

"Why should I do it?"

The challenges and opportunities of restorative practice inside the Youth Justice precincts in Victoria

Inotoli Zhimomi - Senior Restorative Practitioner and
Christy Hughes - Senior Restorative Practitioner

Youth Justice, Department of Justice Victoria

"For us [the principles of Restorative Practice] reflect the traditional way of our elders in yarning about things to find a solution." - Aunty Lois Peeler, Yorta Yorta & Wurundjeri Elder. Talking Justice, 2017)

Acknowledgement of country



What is Restorative Practice? (RP)



RESTORATIVE

- Focus is people and relationships
 - Who has been impacted? How?
 - What could be done to make things right or better?
- The impacted people are the focus
- Everyone involved and impacted determines the outcome
- Accountability looks like taking responsibility for actions and the restoration that follows

PUNITIVE

- Concerned with rules and punishments
 - What rule has been broken?
 - What punishment is required?
- Authority figures determine the outcome
- The offending person is the focus
- Accountability looks like accepting and experiencing the required punishment

Application of RP in custody

- **Conflict is inevitable** across youth justice precincts including with, and between, young people *and* young people and staff, *and* staff and staff.
- People in conflict experience negative feelings like anger, fear and distress. They may be afraid of each other, feel anxious about seeing the other person, and they may avoid contact.
- Addressing conflict is complex given the custodial environment, with **unique customs**, rules, and regulations - coupled with (most) young people's inability to regulate their emotions.
- Restorative practices provide an additional, or alternative to, interventions that implement '**force-based behaviour management**'.
- Restorative practices focus on '**relationship management**' and can operate alongside or be an alternative to 'behaviour management' processes to **establish, maintain and repair (or reset) right relationships**.



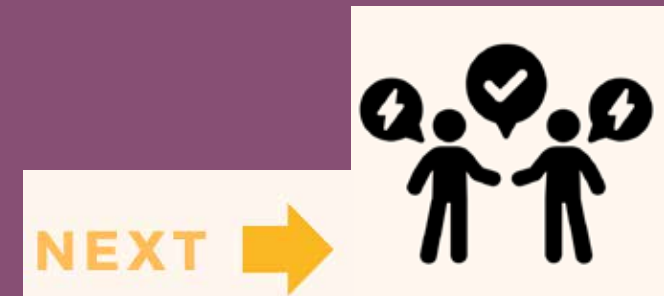
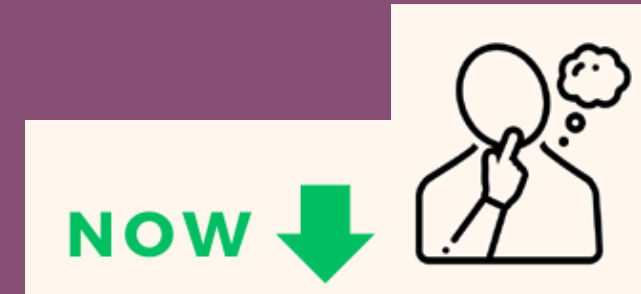
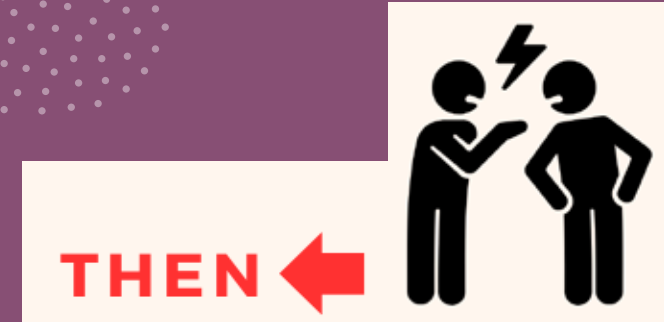
Principles of Restorative Practice

- **Do no further harm:** RP is safe for all participants, meeting the individual and group needs of those involved.
- **Voluntary:** participation in RPs must be voluntary.
- **Work with, rather than doing things to or for people:** having the right people in the room to help us understand (i) what happened and (ii) how people have been affected, and (iii) to make decisions about how to improve things in the future.
- **Restore or reset relations right:** restore or reset the relationship to being safe and meaningful, noting the right relationship might mean no interpersonal contact at all.

