

CHAPTER 3: PERCEPTIONS OF PARTICIPANTS

The previous chapter presented transcripts from fourteen conferences convened by Terry O'Connell during 1993. With considerable additional resources and time, it may have been possible to conduct subsequent interviews with virtually all of the participants in these conferences. Such extensive qualitative research was, however, impractical. It may also have been unnecessary - producing a great deal of duplication and repetition. Furthermore, there were also reasons to pursue qualitative social research on the impact of the Wagga model with a degree of delicacy and restraint. By late 1992, it was already clear that people who had participated in the program might be subjected to excessive intrusion from local students and academics.

Wagga Wagga is the largest inland city in New South Wales - but it is still only the size of a few large metropolitan suburbs. Academics and students from the local university campus - and social welfare students in particular - conduct a fair amount of social research in the city. It is, therefore, not unheard of for local citizens to participate in several research projects. This may not be problematic in many cases. For research involving matters of juvenile justice, however, intrusion into people's lives is a sensitive matter at the best of times. By the end of 1992, four reports on beat policing and the family conference program had already been produced by social welfare students from Charles Sturt University.¹ Care had to be taken not to make further demands of those who had already participated in this research.

Fortunately, these reports are generally of a high standard, and have provided important data. The report on young offenders who had attended conferences, for instance, took a random sample of thirty young offenders and asked them and their families a series of very useful questions. The researchers found the answers to these questions to be both surprising and consistent:

The research team, when it began this investigation, had a number of preconceptions. These preconceptions were stereotypical of young offenders. They involved such things as family type, socio-economic conditions, and lack of success at school. Our findings turned these perceptions on their head.

[...] It became more and more obvious as the interviews continued that many of the offenders had gained an empathic understanding for the victims of their offences. The majority of the young people believed that the victim was satisfied with the outcome of the conference. In fact some of the families of the young offenders reported that the victim had offered help to their child.

Many families believe that as a result of the conference they have perceived real behavioural changes in their children.

¹ J. Payten & R. Fitzgerald *Beat Police: The New Direction in Policing*, A report to the Wagga Wagga Community Consultative Committee (1991); B. Coates, N. Couling, K. Dymond & J. Jamieson *Support for Young Offenders who have been subject to the Wagga Wagga Police Cautioning Process* (1992); G. Gore *Victims who had been involved in Family Group Conferences* (1992); R. Branch & A. Jarick *Education Video on "A New Direction in Juvenile Justice"* (1992). Copies of all reports housed at the Centre for Rural Social Research, CSU- Riverina

This report would contend that the conference reduces [the] possibility [of net widening]. The young offender is not put in contact with other young offenders, the court system or juvenile institutions, thereby limiting the possibility of being seduced into the criminal culture. [...] The majority of young people who were interviewed told us that they had changed their peer group since the offence was committed. [...] On the other hand, there was also a realisation by both the young offender and their parents that it was going to take a period of time for real trust to be re-established.

A stereotypical view of young offenders is that they lack social support networks. Our research did not find this to be true. The support networks of those interviewed appeared to be quite robust. [...] In terms of other support networks many of these young people had become involved in sporting and social organisations. This involvement was strongly supported by their parents who have increased their interest in who their young people are with, what they are doing, and where they are. This interest has resulted in both the children and their parents reporting improved communication between them.)

One of the more interesting support networks, which has arisen as a result of the Family Group Conference, is the relationship that has developed between a number of parents and the police sergeants. [...] There seemed to be a changing perception which saw the police not just as authority figures but as people who offer guidance and help.

The research concluded that "to implement further support [programs] for young offenders would be counter-productive...The majority of young people and their families who were involved in Family Group Conferences found them to be positive, effective, and an appropriate way of dealing with the first offence committed by a juvenile...It is also suggested that the conference option limits the possibility of net widening which is prevalent in the traditional system."²

This earlier report served as a preliminary guide for some research in the current report. The original sample was large enough to suggest certain patterns, and to indicate a general satisfaction with the process on the part of young offenders and their families.

Another student report chose to consider victims' perceptions of the process.³ The sample size in this case was only six - too small to safely identify significant patterns. Nevertheless, the report noted that those interviewed had all been very angry to begin with, had found the process very useful, were most concerned that offenders understood the consequences of their actions, were most impressed with being given the opportunity to have their say, and - on a scale of one to ten - all rated their satisfaction with the process at eight.

These preliminary research reports made small numbers of further interviews with victims and offenders potentially redundant. What could a new round of interviews produce that had not already been said and reported? Actually, there were several areas that needed further clarification. First, given the availability of conference transcripts, more detailed questions concerning the conferences themselves could now be asked. Second, people who had participated in unusual conferences could be asked

² Quotations from Coates et. al 1992, *op. cit.* pp. 6, 6, 7, 7, 8, 8 & 1

³ Gore, *op. cit.*

for their insights into the effect of the process. Third, detailed questions asked of supporters - rather than victims and offenders - might produce more objective judgements about the apparent effects of the conference on victims and offenders. Fourth, participants who had multiple perspectives on one or more conferences might provide particular insights. Of particular interest were professional educators, lawyers or welfare workers who had attended a conference in an "amateur" capacity - as a victim or as a supporter. The interviews from which excerpts have been reproduced here were conducted with these concerns in mind.

All of the cases discussed below have either been presented in the previous chapter, or have been discussed in other writings on the conferencing program in Wagga Wagga. The interviews were structured only loosely, according to the following guidelines: The purpose of the research was described. It was indicated that a primary aim of the research was to determine whether the model was worth persevering with, and, if so, how it might be improved. It was made clear that the researcher was interested in perceptions - before, during and after the conference - about this way of dealing with juvenile justice cases. Within these guidelines, various side issues were pursued. Interviewees were encouraged to make suggestions for improvements or modifications. The observations of each interviewee are reproduced here in the sequence in which they were originally offered.

CASE: ASSAULT - TOM (OFFENDER) & ELAINE (TOM'S MOTHER)

The conference held to deal with this case was not presented in the previous chapter - as it was not tape-recorded. An interview with the offender and his mother was, nevertheless, considered worthwhile, since the case was noteworthy in several respects. First, it was held in a small town less than forty kilometres from Wagga, a town in which the social ramifications of the incident in question are probably more significant than in a city the size of Wagga. Second, this was the first conference to be held in that town. Third, the roles of victim and offender had become confused as the conference progressed. A range of pre-existing tensions between the two families was revealed.⁴ It was important, therefore, to consider whether the conference had resolved or exacerbated these tensions. The interview began with a prompt to recall the most salient point in the conference:

Q: What can you remember now, thinking back on it - five or six months down the track - about the conference itself?

TOM: ...You mean after the conference?

Q: Is there anything that comes into you mind when you look back on it?

TOM: Oh, just that I told [unclear] and that.

Q: I think you went up and shook his hand..

TOM: Yeah, I did.

Q: And was that the most important part of it?

TOM: Yeah.

Q: So that for you was the main moment?

⁴ The case is alluded to in T. O'Connell, "Individual Rights, Police Responsiveness, and Balance" in D. Moore and R. Wettenhall (eds) *Keeping the Peace: Police Accountability and Oversight*, Canberra: University of Canberra & RIPAA, 1994

TOM: Yeah.

Q: Do you reckon that that had any effect on...I understand that things were a bit difficult between the two families?

ELAINE: They never used to be. We used to be just good friends, you know. Over the years, we've had so many fights, you know it was always [unclear] against our kids, you know and for some reason things just sort of got out of hand. You know he was doing as much shit stirring as what Tom was and then he stirs it up and it sort of gets shoved around.

Q: Well, I know from the perspective of the police officer involved that he often says with these conferences: you go in and you have a person who is called the victim and a person who is called the offender. But usually it is much more complicated than that and this was a good example - there were all sorts of issues involved.

ELAINE: There was just a lot of lies. I was just complaining that there were so many lies told, you know and...when she got up and said that I was one of her friends, I mean she's got no friends anyway - because she lies so much and when Chris got up and said what he had to say it was just like it was totally rehearsed, you know? And we were told that they were after money - and that was it.

As turned out to be the case in nearly every interview, the issues involved in this conference proved more complex the more one delved into them. The suggestion here, supported by further investigation, was that the motives behind the original complaint to police may have been less than pure. The injuries to the victim may have been exaggerated:

Q: So, it's clear that there were other issues there. What do you think were the other issues?

ELAINE: Well, the other issues were - they wanted to sue for compensation. They wanted money.

Q: They just wanted cash?

ELAINE: They just wanted money, yeah!

TOM: A lot of times Chris used to go to work and that.

ELAINE: I mean when the police first come and seen me, I was talking to [the investigating officer], and he said to me that they're only after money. He said that. He said they were going to demand compensation. Of course we were more worried about that and we said where are we going to get money from? And more or less, by us all having the meeting, it sort of backfired. I mean everyone...As you just said, the government covers the cost of the medicals and things like that, and like I said, Chris was doing so much work, and then I'd go down there to where he worked and then he was fine, but the minute I would walk in the door, then he would stop work, he'd just stop it. And he was riding a pushbike and everything else, you know - and he was working.

Elaine draws a contrast between the current case and her own behaviour in a case several years earlier, in which she may have been entitled to claim damages on behalf of an injured son:

But I didn't sort of go for money. These people have always been out after money. Always!

Q: Well I guess if they're broke you can half understand it...

ELAINE: Yeah, I mean we're broke too, we're struggling too, but I mean you don't go out to...I mean, they were not satisfied with the result. I know they weren't.

TOM: You could tell by the look on her face.

ELAINE: We were, we were!

Elaine explains that she had felt genuinely sorry for Chris when she heard about the incident. But there was a delay of several weeks before the police became involved, and a great delay of confusion was sown during that time:

Q: Is that the first you'd heard about it Tom?

TOM: Yeah - I come back from fishing and one of my brothers said: Oh the police had been here before and it was a like while after...

ELAINE: Yes. But, I mean, I'd done the right thing. I went and seen them, and then when I was there I had a cup of coffee and everything was fine. And then she turned round and I said: "Well, why didn't you come around home?", and she said - 'cause they live just around the corner - "I went around to your place...but Tom swore and cursed at me on the front verandah - and told me to get off the property!"

TOM: I wasn't even there! I was fishing!

Elaine describes how she sought to determine fact from fiction. As far as Tom is concerned, there is now no ongoing enmity between him and Chris. The rift is between their respective parents. Under the circumstances, then, was it a good idea to bring them all together in a conference?:

ELAINE: I really think, I mean, I know it's really a good idea about all the families being together because it could get out of hand. I mean I was pretty fiery after she said what she had to say and I could have easily got up and smacked her in the mouth. And it was only because there was a police officer there ... And I did say to Robert, before I was down there, I said: "Maybe you'd better have a cell ready for me". You know. He said: "We can arrange that - no worries at all!"

Q: Well, you restrained yourself admirably actually!

ELAINE: Well I had to, didn't I! [laughs] - I didn't have a choice! [laughs louder] You know, and I suppose in one way I sort of might give Jill the impression that I'm tough or something like that - I don't know. I mean afterwards, I said to her: "Jill - I will see you later", and by that token I meant: "I will discuss this matter with you".

Q: Yeah I remember you saying that.

ELAINE: I really think maybe she meant: "Oo-ah! She is going to *see* me later!" type thing, but it was to talk it out - I mean I would rather sit down and talk it out.

Talk - in the form of gossip and rumour - has played a significant role in this case. According to Elaine, Chris's mother has been trying to create a rift between Elaine and her friends - without success:

ELAINE: Well, she has no friends, that's just it, she has lost all her friends.

Q: Fairly recently?

ELAINE: Over the years. I don't know why it is, whether or not it's because she lies so much and you know causes trouble and things like that. I know that there was one time when she tried to sue someone else before this incident and that's when she lost her friends - from that.

Q: And that was in town as well?

ELAINE: Yes. As soon as you mention her name, you know, they say: "Oh yes, we know her!", and as soon as you say like when this all happened, and I would say to them that she is trying to sue us, you know, and they said well: "Jill _____, yes, well we can understand that". You know, so they know exactly what she is like. But when... sort of what I have got on my mind is that she turned around and said that I

rang all of her friends. You know, I rang one woman but she went around and told my whole family and I mean there is seven of us and I'd just had it with the lying.

The essential issue here is the incompatibility between versions of the same set of events. Under the circumstances, then, was the family conference a suitable process in which to deal with this issue?:

ELAINE: I mean, I think that it is probably a better way - you know it sort of saves us going to the local court and it's actually highly counselled isn't it? It's sort of discussing what has happened and how they can rectify it, rather than go through that process. I mean I know kids shouldn't do it, but if those kids go to court, that's the end, you know. Whereas this is so much more relaxed, and it's probably the better way of doing it.

Q: The other point that is made about this is that you were talking directly to the _____s - for better or for worse - but in the court process it would be an official talking to Tom who has supposed to have committed this assault - which turns out to be pretty irrelevant to what they were on about.

ELAINE: Tom did get in big trouble. I mean he got a belting and everything else for what happened. I mean if he would have been there when the police come around I would bloody near killed him - because I only heard her side of the story.

Elaine is clearly still annoyed with herself for having accepted a version of the story which reflected so badly on her son. She describes Tom's concern as events unfolded, as the police became involved, and as his parents refused to accept his version of events:

ELAINE: He was pretty quiet for a while. And of course we didn't let him into town either until we found out the truth. 'Cause, it was three or four days before we actually found out .

Q: So for those three or four days you were accepting the other version of the story?

ELAINE: Yes, we accepted everything she said.

Q: How did you feel about that Tom?

TOM: Oh, not very good - 'cause I knew what had happened and they didn't believe me.

Q: Well, that's pretty common - my Mum and Dad didn't used to believe me either!

ELAINE: Yeah, well my Mum and Dad never use to believe me either! But I just thought: "Well, here's this poor kid", you know. "Gawd, what's he done to him?". I mean, he's so big! Compared to Chris, he's a big boy!

Q: When did you start thinking your parents were going to believe your story?

TOM: Oh, after that, when we went to the police station.

Q: So that was the point where things started being sorted out?

It was. And shaking Chris's hand in the conference was an important way of showing this. But Elaine says she would never have shaken hands with Chris's parents. She says she cried for three days after she realised she had disbelieved her son's version of events. And she still can't understand why all their kids attended the conference while Chris's brother and sister did not attend. They had, in fact, been asked to attend - but simply didn't. So how important was it to have the whole family there? Did they discuss the conference afterwards?:

ELAINE: Yeah, we talked about what could have happened, and we also talked about well, you know it was sort of quite funny too, it was quite funny that _____s fell in a heap, so to speak. Because they ended up getting nothing and that's how it should

have been. They have...I may be wrong, but they haven't been interested in the welfare of Chris. I mean I even heard that apparently Phil - 'cause Phil is his stepfather - that, I even heard, that he did knock Chris around a bit and someone said to me when all this was happening, I mean it sort of added up, [unclear] but someone did say to me: "Well, maybe this might stop Phil pushing them around".

This, of course, is only speculation. But it is one of several possible reasons why Chris's parents were not keen to participate in a detailed interview. Meanwhile, had the conference cleared up the other outstanding issues for Elaine and her family?:

ELAINE: Yeah...I had every second person come up to me in the street and say I heard what Tom done to Chris - so it was "what *Tom* done to Chris", you know, it wasn't what happened between Chris and Tom. It was that Tom was actually at fault.

Q: Did you hear any stories to that effect *after* you cleared up the matter down at the police station?

ELAINE: No - because a lot of people said to me: "Well, how'd you go?" Well, we cleared it up [unclear]...and we got revenge.

TOM: And at school these boys were talking to me about how they were going to sue me and all this junk.

At least at home and at school, the matter now seems to be resolved for Tom. There wasn't much he needed to tell his school colleagues:

TOM: I just told them what happened down at the conference and that. I told them, and that was that.

Q: That you shook his hand and that was that?

TOM: Yeah.

Q: What did they make of it?

TOM: Nothing, they just said: "Oh, good". 'Cause my mate was there with me - he's my best friend - he was with me when I pushed Chris over.

Elaine retells the story of how she first came to hear of the incident, and how it was that she believed the worst of her son. It was the lies that made her so angry about the case. If she is this angry about one sequence of lies, Elaine wonders, what might happen in more serious cases?:

ELAINE: I just sort of wonder what would happen - I mean - the police would have to restrain everyone in the room ..

Q: Well that hasn't happened yet - and they've run several hundred of these conferences, and with what are called "serious" incidents as well. But the point you are making is a very interesting one and that is that, if it were run by people other than the police, maybe people might get up and swing a few punches?

ELAINE: Yeah, yeah, because I think by the police being there, that's enough to sort of stop you from getting up and doing anything stupid. Probably if it was just us sitting around - without all of youse - I would have just got up and smashed her in the face when I heard all that bullshit!

CASE: ASSAULT - JIM (OFFENDER) & JENNY (MOTHER)

The conference to deal with this case was presented as case seven in the previous chapter. The case was particularly interesting for several reasons. First, the charge could well have been far more serious. Second, the roles of victim and offender could well have been reversed. Both boys had been involved in aggressive incidents before. Third, the political ramifications of the case remained unresolved at the time of the interview. The incident in question had occurred within twenty four hours of a ministerial ruling on the use of weapons in school. As a result, the offender in this case had indeed become an unwitting victim of state politics. At the time of this interview, his mother remained confused about how the issue would ultimately be resolved. Meanwhile, she was asked to reflect on the value of the process as a response to the original incident:

JENNY: I suppose it's better than sitting in a court, I guess, but I don't know, otherwise, I don't know - I just didn't see the sense in it. I mean, he's done something wrong, but, I mean he's been punished by being out of school, yeah, but then it's not the same as...it's just not the same as...I wouldn't like to have sat around a court all day waiting for him, and then got it remanded...say after five minutes got it remanded sort of thing. Whereas you sit down and talk to the people. But I don't know, the boys just didn't seem...Although they walked away together from the meeting, and I spoke to his parents and they were pretty good, which surprised me really.

Q: Well they actually seemed very good.

JENNY: Yes! Yeah I was surprised. I know that if someone had whacked my son with a bit of wood like that, I wouldn't have been quite so helpful toward them, I suppose. I mean they were looking to go up to the school and see Mr C___ about the meeting. Yeah.

This leads to a discussion of the political issues surrounding the case. Jenny thinks it is ridiculous that her son was the first victim of a round of urban politicking. She can understand the need tougher laws in Sydney, she says - but not out here. Her son apparently cannot now go back to his school. And transferring to another school will not be easy, it seems:

JENNY: The B___ Hill kids think the T___ High kids are a bit...up themselves or something.

Q: Oh, is that it?

JENNY: Yeah, something like that!...I don't know...If he'd sat down there all day, and been to court, and got a bond out of it - I'd have thought, "oh well - fair enough". You do something wrong, you get punished for it".

Q: But the bond's not a punishment.

JENNY: In a way it is - because if they get reported doing something else wrong in that time, I mean, they take you to a court, in most cases. You know?

Q: You wouldn't have wanted to have seen him in the remand centre would you?

JENNY: Then again, it wouldn't hurt, I suppose. Depends how you look at it. I mean, some of them...At one stage, when he was about ten or eleven, a little holiday wouldn't have hurt him - the way he was going. Only a little kid, but he just got out of trouble - by himself.

This time, however, he is in trouble - with no resolution in sight. The department has provided no further information on its proposed disposition. And Jenny is particularly riled by the arbitrariness of this bureaucratic outcome. It could just have easily been her

son as victim, and his colleague as offender. One boy is back at school, the other is languishing outside. Could Jim attend school in another city, or another state?:

JENNY: Yeah. But I couldn't send him to school until I knew what was going on, see?
If I sent him to school, I might be in trouble as well as him, see?

Q: Why's that?

JENNY: I don't know! I don't know how it works, I don't know what the hell's going on!

Q: Wouldn't the department tell you - if you went down and asked them the local department people?

JENNY: ...I never thought about it...I was just waiting for a letter. Because I wrote a letter away myself, see, and Mr C_____ said I have got to write a letter, and I wrote my letter to the school, and we discussed the letter, we discussed everything that was in it.

At this stage, the interviewer suggests that some active intervention may be called for. Jenny had not yet made direct representations at the source of the problem - a department that has removed a certain amount of discretion from school principals while leaving them as accountable as ever:

But you probably need to - yourself - put some pressure on them.

JENNY: It's a bother, though. It doesn't seem fair, I reckon...But maybe I should check it out...

Q: Do that. There's nothing you can lose. It seems to me that if nothing's happened over four months, a bit of pressure needs to be put on them.

JENNY: Like I said, the worst part about it is that...the boy that sort of picked the argument...

Q: Yes, it's not fair, and I know that he's also been in trouble for involvement in violent incidents...

JENNY: Yeah, well, I've met a couple of parents who've had trouble with him themselves...But the other boys just....That's what fixed Jim up - was picking the wood up...

Quite right. Jenny is bitterly disappointed at the way her son has been dealt with. The conference was an adequate means of responding to the incident, but a far more serious punishment - being deprived of an education - had already been decided upon elsewhere. Jim has a slightly different - perhaps more fatalistic - perspective on events:

Q: What did you think about during that conference - I mean, you'd been to court on a joyriding case...Would you have preferred to have gone through the conference process or the court?

JIM: Oh, the conference would have been better...than just going to court and that...

Q: Why's that.

JIM: Oh, you sort of muck 'round at court. I would have probably just got a bond or something.

Q: Well, your Mum reckons court's more serious because you get a bond.

JIM: Yeah.

Q: Is that not how you feel?

JIM: Oh, the court's not as serious as the conference.

Q: You got more out of the conference, you reckon?

JIM: Yeah. Court wouldn't have done much, just...oh, I wouldn't have worried about it. I just would have went in there and stood around - at court.

Q: You said you didn't worry about the conference.

JIM: It didn't worry me much either.

Q: So what was better about the conference?

JIM: Oh, well, we just got it over and done with quicker and that, you know. We're friends now. If we'd gone to the court house - would've made it worse.

Q: It would, eh? How, do you reckon?

JIM: See, 'cause we wouldn't have made up or nothing - any stuff like that.

Jim explains how he made up with Robert, and also how he spoke with Robert's parents after the conference:

Q: The question now is whether you can get back to school...But how do you reckon the police handled the whole thing?

JIM: Good. Good.

Q: See, I'm trying to work out - for the police - how to make these things run as well as possible. Is there anything...You know, if the police were to say to you, "How could we have done it better?", is there anything you could think of?

JIM: Nah...Nuh...I don't reckon they could have done anything better. It was better how it was, just going to that thing - going to a conference and that. Better than...'cause we would've went to court, or we would've went to someone's house and done it... [inaudible] It wouldn't have made any difference.

For Jim, the real problem remains how he is going to get back into school, and where he may now have to move to in order to get an education. His case stands as a poignant reminder that political posturing always has personal consequences.

