



J.O.D.A.
Juvenile Offenders Detention
Alternative in Europe

JUST/2013/JPEN/AG/4573

Snapshot

Northern Ireland



Alternatives to detention for juvenile criminal offenders

Northern Ireland

I.) Target group

Juvenile, also minor, under the age of majority: 17

Age of (full) criminal responsibility: 10

Minimum age of deprivation of liberty: 10

Typical gender of children in detention: mostly boys

Comparable statistical data:

II.) Characteristics of penal measures applicable

Crime, also criminal offence – Northern Ireland has separate arrangements for dealing with children, with separate youth courts and different sentencing options than adults. There are a number of options used such as warning or a caution, restorative justice disposals (youth conference orders or community sentences) and custodial sentences.

Principal Punishments Imposed for Criminal Offences

- Pecuniary punishment – daily rates: Custody £77,000 per annum, Community Service £2,000 per annum
- Imprisonment: (terms)
 - ✓ Juvenile Justice Centre Order (JJCO) for aged 10-16 and some 17 year olds (subject to specific criteria). Length of 6 months to 2 years. First half of sentence served in custody, second half is in the community under supervision.
 - ✓ Young Offender Centre Order (YOC Order) for 17 and 17 year olds (plus young adults up to 24) Length – no minimum term, maximum term of 4 years.
 - ✓ The JJCO and the YOC Order are currently under review and the Department of Justice intends to replace them with one single new order which would apply to all children sentenced to custody. In practice no under 18 year olds have been detained in the YOC for last 2 years but instead are detained in Juvenile Justice Centre.
 - ✓ 10 – 17 year olds convicted of violent or sexual offences under the Criminal Justice (NI) Order 2008 or ‘grave’ offences within Article 45 of the Criminal Justice (Children) (Northern Ireland) Order 1998 – where the adult equivalent length of sentence would be 14plus years the length of time spent in custody is discretionary.
 - ✓ 10 – 17 year olds convicted of sexual or violent offences with Risk of Serious Harm can receive minimum of 2 years in custody for an Indeterminate Custodial Sentence or minimum of 12 months in custody for Extended Custodial Sentence.
- Treatment measure: (terms) – see below

Penal measures (remand custody and/or imprisonment of convicts) can be applied from 10

Types of custody:

- *police arrest* - (terms) – can be held in police custody for no more than 48 hours
- *remand custody* –



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- imprisonment of convicts –

III.) When a crime is committed or respective information received...

<i>Stages of criminal proceedings and standard procedures</i>	<i>Alternatives, possible for (juvenile) offenders</i>
<p>Police, other <i>investigative body</i> or the prosecutor commences criminal proceedings</p>	<p>a) Dismiss the case OR b) Police take no further action OR c) Police use Discretionary Disposal OR</p> <ul style="list-style-type: none"> • this requires no involvement from Court or Public Prosecution Service (PPS) and police can make decision • for minor offences such as shoplifting, graffiti, minor assault • must be admission of guilt • not a criminal conviction but details held on police record <p>d) Police recommend a Youth Engagement Clinic (administered by Police, Youth Justice Agency and PPS)</p> <ul style="list-style-type: none"> ▪ Police Youth Diversion Officer (YDO) and Police Gatekeeper make decision about appropriate course of action ▪ If young person suitable for Youth Engagement Clinic (YEC), a streamlined file sent within 7 days of detection to PPS recommending diversion. YECs are for low level offending and not for prolific or repeat offenders. Clinic happens within 28 days from detection and involves meeting with young person, appropriate adult, defence solicitor (must be present if non admission of guilt) and multi agency professionals, to explain case to young person. ▪ Admission of guilt necessary to take up diversionary disposal following YEC. ▪ Diversion can include warning, restorative caution, support programme <p>e) If not suitable for YEC, police send investigative file to PPS.</p>
<p>Remand custody in prison The <i>prosecutor</i> will ask from PPS/ the judge for it, if considered necessary ie. Threat to public, run away, interfere with witnesses, commit more</p>	<p>If insufficient evidence to charge can be released with or without bail. Bail conditions can be imposed including electronic tagging, restriction of movement, no</p>



<p>offences, threat to public. High numbers held on remand. Can be detained under Police and Criminal Evidence (NI) Order 1989, if police suspect further offences will occur, if police think it is in the best interests of child, of if they suspect failure to appear in court.</p>	<p>alcohol etc.</p>
<p>When the Prosecutor takes the standard procedure and will send the criminal case to the court...</p>	<p><i>A. The court may release the person from punishment and impose the following sanctions:</i> Dismiss the case and no further action taken Absolute / Conditional Discharge</p>
<p><i>All the following alternatives can be applied to minors as well as adults</i></p> <p>Diversion or Prosecution</p>	<p><i>B. Types of Substitution of Imprisonment</i></p> <p><i>Diversion</i></p> <ul style="list-style-type: none"> ▪ Informed Warning: (police administered, not conviction but held on record for 12 months) ▪ Caution: (police administered, not conviction but held on records for 24 months) ▪ Diversionary Youth Conference Disposal: administered by Youth Justice Agency ✓ not conviction but does attract criminal record ✓ must be admission of guilt ✓ Youth Conference Plan developed which can include apology, payment to victim, treatment for mental health, alcohol or drug abuse, programme to address offending etc. <p><i>OR</i></p> <p><i>Prosecution – Youth Court Disposals</i></p> <ul style="list-style-type: none"> • Fine • Reparation Order (community activity 12-24 hours) • Attendance Centre Order (attend programme to address offending 12-24 hours) • Community Responsibility Order (Community service 20-40 hours) • Youth Conference Order - Tailored



<p><i>All the following alternatives can be applied to minors as well as adults</i></p> <p>When the court has already decreed for imprisonment, still there are several means of release from immediate imprisonment, imposed by the same decree of the court, usually</p>	<p>youth conference plan with restorative theme which can include:</p> <ul style="list-style-type: none"> ✓ Reparation ✓ Payment to victim ✓ Supervision in community ✓ Community service ✓ Participation in programme to address offending ✓ Treatment for mental health, alcohol and drug abuse <ul style="list-style-type: none"> ▪ Probation Order which can include: <ul style="list-style-type: none"> ✓ 6 months to 3 years ✓ Probation Officer for community supervision attend programme ✓ Mentor ✓ Work placement ✓ Electronically monitored curfew ✓ Attend youth club ✓ Treatment for alcohol and drug dependency • Community Service Order (for over 16 yrs only, 40 -240 hours unpaid work in community) <p><i>Substitution to imprisonment which still results in deprivation of liberty:</i></p> <p>C. Release from Punishment</p> <p>It is currently not possible to suspend a Juvenile Justice Centre Order (JJCO) but a Young Offenders Centre Order (YOCO) of less than 2 years can be suspended.</p>
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<p>When none of the above described is applied, the juvenile is imprisoned and starts serving his/her sentence</p>	<p><i>Juveniles are usually kept separately from adult prisoners until they are 18 years old although it is still permissible in legislation to place children in adult institution.</i></p>
<p>Early release from prison</p>	<p>Release on parole</p>

