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Reducing Juvenile Crime: Conferencing versus Court

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With the commencement of the Young Offenders Act in April 1998, Youth Justice Conferencing was introduced across NSW as an alternative to a court appearance for young offenders. At a conference the young offender(s), family, victims and other supporters discuss the offending and its impact in order to encourage acceptance of responsibility by the offender, provide some form of restitution and help to reintegrate the offender back into his/her family and community. This study compares reoffending by young people who participated in a conference with reoffending by young people who attended court. The results indicate that conferencing produces a moderate reduction of up to 15 to 20 per cent in reoffending across different offence types and regardless of the gender, criminal history, age and Aboriginality of the offenders.

INTRODUCTION

The *Young Offenders Act 1997* commenced on 6 April 1998 creating the sanction of a Youth Justice Conference for young offenders and enhancing the options of warnings and cautions. All three are intended as alternatives to formal court processing in New South Wales (NSW).

Conferences are administered by the Youth Justice Conferencing Directorate of the NSW Department of Juvenile Justice. Under the legislation, a young person who has admitted an offence can be referred for conferencing by the police, the courts or the Director of Public Prosecutions. At a conference, which is facilitated by a trained conference convenor, the young offender(s), family, victims and other supporters discuss the offending and its impact in order to encourage acceptance of responsibility by the offender, negotiate some form of restitution to the victim or community and help to reintegrate the offender back into his/her family and community.

In deciding to refer a young person for conference the Act specifies that the following must be taken into account:

- the seriousness of the offence
- the degree of violence involved
- the harm caused to any victim
- the prior record of the young person
- any other matter deemed appropriate.

This study looks at reoffending by young people who have participated as an offender in a conference and compares this with reoffending patterns of those who attended court. For the purposes of this study reoffending is defined as an appearance at court which results in the offence being proven, or an appearance at a conference, for a new offending episode.

Evaluation of other aspects of conferencing such as compliance with the legislation, satisfaction of participants and equity and breadth of application is being covered in other research – most notably the three-year review of the legislation being carried out by Janet Chan and staff from the University of NSW (not yet published) and in Lily Trimboli's study (Trimboli 2000).

The Trimboli report gives a clear and detailed description of the conference legislation and process, so the information will not be repeated here.

OTHER RESEARCH IN THIS AREA

Youth Justice Conferencing falls under the general grouping of sanctions called *restorative justice*. Using Daly's definition (2001, p. 5) restorative justice schemes bring together those with a stake in a crime (typically a victim, an offender, and their supporters) to discuss the offence and its impact, and they decide what to do to repair the harm to the victim and perhaps also to a larger collectivity. Restorative justice can take place at any point of the criminal justice process. However for the purposes of this review of the research only those schemes which are used as an alternative to court processing are considered.

The growth in interest in restorative justice in a number of countries has generated a sizable body of research. Many of these studies have focused on implementation issues and feedback from participants; however there have also been a number of studies looking at the effect of restorative justice sanctions on reoffending.

The results of these studies are mixed. They cover a wide range of different types of schemes in both the adult and juvenile jurisdictions and use a number

of different methodologies. At this stage there is no clear and consistent evidence that conferencing and other restorative justice sanctions do reduce reoffending although a majority of the studies have identified some reduction in reoffending when compared with court-based responses.

A critical issue in studies of recidivism is whether the researchers are comparing 'apples with apples' or whether those receiving different sentences or treatments actually have a different likelihood of reoffending, regardless of the treatment. For example, are those who receive cautions less likely to reoffend because they are generally younger, have shorter criminal histories and may be more cooperative with the police? Are those given detention more likely to reoffend because they are generally the more experienced and serious offenders and may have less support and supervision at home?

When differences in reoffending are due to differences in the groups of people selected for each treatment option the result is called a selection effect. When differences are due to the treatment experience the result is called a treatment effect.

