

JERSEY / JUDGMENT

AG v CC [2023] JRC 012 (20 January 2023)

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JUDGMENT

THE DEPUTY BAILIFF: 1. We are going to tell you at the outset, just so you can hopefully listen to what we come to say in due course, that we are going to grant the Crown's conclusions which means you will receive 8 months youth custody on the assault charges, 1 month concurrent on the damage charges and you will be released today. We are required to give reasons and if it is easier you can sit down with the officers and listen to what we have to say. 2. I should say at the outset that you are only 16 and you were 15 when you committed these offences and it gives the Court no pleasure to pass a custodial sentence at all in relation to someone so young but, as the Probation Report says, in the past 2½ years you have appeared in the Youth Court for sentence on five occasions and the Royal Court for sentence on two occasions for well over 30 offences. 3. In July 2020 the Youth Court sentenced you to Probation for offences including grave and criminal assault and common assault. You breached that order and in March 2021, the Youth Court gave you a further Probation Order which you breached. You appeared again in May 2021 for five offences including grave and criminal assault and common assault and for breach of the Probation Order. In July 2021 the Youth Court bound you over also for another offence of common assault and then you appeared before this Court in January last year and were sentenced to 9 months' youth detention. 4. You were to serve that sentence at Greenfields and it is at Greenfields that you committed these offences. The offences of assault are serious offences, and on 30 th March last year whilst you were at Greenfields with four staff members on duty, your behaviour deteriorated in the afternoon. You caused damage to various items in the communal area, a social worker came to see you and the staff became aware that you had removed some blades from your beard trimmer. When you were asked to hand them over you refused. You threatened to damage some glass panels in the communal area and in consequence you were locked into a corridor to protect the staff and the property at Greenfields. Another member of staff, who gave evidence to the Jury, arrived to try and calm things down. You surrendered some of the blades you had and ultimately, after an hour and a half, the decision was taken to move you back to your room and that was done as gently as the staff were able to, using approved escort techniques. In the course of attempting to take you to your room you assaulted two of the officers who work at Greenfields. You headbutted, kicked, punched and bit Staff member 2 and attempted to bite Staff member 1. Staff member 2 suffered injury and described you as being " extremely violent " at the time. People who work in units such as Greenfields deserve the protection of the Court. 5. Owing to the other offences of malicious damage you committed at the Greenfields and

the assault to which we have just referred you were transferred to La Moye. La Moye, as the Court has previously said on other occasions, is not a suitable environment for someone of your age, particularly in the absence of appropriate and tailored young offender facilities there but, happily as we have heard today, you have made progress at La Moye. The prison officers speak of your enthusiasm and your good behaviour. The Probation Officer who is in Court today confirms that she has seen you mature and her report speaks of a marked improvement with the way you interact and engage with those around you. You have continued with your education in custody and you have demonstrated a real interest in horticulture; spending many hours in the prison gardens and we have seen photographs of some of your work. You have kept in regular contact with your mother who is here in Court to support you today. You have kept in contact with friends and today in Court there are the two foster carers who are looking forward to having you home later today and I am sure you are looking forward to spending time with them and of course your mother. 6. You remain at high risk of committing further offences and it is hoped that the support that you will get on your release together with your own efforts will reduce the risk of that. 7. In view of your previous experience on probation and your wish not to engage in Community Service those are not options available to the Court and we agree with the Crown that the statutory conditions for the making of an order requiring you to serve a sentence of youth custody are met. Youth custody is always a last resort but unfortunately the Court has no option but to impose such a sentence upon you today. That sentence will ensure your immediate release and the plan for your release devised by the Probation Service includes: (i) A return to your foster placement, (ii) The Intensive Youth Support Team to implement a bespoke package of support including vocational studies, possibly some voluntary work and for your foster carer's scaffolding firm (iii) Miss Myles to meet you twice weekly to encourage you to engage in education and other activities. (iv) Your personal officer at La Moye, Mr Scott, is going to remain involved in your life and support you in your transition back to the community. (v) You will receive support from Children's Social Care and of course your mother. 8. We are delighted that you have the support of your foster carers. They are in Court today and we have heard from them. They are happy to have you back. 9. CC, you are only 16. It is the wish of everyone here in Court, every one of us, that we do not see you in Court again. So we urge you to take advantage of the support you are going to be given and do your best to ensure that does not happen. 10. We make the restraining order in the terms sought by the Crown, having regard to the evidence of the Complainant in his statement. Authorities AG v Harben and Harben 2001/34 Harrison v AG

[2004] JCA 046 AG v Y

[2022] JRC 002 Criminal Justice (Young Offenders) (Jersey) Law 2014 Crime (Disorderly Conduct and Harassment) (Jersey) Law 2008 Page Last Updated: 07 Feb 2023 Back to top About JLIB Accessibility Contacts Disclaimer Feedback Privacy policy Site map © Jersey Legal Information Board 2001- This website is not compatible with your web browser. You should install a newer browser. If you live in Jersey and need help upgrading call the States of Jersey web team on 440099. BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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