the effects of family background.

³⁵ SEU, (2005), *Thinking and Behaviour of Young Adults*.

³⁶ SETF, *Aspiration and attainment amongst young people in deprived communities*.

Life on Campus

There can be little doubt that poverty and social exclusion create a combination of risk factors that can propel some young adults into the Criminal Justice System. The links between deprived communities and the likelihood of young men being imprisoned is well documented³⁷. Poverty and inequality can lead to poor educational achievement, early exit from school, unemployment and poor mental health – all risk factors for young adults. An analysis of 18 to 21 year-old young men in custody by the Howard League for Penal Reform³⁸ found that:

- 76 per cent of those interviewed had problems with substance misuse
- 43 per cent experienced mental ill health
- 40 per cent had low educational achievement
- 54 per cent had been unemployed
- 20 per cent had been homeless
- 24 per cent had been in the care system

While the sample size for this research was small, it is substantiated by an earlier report from the Social Exclusion Unit³⁹. This found that almost a quarter of 18 to 21 year-olds in custody were out of education by the time they reached 14, and that almost three-quarters had been excluded from school at some point. It also revealed that just under a third had basic skills deficits, while almost two-thirds were unemployed before entering custody. Both figures were significantly higher than those in prison aged over 25.

A separate report⁴⁰ found that 18 to 21 year-olds in prison experienced higher levels of mental health problems and were more likely to attempt suicide than either younger or older ages. They were also more likely to use drugs (42 per cent of all young adults), and substance misuse problems were high⁴¹.

A Ministry of Justice report on the needs of newly sentenced prisoners found that a fifth (19%) of women had attempted suicide during the year before custody, nearly three times the rate reported by men. Likewise, deliberate self-harm was more

³⁷ See among others, Roger Houchin "Prisons, prisoners and criminal justice as an instrument of social policy" of Glasgow Caledonian University' *The Scottish Journal of Criminal Justice Studies*, 2006.

³⁸ Howard League for Penal Reform (2006), *Out for Good, Meeting the resettlement needs of young men*.

³⁹ SEU, (2004) *Reducing Reoffending*.

⁴⁰ Singleton et al (2000) *Psychiatric Morbidity among young offenders in England and Wales*, London: Office for National Statistics.

⁴¹ *Ibid.*

prevalent among female prisoners than males. In 2007, 69% of young women (18-20 years old) in custody had harmed themselves⁴². For young women under 25, who are still in many ways adolescent, these levels of self-harm and attempted suicide are extremely worrying and require a targeted response.

In 2007, young adults made up more than a third of those under probation service supervision, 36 per cent of those on Community Orders and 34 per cent of those under suspended sentence orders⁴³.

They also comprise almost a third of those sentenced to immediate custody by the courts, and 29 per cent of the current prison population.⁴⁴ The number of this age group in custody increased by 20 per cent between 1994 and 2004, remaining largely stable since then (while falling as a percentage of the expanding prison population as a whole).

While the rise in the numbers of young adults either in custody or under probation supervision is shocking, this is in the context of a period of dramatic growth for the Criminal Justice System as a whole. The significant increases for male, and particularly female, young adult offenders given custody or community sentences appears to be in line with the overall expansion of the system.

There are significant differences according to gender and race in the young adult age group that should impact on the approach taken by the Criminal Justice System. The overall criminal justice population is predominantly composed of young adult men. Young adult female prisoners account for around a quarter (26 per cent) of women in custody and fewer than a third of those under probation supervision (31 per cent of those on community orders and 28 per cent of those on suspended sentence orders). Black young adults are three times more likely than their white counterparts to be in prison, and five times more likely than Asian young adults⁴⁵. Data on the prison population at the end of February 2008 suggests that one in every 25 young black adult males in England and Wales is incarcerated, five times the rate of their white counterparts.

⁴² HM Chief Inspector of Prisons for England and Wales, Annual Report 2006/2007, 29 January 2008.

⁴³ OCMS data.

⁴⁴ OCMS data.

⁴⁵ Amongst young adults aged 16 – 20. Offender Management Caseload Statistics; MOJ, June 2007.

