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17 July 2020

The Right Honourable The Lord Burnett of Maldon
The Lord Chief Justice of England and Wales
Judicial Office, 11th floor,
Thomas More Building
The Royal Courts of Justice
Strand
London WC2A 2LL

By email

Dear Lord Chief Justice,

Judicial decision-making concerning young adults in the criminal courts in light of the Coronavirus pandemic

We write in respect of the particular risks posed to young adults remanded or sentenced to custody at this time. We would like to provide you with information based on our work with young adults that we hope will assist you to encourage colleagues to tailor their approach to sentencing, in line with existing law and guidance.

We enclose a copy of our recent briefing that outlines the particular difficulties faced by young adults in prison at this time.¹ It is based on the experiences of the young adults in custody who have spoken to us on our advice line between 24 March and 18 June 2020 (during which time we received 1,968 calls). Most of them are being held in prolonged solitary confinement, which is having a devastating psychological impact. There is no face-to-face education, activities, or therapy, and those with underlying mental health issues have reported that their conditions are worsening considerably. They have also struggled with planning their release and resettlement.

You will note that we have cited both *R v Manning* and *R v Clarke* in the briefing. The combination of the two issues referred to in those judgments, the harsh conditions and the developing maturity of young adults, means that the impact coronavirus on young adults in prison is particularly harmful with potentially long-term consequences for their development.

As organisations with a longstanding interest in these issues, we would welcome any further work that can be done to draw these factors to the attention of judges and magistrates making decisions about remand and sentencing. Focused guidance at this time could make a real difference to the prospects of young adults embarking on positive futures.

Despite the Clarke case and the many Court of Appeal decisions that have followed it, young adults are still ten times more likely to receive immediate custody than children and twice as likely to be sent to prison as older adults.

We continue to raise awareness among the legal community and third sector of these issues, and should you provide any further guidance on the issue, we would do all we can to promote it.

Yours,

Frances Crook, Chief Executive and Dr Laura Janes, Legal Director,
Howard League for Penal Reform

¹ Also available at <https://howardleague.org/wp-content/uploads/2020/06/YA-Covid-19-Briefing-FINAL.pdf>

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