





Northern Ireland

Today I
will
explore...

- ▶ Restorative Justice and restorative practices in Northern Ireland
- ▶ Youth conferencing
- ▶ Case study
- ▶ Questions & Answers



What is restorative justice?

At its core, Restorative Justice is about “putting right wrongs and harms” grounded in “respect for all”, which stems from an acknowledgment of interconnectedness but also diversity; this is done by focusing on *harms* and *needs*, addressing *obligations*, *involving* all stakeholders, and by using collaborative, inclusive processes.

Principles of restorative justice

- **Restoration** – the primary aim of restorative justice is to address and repair harm
- **Voluntarism** – participation in restorative processes is voluntary and based on informed choice
- **Neutrality** – restorative processes are fair and unbiased towards participants
- **Safety** – processes and practice aim to ensure the safety of all participants and create a safe pace for the expression of feelings and views about harm that has been caused
- **Accessibility** – restorative processes are non-discriminatory and available to all those affected by conflict and harm
- **Respect** – restorative processes are respectful to the dignity of all participants and those affected by the harm caused

(www.gov.uk/guidance/restorative-justice-and-restorative-practice)

Traditional V Restorative

Traditional criminal justice process

- ▶ What laws were broken?
- ▶ Focus on guilt.
- ▶ Decides on punishment.
- ▶ Offender is central.
- ▶ Adversarial – offender vs state.
- ▶ Limited inclusion of community

Restorative justice

- ▶ Who has been hurt?
- ▶ Crime violates people and relationships.
- ▶ Identifies needs and obligations.
- ▶ Victim is central.
- ▶ Encourages dialogue.
- ▶ Forum for community to be involved in dealing with problems of crime.

RJ in youth justice system NI

- ▶ Criminal justice review 2000
- ▶ Justice (NI) Act 2002
- ▶ Introduced December 2003
- ▶ Based on the New Zealand Family Group Conference model

Youth Justice NI

- ▶ Age of criminal responsibility is 10
- ▶ Practice model incorporates aspects of best practice relating to;
 - ▶ Adverse Childhood Experiences (ACEs) theory,
 - ▶ trauma informed practice,
 - ▶ systemic practice,
 - ▶ resilience and
 - ▶ desistance

Youth Justice Agency NI

- ▶ **Early Stage Intervention** – working with young people who are on the cusp of the formal youth justice system in order to intervene at the earliest opportunity hosting e.g schools
- ▶ **Youth Engagement Clinics** – admission of guilt, lowest level sanctions & support provision
- ▶ **Facilitate and deliver Youth Conferences** - both Court ordered and diversionary, ensuring that, as far as possible, victims have an input as to the way forward.

Also...

- ▶ Supervise young people who are subject to a range of Court Orders and Diversionary Youth Conference Plans
- ▶ Deliver programmes and interventions with young people and their parents/carers to prevent re-offending
- ▶ Facilitate very successful Parent Support Groups



What is a youth conference?

The system of restorative justice which has been established involves the use of 'youth conferences' at which the offender, victim (or victim representative), professionals and others are brought together to discuss the offence and its repercussions, and to agree on an action plan for the offender. Youth conferences are fully integrated within the criminal justice process.

Based on the Maori 'Family Group Conference' model.

Referrals;

A young person can be referred for a youth conference at one of two stages of the criminal justice process:

- ▶ Prior to conviction if, having been charged by the Public Prosecution Service (PPS), the young person admits the offence; in such cases, the referral is undertaken by the PPS, and the conference is known as a diversionary youth conference.
- ▶ Following conviction, in which case the conference is known as a court-ordered conference. With certain exceptions, there is a statutory requirement for the court to order a conference for a convicted young person who agrees to participate.



What happens at a youth conference?

At a youth conference, the young person is invited to give an account of the offence and the victim, if present, is encouraged to ask the young person questions about what has been said and share how they have been affected by the crime.

Others in attendance are also invited to give their views on the crime and its effects.

A critical element of the conference is the collaborative development of a youth conference plan which sets out actions to be taken by the young person to make amends for the offence and reduce the likelihood of further offending.

Possible components of a Youth Conference Plan

- ▶ Specified activity to address offending
- ▶ Apology – verbal or written.
- ▶ Reparation (under 16s) -Unpaid work for up to 240 hours.
- ▶ Restriction - prohibiting the young person from undertaking certain activities or going to certain places
- ▶ Payment of compensation to the victim or making a donation to a charity of the victim's choice.
- ▶ Supervision by a social worker or other responsible adult.
- ▶ Treatment for alcohol, drug, or mental health problems.
- ▶ Electronic tag
- ▶ Custody

PLAN MUST BE PROPORTIONATE TO THE LEVEL OF HARM CAUSED!

