



# *Young Adults and Criminal Justice: International Norms and Practices*

# Introduction

This briefing paper describes in outline different arrangements in a number of countries for dealing with young adults in conflict with the law. The first part of the paper contains selected examples of good practice from a range of countries in which criminal justice systems pay specific attention to the needs and characteristics of the young adult age group. The second part considers how international experience in this field might be applied to the criminal justice system in England and Wales. The corpus of international law, norms and standards governing this important area of social and criminal policy is set out in an annex. The paper has been prepared as a contribution to the coalition government's current reviews on sentencing and rehabilitation as well as informing policy and practice with this critical age group.

The briefing forms part of a major programme funded and supported by the Barrow Cadbury Trust as a follow up to its ground breaking Commission on Young Adults in the Criminal Justice System whose report 'Lost in Transition' was published in 2005. The aim of this report is to illustrate how other countries respond to the challenge presented by young adult offenders and what can be learned.

The particular interest in this age group is not surprising. Young adults represent a sizable proportion of people charged with, or convicted of, criminal offences and a significant proportion of both the prison population on any one day and the numbers received into, and discharged from, prison over the course of a year.

In July 2010 there were 10,067 young adults aged 18-21 years in custody in England and Wales, comprising 12% of the overall prison population. Just 434 of these young adults were women.

During the course of 2008, 18-21 year olds represented 18% of those received into prison under a sentence of immediate imprisonment. 30% of young adults in prison are from a black, Asian or minority ethnic group.<sup>1</sup>

It is not just a question of numbers. As the Council of Europe Human Rights Commissioner reported after his visit to the United Kingdom in 2004:

"The importance of this age group is not merely quantitative. The peak age of offending is around 18. Reconviction rates for 18-20 year olds stand at 71%. Effectively addressing the needs of this age group whilst in detention is consequently central to reducing crime. It is vital, in short, that young adults should leave prison with something other than advanced degrees in criminality."<sup>2</sup>

Recent evidence suggests that there are many challenges to meet in respect of this age group. The latest Annual Report of the Chief Inspector of Prisons noted that in general, the provision for this age group, with a high risk of reoffending and considerable educational and social deficits, remains insufficiently targeted and funded, as it was eight years ago, when the Labour government's manifesto promised to increase and focus resources on this pivotal group.<sup>3</sup>

The Transition to Adulthood (T2A) Alliance was established in 2008 to raise awareness of the distinct needs of young adults, aged 18-24, in the criminal justice system. Membership encompasses academics, campaigning organisations and practitioners: 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, Revolving Doors Agency, the Young Foundation, Young Minds and Young People in Focus. Its first publication 'Universities of Crime: Young Adults, the Criminal Justice System and Social Policy' sets out in detail the reasons for recognising the needs and characteristics of young adults. The July 2009 green paper 'A New Start: Young Adults in the Criminal Justice System' put forward proposals for better tackling those needs and characteristics. The 'Young Adult Manifesto' (November 2009) contained ten recommendations which, if implemented, would improve outcomes for young adults.

# International practice

## a) Criminal law and sentencing

### Germany

The country whose criminal justice system takes the most constructive approach to the young adult age group is Germany, where young adult offenders can be dealt with either in the adult or juvenile system. Since 1953, all young adults aged 18-21 have been transferred to the jurisdiction of juvenile courts, with courts having the option of sentencing according to the juvenile law or the adult law.

Section 105 (1) No. 1 of the Juvenile Law provides for the application of juvenile law if 'a global examination of the offender's personality and of his social environment indicates that at the time of committing the crime the young adult in his moral and psychological development was like a juvenile'. Juvenile law has to be applied if it appears that the motives behind and the circumstances surrounding the offence are those of a typical juvenile crime.

