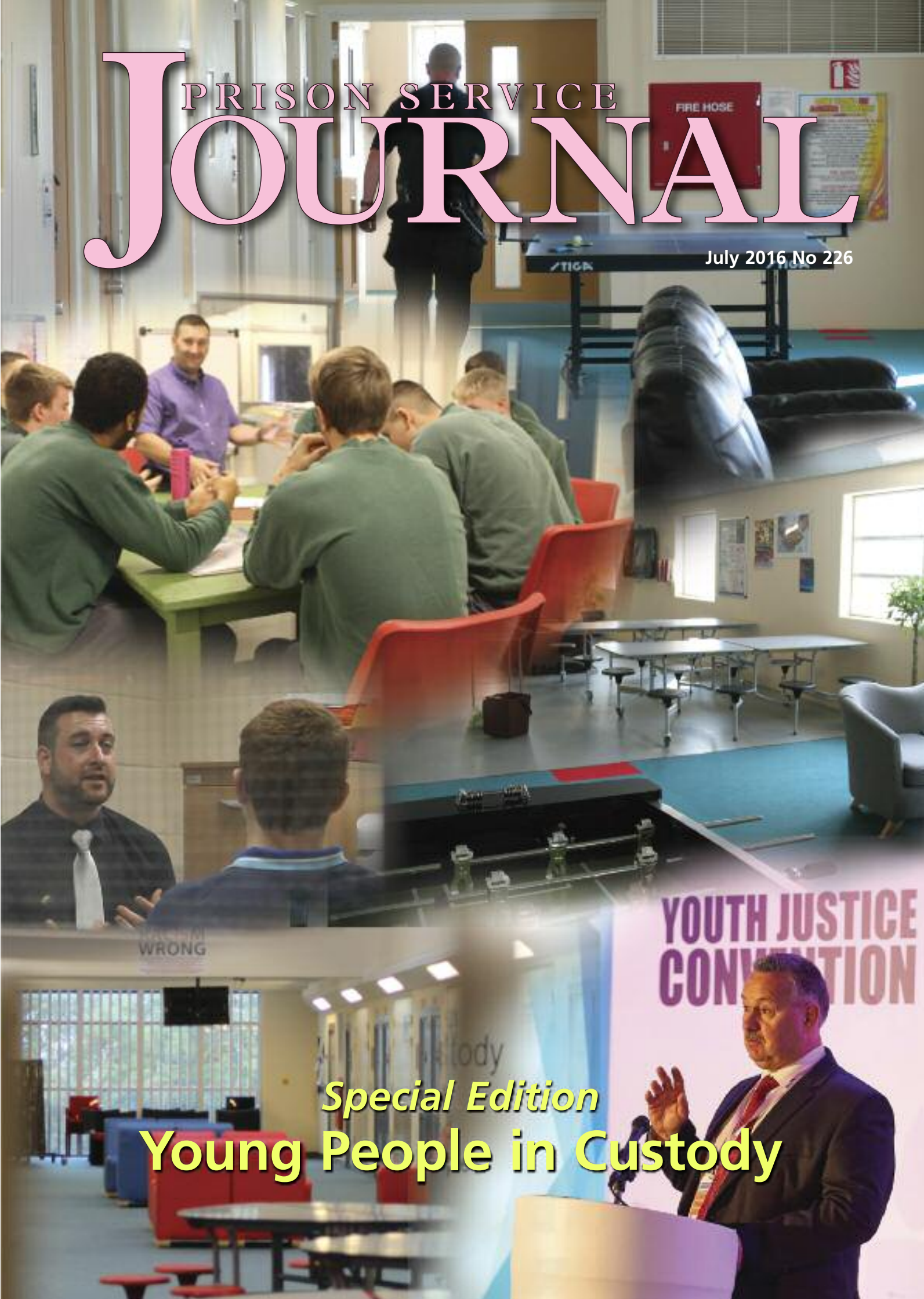


PRISON SERVICE JOURNAL

July 2016 No 226



FACTS
WRONG

YOUTH JUSTICE
CONVENTION

Special Edition
Young People in Custody

Vulnerability of Young Adults in Custody:

The Harris Review Case for increased support

Lord Toby Harris and Dr Deborah Browne, *Harris Review into Self-inflicted Deaths in Custody of 18-24 year olds.*

'You don't become a man overnight. One minute you are under 18 and you are a child and next minute they say that you are a man.'

