

BETTER IN EUROPE?

European responses to young adult offending

Dr Ineke Pruin and Professor Frieder Dünkel
Universität Greifswald

Full Report



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Greifswald's Department of Criminology has an international reputation for excellence in research, and for particular expertise on how criminal justice systems throughout the world respond to crimes committed by young adults. The Department of Criminology's work covers topics such as juvenile criminal law and the practical application of sanctions.

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1

Key Points and Introduction

KEY POINTS

1

International criminological research has found that there is little evidence to justify why the same regulations, procedures and legislation are not applied to young adults (18-24) as to the under 18s.

2

Research has also found that early adulthood is a crucial period in 'criminal careers'. Whilst some young adults may stop engaging in risky behaviour at this stage, many increase their activities and may in fact start getting into trouble at this point in their lives.

3

There are several factors which influence the likelihood or not of getting involved in criminal activities, including parenthood, steady employment, self control, and brain maturation.

4

On desistance from crime, research has revealed that the factors linked with not offending (see point 3 above) are happening later and later in life. In many countries young people are not moving out of the parental home, having children, or acquiring a partner until their late 20s.

5

Research into brain maturity has found that psychosocial and cognitive development continues up to age 25 and possibly even beyond. For this reason juvenile justice rationale and functions should be applied to the young adult age group because of their psychosocial immaturity.

6

Inter-disciplinary research on this subject has found overwhelmingly that young adulthood is a crucial and sensitive period in young peoples' lives, with wide-ranging changes and transitions, which can have a significant impact on the trajectory of their lives and on the likelihood of whether they engage in criminal activities. If it has been widely accepted that juveniles should be treated in a unique way then research findings and recommendations which say that young adults should be treated uniquely should also be put into practice.

7

Criminal justice responses to young adult behaviour need to be flexible and subjective. The report argues that in most countries this flexibility is available for juveniles but not for adults, which results in longer prison sentences and unrealistic fines.

8

The report found that it is widely accepted that turning 18 does not justify transferring young people to adult prisons, and it is common practice in Europe for young adult offenders to be allowed to remain in the youth prison system into their early 20s. However, there is no consensus around whether establishing separate penal institutions would be appropriate or advisable. Whilst in Germany and Switzerland there have been some positive experiences reported in this area, in the Netherlands and England and Wales, the opposite has been found to be the case.

9

Almost all European justice systems have accepted that young adulthood should be reflected in criminal justice laws or practice. Germany is one of these European justice systems. Juvenile justice measures are fully integrated into young adult decision making, which gives the courts more sentencing flexibility, allowing them to take maturity (or lack of it) into consideration as a mitigating factor. Since April 2014 the Netherlands too has become a European pioneer in implementing a tailored approach to young adult offenders up to the age of 23.

10

Applying young adult specific practice would give the courts a wider range of interventions and enable the judiciary to tailor responses to individuals in an effort to mitigate life-long disadvantage and ongoing involvement in the criminal justice system.

The report that follows comprises two main sections:

First, a comprehensive review of evidence from criminology, sociology and neuroscience, which forms a compelling case for a distinct approach for young adults in the criminal justice system and, secondly, a detailed overview of European criminal justice responses to young adults.

1. INTRODUCTION

Over the last ten years approximately, the question of how to respond appropriately to the offending of young adults has emerged as a point of increased focus within international criminological research and criminal policy. This development has mainly been based on recent research results in the field of neurosciences and studies investigating individual differences in criminal careers across the life course, which – taken together – shed a different light on young adult offenders and their behaviour. These research results question the adequacy of immediately and abruptly barring offenders from the special regulations, approaches and procedures provided for under juvenile justice legislation simply because the offence happened to be committed after the offender has turned 18, or because the offender happens to have turned 18 in the course of proceedings (Farrington/Loeber/Howell 2012, p. 729).

Recent experiences have shown that the implications of these findings are strong enough to justify a change in criminal policy governing the treatment of young adult offenders. Such change can be extensive, like in the Netherlands, or gradual like in England, where the Transition to Adulthood Alliance in particular has promoted such developments. The last literature review by *Prior et al.* 2011, commissioned by the Barrow Cadbury Trust and comprising a comprehensive overview of interdisciplinary research results on young adults, is barely three years old, but nevertheless, in the meantime there are new analyses and developments to be reported on.

The results from two large working groups comprising many highly esteemed scholars and researchers from the field – one European with 33 scholars and one US-American with 32 scholars (Loeber *et al.* 2012 and Loeber/Farrington 2012) – were published in 2012. Furthermore, a recent volume in the Cambridge Criminal Justice Series has focused on young adults and their treatment in the criminal justice system, which is based on conference papers from one of the first Transition to Adulthood Alliance experts meetings (Lösel/ Bottoms/Farrington 2012).

A distinct approach to juveniles

New considerations emerge from the following questions: specific juvenile justice systems or approaches have been successfully implemented all over the world.¹ Providing a special approach to responding to juvenile offenders is not only mandatory due to international Human Rights Law – it is also a logical consequence if policy is to be based on a deep and wide base of research evidence: juvenile offending can be characterised as ubiquitous and episodic. Self-report studies have shown that most offenders stop behaving in a criminal manner regardless of whether they have experienced any public reactions (like prosecution) to their offending (spontaneous remission). Therefore, juvenile justice policy rightly tends to regard youth offending as a more or less normal pattern in juvenile development (at least for the vast majority of juvenile offenders who cannot be defined as ‘chronic offenders’).

1. See for example Shoemaker 1996, Dünkel/van Kalmthout/Schüler-Springorum 1997, Albrecht/Kilchling 2002, Winterdyk 2002, Doob/Tony 2004, Cavadino/Dignan 2006, Junger-Tas/Decker 2006, Muncie/Goldson 2006, Baillieu/Cartuyvels 2007, Patané 2007, Hartjen 2008, Hazel 2008, Junger-Tas/Dünkel 2009, Cipriani 2009, Dünkel/ Gryzwa/Horsfield/Pruin 2011, Baillieu/Cartuyvels 2014

Juvenile justice approaches and strategies normally seek to avoid the well-known negative consequences of harsh criminal sanctions like imprisonment, by providing a more tolerant approach to dealing with juveniles. Furthermore, interdisciplinary research has repeatedly and continuously highlighted that juveniles are, for various reasons, not responsible for their criminal behaviour in the same way as adults are for their behaviour (e. g. low impulse control, more susceptible to peer influences, more likely to take risks for excitement, see *Farrington/Loeber/ Howell* 2012, p. 729 f.). Even leaving such neuroscientific results aside, many existing juvenile justice systems are based around the old notion of *doli incapax*, i.e. a diminished criminal capacity due to young age.

“important role transitions, that are said to be associated with desistance from crime, have come to be completed later and later in life”

Extending the distinct approach to Young Adults

Recent research results and experiences with special approaches to responding to young adult offenders in many justice systems (*Dünkel/Pruin* 2012) do raise the question whether the arguments in favour of treating juveniles in a manner that better reflects their maturity could not be equally valid for young adults as well? Is it justifiable to regard the 18th birthday as an abrupt cut-off point, after which criminal behaviour is responded to in accordance to adult criminal law, which generally focuses more on retribution than on rehabilitation (at least in most countries) and is doing so logical?

The Council of Europe

The Council of Europe has taken these considerations into account in its Recommendation on ‘New ways of dealing with juvenile offenders and the role of juvenile justice’ of 2003 (Rec. (2003) 20) and in the ‘European Rules for Juvenile Offenders Subject to Sanctions or Measures’ (ERJOSSM) of 2008 (Rec. (2008) 11). Rule 11 of the Recommendation (2003) 20 reflects “the extended transition to adulthood”, which should make “it 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”. Similarly the European Rules for Juvenile Offenders Subject to Sanctions or Measures state in Basic Rule No. 17 that “young adult offenders may, where appropriate, be regarded as juveniles and dealt with accordingly” (see in detail *chapter 3.1*).

Criminological research indeed suggests that the findings pertaining to the particularities of juvenile offending also apply to young adults. Desistance research indicates that changes in patterns of criminal behaviour occur in particular in the phase of young or emerging adulthood. This serves as justification for devoting targeted research to this particular demographic group, and the special provisions that have been put in place in some (juvenile) criminal justice systems throughout Europe give an insight into promising strategies for responding appropriately to offending by young adults.

What is a YA?

Who is a young adult in this respect? There is no uniform or homogeneous definition. The Council of Europe in its above mentioned Recommendation and Rule No. 22 of the ERJOSSM defined young adults as persons aged 18 to 21 years. Therefore there is a consensus that with regard to the lower end of the spectrum, young adulthood begins at the age of civil majority, which is 18 in most countries. But when does young adulthood end, and full adulthood begin? This question cannot be readily answered overarchingly or comprehensively, as the answer will vary depending on whose lens you are looking through. For example, from the point of view of German criminal law, young adults are defined in the Criminal Code as persons aged between 18 and 21 years. By contrast, from a neuroscientific perspective, the transitional phase of young or emerging adulthood more likely ends around age 25 (as pointed out by the AIDP-Resolution mentioned in *chapter 3.1*), while through a sociological lens, full adulthood might often not be reached until a person is over 30. Consequently, the report at hand considers all research findings on young adulthood without setting a rigid upper age limit. Research and literature define the upper age limit of the study, and not *vice versa*.

Report aims and remit

This report aims to summarise recent research results on young adult offenders, focusing on criminological analyses in general and data from Germany in particular, a country where young adult offenders have been included in Juvenile Justice since 1953. A shorter review on some sociological observations on changes in the living contexts of young adults aims to manifest a deeper understanding of the special phase of transition young adults face today. The overview on research results from psychology and neuroscience is concise by comparison due to the respective comprehensive overview by *Prior et al. 2011*. A second focus of this report lies in providing an overview of the different strategies and practices for responding appropriately to young adult offending that have been put in place in Europe. The presented findings are mainly based on a recent extensive research project conducted by the Department of Criminology at the University of Greifswald, Germany, involving more than 40 international juvenile justice experts (*Dünkel et al. 2011*), and have been updated with the help of recent expert interviews.²

² The authors would like to thank Jolande uit Beijerse (Netherlands), Karin B2. ruckmüller (Austria), Anette Stoorgard (Denmark), Tapio Lappi-Seppälä (Finland), Kerstin Nordlöf (Sweden) and Dalida Rittossa (Croatia) for their valuable input.

2

Fundamental research results and recent developments in interdisciplinary research

2. FUNDAMENTAL RESEARCH RESULTS AND RECENT DEVELOPMENTS IN INTERDISCIPLINARY RESEARCH

2.1 Criminological research results

International criminological research has, over approximately the last ten years, only recently begun to yield more extensive results relating specifically to young adults. At the international level, the case had previously been that criminologists focussed their attention on juveniles as a distinct age-group with their own statistics on the one hand, and on adults (or non-juveniles) on the other. In-depth analyses of the age-crime curve and desistance-research have shown, however, that criminal behaviour in fact witnesses significant changes in the transitional phase in *between* minority and majority.³ It is against this backdrop that recent initiatives have been founded that seek to place a particular focus on the offending of young or emerging adults (Loeber *et al.* 2012a and 2012b, Loeber/Farrington 2012, Lösel/Bottoms/Farrington 2012).

Criminological research can shed some light on the particularities of young adult offending, in terms of 1. the quantity of offending (*chapter 2.1.1*), 2. the quality of offending (*chapter 2.1.2*), and 3. the longitudinal development of offending behaviour in the life-course (*chapter 2.1.3*).

2.1.1 The quantity of young adult delinquency

In Germany, drawing a quantitative picture of the criminal behaviour of young adults has always been relatively easy compared to other countries, because this age group is defined by law and the legal concept of German juvenile law allows a statistical differentiation of young adults. The police statistics as well as the so-called *Strafverfolgungsstatistik* (statistics on court decisions)⁴ deliver specific data for 18 to 21 year-olds.

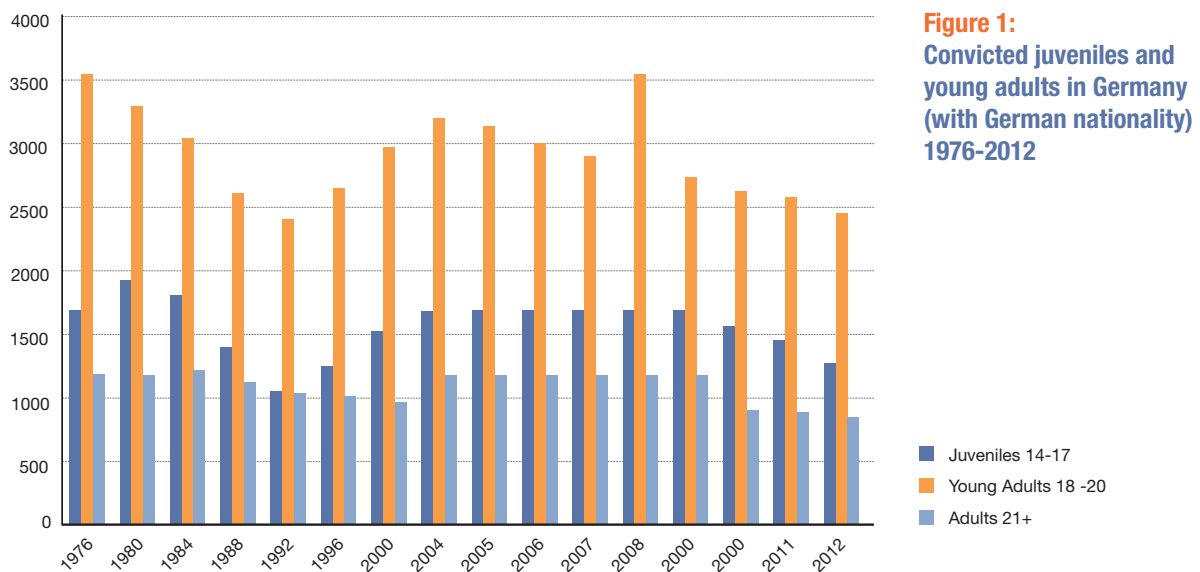


Figure 1:
Convicted juveniles and young adults in Germany (with German nationality) 1976-2012

*VZ. Convicted persons per 100,000 of the age group; data 1976-2006: West-Germany; 2007-2012: total Germany.

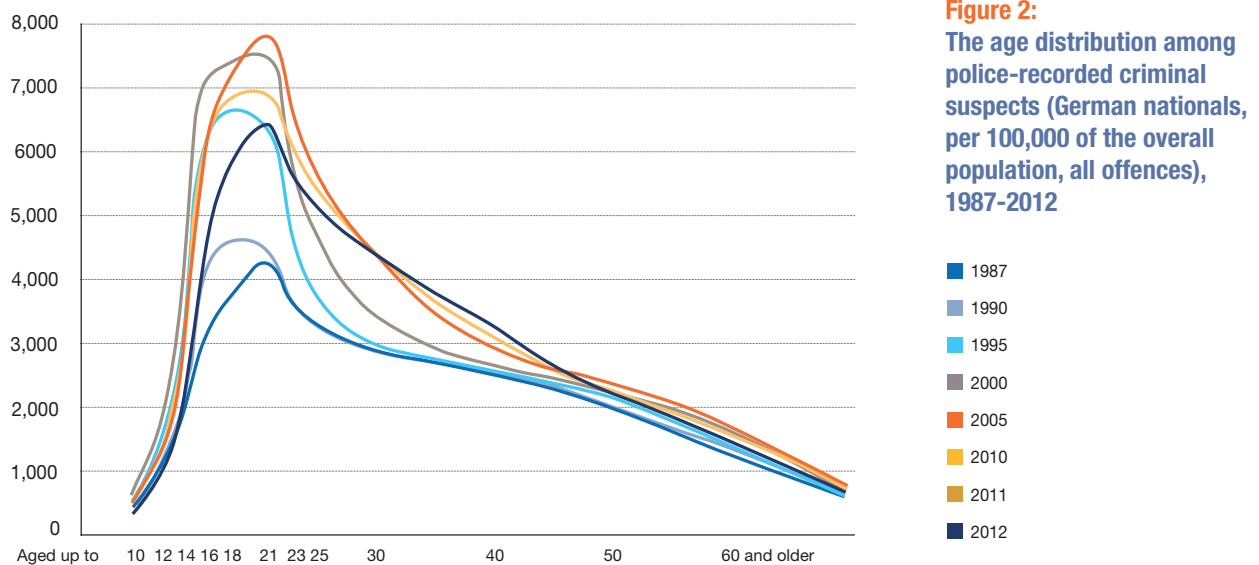
Source: Statistisches Bundesamt 2014, Table 1.1.

3. See for instance Lösel, Preface in Loeber *et al.* 2012, p. XVIII.

4. The German sentencing statistics (*Strafverfolgungsstatistik*) comprise all defendants and convicts whose criminal proceedings have ended in a conviction, after either an oral hearing or a written summary decision (*Strafbefehl*), or when the proceedings have been discontinued by the court.

A look at the conviction rates per 100,000 of the age group (*figure 1*) reveals that, in Germany, over the past few decades, young adults have always been at the greatest risk of being convicted of a criminal offence compared to juveniles and adults aged over 21. According to these data, after a peak in the year 2008 the rate for young adult offenders has been in continuous decline. This age group has also been found to be at the greatest risk of offending in other international statistical analyses (see for example *Blokland/Palmen 2012*, p. 42, *Grafl 2008*, p. 285 or *Horsfield 2014*, p. 315).

If we look more closely at offending (*figure 2*) or conviction (*figure 3*) rates for different age groups, the well-known phenomenon of age and crime distribution gives evidence that crime decreases after a peak in young adulthood, the so-called age-crime curve.



*: As of 1993: all Federal States. Source: Spieß 2012.

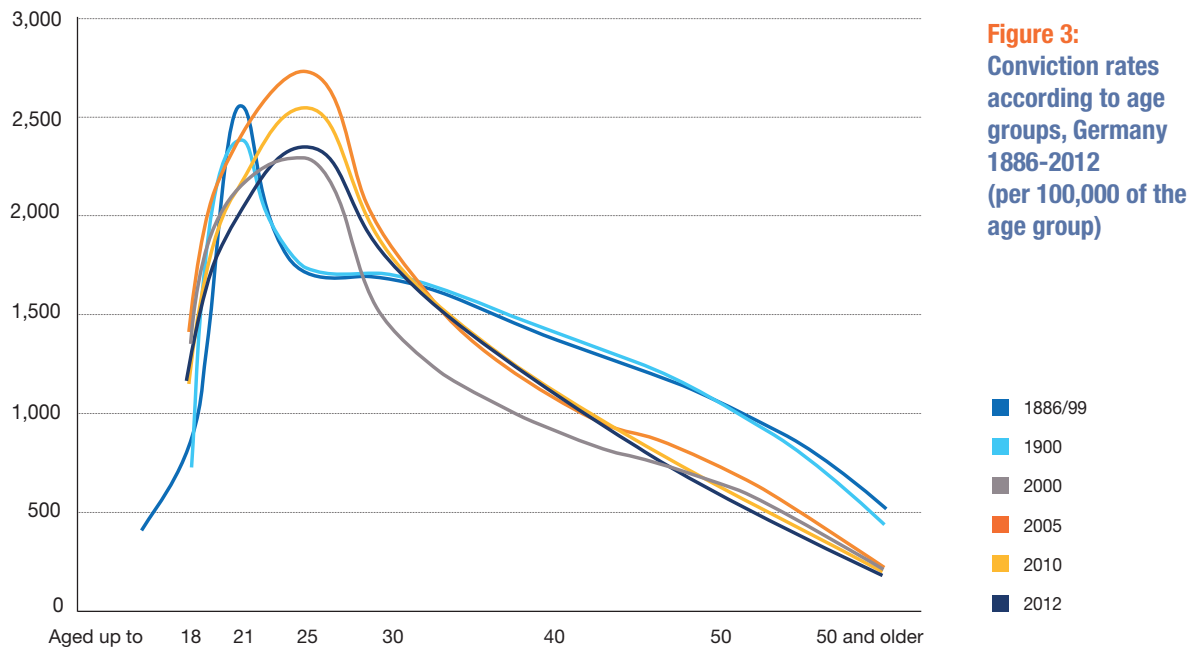
Research has not yet presented results that indicate a significant decline in the prevalence of offending once the age of 18 has been reached.⁵ The strong decrease in prevalence up to age 30 has been confirmed worldwide (e.g. *Loeber et al. 2008*).

The German statistics also show some interesting developments in the age-crime curve since the late 19th and early 20th century. Conviction rates in particular (*figure 3*) have witnessed highly notable developments since then. In 1886/95 prevalence rates peaked between 18 and 21 years, a pattern that remained mostly unchanged all the way up to 1970 and 1980. However, since the 1990s the peak age of offending has increased to around 25 years. The other phenomenon of a sharp increase of the prevalence rates between 1990 and 2006 and a steady fall since then, while very interesting indeed, is of less significance in the context of this report.⁶

“What is also evident is that the age of 18 – the age that traditionally is set by most European jurisdictions as the cut-off point beyond which juvenile justice sanctions or procedures cease to be applicable – has apparently not been of significant importance in any age-crime analysis.”

5. Farrington/Loeber/Howell 2012, p. 735 come to the same conclusion for international age-crime curves.

6. For the development of youth criminality in Germany, see Dünkel 2011.



Source: Spieß 2008.

In Germany, the general shape of the age-crime curve has not changed significantly since the beginning of the last century (sharp rise to a peak, followed by continuous drop-off). According to this analysis based on conviction rates per 100,000, however, the peak (indicating the episodic nature of juvenile crime) has continuously shifted further to the right, i.e. to the age group between 21 and 25.

Age-crime curves

The age-crime curve can be regarded as a universal phenomenon (*Cavadino/ Dignan 2002, p. 285; Junger-Tas et al. 2009, Stevens 2009, Loeber/Farrington 2014*). Yet it is far from invariant: a comparison of *figures 2 and 3* shows that the age-crime curves tend to peak earlier if we look at police-recorded data compared to data on convictions. The reason for this lies partly in the time which lies between the offence and the conviction, and partly in diversion schemes for first-time offenders which limit the number of younger persons appearing before the courts. Further analyses have shown that age-crime curves vary for different offences, genders or ethnic groups – again, not in their patterns of rise, peak and fall, but with respect to their peak-ages (e. g. *Blokland/Palmen 2012, pp. 17 ff. with further references*). For example, the age-crime curve for violence tends to peak later than that for property crime (see *Loeber et al. 2012a, p. 336*). The differences between males and females reveal that the peak is earlier for female than for male suspects or convicts (*Heinz 2003, p. 62; Spieß 2008, p. 15; Pruin 2007, pp. 115 ff., Blokland/Palmen 2012, p. 18 with further references*). Furthermore, it can be regarded as confirmed that the figures tend to peak earlier if the age-crime curve is calculated on the basis of self-report data instead of official records or criminal statistics (*Piquero et al 2012, p. 15 with further references*).

7. Breaking off criminal phases without state reactions or interventions.

We can speak of *developmental* crime as the sharp decreases in both the police registered prevalence rates and the conviction rates for both genders continue up until the age of 30. The age-crime curve is seen as an indicator for the episodic nature of ‘normal’ juvenile crime (Heinz 2003, p. 74; Bundesministerium des Innern/Bundesministerium der Justiz 2006, pp. 354 ff.) Together with research findings pertaining to the ubiquity of juvenile delinquency and self-report data pointing to the phenomenon of spontaneous desistance⁷, it provides a strong argument in favour of a special criminal justice approach to juvenile crime: the data show that crime is a more or less ‘normal’ facet or phenomenon of growing up, and that offenders ‘grow out’ of deviant behaviour in the majority of cases without state intervention. The data for young adults suggest that these findings on the episodic nature of delinquency apply not only to juveniles, but also to young adults as well, because – as the aforementioned prevalence rates suggest – the majority of offenders appear to ‘grow out of crime’ during early adulthood.

2.1.2 The extent of young adult delinquency

Over time, the structure of juvenile delinquency has not changed very much in general, although registered violent crime and drug offences have increased in many countries over the last 20 years. According to criminological research results, this increase is partly due to the increased rate of reporting cases of violence to the police.⁸ Furthermore, it has to be emphasized that the increase in registered (violent) crime and self-reported delinquency during the early 1990s has already levelled off, and one can observe a decline since the early 2000s in many European countries. This has also been the case in Eastern Europe, where specific problems have been encountered following major social changes at the end of the 1980s.⁹

Germany

Juveniles and young adults still predominantly commit less serious crimes. Taking a look at the German data, some particularities in the structure of young adult offending become apparent:

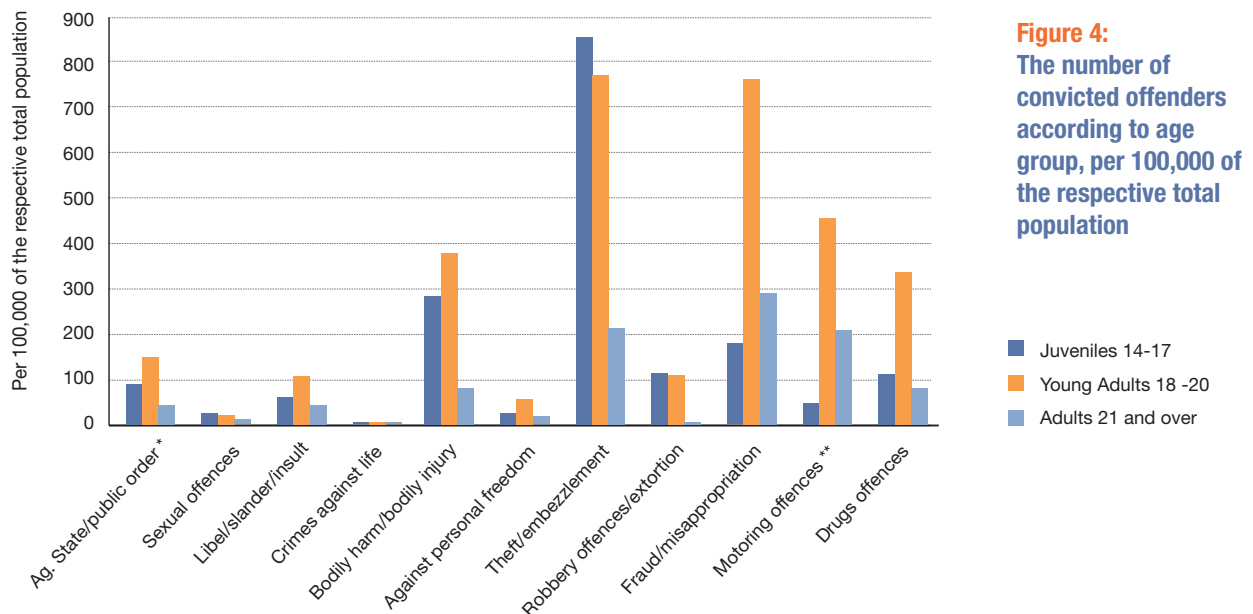


Figure 4:
The number of convicted offenders according to age group, per 100,000 of the respective total population

■ Juveniles 14-17
■ Young Adults 18-20
■ Adults 21 and over

* Also includes offences committed in the context of holding a public office (§§ 331-358 of the Criminal Code), including for instance bribery, corruption/corruptibility, granting undue advantage.

** Motoring offences regulated in the Criminal Code.

Source: Statistisches Bundesamt 2014, table 2.1, and own calculations.

8. Loeber et al. 2012, p. 210 offer the explanation that the increase may also be the result of the police focusing more on juveniles.

9. See Estrada 2001; Kivivuori 2007; van Dijk/Manchin/van Kesteren 2007; Steketee et al. 2008; Junger-Tas/Dünkel, 2009, pp. 215 ff.; Stevens 2009.

In 2012, a German analysis of the number of convicted persons per 100,000 of the total same-aged population was conducted. It revealed differences in the structure of offending between juveniles, young adults and full adults. Theft offences (shoplifting in particular) account for a large share especially of juvenile offending, but also of young adult crime. Bodily harm (*'gefährliche Körperverletzung'*) is the second most frequent offence category among juveniles, followed by fraud and misappropriation offences. By contrast, this latter category of offences is the second most frequent among young adult offenders, followed by motoring offences. The rates for sexual offences and robbery offences did not differ significantly between the different age groups. There are, however, noticeable peculiarities in the structure of young adult offending compared to other age groups, most prominently the high rates of fraud and misappropriation, motoring offences and drugs offences.

The German criminologist *Wolfgang Heinz* has conducted analyses of police recorded data and court sentencing data (*Heinz 2003*, p. 36 f.). From these, he concludes that a noticeably large share of juvenile and young adult offenders are statistically recorded/sentenced for offences that are either strongly dependent on their socio-economic situation and opportunities (driving without a valid license), or that are characterized by elements of violence, aggression or personal gain. Typically, juvenile and young adult offending can be classified as 'less-serious'. Compared to the other age groups, simple theft clearly outbalances other forms of offending among juveniles and young adults (*Heinz 2004*, p. 38). Overall, comparing police recorded data for the different age groups reveals a predominance of property offences among juveniles and young adults that is not reflected in the adult data. The court sentencing data draw a similar picture, but additionally reveal a significant share of motoring offences among juveniles and young adults. A conspicuously large share of young adult offenders up to the age of 25 is registered for drugs offences, but also violent crimes like bodily injury and robbery.¹⁰

Netherlands

According to Dutch analyses on the crime rates per 1,000 in 2007 for different types of crime, the three most common crimes among young adults (18-24) were motoring offences, followed by assault and serious property crime, whereas serious property offences were the most common offence type among juveniles (12-17).¹¹ With regard to crimes against public order, young adults exhibited lower crime rates than juveniles.¹² Dutch analyses on self-report data have shown a higher prevalence of fare-dodging, receiving stolen goods and bicycle thefts compared to juveniles (*van der Laan et al. 2012*, p. 216).

Austria

Austrian research results reveal that the share of offenders recorded for negligent bodily harm increases with age. The most pronounced difference in the offending structure of the different age groups is the share of drugs offences, accounting for only 3% among registered juvenile suspects, 17% of young adults and 10% of adults (*Grafl 2008*).

England and Wales

An analysis of offenders formally cautioned or sentenced in England and Wales in 2011 (*Horsfield 2014*, p. 314) reveals that 25.1% of all young adult offenders brought to justice for indictable offences had committed drugs offences, a higher share than for the other age groups. Property

10. Heinz 2004, pp. 34 ff.; Heinz 2003, pp. 45 ff.; Heinz 2006, pp. 17 ff. Kröplin compared juvenile and young adult offending recorded in 1997 and came to the conclusion that the offending structures of both of these age-groups bore close resemblance to each other. Kröplin 2001, pp. 125 ff. and fig. 6.1. ff. Non-aggravated theft accounted for the largest share of recorded young adult offending (albeit not predominating to the same degree as for juveniles), followed by drugs offences and aggravated theft.

