



# Adult restorative justice for vulnerable groups: Insights from Queensland

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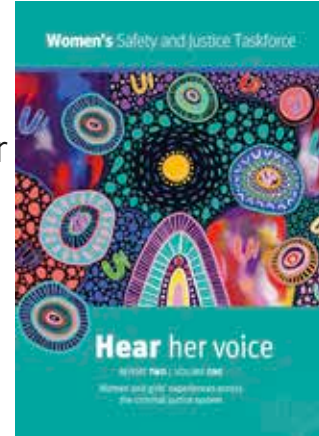
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The image features two flagpoles against a clear blue sky. The flag on the left is the German national flag, with horizontal stripes of black, red, and gold. The flag on the right is the United Arab Emirates national flag, with vertical stripes of green, white, and black, and a red triangle at the top containing a white falcon with a white star on its chest. A semi-transparent blue rectangular box is centered over the flags, containing the text "ACKNOWLEDGMENT OF COUNTRY" in white, bold, uppercase letters. There are also two solid blue rectangular shapes in the corners: one in the top right and one in the bottom left.

# ACKNOWLEDGMENT OF COUNTRY

# PROJECT BACKGROUND

- Dispute Resolution Board (DRB) in Qld Dept of Justice and Attorney-General has been providing adult RJ conferencing (ARJC) for many years and were considering options for expansion, with a particular focus on serving traditionally marginalised groups
- DRB engaged POLIS@ANU to 'conduct research regarding the expansion of [ARJC], in accordance with recommendations outlined in the Women's Safety and Justice Taskforce's Hear Her Voice Report Two'
  - Rec 90: Qld Gov to 'develop a sustainable long-term plan for the expansion of adult restorative justice in Queensland and appropriately fund that plan for victim-survivors to access this option throughout the state'
- our research aim was to **explore critical frameworks, elements and knowledge that should be considered, when developing a long-term plan for effective and sustainable expansion of ARJC**



# METHODS OF DATA COLLECTION



## Cross-jurisdictional literature review

of ARJC services, documenting existing research and knowledge

## Empirical research

Interviews with 17 individuals, including stakeholders in remote and regional areas; representatives from culturally diverse backgrounds (CALD); and service providers.

## Earlier survey and qualitative research

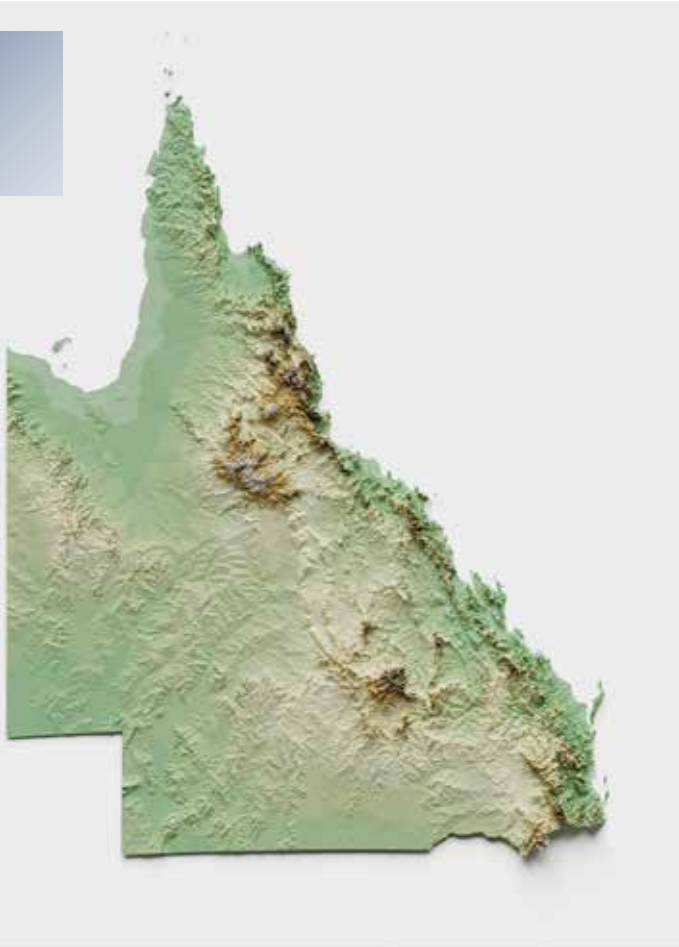
Key stakeholders, including women in prison, were asked about their experiences of ARJC.