Young Adults and Reoffending

Cutting reoffending rates is now central to each of the three main political parties' policy agendas. The Government has included reducing reoffending as part of its latest Public Service Agreement programme, placing it at the centre of its delivery targets; and the Conservatives have also made it a key priority in their proposed reforms of the Criminal Justice System⁴⁶. Whatever the critique of this focus, there can be little doubt that if we are to reduce the overall amount of crime, young adults have to be at the forefront of that reform (reoffending is estimated at around half of all offences, and with a cost of more than £11 billion per year⁴⁷).

Young adults account for about 32 per cent of all crimes committed, at a cost of up to £19 billion every year⁴⁸. Bowles and Pradiptyo suggest that by accelerating the move away from crime (typical offending patterns tail off markedly beyond the age of 25), overall offending could be cut by as much as 25 per cent.

Figures from the Offender Management Service show that the majority of young adults reoffend within the first year, and up to two-thirds reoffend within two years. Analysis of the 2004 cohort of offenders places the two-year reoffending rate at almost three-quarters (74.8 per cent)⁴⁹. As with those of all ages, reoffending rates for community sentences are lower than for custody, although there are concerns about the effectiveness of some community programmes.

More than one in ten of 18 to 24 year-olds sentenced to immediate custody in 2006, some 3,600 people, were as a result of breaches of court orders (both community orders and suspended sentence orders). Work by the Centre for Crime and Justice Studies has highlighted the increasing ratio of offenders to qualified probation staff and trainees. This figure has increased by more than a third (35 per cent) between 2002 and 2006, with almost 34 offenders now under probation supervision for each main grade officer. With plans to increase the role of voluntary and third sector agencies now stalled, and with continued upheaval and reorganisation of the National Offender Management Service, the capacity to provide effective community sentences has to be questioned.

⁴⁶ Prisons With a Purpose, (2008), Conservative Party Policy Green Paper.

⁴⁷ SEU (2004)

⁴⁸ Bowles, R. & Pradiptyo, R. (2005). *Young Adults in the Criminal Justice System: Cost and Benefit Considerations*. Centre for Criminal Justice, Economics and Psychology: University of York.

⁴⁹ Home Office Statistics Bulletin (March 2007), as quoted in Prison Reform Trust Bromley briefing.

This is particularly the case given an analysis of how new ‘modular’ community orders have been used by magistrates. Rather than seeing sentences tailored to the specific needs of offenders, and addressing problems such as offending behaviour or substance misuse, it appears that Community Orders have largely been used to require unpaid work or supervision arrangements⁵⁰. Worryingly, drug or alcohol treatment requirements were used proportionately *three times less often* than they were for adults, despite higher rates of substance misuse identified among this age group. In addition, approximately half as many young adults’ sentences now contain a drug treatment element as before the Community Order was introduced (under the Drug Treatment and Testing Order)⁵¹ in 2005. Alcohol treatment was required even more sparingly (approximately half as often as drug treatment), again contrasting with the evidence of need presented earlier. Taken as a whole, these factors suggest that sentencers are not effectively matching sentence elements to need. Whether this is because of a lack of availability of treatment programmes or because of sentencing decisions is unclear.

An additional concern around Community Orders is that sentencers tend to add an additional requirement to young adults. While the majority of sentences for both adults and young adults had just a single requirement, there was a tendency to move to three requirements for young adults in situations where adult offenders would receive only two. Typically, the additional requirement was for unpaid work or a curfew, lending a more punitive tone to young adults’ sentences, and increasing the chances the order being breached rather than tackling the underlying causes that may well lead young adults to reoffend.

Yet whatever the problems with Community Orders, it is the custodial regime for young adults that has attracted the greatest criticism. Those aged 21-24 are simply held within the full adult estate with no special protection or support. Even those aged 18-21 are offered only limited programmes specifically tailored to their needs. In addition to the concerns repeatedly voiced by Anne Owers, there are two other elements to custody which are worrying.

⁵⁰ CCJS 2007.

⁵¹ Analysis of data in CCJS 2007

First, the availability of education and training programmes within custody is very poor. Young adults spent an average of just eight hours per week on educational activities in 2007.⁵² Furthermore, many young adults find themselves moved frequently from one institution to another⁵³, disrupting educational and other programmes. This is exacerbated by the typically short average sentences that young adults receive, limiting their opportunities to engage with education or other programmes.

