

The Transition to Adulthood (T2A) Alliance submission to the Home Affairs Committee inquiry on serious violence

The Transition to Adulthood (T2A) Alliance evidences and promotes effective approaches for young adults (18-25) throughout the criminal justice process. It is an alliance of 16 of the 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, The Prince's Trust, Prison Reform Trust, The Restorative Justice Council, Revolving Doors, Together for Mental Wellbeing, The Young Foundation, and Young Minds. T2A is convened and funded by the Barrow Cadbury Trust. T2A has contributed to positive change in policy and practice and at a central and local level, and its evidence has informed service redesign and delivery nationally and internationally. These include welcome changes to recognise maturity in sentencing and CPS guidance and the development of a transitions framework for adult and youth justice services by the Youth Justice Board and HM Prisons and Probation Service. T2A's work has helped to promote the development of young adult-specific projects and approaches in a growing number of devolved police and crime commissioner and probation areas. T2A and its members have helped to initiate and provide substantive evidence for Parliamentary inquiries into the treatment and conditions of young adults in custody, including the Young Review, the Harris Review and the Justice Committee's inquiry on young adults.

Introduction

Overall, T2A welcomes the provisions of the serious violence strategy, which acknowledges the complex nature and causes of serious violence and the range of measures necessary to tackle it. We welcome the acknowledgement in the strategy that children and young people involved in violent crime are often vulnerable and/or exploited. We support the recognition that early intervention and preventative measures are likely to be more effective than punitive measures, and that restorative and diversionary approaches should be used as an alternative to criminal justice responses where appropriate. We are also encouraged by the cross-government approach taken, and the emphasis on partnerships and collaboration.

While there is much to welcome, it is hard to see how the aims of the strategy will be achieved within the funding envelope committed. The £40m attached to the strategy will not be enough to meet the Government's ambitions, especially in the context of the wider cuts to children and youth services in the past few years. There are also some contradictions within the strategy. Notably, some of the criminal justice responses outlined in the document and currently being taken forward in the Offensive Weapons Bill will militate against the strategy's welcome focus on early intervention and prevention. Evidence highlights the overlap between victims and perpetrators of serious violence, with vulnerable children and young people being at risk of falling into either or both groups. The strategy may result in vulnerable individuals being sent to prison instead of receiving effective interventions in the community that break the cycle of harm.

A distinct approach to young adults (aged 18-25)

A disproportionate number of children and young adults (aged 18-25) are impacted by serious and violent crime as both victims and offenders. The serious violence strategy acknowledges age as an important factor associated with the recent increases in serious and violent crime. In particular, it highlights research on desistance and “strong evidence that crime trends tend to be driven by a small proportion of highly prolific individuals whose criminal career tends to decrease via a lengthy ‘ageing out’ process.”

Children are already subject to a separate criminal justice system which recognises their distinct needs; and there is an emerging body of evidence to support the development of a tailored and distinct approach towards young adults (aged 18-25), including those who commit serious and violent crime, across all criminal justice agencies. Research has demonstrated significant variations in the rate of social, psychological and neurological maturation among this age group, and it has been argued that these variations should be taken into account when developing a criminal justice response to young adults, when they break the law, when they are ‘at risk’ or when they become victims of crime. In 2016 the Justice Committee inquiry on young adults found that “Research from a range of disciplines strongly supports the view that young adults are a distinct group with needs that are different both from children under 18 and adults older than 25, underpinned by the developmental maturation process that takes place in this age group.”¹

The T2A Alliance report, *Pathways from Crime*, identifies ten points in the criminal justice process where a more rigorous and effective approach for young adults and young people in the transition to adulthood can be delivered.² Pathways with particular relevance to the provisions of the strategy are highlighted below:

