

# Finding the Balance:

## Restorative Justice and Youth Offending in Queensland

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# Fact or Fiction?

“Our youth now love luxury. They have bad manners, contempt for authority; they show disrespect for their elders and love chatter in place of exercise; they no longer rise when elders enter the room; they contradict their parents, chatter before company; gobble up their food and tyrannize their teachers.”

Socrates?

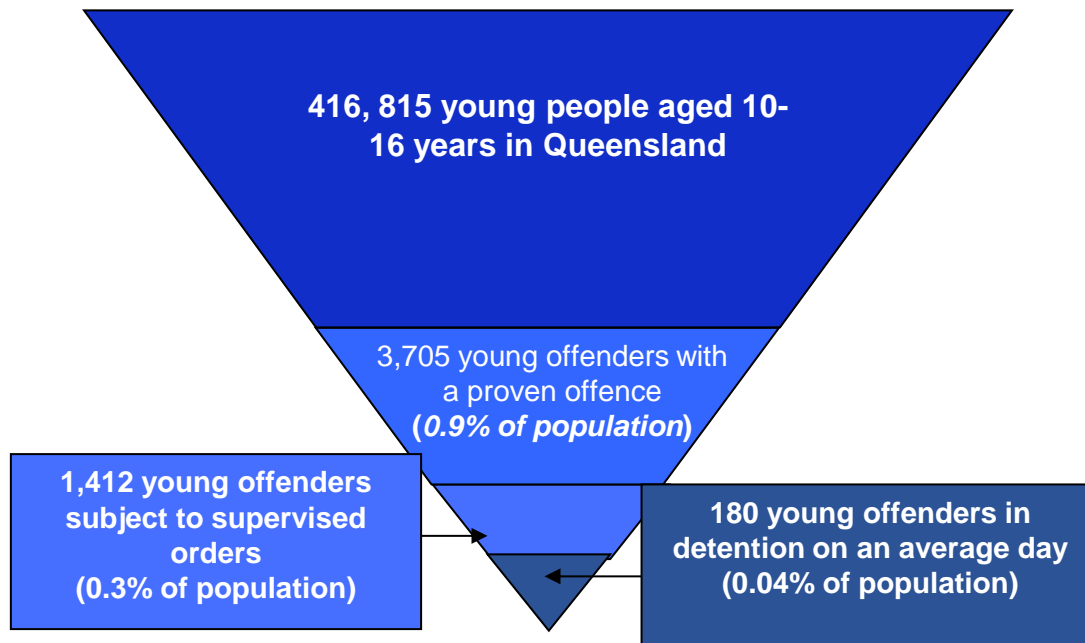
# Are young people out of control?



# Finding Facts!

- Crime is generally decreasing!
- The number of young people offending is decreasing!
- Most young people are not offending & never come into formal contact with the criminal justice system!
- Young people are more inclined to commit offences when they are feeling isolated, disconnected and marginalised!

# Youth Crime in Queensland – a snapshot



# Context

Youth crime is impacted by changing social conditions such as:

- More complex drug and alcohol use
- Poor mental and physical health
- Increasing low levels of education
- Exposure to violence during childhood and early adolescence
- Severe and long-term neglect and family dysfunction.
- Poverty
- Homelessness



# The Adolescent Brain!



# The harm caused!





# Restorative Justice

- **Crime** doesn't just violate the law, but **causes harm** to people and relationships
- Justice is achieved by those people who have been harmed participating in a way and negotiating an outcome that is meaningful for them

# Youth Justice Conferencing in QLD

- Is a restorative justice process
- An option under the Youth Justice Legislation – referred by police
- Any offences committed by young people aged between 10 and 16 years
- Where a young person has admitted to an offence

# 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 1999)*

# Purpose

- Discuss the offence and impacts
- Hold young person accountable
- Victim/ person(s) harmed involved in decision making
- Negotiate agreement about how the young person can make amends to victim/person(s) harmed

# Goals

Accountability

Participation

Reparation

Reintegration



# Who attends?

- young offender
- young offender's parents/family
- Victim/ representative
- victim's supporters
- police officer
- Convenor
- member from community agency
- important people from the young offender's cultural community
- Legal representative (on request)
- anyone else the Convenor considers appropriate
- Elders/ Respected persons

# Benefits for Victims

## Victims:

- have their say about how offences affected them
- receive answers to questions
- have their say about how the offence should be dealt with
- more likely to be satisfied with the outcome
- reduce fears of re-victimisation
- gain closure

# Benefits for Victims

Research show that restorative justice conferences can mitigate the effects of crime and help victims heal and move forward more quickly.

- 1/3 fewer post traumatic stress symptoms 6 weeks following a conference than those dealt with through conventional justice.
- 40% less after 6 months.

Traumatic Stress Symptoms in Victims of Burglary and Robbery  
(Dr Angel - University of Pennsylvania 2005)

# Benefits for Young Person

## Young person:

- Face up to victim/person(s) harmed and others affected
- Take responsibility for behaviour
- Challenge beliefs about offence and consequences
- More likely to develop empathy & remorse
- Less likely to re-offend
- Do something meaningful towards repairing the harm done

# Benefits for Community

- Responsive
- Cost effective (long term)
- Inclusive & culturally appropriate



# Recidivism

- Reviewed 36 research projects between 1986 and 2005 which measured the effectiveness of restorative justice processes compared to conventional criminal justice
- Offenders who receive restorative justice (on average) commit fewer repeat crimes than offenders who do not
- Restorative justice reduces repeat offending more consistently with violent crimes compared to less serious crimes

Lawrence Sherman and Heather Strang 2007

# Cultural Capability

- Research indicates restorative justice is as effective for Indigenous young people
- *Re-offending rates decreased by the same amount for Indigenous and non-Indigenous young people (by **9%** and **10%** respectively)*

'Restorative justice & its impact on the re-offending of juveniles in regional & remote Australia: A Northern Territory Perspective 2007 (T Cunningham 2007)

# Key Elements

- Practice clearly embedded in restorative justice
- Trauma informed practices (for all parties)
- All participants must be prepared and fully informed about the process, the principles and possibilities
- The convenor needs to be neutral and to be seen as neutral by all parties

# Key Elements

- Do no further harm
- Trust the process
- The process and the agreement belong to the participants
- It is the participants not the offence that make the process meaningful

# Renewing our thinking

- In what ways can restorative justice be applied across the continuum of youth justice responses?
- How do we work with restorative justice across agencies to create safer communities?
- How do we effectively measure outcomes using restorative justice responses in a youth justice context?



# Working across the continuum?



”.....Restorative Justice is not a new set of programs or short-term projects. It is a new way of thinking about crime, community, and working together for the future. ....Restorative Justice requires vision, creativity, and shared leadership on the part of the justice system, victims, offenders and the community.”

*Susan Sharpe, Author, Restorative Justice: a Vision for Healing and Change*

There is much work to be done!

