



**Public
Prosecution
Service**

Guidelines for the Prosecution of Young People

Prosecuting Sexual Offence Cases Involving Young People
Under 18 Years

Information Booklet (4 of 4)



WHAT HAPPENS WHEN A YOUNG PERSON IS ACCUSED OF COMMITTING A SEXUAL OFFENCE?



Where this happens the prosecutor must balance the public interest in prosecuting with the best interests of the young person who has been accused of committing the offence.

Where a young person has been accused of a sexual offence, and the prosecutor decides that there is enough evidence, careful consideration must be given to the public interest. This will mean looking at the personal circumstances of the young person and the interests of the other people involved, such as the victim (Booklet 1 has more information on this).

Some of the public interest factors the prosecutor may think about include:

- The age and understanding of the young person.
- The age and understanding of the victim.
- Whether the offence has taken place in the family home.
- The ages of the parties.
- Whether the victim entered into sexual activity willingly.
- Whether there was a relationship between the young people.
- Whether the actions could be considered to be part of adolescent development.
- Whether there is any threat or deception in the relationship.
- Whether the young person has been subjected to any exploitation, grooming, threat, deception or other pressure by another person.
- The psychological or physical harm caused by the young person.

WHAT IS CONSENSUAL SEXUAL ACTIVITY?



Young persons who are of the same or a similar age and understanding may not always need to be prosecuted, provided that the activity is 'consensual' (they both agree to it) and there are no worrying features such as force or threats being used. In cases like this, a satisfactory outcome may be achieved by providing education for the young person and providing them and their families or guardians with access to advice and support services.

A diversionary option may also be considered in such cases (Booklet 2 has more information on this).

SOCIAL MEDIA AND 'SEXTING'



Sexual offences may be committed using social media or by other types of electronic communication, for example by sharing indecent images. Where the images are of children or young people, these are very serious offences.

'Revenge pornography' is where sexual images are publicly shared online without the agreement of the person in the picture. The sharing of images in these circumstances is a criminal offence.

In taking decisions in cases where, for example, a young person has sent an indecent image of themselves to another young person (often referred to as 'sexting'), prosecutors must think about a range of public interest factors, such as:

- The age of the young people involved.
- The relationship that exists or existed at the time.
- The number and type of images.
- The nature of the image(s).
- Whether the image was sent to others and whether this was with the agreement of the sender.

WHAT ARE SEXUAL OFFENCES PREVENTION ORDERS (SOPOS)?



In certain cases a court may make a Sexual Offences Prevention Order (SOPO). The purpose of these orders is to manage the risk the young person poses and to protect the public from serious harm.

WHAT ARE NOTIFICATION REQUIREMENTS?



In very serious sexual offence cases, the young person may be placed on the Sex Offenders Register.

The period of time that the young person will be subject to this depends on the sentence at court. The period is calculated from the date of conviction. The length of the order is halved for young people.

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