CASE: STEALING AND TRESPASS - TROY (OFFENDER), SALLY (MOTHER) & SARAH (SISTER)

The conference to deal with this case was presented as case three in the previous chapter. The offender, his mother and his sister were all impressed with the process - particularly as they were able to compare it with the major alternative. The three interviews were conducted separately. Sally begins by explaining the reasons for a delay in dealing with their case:

SALLY: But I actually did get a phone call and Terry asked me with a bit of short notice would I be able to go down. I said no, that'd be okay, and so we went down but it was sort of a bit strange. 'Cause I explained to Troy, you know: "You only go here and then they'll decide on whether you have to go to court because you're not out of the woodwork yet. They just actually want to see what you're like".

Q: He would have been a bit worried ...

SALLY: He was. He was, but he was making out he wasn't because, as I said, he hadn't been in any trouble before...and actually, when we got in there, it was sort of scary. But I mean it was good to actually meet the victims and for him to meet with them to actually see how he'd affected their lives. As Terry asks them, you know: "How has it affected you, how has it affected..." - and it certainly did affect our home life. I got that way, I barred him, so that he was only going to school and coming home. That was a part of his punishment, because I was that way...he'd sort of betrayed my trust. It's been going well now.

Q: Did you talk about it before you went down - among yourselves - about what was going to happen down there at the police station in this family conference?

SALLY: Terry came out and actually told us that the victims would be there and what would be asked. So he'd sort of given me a rough idea but you're naturally a bit nervy, because you don't know what the outcome's going to be.

Q: And poor old Troy was grounded at that point, apart from going to school?

SALLY: Yes - that's fair enough - he knew that he had done wrong, that he shouldn't have done it. And that's what I mean getting - he was around with kids, too, that he doesn't normally get around with.

Given this line of argument, does Sally think it unfair that Troy had to take full responsibility for the theft? No, she says, he did it, and it was quite appropriate for him to be held responsible. An interesting twist is that his sister was accepted into a work experience program with the local police around the same time. She did that work before the conference?:

SALLY: No after. See, that's what she wanted, and she sort of said: "Oh, shame job!" That's just the reaction from her because, you know, you don't go and do them things. She didn't even dream of it! [laughs].

Q: It was really an interesting response. We've talked a lot about this process not only in Wagga but other places and always if there are Aboriginal women - at a conference, say - they'll come up and say: "You're the only whitefellas we've heard talking about this who make any sense because you talk about shame, which is what we talk about - and the rest of the criminal justice system just doesn't understand it". And so that was the first thing Sarah said when Terry asked her. He said: "Sarah, what do you think?" And she said: "Oh, shame!"

SALLY: Yes, shameful. That's what you think. You come out and say: "Shame!" You're just so shocked, and you wouldn't expect that person to do it, you know? Something happens, and it's just a phrase you use.

That phrase expressed the pain caused in several settings by the incident - within the family, at school, at work, and among friends. Sally explains how the family had discussed the matter. She also emphasises the empathy she felt with the victims during the conference. And she understands that they were doubly angry because this wasn't the first time that they had had clothes stolen from them:

SALLY: Yeah, but it gives them more of an outlook on it - to see who that person is who's stealing off them - especially when they're juveniles. And it makes them face up, just look at the victim in the face that they've actually taken it from. I reckon it's a good idea and it's a lot easier for the younger kids to go into something like this, rather than just being thrown into a courthouse - it's giving them that second chance, to say: "If you don't stop here, this is where you are going to end up". They'll really get whacked off after this. That's what I said to Troy: "You might go to court, the magistrate might be whacked off". I said, "you might end up down the detention centre. And that's where I really sort of scared him, when I gave him a talking to after he'd actually done it.

Q: But before the conference?

SALLY: Yeah, before. So he had those things going through his head. I thought, well, you know, we may as well be straight out with him. I said, we'll just give him a bit of a scare, and he might never ever do it again. But it's made him say he wished he never did it.

Q: But you say he felt really relieved after the conference?

SALLY: Yeah, he was. But I was glad he got more out of it just by sitting there and actually seeing how many people it had affected and to see how they felt and the way that they wanted it to go, and what they were doing. They were only working for what they had, what they've got.

Q: I thought they were very good. The thing is that many kids do this sort of thing, and a small number of them get caught. You can put these things into perspective without saying that what he did was okay.

SALLY: You sort of nip it in the bud before it gets out of hand, too.

Q: Yeah, but it does seem to make a difference.

SALLY: Yeah, well that's what he said - he said...he agreed to have the conference because he wanted to actually find out what Troy was like.

The point is made that Sally had been very supportive of her son - in the right way - during the conference. She had made clear her support for him without trying to justify, excuse or condone his actions:

Q: Did you discuss it much as a family after the conference?

SALLY: No - just going home after we left the conference - we had a conversation actually about the conference and that's when I said...that's when Troy felt...sorry about it. I said: "You should, you know. Because it's not right!" - because he didn't know that I'd had clothes taken off the line. I said that I know how they feel!

Q: I'm surprised you hadn't told him that before.

SALLY: No. I don't think it came out. It just sort of come back to me in there and how they were saying it and that's when I said to them: "I know how you feel!" He asked me about it then, and I said: "Well, you're mad, because you've gone and bought something, and you've put it out and you don't even use it because someone comes along and takes it!"

The details of the chase and of Troy's apprehension are discussed. Sally explains how she advised her son to make a clear and honest statement rather than exercise his right not to. In most cases, of course, a statement is provided:

SALLY: Yes, well that's what they said. He's been caught with the clothing and admitted that he's done it. People are saying, "Well how come he signed a statement?" They said, you know: "You shouldn't sign the bloody thing!" I said: "Well he did it", I said, "he admitted it to me so why deny it?"

Q: See that's technically a problem, isn't it, because I imagine in the tradition of the legal services, you know, you don't admit to anything until you've got lawyers there!

SALLY: Well he admitted it. He was caught at the scene of the crime, he was chased and then he actually said that he did it, so why deny it? I mean the evidence is there in front of him - and they were a pair of trousers. I had a think about that...and I said: "Are they the clothes there?" and they said: "Yeah". And the cops said: "Look at them!" - 'cause they walked out to do something and I had a go at him. I said: "Look at the top", I said, "it's way too small for you". And I said: "Look at the trousers, they wouldn't even go near your sister and she's at least a 10!" So I said to him: "Well, why did you steal them?" And he looked at me and said: "Oh, I don't know, me mate wanted a pair of jeans". I said: "Well, if your mate wanted a pair of jeans", I said, "what was you doing there?" "Oh, I liked the top that he had" Oh, gawd! I was just giving it to him anyway. The police were out of the room. Then they walked in and they must have overheard, and they said: "Yeah, we agree that they wouldn't go nowhere near him!" - so they definitely weren't for him to wear. I

knew straight away that he had egged him on - but it still doesn't excuse him; I mean he knew it was wrong so he had no right to do it.

The interview concludes with a discussion of how things are at home now, five months after the conference. Sally is pleased with the way they are all getting on. And as for Troy himself, she says "He gets a bit loud - but most kids do. He's pretty good...He's probably had a lot more self-esteem - since then". A subsequent interview with Troy provided an opportunity to test this claim. After the introduction, Troy is asked what was his first thought in the conference:

TROY: Just thinking oh...just thinking, "Oh...What do I have to do? I hope I don't see the people in here". I was thinking, "Would they be after me?"

Q: Would they hit you?

TROY: Mmmm. I was just thinking, "Oh....no!". I was thinking..."Oh - *shame!*" and that...when I walked in there.

Q: First thing you thought?

TROY: Shame ofseeing the people, that I took their clothes.

Q: That's what your sister said when she was asked....See, I thought in some ways - sure, you took the stuff - but in some ways it was a bit unfair, because you were part of a group...

TROY: Mmm.

Q: ..And you were the only one that ended up down there.

TROY: Hmmm [laughs]

Q: Did you think of that at the time?

TROY: I was thinkin': "Oh well, I don't know what I'm doing up here but I just want to get it all over and done with" - 'cause it was about two months or something when they told me, after. And I was thinkin': "Oh, how long's it going to be?"

Troy describes the descriptions on his movements during that time. He was not allowed to socialise after sport, and not allowed to go anywhere on weekends. And then the conference was convened:

Q: Well, what did you think, when you heard the point of view of the three people who lived in the flat? Come as a surprise to you?

TROY: Mmm, 'cause before that, beforehand, they had a TV and all that had got stolen or somethin'. And they said that the house got broken into and they'd moved somewhere else, and then I jumped the back fence the other day. And they were just feelin'....wimpy.

Q: How'd that make you feel?

TROY: Just felt really...sorry for them.

Q: Yeah, have you ever had...any stuff taken?

TROY: I've had my pushbike stolen and...

Q: Yes, I've lost a few over the years!

TROY: And ...and I think that's it.

As to his own record of behaviour, Troy was a little surprised by the extent of support offered him by the members of his family. He was particularly surprised by his uncle's support:

TROY: Oh yeah, when Nick said: "You wouldn't think..." - oh, it was sort of a surprise, 'cause I had like...We used to live over in M_____ with him. Not with

him, like, I always used to see him, I used to be like, I just used to be like just a little kid...walkin' around - armies and that there - when I was real small. Used to talk to him out there. And then I got goin' wild and stealin'...first time ever I'd been stealin'. And then, when he said that at the end of the day there...Just, I was too ashamed to say anything in front of him. I was embarrassed up there.

Q: You were?

TROY: Yeah, got shamed.

Q: You reckon it would've been better without them there?

TROY: Oh no, it was alright but...didn't really need my olds around.

Q: But it was your dad, wasn't it, said he wanted to give you a thrashing?

TROY: Hmmm.

Q: Do you reckon he meant it?

TROY: Hmmm, I don't know...probably. 'Cause when me dad picked me up right down at the station, I was there in the back seat and he's there talking to me, wise talk, you know, like that?

Q: Yeah.

TROY: When I come home...just went into my room. I just came back and went to sleep.

Q: He was probably a bit ashamed himself - probably.

TROY: Hmm, probably.

Anyway, the conference made a big difference, says Troy. He hasn't stolen since, and he has gradually regained his parents trust. They allow him to swap clothes again. He says he's not sure whether he'd intended to swap the clothes he stole:

Q: So you just weren't thinking when you took the stuff off the line?

TROY: Oh, I didn't, like I didn't think I'd get caught. Like I wasn't thinkin' what would happen. I thought - like beforehand, about a half an hour before I stole anything - I swore to stop talking to 'em and copying what they do. 'Cause when I was little, that's what happened to me - I stole down at the shop. Butter menthols.

Q: And you got ticked off. This was over in M_____, was it?

TROY: Mmmm. And the police never came. The lady just told me...Oh, just told my parents to come down here and they were talking to my mum and that...I was about seven or six.

Q: So they found out you'd...

TROY: Yeah when I was seven or six I got caught stealin'.

Q: You'd taken the butter menthols, and then they talked to your mum?

TROY: Mmm, and after about...

Q: What did she have to do with it?

TROY: My mum just went down there and was talkin' to them 'cause I was sittin' in the car and I had to go back in there and say sorry and that back to 'em.

Perhaps surprisingly, Troy says he didn't think of this incident during the conference, and only recalled it later. But the principle was the same in both cases - the apology was crucial:

Q: Did things change around the house at all after the conference?

TROY: Oh, my parents didn't trust me as much, like...Now they're starting to trust me.

Like I can go to a friend's house on my time now, talk to friends...

Q: So it's starting to get better again?

TROY: Yeah starting to...since about four weeks...ago.

Q: But the conference was some four or five months ago, wasn't it?

TROY: Yes, like I never used to go out - 'cause I used to play football all the time ...on weekends.

Q: Oh right. So it's taken about four to six months for your parents to start to treat you normally again?

TROY: They're trusting me more - heaps more - now.

Q: Oh good. So did you tell any of your friends about having gone down there?

TROY: Yeah. I told, like my friends that I used to steal beforehand. 'Cause they, some of my friends stole and that, but then I just told 'em what happened. They said: I'm not goin' to steal again, not goin' down there! Too ashamed!

Q: They said that to you?

TROY: Mmmm. Mmm.

Q: Why I mean so a lot of kids around town who swap clothes, they get the clothes off the lines do they?

TROY: I dunno - probably..

Q: It's alright. I'm not a police officer...I'm just interested...

TROY: They just like stealing!

Troy explains the attractions of stealing for some of his colleagues. Then he reflects on the value of the conference process for offenders and victims. He wonders what might happen now if he were to have a chance meeting with the people whose clothes he stole:

Q: What do you reckon you're going to say if you run into them?

TROY: I don't know. I'll just look at 'em, pass, wouldn't say anything.

Q: Wouldn't say hello?

TROY: I'd just say g'day...then I'd probably look at them...

Q: You've made it up with them, though, haven't you?

TROY: I don't know about that blond girl, sister or something - that other lady. The person with his clothes gone, he was good I reckon.

Q: It was his stuff, wasn't it?

TROY: It was his stuff I think, yeah. He was a good fella. He was good.

Q: You reckon the girls weren't too happy?

TROY: No, I don't reckon they were. 'Cause the girl said: "Oh, our house got broken into, then this made us all freak" - 'cause each time they hear someone, like people just hit the fence or something, they think it's someone...trying to break into their house.

It seems clear that the conference process has been a lesson in empathy for Troy. His sister, it seems, needed no such lesson. Furthermore, as a student of legal studies, she has since thought about some of the technical issues surrounding conferencing. How would she compare court with conferencing? Well, for a start, there is no professional judge in a conference:

SARAH: Well, like I didn't see any like that day, like in that one. It's only juniors, like he's a child and no-one else is allowed to go in there, except the victim. And he had one of those tapes and he taped ya and he just like, talks to ya and he talks to other people. Then youse, then him and his girlfriend and the girl that stays with him were telling what they thought about it and they made a compromise.

Q: Oh this is at the conference? Yeah I was actually there. I was actually down the back

SARAH: Yeah, yeah....

Q: Hmm. So what did you think about that compared to the court? Did it make sense to you?

SARAH: Yeah, and at that the court, like the lawyers go and get someone to come in.

Q: Right.

SARAH: And you all sit up the back, but they sit in the middle and the court gets 'em to stand and that and if he gets 'em to talk back they go either side, and he's up the top and someone below him actually types or just writes or something. And then there's one...there's a big table, and both lawyers get on either side and one lawyer sits there, waiting for their client to come in, and they just tell 'em what they done and he just reads the report and that and he just tells 'em, ah, like why they did it or somethin' and they get up and tell their bit, then the lawyers say somethin' and he just tells 'em, and gets someone else to come in.

Q: So did it seem like a pretty meaningful process to you?

SARAH: Hmm Yeah, ah...it'd be hard...Like you have to...they've got all these big books and he just reads it and that, but sometimes you're in there for ages like listening to one little incident - like one little case.

This, then, is a young woman's first experience of the children's court. Was it difficult to compare this with the conference process?:

SARAH: Yeah....it's different, going in there.

Q: See I noticed, you were asked what effect...all this had...had on you.

SARAH: Yeah, we were *shamed*!!

Q: Well that's the first thing you said.

SARAH: Um, in the court thing it's not like that...that other thing was better...than the court. Like - 'cause it was just, like, them people...But..

Q: You mean you were looking... face to face?

SARAH: Yeah! And in the court thing, you were up sitting behind them and you can, like, watch them and that - but, like, other people can come in.

Q: So you have to look the victims in the eye?

SARAH: ...Like...They shouldn't let other people come in and listen, but if it's like serious or kids like under eighteen and all that, other people are not allowed in to listen to 'em. Only, older...like...

Sarah is making an important distinction here between the communities of care affected by an incident, and the wider community of people who claim a right to be informed about the disposition of criminal matters. In less serious matters, she is suggesting, there is a strong case for privacy. She makes some additional comparisons between the two processes of court and conference. The real actors in court are the professionals, not the people involved in the incident:

SARAH: Yeah, like the lawyer tells what he did and the fella just says some stuff, adds some more bits onto it, onto what he did..

Q: So the lawyer does most of the talking?

SARAH: Yeah, a lawyer does most of the talking.

Q: And you reckon that 's better?

SARAH: Oh, it depends. Like, in a way it's better 'cause it sounds better. Like the lawyer saying it sounds better for him. Like sometimes when you say it they get up there...Like a fella, he didn't have a lawyer and he mucked up and he looked bad, and then, if he had a lawyer it would've sounded a bit better. But with Troy it was better that he did it himself, so the people knew what he was like and why he did it and that.

Q: Yeah. Plus I think your mother - she sympathised with the people who had their clothes taken because the same thing happened to her.

SARAH: Yeah, yep!

Q: So it was a bit of an insight for...for you as well?

SARAH: Yeah.

Q: To go along and support your brother and...

SARAH: ...and just listen...listen to what they've got to say, those other people in there.

Q: Is that why you went along - to support Troy?

SARAH: Yeah, support and just to see what the other people were like.....

So Sarah was interested in attending the conference in order to satisfy her own curiosity. But she had kept this to herself. And how would she feel now if she were to have a chance meeting with the victims?:

SARAH: Yeah, it wouldn't worry me, 'cause I haven't done nothin'.

Q: No, sure, but at the time you felt ashamed - and you hadn't done anything either.

SARAH: Yeah! But now it doesn't worry me.

Q: You got over the whole thing?

SARAH: Yes.

Q: Did you tell any of your friends about this conference process?

SARAH: No.

Q: And you didn't discuss it at home afterwards either.

SARAH: No, 'cause it was just a normal thing.

A final point: sarah has since done her stint of work experience with the police. Does she think she would have it in her to convene a conference? Did it look easy?

SARAH: No. It's a little bit easier. It's a bit harder, 'cause you're like, you're doing it yourself and you have to, like, go along and what they find if they want to take it higher, and then, in court, like the judge does all of it, but like the lawyers do most of it. So their job's like a lawyer.

Q: Oh, the job of the police is like a lawyer?

SARAH: Yeah, like a lawyer.

Q: So the role of the police is completely different?

SARAH: Yeah, the policeman is the same except for...I don't know - different?! Like he's more, like at there, he just talks to you and that. And at court, the judge, he looks at you and just like reads the stuff out more.

Q: What effect do you think it has, the judge just reading out the charge?

SARAH: The judge looks - like, when you go in there - he looks bad, like he looks really scary. But when you're going up there and talkin' in there, you're calm.

Q: In the conference?

SARAH: Yeah.

Q: Well, so maybe you didn't feel so bad about it after all?

SARAH: Like in the court it's alright, like you just talk and that - and they just observe you.

Q: When you were asked in the conference, what you felt, the first thing you said was "shame". Now in the court process, do you reckon you'd feel that?

SARAH: No, I just sat there and watched them. Just like sitting there and watching.

Q: Well, maybe that's one of the big differences between the two processes, you reckon?

SARAH: Yeah, but it would be embarrassing if you had to get up there, if you'd done something and you had to go and tell them.

Q: So, you reckon that it's a system that they ought to keep running down there?

SARAH: Yeah, for people to talk better. You talk better in the conference.

CASE: STEALING - KATHY (MOTHER OF OFFENDER)

The conference to deal with this case was again not recorded - although extensive notes were taken on it. The case was subsequently discussed in a conference paper outlining a psychological model of the interpersonal dynamics in conferences.⁵ Of the conferences that had then been observed as part of the evaluation, this was one of three in which the victims doubted that the offender or offenders had experienced genuine remorse and contrition. It was suggested in that conference paper that such impressions may have been incorrect. A subsequent interview with a close observer of one of these offenders was considered important. And Kathy was keen to speak - even though she, too, had doubts about the efficacy of the conference.

The interview begins with a discussion of Matthew's behaviour since the conference. He had been failing to turn up to classes, and just sitting, instead, in the school grounds. And this could not have been because he didn't like school, she says. Matthew has always liked school, and "has brains":

KATHY: ...as long as he uses them. If he's not going to use them, they're no good, are they? But..um...Oh, I don't know. One afternoon then they said that...he wouldn't come home. He went to school real good that morning, on the Friday morning, went to school. And the principal rang me up at the end of the day and said: Matthew's not coming home! He doesn't want to go home!

Q: He wanted just to stay on at school?

KATHY: No, he wanted to go to one of them refuges. You know those refuges they have down here, or somewhere in Adel - oh, not Adelaide! - in Wagga Wagga? 'Cause his friends were going there. He was under the impression that he could go there, get himself a job, still go to school - you know, a very strange way of thinking I thought too - and...be able to come and go and do what he wants to do.

Q: And that all happened, what, in the space of a couple of weeks?

KATHY: Yes, yeah, it got that bad, I thought: Oh my goodness...So anyway, we said: "Okay then", you know, "we'll...see what happens". And they brought him home [unclear], they came in the night - or somebody came anyway, with Matthew - picked him up from the centre or something. "Oh, I was going to take it down for you my son!" And after that he just didn't want to go to school anyway. You know, I thought well, I can't be there, on the bus, with him, to take him to school, sit down in all his lessons - I can't do that, you know. I said to him, I said, "I've got your other two brothers to worry about, instead of having to worry about - oh! - having to be with you all the time" - you know? - which does get very hard. But ah - he said he doesn't like us anyway, doesn't love us anymore, so that's why he'd been...He said he'd pinpointed that's why he's been doing this all these years.

Q: Playing up?

KATHY: Oh, well, he's been doing that since he was about six years old. I mean, usually you tell them when they're little: Don't do that, it doesn't belong to you! - you

⁵ D. Moore "Evaluating Family Group Conferences". Presented to the Australian Institute of Criminology Conference *Criminal Justice Planning and Coordination*, Canberra, April 1993. A version of that paper appears in D. Biles & S. McKillop (eds) *Criminal Justice Planning and Coordination*, Canberra: AIC, 1994 - but without the case studies.

know? You think they learn. But we took Matthew down to one of those - what do they call them? - psychologists? - or something to that effect - in Adelaide, and as he said, "He's got no conscience". Now I can't understand how a person can't have a conscience. Because you're born with it, aren't you? [laughs] Or does it just come about later on?

Kathy is keen to talk about this idea. She has had to live for the best part of a decade with the professional diagnosis that her (step) son has no conscience. She was concerned that the failure of the conference participants to follow-through with the conference agreement may have exacerbated his problem. She then describes his behaviour since the incident - how he had sought various justifications for his past behaviour, but had then run out of excuses and had made some dramatic changes in his lifestyle. Had he been behaving differently at home before he decided to return to his (birth) mother's place?:

KATHY: Oh... not really. Sometimes he'd sit, I mean, his father tried to talk to him, but...he sat there one night and Col said to him, "What are you doing this for?" I mean, it's alright if you can get an answer from them, but when they sit there and they say, "I don't know...I don't know" - you know, that's so nerve-racking, because they must know why they're doing certain things in the first place, you know? As we said, "Even if we've done something: Tell us!" You know, I'd rather my children tell me if I'm doing something so that we can at least try to rectify it - you know - in any way. It gets a bit harder when they get set in their little ways. But as he said, he said, "Youse are too goodie-goodies. Youse don't do nothing...wrong". "And son", Col said, "Well son, that means if I was to go out in the street and pinch a car, I'd be cool, would I?" - Matthew said, "Yeah!" He said, "I'm sorry son, but I've got no intentions of going and doing those things". You know? Col said, "Now look at my motorbike" - it was a different one at the time...oh no, he was talking about the one he was going to buy - and he said, he said, "Look at my motorbike. I get that home, I work hard to pay for it, and somebody like you my son comes along and just takes it. Well how's that going to make me feel?" - You know, just a shrug of the shoulders. More or less, "Who cares, Dad?" You know, but if it was his, it'd be a different story. So I mean, I'm not quite sure, because he had a Segamaster, plus he had a big...ghetto blaster, he got it last year. He had that, next minute we hear that...they were stolen. Now he says he lent it to his friends, and then his friends didn't give it back - 'cause he rang up here looking for the serial numbers and things like that. I said, "Matthew James, you should have all those things anyway, you know, why would we have'em if you've got the unit?"

