

Transition to Adulthood (T2A) Alliance response to the Justice Committee inquiry on the disclosure of youth and young adult criminal records

1. T2A welcomes the opportunity to submit a brief response to the Committee's short inquiry into the system governing the disclosure of criminal records in relation to offences committed by people when under 18 years old. The T2A programme produces and promotes evidence for effective ways of working with young adults who commit crime. T2A's principal aim is that the young adults (who T2A define as those aged 18-25) are subject to a distinct approach at all stages of the criminal justice system. T2A's evidence base is founded on three main bodies of research: Criminology, Neurology and Psychology. All three fields strongly support the T2A 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 unique developmental maturation process that takes place in this age group.
2. T2A's strategy and work is steered by the T2A Alliance, a coalition of 13 leading justice youth and health organisations, chaired by Joyce Moseley OBE and convened by the Barrow Cadbury Trust. Since its establishment in 2008, T2A has contributed to significant change in policy and practice locally, nationally and internationally. T2A has produced more than 40 reports and undertaken 12 projects across England demonstrating effective interventions for young adults. The framework for T2A's work is the "T2A Pathway", which identifies 10 points in the criminal justice system where a distinct approach to young adults can be delivered, from point of arrest and including prosecution, sentencing, probation and custody.
3. We particularly welcome the Committee's decision to extend the inquiry to consider views on "whether the regime governing disclosure of such criminal records should be extended to apply to records of offences committed by older people, for example up to the ages of 21 or 25." This is in line with the findings and recommendations of the Committee's recent inquiry on young adults, which strongly endorses 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." We hope that the Committee will apply similar criteria to future inquiries, to ensure its work reflects the evidence on maturity and the distinct needs of young adults.
4. As the Committee highlights in its report on young adults, there is now compelling evidence that the process of maturation occurs well into the mid-20s, and that this period overlaps with the peak age of offending and the onset of desistance. Young adults (18-25 year olds) represent just 9% of the UK population, yet account for a third of those sent to prison each year, a third of the probation service's caseload, and a third of the total economic and social costs of crime. More than half of all young adults who finish a custodial or community sentence are reconvicted within a year. Nevertheless, young adults are also the most likely age group to 'grow out of crime', and young people who commit crime typically stop doing so by their mid-20s. A positive intervention at this stage can get a young adult offender back on the right track and turn them into law-abiding members of society.
5. Employment, along with housing and good health, is one of the key factors required to reduce a young adult's offending. This strongly supports the argument for a distinct approach to the system of criminal records disclosure for young adults aged 18-25,

which promotes, rather than inhibits, the process of desistance from crime. A disproportionate system of criminal records disclosure, which creates additional barriers to young people finding work, is one of a number of factors which can set back the process of desistance and make it harder for young people to turn their lives around. This point was highlighted in the Committee's report on young adults, which stated how young adults "who decide no longer to commit crime can have their efforts to achieve this frustrated both by their previous involvement in the criminal justice system due to the consequences of having criminal records, and limitations in achieving financial independence due to lack of access to affordable accommodation or well-paid employment as wages and benefits are typically lower for this age group." (Paragraph 14).

6. We refer the Committee to the submission made by Unlock for a detailed assessment of the current system of criminal records disclosure, and how it could be reformed to better meet the needs of children and young adults. As Unlock highlights, the current system of criminal records involves disproportionate, lengthy and wide disclosure which is unnecessary and actively unhelpful to children and young adults in building positive lives in adulthood. Furthermore, the current system maintains an arbitrary threshold of 18 years old, which does not reflect the evidence on maturity or the propensity for young adults to desist from crime into their 20s.
7. We support the recommendations made by Unlock and the Standing Committee on Youth Justice (SCYJ) for reform of the regime governing the disclosure of criminal records for under-18s. With some minor adjustments, these arrangements could be extended to include young adults aged 18-25. We support Unlock's recommendation for further research to understand how such a system for young adults could operate in practice.
8. In addition, we would encourage the Committee to consider how learning could be applied from other jurisdictions. For instance, in Germany, juvenile justice measures are fully integrated into young adult decision making.¹ This provides courts with discretion to try individuals as juveniles up until the age of 21, giving them more sentencing flexibility and allowing them to take maturity (or lack of it) into consideration as a mitigating factor. Differing rehabilitation periods (called "re-socialisation periods") apply according to whether the individual is tried as a juvenile or adult.² Furthermore, several US states have "youthful offender laws" granting judges the discretion to maintain the confidentiality of young adults up to age 21 and seal their records after conviction.³ This enables a judge on a discretionary basis to make confidential any record of the charge, arrest, and court proceedings and therefore not accessible to anyone not involved in the case. This can be important as a young person seeks to put their past behind them and applies for jobs or educational opportunities.

¹Ineke Pruin and Frieder Dünkel. *Better in Europe? European responses to young adult offending*. London: Transition to Adulthood Alliance and Universität Greifswald, 2015. Accessed November 10, 2016 http://www.t2a.org.uk/wp-content/uploads/2015/02/T2A_Better-in-Europe_Report_online.pdf

² Claire Sands. *Growing up, moving on. The international treatment of childhood criminal records*. London: Standing Committee on Youth Justice, 2016. Accessed November 10, 2016 <http://scyj.org.uk/wp-content/uploads/2016/04/ICRFINAL.pdf>

³ Vincent Schiraldi, Bruce Western and Kendra Bradner. "Community-Based Responses to Justice-Involved Young Adults". *New Thinking in Community Corrections* 1 (2015). Accessed November 10, 2016 <https://www.ncjrs.gov/pdffiles1/nij/248900.pdf>