The Supreme Federal Court has developed the law further by ruling that a young adult has the maturity of a juvenile if his or her personality is still developing, a logic which has been used to argue that juvenile justice options should be available for young adults up to the age of 24. Whilst about two thirds of young adults are sentenced as juveniles there is considerable variation between states in the proportion of young adults sentenced as juveniles, with for example 88% in Schleswig Holstein and 48% in Baden Württemberg. On the whole it is more serious cases that are dealt within the juvenile jurisdiction and minor, particularly traffic offences that are dealt with, in the adult system.<sup>4</sup>

### Other European Countries

Other European countries have specific arrangements for dealing with young adults. In 2001 Austria and Lithuania introduced a flexible system to deal with young adult offenders, with the option of choosing an appropriate sanction from either the juvenile or the adult criminal law, when taking into account the personality and maturity of the offender. In 2000 Spain introduced regulations for young adults similar to those of Germany, but decided not to pursue them. The Netherlands, Scandinavian countries and countries of the former Yugoslavia have special provisions for young adults within the general criminal law or provide for the possibility of avoiding the requirements of the adult law or reducing adult sentences. In Switzerland young adults can be treated like juveniles until they are 25.

In Sweden, in deciding the punishment of offenders under the age of 21, youth is considered as a distinct factor and any statutory minimum sentence may be disregarded. This so-called 'youth mitigation' leads, for example, to different levels of fines for young adults. If the offender is a minor (age group 15-17 years), day-fines are reduced to half the amount that is imposed on a person aged 21 years. If the offender is a young adult (age group 18-20) the fine is reduced to two thirds. A short prison term may be replaced by a fine. As for terms of imprisonment, if the offender at the time of the offence was 15 years, the prison term will be one fifth of the normal term; at 16 years, one fourth; at 17 years, one third; at 18 years, half; at 19 years, two thirds; at 20 years, three quarters.<sup>5</sup> For a crime committed by a minor, imprisonment may be imposed only in exceptional circumstances.

In the Czech Republic a sentence is reduced by a quarter if a defendant is close to the juvenile age range and some of the educational measures available to juveniles can be applied to young adults.

In Scotland, recent legislation makes a distinction between young adults and adults. Minimum sentences of three years are required for offenders aged 16 to 20 years convicted on indictment of illegal possession or distribution of prohibited firearms (Criminal Justice Act 2003 s.28), while the minimum period for those over 20 years is five years.

### United States of America

In the USA, recent developments have made it more likely that offenders under the age of 18 years who are charged with serious crimes will be dealt with under the adult criminal justice system. For less serious offences, some states provide distinct 'Youthful Offender' provisions in their sentencing law which allow young offenders to be sentenced in a scheme that is harsher than juvenile sentencing but not as harsh as the standard adult sentencing scheme. In Florida those aged 18-21 years may be designated as youthful offenders by the court or the corrections department and become eligible for community supervision programmes, limited custodial sentences or split sentences with elements of detention and supervision.

## **Australia**

In Australia, specific provisions for young adults are not common but in New South Wales, the principles of general deterrence and public condemnation are usually considered less important than the fact that a young offender, due to age, has good prospects of rehabilitation.

The Sentencing Advisory Council of Victoria has recommended the creation of a specific community based order (CBO) for young adults. It would have the same basic conditions as the adult CBO but with a greater focus on dealing with those factors linked to specific developmental needs in order to help the offender's rehabilitation and re-integration. For example, the current CBO has a condition linked to education which is rarely used and would play a more substantial role with young adults. Other key features of the proposed new order are:

- The order should be limited to offenders who are under the age of 25 years at the time of being sentenced with a focus should be on the 'developmental' age of the young adult; adopting an age criterion of 25 is broadly consistent with the approach to youth policy in Victoria.
- Specific eligibility criteria should be developed and the order should be targeted at those offenders in the relevant age group who are assessed as having a high level of need and who pose a moderate to high risk of reoffending.
- Young adult offenders on a CBO (YAO) should be managed by specialist caseworkers.
- The maximum term of the order should be shorter than the standard form of CBO (18 months rather than two years). This recognises that shorter interventions are generally more useful for young people in terms of promoting their rehabilitation.
- The maximum number of hours of community work should be 200 hours rather than 300 hours.

These proposals are currently going through the legislative process.