11. Van der Laan et al. 2012, p. 208. On results for self-reported delinquency see van der Laan et al. 2012, p. 215.

12. Ibid.

offences (theft/handling: 31.5%, burglary: 8.2%) were the leading offence category in the structure of indictable offending by young adults in 2011 (Horsfield 2014, p. 314).

	10 to under 18	18 to under 21	21 and older
Violent offences	14.1	13.5	12.3
Sexual offences	1.5	1.2	1.7
Burglary	10.2	8.2	5.0
Robbery	6.4	3.2	1.1
Theft/Handling	37.7	31.5	36.1
Fraud/Forgery	1.3	3.4	6.5
Criminal damage	4.8	3.2	2.0
Drugs offences	17.8	25.1	22.8
Other indictable off.	6.3	10.8	12.4

Table 1:
Offenders brought to justice in England/Wales for indictable offences in 2011, by age group and offence category, excluding motoring offences, figures in %

Source: Horsfield 2014, p. 314; based on Ministry of Justice 2012 supplementary tables S5.5 to S5.7.

The shares of offence types that are typically associated with juvenile offending and that are susceptible to group dynamics and criminal opportunities (for example indictable robbery, burglary, violent and criminal damage offences) decrease as offender age increases. At the same time, offending more closely associated with adults (fraud and forgery in particular, which could in fact be due to the emergence of increased opportunities in the context of work, vocation and actual involvement in the 'tax world') increases with age.

These findings confirm the results from other countries that young adults, while accounting for a disproportionately large share of all registered crime, cannot be regarded as more 'dangerous' offenders than juveniles or older adults, and still predominantly commit less serious crimes than adult offenders.

Farrington et al. add their observation that reckless acts are still common until early adulthood, as is evident from data on the incidence of car accidents, even when controlling for the number of miles travelled. They highlight that this fact is recognized widely by insurance companies, whose premiums for car insurances for young drivers up to approximately age 25 are dramatically higher than for older drivers (*Farrington/Loeber/Howell* 2012, p. 733).

The presented analyses thus suggest that the quality of young adult criminality bears a closer resemblance to juvenile offending than to adult crime, and that accordingly, a clear distinction from juveniles in terms of criminal justice responses and processes cannot be justified.

2.1.3 The development of offending during young adulthood

Finding an explanation for the significant decline in offending during early/young adulthood has drawn more and more interest over roughly the last 25 years. Desistance researchers have conducted numerous in-depth longitudinal analyses¹³ of age-crime curves (which are normally

13. F. ex. Wolfgang et al. 1987; Farrington 2002; Stattin/Magnusson 1991; Stelly/Thomas 2001; Blokland et al. 2010.

based on official records of aggregated data from different age cohorts). Longitudinal studies follow up the same participants over their life course and are therefore an appropriate method for avoiding cohort-effects (Loeber *et al.* 2012a, p. 337). Analyses have shown that, within the age-crime curve, there are different developmental trajectories which are regarded as suitable for showing distinctions between subgroups of offenders (Loeber/Farrington 2014, p. 12.). This group-based trajectory model is now prominent in describing long-term trends in offending (Sullivan 2013, p. 207, Piquero 2008, p. 27) and allows some conclusions on the age of young adulthood.

Desistance Theories

Research by Moffitt¹⁴ revealed that the majority of offenders stop their criminal activity during young adulthood, as the age-crime curve illustrates (Moffitt describes this group as ‘adolescence-limited offenders’). However, on the other hand, there is also a small group of so-called ‘life-course persistent offenders’, who continue their criminal activities for longer periods and who are responsible for a disproportionately large share of offending. Many studies have identified these two offender profiles (see Theobald/Farrington 2014, p. 3336 with further references), but research has also revealed a number of other trajectories (for an overview see Piquero/Hawkins/Kazemian 2012). Sampson/Laub for example differ between ‘persisters’ who continue with criminal behaviour for a certain time as adults (but still desisted later in their life course), ‘desisters’ who stop offending as (young) adults, and other groups like ‘high rate’ and ‘low rate chronics’ (see figure 5). The different trajectory groups vary in their peak rates. All trajectories follow a pattern of rise and subsequent fall, but there are trajectory groups – in the example below the ‘classic desisters’ – and the ‘moderate-rate desisters’ – who reach their peak rate of offending as teenagers, and others (the ‘high rate chronics’ in the example below) who reach their peak offending rate in more advanced adult age. Looking at trajectories of juvenile offenders, research has shown that every category of juvenile offenders has individuals showing escalating as well as de-escalating criminal career patterns as they age into young adulthood. In most cases, even the group of persistent offenders discontinue offending in later periods of their lives (Sampson/Laub 1993, p. 35 f.; 2009).

Further analyses with special data sets on the development of offending between ages 15 and 29 (e. g. Blokland/Palmen 2012, Piquero/Hawkins/Kazemian 2012) revealed a considerable group of adult-onset offenders or late starters (based on official crime record data sets), who only come to the attention of the criminal justice authorities as adults, without having had prior contact with the police as juveniles (see Piquero/Hawkins/Kazemian 2012, p. 27).

Which trajectories are identified in a study, and how many for that fact, strongly depends on which group is the subject of investigation (total population, police-recorded, arrested or sentenced persons etc.), but also on the conceptualisation of externalising behaviour problems, the number of assessments, the length of follow-up, the gender of subjects and whether studies employed multi-method/multi-informant designs.¹⁵ One important finding is that, within each of these trajectories, there can be important and significant differences between individuals (Theobald/Farrington 2014, p. 3336).

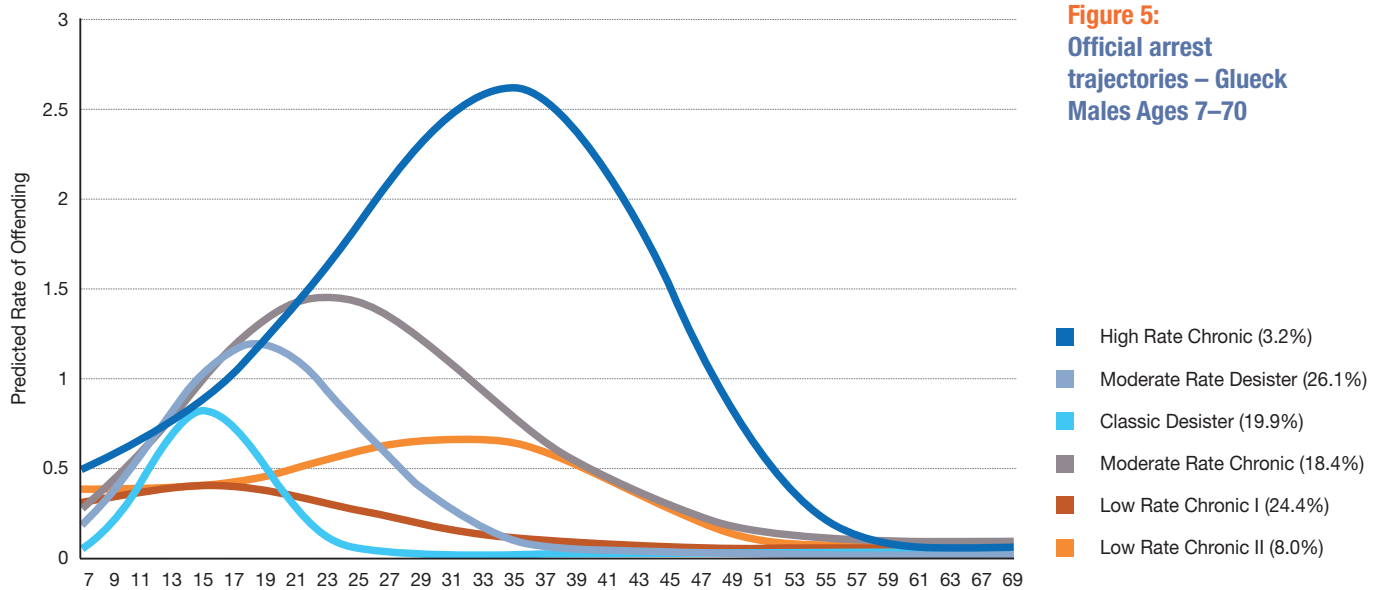
14. Moffitt 1993, pp. 674 ff. The results mainly stem from a longitudinal study conducted in New Zealand. 1,037 children from one birth cohort were continuously surveyed in two year intervals starting from their birth. Moffitt revealed significant differences within the sample in terms of the onset of their social problems. While about 5% of the sample already exhibited clear behavioural problems at pre-school age, for the majority, the onset of problematic behaviour was between ages 11 and 15. By age 15, roughly 33% of the total sample had exhibited socially problematic behaviour.

While “early onset offenders” and “late starters” did not differ significantly in terms of the quality and quantity of their recorded offending during adolescence, there were very well differences between the two groups in the range and extent of the social problems they exhibited in different spheres of life.

15 Van Dulmen *et al.* 2009. Thornberry defined eight trajectory groups, most research has revealed four to six distinguishable groups, see Loeber *et al.* 2012a, p. 342.

Despite these manifold trajectories, recent studies have determined that “the highest concentration of desistance takes place during early adulthood irrespective of age of onset.” (Farrington/Loeber/Howell 2012, p. 734, cf. Loeber/ Farrington 2014, p. 13).

While *Blokland/Palmen* do point out that there are offenders whose criminal episodes begin in early adulthood, they still conclude that change is common during early adulthood but far from universal across individuals (*Blokland/Palmen* 2012, p. 15). Overall, this does little to change the fact that early adulthood is a phase that is of particular importance in criminal trajectories.



Source: Piquero 2008, p. 37, originally from Sampson/Laub 2003, p. 582, Fig. 11.

Analyses on the development of the severity of offending during the life-course reveal that there is an increase in the severity of offences during early adulthood for a minority of delinquents, but it is typical that individuals in the process of desistance during early adulthood de-escalate the severity of their offending (*Loeber et al.* 2012a; *Blokland/Palmen* 2012, p. 44).

Analyses of self-report data focusing on the development of criminal behaviour over the life-course have revealed another very important result for the age of young adulthood: most offenders naturally grow out of criminal behaviour (without any influence from the criminal justice authorities) in their early 20s (*Farrington/Loeber/Howell* 2012, p. 735 with further references).

The notion of ‘spontaneous remission’ or ‘spontaneous desistance’ equally applies to young adults – for them, too, there is apparently no need for a harsh public reaction in order to accelerate the desistance process in the majority of cases. What remains is that early adulthood appears to play a major role in the further development of criminality in the life-course, as the highest concentration of desistance takes place during that phase of life.

These scientific findings should be reflected in a prudent, more patient criminal justice approach to dealing with young adult offenders.

“The results stemming from longitudinal research thus provide little justification for a criminal justice response for young adult offenders that differs substantially from that provided for juveniles”.

The next interesting question that has been (and still frequently is) addressed in the context of longitudinal studies is what the explanations are for the significant role that the period of early adulthood plays in changes in criminal behaviour. Studies have revealed several correlations associated with life events: they suggest that a shift to adult social roles might be responsible for a change in offending.¹⁶ There is strong evidence that marriage, parenthood (at least significantly for women, the results for men are mixed), and holding a stable job foster desistance (Laub/Sampson 2003, p. 40 f.; Averdijk/Elffers/Ruiter 2012 2012, p. 54 with further references). Many other events, e.g. military service or religious conversion, might influence the individual desistance process as well, while unstructured activities with peers are associated with

persistence. Furthermore, interesting research by *Bijleveld/van der Geest/Hendricks* (2012) suggests that vulnerable groups in particular (for example men with low intelligence or men and women who were placed in residential care during childhood) were on average less successful in making the transition to adulthood and proved to be those with longer criminal careers (*Loeber et al.* 2012a, p. 362).

2.1.4 Theoretical approaches to explaining the connection between age and crime

There are various theoretical and conceptual approaches that link age and crime and seek to explain the age-crime curve (thus making them particularly relevant for the phase of early or young adulthood).¹⁷

Hirschi and *Gottfredson* and their “General Theory of Crime” (*Gottfredson/Hirschi* 1990) should be mentioned first in this regard. This theory has its basis in the assumption that a disposition for deviant behaviour (what they term ‘criminality’) manifests itself in the early stages of the development of one’s personality, a disposition that essentially cannot be changed or modified, and that is linked to self-control in particular. The degree to which this ‘propensity to offend’ is pronounced in a person differs from individual to individual. Criminal behaviour occurs when this criminality encounters special constellations of conditions and circumstances that the authors term ‘crime’ (for example opportunities, potential victims).¹⁸ According to *Hirschi* and *Gottfredson*, age has a direct effect on offending, because the significance of the ‘crime’ factor – independent of the ‘criminality’ factor – decreases as age increases (*Gottfredson/Hirschi* 1990, p. 137). Age is thus an invariant factor in their view, and all offenders shall universally commit fewer offences as they get older. This theoretical approach implies that the shape of the age-crime curve is not a result of social and cultural factors, but rather that natural desistance is in fact a law of nature. If this is the case – if age is indeed to be understood as a biological variable – then sociological explanations for the development of offending behaviour become more and more superfluous as age progresses (*Gottfredson/Hirschi* 1990, p. 126, 128, 131).

16. Overview in Sullivan 2013, p. 208; Siennick/Osgood 2008.

18. See *Gottfredson/Hirschi* 1990 or and *Schneider* 1997, p. 313 with further references.

17. For a more extensive overview see *Donker et al.* 2012 or *McNeill et al.* 2012. *Prior et al.* 2011 presented an overview with a focus on theoretical approaches and maturity on pages 17 ff. and 21 ff.

Although *Hirschi* and *Gottfredson's* work is a widely acclaimed piece of criminological research, the low degree of influence that it attributes to environmental factors in the development of criminal behaviour has been repeatedly and strongly criticized.¹⁹ Developmental theories attribute a much more significant role to environmental influences on the development of crime. *Greenberg* seeks to explain the age-crime curve as an interplay between strain theory and control theory. The strain component is decisive for the onset of offending – according to *Greenberg*, pronounced desires for consumption linked with a lack of means to achieve said desires creates a strain that young people in particular experience as so great that they resort to crime as a means of alleviating it. *Greenberg* explains the subsequent decrease in offending behaviour with the control component: as age increases, so do the external 'costs' of offending. In that sense, the fear of damaged reputations, broken ties to spouses, partners and families or lost jobs (and the social control these bonds exert) outweighs the perceived gains of committing a crime (see *Greenberg* 1985 and *Stelly/Thomas* 2001, p. 75).

According to *Thornberry*, the age-crime curve is primarily the result of an interactive, reciprocal connection between social factors and delinquent behaviour. In his view, the factors that facilitate criminal behaviour need not be the same as those that are decisive in subsequent desistance from crime. There are control factors and behavioural factors. The family of origin is a prominent and significant factor during early adolescence, while this role shifts to the peer-group as adolescence progresses. The decline in offending in early adulthood can, according to *Thornberry*, be attributed to the changes that persons witness in this phase of personal development as they enter the world of conventional adult life and activities, and assume responsibilities for families of their own. These changes provide opportunities for young adults to recalibrate and redesign their social bonds, to break with old ones and form new ones. Assuming employment in particular is associated with significant reductions in the likelihood for delinquent behaviour and for associating with delinquent peers.²⁰

Based on the results of her research, *Moffitt* has abandoned the notion of an all-encompassing general theory of crime. Rather, her theory revolves around the taxonomy of the two types of offenders her research developed (the 'life course persisters' and the 'adolescence-limited offenders', see above). For 'life course persisters', the causes for criminal behaviour can be seen in neurological dysfunctions that begin during early childhood, that come to be expressed by life-long behavioural problems. According to *Moffitt*, delinquent behaviour will result if children with such deficits grow up in families or in general social environments that are unable to appropriately deal with or address them (see *Stelly/Thomas* 2001, pp. 79 f.). The onset of offending by 'adolescence-limited offenders' is in part explained by strain related thinking, in that the aims and needs of juveniles and their available means for achieving them are strongly divergent. Juveniles temporarily behave in a delinquent or criminal manner because it is worth it in their subjective consideration of costs and benefits.

Exhibiting deviant behaviour can promote positive functions, like helping young people break free from their parents and other authority figures, strengthening their self-esteem and achieving aims and goals that are important in the juvenile context or in the context of growing up. In developed countries, there is a wide discrepancy between a juvenile's degree of biological maturity and his/her social status (or the degree of responsibility) – a maturity gap that young people seek to at least partially bridge through their behaviour (according to *Lösel/Bliesener* 2003, p. 9).

19. See for example *Ezell/Cohen* 2005 who found little to support this approach.

20. *Thornberry* 1996; see also *Stelly/Thomas* 2001, pp. 84 ff. and *Schneider*

According to *Moffitt*, 'adolescence-limited offenders' desist from criminal behaviour as a consequence of assuming new social roles in the course of their rite of passage from childhood to adulthood.

Thus, delinquent behaviour in this group of offenders is regarded as an expression of social and developmental transitions. Significant life-events, like moving out of the parental home, getting married or entering into stable employment, are important triggers for drastic changes in the criminal behaviour of 'adolescence-limited offenders'.²¹ However, such events do not have the same effect on 'persisters', because the latter lack the capacity to successfully master this transition (see *Stelly/Thomas* 2001, p. 80 f.). According to this theory, the phase of young or early adulthood is particularly significant, because it is then that the two groups diverge from each other in terms of the behaviour they exhibit.

Basically simultaneously to *Moffitt*, *Sampson/Laub* published their theoretical approach that has its roots in the assumption that the development of criminal behaviour is not predetermined. Instead, in their view, life progresses along different trajectories that are characterized by transitions in the life-course. The resulting changes in the social roles that people assume can lead to turning points that in turn can mark either the end or the onset of a criminal career. From their empirical findings, according to which certain life events are particularly predestined to facilitate the end of a criminal career,²² *Sampson/Laub* conclude that it is the strength of bonds between an individual and the pivotal institutions of informal social control that is decisive for whether or not an individual behaves delinquently (*Sampson/Laub* 1993, see also *Stelly/Thomas* 2001, pp. 93 ff. and *Schneider* 1996, p. 400). Starting a family, for example, is a particularly important factor according to the authors, because doing so implies substantial changes to daily living-routines. Persons enter into bonds and obligations that limit the amount of time they can spend outside of or away from the family (for example for planning or carrying out criminal offences).

Lasting, stable relationships often bring the influence of new people (friends and family) with them, and spouses constitute a particularly important element of social control. According to the results from *Sampson/Laub*, married men feel that their role is tied to great degree of responsibility that can strengthen or reinvigorate their self-awareness and self-confidence (*Sampson/Laub* 1993, p. 42 f.). *Sampson/Laub* emphasize that such changes in criminal behaviour patterns can occur independently of previous behaviour or early childhood experiences (*Sampson/Laub* 1993, p. 7, *Laub/Sampson* 2003, pp. 118 ff. and p. 272). To them, chronic delinquency is not caused by a respective disposition in the offender's personality, but rather by the negative impact that such behaviour has on his/her social bonds, in turn increasing the likelihood of weaker social bonds in the future.²³

The seemingly most recent theoretical and conceptual approaches to explaining the connection between age and crime come from *Farrington* and *Loeber*. They have consolidated the empirical research findings on the numerous different trajectories, from which they have concluded that, while social influences play a significant role, a number of other factors play a decisive role in the development of criminal behaviour over the life-course. They have thus integrated other theoretical explanations for crime and desistance, for example research done by *Maruna* that highlights the importance of self-identity in the desistance process²⁴, *Giordano et al.* 2002, or *Bottoms/Shapland*

21. Because more opportunities arise that serve to strengthen pro-social behaviour and cause dissocial or antisocial behaviour to lose their appeal. *Lösel/Bliesener* 2003, p. 9.

22. *Laub/Sampson* 2003, p. 40 f.; According to their research, marriage, starting one's own family, stable employment, performing military service or alternative civilian service, but also the recognition of increases in one's own decision-making autonomy have often resulted in the end of criminal episodes. Joining religious communities or Alcoholics Anonymous is also regarded as being a significant "turning point".

23. *Sampson/Laub* 1993, p. 20. They also do not rule out the influence of "labelling" effects, see *Sampson/Laub* 1993, p. 137 and *Laub/Sampson* 2003, pp. 144 ff.

24. *Maruna* 2001. *Maruna* identified that, to desist from crime, ex-offenders need to develop a coherent, pro-social identity for themselves.

2011 who highlight the importance of human and social capital for the individual way towards desistance but also point out the importance of individual agency, involving a certain awareness and willingness to understand change as desirable and needed.

Mulvey et al. 2004 summarize the current developmental-criminological conceptualisations of desistance from crime as follows: new capacities, responsibilities and values reduce both the offender's acceptance and the attractiveness of criminal behaviour; new social roles and increased social inclusion and connection reduce criminal opportunities; these new achievements come to be regarded as something of value that should not be jeopardized, and result in a new self-image and self-perception of being a non-criminal.

Farrington has developed an integrated theory that combines strain and behavioural conceptualisations with dispositional and environmental factors. The levelling-off of the age-crime curve during young adulthood is essentially the result of new bonds to partners/spouses and a family of one's own, and the influence that these bonds have. At the same time, an improved economic standing and stable employment make it easier to fulfil desires and aims via legal means.²⁵

Collaborative research by *Loeber* and *Farrington* (for example *Loeber et al.* 2012a and 2012b or *Loeber/Farrington* 2012) has brought desistance research and research into the role of young adulthood together.

Loeber et al. 2012 have consolidated the expansive current state of research into different factors that are significant for the development of offending over the life course, and have defined 10 explanatory processes for persistence in and desistance from offending and adult-onset offending (*Loeber et al.* 2012 p. 5, and *Loeber et al.* 2012a), that focus on the phase of young adulthood in particular:

<ol style="list-style-type: none"> 1 Early individual differences in self-control. 2 Brain maturation. 3 Cognitive changes (for example, decision making to change behaviour). 4 Behavioural risk factors (disruptive behaviour and delinquency) and behavioural protective factors (nervousness and social isolation). 5 Social risk and protective factors (family, peers, school). 6 Mental illnesses and substance use/abuse. 7 Life circumstances, such as getting married, becoming employed, moving to another neighbourhood. 8 Situational context of specific criminal events, including crime places and routine activities. 9 Neighbourhood (for example, living in a disadvantaged neighbourhood, and the concentration of impulsive and delinquent individuals in disadvantaged neighbourhoods). 10 Justice response (for example, transfer to an adult court, longer sentences). 	<p>10 explanatory processes for persistence in and desistance from offending and adult-onset offending</p>
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Source: *Loeber et al.* 2012, p. 5

25. Farrington 1996 and Schneider 1996, p. 400; Schneider 1997, p. 315 and Schneider 2001, p. 64..

Each of the explanatory processes is elaborately and convincingly substantiated through results and findings from previous research (see *Loeber et al.* 2012a, p. 345-360). The different explanatory frameworks typically cover different age periods of the development of the individual, but for all of the processes the 18th birthday appears irrelevant. Whereas for example behavioural risk factors, delayed maturation in impulsivity and incarceration are implicated in persistence processes, early brain maturation, the presence of cognitive changes and several contextual changes (including marriage) are associated with desistance. They emphasise that further research is necessary to more reliably identify which of the different processes are associated with persistence or desistance (*Loeber et al.* 2012a, p. 361).

Blokland/Palmen 2012 have compiled special conceptual approaches for offenders whose criminality starts or becomes increasingly frequent in the age of young adulthood or after they have made the transition to adulthood. They seek to explain such developments in offending behaviour by pointing to waning social support as a result of young people getting older. If there are deficits or life stressors, they might become increasingly vulnerable to criminality. Another explanation for an increase in offending behaviour after the transition to adulthood can be that the new adult roles can bring with them new opportunities and motivations for crime (*Blokland /Palmen* 2012, p. 45).

In summary, it can be said that the majority of approaches to explaining desistance from crime emphasise the strong influence of assuming conventional adult roles (*Blokland/Palmen* 2012, p. 13). This in turn attributes a particular degree of importance to young adulthood, as this is frequently the phase in the life-course during which persons marry, attain stable employment and are increasingly independent economically – events that can turn out to be turning points in criminal careers.²⁶ Accordingly, *Lösel* states that “this age period is also relevant for not transferring behavioural and social problems to the next generation”.²⁷

26. Lösel in preface of *Loeber et al.* 2012a, p. xxiv, with further references.

27. *Ibid.*

2.2 Sociological concepts and the changing living environments and circumstances of young adults

Role transitions

As role transitions have received growing attention as potential explanations for desistance, it is worth taking a closer look at when young adults experience these transitions, and how they accomplish them.

According to sociological and psychological theory, these role transitions are so important because accomplishing them sets a process of independent and conscious ‘individuation’ in motion that is closely connected to the development of a personal identity (*Hurrelmann/Quenzel 2013, p. 33*).

From a socio-cultural perspective, there are four role transitions that need to be completed before the phase of youth can be deemed over: taking up employment; detachment from the parents by establishing a family of one’s own or by entering into a stable relationship with a partner or spouse; financial independence; and developing the capacity to assume an independent and equitable role as a consumer and to participate in social affairs (*Hurrelmann/Quenzel 2013, pp. 36 ff.*).

According to ‘old’ sociological theory, role-transitions were developmental tasks that had to be checked off the list in a particular order. Nowadays, this assumption no longer prevails – role transitions can be negotiated in accordance with one’s own individual rhythm and in an order that better suits personal preference (*Hurrelmann/Quenzel 2013, p. 39*). Normative social perceptions, expectations and conceptions of the life-course attach certain rights, duties and responsibilities to each period of development. In young adulthood, the most important such moment is reaching the age of civil majority, which is uniformly 18 in Europe, and which simultaneously serves as the upper age-limit for the youth justice system in most countries. Essentially, reaching adulthood is a result of ‘societal decisions’ that say very little about when the role transitions that are decisive for actually reaching adulthood have been mastered.

Sociological research shows in this regard that the social environment has changed considerably in the last fifty years. These developments have occurred particularly in those fields of life that are deemed most significant for a person’s integration into adult society and for the development of one’s own, independent identity. For instance, the point in time at which juveniles and young adults start to work and are at least financially in a position to establish their own identity has been considerably postponed.

Societal changes in Germany

In the 1950s, more than 70 per cent of German juveniles finished school at the age of 14 or 15 in order to enter the labour market immediately. Nowadays, German sociologists assume that the age at which a job will provide longer-term financial independence has clearly increased (for Germany, scholars estimate that about 40% of young people only manage to overcome this role transition by age 27, see *Hurrelmann/Quenzel 2013, p. 46*) and for a considerable and growing share of young people (many of them lacking training and coming from disadvantaged families) this role transition can be virtually impossible to accomplish (for Germany, scholars estimate this share to be at around 20%, *Hurrelmann/Quenzel 2013, p. 55*).

Employment

This relatively advanced age at which people nowadays take up employment and the changes that can be observed to have occurred in this regard over the last fifty years can be accounted for by changes in the employment and labour markets. Employers have been requiring increasing levels of qualifications from their employees. Vocational training and academic degrees are gaining increasing importance, and regular school education has also been prolonged: eg. pupils at high schools generally graduate at the age of 19 and in Germany young adults graduate from university at age 29 on average (*Buhl/Lanz 2007*). On the other hand, structures of basic school education and vocational training could possibly have been deliberately elongated since the mid-1970s in order to prevent the labour market becoming even more overburdened. This has been in part attributed to the pan-European problem of youth unemployment (*Wahler 2000*, pp. 183 ff.).

Furthermore, developments in the economy, intensification of competition and industrial restructuring have led to the demand for increased labour market flexibility and to a reduction of social protection within labour laws (*Golsch 2008, Plantenga et al. 2013*). This especially affects young people who are in the specific phase of transition between leaving school and entering the labour market ('school-to-work-transition', see *Kurz et al. 2008*). In many European countries a substantial increase in temporary or fixed-term jobs can be observed (*Bukodi et al. 2008; Kurz et al. 2008*) as well as significant increases in the period of time it takes to find first employment (see, for example, *Buchholz/Kurz 2008; Kurz et al. 2008*).²⁸ Labour market entrants aged 16-29 are affected the most by the increase in employment insecurity (*Golsch 2008; Blossfeld et al. 2005*).

Also in Eastern European countries processes for entering the labour market became turbulent after the regime changes (*Kurz et al. 2008*). Youth unemployment is a Europe-wide phenomenon (see Figure 2.1 in *Golsch 2008* for data on 10 European countries). Statistical analyses shook with news about youth unemployment rates (for 15-24 years olds) of up to 57.9% (Greece) or 55.2% (Spain),²⁹ and NEET rates are alarmingly high as well.³⁰ Furthermore all over Europe, continuous full-time employment is becoming less frequent. Instead, flexible forms of employment such as part-time work, fixed-term contracts and self-employment are gaining importance, which often make the road to financial independence more arduous and give young people a fragile start into an independent life. Such a problematic transition into the working world is associated with a general reduction in long-term life chances (the so-called 'scarring effect') (*Plantenga et al. 2013*).

To sum up, we can observe from these developments that young adults increasingly encounter a long period of financial insecurity and a huge degree of dependence, both of which complicate the development of an independent personality and life structure which is the most important 'developmental task' in the phase of (young) adulthood.

Family and Parenthood

Detachment from one's family of origin is regarded as a further important aspect for the development of an individual identity. According to traditional sociological perspectives, this detachment occurs in the founding of one's own new family and/or through the establishment of stable bonds to a partner. According to European analyses, considerable changes have also occurred in this context (see *Figures 6-8*).

28. Kurz et al. (2008) conclude from their analysis of ten European countries that the entry into the labour market – at least for school leavers with general education, formal vocational training and/or university education – is easier in countries "where education is relatively standardized and stratified and/or where vocational education has a clear, occupation-specific character."

29. Rates for 2012, see Eurostat 2014, http://epp.eurostat.ec.europa.eu/statistics_explained/index.php/Unemployment_statistics.

30. Plantenga et al. 2013, pp. 31 ff. The NEET-rate is the proportion of juveniles/young adults not in employment, education or training. The NEET-rate shall help to make the unemployment rates more realistic, because a large share of people between the ages of 15 and 24 are outside the labour market (since many youths are studying full-time and thus are not available for work).

