Treatment of Young Adults in the Criminal Justice System

In response to an inquiry from the Justice Select Committee

2015
ACKNOWLEDGEMENTS.
We would like to thank the Youth Offending Teams (YOTs), Young Offender Institute, HM Prison Service and Community Rehabilitation Company (CRC) for their participation and the contribution of all the service users who took part in this study.

ABOUT USER VOICE.
User Voice is unique because its work is led and delivered by ex-offenders. It exists to reduce offending by working with the most marginalised people in and around the Criminal Justice System (CJS) to ensure that practitioners and policy-makers hear their voices. User Voice is well placed to gain the trust of and access to people involved in crime or who have direct experience of the CJS as offenders and prisoners. The aim is to deliver a powerful rehabilitation experience for offenders, better criminal justice services and institutions, and more effective policy.

SUMMARY.
User Voice undertook a short user-led consultation to better understand the perceptions of a range of both young adults and young people currently engaging with the criminal justice system. While the brief called for the experiences of young adults, we felt that the voices of young people currently engaging with YOTs were equally applicable as these represent a cohort of service users who will soon become young adults and as such their views on maturation and vulnerability are entirely relevant.

Participants were asked about their views on three main topics:

- The use of custodial sentences for young adults.
- The consideration of age and maturity during sentencing.
- Vulnerability in custody.

User Voice believes that no one can provide better insight in to these issues than the service users themselves.

PARTICIPANTS.
User Voice consulted with 34 service users in total.
17 young adults aged between 19 and 21, all with extensive experience of the criminal justice system. The average age of the young adults was 19.8 years. Ten were residing in prison, two were residing at a Young Offenders Institute and five were engaging with a Community Rehabilitation Company (CRC). The entire sample was male and 88% had experienced a custodial sentence. Of the group, six identified as being white, five identified as black, three identified as Asian, one identified as dual heritage and two with other ethnicities.

User Voice also consulted with 16 young people engaging with Youth Offending Teams. The young people were aged between 10 and 17 with an average age of 15.1 years. 12.5% of respondents were female and 87.5% male. One third had experienced a custodial sentence first-hand and 67% had served a community order. Half the sample identified as being black, four identified as white, two identified as Asian and two identified with non-listed ethnic groups.

All 34 participants were recruited using an opportunist sample and their results are presented adjacent to each other for clarity, rather than combined. All participants completed a short questionnaire to measure their perceptions about young adults in the CJS. The questionnaires gathered both quantitative and qualitative data. The young adults were asked some additional questions in relation to their own experience of sentencing. User Voice staff members approached service users whilst visiting the sites for routine engagement purposes.

**RESPONSES.**

**Should young adults serve a custodial sentence?**

When asked if they thought young adults should be given a prison sentence there was exactly the same divide in the answers of both samples, with no overwhelmingly strong result.

“No”

In both samples, 57% felt that custodial sentences were inappropriate for people of this age. There was a further difference in the perspectives of custodial and community respondents with all young adults from the CRC giving a ‘no’ answer, compared with less than half (42%) of those currently in custody.
The reasons young adults gave for thinking custody was inappropriate were varied and there were no major themes. Some simply commented that it was ‘too young’ with no further elaboration. One stated that young adults were impressionable and could be negatively influenced by other men. However, the most popular answer was related to mental or emotional wellbeing, with 28.5% of the results being related to this:

“Unable to cope, being away from family, can be stressful. I missed my family so much”

“It’s not good, it made me angry and depressed, jail isn’t good at that age”

Other young adults referred to the lasting impact of custody on young adults and how custody creates barriers for the future:

“Because it ruins people’s lives”

“They should all get a chance depending on offence”

“Yes”

For both young adults and young people, 43% felt that custodial sentences were appropriate for young adults.

Participants were asked to explain their response. The major theme (71%) for young adults who agreed that custody was appropriate, was that prison is the known punishment for crime and this was defined quite clearly in terms of cause and effect:

“You commit crime, do the time”

However, one participant did say that if a custodial sentence was given to a young adult, the guidelines should be more flexible, while another stated that imprisonment was a way of educating young adults.

