

Sentencing: **The Options**

If all three were charged with stealing, and the prime suspect was charged with the extra offence of common assault, as long as the three offenders had no prior record and they accepted that they had committed the offences, they could be:

- a. Cautioned by the Police;
- b. Referred to the Juvenile Justice Team by the Police; or
- c. Charged with stealing and common assault and be given a notice to attend at court.

Sentencing: **Juvenile Caution**

A *Juvenile Caution* is a way for the police to deal with a young person who has committed an offence, without charging him/her. A *Juvenile Caution* is like a written warning. It can be used when the circumstances of the offence are not serious. A *Juvenile Caution* does not count as a criminal conviction and it does not show up on a criminal record or a court record. It does, however, show up on the police database. Getting a *Juvenile Caution* means that the young person does not have to go to court for that offence.

In the *Cluedunnit Kids 2021* scenario, the two suspects who could be charged with the stealing offences would be likely to be given *Juvenile Cautions*.

Sentencing: Referred to Juvenile Justice Team by Police

A referral to the Juvenile Justice Team by the Police can be made when a young person commits an offence and accepts responsibility for the offence. It is an alternative to being formally charged and having to go to court.

The purpose of a Juvenile Justice Team referral is for the young person to accept responsibility for their behaviour and to ensure that they have appropriate support so they do not get into more trouble in the future.

The Juvenile Justice Team is generally made up of:

- The young person who has committed the offence.
- A responsible adult for the young person - usually a parent or a relative.
- A Police Officer.
- A Youth Justice Officer (a person who works with young offenders in the community).
- The victim of the offence if s/he wishes to attend.

The Juvenile Justice Team has a meeting and the members of the Team talk about what the young person has done. If the victim attends, s/he can tell the young person how the offence affected and hurt him/her. The team members then agree on an action plan which needs to be completed by the young person.

The action plan might involve:

- an apology (saying sorry) to the victim (either written, or in-person - if the victim attends the Juvenile Justice Team meeting);
- repairing or replacing damaged property;
- making a donation to a charity;
- talking to a counsellor;
- doing something for the victim to make up for the offence.

The young person has time to complete the action plan. If the plan is completed then the offence is finished and there is no record of it on any criminal or court record. It does, however, show up on the police database.

If the action plan is not completed, then the young person gets a Notice to Attend the Children's Court and a formal charge is created which needs to be dealt with by the court.

Sentencing: Charged with Stealing and Common Assault and Given a Notice to Attend Court

When a young person attends at court charged with offences such as those committed by the *Cluedunnit Kids 2021* prime suspect (aka the Principal Offender), if s/he has no prior court record and accepts responsibility or pleads guilty to the offences, s/he may be referred by the Court to the Juvenile Justice Team.

The process, once a court referral to the Juvenile Justice Team is made, is the same as for a Police referral.

The young person must attend a Team meeting and then complete an action plan. If the action plan is completed then the offence is finished and there is no conviction recorded. This means that the young person does not have a 'criminal record'. The Young Person does not have to go back to the Children's Court. The offences do, however, show up on the Police database and court sentencing records and they may be considered by the Court if the Young Person re-offends again in the future.

If the action plan is not completed, then the young person gets another Notice to Attend the Children's Court, and the Court considers how the charges should be dealt with by imposing other penalties.

The Principal offender (the *Cluedunnit Kids 2021* prime suspect) could be referred to the Juvenile Justice Team by either the Police or by the Court. It would give that person a chance to say sorry to Mr Lou Pin for spraying him with the fire extinguisher.

As part of the action plan, the Principal offender might also be required to:

- do some weeding at the community garden and tidy the shed;
- Other work at PLANT; or
- go to a Youth Legal Service Law Talk, to find out more about how s/he should behave if spoken to by the Police and how to avoid getting into trouble again in the future.

Creative Submission: **Your Task**

Using the details provided, you and your team mates must agree on the most suitable sentencing options for each of the offenders.

Include details on your recommended sentences for each offender in your creative submission.

Remember: The sentence must be appropriate to the circumstances of the offence and the offender's personal circumstances. Be creative with your sentencing, however do keep in mind that the sentences must be appropriate.