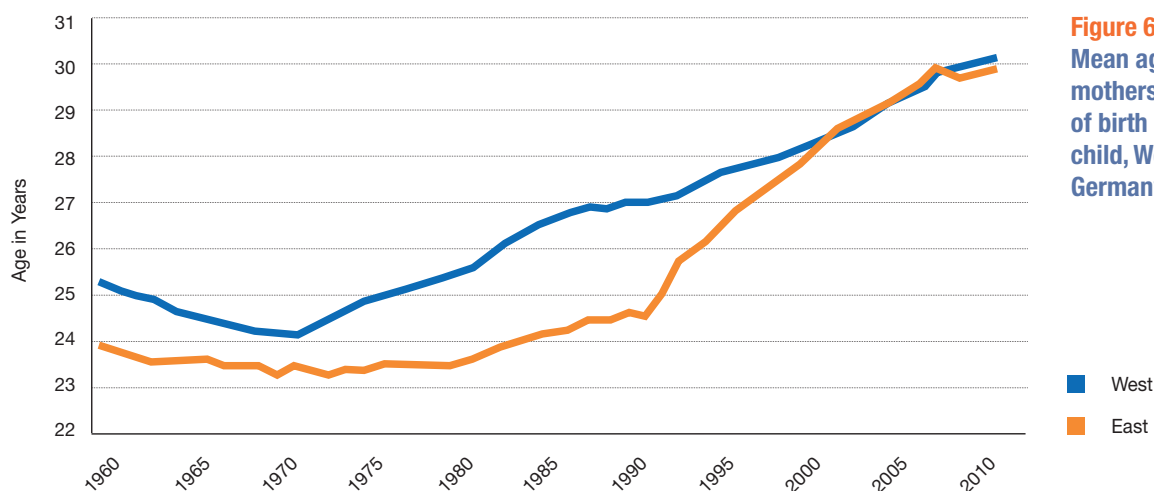


Figure 6: Mean age of married mothers at the time of birth of their first child, West and East Germany, 1960-2011

Source: Bundesinstitut für Bevölkerungsforschung 2014.

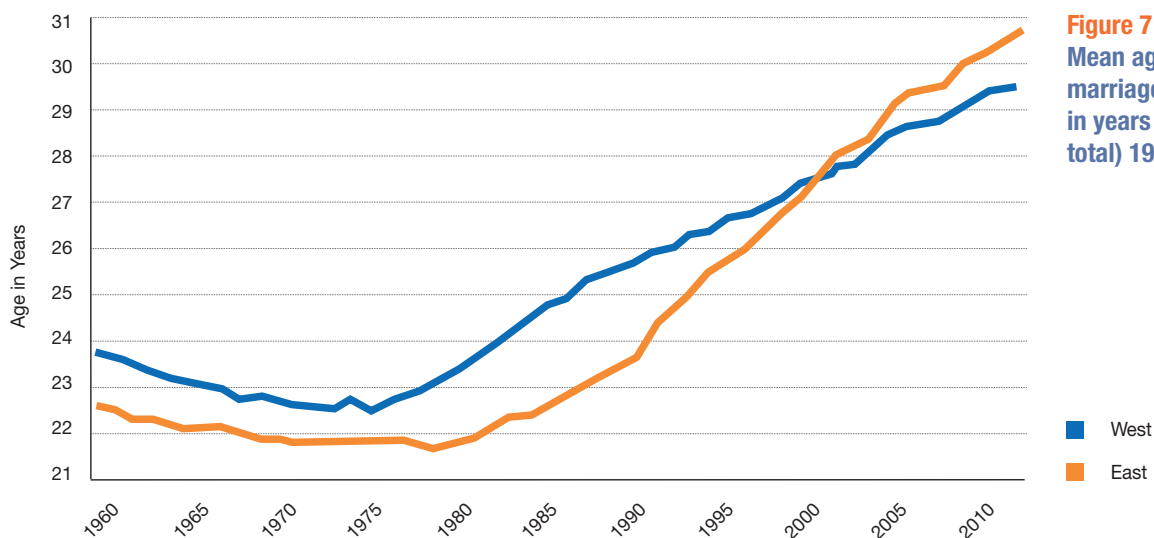


Figure 7 Mean age of first marriage in Germany in years (women in total) 1960-2011

Source: Statistisches Bundesamt 2013.

As can be seen from figures 6 and 7 and table 2, the average age of mothers at the time of birth of their first child as well as the average age at which people marry have increased considerably.³¹ Moreover, individual life concepts have witnessed such a degree of change in the last fifty years that sociologists point to a change away from the traditional structure and life course towards a ‘pluralisation of lifestyles’ (Brüderl 2004; ‘patchwork families’ etc.), in which individual views and decisions can be, and are, acted out. In general we can see that young adults seem to have a more reserved stance towards entering into early stable bonds. One factor for this development is the lack of financial independence. For example, especially for men, unemployment has a negative impact on family formation (Plantenga et al. 2013, p. 66 with further references).

31. When interpreting the rise in the mean age of married mothers (figure 5), attention must be drawn to the fact that, due to the ongoing pluralisation of life concepts, many mothers in Europe no longer marry before they have their first child. Regarding table 2, the comparability of the mean age of mothers could be distorted by the fact that fertility rates are significantly higher in some countries. Notwithstanding these and other shortcomings, all available European data still show a clear trend towards women being significantly older at the time of giving birth for the first time than they had been 30 to 40 years ago (with exceptions, for instance Turkey, see table 2).

Country	1980	2010
Austria	26.3	29.8
Belgium	26.6	29.8
Bulgaria	23.9	27
Croatia	25.6	29.2
Cyprus	26.8	30.4
Czech Republic	25	29.6
Denmark	26.8	30.6
Estonia	25.7	29.3
Finland	27.7	30.2
France	26.8	30
Germany	26.4	30.4
Greece	26.1	30.3
Hungary	24.7	29.3
Iceland	27.1	30.0
Italy	27.5	31.3
Ireland	29.7	31.2
Latvia	25.9	28.7
Lithuania	26.7	28.9
Luxembourg	24.4	30.8
Malta	28.9	29.4
Netherlands	27.7	30.8
Norway	26.9	30.8
Poland	26.5	28.8
Portugal	27.2	29.9
Romania	25.3	27.1
Russia	25.7	27.4*
Sweden	27.6	30.7
Switzerland	27.9	31.2
Slovakia	25.2	28.6
Slovenia	25.4	30.1
Spain	28.2	31.2
Turkey	28.2	27.9
United Kingdom	26.9	29.6
Ukraine	25.4	27

Table 2:
Mean age of mothers at
the time of the birth of
their children in European
countries, 1980 and 2010

* 2009

Source: Bundesinstitut für Bevölkerungsforschung 2014a.

The development of the proportion of young adults still living with their parents can be another indicator for a prolongation of the transition to adulthood.³² Comparative statistics developed by the European Commission show that, throughout Europe, with the exception of Finland, about 50 per cent of 20 to 24 years old young adults (up to almost 90 per cent in Italy and Spain) still live with their parents (see *figure 8*). Of those who have left their parental home in the UK, about 20 per cent got married and another 20 per cent found a stable job.

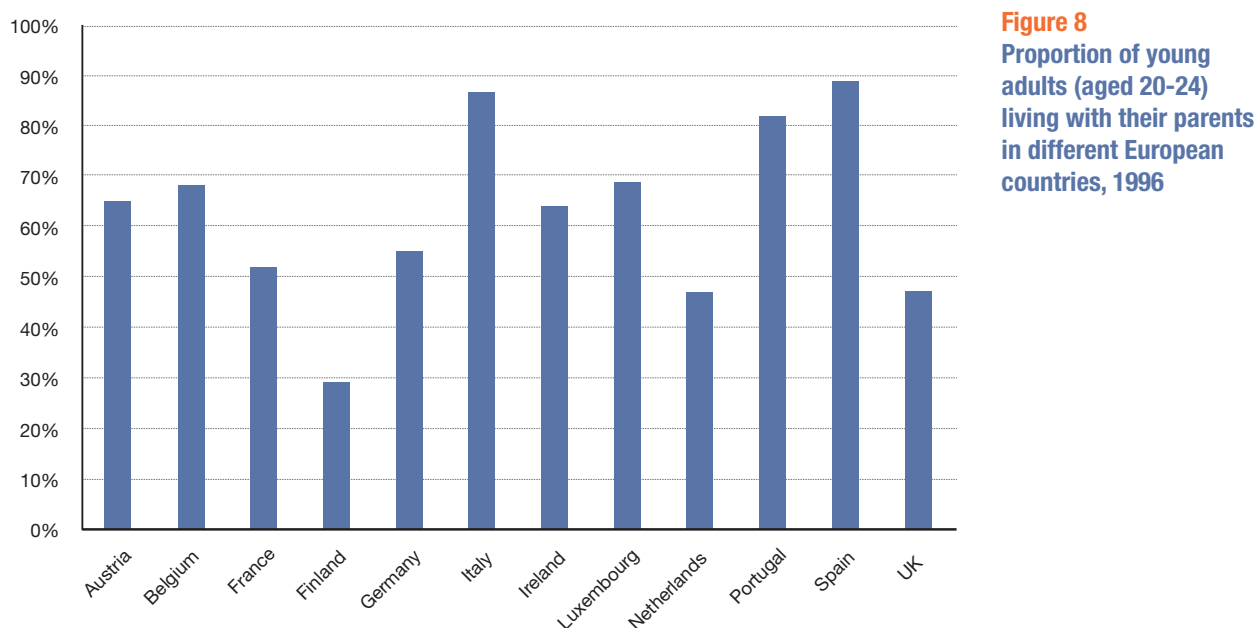


Figure 8
Proportion of young adults (aged 20-24) living with their parents in different European countries, 1996

Source: European Commission: *Youth in the European Union*, 1997.

More recent analyses, focusing on young adults aged 18 to 34, confirm the results that, in many countries, a large proportion of young adults still live with their parents.³³ In most countries the share has increased between 2005 and 2012. In some countries, mainly in southern Europe (e.g. Italy and Spain), leaving home is closely connected with marriage (*Mulder 2009*, p. 206) and the increase might, therefore, be connected with the increase in the average age at which young adults get married. However, the lack of financial resources to live independently and the lack of affordable housing remain important factors for staying with the parents for longer periods.³⁴

32. Some scholars argue that moving out of the parents' home as such might not be the most important event, but that the process of leaving home is only completed after the young adult has reached not only residential but also financial independence, see *Mulder 2009*, p. 203 with further references.

33. In the Netherlands, 80% of Dutch 18-year-olds live at home with their parents, only one per cent are married, according to data from Statistics Netherlands. The situation changes with a look at the same parameters at age 28. *Blokland/Palmen 2012*, pp. 12 ff.

34. *Plantenga et al. 2013*, p. 63, with further references. Research has shown that in some countries, predominantly in Eastern Europe, higher-income parents strive towards keeping their children at home as long as possible.

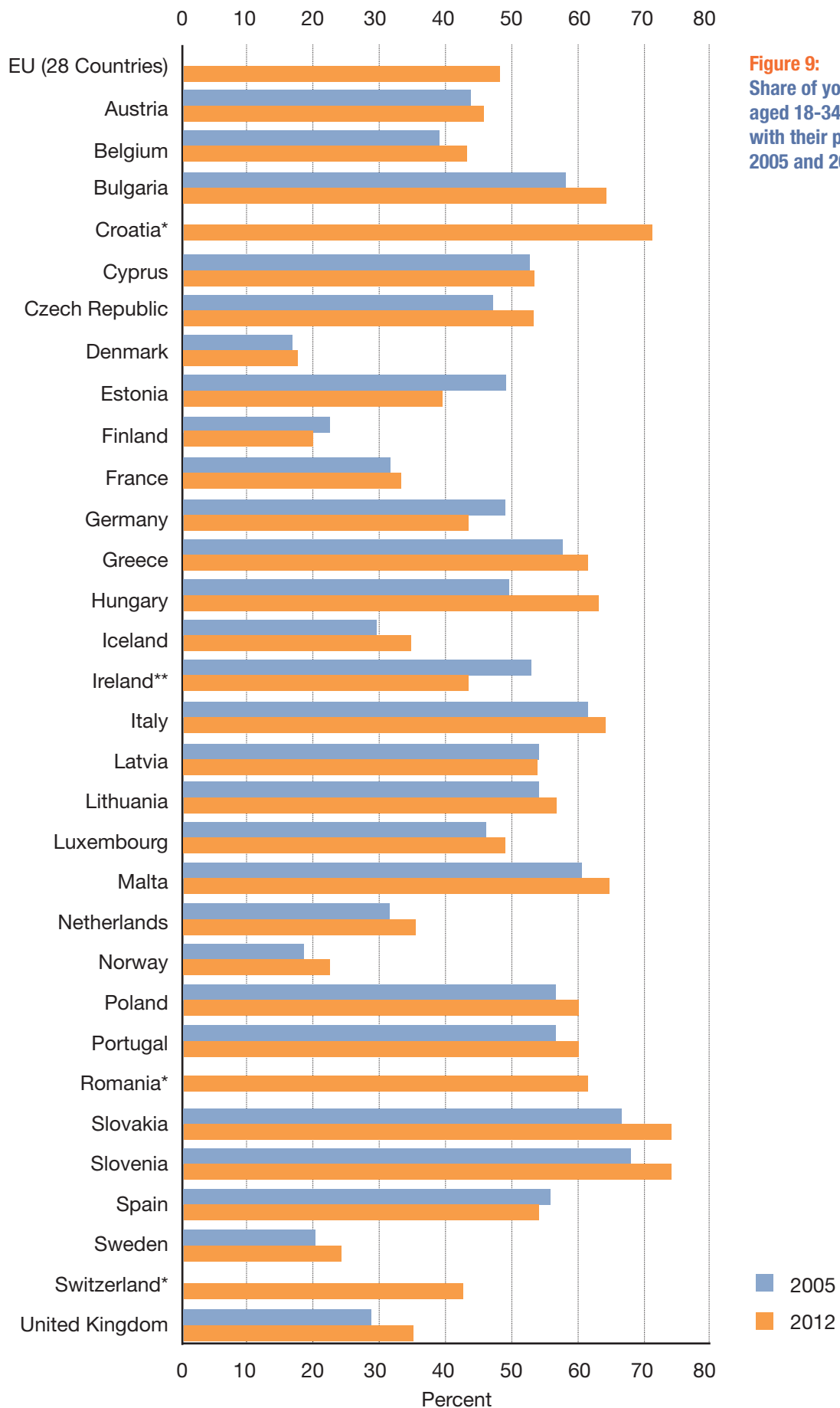


Figure 9:
Share of young adults aged 18-34 living with their parents, 2005 and 2012

* 2005 data not available ** 2011 instead of 2012 data

Source: Eurostat, http://appso.eurostat.ec.europa.eu/nui/show.do?dataset=ilc_lvps08&lang=en#.

Therefore, we can conclude from the findings of sociological research that, as regards the establishment of an individual personal identity, meaningful and significant role transitions are now being assumed at comparatively later points in time in the life course. Furthermore, their sequence has also changed. In the past, it could be seen as being normal for certain events in the life course to occur in a particular order (school graduation, first sexual experiences, moving out from the parents' home several years after the completion of vocational training, soon followed by the establishment of one's own family, etc.). Nowadays, however, such a 'universal' succession of events in the life course can no longer be assumed.

The relatively short 'status passage of adolescence' that had been associated with a relatively low degree of autonomy, and which is viewed as a phase of introduction into and preparation for adult life, has been broadened and the transition to adulthood has become increasingly prolonged (*Hendry/Kloep 2007*, p. 74; *Hurrelmann/Quenzel 2013*, p. 29; *Gille et al. 2006*, p. 280).

Alternative terminology

German scholars term the age span from 18-21 "middle adolescence", while the time span from 22-27 is referred to as "late adolescence" (*Hurrelmann/Quenzel 2013*, p. 45). In addition, a fundamental social tendency towards individualisation has apparently reduced the degree of structure and standardization in this phase of life (*Grunert/Krüger 2000*; *Deutsche Shell 2002*, pp. 33 ff.). American youth research has termed this phenomenon of lacking structure and the significant delay of the moment in time at which juveniles feel to have grown up as "emerging adulthood" (*Arnett 2004*), which has in fact come to constitute an independent field of specialist research.

2.3 Psychological concepts and neuroscientific findings relating to the period of young adulthood

Psychological theory assumes that the ‘transition’ from childhood to adulthood proceeds by developing an independent identity. In developmental psychology, theoretical conceptualisations of ‘coming of age’ and ‘growing up’ have witnessed significant changes over the last 50 years. Previously, there had been the prevailing assumption of a period of youth that could be distinguished from a period of adulthood along the lines of chronological age.³⁵ Development was understood as being a series of changes or phases on a universal route to the final state of adult maturity. Successfully passing through one phase was regarded as the precondition for entering the next. It was assumed that developmental changes were linked to chronological age and that a person’s eighteenth birthday was a highly incisive event.

Since the middle of the 20th century, sociological notions of youth and adolescence that emphasise the significance of environmental factors on personal development have moved more into the foreground of psychological research. These theories (originally based on *Erikson*) proceeded on the assumption that there are no chronologically discernible and measurable phases, but rather certain tasks that have to be fulfilled in the course of one’s personal development. These tasks (or challenges) do not have to be overcome in a particular order or at specific points in time. Furthermore, psychosocial theories from developmental psychology question the concept of a final state of maturity (see *Prior et al.* 2011). Instead, they assume that absolute stability never occurs as personal development is a life-long task.

Change is thus generally possible throughout the entire life-course and is significantly connected to changing living-contexts, requirements, influences, information and experiences. The diversity and multiplicity of individual developmental processes has thus moved into the focus of investigation. Development is now regarded as a process that individuals themselves have to spur on, using the personal and social capacities and resources that are available to them. Personal responsibility and self-regulation are deemed key in this regard, so that rigid links between different stages of maturity and a person’s chronological age appear more and more unlikely (*Oerter/Montada* 1998 p. 23, cf. *Masche* 1999).

In seeking an appropriate criminal justice approach to responding to offending by young adults, those capacities that change during young adulthood and which are associated with deviant behaviour are of particular interest. For a considerable time, it was assumed that the development of ‘logical reasoning capacity’ – which has usually been completed at around age 15 and underpins the *doli incapax* presumptions that have been legislated for throughout Europe – plays a pivotal role in this regard (*Farrington/Loeber/Howell* 2012, p. 733). More recently, a new perspective on adolescent risk taking has emerged, according to which criminal responsibility is more dependent on those psychosocial capacities that improve decision making and reduce risk taking, such as impulse control, emotion regulation, delay of gratification and resistance to peer influence.³⁶

35. See summaries in Fend 2003; Oerter/Montada 2008.

36. Farrington/Loeber/Howell 2012, p. 733 with reference to Steinberg 2007, p. 56 and Steinberg/Monaghan 2007.

“Certain regions of juvenile’s brains are still under (sometimes considerable) development and these processes are still active up to the age of around 25 and possibly even beyond”.⁴⁰

In light of recent neuroscientific research findings, the ‘right half of the age-crime-curve – so the advanced stage of development from late adolescence (around age 18) through early adulthood (up to about the mid-twenties) – needs to be subjected to a new interpretation, that in turn – while taking previous empirical and criminological findings into consideration – may well have consequences for choosing appropriate criminal justice reactions and interventions.³⁷

The neurosciences have made major steps over the last 10 to 15 years.³⁸ These rapid advances in all disciplines and fields of neuroscientific research (including biology, medicine, psychology, applied physics, mathematics, computer sciences, informatics and even robotics) have had their basis in the development of new technological possibilities. New imaging technologies in particular have empowered scientists to look at the structural and functional development of the brain and at cognitive/emotional brain activity in living beings at a much higher resolution, with more detailed differentiation and, importantly, through a longitudinal lens (‘neuroimaging’).³⁹

From a criminological perspective, the recent findings from neuroscientific research raise the following central questions: what is the connection between the development of mental and emotional maturity and the emergence of internal self-control on the one hand, and physiological and neurological brain development on the other, and do these processes correspond to the age-crime curve (more specifically to the visible decline in criminal activity following the peak)?

One of the most significant recent neuroscientific findings is linked to brain maturation. Contrary to prior assumptions, using modern neuroimaging techniques, scientists have shown (in longitudinal studies).

37. See in this regard: Loeber et al. 2012a; Loeber et al. 2012b; Donker et al. 2012; Loeber/ Farrington 2012; Thornberry et al. 2012; Prior et al. 2011.

38. The neurosciences extend across many academic and scientific disciplines, including molecular biology, proteomics, systemic neurobiology, cognitive neurosciences, clinico-neurological research, psychiatry and clinical psychology. Investigation is focused on nervous systems of any sort, their genesis, development, modification and functioning in relation to life-processes in living organisms. Accordingly, the resulting field of research is very expansive. In this regard, see Bear u. a. 2012; Kandel u. a. 2012; Karnath/Their 2012; Hermey et al. 2011; Wahl 2009; Henning/Netter 2005; Petermann et al. 2004. Notwithstanding the major advances that the neurosciences have made in recent years, particularly in the field of brain research, due to the tremendous complexity of the human brain far more questions remain than have already been answered. Consequently, at the end of January 2013, within the FET-Flagship programme, the EU approved more than a billion Euros in funding for the “Human Brain Project” (HBP). The primary aim of the HBP is to simulate the human brain. 13 of the most distinguished research institutions in Germany, Great Britain, France, Spain, Switzerland, Sweden, Austria, Belgium and Israel are at the core of the project, and in total more than 100 organisations covering numerous disciplines and fields of research (neurosciences, genetics, applied mathematics, computer

sciences, robotics and social sciences) are involved (see www.humanbrainproject.eu). The US government has announced plans for a multi-year research programme – “Brain Activity Map” – with a planned budget of several billion US-dollars. Similar to the Human Genome Project (that was dedicated to deciphering the genetic sequence of humans) the new project is devoted to comprehensively researching (“mapping”) the various functions of the human brain and discovering treatment strategies for diseases that to date remain incurable, like Alzheimer’s and Parkinson’s. The project shall involve both state institutions, like the National Science Foundation or DARPA (Defense Advanced Research Projects Agency) and private institutions, for instance the Allen Institute for Brain Science or the Howard Hughes Medical Institute (see New York Times “Obama Seeking to Boost Study of Human Brain”, of 17 February 2013).

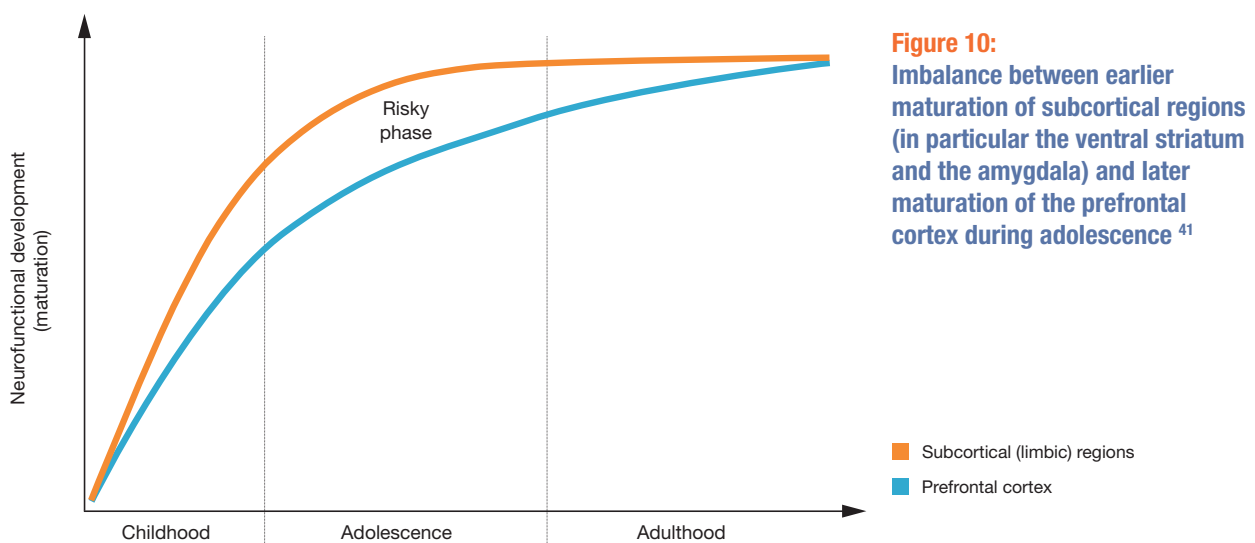
39. Functional magnetic resonance imaging (fMRI), which can also be used to visualise functional and metabolic processes in the brain, and diffusion tensor imaging (DTI), which can be used to track changes in substance and the neuro-connectivity, are among the most important imaging technologies in this regard.

40. See Spear 2013; Veroudea et al. 2013; Blakemore 2012; Casey et al. 2011; Konrad 2011; Mohr 2011; Uhlhaas 2011; Sisk/Zehr 2011; Dayan et al. 2010; Power et al. 2010; Steinberg 2010; 2009; Casey et al. 2008; 2008a; Lebel et al. 2008; Toga et al. 2006.

Three stages of brain maturation

Taken together, and simplifying to a certain degree, the findings from research into brain maturation distinguish between three phases of development that have smooth transitions: *physical* maturity of the brain is normally (i.e. in the statistical mean) achieved at the end of puberty, around age 12 or 13. *Intellectual* maturity (for instance fundamental logical-operational thought processes) usually continues to develop up until the age of 18.

By contrast, higher cognitive processes and the consistent ability to perform *executive* functions (such that govern the ability to plan and organise one's own behaviour and to control emotions) continue to develop until age 25, in close connection to growing declarative capacities for long-term memory (semantic and episodic memory). At the same time, *emotional* maturity (the capacity to regulate and interpret emotions) is fundamentally dependent on the development of a stable, robust connection between the cognitive processes occurring in the prefrontal cortex and the processing of emotions in the subcortical regions (the amygdala and the striatum in particular).⁴¹



Source: Casey et al. 2008a.

41. One prominent contemporary neurobiological model for explaining typically adolescent behaviour has been developed by the New York working group around Casey (Casey et al. 2008; 2008a; 2011). Against the backdrop of the aforementioned neuroanatomical findings and results from functional imaging studies (neuroimaging), their model is characterised by the assumption of an imbalance in the maturation of subcortical (limbic) regions of the brain on the one hand, and the prefrontal cortex on the other, with the former generally occurring earlier than the latter (see figure 10).

A central notion of this model, then, is that, in juveniles in affective-emotional situations, the subcortical limbic system and the reward-system dominate the prefrontal cortex as it has not yet fully matured.

This mechanism could explain why adolescence is characterised by suboptimal behavioural decisions and reactions (for example risk-taking). The undeveloped (or not yet fully developed) structural connections between subcortical (frontolimbic) and cortical (frontostriatal) brain regions (as described further above) likely contribute to the fact that bottom-up processes cannot yet be sufficiently modulated. Furthermore, the complex interplay between individual predispositions on the one hand, and the imbalance between prefrontally controlled top-down processes and subcortically controlled bottom-up processes during adolescence on the other, could in fact contribute to a sharp increase in the prevalence of psychological-affective disease among this age group. See Casey et al. 2008a, pp. 62 ff.

In accordance with this neurobiological model of brain maturation, there is a significant pool of psychological research on the age-dependent development of internal control mechanisms. Results suggest that, during the transition from late adolescence to early adulthood, a significant enhancement of different internal monitoring capabilities takes place, parallel to a decrease in risky behaviour. A prominent example for such research was conducted by *Steinberg et al.*, who surveyed the cognitive and psychosocial skills of 935 people aged 10 to 30 years.⁴² Results from the study indicate that higher self-reflective, cognitive and psychosocial behaviour-control mechanisms in particular continue to develop as age progresses (see *figure 11*).

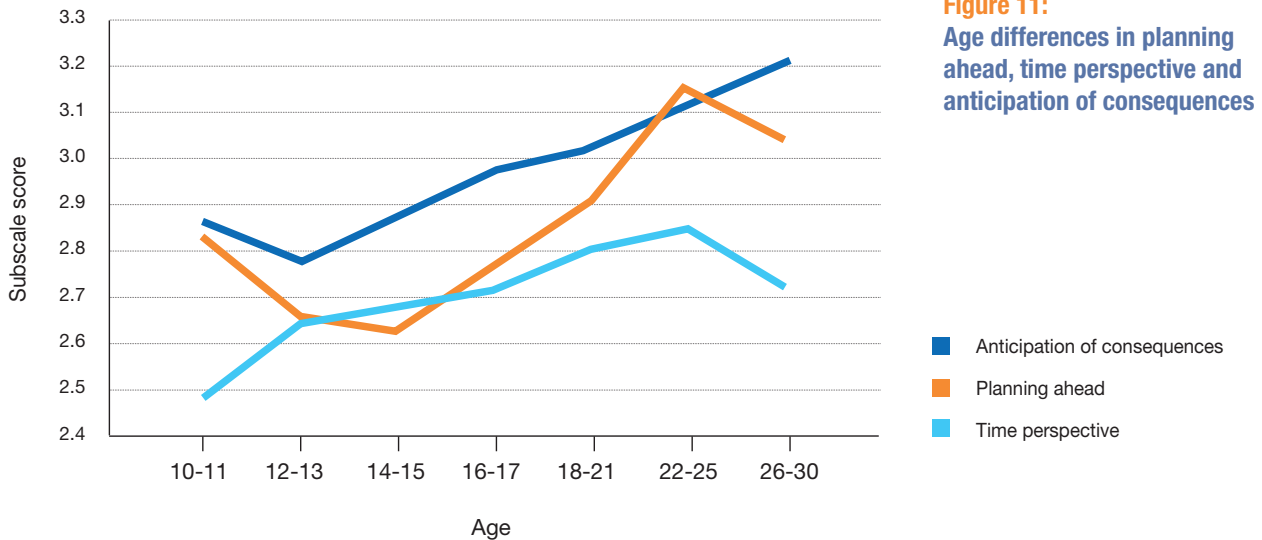


Figure 11: Age differences in planning ahead, time perspective and anticipation of consequences

Source: *Steinberg et al. 2009, p. 36. See also Loeber et al. 2012a, p. 347.*

The findings suggest that the ability to plan ahead in a structured manner becomes significantly more pronounced as people move from early adolescence into their mid-twenties. The ability to anticipate the possible consequences of one’s own actions also continues to increase substantially from late childhood and early adolescence into the late twenties. By contrast, the ability to place past and future behaviour and experiences in order and to interpret them in that context (the ‘time perspective’) increases at a slower rate, and peaks at around age 25.⁴³

Overall, the findings from research into the anatomic-physiological maturation of the brain and into cognitive and psychosocial development are strongly associated to the age-crime curve. The age-specific development in offending between 10 and 30 years of age – the sharp rise, the peak and the subsequent gradual decline in prevalence rates (and potentially also in offending severity) – can be dependent on individual differences in the structural and functional maturation of the brain and in the progress of cognitive and psychosocial development.⁴⁴

Thus, developmental psychology, too, provides strong arguments in favour of a criminal justice approach to dealing with young adult offenders that better reflects the sanctions and treatment or educational methods accorded to juveniles in the justice system.

