Restorative justice and punishment: the views of young people

Kathleen Daly
School of Criminology and Criminal Justice
Mt Gravatt Campus
Griffith University
QLD 4111
Australia

+61 7 3875-5625 (of); 3875-5608 (fax)
3216-1630 (ho)

k.daly@mailbox.gu.edu.au

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The paper reports preliminary findings from the South Australia Juvenile Justice (SAJJ) Research on Conferencing Project. Please do not quote without permission of the author. For more information about SAJJ, go to http://www.aic.gov.au/rjustice. Members of the SAJJ Research Team, whose hard work and creativity made the project possible, are Michele Venables (Project Manager), Liz Mumford, Mary McKenna, Jane Christie-Johnston, and Rachel Mann. My thanks also to Carol Ronken for research assistance and to Ross Homel for providing timely resources.
Restorative justice and punishment: the views of young people
by Kathleen Daly

Can "punishment" be part of a process and outcome termed "restorative"? For the past several years, I've been challenging colleagues to rethink the oppositional contrast they use in comparing retributive and restorative justice (Daly 1998, 1999a, 1999b). The source of my critique comes from what I have observed in family or diversionary conferences in Australia; what victims, offenders, and their supporters say; and the many post-conference debriefings I've had with coordinators and other researchers.

What does this oppositional contrast look like? It is said that (see Overhead 1)

- restorative justice focuses on repairing the harm caused by crime, while retributive justice focuses on punishing an offence;
- restorative justice is characterised by dialogue and negotiation among the parties, while retributive justice is characterised by adversarial relations among the parties; and
- restorative justice assumes community members or organisations take a more active role, whereas for retributive justice, "the community" is represented by the state.

In sum, all the elements associated with "the good" (and the superior justice form) are in the restorative justice column, whereas those associated with "the bad" (the inferior justice form) are in the retributive column.

I've observed close to 60 conferences since coming to Australia. I find that routine practices do not reflect a
model of strong contrasts.¹ Instead, I see conferences as a flexible incorporation of

- some elements of retributive justice (in particular, censure for past offences),
- some elements of rehabilitative justice (in particular, what shall we do to encourage future law-abiding behaviour?), together with
- new terms that give the process a particular restorative justice stamp (by asking, for example, how do we repair the harm? how can the offender make amends to a victim?)

Observing conferences can tell us a lot about how the process works. But how do conference participants understand what is happening? Today, I present selected findings from the SAJJ (for South Australia Juvenile Justice) Research on Conferencing Project (see Overhead 2). We interviewed offenders (young people) and victims on many features of the conference experience, including their views on the place of punishment in it. Before turning to the project, I review problems of defining retribution and punishment.

**Defining retribution and punishment**

A major problem in talking about the relationship of retributive to restorative justice is that there are many meanings of retribution and punishment (see Overhead 3).

*Retribution.* To simplify, retribution has two meanings²:

- One is neutral or non-punitive. Retribution is associated with responding to past crime; its justification is to

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¹ Conferencing is one restorative justice practice; there are many others (Daly and Immarigeon 1998). There are key differences between restorative justice and other justice forms: the process is designed to include victims as central actors and to use a more informal, negotiated decision-making process that includes both lay and legal actors. But on core elements of justice aims and purposes (e.g., to punish, rehabilitate, provide restitution, repair harm), the oppositional contrast is not appropriate.

² There are, of course, more than two meanings. See review by Cottingham (1979)
censure wrong-doing. For some, censure itself is the punishment.

- Another is more punitive. Retribution is associated with emotions of revenge or punitive intentions toward wrong-doers, that is, to inflict pain on them.

Already we see problems. How do we distinguish between what is punitive and what is not? And what about the term punishment?

_Punishment._ There is a large meaning of punishment as a social institution as defined by Garland (1990: 17):

> [Punishment] is a complex and differentiated legal process .... involv[ing] discursive frameworks of authority and condemnation; a repertoire of penal sanctions, institutions, and agencies; a rhetoric of images by ... which the penal process is represented to its various audiences.

We could all agree, I think, that restorative justice is one practice in this large meaning of punishment as a social institution.