Researchers have used a number of strategies to try to ensure an appropriate control group for comparison and thus exclude any selection effects. These strategies include random allocation of subjects, comparison of those selected for a program but who chose not to continue, matching of subjects on a range of characteristics, matching on offending risk scores, and control of measured differences through regression techniques.

The main studies and reviews on reoffending for restorative justice programs are summarised below by country and region and more details can be found in Appendix A: *Research on Restorative Justice Reoffending.*

Australia and New Zealand

There have been four main studies to date in Australia and New Zealand. In Victoria, a series of studies of youth conferencing reported by Griffiths (1999) found no significant difference in reoffending when compared with a matched probation group.

Studies by Hayes and Daly (2001) in South Australia, and Maxwell and Morris (2001) in New Zealand, focused on whether certain characteristics of conferencing resulted in lower recidivism rather than comparing conferences with other outcomes. In both studies lower rates of recidivism were found when the young person showed remorse and agreed with the conference outcome.

In the Australian Capital Territory (ACT) the first report on recidivism for the Reintegrative Shaming Scheme (RISE) found a range of results for different types of offenders – very little difference for young property offenders, a 6 per cent *increase* in recidivism for drink driving adults and a 38 per cent decrease for young violent offenders (Sherman, Strang & Woods 2000). This study is particularly significant because subjects were randomly allocated to conference or court (after agreeing to participate in the program), because of the relatively large numbers studied (121 youth violence offenders, 900 drink drivers, 392 property offenders) and because of the separate testing for different offence types. However this first RISE report only follows up subjects for 12 months after the initial treatment.

North America

In North America the results of research into conferencing programs has also been mixed. McCold and Wachtel (1998), in a random allocation study over 12 months of 113 juvenile offenders participating in the Bethlehem Pennsylvania Police Family Group Conferencing Project, concluded that the main effects were caused by self-selection of participants. The random allocation was made prior to the decision to participate and the study compared three groups – those allocated to court, those allocated to conference who chose to attend court, and those allocated to conference who chose to be conferenced. However, as with RISE, the study did detect a lower recidivism rate for conferences of violent offences. The authors attributed this to conference mediated resolution of conflict between parties.

McGarrell (2001) also used random allocation of subjects in a study of the Indianapolis Restorative Justice Experiment which compared conferencing and other diversionary approaches for youth. This study which had about 230 young people in each group found a 29 per cent reduction in the proportion rearrested within 12 months.

In Canada a study of the Restorative Resolutions program by Bonta, Wallace-Capretta and Rooney (1998) matched subjects on gender, age, risk classification, offence type and first offence. There were less than 100 subjects in each group. In all but one comparison the Restorative Resolutions offenders demonstrated significantly lower recidivism (13%-22%) than those receiving conventional court outcomes. Significant differences emerged at the two-year follow-up which were not evident at 12 months.

Bonta et al. also carried out a meta-analysis of fourteen restorative justice recidivism studies and found an average of 8 per cent reduction in offending. However they also found considerable variation and methodological weaknesses in the studies. Few used matched samples and none used random assignment of subjects.

Another meta-analysis, which also focused on North American research found a mean decrease of 7 per cent in recidivism for thirty-two restorative justice projects, with 72 per cent reporting a decrease in offending.

Europe

In a review of European studies Miers (2001) concluded that there is a consensus that offending rates are no worse than for court and some evidence (especially from Austria and Germany) of lower reoffending rates and seriousness.

Miers, Maguire and Goldie (2001) also studied seven UK restorative justice schemes. They used matched groups of offenders who had been assessed as eligible for the schemes but who did not participate for a range of reasons and also checked the matching using the scores from an instrument designed to measure risk of offending. Miers et al. found no significant difference in reoffending for the children's schemes (which had the fewest participants), a non-significant decrease in one adult scheme and a significant decrease of 20 per cent in the other, larger, adult scheme over follow-up periods ranging from 12 to 24 months.

Most of the studies above have attempted to remove selection effects and identify the true treatment effect by using appropriate controls. However almost all are characterised by:

- relatively short follow-up periods; and
- quite small numbers of cases.

