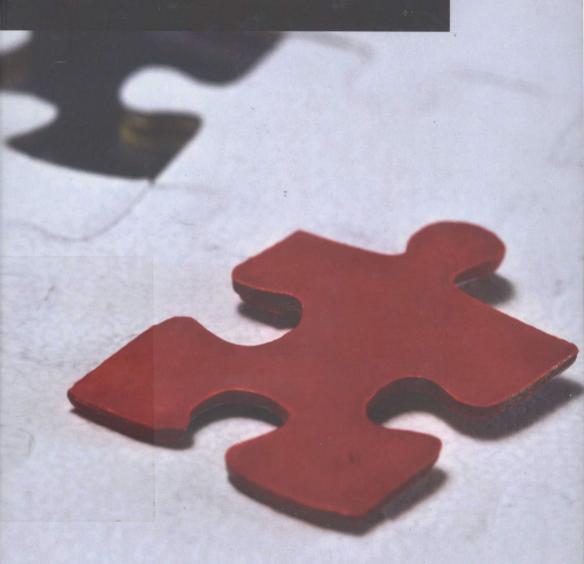


YOUNG ADULT OFFENDERS

LOST IN TRANSITION?

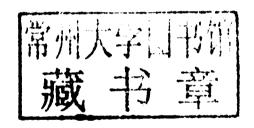
EDITED BY FRIEDRICH LÖSEL, ANTHONY BOTTOMS AND DAVID P. FARRINGTON



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Young Adult Offenders

This latest volume in the Cambridge Criminal Justice Series focuses upon young adults and their treatment in the criminal justice system. The subject is very topical because there is increasing evidence that a rigid distinction between 'youth' and 'adulthood' is not appropriate in modern societies. For example, important developmental tasks such as finishing one's education, finding regular work and the foundation of one's own family are now completed later than in former times; neuropsychological brain functions are still developing beyond age 18; and desistance from criminal offending occurs most rapidly in early adulthood.

Despite such evidence, the United Kingdom and other countries have largely neglected policies for young adult offenders in comparison with young people under 18. Although there seems to be no general transnational solution for this problem, there is a clear need for differentiation. This book brings together leading authorities in the field to analyse theoretical, empirical and policy issues relating to this neglected group of people, exploring different approaches to both crime prevention and offender treatment. It will be of interest to researchers, practitioners and policy makers in the fields of criminology, criminal justice, prisons, probation, forensic psychology and psychiatry, sociology, education and social work.

Friedrich Lösel is Director of the Institute of Criminology at the University of Cambridge and Professor of Psychology at the University of Erlangen-Nuremberg, Germany.

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Monica Barry is Senior Research Fellow at the School of Law, Strathclyde University, and Honorary Senior Research Fellow at the Scottish Centre for Crime and Justice Research. Her research interests centre on criminal justice policy, desistance from crime, youth policy and the impact of youth transitions on offending behaviour. She is the author of *Youth Offending in Transition: The Search for Social Recognition* (2006), editor of *Youth Policy and Social Inclusion: Critical Debates with Young People* (2005) and joint editor with Fergus McNeill of *Youth Offending and Youth Justice* (2009).

Sir Anthony Bottoms is Emeritus Wolfson Professor of Criminology at the University of Cambridge and Honorary Professor of Criminology at the University of Sheffield. He is also a Fellow of the British Academy. During his academic career, his interests within criminology have been wide ranging, but in more recent years he has focused especially on issues relating to social order and legal compliance, setting up the Sheffield Desistance Project with Joanna Shapland, which aims to explain more fully why even recidivist offenders frequently reduce their offending during their early twenties.