Process of restorative practice

- Restorative processes are understood to **bring together safely** a group of people to engage in a facilitated conversation with the aim of:
 - Establishing,
 - Maintaining, or
 - Repairing (or resetting) right relations.
- The basic format of a restorative process comprises talking about, in order:
 - **What happened**
 - **How have people been affected**
 - **How can the situation be made better**

Getting to **'Peace'** then, Getting to **'Yes'**



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Case study #1: YP and staff "Jack" and "Dave"

Nature of incident: Single incident of undisputed harm – serious staff assault by 18 yr old YP to two staff members

Referral: RP request came from affected staff member.

Voluntary: YP agreed to participate as he wanted the staff member to return to work with him. YP did not agree to participate in RP with second affected staff member.

Suitability/risk/safety assessment: preparation involved collaborating with support people to assess risk and implement strategies to best support all

RP participants: YP, unit staff member, and Operational Manager

Challenges and opportunities:

- Ease of collaboration (many supports on site)
- Long-term relationships between staff and YP built in custody, can mean increased motivation to repair
- Accessibility of YP
- Opportunity for positive feedback to YP
- Encouraging openness and vulnerability
- Possible perception that RP not successful if YP is involved in further incidents

Why should I do it?

Case study #2: YP and YP "Sean" and "Jay"

Nature of incident: Series of poorly resolved incidents: 21 and 22 year old young people (Sean and Jay) had a physical altercation during a Restorative Process run by the unit manager, as a 'come back' to previous two incidents.

Referral came from the Unit Manager who ran the process where the third incident occurred

Voluntary: Both YP agreed to participate because both do not want to live in split system

Suitability/Risk/Safety assessment: Both said they will only punch on if the other do - prep involved identifying and diagnosing of the issues and risk mitigation with the relevant people

Right people/support people in the room: Key support worker, Unit Manager, CPU and SERT

Challenges: vulnerabilities of both YP - abilities posed challenges to process information and emotions; limited time availability of the staff and having to hold off 'unlocking' in the morning (can cause disgruntlement from other YP); potential 'punch on' situation

Opportunities:

- **YP:** open up/repair harm/restored friendship to a better place/became an ally/sharing and learning each other's needs - commitment to more support from the staff - ongoing friendship
- **Staff/Unit:** Unit returned to sharing space/Opportunity to foster a more cooperative and sharing environment within the unit between YP and staff and YP and YP

Benefits of RP for YJ precincts

- Collaboration between services/staff/management
- Less incidents / less isolation and separation of YP
- Reintegration / transition from and within detention
- Resolving issues quickly
- Strengthening of working relationships between YP and staff
- Being proactive rather than reactive
- Become a relational organisation

Does RP work in custody?

'Employing RP techniques can offer a better prison experience for both residents and staff through preventing and de-escalating conflict, supporting communication, personal and collective responsibility, as well as supporting a rehabilitative culture.' ('An exploratory study of understandings and experiences of implementing restorative practice in three UK prisons', British Journal of Community Justice, Calkin, 2021)

"Perhaps in another decade or so, when the next review of restorative justice in Australia is compiled, debate and research in the area will have moved away from questions of 'does it work' to focus on how, when and for whom it works best." ('Restorative Justice in the Australian Criminal Justice System', AIC Report 127, Jacqueline Larson, 2014)

Does RP work in custody?

"I gained a lot from the process and it's already helped me feel more comfortable back on the precinct." (staff member)

"Thank you so much for guiding me through the process, both of you did an exceptional job. Despite the downs and the dragging of the process, the results were remarkable. It wouldn't have been possible without both of you." (staff member)

*"The process helped me to reflect on my behaviour and learn how to speak first before and not to resort to violence. I will try to seek support when I am upset instead of hitting."
(young person)*

"I am very happy for Jay that he went to adult because he wanted this for a while. I care for him and wish him well." (young person Sean)

Questions?

Contact us at rpu@justice.vic.gov.au if you would like to connect!