## **b) Prisons**

### **Europe**

In Finland all those who committed their crime when they were younger than 21 are treated by the prison service as juveniles. The Prison Act provides that:

*When enforcing the imprisonment of juveniles who have committed their offences when under 21 years of age, special attention shall be paid to the needs arising from the age and development of the prisoners.*

In practice most prisoners under 21 serve their sentences in a specific juvenile prison. They can be released after having served a third (instead of the normal half) of their sentence. While juvenile prison is a closed institution, its daily routines differ markedly from normal adult prisons with much more emphasis on education and professional training.<sup>6</sup>

In Greece, a law of 2002 introduced care units for those aged up to 21 years.<sup>7</sup>

### **South America**

Brazil is developing special penitentiaries to hold young adults aged 18 to 24 in order to tackle the overcrowding in the regular prisons and to avoid an escalation in the criminal careers of young people. The project is part of the ministry's National Program of Public Safety and Citizenship. The first special prisons were built in seven states including Bahia and Alagoas, and completed recently. Each cell will hold six prisoners, which is a much smaller number than in the general prison system.<sup>8</sup> These prisons also provide educational and vocational courses, as well as medical and psychological assistance and social workers, and are thus intended to rehabilitate young people who have committed crimes.<sup>9</sup>

### **United States of America**

In a number of states, the departments responsible for juvenile justice retain responsibility for young offenders beyond the age of 18 years. For example, the California Department of Juvenile Justice, formerly the California Youth Authority, accommodates juveniles under the age of 18 years who have been sentenced to state prison, with its jurisdiction for juvenile offenders ending on the offender's 25th birthday.<sup>10</sup>

## **c) Diversion**

### **Young Adult Diversion Programme Lebanon New Hampshire USA**

The police have joined forces with a court based diversion scheme to provide treatment options for 16–20 year olds who have been arrested for alcohol and drug related offences. The police department believes that in some cases diversion may be a more effective tool as an intervention for young adults, with classes on alcohol and drug use rather than prosecution. These teach young adults about the short and long-term dangers of underage drinking and drug abuse. The initiative builds on work undertaken by the Valley Court Diversion Programs which gives youth and adult offenders in both Vermont and New Hampshire the opportunity to avoid a criminal record by appearing before a panel of community volunteers and completing the conditions of a restorative agreement that address the needs of victims, the safety of the community, and the behaviour of the offender.<sup>11</sup>

### **Community Conferencing for Young Adults, New South Wales Australia**

A pilot scheme on two sites enabled young adult offenders (18–24 years) to participate in a conference with victims of crime, supporters and other relevant people as part of the sentencing process. The pilot programme was not available for offenders facing serious charges such as malicious wounding, grievous bodily harm, child prostitution and child pornography, stalking or intimidation, domestic violence and offences involving a firearm. Offenders who have previously committed serious offences were not eligible. The conferences provided a forum to discuss what happened, the harm caused by the offence and to prepare an 'Intervention Plan' for the offender.

The Intervention Plan could include an apology, reparation to the victim, other ways to address the harm caused, participation in a relevant programme such as drug or alcohol rehabilitation, or other measures to assist offenders address their offending behaviour and reintegrate into the community.

Independent evaluation found that the vast majority of victims, offenders, and their support persons who participated in this evaluation were satisfied with the various stages of their conferences, from the pre-conference preparation stage, through to the conference itself and the draft intervention plans developed by the participants. Most stakeholders

– including magistrates, police officers, conference facilitators, and programme management staff believed that the conferencing programme was effective in achieving its objectives of increasing offenders' awareness of the consequences of their offences for the victims and the community, encouraging offenders to take responsibility for their offenses, and meeting the needs of victims and the community. The programme did not appear to have any impact on rates of imprisonment however.<sup>12</sup>

## **d) Resettlement**

### **Youthful Offender Transitions Program (YOTP) Michigan USA**

YOTP is designed to provide services for young offenders (aged 16-21 years) who have had some previous involvement with the court system. The approach is strengths-based; that is, it seeks to build on the positive elements in a young person's life and is based on the 'wraparound model'. This means packages of support can be provided based on the assessed needs of the individual. The programme provides ongoing services to young offenders for an average of six months, focusing on assisting young people into adulthood by offering support services in treatment, education, employment and independent living.<sup>13</sup>

YOTP can help young offenders complete school graduation requirements or more advanced education, and/or vocational interests; to increase the use of pro-social and adaptive behaviour skills; to develop and implement a plan for securing employment; and to increase the ability to assume responsibilities of independent living.