But back to the issue of the conference and its aftermath. What exactly had the conference agreement been, and was it completed? The problem was, Matthew had offered to help find the missing wallets, but said he wasn't sure where he disposed of them. So was the money replaced?:

KATHY: I wouldn't have a clue. As I said, we never gave them nothing, Matthew never gave them nothing. Matthew didn't even do odd jobs, but then again, as I said, who would trust Matthew to go around and do their mowing anyway?

Q: Yes. So the conference agreements weren't really followed up - because I think there was some sort of understanding, wasn't there, that he'd at least try to ...

KATHY: ...yes, go around mowing lawns or something like that. No [sighs]...he went off without it. So as I said, that last little straw it was, that time when he didn't want to come home from school.

The issue of Matthew's various excuses and justifications arises. None of them were convincing. Did the rest of the family discuss the conference subsequently?:

KATHY: Oh...All Will said was: That was the most embarrassing thing we've ever had to go through - and he's not going through it again! [laughs]

Q: Sure, well, I don't think he'll have to.

KATHY: [laughs] I think if he gets caught his hands'll get chopped off! [laughs] But...I don't know. Matthew James did say that Will'll go through exactly the same thing when he goes to high school.

Q: So he was also blaming his peers at high school, was he?

KATHY: Well, more than likely. He said, "You've gotta do those things to be in with them". - And as we said, "I'm sorry, but I'd be the stupid one. I'd be the one that'd be bashed to a pulp!" [laughs] I'd be senseless...before I actually turned around and followed them, doing what they do when they...because it's wrong, you know. I mean, you can have your friends and things like that, but if they're going to do something wrong, well - as you should know yourself - you say, "Well, I'm not going to do that".

Q: Well precisely. I mean, he's blaming everyone but himself, isn't he?

KATHY: Oh, well that's true! [laughs]

Q: He seems to have blamed you, and all his mates at school now, for having misled him one way or another...

KATHY: Yes - and I never thought of it that way either!

Q: ...rather than taking responsibility himself.

KATHY: Hmm...But as he said, "Will'll go through exactly the same thing, Mum. You've got to be like it, you've got to be in there". Oh!...

Q: And had he said any of this before the conference?

KATHY: No.

To what extent, then, had Michael really thought about why he had stolen compulsively over the years? Kathy thinks that some sort of understanding was in his head, but that he "just didn't want it to come out". But how much did he really understand about his own motivations?:

KATHY: Yes well, as I said, you know, Matthew hadn't just done *those* things. He said nothing'll happen to him anyway. [laughs]

Q: What did he want to happen to him?

KATHY: I don't know. I suppose he thought, "Well, I got away with it". - Because over the years Matthew's done those things, and he's got away with it. You know, he's always been cool as a cucumber, as they say. But, um, he slips up, and then he gets caught out. But as Col keeps on telling him, "Look son, you do something wrong, and you get caught sooner or later". But he's thinking about the things in between. And that's what Col said, "Well, I suppose getting caught once out of...He might have done it *ten* times...That means you got away with it nine times".

Q: So it's worth doing?

KATHY: Yes.

The discussion turns to a moment in the conference during which Matthew's father had explained how disciplinary matters are dealt with in the military. It seems that what

really threw Matthew in the conference was that he was *not* harshly punished for his stealing on this occasion. That - and confronting the victims directly - appears to be what set him thinking about his own motivations:

KATHY: Or maybe he just wanted to get away from here. He said it was too boring, too boring for him here. "But son, you could go up there swimming all the time, but now you can't even do that - and we can't even go on the [military] base now, to the picnic area, to take you there"...

Q: Why - he's not allowed on?

KATHY: That's right. He wasn't allowed on the camp no more...after that. [laughs]
But, um...

Q: Well, so it's his fault that things are "too boring"?

KATHY: That's right.

Q: But he wouldn't accept that?

KATHY: Oh - he'd say, "I can't go walking in the street". I said, "Well, you know why that is, son? You can't be trusted to walk in the street without taking something that's not yours. You know? See, when you are given that little bit of leeway, what do you do? You go and steal something again in that respect. So you *want* to be caught".

Matthew had painted himself into a corner. He could really only stay at home, except when he was actually attending school classes. But in many other respects, says Kathy, Matthew has been a good son. He cares for his brothers - and she describes their interactions. Then she describes some of his other brushes with the law:

But as I said before, I said, "That Matthew James would be a great *only* child". You know? He likes to get all the attention. He likes to get all the things spent on him.

Q: Do you think that was one of the reasons why he's gone back to spend some time with his mother?

KATHY: Oh? - Well it could be!...I mean, she's more lenient with him; like she doesn't know his past record anyway. [laughs]

Q: Well I'm just thinking that here - and it's absolutely no fault of your own, of course - that he had painted himself into a corner. He was virtually imprisoned in the house because he'd ruined his own reputation in the local community. I wonder if part of the attraction of going back there was that he'd go back with a relatively clean record, if you like?

KATHY: Yes, probably. And I mean, she's pretty...more lenient with him. She lets him come then go. He more or less does the things that he wants to do, you know? Whereas he can go walkabouts in the evening, when it's night time or something, you know? And when he tells me those things, I said, "Well there you go son; you wouldn't have been allowed to do that here!" [laughs] As I said, you can't be too lenient with him and let him do this, that and everything else. He's got to have some...guidelines.

So has he begun to set some of those guidelines for himself? Kathy pauses, then says, yes, the last time he had visited he seemed clearly to have..."grown". He behaves in a more mature manner with his brothers, and is now getting on with his father. But Kathy can't understand how the conference can have had this effect, because Matthew was never made to carry out any work on behalf of the people from whom he had stolen. Of course, it would have been difficult to have fulfilled any such agreement, with Matthew banned from the base:

Q: What did you think of the response from the people who had lost their wallets?

KATHY: It was quite embarrassing! [laughs]

Q: For you?

KATHY: Oh yeah, for us it was very embarrassing., I suppose I put myself in their feet, you know. Because the simple thing is, I wouldn't like anything to have been stolen from me.

Q: But they weren't blaming you.

KATHY: No! That was right, too, they weren't blaming us. They put it down. It was Matthew that did it. And that was - oh! - that was a nice little relief in that way, that the finger didn't point at us, because I always think that it...points straight at the parents.

Q: Well it seems to me that, when you were at your neighbours' place once before and he'd come home in a police car, you were obviously quite embarrassed by that.

KATHY: Oh yeah, that's true! I don't like having the law...having to come around, you know.

Q: Yes well it's interesting; so many parents of young offenders say at conferences that they felt embarrassed in the conference - even if they felt it was a good process in the end, they really felt embarrassed. And yet the victims always make it clear that they're not blaming...they're certainly not blaming you. But they're trying to make the young person take responsibility for their behaviour. It seems as if the conference process left Matthew thrashing around for an explanation for his behaviour.

KATHY: Yeah, but he left us, didn't he?

Q: Well, do you think that would have happened otherwise?

KATHY: No, I don't think it would have happened. He was quite content with going on the way he was.

The conference, in other words, forced Matthew to reassess his direction in life. He may yet return to Kathy and Col, as Kathy concedes. And actually, she understands now why he left:

KATHY: Oh yeah, well I can see why he'd wanted to get out...

Q: Because he'd painted himself into a corner...although it didn't have all that much to do with you?

KATHY: Oh yeah, well that's right too, because, as I said before, he probably would have been doing still the same things if he was still here anyway. You know, we wouldn't have been able to have been fully...trustworthy of him, because we'd been through all these years...of...going through all this with him. But Geraldine, okay, she's given him a new lease of life, you know, where he can make his own decisions - do this, do that - and hopefully he never does anything bad...I mean, we always ask him, "Make sure you've been good, son!". Now I think we, more or less, say it in different ways. Like not saying, "You make sure you do this!" [laughs] I don't know, we've got different ways of putting a point across to him. Where it doesn't make him feel like, "Oh, you're telling me what to do again!" - you know?

Q: Oh, and you've made a sudden change in the way you do that?

KATHY: Oh, I suppose I've done that all the time, but I suppose with Matthew James, it's sort of...I don't know...different. As I said, going through what we've been through...

Q: It's been a pretty tough time for you.

KATHY: Well, it has been...He's been away, and he gets back and you think, you know, "What am I doing? There must be something wrong there"...And you think, well, "I don't know. The other ones don't do it...Just Matthew"...

Q: Yes, he was just looking for justifications when he says, "Oh, Will's going to behave this way too when he goes to high school".

KATHY: Yes, as I said, "No way, he's not going to behave like that!" I'll sure bash him then! [laughs]

Q: It sounds to me like he won't need a bashing. Only some kids do this.

KATHY: Yes, Matthew James, he's a different kettle of fish.

Kathy talks about the temperamental differences between her children. Three have now left, so they only have the two boys at home. That's pleasant - but they do miss Matthew:

Q: And he must miss you too.

KATHY: Oh well, yes, he might. But as I said, he's not a really emotional person. He's rather a...cold fish! [laughs] He's not emotional. But as I said before, he's going to hear from us...over and over.

Q: But that's not all that uncommon. How old did you say he was when Col and his mother separated?

KATHY: I think he was five.

Q: Well you often get that in kids who were at that age when their parents...

KATHY: Well, I don't know. It was years ago, and we tried to pull together. You would have thought that they would have overcome any...although I must admit, among the in-laws who saw what happened to Matthew...fought about him, you know, in front of Matthew and so on. And to me, you don't say those things in front of the kids. They're so...impressionable, you know. They think of all those other things. I suppose in that way, I mean, if Matthew had ever...I mean, my sister-in-law always used to say, "Leave him alone!. Poor little fellow. He's been through so much!"

Q: They'd forgive him anything?

KATHY: Yeah, yeah. And then I'd think, well, "That's enough actually. They don't have to pet him like a little dog." Poor little Matthew! He'd be good at home and he'd be getting other messages from in-laws. He'd be deliberately doing something wrong, and he'd look straight at me as if to say, well, "She'd let me". I'd hate that!

[A portion of the last part of this interview was lost due to a loss of battery power on the tape-recorder. What was retained contained more interesting observations about family psychology] Kathy explains again her concerns for Matthew's welfare before he returned to his mother's place:

KATHY: I think it's sort of, I think it's a relief to know that we haven't got to worry about anything...getting stolen, people coming to [collect him]...and hoping he doesn't go to jail and wishing he'd [stay at the home]...He said he wanted to go to the remand centre, or he wanted to go to the refuge.

Q: He wanted to go to the remand centre?

KATHY: That's where he wanted to go, yeah. He wanted to go there, or he wanted to go to one of those refuges. So I said: No...He wanted to go to the remand centre, because they've got a swimming pool, and they have fun, and all the things available that he'd been refused...It wasn't our fault!

KATHY: Yes, give them a holiday until they get out. My daughter [talked about a colleague who was sent to the remand centre] And he said, "Now I'm on a holiday. It's just like a big holiday, you know, and camp"... and they come back. She said, "That's the way they look at it".

Q: Because they haven't been confronted with the people whom they've affected?

KATHY: Probably. But as I said with Matthew, you know he's about sixteen....They're all the same. They get caught, they go to court, they get a bond, or they go to camp or something.

Kathy talks about a relative who had done time over the years, and what it was that eventually prompted him to stop offending. Then she reflects on where Michael is now, and what the future might hold for him:

Now I think about it, that conference might have done lot of good. I didn't think so at the time, but talking about it now, you know...

**CASE: LARCENY AS BAILEE - DOUG AND LILA
(VICTIMS AND MOTHER AND FATHER OF THE OFFENDER)**

The conference to deal with this case was the first case presented in the previous chapter. Again, it was unusual for several reasons. First, the victim was also the father of the offender. Second, and as a consequence, the conference had more in common with traditional mediation than do most conferences. Third, some of the participants in this conference appear to have been involved in a range of other criminal matters - some of them more serious than those at issue here. Finally, Doug had spent many years in boys homes and jails, had thought a great deal about crime and punishment, and was more than keen to talk at length about the family conferencing.

The interview begins with Doug explaining a bit about his background. He says that he was deeply impressed by the idea behind the conference process, but was less than impressed by the investigating officer. Why was that?:

DOUG: 'Cause he fucked up the whole case. But getting back to the bloody...the boys home bit. Ninety-nine percent of crims start there, in the boys home, not on the streets. You get street wise...but when you get from the boys homes...you build yourself a macho image...and you've got to live by it. So you build your wall then, so coppers are pigs, and you live by that rule...and...there's no other way you go. You know, I could sit here and talk shit to you all day but I don't talk shit and I won't talk shit to the pigs. Now they know me, and they got me record, you see. Now that was great for me daughter having that interview like that...but there was so much shit, lies...you know and you wanted to say what you really felt but...after you've had a lot of trouble with the coppers and that...you draw the line. You know?

Q: So there were things you just wouldn't say?

DOUG: That's right. I wouldn't open my mouth and I kept telling them, "Listen, just shut up". You know, you see?...But...I see in the long term for other kids, if the kids are willing to do it. And to teach young kids...to pull out. But this is where your main problem lies with your kids....and that's where you breed your crims, from the kids and the parents, you know. 'Cause you get the welfare, they step in...My boy went and knocked off this joint, and I could see where, in the long term, he would go. So I took that boy of mine - not this one, a bigger fella...- twenty one now - to the cop shop and told, made him tell them what he done...He got a bond, great...but how many people...that he has never ever since then got into that sort of trouble. Speeding, yeah, fuckin' traffic offences, that shit. But you know, there's not many people that would do that, they'd say: oh, fuck him, let him front the courts, the

cunt's uncontrollable, forget him! Then he goes away to the can and does fuckin' six-to-whatever months. He comes out so he's got a fuckin' dirty on whoever put him there...And that's where his fuckin' hurt lies, and you cannot change it. You can't, cops can't, no one can. And that's what's wrong with the whole fuckin' system. It's there. So youse are on the right track, youse are on spot on fuckin' track. It's about time...that someone was willing to get out and fucking try this.

Doug is asked whether he is surprised by political opposition to the conferencing program, opposition that is critical of the police role in the program. This suggestion prompts a paroxysm. He offers his opinion of other professionals in the justice system, praises "that big copper" O'Connell - "I can see where he's coming from" - and suggests that the beauty of the program is in its potential to change the police as much as the other conference participants. They may stop trying to control a world that they don't even understand, he says. Doug explains how he gained his understanding of this world, having his first brush with the law around the age of eight. And like everyone else, he was scared when he was first sentenced to detention:

DOUG: And the coppers don't make it any easier, you know, like right oh, saying the kid's caught - right? - straight home to the fuckin' parents, see what the fuckin' parents are like, are the parents home? What's their fuckin' background, what's their fuckin' attitude on it.

Q: What, they come along and make judgements about the parents?

DOUG: You see?

Q: Yeah, yeah.

DOUG: And have the kids sit there. I don't mean talk shit, talk the truth...with his parents there. And let him say what is in his fucking head, and what the parents are doing in a roundabout way. Not because the kid wants to get his own way or get what he wants. Be fair dinkum - and youse will win, otherwise...That's what I said to Terry O'Connell the other day. He rang me up, he said, "What do you reckon about the meeting?" I said it was fucked, because you can't, couldn't say what you wanted to say. Because if I had said what I wanted to say there would've been a fucking blue in there.

Q: What do you mean? People thumping each other?

DOUG: Yeah, there would've been a blue between me and them. If not then, later.

Q: With whom? With...

DOUG: Others.

Q: Simon's father?

DOUG: Yeah, 'cause he's a turd.

Q: Yeah, I got the impression he was sort of saying...

DOUG: He's a smart...

Q: ...'What I say is the real version of what happened and everything else...". Did you get that impression too, Lila?

LILA: Well, I knew it.

According to both Doug and Lila, the investigating officer simply had no idea of the complexity of the case, and had been duped by the other parties with whom he was dealing:

Q: Well if you go back to this incident then - I mean, you know, the one for which they held the family conference: If the process itself was "fucked", as you say, then what would you have done instead? I mean, the real problem was that, from your point of view, they were lying - wasn't it?

LILA: They were.

Q: Okay, they *were* lying.

LILA: Yeah.

Q: But I mean, how *else* should Terry have run it then? Come on, what do you reckon Lila?

LILA: Well I couldn't exactly answer your question because I knew what was going to come down. Because, practically, if you're with a family situation and you want to stay with a guy that bad, you'll lie and you'll cover up for anything and everything.

Q: Yes and her story was inconsistent, but...

DOUG: Yeah, but see I couldn't go on with it. I was..

LILA: You couldn't say what you wanted to say.

DOUG: I was in a knot, I wanted...I was hurting.

Q: Yeah, that's understandable.

DOUG: I was fucking ripped open and for two bob...

LILA: And she comes out with things she knew herself weren't true! I had her boyfriend knock on our door saying we locked our daughter in the fuckin' bedroom!

DOUG: These people reckon we imprison our daughter, and I would never do that to one of my kids. I live for my kids!

Both Lila and Doug relive some of the anger and distress they experienced during the conference. Doug explains that certain aspects of the case were never made clear to the police. There had been bribes and threats and cover-ups:

DOUG: But what they done is, the bloke he sold the horse to wanted him, wanted the horse. So they manipulated...for her to sell him the horse.

Q: And who took the money?

DOUG: She did - two hundred dollars.

Q: Two *hundred*?

DOUG: Two hundred dollars for a fucking two *grand* horse

Q: That's what I thought.

DOUG: This is why I was dirty on them, because my main dirt was that, that fat turd ripped my daughter, ripped one of my kids. You see...

Q: Which is why you wanted him charged?

DOUG: That's right...'Cause I wanted to hurt him...back.

The plot thickens. Other issues that weren't mentioned in the conference are revealed. Their daughter was pregnant, and so felt obliged to stay with the family who had wronged her and her parents. And then there is a suggestion of illegal substances being traded. As Doug puts it, "Heavy fuckin' shit - and the coppers reckon they know what's going on around them!" But the conference system is a good one, both say, because it allows parents deal with some of the trauma they experience when their children are involved in illegal activity. The process encourages people to talk about issues they wouldn't normally discuss. Doug suggests that it is crucial for people to talk more openly and honestly - in order to counteract the effects of a perceived social breakdown:

DOUG: And that's where...that's where a lot of the kids are coming from. A lot of your crims, now...are coming from stepfathers and stepmothers. One kid comes here, he's twenty one year old, he's got a step mum...

LILA: Twenty five.

DOUG: Twenty five...and he fuckin' literally...hates her. I can see that kid...I can see that kid, one day, shooting her...He's a member of the pistol club, he got a forty four magnum...he got a twenty two, two fifty high powered rifle...He got a twenty two fully auto pistol...now if he decides to...crack - they go off - fuckin' blood running everywhere, you know? But the coppers've got to change their way and Terry - no shit, not just trying to suck yer arse or anything - he's a top fuckin' bloke in what he sees. What he talks about, I can relate to...But he has got to change the fuckin' way of the young pigs.

Q: Yes, well, that's what he's trying to do. He wants to change...he thinks this is the way to change the system. You get people like the other officer you had in there...listening to how you can deal with things completely differently.

DOUG: Yeah!

Q: He wants to put, you know, he wants his colleagues in there.

DOUG: Yeah.

Q: And they're the ones who should be learning lessons?

DOUG: They're the ones, that's where your trouble is, because they go out in the street with a macho fucking image. When they get a kid....

Q: Well they are young guys, they're young guys, you know, who've just got a uniform on...

DOUG: Yeah, and they think they're fuckin' up there.

Doug describes the build up of tension in street politics, as young police confront younger people. Respect, he says, has to be earned; it can't be demanded. And it can be earned most quickly with direct and honest talk. He gives examples of confrontations that might have been avoided through dialogue. He talks of the rules to survive on the street in the big cities. And he talks of the techniques required for psychological survival in prisons. He has used similar techniques in dealing with the people who, he feels, have wronged his daughter. But many of the surrounding issues remain unresolved, and Doug reiterates his annoyance with the role played by the officer who investigated the case:

DOUG: Yep...you see, why, fucking why? Because it was a fuck up...they know it was a fuck up, he come to me and he said, "Well I'll put in an order...with a higher bloke for you to receive five hundred dollars compensation". He was pissing in my pocket. When this horse deal thing was going on, I went early to issue the summons against V___ to have him charged with horse stealing, right, which I was quite right to do...For which me daughter would have been classed as an accessory, right?...Will fucked me around. He said he already issued that summons on that bloke where he never done it.

Q: Is that why he accepted the horse in the first place - thinking: because your daughter was involved and would be an accessory, you'd never press charges?

DOUG: Yeah, right...So he did not lay the fucking...summons on that bloke until this was just about finished...you know. He left the fucking horse at the place where the horse should've been fucking impounded....'Cause it was stolen property, right...They had to keep coming after me where the fucking horse was...You know, it was all fucked and that's what happened, then they said that Will P___'d resigned Bullshit!...I think he got two choices, sacked or fuckin' resign.

Doug explains some of the other activities that the other party to this dispute have been involved in. He explains why they have had to leave town, and the circumstances under which they left. Lila wishes it could all be resolved:

LILA: There's too much of it going on; there's too many families getting hurt.
DOUG: Getting back to your meeting and stuff like that, it's great if youse can get it working for you. But in my case...
Q: It was too complicated?
DOUG: Yeah. It's good for...
LILA: It would never have worked. This is what I tried to say to Will, there's no way known that it was gonna work for us, but I couldn't get it through to youse.
DOUG: The people from the other side...
Q: Yeah, but then, I mean, was going to court going to work for you? Because...
LILA: We didn't want it to go to court, 'cause she's our daughter.
Q: Yeah.
DOUG: No, I wouldn't've took it all the way...
LILA: See they know we love our daughter.
Q: It turned out to be a better option than court - even though it was about a hundred times more complicated than most cases?
DOUG: Yeah it was...you know, and he knew that, and the other bloke with the horse, he knows he can't fuck with me now.
Q: So you have sort of half-solved one of your problems?
DOUG: Yeah.
Q: - which I don't think they went out to solve - which was this V____ character - who sounds like bad business -
DOUG: Yeah.
LILA: Well he is very bad business, he's bad news all the way along the line.
DOUG: No, he uses people, he manipulates people, he fuckin' sells them dud fuckin' horses...

