

Aboriginal Conferencing in Port Lincoln

Aboriginal Conferencing will involve members of the Aboriginal community and victims in a conference so the defendant is aware of the harm done to both as a result of his or her offending. The conference process will encourage contrition and reparation to remedy that harm.

Participating in a conference will provide a restorative opportunity to victims and give the community more confidence in the sentencing process.

The magistrate will have better information to provide more appropriate and constructive sentencing options.

Aboriginal Conferencing in Port Lincoln

- 🔦 Pilot Program
- 🔦 Based in Port Lincoln Magistrate Court Sentencing Jurisdiction
- 🔦 Drawing upon:
 - Nunga (Aboriginal) Court
 - Adult Restorative Justice Conferencing
 - Family Conferencing
 - Aboriginal Justice Officers
 - Circle Sentencing

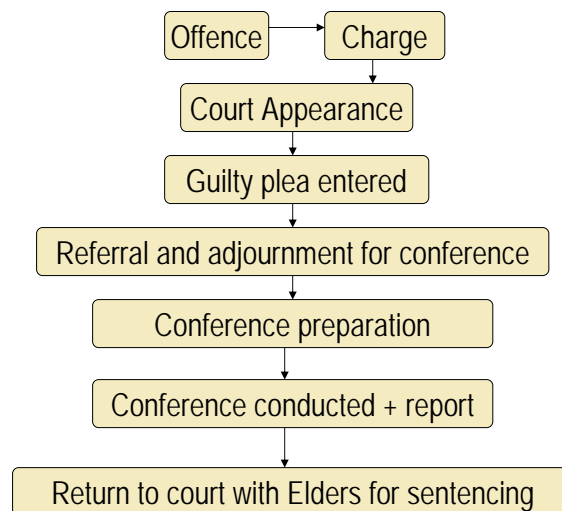


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- ✦ Commenced September 2007
Pilot period extended to July 2009
- ✦ Program elements:
 - Participatory
 - Voluntary
 - Victim involvement (actual victims and victim representation e.g Victim Support Services)
 - Offenders and their supporters
 - Aboriginal Community Elders and/or Respected Persons
 - Pre-sentence (not diversionary)

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✦ Process



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🕒 Timelines

- One month time frame.

🕒 Pre conference process

- Interview and informing participants
 - Assess appropriateness of participants
 - Gaining informed consent
 - Assess risk factors for participants
- Contacting relevant agencies/service providers
- Consult and select Aboriginal Elders & Respected Persons
- Logistics (venue/times/letters etc)

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🕒 Conference Process

- Introduction by Coordinator
- Police outline the charges
- Defendant tells their story
 - Offence and life story
- Victim talks about what has happened to them
 - Repercussions and impact on them
- Elders and Respected Persons
 - Respond to what they hear
 - Offer Advice
 - Challenge

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🔧 Continued

- Service provider agencies
 - Discuss program
 - Offer assistance
- Summarise and restorative recommendations
- Coordinator explaining what next
- Thank everyone for coming

Informal post conference discussion with participants

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🔧 Reports

- Prepared from the Aboriginal Justice Coordinator's notes of the meeting.
- Brief summary of the conference and restorative recommendations discussed at the conference
- Distributed
 - Magistrate
 - Registrar
 - SAPOL
 - Client's solicitor
 - Victims who attended (get a copy after the Sentence)

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🔦 Sentencing Hearing

- Usually follows within 2 days of the conference
- Elders arrive
 - Receive copy of report to read
 - Pre sentence welcome with the Magistrate
- Magistrate
 - Adjourns off list for Sentencing Hearing
 - Escorts Elders and Coordinators into the Court
 - Seating arrangements around bar table

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🔦 Sentencing Hearing

- Magistrate
 - Submissions from: *- less formal*
 - Police Prosecutors
 - Defence Lawyers
 - Confers with Elders and Coordinators
 - Their input – confirming the result of the conference and their views
 - Proceeds to Sentence
 - Talks directly to the defendant
 - Explains the sentence – talks them through it.
 - Uses everyday language

Sentence often reflects the restorative recommendations of the conference.

