

CRIME PREVENTION THROUGH SOCIAL SUPPORT

AIM: To discuss crime as a community health issue. To describe some U.S. and local initiatives related to crime prevention and rehabilitation development in the context of Australian regional health and environment planning.

CRIME IS A HEALTH ISSUE AND CRIME PREVENTION IS NECESSARY

The NSW Bureau of Crime Statistics indicates that around three people are murdered in NSW each year; 12000 people are robbed; 150,000 people are either assaulted or threatened with assault; 131000 homes are broken into and 46,000 vehicles are stolen. However, crime statistics should be treated with caution. Court records of convictions and police statistics on arrests record reported or detected crime. Victim surveys typically show larger rates, particularly for offences such as sexual assault or domestic violence. Reported crime rates not only reflect the community's concept of crime, but also its level of confidence in the activities of its police. Statistics may also change in response to changes in policing practice.

While community concern about crime is entirely appropriate and understandable, the head of the NSW Bureau of Crime Statistics, Don Weatherburn, points out that increasing penalties would be unlikely to have an impact on the problem, because the drunks and drug users who make up most of the offending population are not acting like economic rationalists. Two thirds of the property offenders recently interviewed by the Bureau stated that they do not give any thought whatsoever to their likelihood of getting caught. Weatherburn's view is that to combat crime it would be more sensible to try to reduce the supply of people motivated to commit crime, and to reduce the opportunities and incentives for crime.

If we ignore the opaque world of white-collar crime, it seems that crime is often committed by the comparatively young and poor against people apparently similar to themselves. The majority of these crimes appear to be committed by 16-18 year old males. U.S. experience suggests that criminality, masculinity and adolescence go together, to the extent that if there is a rise in the proportion of adolescent males in the total population, there is also going to be an increased rate of adolescent anti-social behaviour. Half of all offenders in the NSW courts are below the age of twenty-five, although most young offenders only have one contact with the juvenile justice system and do not re-offend. The younger a juvenile is at the first time of a proven offence, the greater the likelihood that he or she will re-offend. This is a good reason for early prevention related efforts which start with early child development and help young people achieve their dreams through education, play, work and other opportunities for service and communication.

In NSW, children mainly come before the children's court for property offences. Juvenile crime often appears to be episodic, unplanned, opportunistic and related to the use of public places in areas like public transport and shopping centres. The social dynamics of the offence may lead to greater detection if it is public, gregarious and attention seeking. However, it is widely agreed that many crimes are not reported. According to the NSW Bureau of Crime Statistics, some reasons are that those affected considered that reporting them was too trivial, or it was thought calling the police was futile. Others did not want the offender punished, or thought the offence was a private matter, or were too confused or upset to contact the police.

Young people also have the highest rate of personal crime victimisation. There often appears to be a relationship between being either a victim or perpetrator of crime, and suffering from poor health, disability, unemployment, low socio-economic status, or being Aboriginal. The cause of a highly significant amount of anxiety, depression, anger and generally poor health in adults can

probably be explained by the individual's broader environment and early preparation for life. Crime prevention should therefore focus on support for children in high-risk communities, and on the provision of support to children in high-risk families.

In discussing the U.S. experience of crime, Professor Larry Sherman argued that if police are doing the right thing, hiring more police could be a way of preventing crime in a community. However, he says this must be an integral part of a multi-institutional program for working with families and schools to reduce crime in the neighbourhood. For example, in relation to domestic violence, he claims that arresting abusers generally only works when the latter are employed, or if the employment rate in the neighbourhood is at a minimum threshold level. If an arrest is made in an already high area of unemployment it often backfires, causing more domestic abuse rather than preventing it. A variety of options for protecting the most vulnerable parties need to be used without subjecting the offender, who generally has nothing to lose, to a punitive process that tends to cause more anger and violence, and which is also likely to entrench family poverty. More safe places and refuges need to be established and promoted. Better community based management, education, and treatment strategies need to be set up.

