

#### **4.1 Senator F. du H. Le Gresley of the Minister for Home Affairs regarding youth justice:**

Given the increase in the courts of vandalism by gangs of youths, what is the Minister doing to ensure the safety of members of the public and their property, and does he believe the police and the courts have sufficient powers to deal effectively with young offenders?

#### **Senator B.I. Le Marquand (The Minister for Home Affairs):**

In recent years, at a time when youth offending levels have been decreasing, some of the press have chosen to give the impression that youth crime is a more serious problem than it is, particularly by rather overstated headlines, and that may have led to the question by the Senator. In the first 9 months of 2010, it is true that figures for malicious damage were up but, in fact, the numbers which are associated with youths were well down at 63 as opposed to 84 in the equivalent period in 2009. At the same time, the numbers of youths appearing before the Magistrates Court has been down. In the heyday, in terms of numbers, we were regularly up in the 400s in the period when I was Magistrate. This year we are heading for a figure below 300, which again confirms that figures for youth crime are down. My position since 2001 has been that the courts lacked an effective means of dealing with persistent offenders aged under 15, but that work is now in hand in relation to that because part of the Children's Plan will include a revised youth justice strategy. There is in existence, now being considered by Ministers, a very detailed plan of proposals in relation to changes and improvements to youth justice.

#### **4.1.1 Senator F. du H. Le Gresley:**

Can I ask the Minister what change in law is required in order to achieve zero tolerance in antisocial behaviour by minors under the age of 15?

#### **Senator B.I. Le Marquand:**

The concept of zero tolerance means different things to different people in different places. We are not talking about zero tolerance here, we are talking about an issue where there are always a small minority of persistent offenders who offend over and over again and historically the courts have not had sufficient powers to deal with those. I can see the Deputy of St. Martin is nodding at me because I know he brought a proposition in relation to this some years ago. In reality there are 2 ways of trying to tackle this, either by giving criminal courts some sort of sentencing option for those under 15 who are persistent, persistent offenders. Alternatively, there has to be some effective civil route by means of which those who have continued to offend in this way can be removed from society for a time for training and to work with them to seek to tackle their problems.

#### **4.1.2 Deputy T.M. Pitman of St. Helier:**

I am sure the Senator would agree, like me, that most young people are an absolute credit to themselves and to their parents. However, for serious and repeat offenders, does the Minister agree with me that perhaps it is pertinent to look again at the possibility of naming young offenders for repeat and very serious offences, and would it not be a good place to start by putting about £50,000 into the youth service budget that was just taken away recently by his colleague?

#### **Senator B.I. Le Marquand:**

The Deputy knows that I am not in favour of naming and shaming for a whole number of reasons, including that being contrary to the international convention on the rights of the child which this Assembly is committed to. I am not going to comment on the youth matters because that is simply not within my remit.

#### **4.1.3 Deputy P.J. Rondel of St. John:**

Having been responsible in part for putting in place the voluntary probation system back in the middle 1970s, are the centeniers carrying out this particular role where they can put young offenders on voluntary probation for 3 months or 6 months, working alongside the Probation Service, and, if so, is this still as effective as it was in keeping the numbers of young people out of the court?

#### **Senator B.I. Le Marquand:**

I thank the Deputy for his involvement in that scheme starting, of which I was unaware. It is alive and very well and indeed is very much admired by people who visit the Island - outside experts - and have a look at our system. The diversionary system is highly effective and very much in operation and I am totally supportive of it. It is because of that it is very important that centeniers continue to have the role of presenting cases and of making decisions in relation to prosecuting.

#### **4.1.4 Connétable A.S. Crowcroft of St. Helier:**

While I am not wanting to minimise in any way the problems caused by a minority of out of control young people, would the Minister not agree with me that a much bigger problem is the antisocial and often drink-exacerbated behaviour of older people, particularly young adults, and indeed that young people are very often the victims of such behaviour rather than the perpetrators of it?

#### **Senator B.I. Le Marquand:**

Yes, I do very much agree with that last comment. Indeed, as I indicated, figures for malicious damage are up this year. My experience in relation to malicious damage is that many cases of malicious damage were committed by people while under the influence of alcohol on Friday nights and Saturday nights and so on. We are still awaiting further work to be done in relation to the review of the Licensing Law, which I see as absolutely key if we are going to seek to change the binge-drinking culture which is associated with our nightlife on Friday and Saturdays.

#### **4.1.5 Deputy F.J. Hill of St. Martin:**

The Minister kindly alluded to the change in law I did attempt; it must be about 6 or 7 years ago. I understand that there are moves afoot by what is known as the corporate parent by the Ministers for Health, Home Affairs, and Education, Sport and Culture to bring forth legislation which would allow the courts to give some form of custodial sentence with obviously conditions about education, *et cetera*. Is the Minister in a position to inform Members how far they have got with that legislation?

#### **Senator B.I. Le Marquand:**

As I indicated before, the Child Policy Group has recently received a very detailed report in relation to youth justice strategy, which we are in the process of considering. It is very important that we have a mechanism to deal with the persistent offenders, particularly those under the age of 15. Although there are many other issues thrown up by that report, I have had a concern also for a very long time in relation to young people, 15 to 17 year-olds, serving their sentence within the ambit of La Moye Prison,

albeit in the Young Offenders Institution. So there are a lot of other related issues that need to be brought together. That is at the stage of consideration actively by the 3 Ministers.

**The Deputy Bailiff:**

Final supplementaries? Very well, we will come on to question 2, which Deputy Le Claire will ask of the Minister for Planning and Environment.