42. Steinberg et al. 2009; Steinberg 2010.

44. There, however, appear to be no connections between adult-onset offending and brain maturity and cognitive development.

43. For further findings on the psychosocial and cognitive development of elaborate self-control abilities and decreasing vulnerability in the course of adolescence, late adolescence and young adulthood, see for instance Loeber et al. 2012; Schneider/ Lindenberger 2012; Prior et al. 2011; Bühler 2011; Greimel 2011; Wahl 2009; Scheithauer et al. 2008; Beelmann/Raabe 2007.

3

Young adult offenders and Criminal Law: good practice from Europe

3. YOUNG ADULT OFFENDERS AND CRIMINAL LAW: GOOD PRACTICE FROM EUROPE

3.1 European and international standards for the treatment of young adult offenders

The question of how to deal with young adult offenders is an important area of juvenile justice reform in Europe and internationally. Several international recommendations on juvenile justice deal with the treatment of young adult offenders. On an international level already the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (*Beijing Rules*)⁴⁵ from the year 1985 refer to young adult offenders. The *Beijing Rules* recommend penal reactions with a predominantly rehabilitative character that are conducive to meeting the needs of young offenders. Rule 3.3 provides that “efforts shall also be made to extend the principles embodied in the Rules to young adult offenders”.

In September 2004 the International Association of Penal Law (AIDP) held its World Congress in Beijing, China. The final Resolution of the 17th International Congress of Penal Law emphasises “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 way as it is done for minors.” Under No. 6, the Resolution states: “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.”

On a European level, the Committee of Ministers of the Council of Europe has passed two Recommendations on young offenders which entail provisions for young adults.

On 24 September 2003 the Recommendation (2003) 20 on “new ways of dealing with juvenile delinquency and the role of juvenile justice” was passed. Rule 11 of this Recommendation says: “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.”

On 5 November 2008, the Committee of Ministers of the Council of Europe passed Recommendation (2008) 11 on the “European Rules for Juvenile Offenders Subject to Sanctions or Measures” (ERJOSSM). As a part of the basic principles, rule 17 states that “young adult offenders may, where appropriate, be regarded as juveniles and dealt with accordingly.” The official

“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 way as it is done for minors”

45. Adopted by General Assembly resolution 40/33 of 29 November 1985.

commentary to this rule states that “it is an evidence-based policy to encourage legislators to extend the scope of juvenile justice to the age group of young adults. Processes of education and integration into social life of adults have been prolonged and more appropriate constructive reactions with regard to the particular developmental problems of young adults can often be found in juvenile justice legislation” (*Council of Europe* 2009, p. 42).

Recommendations by the United Nations or the Council of Europe are not legally binding for national legislators unless they are formally incorporated into national law.⁴⁶ However, they are recognised, accepted declarations of intention from approved, internationally respected organs and bodies of the UN and the Council of Europe, agreed on by a community of meaningful and significant state representatives and in general based on good experiences from single Member States or evidenced-based in general. Furthermore, they are an expression of the behaviour which the respective Member States expect from each other, and thus from themselves.⁴⁷

Moreover, there are numerous examples which indicate that these principles and regulations are accorded greater significance than merely representing moral obligations: domestic courts have repeatedly asserted that they, in making decisions, orient their interpretations of domestic legislation towards international recommendations. For example, in its decision on juvenile imprisonment, the German Federal Constitutional Court put indirect pressure on the State to follow international human rights standards.⁴⁸ The court expressed:⁴⁹ “It could be an indication that insufficient attention has been paid to the constitutional requirements of taking into account current knowledge and giving appropriate weight to the interests of the inmates if the requirements of international law or of international standards with human rights implications, such as the guidelines or recommendations adopted by the organs of the United Nations or the Council of Europe, are not taken into account or if the legislation falls below these requirements.” The Federal Court of Switzerland has noted as well that rights and duties from the Recommendations of the Council of Europe are – despite their non-binding legal character – still of considerable significance, because they are special guidelines and have to be taken into account in the ‘concretisation’ of the constitutional guarantees of the Federal Swiss Constitution as well as the European Convention on Human Rights.⁵⁰

46. For this question see Pruin 2012, pp. 13 ff. with further references.

47. Schwarze 2011, p. 5.

48. See Dünkel/van Zyl-Smit 2007, pp. 357.

49. Decision of the German Federal Constitutional Court of 31 May 2006, Neue Juristische Wochenschrift 2006, p. 2093. Translation according to Dünkel/van Zyl-Smit 2007, p. 357.

50. See Dünkel/van Zyl-Smit 2007, footnote 9 (referring to Federal Court of Switzerland’s Judgement of 12 February 1992, BGE 118 Ia 64).

3.2 Young adult offenders and criminal justice in selected countries

In some European countries, according young adults special treatment in the criminal justice system has a long tradition. In other countries (e. g. England, the Netherlands) we have recently been able to observe interesting developments resulting in more tolerant approaches to that age group. This report describes in detail the criminal justice approach to responding to young adult offending that has been adopted in Germany, where young adults have been integrated into the juvenile justice system since 1953. As examples for other countries with comparatively extensive legislation for young adult offenders, we describe the approaches of Austria, Croatia, the very interesting recent development in the Netherlands and the Scandinavian approach, highlighted with some information about Finland and Sweden. The recent, rather promising developments in England/Wales are also highlighted. These examples are followed by a more general overview of the different approaches to dealing with young adult offenders that can be found in Europe.

3.2.1 Germany⁵¹

In Germany, since a reform of the law in 1953, all young adults are transferred to the jurisdiction of the juvenile courts. Comparing practices internationally, this decision was remarkable, because at an early historical stage of European development it already led the way to extending the scope of the juvenile courts to incorporate young adults between the ages of 18 and 21. Other European countries followed much later (see below). However, in these countries the application of educational measures for young adults has remained the exception. The development in Germany has been the opposite, and undoubtedly a major reason is that the reform of 1953 placed all young offenders within the jurisdiction of the juvenile court, independently of whether the sanctions of the Juvenile Justice Act (JJA) or of the general Criminal Code (StGB) were to be applied (§ 108 (2) JJA).⁵²

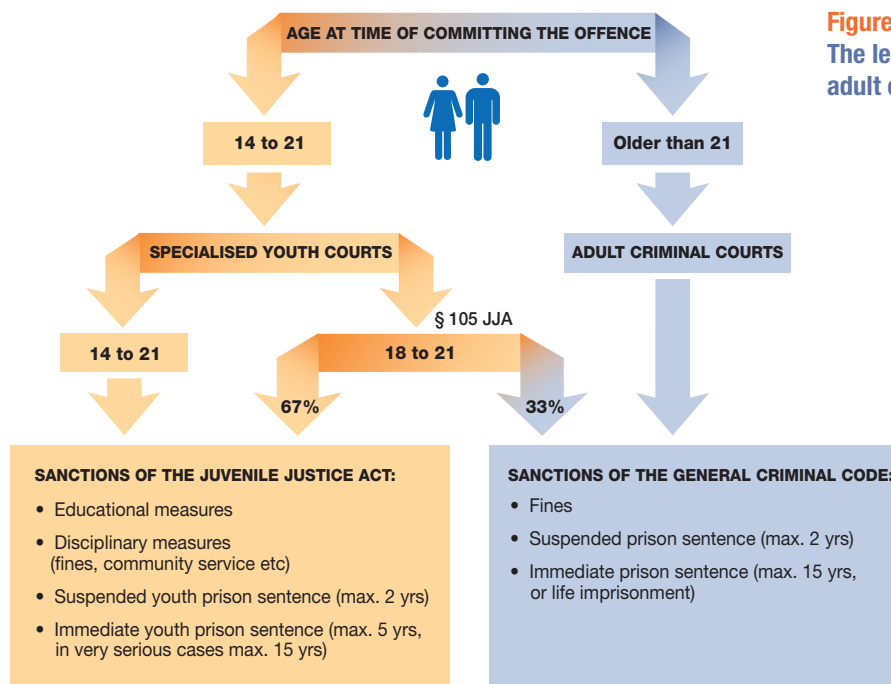


Figure 12:
The legal approach to young adult offenders in Germany

Source: Based on Dünkel 2011, p. 588

51. For an older version, see Dünkel/Pruin 2012.

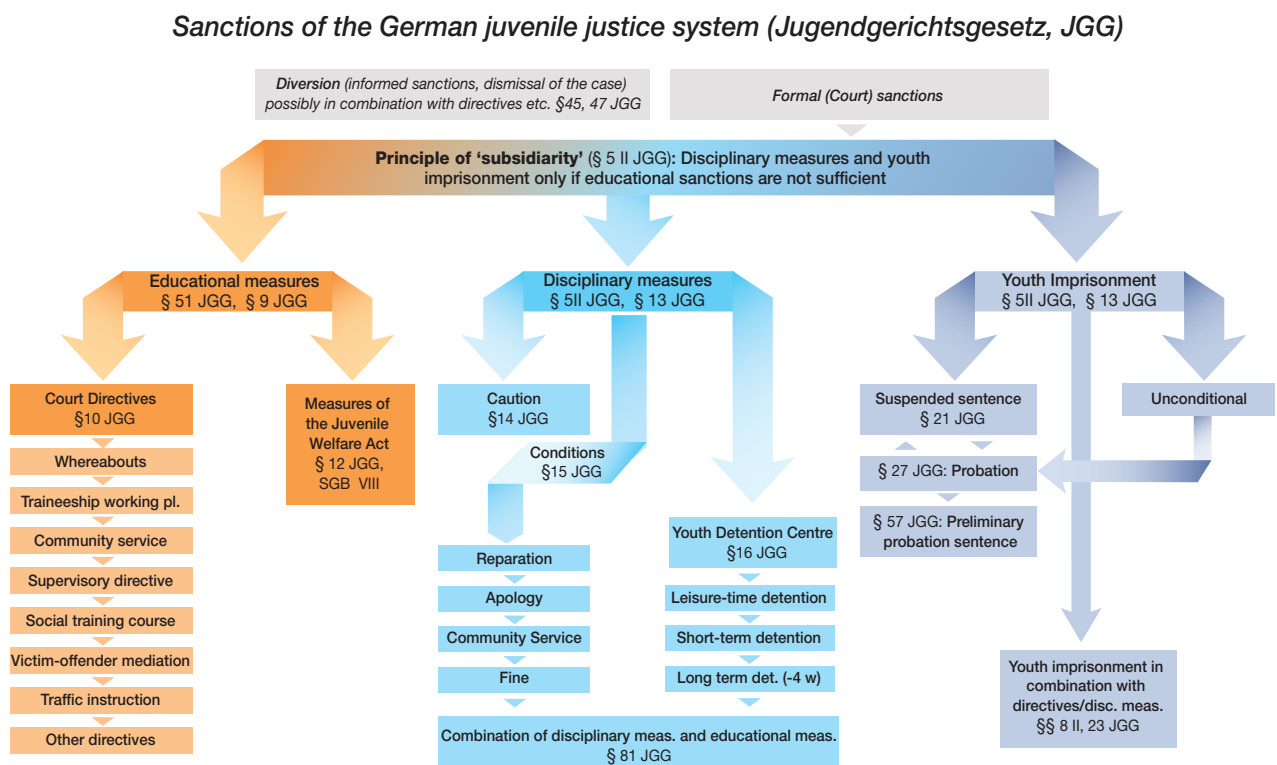
52. Loeber et al. 2012 presume that the reason for the extensive application of juvenile justice sanctions to young adults may lie in the high maximum sentences provided for in the German Juvenile Justice Act. According to Dünkel 2011, p. 558 f. an important reason to apply juvenile justice

sanctions is that the high minimum sentences provided in the General Criminal Code (StGB), in particular for serious felony offences (e.g. for homicide, robbery, aggravated assault, rape) can be avoided by applying sanctions of the Juvenile Justice Act.

The application of juvenile criminal law enables the juvenile judge to choose educational measures like community service orders, restorative practices (like victim-offender mediation) or social training interventions geared towards improving social skills etc. (see figure 13 below).⁵³ These sanctions can be tailored according to the educational needs of each individual offender. As a last resort the imposition of a youth prison sentence of up to 5, in serious cases of juvenile offenders and for young adult offenders in general of up to 10 years is possible, which in general will be shorter than for adults as the sentencing frameworks of the general Criminal Code (StGB) do not apply (see section 18 of the German Juvenile Justice Act). Youth prison sentences vary from adult prison sentences in various aspects. Most prominently, sentences to youth imprisonment are served in separation from adult offenders in special youth prisons. The youth custody system in Germany differs from the prison system for adults, in that a much wider range of educational and vocational training is offered. Levels of staffing – especially the number of psychologists, social workers and teachers employed – are much better.⁵⁴ Since a law reform in 2012 the court can impose a youth prison sentence of up to 15 years in extraordinary severe cases of murder, if a sentence of 10 years is seen as inappropriate (§ 105 (3) JJA).⁵⁵



Figure 13:
The German juvenile sanctions system



Source: Dünkel 2006, p. 259.

53. If the public prosecutor estimates that the judge will likely apply juvenile justice sanctions, he has broader possibilities to divert the case, see § 109 JJA.

54. The differences between youth and adults prisons are described extensively in Dünkel 2011, pp. 595 ff. The situation of young adults in prisons in the Federal State of Rhineland-Palatinate has been described by Steitz 2011.

55. This amendment was a tribute to the mainly conservative powers in the parliament who had long since demanded change and harsher punishment for young adult offenders. The amendment can be seen as the smallest possible reform to calm these voices. Research has shown that the judges already barely ever resorted to ordering the maximum sentence of 10 years which had been possible prior to this amendment (Schulz 2001). Therefore, it is deemed highly unlikely that judges will impose a youth prison sentence of 15 years.

The application of adult criminal law, on the other hand, offers little room for constructive sentencing, as the German Criminal Law for adults provides only fines, suspended sentences (probation) and unconditional imprisonment. The judge is more or less bound to the formal sentencing framework and the gravity of the offence; there is less room for individualised sentencing. In addition, the procedural regulations of juvenile law provide greater possibilities for mitigation by diversionary measures compared to the criminal procedure for adults (Pruin 2007, pp. 35 ff.).

Assessing maturity during sentencing

Section 105 (1) No. 1 of the Juvenile Justice Act provides for the application of juvenile law to a young adult 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” (*‘Reifeentwicklung’*). Furthermore, juvenile law has to be applied if it appears that the motives and the circumstances of the offence are similar to those of a typical juvenile crime (*‘Jugendverfehlung’*, see § 105 (1) No. 2 JJA).

The Federal Supreme Court (*‘Bundesgerichtshof’*, BGH) has held that a young adult has the maturity of a juvenile if it is evident that “considerable development of the offender’s personality is still to be seen as ongoing” (*‘Entwicklungskräfte noch in größerem Umfang wirksam sind’*, BGHSt 12, 116; 36, 38). This is the case in the majority of young adult offenders. Thus, the court does not rely on an imagined prototype of a juvenile, but on aspects of each individual’s personal development. As early as the beginning of the 1960s, the Federal Supreme Court based its arguments on sociological and psychological empirical evidence concerning changes in the living contexts of young adults. There is no doubt that these arguments would also permit a further extension of the juvenile court’s jurisdiction, for example to encompass 21-24 year-old adults as well.

The interpretation of a ‘typical juvenile crime’, which is extensively used, follows a similar logic. As mentioned above, the second alternative of section 105 JJA provides for the application of sanctions of the juvenile law if it appears that the motives and the circumstances of the offence are those of a typical juvenile crime (*‘Jugendverfehlung’*, see § 105 (1) No. 2 JJA). The Federal Supreme Court (BGHSt 8, 90) has held that typical juvenile crimes are “spontaneous acts resulting from the developmental forces of juvenile age” (“... *aus den Antriebskräften der Entwicklung entspringende Entgleisungen*”). Examples of such typical juvenile crimes include: spontaneous, anger-motivated behaviour; aggressive acts for almost trivial reasons, vandalism or hooliganism.⁵⁶ The jurisprudence of youth courts is not restricted to minor crimes, but also includes serious crimes. For example, the Federal Supreme Court has previously accepted applying sanctions of the JJA (youth imprisonment) in a case where a twenty-year-old young adult killed his three-month-old baby, because he was angered by the baby’s crying (BGH NStZ 1986: 549).

“typical juvenile crimes are spontaneous acts resulting from the developmental forces of juvenile age”

56. Other examples mentioned in the cases are crimes committed in groups or under the influence of a group, sometimes very violent crimes that have arisen in a specific situation (possibly in combination with alcohol abuse) etc.: see Eisenberg 2014, notes 34 ff. on § 105).

In cases where the juvenile court decides not to invoke the ‘maturity’ provisions, the young adult offender is sentenced according to the general criminal law. In such cases, however, young adults still have the benefit that their sentences are mitigated compared to adult offenders. According to section 106 JJA, instead of a life sentence, a young adult offender may receive a determinate prison sentence of up to 15 years. Although the wording of section. 106 JJA is restricted to life sentences (which should be avoided), the section is generally understood to be a mitigating rule for the sentencing of young adults. **Therefore, any sentence imposed on a young adult should be, and regularly will be, mitigated compared to older adults (older than 21).**

If a young adult is sentenced to youth imprisonment under juvenile criminal law, he/she is placed in a specific youth prison. In most Federal States young adult offenders can be placed in juvenile prisons even if they have been sentenced to an adult prison sentence under the general provisions of adult criminal law (f. ex. in Baden-Württemberg young adults are placed in Adelsheim youth prison, in Hesse they are allocated to the youth prison in Wiesbaden. In both cases the young adult must be younger than 24). Bavaria provides a special facility for young adult prisoners under the age of 26 who are sentenced to an adult prison sentence of between 18 months and 26 years (prison of Niederschönenfeld).

As figure 14 demonstrates, in practice, the German juvenile courts have gradually come to be convinced of the value of subjecting young adults to the legal regulations governing juvenile justice. In 1965, only 38 per cent of young adults were sentenced under the Juvenile Justice Act, but by 1990, the share had nearly doubled to 64 per cent. In 1995 the proportion decreased slightly to 60 per cent, only to increase again to 64 per cent by 2006, and 67 per cent in 2012 (see also *Dünkel* 2002; 2011, p. 588 ff.). This trend clearly indicates that the full integration of young adults into the juvenile justice system has been accepted in practice. The regulations mentioned above have also been widely interpreted by the courts as providing for the application of juvenile law in all cases where there are doubts about the maturity of the young offender (BGHSt, 12, p. 116; BGH Strafverteidiger 1989: 311; *Eisenberg* 2014, notes 7 ff. to § 105).

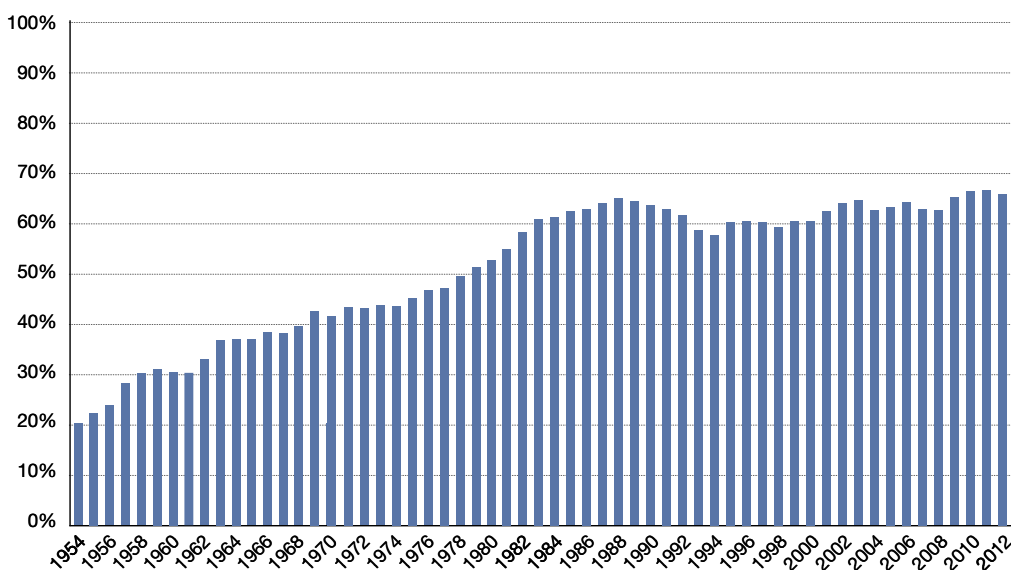


Figure 14: Percentage of young adults sentenced according to juvenile law in West Germany 1954 - 2012, section 105 German JJA

*: Data up until 2006 refer to the 'old' West German federal states. Data as of 2008 include all federal states.

Source: Statistisches Bundesamt (2014) (ed.) *Strafverfolgungsstatistik 1955-2012*, and own calculations.

These developments can be attributed to the greater flexibility of the juvenile justice law, in comparison to the limited sanctioning options of the general Criminal Law (*Pruin 2007*, pp. 98 ff.; *Dünkel 2011*, pp. 587 ff.). The increase in the share of young adult offenders sentenced under juvenile justice law might well be a consequence of the changing living environments of young adults, which might convince the judges to regard the majority of young adults as still being in a phase of personal development.⁵⁷

The frequency to which the provisions of juvenile justice are applied to young adults differs slightly between males and females (see *figure 15*). In 2012 67% of adult young men and 58% of young adult women were sentenced to a sanction according to the JJA, while the remaining convicted young adults were dealt with according to the General Criminal Code (StGB). This however, does not imply that young women are subjected to harsher sentencing than their male counterparts. Rather, they are more involved in less serious forms of crime (such as theft, fraud, minor drugs or motoring offences) that can be (and in some Federal States regularly are) punished through the imposition of summary fines according to the general Criminal Law (*Heinz 2003*, p. 63; Bundesministerium des Innern und Bundesministerium der Justiz 2006, pp. 552 ff.).

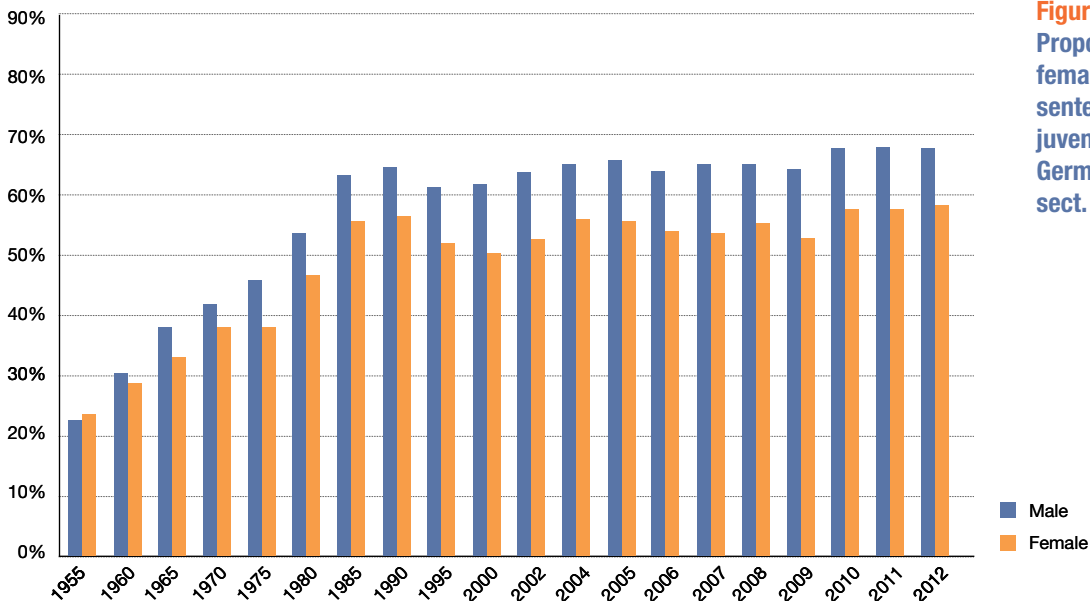


Figure 15: Proportion of male and female young adults sentenced according to juvenile law in Germany 1955-2012, sect. 105 German JJA

Source: Statistisches Bundesamt 2014 and own calculations.

Furthermore, in practice there are considerable differences with respect to specific crimes and different regions. For the most serious crimes such as murder, rape or robbery, nearly all (more than 90 per cent) young adult offenders are sentenced in accordance with juvenile justice provisions (see *figure 16*). The reason is that the higher minimum and maximum sentences provided under ‘ordinary’ criminal law do not apply under juvenile law (see § 18 (1) JJA). Juvenile court judges, therefore, are not bound to the otherwise mandatory life sentence for murder or the minimum of five years of imprisonment in the case of armed robbery, for example (for further elaboration, see *Dünkel 1993*, p. 157; *Kröplin 2001*, p. 162; *Pruin 2007*, p. 98 f.). German practice

57. Another reason for the increasing share of young adults sentenced to juvenile justice sanctions could be the increase in diversion rates for this age group. An increase in the use of diversionary could conceivably have the consequence that the courts are faced with more serious offences, as minor offending would be filtered out at the pre-cutorial level. As can be seen in figure 15, judges tend to apply juvenile justice sanctions in cases of more serious offending.

seems to be contrary to the so-called waiver decisions of the USA, where the most serious young offenders are transferred to the 'ordinary' criminal justice system (Stump 2003). Another argument in favour of applying juvenile sanctions (i.e. a sentence to youth imprisonment in the most serious cases) might be that **youth prisons are deemed more suitable and better equipped for young adult offenders (see p45)**. In fact the majority of imprisoned young adults are placed in youth prisons (in Rhineland-Palatinate, 86% of young adult offenders are placed in youth prisons, see Steitz 2011, p. 226).

Interestingly, in Germany, young adults who commit motoring offences are most frequently (in 2012: 52 per cent) sentenced under adult criminal law. This is because, in these cases, there is the procedural possibility of imposing fines without an oral hearing ('*Strafbefehlsverfahren*': a summary procedure with only a written file in cases of less severe offences – particularly traffic and property offences – that is not applicable under juvenile criminal law, see Dünkel 2003, p. 20; Dünkel 2006, pp. 247 ff.; Kröplin 2001, p. 326). Young adult foreigners who commit immigration offences are also usually dealt with as adults: 84 per cent were sentenced according to the general criminal law in 2012 (see figure 16). In this case, it is not entirely clear whether the reason for applying the general criminal law is to apply summary fines or to impose more severe prison sentences.

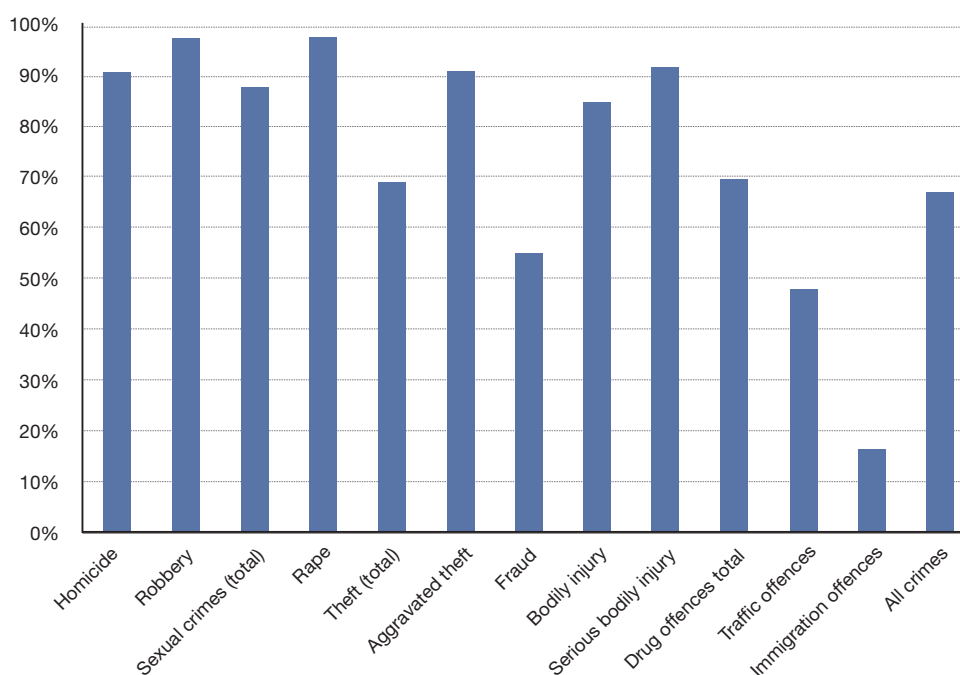


Figure 16: Proportion of young adult offenders sentenced under juvenile criminal law (sect. 105 JJA) according to different offences in Germany in 2012, in %

*: since 1997: Sexual Assault and Rape.

Source: Statistisches Bundesamt 2014, and own calculations.

Regional variation

There are reservations among German commentators about the regional inequalities that have emerged in the application of these laws. Within North Rhine-Westphalia, for example, according to a study of the 1980s, the share of young adults who were convicted under juvenile law ranged, in the different areas of the federal state, between 27 per cent and 91 per cent (Dünkel 1990, p. 92). When the (old) Federal States are compared, the range in 2012 was from 50 per cent in Baden-Württemberg to 86 per cent in Hamburg and 88 per cent in Schleswig-Holstein (see figure 17).

It appears, therefore, that juvenile court judges have different conceptions of the ‘typical’ personality of juvenile offenders and of the ‘typical’ nature of juvenile delinquency. Up until 2012 there had been a north-south divide in the application of juvenile law to young adult offenders – the Federal States in the north of the country had done so much more frequently than the southern Federal States. The most recent data (for 2012) do not confirm these findings, because, for the first time since the analyses have been conducted, the share of young adults sentenced under juvenile criminal law in Bavaria (75%) has been higher than the average rate for Germany (67%).