Similarly, the majority of young people who agreed with custodial sentences for young adults felt that this was because they needed to be punished for their crime (57%), or that people needed to learn from their mistakes (29%) whilst others felt it was dependent on the crime (14%).

“Because in the laws eyes there adults and it wouldn’t be fair if they didn’t [sic]”
“Whatever age you at should still be sentence for a crime to learn from your lesson and also your mistakes [sic]”

Was your age considered when you were sentenced?

Young adults were asked to think back to their trial and to think about whether the sentence they received was influenced by their age. 65% felt that is was. But there was variation in the way they felt it affected the judge’s decision. For example, 40% of this group thought it was led to a more lenient sentence, whereas 30% felt it had led to a harsher sentence. The remaining 30% felt that their age was only taken into account in terms of the judge doing what he/she needed to do.

“when I was sentenced the judge gave me a lenient / shorter time because of my age”

“because of my age, they want to set an example of me”

“I just turned 18 and was sentenced as an adult”

Was your level of maturity considered when you were sentenced?

In contrast to the 65% of young adults who felt that their age was a determining factor at the time of sentencing, just 36% felt that their maturity was. One participant stated: “It wasn’t even discussed”, while another stated “No, I was mature for my age”, which suggests that actually some consideration was given. The meaning of the term ‘maturity’ seemed to be less clear to the participants than age, which was evident in their responses and suggests that it was not a significant feature of any trial.

Nonetheless, over half of young adults commented that they thought it was important to consider maturity as well as age:

“Some people aren’t mature so they do silly things. Not everyone is the same. Some need more attention than others. Using how mature someone is can help see what they need”

“It’s fair because age really doesn’t determine what people have been through or how they are”

Young people concurred and findings from their sample were that 25% felt taking maturity into account will result in being treated fairly, although a further 25% stated the criminal
justice system would need to know the young adult’s personality as well to really take maturity into account.

One young adult had been through this experience himself however and stated that what might have been a considerate sentence in terms of sparing him from imprisonment had actually caused him difficulties in the long run, as shown in the statement below:

“Because they can see we’re immature so to give lenience and a hard penalty community order which resulted with breach, then came jail. At least then we are given a chance, not just throw us away and lock the door, keep us away from society which we will end up rebelling against because it sent us to jail [sic]”

Finally, one young adult made the point about implementing such a variable into the trial:

“This would be a good idea but how can this be judged accurately?”

How does prison affect young adults’ personal development?

This was an open question and the vast majority of responses from young adults were negative. In fact, only one young adult out of 17 gave a positive comment, which was:

“Always being around mature people helps them to develop”

The table below illustrates the three main themes that came from the young adults’ data:

<table>
<thead>
<tr>
<th>Theme</th>
<th>Proportion of responses</th>
<th>Illustrative quotation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Detrimental to mental health</td>
<td>23.5%</td>
<td>“Could make people be suicidal”</td>
</tr>
<tr>
<td>Detrimental to risk of success in the future</td>
<td>17.6%</td>
<td>“Damaging to their growth as a law abiding citizen [sic]”</td>
</tr>
<tr>
<td>Detrimental to cognitive skill/maturity</td>
<td>23.5%</td>
<td>“No activity or group or education”</td>
</tr>
</tbody>
</table>

The graph below displays the results from the young people, which were more diverse.
**What alternatives might there be to prison for young adults?**

Participants were asked what alternative they would suggest to imprisonment. Two young adults stated that there were no suitable alternatives:

“Nothing, 'cause nothing works, YOT, tagging, fines, nothing works”

“Being in prison gives them time to reflect and repent”

However, the most popular suggestion from the young adults was related to community punishment. Other suggestions were made and these are included in the table below:

