



## **Attorney General's Guidance**

### **Honorary Police – Attendance at the Magistrate's Court and charging of offences**

- 1) On 20 March 2020 temporary measures were put in place to remove Centeniers' attendance at the Magistrate's Court until 1 September 2020 to reduce the number of persons attending Court during the COVID-19 pandemic and the risk of infection.
- 2) For the same reason, legal advisers from the Law Officers' Department have called cases in the Magistrate's Court with the agreement of Centeniers in accordance with Article 23 of the Criminal Procedure (Jersey) Law 2018 (the "CPL"). Similarly, the Centeniers of the Parish of St Helier have by agreement been carrying out the charging of offences centrally on behalf of all of the Parishes.
- 3) Due to Government social distancing guidelines and the continued presence of COVID-19 in the Island, there is limited space for attendance in the Magistrate's Court for prosecutors (as defined in the CPL) and Centeniers.
- 4) In these circumstances, the current measures will remain in force until 14 September 2020 from which date the Magistrate's Court will operate a phased return of Centeniers attending Court as follows:
  - a) Centeniers will be able to attend the Magistrate's Court for cases referred from Parish Hall Enquiries for their own Parish only.
  - b) The earlier practice of listing matters on a set day of the week shall no longer apply. Listing dates shall instead be obtained by contacting the Magistrate's Court Greffe in advance of any Parish Hall Enquiry where charging is to take place. For charges from St Helier, the spreadsheet of dates provided by the Magistrate's Court Greffe should continue to be used.
  - c) Disclosure for all cases from Parish Hall Enquiry should be supplied in hardcopy to the Court by bringing them to the courthouse no later than 48 hours before the listing date. Bundles should consist of:
    - i) the charge sheet;
    - ii) any Article 9 statements that evidence the elements of the offence;
    - iii) previous convictions – local and PNC; and
    - iv) any photographs or other evidence that you intend to rely upon when presenting a case to the Court.

In adult matters, bundles should be provided for the Magistrate and for the defence (2 in total). In youth court matters, bundles should be provided for the youth panel and for the defence (4 in total).

- d) Each Parish will be allocated a time slot for its cases in advance of the court hearing. The Magistrate's Court Greffe will contact the Centenier to inform them of their allocated time slot.
  - e) The Centenier should arrive at the Magistrate's Court no earlier than 15 minutes before the Parish's allocated time slot and shall not remain in the court building once the Parish's cases have been heard.
  - f) There will be space for one prosecutor or Centenier in the courtroom for each case. The Centenier shall wait in their office at the Magistrate's Court until the usher informs them that Parish cases are to be called. While Parish cases are being dealt with, the prosecutor will return to their office.
  - g) Pursuant to Article 23 of the CPL, prosecutors will still call cases in the Magistrate's Court except for cases referred from Parish Hall Enquiries which shall be called by Centeniers. Centeniers will not be obliged to return to court if they do not feel comfortable to do so. It is important that Centeniers continue to consult and comply with public health guidance and only return to court where it is safe for them to do so. In these circumstances, Centeniers may agree that the prosecutor shall continue to call case(s) from Parish Hall Enquiries.
- 5) Where a defendant is due to be charged with new offences and a Centenier is requested to attend at the Magistrate's Court to charge them, they may attend to do so.

Following an indication by the LOD to the Court and the Centenier that charging is required, the Court will confirm the hearing time for the defendant. The Centenier should arrive at the Magistrate's Court no earlier than 20 minutes before the allocated hearing time and shall not remain in the court building once charging has taken place

Charging will take place in the interview room to the side of the reception desk on the ground floor of the court building. Court staff are unable to act as witnesses to any charging process. Accordingly, the Centenier may bring someone with them to the court to act as a witness or the defendant's advocate can act as a witness to the charging process. If the Centenier intends to bring a witness with them, the Centenier should inform the court in advance.

- 6) The Centeniers of the Parish of St Helier will continue to operate a central charging system for offences on behalf of all Parishes by agreement as an interim measure.
- 7) This guidance will be reviewed every three months, or as the COVID-19 situation in the Island changes.

**August 2020**