

**SAJJ Research on Conferencing
PYO Interview -- 1999**

Date Time interview began:

Section 1: Demographics and work history

1.01. Code sex of respondent: male female

1.02. You are how many years of age?

1.03. Were you born in Australia? yes
..... no ----- > Where were you born?

1.04. How long have you lived in Adelaide (Port Augusta/Whyalla)? all my life years

1.05. Do you consider yourself of Aboriginal or Torres Strait Islander heritage? yes
..... no ----- > Do you consider yourself a member no
of another culture or ethnicity? yes (what?)

1.06. What is the highest year of school you've completed?

1.07. Since leaving school (secondary), have you completed more years of schooling or obtained another qualification?
..... no yes: What is your highest qualification (completed)?

1.08. I'd like some highlights of your work history -- e.g., how long you've been a police officer and what you did before.

So how long have you been a police officer?

Where have you worked as a police officer?
.....

[If relevant]: What kind of work had you done before?

.....
.....

1.08. About how many conferences have you been involved in over the years?

1.09. When was the last conference you attended?

Section 2: Practices today

I'd like you to think about your practices *today*.

2.00. What are the major factors you use in deciding whether to refer a file to conference or to court?
(Only need the major factors for now.)

2.01. factor (1)

2.02. factor (2)

2.03. factor (3)

2.04. factor (4)

2.05. factor (5)

2.06. From this list, what is the most important factor? In other words, what do you try to determine first about the case/YP?
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Let's look at each of the factors you mentioned.

2.01a. For (factor 1): How do you take that into account?
.....

2.02a. For (factor 2): How do you take that into account?
.....

2.03a. For (factor 3): How do you take that into account?
.....

2.04a. For (factor 4): How do you take that into account?
.....

2.05a. For (factor 5): How do you take that into account?
.....

Thinking about your practices today.... in general, what do you think conferencing is for?

- | | yes | no |
|---|-----|----|
| 2.11. to help an offender | 1 | 2 |
| 2.12. to punish an offender | 1 | 2 |
| 2.13. to help a V [includes compensation] | 1 | 2 |
| 2.14. to stop an offender from re-offending | 1 | 2 |
| 2.15. any other reason? | 1 | 2 |

What is that?

2.16. What is the main reason for having young people go to a conference?

[If to 2.16, they say, "it depends," then possible probes are ask: When *is* conferencing to help an offender? ... to help the V ... etc. Alternative probe: it depends on what?]

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2.20. We'd like to know what you think about "punishment." So can you tell me : what does punishment mean to you?
 (Follow-up: *How would you define it?*)

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I'm going to read a list of things that happen at conferences. Based on your experience, would you say that any of them is a type of punishment for YP's (the majority of YP's)? [For all these items, if the respondent says "a little" or "a bit," you can write that in. But to circle a "yes," it must be a 55% yes, not a 33% yes.]

	for the majority of YPs: is this a type of punishment?	
	yes	no
2.21. <u>having to go to the conference</u>	1	2
2.22. <u>having to face a victim at the conference.</u>	1	2
2.23. <u>having to say what he/she did (describe offence to others)</u>	1	2
2.24. <u>having to do the agreement</u>	1	2

[Follow-up, depending on how they answer: So why would you say all/none/some is a type of punishment for YP's?]

.....

2.30 In the PYO survey last year, you were asked to choose from a list of 10 justice aims, what you were trying to achieve in a particular case. Have a look at this list, and thinking in general terms, which three of these aims do you find yourself wanting to achieve in conferences *today*?

- for the YP to be punished appropriately
- for the YP to take full responsibility for their actions
- for the victim to receive compensation or restitution
- for the participants, not the professionals, to decide the outcome
- for the YP to be "scared straight"
- to repair the damage the offence has caused the participants
- for the victim to be reassured that the offence won't happen again
- for the outcome to deter the YP from future offending behaviour
- to use informal social controls (like family or community ties) rather than formal controls (like court) to keep the YP out of trouble
- that the YP shows remorse (eg., offers an apology) and the victim extends forgiveness (eg., accepts apology)

2.40. What would you say are the key indicators of a "successful" conference?

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Section 3: Practices when you first began and changes (if any)

Now I'd like to ask you to remember the early days (say the first 6 mos), when you were first involved in conferencing.

3.01. For *referring files*, were the factors you used in the "early days" the same as those you use now? Or have these changed?

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.....

3.02. For *what conferencing is for*, when you first began, did you see the main reason as being [what was said in 2.11 - 2.15]? Or would you say your view has changed?

.....

.....

3.03. For *conference justice aims*, when you first began, were your aims to [what was said in 2.30]? Or would you say your view has changed?

.....

.....

We're interested to learn how the decision is made to breach or waive a YP who hasn't finished the agreement.

5.05. When do you think it's appropriate to breach a YP?

.....

5.06. When do you think it's appropriate to waive an agreement?

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.....

5.07. How does the decision to breach or to waive get made? (does the YJC decide? the police officer? both in consultation?)

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5.08. When a breached case goes to court, do you think the court handles these cases appropriately? (Or, in other words, how would you like the court to handle the cases that have been breached?)