These restrictions can make it very difficult to identify any effect of restorative justice on reoffending rates if the effect is small.

The present study attempts to avoid these limitations by studying a much larger number of cases and by following up participants over a relatively long period of time.

METHODOLOGY

This study looks at the reoffending patterns of young people conferenced in NSW during the first year of operation of the Young Offenders Act, from 6 April 1998 to 5 April 1999 and compares their reoffending with young people who went to court during the same period. As data on offending was available up to 30 June 2001, the follow-up period ranges from 27 to 39 months depending on the date of first appearance.

To aid comparison of the two groups, and reduce the effect of prior sanctions, the main focus in this study is on first offenders, that is, those young offenders with no prior conference or *proven* court appearance (i.e. a court appearance resulting in guilt being either admitted or proven for at least one offence). During the period 6 April 1998 to 5 April 1999 there were 590 first offenders who attended a conference and 3,830 first offenders who had a proven outcome at court.[2]

The data used in this study comes from two databases maintained by the NSW Department of Juvenile Justice (DJJ). These are the Children's Court Information System (CCIS), which records all finalised court outcomes for young people in NSW, and the Client Information System (CIDS), which records details of all Departmental clients, including those referred for conferences. The NSW Police Computerised Operational Policing System database also records information about court appearances and conferences (as well as warnings and cautions) but at this stage it is not yet able to provide detailed, long-term criminal record data in a form suitable for reoffending analysis.

Given the reliance on the DJJ data, reoffending has been defined for the purposes of this study in terms of subsequent conferences and proven court appearances. It has not been possible to include subsequent warnings or cautions or any offence episodes not detected by police. (See Appendix B: *Data used in this study* for data definitions and details of how the data was prepared.)

Two main measures of reoffending are used: the number of days to first reappearance (at court or at a conference) and the number of reappearances per year during the follow-up period.[3] For each person the follow-up period began on the date of finalisation of the court matters, for those who went to court, or the date of conference, for those who went to conference, and ended on 30 June 2001, or the date of their 18th birthday for those who turned 18 before 30 June 2001.[4]

Survival analysis techniques are used to analyse the number of days to first reappearance because the data were censored (that is, a person may not have reappeared in court or at a conference before the end of the follow-up period) and because the follow-up periods differed in length for different individuals. This approach permits the use of data from those who turn 18 in the follow-up period, allows a simple graphical representation of reoffending and also provides the likelihood of reoffending at any time during follow-up – not just at fixed intervals. The Cox's proportional hazards regression that is used in this study is the most appropriate survival analysis technique for this data as it does not make assumptions about the form of the underlying survival function.

The negative binomial form of the Poisson regression was chosen to analyse the number of reappearances per year as the Poisson distribution is most appropriate for analysis of rare events and the negative binomial form corrects for the overdispersion usually found when Poisson models are fitted to crime data (Osgood 2000).

These regression techniques are used to control for the effects of other measured factors such as age, gender, prior record and offence type which may differ between the court and conference groups. These factors have been found in other research to influence reoffending and thus could mask any effects of the treatment itself.

It is nonetheless possible that reoffending rates for the two treatments are influenced by other factors which have not been measured, such as employment status, the young person's attitude, parental support and discipline, and the young person's subjective experience of the justice system. All of these factors may influence police and magistrates in making their decisions to refer young people to conference or court, and thus those who are selected for conferencing might be less likely to reoffend in any case. If this is so, then any differences in reoffending rate detected between court and conferencing may simply be an artefact of the referral decisions made by the police and courts.

In addition, young people may be self-selecting to a degree – those who choose to go to court rather than conference might be more likely to reoffend.

In order to separate any such 'selection effect' from the actual effects of the treatment (court or conference) this study also looks at the reoffending rates of all first offenders throughout NSW in the year immediately before conferencing was introduced.

