

STATES OF JERSEY



YOUNG OFFENDERS: NAMING BY THE MEDIA (P.148/2009) – COMMENTS

Presented to the States on 28th October 2009
by the Education and Home Affairs Scrutiny Panel

STATES GREFFE

COMMENTS

The Panel finds it odd that one aspect to improve juvenile justice is being proposed as opposed to the adoption of a more holistic approach. There are major issues that need addressing such as the inability of the Courts to sentence under 15s who are serial offenders to a custodial sentence, the strengthening of diversionary approaches and whether the Juvenile Court needs to be replaced by a Panel system as in Scotland, and from 1st January 2010 in Guernsey. Perhaps most crucially, the whole area of parental responsibility needs revisiting. The Proposition simply plucks one approach out of the air without reference to the broader picture.

The Amendment (P.148/2009 Amd.) suffers from the same defect. It seductively asserts that because youngsters have the vote at 16 so they should be treated like adults in the Courts. If the proposer believes this surely he should be seeking to ensure that all policies are aligned so that a 16 year old is an adult in all the arenas of life. Is this what he is intending? Of those who voted for voting at 16, not all were convinced that 16 year olds were adults in all areas of life. Young people develop at different speeds and in different ways.

While acknowledging the enormous frustration that members of the public feel at how some young offenders behave and their apparent disregard of sanctions, the fact remains that many have experienced poor backgrounds and that the real focus, in many instances, should be upon the responsibilities of parents.

That said, the Panel believes that the Courts should more actively consider using the power to name offenders where serious and extreme situations exist.

Please note that, although a Panel Member, Deputy T.M. Pitman was not involved in compiling this comment.