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5.09. Do you see the police (PYO's) and courts working together or at cross-purposes? What change, if any, would you like to see in the PYO-court relationship? Follow-up: *Roughly what percent of magistrates/judges seen to be "in touch" (or "out of touch") with things?*

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We'd like to get your reactions to some of our research findings from the police and coordinator surveys.

5.20. Why do you think the police rated conferences, on average, more highly than did the coordinators, i.e.,

overall conference rating:	PYO	YJC
poor/fair	30%	50%
good	52	39
excellent	18	11

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5.21. Why do you think that more coordinators than police thought that taking a break in the conference, when this occurred, helped to move things along, i.e.,

		PYO	YJC
break helped to move things along?	yes	43%	67%

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5.22. In terms of the professional roles of the police officer and coordinator in the conference, the SAJJ research found that conflict or negative judgments of the other arose in 5 to 20% of conferences. Were you surprised by this finding?

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5.23. With respect to the professional roles of the police officer and coordinator in the conference, what do you think are the major sources of conflict between the two?

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5.24. In what ways, if at all, were the SAJJ conferences different from other conferences you were part of in 1998?

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Recall the justice aims we discussed earlier? In analysing the surveys, we find that the top 3 ranked justice aims are the same for the police and coordinators [summarise info about top three; chart shown for information]

:

	PYO	rank	YJC	rank
YP take full responsibility	74%	1	71%	1
outcome deter YP from future offending	55%	2	37%	2
VIC reassured offence won't happen again	36%	3	35%	3
VIC receive compensation	32%	4	18%	8
Repair damage offence caused	24%	6	34%	4
YP shows remorse and V extends forgiveness	17%	8	33%	5

But there are differences. There's greater interest by the police to see the outcome deter the YP from future offending and to see that the VIC receive compensation, whereas there's more interest by the coordinators to see a reparative/restorative change in the offender-victim relationship.

5.25 Do you think it's preferable for a police officer and coordinator to have similar or different justice aims in a conference? Why?

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Section 6: Different groups in the conference process

6.01. I'd like to know if you'd agree or disagree with this statement: "Conferences are designed mainly to benefit offenders, not victims."

..... agree disagree has a mixed judgment

6.02. Can you tell me why you say that?.....
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6.03. What do you see to be the role of a crime victim in a conference? What should they be doing and saying?

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6.04. How do you think the conference experience can be improved for victims?

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6.05. There's a lot "expert opinion" about whether conferencing is viable or workable for Aboriginal young people. And there are lots of statistics. But the views of those who are closest to the issue -- coordinators and police -- have not been gathered. So, what would you say?

(a) In what ways does the conference process work -- and not work -- for Aboriginal young people? [May need to discuss with reference to city and country town areas]

(b) What changes, if any, would you like to see in how the conference process is applied in Aboriginal cases?

(a)
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(b).....
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6.06. Do you think that the conference process affects young men and women differently? That is, on measures of taking responsibility for an offence, being remorseful, offering a sincere apology to victims, and wanting to repair the harm -- do you see gender differences?

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6.07. In what ways is "country justice" different from "city justice"? [by "country justice" reference is to areas covered by the Port Augusta office]

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[For those in the country towns.]

6.08. From the perspective of conferencing in country towns, is there anything you'd like to see changed?

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6.10. From our interviews with young people in 1998, we found that about half didn't seem to understand the legal context of the conference process or their legal options. [Info below shown for information]

- [e.g., 42% had no idea what would happen if they decided not to finish the conference (and this, after much probing);
- 53% had no had what would happen if they and the police officer didn't agree on what was in the final agreement, and
- 58% though that the coordinator had more power to decide what was in the final agreement.]

What do you think should be done? (For example, should more be said in the conference about "legal rights" or do you think that this might get in the way of facilitating the conference process?)

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Section 7: Conferencing Futures

Over a 4-year period, the average formal caution-conference-court breakdown has been as follows:

	of official police actions (excludes informal cautions)
formal caution	35%
conference	18%
court	47%

7.01. Do you think that this composition should change or not? In what ways?

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7.02. If you think that more cases should go to conference, from what group -- formal caution or court -- should they come?

.....

.....

7.03. Do you think that the conferencing idea should be expanded to include

- more serious offences than are being conferenced today yes no
- diversion from court for *adult* cases yes no
- pre-sentencing conferences (advice to judge/magistrate) yes no
- sentencing sanction (such as offender impact conferences) yes no

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7.04. What major change (or changes) would you like to see come about -- organisationally, administratively, or philosophically -- in the whole conference idea?

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7.05. I've asked you a lot of questions, but is there anything you think I've missed or something I should know?

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Thanks! We're done. I really appreciate your time and help in the research.

Record time the interview ended:

Did you take a break in the interview? no yes ---->show estimated amount of time

What was the total time taken in the interview itself? (mins)

How cooperative was the respondent?
very cooperative 1
fairly cooperative 2
not very cooperative 3

How interested was the respondent in the interview?
very interested 1
fairly interested 2
not very interested 3

How accurate do you think the information given was?
very accurate 1
fairly accurate 2
not very accurate 3

Did the respondent have difficulty comprehending the questions
(vocabulary or meaning, not language problems)
yes, most of the time 1
yes, part of the time 2
yes, every so often 3
no, not at all 4

Any other comments about the context and conduct of this interview?

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