The newest data actually point to a west-east divide: in the new Federal States (former East Germany), while practice does vary between them, overall judges seem to be more reluctant in applying juvenile law than their West German counterparts (see figure 17). In 2012, in Saxony and Brandenburg only 49 per cent of young adult offenders were sentenced according to the JJA, in Mecklenburg-Western Pomerania it was 50 per cent, while in Thuringia and Saxony-Anhalt the shares were 56 per cent and 58 per cent respectively (for earlier data see Heinz 2001, pp. 79 ff.). In Mecklenburg-Western Pomerania the proportion in 2001 was 55 per cent; it has therefore decreased slightly. The low rates in Brandenburg (49 per cent; increased from only 35 per cent in 2006) and Saxony (49 per cent; increased from only 34 per cent in 2006) are, however, not due to the distrust of juvenile court judges in the appropriateness of the JJA. Rather, they are the result of a specific bureaucratic routine in the application of the ‘Strafbefehlsverfahren’ (see Kröplin 2001; Dünkel 2011, p. 590), a summary procedure with only a written file in cases of less severe offences, which is only applicable when applying the sanctions of the general criminal law (StGB), (see above). Apparently, some Federal States tend to use the ‘Strafbefehlsverfahren’ against young adults more frequently than others. Nevertheless, the marked increase in these States since 2006 is still both remarkable and significant.

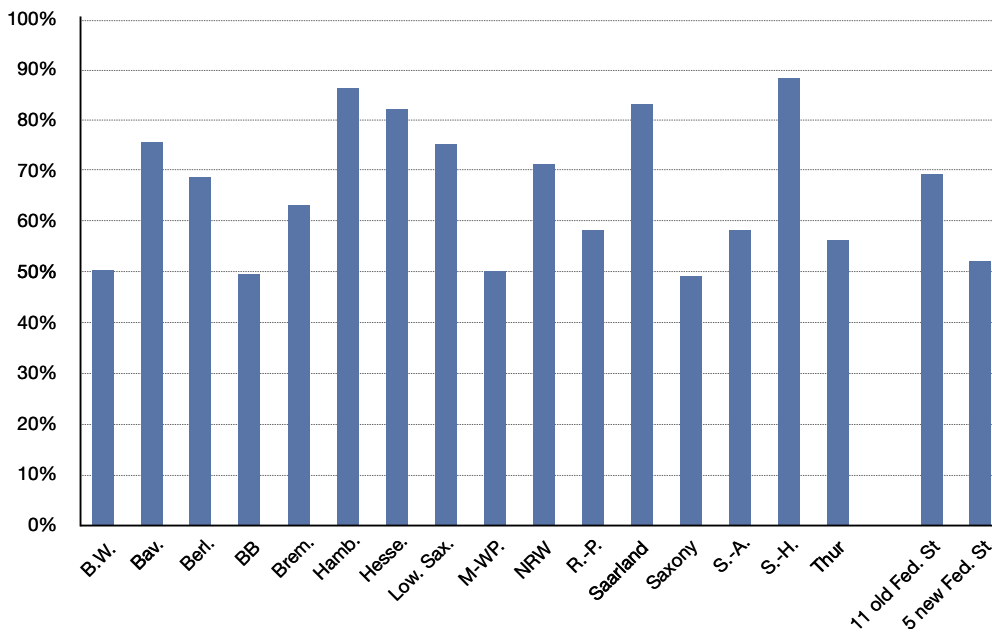


Figure 17: Regional disparities of sentencing young adults in Germany: Proportion of young adult offenders sentenced under juvenile criminal law (sect. 105 JJA) in the different Federal States of Germany, 2012, in %

*: B.W.: Baden Württemberg; Bav.: Bavaria; Berl.: Berlin; BB.: Brandenburg; Brem.: Bremen; Hamb.: Hamburg; Low. Sax.: Lower Saxony; M-WP: Mecklenburg-Western Pomerania; NRW: North-Rhine Westphalia; R.-P.: Rhineland-Palatinate; S.-A.: Saxony-Anhalt; S.-H.: Schleswig Holstein; Thur.: Thuringia.

Source: Statistisches Bundesamt 2014, and own calculations.

Political context

Regarding policy discussions about young adult offenders, two main discourses can be differentiated. On the one hand, there is a rhetorical debate in the field of criminal policy, focused around the critique from conservative parties that applying the JJA instead of the provisions of the general criminal law is too lenient or 'soft'.⁵⁸ Conservative politicians argue that young adults should be regarded as more responsible and made to assume more responsibility accordingly, which in their view is to be achieved by allowing for more severe punishment to be imposed. On the other hand, the practitioners 'on the ground' have different problems. They want to avoid the application of the general criminal law and the imposition of more severe punishment that such application would entail, but at the same time would like to be able to impose fines in a summary procedure (without an oral hearing), which up to now is not provided for by the JJA ('*Strafbefehlsverfahren*'; Eisenberg 2014, note 5 to § 105, notes 18 f. to § 109; Dünkel 1990, p. 90). This procedure is very economical and time-saving and, as indicated above, is used particularly for traffic offenders (drunk driving etc.).

In Germany, young adult offenders are widely incorporated into the scope of the more tolerant juvenile justice system. Yet, the German legislation can nonetheless be criticised, because of the vague concept of maturity and the consequent regional disparities in the application of sanctions of the juvenile law (see above). Therefore, reform proposals by German scholars that call for juvenile law to be applied universally to young adults should be supported, and the recent research results should be taken as evidence for the appropriateness of extending the application of juvenile justice regulations to young adult offenders not only up to the age of 21, but also beyond that age.⁵⁹ Since the recent reform of 2012 that enabled the courts to apply a youth prison sentence of up to 15 years in extraordinary murder cases, even the conservative parties (CDU/CSU) are not pressing for further restrictions or 'intensifications'. We can see developments in public debate as well: while some years ago every case of serious young adult offending was followed by calls for excluding young adults from the scope of juvenile justice, nowadays such political demands appear to have little chance of being successful in parliamentary debates.

58. These arguments do not consider that sometimes, the application of sanctions of the JJA may be a disadvantage rather than a benefit, as can be shown by the fact that in the juvenile justice system the minimum prison sentence is six months, in the general criminal law only one month. For some empirical evidence of disadvantages in sentencing, see Dünkel 1990; Pfeiffer 1991.

59. See e.g. Dünkel 2003; Dünkel 2006; Deutsche Vereinigung für Jugendgerichte und Jugendgerichtshilfen 2002; Ostendorf 2002; Schöch 2001, pp. 132 ff.; Sonnen 2002; Walter 2001. Others would prefer to keep the existing flexible regulations (Meier/ Rössner/Schöch 2013, p. 101 f.).

3.2.2 Austria

In Austria, too, young adults who commit offences before reaching the age of 21 fall within the jurisdiction of special youth courts (§§ 27, 46a aJGG⁶⁰), comprising youth judges who (at least according to the law) should be particularly suitable or qualified for working with the young people they face (§ 30 aJGG). According to § 46a aJGG, various provisions of juvenile criminal procedure law also apply to young adults, for instance stricter preconditions for ordering pre-trial detention/custodial remands, separation from adult offenders while serving a sentence, or special assessments of and investigations into an offender's personality, living conditions and life circumstances that support the courts in tailoring their sentencing decisions appropriately to each individual case. In this regard, for young adults the conditions for ordering a suspended sentence and the support of the probation service are wider as for adults, and procedural costs are borne by the State, as are the costs arising from therapy that the court has ordered an offender to undergo.

While wide sections of the juvenile criminal procedure apply to young adults, the special sanctions and measures specific to juveniles do not. The range of sanctions and the rules for sentencing are those provided in the general Austrian Criminal Code (aCC).⁶¹ However, there are certain important exceptions to this rule⁶²:

According to § 34 para. 1 Nr. 1 aCC, having committed the offence before having turned 21 should generally be regarded as a mitigating factor in sentencing. This means that young adults will benefit from a reduced sentence compared to adults sentenced for the same offence. The law also prescribes special, more specific mitigation rules: according to § 36 aCC maximum sentences are lowered for young adults. The maximum sentence is 20 years, rendering life sentence inapplicable. Offences for which the law provides imprisonment of 10 to 20 years are punishable with 5 to 20 years. Minimum sentences of more than one year are reduced to one year, one-year minimum sentences are halved to six months, and for offences with a maximum sentence of five years the minimum sentences are removed altogether.

Furthermore, commencement of a sentence can be postponed when certain preconditions are met, for example in order not to impede the completion of education or vocational training.

Young adults serving prison sentences can be eligible for early release on parole at an earlier stage of their sentence than their adult counterparts. According to § 46 (2a) aCC, the minimum period of time that has to be served before release is theoretically only one month.

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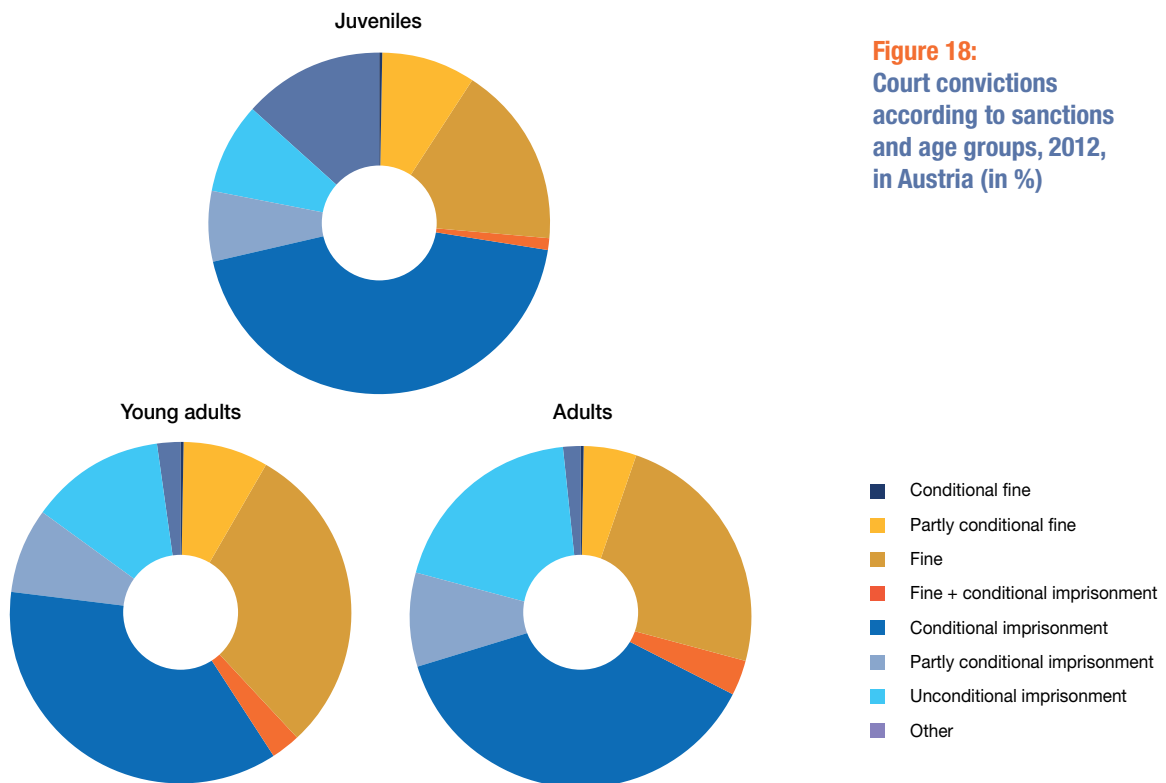
60. "Jugendgerichtsgesetz", the Austrian Youth Court Act.

61. Up until 2001, young adults up to the age of 19 had been fully incorporated into the juvenile justice system. There had been calls for an independent justice system for young adults prior to the 2001 reform, and

62. The following information is taken from Bruckmüller et al. 2011, p. 81.

§ 55 aJGG states that **young adults under the age of 22 can be placed in juvenile detention centres and theoretically remain there until they turn 27** (as is the case for juveniles as well). The advantages of sending young adults to institutions designed to cater for juvenile offenders are said to be that such institutions offer superior opportunities for education and training and benefit from a much better staff-detainee-ratio.

Austrian court statistics allow for an analysis of sanctions against young adult offenders aged 18 to 20.⁶³ Notwithstanding the fact that court statistics can only draw a limited picture of overall criminal justice practice (due to diversionary schemes and/or other alternative, informal processes and practices), they are nonetheless a valuable means for ascertaining whether there are differences in how different age groups are treated at the sentencing stage of the procedure.



Source: Statistik Austria (Ed.) 2013: Gerichtliche Kriminalstatistik. Wien, pp. 68 ff.

In Austria, the share of immediate prison sentences is much larger for young adults (13% of all court sentences) than for juveniles (8.5%), but still smaller than for older adults (19.2%). The major share of prison sentences in general can be found in the age group of adults aged 21 and older (65.9%), followed by juveniles (59.3%) and young adults (57%). Among the prison sentences the share of conditional prison sentences was higher for juveniles (44.1%) than for young adults (36%) and adults (37.7%). Juveniles show the highest share of other sanctions (13%) due to the application of specific juvenile sanctions that fall within this category. For young adults fines play a bigger role (30%) than for older adults (24%) or juveniles (17%).

63. This statistical source only covers data of convicted offenders. Those offenders who were diverted at an earlier stage in the criminal procedure (e.g. min. 24.3% of Austrian juveniles) are not part of the analyses, but may constitute major groups in practice. An analysis of court statistics on its own is, therefore, not able to deliver the full picture of criminal justice practice (including informal sanctions or diversion schemes), but can nonetheless be seen as an indicator.

			18 - 20		21 and older	
	N	%	N	%	N	%
Suspended fine	11	0.4	19	0.4	153	0.5
Partly suspended fine	230	9	388	8	1,405	5
Fine	436	17	1,460	29.8	6,676	23.8
Fine and suspended imprisonment	27	1	137	2.8	954	3.4
Suspended imprisonment	1,130	44.1	1,765	36	10,575	37.7
Partly suspended imprisonment	172	6.7	396	8	2,510	9
Immediate imprisonment	217	8.5	637	13	5,394	19.2
Other	339	13.2	101	2	409	1.4
All court sentences	2,562	100	4,903	100	28,076	100

Table 3:
Court convictions according to sanctions and age groups 2012 in Austria in absolute numbers and %

Source: Statistik Austria 2013, pp. 68 ff.

3.2.3 Croatia

Croatia is another European country with rather comprehensive regulations for young adult offenders.⁶⁴ **Persons aged 18 to 21 at the time of the offence fall within the scope of the Croatian Juvenile Courts Act (CJCA) and specialised juvenile courts.** According to Article 105 para 1 cJCA, in dealing with young adult offenders, the court can apply special juvenile sanctions (a correctional measure of special obligations, a correctional measure of intensified supervision, and juvenile imprisonment; if an offender is aged under 21 during the trial, the court can refer him/her to a disciplinary centre or can impose a reformatory correctional measure). The aforementioned correctional measures aim to improve the offender's life perspectives by bringing structure and responsibility into his/her daily life, like for instance the obligation to take up work or to participate in special training programmes or counselling, or by subjecting him/her to the supervision of an expert (e.g. a social worker) who seeks to exert a positive influence on the young adult.

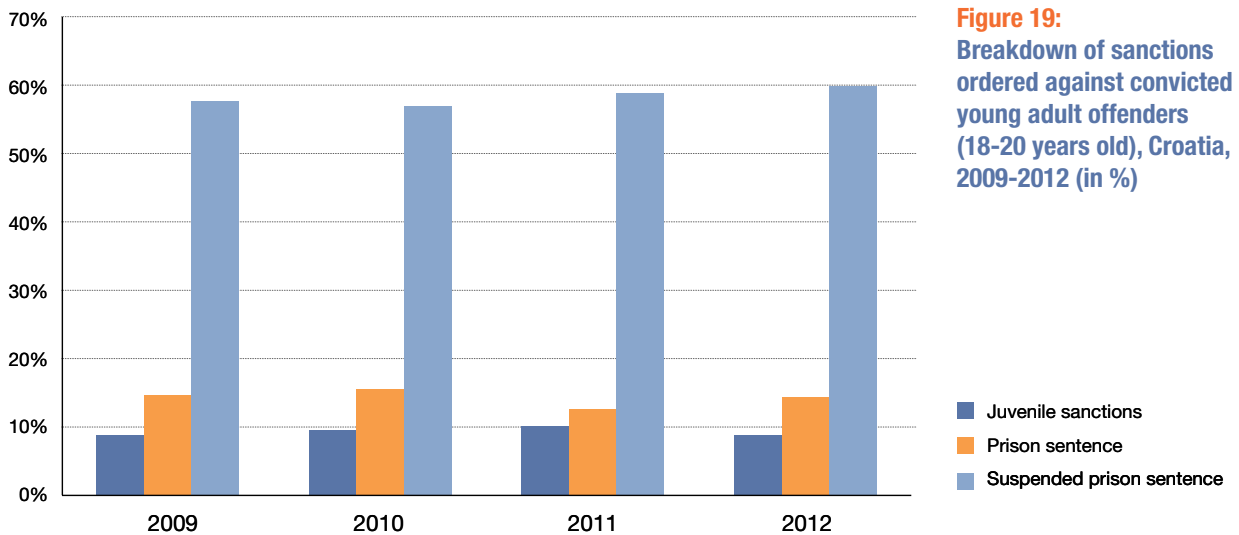
The court shall apply a juvenile sanction "when, having in mind the type of criminal offence and the manner in which it was committed, it may be concluded that the offence is a reflection, to a large extent, of the perpetrator's age, and the circumstances related to his or her personality which support the belief that the purpose of sanctioning will be achieved by the application of correctional measures or by the imposition of juvenile imprisonment." Looking more closely, this means that Croatia has in fact established different criteria from Germany: while in Germany the application of juvenile sanctions depends on the State's perception of a young adult offender's maturity, in Croatia the crucial question is whether the purpose of sanctioning, i.e. the offender's rehabilitation resp. the prevention of further offences,⁶⁵ can presumably be better achieved by resorting to juvenile justice sanctions. From a German point of view this is of particular interest, because German research presumes, as argued above, that German judges secretly decide according to the same criteria.

64. According to Bojanić (2011, p. 188), the German and Austrian juvenile justice laws were significant influences in the drafting of the Croatian legislation.

65. According to Art. 5 cJCA, the purpose of "correctional measures" is to influence the education and the development of the offender's entire personality.

Where the court applies a correctional measure, said measure shall not continue beyond the offender's 23rd birthday. If the court sentences a young adult to juvenile imprisonment, the maximum applicable term is ten years. In case the young adult has already turned 21 at the time of the trial, the court can impose a regular sentence to imprisonment in place of juvenile imprisonment. When a young adult has already turned 23 at the time of the trial, the court can impose a regular (adult) sentence to imprisonment or a suspended sentence instead of juvenile imprisonment (Art. 33 para 2 cJCA).⁶⁶ Interestingly, the law stipulates that the imposed sentence of imprisonment shall, with regard to rehabilitation and legal consequences of the sentence, have the same legal effect as juvenile imprisonment.

Where the court decides to apply the general provisions of adult criminal law, it has the discretion to mitigate the sentence in accordance with the mitigating limits prescribed by the Criminal Code. The maximum limit for a prison sentence is 15 years in that case (with one exception for very serious offences and repeat offenders⁶⁷). The preventive measure of prohibition to carry out an activity or duty may not be applied.



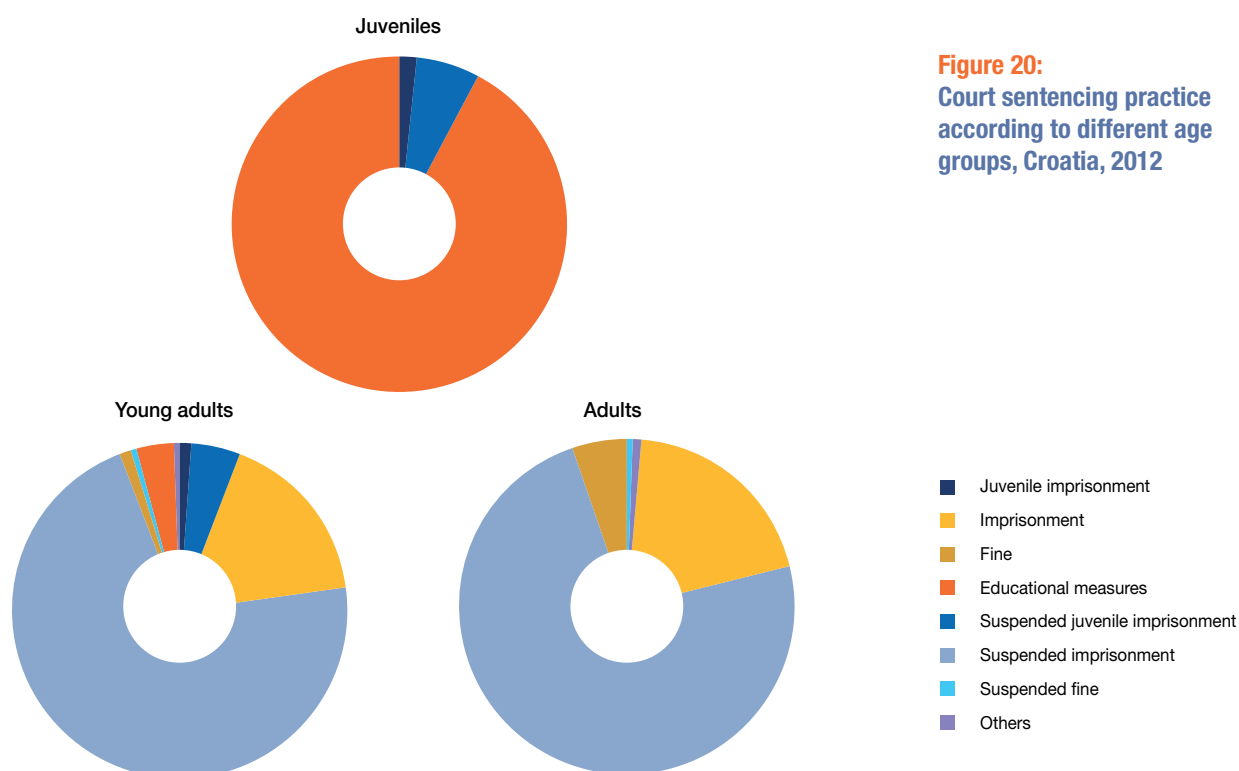
Source: Croatian Bureau of Statistics 2010-2013, own calculations.

Interestingly, Croatian law contains regulations according to which cases cease to be open for prosecution after a certain age has been reached: once a person has turned 21 he/she cannot be tried for an offence committed before his/her 16th birthday. If the trial starts after the 18th birthday, the young adult can be tried for an offence committed before his/her sixteenth birthday only if the law prescribes a prison sentence of more than five years for the offence in question. In such cases only educational measures executed in institutional settings can be imposed (Bojanić 2011, p. 213). If the trial starts after the 18th birthday but the criminal offence was committed while the young adult was aged 16 or 17, the offender is eligible to be sentenced to the same measures as young adult offenders as described at the beginning of this subchapter (see above).

Statistics (see figures 19 and 20 and table 4) show that 8 to 10 per cent of young adult offenders are sentenced to juvenile sanctions. This is very restrictive practice, but at least it demonstrates that juvenile sanctions *can be* regarded as an appropriate, albeit peripheral alternative.

66. Bojanić 2011, p. 212 describes the older version of the law.

67. According to Art. 106, Para 2. cJCA, persons who have committed a criminal offence as a young adult cannot be sentenced to a prison sentence of more than fifteen years, unless the offence in question is punishable by law with long-term imprisonment, or he/she has committed in concurrence at least two criminal offences carrying the punishment of more than ten years imprisonment.



Source: Statistička Izvješća 1505/2013, p. 13 and Statistička Izvješća 1504/2013, pp. 102 ff

	14 - 17		18 - 20		21 and older	
	N	%	N	%	N	%
Juvenile imprisonment	11	1.8	24	1.3	-	
Suspended juvenile imprisonment	38	6.0	86	4.7	-	
Imprisonment			309	17.0	3,705	19.7
Suspended imprisonment			1,303	71.4	13,904	73.7
Fine			24	1.3	952	5.0
Suspended fine			7	0.4	115	0.6
Educational measures	577	92.2	63	3.6	-	
Others			10	0.5	177	0.9
All court sentences	626	100	1,826	100	18,853	100

Table 4:
Court convictions according to sanctions and age groups 2012 in Croatia in absolute numbers and %

Source: Statistička Izvješća 2013, 1505/2013, p. 13 and Statistička Izvješća 2013, 1504/2013, pp. 102 ff.

Among juvenile sanctions, suspended juvenile imprisonment (appr. 4 per cent) and educational measures (appr. 3 per cent) play the most important role in practice. The breakdown of court responses to young adult offenders more closely resembles the structure of adult sentencing rather

than juvenile sentencing (see below).⁶⁸ Overall, the most important sanction for young adult offenders is (as for adults) the suspended prison sentence, which is applied in about 60% of all young adult convictions. This tradition is probably the reason for the sparing application of juvenile sanctions against this age group. In fact, in many cases a suspended prison sentence is likely to be less intrusive than educational sanctions that can be combined with supervision. Fines do not play a significant role in the sanctioning of young adult offenders (2012: 1 per cent of all sanctions against young adult offenders), nor does judicial admonition (2012: 0.4 per cent of all sanctions against young adult offenders).

3.2.4 England and Wales

England and Wales do not represent a system with major distinctive approaches for the age group of young adult offenders, but have nonetheless been included in this overview because of recent developments that do indeed affect the sentencing of young adults. In England and Wales⁶⁹ young adult offenders between their 18th and 21st birthdays fall into a separate legal category, but in almost all respects the way they are dealt with is more comparable to the way older adults are dealt with. One major difference to adult sentencing is that they cannot legally be given adult sentences of imprisonment (barring certain exceptions of very serious offending), but instead are sentenced to detention in a young offender's institution (c.f. *Allen* 2013). In 2000 a law was passed to abolish this special sentence, but it was not implemented due to prison overcrowding and political opposition (*Dignan* 2011, p. 382; *Allen* 2013, p. 9-11).

In early 2014 the government revealed its plans to close the network of seven young offender institutions that hold young adults aged 18 to 20, thereby rendering detention in a young offender institution defunct. The government argues that institutions with large groups of this age group would become too volatile and violent. The Youth Justice Board on the other hand has warned the government that mixing young adults with older adult prisoners will not promote their reintegration and therefore not serve to prevent them from reoffending.⁷⁰ The proposals have since been abandoned.

“mixing young adults with older adult prisoners will not promote their reintegration and therefore not serve to prevent them from reoffending”

Since June of 2011 there have been significant changes affecting young adult offenders on another level (see *Horsfield* 2014, pp. 153 ff.; 311 ff.). In June 2011, the Sentencing Council published new definitive sentencing guidelines for cases of assault committed by adults (*Sentencing Guidelines Council* 2011). These guidelines state “age and/or lack of maturity where it affects the responsibility of the offender” as a mitigating factor in sentencing (*Sentencing Guidelines Council* 2011, pp. 5 ff.). In January and February of 2012 the Council published two further guidelines, on drugs offences and burglary offences (*Sentencing Guidelines Council* 2012; 2012a), that likewise list “age and/or lack of maturity” as a mitigating factor to be taken into consideration in determining offence seriousness. Other offences have since been consistent. Updated Magistrates' Courts Sentencing Guidelines were published in March of 2012 so as to consolidate these developments (*Sentencing Guidelines Council* 2012b). It needs to be stated, though, that these developments have had no

68. For the limitations of this analysis see footnote 63 above. Among juveniles appr. 50% of all cases are diverted according to the principle of expediency, see *Bojanic* 2011, p. 206.

69. The description of the legal situation is based on *Dignan* 2011 and *Allen* 2013.

70. www.theguardian.com, 3rd February 2014.

impact on the sentencing options available to the court. However, what it does imply for practice is that the possibility to mitigate sentences due to a lack of maturity has been extended beyond the age threshold of turning 18 to include young adults, without an upper age limit in fact being stated in the guidelines. This in turn can result in shorter prison sentences, or can in fact lower offence seriousness below the custody threshold entirely. In essence, this is a step away from basing practice on rigid age boundaries, towards an individualised approach to sentencing (see *Horsfield 2014*, p.154).

It remains to be seen what effect these new guidelines will have on court sentencing decisions, and whether the overall picture of how young adults are sentenced will more closely resemble juvenile justice practice. Looking at sentencing data for 2011 reveals that court responses to young adult offenders more closely resemble the adult sentencing structure (see *table 5* below).

	10 to under 18	18 to under 21	21 and above
Discharge	13.8	11.8	10.1
Fine	4.9	44.2	54.3
Community sentence	68.6	22.0	14.5
Suspended sentence	n. a.	5.1	5.7
Immediate custody	7.0	12.6	12.3
Other	5.7	4.2	3.1

Table 5:
Court sentencing according to age groups, England/Wales, 2011, non-motoring offences

Source: *Horsfield 2014*, p. 316 (table 24), based on Ministry of Justice 2012, supplementary tables S5.5 to S5.7, and own calculations.

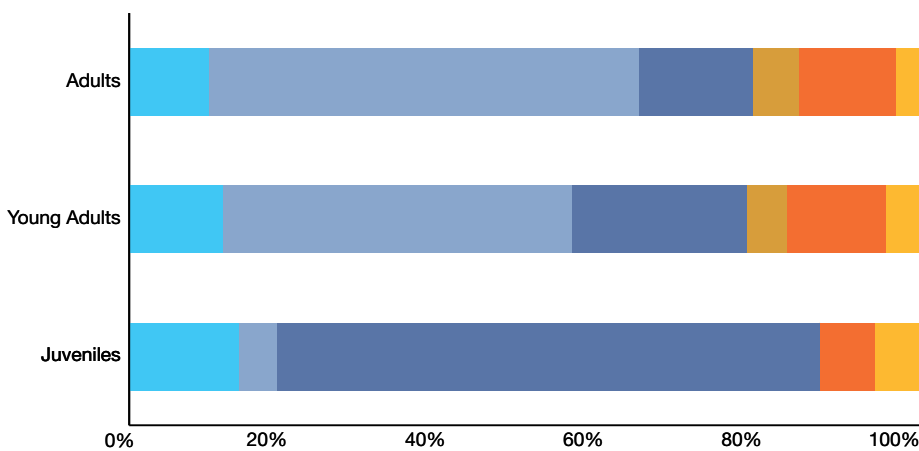


Figure 21:
Court convictions according to sanctions and age groups, England 2011

- Discharge
- Fine
- Community sanctions
- Suspended sentence
- Immediate custody
- Other

As already presented in *chapter 2.1.2* above, the structure of recorded young adult offending that results in a formal disposal more closely resembles that of juveniles. One exception is the share of summary offences. The comparatively large proportion of young adults who in 2011 were sentenced for summary offences (52.9%, compared to 39.1% among juveniles) could be an indication for very limited use (and availability) of informal diversionary pathways, like the triage schemes and the youth restorative disposal that are available for juveniles. The principle of expediency plays a rather marginal role in criminal justice practice concerning young adults, which is reflected in low formal cautioning rates.⁷¹ Accordingly, fines (44.2%) and discharges (11.8%), sanctions that are used predominantly in cases of less serious offending, account for a significant share of all sentences imposed.⁷² 81% of all fines issued against young adults were for summary offences.⁷³ Clogging up the lower tier of the sentencing tariff can have inflationary, *up-tariffing* effects on court practices. Accordingly, 12.6% of all sentenced young adults received immediate custody in 2011, and a further 5.1% received a suspended custodial sentence. Short custodial sentences play an important role also in cases of less serious offences: in 2009, 2,601 young adults were sentenced to an average of 2.3 months detention for summary offences.⁷⁴ Accordingly, community sentences play a rather marginal role by comparison.

