

YOUNG OFFENDERS

What age range do youth courts deal with?

Youth courts deal with charges against young people aged 10-17. Those aged 10-13 are classified as 'children', 14-17 year olds as 'young persons'. Children under the age of 10 are deemed by law to be incapable of being guilty of a crime. Civil care or supervision proceedings such as child safety or child curfew orders or making the child a ward of court may be used for this age group.



Are young people ever tried in adult courts?

Youth courts will deal with all charges against young people. However, there are two exceptions to this rule. If they are charged with a serious crime that, if they were adults, carries a sentence of more than 14 years, the case goes to the Crown Court. If they are jointly charged with a person aged 18 or over, the case goes to the adult courts. A magistrates' court can remand a young person if no youth court is sitting.

How do youth courts differ from adult courts?

Youth court proceedings take place in a separate area from the adult court which will have separate entrances. The magistrates will have undergone special training and there is a requirement that both a male and female magistrate be included on a panel of not more than three. This requirement can be waived if it is not in the interests of justice to wait until the right people become available. Youth courts use terminology that is easier for young people to understand, for example, witnesses promise rather than swear to tell the truth, and a possible outcome is finding of guilt rather than conviction. Young people and/or their guardians can be asked to withdraw while evidence is heard if this is in the young person's best interest. Access to trials is limited to bona fide participants and there are restrictions on press reporting, for example, no identifying details or pictures of defendants or young witnesses. However, the magistrates can apply to the Director of Public Prosecutions to dispense with the restrictions in exceptional circumstances. Parents and guardians are actively involved, and are in fact required to be present if the defendant is under 16. Magistrates will be mindful of child care legislation when sentencing young people and children.

What if a young person reaches 18 during a case?

Once the youth court has agreed to hear the case, they retain jurisdiction unless circumstances change. It may, however, refer to an adult court for sentence after a finding of guilt.

What sentences do youth courts give?

Absolute Discharge: A finding of guilt is noted but no penalty imposed, or conditional – no penalty provided that they commit no further offence within a specified period. This sentence is now given rarely in youth courts.

Fine: which should reflect the seriousness of the offence and ability of the young person and/or their parent/guardian, to pay. Maximum £250 for child and £1,000 for young person.

Attendance Centre Order: For 10 to 17 years olds. Attendance at specified centre. Programme includes discipline, physical training, social skills. Usually 12 hours but may be reduced or increased at the discretion of the court.

Reparation Order: Programme of work developed by YOT for the offender, to include specified activities. May include apologising to the victim or repairing damage. Victims are usually asked if they want reparation of this kind. Alternatively, an appropriate activity for the benefit of the community may be required. Usually lasts about eight weeks.

Action Plan Order: addresses the cause of offending in a 3 month preventive action plan. The Crime and Disorder Act sets out specific requirements which the court can include in the plan:

1. Participation in activities.
2. Attendance at offence focused work groups.
3. Attendance at an Attendance Centre.
4. Staying away from specified places.
5. Monitored school attendance.
6. Reparation, either to the victim of the offence or to the community as a whole.
7. Attendance at a review hearing at the Youth Court.

Supervision Order: For 10 to 17 years olds, lasting up to 3 years. Either a local authority designated by the order, a probation officer or a member of a Youth Offending Team carries out supervision.

Community Rehabilitation Order: For 16/17 year olds only. Keep in touch with supervising officer and notify any change of address. Lasts between 6 months and 3 years. May be required to live at specified address which could be a probation hostel; attend probation centre or other activity; requirement to undergo treatment

Community Punishment Order: For 16/17 year olds only. Unpaid work in the community supervised by probation officer. 40 hours to 240 hours, within 12 months

Community Punishment and Rehabilitation Order: For 16/17 year olds only. Elements of community rehabilitation and community punishment orders. At least 12 months probation and 40-100 hours service

Curfew order: For 16/17 year olds only. Required to remain in a specified place for specified periods 2-12 hours a day for up to 6 months

Detention and Training Order: For 15 to 17 years olds, for any imprisonable offence. For 12-14 year olds who are persistent offenders or have committed a serious offence, and for 10-11 year olds only if they are persistent offenders and only if it is necessary to protect the public from further offending by that child. Can be imposed by youth court and crown court. Can be for 4,6,8,10, 12, 18 or 24 months only. Half the sentence is served in a centre or unit, and half in the community under supervision. The Court takes time spent on remand into account before passing sentence. The Home Secretary decides whether the sentence is to be served in YOI, secure training centre, LA secure accommodation, youth treatment centre or other secure accommodation. Can be released early or late on the basis of good progress, or lack of it. Subject to supervision after release until the end of **the order, by probation officer, social worker or YOT.**

Drug Treatment and Testing Order: For those aged 16 and over who are dependent on drugs and likely to benefit from treatment. Lasts between 6 months and 3 years. The young person consents to an order requiring that they undergo drug treatment and regular testing by a drug treatment provider, and are supervised by probation. Reviews take place monthly at which changes can be made to the order.

Compensation Order: A maximum of £5,000 awarded to cover injury (physical or mental, and including terror or distress), loss or damage.

Binding Over: A young person can be bound over to be of good behaviour, ie to promise not to offend on pain of forfeiting a sum of money fixed by the court.

Deprivation order: Deprives the young person of unlawfully possessed property.

Restitution: stolen goods or the proceeds from their disposal, deception or blackmail, to be returned to rightful owner.

Deferred Sentence: Sentencing postponed for up to 6 months with defendant's consent, in order to meet specific requirements (eg. treatment/rehab) before sentence is passed. Used sparingly.

Anti-Social Behaviour Order: This is a civil order, which can incur criminal sanctions child's offending behaviour and includes a requirement that the parents exercise control over their child's behaviour. Failure to comply with the requirements without reasonable excuse can result in a fine or other non-custodial sentence.

What is a Youth Offending Team?

Each local authority is responsible for setting up at least one YOT in its area, in co-operation with the police, probation service and health authority. The YOT Co-ordinates youth justice services in that area, and contributes to that local authority's youth justice strategy. The team will consist of: a probation officer, a social worker, a police officer, a health authority representative and an education authority representative. YOTs may also include other people the authority thinks would be appropriate, such as people working in voluntary agencies.

What is the Youth Justice Board?

The Youth Justice Board was established by the government in October 1998 to monitor the youth justice system, advise the Secretary of State on how to achieve the aim of reducing offending by young people; promote good practice by commissioning research and awarding grants for

development of good practice; act as a budget holder for all secure facilities for young offenders, control resources, disseminate information about local initiatives nation-wide.

Can young offenders get bail?

Adult bail provisions apply from the age of 17. They can be bailed with or without conditions or remanded in custody to a prison or remand centre. Below 17 can be bailed with or without conditions or into local authority accommodation, or very occasionally, into custody. The local authority is designated by the court, usually the person's home or where offence was committed. 15-16 yr old males can be remanded in custody if the court considers that secure accommodation is needed and the local authority cannot provide this. The court may place requirements on the Local Authority which ensure compliance with conditions. A Local Authority cannot detain someone for more than 72 hours without a court order.

Can a young offender be cautioned rather than charged?

Crime and Disorder Act 1998 has replaced cautions with reprimands and final warnings. A first offence can be met with a reprimand, a final warning or criminal charges, depending on the seriousness of the offence. A reprimand is the equivalent of a caution. Those receiving final warnings will be referred to the YOT for assessment to determine whether a rehabilitation programme is appropriate or necessary to help prevent further offending. Non-compliance with programmes set up as a result of a warning will be noted and brought before the court in any future proceeding.