

VARJ Colloquium

Wednesday 16 July 2008

Discussion Outcomes

Focus question:

Which of the issues raised in the conference are the ones that VARJ should focus on - or prioritise - over the next 12 months?

Priority Issues:

1. Clarify the common values that link people from a wide variety of professional backgrounds, interests, and perspectives (e.g. prisons, education, administrative roles, legal professionals, conflict resolution, sexual abuse by clergy, etc.)
2. Clarify and increase understanding about the nature and practice of RJ.
3. Promote RJ to the wider public.
 - a. Target the publicity, e.g. in universities, schools.
 - b. Draw upon the experience, stories and 'voices' of individuals who have participated in and benefited from RJ.
 - c. Promote not only 'micro-RJ' (e.g. conferencing) but also 'macro-RJ' (e.g. supporting prisoners' reintegration into the community, effecting a practical paradigm shift, developing a culture of respect).
 - d. Develop shared language and understanding within VARJ - *prior* to any wider promotion of RJ.
 - e. Publicity needs to answer simple practical questions: How it works, what it involves, how it could benefit people.
 - f. Submit ongoing press releases from VARJ, reacting to current issues.
 - g. Proposal to submit press release before August 13th Colloquium.
 - Key words/phrases suggested: 'righting the wrong', 'from consumers to participants', 'community responsibility', 'the breadth of application of and interest in RJ in Victoria', 'opportunities to get involved'.
 - Tie the release to current issues.
 - Submit a photo.
 - h. Develop a VARJ 'publicity team'.

- i. Promote the fact that RJ can be used in *all* sectors.
4. Use the benefits of Victoria being a comparative 'late-comer' to RJ – learning from experiences and mistakes.
5. Work with and support a progressive Dept of Justice and Attorney General, cementing existing initiatives (i.e. in youth, NJC).
6. Initiate a Truth and Reconciliation commission (which would require legislation) to address sexual abuse in the church and the wider community.
7. Create concrete strategies that will enable VARJ to put multiple ideas / proposals into action.
8. Holding conversations can be useful in itself: e.g. identifying contradictions or paradoxes, e.g. The law focuses on individual acts, rather than societal causes – Can RJ operate outside this limitation? For example, could restorative justice apply where the state or society is the 'offender' and individuals who experience socio-economic deprivation are 'victims'.
9. Question: How do you get the 'powers that be' or influential players to come to the 'RJ table' when they don't want to come? (AG is v. interested in RJ)
10. Use RJ in the context of sexual abuse by clergy by taking an institutional approach.
11. Implement restorative values and practices within spaces within which we, as VARJ members, work and live (e.g. employment, family, relationships).
12. Empower the community to understand that they have a responsibility to deal with harm; and identify ways in which they can participate in that. Other wise they will continue to remain consumers of the justice system, or the 'punishment system of the school'. For example, when Circles of Support were used for sex offenders in Canada, the decision to support an offender was made by the community. Whereas in the UK, this same approach was introduced by the justice department.
13. Facilitate learning in the community to enable them to take responsibility and put in place restorative processes themselves – rather than rely upon the CJS.
14. Clarify the range of restorative outcomes. Suggestions include:
 - a. Reduced recidivism
 - b. Participant satisfaction
 - c. Social (re)integration and repair
 - d. Validation
 - e. Coordinated social action
 - f. Breaking down isolation/exclusion
 - g. Social capital / flourishing / inclusion

h. Healing

Tangible Steps:

1. Document best practice.
2. Build evidence for RJ (e.g. cost-benefit, effectiveness, etc.).
3. Develop set of common principles and values.
4. Develop best practice standards.
5. Develop RJ accreditation.

Issues raised in relation to standards & accreditation project

- a. Standards should draw upon:
 - practitioner experience and values,
 - standards used in other states,
 - national accreditation standards for mediation, and
 - evaluation (i.e. which standards are most likely to produce restorative outcomes etc.).

- b. Project would be useful for
 - monitoring,
 - increasing confidence,
 - presenting clear definitions as to what counts as RJ (e.g. by developing distinct categories, e.g. 'restorative practice', 'restorative justice', etc..).

- c. Linking standards to policy in education would be strategically helpful.