Disagreement occurs when we shift from the large to the small meaning of punishment, or in Garland's terms, to "the repertoire of penal sanctions."

Working with this small meaning, some say that punishment is the "intentional" or "deliberate imposition of pain" on an offender. They would say that incarceration and fines are punishment, but not probation or a reparative measure such as doing work for a crime victim. For example, Martin Wright (1991) argues that whereas punishment is an _intended deprivation_, non-punishment is intended to be _constructive._
Likewise, Nigel Walker (1991: 3) says that "it is the belief or intention of the person who orders something to be done, and not the belief or intention of the person to whom it is done, that settles the question whether it is punishment."\(^3\)

Others define punishment as anything that is unpleasant, a burden, or an imposition of some sort on an offender. Thus, compensation is a punishment, as is having to attend a counselling program, paying a fine, having to report to a probation officer on a regular basis, or doing work for a crime victim (Duff 1992; Davis 1992).

There is both imprecision and variation in how people use key terms. Some will say that punitive sanctions are punishment, whereas the non-punitive ones are not. In this way, punishment and punitiveness are collapsed as one dimension. I propose that we conceptualise retribution, punishment, and punitive/non-punitive as separate dimensions, each having its own continuum of meaning. In the meantime, it is plain that when we use these terms, we are not talking about the same thing.

My aim today is not to settle debates over definitions.\(^4\) Rather, I want to initiate a discussion about the place of punishment in a restorative justice process by presenting the

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\(^3\) We might ask, why has it been important to justice elites (the philosophers, the scientists, the professionals) to draw a line between a decision-maker's intentions "to inflict pain" and "to be constructive"? If we look at the western history of punishment as a social institution, we find that over the past several centuries, elites have become increasingly concerned that sanctions appear to be humane, that they have a constructive character. [How this may be experienced by offenders, those at the receiving end, is, of course, another matter.] Today we have Departments of Correction, not Departments of Punishment. In Norbert Elias's (1939) terms, the "civilised sensibilities" that made public hangings and torture "unthinkable" in western nations by the 19th century may be responsible for making the very word "punishment" unspeakable to many today.

\(^4\) I should be clear on my own meanings. I define punishment as anything that is unpleasant or a burden of some sort, I do not think the intention of a decision-maker is determining (especially for non-custodial sentences such as probation and fines), and I use a neutral meaning of retribution as censure for past crime.
views of young people who have participated in conference processes. What do they think is going on? Do they think the conference process and outcome is a type of punishment?

What is conferencing?
In contrast to all other places in the world, conferencing is legislated in Australia and New Zealand. It is mainly (although not exclusively) used as a diversion from court for juvenile offenders who have admitted to the offence.

In Australia today, conferencing is routinely used in youth justice cases in South Australia, Western Australia, New South Wales, Queensland, and the ACT. In all these jurisdictions, except the ACT, the New Zealand conferencing model is used. In this model, conferencing has, at a minimum, two professionals present -- a coordinator who runs the conference and a police officer. The other conference model -- Wagga -- has just one professional present: the police officer who runs the conference and gives the police perspective. Whereas the main model of conferencing in Canada, the US, and Britain is Wagga, that in the Antipodes is the New Zealand style.

A conference lasts, on average, one to two hours. It is attended by the offender (and their supporters), the victim (and their supporters), any other relevant people, in addition to the police officer and convenor or coordinator. After the introductory phase, the main activity of the group is to discuss (1) the offence and its consequences and (2) what the penalty should be. The discussion on penalty is to be decided as much as it is possible "by consensus," which means that there is no one decision-maker whose intentions can rule. Rather, everyone there (including the young person) is supposed to participate, at least in theory. This practice

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5 One of the five jurisdictions (the ACT) has no legislative basis. See Bargen (1996, 2000) and Daly (1999b) for a review of legislation and research in New Zealand and Australia.
alerts us to some of the problems of using intentions of a
decision-maker as the deciding criterion in deciding what is
and is not punishment.