Doug explains the nature of this person's role in the local black economy. A very complex network of reciprocal relationships and deals is described. He then talks about what experiences encourage or dissuade young people from serious involvement in illegal activity. He talks about individual psychology and social circumstances. Lila raises the issue of departmental interventions in families:

LILA: If you're cruel to your kids, fair enough they deserve something, but if you're a good parent to your kid, that's different.
DOUG: It still goes back to the same thing - the fuckin' stepfather relationship...If he has a kid, if he has a kid to that women, she will even push her kids away to keep with him and put his kids...it happens, you will find it all the way...all the way through it.
Q: with so many of these kids who end up in the conferences, you can see the day they went off the rails...They say themselves, "I don't know why I started going crazy". But when you hear their story, you know exactly why they started going crazy.
DOUG: Yeah!
Q: ...and its being rejected...
DOUG: Yeah, that's it, ninety nine percent of it...you know. So the coppers are not going to come and help them come and put pressure on them...Youse are only gonna flog your head against the wall...so...
Q: Unless you say - as Terry's trying to do - he's trying to show his colleagues that...
DOUG: He's frightened by the fucking lions...you know?
LILA: I can't see him actually winning myself.
DOUG: He can, he can if he fuckin' persists, if he gets enough behind him to do it.

Doug suggests that the police may need to ask former inmates to talk about what does and doesn't work in criminal justice. Again, he says, one has to understand the psychology of individual motivation:

DOUG: Someone out there wants me, and you'll find that even with the lifers in there...that's all they want. When they get married in jail, they know they're not going to fuckin'....go out. It's that fucking letter. That letter that comes, and that's what holds them. Yeah, oh fuck yeah. I've seen it, done Pentridge. When I was down there, a wog kid come in...got into a little bit of strife, only a young bloke - first timer, he shouldn't have been in the slots...And they've jammed him in...His mother and that, well they're very close - you know, Italians...And they've laid this on this kid. The screws said, "Oh, fuck him...get to yourself!"....you know. I said to him, I called the screw, "Hey boss, if you want to double that kid tonight because I don't think he'll be here come morning". 'Cause you could see him really fucking done, so anyway the next morning his cell was just there, I heard a noise during the night, and next morning opened the door and he was hanging with his blanket. He was dead as fuckin' crumplet...You know. I've seen blokes cut up, just sit there, I've even done it, slashed me wrists open...Swallowed knives and forks...had me guts opened up to get through hurt. Hurt in-fucking-side where the...system...There is no help...they say there's help, there's no fucking help...Because they don't give a fuck. So when kids go in there...They go in there with the expectations of they are going to get help, they're not going to get help, their gonna get a fuckin' porno movie chucked on the fuckin' video. Which happens - all the time.

Doug describes the experience of being in a jail riot, and the sorts of conditions that prompt such riots. There are seasonal fluctuations of tension:

DOUG: Yeah, and that is when the fuckin' jail is at its highest peak...of fuckin' trouble. You know like...We...us old fellas that have rioted, years and years ago we have rioted for the fucking crims of today. To get their phones - we've had our guts, I had me...look I've got hardly any teeth, you know - you see the scars on me, I don't mean men that fuck around, they fuckin' give it to ya - but we have got them what they have got now...you see. I have been in riots.

Q: But hold on, Doug, you were saying that, down at the detention centre, that they have got it too easy...

DOUG: Yeah, but...

Q: Isn't that a contradiction?

DOUG: It is, but it shouldn't be like that so...yeah, a *few* things, but then the government says, "We've got them here for such and such a time"...So...the government says, "You can have your Breville cookers, you can have your electric jugs"...They never draw the fucking line when it started.

Q: Oh, alright, okay.

DOUG: You know? They just let them, as long as there was peace and quiet, they were happy...until, when Goulburn rioted, they said, "Fuck youse!" and took everything, and that's when they rioted. Because it was like taking a toy off a kid...Because in Goulburn you get locked up at half past three...and you don't see no cunt until the next morning...say about half past eight, half past nine. And you're in that cell on your own.

Q: Working away in here...

DOUG: Yeah, what yer gonna do...all that. It fuckin' just eats and eats and eats...and that's what happens. But....

Q: That's a particularly violent place, isn't it?

DOUG: Yeah, you know... See, so...the coppers can keep sending young blokes to jail all their fuckin' lives but it's just a matter of time...you get that odd bloke he'll say, "Fuck it!" and shoot it out...So it's a...but as I said you know, you can...Youse are on the right track. But you...Terry has got to get both sides as well, before he gets the crims to work for him, he's got to get the coppers as well....to do it...

There is further discussion of how to encourage compliance in young people, how best to deal with those young people who are offending, and how social dislocation is continuing to traumatise young people. Doug and Lila both speak from bitter experience, and both reiterate their praise for a process that encourages openness and honesty - even if that process failed to resolve all of the problems of their particular case.

CASE: INDECENT ASSAULT - ROWENA (VICTIM) & FRAN (MOTHER)

This was a difficult case for several reasons. At the time, the chief difficulty was arranging a time at which to hold the conference and arranging the attendance of supporters for the offender. For unrelated personal reasons, the conference had to be brought forward, which inconvenienced some of the participants. Furthermore, the dynamics of the conference were adversely affected by the absence of key supporters and, in retrospect, by the concern of the coordinator to compensate for their absence. However, this was a difficult case after the conference, as well. All parties wanted the issue to be dealt with this way - and despite any lingering concerns, still thought it preferable to any other alternatives. However, news that the case had been dealt with by way of conference reached various officials - first local, and then metropolitan. What followed was an apparent attempt to make this into a *cause célèbre*. Certain agencies apparently wanted the offender to be dealt with in the harshest possible way - though the offence itself was *technically* minor. Without going into details that would allow the case to be identified, it was clear that disrespectful behaviour surrounding the offence was as harmful as the offence itself.

This is not the place to elaborate on these issues. It should be noted, however, that the interviewee reveals - halfway through this interview - that she had that day received a formal briefing on what she was to say to the researcher. This is a good illustration of the fact that researching politically heated issues can be hazardous - and statutory bodies unprincipled. Their official line is clear during the first half of the interview:

ROWENA: Well...I would have preferred him to have to have gotten charged, to have a record.

Q: You would have preferred him to have gotten charged? And to have...gone before the court?

ROWENA: Yep - but I wouldn't have wanted to go...

Q: You wouldn't have wanted to go to court yourself?

ROWENA: No.

D. So you would have just preferred to see the end of it?

ROWENA: Yep.

D. Why is that - because it's been such a hassle since then?

ROWENA: Mmm (tears)

Q: (pause) Do you think that would have cleared the thing up?

ROWENA: Well, he seems to think he got off...scot free...and everything was real easy, and...

Q: Has he said that to you - afterwards?

ROWENA: Yes - he said that to friends of mine.

Q: But not to you?

ROWENA: No. I won't speak to him.

There are clearly unresolved feelings here, and these are compounded by ongoing issues in the social politics of high school. Rowena describes a conversation she has had with a friend who had been involved in a similar case. They had agreed that some sort of community service might be appropriate for the young men responsible. She then suggests that perhaps something harsher might make her feel better:

Q: You'd have preferred to have seen him locked up?

ROWENA: Yes - because at least he'd have realised what actually happened.

D; What about the conference itself then? In the conference he *seemed* to say...that he genuinely regretted what he'd done.

ROWENA: I reckon it was just a put on.

Q: You reckon that he was just acting?

ROWENA: Yes.

Q: What about his father - his father was there, wasn't he?

ROWENA: Yeah, his father - he was pretty upset and everything.

The problem, as Rowena sees it, is that Robert's father expressed the remorse that Robert himself should have expressed. Furthermore, she feels, the conference coordinator overcompensated for the absence of Robert's mother from the conference:

ROWENA: Yeah, but I think like - the officer that handled it was, like, real biased towards Robert.

Q: Which officer was that?

ROWENA: Terry O'..Connell?

Q: Oh - the police officer?

ROWENA: Yes - because, well, he was friends of the family.

Q: You think that affected the way he dealt with it?

ROWENA: Oh...he just kept saying Robert was, you know, a real good kid and everything.

Q: In the conference?

ROWENA: Yes

Q: Hmm - that's actually part of the way he runs them - to make a point...I suppose what he's trying to do there is to explain that...because someone's done something that's seriously wrong, doesn't mean we shouldn't give them a chance to apologise. But what you're saying is that you think *he* was acting? Do you reckon his dad was acting too?

ROWENA: Oh...no!

Q: He was genuine?

ROWENA: Yes...I reckon he was.

Rowena suggests that other participants felt much the same way. Because of the imbalance in numbers - and the consequent concern not to be too harsh on Robert - other participants also felt that the conference was convened essentially for the sake of

the perpetrator rather than the victim. would she have preferred to have had the matter dealt with in court then?:

ROWENA: If it was in a court or something like that I wouldn't have wanted to go along ..but I probably would have in the end...But I wouldn't have wanted to.

Q: What if the result had been the same in the court, if the court had simply said to him, "Well you just have to behave?" If they'd put him on what they call a bond - a good behaviour bond - how would you have felt about that?

ROWENA: The same way...

Q: As you do now?

ROWENA: Yes.

Q: So the only thing that would have made you happy would have been if he had been locked up - or at least given orders to perform community service.

ROWENA: Some sort of punishment...

Q: Some sort of punishment - fair enough. Is that what your parents felt about this as well?

ROWENA: I think so - yes.

Q: Hmm. Well - the other thing that came up in the conference was that there are other incidents like this at the high school. It's part of the way that boys give the girls a hard time at high school. I suppose that one potential of the conference is to send a message to the other kids who were there...that that sort of thing has to stop generally. Do you think that there's been any change in the attitude towards you...

ROWENA: In our school? As a whole there has...There's a lot of people that...like, everyone knew about me. He went and told the whole school.

Q: He'd done that before the conference?

ROWENA: Yeah - he went and bragged; that's how it all came out, how the teachers heard about it.

Q: I see. Didn't other people say at the conference that there were other guys carrying on in this way?

ROWENA: I don't...There were heaps...around our school. Since then...the teachers, if there's anything like offensive language, you can get into serious trouble...so it's cut down a lot.

Q: So you reckon that's come mainly from the teachers clamping down on the way kids are behaving?

ROWENA: Yes, at school...

So there has been a change in the official culture of the school since the publicity surrounding this incident. Has there also been a change in the relationships between the students with whom Rowena is friendly?:

ROWENA: Yes, because we were all in one big group and that was why...we decided to split up for a while...but now we're back together again...but then, like, I'm closer to a lot of them now...

Q: To a lot of his friends?

ROWENA: Well, they were always my friends...and now I've sort of come closer to a lot of them.

Q: That's quite interesting, isn't it...Where does he stand in relation to those people who were your friends *and* his friends?

ROWENA: They...don't think it's right or anything. They know that he shouldn't do that. It's just that they...as a friend they're still going to talk to him...but...like, they're still the same to me.

Q: Didn't you say at the conference that part of the problem was that people were treating you as if you almost deserved it or some rubbish like that?

ROWENA: Yep.

Q: And has that changed?

ROWENA: Yes

Q: And it changed almost immediately after the conference - or over the last couple of months?

ROWENA: Over the months...Like the school's done a lot.

The discussion turns to the details of developments since the conference. Rowena begins by describing her feelings when the conference concluded:

ROWENA: I felt angry when I walked out.

Q: Angry?

ROWENA: Yes.

Q: Did you want to say something at the conference about that? It's a difficult position for you to be put in though, isn't it?

ROWENA: Well, like he asked me, "Do you hate him?" and I said, "No". But really I do...

Q: So you wished you'd said yes?

ROWENA: Mmm. It was just that, like, I couldn't say anything to him, 'cause, like, his Dad was there and...(tears)

Q: Yes, well other people said the same thing actually, didn't they? Was it one of your friends who said the same thing - they hated what he did but they didn't hate him?

ROWENA: I think that was Darren - because...they're friends.

Q: And you would have liked to say, "I hated him?"

ROWENA: I just felt like I couldn't say anything.

Rowena describes how this feeling was not confined to the conference - that she had been made to feel guilty after the incident, and that it had taken a long time for this to subside. Everything had been improving of late, but a series of recent incidents involving friends had shaken her self-confidence. And then, today, she had been asked to leave class and meet with a public official:

Q: This was your...?

ROWENA: The counsellor.

Q: So how often have you seen her since the conference?

ROWENA: I haven't

Q: You haven't ?

ROWENA: ...seen her once after - I was supposed to go but I didn't...didn't want to...

Q: Didn't want to see her? Why was that?

ROWENA: I didn't want to talk about it.

Q: Fair enough...It's just bad luck in a way that she came over today!

ROWENA: Yeah! (laughs)

Q: So - what did she say today? You've written some things down there?

ROWENA: Yeah, I've written some things out because she wants to give it to...I don't know, somebody, so they can have a look at it and see what I thought. I don't know some criminal or...I don't know! She asked me to write it down. (pause. laughs)

Q: (laughs) Okay, so - that's what *you've* written, or *she* suggested?

ROWENA: I wrote it down...

Q: And it's just what you've told me about?

ROWENA: Yep.

Rowena now tries to sort out what she had wanted to say from what she had been directed to say. Her suggestions are insightful:

Q: So you think that if the officer running the process knows either of the people too well, they should get someone else to run it?

ROWENA: Yes.

Q: And in cases like yours, where you were quite understandably upset about the way that this guy treated you, and the fact that he's still...not exactly bragging, but he's just not treating you well...you think that, if he'd had a community service order or something like that, that he'd be...behaving differently towards you?

ROWENA: Yeah - just something to make him realise what's really happened. He just treats it...stupid.

Q: I noticed during the conference, his father was carrying on almost as if he was the one who had to apologise. Did that strike you?

ROWENA: Not really...I don't know...His father was...thick [?]

Q: You mean, he stuck up for him too much?

ROWENA: Yeah well...at school and that...His parents have just had a ...divorce - and I got blamed for that.

Q: You got blamed for that?

ROWENA: Some people said that it was because of me. But it happened before...

So there are a range of complex issues extending well beyond the specific case for which the conference was convened. Rowena's criticisms of the conference itself are twofold: One, that the imbalance in numbers - more supporters for the victim than for the perpetrator - led to a recasting of the perpetrator as victim, and this, in turn, made the victim and some of her supporters angry. Two, that some sort of tariff was not imposed on the perpetrator. Rowena's mother had similar concerns about their particular conference, but certainly supports the principle of conferencing. The interview begins with a discussion of perspective-taking:

I think Rowena's found this too - with Robert; it's all about the way it affected him, not the way it affected her...

Q: Rowena seemed to think that - in the conference - that he'd just acted his way through the whole thing, that he almost knew what to say, that he thought he got off...

FRAN: Mmm, well I think he got off *very* easily...I thought the conference was very good. I think it's very good to keep kids out of the court system...but also, I felt that Terry O'Connell had too much influence on Robert's behalf; he kept saying that Robert...was a good boy, who just wouldn't normally do things like that...and we walked out and we felt really...we felt that he was just all for Robert...We heard so many times how good he was at [football] and that he was usually a really good kid and you know, and this and this and this...I think at one time I spoke out and said, "Look, you know, he needs to know right from wrong"...While we were there...like when Terry said, "Well he does know right from wrong" - well he couldn't have known right from wrong...

Q: So you think that Terry spoke for him...

FRAN: ...too much!...It should have been Robert and his father; Robert and his father should have been speaking for themselves.

Q: Yes. Well, the other thing I noticed about that particular conference was that his Dad spoke...*for* Robert. That struck me as unusual...He was almost carrying on as if he was the one...

FRAN: ...on trial. I mean, Robert hardly said a thing. I know it's hard for him...And I really felt - I know, speaking to the other kids, they felt that Terry was too overpowering with them - Terry made those kids clamp up...more than...because when they went there they were going to do this and they were going to do that and they were going to do something else. But actually, we weren't game to say anything...You know, Terry said to one of them, "What do *you* think?"

Q: You reckon he asked them the wrong way?

FRAN: Well, I don't think he...I think if he had've said to the kids, "Well, you have your say", I think the kids would have come out and said some more...

Q: You reckon they were shocked by...

FRAN: ...by saying, "What do *you* think? Do you think it's right or wrong?" I mean the kids knew what was right or wrong...but they weren't prepared for this policeman. You know, one of them said to me, they felt that they were being interrogated...and Robert...Well, I think that it'd work, right; what I think should be changed is...maybe...a woman...

Q: ...in a case like this?...

FRAN: ...in the part that Terry had, because women are more sensitive to children than what men are. I'm not saying that Terry's not but, you know, a woman would have looked at it...

Q: Well actually, in that case, didn't you have the officer who was dealing with the case, Gabrielle...

FRAN: Gabrielle, yes, but Gabrielle didn't say very much because, you know, she said it was her first one and...

Q: But I mean, would you have been happy to have seen her running it, for instance?

FRAN: Well she was dealing with the two kids. Maybe the police officer who takes their statements, that took the two kids down to the station...maybe whoever takes their statements...maybe they should be the one...and they have Terry or another higher police officer behind her or something...

Q: Behind her in the room?

FRAN: Just in the room...but not...doing the firing of the questions...I think you get a lot more out of kids...

Q: Yes, that's quite interesting. Of course, there's a big debate, with these sorts of processes, about whether you should have it as formal as possible or as informal as possible. Some of the studies suggest that, on balance, people prefer things formal. But then other people will say what you're saying, which is that the problem with that is it..."clamps people down".

FRAN: It clamps them down, I think! Those kids just clamped up like anything...and then when they got outside, when we walked outside...they said, "Oh, he got off easy, didn't he?" And that bit of paper that Robert had to sign, you know, that Robert had to say he's sorry for it? Now to me, well...a written apology is a written apology by the person, not a piece of paper that's been photocopied and signed at the bottom...

Q: So the standard form is wrong?

FRAN: It's wrong. I mean, it's got to come from the person. If he wants to, like...If I want to apologise to you I'd walk up and apologise to you; I wouldn't have a form...and I think Robert should have been made to write a handwritten apology...

Q: So he didn't give you a handwritten apology - and he hasn't written one since?

FRAN: No...The only apology we've got from him is...that piece of paper...which Rowena brought home and threw on the bench and said, "Well, that's a lot of rubbish, isn't it!"

Q: She was angry about that...

FRAN: She was angry about a lot of things...

Fran suggests that her daughter is still feeling resentful about Robert's actions. She talks about appropriate tariffs, and how she feels Robert was shielded from some of the educational effects of the conference. She has some suggestions about preparation of participants prior to conferences. Her main concern is that some documentation describing the process be provided to participants beforehand, and that a link be established between coordinator and participants. As to punishment:

FRAN: Well you look at it this way: If a child at home does something wrong, you either send it to its room, no TV, or something. What did Robert get? Nothing. Just the embarrassment and that was it...

Q: ...which Rowena thinks didn't have much effect anyway

FRAN: No, it had no effect...mostly affected his father.

Q: That was the thing that struck me about it - how much his father almost did the talking and thinking and *feeling* for him. His father *was* embarrassed..

FRAN: ...and Robert wasn't. Robert was *upset*, but I don't think he...I think he was all upset that all his friends were sitting there...but I didn't think Robert was really upset for what he did. To be honest, I really don't think Robert *understands* the extent of what he's done.

Q: In other words; the conference didn't really get through to him?

FRAN: No, I don't think it did, and, I mean, maybe, in his case, like, if he's made to go to counselling and that - to make him realise what he's done...

Q: Would that have been an acceptable type of..."punishment"?

FRAN: Well, it wouldn't be a *punishment*, but something that's going to help him realise...And Robert's sort of...My attitude is that Robert, he thought, "Well, I went, I did it", and Robert even told Rowena he admitted doing it because he didn't want to go to court...

Q: Court, yes. I asked Rowena, too - if it had been a court case, I think the outcome probably would have been that he would have been let off on a bond or whatever - whether that would have been preferable or whether she would have felt angry at the end of that or whether, because it was court, it would have been more significant...

FRAN: Well, see, if it had been a court case he would have had a record...whereas we thought, well, my husband and I thought, "Well, they're both kids".

Q: So you'd prefer him not to have a record?

FRAN: I would prefer him not to have the record but I would prefer him to have...help, you know, so that in years to come he doesn't, you know, go and do...

Q: ...that - or something worse, yes?

FRAN: Yes.

Fran suggests that the conference may have been more effective had Robert been supported by others - in addition to his father. A significant problem with arrangements in the conference was that those students who did attend were there as supporters of both Rowena and Robert. How had Fran perceived what they said about Robert?:

FRAN: Yes. What they said? Well...They didn't like what he did, and they said that he shouldn't have done it, and they victimised him for a while and that...and then, he's...back into routine, which I think's what should happen, as long as Robert realised...that what he'd done was wrong...which I don't think Robert...realised.

Q: And the behaviour at the moment suggests that...he's still carrying on?

FRAN: Well, I haven't been at school or anything, but just, like, there are little bits and pieces...come home. And it's not only from Rowena, it's from a couple of the other kids.

Q: A thing that came out in the conference was that Rowena was almost more upset by the way her friends had treated her after this incident down at the swimming pool. Her friends were treating her - I've seen this happen in other cases - her friends were almost treating her as if she...

FRAN: ...she was to blame for it...

Q: She was treated by these characters the way fourteen year olds do treat one another and...

FRAN: Yes, you see, a fourteen year old...doesn't really understand, you know. And the only thing that affects her, that was some good that came out of this, was I think the kids at school - they tended to report a lot of similar incidents...

Q: After that incident?

FRAN: ...because Rowena stood up, and did what she had to do. Now the case with the other girl from the same school - I knew nothing about it *until*...Rowena's case. The parents contacted me...and that's why - Rowena's was out in the open, everybody knew about it, and a lot of other kids stood up and said, "Well, this is happening at school".

Q: And it was those friends of Rowena's who were actually in the conference who said this?

FRAN: No, these were different kids, totally different kids. Kids that Rowena doesn't even talk to walked up to her and said to her, "That's happened to me, I know how you feel and whatnot and it helped me"... You've got to speak out.

Q: And that's why the headmaster's cracked down over the last couple of months on... bad behaviour?

FRAN: Oh yes, the headmaster's...he's up with this.(laughs)

There is praise for the school principal and other staff. Fran suggests that perhaps a staff member or two might have attended the conference:

Q: So you reckon the conference would also have worked better if some people who were just friends of Robert's - who didn't really know Rowena - had been there, and the school-, the year-master...

FRAN: ...from the school, and whoever takes the statement, let them do...the initial questioning and everything, because kids relate to people they know. They don't relate to...other...to a stranger.

Q: That sounded like quite a good system. You said that it would make sense to have a senior officer in the room...

FRAN: Yes, you would really have to have a senior officer or someone there...

Q: Mmm, well I don't know that you're legally obliged to. If a senior officer says to someone else that they can run it, they can - but you think it might be an advantage anyway - just to have them sitting there?

FRAN: Yes, I think it would be, and, like kids, knowing that there is a senior person there but he's not actually doing anything...because if you get a headmaster in a classroom, you get a totally different behaviour pattern from the kids...and then it wouldn't get into a big slanging match.

Q: The authority figure keeps things under control?

FRAN: Yes, I think that would be good. And I really feel, even if it's not the person who takes the statement, say one police officer or someone that goes out and has a couple of visits with both or something...

Q: Beforehand?

FRAN: Beforehand, yes. You know, not just the one visit, next thing - bang! - you're in this room and...you don't know what's going on. It's just like being thrown into court really...