# RESEARCH QUESTIONS

- What values and principles underpin best practice in RJ?
- What is best practice in RJ service delivery, including:
  - approaches to service delivery
  - role of legislation, training and personnel
  - specialised services for marginalised or diverse groups, including victim-survivors of family or sexual violence, CALD groups, and Aboriginal and Torres Strait Islander people?
- What are the barriers to effective implementation and practice and option for expansion?
- What are strategies for ongoing monitoring and evaluation?



# MAPPING ARJC IN QUEENSLAND



## ARJC

- 15 staff across 5 locations
- Senior and highrisk convenors handle sensitive cases.

## First Nations community-based practices:

- Mornington Island and Aurukun
- Input and support from DRB

## Other community -based practices include:

- Family Peace Building program (RAILS) to support CALD families, to prevent and address family violence
- Restorative Practice at the Prince Charles Hospital/Secure Mental Health rehabilitation unit provides delivery in workplace settings
- Input and support from DRB

## Private legal practice

# DFV & SV – not whether but how ?

- RJ has shifted towards a survivor-centred model for DFV and SV cases, which can
  - provide justice and closure for victims, while promoting offender accountability
  - provide a voice and create a safer, empowering environment for victim survivors
  - challenge societal misconceptions about DFV and SV, by giving victims a platform and confronting offender behaviour
- concerns persist regarding power imbalances, meaningful accountability, and coordination with support services
- cultural sensitivity and community-wide impacts are important considerations
- addressing concerns requires comprehensive training, monitoring and adaptation of RJ practices

# TRAINING – STAKEHOLDER VIEWS

## Specialised service delivery

### Trauma-informed practice

- cultural sensitivity
- facilitators with lived experience and from diverse backgrounds
- regular and top-up training
- skills development
- victim-centric

*“If the individuals that are facilitating and running the process are well trained in that area, then it should be fine”*

*“[supervision] is a necessity. If you had that ongoing sort of supervision, it would be a lot easier”*

*“coercive control is something that really affects the inner core of an individual’s personality and belief in self”*

*“specialist workers working with women, where we understand at a deep level the power and control that’s used in relationships”*

*“a trauma-informed and culturally safe approach is going to be much more than lip service”*



# SERVICE DELIVERY: REGIONAL, RURAL & REMOTE (RRR)

## KEY CONCERNS

- Limited accessibility and infrastructure in RRR areas
- Tensions between local community staff members and FIFO

"that is what people in community say: we don't want people flying up from Brisbane, telling us what to do, [...] that would be the worst thing that could happen. What community needs are people who are affiliated by land. ... if we're going to do that work, it needs to not be a specialised group that flies in and out from some Brisbane office..."

## CONSIDERATIONS

- Training, resourcing and community engagement

# SERVICE DELIVERY: First Nations & CALD communities

## KEY CONCERNS

- Cultural barriers and differences
- Lack of **culturally appropriate** RJ processes and support services
- Language barriers and communication difficulties
- Mistrust or skepticism towards mainstream justice systems
- Challenges in ensuring inclusivity and representation of diverse voices

## CONSIDERATIONS

- Need for tailored approaches and community engagement strategies
- Importance of building trust and understanding cultural nuances
- Coordination with local community leaders and support networks
- Consideration of historical and systemic injustices affecting these communities.

"I think women from a non-English speaking background, I think it's even harder, because often, one, they don't have the support, or they've lost the support from community. So, there's a lot of shame and guilt"

"I've spent ten years working in Aboriginal orgs... [and] they want to do it within their community with their own people, so that could be about skilling up local Elders or responsible people to actually do some of that prep and that work"

"I there's no one fit for all, because there's diverse journey even within the same community ... But the one thing we know is a collective culture needs a collective response to stop violence"

"You need to feel that people are invested in your actual, really care about it, understand it."

# RJ & people with disabilities (PwD)

## CJS dynamics:

- PwD can be victims, perpetrators and/or witnesses
- over-representation of PwD, especially among First Nations populations (29% vs 18% population)
- Hidden or undiagnosed disabilities

## RJ approach:

- Inclusive justice RJ as potential avenue for equitable treatment of PwD
- Linguistic hurdles: Need for strong verbal skills in RJ may create disadvantages.

