

JERSEY YOUTH

COURT



INFORMATION

THE YOUTH COURT EXISTS TO DEAL EFFECTIVELY WITH YOUNG OFFENDERS AND TO DISCOURAGE OFFENDING

Aims and Objectives

- 1) Swift administration of justice so that every young person accused of breaking the law may have the matter resolved without delay.
- 2) To encourage young offenders to become responsible members of the community and to rehabilitate those whose particular problems need support.
- 3) Punishment proportionate to the seriousness and persistence of the offending.
- 4) To demonstrate concern for the offender as an individual when sentencing.
- 5) To engage and involve the parents and carers of young offenders at every point in the process and to reinforce the responsibilities of parents.
- 6) To ensure that the offender understands the seriousness and consequences of his or her actions.
- 7) To demonstrate concern for the offender as an individual and pass sentence appropriately.
- 8) To ensure that the public and victims of crime are better informed as to the work of the Court.

Where is it Located?

The Youth Court is located within the Magistrate's Court building, Union Street, St. Helier.



What is the Court?

The Youth Court is a Magistrates' Court specially constituted for the purpose of hearing charges against children and young persons. It also deals with certain specific matters such as applications concerning secure accommodation. The Court will normally sit with three panel members present one of whom is the Magistrate (the Chairperson) and two members drawn from the Youth Court Panel, one of whom must be a woman. The Court is also validly constituted when the Chairperson sits with one other panel member as long as one of them is a woman.

The decision of the Youth Court on any matter is that of a majority of its members sitting provided that where the Chairperson and only one other member of the Youth Court Panel are sitting, the decision of the court shall, in the event of disagreement be the decision of the Chairperson.

For the purposes of dealing with a remand or the adjournment of any matter or an application for bail, The Chairperson may sit alone.

The constitution of the Youth Court and its procedures are governed by the Criminal Justice (Young Offenders) (Jersey) Law 1994.

Who may attend?

THE SITTINGS OF THE YOUTH COURT ARE NOT OPEN TO MEMBERS OF THE PUBLIC.

Only court officials, those immediately involved in a particular case and the Defendant's immediate family or carer will be permitted in court. Journalists may attend provided that nothing reported shall enable a Defendant directly or indirectly to be identified.

It is a requirement of the Criminal Justice (Young Offenders) (Jersey) Law 1994 that at least one parent or guardian must attend every hearing unless the court directs otherwise.

"Where a person under the age of eighteen is charged with an offence or is for any other reason brought before a court, a person who is a parent or guardian of his and who is resident in the Island shall and if not resident may be required to attend at the court----- "



THERE ARE NO FACILITIES TO ACCOMMODATE BABIES OR YOUNG CHILDREN IN COURT.

MOBILE PHONES MUST BE SWITCHED OFF BEFORE COMING INTO COURT



ATTENDANCE AT THE YOUTH COURT

What do you wear?

The Court requires you to appear before it appropriately dressed and with a clean and tidy appearance. Casual dress or scruffy work clothes are not acceptable. Those who are attending school should wear school uniform and if there is no such uniform then what is acceptable for school wear. Failure to dress appropriately without excuse will be regarded as a show of disrespect to the Court and may result in your case being delayed.

What should you do on arrival at Court?

A person warned to attend court must do so not later than the time stated. A person who fails to do so without good excuse commits an offence and becomes liable to arrest. It is important that you do not leave the building before your case is called without the Youth Court Usher's permission. The Youth Court may order your arrest if you are unavailable when called.

All persons connected with any case listed for hearing that day whether as witness or accused must on arrival at the court report to the Enquiry Desk and identify themselves and inform the Usher that they are attending the Youth Court.

The Usher will direct you to the appropriate court and ask that you make yourself known to the Youth Court Usher. The Youth Court Usher will inform you if your Advocate (legal representative) is present and further direct you to the interview room where you will meet him/her. If your Advocate is not available you will be shown to a room to wait until your Advocate is available to see you.

If you do not have legal representation you will be shown to a waiting room.

When do you go into court?

Your case will be called by a Centenier. On entering the Court you and all those connected with the case will be shown where to go. You must remain standing until the Chairperson invites you to sit. Your parents and all others will sit unless or until addressed by a member of the Panel.