Q: So you needed to talk to people about the process before you went in to it, you reckon?

FRAN: Yeah...If they can do a pamphlet and hand it in out a week or two or when the case first started...

Fran is keen to see this process work well. She reiterates the need for official documentation, sufficient contact with the coordinator prior to the conference, speed of processing, and care to achieve rough parity between the numbers in the respective communities of care of victim and offender.

CASE: SCHOOL ARSON - BETH & PAT (VICTIMS)

This case was to have been the fifteenth conference presented in transcription in the previous chapter. Unfortunately, due to a technical error, the taping failed, and a full transcript was not available. Nevertheless, an interview with these two participants was sought for several reasons. First, the conference was unusually large, with nearly thirty people participating. Second, it involved "institutional victims". Both the selection process for attendance and the role played in the conference by those victims was worthy of analysis. Third, a successful agreement was reached and honoured despite considerable resistance, on the part of one parent, to any cooperation. Fourth, the school teachers involved as victims had multiple perspectives on the conference process. These included the perspective of victims, of professionals familiar with both of the offenders, and of educators concerned with the issue of behaviour management in general.

The interview begins with a standard question about perceptions of the process before the conference:

Q: When it was first described to you, did it sound like a sensible idea - or did you have some reservations?

BETH: What, the whole juvenile cautioning system?

Q: Yes.

BETH: No. I really do think young people should face up to what they are doing and I think being forced to face penalties where they can also make some sort of compensation is probably a good way of going about it.

PAT: As I teach legal studies, I knew the justice system was heading towards this sort of process and I saw it as certainly a worthwhile activity and considering the age of the offenders I think that they were certainly at crossroads and it was going to be perhaps more useful for them than straight into the court system.

From the perspective of a student of the law, says Pat, this sort of process seems to be the logical culmination of several trends in legal reform:

So were you happy about the information you had been given - beforehand - about what was going to take place in the conference?

BETH: We weren't really given a great deal of information..

PAT: No, just the parties that would be involved and the timing, approximately how long it would take and...(Were we asked anything?).

BETH: Not beforehand, no.

PAT: No, I think it was just sort of assumed that, you know, if we were available and we could make it, and how our particular role was with regards to being members of the school that had been directly affected by the effects?

Q: Would you have preferred for there to have been some sort of handout that set out the aims and objectives of the process?

BETH: I think that would probably be a good idea, yes. Well you see, because of my background, I had that aspect of it.

PAT: I think so, even if from your own point of view, I think everyone should be given, "What's the whole point of this?" - I guess even to the extent of the parents, and the students.

BETH: I think the students perhaps could have had a little more background.

Q: That's the two who were there as offenders?

BETH: No, sorry, the others, the representatives.

Q: The representatives of the students? Although I recall, they both spoke very well and very effectively.

BETH: Oh yes, they're very articulate. People were basically asking them to come along. Not only were they a part of the peer group but also they were representatives from the school and they were articulate.

The school community, in other words, had prepared itself fairly well for this conference - without a great deal of formal information from the police. As to the conference itself:

PAT: I guess, once again, with giving a little bit of information beforehand, they can also give you a bit of an agenda sort of thing on how it *is* going to unfold. You know seeing it was the first time for me.

Q: So, you would have liked to have known, for instance, that the offender's story was given first, followed by....

BETH: Yes, just a bit of an agenda I guess. I mean...but maybe that's making it too formal, I don't know. Maybe they're trying to get away from it.

Q: Well, that is a central dilemma and I suppose one way of getting around that sort of thing is to have someone tell you or explain to you over the phone rather than have someone hand you a piece of paper.

PAT: But I don't think that need be an agenda or anything, that just a note that, "This is the format we generally take" is formalising it too much.

Q: Sure. So there was nothing in there that you were surprised at? Do you think it was generally effective - by whatever criteria you might use?

PAT: We...For one of the offenders, definitely, definitely. And I can see that for the particular type of person he was, it was most effective because it is going to be far more effective than say punitive measures and removing him from facing...the victims of his actions. The other was...

BETH: Well I don't think anyone had a lot of parental support in the sense that the parents were trying to distance themselves from the student's actions a great deal and felt that we were there to actually criticise them in the way they had brought up their child and that - which I think was a very negative viewpoint. I mean, kids that age, we know what they are like, they can't be held responsible for...you can only support them.

Questions of parental psychology are discussed. The issue of visible remorse arises. Clearly one of the perpetrators and his parents were remorseful. Pat is not convinced that the other perpetrator showed remorse. Nevertheless, they did complete the conference agreement fully:

BETH: Well, afterwards it was made very clear to us that they had done...made recompense as best they could, had cleaned up the damage as best as they could, and that was the end of it - and that's how I took it.

Q: They did that over several weekends?

BETH: They did some community work over the holidays. I think they did the girls' toilets, they were repainted.

PAT: They scrubbed the smoke damage off the walls and so on.

BETH: I agree with that. The hard core criminals - you're not going to - I've got probably some coming through now that I know of - that no matter what you do, it's not going to work. But those ones that are sort of in between, I think in this system they are made to pay for their damages and made to pay for their actions and scrub the graffiti off the wall - and I think it's a good way of going. I really do.

Q: This was an interesting sort of case because it involved what we call "institutional victims" - who were quite rightly upset - but the bulk of cases involve someone who's *directly* had their house burgled or been assaulted and so on. But you clearly have felt that you had a chance to say what you felt - or was that not the case?

BETH: There wasn't anything else that I wanted to say. As I mentioned on the day, I think the cleaner should have been involved. Because that was the first person that came across it, you know, all the stains on the wall, there's the door down. You know, the cleaner was there. She really was being apologetic. She's tried to clean it all up, she hasn't had time to get to the desks. And it's not really her task to do that.

Q: Did you say that on the day or not?

BETH: I did mention the cleaner should have been there, because that was the first person I had contact with. I mean, I don't know. But, I mean, I didn't think of it before then until...

Q: Well, that's a very good example of how when we're faced with a case of what we're calling institutional victims, we often don't think about who's been most effected.

The discussion turns to the question of how many chances a young person should be given. This leads, in turn, to questions of child psychology and family support. Self-esteem and bullying are raised as political issues. How effect has this had on the role of school counsellors?:

PAT: Well the whole nature of the school and its place has changed. There used to be *seemingly* more support when society was more based on families that didn't move from particular locations, from the types of activities that were available were quite similar, and people tended to think, "Yes everything fitted this norm". And of course now, with expectations and so on, society has changed and the school needs to change and just a range of welfare and avenues for dealing with students' problems need to be recognised. We need to be more pro-active.

PAT: All this sounds great and caring, but I know myself, as a year adviser I've got two periods a week to look after the interests of 200 students. It's absolutely ridiculous.

Q: So that would be about twenty four seconds...

PAT: Eighty minutes for two hundred students. And in the forty seconds, don't file anything - because that's your time gone!

Under the circumstances, is there a greater need for cooperation between agencies? Is it appropriate for police to be involved in what are, essentially, matters for the school community?:

PAT: The kids see quite a bit of the police and the beat police are always coming round to the schools and they talk to the kids. And I think maybe, occasionally, it's quite a good thing because then everyone can think that, because it is happening inside the school. you're not beyond the law.

BETH: Yeah, yes.

PAT: So they can still come into the school and still get you for things you are doing inside the school, you are not isolated, you are not protected because it is happening inside the school environment.

Q: So there is a symbolic value in having the police coming in from time to time?

PAT: Well, we're all trying to improve society - police and the schools - and make...

BETH: They're not two isolated groups.

Pat talks about the potential public support for the family conferencing program. The fact that it personalises issues, and can act as an effective deterrent are both seen as important factors. What of the criticism that it is wrong to expose young people to feelings of shame?:

BETH: Well, maybe we need some more of that...in our society?

Q: Would that be your experience as educators, that there is not enough of that?

PAT: Well, I don't think...

BETH: I don't see it as shame for the kids, I mean they've got to face up to it, I mean our system doesn't allow them to face up to it.

PAT: Yes, sometimes...I know, I had a similar case, where a child had stolen her handbag. I think it had the school money in it, she hadn't been to the bank.⁶ So they then took, you know, the child was directed into work for this person for a set number of weekends or a set number of hours and so they washed the car and mowed the lawn and cleaned the lower windows, and while it may have been seen by some as, you know, this child seeming to be a slave for you, the child well and truly realised that he had hurt this person and he was going to have to pay them back somehow, and they saw that as being very effective and at the end they thought well he has made they saw that as being effective. In the end they said: "Oh, he's made recompense to me" - you know? - "I don't feel bad about him doing it any more because now he has made up for it and I don't think he will do that type of thing again". And they almost changed their attitude about the courts, going to the court, for first time offenders. You know, it's less likely to be effective.

BETH: I think though, the kids have got to see that something has been seen to be done. We had another student who put his fist through the library door. He was made to repaint that - the glass in the door. Now, I think that the other students have got to see that, "Oh, he didn't get away with it".

Q: So it does send a message?

BETH: Oh, it's got to. I mean, okay, you're going to have one or two kids who might feel victimised because of what is happening, but then again you might be preventing a hundred other kids from doing a similar sort of thing - you've got to weigh up what's more beneficial. I think the prevention of a hundred more students from doing the wrong thing than one student - because often it's water off a duck's back for a lot of these kids. It has to be known, and I think in the community it has to be

⁶ Pat is probably referring to case eight in the previous chapter

known too. They don't have to know the kid's name but they can say a student...and this is what has happened as a result of...

Q: So it's just sending a general message about responsibility and respect for other people?

BETH: Yes, I think so.

Q: And you think there is a general lack of respect for other people among some of your students?

BETH: Oh absolutely! Yes, of course.

PAT: The concept of other people's rights and their own responsibilities is very, very limited and this helps perhaps reduce that concept, in a very tangible, physical way.

There is a short discussion of possible ripple effects from these constructive outcomes. Pat reminds her colleague that there are "still far more nice kids out there" than the sort of difficult individuals under discussion. In summary, then, what final reflections did these two experienced educators have to offer on the process?:

PAT: As I said before, we weren't told the names of the offenders until very close to the actual process coming up. That was basically to make sure there wasn't victimisation or comments made within the school and so we *were* looking after their feelings.

Q: Was that decision made by the principal or by the police or by you?

PAT: It was related to me through the highers, through the deputy and so on: "Yes, we know who it is". And when the actual names were mentioned, I was quite surprised. And that was basically because of the age of the offenders, and certain people expected that. So that was a bit of a shock.

Q: In that you only expected the scheme to deal with younger offenders?

PAT: No, no that the offenders were actually at that age - because it was like a younger age offence. But of course, when we thought back, well it's not chronological age, it's really maturity.

Q: And certainly the kid about whom you are less hopeful is not particularly mature, is he?

PAT: No, no he has a little while to go yet!

Q: Did some of that come home to you - when you saw his parents in action. And I know it's too simple to blame the parents, but there were some real problems there?

BETH: Oh yes, there was that aspect. I mean, you could start to see, yes, you know and of course, with the years of experience of teaching, you always know that there are aspects of people's character that definitely depend on their home environment and expectations. So that did explain...a little bit more. But the quieter of the two - as I said, that was a total shock and I think that was more peer pressure and so on, lack of judgement and perhaps lack of strength on the actual occasion - to either pullout of it or to prevent things going on.

Q: But there was, in a sense, a total contrast in the way he was given support during the conference.

BETH: Yes.

Q: And I wondered at the time whether the less supportive parents might have taken any sort of lesson from the way the other fellow was supported.

BETH: Probably eighteen years too late! Parenting skills are something that I think are demonstrated to you, for a start, and that you pick up along the way. Actually teaching is very good for parenting skills, except that you don't have a lot of patience when you get home. Not as much as you should have!

Finally, Pat has some reflections on the similarities between teaching and policing. She has thought about this a good deal, since a close relative was a police officer for many years:

PAT: Actually, I should ask you a thing about that, because he grew up and entered the police force at the time where, in the '50s, you know, you kicked a kid in the butt and told them: "Don't be so stupid" - and off they went home. Being a small town, too, it was his first posting, or his second posting, and of course there, you were the town policeman and your role was to...with the parents...I know [his wife] was the town social worker too, as the town policeman's wife, you know...

Q: Yes, that famous role!

PAT: Well and truly! So I think actually going back to the beat police, having the police come back and work with the schools on some aspects is probably getting back to that concept of local policing - the town police officer and knowing a lot more about the community. I don't know whether it ought to get back to kicking the bottom and letting them go!

Q: Well maybe it shouldn't, you know, there are arguments from both sides. That is an interesting point you make - there is, in a sense, a move back to that, but under totally different circumstances. So, on balance, you'd be in favour of this approach. Have you discussed it with your legal studies students?

PAT: In the context of alternative measures.

Q: Mediation?

PAT: Yes, and so on, and also the kids' rights is an aspect we've covered.

Q: Right, and you think this scheme is supportive of kids' rights?

PAT: Mmm. I think so. There is definitely the leaning to empower victims in lots of circumstances, and of course that, then, in the media, is high on the list.

Q: Well, there are two basic approaches. The approach of the legislators, currently in Victoria, is just to create ways of toughening sentencing. *This* is going in the opposite direction, if you like - in some cases with different offences, but the underlying *philosophy* is quite different, too.

PAT: Well, purely punitive measures are not effective.

Q: Tell that to the Victorian government.

PAT: Name *any* liberal politician! But this isn't punitive. This is the approach in the right direction. And so, like any good idea, it needs resourcing, and it needs to be supported, otherwise it will just fizzle out and there will be a cycle back to, "That didn't work, so let's scrap it totally".

Q: Well, how optimistic are you about this shift in Wagga succeeding?

PAT: Very. Very. Now I have heard that the actual clear-up rate for juvenile crime has improved since they had their crime prevention workshops with the school students who'd finished year 6 and onwards and of course now the funding's been cut back for that, and the resourcing's been cut back. So I suppose it's going to take time until they have a look and they say: "Oh gosh, juvenile crime has gone up again, and the clear up rate's gone down!"

Q: That's education or police department funding that's been cut?

PAT: Police department funding. And the clear-up rate for juvenile crime had improved. But of course, decisions about where the teaching's going to occur, and how it's going to come about, that comes from outside the zone. You cut your cloth to make it fit!

Q: Despite all the nice theories about decentralising power, you have the same thing in the education department, with its directives about exclusion - despite the supposed increased autonomy for principals.

PAT: Well, you still have to be accountable, and that's fair enough. But a lot of their policy statements are...not worth a lot...Often, statements are made for public consumption, and the practicalities are left for others to attend to.

CASE: BREAK, ENTER AND STEAL - ANDREW (VICTIM)

This was the final case (number fourteen) presented in the previous chapter. Again, the victim had more than one perspective on the case - having worked as the duty solicitor at the Childers court. He offers some valuable insights:

ANDREW: We just had the three sets of parents there, and the three kids, and I...probably the thing I thought was good...The way I saw it as being good was that the kids, when they go to court, it's a bit blasé for them. They sit down behind me; I get up and do a spiel for them, and then the magistrate just sums up and says, "You're a naughty boy; here's a bond!". Whereas the other way, of course, they're in front of their parents, and they're having to ask questions and - answer questions - and Terry does a great job as far as he...he puts them on the spot in front of their parents and just says, "Why'd you do it? What do you think of that person over there that you've robbed?". And I can see it being fantastic as far as assault's concerned. I mean sometimes you might...you could almost see the other person coming over and decking the kid that's done it...But just to put the kid on the spot, see the guy when he's sober or, you know, in full light...

Various campaigns opposing the conferencing model are discussed. One of the chief concerns of some critics has been that the process be confined to minor matters:

Q: And you're saying straight away you think it would be appropriate for offences against the person - as well as property offences?

ANDREW: Mmm, yes, yeah! Because it means the victim sees the person again. I mean in the court system the victim never knows what happens, hears the kid ends up with a bond or something like that, and they've been beaten senseless, and can't understand why they're only getting a bond, because they're not sitting at the back of the court and hearing that it's a first offence or, you know, there's a background behind it of family abuse or whatever⁷...You don't get that. That stuff won't come out in the cautioning system, but at least they're able to sit down and thrash it out. And if you've got a decent person running it, who's going to ask the appropriate questions, then it's almost a scare tactic, but it's a much better scare tactic than the court house is at times. You know, this actually...the young person I'm referring to went before the court this morning - on a driving matter. He's got his licence and ended up speeding, sixty kilometres over the limit, down Lake Albert Road. So he's on a speed-dangerous charge, and really this morning wasn't, I don't think, quite as effective. I mean the magistrate gave him a good revving - this magistrate does this - but it wasn't nearly as effective as the cautioning program. But then, of course, the cautioning program wouldn't have worked for a speeding offence.

Q: Yeah, that's a difficult case.

⁷ For a timely international discussion of mitigating circumstances in sentencing, see Andrew von Hirsch (ed) "Symposium on Sentencing Guidelines and Guidance", *Criminal Justice Ethics* 13 (1) 1994

ANDREW: He's just got to be reprimanded by the court, but where there's a victim...I mean, the thing...The one I went to - because we'd just had our petty cash stolen, involving almost an internal type of thing...someone who was an employee's child type of thing - it didn't...you know, I wasn't upset. It didn't worry me as far as losing the petty cash tin. We got the money back, the kid's paid it back. So it was just interesting...and, you know, I went there...along...in fact, I think I said to Terry I didn't have time to go. I had something on - I think I might have had waterpolo on that day...In the end I said, "Oh, alright, I'll go along and have a listen!" And I thought it was fantastic. You know, all the...the kids...all really had their heads bowed...And if one or two of the kids had been my children, I probably would have almost decked them - the way they just wouldn't...you know ... mmmmmmblllmmmm ... mumbling and grumbling. I thought: my kids'd do that - the same thing! But that's how kids are; it's hard to get them to speak up. One kid spoke out quite well. He turned out to be sort of more of the smartarse of the group. Probably the worst kid of the lot, I suppose - he was a bit *overconfident*. But at least the kids were made to front up to, you know, have to look at their parents and say, "Look, you know, I'm sorry, I've belittled you"...

So the conference process offers a different set of dynamics to court. The psychology is quite different. But doesn't Andrew feel, as a solicitor, that the process might undermine the rights of the young people involved?:

ANDREW: Well, I don't in the fact that they don't know what they're going to get with the court house. If they go before the cautioning panel, it's only on a plea of guilty - it's only on an admission by the kid. So if they don't admit it, then of course they don't go before the cautioning committee. If they admit it, then it means they're going to plead guilty at the court, and at the court they're going to get a penalty. At the cautioning system, their record's going to be kept intact, and although they're going to be belittled, and made feel, you know, ashamed and everything like that, they're going to walk out with their legal status, I suppose, or their record intact. And, I mean, they've got to lose something to gain that right. Whereas the court house...I just can't see them losing their legal rights where they're going to plead guilty anyway. Yeah, no, I'd probably have trouble with that.

Indeed, Andrew suggests, the process offers young people several advantages denied them by the current system. Given the apparent virtues of the process, then, has he noticed any major differences around town since the program began operation?:

ANDREW: Not really, no, I couldn't honestly say I...can't say I could see a drop off in juvenile crime or whatever or...There hasn't been...the kids that I know that have been through the cautioning scheme - which I don't know of many - whether they've reoffended, I wouldn't know that. I just know there are some figures that say, you know, that the reoffending is fairly minimal. And I think if you look back at your own past, you know, you might have done something where you could have been caught for doing it - some petty thing...You know, you may have pinched your mate's pushbike for half an hour or so, whereas you could be charged for that...And the kids...I mean, every kid does something wrong at some stage that they could almost end up before the cautioning committee. So that if they can end up before the cautioning committee rather than the court, they'll do it once, and then never be caught again. And that's the benefit of it I see - that it gives that...it gives the police a way of not having to decide who's going to get a caution and who's going to be let off. They go before this cautioning body, and the child gets a second chance. If they

abuse it, then the next step's straight over to the big room. But you know, I really can't say that I've...how that manifests - because I just don't know the figures...

Q: So there's been no obvious - from your perspective - decrease in workload - even though, if you like, the police are "culling out" larger numbers and dealing with them this way, rather than putting them before the court?

ANDREW: Oh, yeah - I think there's no doubt about that. The court list - for juveniles - has dropped off a bit.

Andrew explains the current workings of the local system, and the details of staffing arrangements:

And now it's a system where the legal aid office does the adults and the private solicitors do the juveniles. I'm surprised there isn't all that many over there. I mean, you go across on the Monday or Tuesday, and you might only do two or three I think these days.

Q: So there has been a drop off over the last two years?

ANDREW: I would think there probably has, yes. Yeah...

Q: And that's an arrangement that suits everyone?

ANDREW: It doesn't worry us, yeah! You know, looking from an outsider's point of view, and saying that, you know, the kids deserve one chance, and it's a way of giving it to them, and it's great. It also helps the legal system, because I mean this court is fairly well clogged, in the fact that the mid-...No doubt you'd have the figures, with the drop off - and I'm sure there has been...

Q: It's about fifty percent...

ANDREW: Is it? Juveniles appearing before the court?...Well see, that's got to help the court list because, you know, each kid might take, oh, twenty minutes to half an hour, I suppose. And you have ten of those on a Monday and, you know, it adds up!

Another relevant point here is that, because the primary focus of conferences is the incident rather than the perpetrator, the number of "hearings" is reduced by a factor of 2.2 - that being the average number of perpetrators involved in a juvenile justice case. Then there is the question of the speed of processing:

ANDREW: Yes, well that's only if you plead not guilty, because you go within a fortnight...if you're charged today, you'll be dealt with by the court in two or three weeks time...If you're pleading guilty...and if you plead not guilty, then your hearing of the matter is not 'til the end of July at the present time, or some are beginning in August..

Q: Well, that's a double incentive to plead guilty!

ANDREW: That's right. Well one of the problems with the delay at the present time is that you get the hardened criminals - whether they be juveniles or adults - and they plead not guilty for the sake of it. It doesn't cost them anything. The sooner they bring in a straggler [?] - you know, they plead not guilty, they come up with two hundred or three hundred dollars - they'd think twice about it then. You get your hardened criminal, they think, "Oh, well, I may as well plead not guilty, it doesn't cost me anything. I might get off; you never know!" - even though I'm guilty. They'll never tell you they're guilty.

Q: Born gamblers?

ANDREW: Yeah, that's right! They're gamblers! Nothing to...you know, it's not going to cost them anything either way...only their liberty if they lose.

Back to the issue of the family conference: Does Andrew have any recommendations for procedural change?:

ANDREW: No. I think that Terry did a good job. I mean, I didn't know what I was going to get myself in for when I turned up. I just didn't have a clue who was going to be there or what it was all about. But the way it was run...I couldn't see it being run any differently. It all gets back down to the person running it, asking the appropriate questions, and putting the kids on the spot. And that...it's all very well to ask me what do I think about being robbed and that type of thing - and I said, "Well, you know, I was a bit upset about it" - and things like that. I mean, if someone had broken into my home I probably would have been a lot more upset than someone breaking in *here*, and just pinching the petty cash tin. If they break into your own home, go through your bedroom, go through your lounge room - whatever - you feel a bit more violated than you do having someone in your office. I mean, had they gone through some files I'd be, I'd probably be a bit more annoyed...