The most recent developments in England/Wales have been promising, as they allow for a more individualised, coherent approach to sentencing that takes individual maturity into consideration, both in terms of sentence severity and sentence planning, at least for certain offences. These developments are the first outcomes of extensive and dedicated lobbying by non-government organisations.⁷⁵

3.2.5 Finland and Sweden⁷⁶

Compared to the systems described above, Finland and Sweden follow a rather different approach that, while bearing differences between each other, are generally representative of the Scandinavian system for dealing with (young) offenders in which there are no specific young adult regulations, unlike Germany or Croatia for example.

Neither Finland nor Sweden has a specific, separate juvenile justice system. Instead, both the child welfare and the criminal justice agencies are responsible for juvenile offenders under 18 years of age, and the law provides for broad cooperation between these two systems. The child welfare agencies are responsible for protecting children under the age of 18 (also from themselves, i.e. in cases of suicide prevention) and in fact do most of the work in cases of juvenile offenders (criminal responsibility starts with the 15th birthday) that is normally attributed to 'juvenile justice' in many other European countries.

There are no specific juvenile courts and there are relatively few sanctions that are only applicable to juveniles (e.g. the so called Juvenile Punishment Order in Finland, a specific community sanction, *Lappi-Seppälä* 2011, p. 424). Nonetheless, we can speak of a specific approach.

71. In 2011, the cautioning rate among young adult offenders brought to justice was 28.2%, compared to 43% for juveniles. The cautioning rate for adults was 18.3%. See Ministry of Justice 2012, supplementary tables

72. Ministry of Justice 2012, supplementary tables A2.1 and S5.6.

73. Ministry of Justice 2012, supplementary table S5.6.

74. Ministry of Justice 2012, supplementary tables 2K to 2M, A5.5, A5.24.

75. In this regard, see in particular the website of the "Transition to Adulthood Alliance" (T2A), as well as numerous pertinent publications and studies, at www.t2a.org.uk

76. The authors would like to thank Tapio Lappi-Seppälä (Finland) and Kerstin Lagerlöf (Sweden) for their valuable input.

In Finland, young offenders aged 15 to 17 receive mitigated sentences and there are additional restrictions in the use of unconditional prison sentences (*Lappi-Seppällä* 2011, p. 424). All offenders under the age of 21 (thus including young adults aged 18-20) who are sentenced to a suspended prison sentence (conditional imprisonment) may be placed under supervision. Furthermore, they are released on parole earlier than older adults. While adults are released after having served half or two thirds of their sentence, offenders below the age of 21 are released after serving one third (first-time offenders) or one half of their sentence (*Lappi-Seppällä* 2011, p. 426). Because the number of prisoners under the age of 18 is very limited in Finland (in the year 2011: 5 to 7 prisoners nationwide) there are no specific youth prisons. Instead, in practice young offenders are placed in prisons that are specialized in programme-work and thus better suited to younger age groups, including the group of young adults (*Lappi-Seppällä* 2011, p. 453).

According to statistical analyses in Finland (*The National Research Institute of Legal Policy* 2013, p. 508) the vast majority of sanctions imposed by the courts on young adult offenders (as for all other age groups as well) are fines. The share of fines is the highest for juveniles aged 15-17 (78%), followed by young adults aged 18-20 (66%) and finally those aged 21 and older (57%). This approach can be seen as quite exceptional in international comparison. The second most common sentence is conditional imprisonment (26% of young adults, 17% of juveniles).⁷⁷ As can be seen in the last row in *table 6* below, most cases are not dealt with by the courts, but by the public prosecutor. Such widespread diversion is rather unique in Europe in that it is practiced for all age groups, rather than being mostly limited to juveniles as is the case in many other countries in Europe.

Sweden has implemented a similar approach. Sentences are mitigated for young offenders below the age of 21, with the law stating that it should be regarded as a mitigating factor when “the actions of the accused were connected with his manifestly deficient development, experience or capacity for judgement” (Swedish Penal Code, Chapter 29 Sec 3 p. 3). Supervision is a frequently imposed sanction for 18 to 20 year olds and imprisonment is used as a last resort. So-called youth service can be applied to 18 to 20 years olds in exceptional cases, and implies community service combined with an order to participate in a special programme. The exceptional cases are for example that the offence was committed shortly after the offender’s eighteenth birthday and that the criminal procedure (prosecution) occurs in close temporal proximity to the eighteenth birthday as well. In 2012, Youth Service was predominantly ordered against 15-17 year olds (1,601), but it was also used for young adults aged 18-20 on 220 occasions (Brå 2013, p. 186).

“in practice young offenders are placed in prisons that are specialised in programme-work and thus better suited to younger age groups, including the group of young adults.”

77. Again, this analysis is based on court sentencing data and thus only describes one facet of criminal justice practice in general. According to statistical analyses, the option of non-prosecution is most widely used in juvenile cases: among 15–17 year olds, the share of non-prosecution varies around 29% of all court disposals and 6% of all disposals (fines included). *The National Research Institute of Legal Policy* 2013, p. 21.

	15-17		18- 20		21 and older	
	N	%	N	%	N	%
Discharge	142	3.9	52	0.7	508	1.0
Fine	2,872	78.9	4,919	65.6	28,854	57.9
Juvenile penalty*	18	0.5	0	0.0	0	0.0
Community service	5	0.1	176	2.3	2,315	4.6
Conditional prison sentence	570	15.7	1,989	26.5	12,516	25.1
Unconditional prison sentence	33	0.9	364	4.9	5,626	11.3
All court sentences	3,557	100	7,578	100	49,732	100
Fines imposed by the prosecutor	12,406		20,905		174,368	*

Table 6: Court convictions according to sanctions and age groups, in % and absolute numbers in Finland, 2012

*Juvenile Penalty can be defined as an extensive supervision-programme, lasting between 4 months and 1 year, see Lappi-Seppälä 2011.

Source: National Research Institute of Legal Policy 2013.

The judges who are responsible for trials for offenders below the age of 21 should be specially selected by the court.⁷⁸ Previously, the law had stipulated requirements that the judge should show a special interest in and attitude towards working with young offenders and had to be particularly suited to this task. While these legal requirements have been abolished, they are nonetheless considered when a judge is selected to deal with the case (Nordlöf 2012, p. 343-346). Court proceedings involving young adult defendants under the age of 21 can be conducted under exclusion of the public,⁷⁹ and the principle of accelerated proceedings also applies to this age group.⁸⁰ Finally, imprisonment is restricted to a maximum of 14 years for young offenders below the age of 21 (Swedish Penal Code Chapter 29 sec 7).

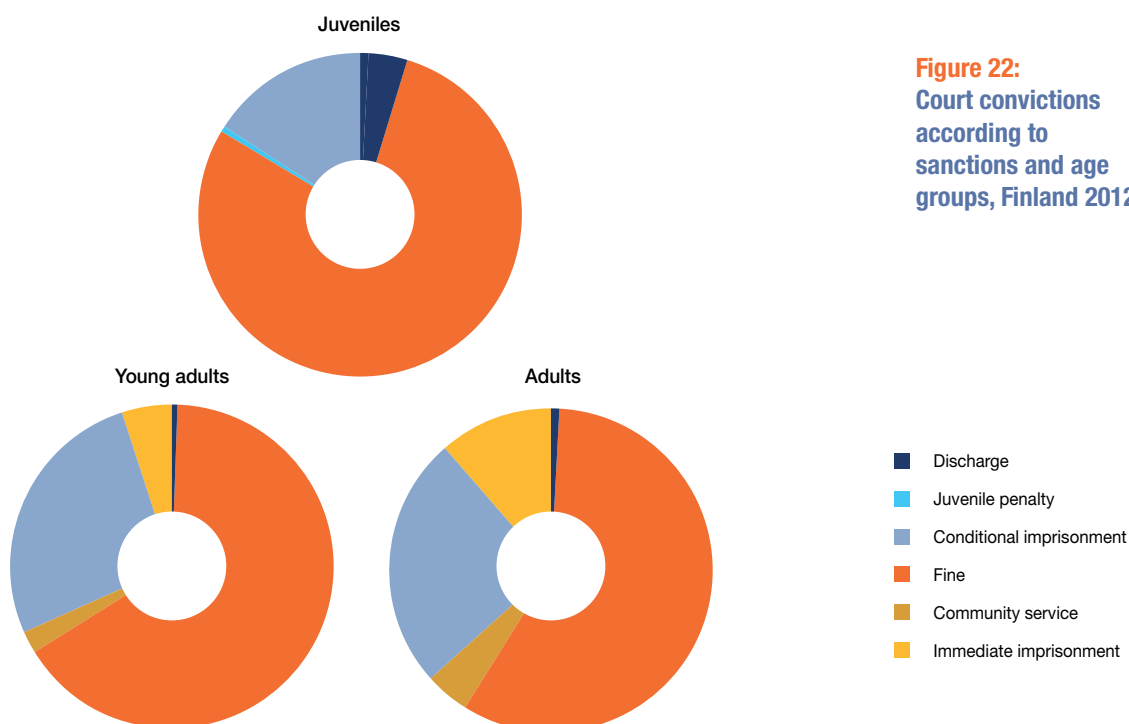


Figure 22: Court convictions according to sanctions and age groups, Finland 2012

78. Law (1964:167) with special provisions for young offenders sec 25.

80. Law (1964:167) with special provisions for young offenders sec 29.

79. Law (1964:167) with special provisions for young offenders sec 27.

What is particularly interesting when looking at Finland and Sweden (and Scandinavia in general) from a European comparative perspective is the general approach that they apply for responding to crime, regardless of the offender's age. Finnish and Swedish criminal law can be described as moderate criminal law, in that it is mainly oriented toward finding and using alternatives to imprisonment (*Lappi-Seppällä* 2010, pp. 325 ff.). Immediate prison sentences are only seldom applied, imprisonment and prison population rates are very low, and fines, community service and conditional imprisonment play the most predominant role (*Lappi-Seppällä* 2011, p. 461). When prison sentences do have to be enforced, the conditions (or regime) in which they are served can indeed be described as very humane compared to other countries. Therefore, in Finland (and other Nordic Countries, see *Allen* 2013, p. 30) there is no real need for a specific juvenile justice system in order to treat young adult offenders appropriately: while in many countries a more individualized response to young adult offenders that prioritises alternatives over imprisonment can be achieved by extending the applicability of juvenile justice, in Finland or Sweden this approach is applied to offenders of all ages.

3.2.6 The Netherlands⁸¹

The Netherlands have recently experienced surprising developments with respect to young adult offenders.

The Netherlands have faced numerous policy discussions about the treatment of young adult offenders over the last 40 years:⁸² In 1971 the Wiarda Committee recommended creating a separate justice system with specific criminal sanctions for young adults from ages 18 to 23 or 25 (*Liefwaard* 2012, p. 163). In 1982 the Anneveldt Committee, established by the Dutch government in 1979, supported the idea for a separate justice system for 18- to 24-year old young adults (*Liefwaard* 2012, p. 164). This idea was based on the findings that the transition to adulthood was seen as a gradual process and that a separate legal system should be able to serve as a bridge between the juvenile and the adult justice system (*Ibid.*). Finally, the Committee recommended the establishment of one criminal justice system for young persons aged 12-24 which contains specific regulations for 18 to 23-year-olds who have committed serious offences. Both recommendations were never put into practice, but discussions about how to respond to young adult offending went on. On the one hand, there were calls to become harsher in response to delinquent acts committed by adolescents and to apply longer sentences, and on the other hand there were calls to extend the juvenile justice approach to young adults (see *van der Laan et al.* 2012, p. 201).

In 2010 the new government announced that it would implement an 'adolescentenstrafrecht' for young offenders aged 12 to 23. After broad discussion that was also influenced by wide research into young adult offenders (see *Loeber et al.* 2012a), the proposed amendments to the Criminal Law were accepted in December 2013 and the changes have been introduced into the law in April 2014. The new law extends article 77c CC to young adults aged 18 to 23, which means that the sanctions from the juvenile law can be imposed on young adults who have committed an offence before their twenty-third birthday. No other country in Europe provides a legal basis for extending the use of juvenile justice provisions up to such a high age.

Some organisational changes have been introduced in this aspect as well: It is still the (adult) criminal judge who decides about the application of juvenile law, but the public prosecutor will now have to ascertain at a very early stage whether the young adult should be sentenced to a youth

81. The authors would like to thank Jolande uit Beijerse and Linda Dubbelman for her valuable and comprehensive information about the new legal situation.

82. JOVO is an abbreviation of the term "jong vollwassene", which means "young adult", see van Kalmthout/Bahtiyar 2011, p. 937.

“The switch in the approach to dealing with young adult offenders mainly has its basis in the new results from neuroscientific research which indicate that important brain functions are not fully developed at age 18”

sanction. His or her decision will be based on a social inquiry report into the personality of young adult offenders which has to be prepared by the probation service. For the preparation of the report the probation service uses a special assessment tool to assess the level of maturity and the social, emotional and cognitive development of the young adult. (‘Wegingskader Adolescentenstrafrecht en Weging Jeugdstrafrecht of contra Jeugdstrafrecht 2014-03-07 DEF’). There are items that speak for the application of juvenile sanctions (e.g. impulsive action) and others that speak for the application of adult sanctions (e.g. many previous criminal acts). Due to these organisational changes the legislator expects that 77c CC will be used more often.

According to young adult offenders special treatment has a long tradition in the Netherlands. Two special young adult prisons for 18 to 23 year olds were established as early as in 1937 - one for young men in Zutphen (until 1975) and one for young women in Rotterdam (until 1953). In 2002, a separate regime for young adults was introduced to the prison system, the so-called JOVO-regime.⁸³ The aim of the regime was to offer special protection and special perspectives to the group of young adult offenders between 18 and 24 (*van Kalmthout/Bahtiyar* 2013, p. 937) and to avoid ‘criminal contamination’ (*Liefaard* 2012, p. 188). However, in 2007 the departments started to close the JOVO-regimes. Evaluations had found that the JOVO regime did little to accord young adults better protection or better prospects for reintegration (*Ibid*). On the contrary, it was discussed whether segregating this group could even have a negative impact and stimulate negative behaviour. As a consequence, the current plan for prisoners (Masterplan Gevangenissen 2009-2014) argues against drawing up separate departments for young adults (*Ibid*, with further references). The adult prisons differ from the juvenile prisons in many aspects. In general, the specific needs of young adults cannot be considered systematically in the adult prison setting, which places comparatively little emphasis on providing vocational training and/or education, conditions that would be necessary so as to facilitate their reintegration (*Liefaard* 2012, p. 187). Other elements of adult imprisonment, like more restrictive family visiting rights and disciplinary measures, are equally unsuitable for this age group.

The switch in the approach to dealing with young adult offenders mainly has its basis in the new results from neuroscientific research which indicate that important brain functions are not fully developed at age 18 (see *chapter 2.3* above). Juvenile sanctions are furthermore regarded as more appropriate because they allow for more individualized intervention. Young adults sentenced to youth imprisonment shall be placed in juvenile detention facilities.

It will be very interesting to see if and how the changes in the Dutch criminal law and the new approach towards young adults change the practice of the criminal justice authorities and the development of young adults’ criminal careers.

83. See van der Laan et al. 2012, pp. 202 ff. for an overview.

3.3 Young Adult Offenders in Europe – an overview

In civil law in Europe, there is a uniform age of majority, but that is not the case for criminal law (see *Pruin 2011; Doob/Tonry 2004; Cipriani 2009*). However, almost all countries regard young adults as a special age group that is treated differently from older adults either within the general criminal law, within the juvenile law or with respect to the prison regime in which they serve their sentences. Regulations in the juvenile law also often provide for the application of specific educational sanctions to young adults, and regulations within the criminal law for adults frequently provide for a mitigation of sentence.

Table 7 provides an overview on the age of criminal responsibility in general and the relevant age thresholds for the application of adult criminal law and dealing with young adults in Europe in particular.

Table 7: Comparison of the Age of Criminal Responsibility in Europe

Country	Juvenile criminal law	Adult criminal law can/must be applied	Civil law age of adulthood
Austria	14	18 / 21	18
Belgium	16 ^B / 18	16 ^B / 18	18
Belarus	14 ^C / 16	14 / 16	18
Bulgaria	14	18	18
Croatia	14 / 16 ^A	18 / 21	18
Cyprus	10 / 14 ^A	16 / 18 / 21	16-18
Czech Republic	15	18 / 18+ (mitigated sentences)	18
Denmark ^D	15	15 / 18 / 21	18
England/Wales	10 / 12 / 14 ^A	18	18
Estonia	14	18	18
Finland ^D	15	15 / 18 / 21	18
France	10 ^F / 13	18	18
Germany	14	18 / 21	18
Greece	8 ^F / 15	18 / 21	18
Hungary	12 ^C / 14	18	18
Ireland	10 / 12 / 16 ^A	18	18

Country	Juvenile criminal law	Adult criminal law can/must be applied	Civil law age of adulthood
Italy	14	18 / 21	18
Latvia	14	18	18
Lithuania	14 ^C / 16	14 / 16	18
Macedonia	14 ^C / 16	14 / 16	18
Moldova	14 ^C / 16	14 / 16	18
Montenegro	14 / 16 ^A	18 / 21	18
Netherlands (2014)	12	16 / 23	18
Northern Ireland	10	17 / 18 / 21	18
Norway ^D	15	18	18
Poland	13 ^E	15 / 17 / 18	18
Portugal	12 ^E / 16	16 / 21	18
Romania	14 / 16	18 / (20)	18
Russia	14 ^C / 16	18 / 21	18
Scotland	8 ^E / 12 / 16	16 / 21	18
Serbia	14 / 16 ^A	18 / 21	18
Slovakia	14 / 15	18 / 21	18
Slovenia	14/16 ^A	18 / 21	18
Spain	14	18	18
Sweden ^D	15	15 / 18 / 21	18
Switzerland	10 ^F / 15 ^A	18 / 18 ^G	18
Turkey	12	15 / 18	18
Ukraine	14 ^C / 16	18	18

Source: Dünkel 2013, p. 156 f. with updated information according to recent legislative changes (NL).

- ^A Criminal majority concerning juvenile detention (youth imprisonment etc.).
- ^B Only for road offences and exceptionally for very serious offences.
- ^C Only for serious offences.
- ^D Only mitigation of sentencing without separate juvenile justice legislation.

- ^E No criminal responsibility strictu sensu, but application of the Juvenile (Welfare) Law.
- ^F Only educational sanctions (including closed residential care) and measures.
- ^G Youth custody for offenders aged 18-25, a special sanction of the general Penal Code, executed in special young adult offender institutions (until the age of 30).

The age of criminal responsibility ranges from 10 in **England/Wales, Cyprus** and **Switzerland**, to 16 or 18 in **Belgium** and some **Central European** and **Eastern European** countries, depending on the nature of the crime. **Cyprus** and **Switzerland** only provide educational measures for those aged 10 to 14 or 15. Similar restrictions can be seen in other countries as well. In the majority of countries, criminal responsibility starts at the age of 14 or 15 (see in detail *Pruin* 2011, pp. 1,535 ff.; *Dünkel et al.* 2011, pp. 1,820 ff.; *Dünkel* 2013, p. 155 ff.).

As for young adults, one can differentiate three models:

- 1 **Countries with special regulations within the (juvenile) law which extend the applicability of educational, procedural or correctional measures provided for in the juvenile law to include young adults (e.g. Germany).**
- 2 **Countries with special regulations in the general criminal law that mitigate the sentences imposed on young adults (e.g. the Scandinavian countries).**
- 3 **Countries with no special rules for young adults (e.g. Spain).**

The criminal law of most European countries provides special arrangements for dealing with young adults either in criminal or in juvenile law. Many countries, including **Belgium, Croatia, Denmark, France, Germany, Greece, Italy** or the **Ukraine**, provide the possibility of prolonging juvenile measures or sanctions, the enforcement of which has started before the offender's eighteenth birthday, to a higher age. What is more interesting – especially with respect to the international recommendations – is how countries deal with young adults who have committed an offence after their eighteenth birthday. The provisions for this age category vary greatly. In many European countries (see *table 8*, described further below), there are special measures that can be imposed on young adults that are not applicable to adult offenders.⁸⁴ These measures place a particular emphasis on re-socialization and are normally part of the sanctioning catalogue provided for juvenile offenders. However, while the imposition of these special sanctions is obligatory for juveniles, their application for young adult offenders is optional in most cases.

The 2003 Recommendation of the Council of Europe goes beyond such measures. Instead the Council demands that the Member States should consider the possibility of sentencing young adults under provisions that normally apply to juveniles. This would require a certain number of applicable measures, and it is here that the systems in Europe differ greatly. According to the law, **Croatia**, the **Czech Republic**,⁸⁵ **Germany, Lithuania, the Netherlands, Portugal, Slovenia, Switzerland**⁸⁶ and **Russia** allow the application of numerous educational measures stemming from juvenile criminal law. On the other hand, the number of such special sanctions is very limited in **Finland, France, Ireland, Northern Ireland** and **Sweden**.

84. Until recently, Spain belonged to these nations. The juvenile law reform of 2000 had also provided for the application of juvenile educational measures to 18-21 year-old young adults. However, the enactment of Article 1 (2) and (4) of the Law 8/2000 was postponed to 2007, and in December 2006 an amendment to the Juvenile Law abolished this rule entirely. Nevertheless, Art. 69 of the general criminal law (Codigo Penal) still provides the possibility of such a rule. See in detail de la Cuesta/Blanco 2007, p. 7).

85. Educational measures in the past could only be imposed in combination with a suspended sentence. Since 1 January 2010, they may be used in combination with any other sanction for adult offenders.

86. If a further offence was committed after the 18th birthday, but criminal proceedings had been instituted beforehand.

Normally, the law at least prescribes that custodial sentences are to be administered in a particularly educational manner for this age category, or that imprisonment has to be served in youth prisons until a certain age (even – under special conditions – up to 27 in **Austria** or 24 in **Germany**) (*Dünkel/Stańdo-Kawecka* 2011). **Switzerland** for example has specific institutions for young adult offenders which particularly emphasize schooling and vocational training in order to promote social reintegration. However, the Swiss regulation for 18-25 year-old young adult offenders is part of the general Criminal Law for adults, not part of the juvenile justice legislation. Even a country like **Turkey** with no other special provisions for young adult offenders provides special (closed and open) institutions for young adults (see also Allen 2013), and in **Scotland** and **Northern Ireland** 17 to 21 year-old young adults are usually sentenced to a Young Offenders Institution. Whereas those countries seem to make good experiences with the placement of young adult offenders in special institutions or in institutions for young offenders, in some countries this practice is criticised or abandoned. As indicated above, the **Netherlands** had created a separate regime for young adults in the prison system, which up until its recent abandonment aimed at offering extra protection and perspectives for young adult detainees between the ages of 18 and 24. In the **Republic of Ireland** young male offenders between 17 and 21 years of age could be sent to detention in St. Patrick's Institution, but after a report of the Inspector of Prisons (Office of the Inspector of Prisons (2013) who set out concerns (including weak management, inattention to human rights norms and disturbing incidents of non-compliance with best practice and breaches of the fundamental rights of prisoners) St. Patrick's Institution was closed. As indicated above in **England/Wales** there is a similar discussion going on.⁸⁷

Nevertheless, it should be noted that the existence of legal provisions for the special treatment of young adult offenders gives no indication of how they are actually applied in practice. We have demonstrated that in **Germany** the application of juvenile justice sanctions in cases with young adult offenders is the rule (at least in the vast majority of the Federal States: see *Dünkel* 2003; 2006; 2011; *Eisenberg* 2014, notes 4 ff. to § 105). By contrast, in **Croatia**, the **Netherlands** (according to the law which was valid until April 2014), **Lithuania**, **Slovenia** and **Russia** courts seem to be much more reluctant to use the juvenile law for young adults. The reasons for such restricted application can be manifold. For example, in **Lithuania** and **Russia** it is reported that the judges refer to the absence of clear legal criteria⁸⁸ for the application of juvenile law. In **Slovenia** the reluctance to apply juvenile law to young adults could stem from the fact that this age group is not dealt with by juvenile courts (as in the **Netherlands**, see *chapter 3.2.6*). Instead, young adults are adjudicated on by judges in adult courts who are not specialists in this field, and who are, therefore, often insecure about the forms and procedures of the educational measures used for juveniles and the advantages they can bear for young adults as well. By contrast, in **Germany** – as mentioned above – the specialised juvenile judge or court is always competent for sentencing young adult offenders. This can clearly be seen as advantageous for the application of juvenile law to young adults, because the juvenile judge is more familiar with juvenile measures and sanctions. Juvenile judges tend to apply the sanctions system with which they are familiar; also, due to their specialisation in educational and developmental issues, they can better judge the appropriateness of educational measures in each individual case. Therefore, the decision of the German legislator in 1953 to extend the competence of juvenile courts to young adults was the basis for a successful implementation of the rules to young adults.

87. See chapter 3.2.4 above. See generally the reports by Dignan, Walsh, Burman et al. and O'Mahony in *Dünkel et al.* 2011. The (former) provisions in England and Wales, the Republic of Ireland, Scotland and Northern Ireland to send a young adult offender to a Young Offenders Institution/St Patrick's Institution, could be interpreted as a possibility to apply specific juvenile sanctions to young adults, or just as regulations that concern the execution of a prison sentence.

88. Lithuanian law provides for the application of juvenile sanctions if the young adult, according to his 'social maturity', is closer to a juvenile than to an adult over 21, and that these juvenile sanctions are better for achieving the aims of criminal justice.

Another reason for a reluctant application of juvenile law to young adults might be that, in some countries (in contrast to **Germany**), juvenile law does not allow for longer prison sentences, like in the **Netherlands** (until 2014 the maximum sentence was 2 years, since April 2014 it is 7 years in exceptional cases, see *chapter 3.2.6* above). This could be a reason why, in more serious cases, judges want to apply adult criminal law in many countries, even though it is widely accepted knowledge that harsher sentencing has no improved deterrent or preventive effects but in contrast longer prison sentences can have additional criminogenic effects.

Furthermore, it is interesting to look at the difference between the law in the books and the law in practice. For example, in **Greece**, there is legally no possibility to apply juvenile law to young adults. However, according to *Pitsela* (2011), the judges nevertheless sometimes issue juvenile measures in young adult cases.

Other unintended effects are reported from **Germany**. There, only the general criminal procedure provides a summary procedure for imposing fines on traffic offenders (without an oral hearing). The juvenile prosecutors, particularly in some Federal States, therefore tend to apply the general criminal law in cases of traffic offences that are usually sanctioned through fines (see *chapter 3.2.1* above). Another apparent particularity is that, in **Germany**, more than 90 per cent of the most serious crimes (such as murder, robbery, rape etc.) are sentenced according to juvenile law, thus avoiding increased minimum and maximum sentences of the general criminal law which would not be proportionate for young adults. This practice is contrary to the widespread practice found in other countries whereby perpetrators of the most serious crimes are transferred to adult courts (so-called waiver-decisions, for example in the USA, see *Stump 2003; Bishop 2009; Weijers/Nuytiens/Christiaens 2009*, or the committal of juveniles for trial in the *Crown Court* in cases of grave crimes in England/Wales, see *Horsfield 2014*, pp. 197 ff.).

If one interprets the intention of the Council of Europe's 2003 recommendation as requiring the development and establishment of a flexible range of alternative and educational sanctions for young adult offenders, an effective implementation of this demand would not necessarily be measured by the number of available juvenile justice measures. For instance, the sanctioning systems of **Sweden** and **Finland** show that flexible responses to criminal behaviour can also exist within adult criminal law; these countries have a comparatively high degree of flexibility in the applicability of 'rehabilitative' sanctions and measures for adults. Nevertheless, in most European countries, it is the juvenile justice system that provides such educational/rehabilitative sanctions or measures (*Pruin 2007*, pp. 231 ff.).

As a rule, then, we can conclude that, in most European countries, the provisions of the respective juvenile justice systems are more appropriate and suitable for dealing with young adults who are still 'developing'. Furthermore, there is an important difference as to whether young adults are sentenced by criminal judges who are responsible for adult offenders, or by judges who are experienced in the fields of youth and youth crime, and who thus have – in comparison – more insight into the interests and needs of the age group in question.

A number of countries, including **Croatia, Germany, Kosovo, Lithuania, the Netherlands, Slovenia** and **Switzerland** have now, depending on the existence of specific preconditions, introduced the optional possibility of applying special measures from juvenile criminal law to young adults. For instance, a predictive assessment of the effectiveness of the applicable sanctions is often required in order to determine whether adult or juvenile criminal law is to be applied. In **Germany**, special criteria with regard to the psychosocial development have to be considered.

In some countries, the judges may have difficulties in deciding whether the criteria for the application of juvenile sanctions have been met in a single case, because the criteria are often formulated vaguely and/or the court needs background information about the psychosocial development of the young adult offender (see *Shchedrin* 2011). Such information is typically provided by social inquiry reports drafted by the welfare services; sometimes even psychological or psychiatric experts are needed. If these services are not approached or if the regulations are too vague, then the judge may be more reluctant to use juvenile measures (see *Sakalauskas* 2011).