The adversarial practices of courts, as they attempt to treat individuals who are in dispute, may primarily generate further enmities in traditionally opposing communities, rather than reduce them. In the British tradition, which Australia has inherited, lawyers are bound by adversarial rules of evidence, which they must follow, in order for a presiding judge to pronounce on whether those before them are guilty or innocent in a range of complex circumstances. The lawyers must attempt to gather information in secretive ways, with the primary aim of meeting the specific interests of their respective and opposing clients, rather than primarily trying to find out the apparent truth about a complex range of broader and related matters. Through their ancient legal process, which is centred on battle, the courts may distort more recent scientific practices and assumptions, thereby relying on or producing 'junk science'. In late 2004, as a result of public criticism of the adversarial process, especially in terms of its effects on children, the Family Court commenced a pilot for a new children's cases program with a more permissive application of the rules of evidence. Will this mean any community member who thinks they have an interest in a matter can now be heard in court, as well as in mediation, conciliation or related judgments? Will lawyers soon resort back to adversarial and related privilege rules later, to suit themselves? That often seems to happen soon after such reforms. The courts can defend their powers fiercely.

KEY PRINCIPLES OF CRIME PREVENTION

In 1999 the Standing Committee on Law and Justice of the Parliament of NSW stated that crime prevention seeks to reduce the risks of criminal events and related anti-social behaviour by intervening in their causes. This can mean intervening at a macro level, influencing institutions and geographic regions, or targeting individuals or small groups. Crime prevention can:

- Anticipate future crime and plan to reduce it, such as through early intervention and family support; or
- Respond to current crime by intervening in the environment, such as by improving lighting and surveillance in public areas or changing liquor licensing regulations

The desired outcome of crime prevention is that the quality of life of individuals and their community improves because of greater community safety. Crime and related anti-social behaviour produce pain and suffering and economic loss. The fear of crime erodes the morale and cohesiveness of a community, whereas successful crime prevention builds communities.

The Standing Committee on Law and Justice principles for preventing community crime are:

- Community participation in all stages of any intervention
- Locally based management rather than a distant bureaucracy
- Community ownership of improvements, so that it is seen as the community's achievement
- Adequate resources for improvements; and
- Effective sanctions against disruptive members of the community

The Committee also outlined the following common models of crime prevention:

Early intervention development: provides support at critical times in individual social, physical and mental development to prevent later offending. Types of programs include perinatal home visiting programs; family support; child care and respite care.

Community development: provides a combination of programs aimed at building up communities to deal with their own social problems. This may involve local government crime prevention plans or place management initiatives. It might also involve community education and communication through film, TV, radio, computer or related information technology sources.

Situational/environment: These programs seek to improve the physical environment in which people live and reduce opportunity for crime. This might involve street lighting, improved building security and formal or informal surveillance systems.

Law/enforcement: Investigating and arresting offenders to prevent repeat offending and deter potential offenders. This may involve community policing or a problem oriented policing approach which attempts to reduce attendance time in court by police and apparent miscreants.

Primary prevention programs target a general population of potential offenders and/or victims. Programs targeted to prevent crime in Aboriginal or rural communities may be an example of this. **Secondary prevention programs** target those groups who are identified as being most at risk of victimisation or offending. Programs targeted at children at risk, including family support and education are examples of this. **Tertiary programs** are targeted at those already convicted or attacked. Post release programs to reduce prisoner recidivism provide examples of this.

Effective crime prevention makes economic sense because to keep a person in prison for a day in 1999 cost approximately \$160. In comparison, the NSW Probation and Parole Service supervised 13,000 offenders in the community at a cost of around \$3.50 to \$5.50 per person per day. This does not seem likely to provide a lot of supervision, let alone prevention or rehabilitation related treatment. Communities responding to the Inquiry into Crime Prevention Through Social Support thought that too much money is currently spent on planning and bureaucrats and not enough on services. They also thought that too little money is spread too thinly in too few areas and that there is disguised cost-shifting between government departments. It was suggested that there is an over-reliance on volunteers for home visiting, and a lack of emphasis on respite care. The need to avoid undermining existing networks, especially in regard to family support or child care was expressed. The necessity for more effective consultation with the non-government sector was also stressed. I personally think universities and colleges of technical and further education could also support communities more effectively.

