

STATES OF JERSEY



DRAFT CRIMINAL JUSTICE (YOUNG OFFENDERS) (JERSEY) AMENDMENT NO. 2 LAW 202- (P.110/2025): COMMENTS

**Presented to the States on 19th January 2026
by the Children, Education and Home Affairs Scrutiny Panel**

STATES GREFFE

COMMENTS

The Children, Education and Home Affairs Scrutiny Panel (the ‘Panel’) was briefed by the Minister for Justice and Home Affairs, the Minister for Children and Families, and Government officers about the early plans for the Draft Criminal Justice (Young Offenders) (Jersey) Amendment No. 2 Law 202- (the ‘Amendment Law’) on 20th May 2025 and was provided with a further briefing prior to lodging by the Minister for Children and Families and Government officers on 26th September 2025. The Panel had also met with the Children’s Commissioner for Jersey on 26th June 2025 where the discussion included the subject of youth justice and remand.

Purpose of the Amendment Law

As detailed in the report accompanying the proposition, the purpose of the Amendment Law is primarily to amend the Criminal Justice (Young Offenders) (Jersey) Law 2014 to introduce a mechanism in the law for children or young people serving a sentence in secure accommodation at Greenfields to have access to temporary or early release.

Temporary or early release is something which is accessible to individuals over 18 years of age serving a sentence in La Moye prison, however, the fact that this was unavailable for children and young offenders under the age of 18 where they were held in other secure accommodation (which in Jersey is Greenfields secure home). This has resulted in younger offenders being effectively treated more severely by the law than offenders over the age of 18. The Panel was advised that there have been cases where a child or young person wants to move to, or stay at, the adult prison rather than be accommodated in Greenfields because they were aware of the disparity and the impact it would have on the length of their sentence. The Panel heard from Ministers and the Children’s Commissioner about the importance of changing this position.

The Panel was advised that one of the main benefits of permitting early or temporary release was that it allowed the individual a gradual transition from the secure environment back into the community. As highlighted in the report accompanying the proposition, additional evidence supporting the Amendment Law includes the adoption of the United Nations Convention on the Rights of the Child (UNCRC), the Havana Rules, and other Jersey-specific reports, all of which stress the vital importance of preventing children and young people from being deprived of their liberty.

The Amendment Law will also make small consequential amendments to the:

- Criminal Justice (Young Offenders) (Placement Panel) (Jersey) Regulations 2016, in order to extend the scope to decisions of the Panel under articles of the Amendment Law. The process for appeals against for decisions of the Placement Panel will also change slightly;
- Criminal Procedure (Jersey) Law 2018 amended, will update the definition of “Youth Court Panel” to align with the Amendment Law;
- Prison (Jersey) Law 1957 (the ‘Prison Law’) amended, will update Articles 17, 29 and 30 to clarify that the Prison Law does not apply to young offenders who are unlawfully at large, as this is now covered by the schedule in the Amendment Law; and
- Prison (Jersey) Rules 2007 amended, will remove some references to youth detention which are replaced by the new schedule in the Amendment Law.

Points to note

Consultation

Following the lodging of the Amendment Law, the Panel wrote to the Minister for Justice and Home Affairs, as the proposer, to ask some further questions about the planned changes. The Panel was particularly interested in the consultation that had taken place with the Jersey Probation and After-Care Service ('JPACS') and the consideration of the operational impact on the Children's Service. The Minister for Justice and Home Affairs confirmed that JPACS had been consulted and "instrumental" throughout the development of the Amendment Law. It was confirmed that they would anticipate some additional work in assessing young people for early release and supervising them in the community, however, the Minister advised that JPACS were confident that they could absorb this work within their current resources.

Operational Impact

Furthermore, regarding the operational impact on Children's Services, the Panel was advised that they were aware of the content and changes and, in any cases with children and young people would work with them to ensure their best interests. It was also confirmed that, when if the Amendment Law was adopted, work would be undertaken with key stakeholders to develop guidance ahead of commencement.

Building a Safer Community

The Panel also asked how the changes aligned with the Building a Safer Community Framework ('BASC') and was advised that the Amendment Law directly delivers on the action in the BASC Youth Justice Roadmap to deliver on the law which would *"allow remission, temporary release, and safeguard the rights of children and staff."*¹ The Minister for Justice and Home Affairs also advised that it also supported the BASC action to *"establish effective practices to help children transition from custody back into the community and become active citizens."*²

Lack of Data

The Panel noted that the report and the Children's Rights Impact Assessment accompanying the proposition highlighted that the number of people in youth detention was low and asked for data from the last five years to indicate the number of individuals impacted by these circumstances. The Minister for Justice and Home Affairs acknowledged that there was *"a lack of reliable information in this area"*³ but advised that better coordination of data formed part of the BASC work in future. The Minister did provide the Panel with the following table, indicating numbers:

¹ [Letter](#) – Minister for Justice and Home Affairs to CEHA Panel – 9th January 2026

² [Ibid](#)

³ [Ibid](#)

Year	Youth Court	Royal Court	Total
2021	3	6	9
2022	2	8	10
2023	4	7	11
2024	4	5	9
2025	5	2	7

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Change of Ministerial responsibility

The Amendment Law will also change the Ministerial remit of the Criminal Justice (Young Offenders) (Jersey) Law 2014 from the Minister for Justice and Home Affairs to the Minister for Children and Families. The Panel was advised that this aligned with the child first principle, as set out in the Youth Justice Child-First Roadmap for Jersey. Any child or young person who was placed in a secure children's home would have a 'looked after children' status and it was therefore appropriate to make the change of political responsibility in this way.⁵ The Panel is supportive of this change and notes that the Minister for Justice and Home Affairs will maintain the key responsibilities for the prison estate, including the power to provide a young offenders institution.

Timing for commencement

The Panel was advised that, if approved by the States Assembly, the Amendment Law will come into force as soon as possible but, as commencement will happen via Ministerial Order, there would be some flexibility to ensure the readiness of stakeholders.

Conclusion

The Panel supports the adoption of the Amendment Law and recognises its role in reinforcing evidence and guidance that will bring Jersey's approach to children and young people further in line with international best practice.

Statement under Standing Order 37A

These comments were submitted after the noon deadline due to other conflicting priorities and workload. The Panel apologises for the delay.

⁴ [Ibid](#)

⁵ [Ibid](#)