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Working with young adults in contact with the criminal justice system

A review of the evidence

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CLiNKS

Supporting the voluntary sector working in the criminal justice system

About the author

This evidence review has been written by Gemma Buckland on behalf of the Transition to Adulthood Alliance.

The alliance has over twenty-five members, all leading criminal and social justice organisations, and campaigns for a criminal justice system that takes into account the distinct needs of young adults 18-25.

Cover photo
Schools Out Image credit: James Kendall Courtesy of Brighton Dome

Why read this evidence review?

In recent decades, policymakers have become increasingly aware that our legal definition, which treats all people aged 18 years or older as adults, does not reflect the neurological process of maturation. Policymakers across all parts of the criminal justice system have recognised this although changes in practice are variable at best. There is now a considerable body of evidence on the maturation process and best practice in working with young adults (typically defined as those aged between 18 and 25 years old) in contact with the criminal justice system.

This review looks at:

- What we understand about the development of the brain in young adulthood
- The implications for young adults involved in criminal behaviour
- The impact of trauma and Adverse Childhood Experiences on the maturation process
- The “age-crime curve” and the evidence about growing out of crime
- Implications for best practice working with young adults.

Introduction

"Young adulthood. It's the bridge we all have to cross between 18 and 25 years old. It's a time when we're trying to find our feet as we rely less on parents and develop the knowledge, skills and self-understanding we need for adult life. Those lucky enough to have had stable and loving families, support from teachers, peers and the wider community, and relative affluence are handed a sturdy bridge that spans the divide. For them, it's an exciting time, involving leaving the family home, finishing education, starting a career, challenging themselves, meeting new friends and falling in and out of love. Then there are the young adults who have experienced complex trauma. They may have had to cope with household dysfunction, physical, emotional and sexual abuse and neglect, exposure to violence and discrimination, and multiple and often traumatic losses. They have often also experienced severe deprivation – perhaps worrying if they have enough money for food, or somewhere warm to sleep. They lack positive support and opportunities. These young adults cross incomplete and dangerous bridges into adulthood, experiencing intense instability. They often enter the 'revolving door' of crime and personal crisis. So much human potential is lost because they don't have the opportunities to turn their lives around." (Revolving Doors, 2020).

At the Transition to Adulthood Alliance, we make an evidence-based case to policymakers, practitioners and sentencers for a distinct approach for young adults (18–25-year-olds) who are still maturing. This paper summarises the available evidence on young adulthood in the criminal justice context and highlights where further research might be needed.

Neuroscience, young adulthood, and maturity

The two periods of development in all our lives during which the brain is most subject to change are early childhood and adolescence (12-25 years). Up to at least the age of 25, and for some up to the age of 30, the brain is actively learning, growing, and changing in significant ways. Full maturation does not occur until well beyond the age of 18, the age that someone legally becomes an adult in England and Wales.

Maturation doesn't occur at the same rate for everyone. Nevertheless, we know from neuroscience that in all young adults, the brain regions responsible for decision-making and for moderating behaviour are still developing in crucial ways. This affects temperance (self-restraint), responsibility and perspective, which together make up 'psycho-social maturity'. 1 During this phase, we may not get the balance right between taking and avoiding risks. Young adults may have difficulty in understanding the pay-off between immediate and consequent actions, perhaps tempted by shorter-term gains that may have detrimental longer-term impacts. Importantly, a number of capacities have not yet integrated fully into young adults' executive functioning:

- holding back and controlling feelings and behaviour, thinking before acting (including foresight, planning and recognising risk) and taking responsibility for actions 2
- considering different viewpoints and empathy 3

- refraining from prioritising peer approval 4
- effectively managing stress and emotions, which may be felt more keenly than by more mature adults, particularly when under pressure 5
- independence and self-sufficiency
- future orientation, i.e. the capacity to envision, engage with and plan for their future, for example setting goals, observing progress and maintaining hope and optimism. 6