T2A pathway: Policing and arrest

The police should receive specific training for managing contact with young adults, particularly in relation to stop and search and, where possible, should seek to divert young adults into appropriate services away from the criminal justice process. The current policing response to young adults is not suitable and is likely to have resulted in young adults getting unnecessarily drawn into the criminal justice system. A recent report by the Police Foundation found that there are at present pockets of good practice across the country that provide the foundation for a tailored approach towards the policing of young adults focused on diverting young adults away from the criminal justice system, on improving the relationship between the police and young adults through the adoption of procedural justice approaches and on increasing the engagement and participation of young adults in bodies informing police decision making.³ It recommended that a number of pilot studies are

¹ <https://www.parliament.uk/business/committees/committees-a-z/commons-select/justice-committee/inquiries/parliament-2015/young-adult-offenders/>

² <https://www.t2a.org.uk/wp-content/uploads/2016/02/T2A-Pathways-from-Crime.pdf>

³ https://www.t2a.org.uk/wp-content/uploads/2018/07/policing_and_young_adults_final_report_2018.pdf

undertaken in police forces in England and Wales to test the practicability and effectiveness of these approaches.

Stop and search

T2A welcomes the recognition in the strategy that changes in the level of stop and search have only minimal effects – at best – on trends in violent crime, even when measured at the local level. Stop and search has been shown to most significantly affect those within the young adult age group, and negative experiences of being subject to regular stops can have a significant long term impact on young adult perceptions of their local police. The Police Foundation’s 2013 scoping report on the policing of young adults identified the repeated (perceived) misuse of stop and search as the most common issue cited by young adults for the development of a negative perception of the police.⁴ A report by the Criminal Justice Alliance based on a series of interviews with BAME young adults highlighted the considerable long term damage that the disproportionate use of stop and search can have on a young adult’s perception of the police and how this can often outweigh any operational benefits gained by the tactic’s use.⁵

In view of this evidence, we are concerned about proposals in the Offensive Weapons Bill to expand stop and search powers in relation to the proposed new offence of possessing a corrosive substance in a public place. Clauses 8 to 10 provide law enforcement officers in England and Wales, Scotland and Northern Ireland with additional investigative and enforcement powers, including use of stop and search, in relation to the new offence. It is likely that these proposals will be ineffective in tackling this serious issue and disproportionately affect BAME children and young people who are already significantly more likely to be subject to stop and search. In addition, the new offence is poorly defined in the legislation and is likely to result in subsequent over-charging and misdirected prosecutions. This is likely to further damage relations between BAME children and young people and the police.

T2A Pathway: Enabling desistance from crime

A young adult specific approach (with a focus on securing stable accommodation and long-term employment) should be implemented throughout criminal justice service design, commissioning and delivery to ensure that young adults coming out of the criminal justice process are supported to stop offending. T2A welcomes the measures included in the strategy to help those involved in or at risk of being involved in gangs or serious violence to address both work and health barriers and to achieve quality job outcomes. In addition, T2A would like to see a more nuanced approach to criminal records disclosure for young adults, along the lines recommended by the Justice Committee inquiry on disclosure of youth criminal records.⁶

We also welcome the support given in the strategy to Divert, the Metropolitan Police custody programme designed to divert 18-25 year olds away from offending and into employment, training and education. Divert was established by an MPS police

⁴ https://www.t2a.org.uk/wp-content/uploads/2016/02/policing_young_adults1.pdf

⁵ <http://criminaljusticealliance.org/wp-content/uploads/2017/06/No-Respect-290617-1.pdf>

⁶ <https://publications.parliament.uk/pa/cm201719/cmselect/cmjust/416/416.pdf>

inspector in the London borough of Lambeth and has been run in conjunction with the Milestone Foundation in Brixton custody suite since 2015. Its primary aim is to offer young adult offenders an alternative path away from crime at the point of police detention, seeking to remove them from a potential cycle of reoffending and incarceration. The Divert scheme recognises one of the key findings of the T2A programme – that while young adults may be the largest group in terms of offenders, they equally represent a unique cohort in their potential for desistance. While the initiative is still in relative infancy and it has yet to be formally evaluated, its early results have shown significant promise and it offers a potential blueprint from which other forces can develop and adapt their own programmes, targeted and tailored toward the specific needs and demands of their own young adult population. Divert is working to expand their model, the programme is currently delivered within Brixton and Bethnal Green custody suites, with further roll out planned for Croydon, Wood Green, Camden and Lewisham. We hope the government will support the Metropolitan police in its roll out of the scheme as well as explore ways in which it can be extended to other police areas, as the basis for a national model of young adult provision.

