

JUVENILE PRE-COURT DIVERSION

Juvenile Pre-Court Diversion is a system set up by the Northern Territory Police and the Northern Territory Government to help young people under the age of 18 if they are in trouble with Police.

It is a program that helps keep you out of the court system and hopefully away from jail.

Juvenile Diversion means a second chance, an option to do a short program helping you out, giving you a warning/caution or sitting you down with the Police, your family and the person you upset to talk about the problem.

Young people sometimes make mistakes and end up in trouble with the Police, and this diversion is giving these young people the opportunity to look at their behaviour and hopefully change so that they don't have to go to court and jail.

These programs are designed to benefit you. The programs can be anything from activities to working duties, to drug and alcohol education. These programs are a way that you can improve yourself, and remember, it may save you from having to go to court and jail.

If you continue committing offences that Police think are very minor and you are not listening to the warnings from the Police, you might not get diversion.

In order to be eligible for diversion certain criteria must be met.

First, you must be under 18 years of age.

Second, to get diversion of some sort, you have to face up to your mistake and admit that you committed the offence or accept responsibility for your part in the offence, even if your part was not as serious as the main people involved.

Third, the offence must not be one that is considered too serious for diversion. Police have the discretion to evaluate the offence and if they perceive that the offence was not a "very serious" offence you may get diversion.

So remember, you must be 17 years or under, have committed an offence that is not "very serious", have faced up to your problems by admitting or accepting responsibility for your part in the offence and, most importantly, you must want to do and complete the diversion instead of going to court.

You cannot get diversion if you commit any of the following offences:

Murder; Seriously Assaulting a Police Officer; Robbery; Breaking into a Building Whilst Armed (weapon); Damaging Property (serious damage); Supplying Dangerous Drugs; Driving Under the Influence; Dangerous Driving.

There are some other offences that cannot be dealt with by diversion. If you need to know more about these offences, you can contact the NT Police Juvenile Diversion Unit by phoning your nearest Police Station.

What is a verbal warning?

If you have done something wrong, that is, committed an offence, Police have spoken to you, you have passed the three tests we mentioned before, and Police determine that the offence is of a very minor nature, the Police might give you a verbal warning.

What is a written warning?

If Police have spoken to you after doing something wrong, you may get a written warning. A written warning is a piece of paper stating what you did wrong. It is also an agreement between you, the Police and your parents/guardians. The Police might put a condition on the agreement. For example, the condition might be that you are to attend school every day or you have to stay inside your house during night times for a month or apologise to the person you upset. Remember, if you don't want to go to court or jail, you must not break the conditions of the agreement.

What is a formal caution?

A formal caution is a family conference conducted with you and your parent(s) and is usually for an offence that is a little bit more serious. The formal caution or family conference may also have other people in attendance who are important in your life and can help you stay out of trouble, for example, a football coach, a teacher or someone else you respect. You might get a formal caution for an offence like stealing from a shop, smashing a car window or breaking into a house. If you have been given a couple of warnings by Police for minor offences but you are not listening to Police and keep breaking the law, you might also get a formal caution even if the offence is very minor.

These formal cautions are pretty serious and usually have conditions attached to them. The conditions might be to stay at home during night time or they might even be that you have to pay back money for the window you smashed or the bike you stole from your neighbour or you may have to attend a program that will help you to stay out of trouble.

What would you have to do on a program?

A program can last from a few days to a few months and will involve activities that will assist you in staying out of trouble in the future. The program could include attending counselling sessions to talk about your problems, getting involved in sport and recreation, doing some community service work or attending a special course that will help you improve in school or find a job. It may also include doing some work for the person you upset. For example, if you broke into a shop you may have to do some work in the shop or if you damaged some property at the school you may have to stay behind after school for a few weeks on certain days and help the school in some way. In many circumstances a caseworker will be appointed to help you finish your program and to be there as someone to talk to if you have problems.

Scenario

You are 17 years old and you've got into trouble for committing an offence, which is your first offence, and you don't want to go to court and jail. You admitted that you did it and Police said you could get diversion. What will they do to you?????

Possible Outcome

You will either get a verbal warning, a written warning, a formal caution (family conference) or a victim offender conference. You may be required to participate in a special program. These are all different options for the Police and they will pick the one that is most suited to you and the offence you committed.

What is a victim offender conference?

If you have committed an offence and you and the victim agree to a diversionary conference, the Police will set up a meeting for everyone to sit together and talk about what you did. There will be a few people there, including:

- You (the offender);
- The victim (the person who you upset);
- Your family or a friend (probably your mum or dad or even both);
- The victim's family or friends; and
- Any other people that are important in your life and can help you stay out of trouble.

These people sit down together and the Police will talk to you and the victim about what you did. The victim will tell you how you made them feel when you committed that offence and how they suffered because of it. Sometimes they may get angry or they may still be very upset. They will probably ask you why you did it and they will probably want an answer from you, and most importantly, a genuine apology.

At the end of the conference meeting, you will all have to come to an agreement for an outcome which suits firstly the victim, but also you, the offender. These agreements might be to slowly pay back money for the window you smashed or to replace the TV you stole from their house or to do some work for the victim. It might even be to clean the fence you spray painted or to return other things you stole or to attend a program. It doesn't really matter what these agreements are, as long as the victim and the offender are satisfied with the outcome. Remember, just like the other

forms of diversion, if you do not show that you are genuinely sorry and do not do the things you agreed to do at the conference, the Police may still make you go to court and the court may still send you to jail after that.

Some useful contact numbers

Legal Aid Commission

Alice Springs	8951 5377
Darwin	8999 3000
Katherine	8973 8704

Juvenile Pre-Court Diversion

Darwin	8999 1566
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NT Police

Alice Springs	8951 8888
Darwin	8927 8888
Katherine	8973 8000
Nhulunbuy	8987 1333
Tennant Creek	8962 4444