

Transition to Adulthood Alliance

Memorandum for Home Affairs Committee inquiry on Drugs

March 2022

Introduction to T2A

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 15 leading criminal justice, health and youth organisations (listed on our [website](#)), convened and funded by the Barrow Cadbury Trust, it has been making the case for a distinct approach for young adults in the criminal justice system 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.

Despite the strength of this evidence, few aspects of law and policy in England and Wales recognise the evolving capacities of young adults. Drug policy is no exception.

What are the trends and patterns in drug use across the four UK nations?

Young adults represent a significant proportion of people sentenced for drug offences, accounting for 33% of those sentenced for drugs offences in 2018. Analysis done for T2A by the Revolving Doors Agency in 2020 using the Ministry of Justice Outcomes by Offence data tool identified the following sentencing trends for England and Wales:

- Young adults are overrepresented among those who receive a caution or conviction for drug related offences at 14% (i.e. 1.4 times more likely than an adult over 25 to receive a criminal record for drug related offences)
- Almost half (5,997) of those given community or custodial sentences for cannabis possession offences were under the age of 24.
- The average custodial length given to young adults for drug related offences increased from 23.9 months to 27.2 months over the previous decade
- The use of short custodial sentences for drug offences steadily decreased among this cohort over the past decade, yet still nearly a quarter (23%) served a short prison sentence of 12 months or less. Of the 258 people were given a short-term prison sentence of six months or less for cannabis possession, 38% were aged between 18 and 24.

There are also important differences in the data by race and gender which can be found in the Annex [here](#).

How effective is the UK drug framework in dealing deterring drug related offending?

T2A has several observations about the efficacy of the existing framework for young adults in preventing future offending.

We advocate for a drug framework that recognises that the maturational status of young adults affects their planning and problem-solving skills as well as their capacity to manage emotions, handle risks, respond to relationships, and engage in treatment, work, and employment. By virtue of their stage of development young adults may have low frustration tolerance, negative attitudes, and poor responses to authority. This also means that they are at greater risk of breaching any criminal justice sanction.

Some steps have been taken to identify that this cohort warrants a distinct approach. For example, in relation to sentencing, the mitigating factor of “age/lack of maturity” is specified in the Sentencing Council’s guidelines. Nevertheless, it is not clear how this is being used by sentencers for drugs offences to ensure that young adults are sentenced in developmentally appropriate ways or consequently to ensure effective outcomes. We propose that, as part of the implementation of the drugs strategy which includes a

welcome emphasis on monitoring approaches, research on the use of this factor in drug offence guidelines (and others) is undertaken. This was recommended by the Justice Select Committee in its report *The treatment of young adults in the criminal justice system* in 2016. Furthermore, one of the Sentencing Council's statutory duties under the Coroners and Justice Act 2009 is to monitor the operation and effect of its sentencing guidelines and to draw conclusions from this information. Nevertheless, it does not currently monitor the impact of its guidelines related to age. We believe that this duty should be undertaken with reference to the Equalities Act 2010 to ensure that the guidelines do not inadvertently contribute to disproportionality in sentencing related to protected characteristics and that the Sentencing Council should be adequately resourced by the government to enable this to be monitored.

Some young adults involved in drug-related offending may not be significantly more mature than under 18s who are typically more likely to be considered vulnerable (or indeed victims of modern slavery under s.45 of the Modern Slavery Act 2015) or are more clearly immature by virtue of their age. T2A is aware that young adults who may now be involved in relatively serious drug-related offending activities may themselves have been exploited as children before child exploitation became a policy priority. Consequently, they may now have reached the current position they occupy within drug offending groups (in which they might be seen as having a significant or leading role) because they were not identified as having been exploited and 'rescued' at a younger age. In addition, young adults may themselves be more susceptible to intimidation and coercion by virtue of their psycho-social maturity. Understanding these dynamics fully in the context of individual cases will not be straightforward. The impact of this is illustrated in recent statistics from MOPAC in London which show that only 22% of referrals for support are aged 18-25 years despite that age cohort making up 69% of all children and young adults known to be involved in County Lines.ⁱ

What is your view on the UK Government's 10-Year Drug Strategy for England and Wales, which was published in December 2021?

Overall, T2A welcomes the provisions of the government's drugs strategy, which acknowledges "particular concerns" about drug use among children and young adults which it notes has both recently begun to increase and risks worse immediate and long-term outcomes, including health, educational attainment and involvement in criminal activity, in this cohort.

Nevertheless, while there are some references to young black men, which recognises that racial injustice plays a role in drug policy, there is no specific mention of young adults elsewhere within the strategy. T2A and its partners, in particular Revolving Doors Agency and the Centre for Justice Innovation have advocated for young adult specific diversion services to be commissioned by Police and Crime Commissioners. We therefore welcome the government's emphasis on diversion. Nevertheless, while these are increasing in terms of their geographical spread, such services are often short-term and time-limited in nature due to the out of court disposal framework. Linking substance misuse support to criminal justice engagement therefore creates missed opportunities for promoting effective transitions to adulthood. To have the best chance of crime-free futures and a safer society, young adults involved in the criminal justice process require ongoing practical and emotional support from drug, mental health and other services to enable them to navigate the transition to adulthood successfully. This should be in addition to the creation of specific arrangements for managing the transition between child and adult services.

T2A also has some concerns about the language used to describe some approaches to drug treatment and support, for example, "tough consequences" which risks undermining the potential benefits of this approach and does not recognise the realities of young adult's lives and maturational status. Desistance research shows just how important developing a pro-social identity is in reducing the chances of future offending. When labels, judgements and opinions are imposed on young adults through their contact with the criminal justice system this hinders such development.

We are encouraged by the cross-government approach advocated and the emphasis on partnerships and collaboration. Nevertheless, 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, especially in the context of the wider cuts to public services in the past few years. The factors placing young adults at risk of substance use are

complex. There is strong evidence for links between deprivation, social inequalities and substance misuse related harms and issues such as unemployment, social exclusion, homelessness, difficulties in accessing health services and discrimination are underlying causes of substance misuse. For example, while a young adult may present with substance use needs, their ability to successfully engage with a drug diversion programme may be limited if their other basic needs are not being met, such as food and housing.ⁱⁱ An effective drug strategy therefore requires a wider, more holistic approach from public services which addresses health and justice inequalities and is not solely accessible via contact with the criminal justice system.

There are also some are some contradictions within the overall strategic approach. Notably, some of the criminal justice responses outlined in the document and measures to remove legislative protections for young adults 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.

Finally, we would like to see the government's evaluation of the efficacy of its strategy have due regard to examining outcomes for the 18-25 cohort.

ⁱ MOPAC, Rescue and Response Strategic Assessment, 2019

ⁱⁱ See Revolving Doors Agency (2021) [Evidence review: diverting young adults away from the cycle of crisis and crime](#), London.