The SAJJ project

Let's turn then to the SAJJ project (for an overview of Year 1
of the research, see Daly et al. 1998). We had two waves of
data collection in 1998 and 1999. In 1998, we observed a
total of 89 conferences that were held during a 12-week period
in the metropolitan Adelaide area and in two country towns
(Port Augusta and Whyalla). The observed conferences were
selected on the basis of the offence category. "SAJJ-
eligible" offences included all personal crimes of violence,
and all property offences that involved personal victims or
"community victims" (such as schools, churches, housing
trusts). Excluded were shoplifts and drug cases.

Here are some features of the conference sample (Overhead 4):
• 44 percent of the offences dealt with were personal crimes
  of violence; the rest were property offences (break and
  enter, illegal use of a motor vehicle, property damage)
• for 67 percent, the type of victim was a personal victim,
  although we also had organisational and occupational
  victims.
• in nearly 30 percent, the victim was injured, and in 70
  percent, the victim sustained economic losses (median loss
  was $350)
• in 74 percent of conferences, the victim was present
• in 15 percent, there was more than one young person
  (offender) in the conference

For each conference, the police officer and coordinator
completed a self-administered survey, and a SAJJ researcher
completed a detailed observational instrument. We aimed to
interview all the young people/offenders (YPs, N=107) and the
primary victim associated with each offence (N=89) in 1998 and a year later, in 1999.

We achieved a respectable response rate in both years (Overhead 5). Of the 196 offenders and victims in the SAJJ sample, we interviewed 88 percent in Year 1; of that group, we interviewed 92 percent in Year 2. The overall response rate for the two years is 81 percent (158/196, with 4 cases pending; thus it may go up a bit).

The interview schedules in 98 and 99 have a mix of open and close-ended items. All the interviews were conducted face to face, except those with victims who did not attend the conference, which were conducted by phone. For the YPs, the interview lasted 35 to 50 minutes; for the VICs, the interview was normally longer: 50 to 90 minutes. All the face-to-face interviews were tape-recorded, with the open-ended questions transcribed.
In year 1 the focus of the interviews was on the offenders' and victims' judgments of whether elements of procedural and restorative justice were present in the conference. In year 2, we wanted to know how the passage of time affected offenders' and victims' judgments of the process and promises made; their attitudes towards each other; whether the conference had an impact on "staying out of trouble" (offenders) or on "getting the offence behind them" (victims); and for victims, how their experience in the conference process affected (or not) their views of young people and the politics of crime control.

Today, I'll be reporting a small portion of the results from the Year 2 interviews of the young people (see Overhead 5, lower portion for features of the 1999 interview sample).

Questions asked about punishment. We began by asking, "We'd like to know what you think about punishment. So, can you tell me, what does punishment mean to you"? (Overheads 6a and 6b). Then, after recording what they said, we asked the close-ended questions. We opened with, "People have different ideas about what is punishment and what is not. Thinking about your conference, would you say any of these were a type of punishment for you?"

- "Having to go to the conference -- was that a type of punishment?"
- "Having to face [name of victim] in the conference?"
- "Having to say what you did -- that is, describe the offence to others?"
- "Having to do the agreement?"

These items asked for the offenders' actual memories (or perceptions) of what they felt occurred. When asking these questions, we said to the interviewees that a "yes" meant a "definite yes" -- not just "yes, a bit."
We then went through a set of ten items of "kinds of things that are in agreements," asking whether any of them is a type of punishment. Unlike the group of four, these ten were more in the realm of the hypothetical since they may not have been in a YP's agreement (although they are the most frequent categories in agreements). They include

- apologising to the victim,
- paying compensation and doing work,
- curfews and bans from seeing certain friends, and
- having to attend school, go to counseling, go to a "Straight Talk" program (where prisoners talk to young people about what prison is like), or see a JPET worker (someone who provides information on accommodation and job skills training)

Then, we followed up with another open-ended question. "You've said some of these things are not punishment, and some of these things are. What makes this group of things not types of punishment? .... What makes these punishment?"

One of the last items in the interview asks, "Looking back on the conference, what do you think it was for. ... Do you think it was ... to help you ... to punish you ... to help the [name of victim], to stop you re-offending ... any other reason"? And then, "which one of these is the main reason for having you go to a conference?"