THE APPROACH TO CRIME PREVENTION SHOULD BE PLANNED BROADLY

Weatherburn and Lind suggest there are three key ways of reducing the supply of motivated offenders. They are:

- Reduce the level of economic stress
- Prevent geographic concentration of poverty so as to attenuate the influence of delinquent peers, and
- Introduce family and child support programs designed to prevent social and economic stress exerting disruptive effects on the parenting process.

Creating sustainable jobs which are available to people in lower socio-economic neighbourhoods is vital. Effectively tackling unemployment for these neighbourhoods and groups must be both a State and Commonwealth responsibility. Attracting new jobs to NSW in major projects is important. However, a minority of such opportunities may reach the families and individuals in the areas which most need to be targeted so approaches which identify and support existing community resources are also needed. In NSW, unemployment rates in such neighbourhoods are twice to three times the State average. For particular groups such as young people, those over forty-five, Aborigines and selected migrant populations, the rates are well above thirty percent.

In recent years the explosion of computer based communications technology means there should be new opportunities for early adopting nations, such as Australia, to develop a very diverse range of education, 'infotainment' and entertainment programs, especially for children and young people in disadvantaged communities, and with potential for wider sale. Since most Australians have easy access to TV and videos, if not also to computers, communication planning clearly requires coordinated exploration and development at the national, regional and local levels. Australians are perhaps unaware that the Sesame Street TV programs which they and their children enjoyed, were developed in the US as a result of President Johnson's War on Poverty. The Democratic administration established the program, which included home tutoring and related support for pre-schoolers. It was curtailed when the nation became bogged down in the Vietnam War. There are many lessons from such events, including that Sesame Street appears to have been outstandingly popular during an era when television was developing around the world.

Health and environment protection and rehabilitation, as well as the arts, sport, tourism and trade strategies, may all benefit from a regionally coordinated and applied approach to communication to support pursuit of the aims and interests of Australia's multicultural community. Proper recognition of the interests and aspirations of all the diverse groups in Australian society is vital for the attainment of a richer life for all, through the provision of a broad range of employment, education and leisure opportunities, which are ideally available to everyone. This is particularly necessary for those young people who do not see themselves portrayed, or who may be portrayed one dimensionally or negatively, by a dominant and comparatively narrow Anglo-Saxon culture.

High unemployment levels may make public housing estates increasingly difficult places for people to live in. It has therefore been argued that subsidised housing should be located within the larger population of employed people whenever this is possible, or rental assistance should be provided for low income people seeking accommodation in the private sector. The aim is to use taxpayer funds effectively, and to avoid the creation of ghetto-like situations where a small band of individuals can make life increasingly hard for everybody else. Even in these situations, however, good community management can turn a bad situation around. Many examples of the identification and successful management of community based crime prevention projects were

presented to the recent Standing Committee on Law and Justice inquiry into crime prevention through social support.

During the 1990s, Australia embarked on a taxpayer funded scheme to reduce the number of guns in the community and to ensure gun owners are licensed appropriately. This is tackling the most severe problem first. There is an extremely high level of gun related death and injury in the U.S., compared to the rest of the developed world. Once guns reach a critical mass in the community, it also appears to be politically impossible to take them away. In a country where almost anyone can obtain a gun, it should not be surprising if almost everyone thinks they need one. Their rights to gun ownership are supported by a powerful gun lobby. Current U.S. research suggests that it is not possible to reduce crime through gun confiscation. This is an example of how the pursuit of free market aims may sometimes have socially and economically irrational outcomes.

