

## Transition to Adulthood Alliance memo for Police, Crime, Sentencing and Courts Bill Committee

June 2021

The Transition to Adulthood (T2A) Alliance evidences and promotes effective approaches for young adults (18-25) throughout the criminal justice system (CJS). It is an alliance of 12 leading criminal justice, health and youth organisations: Addaction, Care Leavers' Association, Black Training and Enterprise Group, Catch22, Centre for Crime and Justice Studies, Clinks, Criminal Justice Alliance, the Howard League for Penal Reform, Nacro, Prisoners Education Trust, Prison Reform Trust, Police Foundation, Revolving Doors Agency, and Together for Mental Wellbeing.

The Alliance, convened and funded by the Barrow Cadbury Trust, has been making the case for a distinct approach to sentencing for young adults for over a decade based on an [irrefutable body of evidence](#) from neuroscience that the brain is not fully formed until at least the mid-20s. We know that young adults typically have more psychosocial similarities to children than to older adults in their reasoning and decision-making. For example, a 2011 [literature review by Birmingham University on maturity and criminal justice](#) found that temperance and impulse control, located in the frontal lobes at the front of the brain, are among the last areas of the brain to develop fully, often as late in life as the mid-twenties. In 2020, the Scottish Sentencing Council asked the University of Edinburgh to carry out a [systematic review of the current neurological, neuropsychological, and psychological evidence](#) on cognitive maturity which confirmed that the adolescent brain continues to develop into adulthood and does not reach full maturity until approximately 25-30 years of age. As the areas of the brain governing emotion develop sooner than those which assist with cognitive abilities and self-control, the resulting imbalance explains the increased risk-taking and emotionally driven behaviour commonly attributed to young people which increases the likelihood of offending.

In young adulthood, there is a crucial window of opportunity where a pro-social identity and desistance from crime can be cultivated. The 'plasticity' of their brains means that it is a particularly good time for learning, personal growth and the development of pro-social identity. However, by virtue of their stage of development young adults can quickly become disillusioned and disengaged from professionals if support is not forthcoming, appropriate or timely. Young adults' experiences of the justice system are therefore of utmost importance in determining their capacity to build a crime-free future, develop their potential, and contribute to society. This conclusion has not only been reached by T2A, but also by the House of Commons [Justice Select Committee](#), by Lord Toby Harris in his [review of self-inflicted deaths](#) of young adults in prison custody and David Lammy MP in his [review of the treatment of and outcomes for BAME individuals](#) in the justice system.

In accordance with this evidence, T2A welcomes the Committee's consideration of amendments on clauses which would have ensured that sentencing legislation reflects the neuro-science on brain development amongst young adults who commit serious offences.

While these amendments did not carry, T2A believes it is important to share the evidence on maturity with the Committee so that it is in the public domain in the context of the Bill.

The rationale for amendments which would reflect the distinct nature of young adulthood is that:

- lengthening periods in custody during the crucial period of brain maturation and formation of identity in young adulthood is more likely to have a detrimental effect on public safety; spending long sentences in prison at this stage of a young adult's development will not help them to develop positive identities and move away from future criminal behaviour

- prison environments are not conducive to enabling a brain which has previously been exposed to trauma to rewire itself and generate positive neural connections while it remains in a state of active development up to the mid-20s.
- the provisions will result in young adults being locked up for longer periods when their risk levels no longer warrant it
- most young adults, including those who have committed serious and violent offences stop committing crime in their early 20s; this is demonstrated in the government's own evidence—in the [Serious Violence Strategy](#) (p.36)—which shows that even for individuals classed as 'high offending', the peak age of violent offending is 19 and this declines significantly from age 21 to 24
- the government does not appear to have recognised that the effect of increasing the custodial portion of the sentence has a corresponding impact on shortening post-sentence probation supervision which will impact on young adults particularly poorly as they mature, 'grow out of crime' and seek to build positive adult identities.
- reducing the level of support young adults are afforded in the community post-release makes no sense for rehabilitation because:
  - after spending their young adulthood in custody there will be less time to build stability in employment, accommodation and relationships which are known to have the greatest impact on subsequent offending.
  - for young adults who are care experienced it will effectively render redundant any foundation of support from local authorities that they would have been entitled to after leaving custody.
- there is no evidence-based justification for applying the research on maturity only up to the age of 18, as the government has done in respect of its proposals on whole life tariff reviews, for example.

More broadly, the effect of these clauses is to significantly increase the punishment element of a sentence where it relates to sexual or violent conduct. Sentences for such crimes have already lengthened considerably over the last two decades. No evidence is presented to support the government's assumption that harsher sentencing increases public confidence. Rather, relevant research in this area has found that the public is poorly informed about the actual severity of existing sentencing. In addition, as specified by the government in the [impact assessment on the sentencing provisions](#) (para 77), there is no evidence that the sentencing measures will have an impact on public safety through either incapacitation, deterrence or rehabilitation.