Everyone speaking to the Panel, or answering questions the Panel may ask, must stand.

All proceedings are digitally recorded.

What is the procedure?

The Chairperson will identify you by name. If there are co-defendants the Chairperson will identify each person individually.

The charge or charges will then be read by a Centenier.

If you are represented by an Advocate he/she will answer the charges on your behalf.

If you are not represented by an Advocate you will be given the opportunity to seek legal advice. If necessary the case will be adjourned (delayed) to allow this to happen.

The Chairperson will ask you if you plead GUILTY or NOT GUILTY to the charge or charges, or if you wish to reserve your plea to obtain legal advice.

What happens if the plea is GUILTY?

The Panel may decide that they have sufficient information to sentence you immediately or your case may be adjourned to enable the Panel to obtain further background information to assist them when deciding on an appropriate sentence. This information will usually be included within a Social Enquiry Report prepared by a Probation Officer, a School Report, a Medical Report or any other specialist report considered by the Panel to be helpful in understanding what is happening in your life that may be relevant to the case. These reports usually take about four weeks to prepare.

Alternatively, the Panel may ask the Duty Probation officer to undertake a 'stand-down' report. This is an informal report which may enable the Panel to deal with your case immediately or to assess if a more detailed report is required. If a 'Stand-down' report is requested you and your parents/guardian will be shown into a private room by the Duty Probation Officer for an interview. Your case will be recalled once the Probation Officer has completed the report.

There are a number of sentencing options available to the Panel. Please see the section on sentencing on page 10.

What happens if the plea is NOT GUILTY?

The case will be adjourned for approximately two weeks to enable the Court to arrange a convenient date for trial. Other matters concerning the case may also be brought up at this next court sitting which is called a pre-trial review. At this review a trial date will also be set by the Court.

At the trial the Prosecution will present the evidence of its witnesses first.

The witnesses for the Defence, including you, will then have an opportunity to give evidence.

The Panel will then retire to consider the evidence of both sides. When it has come to a decision the Panel will return to the court and give judgement together with their reasoning.

If the Panel find you Not Guilty (Acquitted) you will be released.

If the Panel find you Guilty (Proven) a number of sentencing options are available to them. Please see the section on sentencing on page 10.

What happens if the plea is RESERVED?

The case will be adjourned for approximately two weeks and you will be given a Legal Aid Form by the Court Police Officer which must be completed.

You must contact the Acting Bâtonnier, the person responsible for running the Legal Aid scheme, as soon as possible and arrange for an appointment. On the day of your appointment with the Acting Bâtonnier you must take the completed form with you. The system works by appointment and you must contact the office on **0845 800 1066** or email to acting.battonnier@ogier.com for this appointment. The Acting Bâtonnier's office is located at Whiteley Chambers, Don Street, St Helier, JE4 9WG.

The Acting Bâtonnier will, if you are eligible for legal aid, allocate an Advocate to advise you. This Advocate will contact you to arrange a meeting prior to your next appearance in court.

Adjournments and Bail

Whenever a case is adjourned (put off to another day) and you are remanded to appear before the Youth Court at a later date, the panel will consider whether to warn you to simply attend court on a specific date (unconditional bail) or instead to attach conditions to the bail (the terms under which you are released pending your next court appearance).

A young person may be granted bail on condition that he/she remain at home between certain times (a curfew). Other conditions which the court considers appropriate in the interests of Justice may also be applied.

It is vital that all conditions applied by the Court are observed. The Police **WILL** check that you are following the order of the Court and refer any breach of conditions back to the Court. A failure to comply with these orders will result in the Court issuing an Arrest Order.

Any remand to a given date is a direct order from the court for you to appear and you must do so or the court will order your arrest.

In some circumstances it will be necessary for the Panel to remand a defendant into Youth Detention. The Youth will then be held in custody at either the Greenfields Centre or in The Young Offenders Institution at H.M. Prison La Moye whichever may be appropriate.

At any time when before the Court you may be asked questions or spoken to by members of the Panel. You will be required to stand and respond to such questions. You should address the Panel Member as "Sir" or "Madam" as appropriate.

Your parents, guardian or carer may also be asked questions and will always be given an opportunity to speak to the Panel.

