

JERSEY YOUTH

COURT



INFORMATION

for

COURT USERS

The Youth Court exists to deal effectively with offenders and to discourage offending.

The primary aim of the Court is to encourage young offenders to make a positive contribution to their community by seeking to rehabilitate young people who have personal, educational, alcohol, substance or behavioural problems and by supporting all those individuals and agencies who can assist.

Where is it Located?

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



What is the Court?

It is a court of law overseen by three panel members; one is a Magistrate (the “Chairperson”) and two are members of the Youth Court Panel. (The Panel will always seek to agree on any decision, verdict or sentence but when that is not possible the Chairperson has a casting vote.) If circumstances dictate, the Court can sit with a Chairperson and one other member as long as one member of the Panel is a woman.

In addition, the Chairperson can sit alone for cases which do not proceed to sentencing i.e. those that will be remanded to the full Youth Court.

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

Who may attend?

Only court officials and those immediately involved in a particular case or their immediate family will be permitted in court. **The Youth Court is not open to members of the public** and although journalists may attend, nothing may be reported which would allow defendants to be identified in the media either directly or indirectly.

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.

There are no facilities for babies or small children.



MOBILE PHONES MUST BE SWITCHED OFF BEFORE COMING INTO COURT



ATTENDANCE AT THE YOUTH COURT

What do you wear?

You must attend the court dressed smartly, casual dress or work clothes are not acceptable. Young people attending school would be expected to wear their uniform.

What do you do on arrival at Court?

You should report to the Enquiry Desk and inform the Usher that you are here for attendance at 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 then inform you if your Advocate (legal representative) is available and direct you to the appropriate interview room. If your Advocate is not available then you will be shown to a waiting room until your Advocate is available.

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

It is very important that you do **not** leave the building before your case is called without the Youth Court Usher's permission as you may be in danger of the Youth Court ordering your arrest.

When do I go into court?

Your case will be called by the Centenier and 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 may sit unless or until addressed by a member of the Panel.

All proceedings are digitally recorded.

What is the procedure?

The Chairperson will identify you by name. *If there are co-defendants then 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 to the charges on your behalf.

If you are not represented by an Advocate you will be given the opportunity to seek legal advice if required and, if necessary, the case will be adjourned to allow this to happen.

When appropriate, the Chairperson will ask you whether 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 on a GUILTY PLEA?

The Panel may decide that they have sufficient information to sentence you immediately or they may adjourn so that further background information can be obtained to assist them with the appropriate sentence. This may take the form of 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 to their understanding of the case. These reports usually take four weeks to prepare.

Sometimes the Panel asks the Duty Probation officer to undertake a 'stand-down' report. This is an informal report to see if the Panel can deal with your case immediately or if a full report is required. If a stand-down report is ordered you and your parent(s)/guardian(s) 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 sentencing options open to the Panel, please see the section on sentencing on page 9.

What happens if the plea is NOT GUILTY?

Once again the case is adjourned but usually only for about two weeks in order for the Court to select a convenient date for a trial and any other issues that may have to be addressed; this is called the pre-trial review.

At the trial, the prosecution witnesses will present their evidence first followed by your defence witnesses including yourself. The Panel will then retire to consider the evidence of both sides. When they return, the Chairman will give the Panel verdict along with their reasoning. This is called a Judgment.

If they find that there is no case to answer you will be released and will hear nothing more about the charge.

If the Panel finds you Guilty then there a number sentencing options open to the Panel, please see the section on sentencing on page 9.

What happens if the plea is RESERVED?

Again the case is adjourned and again usually only for about two weeks. 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.

If you are eligible for legal aid; the Acting Batonnier will allocate an Advocate to advise you and this Advocate will contact you to arrange a meeting prior to your next appearance in court.

