Pathways in the Juvenile Justice System

How diversion and restorative justice (RJ) fit into a traditional criminal justice (CJ) system

Traditional CJ

The juvenile commits or is suspected of committing a crime, and is contacted by police.

Police arrest the suspect.

Diversion and RJ

- > Police let the offender off
- with an informal warning > Police let the offender off
- with a formal warning > Police divert offenders to
- mediators > Police divert and refer
- offenders to mental health or drug rehabilitation services

First contact with the law

Formal

charge



<u>Traditional CJ</u>

Police charge the juvenile; this is a formal allegation of an offence

The defendant's guilt must be proven in court

Diversion and RJ #1

- > The prosecutor may decide to divert the accused; offenders must accept responsibility for their wrong doing > This may also involve taking
- part in programs, such as education, restitution, victimoffender mediation
- > Upon completion of the program(s), charges can be dismissed

Diversion and RJ #2

- > Accused juveniles may be diverted to drug courts, youth courts, or juvenile courts
- > These do not result in a criminal record and incarceration > The focus of these alternatives
- is focus on restitution and rehabilitation

Caveats:

- Only possible if offenders admit guilt. If they think the conviction was wrong, they must go to trial
- The eligibility for diversion depends on the seriousness of crimes and record of offences

Traditional CJ

The accused must stay in remand, unless the crime is less serious

They may also leave detention if someone makes bail, on condition that they will show up to court



Outcome 1

Guilt not proven -> Acquittal

Outcome 2

Guilt proven -> Conviction



Trial



- > Jail-diversions keep juveniles out of jail before their trial date
- > Avoiding negative outcomes such as social isolation, deprivation of freedom, and disruption of personal development

Sentencing: > Declaring the decided

- punishment for the offender
- > Depends on the age of criminal liability and age of the child
- Punitive; and/ or
- + Restorative in nature

- Punitive sentences -
- associated with traditional CJ > Fines
- > Incarceration

Restorative sentences

- > Non-financial means of compensation
- > Probation: no imprisonment, supervision for a period of time
- > Rehabilitation, community action etc.

Conviction and Sentencing

After serving Punishment



While incarcerated, mediation and other services may be used to repair damage suffered by victims and help ex-cons rehabilitate.

After-release from detention, ex-offender assistance helps rehabilitation, prevents recidivism, and eases reintegration into society.

This infographic is part of the thematic package on the topic of Child Justice. Other materials in this package include quick bites on diversion programs and restorative justice.

For more information and to get in touch with child protection professionals, visit us at childhub.org

Produced by Ser Jay Tan in 2018



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