

Law reform and youth justice

Year 11

NSW

Module [1/1]

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Contents

Law reform

Age of criminal responsibility

Suspect Targeting Management
Plans (STMPs)

Activity

Discussion

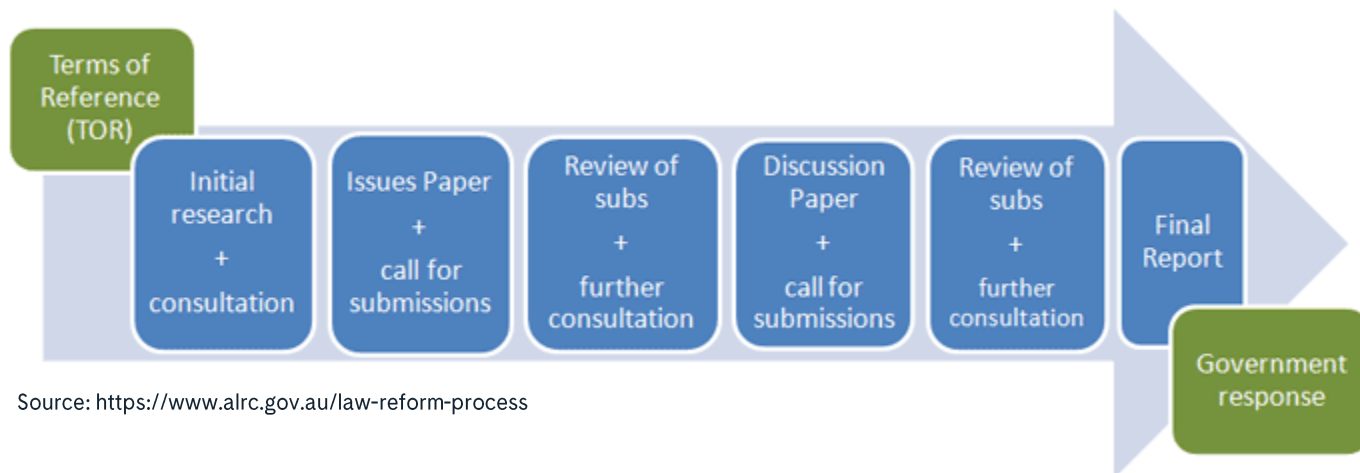
What is law
reform and
its purpose



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Law reform

- Law reform is an important mechanism for achieving justice – it involves evaluating current laws and advocating for change.



Source: <https://www.alrc.gov.au/law-reform-process>

The minimum age of criminal responsibility

- A child **below 10** is incapable of committing a crime (*s 5 Children (Criminal Proceedings) Act 1987 (NSW)*).
- The principle of *doli incapax* operates from ages 10 to 14

Discussion

What are some issues around the minimum age of criminal responsibility



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Legislative reform issues

- According to modern scientific understanding, the mind of a young person is not fully developed until their mid 20s.
- Reduce the number of children in the Criminal Justice System.
- Reduce adult incarceration by reducing juvenile detention.
- Australian laws are well below the international standards suggesting that we need to improve our laws to better protect human rights.

Suspect Targeting Management Plan (STMPs)

STMPs are a tool used by the NSW police to identify “at-risk” offenders and to interact with these “at-risk” individuals to reduce recidivism and future crime. A person may be nominated for an STMP by any member of the NSW Police force, and a committee will assess the nomination and the reasons for their nomination and decide whether or not to put them on an STMP. There is currently very little transparency around the criteria for STMPs or the police procedures around interacting with individuals on an STMP.

Legislative reform issues

A report issued by the Youth Justice Coalition outlines many of the concerns that STMPs introduce when imposed upon young people. There are three main issues:

- There is **no impact** on crime prevention - the STMPs have failed to demonstrate any measurable effectiveness and are, in fact, leading to young people experiencing increased contact with the criminal justice system in many cases.
- There has been little to **no transparency** in the program, including insight into how the program is evaluated or governed. This is particularly noticeable given that STMP criteria is not publicly available.
- There has been an **introduced risk** in the exercise of lawful police powers, particularly as young people on STMPs may be subjected to poor police practice, exposing the police to a compromised efficacy and civil litigation.

Source: <http://www.yjc.org.au/resources/YJC-STMP-Report.pdf>

Class activity

Letter writing task





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Summary

- Law reform is an important mechanism for achieving justice – it involves evaluating current laws and advocating for change.
- The minimum age of criminal responsibility in NSW is 10 years old – there has been a strong push to increase this age.
- STMPs are a police management tool to try and reduce crime. There are several policy and legislative reform issues that are needed to improve transparency and effectiveness of the STMP process for under 18s

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