Neuroscience also tells us that 'psycho-social maturity' is affected by life events and neurodivergence. This is acknowledged by His Majesty's Prison and Probation Service (HMPPS), which defines it as:

"the various developmental processes through which an individual reaches adulthood. It includes the interactions between physical, intellectual, neurological, emotional and social development. Maturity is shaped [both] by brain development and [by] personal life experiences, individual characteristics, and in some instances, neurodevelopmental disorders." 7

HMPPS' observations in the latter sentence are critically important in relation to young adults involved in the criminal justice system. Throughout life, experiences continually shape our brains, which change and adapt in response - what is known as 'brain plasticity'. These experiences determine which connections are used and strengthened and which are weakened and lost (through 'synaptic pruning'). As we grow into adulthood, these connections become more finely tuned, and it becomes harder for the brain to modify i.e. it loses plasticity. 8

A young person's ability to regulate and understand their own and others' mental states lays the foundation for pro-social skills and adaptive behaviour in adulthood. However, we know that the psychological, social and emotional abilities of children exposed to extreme neglect in the first six months of their lives limit them from reaching their full potential, even if they later receive high-quality care. 9 The longer a child is exposed to deprivation, the greater the impact on their development and capacity to get the balance right in responding to future threats and rewards.

Traumatic experiences in childhood can manifest particularly acutely during young adulthood. Behaviours displayed in young adulthood which might bring individuals into contact with the criminal justice system can stem from both the level of executive function displayed and the impact of trauma, and each compound the impact of the other. For example, this can result in the use of avoidance strategies, heightened sensitivity to threats and anger in others, aggression, dysregulated behaviour, over- or underestimation of danger and struggling to imagine or plan for the future. 10 The implications of this for practice with young adults are considered below.

The Edinburgh Study of Transitions has tracked more than 4,300 people to examine their involvement in crime from ages 12 to 35 years. The study has demonstrated the strong role social adversity plays in prolonging engagement with the criminal justice system. While adverse childhood experiences do not inevitably lead to crime, people who commit crime beyond the age of 25 were found to be significantly more vulnerable than those who stop by age 18 in terms of their history of both adverse experiences and serious offending behaviour in childhood. 11 Offending into early middle age was associated with high levels of victimisation, a history of adverse childhood experiences, and adversities in adulthood (e.g. bereavement, relationship breakdown, and having a serious accident or illness). 12