- Frieder Dünkel has been Professor of Criminology and Head of the Department of Criminology at the University of Greifswald in Germany since 1992. Prior to this he was a research fellow at the Max-Planck-Institute for Foreign and International Penal Law at Freiburg i. Br. He has coordinated various national and international research projects and has organized numerous conferences on juvenile justice and prison law. He plays an active role in several international and national organisations, including the Council of Europe and UNICEF. His key research interests lie in the fields of penology, prison law, human rights, criminal policy, youth crime and youth justice and he has published widely in these fields.
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- Alison Liebling is Professor of Criminology and Criminal Justice and Director of the Prisons Research Centre at the University of Cambridge's Institute of Criminology. She has published several books, including Prisons and their Moral Performance (2004) and the Prison Officer and the Effects of Imprisonment (2005), as well as many articles in criminological journals. She is also General Editor of the international journal Punishment and Society and is on the editorial board of the Oxford University Press Clarendon Series in Criminology. She has recently completed a comparative study of public and private sector prisons as well as a repeat study of staff-prisoner relationships in a maximum security prison.
- Friedrich Lösel is Director of the Institute of Criminology at the University of Cambridge, and Professor of Psychology at the University of Erlangen-Nuremberg, Germany. He has carried out research on juvenile delinquency. prisons, offender treatment, football hooliganism, school bullying, personality disordered offenders, resilience, close relationships, child abuse, family education and evaluation methodology. He is the author or editor of 18 books and over 300 journal articles and book chapters. In recognition of his scientific work, he has received various honours including: the Award for Lifetime Achievement of the European Association of Psychology and Law, the Sellin-Glueck Award of the American Society of Criminology, the Stockholm Prize in Criminology and the German Psychology Prize.
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xii Contributor biographies

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- Grant Muir spent many years in his family's retail business before he became a mature student in psychology and criminology, obtaining his PhD at St. Andrew's University. He has worked as a researcher on two major criminological projects: first, with Alison Liebling at Cambridge University on an evaluation of the Prison Service's 'Incentives and Earned Privileges' scheme; and second, with Anthony Bottoms and Joanna Shapland at Sheffield University on a study of desistance among young adult recidivist offenders.
- **Rod Morgan** is Professor Emeritus of Criminal Justice at the University of Bristol and Visiting Professor at the Universities Police Science Institute, Cardiff University. From 2004 to 2007, he was Chairman of the Youth Justice Board for England and Wales and, prior to that, was Chief Inspector of Probation (2001 to 2004). He has written widely on aspects of criminal justice, ranging from policing to sentencing and prisoners' rights, and is co-editor of *The Oxford Handbook of Criminology* (5th edition, 2012).
- Dame Anne Owers was Chief Inspector of Prisons from 2001 to 2010. Anne led the Inspectorate in developing human rights-based criteria and methodology which could produce robust and independent reports on prisons and other places of detention, to reveal shortcomings and chart progress. She has also been the chair of Clinks and of the Transition to Adulthood Alliance (T2A). In 2000 she was appointed CBE for her work in human rights and was made a Dame in 2009. In April 2012 she was appointed to chair the Independent Police Complaints Commission.
- Ineke Pruin is Research Associate at the Department of Criminology at the University of Greifswald. She obtained her PhD in Law (with a thesis on young adults in criminal justice) in 2006 and has taught criminology, juvenile criminal law and prison law at the University of Heidelberg since 2008. Her main research interests lie in juvenile justice and youth criminality, developmental criminology, community sanctions and prison law.
- Joanna Shapland is Professor of Criminal Justice and Head of the School of Law at the University of Sheffield. Her research interests span topics such as desistance, restorative justice, probation, the informal economy and victimology. She is currently researching 'quality' in probation one-to-one supervision for the National Offender Management Service and has recently

co-published Restorative Justice in Practice: What Works for Victims and Offenders (2011) as well as several further articles on the Sheffield Desistance Study, including 'Steps towards desistance among male young adult recidivists', in Farrall et al. (eds.), Escape Routes (2011).

Foreword

In 2001, as I became Chief Inspector of Prisons, the Labour government entered its second term with a manifesto promise to extend to young adult offenders the focused and specialised attention that it had tried to provide for juveniles during its first term. But this never happened. As a result, they have remained a lost generation, which I described in my last Annual Report as 'a neglected and underresourced age group'. Time after time, inspection reports would record that young offender institutions (often only notionally distinct from the adult institutions in which they were located) provided far too little activity, high levels of use of force and discipline, and low levels of safety and support.

