

# SENTENCING OPTIONS



If you are between the ages of 10 and 17 years old, and the police say you committed an offence, and they send you to court, you will go to the Children's Court.

The Court will sentence you if you agree with what the police say you did (plead guilty), or the court decides that you did what the police said you did (finds you guilty). When the Court sentences you, it takes into account things like;

- ▶ The type of offence/s you committed;
- ▶ Any previous criminal history; and
- ▶ Personal circumstances.

## CAUTIONS

A caution is a verbal warning. If the charge is minor and the Court believes that the police should have cautioned you, then the Court can caution you and dismiss the charge.

## RESTORATIVE JUSTICE CONFERENCE ("RJC")

The police or the Court can send you to a Restorative Justice

Conference. A RJC is a conference where you and the victim attend and talk about ways to fix the harm that has been caused by the offence.

You and the victim have to consent to participate in a RJC.

There can be consequences for not complying with a RJC, so it is important to obtain legal advice about the conference.

## REPRIMAND

A Reprimand is when the Court gives you a warning about your behaviour.

## GOOD BEHAVIOUR ORDER

A Good Behaviour Order is a promise by you to the Court that you will not commit any offences for a certain period of time. A Good Behaviour Order can last for up to one year. If you commit any more offences during that period, the Court can take this into account and sentence you more seriously for the new offences.

## FINES & RESTITUTION

The Court can fine you for offences, if they are satisfied that you have money to pay for a fine, i.e. that you have job and get paid. The Court can also order you to pay compensation or restitution if they are satisfied you can pay the amount of money.

## DRUG DIVERSION

For certain drug offences, the Court can sentence you to attend Drug Diversion. This would require you to complete a drug education session through an approved provider. If you do not attend the session you can be brought back to Court.

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## SUPERVISED ORDERS

There are a number of different Supervised Orders that the Court can order.

### PROBATION ORDER

The purpose of a Probation Order is to help you address your offending behaviour by requiring you to participate in programs and report to Youth Justice regularly. If you are sentenced in the Children's Court you can be sentenced to a period of probation for up to one year. If you are sentenced in the Children's Court of Queensland you can be sentenced for a period of up to three years (depending on the type of offence/s committed).

### COMMUNITY SERVICE ORDER

If you are 13 years or older the Court can order that you complete a certain number of unpaid work hours. The number of hours that you can be ordered to do will depend on a range of factors, including your age, criminal history and the type of offence/s committed.

### GRAFFITI REMOVAL ORDER

If you are 12 years old and you are found guilty of a wilful damage charge by graffiti (i.e. tagging), the Court must order that you complete a certain number of unpaid work hours to remove graffiti. The Court will however consider if you are not physically or mentally able to comply with the Order. The amount of hours ordered by the court will depend on your age.

### CONDITIONAL RELEASE ORDER ('CRO')

If the Court thinks you should be sentenced to detention, they can decide to order a Conditional Release Order. A CRO is when the Court sentences you to a period of detention, but will 'suspend' that period if you complete an intensive supervised program. The program can take up to 3 months; it involves you being supervised by Youth Justice, and participating in programs for 5 days per week. If you do not comply with the conditions you can be sent to detention to serve the period of detention which was 'suspended'.

### INTENSIVE SUPERVISION ORDER ('ISO')

If you are younger than 13 years old, the Court can order you to a period of intensive supervision, which can be for a period of up to 6 months. During this time you will engage in activities and visit Youth Justice frequently.

### RESTORATIVE JUSTICE ORDER ('RJO')

The Court can order you to complete a Restorative Justice Order, before and/or after sentence. A RJO is an order supervised by Youth Justice, which sees you participating in a RJC conference as discussed above.

It is a condition of all supervised orders that;

- ▶ You do not leave the state of Queensland without the approval of your case worker;
- ▶ That you do not commit any more offences;
- ▶ You do as your caseworker tells you;
- ▶ You receive home visits; and
- ▶ That you tell your case worker if you change schools, work or home addresses.

The Court is able to combine any of the above Supervised Orders. It is important that if you are sentenced to any of the Supervised Orders, that you comply with the Order/s. If you are not able to comply with the Order/s, it is important that you contact your case worker as soon as possible. If you breach the Order/s, Youth Justice can bring you back to Court and the Court can sentence you differently and more seriously.

### DETENTION ORDER

If the Court does not consider that any of the above sentence orders are appropriate in your circumstances, it can order you to spend a period of time in detention. The Court can order than you serve between 50 and 70% of the time. When you are released from detention you will be on a Supervised Release Order, which is supervised by Youth Justice. If you do not comply with the conditions you can be sent back to detention.

Before the Court can order you to a Conditional Release Order, Intensive Supervision Order or Detention Order they must order a Pre-Sentence Report. The Pre-Sentence Report is written by Youth Justice and it includes details about your personal circumstances, the reasons why you committed the offences, and programs and services available to help you.

## REVIEW OF SENTENCE

If you disagree with a decision the Court makes about what sentence is ordered, you can apply for the decision to be appealed by another Court.

- ▶ You have only one calendar month from the date you are sentenced to make the application for appeal.
- ▶ You may have an option to have your sentence reviewed, you must do this within 28 days.

Legal advice should be sought before making an application to appeal a Court decision.

## WANT MORE INFORMATION?

**Contact YFS Legal on (07) 3826 1500  
or email us at [legal@yfs.org.au](mailto:legal@yfs.org.au)  
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