

23.05.02

14. Deputy M.B. Andrews of the Minister for Home Affairs regarding prosecutions of individuals under 18 years of age (OQ.75/2023)

Will the Minister advise the number of under-18s who have been prosecuted between 2017 and 2022 and of those prosecutions how many led to convictions?

Deputy H. Miles (The Minister for Home Affairs):

I thank the Deputy for his question. Between 2017 and 2022, 4,037 offences were recorded as crimes having been committed by young people. This is not unique individuals, because this would include repeat offenders. 1,416 unique young people were recorded as being a suspect in the committing of these crimes between 2017 and 2022, an average of about 236 per year. From those 4,037 recorded crimes, 685 have been charged, i.e. remanded to Youth Court. Of those 685 crimes charged, 240 were dismissed, 53 cases resulted in imprisonment, 48 resulted in a fine, 27 resulted in community service and the remainder were dealt with either by Probation or binding over orders.

4.14.1 Deputy M.B. Andrews:

Obviously this is an area of speciality for the Minister for Home Affairs, so I would like to ask the Minister if she believes there needs to be any changes in the approach to how we support young people who may be going through a difficult time?

Deputy H. Miles:

I thank the Deputy for his endorsement on my level of knowledge about this area. Clearly, as Minister for Home Affairs, and also personally, I would much prefer our young people are dealt with by the Parish Hall Inquiry System, which is obviously an excellent system that has been in operation for well over 800 years. However, I do acknowledge that there are times when the court is required to exercise its authority.

4.14.2 Deputy R.J. Ward:

May I ask the Minister whether there are records kept of “stop and search” and the age of those who have been stopped and searched? I ask the question as to whether, therefore, there is a link between the stop and search and these prosecutions or whether there is no link whatsoever?

Deputy H. Miles:

To the best of my belief, all stop and search are recorded on a pro forma. It is very difficult to understand whether the results of those stop and searches are linked to ultimate prosecution in court. Evidently, if somebody is stopped and searched and something is discovered, and there is evidence to suggest that an offence has been committed, that young people would be processed through the police in the usual way. That would be either filtering through the Parish Hall Inquiry System or, if the offence was so serious, being charged directly to the Youth Court. I hope that answers the Deputy’s question.

4.14.3 Deputy R.J. Ward:

Could I ask the Minister whether she has any concerns about stop and search particularly of younger members of our society, those under 16, for example, who may not have a parent nearby. There is a written question that says this has happened, so I want to ask the Minister whether she has any concerns around that area.

Deputy H. Miles:

Once again I do not have the exact details with me, but it would concern me slightly that under-16s were being stopped and searched, unless there was an immediate concern for safety. I cannot second-guess the figures, but it would be a safety issue that the police would normally take that action around stop and search.

4.14.4 Deputy S.Y. Mézec:

Does the Minister have any breakdown or could she give an indication from the figures she gave in her opening answer to how many of those incidents involved children who were below the age of 14? If I could add to that, will she be considering the age of criminal responsibility in her term in office?

Deputy H. Miles:

I thank the Deputy for his question, of which I cannot remember the first part, because I was so stunned by the second part about the age of criminal responsibility. Could I ask the Deputy to repeat the first part of his question, please?

Deputy S.Y. Mézec:

It was about the numbers in relation to her first answer, children who fell below the age of 14, and that helps with the second question.

Deputy H. Miles:

As the Deputy I am sure will know, the Attorney General has issued guidelines to make sure that children under the age of 15 do not receive a charge to the Youth Court without the express permission of a law officer. Any child under the age of 14 cannot be referred to the Youth Court without the express permission of the Attorney General. That is operating as a way to reduce the age of criminal responsibility. Coming to the second part of the question, that is always going to be a tricky one. My own personal view is that the age of criminal responsibility could be much higher. In some countries it is 18. I would be a very brave Minister for Home Affairs to bring a proposition to this Assembly that we increase the age of criminal responsibility to 18. Nonetheless, I think it is my responsibility to ensure that we have systems and processes in place that are appropriate to deal with young people, to avoid them being criminalised.