

# It's a myth that we're too 'soft' on serious young offenders

August 6 2021, by Serena Wright, Susie Hulley

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Credit: AI-generated image ([disclaimer](#))

The BBC drama, [Time](#), offered a rare and unusually realistic insight into the significant pains of imprisonment in England and Wales. It challenged the assumption that prison is too soft, and that prison sentences ought to be longer and harsher. Such sentiments are repeatedly echoed in political rhetoric. Boris Johnson [once complained](#) that while

"soft" was "the perfect way to serve French cheese," it was "not how we should approach punishing criminals."

The idea that England and Wales are soft on sentencing, however, is a myth. Our new research shows that the courts are sending more people to prison, for longer, and at a younger age, than at any other point in history. It also shows that this experience is [acutely painful](#) for young men and women.

The UK's Ministry of Justice recently published one of the most punitive [proposed reforms](#) to sentencing in living memory, laying out the government's vision for "tougher" and "more robust" punishment in England and Wales. The legislative bill that has followed promises longer sentences for people convicted of the "worst" and most serious [violent offenses](#). This includes whole life orders (often referred to as "life without parole") for [young people](#) aged 18-20 years old. This sentence is currently reserved for people aged 21 and over.

## **Increasingly long life sentences**

In England and Wales, a life sentence is technically 99 years. But the trial judge sets what is known as a "tariff"—representing the *minimum* period of time an individual must serve in custody. The remainder of the sentence—in essence, the rest of a person's natural life—is served out in the community. A "lifer" can nevertheless be recalled to prison (without trial) until they day they die.

Almost 7,000 people in prison are serving life sentences in England and Wales. That's more [than any other nation in Europe](#)—more, in fact, than France, Germany, Italy, the Netherlands, Poland and Scandinavia combined. As discussed in our recent book, [Life Imprisonment from Young Adulthood: Adaptation, Identity and Time](#), the average tariff being served by people sentenced to life has increased rapidly over a

relatively short period of time, rising from 12 years in 2003 to 21 years in 2016. That is almost a decade longer in prison.

Data from the Ministry of Justice, obtained through a [Freedom of Information \(FOIA\) request](#), shows a rapid and significant rise in young people being sentenced to life imprisonment with such long minimum tariffs. The number of young people (aged 25 or younger) sentenced to life imprisonment with at least 15 years in prison increased by more than half between 2013 and 2020, from 917 to 1,394 individuals. This means that in just seven years, almost 500 more young men and women have been sentenced to at least a decade and a half in prison.

In some instances, this equates to more years than they have been alive. Minimum tariffs of 25 years or 30 years are not unusual for homicide, as these are the [mandatory sentencing starting points](#) for murder with a knife and with a gun, respectively.

There was also a clear increase in the number of young Black people serving long life sentences, now accounting for 29% of lifers sentenced to minimum tariffs of 15 years or more when aged 25 or younger (up from 24% in 2013). This figure is grossly disproportionate to the proportion of Black people [in the general population \(3.3%\)](#) in England and Wales. Conversely, the proportion of white lifers serving long sentences from a young age fell, from 59% in 2013 to 51% in 2020, despite white people representing 86% of the population in the community.

This data show that the current tariff system is by no means "soft" on young people convicted of serious violence. Rather, we are increasingly willing to impose longer minimum [prison sentences](#) on people who are yet to reach full adulthood and who are disproportionately Black.

## **Punitive populism**

The question we must ask ourselves is why the government is claiming that sentencing for serious young offenders is soft when the truth is it isn't? Why do we continue to ramp up [sentence](#) lengths in the absence of clear evidence that harsher sentencing reduces the homicide rate, or that very long sentences better equip an a person for a successful return into society after release? In fact, [one study in The Netherlands](#) found that longer prison sentences can increase the risk of reoffending.

It is clear to us that these phenomena have come about as a direct consequence of changes in legislation, which represent the government's desire to [symbolically communicate](#) its enduring commitment to law and order. As we discussed in our book, the trend towards increasingly tough [prison](#) sentences has been driven by forms of "populist punitivism." This involves politicians seeking to garner public favor by decrying "soft" justice and promoting harsher punishment of offenders. This process, which the media also contributes to, results in a consistent devaluing in the "currency" of sentencing. Therefore, what was once accepted as a long (or long *enough*) punishment no longer satisfies the desire for retribution—and this spirals over time.

Yet applying such increasingly punitive approaches to young people overlooks recent developments in developmental psychology, which suggests it is ["inappropriate"](#) to hold individuals younger than 25 accountable to the same moral, emotional and cognitive expectations as people aged 26 or older. This position is grounded in neurobiological evidence. One [literature review found](#) that the human brain "is not fully developed in its capacity for cognitive functioning" and emotional regulation until well into the period of young adulthood."

The current popular and political calls for even longer sentences for young people therefore fails to account for the extraordinary increase in the number of young people serving lengthier periods in custody over the last decade. It also disregards the evidence which shows that young

people convicted of murder are often cognitively, emotionally and socially vulnerable. Finally, it ignores research which shows that young people experience long life imprisonment in a way that is already uniquely cataclysmic and acutely distressing.

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