

## **2.6 The Deputy of St. Martin of the Chief Minister regarding proposed amendments to the Criminal Justice (Young Offenders) Law to confer new sentencing powers in respect of offenders aged 12 plus:**

Given that 2 Ministers who were directly involved with Greenfields are apparently not in favour of proposed amendments to the Criminal Justice (Young Offenders) (Jersey) Law to confer new sentencing powers in respect of offenders aged 12 plus, will the Chief Minister explain why the amendments were included in the law drafting programme?

### **Senator F.H. Walker (The Chief Minister):**

Contrary to the question's preamble, the 3 Ministers concerned have made no firm decision about the proposed amendments to the Criminal Justice (Young Offenders) (Jersey) Law 1994. It is in the programme because there is some ambiguity in Articles 4 and 5 of the Law which may require amendment as to how younger children could be dealt with on a custodial basis. Clarification of the legal position is being sought prior to the States being asked to debate the issue. The amendments for which law drafting time was allocated last year was partly a response to representations made by the courts that a power was needed to allow children aged between 12 and 14 to be sentenced to a period of secure custody. The Ministers felt able to agree to the broad concept of custodial sentencing, subject to certain important caveats, but they do hold individual views on the precise terms under which the court could invoke new sentencing powers. These issues will be decided before precise law drafting instructions are formulated.

### **2.6.1 The Deputy of St. Martin:**

Would the Chief Minister accept that last year the States approved the 2008 Business Plan which included the specific amendments which he has just referred to, therefore it is incumbent then upon the Minister for Home Affairs to advance the wishes that have been made by this House, i.e. that the instructions should be given to the Law Draftsman without delay.

### **Senator F.H. Walker:**

The Deputy is quite correct but there are 2 fundamental issues which have to be resolved. The first is the age at which young people should be able to be sentenced to a period of youth detention, and the second is whether youth detention should be served in the Young Offenders Institution at La Moye or the secure unit at Greenfields. Sir, those are fundamental issues which do need resolution but I agree wholeheartedly with the thrust of the Deputy's question. I believe this is a matter that does need to come to the States at the earliest possible opportunity.

### **2.6.2 The Deputy of St. Martin:**

Could I ask when it is intended to bring forward this legislation? I have page 201 of the Business Plan and as long ago as 15th May last year the Law Draftsmen were waiting for instructions. It would appear that there is no rush to get this legislation through the House - it is almost 12 months - can we have some idea when this will come to the House for the House to make a decision?

### **Senator F.H. Walker**

I cannot give a specific date, and I am sure the Deputy is aware, as are I think most other people, that there have been many events surrounding Greenfields which bear on this important issue which were not envisaged at the time the plan was put into place. Of course, we have got still the running Williamson Inquiry which is due to report very shortly and I have no doubt Mr. Williamson will be making recommendations in that respect. We also have the Howard League due to carry out their own investigations in Jersey in May. We have got to make sure that we take every possible expert view on these fundamental issues and rather than rush this through to the States, under very different circumstances to those envisaged last year, we have got, above all, to make sure we get it right.

### **2.6.3 Senator S. Syvret:**

Does the Chief Minister recognise the danger that if we adopt measures that will enable the ready imprisonment of children then that is simply what will be used by the courts until the unit is full, and by doing so we may not in fact truly be succeeding in addressing the actual causes of the behaviour and the needs of these children. Will he assure me that before this legislation is progressed he will take note of the views of organisations such as the Howard League for Penal Reform and, in particular, that he will make sure that whatever approach we adopt to youth offending has a proven track record of success, which is not often the case simply of mere imprisonment.

### **Senator F.H. Walker:**

I have every faith in our courts to decide what the appropriate sanction should be against any young offender - every faith. I have similar faith in the excellence of our probation services who I know are doing an extremely good job with young offenders and putting many back on to the straight and narrow. I have already said in response to the Deputy of St. Martin that we will be taking all expert opinion into account and that getting this right is infinitely preferable to bringing it forward to a precise date. Jersey has to have nothing short of the top standard in terms of how we deal with young offenders and I would only be satisfied personally, and I know the 3 Ministers involved share that view... we need to be satisfied that we have done everything reasonable and we have got it right before bringing it forward to this House for debate, and we will.

### **2.6.4 The Deputy of St. Martin:**

Would the Minister agree with me that really that when one looks at putting youngsters in secure units that is the very last option, not the first, and would he agree with me on that?

### **Senator F.H. Walker:**

Yes, Sir, I do. But, at the same time, we must heed the views of the Magistrate that with frequently repeating offenders he has found his powers more limited than he would like, and we have to look at that side of the aspect as well.