



## AFP Practical Guide on diversionary conferencing – Restorative Justice Unit (ACT Policing)

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### 1. Disclosure and compliance

This document is classified **UNCLASSIFIED** and is intended for internal AFP use.

Disclosing any content must comply with Commonwealth law and the [AFP National Guideline on](#)

[disclosure of information](#).

## Compliance

This instrument is part of the AFP's professional standards framework. The [AFP Commissioner's Order on Professional Standards \(CO2\)](#) outlines the expectations for appointees to adhere to the requirements of the framework. Inappropriate departures from the provisions of this instrument may constitute a breach of AFP professional standards and be dealt with under Part V of the [Australian Federal Police Act 1979](#) (Cth).

## 2. Acronyms

<b>ACT</b>	Australian Capital Territory
<b>AFP</b>	Australian Federal Police
<b>RJU</b>	Restorative Justice Unit

## 3. Definitions

**Agreement** - means an agreement in accordance with the [Crimes \(Restorative Justice\) Act 2004](#), which results from a conference.

**Chief executive** - means the chief executive responsible for the Restorative Justice Unit.

**Conference** - means a restorative justice conference called for in Part 8 of the *Crimes (Restorative Justice) Act 2004* (ACT).

**Convenor** - means a person appointed by the chief executive, s. 40 or s. 62 of the *Crimes (Restorative Justice) Act 2004*, to convene a restorative justice conference.

**Eligible case** - means a case relating to a less serious offence (and never a family violence offence) which is punishable by a term of imprisonment not exceeding:

- if the offence relates to money or property - 14 years or
- in any other case - 10 years.

**Eligible offender** - means an offender who was at least 10 years of age and under 18 years of age at the time of the offence and:

- agrees to take part in restorative justice
- and must accept responsibility for the commission of the offence.

Adult offenders are able to be referred at the discretion of the Restorative Justice Unit.

**Eligible victim** - means a victim of crime who agrees to take part in restorative justice and, if under 10 years of age, has an immediate family member who agrees to take part in restorative justice.

**Parent** - means a person with parental responsibility for the child within the meaning of the [Children and Young People Act 2008](#) (ACT).

**Referral** - means a case referred to the Restorative Justice Unit to be considered as to whether restorative justice is suitable for the offence.

**Referring entity** - means an entity prescribed under the *Crimes (Restorative Justice) Act 2004* that may refer an offence for restorative justice.

**Restorative justice** - means the process of restorative justice provided under the *Crimes (Restorative Justice) Act 2004* (ACT), including a restorative justice conference under the Act.

**Victim** - is defined in the [Victims of Crimes Act 1994](#) (ACT).

**Young offender** - means an offender who was less than 18 years old, but at least 10 years old, when the offence was committed.

## 4. Guideline Authority

This Practical Guide was issued by the Chief Police Officer for the ACT under s. 37(1) of the [Australian Federal Police Act 1979](#) (Cth) as delegated by the Commissioner under s. 69C of the Act.

## 5. Introduction

This guideline outlines the roles, obligations and processes for appointees to refer cases to the Restorative Justice Unit under the [Crimes \(Restorative Justice\) Act 2004](#) (ACT). Appointees may also refer to the [Restorative Justice Unit homepage](#).

## 6. Policy

The AFP supports referring appropriate offenders who volunteer to undertake the restorative justice process as an alternative to the criminal justice process and for the aims specified in s. 6 of the [Crimes \(Restorative Justice\) Act 2004](#) (ACT).

## 7. Eligibility for case referral

Case officers must, before referring matters to the Restorative Justice Unit, ensure the:

- offender is an eligible offender
- victim is an eligible victim
- case is an eligible case
- offender has been fully informed of the Restorative Justice process
- offender has consented to the matter being dealt with by way of restorative justice
- victim is, if practicable, informed that the matter may be dealt with through the restorative justice process.

## 8. Referring cases to the RJU

Case officers may consider referring matters to the Restorative Justice Unit any time in the criminal justice process. To refer cases to the RJU case officers must:

- ensure the offender voluntarily signs a 'Restorative Justice Agreement to Attend' form <sup>s37(2)(b)</sup>
- provide the offender with a copy of the pamphlet 'An Explanation of Restorative Justice' (available from AFP stations or Crime Prevention Youth Team)
- complete a '[Restorative Justice Referral Form](#)' <sup>s37(2)(b)</sup> with signed endorsement from their team leader
- print a copy of the statement of facts and attach it to the other paperwork
- fax a copy of all above paperwork to the Restorative Justice Unit
- send the originals to the Restorative Justice Unit via the Crime Prevention Youth Team.
- ensure full contact details for the offender and victim are on the Restorative Justice Referral Form, including mobile, work and home telephone numbers
- resolve any process queries by contacting either the:
  - Restorative Justice Unit, or
  - Crime Prevention Youth Team.

The case officer's team leader must consider referrals and, if satisfied, sign the 'Restorative Justice Processing Request Form' <sup>s37(2)(b)</sup> and forward the completed paperwork to the Crime Prevention Youth Team.

## 9. Process compliance

The conference Convenor or Manager, RJU will notify the Case Officer of the conference outcomes and offenders agreement.

The Crime Prevention Youth Team must:

- update PROMIS in relation to the case officer's advice
- finalise the <sup>s37(2)(b)</sup> when the outcomes are completed by the offender.

If the case officer is advised that a matter will not proceed to conference because the offender or victim is unsuitable or if the offender fails to complete the agreed conference outcomes, the case officer must finalise the matter by other means (e.g. a caution or summons).

## 10. Further advice

Any queries relevant to the content of this practical guide should be referred to the Restorative Justice Liaison Officer, Crime Prevention Youth Team.

## 11. References

### Legislation

- [Children and Young People Act 2008](#) (ACT)
- [Crimes \(Restorative Justice\) Act 2004](#) (ACT)
- [Domestic Violence and Protection Orders Act 2008](#) (ACT)
- [Victims of Crime Act 1994](#) (ACT)

### Other sources

s37(2)(b)