U.S. ADVICE ABOUT SUCCESSFUL CRIME PREVENTION STRATEGIES

According to Ross Homel, a leading Australian criminologist, there is as yet no definitive study of the effects of crime prevention strategies in Australian society. He recommends a focus on economic investment in high risk families to promote protective factors and to reduce risks at crucial life transition points. In the U.S., RAND is a well-known, non-profit, institution which has a multi-disciplinary approach to crime prevention activities. RAND has put substantial resources into estimating the comparative costs and benefits of crime prevention projects. These include provision of home visits by health and child care professionals to high-risk mothers who have a number of family risk factors such as substance abuse, low birth weight, and apparently poor parenting. The most important risk factors for poor parenting are living in poverty or in a neighbourhood where there is poverty, single motherhood, and having children when very young.

For older children the programs which were evaluated by RAND relied more on the behaviour of the children. Parent and child communication training and related support were targeted towards children who exhibited violent or other disruptive behaviour in primary school – either in kindergarten, first or second grade. The third type of program overseen by RAND provides graduation incentives programs, to target children who are at risk of dropping out of high school. The fourth type is the most finely targeted because it addresses children who have already come into contact with the juvenile justice system. RAND categorised the outcomes of these programs into four groups – developmental, educational, economic and health outcomes. It undertook a cost benefit analysis of these interventions, in comparison with the effects of incarcerations following the three strikes rule. (This ensures guaranteed imprisonment for a minimum period after committing three offences.) The comparative outcomes of prevention appeared positive.

In NSW the notion of the Health Promoting School and the guidelines which have been provided for its implementation, may offer one starting point for developing similar crime prevention approaches, in discussion with communities, general practitioners, hospitals, pre-schools, police, TAFE and universities. Community based demonstration projects should generally target multiple risk and protective factors at multiple life phases and transition points. The focus should not only be on individual children and families but, more generally, on the functioning of both local and non-local institutions, policies and aspects of social organization that affect the quality of the local environment for children. The overall aim should be to create a more supportive, friendly and inclusive environment for children, young people and families, that also promotes healthy, pro-social development.

The US Department of Justice has also suggested that the following programs appear effective:

- **For infants:** Frequent home visits by health or other professionals
- **For pre-schoolers:** Classes with weekly home visits by pre-school teachers
- **For delinquent and at-risk pre-adolescents:** Family therapy and parent training
- **For schools:**
 - Organisational development for innovation
 - Communication and reinforcement of clear, consistent, norms
 - Teaching of social competency skills
 - Coaching high risk youth in 'thinking skills'

It is likely that Australian university and TAFE students would also benefit from involvement in many community based crime prevention and related community programs. They could gain valuable learning in company with others, while providing clients with assistance which also promotes development of those competencies necessary for work in a broad range of occupations.

The U.S. Department of Justice also recommends the use of therapeutic community treatment programs for drug-using offenders who are in prison, and rehabilitation programs with risk focused treatments for convicted offenders. A study of all NSW juvenile sex offenders which was carried out by Kenny and other university and government based researchers found that these young people had problems across multiple domains of functioning, including the intra-personal, social, educational and sexual. The researchers favoured treatment programs that address all the domains which impact upon a young person's offending, such as their relationships with schools, peers and family, whilst also stressing the offender's accountability for their offending behaviour.

NSW CRIME PREVENTION AND VICTIMS' COMPENSATION INITIATIVES

In the 1990s the NSW government introduced a number of initiatives aimed at preventing crime by strengthening communities and providing support for families and individuals. In line with the requirements of the Children (Protection and Parental Responsibilities) Act (1997) which also limits the right of parents to physically discipline their children, the Crime Prevention Division of the NSW Attorney General's Department produced information on how local governments, in consultation with local communities, can develop crime prevention plans. There is modest funding for their implementation. This initiative followed widespread community consultation which showed that most people thought that young offenders come from dysfunctional families, and that the lack of support for families, particular those in difficult circumstances, is a major cause for concern. The government subsequently committed \$19 million for a Families First program to give parents regular support and help in the home from professionals and trained volunteers. The project was aimed at parents who lack extended family or community support, and links these families with relevant social structures and community services. More controversially, the Children (Protection and Parental Responsibilities) Act empowers local councils to establish safe places for children and gives police the power to take children off the streets and deliver them to such places, even against their will. Recently proposed legislation would empower the police to allow DNA testing to be carried out on individuals without their consent, and to stop and search young people in specific areas on the assumption that they may be carrying knives.