Resettlement planning for young adults released back into the community is also extremely poor. In 2007, young adults (aged 18 to 21) were held an average of 50 miles away from their home, with 1,300 held more than 100 miles away. Such distances, combined with the frequent moves mentioned above, place great pressure on essential support networks, particularly families. Fewer than half of young adults knew where they were going to be living on release, or where they were going to be able to find support with drug treatment⁵⁴ (despite evidence that stable housing typically cuts reoffending rates by as much as 20 per cent⁵⁵). A cost-benefit analysis estimated that providing dedicated resettlement support to each young person released from prison could save taxpayers in excess of £80 million per year. Given the similarity in need between juveniles and 18 to 24 year-olds, there is no reason to doubt that this approach would also apply to young adults.

Taken alongside the evidence on brain development and the sensitivity of the young adult brain to this environment, it is clear that the current custodial arrangements for young adults – characterised by high levels of assault, fear about personal protection, limited access to education or resettlement programmes, and isolation from home and family – can never hope to divert young adults away from crime. Considering the alarming range of need outlined above, we need to question whether custody for non-violent crimes committed by this age group is appropriate.

Similarly, it seems unlikely that creating within the custodial system such a tightly-knit group of young adults with similar life stories – often encompassing substance misuse, poverty, poor educational attainment, mental ill health and unemployment (or

⁵² Hansard, House of Commons written answers, 19 July 2007: Column 592W

⁵³ Solomon, E, (2004) *A lost generation: the experiences of young people in prison*, Prison Reform Trust.

⁵⁴ HM Prisons Inspector Annual Report 05/06.

⁵⁵ SEU (2004)

at best low paid, temporary work) – can do anything but undermine the ‘age of opportunity’ described by Arnett as an essential part of the move towards adulthood.

Together, these two factors beg the question: can custody be expected to ‘work’ at all as a means of reducing reoffending for young adults?

The Wider Policy Context

While the development of the Every Child Matters agenda and the establishment of a Children’s Trust in every local authority across England have given a clear focus to children’s services, support for young adults lags far behind. The various parts of the Welfare State not only weight the needs of young adults differently, they also even define ‘youth’ differently. This has led to what Jones and Bull call a ‘haphazard’ policy formulation, driven by different priorities in different areas, crystallised into legislation over the past one hundred years. Today, different policy strands take almost entirely different approaches to young adults, as shown in the table below.

Policy Area	Approach to Children	Approach to Young Adults
Substance Misuse	National Drugs Strategy and Alcohol Strategy with focus on young people defined as under 18.	Local Drug Action Teams tasked with developing treatment plans for those aged up to 25.
Housing & Homelessness	Those under 18 should be treated as ‘Children in Need’ and assessed by Social Services.	Certain priority groups aged up to 21 can get rapid access to support. On paper, all under-25s could be eligible but in practice this is unavailable. Those under 25 currently only eligible for reduced rate of housing benefit.
Social Services	Children’s Trusts have responsibility for drawing together holistic support for under-18s. This includes mental health, with Child and Adolescent Mental Health Services available until age 18.	While local authorities may collect information on under-25s, there is little age-specific support for this group. No specialist mental health services required for those over 18.
Leaving Care	Care Leavers responsibility of Social Services to age 18.	Support extended in some form to 21, and to 24 for those still in education.
Welfare/Benefits	Benefits unavailable for those under 16. Limitations on claims by 16 and 17 year-olds.	New Deal targets 18 to 24 year-olds. Lower rate of minimum wage for those under 21. Lower rate of Job Seekers Allowance for 16-24 year olds.

This variety of approaches illustrates not only the confusion of policy towards young adults, but also the complexity of the task facing young adults who seek support.

Recent and planned developments carry important implications for young adults. Most significantly, recent reforms to leaving care services (coalesced around the 'Care Matters' agenda) have pushed the age at which support remains available upwards, with a particular emphasis on supporting care leavers to successfully make the move to independence. The changes are based around 'pathway plans' cutting across all aspects of the young adult's life, supported by a pledge from the local authority on the support that will be provided, and a series of rights or entitlements for the young person (including one to delay the age of leaving care).

Within education policy, the traditional cut-off ages are also being pushed upwards. Last year's Education and Skills Act enabled government plans to increase the statutory age to which young people must remain in education from 16 to 18. This is combined with significant reforms of the educational options for 14 to 19 year-olds, including a major expansion of the apprenticeship programme (with a guaranteed apprenticeship place for any suitably qualified young person), and the development of a new suite of diplomas mixing academic and vocational training. Given the importance of remaining in education outlined earlier, these changes could be crucial. However, while the reform programme could bring real benefits to disadvantaged young adults, there are also additional risks.

