

QUESTIONNAIRE

The Young Offender in the Criminal Justice System

During the September 2006 Congress in Siófok, the Third Study Commission studied the problems of persons suffering from mental disorders who face criminal prosecutions. In furtherance of our study of different approaches and solutions to the unique problems faced by particular identifiable groups in criminal justice systems, we turn this time to the situation of young offenders (juvenile delinquents). We hope to integrate certain themes that evolved from our earlier discussion, in particular, the difficulties associated with balancing the necessity of imposing societal norms of accountability and the objective of identifying and responding to the particular needs of accused persons whose faculties or levels of responsibility are diminished. In gathering the responses to this questionnaire, and then summarizing the main lines of discussion at our next session in Trondheim, Norway, we hope to (i) develop a deeper knowledge of the problems concerning young offenders within criminal justice systems; and (ii) study solutions that might usefully and effectively meet their particular needs.

1. **Young Offender Legislation:** Do special legislative provisions exist in your justice system for offenders who are not adults? ☐ yes ☐ no

If yes, please indicate to which age group they apply (for example, ages 12-17):

2. **Publication Bans:** In your justice system applicable to young offenders, do legislative provisions exist that prohibit the publication of information that may disclose the identity of adolescents charged with offences? ☐ yes ☐ no

If yes, does the legislation provide for exceptions? ☐ yes ☐ no If yes, what are they?

3. **Recourse to Alternative Measures:** In your justice system, do alternative measures programs exist for young offenders for the purpose of avoiding penal consequences? ☐ yes ☐ no

If yes, at what stage in the proceeding are these programs available? (i) in the discretion of the investigating officer at the initial investigation stage; (ii) in the discretion of the prosecutor after a charge is laid; (iii) in the discretion of the investigative judge during the pre-trial investigation;

(iii) in the discretion of the judge at trial? _____

If yes, on what basis?

4. *Transfer of Young Offender to the Adult Criminal Justice System:* (a) Is such a transfer provided for in your justice system, for example, for certain serious offences or in situations of repeat offences? ☐ yes ☐ no

If yes, in what circumstances? _____

If yes, at what ages (for example, between ages 16 and 18)?

(b) **If yes**, are the maximum sentences the same as for those provided for an adult found guilty of the same offence? ☐ yes ☐ no

If no to question (a), please explain:

5. *Type of Sentence Imposed on Offenders between 18 and 21 Years of Age:* Does your justice system provide special sentencing/treatment options for these offenders? ☐ yes ☐ no

If yes, what are they? _____

6. **Purpose of Sentencing:** What are the principles that govern the imposition of sentence on a young offender in your justice system? How do these principles vary from the principles that govern the imposition of sentence on an adult? Does general deterrence play a role in the imposition of sentence on a young offender? In what circumstances does a court consider imposing a sentence of incarceration on a young offender?

7. **Mental illness:** Are there special provisions in your justice system to address the particular problems of the young offender suffering from a mental disorder? ☐ yes ☐ no

If yes, please describe them:

Thank you! Your responses will be gathered for the purposes of discussion at the meeting of the Third Study Commission in Trondheim scheduled for the fall of 2007.