

## **Information on Court Procedures for young people under 18**

### **What should I do if I have to go to Court?**

The first thing a young person should do when notified that they are to go to Court, is to get themselves a Solicitor. As most young people cannot afford to pay for a solicitor, they should be able to get legal aid, which will pay these fees. If, by the time they get to Court, a young person still does not have a solicitor, they should ask at the court for the duty solicitor, who will advise them.

When a young person arrives at the Court, they should first of all find the Usher who is organising the Court schedule for the day and inform them that they have arrived. If a young person is late, or fails to attend, it is taken quite seriously and will usually result in a Warrant for his or her arrest.

Young people should be careful to arrive in good time for their appearance, and should attend with a least one of their parents, or another appropriate adult (preferably a relative). The Magistrates will expect a parent to be in attendance, and if no one comes with a young person, the court may put the case off to a later date and send a Summons date, the Court can issued a Warrant for their arrest.

### **Who else will be in the Court and what do they do?**

#### **The Usher**

The Usher is the person who keeps a note of which defendants are present and which solicitor is representing them. They also decide which order people will be seen in, and this usually depends on Solicitors being available when the usher is ready to bring the case before the Court.

#### **The Clerk**

The Clerk is a legally qualified person, whose job it is to guide the Magistrates in matters of the law. Magistrates will expect the Clerk to explain and points of law to them, and to help with drawing up reasons for the decisions that they make about young people.

#### **The Prosecutor**

The Prosecutor is a Solicitor who represents The Crown Prosecution Service. He or she will usually speak first about the young person, telling the Magistrates about the alleged offence. (Remember – until a person pleads guilty or is found guilty at a trial, they are innocent in the eyes of the Law!) The Prosecutor will read from Police and witness statements when they tell the Magistrates about offences, and will make them aware of any previous convictions (but not until after a person is known to be guilty).

#### **The Defence**

The Defence is the solicitor who acts for a person accused of a crime. They will speak to the young person before going into Court, so that they are aware of the circumstance of the offence. It is important that solicitors know everything about any incidents, so that they can respond to any issues raised in court.

#### **The Youth Offending Service**

The Youth Offending Service will have a representative in the Youth Court to advise the Magistrates of any information that they have about the young person. The Youth Offending Service representative will inform the Court about a young person's compliance with previous sentences and any risk issues relevant to sentencing. They ensure young people are aware of the requirements of Orders, make arrangements

for assessment reports to be written and in some circumstance produce 'Stand Down' reports for the Court on the day of court. The person in Court will record court processes and outcomes so that a young person's progress through the Court system will be monitored.

### **The Magistrates**

Last, but no means least, are the Magistrates. Usually, the Magistrates (known as the 'Bench') will be people from the local community who have been asked to serve as Magistrates and to help with the dispensing of justice. They are not lawyers, but have been trained on how to be Magistrates by the Lord Chancellor's Department. They have specific rules that they have to abide by, and are guided through the process of dealing with offenders by a Justice's manual (they will each have a copy of this book) and the Court Clerk. There will usually be three Magistrates, but there can be occasions when there are only two.

If there is only one Magistrates sitting in the Court, this usually means that he or she is a 'District Judge' and is a legally qualified person themselves, meaning that they can sit on their own through the proceedings.

### **What will happen if I plead Guilty to an offence?**

If a young person pleads guilty, the Court has various options open to them, depending on whether or not the young person has been convicted before.

### **Custody**

If the Court decides to give a Referral Order, the sentence will be made that day. If the Magistrates think the offence(s) are so serious that a period of Custody (prison) is required, they will put the case off for the Youth Offending Service to prepare reports about the young person so that they can decide what sentence to give.

If a young person pleading has previous convictions, the Court has all of the sentencing option open to them. (How far up the sentencing options the Magistrates can go is dependant on the seriousness of the offence(s)).

If the Magistrates feel they can deal with the matters that day, there are several things they can do, including a Conditional Discharge, or a Fine, or an Attendance Centre Order. If they feel that a Youth Rehabilitation Order is more appropriate they will have to put the matter off for two or three weeks for a full Pre Sentence report to be prepared. This will be done by the Youth Offending Service, and will require the young person to attend interviews so that the report can be prepared in time for the next occasion in court.

### **What happens if I plead Not Guilty to an offence?**

In this case, the Defence and the Prosecution will probably ask for the case to be adjourned for a Pre Trial Review. This is simply a meeting between the two parties so that they can decide who they want to appear as witness at a trial. Usually they do not need the young person to attend court for these, but sometimes they do, so a young person should make sure that they know whether or not they are required for the next occasion.

At the actual Pre Trail Review, the Clerk of the Court will set a date for the trial. The Defence solicitor will then send a letter to the young person and their parents telling them when they have to come back to court.

On the day of the Trail the defence witnesses will be kept separate from the Prosecution Witnesses, and those who have been in court to give their evidence will

not be allowed to talk to the people who have not yet done this. This is so that the next witnesses cannot be warned about what is asked in the Court, as this would prejudice on their evidence.

Everyone who gives evidence at a Trial will be asked to promise on The Bible that they will tell the truth, the whole truth, and nothing but the truth. If people do not wish to promise in this way, perhaps they are not particularly religious, they can affirm that they will tell the truth. For people of other faiths, there is the opportunity to promise in the manner that their faith allows (for example, people of the Muslim faith can promise on the Koran).

The Prosecution will start the trial by telling the Magistrates what the Police say happened during the offence. They will question the Witness that they are dealing with at the time, and then the Defence will ask the questions that they want answered. Once this is done, the Magistrates may also have questions to ask. Once all of the Prosecutions case has been laid, the Defence will start their case by calling their list of witnesses. The process above will be gone through again, but this time defence gets to start first.

When all of this process has been gone through, the Magistrates will leave the Court to discuss all of the evidence that they have heard and to decide whether or not the young person is guilty. If they are found guilty, then the process described above for people who have previous convictions will be followed.