



Community Relations Commission

For a multicultural NSW

INFORMATION FOR APPLICANTS

The Department of Juvenile Justice and the NSW Police Force play an important role in supporting young offenders and in diverting them away from the court system where appropriate. The *Young Offenders Act 1997* provides the NSW Police Force and the Courts an alternative means of dealing with juveniles who commit certain offences. These alternatives are warnings, cautions, and youth justice conferencing.

Warnings, Cautions, and Youth Justice Conferencing

Warnings are for minor offences that don't involve violence and can be issued on the spot by the police. Cautions are generally given in police stations and for a wide range of all but the most serious offences committed by young people. NSW Police Force manages the giving of cautions, which are generally given by a Police Youth Liaison Officer or by a respected community member from the young person's community.

When a caution is determined to not be appropriate according to the criteria of seriousness, harm, violence and prior criminal history, a young offender may be referred to a youth justice conference.

The Department of Juvenile Justice is responsible for the effective and efficient operation of Part 5 (Youth Justice Conferences) and related sections of the Act.

Eighteen local youth justice conferencing offices are located across the state (7 in metropolitan and 11 in rural locations). The conference administrators in these local offices are responsible for the day-to-day operation of the scheme, including negotiating referrals to conferences with police, recruiting and supervising youth justice conference convenors, and supervising the monitoring of outcome plans agreed at youth justice conferences.

In youth justice conferences, victims, young offenders, and their families and supporters meet face-to-face to consider the harm done by the offence, and how this has affected victims and others, and to agree on an outcome plan that will assist the young person to take responsibility for the offence and integrate back into the community. Respected community members will help to facilitate understanding by conference participants of relevant cultural issues.

Ideally cautions require young offenders to acknowledge the harm caused by the offence. Youth justice conferences draw from restorative justice theory and utilise practices that give victims a say in what needs to be done, and encourage young people to take responsibility for the offence and develop strategies to prevent further offending.

Community Resource List

To offer further support to these processes, the Commission is developing a Community Resource List in consultation with the NSW Police Force and the Department of Juvenile Justice, so that respected community members can be called upon to assist the Police and DJJ with matters relating to young offenders from culturally and linguistically different backgrounds.

Respected community members from different cultural backgrounds will be selected for inclusion on the Community Resource List and engaged on a voluntary basis to assist in giving cautions and to provide advice in the preparation and process of youth justice conferences.

The overall purpose of respected community members is to contribute to the success of the caution or conference process and to enhance the young person's links to the community..

Pilot Project

The project is being piloted in the Fairfield, Manly and Ku-ring-gai Juvenile Justice Regional Areas which includes the Local Area Commands of Hurstville, Holroyd, Granville, Campsie, Fairfield, Auburn, Bankstown, Burwood, Cabramatta, Manly and Ku-ring-gai. These areas were selected based on an analysis of statistics for juvenile offenders and the community groups for which most referrals were made. The pilot will be initially undertaken for a period of 12 months and its continuation and expansion will be determined by an assessment of its effectiveness over that time.

Agencies Involved

There are three agencies involved in the project. A brief summary of each agency follows.

Community Relations Commission

The Community Relations Commission For a multicultural NSW (CRC) was established by Parliament, through the Community Relations Commission and Principles of Multiculturalism Act 2000. This Act recognises and values the different linguistic, religious, racial and ethnic backgrounds of residents of NSW, and promotes equal rights and responsibilities for all residents of NSW.

Department of Juvenile Justice

The NSW Department of Juvenile Justice supervises and cares for young offenders in the community and in detention centres. It administers the youth justice conference scheme, an alternative legal process for eligible young offenders referred by police or the courts.

New South Wales Police Force

The NSW Police Force provides law enforcement, and community based policing from more than 500 police stations to a wide range of ethnic communities speaking more than 30 languages throughout NSW. NSW Police Force remains fully committed to driving down crime and reducing the fear of crime through the provision of a range of services designed to ensure a safe New South Wales.

SELECTION PROCESS

The development of the Community Resource List will involve the following four-steps:

- Selection
- Orientation and Induction
- Appointment
- Availability Check

(i) Selection

The Community Relations Commission seeks applications from interested community members.

Individuals wishing to volunteer are encouraged to complete an application form and submit this, along with any other supporting material such as a resume, to the Community Relations Commission.

Individuals are selected based on their ability to satisfy the following criteria:

- Communication skills and interpersonal skills
- An understanding of and sensitivity to issues faced by young people and victims of an offence, particularly those from culturally diverse backgrounds
- A commitment to assisting young people
- Evidence of any community service
- Experience in working with the community, police and/or young people
- Ability to undertake the required training
- Two references regarding your standing in the community

All applicants need to consent to a Criminal History Record and Working With Children background check.

The NSW Police Force is responsible for the Criminal History Record check.

