



## **Legal Aid, Sentencing and Punishment of Offenders Bill Briefing for Report Stage, Monday 31 October 2011**

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### **About the Transition to Adulthood Alliance<sup>1</sup>**

The Transition to Adulthood (T2A) Alliance is a broad coalition of organisations and individuals which identifies and promotes more effective ways of working with young adults, aged 18–24, in the criminal justice system. Convened by the Barrow Cadbury Trust, its membership encompasses leading criminal justice, health and youth organisations Addaction, Catch22, the Centre for Crime and Justice Studies, Clinks, the Criminal Justice Alliance, the Howard League for Penal Reform, Nacro, the Prince's Trust, the Prison Reform Trust, the Revolving Doors Agency, the Young Foundation, and YoungMinds.<sup>2</sup>

### **Overview**

The T2A Alliance generally welcomes reforms contained in within the LASPO Bill. However we are disappointed that the Bill contains no specific proposals to introduce systemic changes to improve the criminal justice system for young adults.

18–24 year olds account for just ten percent of the population, but they account for a third of those sentenced to prison each year, a third of the probation service case load, and a third of the total economic and social costs of crime. Half re-offend within a year of release from prison, which clearly shows an urgent need for reform to support young people in their transition to adulthood to move away from crime.

This briefing highlights the main areas of interest for T2A for your consideration ahead of the Report stage of the Bill.

T2A welcome amendments that abolish 'certain sentences for dangerous offenders', including the indeterminate sentence of imprisonment for public protection (IPP). However the Alliance does have some concerns with the proposed alternatives to the current system. In particular, that imposing mandatory sentences will remove the discretion of judges to take into account a young adult's lack of maturity when handing down an appropriate sentence.

### **Imprisonment for Public Protection (IPP) (New Clauses 31–34)**

As we have set out above, T2A welcomes the abolition of 'certain sentences for dangerous offenders', including the indeterminate sentence of imprisonment for public protection (IPP).

As of January 2010, a quarter of the prisoners serving a sentence of Imprisonment for Public Protection were aged 18–24, a total of 1,460 prisoners.<sup>3</sup> In our view, the sentences of Imprisonment for Public Protection have been unjustly overused, with many prisoners inappropriately serving sentences far in excess of their tariff. The proposals to abolish the use of the sentence of Imprisonment for Public Protection and improve the mechanisms to ensure that people who have served a sentence in excess of their tariff are released in a timely fashion are therefore particularly welcome.

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<sup>1</sup> For more information on the T2A Alliance, see <http://www.t2a.org.uk/alliance>

<sup>2</sup> Although the work of the T2A Alliance reflects the views of its membership, this submission should not be seen to represent the policy positions of each individual member organisation.

<sup>3</sup> p.14: Jacobson, J. and Hough, M. (2010) *Unjust Deserts: Imprisonment for public protection*, London: Prison Reform Trust.

## **Mandatory Sentences**

The move to a system of mandatory sentences for young adults aged 18–25 removes the discretion of sentencers to hand down sentences that recognise the severity of the crime and the individual circumstances—in particular the level of maturity of the young adult when their crime was committed.

People mature at different rates, and many young adults in the criminal justice system exhibit development levels more characteristic of far younger people. Brain development continues into the mid to late 20s, affecting reason, judgement and impulse control, and young people with the most troubled or traumatic childhoods often take a lot longer to mature.

These conclusions are supported by a review of research and other literature relating to the issue of the maturity of young adult offenders, commissioned by the Barrow Cadbury Trust and conducted by the University of Birmingham, which found that: “Development of those areas of the brain concerned with higher order cognitive processes and executive functions, including control of impulses and regulation and interpretation of emotions, continues into early adulthood; the human brain is not ‘mature’ until the early to mid–twenties” (I have attached the research for your consideration).

Recognising the gathering evidence on this issue, the Sentencing Council, this year, issued sentencing guidance for assault offences that enables magistrates to take levels of maturity into account. In doing so they formally introduced the issue of maturity, as opposed to just age into the sentencing process for the first time. The guidance states that ‘age and/or lack of maturity where it affects the responsibility of the offender’ [should be considered] as a mitigating factor in sentencing, even for those over the age of 18’. Echoing the Criminal Justice Alliance’s briefing for the Report Stage of this Bill, this has done much to inject a greater degree of clarity and consistency into sentencing and like the CJA we would caution against any changes that could act to work against these efforts. There are already long, determinate sentences available for serious offences, and judges should, therefore, be allowed this discretion.

Public and political support was measured in a 2011 ComRes poll, and found strong support for the approaches that take young adult’s level of maturity into account:

- 8 in 10 (81%) of MPs think maturity should be taken into account by the courts;
- 69% of the public think that ‘emotional and psychological maturity’ should be taken into account when someone is accused of breaking the law, compared to only 57% thinking age should be taken into account;
- Half the public (50%) think a person reaches full intellectual maturity after the age of 22, compared to 32% who think 18–21 marks the age a person reaches full intellectual maturity.

Finally, we would ask Parliamentarians to consider that the peak age for committing crime is the late teens, and the peak age for desistance from crime in the mid–20s. Therefore young adults are the most likely age group to desist from committing crimes. Between the ages of 18 and 24, T2A believe the focus of the criminal justice system should be on encouraging desistance from crime and supporting the factors which reduce criminal behaviour, for example dealing with the causes of their actions.

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