Sentencing

If you have pleaded guilty or have been found guilty, the Panel will have taken advice from the various agencies as to what is, in their view, the appropriate sentence. However, this is only advisory and the Panel may move away from the recommendations made. On sentencing you will stand and the Chairperson will then tell you the Panel's decision.

There are a number of sentencing options available:

a) **Absolute Discharge**

It may be that you, although found guilty of the offence; will be granted an Absolute Discharge. In this event the Panel has decided not to impose a punishment. It is important to realise however that this procedure has resulted in a conviction that will be recorded as a criminal record.

b) **Binding Over Order**

If a Binding Over Order is made this means that the Panel has decided to give you an opportunity to show that you are capable of better behaviour. The Order will be in effect for a set period of time and will automatically expire if you do not within that period commit a further offence. If however you re-offend and return to the Youth Court during the time covered by the Order then those earlier offences for which the binding over order was made will be reconsidered by the Panel when deciding upon its sentence for the latest conviction.

The Binding Over Order involves an agreement between you and the Court and must be signed by you before you leave the Court.

c) **Fine**

If a fine is imposed you must see the Viscount's Officer who is present in the courtroom to make arrangements for payment. The Court may also give time to pay a fine in order not to place undue financial hardship upon an Offender. All fines include a default Youth Detention Order,(a period of detention as an alternative to payment of the fine) This means that if you do not pay the fine the Viscount can arrest you and bring you back before the Court to explain why you have not paid. If not satisfied with your explanation the Court may then decide to place you in Youth Detention.

If you have difficulty paying the fine you must arrange to see the Viscount without delay and explain your situation. The Viscount will present your case to the Panel Members immediately prior to the next court session when the Panel may but are not bound to agree to a variation in the payment arrangements.

Note: Unless the Court decides that it would be unreasonable to make such an order, having regard to the circumstances of the case or that the parent or guardian cannot be found; the Court may, and **shall** if the offender is under the age of 14, order that the fine or costs awarded be paid by the parent or guardian of the offender instead of by the offender.

d) **Probation**

If a probation order is made this means that the Panel has decided to give you an opportunity to show that you are capable of improving and changing your behaviour but in a controlled and supervised manner. The Order will be in effect for a set period of

time and will automatically expire if you do not within that period commit a further offence. If however you re-offend and return to the Youth Court during the time covered by the Order then those earlier offences for which the Probation Order was made will be reconsidered by the Panel when deciding upon its sentence for the latest conviction. Also, if the supervising officer believes that you are not complying to the terms of the Order then you will be returned to court to explain why and the Panel may decide to re-sentence on the original offences.

The statutory purposes of probation are:

- * to secure the offender's rehabilitation; and/or
- * to protect the public from harm from the offender; and/ or
- * to prevent further offences by the offender.

Effect of a Probation Order

The offender is placed under the supervision of a probation officer with a number of mandatory conditions that are listed below:

1. **THAT** you be of good behaviour and appear before the said Court when called upon to do so.
2. **THAT** you be under the supervision of a Probation Officer, duly appointed under the law of 1937 on Probation.
3. **THAT** you reside in such a place and work in such employment as a Probation Officer shall direct.
4. **THAT** you notify the Probation Officer immediately of any intended change of residence or employment.
5. **THAT** you report to the Probation Officer, attend Probation programmes and receive home visits as directed by and to the satisfaction of the Probation Officer.
6. **THAT** you do not travel outside Jersey without the written permission of either the Chief Probation Officer or the Assistant Chief Probation Officer.

Additional Requirements

The Court may in addition to the statutory requirements (see above) add additional conditions to the mandatory conditions previously listed.

These conditions may include programmes which address offending behaviour and its various causes. Offenders are expected to attend as directed. The courses may include an alcohol education group, an anger management course or a substance misuse group.

The Youth Court has a general discretion to tailor its order to meet special needs within the overall purposes of a probation order.

Duration

A probation order lasts for such period as the court decides but are not less than three months or more than three years.

Supervision

An offender may also be required to participate in activities or courses run by the Youth Action Team:

- i) to attend school;
- ii) to remain at home between certain hours; or
- iii) to refrain from participation in certain activities.

The court may delegate to the Probation Officer discretion to require the youth to do any or all of the above things.

