

REAL JUSTICE[®]

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Chairperson
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Legislative Assembly for the Australian Capital Territory
GPO Box 1020
Canberra ACT 2601

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Submission from Real Justice Australia

Introduction

This document is an invitation to be a lead agency in two initiatives that stand to revolutionize how government organisations deal with those who are at risk, or involved in wrongdoing, in ways which consistently achieve desired results. The agencies and individuals- described in this submission- that embrace Restorative Practices currently find themselves at the cutting edge of what is still – despite an increasing body of evidence as to its efficacy - an emerging social science.

Practitioners and agencies in this field are discovering new threads of thinking around how we understand and engage those we seek to assist. With a solid theoretical base and an increasing body of experience, proponents are now well placed to apply the principles and processes of Restorative Practice to the areas of youth and adult community supervision traditionally managed by government agencies.

New collective and critical ways of producing knowledge and making it available to the broader community are being developed, some of which are summarized in the Appendices to this document.

An examination of the proposals and attachments will reveal that this is a timely, credible, safe and socially viable next step in dealing with the increasing challenges faced by government agencies in economically managing this critical area of their responsibilities.

As partners with Government, Re-Emerge, Real Justice and the International Institute of Restorative Practices bring academia, experience and well developed processes to the table.

Real Justice [Australia] and Re-engage Youth Services [South Australia] have collaborated for the past five years on finding effective ways to engage young people at risk and their families. This partnership has produced some impressive outcomes, none more so than in 2012 when Re-engage featured in

BRW's (Business Review Weekly) top 50 Australian workplaces [Great Places to Work Institute].

Recently [October 2014] Re-engage representatives were the featured plenary speakers at the 17th IIRP [International Institute for Restorative Practices] Conference in Bethlehem [PA, USA]. However, what distinguished Re-engage from all the other plenary speakers and workshop presenters, was their ability to have integrated restorative practices in all aspect of their organisational and service delivery processes. In other words, Re-engage was on the way to becoming a truly restorative organisation.

Appendix A – Re-engage Paper & You Tube video.

This meant that restorative practice was taken seriously and had implications for how they related with:

- Young people and their families.
- One another - colleagues, supervisors and managers.
- Other agencies and community groups.
- Themselves – critical personal reflection.

This was possible because restorative practice was embraced as being fundamentally about relationships. It was explicit, offered a common language and practice that was easily shared with all stakeholders and offered the possibility of a different conversation and therefore some new stories. The challenge of engagement was made a lot easier because its focus was on harm and relationships, rather than blame and punishment or sanction.

The Re-engage experience is one of many that Terry O'Connell [Australian Director, Real Justice] has been involved with since he first began his 'restorative journey' in 1991 as a police officer in Wagga Wagga. Recognised as a restorative pioneer with an international reputation, Terry's thinking and practice has evolved significantly over the last 20 plus years. He started a program for dealing with offenders and victims and now has found ways to integrate restorative practice into most professional practices.

Appendix B - Brief Curriculum Vitae.

This brief submission proposes two initiatives that impact on criminal justice and community safety but more specifically two areas:

1. Juvenile offenders – those most likely to be placed in secure care.
2. Community probation – all aspects of their current practice.

This submission offers two new and innovative approaches [practice]. We believe that both have been shown to 'tick all the boxes' when it comes to effectively responding to at-risk juvenile offenders and community probation generally. Both approaches come from many years of development and provide rigorous practice as well as demonstrating very positive outcomes.

A Little About Our Practice

Consistent with our explicit approach is the importance of having a set of 'working assumptions'. These assumptions provide a board 'road map' that describes where [in this case] offenders are at, how they got there and what is needed to help them make different choices. A simple inquiry of most practitioners about their 'working assumptions' is very revealing – most admit they struggle to articulate the thinking behind their practice.

The following are our 'working assumptions':

1. Relationships are what help us as social beings derive identity and meaning.
2. Regardless of the model, practice or theory used there is a strong 'consensus' that an ideal outcome would be for an individual or a group to know how to experience 'right' relationships.
3. Practice focus needs to be on creating those conditions that help establish and build relationships.
4. The practice that reflects the conditions prescribed by Silvan Tomkins for emotional and psychological wellness [strong relationships] is likely to do best at achieving this outcome.

We also strongly argue that 'good practice' needs to satisfy the following criteria:

- Explicit - clear rationale about its philosophy, assumptions and theoretical influences.
- Able to predict and describe its likely outcomes.
- Capable of delivering on these outcomes.
- Easily explained and shared with those being assisted.
- Clarity about the role of the practitioner [in articulating this practice].

Silvan Tomkins Psychology of Affects has provided an important theoretical underpinning and influence on our practice. Professor Don Nathanson worked closely with Tomkins and developed what he refers to as a Community Blueprint [it is an adaptation of Tomkins Central Blueprint].