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✦ Post Sentencing

- Victim contact
 - Explain sentencing outcome
 - Printed copy of outcome
 - VSS contact for personal victims if needed
- Community Corrections
 - If any supervised bonds
- Police
 - Follow up

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- ✦ 12 referrals to date 2 were not proceeded with 1 pending
- ✦ 9 Conferences conducted involving 11 defendants
- ✦ 6 conferences had victims identified – 3 attended and 2 represented
- ✦ 2 joint conferences with co-offenders present
- ✦ 2 cases adjourned in court for progress report
- ✦ 10 elders involved in total
- ✦ Offences including: assault, damage property, driving and behavioural offences

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🔦 Summary of Program Learnings

- Role of Elders
- Police support
- Judicial support
- Victim Support Services
- Co-working model combined existing skills and knowledge
- Local health and community services engagement
- Conference facilities
- Practitioner involvement in management committee

Internally funded from within CAA no additional resources have been provided for this initiative.

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🔦 Program Learnings

- Role of Elders
 - Pool of well regarded Elders who are enthusiastic
 - Education
 - Confidentiality and code of conduct
 - Payment
 - On-going discussion and consultation with Elders
 - lunch with Magistrate
 - DV issues.

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📌 Program Learnings

- Police Support
 - Building on existing relationships
 - Family Conference Team
 - Aboriginal Justice Officers
 - Genuine Police support demonstrated by
 - Philosophical commitment
 - Relevant to their community
 - Assisting victims

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📌 Program Learnings

- Victim Support Service
 - Staff and court companions available to support victims
 - Post conference service to personal victims
 - Discussing new initiatives (eg DV cases coming to conferences?)

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✎ Program Learnings

- Judicial Support
 - Small pool of Magistrates
 - All attuned to the program
 - Engaged from pilot instigation
 - Philosophical commitment

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✎ Program Learnings

- Co-working working model combines existing skills and knowledge
 - Aboriginal Justice Officer and Youth Justice Coordinator
 - Value added by utilising existing skills within the organisation

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✎ Program Learnings

- Local health and community agency engagement
 - Community aspect of restorative process
 - Pathways for Aboriginal clients to engage with service provider agencies
 - Aboriginal Health and
 - ALRM

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✎ Program Learnings

- Conference Facilities
 - Appropriate rooms
 - Spatial dynamics are important (ARJC adult conferencing evaluation finding)

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✦ Program Learnings

- Practitioner involvement in management committee
 - Fruitful discussions that have been helpful for the communication of issues
 - Practice-led development

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✦ Evaluation

- Office of Crime, Statistics and Research
 - Undertaking evaluation
 - Program achievement measures
 - Involving the Aboriginal Community and victims
 - Awareness of harm done
 - Encourage contrition and reparation to remedy harm.
 - Report Available

Port Lincoln Aboriginal Conferencing Final Report

Jayne Marshall

www.ocsar.sa.gov.au

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🔦 Evaluation

The overall finding of the review is that the Aboriginal Conferencing Pilot has been operating as intended and all but one of the aims have been achieved.

In relation to the specific aims of the Pilot, there was agreement among stakeholders that:

- the Pilot had successfully involved members of the Aboriginal Community and victims in conferences;
- for the most part, defendants had been made aware of the harm done as a result of the offending;
- that contrition and reparation by defendants had been both encouraged and witnessed;
- that the victims had been provided with a restorative opportunity, via the opportunity to inform the defendant of the impact of the offending, to ask questions and to receive compensation; and
- that the Magistrates had successfully been provided with better information to facilitate appropriate and constructive sentencing.

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🔦 Evaluation

- In relation to the aim to 'give the community more confidence in the sentencing process', it was felt that, due to the small number of conferences conducted to date, this had not yet occurred.

However, most stakeholders were optimistic that the benefits of conferencing would be disseminated to the local community through Elders and defendants and that this would increase confidence in the sentencing process.

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✦ Concluding Comments (report)

Overall, there was a positive response from all stakeholders regarding the conferencing process, with unanimous praise for the way conferences were organised, conducted and documented.

There was also general agreement that the Pilot had achieved or partly achieved all but one of its stated aims, with most stakeholders reporting that more confidence in the sentencing process could be achieved over time.

Finally, all stakeholders were very supportive of the continuation of Aboriginal conferencing in Port Lincoln beyond the pilot phase, with some requesting that it be extended to other locations.

Aboriginal Conference

✦ Narrative.....