And
thereafter...

If the Youth Conference Plan has been agreed by participants and accepted by the Public Prosecution Service or the Youth Court, then the young person will be monitored and supported to complete those actions he/she agreed to at the youth conference.

What makes a good conference process?

- ▶ Voluntary participation
- ▶ High level of support and preparation pre-conference (home visits)
- ▶ Involvement of young person and victim supporters
- ▶ Involvement of Community representative
- ▶ Well trained and experienced facilitators and youth diversion officers (PSNI)
- ▶ Ownership of the Plan resting primarily with the young person and victim
- ▶ Young person not feeling stigmatised or judged and motivated to succeed.

Power in the process...

'Successful conferences appeared to involve initial trepidation in the anticipation of the conference, followed by relief and a sense of resolution. A very consistent account across the various interviews was that the anticipation of the conference was routinely much more frightening than the actual conference experience'. (Maruna, Shaad, Queen's University Belfast)

Young persons' comparisons of court and conference experiences

- ▶ "It's far better than court – you get to meet everyone and say sorry. It's brilliant".
- ▶ "And so what is the most difficult thing about the whole conference? Having to listen to that person's story. How they were affected. Probably for me. You know. Not nice. But it's asking them how they feel and you have to listen to it... Sad really. Like I'm upset with what I've done and wish I could take it back. Wish I could change time".
- ▶ "Aye, ...it makes you feel better...you get to say sorry but probably feel better saying it to their face".

Meeting victims needs...

Only victims can define his/her needs from the conference process, only victims can feel that justice has been done for them (Zehr)

Research supports the following;

- ▶ The need for vindication is more basic than the need for revenge
- ▶ Victims need to tell their story, they need to have answers to their questions, they need to re-gain the power that an offence holds over them and they need to feel respect and value.
- ▶ Most victims want restitution, a symbolic statement which also shows who is responsible for their hurt
- ▶ Compensation/restitution is much more important to victims that the level of punishment received by offender

Victim's experiences of youth conferencing

- ▶ "I am pleased with being involved in the process"
- ▶ "Relieved and satisfied, I got to have my say "
- ▶ "The best thing about the conference was having the opportunity to see the young person being real and showing genuine emotion and being sorry".

2019/2020

- ▶ 99.4% (170) of young people and
- ▶ 99.6% (239) of parents/carers surveyed said that they were satisfied with the services they received from the Youth Justice Agency.
- ▶ 96.4% (80) of victims surveyed and who participated in the youth conference process were satisfied with the restorative process.
- ▶ 81.8% of individual victims participated in the youth conferencing process (2018-19, 83.5%)

2019/2020

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DAVID'S STORY



David – 16 years old


- ▶ David had experienced trauma. Lived with mum and three siblings. Community high level of deprivation, family lived in poverty
- ▶ David was the victim of a sexual assault. Perprator not caught. Uses drugs and alcohol to escape from the pain
- ▶ David disconnected with school, re-connected with a negative peer group
- ▶ David engaged in reckless, risk-taking behaviour
- ▶ One previous contact with police - warning
- ▶ David disconnected from his grandparents whom he loved

Offence

- ▶ Burglary – broke into a house and stole car keys
- ▶ Drove car under the influence of alcohol and drugs
- ▶ Crashed the car, was caught soon afterwards by police
- ▶ Admitted offences of burglary, car theft, driving under influence and other motoring offences
- ▶ Consented to a youth conference (Court Ordered)

Victim

- ▶ Mother of 5
- ▶ Part-time nurse
- ▶ Husband had Multiple Sclerosis, required care
- ▶ No other income

A top-down view of a wooden desk. On the left is a silver laptop. In the center is a spiral-bound notebook with the text 'PREPARATION IS THE KEY' written in black marker. To the right is a glass pencil holder containing several colored pencils. In the foreground, a pair of black-rimmed glasses and a tablet are visible. A white coffee cup is partially visible at the top center.

PREPARATION
IS THE KEY

So important!!

Conference

- ▶ Victim
- ▶ Victim's supporter
- ▶ David
- ▶ David's mother and grandfather
- ▶ Community representative
- ▶ Police officer
- ▶ Youth Conference Co-ordinator



DAVID'S Youth Conference Plan

- ▶ Letter of apology to parents and all 5 children, to be written commensurate to their level of understanding
- ▶ Restriction from entering the area in which the victims resided
- ▶ 60 hours service to the community
- ▶ Referral to FASA (Forum for Advice on Substance Abuse)
- ▶ Referral to local youth organisation for training programme.

David completed this Plan and victim satisfied with the process.



THANK YOU FOR
LISTENING!



ANY QUESTIONS?
COMMENTS?