

ANNEX D: YOUNG ADULT CASE STUDIES AT MCA STAGE

The Howard League for Penal Reform has provided these case studies to illustrate the benefits of oral hearings for young adults. Among other services, the League specialises in representing young people aged 21 and under in the parole process.

Case Study 1

The Howard League received a call from a young adult aged 19 who had been recalled in June 2017 for further criminal charges which had since been dropped. He did not have legal representation and did not even know if his case had been considered by the Parole Board. The Howard League liaised with supervising staff in the establishment and community and with the Parole Board to establish that his case had been considered on the papers.

The young adult had been refused release and no direction had been made for an oral hearing. The decision stated: "The panel does not find that there are any reasons for an oral hearing. In addition, you have not submitted any reasons for an oral hearing. Therefore, your case is being concluded on the papers."

At that stage, 15 months remained until sentence expiry date. The Howard League encouraged the Parole Board and the Secretary of State to have the case re-referred, arguing that the young adult should have had the benefit of an oral hearing. After the Secretary of State next referred the case, an oral hearing was directed in line with the Board's policy of presumption for a hearing in young adult cases. In due course, a Parole Board panel directed release and the young adult remained in the community safely until and beyond his sentence expiry date.

Case Study 2

A 20-year old contacted the Howard League about their parole review when an MCA panel refused release on the papers and declined to direct the matter to an oral hearing. They did not have legal representation at the time. The Howard League submitted representations on their behalf to the Parole Board and emphasised the policy of presumption for young adults to have an oral hearing. Following receipt of representations, the MCA panel directed the case to an oral hearing where they were released. The initial MCA decision not to hold an oral hearing had added significant and unnecessary delay to developments. The case illustrates not only the application of the Board's policy but the value of an MCA panel calling for representations when dealing with a young adult's parole review.

Case Study 3

A 19-year old young adult contacted the Howard League in relation to their parole review. They had a poor custodial record at the time and key report writers did not support release. The Howard League raised the presumption policy and their case was belatedly redirected to an oral hearing. It is likely that without the Board's policy, they would not have been granted an oral hearing.

The time until the hearing gave the young adult opportunity and motivation to improve their behaviour and, following a hearing, they were released from custody.

Case Study 4

The Howard League received a call on its advice line from a young adult who had been recalled to custody. They were a vulnerable 19-year old whose circumstances before recall appeared not to indicate an increase in risk of serious harm. Their licence had been revoked because they had missed an appointment with the community offender manager (COM) on the day of release for which they accepted full responsibility. They had mixed up appointments to see their social worker and the COM.

The COM was not recommending re-release. The young adult was not re-released by a MCA panel on the basis of the papers. Following a request, the case was later granted an oral hearing. The Howard League represented the young adult. The panel directed release as they found that risks would be manageable in the community against an updated and more detailed risk management plan which had been assembled ahead of this hearing.

Case Study 5

A young adult contacted the Howard League seeking representation at their parole review. They had not undertaken offending behaviour work during the time in custody and the conditional release date was approaching. There had been significant delays to the parole review because they had spent a period in hospital under the Mental Health Act before returning to custody. At the time, the Howard League submitted representations for the case to be referred to an oral hearing, no report writers were recommending release.

Given the situation, the young adult would probably not have been granted an oral hearing without the Board's policy of presumption. The MCA panel directed oral evidence be heard and this gave the young adult the motivation to improve their custodial conduct and complete offending behaviour work. In parallel, the COM created a robust package of support in the community.

In this case, the decision at the oral hearing was not for release, prompting a successful application for reconsideration. However, due to earlier delays, the young adult was automatically released at the end of the custodial term and before a new oral hearing could take place: but they were released to the improved support package which had been devised as a result of the parole review.