

## **Young Offender**

### **YOI ADJUDICATIONS**

#### **Independent Adjudicator's Punishment Guidelines for YOI**

##### **15-17 years**

1. Adjudicators should first decide the starting point for the punishment. This starting point will normally be within the guideline range. The starting point suggested is for a young offender (i) with no previous findings of guilt on adjudications and (ii) following a not guilty plea.
2. The starting point should be increased to reflect any aggravating features of the offence itself and of the offender (such as previous findings of guilt) to ascertain the provisional punishment.
3. The starting point may exceed the range if the aggravating features justify this in which case the Adjudicator should make a written entry on the punishment sheet (DIS7) explaining why the punishment is outside the guideline range.
4. The provisional punishment should then be adjusted to reflect any personal mitigating factors.
5. Having thus ascertained the provisional punishment that takes into account all aggravating and mitigating factors the punishment should then be reduced by a third to reflect a discount for a TIMELY plea of guilty if that has been entered.
6. There is a power to suspend additional added days not exceeding 6 months. You should state your reasons for suspending the term imposed
7. In all cases the IA should consider the imposition of loss of privileges, as an additional punishment. In particular when dealing with the most serious charges and repeat offenders.
8. YOI – 18 – 20 year olds - 20% deduction from adult guidelines already calculated below.
9. YOI – 15 - 17 years sliding scale of a further 20% (maximum of 40% in total) to the Sentencing Guidelines – already calculated below

**When sentencing children or young people (those aged under 18 at the date of the finding of guilt) a court must have regard to:**

- **the principal aim of the youth justice system (to prevent offending by children and young people); - s.37(1) Crime and Disorder Act 1998**
- **the welfare of the child or young person - s.44(1) Children and Young Persons Act 1933**

[Note: These Guidelines only apply to added days. Independent Adjudicators may award any other punishment(s) available by virtue of Rule 60 (1) instead of or (with the exception of a caution) in addition to, added days but must, if additional punishment is imposed, bear in mind proportionality.]

Rule 55 Para.	Disciplinary Offence	Starting Point (Days)	Range of Added Days
1.	Commits any Assault: (a) Upon staff: Push Deliberate blow Spitting Weapon used Sustained attack  (b) Upon inmate: Push Deliberate blow Spitting Weapon used Sustained attack	5 18 18 24 21  3 10 10 21 21	3 - 10 13 - 26 13 - 26 21 - 26 19 - 26  2 - 6 6 - 19 6 - 19 19 - 26 19 - 26
1A.	Commits any assault aggravated by a protected characteristic	+ 4	+ 4
2A	Commits any sexual assault	22	18 - 26
2B	Exposure or indecent or obscene act	11	8 - 17
2C	Sexual harassment	17	12 - 26
3.	Detains any person against his will.	21	18 - 26
4.	Denies access to any part of the YOI to any officer or other person (other than an inmate) who is at the YOI for the purpose of working there. [Dependent on duration & disruption] (i.e. Barricade)	18	12 - 26
5.	Fights with any person.  (4a) Multiple Participants (4b) If Sustained Attack	9  18 21	4 - 18  12 - 21 19 - 26

6.	Intentionally endangers the health or personal safety of others or, by his conduct, is reckless whether such health or personal safety is endangered. [Dependent on duration & disruption]  Intentional: Reckless:	21 13	18-26 9-21
7.	Intentionally obstructs an officer in the execution of his duty, or any person (other than an inmate) who is at the YOI for the purpose of working there, in the performance of his work.	9	2 - 19
8.	Escapes or absconds from any a YOI or legal custody.  Escapes: Absconds:	20 14	18 – 26 9 – 26
9.	Fails to comply with any conditions upon which he is temporarily released under Rule 5.	8	9 - 19
10.	Is found with any substance in their urine which demonstrates that a controlled drug has been administered to him by himself or by another person.  Class A: Class B/C: Non-prescribed medication:	22 11 11	19 – 26 6 – 18 6 – 18
11.	Is intoxicated as a consequence of knowingly consuming any alcoholic beverage.	10	6 - 19
12.	Consumes any alcoholic beverage whether or not provided to him by another person.	10	6 - 19

13.	<p>Has in his possession:</p> <p>(a) any unauthorised articles, or</p> <p>(b) a greater quantity of any articles that he is authorised to have.</p> <p>Non-prescribed medication: [including “legal highs”]</p> <p>Weapons:</p> <p>Class A drugs:</p> <p>Class B/C drugs:</p> <p>Item to cheat MDT:</p> <p>Smartphone</p> <p>Camera ‘phone:</p> <p>Mobile ‘phone and/or</p> <p>Accessory <u>and</u> USB devices:</p> <p>Alcohol / Fermenting Liquid</p> <p>Other item:</p>	<p>11</p> <p>21</p> <p>24</p> <p>11</p> <p>24</p> <p>26</p> <p>24</p> <p>20</p> <p>20</p> <p>8</p>	<p>6 - 18</p> <p>22 - 26</p> <p>21 – 26</p> <p>6 – 13</p> <p>21 – 26</p> <p>21 - 26</p> <p>21 – 26</p> <p>18 – 26</p> <p>18 – 26</p> <p>3 – 19</p>
14.	Sells or delivers to any unauthorised person any unauthorised article.	15	6 - 26
15.	Sells or, without permission, delivers to any person any article which he is allowed to have only for his own use.	6	3 - 13
16.	Takes improperly any article belonging to another person or to a YOI.	18	6 - 26
17.	<p>Intentionally or recklessly sets fire to any part of a YOI or any other property, whether or not his own.</p> <p>Intentionally:</p> <p>Recklessly:</p>	<p>22</p> <p>16</p>	<p>19 – 26</p> <p>9 - 22</p>
18.	<p>Destroys or damages any part of a YOI or any other property, other than his own.</p> <p>Intentionally:</p> <p>Recklessly:</p>	<p>20</p> <p>13</p>	<p>19 - 26</p> <p>9 – 22</p>
19.	Causes damage to or destruction to and part of a YOI or any other property, other than his own, when aggravated. By a protected characteristic	+4	+ 4

20.	Absents himself from any place he is required to be or is present in any place where he is not authorised to be.	10	6 - 26
21.	Is disrespectful to any officer or other person (other than an inmate) who is at the YOI for the purpose of working there, or any person visiting a YOI.	6	3 – 13
22.	Uses threatening, abusive or insulting words or behaviour.	9	3 – 19
23.	Uses threatening, abusive or insulting words or behaviour demonstrating hostility based on a protected characteristic.	+4	+4
24.	Intentionally fails to work properly or, being required to work, refuses to do so.	6	3 – 13
25.	Disobeys any lawful order: MDT: Other:	22 10	19 – 26 6 – 19
26 & 26A	Disobeys or fails to comply with any rule or regulation applying to him (inc failure to comply with Payback Punishment)	3	2 – 9
27.	Receives any controlled drug, or without the consent of an officer, any other article during the course of a visit (not being an interview such as is mentioned in Rule 16).	24	19 - 26
28.	Displays, attacks or draws on any part of a YOI or on any other property, threatening, abusive or insulting words, drawings, symbols or other material demonstrating hostility based on a protected characteristic.	18	11 - 26

29.	(a) Attempts to commit, (b) incites another inmate to commit, or (c) assists another inmate to commit or to attempt to commit, any of the foregoing offences.	The days awarded will be the same as the substantive offences above.	The days awarded will be the same as the substantive offences above.
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\*\* protected characteristics are age, disability, gender, marriage and civil partnership, pregnancy and paternity, race, religion or belief, sex and sexual orientation – s.4 Equality Act 2010