## Facilitation & adaptation:

- Responsive: Facilitators must adapt to participants' emotional/verbal capacities
- Flexible Adjusting pace and structure of RJ conferences to accommodate diverse needs

## Towards an inclusive future:

- Consultative expansion: Involve PwD and justice system experience in shaping RJ (see Bolitho's 2018 call for inclusive, sensitive, and flexible RJ practices)





## RJ and LGBTQIA+ community

### CJS challenges impacting LGBTQIA+ people

- **Disparities** :Over-policed/prosecuted as offenders, under-policed/protected as victims
- **Bias and mistrust** Law enforcement bias and mistrust and underreporting (especially hate crimes)

### RJ initiatives re anti-LGBT hate crimes in Europe

- **LetsGoByTalkingProject**: provides platform for victims of hate crimes to share experiences, through victim empowerment, emphasising dialogue, participation, respect
- **UK Case Study**Hate Crime Project, Southwark Mediation Centre - victims felt heard and no longer felt marginalised

**Research & impact**:RJ can help address systemic inequalities and support LGBTQIA+ individuals, by fostering inclusivity and addressing underlying prejudices.

**Future Research**:Support for LGBTQIA+ justice-involved individuals and address IPV in queer couples

# WOMEN WHO OFFEND

DRB consultations with 63 incarcerated women and nine, in all of Qld's five women's CCs:

## Issues around safety:

- Psychological support; informed consent; thorough preparation; clear processes and boundaries; appropriate conference location; protection from victimisation and revenge; protection from further charges

## Issues around productivity and effectiveness:

- *Before a conference* screening and preparation;
- *During a conference* safety, flexibility, respect, clear structure

## Other factors:

- culturally appropriate, part of a larger suite of services, effective
- trauma-informed

## Senior management views align with women:

- general support
- resourcing a major issue
- availability for women on remand
- need for culturally appropriate approach



'How long before this is a reality?'

'I would love to say sorry'

'This is a great idea'

'If I have had this earlier, I would not have committed my other crimes'

'I want to do this while I am clean in jail because when I get out, I will be taking drugs and it won't work'

# RECOMMENDATIONS

**Recommendation 1:** That the ARJC articulate its key aims as a guide to program monitoring and evaluation. Establishing where RJ can be most impactful in ensuring therapeutic outcomes for persons harmed and persons responsible should be a key concern.

**Recommendation 2:** That there be comprehensive training and engagement about RJ, value and utility among criminal justice professionals, service providers and other external agencies that function as key referrers and supporters.

**Recommendation 3:** Police and prosecutors should be provided with education about RJ, as part of their induction training, to promote the benefits of RJ, as well as dispelling misperceptions that RJ is only for the benefit of the perpetrator.

**Recommendation 4:** That the ARJC work collaboratively with the police and other criminal justice and relevant agencies, to educate and raise awareness of RJ, particularly at an early stage. Training could also involve individuals who have experienced the process firsthand (e.g. persons harmed and persons responsible), to fully explore RJ's value and benefit and ensure that everyone is working towards delivery of the same goals.

**Recommendation 5:** Resourcing and training be provided for local staff in remote/regional areas and Indigenous communities to provide targeted trauma-informed and culturally appropriate support to persons harmed and responsible for harm.

# RECOMMENDATIONS

**Recommendation 6:** The ARJC adopt a design model of face-to-face RJ with local Indigenous communities. The implementation of RJ programs would need to be supported through the provision of outreach and support services.

**Recommendation 7:** The ARJC adopt a design model of face-to-face RJ with affected CALD communities. The implementation of RJ programs would need to be supported through the provision of outreach and support services.

**Recommendation 8:** Facilitators with considerable experience in RJ be engaged to work on complex and sensitive cases.

**Recommendation 9:** Processes are developed for regular and top up specialised training that is victim-centric, trauma-informed and culturally appropriate. This model of specialised training should be developed in conjunction with support agencies (such as sexual, family and domestic violence services) and designed in such a way that it creates a fully embedded, rather 'bolt on', model of capacity building.

**Recommendation 10:** The ARJC consider employing staff members with lived experience and from diverse segments of society.

**Recommendation 11:** Training be accompanied by ongoing support and supervision with regard to skill development.

**Recommendation 12:** The ARJC develop robust processes for the ongoing collection of administrative and program data to ensure quality monitoring and evaluation.

**Recommendation 13:** The ARJC develop a plan and procedure for ongoing monitoring and evaluation.

## Conclusion

- ✓ the current work of ARJC meets best practice standards
- ✓ key CJ actors in Queensland lack knowledge and understanding about RJ and its value. RJ stakeholders suggest improved understanding is needed to improve uptake
- ✓ stakeholders supportive of RJ conferencing expansion throughout Qld, but due consideration to be given to engaging local Indigenous and CALD communities, in developing the service. The key is to build **genuine relationships with local community**
- ✓ RJ and sexual harm: not if but how – widespread support, but also recognition of need for specialised training and trauma-informed care
- ✓ general support for legislation, noting some of the limitations around flexibility



# THANK YOU

Does anyone have any questions?