<table>
<thead>
<tr>
<th>Alternative to custody</th>
<th>Proportion of responses</th>
<th>Illustrative quotation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community punishment</td>
<td>33.3%</td>
<td>“Tag, Curfew, interaction with ex-cons”</td>
</tr>
<tr>
<td>Work and education</td>
<td>20%</td>
<td>“Working scheme, secure college”</td>
</tr>
<tr>
<td>Addressing risk of reoffending</td>
<td>13.3%</td>
<td>“Offending behaviour work”</td>
</tr>
<tr>
<td>Emotional support</td>
<td>20%</td>
<td>“Probation should do more, offer more support”</td>
</tr>
</tbody>
</table>

In the sample of young people, 14.3% felt that the person needed to be offered help rather than a punitive sentence. Another 14.3% did not provide an alternative but stated that alternatives are necessary as custodial sentences are overly detrimental to individuals’ lives.
What benefits come from avoiding custodial sentences for young adults?

Of the young adults surveyed, 12 of the 17 (70.5%) felt that custody should be avoided wherever possible. Just one person thought this was not necessary. Young adults spoke about needing to address the reason for the crime, and that prison was not necessarily the place for this:

“People commit a crime for a reason they don't just offend for nothing”

Other responses included reference to the detrimental effect of custody to young adults’ futures, the negativity of the environment, and the influence of other offenders.

The young people also felt strongly about this question, with only 21% of participants not commenting on the benefits of avoiding custody, instead stating that it was important to ‘teach a lesson’. Yet, another 21% felt unsure or couldn’t generalise to agree or disagree and felt the decision to sentence a young adult was dependent on the individual situation

“Prison can harm young people both mentally and physically.”

Are young adults vulnerable in custody?

Of the 17 young adults spoken to, seven gave a definite yes to this question (41.1%) while three gave a clear no (17.6%). There were two who were unsure and five who left the question blank.

Of the young people, more felt that there was vulnerability (56.2%).

How can young adults’ suicide and self-harm be reduced in custody?

Of relevance here is a consultation conducted by User Voice in August 2014, to gather service users’ views on self-inflicted harm and suicide prevention for 18-24 year olds in custody. A total of 71 service users participated in that consultation. The main findings were:

- Young adult offenders are viewed as most vulnerable when starting a custodial sentence.
- Prison is unable to provide the supportive services required by many vulnerable young adults.
• The relationship between prison staff and young adults has the potential to influence or prevent self-inflicted harm.
• Young adults should be able to contact their family and friends in a private environment while in custody.

In line with these findings, the majority of young adults in the current consultation gave well considered answers to this question and the most frequent responses concerned more support than what was currently on offer. The following quotes illustrate that a number of young adults in our sample have been affected by suicidal thoughts and/or self-harm:

“Gov & staff don’t care, they don’t listen. I told my Gov that I was going to kill myself and they still did nothing”

“I felt depressed and thought about suicide, still do. You need better help and support”

“More help and support for young prisoners”

“Assign personal officers”

Others commented that this could be addressed by reducing the number of custodial sentences given (17.6%), and others commented that that there should be some focus on bullying (11.7%).

“Not give them big bird/time for first offences and help people with outside sentence”

“Because there are not enough staff to give us more attention and we can be easily bullied”

One other comment that is worth including is the following that concerns the regimes in establishments housing young adults.

“By not leaving Young Offenders alone too long, they need interaction constantly”

The results from the young people were similar, with 75% stating on the need for more support and counselling services to tackle the problem of self-harm and suicide in custody (75%). However, other young people felt that there was a need for staff to be more vigilant (8%) and one participant who had previously experienced custody stated that having more time outside of the cell would help the problems with self-harm and suicide.
CONCLUSIONS.

User Voice were able to gain access to the people that the inquiry effects the most – young service users currently involved within the Criminal Justice System and at risk of continued involvement as young adults. Overall, the majority of participants felt young adults shouldn’t be given a custodial sentence, that maturity should be given a more prominent role in sentencing and that there should be more support available for young adults in custody as they have increased vulnerability. The majority felt custodial sentences have an overall detrimental effect on a young adult’s personal and emotional development and provided examples of alternatives that they feel would be more suitable.
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