(Parent of a young adult who took his own life)

In February 2014, the Ministry of Justice announced an independent review into self-inflicted deaths in NOMS custody of 18-24 year olds. The Review panel, led by Lord Toby Harris, examined whether appropriate lessons had been learned from the self-inflicted deaths of young adults that had occurred after the introduction of the Assessment, Care in Custody and Teamwork (ACCT) system for managing those who are believed to be at risk of self-harm or suicide. The Review used a multi-methods approach, including the commissioning of a review into the literature and independent qualitative research on staff experience, a survey of young adults in custody, consultation with a range of senior experts, stakeholders, family members and young adults themselves, the consideration of submissions sent to the Review, and an unprecedented examination of case material for the 87 cases (83 young adults and 4 children under 18) who died between April 2007 and December 2013. The final report, *Changing Prisons, Saving Lives*,¹ was published in July 2015 and sets out 108 recommendations that call for a re-thinking of the purpose of prison, a strengthening of leadership to ensure the most vulnerable young offenders are diverted from custody and, when custody is inevitable, in ensuring they are more effectively supported through their rehabilitation and safe reintegration into society. While many of the recommendations are applicable to all of those in custody, the Review was commissioned to focus on young adults (18-24) and many of the findings are applicable specifically for this age group. This paper focuses on the distinct characteristics of young adulthood

and how the evidence we examined suggested that these traits seem to increase the vulnerability of this particular age group in custody.

Maturity, Development and Young Adulthood

Young adulthood has long been recognised as a distinct stage of human development in its own right, continuing the adolescent transition to maturity.² Research now shows that brain structures continue to mature and develop well into the twenties.³ Particular behaviours that are associated with these brain structures are slower to develop. In their review of maturity in young adults in the criminal justice system, Prior et al⁴ suggested that one of the consequences of this prolonged period of development and maturation of the brain is that *'temperance (evaluating consequences of actions, limiting impulsivity and risk-taking is a significant maturity factor that continues to influence antisocial decision-making among young adults.'*

Unlike younger adolescents, however, young adults between 18 and 24 years of age also face various social and legal milestones, including the legal status of adulthood and the rights and responsibilities that this brings. In contrast to the naturally gradual development of brain structures and the cognitive skills to cope with adulthood, the legal status of adulthood is reached overnight. The Bradley Commission's second report, which focuses on young adults in transition, comments *'the line between childhood and adulthood is often socially constructed and artificially drawn, driven by many factors including legislation. In reality a child's pathway to physiological, emotional and psychosocial maturity depends on their individual rate of maturation.'*⁵

1. Harris, T. (2015). *Changing Prisons, Saving Lives. Report of the Independent Review into Self-inflicted Deaths in Custody of 18-24 year olds*. London: HMSO.
2. Arnett, J. (2000). Emerging Adulthood: A theory of development from late teens through the twenties. *American Psychologist*, 55 (5), 469-480.
3. Asato, M. R., Terwillinger, R., Woo, J. & Luna, B. (2010). *White Matter Development in Adolescence: A DTI Study*. *Cerebral Cortex*, 20 (9): 2122-2131.
4. Prior, D., Farrow, K., Hughes, N., Manders, G. & Wilkinson, B. (2011). *Maturity, Young Adults and Criminal Justice: A Literature Review*. University of Birmingham paper commissioned by Barrow Cadbury Trust for T2A.
5. Saunders, A. (2014). *Young adults (18-24) in transition, mental health and criminal justice. The Bradley Commission, Briefing 2*. London: Centre for Mental Health.