Appendix

Summary of a large Youth Justice Group Conference Convened by JSS at Coburg Town Hall, June 2008

Russell Jeffrey coordinates the Jesuit Social Services (JSS) Community Justice Program based at the Brosnan Centre in Brunswick. In June 2008, he convened a Youth Justice Group Conference (YJGC) at Coburg Town Hall with some forty participants. Nine legal representatives observed from outside the circle, along with six other professionals who had helped prepare the event. So there were nearly sixty people in the room, for a session that lasted the best part of four hours.

The case involved a violent interaction that had occurred over a year earlier at a nearby railway station. Two groups of teenage boys of different ethnic backgrounds – Vietnamese and Pacific Islander - knew each other through school and other networks. They arranged a meeting at a railway to “sort something out”. Almost inevitably, the meeting turned into a fight, which proved more chaotic and violent than any of them seems to have anticipated. There were perhaps as many as thirty involved. One member of the larger group was hospitalised with stab wounds, and others suffered broken bones, cuts and bruising. Shocked commuters and other locals witnessed the fight. The subsequent investigation required five months of police work.

The Children’s Court referred the matter to the Youth Justice Conferencing program in early 2008. Russell and his JSS colleagues considered the relative merits of running several smaller YJGCs, or the one large Conference. They chose to run a single large Conference, and for several reasons. In particular, the young men had acted as a group. If the Conference was to produce some shared understanding of what had happened and how people had been affected, these questions were best put to the group. Furthermore, others affected by the incident could best contribute, and help determine what might be done to improve the situation, if as many as possible attended the one YJGC session. It was both appropriate and convenient to run one large Conference. Each of the young men involved could be accompanied by one family member or other supporter.

As is standard practice with the YJGC program, Russell had interviewed all the young men referred by the Children’s Court, along with family members, and other people involved with the case. He interviewed some of the young men from the other group, who had not been charged in this case, and were categorised as the victims. They and their families were invited to attend the

Conference. Some gave the invitation due consideration. Ultimately, none of the boys from the Islander group attended. They and their families were represented by Victim Services, and in effect, also, by teaching staff and police community liaison officers who know them. The Conference would likely have had a different dynamic had they attended. They may yet be involved in a longer term resolution of some of the issues raised.

The Conference was scheduled to begin at 6:00 p.m. on this mid-winter Thursday evening. The organisers had done everything necessary, with the room fully set-up well in advance, and refreshments available as people arrived. By 6:15, there were around forty people in the room, seated in the circle, or observers' chairs, or milling around - but several young men and their families had still not fronted. Hurried phone calls suggested they were on their way, and Russell announced about a revised starting time. At 6:30, as the Conference was finally beginning, two family groups entered the room apologetically. In the end, only one of fourteen young men interviewed actually failed to attend.

Russell introduced the Conference with a clear statement about its purpose. The group needed to develop an outcome plan that was fair. In this context, that would mean commitments that were "no more onerous than had they not attended a conference". Expectations about the process were that people should feel safe and able to speak freely and tell their story. And a final request: "Please, no lecturing and no interrogating!"

Russell then invited the thirty eight participants in the circle to introduce themselves in sequence. The professionals were from youth justice, local schools, the Victim Support Agency, Victoria Police, and community organisations. The thirteen young men were supported by their mother or father, two of them by their sisters, and two by social workers. Three Vietnamese interpreters sat on the edge of the circle.

The story of what happened began with a succinct summary of the fight at the railway station. The police officer assigned to the case, as requested, provided a largely descriptive summary, with only a little speculation about motives - and the striking fact that he had devoted five months to the case. The key facts about the case were that: there was a fight; weapons were used; some of the young men involved had still not been identified; many people were left fearful by what they had witnessed - including commuters and those associated with the other group or gang; some of them are still afraid, more than a year later.

It was now time to hear from each of the young men. They reside in four different areas of suburban Melbourne. The young man who had arranged the meeting at the railway station spoke first. He described how he'd "heard that Maori Boys wanted to hit me", and how his response had then developed into something more than they had expected. He claimed that he initially wanted to seek an apology from the young Islander men. He had been with his cousin when he heard the rumour about their intentions. The two had then phoned three friends. The cousin said he also thought it would simply be a case of requesting and receiving an apology. After all, they knew the young men from school and felt they were reasonable. The other young men who the two then contacted described their response to being asked to join the group: "I felt I had to help him out." "We just tagged along." "I just remember being asked to be there; I didn't think much about it." "I was asked by [the organiser's cousin] to protect him."