### **Community Partners Reinvestment (CPR) Project, Oregon USA**

A groundbreaking collaborative project that addresses the reintegration of young adult offenders (ages 18-25) from state prison and back into society, this program provides substance abuse treatment and education, job skill development and employment assistance, and is proven to reduce the rate of recidivism. Focus is placed on supporting a drug and crime-free healthy lifestyle and provides pre- and post-release counselling for both the young offender and his family.<sup>14</sup> An evaluation conducted by Portland State University covering the period November 2005 – June 2008 showed that among the 158 participants in the evaluation study:

- Recidivism was lower for CPR participants than for other young men returning to Multnomah County from prison.
- Substance use and the severity of addiction were reduced.
- Education, employment, and housing situations improved.

### **Young Adult Offender Programme (YAOP) New South Wales Australia**

Following an internal review of community corrections in New South Wales in 2000, measures were introduced to tackle the high rate of reoffending and breach among young adults. Young Adult offender case managers were appointed to develop programme. In Geelong the YAOP is divided into three distinct modules: Community Integration, Personal Care and Management, and Employment. The YAOP is delivered across four terms, in accordance with the school year. Each term consists of a ten week period, with sessions held twice per week. The criteria for referral are high-risk offenders, aged between 17-25 years. Follow up of the first three courses found that offenders who completed the programme were less likely to breach their orders than those who did not. Participants appeared to benefit from the employment module of the YAOP in particular.<sup>15</sup>

## **e) Drugs**

### **FreD campaign Germany**

In 2000, the Federal Ministry for Health and Social Security (BMGS) launched the pilot programme 'Early Intervention With First-Offence Drug Consumers – FreD' in cooperation with eight federal states (Länder). The programme targets first-time offenders 14–25 years who have been arrested due to the consumption of illegal drugs. They are referred to a course which motivates them to change their drug use.<sup>16</sup> The pilot project in Germany ran from 2000 to 2002, and in 2003 a year long transfer phase was undertaken. There are now more than 140 project sites throughout Germany.

In November 2007 "FreD goes net" was launched, undertaking the transfer of the German project to 17 other European Union countries. Eleven pilot countries will test the intervention model until October 2010 and after the test period the remaining six "associated partner countries",

including the United Kingdom, will implement a coaching scheme to develop the programme.<sup>17</sup>

### **Substance Abuse and Mental Health Services Administration (SAMHSA) USA**

The U.S. Department of Health and Human Services funds the Young Offender Re-entry Program (YORP), part of the Criminal Justice Activities within its Programs of Regional and National Significance (PRNS). YORP is a four-year grant programme designed to provide funds for States, Tribes and tribal organizations, local governments, and community-based private non-profit organisations to expand and/or enhance substance abuse treatment and related re-entry services in agencies. It focuses on providing supervision and services to sentenced juveniles and young adults returning to the community from prison. The focal point is community-based recovery services, although limited services inside prisons, such as screening and assessment for substance abuse and for transitional planning, are allowed.

An example is the Syracuse-based Self-Development: Re-entry Program, a programme of the Centre for Community Alternatives (CCA) which focuses on assisting young adults between the ages of 16 and 24, who have some indication of substance abuse and are returning to the community from prison. Participants are mainly identified through CCA's work in the Onondaga County Correctional Facility. For those who are already released from local or state prisons, referrals can be made by New York State Division of Parole (NYS DOP) and Onondaga County Probation Department (OCPD) officers, from community agencies, or through self-referral. Individuals not currently imprisoned must be enrolled within 60 days of release from custody. Upon release, participants are eligible to receive various services including substance abuse treatment readiness and treatment-related services, case management, employment services, and mentoring.<sup>18</sup>

