

Department  
of Communities  
safe, valued and  
empowered communities

## Victims and Youth Justice Conferencing Queensland



National Victims of Crime  
Conference 2008

### What is youth justice conferencing?

- A restorative justice process for young people aged between 10 and 16 (at time of offence) and those affected by their crime
- Restorative justice:

*A process whereby parties with a stake in a specific offence collectively resolve how to deal with the aftermath of the offence and its implications for the future (Marshall'99)*



Youth justice conferencing  
in Queensland

## Queensland Youth Justice Conferencing

- Introduced via amendments to *Juvenile Justice Act 1992* in 1996
- Commenced as a pilot in 1997
- State-wide expansion achieved in 2003
- Delivered throughout Queensland by the Department of Communities through 13 services and 5 outpost locations

## Jurisdictional Features

- Referrals are made by police or courts
- Victim participation is voluntary
- Victim must be informed of their right to attend
- No limit to the type of offences that may be referred

# Juvenile Justice Act 1992

## Types of referrals

### Police

1. Police or Diversionary Referral

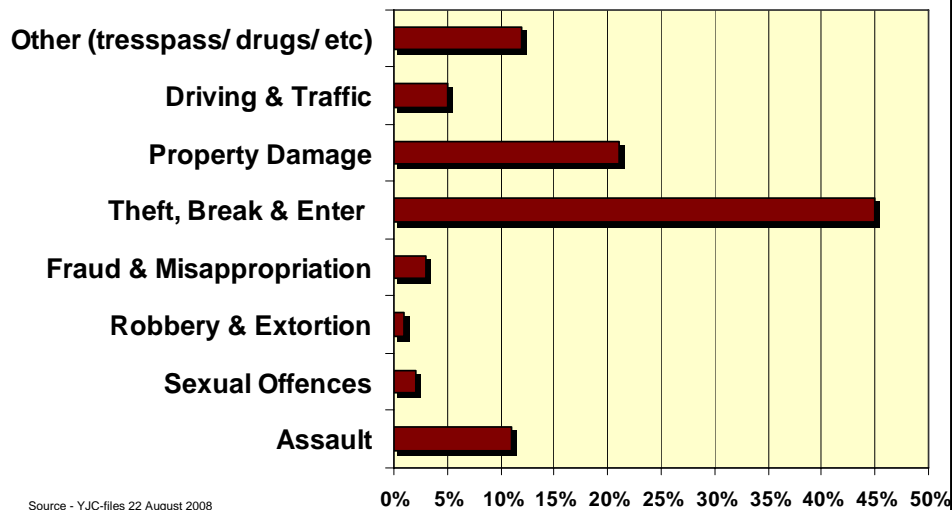


### Court

2. Indefinite Court Referral
3. Conference Before Sentence Referral



## Offences Conferenced 2007/08



Source - YJC-files 22 August 2008

## Primary aim

Restoration for those people affected by a young person's offending behaviour

## Key goals

- **Participation** – those affected by the offence provided opportunity to be involved in decision making
- **Accountability**- young offender held accountable for offending behaviour
- **Reparation** - victim's needs acknowledged and young offender provided opportunity to repair the harm
- **Reintegration** – victim provided an opportunity for healing and reintegration

## What are the benefits for the victim ?

- hold the offender personally accountable
- opportunity to tell their story
- seek answers to the questions
- affirmed as blameless for the offence
- participate in decision making process
- potentially receive an apology, restitution or other forms of repair
- move towards obtaining closure on the matter

## What are the benefits for the offender?

- admits and takes responsibility for their actions
- hears first-hand the harm they have caused
- provides an opportunity to develop and demonstrate their remorse in a tangible way
- is diverted from the formal court system (police referrals)

## What challenges might a victim face?

- stigma of being labelled a victim
- fear of not being believed or challenged about the offence
- concerns about facing the offender
- uncomfortable details about the offence being discussed
- fear of hurtful emotions resurfacing
- being identified by the offender
- fear of being re-victimised after the conference

## Determining Conference Suitability

The convenor must be satisfied:

- No further harm is caused
- Neutral and balanced approach
- An agreement can be reached

## Pre-conference preparation

The convenor:

- meets face to face with potential conference participants
  - the victim and support persons
  - the young person and their parents/ guardian
- provides information to ensure participants can make informed decision regarding participation
- obtains important information required to convene the conference
- considers and ensures participant support needs are met
- determines suitability to proceed to conference

## Pre-conference preparation

The convenor:

- confirms the young person admits the offence
- ensures participants are informed
- provides realistic expectations about the process and outcomes
- considers the likelihood of reaching agreement
- considers participants' readiness for conference
- arranges a suitable time to convene the conference

## What if a victim does not want to attend the conference?

- victim representative may attend on their behalf e.g. family member, friend, VCSS
- victim impact statement/audio/video cassette may be provided

## Support for victims

Based on Principles of:

- Respect and Empowerment
- Privacy and Confidentiality
- Wellbeing and Safety
- Fairness and Balance

Options:

- Family and friends attend at conference
- Referrals to support services/ agencies

## Support for victims

- Liaison protocol developed with Victim Counselling Support Service (VCSS) Relationships Australia in 2007
- The purpose is to ensure a victim referred to a conference is:
  - provided access to counselling and support services
  - supported to participate/or be represented in youth justice conferences

## Victim Counselling support services (VCSS) and Queensland Youth Justice Conferencing

VCSS offer 3 types of services:

- attend the conference with the victim
- attend the conference on behalf of the victim as a victim representative
- assist the victim to access counselling support with VCSS

## Who attends the conference?

- young offender
- young offender's support person
- victim
- victim's support person
- police officer
- some cases, legal rep &/or Aboriginal and Torres Strait Islander representation
- another person decided by the convenor

## Conference stages

1. Setting up
2. Introduction
3. Telling the story
4. Transition
5. Agreement
6. Close and reintegration

## Agreement must be:

- individual to the needs of victim
- meaningful to the victim and young offender
- restorative, fair and balanced
- no more severe than what a court may order for the offence (*Juvenile Justice Act 1992*)
- reality tested (achievable and workable)

## Program Data

### Overall, (April 1997 to August 2008)

- 14,065 referrals received
- 11,374 referrals conferenced

### Last financial year

- 2,650 referrals received
- 2,205 referrals conferenced

Source - YJC-files 22 August 2008

## Program Results (2007/2008)

- **98% of the 2040 conferences held reached an agreement**
- **90% of agreements completed**
- **97.2% of victims and 98.2% offenders said the conference was fair**
- **96.9% of victims and 97.9% of offenders were satisfied with the agreement**
- **97.1% of victims and 96.0% of offenders would recommend conferencing to a friend**

Source - YJC-files 22 August 2008



Youth justice conferencing

## Restorative Justice: The Evidence\*

2007 review of all 36 research projects published in English between 1986 and 2005 which measured the effectiveness of restorative justice processes compared to conventional criminal justice found:

*“On average, in every test available, victims do better when they participate in restorative justice than when they do not.....From Canberra to London to Indianapolis, victims who go to restorative justice conferences report they are glad they went. The benefits they describe include:*

- *Less fear of the offender*
- *Less anger at the offender and*
- *Greater ability to get on with their lives”*



\*Findings from 'Restorative Justice: the Evidence' by Lawrence Sherman and Heather Strang 2007

## Youth Justice Conferencing in Queensland



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**Queensland Government**  
Department of Communities

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