This volume is therefore both important and timely. It reminds us not just that this is an age-group with high levels of recidivism, but one where there is also the greatest opportunity to divert someone from a criminal career: studies have shown that 18 is also the peak age for desistance from crime. It also reminds us of the obvious fact that blowing out the candles on an 18th birthday cake does not magically transform anyone into a fully functioning and mature adult – even without the life disadvantages many young people in criminal justice have experienced.

The greatest frustration, for those working in the system as well as victims and young offenders, is that we know what does not work, but carry on doing it. Short prison sentences, followed by minimal post-release support, or conventional community sentences with limited engagement from an overworked probation service, cannot be expected to provide the support or challenge that young adults need, as they emerge from the protections – however limited – that they could rely on as juveniles. Many therefore become and remain lost in transition.

Since I left the inspectorate, and became chair of the Transition to Adulthood Alliance (T2A), I have been able to see the difference that can be made in young people's lives if they are able to access the focused, specialised and individual support and approach that matches their age, maturity, needs and strengths. There are no simple equations to turn round already damaged lives – as the papers here make clear, early and focused intervention is the best remedy. But the provision of individualised and focused support and mentoring – walking alongside young people as they try to change the narrative of their lives – does work. Recent evaluations of the T2A pilots have shown that, of 34 young adults tracked, many with prolific

offending histories, only three had offended within six months. Even allowing for the halo effect of small, enthusiastically led pilots, these are remarkable findings.

The research and evidence base for a different and specialised approach to those in transition from childhood to adulthood is incontrovertible and well set out in these papers. It is to be hoped that it helps to stimulate a long overdue change in policy and practice: to the benefit of victims and potential victims, as well as young adult offenders themselves.

Dame Anne Owers

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1 Introduction

Friedrich Lösel, Anthony Bottoms and David P. Farrington

In England and Wales, the legal treatment of offenders changes dramatically when they reach their eighteenth birthday. Instead of being dealt with in the youth justice system — which focuses more on rehabilitation — they start being dealt with in the adult criminal justice system — which focuses more on punishment (although rehabilitation programmes are also often provided). Linked to this, sentencing in the adult courts is predominantly focused on the offence, whereas in the youth courts greater attention is paid to the offender and his/her social development.

Some countries soften this kind of dramatic transition by having special provisions for young adult offenders. In England and Wales, however, this is true only to a small extent; offenders aged between 18 and 21, if given a custodial sentence, are normally sent not to a prison but to a Young Offenders Institution and their sentences must be followed by statutory supervision. However, conditions and facilities in Young Offender Institutions are not always very different from those in adult prisons.

When they turn 21, offenders are considered to be fully adult. The changing legal provisions between the ages 17 and 21 can therefore have some interesting consequences when co-offenders are dealt with. For example, if a 17-year-old, a 19-year-old, and a 21-year-old jointly commit an offence with equal responsibility, the 17-year-old might be dealt with by a supervision order supervised by the youth offending team, the 19-year-old might be sent to a Young Offenders Institution, while the 21-year-old might find him/herself entering an adult prison.

What is the justification for these changes, especially the dramatic change at age 18? Is there, at that age, a significant change in offenders' responsibility for their criminal acts? Many justifications have been put forward. It has been argued, for example, that juveniles have less mature judgement, poorer emotion-regulation, poorer self-regulation, poorer decision-making abilities, poorer executive functioning, poorer reasoning capacities, less ability to think abstractly and poorer planning skills. Arguably, juveniles also have poorer impulse control and are more likely to take risks and commit crimes for the sense of excitement rather than according to a rational cost-benefit calculation. In their decision-making, juveniles are thought to be more influenced by immediate desirable consequences than by delayed possible undesirable consequences. Allegedly, they are more susceptible to peer influences, more changeable, more redeemable and less set in