In 1997 the Young Offenders Act was passed. It sets out options for police to deal with offending youth in ways other than through the formal justice system. The use of cautioning and conference options in appropriate circumstances should help to ensure that young people will have the opportunity to learn from early brushes with the law and will be diverted from paths which may lead to re-offending and more serious involvement in criminal activity. This scheme

should also help prevent a common problem, which led to one police service representative reporting to Professor Bob Baxter of the NSW Council on the Cost of Government that:

‘We find police officers waiting outside courts to give evidence – 13 of them for up to 11 days at a time. Why can’t we introduce a better system for call overs in the courts?’

By wasting the time of police, the traditional court system leads to a situation where many behaviour problems may be deemed not worthy of police attention, or where police are cooling their heels outside court rooms instead of policing with their communities.

A drug court, modelled on a similar scheme in the U.S. has also been piloted in NSW. It provides opportunities for those convicted of drug crimes to receive treatment and rehabilitation for their problems, rather than spending time in prison. Successful treatment of problematic drug use or addiction is likely to have considerable benefits, not only in terms of the cost of administration of the criminal justice system, but also in terms of the cost to the community of drug related crimes against people and property. The effective operation of a drug court could also enable the community to address the social dislocation or isolation which is a frequent concomitant of drug dependence better. People in such treatment are more likely to be successfully assisted to re-establish social networks and supports which in turn will assist them to a more stable life. In this sense the drug court program builds on other government initiatives which aim to prevent and reduce drug related crime. Numbers of studies have shown that the provision of methadone to opiate dependant people has a major impact on reducing crime committed by this group. The methadone program also provides clear evidence of the importance of providing social support as a means of preventing or reducing crime. One of the most important outcomes of participation in a methadone program is that clients are able to retain stability and social support in their lives.

Under the NSW Victims’ Compensation Act, a person is eligible to obtain compensation if they can prove that they are the victim of an act of violence and are injured as a result. They can also make a claim to the Victims Compensation Tribunal if they are injured because of witnessing an act of violence, or if they are the member of the immediate family of a homicide victim. Parents or guardians of a primary victim of a sexual assault who was under the age of eighteen at the time of an attack, are also eligible to claim. People who try to prevent an act of violence or who try to help or rescue someone against whom violence is being committed also have an entitlement.

Victims can claim compensation for:

- Injuries sustained as specified in a table of injuries
- Actual medical and related expenses
- Actual loss of earnings
- Lost, destroyed or damaged personal items resulting from the violence.

The maximum award is \$5000. Applications for counselling can also be made. Approved counsellors, who are accredited psychiatrists, social workers and psychologists, deliver these services throughout NSW. In the past, a major problem identified with the approach of the Victims’ Compensation Act was that it appeared to provide compensation for claims which might not normally be expected (e.g. from police). Alternatively, it could be seen to reward violence between some individuals who already knew each other well, or who were related. In any case, however, it is clear that more funds are needed for mentoring and related rehabilitation or prevention activities, to see if they can reduce the social and economic cost of court and jail.

THE DEVELOPMENT OF MENTORING

The NSW Department of Juvenile Justice runs mentoring programs for young people at risk.