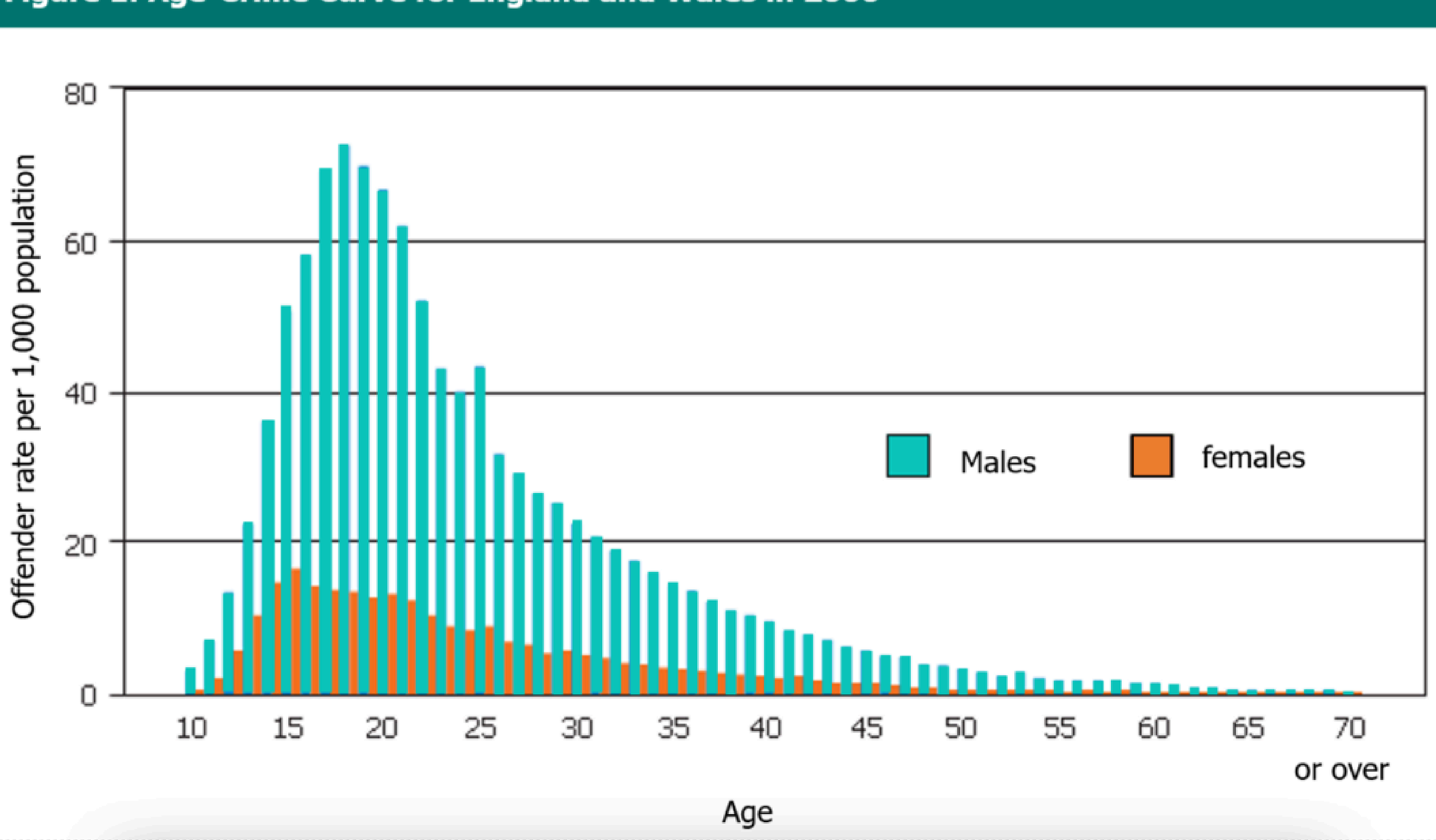
Neurodevelopmental conditions that may or may not have been diagnosed, such as autism spectrum conditions, attention deficit hyperactivity disorder (ADHD) and other cognitive and emotional traits can also can affect maturational development. 13 Like maturation, these conditions can impact emotional functioning, impulse control and social judgement, meaning that these issues can be particularly acute during young adulthood. In addition, cognitive and emotional traits associated with these conditions increase the risk of criminal behaviour and heighten susceptibility to negative social experiences that further increase such risk. Acquired brain injury can similarly impact on maturing brains. 14 People experiencing these conditions during young adulthood may face greater challenges as they transition.

Why maturity matters in criminal justice contexts

While the system currently determines that young people over 18 should be dealt with as adults, it cannot be assumed that becoming 18 is a useful indicator of maturity. Young adults are disproportionately represented in the criminal justice system and make up a significant proportion of prison and probation cases. Despite constituting 10% of the UK population, in 2022, young adults made up 27% of people in prison and 18% of those on probation in England and Wales. 15

The age-crime curve, seen below, is a well-known criminological concept that illustrates that young people naturally stop committing crimes as they age: the prevalence of offending peaks during the teenage years and then declines from the early 20s.

