

Effectiveness of the criminal justice system when dealing assignment

[Law](#)



Assess the effectiveness of the criminal Justice system when dealing with young offenders The criminal Justice system approaches young offenders through unique policies to address the challenges of dealing with Juvenile offending. They take special care when dealing with Juveniles in order to stop them from repeat offending and stop any potential bad behavior which could result in future. Juveniles have the highest tendency to rehabilitate and most adopt law-abiding lifestyles as they mature.

There are several factors influencing Juvenile crime including psychological and social erasures unique to Juveniles, which may lead to an increase in Juvenile's risks of contact with the criminal Justice system. Firstly, crime committed by persons between the ages of 15 to 19 are more likely to be processed by police more often than any other societal group, making crime rates in this age bracket significantly higher.

This is due to the fact that offence rates usually peak during adolescence and will decline with maturity which happens during early adulthood. The processing of these crimes helps to embed the seed of legal knowledge in the mind of a child in hopes of shaping their future actions. In INS the age of criminal responsibility is defined by statute as 10 years of age (Children's (Criminal Proceedings) Act 1987 INS). This means that a child under the age of 10 years cannot be prosecuted for a crime.

The basis of this is the recognition of the immaturity and vulnerability of children and, hence, their inability to form the requisite criminal intent known as men's area which protects a child from being tried at the level of the adult while they are not developed enough to know the difference

between right and wrong. Additionally, the common law presumption of doli incapacity offers to the presumption that a child is “incapable of committing a crime” between 10 and 14 years of age which protects a child who was unaware that the act was wrong. Police are entitled to require that a young person provide them with name, address and proof of identity.

As with adults, police have no general power to detain a child for the purpose of questioning. A child or young person cannot be taken to the police station unless they are under arrest. If arrested, the child’s parents or guardian must be contacted. A child cannot be questioned by police for more than two hours at any one time and is entitled to have their parent, guardian or solicitor present during questioning. If the child is younger than 16 years, parental permission must be obtained or another supporting adult to be present during questioning.

There are some exceptions to this in relation to, for example, motor vehicles. If a young person is the owner of a motor vehicle, they are required by law to tell police the name and address of the driver of the vehicle if it is alleged that the driver committed a driving offence. The Children’s Court only hears proceedings for offenders under 18 years or those who are still under 21 years and committed or were charged with the crime while under the age of 18.

For this reason, it is a closed court and proceedings aim to be less formal so not to intimidate the child and protect them from harsh labeling and indirect defamation by the wider community which could potentially affect their

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future. The names of children and young people appearing in the Children's Court are not published; it is an offence for media outlets to do so. Under very special circumstance the court may grant permission for names to be published. The cases are usually presided over by a Magistrate and there is no Jury.

The primary purpose of sentencing and the entire process is to nullify the situation and come up with a plan of action to rehabilitate the offender more than punish them, for this reason, it is highly effective. The primary aim of a court when imposing a penalty on a child or young person is to rehabilitate them and give them an opportunity to rebuild their lives and hopefully not refined. Magistrates will often request that Juvenile Justice prepare a background report on the child or young person to assist them in the sentencing process.

If a guilty plea is entered or the young person is found guilty of a crime, the following penalties may be imposed: A caution may be issued The offender may be referred to a Youth Justice Conference Depending on the offender's ability to pay they may be fined to a maximum of \$1000 Community Service may be ordered; up to 100 hours for offenders under 16 years and up to 250 hours for those older than 16 The may be placed on a good behavior nod Discuss factors that affect sentencing decisions, including the purposes of punishment and the role of the victim Statutory and Judicial guidelines inform the exercise of Judicable discretion in the area of sentencing. They aim to provide greater uniformity in sentencing matters and enhance the integrity of the process. Judicial guidelines are set by the INS Court of

Criminal Appeal. They are not binding but their aim is to structure discretion. For example, for the offence of culpable driving the court has indicated that in the armor course a custodial sentence should be imposed unless exceptional circumstances exist.

In terms of statutory guidelines a number of acts inform the exercise of Judicial discretion. For example, the Crimes Act 1900 INS prescribes the maximum sentence that may be imposed for various offences. The Crimes (Sentencing Procedure) Act 1999 INS also prescribes general guidelines in relation to sentencing. For example it identifies what might constitute a mitigating or aggravating circumstance. However, it is left to the exercise of Judicial discretion as to owe much weight should be given to such circumstances. The sentence that a Court imposes upon an accused is informed by differing offending in the future. There are two types of deterrence.

Specific deterrence aims to deter an individual offender from re-offending, e. G. A short custodial sentence could be said to have a specific deterrent effect by giving the offender a " taste" of the prison system in the hope that this will discourage further criminal activity. General deterrence aims to send a message to the community that criminal behavior is unacceptable and will be punished: for example the imposition of a custodial sentence for a particular crime, whether of short or long duration, could be argued to have a general deterrent effect. This objective is that by making an example of a particular offender, the community will take note and be more willing to comply with the law.