



RESTORATIVE JUSTICE UNIT

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NEWSLETTER

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A victim-offender conference - Putting the people most affected by a murder, the victims, at the centre of the process

Two young men, Jim and Mick, had a disagreement during the evening at a party they were attending. When the party finished, they were both in a small group that left the party together. As they all walked home, Jim managed to separate Mick from the others. Once he had him on his own, Jim shot Mick a number of times. Mick died soon after. A couple of days later Jim handed himself in to the police; he was charged with murder and ultimately sentenced to 16 years imprisonment with a non parole period of 12 years.

A chaplain referred Jim to the Restorative Justice Unit when he had been in custody for nearly eight years. Jim was assessed as suitable to participate in a victim-offender conference; he demonstrated responsibility for the offence, empathy for his victim and insight into his offending behaviour. Letters about the victim-offender conference process were sent to identifiable members of Mick's family, who were invited to consider participation.

Mick's mother, Sally, responded to the letter. She then met with a Restorative Justice Co-ordinator and described the devastating effect of the murder on herself, on other family members and on family relationships.

With a close friend Lea's support, Sally agreed to participate in a victim-offender conference. Two team members from the correctional centre also joined the conference as support people for the offender.

On the morning of the conference Sally was visibly uncomfortable, physically shaking. Jim was also very anxious. Jim began the conference by describing what was happening in his life at the time of the offence. He then described leading Mick to a quiet spot and how he committed the offence.

Sally asked Jim questions about issues that had worried her for many years; Jim answered her questions. Finally having answers to these questions gave Sally a great deal of relief. Lea told Jim that she would have dealt with him more harshly than Sally had. The team members from the correctional centre advised on Jim's participation in counselling, programs and study; they described his progress in the last eight years.

Jim and Sally talked at length about the impact of the offence on particular members of each others families. They then spoke of the offender's future plans and what he had in mind when he was eventually released.

Relating to him as a young man like her son Mick, Sally offered Jim advice. Jim's discomfort lessened. Realising that the mother of his victim was encouraging him to do well with his life, he was able to look her in the eye. When the victim-offender conference was drawing to a close Sally thanked Jim for meeting with her.

The mother of the victim is glad to have participated in the conference; she no longer has disturbing nightmares. The opportunity to ask questions about the offence means that, rather than wondering, she now knows the details of her sons last moments. Having heard about the offender's future plans, Sally no longer worries about what might happen in the future.

The offender felt great relief after participating in the victim-offender conference. He didn't remember much of the three hour drive to the conference and the return trip to the correctional centre was spent winding down emotionally and thinking about what he had just experienced. He was pleased to have had the opportunity to meet with the mother of his murder victim.

The need for confidentiality in matters relating to victims of crime

The NSW Charter of Victims Rights gives all victims of crime the right to have their privacy protected. There are policies and procedures in place in the NSW Department of Corrective Services to protect victims' privacy. Key points include:

The fact that someone is registered must not be disclosed to the offender.

Even when an offender claims to be aware of a registration, no confirmation should be provided.

Under no circumstances should any information provided by the Victims Register be discussed with an offender.

A victim's submission is strictly confidential and must not be filed on the inmate's case file or shown to offenders, their family of representatives

Reference to contact with Victims Register must not be included in pre-sentence, pre-release or any other departmental reports (in either the body of the report or in the *Sources of Information* section).

Further information can be found:

- on the *Restorative Justice* page of the intranet, following the link through *Offender Services and Programs*;
- The Inmate Classification and Case Management Manual, page 234;
- The COS Policy and Procedures manual contains information about victim-offender conferencing and the Victims Register in section A 3.17 and A 3.21 and Section K part1 and part 3.

We welcome and encourage contact with David McConnell or Deborah Williamson on 8346 1374 for further clarification.