Figure 1: Age-Crime Curve for England and Wales in 2000



Source: HM Inspectorate of Prisons (2021) Outcomes for young adults in custody, London: HM Inspectorate of Prisons. Figure 13. 16

Put another way, as young adults gain higher psycho-social maturity, there is a higher potential for desistance from crime. 17 A US study, which followed 1,354 young people from adolescence and into early adulthood, found that those with lower levels of psycho-social maturity were more likely to persist in offending over time, while those who were more mature were more likely to desist. 18

Nevertheless, there is evidence that engagement with the criminal justice system, including imprisonment, can damage maturational development, at least temporarily. 19 Importantly, the Edinburgh Study identified that the justice system is rarely the environment to support the factors enabling desistance. 20 There is inevitably always a balance to strike in the purposes of the justice system, which exists primarily to punish and to protect the public. Nevertheless, in terms of long-term public safety, HM Inspectorate of Prisons determined that "attention should be given to avoiding sentences and interventions which delay or damage the transition to a more pro-social identity and the processes of desistance that are particularly acute at this time." 21

Not adequately understanding maturity or implementing distinct approaches can result in young adults' vulnerability being viewed through a lens of risk rather than a supportive lens that seeks to develop environments that facilitate positive neural connections in the brain. Professor Neal Hazel's research provides valuable insights into the relationship between identity and desistance in young adults. It emphasises the importance of developing a pro-social identity and using a future focus to reduce the likelihood of future offending by approaching young adults through an "identity lens" to foster positive future orientation. 22 Professor Hazel has summarised the evidence on the resettlement of children after custody in a separate publication in the Clinks Evidence Library. 23

Another important consideration, particularly for justice practitioners, is that maturity can affect how young adults engage with and respond to those tasked with working with them while delivering prison regimes, community sentences, licence conditions, and rehabilitative interventions. 24 At this stage of development, young adults are especially attuned to perceptions of unfairness and signs of respect, underlining the particular importance of procedural fairness for this cohort. 25 On top of this, trauma can impact engagement with practitioners during young adulthood, including by heightening mistrust. Evidence about how best to engage with young adults who have experienced trauma to build trusted relationships with them is presented below.

Criminal justice practices for young adults

By recognising the impact of maturity on young adults' behaviour and using distinct approaches, practitioners can provide more targeted support to this cohort, improve long-term outcomes and, ultimately, reduce the length of time a young adult spends in the criminal justice system.

There has been a considerable shift by practitioners working in criminal justice contexts towards this, reflected in criminal justice agencies' strategic and operational policies, which aim to improve outcomes for young adults. 26 These include: the National Police Chief's Council recognising the need for young adults to be treated similarly to children in their policing strategy; HMPPS developing a young adult custodial strategy, a transitions policy framework, a model of operational delivery for prisons and a probation framework; the Sentencing Council introducing extended explanations for the mitigating factor of age/lack

of maturity; the CPS including maturity in the Code for Crown Prosecutors; and the Judiciary referring to neuro-scientific evidence on maturity in the Equal Treatment Benchbook. The Justice Select Committee and HM Inspectorate of Prisons have also endorsed the importance of a distinct approach for this cohort.

Assessing maturity

Two schools of thought exist about how best to apply evidence on maturation to young adults involved in the CJS. One is assessing maturity levels and targeting support for those with the lowest maturation. The second, which T2A supports, is to adopt distinct approaches for all young adults aged up to 25, on the understanding they are all maturing to varying degrees during this period.

An HMPPS screening tool for identifying maturity levels aims to help commissioners and service providers identify young adult men with lower levels of maturity and quantify demand for services and interventions in terms of who is most in need of support. However, the tool's validation explicitly states that it is not intended to be used on an individual level. 27 The validation report also recommends that further, more in-depth assessment be conducted for any individuals 'screened' by the tool as having maturity needs. There is no equivalent tool for young adult women.