Objectives of the programs are:

- To match disadvantaged young people at risk with carefully selected adult volunteers, to provide wide adult guidance and experience for these young people, and to supplement the work of parents.
- To help young people at risk to handle the difficulties of life more effectively
- To link the mentoring program with other programs to assist disadvantaged young people, particularly Youth Justice Conference Outcome Plans
- To involve government, non-government organizations, the corporate sector and volunteers
- To provide geographically targeted mentor programs
- To provide appropriate training for mentors
- To provide funding to voluntary mentor programs

The key expected outcomes of the program are:

- Better family relationships
- Reduced drug and alcohol abuse
- Reduced involvement in crime and violence
- Reduced truancy and early school leaving
- Improved training and job prospects

The key target groups are young people in the age group of seven to seventeen years, and particularly those from single families, broken homes, dysfunctional families, or families where one adult is in prison. Mentor program activities may include:

- Weekly or fortnightly meetings, outings or activities and telephone access
- Monthly group activities; annual camps; information and referral arrangements; building linkages to other programs; assistance in life planning
- Mentor support and supervision from the auspicing organization, including guidance, information and skills training

In 1999 the NSW Attorney General launched the One 2 One program which provides an adult mentor who will provide friendship, guidance and support to assist young people between the ages of 10 and 17 who have been cautioned or referred to juvenile justice conferencing under the Young Offenders Act. Young offenders will be referred to the scheme by police or via the juvenile justice system, if they consent to take part in the program. Under basic selection principles the young person will:

- Be responsive to the idea of mentoring
- Be willing to participate
- Have few links to youth and other support services within and outside the family
- Have difficulties that a mentoring relationship could address

The One 2 One Project is also part of the Big Sister/Big Brother Program run by the YWCA which is a mentor program that aims to provide young people from seven to seventeen years, who

come from a variety of backgrounds, with a structured and supported one-to-one friendship with a caring adult. Young people who enter the program have needs which have not been met by their current support systems (e.g. family and school) and which may have resulted in loneliness and isolation from their peers.

The Aboriginal Mentor Program describes a mentor as 'a significant person from the juvenile's network or the wider community who would be responsible for offering the juvenile support and guidance on a voluntary or fee for service basis'. Clients are referred to the program following the assessment and recommendation of a juvenile justice officer. Participation in the scheme may be part of the client's supervision and/or bail support. At times the court may choose to make participation in the program a specific condition of a supervised order. Mentor support should primarily focus on education, recreational and vocational needs, maintaining positive community links and diversion from the juvenile justice system. Mentors may also be recruited for young people to provide culturally appropriate support upon discharge from custody.

Selection and training of mentors is of crucial importance. The Access Educational Services Division of NSW TAFE currently runs mentoring courses in correctional centres, mainly for Aboriginal inmate committee members, at Glen Innes, Bathurst, Grafton, Long Bay, Broken Hill and in other areas. The Division also runs a course for non-Aboriginal inmates to mentor other inmates. It has also been run in the Bathurst community to assist prisoners coming out of custody. The programs are flexible and the modules are accredited so the inmates, ex-inmates, or people in the community can get credit for what they are doing. (It should also be noted that the Standing Committee on Law and Justice was told that the most protective thing for ex-prisoners is any substantial skills and income they have been able to amass through work undertaken during prison.) Appropriate forms of crime prevention program monitoring and evaluation are vital. Universities or other education and research institutions are well equipped to play a central role in this process. For example, the Australian Institute of Criminology recently provided a progress report on the Canberra Reintegrative Shaming Experiments which aimed at comparing the effects of standard court processing with the effects of a diversionary conference for four kinds of offence categories. In general, however, the coordination between community management and the management of the tertiary sector could be much improved.

THE BENEFITS OF ALTERNATIVE DISPUTE RESOLUTION SYSTEMS

There are many problems with the traditional adversarial court system, which most call justice. For example, it is unlikely that either the truth or reconciliation between disputing parties can ever be reached through a method which seeks and evaluates evidence using a narrow, adversarial, and rule bound process. Each case is developed in secret by opposing lawyers, who are driven by the requirement to win, irrespective of broader perspectives on the situation, and despite the cost to the community. The average scientist or parent would be likely to find this essentially feudal process a bizarre way of attempting to investigate problems in order to remedy them. The rigid, punitive, costly and slow delivery of the courts may also mean that many victims of crime do not wish to put themselves through the ordeal. The development of alternative methods of dealing with a range of disputes is increasingly being recognised as vital.