Adjournments

Whenever a case is adjourned and you are remanded to appear before the Youth Court at a later date, the Panel will consider whether you may simply be warned to attend court on a specific date (unconditional bail) or whether conditions should be attached to the bail. For example, it is quite common for a young person to be granted bail but only on the condition that they remain at home between certain times (a curfew). Any remand is a direct order from the court requiring you to appear on that date. If you fail to attend the court will order your arrest

It is vital that you abide by all the conditions of bail as the police WILL refer back to the court any breach of conditions and an Arrest Order will be issued by the Court

In some circumstances it may be necessary for the Panel to remand you into youth detention. This will be to the Greenfields Centre or the Young Offenders Institution as appropriate.

At any time you may be asked questions or spoken to by the Panel and you will be required to stand and respond. You should address the Panel Member as ‘Sir’ or ‘Madam’ as appropriate.

Your parent(s) and/or guardian(s) may also be asked questions and they will **always** be given an opportunity to speak to the Panel.

Sentencing

The Panel may leave the courtroom to discuss an appropriate sentence. On returning to court you will once again be asked to stand and will be told by the Chairperson of the Panel's decision.

There are a number of decisions that the Panel may make:

You may be awarded an Absolute Discharge. In this case the Panel has decided that, whilst you are guilty of the offence, it does not wish to impose any further punishment. *It is important to realise that this is still a conviction that will be recorded as a criminal record.*

The Panel may place you on a Binding-over Order. The Panel have decided to allow you to show to the Court that you are capable of improving your behaviour. The Order will be for a set period of time and will expire if you do not get into any trouble during the term of the Order. If, however, you return to the Youth Court during the time covered by the Order then all the previous offences covered by the Binding Over Order will also be taken into consideration by the Panel. *The Binding Over Order **must** be signed by you before you leave the Court.*

If a fine is imposed, you must see the Viscount's Officer in the courtroom to make arrangements for payment. The Court may also give you time to pay the fine so as not to place undue hardship upon yourself. All fines have a default Youth Detention Order. This means that if you do not pay the fine then the Viscount can arrest you and bring you back before the Court to explain why you have not paid your fine and the Court may decide that you will serve this default in Youth Detention.

If you have difficulty in meeting the repayment of the fine then you should go immediately to the Viscount and explain the situation. The Viscount will present your case to the next sitting of the Youth Court, prior to the court sitting, and they may vary the repayment order.

If you are placed on Probation or a Community Service Order, a Probation Officer will need to speak to you before you leave the Court. The Probation Officer will explain exactly what is required from you during the period of the Order. If you fail to meet these requirements the Probation Service can bring you back to court to explain why you have not followed the instructions of the Probation Service.

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.

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 Royal Court. There are currently 12 people appointed to the panel.
The Panel	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.
Probation Order	When thought to be at risk of re-offending a young person may be placed on Probation, that is to say, under the supervision of a Probation Officer for a period of time – usually between 6 and 18 months. During the course of the order (to which agreement must be given by the youth concerned) he or she will be required to cooperate with the Probation Officer appointed and be required to attend programmes and meetings as directed.
Community Service Order	This requires unpaid work for the Community. Those ordered to complete a Community Service Order will be required to perform a set number of hours work as directed by the Community Service Officer. This will be expressed by the court as equivalent to so many months in Youth Custody, because the order is a direct alternative to custody.
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 member of the Law Society who gives freely their time to assist with legal aid applications and who assigns a lawyer to act for a person eligible for legal aid

Contact Numbers:

Magistrate's Court Greffe:	440080
Magistrate's Court Greffe Fax:	735072
Viscounts Department:	441400
Probation Department:	441900
Youth Action Team:	449104
Police:	612612
Children's Services	623500
St Helier Centeniers' Office	875706

Acting Bâtonnier

Legal Aid (freephone):	0845 8001066
Legal Aid Fax	01534 504030
Email address	acting.batonnier@ogier.com

Web Sites:

Magistrate's Court Greffe: <http://www.gov.je/mcg>
Drug and Alcohol Service:
http://www.gov.je/Health/mental_health/alcohol_drugs/

Magistrate's Court Greffe
Union Street
St Helier
Jersey
JE1 1BH