Approaches, activities, and interventions

While there are no known evaluations of interventions that aim to increase psychosocial maturity in young adulthood, programmes like HMPPS's Choices and Changes—a programme of structured exercises for justice practitioners to support young adults who have been identified as having low psycho-social maturity to develop and practice skills related to maturation 28 — and cognitive skills programmes 29, show effectiveness in building skills like emotion management, problem-solving, consequential thinking and managing impulsivity and reducing re-offending. 30 These principles were built into HMPPS' pilots in five prison sites, which sought to build on the evidence as part of its young adult custodial strategy. The dedicated Youth to Adult probation hub, developed in Newham, London by the Mayor's Office of Policing and Crime and the Ministry of Justice, has devised a set of 'young adult first' principles to support its working practices, drawing on similar principles for children developed by the Youth Justice Board. These include using strengths-based, trauma informed and future-focused approaches, ensuring that young adults understand probation requirements and supporting them to meet them, including empowering them to take the lead in their support plan and celebrating their successes.

The Youth to Adult Hub is perhaps the best example of a service that has been carefully designed to provide a distinct approach to young adults, putting into effect the evidence of what might constitute effective approaches. The process evaluation of the Hub provides some useful indicators of such approaches and factors for successful implementation. 31 Core components should include: co-located services in a dedicated, welcoming space; a committed workforce that is trained and motivated to work with young adults; flexibility around breach and enforcement (for example, using pre-breach interviews); trauma-informed and strengths-based approaches; processes that engage young adults and celebrate their successes; and, locally commissioned services to meet local needs including coaching, mentoring, well-being, education, training and employment, and speech and language support.

Keys to successful implementation include a focus on needs-led referrals to voluntary services; avoiding possible risks of 'overloading' and overwhelming young adults; giving clarity to young adults about what services are offered; carefully managing inevitable staff changes and handovers; being mindful of the particular importance of trusted relationships; clearly sequencing interventions appropriate to needs; processes for continuous feedback from young adults to develop and maintain the relevance of provision; young adults seeing it as their service and that their voices are listened to and acted upon; offering a separate women-only space, and a flexible approach to where women are supervised; and, understanding that success can sometimes take time to come to fruition, especially when multiple forms of disadvantage are a factor.

Evidence shows that through-the-gate support, resilience-building, stress management, and efforts to strengthen relationships, including family bonds, are crucial. 32 Opportunities should also be provided for young adults to build resistance to peer influence, build independence, and plan for the future. 33 Research has also highlighted the particular importance for young adults of access to education and employment 34, sports activities 35, and good diet and nutrition. 36

Deferred prosecution schemes which withhold criminal charges under certain conditions—such as engaging with support, not offending within a specified period or attending therapeutic programmes—can provide effective alternatives to formal court proceedings and prevent young adults from receiving criminal records. The latter is particularly important for young adults as they have yet to establish themselves in the job market, and evidence shows that stable employment has a significant impact on desistance, and a criminal record is a barrier to securing work. Early adopters of such approaches, such as Checkpoint and Chance to Change, have demonstrated that they can effectively increase compliance and engagement and lower reoffending rates (prevalence and frequency), reducing costs for the criminal justice system. 37

Sequencing and trauma

Knowledge to Action Consulting, established by former HMPPS forensic psychologists, has developed a useful framework for working with young adults with trauma to help practitioners build trust in working relationships with this cohort and what behaviour might be expected at each stage.

Working with young adults with trauma

The Trauma Recovery Model

Phase	What you see	What to do
1. Entry into the setting	Period of destabilisation; confrontational or challenging behaviour, disengagement	Focus on creating a sense of safety, **provide structure and predictability** (rules, routines)
2. Building a relationship	Behaviours stabilise, greater openness to forming relationships with professionals in the setting .	Focus on **building rapport, starting to build trust.**, and on building **intersubjectivity and interactive repair** (connect – break-reconnect).
3. Emotional regulation	Starting to articulate past experiences, explore trauma, opening up and being more vulnerable.	**Refer to trauma services where appropriate**, focus on **building skills in emotional regulation, seek support and use supervision**
4. Cognitive intervention	Behaviour is calmer, less emotionally driven, and see greater insight into their own behaviour	Use **strengths-based, future-focussed approaches, structured interventions** (accredited programmes), **build prosocial identity and networks, help with goal setting**
5.(Re) Settlement support	Increased self-belief and a greater acceptance of their abilities and potential, achieving more prosocial goals	**Support** with entry into ETE, structuring free time and sustaining a **prosocial support network**