T2A pathway: Diversion

Drug, alcohol and mental health services should support young adults in the criminal justice process and have arrangements in place for managing the transition between child and adult services. The Youth Violence Commission interim report identifies the root causes of violence as including: “childhood trauma, undiagnosed and untreated mental health issues, inadequate state provision and deficient parental support, poverty and social inequality.”⁷ A large number of young adults in the criminal justice system are care leavers and have experienced high levels of social and economic disadvantage. Many young adults have learning disabilities and also suffer from poor mental health, and alcohol and drug misuse problems. These are often even more acute during someone's transition to adulthood, as child-focused support services - such as care services, child and adolescent mental health services, children's services and youth offending services—fall away when they reach the age of 18.

T2A welcomes the commitment in the serious violence strategy to funding and support for a range of diversionary measures, including the continued roll out of liaison and diversion services in police stations and courts. We welcome the commitment in the strategy to an £11 million Early Intervention Youth Fund to provide support to communities for early intervention and prevention with young people. We also welcome the support given to Redthread to expand and pilot its Youth Violence Intervention Programme outside London, starting with Nottingham and Birmingham, and to develop its service in major London hospitals. Given the particular challenges faced by young adult women, we are encouraged by the commitment to continue to fund Young People's 10 Serious Violence Strategy Advocates working with gang-affected young women and girls, and exploring whether the model should be expanded.

⁷ <http://yvcommission.com/wp-content/uploads/2018/07/Interim-Report-FINAL-version-2.pdf>

T2A Pathway: Restorative Justice

Restorative justice should be considered for all young adult offenders at all stages of the criminal justice process, including pre-arrests, pre-sentence, and as part of a sentence. Research commissioned by T2A suggests that restorative justice may work particularly well for young adult offenders yet to reach maturity. Despite this, restorative practices are much more commonly employed when responding to the offending behaviour of juveniles than of adults.^{8 9} While the serious violence strategy makes some reference to the benefits of restorative practice in relation to looked after children and schools, much more could be done to support the adoption of restorative justice as a mainstream disposal throughout the criminal justice system.

T2A Pathway: Prosecution

As part of the decision-making process on arrest, charge and prosecution, the police and the Crown Prosecution Service should consider the 'lack of maturity' of a young offender, alongside current considerations of 'youthfulness' among the factors tending against prosecution, in line with similar considerations by probation and sentencers later in the process. As recommended by the Lammy review, the 'deferred prosecution' model pioneered in Operation Turning Point should be rolled out for both adult and youth offenders across England and Wales.¹⁰ The key aspect of the model is that it provides interventions before pleas are entered rather than after.

T2A Pathway: Sentencing

More should be done centrally and locally to develop the approach to identifying and responding to varying developmental maturity of young adults in the criminal justice process. Criminal justice professionals should support the sentencing process by ensuring that lack of maturity is identified. Pre-sentence reports by the probation service should consider the maturity of all young adult offenders, and clearly recommend and advocate to the court an effective response and, where appropriate, a robust community-based intervention.^{11 12}

T2A Pathway: Community sentences

The few existing examples of young adult specific community interventions that exist cross the country should be replicated nationally, and similar effective interventions should be available to all sentencers when sentencing a young adult. More should be done to develop the scope of the Attendance Centre requirement as well as tailoring other available community sentence options to the specific needs of young adults.

