

The Victorian Youth Justice Group Conferencing Program

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Victorian Youth Justice Group Conferencing

Target Group

- Young people aged 10 and up to 18 years of age appearing before the Children's Court who have:
- Pleaded guilty or have been found guilty of offences that **do not** include homicide, manslaughter, sex offences and serious crimes of violence; and
- Committed offences serious enough for a probation or youth supervision order to be considered by the Court; and
- Been referred to the group conferencing program within twelve months of the offence/s; and
- Been assessed for suitability by Department of Human Services Youth Justice; and
- Have consented to participate.

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Pre-Conference process

- Recommendation that a young person be considered for a group conference to Magistrate by the young person's legal rep, prosecutor or in the pre-sentence report prepared by Youth Justice.
- Magistrate requests suitability assessment from Youth Justice Court Advice worker, who interviews young person regarding their circumstances and their consent to participate in the program.
- Magistrate defers sentencing to allow conference to occur.
- Referral to respective group conferencing service provider by Youth Justice Court Advice worker.
- Convenor undertakes preparation of young person and other participants and organises conference.

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The Conference

Enabling legislation

S.414, 415 Children, Youth and Families Act 05

Participants

- Who must attend?
- Who may attend?

Pre-conference

- Thorough preparation is vital to the potential success of a conference, including victim preparation and consultation

Components of conference meeting

- Introduction and ground rules
- Information sharing
- Private time
- Agreed outcome plan

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Post Conference

- **Court report** [including agreed Outcome Plan] prepared by Convenor
- **Return to Court:** sentencing disposition imposed
- **Voluntary Outcome Plan:** completed
- **Outcome Plan Follow-up**

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Research Findings - Program review 2006

Victim Participation

- Over 80% of conferences have had victim participation.
- Research indicates a conference is more effective if a victim participates.

Diversion

- 86% of those participated received a good behaviour bond, ie a non-supervisory order without conviction.
- After 12 months, only 16% of Group Conference participants had re-offended compared to 40% of those who received probation orders.

The program:

- diverts young people away from supervisory court orders and from further penetrating the criminal justice system, and
- reduces the frequency and seriousness of re-offending behaviour



Youth Justice Group Conferencing

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Restorative justice

“Restorative justice refers to a process whereby those affected by an (offence) come together, in a safe and controlled environment, to share their feelings and opinions truthfully and resolve together how best to deal with its aftermath”.

“The process is called ‘restorative’ because it is concerned primarily with restoring, insofar as possible, the dignity and wellbeing of those harmed by the incident”.


Victorian legislation

The purpose of a group conference is to facilitate a meeting between the child and other persons which has the following objectives:

- (a) To increase the child's understanding of the effect of their offending on the victim and the community;
- (b) To reduce the likelihood of the child re-offending;
- (c) To negotiate an outcome plan that is agreed to by the child.

s. 415 *Children, Youth and Families Act 2005* (Victoria)

Group Conferencing and reoffending

- Reintegrative shaming (Braithwaite, 1989) – “social disapproval” and “pangs of conscience”
- Shift the young person’s focus from self to others
- Perspective taking  remorse and empathy
- Condemns the behaviour, not the person

Communities of care

- RJ aims to decrease offending by increasing the young offenders' social support and sense of community belonging
- Assumption that the young person will have a (pro-social) "community of care"
- Assumption that the young person's "community" will be able to recognise risk factors and assist the young person to address these