Instead of or alongside the special measures described above, there are in **Austria, Croatia, Cyprus, the Czech Republic, Denmark, England and Wales, Finland, France, Germany, Greece, Hungary, Italy, Poland, Portugal, Romania, Slovakia, Sweden and Switzerland** also provisions for mitigating the sentences that young adult offenders receive. While this mitigation is mandatory in **Austria, the Czech Republic and Slovakia**, it is optional in the other countries mentioned above. The legal wording regarding this issue is very particular in the **Czech Republic**. Instead of defining fixed legal age limits and categories, the law provides for the possibility of mitigating sentences for persons who are of an age that is 'close to adolescence'. The age of an offender is in some countries taken into consideration despite the absence of explicit respective legal provisions: In **Hungary**, the Supreme Court has issued sentencing guidelines, which state that being between 18 and 21 years of age (and thus close to the age of a juvenile) at the time the offence was committed is an important mitigating factor. In **England/Wales**, too, sentencing guidelines have recently stated age/maturity of the offender as a mitigating factor in Magistrates' Courts' sentencing of certain offence types.

In **Serbia, Slovenia** and other states of the former **Yugoslavia**, the applicability of special regulations is in accordance with the age of the offender at the time of the proceedings, and not the person's age at the time of the offence. This approach bears the risk that delays in the proceedings are ultimately at the expense of the young adult.

In contrast, the Swiss amendment to the Juvenile Law from 2007 entails an interesting approach. Where criminal proceedings are instituted against a juvenile and further crimes committed after the age of 18 are detected, formally, the procedural provisions of the Juvenile Law still apply for all offences, and the youth court can choose between measures from the juvenile or adult criminal law.⁸⁹

In some countries, resorting to the special provisions of juvenile criminal law is, in practice, ruled out in cases of especially serious criminal offences. On the other hand, the German law and jurisdiction explicitly opens the provisions of juvenile criminal law to all types of offenders and offences (see *chapter 3.2.1* above).

Particularly with regard to the current European juvenile criminal law reforms in **Austria, the Czech Republic, Kosovo, Lithuania, the Netherlands, Serbia and Slovenia** one can speak of a European trend towards broadening the possibilities for incorporating young adults into the special provisions for juveniles. This trend has apparently established itself predominantly in the Eastern European countries that were (and sometimes still are) in a phase of transformation, away from 'Soviet' traditions towards the modern Continental European model of juvenile justice.

There have been reports from **Austria, the Czech Republic, Hungary and Spain** that their draft laws had contained proposals that called for a wider incorporation of young adults into juvenile procedures, but that these were later amended or dropped by Parliament. Therefore, one may conclude that the experts who are regularly responsible for drafting laws in their respective

89. This concerns only educational measures; criminal sanctions have to be applied according to the adult criminal law.

countries are convinced of the necessity to integrate young adults into the juvenile justice system, but that this notion could not (yet) achieve acceptance from politicians in the legislatures. It will be interesting to see how other current reform proposals, for example in **Hungary** (see *Csuri 2008; Váradi-Csema 2011*), develop in the future, and the case of the Netherlands, where the discussions have gone on for decades, should serve as a good motivation to continue the discussions.

In conclusion, the different models of dealing with young adult offenders in Europe are summarised in *table 8* below.

In total, 20 out of 35 countries (57 per cent) provide for either the application of educational measures of juvenile law, or special rules concerning specific sanctions for young adults in the general penal law. Furthermore, 18 out of 35 countries (51 per cent) have special rules in the adult criminal law concerning the mitigation of penalties for young adults. 10 out of 35 countries (29 per cent) provide for the mitigation of sanctions according to the general criminal law *and* the application of sanctions of the juvenile law. It is therefore most exceptional that special rules for young adult offenders are not provided at all, i.e. neither in the juvenile law nor in the general criminal law. As far as we are aware there are only eight such countries: **Belgium, Bulgaria, Estonia, Ireland** (since the closure of St. Patrick's Institution), **Latvia, Spain, Turkey** and the **Ukraine**.⁹⁰

Table 8: Young adults in European (juvenile) criminal law

Country	Special rules for young adults providing the application of specific (juvenile law) sanctions	Special rules for young adults implying sentence mitigation	Age range for youth detention/custody or similar forms of deprivation of liberty
Austria	✓	✓	14-27
Belgium	✓ ¹	✗	Only welfare institutions
Bulgaria	✗	✗	14-21
Croatia	✓	✗	14-21
Cyprus	✗	✓	14-21
Czech Republic	✓ ²	✓	15-19
Denmark	✓ ³	✓	15-23 ⁴




























¹ If the offence was committed before the 18th birthday, juvenile welfare measures can be prolonged until the 23rd birthday.

² Application of educational measures and mitigation of sentences if the young adult is at an age 'close to a juvenile'. According to the jurisprudence this is the case until the age of 21 has been reached.

³ Mandatory: until the age of 19 in youth prison.

⁴ No special juvenile law. Special regulations with respect to early release can be applied to young adults. Furthermore, young adults can be placed in alternative institutions, see Corrections Act, sect. 78 (formerly Criminal Code, sect. 49, subsection 2).

90. However, even these countries provide that young adults are accommodated in juvenile prisons or special institutions or units for young adults (separated from adults aged over 21).

Country	Special rules for young adults providing the application of specific (juvenile law) sanctions	Special rules for young adults implying sentence mitigation	Age range for youth detention/custody or similar forms of deprivation of liberty
England/Wales	 ⁵	 ⁶	10-13 / 14-21 ⁷
Estonia			14-21
Finland	 ⁸		15-21
France	 ⁹		13-18 / 19-23
Germany			14-24
Greece	 ¹⁰		13-21 / 22-25
Hungary			14-24
Ireland			10-12/13-15/16-18
Italy			14-21
Kosovo			14-15 / 16-23
Latvia			14-21
Lithuania			14-21
Montenegro			14-15 / 16-23
Netherlands			12-24

⁵ Detention in a Young Offenders Institution instead of imprisonment, attendance centre order (a community sanction) can be applied.

⁶ In the form of sentencing guidelines that do not refer especially to the age of young adulthood, but to maturity and age in general.

⁷ The English Young Offenders Institutions (YOIs) are differentiated to institutions holding 15 to 17-year-olds, 18 to 21-year-olds and institutions holding both age groups. 10 to 12-year old persistent offenders and 12 to 14-year-olds exceptionally can be sent to secure training facilities.

⁸ No special juvenile law. The application of suspended sentences (conditional imprisonment) is extended and combined with supervision. Young adult offenders under the age of 21 can be released on parole earlier (after one third or half of the sentence) than adults over 21.

⁹ The educational measure of judicial protection (protection judiciaire) can be prolonged beyond the age of 18.

¹⁰ If the offence was committed before the 18th birthday, educational or therapeutic measures can be prolonged until the 21st birthday. Furthermore, according to Pitsela (2010), in practice the judges apply in some cases educational measures to offenders who were 18 or older at the time of the offence.

Country	Special rules for young adults providing the application of specific (juvenile law) sanctions	Special rules for young adults implying sentence mitigation	Age range for youth detention/custody or similar forms of deprivation of liberty
Northern Ireland	✓ ¹¹	✗	10-16 / 17-21
Poland	✗	✓	13-18 / 19-21
Portugal	✓	✓	12-15 / 16-21
Romania	✗	✓ ¹²	14-21
Russia	✓	✗	14-21
Scotland	✓ ¹³	✗	16-21
Serbia	✓	✗	14-15 / 16-23
Slovakia	✗	✓	14-18
Slovenia	✓	✗	14-23
Spain	✗	✗	14-21
Sweden	✓ ¹⁴	✓	15-21
Switzerland	✓ ¹⁵	✓ ¹⁶	10-22
Turkey	✗	✗	12-18 / 19-21 ¹⁷
Ukraine	✗	✗	14-22

Source: Dünkel/Pruin 2012, p.33, Dünkel 2013, p.156 f.

¹¹ Young offenders (17-21) are usually sentenced to the young offenders centre.

¹² The law does not define age as a mitigating factor, but in practice the judges impose more lenient sentences on young adults.

¹³ Juveniles and young adults between 16 and 21 years of age can be sentenced to detention in a Young Offenders Institution.

¹⁴ No special juvenile law but special procedures and measures such as the transfer to the Social Services. The imposition of custodial sanctions is particularly restricted (see Dünkel/Stańdo-Kawecka 2011).

¹⁵ Special educational measures can be applied if a further offence was committed after the 18th birthday but criminal proceedings had been instituted beforehand.

¹⁶ The general Criminal Law (Art. 61 Swiss PC) provides for special institutions for 18- to 25-years old offenders.

¹⁷ Special open and closed institutions for young adults.

4

Conclusions and Future Prospects

4. CONCLUSIONS AND FUTURE PROSPECTS

The aim of this report was to consolidate current knowledge and research on young adults into an up-to-date overview, and to subsequently assess whether setting a rigid upper age-limit for the applicability of juvenile justice provisions at 18 is both justifiable and advisable.

As a starting point, findings from the field of criminology were investigated, which indicate that young adults pose the age group with the highest risk of offending. The theoretical basis for providing a special criminal justice strategy for *juvenile offenders*, most prominently the fact that their offending is both ubiquitous and episodic in nature, thus also applies for young adults, because, according to the data, the phase of growing out of crime predominantly occurs during early adulthood.

Research from different European countries into the nature of young adult offending has shown that motoring, drugs and theft offences are particularly prominent among young adults. As for juveniles, violent offences also play a significant role, but overall the data provide no grounds for regarding young adults as a particular danger or threat to the public. The nature of young adult offending, therefore, does not justify treating this age group differently from juveniles.

Longitudinal studies have shown that early adulthood is a pivotal period in the course of criminal careers. While the majority of people stop behaving in a criminal manner during this phase of life (often without the need for state intervention), for some groups it can also mark the onset of criminal episodes. The course that an individual's offending behaviour takes is dependent on several factors, e.g. brain maturation and self-control, or (not) accomplishing transitions to adult roles like parenthood and stable employment. Overall, research has shown that the development of criminal behaviour during young adulthood can take very individual, subjective courses, which implies a need for flexible and individualised criminal justice responses.

Sociological research has revealed that important role transitions, that are said to be associated with desistance from crime, have come to be completed later and later in life. Nowadays, in many countries, getting married, having children and moving out of the parental home in their late 20s is no longer anything out of the ordinary in young peoples' lives. Longer periods of education, youth unemployment and economic crisis have postponed young people's entry to the labour market and stable employment significantly, and ominously high rates of unemployment indicate that many young people fail to make this transition entirely.

Therefore, except for reaching the age of civil majority, and assuming the rights and responsibilities that that age brings with it, reaching the age of 18 has no major impact on the realities of life experienced by young adults. Instead, young adults appear to lack stability in many fields of social life, and it is probably part of their self-identity to try and test different lifestyles and approaches to adulthood and independence between the ages 18 and 30, without having to make a definitive decision.

Results from research into the maturation of the brain and into psychosocial and cognitive development emphasise that brain development (in particular higher executive functions of the brain, such as planning, verbal memory and impulse control) continues up until the age of 25 and possibly even beyond (see *chapter 2.3* above and *Prior et al. 2011*, p. 8). These findings indicate that applying juvenile justice sanctions to people older than 18 is justifiable, because young adults, like juveniles, must be considered less culpable than older adults due to their psychosocial immaturity (*Prior et al. 2011*).

“young adults, like juveniles, must be considered less culpable than older adults due to their psychosocial immaturity”

(*Prior et al. 2011*)

It is interesting to look at the different approaches that countries in Europe have adopted for responding to young adult offending. International recommendations call on countries to provide possibilities for incorporating young adults into the scope of their juvenile justice provisions, and such practices have in fact been legislated for in some countries.

Germany is a prominent example for a jurisdiction that has done so. There, judges avoid the rather rigid sanctions of adult criminal law in the majority of cases by instead resorting to the wide range of measures provided in the German Juvenile Justice Act. These measures accord the courts more flexibility in sentencing as they are more open to individualisation, and at the same time allow the courts to take maturity (or a lack thereof) into consideration by mitigating punishment (German juvenile justice law provides no minimum sentences and limits maximum sentences). The successful approach that Germany has adopted (successful in that courts apply it more often than not) is likely to have depended on the fact that the decision whether or not to apply juvenile justice in the case of a young adult lies in the hands of specialised youth court judges.

As of April 2014, the Netherlands might well supersede Germany as the European pioneer in providing a special approach to young adult offenders. Once pending legal reforms have commenced, the new ‘adolescentenstrafrecht’ shall allow for the juvenile justice provisions to be applied to young adults up to the age of 23. It will be interesting to see how the situation in the Netherlands develops in the near future, whether there will be noticeable shifts in criminal justice practice and whether the model adopted and in force since April 2014 there can serve as an impetus for other countries to follow suit.

In the other countries described in more detail in this report, the structure of court sentences imposed on young adults more closely resembles that of adults than that of juveniles. There, fines and suspended prison sentences play a major role in young adult sentencing, while the juvenile law normally provides more ‘educational’ alternative non-custodial sanctions. These findings show that, in most countries, individualised, flexible and rehabilitative intervention can be better achieved by simply opening the door to the juvenile justice system.

Many countries have implemented legal provisions that provide for sentences to be mitigated for young adults, which in itself already constitutes a form of legal recognition of their special situation. It appears to be a widely accepted fact that turning 18 alone does not justify transferring young people to adult prisons: it is common practice in Europe for young adult offenders to be allowed to remain in the youth prison system into their early 20s.

Bearing the findings from interdisciplinary research into young adulthood in mind, separate young adult institutions would have to be equipped to promote individual outlooks and positive trajectories and provide opportunities for personal development. This would include offering a breadth of possibilities for education and vocational training, and fostering and strengthening social bonds by opening the institution to the community via work-release programmes, prison leaves and special visitation rights. Also, re-entry/resettlement strategies would have to be tailored to the particular problems (*Farrington/Loeber/Howell* 2012, pp. 736 ff.) associated with early adulthood, which would place wider staffing requirements on specialized institutions (see *Allen* 2013, pp. 36 ff.), both in terms of vocational specialisation and also in terms of the young person-staff ratio.

Overall, the sum of interdisciplinary research strongly suggests that young adulthood is a crucial and sensitive period in the life-course that is characterised by wide-ranging changes and transitions, the (non)accomplishment of which appears to have a significant impact on life trajectories and criminal careers. Against this backdrop, adapting the way in which the state responds to young adult offending would be a justifiable conclusion.⁹¹

If employing a more tolerant, cautious approach to dealing with *juvenile* offenders has its justification in the notion that they are still maturing and developing and can thus still be positively influenced, then the interdisciplinary findings relating to young adulthood can easily be taken as evidence that such an approach would also be appropriate for young adults as well. It is therefore only logical that international instruments recommend they be included into the youth justice system in appropriate cases. Doing so would open the door to a wider range of interventions that allow the courts to tailor their sentencing decisions in an individualized fashion in each case, rather than subject young adults to primarily retributive sanctions that can hinder positive personal development rather than promote it.

It is important to note at this point that it would be a virtually pointless endeavour to hope that tougher sentences would have an individual deterrent effect on young adults. Even if in single, individual cases prison sentences may help to provide a turning point in opening an opportunity for change (*Shapland/Bottoms/Muir* 2012, p. 137), systematic reviews show that custodial sanctions and longer prison sentences in general lead to slightly higher reoffending rates or non-significant differences, and single studies also suggest that prison sentences seem to have more of a criminogenic effect than a deterrent or rehabilitative one.⁹²

Tough, exclusionary forms of punishment (prison) can thus in fact increase the risk factors that make a continuation of a criminal career more likely. The negative effects of accommodating young people in adult prisons are deemed particularly significant in this regard (*Farrington/Loeber/Howell* 2012, p. 739 with further references).

91. T2A in 2009 recommends in the Young Adult Manifesto young adult offenders aged 18-24 be recognized as a distinct category. The Manifesto also recommends diverting more young adults from the courts, and other more tolerant and re-integrative approaches towards that age group in general, see *Allen* 2012.

92. Lösel 2012, p. 86. See also *Farrington/Loeber/Howell* 2012, pp. 736 ff., who summarize the significant reentry problems faced by young adult offenders.

These findings are unambiguous and have been corroborated internationally (e.g. *Farrington/Loeber/Howell* 2012; *Loeber et al.* 2012a). In the USA, experts have called for the minimum age for referral of young people to the adult court to be increased to age 21 or preferably 24, or for the establishment of special courts or correctional facilities for young adult offenders, the implementation of a 'maturity discount' for young adult offenders, conducting risk/needs assessments and screenings of young adult offenders to guide the selection of appropriate dispositions and interventions, and evidence-based programmes for young adult offenders in the community and after release (*Farrington/Loeber/Howell* 2012, p. 742).

Many European states have already passed a major law reform in this respect, that came into force in April 2014, and England/Wales have recently taken some steps towards better reflecting the special needs and characteristics of young adult offenders in court sentencing decisions. This report has shown that these initiatives are without any doubt steps in the right direction, and that the findings from interdisciplinary research into the period of young adulthood and the significance of this period in the life-course for crime provide a strong basis on which legislation for an evidence-based approach for young adult offenders can (and justifiably should) be based.

LITERATURE

- Albrecht, H. J., Kilchling, M. (eds.) (2002): *Jugendstrafrecht in Europa*. Freiburg i. Br.: Max-Planck-Institut für ausländisches und internationales Strafrecht.
- Allen, R. (2012): Young adults in the English criminal justice system – the policy challenges. In: Lösel, F., Bottoms, A., Farrington, D. P. (eds.): *Young Adult Offenders: Lost in Transition?* Cullompton: Willan Publishing, pp. 155-169.
- Allen, R. (2013): *Young Adults in Custody- the way forward*. London: Transition to Adulthood Alliance.
- Arnett, J. J. (2004): *Emerging Adulthood: The Winding Road from the Late Teens through the Twenties*. New York: Oxford University Press.
- Averdijk, M., Elffers, H., Rutter, S. (2012): Disentangling Context Effects on Criminal Careers. In: Loeber, R., Hoeve, M., Slot, N. W., van der Laan, P. H. (eds.): *Persisters and desisters in crime from adolescence into adulthood. Explanation, prevention and punishment*. Farnham: Ashgate, pp. 51-76.
- Bailleau, F., Cartuyvels, Y. (2007) (eds.): *La Justice Pénale des Mineurs en Europe – Entre modèle Welfare et inflexions néo-libérales*. Paris: L'Harmattan.
- Bailleau, F., Cartuyvels, Y. (2014): Juvenile justice in Europe – between continuity and change. In: Body-Gendrot, S. (ed.): *The Routledge handbook of European criminology*. London: Routledge. pp. 453-469.
- Bear, M. F., Connors, B. W., Paradiso, M. A., Engel, A. K. (2012) (eds.): *Neurowissenschaften - Ein grundlegendes Lehrbuch für Biologie, Medizin und Psychologie*. 3rd ed., Heidelberg: Spektrum.
- Beelmann, A., Raabe, T. (2007): *Dissoziales Verhalten von Kindern und Jugendlichen*. Göttingen: Hogrefe.
- Bijleveld, C. C. J. H., van der Geest, V., Hendriks, J. (2012): Vulnerable Youths in Pathways to Adulthood. In: Loeber, R., Hoeve, M., Slot, N. W., van der Laan, P. H. (eds.): *Persisters and desisters in crime from adolescence into adulthood. Explanation, prevention and punishment*. Farnham: Ashgate, pp. 105-126.
- Blakemore, S.-J. (2012): Imaging brain development: The adolescent brain. *NeuroImage* 61, pp. 397-406.
- Blokland, A. A. J., Palmen, H. (2012): Criminal Career Patterns. In: Loeber, R., Hoeve, M., Slot, N. W., van der Laan, P. H. (eds.): *Persisters and desisters in crime from adolescence into adulthood. Explanation, prevention and punishment*. Farnham: Ashgate, pp. 13-50.
- Blossfeld, H.-P., Klijzing, E., Mills, M., Kurz, K. (2005): *'Globalization, Uncertainty and Youth in Society'*. London and New York: Routledge.
- Bojanić, I. (2011): Croatia. In: Dünkel, F., Grzywa, J., Horsfield, P., Pruin, I. (eds.): *Juvenile Justice Systems in Europe: Current Situation and Reform Developments*. 2nd ed., Mönchengladbach: Forum Verlag Godesberg, pp. 187-222.
- Bottoms, A., Shapland, J. (2011): Steps towards desistance among male young adult recidivists. In: Farall, S., Spark, R., Maruna, S.: *Escape Routes: Contemporary perspectives on life after punishment*. Abingdon: Routledge, pp. 43-80.
- Brå (2013): *Kriminalstatistik 2012*. Stockholm: Brottsförebyggande rådet (National Council for Crime Prevention).
- Bruckmüller, K., Pilgram, A., Stummvoll, G. (2011): Austria. In: Dünkel, F., Grzywa, J., Horsfield, P., Pruin, I. (eds.): *Juvenile Justice Systems in Europe: Current Situation and Reform Developments*. 2nd ed., Mönchengladbach: Forum Verlag Godesberg, pp. 41-98.
- Brüderl, J. (2004): Die Pluralisierung partnerschaftlicher Lebenslagen in Westdeutschland und Europa. *Aus Politik und Zeitgeschichte* 19, pp. 3-10.
- Bucholz, S., Kurz, K. (2008): A new mobility regime in Germany? Young people's labor market entry and phase of establishment since the mid-1980s. In: Blossfeld, H.-P., Buchholz, S., Bukodi, E., Kurz, K. (eds.): *Young Workers, Globalization and the Labor Market*. Cheltenham, Northampton: Edward Elgar, pp. 51-76.
- Bühler, A. (2011): Risikoverhalten in der Jugend. In: Uhlhaas, P.J., Konrad, K. (eds.). *Das adoleszente Gehirn*. Stuttgart: Kohlhammer, pp. 189-205.
- Buhl, H. M., Lanz M. (2007): Emerging Adulthood in Europe – Common Traits and Variability Across Five European Countries. *Journal of Adolescent Research* 2007 22, pp. 439-443.

- Bukodi, E., Ebralizde, E., Schmelzer, P., Blossfeld, H.-P. (2008): Struggling to become an insider: does increasing flexibility at labor market entry affect early careers? A theoretical framework. In: Blossfeld, H.-P., Buchholz, S., Bukodi, E., Kurz, K. (eds.): *Young Workers, Globalization and the Labor Market*. Cheltenham, Northampton: Edward Elgar, pp. 3-28.
- Bundesinstitut für Bevölkerungsforschung (2014): Durchschnittliches Alter der Mütter bei Geburt des 1. Kindes in der bestehenden Ehe in Deutschland, West- und Ostdeutschland, 1960 bis 2011. Internet publication: http://www.bib-demografie.de/DE/ZahlenundFakten/06/Abbildungen/a_06_18_durchschnittl_alter_muetter_geburt_1kind_best_ehe_d_w_o_ab1960.html?nn=3073508, <http://www.bib-demografie.de> (28.05.2014).
- Bundesinstitut für Bevölkerungsforschung (2014a): Durchschnittliches Alter der Mütter bei Geburt ihrer Kinder (in Jahren) in europäischen Ländern, 1960 bis 2012. Internet publication: http://www.bib-demografie.de/DE/ZahlenundFakten/06/Tabellen/t_06_02_durchschnittl_alter_muetter_geburt_europ_laender_ab1960.html Council of Europe, Eurostat, <http://www.bib-demografie.de>
- Bundesministerium des Innern, Bundesministerium der Justiz (eds.) (2006): *Zweiter Periodischer Sicherheitsbericht*. Berlin.
- Burman, M., Johnstone, J., Fraser, A., McNeill, F. (2011): Scotland. In: Dünkel, F., Grzywa, J., Horsfield, P., Pruin, I. (eds.): *Juvenile Justice Systems in Europe: Current Situation and Reform Developments*. 2nd ed., Mönchengladbach: Forum Verlag Godesberg, pp. 1149-1,196.
- Casey, B. J., Getz, S., Galvan, A. (2008): The adolescent brain. Current directions in risk and decision making. *Developmental Review* 28, pp. 62-77.
- Casey, B. J., Jones, R. M., Hare, T. A. (2008). The adolescent brain. *Annals of the New York Academy of Sciences* 1124, pp. 111-126.
- Casey, B. J., Jones, R. M., Somerville, L. H. (2011): Braking and Accelerating of the Adolescent Brain. *Journal of Research on Adolescence* 21, pp. 21-33.
- Cavadino, M., Dignan, J. (2002): *The Penal System: An Introduction*. 3rd ed., London: SAGE.
- Cavadino, M., Dignan, J. (2006): *Penal Systems: a comparative approach*. London: SAGE.
- Cipriani, D. (2009): *Children's Rights and the Minimum Age of Criminal Responsibility. A Global Perspective*. Farnham: Ashgate.
- Council of Europe (ed.) (2009): *The European Rules for Juvenile Offenders Subject to Sanctions or Measures*. Strasbourg: Council of Europe Publishing.
- Croatian Bureau of Statistics (2010-2013): *Statistička Izvješća (Statistical Reports)*. Zagreb.
- Csuri, A. (2008): Der Lebensabschnitt der "jungen Erwachsenen" als neue Alterskategorie im ungarischen Strafrecht. – Kritische Überlegungen rechtsdogmatischer Natur. *Zeitschrift für Jugendkriminalrecht und Jugendhilfe* 19, pp. 167-171.
- Dayan, J., Bernard, A., Olliac, B., Mailhes, A.-S., Kermarrec, S. (2010): Adolescent brain development, risk-taking and vulnerability to addiction. *Journal of Physiology-Paris* 104, pp. 279-286.
- de la Cuesta, J. L., Blanco, I. (2007): *El enjuiciamiento de menores y jóvenes infractores en Espana*. *Revista electrónica de la Asociación Internacional de Derecho Penal*, pp. 1-24.
- Deutsche Vereinigung für Jugendgerichte und Jugendgerichtshilfen (2002): 2. Jugendstrafrechtsreform-Kommission 2002. Vorschläge für eine Reform des Jugendstrafrechts. *DVJJ-Journal-Extra* Nr. 5.
- Dignan, J. (2011) England and Wales, In: Dünkel, F., Grzywa, J., Horsfield, P., Pruin, I. (eds.): *Juvenile Justice Systems in Europe: Current Situation and Reform Developments*. 2nd ed., Mönchengladbach: Forum Verlag Godesberg, pp. 357-398.
- Donker, A., Bulten, E., Thornberry, T. P., Matsuda, M. (2012): Explanations of Offending. In: Loeber, R., Hoeve, M., Slot, W., van der Laan, P.H. (eds.): *Persisters and desisters in crime from adolescence into adulthood*. Farnham, Burlington: Ashgate, pp. 77-104.
- Doob, A. N., Tonry, M. (eds.) (2004): *Youth Crime and Youth Justice: Comparative and Cross-national Perspectives. Crime and Justice: A Review of Research*. Vol. 31. Chicago, IL und London: University of Chicago Press.

Literature

- Deutsche Shell (ed.) (2002): *Jugend 2002: Zwischen pragmatischem Idealismus und robustem Materialismus*. Frankfurt am Main.
- Dünkel, F. (1990): *Freiheitsentzug für junge Rechtsbrecher*. Bonn: Forum Verlag Godesberg.
- Dünkel, F. (1993): Heranwachsende im (Jugend)-Kriminalrecht, *ZStW* 105, pp. 137-165.
- Dünkel, F. (2002): Heranwachsende im Jugendstrafrecht – Erfahrungen in Deutschland und aktuelle Entwicklungen im europäischen Vergleich. In: Moos, R. et al. (eds.): *Festschrift für Udo Jesionek*. Wien, Graz: Neuer Wissenschaftlicher Verlag, pp. 51-66.
- Dünkel, F. (2003): Youth violence and juvenile justice in Germany, In: Dünkel, F., Drenkhahn, K. (eds.): *Youth violence: new patterns and local responses – Experiences in East and West*. Mönchengladbach: Forum Verlag Godesberg, pp. 96-142.
- Dünkel, F. (2006): Juvenile Justice in Germany – Between Welfare and Justice. In: Junger-Tas, J., Decker, S. (eds.): *International Handbook of Juvenile Justice*. Dordrecht: Springer, pp. 225-262.
- Dünkel, F. (2011): Germany. In: Dünkel, F., Grzywa, J., Horsfield, P., Pruin, I. (eds.): *Juvenile Justice Systems in Europe: Current Situation and Reform Developments*. 2nd ed., Mönchengladbach: Forum Verlag Godesberg, pp. 547-621.
- Dünkel, F. (2013): Youth Justice Policy in Europe – Between Minimum Intervention, Welfare and New Punitiveness. In: Daems, T., van Zyl Smit, D., Snacken, S. (eds.): *European Penology? Oxford, Portland/Oregon: Hart Publishing 2013*, pp. 145-170.
- Dünkel, F., Geng, B. (2013): Neue entwicklungsbezogene Erkenntnisse des Jugendalters – Argumente für ein Jungtäterstrafrecht? In: Boers, K., Feltes, T., Kinzig, J., Sherman, L. W., Streng, F., Trüg, G. (eds.): *Kriminologie, Kriminalpolitik, Strafrecht – Festschrift für Hans-Jürgen Kerner zum 70. Geburtstag*. Tübingen: Mohr Siebeck, pp. 561-576.
- Dünkel, F., Stańdo-Kawecka, B. (2011): Juvenile imprisonment and placement in institutions for deprivation of liberty – comparative aspects. In: Dünkel, F., Grzywa, J., Horsfield, P., Pruin, I. (eds.): *Juvenile Justice Systems in Europe: Current Situation and Reform Developments*. 2nd ed., Mönchengladbach: Forum Verlag, pp. 1,789-1,838.
- Dünkel, F., Van Zyl Smit, D. (2007): The implementation of youth imprisonment and constitutional law in Germany. *Punishment and Society* 9(4), pp. 347-369.
- Dünkel, F., Grzywa, J., Horsfield, P., Pruin, I. (eds.) (2011): *Juvenile Justice Systems in Europe: Current Situation and Reform Developments*. 2nd ed., Mönchengladbach: Forum Verlag Godesberg.
- Dünkel, F., Pruin, I. (2012): Young adult offenders in juvenile and criminal justice systems in Europe. In: Lösel, F., Bottoms, A., Farrington, D. P. (eds.): *Young Adult Offenders. Lost in transition?* London, New York: Routledge, pp. 11-38.
- Dünkel, F., van Kalmthout, A., Schüler-Springorum, H. (eds.) (1997): *Entwicklungstendenzen und Reformstrategien im Jugendstrafrecht im europäischen Vergleich*. Bonn-Bad Godesberg: Forum Verlag Godesberg.
- Eisenberg, U. (2014): *Jugendgerichtsgesetz*. 16th ed., Munich: C. H. Beck.
- Estrada, F. (2001): Juvenile Violence as a social problem: Trends, media attention and societal response. *British Journal of Sociology* 41, p. 225-262.
- European Commission (1997): *Youth in the European Union*. Brussels.
- Eurostat (2013): Share of young adults aged 18-34 living with their parents by age and sex (source: EU-SILC). Internet publication: http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=ilc_lvps08&lang=en#. (28.05.2014).
- Ezell, M., Cohen, L. (2005): *Desisting from Crime*. Oxford: Oxford University Press.
- Farrington, D. (2002): Key Results from the First Forty Years of the Cambridge Study in Delinquent Development. In: Thornberry, T., Krohn, M. D. (eds.): *Taking Stock of Delinquency: An Overview of Findings from Contemporary Longitudinal Studies*. New York: Kluver/Plenum: pp. 137-183.
- Farrington, D. P. (1986): Age and crime. In: Tonry, M., Morris, N. (eds.): *Crime and justice: an annual review of research*. Vol. 7, Chicago: Chicago University Press, pp. 189-250.

