

Rethinking sentencing for young adult offenders in Victoria

This factsheet summarises key findings from the Sentencing Advisory Council's review of sentencing for young adults aged 18 to 25 in Victoria.

How are young adult offenders different from older offenders?

Compared to older adults, young adults have more difficulty delaying gratification, considering longer-term consequences and placing their actions in appropriate perspective in real-life situations. This is because they have:

- disproportionate responses to emotional arousal, so that even mild emotion affects their ability to think and make decisions
- disproportionate increases in risk-taking when peers are present
- disproportionate reward sensitivity, so that they respond more strongly to rewards than older adults and perceive social approval as a reward
- different perceptions of time, so that they perceive time to pass more slowly or see the future as irrelevant, which impairs their ability to consider future consequences.

These limitations reduce young adults' ability to make considered decisions and contribute to offending behaviour. Young adults usually only reach an adult level of cognitive functioning in their mid-twenties.

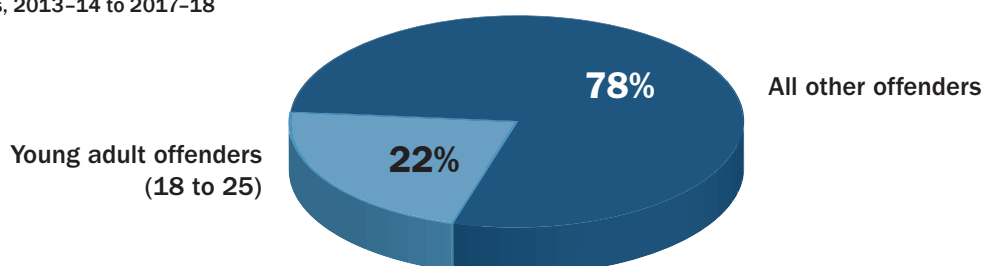
Young adults are still forming habits and are not as set in their ways as older adults. Research suggests that supportive approaches – such as counselling, mentoring, and providing multiple coordinated support services – are the most effective ways to foster young adults' desistance from further offending. These interventions have the greatest effect on the highest-risk offenders.

What do we know about young adult offenders in Victoria's criminal justice system?

Adults aged 18 to 25 accounted for 15% of the adult population in Victoria in 2018 but comprised 22% of offenders sentenced in the Magistrates' Court, and 25% of offenders sentenced in the higher courts.

Previous research has found that young adults breach community correction orders at approximately twice the rate of adults aged 45 and over, and that 53% of Victorian prisoners aged under 25 return to prison within two years of release, compared with 44% of the general adult prison population.

Proportion of cases involving young adult offenders aged 18 to 25 sentenced in the Magistrates' Court and the higher courts, 2013–14 to 2017–18



What sentences are young adults receiving?

Magistrates' Court

- Most young adult offenders receive dispositions that do not require ongoing supervision, such as fines, dismissals and diversion. This is because most offences heard in the Magistrates' Court are relatively minor.
- Fines are the most common sentence for young adult offenders, consistent with Magistrates' Court trends generally.
- Of young offenders who receive a custodial sentence, 34% receive a youth justice centre order (YJCO).

Higher courts

- Most young adult offenders receive custodial sentences, consistent with trends in the higher courts generally: the higher courts hear the most serious cases.
- Young offenders receive custodial sentences less frequently than older offenders, consistent with case law.
- Of young offenders who receive an immediate custodial sentence, 42% receive a YJCO.

What proportion of young offenders receive a YJCO versus imprisonment?

The proportion of immediate custodial sentences resulting in a YJCO declined from 40% in 2013–14 to 36% in 2017–18 for young offenders aged 18 to 20 sentenced in the Magistrates' Court and higher courts.

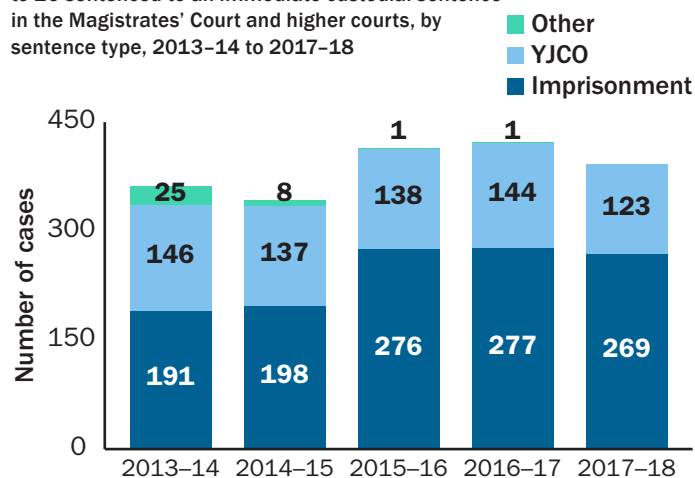
What alternatives are possible?

There is currently a limited range of targeted interventions for young adult offenders aged 18 to 25 in Victoria. Young adults have particular needs and there is a lack of specialist community-based sentencing options, so more needs to be done to help them avoid offending.

Reforms that might better address the needs and risks of young adults in the sentencing process include:

- introducing sentencing principles into the *Sentencing Act 1991* (Vic) that specifically address young adult offenders, for example, making the age and/or psychobiological development of an offender a specific sentencing consideration
- introducing changes to community-based sentencing options for young adult offenders, such as making changes to the existing community correction order
- expanding the availability and/or scope of 'dual track' sentencing to include offenders aged between 21 and 25
- introducing or extending units in prisons, or separate facilities, designed specifically for young adult offenders within the adult correctional system
- introducing a specialist young adult court or a specialist list to address the needs of young adult offenders being sentenced
- increasing the use of pre-court and court-ordered diversion.

Number of cases involving young offenders aged 18 to 20 sentenced to an immediate custodial sentence in the Magistrates' Court and higher courts, by sentence type, 2013–14 to 2017–18



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