**What I expected to find**

For the punishment questions, I expected that a portion of the young people would see these conference process and outcome as punishment, but I was not sure what the size of that portion would be. I expected that a higher proportion of the young people than victims would see the items as types of punishment.
because they were on the receiving end of the censure and sanctions.

For the item, "what's the conference for?," I expected to see multiple purposes registered, including that of punishing the young person. I was not sure what they would say the primary purpose would be.

**Results from the quantitative items**

For the items about the conference process and outcome: 33 to 45 percent of the young people felt that having to go to the conference, face the victim, and say what they did were a type of punishment. However, 66 percent said that "having to do the agreement" was a type of punishment (Overhead 7).\(^7\)

From other survey items (not detailed here), we know that the YPs' answers to the punishment questions are independent of their evaluations of the conference process and outcome. In the 1998 interviews, 86 percent of the YPs said that the way the agreement was decided was fair. From the interviews in 1998 and 1999, few YPs (10 percent in 98 and 6 percent in 99) thought that the agreement was too harsh or somewhat harsh.

For the "kinds of things that can be in agreements," these things were not viewed as types of punishment by the majority young people (Overhead 8): apologising to a victim,\(^8\) going to "Straight Talk," and seeing a JPET worker. For two other items -- having to attend school and having to go to counseling -- half the young people saw this as a type of

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\(^7\) By comparison, for the victims, 60 to 66 percent said that the YP's having to go to the conference, face them as the victim, and say what they did were a type of punishment. Like the YPs, most victims (70 percent) said that "doing the agreement" was a type of punishment.

\(^8\) Typically, when YPs replied "no" to this item, they said "it was something that you should do."
punishment and half did not. But for the rest of the items -- paying compensation to a victim, doing work for a victim or for others, having a curfew, and being banned from seeing or hanging out with friends -- all were perceived by high percentages of young people (about 80 to 90 percent) as types of punishment.9

As to "what the conference is for" (Overhead 9), it was viewed as accomplishing many things: helping the YP and the victim, punishing the YP, and stopping the YP from re-offending. Of the four, punishing the YP was the least likely mentioned, although close to two-thirds said "yes" to this item. For the conference "main reason," most of the YP's said to stop them from re-offending (52 percent), followed by helping them (22 percent). Punishing them was infrequently given as the main reason, although 12 percent of the YPs thought that it was.

What is punishment?
To the question, "what does punishment mean to you?," some young people were stumped and couldn't give an answer, and others gave extraordinarily mature and complex responses. I grouped the responses into four categories:10

(1) could not define (9 percent)

"Getting into trouble (interviewer probes, but is that punishment?)
Oh, it's part of it ... I don't know."

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9 There is striking agreement on the structure of what is and is not punishment for the young people and victims. Of the list of ten items, there is just one where there are substantive differences. That item is "apologising to a victim." While about 45 percent of the YPs said that this would be a type of punishment, about 65 percent of the VICs said it would be.

10 There is a good deal of complexity and contradiction in how the YPs contemplated the idea of punishment, and in how punishment differed from non-punishment. Hence, the results here are preliminary, rough-cut characterisations.
(2) neutral, non-punitive meaning of retribution (54 percent)

(a) a simple consequence of doing something wrong (N=25)
"Something you get when you do something wrong -- a consequence."

(b) "making up" or "paying back" for something you've done wrong (N=22)
"Means, well, when I'm doing it, when I get a punishment, it means I'm paying back for something I did wrong that I shouldn't have done."

(3) something unpleasant or painful (22 percent)

(a) unpleasant, want you don't want to do (N=11)
"Punishment is what's given to you after you've done something wrong. And it's usually bad. It's usually something you don't like doing ..."

(b) pain, deprivation of liberty (includes references to jail) (N=8)
"Going to court and getting locked up, I suppose."
"Punishment is a way of initiating revenge on someone that's violated you."

(4) defined only in terms of consequences (15 percent)

"Say you do something that's bad, they give it to you so you won't do it again, like a deterrent."

