



**Public
Prosecution
Service**

Guidelines for the Prosecution of Young People

Prosecuting Cases Involving Young People Under 18 Years

Information Booklet (1 of 4)



WHAT IS THE PUBLIC PROSECUTION SERVICE?



The Public Prosecution Service, often referred to as the PPS, is an independent organisation which makes decisions on whether or not to prosecute people for committing crimes such as theft, assault or murder.

When a person is suspected of committing a crime, the police will carry out an investigation and collect evidence. Once the information has been collected the police will pass the file to the PPS to decide whether the person should be prosecuted or not.

WHAT DOES 'PROSECUTION' MEAN?



Prosecution is the act of taking legal action in court against a person accused of a crime.

WHO MAKES THE DECISION?



Decisions on prosecution are made by public prosecutors who are lawyers.

The PPS have a special team of youth prosecutors who deal with all cases where a young person has been accused of committing a crime.

HOW DO THE PPS DECIDE WHETHER TO PROSECUTE?



The PPS apply the Test for Prosecution when making decisions. This will involve looking at all the information provided to them by police. The test is in two parts:

1. Evidential Test

The prosecutor decides whether there is enough evidence to prove that a crime has been committed.

2. Public Interest Test

To decide whether prosecution is in the public interest, the prosecutor looks at a number of things such as the personal circumstances of the young person and whether a prosecution is likely to be harmful to their future. The interests of the other people involved in the incident, such as the victim, are also taken into account.

WHAT HAPPENS WHEN A DECISION HAS BEEN MADE?



The prosecutor will make a decision as quickly as possible. The young person and their parent(s) or guardian(s) will be advised of the decision which will be one of the following:

- A decision to prosecute.
- A decision not to prosecute.
- A decision for diversion.

A decision to prosecute

When a decision to prosecute has been made, a summons will be sent out to the young person.

A summons is an Order that tells the young person that they must appear before or provide evidence to a court.

A decision not to prosecute

If the prosecutor decides that there is not enough evidence in a case, or that it is not in the public interest to prosecute, a decision for no prosecution will be taken. The young person and their parent(s) or guardian(s) will be told of the decision in a letter.

A decision for diversion (See Booklet 2 for more information)

Diversion is a way of dealing with a young person who has committed a crime which means that they do not have to attend court. There are different types of diversion which include:

- Restorative Caution.
- Informed warning.
- Diversionary Youth Conference.
- Community Based Restorative Justice.
- Immediate caution.

When a decision has been made to use a diversion, the young person and their parent(s) or guardian(s) will be informed of the decision in a letter.

WHAT HAPPENS IF I AM PROSECUTED?



If the PPS have made a decision to prosecute, the young person will attend a Youth Court to have their case dealt with.

A Youth Court is made up of a 'District Judge', and two Lay Magistrates. Lay Magistrates are members of the community who are not lawyers. The Youth Court will deal with all young people under the age of 18 years.

If the young person is found guilty of an offence, the offence will be recorded on a criminal record.

Legal advice

Independent legal advice is available and can be provided by a solicitor to all young people, from the beginning until the end of their case.

Further information can be found in the PPS's Guidelines for the Prosecution of Young People on the PPS website at www.ppsni.gov.uk 