The NSW Commission for Children and Young People is responsible for the Working with Children Check, which helps determine whether people are suitable to work in child related employment. This process aims to create workplaces where children are safe and protected, and where the people who work with children are appropriately screened.

(ii) Orientation and Induction

There is an orientation and induction process for individuals who are successful in their application.

This induction process involves an introduction by the Community Relations Commission followed by briefings from both the Department of Juvenile Justice and the NSW Police Force. The induction process takes approximately three hours. Further specific briefings are provided by the relevant agency each time the respected community member is called upon to assist in a matter.

Successful candidates who are interested in more direct involvement in the cautioning process may be invited by the NSW Police Force to undertake an intensive one-day training program on cautioning.

(iii) Appointment

Individuals who successfully complete the induction process will then be appointed for a term of up to one year subject to obtaining the relevant criminal history record and working with children clearances. Once appointed, the individual's name and contact details will be added to the Community Resource List. Individuals will then be contacted by either the Department of Juvenile Justice or the NSW Police Force when the need arises.

(iv) Availability

Cautions and conferences may be held in the evening and on weekends. Community members may be contacted by a Convenor or the Police and asked to participate in a process if they are available.

If the community member is not available at the scheduled time, the next community member on the list will be contacted.

Community members should advise if there are any significant restrictions on their availability.

VOLUNTEERING

Volunteering with the Department of Juvenile Justice and the NSW Police Force

Volunteers are not paid. In regards to the NSW Police Force, it is up to the Local Area Commander to decide if s/he will reimburse costs associated with volunteering. Generally there is no capacity for reimbursement of expenses arising from youth justice conferences. Respected community members will usually be asked to assist with cautions or conferences that occur within their local community. Costs therefore, other than time, should be minimal.

A volunteer is not there to translate. A respected community member is there to assist a young person take responsibility for their actions and reintegrate into their community. A person from the community resource list who is not from the young person's community would not be asked to participate even if they are the same cultural or linguistic background.

KEY ROLES AND RESPONSIBILITIES

The roles and responsibilities of a community member in the cautioning and conferencing processes can vary. It may involve attending as a support or it may involve a much more active role in administering a caution. Examples of how a community member can be involved in the cautioning and youth justice conferencing processes follow.

Involvement in the Cautioning Process

Role of the community member in Cautioning

A community member may be required to:

- (a) participate in the cautioning process jointly with the Youth Liaison Officer either:
 - as an assistant where the Youth Liaison Officer gives the caution
 - as an assistant but where the community member makes the caution statement
 - as a support person for the young offender
- (b) participate in the cautioning process without the Youth Liaison Officer and make the caution statement. Given the legislative requirements in cautioning, this would only occur after extensive experience on the part of the community member.
- (c) give cautions to young people with the Youth Liaison Officer in a 'passive' role

Role of the community member during Cautioning Process

A community member may be required to:

- (a) discuss issues with the young person that may help reduce the probability of re-offending
- (b) provide advice on cultural issues relevant to the communities
- (c) communicate with the Youth Liaison Officer and other police officers and members of the local community about youth issues
- (d) increase cultural awareness amongst police officers
- (e) complete required records of cautions given
- (f) assist in identifying services, programs and individuals within the community member's cultural community that may assist the young person not to re-offend

Role of the community member being an assistant in a Caution

A community member may be required to:

- (a) support the Youth Liaison Officer by his/her presence
- (b) encourage the young person to participate in the caution
- (c) assist the caution process if cultural or linguistic complexities arise

- (d) assist in identifying services, programs and individuals within the community member's cultural community that may assist the young person not to re-offend

Role of the community member being a support person in a Caution

A community member may be required to:

- (a) support the young offender by his/her presence or conversations both prior and following the caution
- (b) encourage the young person to attend caution or advise them to contact police if they cannot attend
- (c) communicate with the Youth Liaison Officer and other police officers and members of the local community about youth issues
- (d) assist in identifying services, programs and individuals within the community member's cultural community that may assist the young person not to re-offend

Involvement in the Youth Justice Conferencing Process

If the conference convenor thinks that it is appropriate, they will contact the community member prior to the conference for advice and/or to invite them to the conference.

If the community member is to attend the conference, the convenor will brief them about their role, either by telephone or in person, before the conference.

As a participant, the community member will help the conference to develop and agree upon an appropriate and realistic outcome plan

A community member may be required to:

- (a) advise the convenor prior to the conference about cultural issues that may be relevant to the conference process
- (b) attend the conference to advise participants about such issues as:
- any culturally specific impact of the offence on the young person's family and the community
 - any cultural significance of the proposed outcome plan identifying services, programs and individuals within the community member's cultural community that may assist the young person not to re-offend

Responsibilities

Respected members of the community are expected to follow a strict Code of Conduct and must declare any conflict of interest immediately.

The principles and ethics outlined in this Code of Conduct include: remaining professional, impartial, neutral and non-discriminatory in all situations; maintaining confidentiality; and ensuring the privacy of everyone involved.