This disparity between the gradual neurological transition and the abruptness with which the developing individual loses the protection of 'childhood' was noted by many of those who responded to the Harris Review's *Call for Submissions*.⁶ Transition to Adulthood Alliance (T2A) explained *'the transition to adulthood is a process not an event and does not begin and end on a person's 18th birthday.'*⁷ It was widely recognised that young adults are still maturing and that the rate of development varies depending on individual characteristics. The Prison Reform Trust told the Review *'maturity is influenced by life experience and individual characteristics, so a simple test of chronological age provides little insight into the vulnerability of the individual young person.'*⁸ These views were also expressed strongly and unanimously by those who attended the Harris Review Roundtable event on Characteristics of Young Adults in December 2014.⁹

Young Adults in the Criminal Justice System

A number of contributions to the evidence considered by the Harris Review pointed out that the Criminal Justice System does not take into account the relative lack of maturity, even though those who come into contact with it appear to demonstrate less mature behaviours. The Criminal Justice Alliance's submission noted *'individuals mature at different rates, and many young adults in the criminal justice system exhibit development levels more characteristic of a far younger group.'*¹⁰ This was supported by comments made by the staff in the establishments that the Review visited, some of whom described behaviour in those terms, referring to acts that were rash or as a front to hide their emotions from their peers. Some of the governors the Review spoke to said that this sort of behaviour was worse in institutions that did not have older adults, who could have a calming influence. The submission from the National Offender

Management Service (NOMS) also pointed out that *'younger adults are more likely to display impulsivity and may pay less heed to potential consequences of their behaviour.'*¹¹ Additionally, the submission from Paul Scoular who is from the Scottish Prison Service noted that *'young offenders tend to be impulsive in behaviour.'*¹²

The Review came across evidence of some of the characteristic behaviours associated with a lack of maturity when panel members spoke to young adults in the establishments. One young man told the Review that he really wanted qualifications, but complained that education services at the establishment (which held 18-24 year olds) was *'like a kid's school'* and so he quit because he *'didn't like school anyhow'*. There did not seem to be anybody at the prison who could help this young man evaluate the longer term consequences of this behaviour.

Similar issues were raised by families, who felt their son or daughter struggled with more adult concepts in prisons. One of the families told the Review that their son was not mature enough to handle planning his budget, explaining *'all the young people are given a phone card of £7.50 for the week. [He] didn't know how to manage money. He was*

*given the card on Friday, by Sunday it was all used up. He then had no way of contacting [me] until his credit was topped up again.'*¹³

Many of those who engaged with the Review pointed out that any inherent difficulties associated with the lack of maturity of young adulthood were compounded for those who came in contact with the CJS by the system itself, particularly the adult system. T2A explained *'19 is the peak age for offending behaviour (for males), but it is also the age at which youth focussed services end... access to supportive services such as mental health, supported living, youth work, education and drug treatment change in nature or*

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6. Submissions can be accessed on the Harris Review website: <http://iapdeathsincustody.independent.gov.uk/harris-review/harris-review-research-2>.
7. Submission to the Harris Review received from Transition to Adulthood Alliance on 18 July 2014. Submissions can be accessed at: <http://iapdeathsincustody.independent.gov.uk/harris-review/harris-review-research-2>.
8. Submission to the Harris Review received from Prison Reform Trust on 18 July 2014. Submissions can be accessed at: <http://iapdeathsincustody.independent.gov.uk/harris-review/harris-review-research-2>.
9. Summary of meeting is available at: <http://iapdeathsincustody.independent.gov.uk/wp-content/uploads/2015/07/Summary-of-Harris-Review-Young-Adult-Characteristics-Round-Table-Event.pdf>.
10. Submission to the Harris Review received from Criminal Justice Alliance on 29 July 2014. Submissions can be accessed at: <http://iapdeathsincustody.independent.gov.uk/harris-review/harris-review-research-2>.
11. Submission to the Harris Review received from NOMS on 3 February 2014. Submissions can be accessed at: <http://iapdeathsincustody.independent.gov.uk/harris-review/harris-review-research-2>.
12. Submission to the Harris Review received from Paul Scoular on behalf of the Scottish Prison Service on 8 July 2014. Submissions can be accessed at: <http://iapdeathsincustody.independent.gov.uk/harris-review/harris-review-research-2>.
13. INQUEST (2015). *Report of the Family Listening Events organised for the Harris Review into Self-Inflicted Deaths in Custody of 18-24 year olds*. Full report is available at: <http://iapdeathsincustody.independent.gov.uk/harris-review/harris-review-research-2>.

