



RESTORING THE DAMAGE

THE WHOLE COMMUNITY BENEFITS WHEN YOUNG OFFENDERS ARE MADE ACCOUNTABLE TO THEIR VICTIMS THROUGH RESTORATIVE JUSTICE PRACTICES. **BY KARIN DERKLEY**

Houses broken into in the middle of the night, valuables taken, security shattered and trust betrayed. Normally victims of that kind of experience would be only too keen to see the perpetrator locked up, and if possible, the key thrown away.

But some victims are taking the opportunity to find justice in another way, by meeting with the perpetrator to tell of the havoc their actions have wreaked on their lives.

Restorative justice practices like youth justice group conferencing are aimed at piecing together the story of how and why a young offender came to commit a crime, how it affected their victims and others, and how the offender can atone for their actions.

It's a practice advocates believe is one of the most effective ways to stop young offenders going on to commit further crimes. Studies show participants are half as likely to reoffend. It also benefits

victims by giving them a sense their trauma has been acknowledged both by the victim and the justice system.

At one such conference, the victims of a recent spree of home burglaries gather together in a modest solicitors' office with the young man who terrorised them and their families over a period of months. Over the next couple of hours they will piece together the story of what happened and how it affected them and their families.

It's a day that has been weeks in preparation. Group facilitator Kate Taylor of CatholicCare Sandhurst is an expert in facilitating group conferences and has been in constant contact with the victims and the young offender's family to prepare them all for this day.

It's important that everyone feels ready for what will inevitably be a time of raw emotion, she says. "It's certainly not for everyone. But when people are open to it, it can be a really transformative experience."

The young offender, Dylan (not his real name), is looking fixedly at the floor, flanked by his solicitor on one side, his father and stepmother on the other. His victims sit opposite – some glaring at him, one in tears unable to look at him.

There's a lot of pain and anger in the room. For months until Dylan was arrested, his victims were traumatised by the experience of having their homes broken into by an unknown predator, worrying their families were no longer safe. When they learned that Dylan had been a neighbour and friend, it was, if anything, worse. This was a boy they'd known and trusted, who they'd let into their lives and homes, and he'd taken advantage of their confidence to

make their lives hell. Normally, with the string of aggravated burglaries he's been convicted of, Dylan would be looking at a supervised order with Youth Justice, perhaps ending up with a custodial sentence. Instead, he's been permitted to take advantage of the youth justice group conference that is available to young people up to the age of 18 who appear before the Children's Court.

The program was legislated in 2005, is coordinated by Youth Justice, Department of Justice and is run by a number of non-government organisations such as Anglicare, Jesuit Social Services and CatholicCare. To be eligible, offenders must plead guilty to any offence serious enough for the court to consider a sentence, from probation up to detention in a youth justice centre.

Restorative justice has as many detractors as supporters. Read the comments on any tabloid article dealing with the topic and you'll come across

criticism the practice is soft on crime and lets young offenders get away with a "slap on the wrist" while victims are left with the consequences of their crimes.

But Restorative Justice Association president David Moore says there's nothing soft about a young person having to face up to their victims alongside members of their family and others affected by the crime.

"What it does is make the young person recognise how the effects of their crime spread out across the whole network of those affected by a crime – the victims, their own families, the community and others affected."

"Nothing has the impact of sitting directly opposite someone who

hasn't slept for six weeks since you bashed open their garage door and threatened to harm their family unless they handed over the keys to the family Audi. Especially if you're also sitting next to your mother and your brother and other people affected," he says.

Group conferencing works because it is a victim-centred approach, the president of the Children's Court Judge Amanda Chambers says. "We encourage young people to understand that they are responsible for their criminal behaviour and the impact it has had on their victims, the broader community and family."

Judge Chambers says she has seen some extraordinary cases of reconciliation and transformation emerge from the process of young people facing up to the impact of their actions. "Group conferencing is a highly effective process aimed at increasing the young person's understanding of the effect of their offending and to address the causes underpinning their behaviour, and in doing so, preventing a trajectory of lifelong offending."

Following the Moomba riots in 2016, eight young men took part in a group conference session that heard the impact of their actions on those affected, including owners of CBD businesses, security guards, Victoria Police, as well as members of their own families and community representatives. At the end of the gruelling four hour session, at which the young men heard of the impact the incident had on the lives of everyone in the room, the young men expressed their remorse and, with the support of their community and family members, promised to atone for their actions. Not one of the young people who participated in the group conferences has further offended.