Basically Nathanson suggests that relationships are built when the following conditions exist:

1. Share and reduce negative emotions (best achieved by listening and acknowledging)
2. Share and promote positive emotions (achieved by affirming)
3. Encouraging the expression of emotions as a way of experiencing 1 & 2.
4. Doing more of 1, 2 and 3 (essential for building and maintaining good relationships).

It just happens that the restorative questions that Terry O'Connell developed in 1991 consistently produce those conditions identified by Nathanson for building and sustaining relationships.

These restorative questions are:

Restorative Questions 1

When Things Go Wrong

- What happened?
- What were you thinking at the time?
- What have you thought about since?
- Who has been affected by what you did?
- In what way?
- What do you think you need to do to make things right?

Restorative Questions 11

When Someone Has Been Hurt

- What did you think when you realised what had happened?
- What impact has this incident had on you and others?
- What has been the hardest thing for you?
- What do you think needs to happen to make things right?

In summary our practice is built on developing the 'right conversation' with offenders, victims and their families and this is made possible through the use of these restorative questions.

Appendix C – Restorative Templates – A4 Posters

Initiative 1 - Restorative Reporting Centres.

Community Service Foundation [CSF] developed the Restorative Reporting Centres [RRC] in Bucks County, Pennsylvania, USA in 2010. CSF and Real Justice are sister organisations under the IIRP umbrella. As an organisation that has been working with at-risk young people since 1997, CSF identified a need for an alternative to secure care and in collaboration with Bucks County Juvenile Probation developed the RRC.

Appendix D – Restorative Reporting Centres

By way of explanation the following information has been uplifted from Appendix D:

The RRC is a community-based social skills training intervention created to provide services as an alternative to placement for delinquent youth. This intensive experience has two stages and two lengths of time to offer some variability based on the risk and needs of the client. The RRC specifically targets moderate risk youth with the ability to accept other risk levels on a case-by-case basis.

The RRC curriculum and restorative circle processes primarily focus on social skills development for delinquent youth. In addition to this service, the RRC

provides additional supports that include individual and family connections, FGDM (Family Group Decision Making), drug and alcohol monitoring, homework skill development, healthy peer relations, moral reasoning skills, anger control skills and empathy building through restorative practices.

Categorization of the YLS/CMI – RRC looks to reduce recidivism by providing programming that targets attitudes/orientation in the high dosage portion of the program and through the progression of the program personality/behavior, family circumstances/parenting and peer relations are targeted.

“What’s different about the RRC program is that it immerses young people in an intensive environment of restorative practices. RRC staff work with youth to help them take responsibility for their actions and make lasting changes in their lives, directly involving the youths’ family members in this process.”

“Youth are referred to the RRC Program for a 30-, 60- or 90-day term on the recommendation of the youth’s probation officer, with the final decision made by the presiding judge. The program accepts juveniles — males and females — from urban and rural settings covering the large geographic area of Bucks County.”

“The RRC program is a great example of two groups working together to develop a vision for a program that responds to the needs of the community while creating restorative programming that impacts offending youth and their families.”

“Generally these are kids who haven’t been able to keep on the right track. The idea was to break the string of non compliance with a program that gets their attention with a lot of interaction, regimen, structure and family engagement.”

“We’ve had some youth enter the program with complex issues and make a transformation in a short period of time. Some former RRC clients are still getting A’s and B’s in school because they came here and learned to take the time to do their homework. I’ve had probation officers call us and provide updates, telling us that a particular kid is on the honor roll and going to graduate.”

“Outcome measures collected by CSF in the first year of the RRC program show that a total of 104 clients entered the program between August 1, 2010 and July 31, 2011. Of 85 clients discharged in this year, 81 said they were satisfied with their experience; 59 were discharged and successfully completed the program; 26 were discharged early and did not complete the program. The 104 clients completed 4,305 hours of community service and achieved 98% attendance; 99% of the drug screens were negative for controlled substances.”

“The attention to restorative practices sets Community Service Foundation apart: the emphasis on keeping juvenile offenders in their

home and teaching them — and their families — coping mechanisms for the various challenges they will face in their schools and communities. While still new, the RRC program appears to be very promising, both for Bucks County and as a model for other programs around the country.”

Re-engage and Real Justice visited the Sellersville RRC site in October 2014 and were very impressed with the program. They spent time speaking and interacting with the ‘participants’ and shared the following observations:

- RRC is a tough and challenging experience.
- Participants talked about being ‘much more self aware’.
- They felt that this was an experience like no other – bitter/sweet.
- They learned to have very different conversations.
- Hope and optimism were strong sentiments expressed by participants.
- Importantly, they felt increasingly connected to family or significant others.
- The restorative focus was understood and seen as important.

Proposal 1

Real Justice and Re-engage would like to collaborate with the ACT Government to develop a Restorative Reporting Centre in Canberra. Note: The same proposal will be put to the South Australia and Northern Territory Governments.

There are many benefits that will flow from the establishment of RRC’s for young people at-risk and their families, but importantly in terms of community safety.

