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# Aims of youth justice system

‘Every court dealing with a child or young person brought before it shall have regard to the welfare of the child or young person’

Children and Young Persons Act 1933

‘It shall be the principal aim of the youth justice system to prevent reoffending by children and young persons’

Crime and Disorder Act 1998

# Structure of the criminal justice system

Magistrates' Court : District Judge or three lay magistrates with a lawyer advising. Includes youth court.

Crown Court: Circuit Judge with jury of twelve members of the public. Judge only for sentencing.

Court of Appeal and Administrative Court.

Supreme Court

# Where will the case be heard?

- Depends on charge
- Some can only stay in youth court
- Very few MUST go to Crown Court eg murder
- Robbery, possession of drugs with intent to supply, rape – adults will go to Crown Court
- Youths may stay in youth court

# Maximum powers of the court

- Magistrates Court for adults – 6 months imprisonment (some offences up to 12 if two offences). No minimum.
- Youth Court – 24 months custody. 4 months minimum. No custody for 10-14 years (with exceptions for ‘persistent offenders’ 12/13/14)
- Crown Court – to maximum for offence

**BUT**

# Guidance from cases

- Youth Court adapted to meet needs of children, less formal
- Specialist judges and lawyers
- Need for effective participation of youths to ensure a fair trial
- Crown Court unsuitable for most cases including very serious offences

# Sentencing Guideline

- The Sentencing Council for England and Wales was set up to promote greater transparency and consistency in sentencing, whilst maintaining the independence of the judiciary.
- The primary role of the Council is to issue guidelines on sentencing which the courts must follow unless it is in the interests of justice not to do so.

# Work of Council

- Range of sentence for offence
- Reduction in sentence for guilty plea
- Community sentence or prison
- Sentencing children and young people

# Guideline on sentencing children and young people

2009, revised 2017

- While the seriousness of the offence will be the starting point, the approach to sentencing should be individualistic and focused on the child or young person, as opposed to offence focused.
- For a child or young person the sentence should focus on rehabilitation where possible. A court should also consider the effect the sentence is likely to have on the child or young person (both positive and negative) as well as any underlying factors contributing to the offending behaviour.
- Domestic and international laws dictate that a **custodial sentence should always be a measure of last resort** for children and young people and statute provides that a custodial sentence may only be imposed when the offence is so serious that no other sanction is appropriate

# Sentencing guideline

‘It is important to avoid “criminalising” children and young people unnecessarily; the primary purpose of the youth justice system is to encourage children and young people to take responsibility for their own actions and promote re-integration into society rather than to punish. Restorative justice disposals may be of particular value for children and young people as they can encourage them to take responsibility for their actions and understand the impact their offence may have had on others.’

# More!

- 'Children and young people are not fully developed and they have not attained full maturity.
- As such, this can impact on their decision making and risk taking behaviour. It is important to consider the extent to which the child or young person has been acting impulsively and whether their conduct has been affected by inexperience, emotional volatility or negative influences.
- They may not fully appreciate the effect their actions can have on other people and may not be capable of fully understanding the distress and pain they cause to the victims of their crimes.
- Children and young people are also likely to be susceptible to peer pressure and other external influences and changes taking place during adolescence can lead to experimentation, resulting in criminal behaviour.
- When considering a child or young person's age their emotional and developmental age is of at least equal importance to their chronological age (if not greater). '

# Continued

- ‘Although chronological age dictates in some instances what sentence can be imposed (see section six for more information) the developmental and emotional age of the child or young person should always be considered and it is of at least equal importance as their chronological age.
- It is important to consider whether the child or young person has the necessary maturity to appreciate fully the consequences of their conduct, the extent to which the child or young person has been acting on an impulsive basis and whether their conduct has been affected by inexperience, emotional volatility or negative influence’

# Results

## Before court:

- Increased diversion from prosecution by involvement of youth offending teams in police decisions
- Police use of restorative justice

## At court:

- Substantial reduction in numbers of young people in custody – both waiting for trial and serving a sentence
- Reduction in caseload and in numbers of court hearings
- Confidence of court in the work of the youth offending teams and their recommendations