Random allocation to court or conference would have allowed us to exclude any selection effect. However, unlike the ACT, where there has been a random allocation of cases to conferencing in order to test its effectiveness, in NSW the police and courts have determined who should be referred to conferencing. The scheme was also introduced across the State simultaneously, so it is not possible to compare an area with conferencing and one without. However we can compare reoffending rates before and after the introduction of conferencing and this can help to control for any selection effects.

Given that there should be little difference in the overall offender population for the State from one year to the next it can be assumed that some of those who went to court in the year before the introduction of the Young Offenders Act would have received a conference rather than a court appearance had it been available.[5] That is, many of the young people who went to court would have had the same

(unmeasured) characteristics as those who were selected for conferences in the subsequent year.

Comparing the reoffending rates of the pre-Act and post-Act groups should permit separation of any selection effect from the effect of the treatment itself. In order to achieve this, three main groups have been selected for comparison:

COURT97 (pre-Act) –
all first offenders who had a proven finalised court appearance in the year *before* the introduction of the Young Offenders Act, that is, in the period 6 April 1997 to 5 April 1998

CONF98 (post-Act) –
all first offenders conferenced in the year *after* the introduction of the Young Offenders Act, that is, in the period 6 April 1998 to 5 April 1999

COURT98 (post-Act) –
all first offenders who had a proven finalised court appearance in the year *after* the introduction of the Young Offenders Act, that is, in the period 6 April 1998 to 5 April 1999.

Any difference in reoffending rate between CONF98 and COURT98 (after measured offender characteristics are controlled for) could be due to either a difference in the effect of the treatment itself or due to a selection effect. Determining whether the difference is a treatment or a selection effect is assisted by a comparison of the COURT97 and COURT98 groups. If the COURT98 group has a reoffending rate significantly different from that for COURT97, then a difference between CONF98 and COURT98 groups may be caused by the selection of certain types of offenders for conferencing (because those who went to court in the year *after* conferencing was introduced differed in some way from those who went to court in the year *before* conferencing was introduced). If, however, the rates are the same for the two court groups, then a difference between CONF98 and COURT98 is more likely to be the result of the treatment itself.

RESULTS

CHARACTERISTICS OF THE THREE STUDY GROUPS

This section presents descriptive data on the characteristics of the young people in the three study groups.

Gender

Table 1 shows the gender breakdown for the three study groups. There is no significant difference between the groups in terms of their gender (X^2=0.1, 2df, p=0.97). About 80 per cent of all three groups were male.

Age at initial treatment

Table 2 shows the age frequency distributions for the three study groups. There is a significant difference in the age distributions (X^2=106.0, 14df, p<0.0001; persons of unknown age excluded). Those who were conferenced were younger than those who went to court. Not surprisingly, given the younger age of those conferenced, the COURT98 group was older than the COURT97 group. For example, from Table 2 it can be seen that those aged 15 and under account for 56 per cent of the CONF98 group, but only 46 per cent of the COURT97 group and 41 per cent of the COURT98 group.

Area of residence

Table 3 shows frequency distributions for area of residence at the time of the first appearance by region.[6] There is a significant difference between the groups (X^2=30.7, 10df, p<0.001; persons of unknown residence excluded). The two court groups had similar region of residence profiles. However, those who were conferenced differed from the court groups – they were more likely to be from the Western or Southern regions than those who went to court, and less likely to be from the Sydney East/Central Coast region.

Residence in Sydney

Table 4 shows another breakdown by area of residence, namely whether or not the offender lived in Sydney. There is no significant difference between the groups in their proportions of Sydney residents (X^2=1.3, 2df, p=0.514; persons of unknown residence excluded). Around 60 per cent of the offenders in each group lived in Sydney.