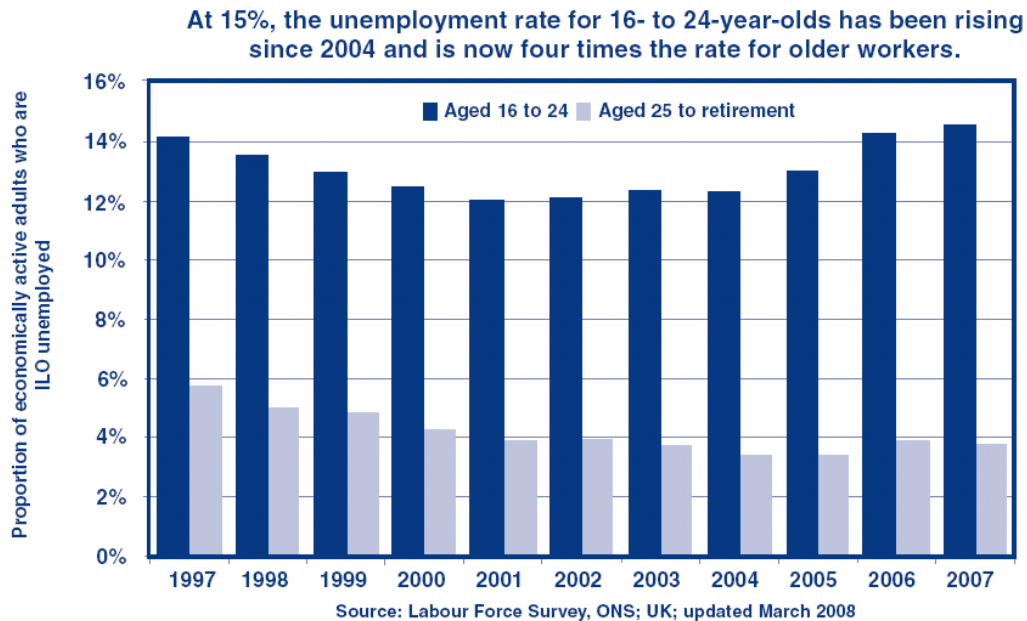
The new approach to arranging education services will abolish the current Learning and Skills Council from 2010, as well as separating responsibility for pre- and post-19 education, including for those in custody. Local authorities will be responsible for education for under-19s in and out of custody, while for most young adults the planning and funding of services will vary depending on where they are in the system. The transition between the youth and adult system in education risks becoming even starker under these new proposals; it is essential that courses can cut across age ranges and 'through the prison gate'.

Current plans for welfare reform also carry significant implications for young adults. In particular, plans to require problem drug users to attend treatment centres in order to receive benefit payments, could disproportionately impact upon an age group who report that a significant proportion of their offending is linked to either drug or alcohol misuse.

Will Things Get Worse?

Unfortunately, there is good reason to fear that things could get worse. A combination of economic trends, changes in sentencing and the expansion of the prison estate could see more young adults entering the Criminal Justice System and custody in particular.

Young adults will be at the forefront of the on-going recession. The unemployment rate for 16 to 24 year-olds is already four times that of older workers. This has doubled from a decade ago, and 18 to 24 year-olds have experienced the fastest growth in unemployment rates over the past quarter. The most recent labour market survey shows unemployment for young adults was 597,000 in the three months to October 2008, up 55,000 from the three months to July 2008. Three million people of all ages are predicted to be out of work by the end of the year; at least 40% (1.25 million) will be under 25⁵⁶. While much has been made of this year's batch of graduates who face an uncertain future, it is in fact those from disadvantaged backgrounds who are most likely to be affected. Not only are they less likely to be able to find work when looking for it, but their employment tends to be temporary, with little protection of employment or likelihood of redundancy payments.



⁵⁶ <http://www.guardian.co.uk/education/2009/jan/10/graduate-employment-crisis-rescue-package>

While the impact of the recession could be damaging in itself, it also poses particular risks of crime. Ministers and officials have already started work on modelling the potential increases in crime rates, and opposition parties have been quick to link recent increases in recorded crime and British Crime Survey figures to the credit crunch.