cease.¹⁴ The Review noticed a disparity between how those under 18 were supported in comparison to those who were 18 or over. Families of young adults who had died, who the Review team met at a dedicated Family Hearing Day, facilitated by INQUEST, praised the YOT team and the work they did to try and keep the young person out of trouble. One family member said *'I had a good experience with the Youth Offending Team also. There was an excellent support worker... she pushed for him to get support and said she was worried about him.'* Another explained *'the difference is that Youth Offending Team workers are trained to work with young people. They care about young people and get on their level.'*¹⁵ It was emphasised to the Review many times, including at the Harris Review Roundtable on Young Adult Characteristics, that 18-24 year olds in custody, who have varying levels of maturity and whose pathways into custody seem to be very similar to 15-17 year olds, lose the level of protection and support associated with the Youth Justice System abruptly at 18. This is despite the fact that many young adults still need extra support, and also many of them have particular vulnerabilities more common during this time.

The Bradley Commission commented in a briefing note on young adults in transition in the CJS *'it is the norm, not the exception, that young adults in contact with the CJS have multiple vulnerabilities arising from a variety of social, psychosocial and economic factors.'*¹⁶ Indeed, these issues were pointed out repeatedly to the Review in response to the questions we asked about vulnerability in our *Call for Submissions*. The response from INQUEST explained *'early experience of state care, mental health issues, learning difficulties and disabilities are key factors underpinning vulnerability.'*¹⁷ The submissions that the Review received, and in particular the Round table on Young Adult Characteristics, provided evidence of vulnerabilities that included a history of social adversity, neglect, child abuse, mental health or learning difficulties, gang affiliation, and being in the care of the state. Careful consideration of the 87 cases the Review analysed demonstrated that all of these factors were evident repeatedly among the young adults

and children who had taken their own lives. The evidence of multitudinous vulnerabilities was so overpowering, that the Review concluded that **all young adults in custody are potentially vulnerable.**

Adult Support for Young Adults in Custody

One of the 'cliff-edge' changes that happen to a young person who turns 18 in the criminal justice system is that there is no longer an expectation that families will be involved in care and decision-making processes. The Review found that the families of the 18-24 year olds with whom it had contact with were very important to them. Strong family relationships have been identified as a protective factor for self-inflicted death in prison¹⁸ and the young adults spoken to during prison visits consistently talked about how important contact was with their family. Many gave examples of times that

prison visits were cancelled or cut short and the negative impact that had on their mental well-being. They also expressed frustration at how difficult it was to make phone calls to their families, some giving moving accounts of when a few words with their mother or father would have helped alleviate distress. A young adult who came to speak to the Review at a special Hearing facilitated by User Voice in September 2014 explained *'when you first go in, all you get is a two*

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*minute phone call. You are vulnerable because you have no connection to the outside world that you know. The call is too short.'*¹⁹

As part of its evidence gathering, the Review sent a short, targeted questionnaire to young adult offenders in five establishments. Several of the young adults who responded to this questionnaire mentioned distress caused by separation from their family. In response to the question *'what are the sorts of things about being in prison that you think make someone feel most vulnerable, unsafe, sad or lonely?'*, one 20 year old wrote *'the hardest thing I think is being away from family and I feel sad and lonely because I didn't realise how good my life was until I got put in here.'* Another young adult of 21 years, at a different institution, responded to the same

14. Submission to the Harris Review received from Transition to Adulthood Alliance on 18 July 2014. Submissions can be accessed at: <http://iapdeathsincustody.independent.gov.uk/harris-review/harris-review-research-2>.

15. INQUEST (2015). Report of the Family Listening Events organised for the Harris Review into Self-Inflicted Deaths in Custody of 18-24 year olds. Full report is available at: <http://iapdeathsincustody.independent.gov.uk/harris-review/harris-review-research-2>.

16. Saunders, A. (2014). *Young adults (18-24) in transition, mental health and criminal justice. The Bradley Commission, Briefing 2*. London: Centre for Mental Health.

17. Submission to the Harris Review received from INQUEST on 13 October 2014. Submissions can be accessed at <http://iapdeathsincustody.independent.gov.uk/harris-review/harris-review-research-2>.