An evaluation of the mentoring component of the programme which suggested that, "with the proper programmatic support, both mentors and programme participants can receive benefits from their mentoring relationships that may facilitate reintegration. Mentors are given the opportunity to "give back" and improve their civic engagement, an important component of successful reintegration, and mentees have someone to guide them through the process of reintegration. Their mentor

# Implications for England and Wales

is “someone who’s been there but isn’t too far away” and understands the challenges they face during reintegration, and someone who, unlike a case manager, is uniquely invested in a personal relationship with them. Finally, both mentors and mentees learn to establish trusting relationships and feel respected. This is important to reintegration as many people with histories of criminal justice system involvement or substance abuse are challenged by the stigmas associated with those identities.”<sup>19</sup>

In any area of public policy, learning and applying lessons from other countries is rarely straightforward. Within criminal justice there are numerous examples of successful and of unsuccessful attempts at policy transfer. For example, the use of probation as an alternative to punishment emerged in a number of jurisdictions within a relatively short period at the end of the nineteenth century. On the other hand, more recent efforts in the United Kingdom to introduce a number of more specific initiatives such as unit fines, night courts and intermittent custody – all of which operate successfully in various jurisdictions – have been abandoned at an early stage.

Any attempt to import measures which operate in one context needs to be informed by a thorough analysis of both the host context in which the initiative currently operates and the context into which it might be transferred. A detailed comparative assessment would have to be undertaken before the introduction in England and Wales of any of the measures discussed here in England and Wales.

However, there are a number of areas in which there appears a strong case for that exercise to be undertaken. In the area of criminal law and sentencing the *T2A Green Paper A New Start: Young Adults in the Criminal Justice System* recommended that there should be further research into international models of conducting maturity assessments and the development of a suitable model for England and Wales. Such research might usefully start with a fuller consideration of the system in Germany where the so-called Marburg Guidelines are used to determine when or if a young person should, in legal terms, be considered a juvenile.<sup>20</sup>

These state that a young person between 18 and 21 years of age should be considered a juvenile in their moral and psychological development if they lack the ability to plan for the future, cannot make independent judgments and decisions, reflect rationally on their feelings or think in appropriate time frames. Other factors which may suggest a juvenile status include a certain helplessness, which is frequently masked by defiance and arrogance, naive or overly trusting behaviour, a tendency to live ‘for the moment’, a pronounced need to depend or lean on others, a flippant or offhand attitude towards work, a tendency to daydream and impulsive behaviour.

While the introduction of a flexible sentencing system would require primary legislation, its operation would also require a change of policy and practice both by the courts and the probation service, the agency most likely to undertake maturity assessments as part of the pre-sentence reports which they produce. In the first place this might be a subject which could be considered by the new Sentencing Council and also as part of the government's Review of Sentencing. Earlier pieces of work on the principles of sentencing for adults and young people have left a notable gap in respect of young adult offenders. Consideration of the approaches taken in some of the countries described above might fill that gap. The Sentencing Review could also look at the desirability of the kind of specific community based order proposed in Victoria.

As for the development of prison institutions, the T2A green paper *A New Start: Young Adults in the Criminal Justice System* recommends that specialist institutions for young people up to the age of 24 years should be developed, with education at the core of the regimes. The Prison Service is following such an approach with the establishment of HMP and YOI Isis, a training prison for 18 – 24 year olds built within the perimeter of HMP Belmarsh in South East London which opened at the end of July 2010. The prison "has a broad based curriculum that supports academic achievement, vocational training, interventions and PE activities, directly underpinning the reducing reoffending agenda and leading to better public protection. All offenders will have access to full time occupation which has been developed to support their return to work in the local community."<sup>21</sup> However, much could be learned from visiting establishments in other jurisdictions.