Q: That would be almost insulting you as a person?

ANDREW: Yeah, that's right. Yeah. Well that's true...but it could have been my files on someone else type of thing, where you think, you know, "What have they picked up there?". But, you know, Terry did a good job, and I mean...I'm putting my mind to what changes could be made, and I...honestly don't think there'd be...not many changes. I mean, you've got to ask everyone in the room a question, and it's a case of asking the kid more questions than you ask everyone else - because they're the ones that you've just got to make *feel* as though they shouldn't be there.

The distinction between "institutional victims" and those who are more directly affected is discussed. As is often the case, the distinction was not clear cut here. Andrew knew the mother of one of the perpetrators quite well. Had that made attending the conference a little more difficult?:

ANDREW: Yeah, a little bit. Yeah, well, as I say, because I didn't...it wasn't...it was only the petty cash tin, it wasn't too bad, of course...It wasn't too bad. It probably made it easier, actually, because I knew her and I could sort of look at her and say, you know, "Don't worry! It's not your fault. All kids do something wrong".

Q: And you haven't spoken to her about it since?

ANDREW: Yeah, yeah I did. I've spoken to her since, and she, you know...I don't know whether it changed the kid or not. I haven't spoken to her about that. We were probably having a bit more of a joke about it more than anything else - she and I - you know, because we were saying, "Well, kids can be kids! Her kid's tipped over the wrong way, and let's hope he goes the right way now". And I just think it's a great scheme because it gives the kids a second chance, and I just think, you know, if my own kids did something and they'd get a second chance, then they probably wouldn't do something again. I mean, they haven't done it yet, but you never know what might happen in the future!

Q: Would you have any difficulty then with kids in some cases being given a second or even a third chance - if the review panel looked at the case and said, "Well, maybe we should give them another"...

ANDREW: Second chance okay. I wouldn't give them a third! Once they tip over the edge three times, they've just got to go and be taught a lesson. But the second time, I could...You know, if it's a case of a kid being...not a strong kid and being misled...I could, there'd be circumstances for a second time.

Q: And you're happy - this is another concern the critics have - you're happy for that discretion to rest with a group of sergeants on the review panel that decides when a kid goes to court?

ANDREW: Yeah, I am. I mean, it doesn't matter who you give it to...I mean, how can they say..."you give it to five citizens from the community"? Some are going to be biased somewhere along the line. The sergeants are probably harder line than anyone else, but you know...I think it's important that you certainly have quite a few of them making that decision, because it's quite easy for some of the kids to upset old sergeants...They're easy to upset and they'll say: I'm not going to give you a chance!

Q: So the more the better on the review panel?

ANDREW: Yeah, I would have thought so, yeah.

Q: And what about the possibility of having outsiders...?

ANDREW: Yeah...

Q: ...say, a solicitor...

ANDREW: Yeah, I don't think it would hurt - to get an unbiased view. It would be worthwhile....But having been there, I'm all in favour of it. I didn't know much about it beforehand; I thought that we all got together and, you know, roused on them, or whatever; give them a kick up the backside and send them home. I didn't quite realise that everyone turned up at the thing.

Q: The way Terry sees it, the less he says, the better. The dynamic among the group there should take off of its own accord. You're letting the community do its own policing.

ANDREW: Hmmmm - that's right, yeah!

Q: You saw an element of that in the one you were at?

ANDREW: Yeah, yeah.

REFLECTIONS OF A SCHOOL PRINCIPAL

This wide-ranging interview was conducted for a variety of reasons. One was that this widely-respected school principal regularly encountered students who had had experience of a family conference. A second was that, having considered the principles and alternative applications of conferencing, he had now begun to apply those principles to cases with which he himself had to deal. Here, then, was probably the first case of the process being transferred from policing to schools. And a third reason for discussing these issues was that this principal was still annoyed at not having attended one particular conference, to which, he felt quite strongly, he should have been invited.

The interview begins with a long discussion about changes in school culture over the previous two decades. The conversation then turns to the specific case. Ted is still understandably annoyed about the way the case was handled - by several departments:

Now we were never invited to the course...the conference. And I had a lot of involvement with this mother, and his mother washed her hands of the kids. There was family support for one day, for the case, and then they bloody washed their hands of the kid, and I was left picking up the pieces with the kid, et cetera, and, you know - whereas the victim's mother and father went along. The interesting thing is, the other kid in my school that I worry about killing somebody is that particular victim, is [Robert G_____]. And he, in his own mind, he can't control his rage either. And the interesting thing is, I think there was a real interaction between these two kids, that they almost recognised it in each other. And that's where the depth of

animosity came from in [Jim] - that he had seen the other side of [Robert]. And you know, it's frightening. [Robert] broke twenty three bones in his hand the other day when he crunched a brick wall. And that level of violence worries me. And I've confiscated two or three knives. You know, look at the kid that was stabbed at the dance the other day. You know, a knife in the chest and he's gone. The kid that was shot in the street outside the nightclub - the bouncers did it. Nobody would deny that we have an increasing amount of violence in our schools because we have an increasing amount of violence in our society, and on video. The Teachers Federation want to pretend it's not happening, because they feel that if we own up to its happening, it's almost as if the teaching profession is unable to cope with it. So they see it as a reflection, and the schools are essentially safe. Everybody's trying to cover their own arse.

Q: But you're saying, in a sense, the responsibility for it is being sheeted home to the schools, and actually the police feel the same way - that they're being made to feel responsible.

TED: Oh, I agree. I think that the police and the schools are always at the cutting edge of...feeling these social moves earlier than anybody else. And, you know, my four years teaching in B_____, you know; I was stabbed three times, I was shot at once...It was a community that was, at times, violent to the extreme.

Q: Did you ever get any sort of apology for that behaviour towards you?

TED: No.

Q: Did you think it was possible?

TED: No, I didn't think it was appropriate. You know, apologies are a middle class kind of expectation.

Q: Well, they're an expectation. But, I mean, taking responsibility for your own actions is something that - interestingly - Aboriginal mothers who've been involved in this scheme talk about all the time. But they say, you know, "It's assumed we're not going to take responsibility for our actions". And it's interesting, in the follow-up to that particular conference, Jim's mother actually did make contact with the police, and thank them, and say, "This is the first time that..." - and I don't think that she was being obsequious or whatever, I think she was actually saying - this was the first time she'd been allowed to speak about the process. It was a very strange conference to watch, because there was a real opening up between the parents...

TED: I was never invited to it.

Q: And I think that was possibly a mistake, because...

TED: I'm sure it was!

Q: As a victim - if you like - or as a commentator?

TED: Because I also had that *responsibility*. I had teachers who were frightened by it. Because it happened publicly, and...

Q: It sounded like a very violent incident.

TED: Oh, extremely! And I had teachers who had never witnessed anything like that before. I had *students* who had never witnessed anything like that before. I run a program in my school with half-a-dozen Aboriginal kids that I...explore and exploit as leaders. And, you know, I've got a kid that I'll pull aside, and I'll say, "Look, you know, what happened down the playground?" - "Oh, so-and-so had a fight, Sir." - I said, "Do you know what's going to happen now?" I said, "Everybody, all those kids are going to say, 'Ah, the blackfellas are fighting again!'". I said to him, "That builds up this pool of racist views, et cetera". I said, "What can we do about it?". And he said, "Stop'em fighting, Sir". I said, "Who can do that?". He said, "I can, Sir". I said, "Well, how about you do that?" - you know - et cetera. Because the messages that go home to the dinner table every night drive your school. So that if in fact the message is...And it was this kid that broke up this fight, that, you know, stepped in -

they'd have killed each other if they'd have been let go. He's the one that stepped in. And, you know, I've got two or three boys, and girls, who have this...who share with me the importance of, not creating a *false* image, but protecting the image of Aboriginal kids as kids that quite enjoy their days at school and, you know, can find alternate ways to resolve their conflicts and their disputes.

Ted describes some other methods he uses to bolster a sense of self-respect among his students. The discussion turns to questions of educational psychology:

TED: I've got a teacher who runs a program, especially with his Aboriginal kids, but not only with the Aboriginal kids, where he does a lesson on, "You write your diary, you write anything that you like. And I'm not going to read it, and I'm going to do the same. But if you want to read mine, then I read yours". So he writes his diary, and he writes of how he had a blue with his wife, et cetera. And you find kids will come forward - in front of each other - and just throw the book on the table. And they'll swap and they'll read. Because obviously these kids want somebody else to read...One particular girl who had an abortion last year and sniffs fly spray and, you know, has been to the bottom of the barrel and back again, you know, she's the one...And...she's pissed off with this bloke that left her. You know, it's the fact that she was dumped that hurts most of all. You know, one of the things that does come out of the theory and practice - and Terry said this the other day - kids really need *power*. They look for the control, and if they can't get some control, then they'll take it. And as to how you put some control back into a kid's life, it's very difficult sometimes. And my "wind the clock forward, and wind it backwards", it gives them control. Because what it does is it brings out their fantasies. "What are you trying to become?"...

Q: They see themselves as a developing person; they're not stuck in the rut they're in?

TED: Exactly. I've never, ever come across a kid that hasn't had fantasies, that hasn't taken themselves...a lot of them won't, you know, bring it out very quickly. And the thing that puts a glint in their eyes is when you say to them, "Now you've wound the clock forward; what sort of Dad are you going to be? what sort of Mum are you going to be?" - "I'm going to take my kid fishing. I'm going to take my kid to the football. I'm going to help him with his homework, et cetera".

Q: That's the thing that drives them, it's these meaningful relationships...

TED: Meaningful relationships!

TED: Which is what Terry's picked up on.

TED: I was interested...Were you at Terry's talk the other day? No, he had somebody else in the room...and he spoke about "reconfiguring the networks". We don't get to do that. It is very difficult. When I go to the card, there's only one, maybe two names on the card for "guardian". I don't know the influence of the grandmother and the grandfather, you know.

Q: Or the aunts and uncles.

TED: Or the aunts and uncles!

Q: Neighbours...

TED: You know, Terry talks about victims, about getting the victims in. And we don't often get the teachers in. Kids don't often see teachers...as real people. You know! They're artificial constructs. And that's why kids sometimes find it very strange, because an amazing number of teachers don't have the ability to become real people in the playground.

Q: They can't switch between "real person" and "artificial person"?

TED: No, no they can't. They can at athletics club sometimes...or when they're playing cricket. But they can't do it in the playground. The body language is all wrong, and

the language is all wrong. And I walk through the playground and that, you know: "Got some runs on the weekend, John!" - "Yeah, yeah, yeah, I was really seeing it well". - 'Cause I read the paper, look up all my kids' results, you know. - "You got a duck on the weekend!" - "Oh, Sir! Don't talk about it!" - Before they know it, you're sharing something; you're communicating. - "How's your love life?" - "Don't talk about it! Don't *talk* about it". - Dinner table talk. They don't get it.

Ted describes the other venues where he and his colleagues might try to foster a culture of talking and cooperating, rather than a culture of aggression. As a strong example, he talks about resolving an incident involving a young man who had been the victim of a sexual assault. The young man in question had been bullied by fellow students, who perceived him to be a victim. He explained this to his father outside a local sporting venue:

He says: They're the boys that, you know, ring me up and throw rocks. And look what they did today. And here's these cigarette burns through to his skin. So Dad's wheeled the car around, and gone back, and jumped out and grabbed the kid by the head and the hair, you know, "I'm going to kill you! I'm going to kill you!" The teachers have intervened and reported back to me. So I've gone into a five-o'clock investigation, you know, rung all the parents and got'em all together and thought, "Well, I'll do a Terry O'Connell. I'll risk getting these people together". And I'm thinking, "I get these two Dads in a room, and one's going to look at the Dad that's assaulted his kid and is going to jump up and snot him". I said to Dad, "How do you feel about this kid grabbing your son?...this man grabbing your son?" He said, "Disappointed". I said, "Disappointed?" He said disappointed he didn't punch his head in. Like...Dad's pulling his hair out. Dad reckoned the kid's...got it coming. You know? Anyhow, I got them all together, and we made some progress. The real progress, of course, was when I looked out the window half an hour later and they're still...the parents are still talking in the driveway. And I thought, "Well that's a giant step forward!" But there was one Dad that hadn't been involved. And the Dad that's been persecuted said, "Do you think I should go around?" I said, "Go 'round, go 'round!" So I said to the boys the next day, I said, "How'd you get on yesterday?" And they said, "Oh, our Dad's are talking to each other". And he said, "Yeah! Mr so-and-so come round to our place". And I said, "What did they do?" He said, "They went out into the back yard and they had beers and that, you know". I thought, "Well, what a giant step forward!" And every day I try and find those kids, "How are things going, how are things going?". 'Cause you've got to have that continual input. But my department won't give me any resources. You know, we've got a bloody government in this state that puts mentally ill people on the streets and that, you know. As a society, we're not prepared to pay for our victims.

This raises the issue of correspondence with the department over the discretion to suspend students from school. The role of other departments in responding to violence and victimisation is then discussed. As it happens, the Attorney General for New South Wales had publicly expressed an opinion on related matters the previous evening:

He was pressured, by Kerry O'Brien, to the point where he had to concede that, even though they'd implemented all these reforms - of "police culture" and so on - that more and more people were going into jail, and therefore the rates of death in custody weren't coming down. And the only way to get those figures down was to get people talking and taking responsibility for their own communities.

TED: There are *significant* shifts in the inter-relationships between kids and schools in society. I've been a great believer that there are three influences on a kid - the family, the peer group, and the schools. And the school will always run stone motherless last. And if you haven't done that early work in the family, at fifteen, sixteen, you are in serious trouble. You know.

Q: Well, earlier.

TED: Yes, that's what I mean - at three, four, five - you look at the New Zealand study, et cetera - if you haven't done it then, then you get into strife at fifteen, sixteen. Because to attend that deficit is very, very difficult. But so often it's the police and the punishers in the juvenile justice system that become the agents that are expected to solve the problem. And I don't have the resources. You know, schools are *educationally* involved, you know. I've got three or four kids that come to school and - if they do come to school - last five minutes, and they go home. I can't restrain those kids. There is nothing I can do.

Q: Are they violent towards other kids?

TED: Sometimes, sometimes not. Sometimes thieves, sometimes not, et cetera. Now I don't have the resources to say, "Jim, there's your one-on-one counsellor, there is your saviour. Jack, there's yours. Shaun, there's yours, et cetera". I don't have those. And as soon as I put them in a group situation...So: fifteen kids - "Here's your saviour. Got this wonderful program, et cetera"...And then the kid's out the door.

Q: But there, on the spot, you're creating the peer group that's the problem.

TED: Exactly! Exactly!

Ted admits that it is sometimes difficult to accentuate the positive when he has to deal with so many negative social developments. But he is confident that a process promoting openness, dialogue and mutual support is a significant step in the right direction.

A SCHOOL GUIDANCE OFFICER ON POLICY AND PRACTICE

Again, this was an opportunity for several interviews in one. This particular school guidance officer has been involved in discussions about the application of conferencing in schools, but she has also had an opportunity to observe several conferences - in different roles. Her observations from the perspective of a supporter of a victim are particularly insightful.

The interview begins with a discussion of how she first became heard about the conference process:

We'd started to talk about the possibility of doing things like that then. Terry had been wanting me to see some conferencing and coincidentally, about a week before I did, I was asked by a parent to be a support person at a conference for a child that I knew from one of our schools.

Q: Pure coincidence?

HILARY: Pure coincidence! So I had it from two perspectives. I had it from sitting as a participant - a silent participant - and then the next week I sat through three conferences as an observer and I felt really excited by it. I mean as Paul was talking about, one of the obvious implementations of the process is with kids on suspension. To have that kind of a process before they're suspended, I feel really excited that

that's a potential. I felt when I was the family support person and I had a chance therefore...The parent of the child who was the victim had a lot of contact with me before that and I knew that she was very apprehensive about wanting justice, and, "What was this all about anyway?"

Q: So she thought in advance that the offender was going to be let off lightly?

HILARY: She didn't know what the agenda was and while I had an idea of how it would run, I hadn't ever been there. So, yeah, neither of us really knew what it would be like. So I knew she had some really strong views on what had happened and had a real need to express those views.

Q: Was this an assault case or a property case?

HILARY: No, it was an assault and she had the opportunity in the conference to say a lot and she did and at the end when everyone was sort of finishing up, she still had a need to keep talking, and that process allowed her to do that. I don't know that she came out of that one hundred percent happy with it, and we talked again and I said, "Had that gone to court, one, you wouldn't have been a party to it, there wouldn't have been any great outcome for the offender, there would have been bonds or cautions or whatever and you would never have had the opportunity to say to the kids, to the parents, to the people at large, 'This is how I feel, this is how much this has affected me!'" I felt, therefore, that that process really empowered her. I felt that, I don't know whether *she* felt that.

Q: She wasn't convinced though?

HILARY: Yes, because she didn't have anything to compare it with.

Q: Well, after you had spoken to her, was she at all convinced then or was she still angry?

HILARY: She was still angry. She was going to...she had sought some legal advice which she was going to follow up on just to see whether there was anything else that could be done. What I tried to explain to her was that what had been done there - this kid had been given some community service - was far more than what would have happened in a court proceeding.

Q: Did she say specifically she wanted those kids punished?

HILARY: No. She didn't necessarily wanted them punished, she wanted - this is me recollecting now - them to know that what they had done was not acceptable and for there to be some consequences for their behaviour and she certainly had the opportunity to let them know how unacceptable she felt it was. And in fact there were consequences - they got this four weekends of community service order work.

Q: Was it doing something specifically for her family or just general work?

HILARY: No, I guess there was a strongish sense of retribution because she wanted it to be on weekends when they would otherwise be out enjoying themselves - because of what they had done to her child and the impact that that had had on her family.

Q: Well, what about the rest of the family. What was their response to the conference? How did they feel about it all?

HILARY: She's a sole parent. She had another child who was there, a younger child. At this conference there was something in the order of thirty eight people - not observers - in the circle, because she brought along about six of the uncles to be there, to be part of it. And I think that that was also really a valuable thing for her to know that, yes, those people could come along as a support and as a message almost to the offender that this kid had a lot of support. Because one of her fears was that as a result of the process and the confrontation- that the offender would now know more clearly what her child looked like and that there may be some ramifications.

Q: Further victimisation afterwards?

HILARY: Yes. And she saw this as a statement of the amount of support that the family was able to offer this child and therefore perhaps the offender would, if they ever thought at all before doing it, would think twice.

Q: Well, having that team of uncles there, do you think that was also trying to send a message to her own child?

HILARY: I think so, yeah. Yes, I think it was a two-way thing. "This is how much support you've got!", and to the offender, "This is how much you know you're up against if you take us on".

This observation raises questions about interpersonal dynamics and the role of emotion in conferences. Having seen a handful of conferences now, has Hilary begun to notice any significant patterns?:

Yes, I guess the pattern - I mean it's a fairly obvious one - is that the victims and their families get upset, the parents and family of the offenders are defensive but angry with the child, or whoever, involved. The offenders tend to not be very verbal, articulate and to be very defensive and often very difficult to get...You know, there were several times when Terry would ask a question and there would simply be no answer because those people wouldn't want to answer. The second week, I guess there was a couple of things that happened which stand out in my mind. There was one particularly elderly lady who had been robbed and the process - that you'd be aware of, the question-answer; I mean, there's a set structure - there was no way that Terry could maintain that structure and he said later that that wasn't important. Any time a question was directed at anyone, this elderly lady, emotionally, would come in with "And you did this!". And again - going back to the week before - she needed to do that, I mean it was a venue where she could do that and she would lecture the offenders and say things like, "When I'm speaking to you, get your hair out of your eyes and look at me" and it was really...it was real, not aggressive confrontation, but *real* confrontation: "This is how this lady feels; you've done this!". And of course, then, the parents and the sisters and people would get very critical of the daughter, sister et cetera, who'd committed the offence. Almost to say: "We're not all like this - we've tried really hard with this kid, the rest of us are really good people, we've done our best!", but at the same time saying: "Why did you do this?". So I guess I had some concerns - and I raised this with Terry - whether these kids who are offenders but who are in fact caught up as victims in their own set of circumstances, this is just one more area for them to be dumped on and not only dumped on, but dumped on publicly by their families.

Q: Well, *semi*-publicly.

HILARY: Yeah.

Q: Well, having seen that, do you think they *were*? It's a criticism being made - that these kids are being humiliated when in many cases, not in all cases, but many cases, they are victims of the circumstances they live in?

HILARY: Yeah, I think the process itself tends to...The fact that they are then drawn in as support people and they are given tasks and they want the best, you can tell that

they want the best for their kids. They just seem to need to distance themselves, stand back slightly, justify their own positions. But then, because of the process, they're drawn back in. One or two are drawn back in to be *specific* support people and that, I felt, leaves the whole situation with a really positive note because they go away thinking: "Yes, this child is going to spend some time helping me and my community". One of the parents does community work and the daughter was now going to be with her and the potential is for the bond between mother and child to be enhanced because of that time. Now, I'm not doing the follow up to know what actually happens, but because of the enlisting of the support of the families, it just seems that there is something that everyone can grasp on to in terms of the offender and their family: "Yeah, okay, it's not just being left, there is something - we can take away, some action that we can do as a result of this that's going to make amends".

Hilary is pleased but not surprised by the high rates of compliance with conference agreements recorded by the local police. She relates these statistics to the cases with which she has been involved:

HILARY: So of those seven kids, I think there probably were two that I would wonder whether there was any emotional reaction to what they had done - on the surface.

Q: They seem defiant. As an aside, can you describe their facial expressions through the conference?

HILARY: Well, as I have just said, often it's not making eye contact, downcast eyes, withdrawing, "I'm trying to withdraw from the situation". But having said that, because of the seating arrangements, often I couldn't see the facial expressions. When I was the observer right up the back, that was very difficult.

Q: But you were still getting the message from the facial expression?

HILARY: Mmmm. Yes. Another interesting thing was...[long pause]...two things stood out: One was some people not having the opportunity...

Q: ...to speak their mind?

HILARY: Mmmm. Another thing I guess - going back to the elderly lady - was they had been able to restore something like \$4000 of hers that was taken. The thing that she kept coming back to was a manicure set which her brother had given her in 1918 and he had died only last year, and where was it? And part of the agreement at the end was for them to think: "where did you put that manicure set? This is really important to this lady". And I thought, "Yeah, I can understand that". Because in the normal course of bonds and things like that, the one thing that you desperately were attached to and did want back, nobody necessarily noticed that. You tell a police person at a desk that, "Look, I really want that manicure set back" and they sort of make a note - and who knows what happens? So...I really found that a valuable part of the process, that someone who desperately wanted to get something back - I don't know whether she got it back - but she had the opportunity to say: "This is how important this is to me".

Q: And the kids at least suggested that they would try to find it?

HILARY: Yes. So that I thought was really, really valuable.