18. Harvey, J. (2012). *Young Men in Prison: Surviving and adapting to life inside*. Oxford: Routledge.

19. Stakeholder Hearing 14 (4 September 2014) *User Voice*. Summaries of hearings can be accessed at: <http://iapdeathsincustody.independent.gov.uk/wp-content/uploads/2015/02/User-Voice.pdf>.

question by saying 'as a young offender I felt really vulnerable and scared coming to prison. The main issue is loneliness. Prison breaks you away from your family'. Later in the questionnaire, this young adult went on to explain 'I keep going on ACCT plans because I don't get visits and don't see my family I just feel lonely so I get depressed and self harm and then feel suicidal.'

Another method the Review used to gather evidence was through submissions made via messages left on a Prison Radio helpline, which had been solicited through advertisements on Prison Radio and through INSIDE TIME magazine. Messages left on this also showed the impact that separation from family was having on young adults. One young woman, who said she was 20 years of age, described how she tried to harm herself when she came into prison. She explained 'I did it because I miss my family and I've a five year sentence.' Another caller said 'I reckon to stop people from committing suicide is they have to be in touch with their families more.'

Accounts such as these were disturbing, and were exacerbated by the evidence that these young adults were experiencing the prison environment as a very harsh place. Some of the messages left on the helpline demonstrated how difficult the callers were finding the prison environment. One young man said 'the biggest thing for me is I've been coming to jail since I was 16. I think a lot of people feel vulnerable because it's quite intimidating.' A message left on the helpline from a young man who was being held in a YOI said 'I've been in jail for like 15 months, and ever since I've been in jail it's been like a nightmare. I hate it... jail is a nasty place.' Another young adult phoning from a YOI said 'I feel like I'm being threatened all the time, and I'm a vulnerable prisoner, I'm very small. And I don't feel safe in this jail.'

Although these accounts were disturbing, the Review also found evidence that young adults can be better supported in their separation from their families and the harsh reality of prison environment if the staff that they encounter engage with them in a purposeful way. The importance of prisoner-staff relationships came up repeatedly throughout this Review. It was stressed repeatedly by stakeholders and emerged as a key factor at a Public Hearing the Review held, at a Seminar for Community and Local Groups, and at the Characteristics

of Young Adults Roundtable event. The literature review that the Review commissioned the University of Greenwich to carry out also noted that one of the recurring themes in the literature was the importance of having skilled and motivated staff who can identify individuals at risk of self-harm or suicide and deliver prison regimes with empathy.²⁰

The importance of this relationship has been long recognised. In the 1999 report 'Suicide is Everyone's Concern', it was noted 'how prison officers do their job can prevent a prisoner feeling panic stricken and isolated and help him or her to settle into an establishment. Engaging constructively with prisoners is the core job of prison officers... By focusing on the needs of prisoners and understanding the connection between the objectives of reducing suicidal behaviour and reducing reoffending, they will be contributing to the essence of a healthy prison. This vision requires staff to model 'healthy' positive behaviour to prisoners.'²¹ Similarly, in a literature review on practices and policies on suicide prevention, Bonner (2000) suggested that all prison staff should be made responsible for prevention, and that they should be provided with training and resources to implement their training.²²

The direct engagement of the Review with young adults suggested strongly that relationships with staff are currently mixed. During prison visits, young adults were able to identify staff members that they admired and respected, but also staff members who they felt did not understand them, or who, they claimed, bullied them. The panel noted on a number of occasions that several young adults named the same officers as being the ones they wanted to talk to and spend time with.

Some young adults with whom the review spoke explained that they found it easier to show respect to officers who showed respect back. They complained that some officers were rude and clearly didn't want to talk to them. This was backed up by young adults who responded to the questionnaire. One 21 year old, who was describing why he tried to kill himself with an overdose, explained that it was because 'I was low + depressed + staff treating me like shit on there [sic] shoe pushed me too far.' A 20 year old from a different institution said that what would make him feel better

The importance of prisoner-staff relationships came up repeatedly throughout this Review.