Alternative dispute resolution covers a range of practices carried on outside courts. It may be known by various names, such as mediation, conciliation, arbitration, circle sentencing, transformative justice, etc. The requirements necessary for effective dispute settlement in a range of situations need greater attention. If this does not occur, the process may become a waste of money, as unresolved disputes are merely transferred on to courts, which try the case as if nothing like this had happened in an earlier arena. The National Alternative Dispute Resolution

Advisory Council (NADRAC) defines ‘mediation’ as a process in which the parties to a dispute, with the assistance of a neutral third party (the mediator), identify the disputed issues, develop options, consider alternatives and endeavour to reach agreement. The mediator has no advisory or determinative role in regard to the content of the dispute or the outcome of its resolution. According to NADRAC, the conciliator may ‘advise on or determine the process of conciliation, and may make suggestions for terms of settlement, give expert advice on likely settlement terms, and actively encourage the parties to reach agreement’.

Conciliation and other alternative dispute resolution practices may currently be defined and carried out differently, according to the legislation or administrative context in which they appear. Conciliators under the NSW workers’ compensation act, for example, appear to have stronger powers than those outlined by NADRAC. In contrast, the WorkCover inspectorate appears to possess a kind of arbitration power under the OHS Act. If there is a workplace dispute over safety, an inspector may be called in to make a determination in accordance with the requirements of the OHS Act, after workplace consultation and investigation, and after gaining advice, where necessary, from independent experts. The Social Security Administrative Appeals Tribunal also uses a kind of arbitration approach. Three independent tribunal members drawn from relevant organizations, including the client group, make determinations. Approximately 10% of these decisions are appealed to the Commonwealth Administrative Appeals Tribunal.

Ideally, complaints should be raised and disputes should be settled as early as possible in order to avoid crime. Complaints provide data about risks in the environment. People need to feel free to make complaints, and need to have confidence that they will be heard and treated in an unbiased fashion. Every workplace and community also requires an effective dispute resolution process. The parties to a dispute should be able to bring someone to speak on their behalf if they wish. All parties who have something to say about a matter should normally be heard. Representatives of the parties in dispute might also sit on panels to hear disputes or make determinations on them, with the best interests of the community and the individual firmly held in view.

UN PRINCIPLES ON THE USE OF RESTORATIVE JUSTICE

In some forms of dispute the most vital need may be for the parties to understand each other’s emotional reactions to events. A United Nations working party has recently produced a draft Declaration of Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters which provides guidelines on many issues relevant to community crime prevention conferencing. The document defines the restorative process as any process in which the victim, the offender and/or any other individuals or community members affected by a crime participate actively together in the resolution of matters arising from the crime, often with the help of a fair and impartial third party. The restorative outcome is defined as the agreement reached as the result of a restorative process. Examples of restorative outcomes include restitution, community service, and any other program or response designed to accomplish reparation of the victim and community, and reintegration of the victim and/or offender. A ‘facilitator’ is defined as a fair and impartial third party whose role is to facilitate the participation of victims and offenders in an encounter program. It is stated that facilitators should be recruited from all sections of society and should generally possess good understanding of local cultures and communities. They should be able to demonstrate sound judgment and the interpersonal skills necessary for restorative processes. They should perform their duties in an impartial manner, based on the facts of the case and on the needs and wishes of the parties.

The UN document discussed above also states that guidelines and standards should be established, with legislative authority where necessary, to govern the use of restorative justice programs. Such guidelines and standards should address:

- The conditions for the referral of cases to the restorative justice program
- The handling of cases following a restorative process
- The qualifications, training and assessment of facilitators
- The administration of restorative justice programs
- The standards of competence and ethical rules governing operation of programs

Point seven of the UN restorative justice document states that restorative processes should be used only with the free and voluntary consent of the parties. The parties should be able to withdraw such consent at any time during the process. Agreement should be arrived at voluntarily by the parties and contain only reasonable and proportionate obligations. On the other hand, point fourteen of the UN draft document states that judicial discharges based on agreements arising out of restorative justice programs should have the same status as judicial decisions or judgments. This suggests that voluntary individual and community agreements made by participants in a voluntary process can be equated with the implementation of laws.