Russell now asked for clarification: "So was there going to be a *talk* or a fight?" Well, they had met at Red Rooster, and yes, they did take weapons... And to clarify, how many were there at this stage? "Between fifteen and twenty of us... And then we walked to [the] Station." They were asked what they were thinking at the time. Mostly, they were feeling apprehensive.

The situation had moved very quickly from a talk, to raised voices, to blows. Each described briefly his role in the fight. The young man who was stabbed described how he had been observing from behind the young Islander men when they tried to run. Suddenly, he was in the thick of the action, on the ground and under attack. Everyone in the room listened intently to the frighteningly detailed description of being set upon in a melee.

The young men described, hesitatingly, the aftermath of the incident – where they had gone in the hours that followed, whom they had spoken to, when the police had eventually identified them and made contact. The investigating police officer helped with some of the missing details. When asked how all this had affected people, the young men noted the impact on their families, on their studies, and on themselves.

One spoke of his strained relationship with his mother. The young man who had been stabbed explained that he had been unable to work for several months. His mother described visiting him in hospital, and her relief that he had survived. Another young man, the oldest son in his family, was visibly

challenged by the question about the impact of the events. It has brought shame to the school. For the investigating police officer, it had changed his year. He described witnesses with locked doors, students hiding under desks, fellow officers police shocked by the nature of injuries. And the very personal testimony of his concern his own mother might have been one of the commuters affected.

The representative from the Victim Support Agency spoke on behalf of some of the absent victims. She described their concern that they were outnumbered at the time, and would be outnumbered had they attend this Conference. They had been overwhelmed by the incident and remained scared. All of them had been changed by the event. The mother of one of the young boys involved now worries all the time that her son is out and somehow blames herself that he had got caught up in the “cowardly” attack. One mother described, through her Vietnamese interpreter, how this is a difficult age. The mother of the young man who was stabbed described supporting him in hospital, then on his release, holding him responsible for what had happened. She is likewise concerned every time he goes out. Other mother’s expressed – in Vietnamese – their fear. Several fathers described their concerns. One, clearly deeply upset, lamented that teenagers are hard to control in this society. “He’s a good boy at school – and then this happened!”

A father, speaking in Vietnamese, pleaded with the other parents to speak with one another. “We can’t control them on the street – so we’d better talk to them.” The mother of another boy, again speaking through an interpreter, described how the situation had left her very sad, very fearful, and with unanswered questions: “what example is he setting for his younger sister and brother??!... I don’t know what to do?” A sister, who played the role of second mother, and who is pregnant, described how the constant worry about her younger brother is stopping her from sleeping.

A prominent local social worker spoke about the role of weapons. The incident recalled memories of young people who’ve passed away. He was pleased to have been able to find a place for one of the young men at a different school, where he was doing well. Another youth worker recalled memories of a tragic manslaughter case, where the precipitating incident had involved a cigarette. The teacher expressed his surprise. He knows boys from both groups, and had only just connected the incident at the railway station with some of the boys in this Conference. One of them was a house leader. The teacher recalled a Group Conference convened at their school for an unrelated matter, and in which one of the young men at this Conference, and one of those in the other group, were both model students.

Another victim support worker described being horrified by the number of young men involved and their use of weapons. A prominent local police liaison officer described locals fearful of using the train and avoiding public spaces. This one incident has had a massive effect on the area. It's a sad situation. A local youth justice manager described her involvement in the case, how her colleagues had discussed whether the case would be suitable for a Group Conference, particularly given the numbers involved and the level of violence. In the end, they'd agreed that the risk was worth taking, and that her colleague had made the right call to consider the case for the YJGC program. A third police officer spoke very personally – as a commuter, as a mother and daughter. She described how she had moved from a metropolitan station to escape the disturbing culture of street violence, only to find that her husband worries about her on every shift. She spoke to the young men as a parent about the number of young men whose life prospects have been cut from under them by criminal priors... The Legal Aid lawyer sitting in the circle, on behalf of his client and his observing colleagues, offered a timely and succinct reminder of the legal context of the exercise. This was an opportunity to look to the future.