⁸ <https://www.t2a.org.uk/wp-content/uploads/2016/02/Restorative-justice-for-young-adults1.pdf>

⁹ https://www.t2a.org.uk/wp-content/uploads/2016/03/making_restorative_justice_work_for_women_offenders_fullreport.pdf

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/643001/lammy-review-final-report.pdf

¹¹ <https://www.t2a.org.uk/wp-content/uploads/2017/07/JudgingMaturity.HowardLeague.pdf>

¹² <https://www.t2a.org.uk/wp-content/uploads/2018/04/Young-adult-courts-CJI.pdf>

T2A Pathway: Custody

Lessons should be learned by the young adult YOI estate from the reduction in numbers of children in custody, which has enabled some degree of justice reinvestment from acute services to prevention. Every effort should be made to keep non-violent young adults out of custody, including remand, and enable the courts to issue an intensive community sentence. Specific attention should be given to young adult women who require a distinct approach, and to the over-representation of black and ethnic minority young adult prisoners. All prisons should have resettlement plans in place for every young adult at least three months prior to their release and a ‘through the gate’ service should be provided to every young adult in custody.^{13 14}

We are concerned that a number of provisions of the Offensive Weapons Bill will result in children and young adults being sent to prison, including for non-violent offences. Clause 6 provides that, where a person who is 16 years of age or older is convicted in England and Wales of the offence set out in clause 5 and has at least one relevant conviction (as set out in clause 7) then the Court must impose an appropriate custodial sentence of at least 6 months for an offender aged 18 years or older or 4 months for a 16 or 17 year old. We are opposed to the use of mandatory sentences, particularly for children. There is no evidence which shows that mandatory sentences act as an effective deterrent. Research suggests that it is the prospect of being caught which has the most effective deterrent effect and not the severity of the punishment imposed. These provisions will limit judicial discretion and result in vulnerable children and young people being exposed to more serious offenders in prison; it will increase the number of short custodial sentences handed down, which are known to be both damaging to life chances and be linked to high recidivism rates

Clause 26 amends existing offences of threatening with an offensive weapon or bladed, to replace the requirement of the threat causing immediate risk of physical harm to the accused, with a requirement that the threat is such that a reasonable person who was exposed to it would think that they were at risk of immediate physical harm. There is a mandatory minimum custodial sentence of a four-month Detention and Training Order (DTO) for children aged 16 and 17 and a custodial sentence of at least six months for an adult convicted under the existing legislation. Removing the requirement that there is any objective risk of physical harm, and basing the test purely on the victim’s “reasonable fears”, substantially reduces the conviction threshold for this offence. Given the mandatory custodial penalties attached, we believe this is far too low a threshold to impose, which will result in children and young people being unnecessarily sent to prison. As they are still maturing, children and young adults can be impulsive and lack empathy and may find it difficult to anticipate the impact of their behaviour on others. Therefore, these proposals could place young people at a particular disadvantage for behaviour whose consequences they did not foresee and which did not put anyone at an objective risk.

¹³ https://www.t2a.org.uk/wp-content/uploads/2016/02/T2A-Young-Adults-in-Custody_V3.pdf

¹⁴ https://www.t2a.org.uk/wp-content/uploads/2016/03/Young-Adult-Women-in-Custody_LR2.pdf

Conclusion

Overall, T2A welcomes the serious violence strategy and its recognition that a focus on early intervention and prevention is more effective than a punitive criminal justice response. However, we are concerned that the funding commitment of £40m attached to the strategy will not be enough to meet the government's ambitions. Children and young adults are disproportionately affected by serious violence as both victims and perpetrators. Children are already subject to a distinct criminal justice system and there is strong evidence to suggest that a distinct approach to young adults (aged 18-25) would improve outcomes for this age group. Using the model of the T2A Pathways, this response highlights areas where the serious violence strategy seeks to build on the evidence for a distinct approach to young adults. It also highlights areas where the provisions of the strategy are at odds with this evidence, including a number of provisions of the Offensive Weapons Bill, which are likely to result in vulnerable children and young adults being sent to prison instead of receiving effective interventions in the community.