For what is and is not punishment, many YPs said that when a sanction helped them or was a "learning experience" (as in going to a JPET worker or learning about prison via the "Straight Talk" program), it was not punishment. But when a sanction was something they were made to do (coercion), that they didn't want to do (imposition), or that benefitted others (the victim or community), but not themselves (except perhaps to "teach me a lesson"), then it was a type of punishment.
Summary and implications

These young people are saying that punishment has a place in one restorative justice practice (conferencing) although not in a way that overwhelms other justice aims.

• First, they see the conference process and outcome as ultimately aimed at preventing future crime (to stop them from offending and to help them); hence, the general justifying aim (that is, why punish?) is utilitarian and aimed at changing their behaviour.

• Second, like academics, young people have varied understandings of what punishment means. Most (54 percent) gave the term a neutral meaning (although it could be associated with imposition or coercion); a minority equated punishment with pain (9 percent) or as something bad or unpleasant (13 percent).

• Third, the conference process was not viewed as a type of punishment for most young people, but conference sanctions were, except those that would benefit them in some way.

What implications do I draw?

• First, restorative justice advocates say that the outcome of a restorative justice process is not about punishment. Rather, it is about restoring or repairing things.¹¹ That

¹¹ For example, Walgrave (1999) suggests that when a meaningful nexus is drawn between an offence and a sanction, e.g., when an offender makes up for a harm in a direct way to a victim, we should think of it as a "restorative sanction" and not as "punishment." This study finds that whether work is done for a victim or someone else, it is viewed by almost all young people as punishment because it is work, something that takes them away from "fun things" or "spending time with my friends." Transforming the idea of a punishment into the idea of a restorative sanction may be a hard sell to adolescents. It may sound just as disingenuous as rehabilitation did ("we trying to help you") so many years ago.
may be what advocates or justice elites intend or think should occur, but that is not what young people (or victims) think. They use a commonsense understanding of punishment -- to mean a "consequence" of or a "paying back" for something they have done wrong -- and their concept of punishment is not typically tied to things that are harsh or painful.

- Second, it may be wise in a political sense to take seriously these commonsense understandings of punishment, to work with them, rather than try to repress or eliminate them. Perhaps, in fact, the idea of restorative justice could become more politically acceptable if punishment were thought to be part of what transpired. Because punishment has varied and strong emotional meanings and because it is often tied to a politics of exclusion, some worry that its association with restorative justice may undermine a progressive idea. This is something that must be considered with care.\(^{12}\)

- Third, contrasting "new" and "old" justice forms in stark, oppositional ways will not further normative arguments about justice or empirical understandings of justice practices. We may do better by working with the hybridity of justice norms and practices, rather than trying to create a "pure" justice form.

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\(^{12}\) Colleagues' preferred terms are sanctions or consequences. The term shaming has been taken up in a popular sense to refer to a punitive meaning of retribution, and the same could occur should punishment be introduced into the restorative justice lexicon.
References


Does punishment have a place in restorative justice?

Appendix

Overheads in the presentation
The oppositional contrast of retributive and restorative justice

<table>
<thead>
<tr>
<th>retributive</th>
<th>restorative</th>
</tr>
</thead>
<tbody>
<tr>
<td>crime is viewed as an act</td>
<td>crime is viewed as an act</td>
</tr>
<tr>
<td>against the state</td>
<td>against a person &amp;</td>
</tr>
<tr>
<td>community</td>
<td>community</td>
</tr>
<tr>
<td>crime is an individual act with social</td>
<td>crime has individual &amp;</td>
</tr>
<tr>
<td>individual responsibility</td>
<td>dimensions of</td>
</tr>
<tr>
<td>responsibility</td>
<td></td>
</tr>
<tr>
<td>an offender is defined by deficits</td>
<td>an offender is defined by a capacity to make reparation</td>
</tr>
<tr>
<td>victims are peripheral to the process</td>
<td>victims are central to the process</td>
</tr>
<tr>
<td>the focus is on punishing the</td>
<td>the focus is on repairing the</td>
</tr>
<tr>
<td>the offence</td>
<td>the harm caused</td>
</tr>
<tr>
<td>characterised by adversarial and</td>
<td>characterised by dialogue</td>
</tr>
<tr>
<td>relationships among the</td>
<td>negotiation among the</td>
</tr>
<tr>
<td>parties</td>
<td></td>
</tr>
<tr>
<td>&quot;the community&quot; is represented by the state;</td>
<td>community members or orgs</td>
</tr>
<tr>
<td>community members</td>
<td>take a more active role</td>
</tr>
<tr>
<td>take passive (or no) role</td>
<td></td>
</tr>
</tbody>
</table>