Given her support for the use of conferences by police, then, what role does Hilary see for the process in schools:

HILARY: I guess I think that if we want to stop things like bullying [pause]...and violence, and if we want to get kids back, I wouldn't want to be quoted on this...Sometimes in schools, kids get the rough end of the stick. A process is put into place. To me it just seems that this particular structure would allow more thought, more involvement, more engagement, more understanding of why that kid...you know. For instance, I was at a thing yesterday and we were talking about bullying and one of the counsellors said, "I had a child referred to me for a violent outbreak". He got to the bottom of it and the violent outbreak was a response to months of bullying and teasing. Now, what may well have happened had it been violent enough was, that kid might have been suspended. We would never have found out the circumstances leading up to that suspension. So to me, allowing kids to ventilate how they are feeling, bringing in kids and saying do you realise how this person feels when you do this to them...Going back again - we've just had an anti-bullying in-service conference at the end of last term and we are doing some follow-up work on that, so it's clear in my mind - there is a method called the method of common concern where, if you have a child...Are you familiar with it, the Pikas method?

Q: Yes.

HILARY: Where you break up the group of bullies and the victim and you bring them in individually and you ask for their cooperation and you put it in that framework. And what people are finding, to their amazement, is that the kids are more than happy to be cooperative and to try and support one another. And you give them a task to do and it would seem that this is working now. I think, when they realise that another child is getting a hard time and that it's not fair and you're appealing to their sense of what's fair and what's not fair.

Q: So you say that they do respond to the notion of a sense of justice?

HILARY: Yeah, because I think a lot of things that happen in schools - especially between teachers and students - are because the students perceive that what is being done to them for whatever reason - they've got their own framework which may or may not be skewed - it's not fair. So if you can frame it as: "This is fair. Is it fair for you to have done this to this kid when he didn't ask and has never hurt you?". And this arena allows for that to happen...I see it as really positive.

This discussion of responses to school bullying raises the vexed issue of perceptions about violence. Does it appear to be increasing among young people?:

Yes I believe it is increasing...As to what's causing it - I don't know.

Q: Do you think combinations of, say, this conference process and something like the Pikas method might be a way of diffusing it?

HILARY: Yes. And I think if you're looking...I mean, one of the interesting things was, we were developing this conference called "Towards Non-Violence". (As a little

aside: It was out at CSU and with the wonderful signing they do there, of course, they had all these sort of green signs with fingers saying "Towards non-violence". We felt there should have been another sign that said "Towards violence"! But when we were looking for speakers to do with violence, we did some investigating and ended up with some people on bullying. And when people think about bullying - and you've got a continuum and here's violence up this end, bullying is sort of somewhere down here - it's something that happens and we don't hear that much about it.

Q: It's low level, but it's consistent violence.

HILARY: Yeah, and it's what escalates. When you get the violence that hits the headlines, the chances are that for the most part there's been that level of bullying and teasing and oppression. It's been there until something happens to escalate it. So it was quite interesting for me to think that, "Yes, we are really addressing violence by dealing with it further back down the continuum when its called 'bullying', when it has a lesser connotation to it".

HOME SCHOOL LIAISON OFFICER

Yet another educator - and yet another interview offering multiple perspectives on family conferencing. This Home School Liaison Officer helped to forge many of the links between the beat police, the Police & Citizens Youth Club, and schools in Wagga Wagga. He has witnessed many conferences, is fully familiar with the relevant theoretical literature, and has a range of insights on both the process and ways to develop the model. In addition, he offers insights in this interview on the other two of three problematic cases mentioned above.⁸

The interview begins with a discussion of the history of the conferencing program, and of the relationship between school staff and police - particularly since the beat police unit was established. The relevance of the conference process to schools is considered in detail. Paul suggests that the process may prove particularly important for dealing with violent incidents. The importance of continuing cooperation between agencies is emphasised:

PAUL: The involvement of the education people with police can be seen to be tied up with community policing rather than the police *force* idea of the police. I mean, the police provide a service to the community and part of that service is sorting out these issues in logical and reasonable and investigative ways rather than the old control mechanism. I know that a number of the schools are aware of this process. Terry attended our "Towards Non-Violence" conference, and his sessions were attended by a large number of the people that were at the course and they were most impressed with the clarity with which he expressed the steps in the process and the sort of outcomes which they might be able to expect by using it in schools. So they were hungry to know more.

⁸ See footnotes 3 & 4 above.

Q: Well, that's what interests me about these recent education conferences - that they have focused on the issue of violence, and time and time again people have said: "This looks to be the way to go!". So they're not as obviously concerned with property offences as with this tougher issue. So it seems to me that a lot of people share this view that the conference process does represent a way of putting forward a wholly different philosophy. You seem quite confident that it will work?

PAUL: I think it will produce better outcomes than the alternatives that we have available. There are still some kids - as there are other adults - about where it's difficult to bring them on board in any process. They are people whom things are done to rather than with - some of these kids that have been present at family group conferences, and people have observed some remarkable changes in attitude and perception on the part of the offender who is not involved, not involved in a personal way.

Q: You mean not emotionally engaged?

PAUL: Yes, with the community as such - social conscience and that sort of thing.

Does Paul agree with a rough estimate that this is true of about fifteen percent of the young people who attend conferences?:

PAUL: Yeah, I'd be guessing but I'd say that would represent about the same percentage with, not necessarily just strictly violence issues, but if you're addressing general issues within the school of a student welfare nature, which might resolve in kids ending up in suspension, yeah there would be about that number of kids because the kids who are involved in violent issues aren't necessarily non-engaged.

Q: Yes, that's a good point. I think our thinking is that - and you probably share this - that most kids mess around, some of them get apprehended, and that a small proportion, maybe 10-15% - have some deep-seated psychological problems which no doubt extend from their broader social or personal background. So

PAUL: I'd say if you're looking at one-and-a-half dozen conferences, you'd find you'd have a lot of other things to deal with as well as the specific issues.

Q: Have you actually happened to have been in one where you've got one of these kids?

PAUL: Yes. It was a group of three young girls who had stolen from things from a woman's letter box and of those three girls, two were happy to engage in the process and the other one was not having a bar of it.

Q: Actually, I was at that, and I recall that she made the extraordinary comment that she couldn't contribute to any sort of reparation because it would get in the way of her being a street kid.

PAUL: That's right! She obviously had a model of herself that was contrary to this thing. It wasn't in her plot.

Q: That's one comment I will never forget - it struck me as extraordinary and yet in retrospect it makes a lot of sense. What did you make of that at the time?

PAUL: I knew from her background that she was anxious to be a naughty girl rather than a good girl and she came from a family which was - I hate the word - "dysfunctional", but a family that sort of didn't engage in the activities that we consider "normal" within a family structure.

Q: Well her father's had been the "disappear-and-then-return-drunk-and-bash" policy.

PAUL: And she'd been involved with a child sexual assault counsellor and that sort of stuff so her background was not conducive to social integration in the family I guess. But she wasn't believed.

Q: Interestingly, that particular conference also sticks in my mind because in the post-conference "mini conference", if you like, I think it was both the uncle and the grandmother who stepped in and said, "Well, it's time that we do something", and the conference almost sanctioned that. Did you have any follow up with her after that.?

PAUL: Oh yes, lots. Lots of follow up. But I didn't ever successfully resolve either her attendance issues or her personal issues, working as a Home School Liaison Officer. ...There were other people involved with her also - Department of Community Services - she was attending counselling at the Department of Community Health. But she opted not to involve herself in that - because, then again, there were all the issues that come from that sort of counselling that she had to address and she wasn't prepared to do that. She was, as you say with that classic statement, being a street kid. And those street kids have their mores and ways of working and thinking....

Q: ...that she was quite committed to.

PAUL: Yep, yes, she wasn't a street kid at all - she had a home to go to, but she liked the feeling of freedom and the shared responsibility of being a street kid. You know, they share this core set of values that are probably fairly contrary to what we would consider to be a useful set for people wanting to engage in the community...um...and so she sort of opted out. So she could opt out of the conference quite comfortably.

Q: Do you know if she's been in a fair bit of trouble since then?

PAUL: She's turned 15 and she hasn't managed to get herself into a lot of strife - I know her mother said she was driving a car at 15 and this sort of stuff but - and she regularly attracts the attention of the beat police in the early hours of the morning and this sort of thing - but she hasn't been murdered or engaged heavily in drugs. She hasn't done much good for herself or her parents. She was very streetwise in the sense that she was pretty good with her personal safety. I mean she was promiscuous but she had a good sense of self-preservation which may just in the long run save her from too dire a fate.

Q: Well that's certainly the case with some of these kids.

PAUL: And I think even though she didn't engage in the conference at the time she was actually physically a part of the conference and I know that it has affected her later, because of the relationship with Terry and being able to talk to him.

Q: She came down to the station and talked to him a couple of times didn't she?

PAUL: Mmm.

Q: It's interesting: The first study we had done on this - by social work students out at the university - found that, even among the small sample of 60 kids, they said a remarkable number had actually changed the way they saw police and were now using the police station as a referral service.

PAUL: Yeah, it creates a link and the process helps to create the link because it's a powerful process. And one of the children who was least likely to have much in the way of a social conscience actually rang Terry and congratulated him on his appointment to a position in Sydney. He wouldn't have had the faintest idea why, but it was in the paper and Dad must have spoken about it and so, when Darren had the opportunity he said, "Oh, that was a good thing, you got that job; I'm really pleased!". And a lot of it's dealing with the hot end of the stick in terms of juveniles.

Q: But that's interesting, because it's a good example of how you draw out potential that you just wouldn't have seen. That shows a lot of genuine caring. It doesn't surprise me, I think I know the guy in question, actually.

PAUL: A lot of stuff that grows from it is not exactly an intended part of the conference but the outcomes can be many and varied - and you can't always track them back to the conference - but just the contact, the chance to reflect on their lives, the chance to reflect on the incident, the chance to reflect in front of their support, their parents, the chance to reflect with the victim on the other side of the room - all those things are fairly good "reality therapy", I suppose. To put the kid in a position where, even if not willing to accept responsibility - which most of them do actually end up doing - they've had to sit down for forty minutes and carefully consider their position. And it might not have been something they've had to before...Sometimes - it's terrible to generalise, I know - but sometimes you can paint a picture of a parent, and often the kids I become involved with are truanting, but truanting is only a symptom. Truanting is part of more complex stuff, and I sometimes do this - as do Hilary and others - I sometimes draw a mental picture of these people, and I'll be surprised 25% of the time - maximum. The other 75% of the time, I'd be pretty close to the mark and that's just experience with the kids and the families. And very often the father figure - if the father figure is present - is a dominating...the old police style model.

Q: Command-and-control?

PAUL: Yes, yes. And is not effective in getting the kids to communicate because it's all top-down stuff.

Q: At a guess, do you think there is a potential for these conferences to change the way that sort of disciplining goes on in households?

PAUL: We were only talking about this this morning! - with one of the head teachers at Wagga High - and we got around to the fact that family therapy is something which is terribly difficult to bring on board with families like this - especially as they're likely to opt out of the therapy when things improve. They'll respond to what you want them to do in crisis times - and a family group conference does follow a crisis time because there's been an incident which has upset them so you can work very effectively at that point in time. And if things then subside, the family will move back to previous patterns of behaviour and things will go on in their normal fashion

until another crisis arises and then they may call for help from a counsellor, from community health, from DOCS - or bring on board someone who can support them through this crisis. And if you are going to get into family therapy, it's a sort of ongoing, developmental thing and it takes a great deal of skill, and people who really can relate to the people they are talking to, and can bring on some development.

The question of appropriate optional follow-up services in the wake of a conference arises. Paul describes several models. The name given to these models is a sensitive issue, is it not?:

PAUL: Entirely! Entirely. One of the things I've been seeking out is parenting for parents who don't want it to be "parenting", parenting which is not desperately middle class as so much...There are lots of courses available on parenting but they're related to middle class problems, middle class people. What I need as a H[ome] S[chool] L[iaison] O[fficer] is an operation which involves low verbal skills, high pictorial comic material stuff - sit down and talk about it! Right. So its got to be a level of functioning which addresses the conventional family which is in trouble and some of the things which are common to them. They may both be unemployed to start with, they may have a large number of children, they may have say four or even more - and in today's climate that's a fairly large number - so their issues are tied up with baby sitting in the evening. There might be a drug or alcohol problem in the family which deters people from other objectives, every day. So the idea of making it sufficiently powerful, straight forward and effective, so that it can actually change the lives of people who are in this sort of dysfunctional mode, this way of operating which we see as totally non-supportive of each other...Terry used the word "boundariless" families - and it does...it doesn't matter whether you watch the television or throw a brick at it, you know, the rules aren't there, they haven't worked down either implicitly or explicitly to the state where they've worked out ways of relating to each other, ways of keeping their house clean, functional, tidy, who gets the money and how it's spent. All this sort of practical stuff is not a mystery, but it's just...I guess it's awareness. It's a chance to talk to somebody about, "How do we manage our budget? What do we feed the kids tonight? Do we go for the chips again or do we think of something else? Do we worry about our health or do we just drink on?" All these sort of things are practical things to talk about.

Many of these issues actually arise in conferences, and Paul offers some examples. Presumably some of the practical agreements reached in conferences have had some sort of immediate impact on the children in a family?:

PAUL: Absolutely! Again my experience is a little ragged, because it doesn't correlate perfectly with the kids who attend family group conferences but there are frequently kids on my caseload who are involved there as well. And I guess my initial involvement was because some of the more serious kids on my caseload that persist in non- attendance, the kids who are in trouble for violence at school, these sorts of kids were beating a track down there, so it was interesting to watch - when the family group model came on board - that, even if the kids didn't really become model citizens, the conference had influenced the way that they thought, not only about police, but about their own operation in terms of their family and their operation in the school context - especially if there was someone from the school there who had an issue connected with the actual incident that was being considered. So it's not just simply the incident which is being addressed, but a lot of side issues come in, which gives the chance for some sort of reintegrative approach. And I think Terry does that

very well and that may be tied to the fact that, oh, he's got brain on his head, but that he seems to be able to pick out the important things and feed to them, and ignore the side issues that aren't relevant to the reintegration process.

Does this argument support those critics who have argued that Terry O'Connell is an exceptional police officer, and that few other police could successfully convene a family conference?:

PAUL: A good quality coordinator will probably achieve high quality outcomes, but the guarantee of outcomes is built into the process. There will be - for those who consciously work hard to fight the process, that is - the offender who is involved as one of the girls among the three. You may not get any outcomes you seek there with her, but you'll still have the victim satisfaction stuff, which I see as really important, where the victim gets the chance to air their feelings, to make a contribution to decisions about reparation and other things associated with a particular incident that you can't just specify off the top of your head and generalise about that - because each one is different and I guess that is another important thing. Every one of the conferences you attend is different. Different in number, different in dynamic and so the coordinator does need to be fairly skilled. But the process itself - to me - is a process which has integrity. One would hope that there would be an overall set of strategies in terms of step-by-step-by-step-by-step development of the conference, which is very well documented and identified. I think we've got to that stage, but the coordinator needs to be able to have the perception to understand that there may be times when they might need to break, hiccough, come back, where they're going to be achieving something by doing that. So the conference, instead of running a line - and you're early conferencing experience as a coordinator would be that: follow the book, follow the book. These fellows will get better as they go along - so that they can still track the path but they may be able to achieve their outcomes by moving into side issues which are relevant to the overall development of the kid.

Q: Well, I'd say from the conferences I've seen - and I've seen a lot now - that there is a basic model emerging. They run, as you know, from forty minutes to over an hour, and they usually have three or four diversions which run for five minutes on side issues as far as the conference is concerned. But it strikes me that it's in those three or four diversionary periods that the sort of problems you're most concern with as a Home School Liaison Officer are beginning to be addressed.

PAUL: Yeah, for sure. And you can't predict where they are going to be. So you can design an overall model, but you can't guarantee that it will work for every coordinator and every conference. But you can say, "Well, this - as you say - 'process' has an overall integrity of itself". The theory is right.

Q: Well it's actually a theory of democracy put into practice. If you get a large number of people and have an open debate, the conclusion you arrive at will be a sort of Aristotelian "golden mean", the fairest outcome for all - which you could hardly compute mathematically. You just have to let that outcome find itself.

PAUL: And I guess as long as the people who are coordinating understand all that, there is not a problem. But the coordinators themselves will probably come to the conference with all sorts of backgrounds and issues and things within their own lives, so a particular conference may not be suitable for a certain coordinator.

Q: Well, just on that point: In the few that you have sat in on, were you thinking to yourself at the time "I'd be doing this differently, I'd have put a different emphasis on this issue or that issue"?

PAUL: Yeah - it's passed through my mind. And I guess, as human beings, we all come to any social venue with the baggage we carry from our own experiences and so we may be more attracted to a particular issue that we think then could be resolved than another particular issue. The conference could go on for hours in any case. It has to have a start and an end and it has to be a reasonably short period of time, so...

How might a school principal handle a conference differently from a police officer, then?:

PAUL: Just on the side, I don't see a coordinator's role as being appropriate to a principal, not if the incident takes place in their school. I'd hope that - yeah, fine - you could get another principal from another school or another head teacher to come and run it for you. But in your own school, to me that smacks of...you know, it's a problem. It's like having the Auntie of one of the offenders running the conference.

Q: You're not a neutral observer?

PAUL: Yeah, and you need to be, because you've got the coordinating role to conduct and you need to do that with whatever objectivity you can bring to the thing. Inevitably if you're closely involved as the principal, you've got too many other things that you want to attend to within the conference. You might have had a history of poor relations with a particular kid who is suddenly the victim or the offender as well. And so you won't bring a clean slate to the game. None of us ever do, but we can at least try to minimise the interference of background noise with the operation of the conference. Personal background noise.

SENIOR EDUCATIONAL DEPARTMENTAL VIEWS

If educators such as school principals and home school liaison officers were beginning to consider applications of the conferencing process in schools, what was the official position on this development? And how would such a development alter the relationship between schools and police in the district? Perhaps not surprisingly, when answers to these political issues were sought, some significant observations on the psycho-social dynamics of conferences were offered.

The interview begins with some historical background from the departmental perspective. At the personal level, then, when had this particular officer experienced her first conference?:

KIM: It was this year. It was a particularly difficult one, and at that stage, Terry said it was the hardest one that he'd had to convene.

Q: Was that with multiple offenders?

KIM: Yes, and it also had the potential to blow into a racial...matter. And...I was impressed with it, although I had some concerns for the offenders. But because I've

also been involved in children's court, it was interesting to compare the two approaches.

Q: Could you do that in twenty five words or less?

KIM: Well, I suppose in children's court the offenders turn up, they're not really...there's no real...shaming process - not that I'm into making people just feel so disgusting that, you know, they feel totally shameful for the deed that they've done and they carry that for the rest of their life. But I suppose in children's court the facts are just delivered, and the offenders are no real part of that. They're just sitting back there with their legal representation and there seems to be a lot of dialogue going on that doesn't involve the kids. The other thing is that there isn't victim representation as such. The compensation side of things was something that was usually not involved, apart from a reprimand and some sort of a bond that usually goes with it. So in terms of the victim feeling that justice has been done, in terms of the offenders facing up to the consequences of their behaviour, I really don't believe that happens in a court situation, and I was particularly impressed with one of the family conferences I saw because it was a young offender that had everything going for him, and the resolution for that I felt satisfied all parties, and this young boy went away without having a blot on the rest of his life.

Q: Were you surprised at how successful it was?

KIM: Yes, it was...I mean, I deal with lots of really heavy, sad issues - especially child protection, one of my main briefs - and I don't tend to get very emotional, I've learned to sort of step back, but I found it a very emotional experience just as an observer. The thing that worried me with one conference I saw was that the...young offenders were from particularly difficult family situations, and the people who attended it, the care givers, dumped on them the whole time.

Q: To deal with their own shame at being there?

KIM: Yes! And there were also lots of things that I knew about those kids from a counselling point of view, issues that just didn't come out. And that was not the time and place for that to come out either, I realise that. But the feedback that I got from the kids afterwards - the offenders - was really interesting, because their classroom teacher said that they were *extremely* worried about going through the whole process and facing up to the consequences of their behaviour. They...also had individual contracts to do some work in community service, and it turned out that one particular boy made a very close association with the community leader that he was working with and that provided some stability in his life that otherwise would not have occurred. So yes, I believe it has potential. The thing that worries me is the person that is the mediator or the conciliator or whatever...I don't know what Terry calls...

Q: Coordinator.

KIM: Coordinator! I mean that's the crucial thing in all of this. It's *so* crucial.

Q: Well one of the criticisms that has been levelled at this scheme from the outset is that, "Yes, it might work with this one person who's set it up, but it won't work with other people". On balance, do you think that might be a valid criticism?

KIM: I agree, for sure. But, I mean, given the correct training and skill development, surely that resource can be built up so that you do have people that can do it. Now, when we're looking at it in a school situation, the thing that we've thought about is that, whether it does perhaps need a policeman to do it...

Q: That's interesting. I've just had a school principal say to me - on balance, having thought about it - he thinks that's the case too, because in the past he's run rudimentary conferences with the parents of two kids who've been involved in bullying, and he felt it went out of control because he didn't have the authority that a police officer has.

KIM: Yes, yes. And I've known of cases too where we've had kids that are in situations where they've had a tremendous amount of school counsellor intervention, they've had peer advisers helping them, parents have come to us for assistance, and it's only when the police become involved, through parents going to them - and I don't think in this case that I'm citing now that any great crime had been committed - it involved a child leaving home - that parents were quite happy to come to come to this meeting because of police involvement. And I don't think we would have had the power to do that.

Q: Well the related issue is that police here, unlike their colleagues in New Zealand, seem to have had no problem here getting victims to come along, with their supporters. There have been problems...

KIM: Yes, because I think there's still that perception in the community that if you go to court, justice will be done, and, you know, the "pound of flesh" will be, you know, dealt out...And so I think in the minds of some people it may be a soft option. But when they actually get there, I think, that's when there is a turn around and I would believe that most victims *would* go away with a feeling of satisfaction. And I don't believe that court does that.

If this process is engaging people in a way that court does not, is there not also a danger that the conference could be more humiliating than court?:

KIM: I don't know whether it's humiliation; it's more a realisation of the seriousness of what they've done...and in several cases you could see that those kids *really* regretted it and they were very, very sorry...and it was real. Because I suppose the offence comes in right there, you're confronted with it there and then, you're confronted with your actions, you can see how it's...And I don't like the idea of humiliating someone to the point of...Humiliation to me is to, I suppose, to the point where you're made to feel the most disgusting person, that your self-esteem, you know, is never going to raise itself...too far above the ground. That gets back again to the person that's controlling the conference. Because I suppose there is that potential there...to really humiliate that person to the point where...they might just get outside and then, you know, end it all. So that's a fine line, and I think that's in the hands of the person that's controlling the whole show.

Q: Mmm. But I think that the criticism has been based on this assumption that if the kids are made to feel remorseful, that remorse will stay with them and eat up whatever self-esteem they've got...

KIM: But in theory that should not happen, because of the support people that are there. And that's another very skilful thing that Terry has been able to do, in terms of parents and guardians. They may not be supportive of their child, but there's always another significant person in that kid's life. And that's really important.

Q: We've found they've been people involved through school or sport, but also members of the extended family. Did you find that in the conferences that you...

