

## Evaluate the effectiveness of Young offenders of the law in regards to alternative punishments for our youth.

If a young person is found guilty, they can face punishments, which are less harsher than that of adults, such as fines, but only to a maximum of \$1000 and community service up to 250 hours. However, the issues associated with this are that court exposure results in an increased likeliness for offenders to reappear again, Indigenous youth are twice as likely to be sent to court (according to the Noetic Review 2010), fines are not a deterrent for poor people, 48% of the juvenile justice budget is spent in keeping offenders in custody and Indigenous youth are 17 times more likely than non-Indigenous to be under supervision or in detention.

Two controversial issues associated with fines and control orders, include that fines do not rehabilitate a young offender, with the NSW Sentencing Council claiming that most fines go unpaid, which results in larger fines, and eventually a lengthy court proceeding. Also, it costs \$624 per day to keep a juvenile offender in detention, with the NSW Children's Court Report concluding, "No association is found between the imposition of a custodial penalty and post-sentence reoffending." This is advantageous though, as there has been a 14% decrease between 10-17 year olds under supervision or in detention, according to ABC News 2014. However, Indigenous kids are now 17 times more likely than non-Indigenous young people to be under supervision.

Furthermore, in NSW the average yearly cost of supervising juvenile offenders is \$237,980 yearly, proving to be ineffective as 30% of adult prisoners were juvenile prisoners, expressing how "Prevention is the only hope for young offenders because cure is failing." (SMH 2012). It has been proven that the longer a young person comes in contact with the criminal justice system, the less chance they have of becoming a criminal in the future. Hence the NSW government passed the Young Offenders Act 1997, which enables police to divert young people from court proceedings, through utilising warnings, cautions and youth justice conferences.

Through this, approximately 50% of young offenders get diverted from formal prosecution, with warnings issued by police for minor offences, without any admission of guilt, cautions for more serious offences, in which admission of guilt is necessary, and cannot be issued more than three times, as well as youth justice conferences, in which the offender must accept responsibility, and allows the victim to state how they've been affected by the crime, being more about rehabilitation and restorative justice, rather than punishment. The disadvantages associated with this method, is that offenders are referred to conferences by a court, defying the point of avoiding courts completely, with claims that it is also cheaper and faster for police to take action, as reported in the Australian, 2012.

An alternative to regular court is the Youth Drug and Alcohol Court sends young offenders to counselling and rehabilitation, with the NSW government deciding to shut it down in 2012 because it was "too expensive", indicating a limited efficiency in resource allocation. However, the emergence of the 'Youth on Track' program refers young people who they believe are at risk of committing crimes to literacy, substance abuse and mental illness services, which assists "Getting Youth Back on Track" (ABC News 2013). In addition,

the Protected Admissions Scheme which began in 2014, which amended the admission of guilt to receive a caution, yet still allowed court proceedings after discovering about the crime committed. This has changed so that it is no longer an issue, with the Guardian stating, in 2014, that “Young people can confess to a minor offence without obtaining a criminal record,” highlighting an effectiveness in law reform.

