

Alternatives for Young People involved in the Court Process

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A lawyer can help by:

- Giving you some advice about your situation
- Speaking to the Court on your behalf
- Explaining the Court process to you.

? Do I have to go Court?

If you are a young person (that is, between the ages of 10 and 17 years old), who has been spoken to by Police in relation to an offence, there are a few alternatives to going to Court

You may be eligible for an informal caution, a formal caution or a community conference.

These alternatives are available to you as a young person in certain situations and mean you do not need to go to Court when you are accused of an offence.

? What is an “Informal Caution”?

Informal cautions are a warning Police give to a young person who has admitted to having done an offence.

They are used when a Police officer decides that an offence:

- Was committed by a young person, and
- Is not serious enough to require the young person to come to Court, and
- Requires that the young person needs to be cautioned against committing further offences, and
- Is admitted by the young person.

If you receive an informal caution you do not need to attend Court and there are no further penalties.

Informal cautions are used for minor offenses such as riding a bike without a helmet or possessing alcohol in public.

? What is a “Formal Caution”?

A formal caution is more serious than an informal caution. It will be a written record of what you have done, and this will be recorded by Police so that if you commit another offence the Police and Courts will be aware that you have received a formal caution. If you have received a formal caution and later do something similar, the earlier offence recorded in the formal caution will be taken into account when considering a penalty.

A Police Officer can decide to give you a formal caution if:

- You are a young person
- The Police Officer decides that the offence requires a formal caution rather than an informal caution
- You have signed a written admission
- You have agreed to be formally cautioned.



? What penalties can I receive if I get a “Formal Caution”?

There are several penalties that the Police can make if they give you a formal caution:

- The victim of your offence may be present when the Police Officer gives you the caution
- You may be required to pay compensation for any property you have damaged or any injury or loss you have caused to a victim of the offence
- If you are 13 years old or older you may be required to complete community service for the benefit of the victim (such as cleaning off graffiti or fixing the damage you caused)
- You may need to apologise to the victim of your offence.

The Police Officer may ask you to make an “undertaking”, which is a type of legal promise, that you will complete your punishment. If you break that promise you can be prosecuted for the original offence in Court.

? What do the Police need to do if I get a “Formal Caution”?

A Police Officer who gives you a formal caution must, if possible, make sure you have a guardian or responsible adult present.

The Caution must be in writing and give you details of:

- the offence that has been committed
- the Police Officer’s name
- the place where the caution was administered
- the names of the other people present
- any effect the caution and details of any undertaking you may have made.

? What is a “Community Conference”?

If the Police Officer that you are dealing with believes that the offence is too serious for you to receive a formal caution they may offer you the opportunity to take part in a “Community Conference”. A Community Conference is a meeting between several interested parties and can include a facilitator, a youth worker, some of your relatives, your victim, senior members of your community, the Police Officer who required the conference and any other person that the facilitator believes would be helpful. You will be able to bring along a support person to the conference.

? What happens at a Community Conference?

The group will discuss the offence, the surrounding circumstances and what penalty you should receive as a result of your actions. You can receive similar punishments at a community conference as you do with a formal caution but they can be slightly more serious. You, your victim and the Police officer must all agree on a punishment before it can be imposed.

The aim of a community conference is to get you to discuss the offence with all the other people who were affected by it and get you to take responsibility for your actions and try to avoid the same things happening.