- Farrington, D. P. (1996): The Explanation and Prevention of Youthful Offending. In: Hawkins, J. D. (Ed.): *Delinquency and Crime: Current Theories*, pp. 68-148.
- Farrington, D. P., Loeber, R., Howell, J. C. (2012): Young Adult Offenders. The Need for More Effective Legislative Options and Justice Processing. *Criminology and Public Policy* 11, pp. 729-750.
- Fend, H. (2003): *Entwicklungspsychologie des Jugendalters (3rd ed)*. Opladen: Westdeutscher Verlag.
- Gille, M., Sardei-Biermann, S., Gaiser, W., de Rijke, J. (2006): *Jugendliche und junge Erwachsene in Deutschland*. Wiesbaden: Verlag für Sozialwissenschaften.
- Giordano, P. C., Cernkovich, S. A., Rudolph, J. L. (2002): Gender, crime and desistance: Toward a theory of cognitive transformation. *American Journal of Sociology* 107, pp. 990-1064.
- Golsch, K. (2008): Youth unemployment in Western Europe: The effects of individual market, and institutional factors. In: Blossfeld, H.-P., Buchholz, S., Bukodi, E. and Kurz, K. (eds.): *Young Workers, Globalization and the Labor Market*. Cheltenham, Northampton: Edward Elgar, pp. 29-40.
- Gottfredson, M. R., Hirschi, T. (1990): *A general theory of crime*. Stanford, CA: Stanford University Press.
- Grafl, C. (2008): Die Diversionspraxis bei jungen Erwachsenen in Österreich. In: DVJJ (ed.): *Fördern Fordern Fallenlassen. Aktuelle Entwicklungen im Umgang mit Jugenddelinquenz*. Mönchengladbach: Forum Verlag Godesberg, pp.283-305.
- Greenberg, D. F. (1985): Age, Crime and Social Explanation. *The American Journal of Sociology* 91, pp. 1-21.
- Greimel, E. (2011): Sozial-affektive Entwicklung im Jugendalter. In: Uhlhaas, P.J., Konrad, K. (eds.): *Das adoleszente Gehirn*. Stuttgart: Kohlhammer, pp. 158-172.
- Grunert, C., Krüger, H.-H. (2000): Zum Wandel von Jugendbiographien im 20. Jahrhundert. In: Sander, U., Vollbrecht, R. (eds): *Jugend im 20. Jahrhundert*. Neuwied, Kriftel, Berlin: Luchterhand, pp. 192-210.
- Hartjen, C. A. (2008): *Youth, Crime and Justice. A Global Inquiry*. New Brunswick/N. J., London: Rutgers University Press.
- Hazel, N. (2008): *Cross-national comparison of Youth Justice*. London: Youth Justice Board.
- Heinz, W. (2001): Die jugendstrafrechtliche Sanktionierungspraxis im Ländervergleich. In: Dölling, D. (ed.): *Das Jugendstrafrecht an der Wende zum 21. Jahrhundert*. Berlin, New York: de Gruyter, pp. 63-97.
- Heinz, W. (2003): Jugendkriminalität in Deutschland. Internet publication: www.uni-konstanz.de/rtf/kik/Jugendkriminalitaet-2003-7-e.pdf. (08.07.2014).
- Heinz, W. (2004): Kriminalität von Deutschen nach Alter und Geschlecht im Spiegel von Polizeilicher Kriminalstatistik und Strafverfolgungsstatistik. Internet publication: www.uni-konstanz.de/rtf/kik/krimdeu2002.pdf, aktualisierte Neuauflage 2004, Stand der Daten: 2002. (08.07.2014).
- Heinz, W. (2006): *Kriminelle Jugendliche – gefährlich oder gefährdet?* Konstanz.
- Helyar-Cardwell, V. (2009): *A New Start: Young Adults in the Criminal Justice System*. London: U. K.: Transition to Adulthood Alliance.
- Hendry, L. B., Kloep, M. (2007): Conceptualizing emerging adulthood. *Child Development Perspectives* 1, 74-9
- Henning, J., Netter, P. (2005): *Biopsychologische Grundlagen der Persönlichkeit*. München: Spektrum Akademischer Verlag.
- Hermey, G., Mahlke, C., Schwake, M., Sommer, T. (2011): *Der Experimentator: Neurowissenschaften*. Heidelberg: Spektrum.
- Herpertz-Dahlmann, B., Konrad, K., Lehmkuhl, G., Warnke, A. (2008): Editorial. *Zeitschrift für Kinder- und Jugendpsychiatrie und Psychotherapie* 36 (3), pp. 149-150.
- Horsfield, P. (2014): *Jugendkriminalpolitik in England und Wales – Entwicklungsgeschichte, aktuelle Rechtslage und jüngste Reformen*. Mönchengladbach: Forum Verlag (in print).
- Hurrelmann, K., Quenzel, G. (2013): *Lebensphase Jugend – Eine Einführung in die sozialwissenschaftliche Jugendforschung*. 12th ed., Weinheim/Basel: Beltz Juventa.
- Junger-Tas, J., Decker, S. H. (eds.) (2006): *International Handbook of Juvenile Justice*. Dordrecht: Springer.
- Junger-Tas, J., Dünkel, F. (eds.) (2009): *Reforming Juvenile Justice*. Heidelberg: Springer.

- Kandel, E. R., Schwartz, J. H., Jessell, T. M. (2012) *Neurowissenschaften. Eine Einführung*. Heidelberg: Spektrum.
- Karnath, H.-O., Their, P. (eds.) (2012): *Kognitive Neurowissenschaften*. 3rd ed., Heidelberg, Berlin: Springer.
- Kivivuori, J. (2007): *Delinquent behaviour in Nordic Capital Cities*. Helsinki: Hakapainooy.
- Konrad, K. (2011): Strukturelle Hirnentwicklung in der Adoleszenz. In: Uhlhaas, P. J., Konrad, K. (eds.): *Das adoleszente Gehirn*. Stuttgart: Kohlhammer, pp. 124-138.
- Kröplin, M. (2001): *Die Sanktionspraxis im Jugendstrafrecht in Deutschland im Jahr 1997*. Mönchengladbach.
- Kurz, K., Buchholz, S., Schmelzer, P., Blossfeld, H.-P. (2008): Young people's employment chances in flexible labor markets: a comparison of changes in eleven modern societies. In: Blossfeld, H.-P., Buchholz, S., Bukodi, E., Kurz, K. (eds.): *Young Workers, Globalization and the Labor Market*. Cheltenham, Northampton: Edward Elgar, pp. 337-353.
- Lappi-Seppälä, T. (2010): Finland. In: Dünkel, F., Lappi-Seppälä, T., Morgenstern, C., Van Zyl Smit, D. (eds.): *Kriminalität, Kriminalpolitik, strafrechtliche Sanktionspraxis und Gefangenenraten im europäischen Vergleich*. Band 1-2, Mönchengladbach: Forum Verlag Godesberg 2010, pp. 325-392.
- Lappi-Seppälä, T. (2011): Finland. In: Dünkel, F., Grzywa, J., Horsfield, P., Pruin, I. (eds.): *Juvenile Justice Systems in Europe: Current Situation and Reform Developments*. 2nd ed., Mönchengladbach: Forum Verlag Godesberg, pp. 423-482.
- Laub, J. H., Sampson, R. J. (2003): *Shared Beginnings, Divergent Lives – Delinquent Boys to Age 70*. Cambridge, MA: Harvard University Press.
- Lebel, C., Walker, L., Leemans, A., Phillips, L., Beaulieu, C. (2008). *Microstructural maturation of the human brain from childhood to adulthood*. *NeuroImage* 40, pp. 1044-1055.
- Liefaard, T. (2012): Juveniles in Transition from Juvenile Justice to Adult Criminal Justice. In: Loeber, R., Hoeve, M., Slot, N. W., van der Laan, P. H. (eds.): *Persisters and desisters in crime from adolescence into adulthood. Explanation, prevention and punishment*. Farnham: Ashgate, pp. 159-200.
- Loeber, R., Farrington, D. P. (2014): Age-Crime Curve. In: Bruinsma, G., Weisburd, D. (eds.): *Encyclopedia of Criminology and Criminal Justice*. New York: Springer, pp. 12-18.
- Loeber, R., Farrington, D. P., Stouthamer-Loeber, M., White, H. R., Wei, E. (2008): *Violence and Serious Theft: Development and Prediction from Childhood to Adulthood*. New York: Routledge.
- Loeber, R., Hoeve, M., Slot, N. W., van der Laan, P. H. (eds.) (2012): *Persisters and desisters in crime from adolescence into adulthood. Explanation, prevention and punishment*. Farnham: Ashgate. Cited as Loeber et al. 2012.
- Loeber, R., Hoeve, M., Farrington, D. P., Howell, J. C., Slot, N. W., van der Laan, P. H. (2012a): Overview, Conclusions, Policy and Research Recommendations. In: Loeber, R., Hoeve, M., Slot, W., van der Laan, P. H. (eds.): *Persisters and desisters in crime from adolescence into adulthood. Explanation, prevention and punishment*. Farnham: Ashgate, pp. 335-429. Cited as Loeber et al. 2012a.
- Loeber, R., Farrington, D. P., Howell, J. C., Hoeve, M. (2012): Overview, Conclusions and Key Recommendations. In: Loeber, R., Farrington, D. P. (eds.): *From Juvenile Delinquency to Adult Crime*. Oxford University Press, pp. 315-384. Cited as Loeber et al. 2012b.
- Loeber, R., Farrington, D. P. (2012) (eds.): *From Juvenile Delinquency to Adult Crime*. Oxford University Press.
- Lösel, F. (2012): What works in correctional treatment and rehabilitation for young adults? In: Lösel, F., Bottoms, A., Farrington, D. P. (eds.): *Young Adult Offenders: Lost in Transition?* Cullompton: Willan Publishing, pp. 74-112.
- Lösel, F., Bliesener, T. (2003): *Aggression und Delinquenz unter Jugendlichen*. München, Neuwied.
- Lösel, F., Bottoms, A., Farrington, D. P. (eds.) (2012): *Young Adult Offenders: Lost in Transition?* Cullompton: Willan Publishing.
- Maruna, S. (2001): *Making good: How ex-convicts reform and rebuild their lives*. American Psychological Association Books: Washington DC.
- Masche, J. G. (1999): Entwicklungspsychologische Überlegungen zu wesentlichen Stationen und Kompetenzen während des Jugendalters. *DVJJ-Journal* 10, pp. 30-36.

- McNeill, F., Farrall, S., Lightowler, C., Maruna, S. (2012): *How and why people stop offending: discovering desistance*. Institute for Research and Innovation in Social Services (IRISS): Insights 15, April 2012.
- Meier, B.-D., Rössner, D., Schöch, H. (2012): *Jugendstrafrecht*. 3rd ed., München: Beck.
- Miklau, R. (2002): Junge Menschen und das Strafrecht – Perspektiven eines Heranwachsendenstrafrechts in Österreich. In: Moos, R., Maccacek, R., Miklau, R., Müller, O., Schroll, H. V. (eds.): *Festschrift für Udo Jesionek zum 65. Geburtstag*. Wien/Graz, p. 137
- Ministry of Justice (2012): *Criminal Justice Statistics. Quarterly Update to December 2011*. Statistical Bulletin. London: Ministry of Justice
- Moffitt, T. E. (1993): Adolescence-Limited and Life-Course-Persistent Antisocial Behavior: A Developmental Taxonomy. *Psychological Review* 100(4), pp. 674-701
- Mohr, H. (2011): Adoleszente Entwicklung in kognitiven Funktionen – Erkenntnisse aus fMRT-Studien. In: Uhlhaas, P. J., Konrad, K. (eds.): *Das adoleszente Gehirn*. Stuttgart: Kohlhammer, pp. 139-157.
- Mulder, C. (2009): Leaving the parental home. In: Furlong, A. (ed.): *Handbook of Youth and Young Adulthood*. Oxon, New York: Routledge, pp. 203-210.
- Mulvey, E.P., Steinberg, L., Fagan, J., Cauffman, E., Piquero, A. R., Chassin, L., Knight, G. P., Brame, A., Schubert, C. A., Hecker, T., Losoya, T. H. (2004): Theory and Research on Desistance from Antisocial Activity among Serious Adolescent Offenders. *Youth Violence and Juvenile Justice* 2(3), 213-236.
- Muncie, J., Goldson, B. (eds.) (2006): *Comparative Youth Justice*. London: SAGE.
- National Research Institute of Legal Policy (2013): Crime and Criminal Justice in Finland 2012. Research Report 264/2013. Helsinki. English summary
<http://www.optula.om.fi/material/attachments/optula/julkaisut/rikollisuustilanne/rikollisuustilanne2012/fz6EMXxHL/Summary17.pdf>.
- Nordlöf, K. (2012): *Unga lagöverträdare i social-, straff- och processrätt Lund*: Studentlitteratur.
- Oerter, R., Montada, L. (2008): *Entwicklungspsychologie*. 6th ed., Weinheim, München: Beltz.
- Office of the Inspector of Prisons (2013): Annual Report 2012. Internet publication:
<http://www.inspectorofprisons.gov.ie/en/IOP/Inspector%20of%20Prisons%20Annual%20Report%202012%20%28PDF%20-%20203KB%29.pdf/Files/Inspector%20of%20Prisons%20Annual%20Report%202012%20%28PDF%20-%20203KB%29.pdf> (07.07.2014).
- O'Mahony, D. (2011): Northern Ireland. In: Dünkel, F., Grzywa, J., Horsfield, P., Pruin, I. (eds.): *Juvenile Justice Systems in Europe: Current Situation and Reform Developments*. 2nd ed., Mönchengladbach: Forum Verlag Bad Godesberg, pp. 957-989.
- Ostendorf, H. (2002): Weiterführung der Reform des Jugendstrafrechts. *StV* 22, S. 436-445.
- Patané, V. (2007) (ed.): *European Juvenile Justice Systems*. First volume. Milano: Giuffrè Editore.
- Petermann, F., Niebank, K., Scheithauer, H. (2004): *Entwicklungswissenschaft: Entwicklungspsychologie, Genetik, Neuropsychologie*. Heidelberg, Berlin: Springer.
- Pfeiffer, C. (1991): Wird nach Jugendstrafrecht härter gestraft? *StV* 11, pp. 363-370.
- Piquero, A. R. (2008): Taking Stock of Developmental Trajectories of Criminal Activity over the Life Course. In: Liberman, A. M. (ed.): *The Long View of Crime*. New York: Springer, pp. 23-78.
- Piquero, A. R., Hawkins, J. D., Kazemian, L. (2012): Criminal Career Patterns. In: Loeber, R., Farrington, D. P. (eds.): *From Juvenile Delinquency to Adult Crime*. Oxford University Press, pp. 14-46.
- Pitsela, A. (2011): Greece. In: Dünkel, F., Grzywa, J., Horsfield, P., Pruin, I. (eds.): *Juvenile Justice Systems in Europe: Current Situation and Reform Developments*. 2nd ed., Mönchengladbach: Forum Verlag Godesberg, pp. 623-670.
- Plantenga, J., Remery, C., Samek Lodovici, M. (2013): Starting Fragile. Gender Differences In: *The Youth Labour Market*. Luxembourg: Publications Office of the European Union.
- Power, J. D., Fair, D. A., Schlaggar, B. L., Petersen, S. E. (2010): The development of human functional brain networks. *Neuron* 67, pp. 735-748.

- Prior, D., Farrow, K., Hughes, N., Kelly, G., Manders, G., White, S., Wilkinson, B. (2011): *Maturity, Young Adults and Criminal Justice – A Literature Review*. University of Birmingham.
- Pruin, I. R. (2007): *Die Heranwachsendenregelung im deutschen Jugendstrafrecht: Jugendkriminologische, entwicklungspsychologische, jugendsoziologische und rechtsvergleichende Aspekte*. Mönchengladbach: Forum Verlag Godesberg.
- Pruin, I. R. (2011): The scope of juvenile justice systems in Europe. In: Dünkel, F., Grzywa, J., Horsfield, P., Pruin, I. (eds.): *Juvenile Justice Systems in Europe: Current Situation and Reform Developments*. 2nd ed., Mönchengladbach: Forum Verlag Godesberg, pp. 1.539-1.582.
- Sagel-Grande, I. (2011): Jugendliche und Heranwachsende im niederländischen Strafrecht. *Bewährungshilfe* 58, pp. 232-253.
- Sakalauskas, G. (2011): Lithuania. In: Dünkel, F., Grzywa, J., Horsfield, P., Pruin, I. (eds.): *Juvenile Justice Systems in Europe: Current Situation and Reform Developments*. 2nd ed., Mönchengladbach: Forum Verlag Godesberg, pp. 871-910.
- Sampson, R. J., Laub, J. H. (1993): *Crime in the making – Pathways and turning points through life*. Cambridge, MA: Harvard University Press.
- Scheithauer, H., Hayer, T., Niebank, K. (eds.) (2008): *Problemverhalten und Gewalt im Jugendalter*. Stuttgart: Kohlhammer.
- Schneider, H. J. (1996): Ursachen der Kriminalität. *Jura* 18, pp. 337-344 and 397-405.
- Schneider, H. J. (1997): Kriminologische Ursachentheorien. *Kriminalistik* 51, pp. 306-318.
- Schneider, H. J. (2001): *Kriminologie für das 21. Jahrhundert*. Münster.
- Schneider, W., Lindenberger, U. (eds.) (2012): *Entwicklungspsychologie*. 7th ed., Weinheim, Basel: Beltz.
- Schöch, H. (2001): Wie soll die Justiz auf Jugendkriminalität reagieren? In: Dölling, D. (ed) *Das Jugendstrafrecht an der Wende zum 21. Jahrhundert*. Berlin, New York: de Gruyter, pp. 125-139.
- Schulz, H. (2001): Die Höchststrafe im Jugendstrafrecht – eine Urteilsanalyse. *MschKrim* 84, pp. 310-325.
- Schwarze, J. (2011): Soft Law im Recht der Europäischen Union. *Europarecht*, pp. 3-18.
- Sentencing Guidelines Council (2011): *Assault: Definitive Guideline*. London: Sentencing Guidelines Council.
- Sentencing Guidelines Council (2012): *Burglary Offences: Definitive Guideline*. London: Sentencing Guidelines Council.
- Sentencing Guidelines Council (2012a): *Drug Offences: Definitive Guideline*. London: Sentencing Guidelines Council.
- Sentencing Guidelines Council (2012b): *Magistrates' Court Sentencing Guidelines: Definitive Guideline*. London: Sentencing Guidelines Council.
- Shapland, J., Bottoms, A., Muir, G. (2012): Perceptions of the criminal justice system among young adult would-be desisters. In: Lösel, F., Bottoms, A., Farrington, D. P. (eds.): *Young Adult Offenders: Lost in Transition?* Cullompton: Willan Publishing, pp. 128-145.
- Shchedrin, N. (2011): Russia. In: Dünkel, F., Grzywa, J., Horsfield, P., Pruin, I. (eds.): *Juvenile Justice Systems in Europe: Current Situation and Reform Developments*. 2nd ed., Mönchengladbach: Forum Verlag Godesberg, p. 1,115-1,149.
- Shoemaker, D. S. (1996) (Ed.): *International Handbook on Juvenile Justice*. Westport/CT: Greenwood Press.
- Siennick, S. E., Osgood, D. W. (2008): A Review of Research on the Impact on Crime of Transitions to Adult Roles. In: Liberman, A. M. (ed.): *The Long View of Crime*. New York: Springer, pp. 161-190.
- Sisk, C. L., Zehr, J. L. (2011): Pubertätshormone strukturieren Gehirn und Verhalten von Jugendlichen. In: Uhlhaas, P. J., Konrad, K. (eds.): *Das adoleszente Gehirn*. Stuttgart: Kohlhammer, pp. 91-111.
- Sonnen, B.-R. (2002): Ist das deutsche Jugendstrafrecht noch zeitgemäß? *DVJJ-Journal* 13, pp. 115-122.
- Spear, L. P. (2013): Adolescent Neurodevelopment. *Journal of Adolescent Health* 52, Supplement 2, pp. 7-13.

- Spieß, G. (2008): Jugendkriminalität in Deutschland - zwischen Fakten und Dramatisierung. Kriminalstatistische und kriminologische Befunde. Konstanz. Internet publication: <http://www.uni-konstanz.de/rtf/gs/Spiess-Jugendkriminalitaet-in-Deutschland-2008.pdf> (version 12/2008) (08.07.2014).
- Spieß, G. (2012): Jugendkriminalität in Deutschland - zwischen Fakten und Dramatisierung. Kriminalstatistische und kriminologische Befunde. Konstanz. Internet publication <http://www.uni-konstanz.de/rtf/gs/G.Spiess-Jugendkriminalitaet-2012.pdf> (version 04/2012) (08.07.2014).
- Statistik Austria (ed.) 2013: *Gerichtliche Kriminalstatistik*. Wien.
- Statistisches Bundesamt (ed.)(2013): *Bevölkerungsstatistik 2012*. Wiesbaden.
- Statistisches Bundesamt (ed.)(2014):*Strafverfolgung 2012*. Wiesbaden.
- Stattin, H., Magnusson, D. (1991): Stability and Change in Criminal Behavior up to Age 30. *British Journal of Criminology* 31, pp. 327-346.
- Steinberg, L. (2005): Cognitive and affective development in adolescence. *Trends in Cognitive Sciences* 9, pp. 69-74.
- Steinberg, L. (2009): Should the science of adolescent brain development inform public policy? *American Psychologist* 64, pp. 739-750.
- Steinberg, L. (2010): A dual systems model of adolescent risk-taking. *Developmental Psychobiology* 52, pp. 216-224.
- Steinberg, L. (2010): Behavioral scientist looks at the science of adolescent brain development. *Brain and Cognition* 72, pp. 160-164.
- Steinberg, L., Cauffman, E, Woolard, J, Graham, S, Banich, M. (2009): Are adolescents less mature than adults? Minors' access to abortion, the juvenile death penalty, and the alleged APA "flip-flop". *American Psychologist* 64, pp. 583-594.
- Steinberg, L., Monahan, K. C. (2007): Age differences in resistance to peer influence. *Developmental Psychology* 43(6), pp. 1531-1543.
- Steitz, T. (2011): Heranwachsende im Justizvollzug am Beispiel Rheinland-Pfalz. *Bewährungshilfe* 58, p. 225-232
- Steketee, M. et al. (2008): *Juvenile Delinquency in six new EU member states*. Utrecht: Verwey –Jonker Institute.
- Stump, B. (2003): *Adult time for adult crime – Jugendliche zwischen Jugend- und Erwachsenenstrafrecht*. Mönchengladbach: Forum Verlag Godesberg.
- Sullivan, C. J. (2013): Change in offending across the life course. In: Cullen, F. T., Wilcox, P. (eds.): *The Oxford Handbook of Criminological Theory*. Oxford University Press, pp. 205-225.
- Stelly, W., Thomas, J. (2001): *Einmal Verbrecher- immer Verbrecher?* Wiesbaden: Westdeutscher Verlag.
- Stevens, A. (2009): 'Trends in Youth Offending in Europe'. In: Junger-Tas, J., Dünkel, F. (eds.): *Reforming Juvenile Justice*. Dordrecht et al., pp. 1-17.
- The National Research Institute of Legal Policy (2013): *Crime and Criminal Justice in Finland 2012*. National Research Institute of Legal Policy. Research Report 264/2013. Helsinki.
- Theobald, D., Farrington, D. P. (2014): Onset of Offending. In: Bruinsma, G., Weisburd, D. (eds.): *Encyclopedia of Criminology and Criminal Justice*. New York: Springer, pp. 3332-3342.
- Thornberry, T. P. (1996): Empirical Support for Interactional Theory: A Review over the Literature. In: Hawkins, J. D. (eds.): *Delinquency and Crime: Current Theories*. Cambridge, pp. 198-235.
- Thornberry, T. P., Giordano, P. C., Uggen, C., Matsuda, M., Masten, A. S., Bulten, E., Donker, A. G. (2012): Explanations for Offending. In: Loeber, R., Farrington, D. P. (eds.): *From Juvenile Delinquency to Adult Crime*. Oxford University Press, pp. 47-85.
- Toga, A. W., Thompson, P. M., Sowell, E. R. (2006): Mapping brain maturation. *Trends in Neurosciences* 29, pp. 148-159.
- Uhlhaas, P. J. (2011): Entwicklung von neuronalen Oszillationen und Synchronisation in der Adoleszenz. In: Uhlhaas, P. J., Konrad, K. (eds.): *Das adoleszente Gehirn*. Stuttgart: Kohlhammer, pp. 173-186.

- van der Laan, P. H., van der Laan, A. M., Hoeve, M., Blom, M., Lamet, W. H., Loeber, R. (2012): Offending and Justice Response at the Juvenile-Adult Interface. In: Loeber, R., Hoeve, M., Slot, N. W., van der Laan, P. H. (eds.): *Persisters and desisters in crime from adolescence into adulthood. Explanation, prevention and punishment*. Farnham: Ashgate, pp. 201-238.
- van Dijk, J. J. M., Manchin, R., van Kesteren, J. N. (2007): *The Burden of Crime in the EU – A Comparative Analysis of the European Survey of Crime and Safety (EUICS) 2005*. Brussels: Gallup-Europe.
- van Dulmen, M. H. M., Goncy, E. A., Vest, A., Flannery, D. J. (2009): Group-Based Trajectory Modeling of Externalizing Behavior Problems from Childhood through Adulthood: Exploring Discrepancies in the Empirical Findings. In: Savage, J. (ed.): *The Development of Persistent Criminality*. Oxford, University Press: pp. 288–314.
- van Kalmthout, A., Bahtiyar, Z. (2011): the Netherlands. In: Dünkel, F., Grzywa, J., Horsfield, P., Pruin, I. (eds.): *Juvenile Justice Systems in Europe: Current Situation and Reform Developments*. 2nd ed., Mönchengladbach: Forum Verlag Godesberg, pp. 911-957.
- Váradi-Cséme, E. (2011): Hungary. In: Dünkel, F., Grzywa, J., Horsfield, P., Pruin, I. (eds.): *Juvenile Justice Systems in Europe: Current Situation and Reform Developments*. 2nd ed., Mönchengladbach: Forum Verlag Godesberg, pp. 671-720.
- Veroudea, K., Jollesa, J., Croisetb, G., Krabbendam, L. (2013): Changes in neural mechanisms of cognitive control during the transition from late adolescence to young adulthood. *Developmental Cognitive Neuroscience* 5, pp. 63-70.
- Verwers, C., Bogaerts, S. (2005): *Strafrechtelijke aanpak van jongvolwassenen (18-24 jaar)*. The Hague: WODC.
- Wahl, K. (2009): *Aggression und Gewalt. Ein biologischer, psychologischer und sozialwissenschaftlicher Überblick*. München: Spektrum.
- Wahler, P. (2000): Jugend in Berufsausbildung und Arbeit. In: Sander, U., Vollbrecht, R. (eds.): *Jugend im 20. Jahrhundert*. Neuwied, Kriftel, Berlin: Luchterhand, pp. 176-189.
- Walsh, D. (2011): Ireland. In: Dünkel, F., Grzywa, J., Horsfield, P., Pruin, I. (eds.): *Juvenile Justice Systems in Europe: Current Situation and Reform Developments*. 2nd ed., Mönchengladbach: Forum Verlag Godesberg, pp. 721-764.
- Walter, M. (2001): Die Krise der Jugend und die Antwort des Strafrechts. *ZStW* 113, pp. 743-773.
- Weijers, I., Nuytiens, A., and Christiaens, J. (2009): Transfer of Minors to the Criminal Court in Europe: Belgium and the Netherlands. In: Junger-Tas, J., Dünkel, F. (eds.): *Reforming Juvenile Justice*. Dordrecht et al: Springer, pp. 105-124.
- Winterdyk, J. A. (2002): *Juvenile Justice Systems: International Perspectives*. 2nd ed., Toronto: Canadian Scholars' Press.
- Wolfgang, M., Thornberry, T., Figlio, R. (eds.) (1987): *From Boy to Man: From Delinquency to Crime*. Chicago: Univ. Chicago Press.

BETTER IN EUROPE?

European responses to young adult offending

Dr Ineke Pruin and Professor Frieder Dünkel

Universität Greifswald

Over the last ten years there has been a marked increase in European and international criminological research on how to respond to young adult offending. New research – particularly in brain development – has shined a spotlight on the behaviour of young adult offenders. The authors of this report – Dr Ineke Pruin and Professor Frieder Dünkel from Greifswald University in Germany – argue that these recent findings are convincing enough to justify a change in criminal justice policy around young adult offenders, and that if there are arguments for treating juveniles in a unique way then the same arguments should be applied to young adults.

This unique report contains summaries of recent research on young adult offenders across Europe, focusing on general criminological analysis and data from Germany, (where young adult offenders have been included in juvenile justice since 1953), and recent reforms in the Netherlands, Scandinavia and England and Wales.

The report also makes some sociological observations about changes in the living patterns of young adults which will enable us to better understand the transitions young adults face, as well as providing an overview of the different European strategies and practices which have been put in place to respond to young adult offending.



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Seit 1456

Dr Ineke Pruin and Professor Frieder Dünkel
Ernst-Moritz-Arndt-University of Greifswald,
Department of Criminology Domstr.
20, D-17487 Greifswald, Germany

E-mail: dunkel@uni-greifswald.de
<http://jura.uni-greifswald.de/duenkel>
Tel: ++49-(0)3834-862138