TRANSFORMATIVE JUSTICE – AN AUSTRALIAN EXAMPLE

David Moore and John McDonald, Directors of Transformative Justice Australia, have practised and written extensively about crime conferencing. They claim it began during the 1990s under the Courts Administration Authority in South Australia, and was also used by the NSW police in rural towns. The Australian Federal Police, educators in Queensland, and others, have apparently also used it. The programs proceeded with the imprimatur of the local police (civilian) consultative committee and were administered by the community police division. They were evaluated from the local university campus. Moore and McDonald advise that a range of appropriate organizations in a regional or community context might undertake the community conferencing co-ordination role. This would avoid any undesirable tendency for the process to turn into debates about the relative roles and regulatory requirements of the various organizations taking part. Flexibility of this kind would also allow for the process to be guided by those most convinced of the necessity for an effective experiment.

Moore and McDonald have described the conferencing process as a means by which a group of people, harmed by behaviour that has generated conflict, may begin to understand themselves as a community with a common concern. Conferencing also aims to:

- Increase diversion from courts
- Reduce recidivism
- Increase participant satisfaction with the official response to the incident
- Foster collective solutions to harm minimisation
- Engage the emotions which guide the moral values linked to justice

There are three general stages of conference progression:

- A stage marked by contempt, anger and fear, directed at individuals on the basis of their actions in the past
- A stage marked by disgust, distress and surprise, evoked by revelations in the present about those actions, and associated emotions and motivations
- A stage marked by interest and then by relief, as plans for the future are developed

A collective sense of vulnerability, and a collective experience of shame, marks the transition from the second to the third stages of development. The basic principles of the conferencing process to resolve conflict between individuals or groups include:

- Everyone affected should be encouraged to attend
- Everyone in attendance should be given the opportunity to speak
- Each contribution should be listened to
- Each issue should be given adequate consideration

Moore and McDonald use the speaking sequence:

- Offender (s)
- Victim (s)
- Victim's supporters
- Offender's supporters

It seems to me that people who may wish to say something they think is important, but who do not necessarily identify as a supporter of the victim or the offender, should also have the right to be involved in any justice process. The concept of circle sentencing, which has been promoted in Aboriginal communities, may allow for this. The use of more systematic methods for developing the skills of community conference facilitators is generally necessary to support all community conferencing programs, and for continually improving practice in alternative justice strategies. Organizations such as Relationships Australia play an important role in such developments.

CONCLUSION

Crime is a community health issue. Crime statistics may vary for a variety of reasons. However, a data driven approach should be taken to preventing crime, as well as to the rehabilitation of victims and offenders. This is because a punitive approach is not likely to be very effective, even though it is extremely costly for the community. Young people are the group most likely to be the victims of crime and also its perpetrators. Victims and perpetrators of crime are also more likely to suffer from poor health, disability, unemployment, low socio-economic status, or from being Aboriginal. Crime prevention should therefore focus on support for children in high-risk communities, and on the provision of individual support to children in high risk families. Australian research suggests that a key way of reducing the supply of motivated offenders is to reduce their level of economic stress. Preventing geographic concentration of poverty so as to attenuate the influence of potentially delinquent peers is also a recommended practice. Finally, introducing family and child support programs designed to prevent social and economic stress exerting disruptive effects on the parenting process has been shown by U.S. research to be a comparatively effective means of reducing crime in high risk communities. The passage of Australian legislation during the 1990s has established the necessary platform for regional, community based management of a very wide range of crime prevention and rehabilitation strategies. A vital aspect of this should be the promotion of alternative dispute resolution development, including related communication, education, employment and research strategies.

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