Table 1: Gender of young people in the study groups

	COURT97		CONF98		COURT98	
Gender	**No.**	**%**	**No.**	**%**	**No.**	**%**
Male	4,379	79.4	466	79.0	3,043	79.5
Female	1,137	20.6	124	21.0	787	20.5
Total	**5,516**	**100.0**	**590**	**100.0**	**3,830**	**100.0**

Table 2: Age at initial treatment of young people in the study groups

	COURT97		CONF98		COURT98	
Age	**No.**	**%**	**No.**	**%**	**No.**	**%**
10	24	0.4	2	0.3	10	0.3
11	51	0.9	3	0.5	24	0.6
12	129	2.3	27	4.6	63	1.6
13	350	6.3	55	9.3	196	5.1
14	797	14.4	107	18.1	480	12.5
15	1,191	21.6	139	23.6	790	20.6
16	1,425	25.8	155	26.3	1,023	26.7
17	1,548	28.1	101	17.1	1,244	32.5
Unknown	1	0.0	1	0.2	0	0.0
Total	**5,516**	**100.0**	**590**	**100.0**	**3,830**	**100.0**

Offence type

Table 5 shows the frequency distributions for the type of most serious offence dealt with at the court appearance or conference. The offence categories used in Table 5 and subsequent tables are defined in Appendix C: *Definition of offence types used in this study*. There are significant differences between the groups in their offence profiles (X^2=145.0, 6df, p<0.0001; persons with unknown offence type excluded).

The offenders referred to a conference were more likely to have committed a theft offence than the court groups. Theft was the most serious offence for nearly 60 per cent of those conferenced but for less than 50 per cent of those who went to court (48% for the COURT97 group, 39% of the COURT98 group).

In summary, those conferenced were younger and more likely to have committed a theft offence than those who first went to court in the year immediately prior to the introduction of conferencing. Those who have first attended court since the introduction of conferencing, not surprisingly, have an even older age profile and lower proportion of theft offences.

Table 3: Area of residence at time of initial treatment for young people in the study groups

	COURT97		CONF98		COURT98	
Region of residence	**No.**	**%**	**No.**	**%**	**No.**	**%**
Interstate / overseas	121	2.2	1	0.2	77	2.0
Northern	1,357	24.6	137	23.2	888	23.2
Southern	937	17.0	118	20.0	720	18.8
Sydney East / Central Coast	1,049	19.0	89	15.1	749	19.6
Sydney West	1,106	20.1	135	22.9	775	20.2
Western	861	15.6	110	18.6	568	14.8
Unknown	85	1.5	0	0.0	53	1.4
Total	**5,516**	**100.0**	**590**	**100.0**	**3,830**	**100.0**

Table 4: Sydney/non-Sydney residence at time of initial treatment for young people in the study groups

	COURT97		CONF98		COURT98	
Region of residence	**No.**	**%**	**No.**	**%**	**No.**	**%**
Sydney	2,155	39.1	224	38.0	1,524	39.8
Elsewhere	3,276	59.4	366	62.0	2,253	58.8
Unknown	85	1.5	0	0.0	53	1.4
Total	**5,516**	**100.0**	**590**	**100.0**	**3,830**	**100.0**

Table 5: Most serious offence type at initial treatment for young people in the study groups

	COURT97		CONF98		COURT98	
Offence group	**No.**	**%**	**No.**	**%**	**No.**	**%**
Serious person offences	247	4.5	27	4.6	224	5.8
Lesser person offences	903	16.4	83	14.1	668	17.4
Theft offences	2,631	47.7	347	58.8	1,476	38.5
Other offences	1,735	31.5	121	20.5	1,462	38.2
Unknown	0	0.0	12	2.0	0	0.0
Total	**5,516**	**100.0**	**590**	**100.0**	**3,830**	**100.0**

COMPARING REOFFENDING FOR FIRST OFFENDERS

This section compares the three groups on both measures of reoffending, namely the time to the first reappearance (at court or conference) and the reappearance rate per unit time.

Figure 1 shows the Kaplan-Meier survival functions for the three groups. The figure shows the proportion of each group still 'surviving' plotted against the number of days in the follow-up period, that is, each point in the figure shows the proportion who had not yet reappeared at court or conference (for the length of follow-up specified on the horizontal axis).