In sum

| has all the "bad" bits                          | has all the "good" bits                          |
| (the inferior form of justice)                  | (the superior form of justice)                   |

OH 1
For more on restorative justice in Australia and the SAJJ project, see
Retribution, punishment, and punitive/non punitive

|---------------------------------------------|
censure;              revenge;  
responding           intention
responding           intention
to past              to harm
bad crime:           another:
"neutral" meaning    "punitive" meaning

punishment

• large meaning as social institution
• small meaning as "repertoire of penal sanctions"

punishment (small meaning)

• defined by decision-maker intent (to be constructive or to deprive)
• not defined by decision-maker intent

punishment (small meaning)

|----------------------------------------------|
unpleasant,           imposition
burden,               of pain on
imposition on         an offender
an offender

punitive/non-punitive: lack of clarity.
People may refer to intentions or to types of sanctions. Are there non-punitive sanctions? non-punitive punishments?

OH 3
Features of the SAJJ conference sample (N=89)

<table>
<thead>
<tr>
<th>Type of offence</th>
<th>conferences (N=89)</th>
</tr>
</thead>
<tbody>
<tr>
<td>assault (common &amp; serious)</td>
<td>40%</td>
</tr>
<tr>
<td>sexual assault</td>
<td>3</td>
</tr>
<tr>
<td>robbery</td>
<td>1</td>
</tr>
<tr>
<td>break &amp; enter</td>
<td>15</td>
</tr>
<tr>
<td>illegal use of a mv</td>
<td>16</td>
</tr>
<tr>
<td>property damage</td>
<td>25</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Type of victim</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>personal</td>
<td>67%</td>
</tr>
<tr>
<td>personal &amp; organisational</td>
<td>7</td>
</tr>
<tr>
<td>personal &amp; occupational</td>
<td>8</td>
</tr>
<tr>
<td>organisational</td>
<td>18</td>
</tr>
</tbody>
</table>

| VIC injured in the offence? yes          | 28%                 |
| VIC had economic losses? yes             | 70%                 |
| Average (median) loss: $350              |                     |
| VIC present at conference? yes           | 74%                 |
| Conference had more than one offender? yes | 15%                |
SAJJ interview sample

Response rates

YPs
Year 1: 93/107 YPs = 87%
Year 2: 87/93 = 94% (2 are pending)

VICs
Year 1: 79/89 Vics = 89%
Year 2: 71/79 = 91% (2 are pending)

Over the two years
87/107 YPs = 81%
71/89 Vics = 80%

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Features of sample interviewed in 99 (N=87 YPs) (N=71 VICS)

male 79% 55%
Aboriginal/TSI 7% 4%
other race/ethnic identity 7% 10%
age (median) 14.5 37 yrs
Section 7

7.01. We'd like to know what you think about "punishment." So can you tell me: what does punishment mean to you?

People have different ideas about what is "punishment" and what is not. Thinking about your conference, would you say any of these were a type of punishment for you?

at your conference:
[YP: was this punishment to you?] [VIC: was this punishment for the YP?]

yes no

7.02. having to go to the conference 1 2

7.03. having to face [a victim] in a conference 1 2
[Ask even when V is not present .... Would this have been punishment to you?]

7.04. having to say what you did (describe offence to others) 1 2

7.05. having to do the agreement 1 2

At conferences, young people make some sort of agreement. I'm going to read a list of things that are in agreements. While they may not have been in yours, I'd like to know if you think that any of them is a type of punishment.

things in an agreement:
would this be a type of punishment?

7.10. apologising to a victim yes no

7.11. paying compensation to a victim 1 2

7.12. doing work/community service for a victim 1 2

7.13. doing work/community service for others 1 2

7.14. having a curfew 1 2

7.15. being banned from seeing or hanging out with some friends 1 2

7.16. attending school regularly as part of an agreement 1 2

7.17. going to counselling 1 2

OH 6(a)
7.18. going to "Straight Talk" (This is a program where prisoners talk to young people about getting into trouble.)