In terms of diversion the Green Paper makes a number of recommendations, particularly that the police make greater use of alternative measures to address underlying needs. The international examples given in this paper include the use of a variety of restorative measures. While these have been developed to an extent within the youth justice system, and with particular success in Northern Ireland,<sup>22</sup> the availability of restorative options for offences involving over 18 year olds is currently very limited. Research suggests that restorative measures have a positive effect on victims who take part and can reduce recidivism. The evidence base appears strong enough to

warrant the expansion of restorative measures; international experience suggests that the young adult age group may be a sensible focus for thorough-going work in this area.<sup>23</sup>

Finally in respect of resettlement after release and tackling substance misuse, there is scope for studying international experience not only in respect of the programmes summarised above but the processes by which community based support for former offenders in the community can best be organised and sustained. It is the case that some young people sentenced to young offender institutions receive post release supervision from the probation service but there is considerable scope for building on this. The coalition government has rightly identified the need for a 'rehabilitation revolution'.<sup>24</sup> Young adults who request it should be met at the gate and drug treatment programmes should further be developed for the young adult age group. Funding and sustaining support in the community which keeps young adults from relapsing into drug misuse or binge drinking and offending is a major challenge in many countries.

The social and economic costs of failing to focus on 18–24 year olds are evident. At a time of such stretched resources, cost-effectiveness is key. Policies that keep 18-24 year olds from a long career of crime and imprisonment are likely to be politically attractive. This paper offers examples of effective approaches and practices and suggestions for the way forward from a wide range of different countries.

# Annex 1

## International Standards

The United Nations and a number of regional intergovernmental organisations, such as the Council of Europe, have developed a wide range of standards which regulate the administration of justice. Some of these standards are articulated in treaties and conventions, which are legally binding on those states which have ratified them. Others take the form of recommendations, which are not legally binding. However, having been approved by all member states and having been recommended to them, they carry considerable weight and influence. Increasingly, they are referred to in judgements, for example, from the European Court of Human Rights. They are of particular relevance in a country such as the United Kingdom which has always placed itself at the forefront of the international human rights community.

Several of these international standards refer specifically to the treatment of young adults within the criminal justice system. Specifically, they recommend that young adult prisoners should be treated separately from full-grown fully mature adults, and that their needs are in fact better catered for under a separate system which is informed by the provisions for juveniles within jurisdictions.

## United Nations

The *United Nations Standard Minimum Rules for the Administration of Juvenile Justice* (The Beijing Rules) require that 'Efforts shall also be made to extend the principles embodied in the Rules to young adult offenders,' and extend the protection afforded by the Rules to cover proceedings dealing with young adult offenders.<sup>25</sup>

Not surprisingly, therefore, the United Nations Committee on the Rights of the Child has noted

*with appreciation that some States parties allow for the application of the rules and regulations of juvenile justice to persons aged 18 and older, usually till the age of 21, either as a general rule or by way of exception.*<sup>26</sup>

Other UN guidelines dealing with juveniles implicitly suggest that they should apply also to young adults. The *United Nations Guidelines for the Prevention of Juvenile Delinquency* (The Riyadh Guidelines) require the safeguarding the wellbeing, development, rights and interests of all young persons.<sup>27</sup>

In similar vein, the *United Nations Rules for the Protection of Juveniles Deprived of their Liberty*, require that:

*Nothing in the Rules should be interpreted as precluding the application of the relevant United Nations and human rights instruments and standards, recognized by the international community, that are more conducive to ensuring the rights, care and protection of juveniles, children and all young persons.*<sup>28</sup>

The *United Nations Standard Minimum Rules for the Treatment of Prisoners*, adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1955 made a clear distinction between the kinds of institutions suitable for adults and those suitable for young adults. They state that:

*The rules do not seek to regulate the management of institutions set aside for young persons such as Borstal institutions or correctional schools, but in general part I would be equally applicable in such institutions. The category of young prisoners should include at least all young persons who come within the jurisdiction of juvenile courts. As a rule, such young persons should not be sentenced to imprisonment.*<sup>29</sup>

The Council of Europe in its recent *Rules for the treatment of juvenile offenders* recommends that young adult offenders between the ages of 18 and 21 years should, where appropriate, be regarded as juveniles and dealt with accordingly.<sup>30</sup> This builds on the 2003 recommendation on *New ways of dealing with juvenile delinquency and the role of the juvenile justice system* which recommended that:

*Reflecting the extended transition to adulthood, it should be possible for young adults under the age of 21 to be treated in a way comparable to juveniles and to be subject to the same interventions, when the judge is of the opinion that they are not as mature and responsible for their actions as full adults.*<sup>31</sup>

The recommendation also states that:

*To facilitate their entry into the labour market, every effort should be made to ensure that young adult offenders under the age of 21 should not be required to disclose their criminal record to prospective employers,<sup>32</sup> except where the nature of the employment dictates otherwise.*

The European Prison Rules revised in 2006 make specific reference to the needs of young adults in prison. They state that:

*In deciding to accommodate prisoners in particular prisons or in particular sections of a prison due account shall be taken of the need to detain... young adult prisoners separately from older prisoners.<sup>33</sup>*

*Work that encompasses vocational training shall be provided for prisoners able to benefit from it and especially for young prisoners.<sup>34</sup>*

*Particular attention shall be paid to the education of young prisoners and those with special needs.<sup>35</sup>*

The rules for the treatment of juvenile offenders similarly make it clear that juveniles who reach the age of majority and young adults dealt with as if they were juveniles shall normally be held in institutions for juvenile offenders or in specialised institutions for young adults unless their social reintegration can be better effected in an institution for adults.<sup>36</sup>

The declarations of some international bodies have recommended special arrangements for young people up to their mid twenties. The participants of the 17th World Congress of the International Congress on Criminal Law in 2002, considered that:

*... the state of adolescence can be prolonged into young adulthood (25 years) and that, as a consequence, legislation needs to be adapted for young adults in a similar manner as it is done for minors.*

In particular the Congress resolved that:

*The administration of educational measures or alternative sanctions that focus on rehabilitation may be extended, at the demand of the concerned individual, to the age of 25.*

It also resolved that concerning crimes committed by persons over 18 years of age, the applicability of the special provisions for minors may be extended up to the age of 25.<sup>37</sup>

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- 12 People, J. and Trimboli, L. (2007) *An Evaluation of the NSW Community Conferencing for Young Adults Pilot Program*. Sydney: NSW Bureau of Crime Statistics.
- 13 See website of the Kalamazoo County Government [www.kalcounty.com/Courts/admin/field-services.htm](http://www.kalcounty.com/Courts/admin/field-services.htm)
- 14 Volunteers of America Oregon Program Overviews [http://www.voao.org/program\\_overview](http://www.voao.org/program_overview)
- 15 Humphries, C. (2003) *A young adult offender program developed and implemented at Geelong Community Correctional Services indicating positive outcomes for offenders aged 17 - 25 years*. Sydney: Australian Institute of Criminology.
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- 17 More information on the "FreD goes net" project can be found at [http://www.lvl.org/LWL/Jugend/lwl\\_ks/Projekte\\_KS1/Fgn-english/hintergrund/?lang=en](http://www.lvl.org/LWL/Jugend/lwl_ks/Projekte_KS1/Fgn-english/hintergrund/?lang=en)
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- 27 The United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines) adopted and proclaimed by General Assembly resolution 45/112 of 14 December 1990 (5 (d))
- 28 United Nations Rules for the Protection of Juveniles Deprived of their Liberty, adopted by General Assembly resolution 45/113of 14 December 1990
- 29 United Nations Standard Minimum Rules for the Treatment of Prisoners
- 30 Recommendation CM/Rec(2008)11 of the Committee of Ministers to member states on the European Rules for juvenile offenders subject to sanctions or measures Rule 17
- 31 Section 11
- 32 Section 12
- 33 European Prison Rules adopted by the Committee of Ministers on 11 January 2006 at the 952nd meeting of the Ministers' Deputies 18.8
- 34 *Ibid* 26.5
- 35 *Ibid* 28.3
- 36 Recommendation CM/Rec(2008)11 of the Committee of Ministers to member states on the European Rules for juvenile offenders subject to sanctions or measures Rule 59.3
- 37 La responsabilité pénale des mineurs dans l'ordre interne et international in *Revue internationale de droit penal* Vol. 75 –2004/1-2



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