

CONFERENCES

For more serious offences a young offender might be referred to a youth justice conference. As with cautions, the young offender will have to admit the offence and agree to the conference.

Youth justice conferences do not apply to very serious crimes (such as murder, sexual offences and drug trafficking). These matters would be dealt with by a court.

At a conference, the offender meets with their victim. They discuss the effect of the crime. Together, they must agree on a suitable outcome plan. This may include an apology, the offender doing something that repairs the damage done to the victim or community work.

If the offender and the victim do not agree to an outcome plan, or if the offender does not turn up at the conference, police can refer the matter to court.

Persons who can attend a conference can include:

- The young offender;
- Their family and extended family members;
- Their legal representative;
- The arresting officer;
- The victim or their representative;
- An interpreter or specialist required to assist with communication.

IMPORTANT CONTACTS

- The Youth Liaison Officer at your local police station
- The Conference Administrator at your local Juvenile Justice Community Services Offices at:

Sydney /Central Coast - Haymarket, Chatswood, Fairfield, Blacktown, St Marys, Gosford

Northern NSW - Armidale, Kempsey, Broadmeadow, Lismore

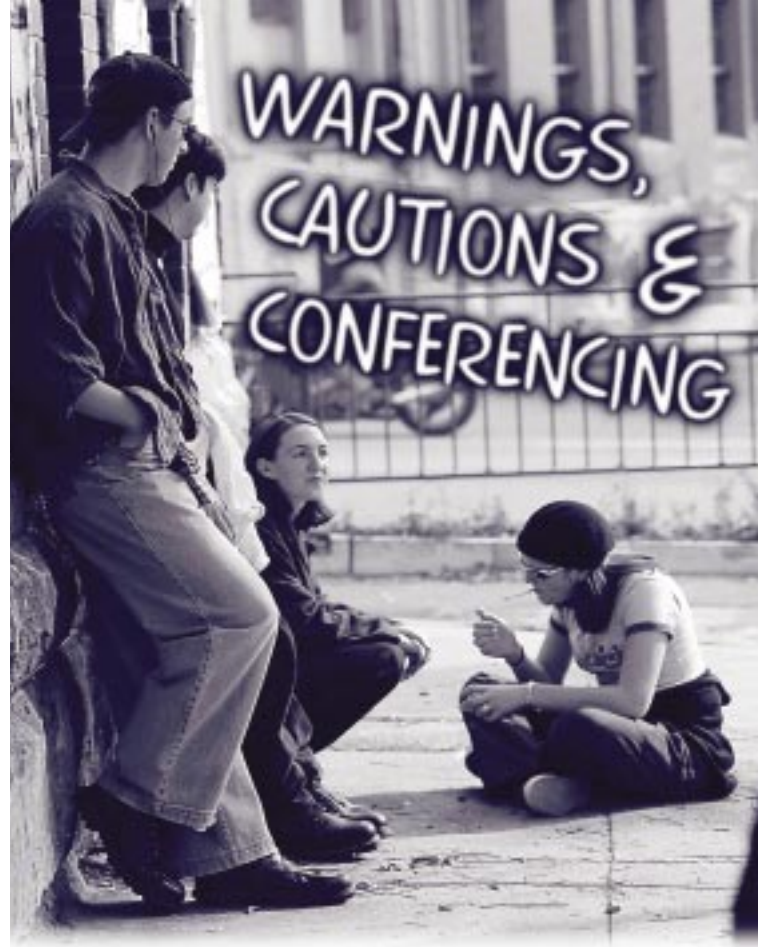
Southern NSW - Queanbeyan, Wollongong, Campbelltown

Western NSW - Orange, Wagga Wagga, Dubbo.

- Attorney-General's Department



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YOUNG OFFENDERS ACT 1997

INTRODUCTION

The Young Offenders Act 1997 commenced on 6 April 1998. The Act changed the way that police and the justice system deal with young people who have offended. It aims to divert young people away from the formal justice system (e.g. court). It achieves this through warnings, police cautions and youth justice conferences.

By involving families and victims in face to face conferences, young offenders can:

- take responsibility for their actions.
- make amends in some form to the victim
- develop in a responsible, positive and socially acceptable way

THE ACT

- Involves victims and their families in the conference process
- Makes the juvenile justice system more responsive to individual needs
- Reduces time and costs in the court system and the human costs of too many young people in detention
- The Act empowers communities to deal with their young people.

HOW IT WORKS

Under this system, there are four ways to deal with an offence. Warnings apply for the least serious offences, moving up to cautions, conferences and finally court for the most serious offences.

Specialist Youth Officers are at each local area command. They can administer cautions, refer young offenders to conference or court, and provide information and advice on juvenile justice issues. They can also attend conferences.

Conference Administrators take referrals from Specialist Youth Officers, the Director of Public Prosecutions or the court and appoint conference convenors to run conferences in local areas.

How a young person is dealt with depends on the type of offence, its seriousness, the amount of violence involved and the harm caused to the victim.

WARNINGS

Warnings apply for trivial offences, (e.g. swearing in public) where there has been no violence or other related issues.

A warning might be delivered in the following way:

“My name is Constable I am from Local Area Command. You have been heard to be swearing in an offensive manner. I am warning you under the provisions of the Young Offenders Act for this matter. I am required to record your details (name, address and date of birth). A record of this warning will also be kept on the police computer system. However, it cannot be used as a record of criminal history. Any further offending behaviour could result in formal action being taken. Do you understand? Do you have any questions?”

CAUTIONS

Cautions apply to more serious offences such as damage to property and stealing. To receive a caution, the young offender must admit the offence and agree to be cautioned.

Police will assist the young offender to access legal advice prior to being interviewed in the presence of an appropriate adult (parent/carer, adult nominated by parent/carer or young person if over 16 years, legal representative).

With a caution, the young person meets a police officer or community member at the police station and considers what they have done. An adult responsible for the young person must be present during the caution.

Cautions can take up to an hour and may involve a written apology to the victim. A caution will generally involve the following steps:

- Introductions.
- Explanation of the reason for the caution.
- Exploration of the offence - what happened; why; impact of offence on young person, family or support people, victim and community; and consequences of future offending.
- Cautions for drug matters might include discussion of health, social and legal implications of illicit drug use and the provision of written information.
- Identify how to avoid future offending and acknowledge that a formal police record exists for the matter.