The relationship between economic performance and crime levels is not straightforward, with international comparisons particularly difficult. However, a report from the Prime Minister’s Strategy Unit attributed the vast majority of the fall in crime over the past decade to economic factors, including the sustained economic growth and stability⁵⁷. Conversely, on that analysis, an extended period of economic instability or recession could see a partial reverse in the fall in crime we have experienced.

At the same time, the Government has committed to building 8,000 additional prison places by 2012, with more earmarked beyond that. The overall prison building programme would see incarceration rates in England and Wales rise to 178 per 100,000, more than the present levels in Romania, Hungary or Bulgaria and close to twice the current rate of France or Germany.⁵⁸ Based on previous prison building programmes and, in particular, the experience of the US, there is little reason to hope that the creation of new prison places can outstrip demand. The Ministry of Justice estimates that around 70 per cent of the increased demand for prison places was due to changes in sentencing practice⁵⁹ and sentencing trends for young adults have certainly changed over the last few years.

	1991	1995	2003	2005
Custody	14%	20%	22%	24%
Suspended sentences	0%	0%	0%	1%
Community sentences	30%	31%	32%	35%
Other disposals*	56%	49%	45%	40%

* ‘Other disposals’ include fines, conditional and absolute discharges

Source: Stanley, S. (2007), *The Use of the Community Order and the Suspended Sentence Order for Young Adult Offenders*. London: Centre for Crime and Justice Studies.

⁵⁷ Prime Minister’s Strategy Unit (2006), *Policy Review: Crime, Justice and Social Cohesion*, London: Cabinet Office.

⁵⁸ <http://www.kcl.ac.uk/schools/law/research/icps>

⁵⁹ Prison Reform Trust (2007), Bromley Briefing.

While the use of custody and community sentences have both increased, the use of less formal disposals such as fines or conditional discharges has fallen.

The 'double whammy' of the economic crisis and the tougher approach that now holds towards sentencing could easily lead to record levels of young adults held in custody over the next few years.

Conclusions and Next Steps

This paper has put forward the case for urgent change in our approach to young adults caught up in the Criminal Justice System. As already acknowledged, this is not a new problem but it is a very live one.

Young Adults (aged 18 to 24) should be recognised as distinct from the adult population on account of their developmental stage and because of the economic, social and structural factors that specifically impact upon them. We should not be surprised that the current approach yields such poor results in diverting young adults away from crime; we should be appalled by it.

At an age when they should be exploring options in life, building towards longer term plans and developing an idea of who they are and what they can achieve, young adult offenders are held within a system that is at best fragmented and highly problematic to navigate, and at worst risks fast-tracking them into an extended criminal career, stripping away other options that might be open to them.

Yet it clearly doesn't have to be like that. The success of university campuses in meeting the needs of young adults shows that a co-ordinated approach can effectively support people into adulthood. And a growing recognition of the transition process in other areas of social policy, particularly leaving care, could be adapted to bring improvements to the current criminal justice approach to young adults.

This paper represents the start of the formulation of ideas and approaches for tackling the issues facing young adults in trouble. The Transition to Adulthood (T2A) Alliance wants to hear from all those affected by the current failures – policy makers, those working directly with young adults and young adults themselves. What are the specific needs of young adults in the Criminal Justice System and beyond? Are there

other areas not covered in this paper that we should also consider? Where have the problems and trends set out above been overcome? And how?

We will draw together the responses and a series of wider research tasks being carried out by T2A Alliance members to develop a 'Green Paper' of policy proposals to tackle the problems facing young adults, finally replacing the 'universities of crime' with something far better.

About the T2A Alliance

The Transition to Adulthood (T2A) Alliance aims to raise awareness of the distinct needs of young adults within the Criminal Justice System and to win the recognition of these distinct needs by policy makers.

In 2005, the Barrow Cadbury Trust's Commission on Young Adults and the Criminal Justice System launched a report, *Lost in Transition*, which looked at the complex needs of this often-ignored age group. Despite receiving widespread support among the voluntary and community sector as well as statutory agencies, there has been very little progress in policy for the young adult age group.

Hence, the Barrow Cadbury Trust has convened the T2A Alliance – which includes a combination of academics, campaigning organisations and practitioners. Membership includes: Catch22, the Centre for Crime and Justice Studies, Clinks, the Criminal Justice Alliance, Nacro, the Prince's Trust, the Prison Reform Trust, Revolving Doors Agency, the Trust for the Study of Adolescence and the Young Foundation.

www.t2a.org.uk