Figure 1 shows that there is very little difference in the time to reoffend for those who attended court before and after the Young Offenders Act was introduced. Those conferenced, however, remain offence-free for longer and the difference between the court and conference groups increases over time. For example, reading from Figure 1, the probability of not reoffending within 2 years (730 days) is approximately 0.62 for the COURT97 group, 0.60 for the COURT98 group and 0.66 for those who went to conference. It is not possible to estimate the median survival time for all three groups because more than 50 per cent of the conference group remained offence-free at the end of the study. However the three groups can be compared by determining the number of days for which 65 per cent of each group remained offence-free. (The reason for selecting the 65 per cent point is that by this stage the three curves have begun to diverge from each other, as can be seen in Figure 1.) The number of days for which 65 per cent remained offence-free is 636 days for COURT97, 794 days for CONF98 and 600 days for COURT98.

When Cox's proportional hazards regression is used to make pairwise comparisons between the groups,

Figure 1: Proportion who have not reoffended by time, CONF98, COURT97, COURT98

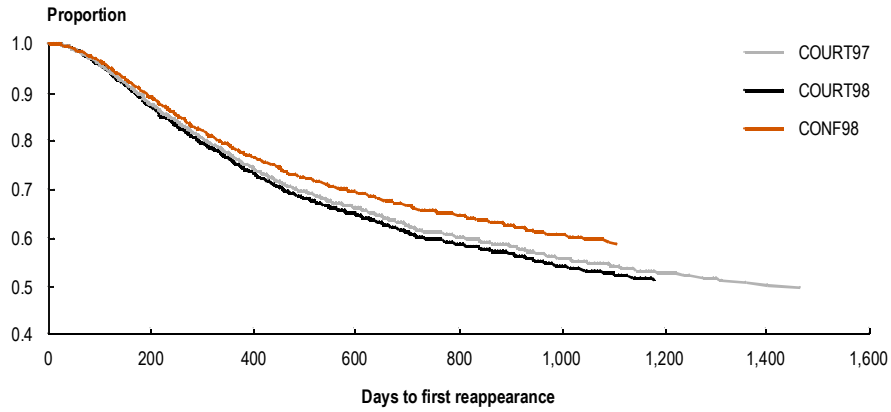


Table 6: Mean number of reappearances per year

Reappearances per year	*COURT97 (n = 5,516)*	*CONF98 (n = 590)*	*COURT98 (n = 3,830)*
Mean	0.316	0.291	0.311
Standard deviation	0.622	0.554	0.755

without including any covariates, the following results are obtained. The difference between CONF98 and COURT98 is statistically significant (hazard ratio=0.833, *p*=0.0244, *n*=4420), that between CONF98 and COURT97 is marginal (hazard ratio=0.870, *p*=0.0802, *n*=6106) and between COURT97 and COURT98 is not significant (hazard ratio=1.050, *p*=0.2049, *n*=9346). The 'hazard ratio' is the exponentiated regression coefficient and measures the relative hazard of reoffending for the two groups being compared. For example, the hazard ratio of 0.833 indicates that those conferenced (CONF98) had a probability of reoffending that was 17 per cent (1–0.833) lower than the probability of reoffending for those who went to court (COURT98).

For the second measure of reoffending, namely the reappearance rate per year of follow-up time, Table 6 shows the means and standard deviations for each of the groups. The conference group had the lowest reappearance rate and the two court groups had very similar rates. However there were no significant differences between the groups (Kruskal -Wallis test: X^2=1.6, 2 df, *p*=0.45).

The comparisons made so far have not taken into account the effects of other factors which may affect reoffending. To control for the effects of these factors, it is necessary to include them as covariates in the regression models, that is, in the Cox's proportional hazards regression for the time to first reappearance, and in the negative binomial regression for the number of reappearances per year of follow-up time.