20. University of Greenwich (2015). *Understanding and Addressing Self-inflicted Deaths in Prison Among 18-24 year olds: A Literature Review*. For further details see: <http://iapdeathsincustody.independent.gov.uk/harris-review/harris-review-research-2>.

21. HM Chief Inspector of Prisons (1999). *Suicide is Everyone's Concern*. A thematic review by HM Chief Inspector of Prisons for England and Wales, May 1999. London: HMIP. <http://www.justice.gov.uk/downloads/publications/inspectorate-reports/hmipris/thematic-reports-and-research-publications/suicide-is-everyones-concern-1999-rps.pdf>. Accessed 9 March 2015.

22. Bonner, R. L. (2000). Correctional Suicide Prevention in the Year 2000 and Beyond. *Suicide and Life-Threatening Behavior* 30, 370-376.

would be 'if the staff did their jobs properly and helped troubled YO's instead of talking to us like shit whenever we approach them.' A 22 year old wrote 'in this prison there are not many members of staff who care for prisoners. Incompetent [sic], dismissive and neglectful are more appropriate ways to describe staff.'²³

On the other hand, other young adults explained that when staff treated them with respect and dignity, it had a significant and positive impact on them. One 20 year old responded to the survey with 'overall I don't think the staff are bad when you get to no [sic] them but there are a few I don't like to be honest they talk to us like dirt but I haven't had that 4 a while so things are looking up' [sic]. Another 20 year old answered that staff helping when they 'speak to lonely prisoners [sic] help people who are at high risk by constantly checking that they are ok.'

The Solution for Young Adults

The Harris Review was clear in its conclusions that there is no simple and easy solution, either to reducing the number of self-inflicted deaths in custody, or to better supporting some of the most vulnerable young people in our society in their journeys through custody. However, T2A made a very poignant point in their submission to the Review that demonstrates that it is worth focusing more effort on this particular age group. They said 'with the right intervention, one that takes account of young adults' distinct needs, this is the most likely age group to desist from crime.'²⁴ Investing in this age group is likely to have an impact beyond reducing incidents of self-harm and self-inflicted death, contributing to a reduction in re-offending and an increased chance that these young people will go on to have productive lives.

As already set out, one of the key conclusions the Harris Review made is that all young adults in custody are potentially vulnerable. This vulnerability is the result of a combination of their relative lack of maturity, their life experiences and their experiences in custody, particularly around the support they receive. The Harris Review has made a number of recommendations that, if

implemented, would help deal with some of the issues set out in this paper. In summary, some of the key areas of focus were:

- Continuation of the work NOMS has started to measure the concept of 'maturity'. The Review recommended there should be legal recognition for this term and it should be considered alongside chronological age when decisions are made about young adults;

- It was felt that families are integral to supporting young adults in custody and should be used as a central component of their care where possible;

- Where family contact is not possible, a 'significant adult' should be made responsible for the young adult, to enable them to have someone to turn to when necessary. In addition, local authorities should do more to fulfil their corporate parenting role for all young adults in custody, particularly those in care.

- Each young adult in custody should be assigned to a Custody and Rehabilitation Officer (CARO) who is responsible for building a supportive relationship with them and to oversee their security and well-being.

Conclusion

This paper has touched on only a small portion of the evidence considered by the Harris Review. It was a wide-ranging investigation that considered an extensive range of views, data and case histories. It would not be possible to do justice to this in one paper. What this paper goes some way to demonstrating, however, is that young adults in custody are particularly vulnerable due to their relative youth and lack of maturity, and how these characteristics interact with the experience of being in custody. Like children who are under 18, young adults need more support and guidance than older adults. Where possible, and if facilitated, their families can still help to provide this, but staff in prisons also play a key role in enabling young adults to deal with the difficulties the prison environment. More needs to be done to ensure both that their relative lack of maturity is recognised, and that they are properly supported as they continue to develop to adulthood.

23. Harris Review (2015). Young Adult Engagement with the Harris Review. For further details see <http://iapdeathsincustody.independent.gov.uk/harris-review/harris-review-research-2>.

24. Submission to the Harris Review received from Transition to Adulthood Alliance on 18 July 2014. Submissions can be accessed at: <http://iapdeathsincustody.independent.gov.uk/harris-review/harris-review-research-2>.