Failure to comply with a Probation Order will result in a report

being made to the court detailing the breach and you will have to appear again. The court may then re-sentence you having regard to your original conviction.

e) **Community Service Order**

A Community Service Order is a sentence handed down as a direct alternative to prison and, as such, can only be made on a defendant aged 15 years or more.

The offender is required to undertake unpaid work for the Community under the supervision of a Probation Officer. Those ordered to complete a Community Service Order will be required to perform a number of specified hours of work as directed. The hours relate to a particular term of custody. For example, a sentence of 40 hours community service corresponds to one week in youth custody.

The offender will be assessed as to whether he/she is suitable for Community Service.

The offender is placed under the supervision of a probation officer. He or she must keep in touch with the officer in accordance with such instructions as the officer may give. The offender must also as in the case of a Probation Order notify the officer of any change of address without delay.

Failure to comply with a Community Service Order will result in a report being made to the court detailing the breach and you will have to appear again. The court may then re-sentence you for your original conviction. A 'refusal' to complete Community Service may result in a custodial sentence.

If you are placed on a Probation or Community Service Order you Probation Officer will need to speak to a Probation Officer before you leave the Court.

f) **Detention**

The criteria for custodial sentences for a young offender not less than fifteen years old but under twenty-one are provided for under the terms of the Criminal Justice (Young Offenders) (Jersey) Law 1994.

"A court shall not pass a sentence of youth detention unless it considers that no other method of dealing with him is appropriate because it appears to the court that -

- (a) He has a history of failure to respond to non- custodial penalties and is unable or unwilling to respond to them; or*
- (b) only a custodial sentence would be adequate to protect the public from serious harm from him; or*
- (c) the offence or the totality of the offending is so serious that a non custodial sentence cannot be justified;*

and the court shall state in open court its reasons for imposing a sentence of youth detention and shall explain to the person that on his release he may be subject to a period of supervision in accordance with article 10."

If you are sentenced to a Period of Youth Detention you will be escorted from the Court by a Police Officer or Prison Officer as appropriate.

Compensation Orders

Article 3 of the Criminal Justice (Compensation Orders) (Jersey) Law 1994 provides that the Court may consider sentencing the Young Offender to pay compensation.

"Where a court makes a compensation order against an offender under the age of seventeen, the court may, and shall if the offender is under the age of fourteen, order that the compensation be paid, and any default sentence be served, by the parent or guardian of the offender instead of the offender....."

Due consideration will be given to the specific circumstances of the parties.

Parental Responsibility

Article 9 of the Criminal Justice(Young Offenders) (Jersey) Law 1994 provides the court with power to order a parent or guardian to pay fines and to give security for their child's good behaviour which may be forfeit in the event they fail to secure such good behaviour.

Committal to the Royal Court

Where an offence is considered to be of a very serious or grave nature or if an offender is under the age of 15 and is a persistent offender, the Youth Court may refuse to accept Jurisdiction and send the matter to be heard in the Royal Court.

Glossary of Terms

Youth Court Panel	Consists of men and women in the community who volunteer to sit as members of a sentencing panel in the Youth Court. Appointments of those with suitable experience are made by the Bailiff. There are currently 12 people appointed to the panel.
The Bench	A term used to describe those who preside over the Youth Court. The Bench must include one Magistrate and at least one lady panel member. Normally the Bench includes one Magistrate and two panel members.
The Centenier	Each Parish has a number of elected Centeniers, who, on behalf of the Constables of the Parish are responsible for policing the Parish and may bring criminal charges and present them in the court. They call the cases, read the charges and present the facts and evidence to the court. In trials they are sometimes assisted by a Legal Adviser.
A Legal Adviser	A trained lawyer, usually employed by the Attorney General and working in the Law Officers Department.
A Probation Officer	An officer of the court responsible for preparing background reports on convicted offenders and for supporting and guiding those sentenced to Probation Orders.
Breach of an Order	Whenever a young person is made the subject of an order any breach of that order may be referred back to the court and the youth re-sentenced for all offences upon which the order was made.
Acting Bâtonnier	An Officer of the Law Society who gives, freely, their time to assist with legal aid applications. They control the list of Advocates who have a duty to provide legal aid