The young man who had initiated the whole event now offered an apology to everyone present. Others followed his example, some of them quite eloquently. They addressed the Police Officer, the parents and sisters, supporting professionals – and the absent victims. The representative from the Victim Support Agency explained how the victims had been invited to attend, and some had seriously considered the suggestion – but in the end, they'd all said they were too afraid to participate in the Conference.

At this point, Russell called a ten minute break. People had been talking for an hour-and-a-half. For the first time, the group had some broad picture of what had happened a year earlier, and how it had since affected everyone in the circle.

The ten minutes passed quickly, with brief refreshments and talking in small groups, then everyone seated themselves again. Russell resumed the conversation with a reflective question: What lessons have been learned from this experience? Some of the young men offered immediately that the event had had much broader consequences than they had anticipated - and many *unintended* consequences.

The school teacher suggested one fundamental lesson: next time any of you sense that trouble is brewing, use existing social support and wisdom. "There is, for a start, a whole bunch of supportive teachers who have experience of

defusing tensions.” One of the young men suggested that a key lesson for him was: “Don’t act so rashly!”

So the question now was: How can we make amends and how can we prevent something similar from recurring? The representative from Victim Support suggested a letter to express their apology to the young men and their families who had been afraid to attend the Conference. When asked what he’d like to see, the investigating police officer said he’d rather hear from the young men what they thought they might be able to do.

The young man who had initiated the event suggested that he and his peers should “create space between the two groups.” When asked to clarify, he suggested something a little more constructive. We should make an effort to say hello, ask how things are going, change our attitude, talk...

The police officer who had moved from Metropolitan now spoke to the young men directly. “With what you have said, you have changed my attitude.” She was much more hopeful that good could come of this exercise. She suggested that perhaps some of the cultural differences between the two ethnic groups might be addressed.

The local police community liaison officer suggested some sort of sporting event might be worth considering. The representative Legal Aid lawyer again clarified the legal requirements of the Conference, specifically the logic of an outcome plan.

The social worker suggested the young men could have a positive influence on siblings and peers by dissuading others from carrying weapons. The police liaison officer asked that the young men think a little more about the victims of their actions. The teacher suggested they nominate an authority figure and seek assistance on how to respond less destructively to a threat. Again, if you identify “which adults do we trust?”, the school will help defuse situations.

The youth justice manager described this as a unique opportunity. Others agreed. The young man who was stabbed spoke to himself as much as his peers when he said that this event was more serious than we realised, and we should take this seriously.

Russell now called a second break, giving the young men and their families a chance to talk with their legal representatives about an outcome plan. Around and outside the room, people spoke in small groups, and wrote notes.

When the group returned, the young men described in sequence what they planned to do. The initial focus was on individual lessons and actions. They would each write the requested letters, note the lessons from the Conference, talk with their families, and the other young men involved, and work to dissuade others from carrying let along using weapons. Some said they would go out less, other that they would make an effort to think before acting, and work to promote peaceful resolution of issues. Some of the young men spoke to the group directly, rather than reading from their hastily jotted notes. They clarified, when asked, that they had written down their proposed actions. Speaking directly to the group seemed a sign of sincerity. Where possible, some of the young men undertook to make face-to-face apologies.

Russell summarised what had been offered thus far. The Legal Aid representative clarified the logistics of the letter-writing. Each young man would write two letters: one would be to the other young men involved in the incident at the train station, the other would be to those by-standing witnesses who were shocked by the incident, many of whom were still fearful. All the young men agreed to write and deliver these letters within the next two weeks – before their return to court.

From these individual commitments, Russell now returned the group to a brief discussion of some proposed collective actions. The police, youth justice manager and teacher agreed they could follow-up with the boys through the school to pursue peace-making initiatives. These were aspirations, rather than specific commitments for outcome plans. Nonetheless, the aspirations may yet prove to be a significant outcome of the Conference.

Russell summarised what had been agreed to, and the next steps, before closing with thanks. It was nearly 10:00 p.m. People nodded their thanks, left their seats, mingled briefly, then headed out into a Melbourne winter's night...

dbm
June 2008