7.19. seeing a JPET worker (They talk to you about things like job skills training and accommodation.)

[JPET stands for Job Placement and Employment Training]

7.20. [Follow-up and probe: Focus on what distinguishes "non-punishment" from "punishment"]

What makes this group of things "non-punishment"? and what makes these "punishment"?

..............................................................
..............................................................
..............................................................
..............................................................
..............................................................
..............................................................

Now, looking back on the conference, what do you think it was for

Do you think it was

8.26. to help ..... [the YP]

8.27. to punish you

8.28. to help ....... [the V] [includes paying money]

8.29. to stop you re-offending

8.30. any other?

8.30a. What was that? [Write in reason] : ...................................

8.31. Which one is the main reason for having you go to a conference? 

OH 6(b)
Percent of YPs and VICs saying "yes"

<table>
<thead>
<tr>
<th>Punishment</th>
<th>YPs (N=87)</th>
<th>VICs (N=71)</th>
</tr>
</thead>
<tbody>
<tr>
<td>having to go to the conference</td>
<td>44%</td>
<td>61%</td>
</tr>
<tr>
<td>having to face [the victim] in a conference</td>
<td>33%</td>
<td>63%</td>
</tr>
<tr>
<td>having to say what [you] did (describe offence to others)</td>
<td>40%</td>
<td>66%</td>
</tr>
<tr>
<td>having to do the agreement</td>
<td>66%</td>
<td>70%</td>
</tr>
</tbody>
</table>

OH 7
Percent of YPs and VICs saying "yes"

<table>
<thead>
<tr>
<th>things in an agreement</th>
<th>would this be a type of punishment for you?</th>
<th>a YP?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(N=87)</td>
<td>(N=56</td>
</tr>
<tr>
<td></td>
<td>YPs)</td>
<td>VICs)</td>
</tr>
<tr>
<td>apologising to a victim</td>
<td>43%</td>
<td>64%</td>
</tr>
<tr>
<td>paying compensation to a victim</td>
<td>85</td>
<td>91</td>
</tr>
<tr>
<td>doing work/community service for a victim</td>
<td>91</td>
<td>93</td>
</tr>
<tr>
<td>doing work/community service for others</td>
<td>91</td>
<td>89</td>
</tr>
<tr>
<td>having a curfew</td>
<td>86</td>
<td>93</td>
</tr>
<tr>
<td>being banned from seeing or hanging out with some friends</td>
<td>83</td>
<td>88</td>
</tr>
<tr>
<td>attending school regularly as part of an agreement</td>
<td>49</td>
<td>46</td>
</tr>
<tr>
<td>going to counselling</td>
<td>53</td>
<td>48</td>
</tr>
<tr>
<td>going to &quot;Straight Talk&quot;</td>
<td>38</td>
<td>48</td>
</tr>
<tr>
<td>seeing a JPET worker</td>
<td>15</td>
<td>20</td>
</tr>
</tbody>
</table>
Percent of YPs and VICs saying "yes"

Looking back on the conference, what do you think it was for

<table>
<thead>
<tr>
<th>Do you think it was</th>
<th>YPs</th>
<th>VICs</th>
</tr>
</thead>
<tbody>
<tr>
<td>to help the YP</td>
<td>90</td>
<td>96</td>
</tr>
<tr>
<td>to punish the YP</td>
<td>64</td>
<td>56</td>
</tr>
<tr>
<td>to help the VIC (includes paying money)</td>
<td>86</td>
<td>72</td>
</tr>
<tr>
<td>to stop the YP re-offending</td>
<td>92</td>
<td>93</td>
</tr>
<tr>
<td>any other?</td>
<td>27</td>
<td>58</td>
</tr>
</tbody>
</table>

Which is the main reason for having the YP go to a conference?

| help YP                         | 22%  | 30%  |
| punish YP                       | 12   | 1    |
| help VIC                        | 8    | 14   |
| stop YP re-offending            | 52   | 41   |
| other or combination            | 6    | 14   |