Skuse, T., & Matthew, J. (2015). The Trauma Recovery Model: sequencing youth justice interventions for young people with complex needs. *Prison Service Journal. 220*, 16–25

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Young adults with care experience

Young adults with care experience are disproportionately represented in the criminal justice system. 52% of care experienced young people receive a criminal conviction by age 24, compared with 13% of their non care experienced peers of the same age. 38 Evidence on how best to support young adults with this experience is growing. The Innovation Unit's Always Hope project has developed a handbook and manual for supporting young adults with care experience. 39 This provides detailed guidance on how practitioners from prison, probation and leaving care services can work together to integrate support. An emphasis is placed on creating sustainable support networks for young adults by seeking to identify and coordinate personal relationships.

Young people and transitional safeguarding

Drawing on evidence about young adult development and the contexts or environments that young people can be in during the transition to adulthood, emphasis is placed on the importance of transitional safeguarding during this period. This is a holistic approach that recognises the fluidity of the transition to adulthood and that this period can be a time when harms outside the family home, sometimes referred to as extra-familial or 'contextual' harms e.g. exploitation, are particularly relevant. Transitional safeguarding considers not only the transition between childhood and adulthood, but also the transition points and gaps between the safeguarding system/s and the justice system/s, and calls for transitional safeguarding practices that extend beyond the age of 18 to address ongoing developmental needs and vulnerabilities. 40

Engaging with families

Families often have a more direct role than practitioners in the lives of young adults, so it is important to understand a young adult's family background. In some cases, involving family members in support planning is appropriate, provided consent exists. 41 Equally, many young adults are also parents themselves and may need support in their parenting role. For some young adults, becoming a parent can be an important trigger for them to move away from crime (although for some, parenting can be a trigger for offending). Practitioners can provide encouragement around parenting skills and, where necessary, refer to specialist parenting, family support and mediation that could be beneficial for developing better relationships with family members. The US-based Annie E. Casey Foundation, which has an Emerging Adult Justice programme, has developed guidance for engaging effectively with families, using a broad definition that includes all adults committed to a young adult's well-being, which they refer to as 'circles of care'. 42

Gender and race

In June 2022, around 15% of women on probation were young adults, with 10.8% of women in prison aged 18-25. 43 Young women have particular needs for support with substance use, mental health, managing emotions, developing pro-social identities, supportive family contact, and resettlement. 44 They are also more likely to show internalised trauma responses, such as social withdrawal and avoidance. Young women in custody, compared to men, are more likely to have experienced family challenges, poverty, and homelessness and often have experience of early caregiving. HMPPS recommends therapies addressing trauma, self-esteem, peer pressure, and resettlement support. HMPPS is working on guidance and strategies for working with young adult women in the criminal justice system. 45

Racially minoritised young adults face disproportionate representation in the criminal justice system. 46 Research reveals that this cohort of young adults faces particular challenges, including negative experiences in prison, mistrust, assumptions of gang or Islamist terrorism involvement, and limited rehabilitative opportunities. 47 Many young adults on probation feel misunderstood in relation to their culture, religion, and their experiences of racism. There are few specific interventions for racially minoritised young adults and those available lack evaluation, with young ethnic minority men encountering barriers to engagement 48. Suggestions for improvement in support for this cohort include recognising diversity, giving voice, focusing on positive identity, and involving by and for organisations in service delivery.