KIM: Yes, yes...There were uncles and grandmothers..

Q: I was just going to say "uncles and grandmothers"!...

KIM: Oh, were you? Yes, an uncle or grandmother...

Q: ...but I'd prefer you said it! It's an interesting observation - that the grandmothers are very strong and the uncles are too.

KIM: Mmm.

Q: Were there also younger siblings there?

KIM: Yes, and that was, in one of the conferences, that was very important, because it had affected the family life and these kids had been affected, and they were able to say things. Again, that was a skill that Terry...Being very positive, so that they

weren't going to feel that their older brother was a deadshit, you know. It was, there was always positive outcome. In another case, the children were very young and they were, I found, a distraction. They would have had no idea what was going on. And so, you know, we had a bit of an interruption there with parents sort of wanting to control these younger siblings. [Jack] found that in a conference that he attended - that's my husband - it was an extremely long conference, it went for hours...

Q: That's unusual. The average time's forty five minutes to an hour.

KIM: No, this went for hours, and it was even more difficult, I think, than the ones I attended. And there were younger children. I found it very distracting, and wondered whether it was necessary to have them there.

The advantages and disadvantages of younger siblings attending is discussed further. Kim has clearly given a good deal of thought to the application of conferencing in schools. Her suggestion that police be involved is potentially contentious:

KIM: It's very...it is. I suppose what I like about it is the process, because I feel too often in the schools, whether it's bullying or victimisation or somebody's hurt[?] somebody...usually it's a bit like court. The offender is brought into the principal's office and gets a...rap over the knuckles, you know, and told not to go anywhere near the person that they've upset or, I suppose, directed to go and say sorry. I mean, the principal maintains the ownership, a bit like the magistrate, I suppose. And I think it's got potential there, in recognising the harm of the person, who harmed this other person, and I think we could learn from it. Griffith High School is actual using it, at a school level, without police, and they're finding that it really has a tremendous amount of potential.

Q: Really? That's just happened recently, has it?

KIM: They've been using it for a couple of months. And schools are moving more down that area in terms of settling grievances at the school level.

Kim suggests that the use of conferencing in schools is simply a natural extension of peer mediation. Police involvement is appropriate - though Kim has concerns about the use of conferencing for "minor" sexual assault cases. This raises a sensitive political issue:

Q: At the moment, it strikes me that the official departmental line on cases of so-called "minor" sexual assault - no matter how traumatising they are for the victims - is to apply the command-and-control model as strictly as possible. That is, strict law enforcement with maximum penalty. And I have my suspicions that, in the long term, that's not the way to go, and will lead to all sorts of problems. But I can't understand precisely why that's the departmental line.

KIM: The reality is though, the reality is that very, very few cases go in there now...

Q: Well, that being the reality....

KIM: And I just wonder how much victim satisfaction there is with that.

Q: Absolutely!

KIM: And we know the reality of what happens when it goes to court. So you're caught in this dilemma of: Do you put the kids through a court experience? - which can be quite horrendous for the victims - or do you just shelve it and say, "Well, we know that that happened; that's as far as it goes?". We're addressing sexual harassment with students, and there are grievance procedures coming in for that. Certainly for racist behaviour, we've got grievance procedures for that. But - and all forms of discrimination - but...

Q: Do you think they are potentially too...overly bureaucratic? - the grievance procedures.

KIM: I think it's a start.

Q: But how greatly, for instance, would they differ from a conference process? Where you've got an obvious incident of harassment or some form of victimisation, would it not be appropriate to arrange a meeting - a mediated meeting - between victim and offender, with the support groups - much as the police have done?

KIM: I mean that's basically the process, but it's interesting in that, when I was running ...I had to run a few training sessions for staff...They were very worried about the supporters being there. But I've been running conferences for school attendance for a long time, and I always allow people to bring a support person so that - maybe the parents are not sending the kids to school [?] - I always allow people to bring a support person and I have never found that to be a difficulty. In fact it's a plus.

Q: Well one of the principles we've felt, basically, is "the more the better" - within logical reason. That is, at a certain point, everybody has a certain number of people who mean something in their lives. But I can think of very few cases where you wouldn't advocate getting as many people as possible. Would you agree with that?

KIM: Oh yes, yeah. I find that it's a very positive thing to have those support people there.

Q: My suspicion is that one of the reasons people are against that is that it's moving away from the command-and-control model.

KIM: Oh, for sure, for sure. And I think that they feel threatened that that support person's going to sort of end up like a solicitor and, you know, perhaps intervene in a way that's going to undermine their control of the whole process.

Despite some opposition, Kim's colleagues have generally responded with enthusiasm to the conference process. There are, however, good reasons why the department is moving cautiously on the question of implementation. There is a range of potential pitfalls - even though the principle seems right:

KIM: Yes, and I...It is really encouraging to see the way some police have gone about this; because once upon a time I would never have gone to them.

Q: Again I've been surprised at how readily members of the education department have been involved with police - who have a reputation for head kicking - and one of Terry's reasons for getting involved with this was that he was doing several things at once. As a union official, he saw the potential to change police attitudes to dealing with young people, through actually experiencing a conference. Have you had a chance to talk to officers other than Terry about it?

KIM: Not specifically. I suppose they're all converts, the ones that I've spoken to. I have been involved in several community groups where there are police that are not involved but who have together to address problems on youth and I haven't agreed with the attitude that they have shown.

Q: Which was?

KIM: ...I guess they were wanting tougher measures; they were reflecting a lot of societal views on what we should be doing. There's crime and punishment and, you know, "they're all little shits", and you know...I understand...I mean, I can understand how they feel, because when you're working with these kids - and I've seen Home School Liaison Officers after three or four years getting burnt out and believing that every child that works the streets is like, you know...

Q: A monster!

KIM: A monster! And I think when you're working in that area, and you're working with that specific group, you can become very blinkered in your views on that particular group.

Q: Many police, understandably, also work within a system that says, "Deterrence works!". Their whole position in the criminal justice system is based on the notion that deterrence works.

KIM: And you see, we have that mentality. A lot of teachers still have it; many, many teachers. And I remember when corporal punishment was banned, and then it was brought back in as an option and it was really interesting. Because it was banned and we'd had to do without it, people became more creative in their options. And then - when we had the opportunity to say, "Well do we want to bring it back in?" - it was amazing - and I was at Wagga High, with a big staff - the staff were united in that they didn't want that cane brought back in. And we had a huge parent meeting where you still had a minority of parents who felt that we were being lenient and that we should reintroduce it or have it as a "last option" - whatever that means.

Q: Last options very soon become general options sometimes.

KIM: Yes...So I think though that you can change people, but they've got to see something in it for them and for everyone.

There is a discussion of the illogical belief that the best way to dissuade people from violence and victimising behaviour is to victimise them violently. Finally, the discussion turns to the emotional effect of conferences. Kim describes being affected even as an observer, sitting at the back of the conference room:

KIM: Oh, I did! And I was sitting with three or four Federal Police and, you know, they were just squirming...

They have since been trained as conference coordinators for the Community Police in the Australian Capital Territory.

Reflections of a Youth Worker

Here is an instance where the professional and the personal are perhaps a little more difficult to separate than usual. Nick is a well-respected and sympathetic youth worker who has been based at more than one refuge in the district. He attended the conference presented as case eight in the previous chapter - in which he received an apology for being "slapped in the face". The refuge where he was working at the time of this interview had also dealt with the case of Matthew, discussed by Matthew's mother, Kathy, above. Nick was generally supportive of the Wagga model - but also keen to point out some pitfalls:

NICK: I don't know, like I said on the phone the other day, I've seen some successful - sort of what seems to be successful - and other ones...But knowing the kid's history and following them through the work I do, probably the ones where the kids haven't re-offended have been...sort of at that stage anyway. Like there is Greg, who was...just breaking away from the refuge scene and all that sort of stuff. And he'd just been accepted into boarding school out at Walla Walla. So that was all going to go ahead. Yeah, so...but then there was another one, too, I went to, which was hugely successful. The guy put a knife in a coke bottle and - in Bi-Lo or something. And so - he had a whole lot of other offences too, that had to go to court - more serious offences. But Terry must've decided to just do this one in front of the caution

panel - and it only turned out being the kid, myself, Terry and Bi-Lo's Manager. And we all sort of stood in this office. It was really small, and the lady was saying; "It's done this to the staff, it's cost this much, 'cause coke goes everywhere and it took somebody half an hour or so to clean it up, so it's all wages and that sort of stuff". And he...some of his payback for it was going to be to come in one Saturday morning for a couple of hours, and he agreed to that and he went in and did it and they offered him a job out of it! The lady's reaction was what I found most amusing. She said, "Oh, I was young once and I did some pretty foolish things and I'd like to see this, you know, this young boy get a chance so, if he wants to come and do some part time work and things..."

This happy outcome - quite common in similar cases - contrasts with the case that Nick offers as an example of what can go wrong in a conference. He begins by describing the circumstances of the young man who had been staying at the refuge:

He left home under the...saying he was sick of the violence at home...continuing violence with his mother and stepfather and stuff.

Q: Had both of them been violent to him?

NICK: Yeah, and between them too, they sort of fought all the time...And ah, it was just a mess. He was involved in breaking into a school with a couple of kids who belonged to a family that he was staying with and they were very, very middle class. Looked like the well adjusted sort of functioning family and...the kid was actually going really well at their house reportedly. One Sunday they all got together and broke into a school, and the damage wasn't...too serious. But because all the families were involved there was...two other kids. Two kids from that family and another kid, so there was four altogether including the kid I was there for. And so Terry invites all of their family and I mean *all* of their family. There was an old grandfather there, there was...an Aunt, a couple of uncles and, you know, you could tell it was a real family sort of scene. Members of those families were going to be easy to get, and then we had Tim and his mother who was...Things started at six o'clock and Tim was saying to me; "Oh, they're at home and they're having a fight. Steven (the stepfather), he's not going to come, he's not going to show up". It took them till about twenty past six, and his mum came down the street. She...she wasn't with the stepfather and she brought along an auntie...as a support person for her, I think. That's what she was meant to be. And basically the thing just turned into a..."let's, let's pick on Tim", and like a whole lot of family stuff came out.

Q: And his mother and aunty did that?

NICK: Yeah, oh yeah, and the other people too. Not as *direct* but they all tended to insinuate that Tim led astray *their* kids and you had Tim who was there dressed in tracksuit pants that he'd had - and a tracksuit pant top that had holes in it - that he'd been wearing for the last four days since he'd been at the refuge. He didn't have any other gear. Ah, you know, so there was a lot of insinuations going on about Tim had led them astray and it really wasn't fair at all, and a whole lot of family stuff came up and I just thought, that...this was a terribly inappropriate place for this stuff to be going on. There was...ah, it just got horrendous. The fact that Tim's father passed away when he was very young and the fact that he wasn't told that this father he had was his stepfather till he was about six, for some reason that all came up as well. He got thrown at him by his mother, "Do you know what'd be happening if your real father was still alive?" Through all this, "You would be black and blue! That's how he'd be dealing with it! You'd be black and blue". Oh, it just got horrendous. I just felt the kid got dragged through a whole lot of stuff.

Q: And no-one came to his support?

NICK: Ah, yeah, at times. But I think even the way the mother and aunty operated they even got ahead of the real problem. Terry tends to use pauses a real lot. He operates quite slowly and he thinks a lot about what he's saying, which direction it's going - which is fantastic - but when you've got two antagonistic people like this who just want to pin this kid down and call him a little fuckin' bastard, - 'cause that's what they thought he was...It just doesn't work. I mean, I tried to offer them support - we all did - but every time there was an opportunity for them to jump, "And do you know what else Tim!!". You know, like this? And often it was over the top. It became like screaming over the top of Terry trying to say...trying to sort of calm them down.

The supporters, Nick suggests, failed to provide adequate support. What about his own role - had he discussed the conference with Tim?:

NICK: Oh...yeah. I talked to the boy about it. But his whole reaction by that stage of it was just, "Oh, fuckin' glad its over with, glad I fuckin' didn't have to go to court, glad it's over with. Fuck it! Fuck it!". And um, you know, that's the way this particular kid's been behaving ever since that day, unfortunately.

Q: Yeah, but, does he still...get into trouble with the police?

NICK: Yep!

Q: Is it...violence or assaults or just property?

NICK: No, no a series of break and enters. Oh, he was suspended from the school actually during that time. That was for an assault. But...from what I know the police were around today looking for him for a break and enter into a cake store. He's got another one pending, a break and enter...

Q: Is he doing that with other people?

NICK: Yeah, yeah with other kids, yeah. Yeah, I mean, so that was the most sort of horrific one. That really shocked me.

Q: What did the victims do in that case?

NICK: Well if you had...when all the stuff about physical abuse came up, you had this old fuddy grandfather saying: "When I was a lad it was alright to get a couple of kicks up the butt, but you youngies!". You know?

Q: He was one of the victim's supporters?

NICK: Oh no, he wasn't a victim - who was the victim? Oh well, the victim was the school, the only victim they had there was the school...headmaster of the school who sat there through the whole proceeding and didn't do much at all.

Here, then, was one of the weaknesses of this particular conference - there was only an "institutional" victim. His role in the conference was minimal. This appears to have allowed the focus to shift from the specific incident to Tim's general failings - in the eyes of his angry relatives. Would it have helped to have had some students from the school who were affected by the break and enter - rather than the authority figure of the principal?:

NICK: Oh, there were a few little kids there, mainly to do with the other family

Q: Yeah, but all that would do in terms of the dynamics of the conference is increase the mother and the aunt's shame about the son. Because that's always why they do it.

NICK: Yeah, sure!

Q: They behaved atrociously but...where the thing...the ones I've seen that worked well - and as you say, you've seen a few - worked where there was sort of balance and nobody could get away with that outrageous further victimisation.

NICK: Yeah, yeah.

Q: Difficult one though. Sounds like, I mean, if he'd gone to court and got a bond, which is probably what he would've got first time,...

NICK: Well, as Terry always says at the start of it: "If at any stage you want to stop it and go to court, you are entitled to". Halfway through it, I really felt like shoving Tim on the shoulder and saying, "Look mate, get out of this" - you know? - "This is shit...Just stand up and say I don't want to talk!". I really felt like saying that to him.

So Nick had felt angry on Tim's behalf ?:

NICK: Yeah! I just felt the whole thing was a bloody mess, terrible.....yeah. And that. I've seen it work in other ways too. Where we had another boy he'd...he'd left home and it appeared as though he came from a perfectly good home, got a massive house out at Lake Albert that they all built themselves, and the kid had left home. It seemed to be over a TAFE issue - got pressured into a course that he didn't want to do. He wanted to drop out and dad was pretty shitty about that and they didn't communicate properly. And he...just did the bolt. When he did the bolt - I don't know whether it was through guilt or whatever - there was absolutely no way he wanted to see his mum and dad. Couldn't face them. And...come the cautioning panel, it was either, "Come and face your mum and dad now or the whole thing's going to go to court". And the very next day, after the cautioning panel ...I'd got him lined to start at a place called...ah...Triple Care - down near N___ Valley. It's a place run by the city mission, they can go down and stay for about three months and do a farmhand course and farm work. So I'd arranged for that - 'cause he'd even done the bolt from the refuge and was basically living on the street. So he came and saw his mum and dad and all that family stuff came up and the kid was quite shitty in it, through a lot of it. But by the end, his sister drove him to the house he was staying at and he just started communicating again with mum and dad. It really was...it was stuff I'd been trying to do for months with this kid. And through a cautioning panel - and Terry even wrote down as one of the conditions of him leaving that, "When I go to Triple Care, I have to write home once a week" - which he's started doing now. So I, you know, I left that one going...I was still staying, "You bastard, Terry O'Connell" - but for different reasons! I just thought, "Wow!"

Comparisons are drawn between these observations and similar comments made by school educators. Does Nick have a working explanation for the apparent efficacy of the conference process in "getting through" to young people?:

NICK: Well in this case, his mum and dad had always felt a lot of hurt and I used to relay that to him all the time, saying: "Look, your know your mum and dad have come to the fact now that you've pissed off and you want a bit of freedom, or you want whatever. But they're really upset, you know? Your mum, especially" - his mum was really upset about it all - "Couldn't you just...write home, ring them occasionally, let them know you're safe? That's all. They're basically still worried about...". And he used to say: "No, no, no!". And on this night, he saw his mum and his sister burst into tears over the whole situation. And it was the first time ever since he'd left home that he'd actually witnessed the hurt that he was causing. I mean, he'd heard it from me and...other people all the time, but he actually got to *see* it first hand.

Q: Or feel it?

NICK: Yeah! And he'd just missed his sister's birthday, that was about two days before or something and he hadn't done anything for that and she said: "It was my birthday two days ago and he didn't write to me and she burst into to tears. All the time the

kid just sat there going: "Fuck this! Why is this family stuff happening now? This is not fair, blah blah blah". And Terry'd sort of have an answer for that and...well you know, along the lines of: "Well, it has to be dealt with now. It's all part of your actions that you've been doing lately and this is what we're here for. Yeah, so I guess that was an aspect that...he's got the law over him...It's either: "Go to this thing or you go to court". So that gets the kid there, and I guess you just get to see first hand, you know, what he's doing is looking back. The actual incident itself was pretty minor - him and two other kids stole a kid's motorbike.

Q: Yeah, that's quite a common one too, isn't it?

NICK: Yeah.

Q: "Group theft of motor vehicle". Motor bikes are popular.

NICK: Yeah, yeah. So...that was the same sort of dynamic, dealing with all the family stuff and I thought - in Tim's circumstances - I thought that, you know, this shouldn't be happening to this kid. It's terrible, you know? Like I say, I felt like telling them to call it all off. And yet, on the other hand, I've seen it work, where it's worked wonders for the family, yeah.

Q: And you've seen four all up - or three all up?

NICK: Four

Q: Four right - and two worked well, one was going to happen anyway, and one was a disaster?

NICK: Yeah.

Nick discusses the way conferencing is perceived among some of the young people at the refuge. He identifies some problems of inefficiency in the local justice system, and is concerned about continuing delays in the processing of cases. With regards to conferencing, he would like to see more a systematic official follow-up. For the toughest cases, however, Nick certainly doesn't claim to have any easy answers. No one knows how to deal with the case he has already described:

NICK: No, it will be a long time yet. But I mean, it was an extremely difficult situation, and it still is. No one knows what to do with him...Community Services won't touch him, because they don't know what to do. They've sent someone along to come and speak to him, talking about foster placements.

Q: Can he communicate with you reasonably well?

NICK: Ah, not really actually, and I've usually got a pretty good rapport going with kids

Q: Yes, that struck me.

NICK: Not...pretty much...I don't know. He just wants to run wild

Q: Super angry?

NICK: Yeah, yeah. I mean, the family dynamics, we don't really *know* what they are.

Actually, Nick does know a good deal about these dynamics, and explains them sensitively. The discussion then turns to the issue of how these complex dynamics influence the outcomes of conferences. Nick describes his own involvement in conferences. He is often frustrated by the difficulty of separating his role as supporter from his role as the victim of betrayals of trust by the young people with whom he works. In some ways, he would like to play a more active role in conferences. Clearly he has been hurt - as is everybody who works in this field - by such betrayals of trust. But some of these betrayals of trust are encouraged by a system that wavers between authoritarianism and permissiveness. His charges, he says, are constantly sent messages about the lack of consequences for their actions. He provides several examples:

NICK: There's other examples. Another kid I know had court back over in D_____, was living here in Wagga, got offered a bed with a mate in Canberra, went and took that, didn't get back to D_____ for his court case, so now he's got warrants out after him, and came back and the police knew where he was but no one comes and picks him up and he's got warrants which - for about four break and enters or something. He was meant to go to D_____ court. I rang his juvenile justice officer when he came back to Wagga and said, "What's this guy's sort of legal status now? He had a court date he didn't go to?". And she said, "Oh" - and, I mean, she's going to know how the system works and she said, "Oh yeah, he's got warrants over his head. If he does anything, you know, he's in big trouble". But at the moment they just, they...couldn't do anything. And he was always saying to me, "I can't go back to D_____, 'cause if I go back to D_____ the cops will pick me up, 'cause I've got more charges over there". I thought, "Shit, it's only an hour that way. If the police want to do something...". You know what I mean? It seems strange that they can let so many things just ride like that.

Q: Ah, well it's the reverse of the system that you should really, ideally want, which is certainty of detection - but a lenient but sensible response.

NICK: Yeah, yeah!

Q: But for whatever the reason, the system doesn't work that efficiently. So you're not certain of being detected, but if you are, you get an arbitrary response - which could be tough or could be nothing.

NICK: Yeah, yeah, teenagers they sort of operate on whatever they...whatever happens to them, you know? Things aren't a consequence for whatever actions, there isn't a consistent response...we talk about penalties and all that you know. If things aren't consistent and followed through and that, then they get bad, mixed messages and all that stuff.

Q: Have you been reading a parenting manual?!

NICK: No, no, no! (laughs) That goes back to college. I spent two years in a therapeutic intervention house - B_____ - another refuge in town. So that sort of stuff...

Q: So the whole system is sending them the wrong messages?

NICK: Oh I think so, yeah. If a kid's running round with warrants on his head, he's going to go: "Wow, cool" - you know? - "No one's picking me up" sort of thing.

Nick summarises his arguments in support of the conferencing model. The issue of necessary safeguards is discussed. These include the need for careful training and evaluation, and the need for an appropriate balance of conference participants - in order to avoid the sort of problems encountered in Tim's case:

Q: I suppose, given the position that you're in, you probably haven't had a chance to have feedback from parents and other guardians of kids about the process?

NICK: Not really...Greg's guardians, his mum's - oh well, his mum is sort of half...she's a pretty sort of sick lady...she was just more concerned about where the money was going, because forty dollars was coming in. Ah, yeah...Sam's mum and dad weren't there...Tim's mum thought that it was "just another fuckin' meeting, about this fuckin' kid's life that she was fuckin' sick of going to"...I ran a case conference on him last week and she wouldn't come. And...Greg, the boy that went to Wollongong the next day, his parents thought it was great process. Because they were right into it, you know? He got to see the hurt he caused his mother and that sort of stuff and they obviously thought it was a great process.

Q: You realise, in cases like that, how much parents are the real victims of the process.

NICK: How much parents are...?

Q: ...are the real victims of the process. They really get cut up.

NICK: Yeah, but there's really not many parents involved - I mean in terms of the offender - because most of these kids are...their parents don't give a shit - or they're not around.

Q: Yeah, well you'd see some of the hardest cases too, wouldn't you.

NICK: Yeah, I reckon. Yeah - and offenders.

This is a subtle reminder that "cases" always involve people - people who have been deeply hurt. The victims, offenders and their respective supporters whose voices are recorded here have provided some significant insights into the conference process. They are generally supportive of the process, but also offer useful suggestions for improving it and for improving the model in which the conference process operates. Before analysing their insights and suggestions, however, the views of one more group need to be considered. If participants in conferences are apparently transformed by the experience, so too are the officials responsible for convening conferences. In Wagga Wagga, of course, that responsibility has rested with police, and the introduction of the Wagga model seems to have influenced local policing in several ways. The next chapter considers the influence of conferencing on policing.