Advocates believe group conferencing is so effective it should be extended more broadly. At present it is an opt-in program, where young people agree to take part. But the manager of Justice Programs at Jesuit Social Services Daniel Clements believes it should be the default

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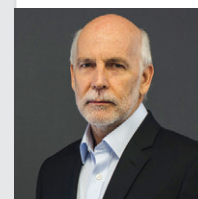
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Judge Amanda Chambers

Restorative justice

program for young offenders, as it is in New Zealand. "The majority of young people would benefit from an approach where they are helped to get an understanding of the impact of their offending."

He also believes it should be mandatory for young people before they are released from detention. He says he is not surprised that young people involved in criminal activity in Melbourne's suburbs in past months had recently been released from custody. "Those young people are going back into environments characterised by poverty, racism, trauma and discrimination, and if they're not being engaged in pro-social activities they will gravitate to where they feel a connection."

"Group conferencing in pre-release situations can help make transition from custody successful by bringing together key people who are coming together with a shared commitment to the young person."

Just as important however are supports put in place for the young person to help them carry out the good intentions that emerge from the group conferencing session, Mr Clements says. "There's a structural problem currently that we are not joining up the services properly to help young people translate the remorse and accountability that emerges in the group conferencing sessions into real change."

"What you need is someone who has ongoing responsibility to ensure the shared accountability that arises in the group conference carries on into the community with that young person."

That level of support costs money. But Mr Clements says the costs of group conferencing and follow-up support are a far better use of taxpayers' money than the \$1500 a day it is estimated to keep a

young person in detention, not to mention the damage to lives and to the community. "What we do know is that the damage incarceration does is unequivocal – the moment you go into custody you're 50 per cent more likely to go back again."

Back in the solicitors' office at Dylan's group conference, he is learning about how his actions have changed his victims' lives. The daughter of one victim says the series of burglaries on his house has made her once easy-going father go downhill. "He used to be really trusting but now he's too scared to open the door to anyone or even answer the phone. His mental health has declined and he's constantly anxious."

Another victim says her young son had nightmares for months after the break-ins. "The world didn't feel safe for him anymore."

The woman who hasn't been able to look Dylan in the eye is in tears. He was a friend of the family and had betrayed their trust, stealing a large sum of money and then adding insult to injury when he pretended to help look for the money when it was discovered to be missing.

"How do you feel about what you've done, now you've heard how people have been affected?" Ms Taylor asks.

Dylan is hanging his head in shame after hearing the pain he's inflicted on these people. "I'm so, so sorry," he keeps repeating.

What all the victims want to know is why? How could he have done such a terrible thing to them? What they learn is an all-too-common story of ice use and a

dysfunctional home life.

It's no excuse, he acknowledges when asked what was going through his head during the break-ins, but "being high and on drugs, you just don't think about what you're doing. It was only afterwards that I thought about what I had done."

He knows he's lucky, and that if he'd been a bit older at the time of the offences he would have been taken into custody. In the six months since his arrest, he's moved in

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with his father and stepmother, is off the drugs, back at TAFE and playing sport at a local club.

By the end of the gruelling four-hour session, the anger and pain in the room has lifted, transformed somehow into sadness and then a real desire from everyone to see Dylan back on track.

Dylan is determined to make recompense for his actions, paying back the money he's stolen, writing letters of apology to his victims and volunteering in the local community.

"I can't believe what I have done, and I don't want to go back there," he says.

"I can see in your eyes how sorry you are," says one of his victims. "It's up to you now to learn from this experience and move on."

Postscript: Six months on from his group conference Dylan has followed up with all his commitments to his victims and to the court. ■

GROUP CONFERENCING WORKS FOR OFFENDERS AND VICTIMS

Studies into group conferencing have shown that it dramatically reduces reoffending rates.

A review of group conferencing conducted for the Victorian government by KPMG in 2010 found offenders who participated in the practice were half as likely to reoffend, with just 19 per cent of participants reoffending within two years,

compared to 43 per cent of those who had been on probation or a youth supervision order.

The review attributed the drop in reoffending to young people having to deal with the consequences of their offending behaviour not just on themselves but also on their victims, their family, and the rest of the community. It also noted the impact of placing young offenders in direct contact with support services in the community and justice system to help

steer them back on to the straight and narrow.

The study also found much higher rates of victim satisfaction, giving them a greater sense of closure and compensation. Victims appreciated having the person apologise directly to them for their behaviour, and the chance to have a say in the young person's outcome plan.

The Youth Justice division of the Department of Justice is currently finalising a new review of the Youth Justice Group Conferencing program.