Gaps in evidence

Limited evidence is available about the extent to which approaches designed to support young adults in the criminal justice system have changed practice and outcomes. Most research lacks scale and comprehensive evaluation. HMPPS has identified that research on both the needs and the effectiveness of interventions for young adult women, racially minoritised groups, and people who commit sexual offences is especially inadequate, for example. 49

There remain gaps in understanding the impact of activities on outcomes related to psychological safety (e.g. self-harm, violence and self-inflicted deaths) and re-offending. Indicators are often not broken down by an age band enabling meaningful data to be collected on this cohort. There is also scope to capture broader outcomes not primarily focused on crime, which would better reflect young adults' longer-term life changes and what they need to flourish in their lives, for example, well-being, including better physical, mental and social health. 50 An interesting example of this is a healing measure for young adults who have experienced trauma from violence, which has recently been tested and validated in the US. 51 The evaluators of the MOPAC Youth to Adult Hub observed that while public protection is the primary aim of probation, success should be considered more broadly, focusing on intermediate outcomes and alternative measures, for example, obtaining training and education, gaining employment, and establishing pro-social relationships. An outcomes evaluation of the Hub is forthcoming.

Conclusion

As HMPPS itself recently concluded, 'the efforts to deliver evidence-based practice for young adults has taken both time and significant resource, and there is still a way to go.'52 In particular, the Transition to Adulthood programme is committed to ensuring that programmes that seek to embed the evidence are appropriately monitored and evaluated. It continues to support efforts to address gaps in the evidence related to gender, race and neurodivergence.

Further reading

The Transition to Adulthood Alliance and others are tirelessly working to build the evidence base for approaches to working with young adults in contact with the criminal justice system. This work is ongoing and evolving as dedicated practice for this group becomes increasingly embedded. Voluntary sector organisations and others working with this group are encouraged to keep up-to-date with evidence-based resources on the Transition to Adulthood's website which has a dedicated page for resources for practitioners.

You can also:

- hear from young adults themselves about how they experience the justice system in T2A's Young Adult Voices podcast.
- see HM Inspectorate of Probation's Effective practice in working with young adults, drawing on a thematic inspection of probation services, which documents examples of effective practice, asks questions to support reflective practice, and provides useful links to further learning materials, including video resources.

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Supporting the voluntary sector working in the criminal justice system

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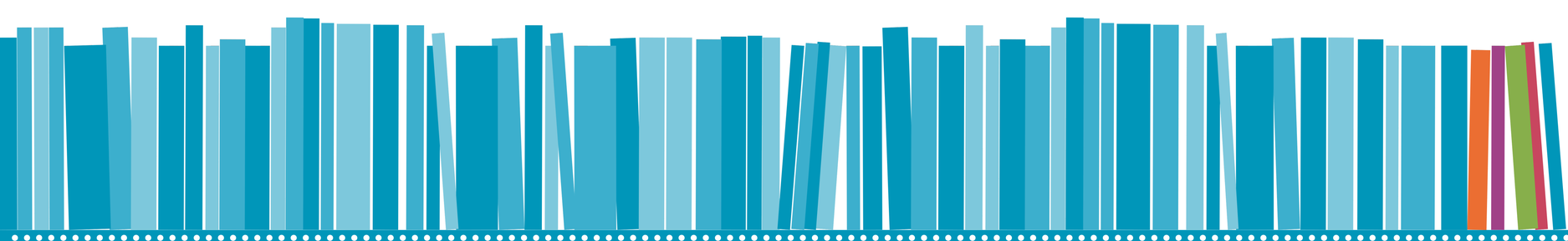
www.clinks.org/membership



An online evidence base for the voluntary sector working in the criminal justice system

This article forms part of a series from Clinks, created to develop a far-reaching and accessible evidence base covering the most common types of activity undertaken within the criminal justice system. There are two main aims of this online series:

1 To increase the extent to which the voluntary sector bases its services on the available evidence base

2 To encourage commissioners to award contracts to organisations delivering an evidence-based approach.

Each article has been written by a leading academic with particular expertise on the topic in question. The topics are selected by Clinks' members as areas of priority interest. With the support of Russell Webster, Clinks is working towards building a comprehensive directory of the best evidence available across a wide range of criminal justice topics.

Clinks

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