The other important benefit that will come as a result of success with RRC’s will be a requirement to fundamentally ‘rethink’ the operation of juvenile detention throughout Australia, and in particular, in relation to aboriginal juvenile detention.

Initiative 2 - Restorative Probation

Restorative practice provided the important changes in how Re-engage now engages young people at-risk and their families, and it just happens to be what underpins the success of the Restorative Reporting Centers.

Restorative probation would seem to be a logical next step given that Re-engage and RRC’s deal with the same group, young people who are at-risk of continued offending and are likely to be placed in secure care. The idea of incorporating restorative practice into Community Probation would appear to have some real potential. In truth, this transition began over ten years ago and involved Grahame Chaseling a then newly appointed NSW Community Corrections officer. Having spent seventeen years working as a NSW Correctional Officer, Grahame wanted a new challenge.

With the assistance of his mentor Terry O’Connell, Grahame began looking for more effective ways of engaging offenders and their families. He adopted a

restorative approach and immediately noticed that by getting offenders to focus on the impact of their behaviour, and importantly inviting their families to be part of the conversation, this provided everyone with a different and positive experience. Grahame was tasked with running programs and strengthened their delivery by incorporating various restorative elements. He developed The Game that has since been superseded with 'The Challenge'.

Appendix E – The Challenge Handbook.

Briefly the Challenge is:

The Challenge is a practice designed to deal with things that go wrong or are not working. It is a structured process and involves a series of facilitated stages. It has a Restorative focus, one that looks at what has happened, who has been affected, and then what is needed to make things right.

It brings together those involved in the wrongdoing or conflict as well as their communities of care. Through a series of respectful engagements, it aims to positively influence their social context by focusing on building and strengthening relationships.

As we began to learn what really made a difference, and then learned how to explain and teach this, we became more confident and consistent in our own practice. We were thus able to shift our focus from the formulaic and discrete set of practices we called Restorative Justice, to think openly and generally about what we now call Restorative Practice. Knowing that you can engage others, and learning to do so in a way that provides the certainty that your practice will consistently produce positive and predictable outcomes, has been for us an exciting experience.

Whereas I detailed a set of working assumptions, Grahame takes a slightly different take on this and uses a set of 'principles' to guide his practice:

- Wrongdoing damages relationships;
- Wrongdoing creates obligations;
- Offending is unsustainable within a context of healthy/respectful relationships;

How Grahame practices today is very different from when he first began as a Community Corrections officer. He has learned to integrate restorative practice in all aspects of his work with offenders and their families. Some key features of his practice:

- Its explicitness – Grahame is able to explain what he does, why he does so and why doing this works.
- Respectful engagement – Grahame is able to engage offenders and their families in respectful, fair and supportive ways. The key to this is the establishment of mutual expectations with all involved.
- Socratic engagement style – Grahame relies almost entirely on questions and emphasizes the importance of working 'with' offenders and their families. This discourages any tendency towards doing things 'to' or 'for'

offenders, a trap many practitioners find themselves in, thereby becoming authoritarian or permissive in their approaches to supervision.

- Building connections – Grahame believes that connecting offenders with those who are significant in their lives is fundamental if obligations and meaningful change is to happen.
- Emphasis on relationships – Grahame with offenders and families; offenders with families; and, significant others, families with offenders.
- Tasking offenders to ask their families and significant others the restorative questions.
- Helps offenders [often for the first time] to make sense and meaning of where they are presently, how they got there, what is important to them, what needs to change for better life choices, and their part in this process.

The irony surrounding Grahame's experience is that the more effective he became using the restorative approach, the more he was ostracized within his own department. At one stage Grahame worked at the Mt Druitt courts where he was required to do various pre-sentence reports for the offenders in a very busy court complex. He used a restorative framework [questions and structure] to write these reports. This was a very different approach, one that was quickly picked up by the magistrates who commented on the quality of Grahame's reports. This feedback went completely unnoticed within his department. Grahame now works at Coffs Harbour with NSW Community Corrections and continues to take restorative probation to a whole new level. He fortunately has a supportive manager who appreciates what Grahame has to offer.

Appendix F – Various Practice Examples

Proposal 2 – Restorative Probation

Real Justice and Re-engage would like to collaborate with the ACT Government to develop a Restorative Probation pilot in Canberra. Note: The same proposal will be put to the South Australia and Northern Territory Governments.

The Challenge training is offered in a wide variety of settings, more recently the Indigenous Youth Mobility Program with ten sites throughout Australia. This is a supported accommodation program for indigenous young people who need to come to larger regional centers to gain access to further education and training.

It should be noted that Restorative Probation is cost-neutral.

Summary

Both proposals have considerable opportunities to offer the ACT Government in terms of meeting its obligations to the community, young people and their families, as well as adult offenders and their families. We believe that both proposals have the potential to place the ACT Government at the 'cutting edge' of criminal justice practice reform in Australia.