

SUPREME COURT
THE JUDICIARY
REPUBLIC OF PALAU

P.O. Box 248 Koror, Palau 96940
Telephone: Koror : (680) 488-2607/4979/3331 or
Capitol: (680) 767-2330/2482/2607
Facsimile: Koror (680) 488-1597 or
Capitol: (680) 767-2606
E-mail address: judiciary@palausupremecourt.net

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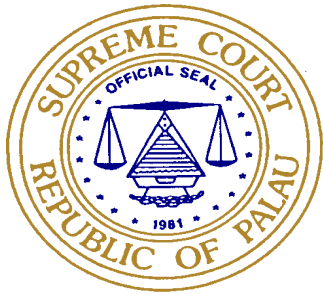
Palau Judiciary and Juvenile Cases 2010-2016

*(It is our duty at the Judiciary to inform the people what we do.
This Press Release is one way to achieve that responsibility.)*

Background

In 2011, the Palau Judiciary with support from the Pacific Judicial Development Programme, reviewed juvenile citation cases filed in 2010 in the Court of Common Pleas and found that 112 of 125 children (90%) were found guilty of the citation charges. 46 of these 112 children (41%) were incarcerated in the Koror jail where there were not separate facilities for children. Two thirds of these 112 children served a 24 hour sentence in the Koror jail and 25% served sentences of between 5 to 90 days.

Under the Penal Code that came into force in 2014, the court may withhold the accused person' s guilty plea and defer the court proceedings on certain conditions. Upon completion of the deferral period and compliance with the



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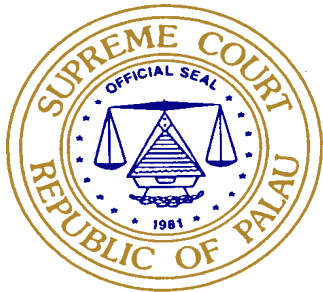
conditions imposed, the court will discharge the accused and dismiss the charge.

The discharge and dismissal of the charges will be without adjudication of guilt, eliminate any civil admission of guilt, and is not a conviction. This process is known as deferred adjudication.

The deferred adjudication procedure can be used in cases in which the court determines that justice and the welfare of society do not require that an accused incur the penalty imposed by law. The procedure cannot be used in serious offences against the person.

What Has Changed?

In 2016, there were 34 juvenile citation cases filed in the Court of Common Pleas with the age of the 31 boys and 3 girls ranging from 12 to 17 years of age. In 31 of these juvenile cases (91%) the deferred adjudication procedure was used. The Public Defenders Office represented all juveniles. As a result 9 out of 10 children who were charged with criminal citations in 2016 do not have a criminal conviction that could have a negative impact on their lives. This compares with 90% of the 112 children in 2010 who were found guilty of the criminal citation



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charges and have a record of their juvenile delinquency. In addition, 46 of these 112 children were placed in the Koror jail as part of their sentence.

The change in the way that children' s cases are handled in Palau from 2010 to 2016 results from a Memorandum of Understanding on Juvenile Proceedings between the Attorney-General' s Office, Public Defenders Office, Bureau of Public Safety and the Palau Judiciary.

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