Covariates are included in the regression models for age, gender, offence type and area of residence. All covariates are as recorded at the first court or conference appearance. For age there are two indicator variables, one for 13-15 year olds and one for 16-17 year olds; both are comparisons with 10-12 year-olds. The gender variable compares males with females. There are three indicator variables for offence type: one for each of serious person offences, less serious person offences, and theft offences, each compared with other offences. The area of residence covariate compares Sydney with elsewhere.[7]

Table 7 shows the Cox regression results for the comparison of the two court groups. It can be seen that there are significant effects for those aged 13-15 and 16-17, for males, for less

Table 7: Cox proportional hazards model of time to reoffend for first offenders, COURT98 versus COURT97

Variable	*DF*	*Parameter estimate*	*Standard error*	*Chi-square*	*p*	*Hazard ratio*
COURT98 v. COURT97	1	0.07401	0.03862	3.6719	0.0553	1.077
Age13-15 v. age10-12	1	-0.23430	0.07949	8.6880	0.0032	0.791
Age16-17 v. age10-12	1	-0.41970	0.08387	25.0437	<0.0001	0.657
Male v. female	1	0.32649	0.04993	42.7622	<0.0001	1.386
Serious person offence v. other offence	1	0.07332	0.09218	0.6326	0.4264	1.076
Less serious person offence v. other offence	1	0.14002	0.05844	5.7409	0.0166	1.150
Theft offence v. other offence	1	0.22976	0.04458	26.5676	<0.0001	1.258
Sydney residence v. elsewhere	1	-0.04253	0.03893	1.1933	0.2747	0.958

9,208 records, 6,363 censored

Table 8: Negative binomial model of reappearance rate for first offenders, COURT98 versus COURT97

Parameter	DF	Estimate	Standard error	Wald 95% confidence	limits	Chi-square	p
Intercept	1	-6.8630	0.1154	-7.0893	-6.6367	3533.77	<0.0001
COURT98 v. COURT97	1	0.0043	0.0406	-0.0753	0.0839	0.01	0.9160
Age13-15 v. age10-12	1	-0.3401	0.0872	-0.5111	-0.1692	15.21	<0.0001
Age16-17 v. age10-12	1	-0.6846	0.0901	-0.8612	-0.5079	57.7	<0.0001
Male v. female	1	0.3211	0.0510	0.2211	0.4210	39.61	<0.0001
Serious person offence v. other offence	1	0.0478	0.0962	-0.1408	0.2364	0.25	0.6194
Less serious person offence v. other offence	1	0.1265	0.0606	0.0077	0.2452	4.36	0.0368
Theft offence v. other offence	1	0.1975	0.0465	0.1063	0.2887	18.02	<0.0001
Sydney residence v. elsewhere	1	-0.0047	0.0408	-0.0845	0.0752	0.01	0.9089
Dispersion	1	1.5434	0.0625	1.4257	1.6708		

Observations used 9,208, missing 138

serious person offences and for theft offences. The hazard ratio shows the direction of the difference. Those aged 13-17 are less likely to reoffend than those aged 10-12; males are more likely to reoffend than females; and those who committed less serious person offences or theft offences are more likely to reoffend than those who committed other types of offence. The comparison between the two court groups is close to significance with a *p* value of just over 0.05. The hazard ratio of 1.077 indicates that those who went to court in the year *after* conferencing was introduced had a slightly greater risk of reoffending than those who went to court in the year *before* conferencing was introduced.

Table 8 shows results for the negative binomial fitted to number of reappearances per year. Very similar results are found with age, gender, and offence type all being significantly related to the number of reappearances per year. There is, however, no significant effect for the year of appearance at court.

The results from the two regressions shown in Tables 7 and 8 indicate that, while there is no difference between the two court groups in the rate of reoffending, there is some evidence of a difference in the time to the first reappearance. Hence it is possible that there is some selection effect operating. If those *selected* for conference in 1998 were less likely to reoffend than those who went to court in 1998, then those who went to court in 1998 should be *more* likely to reoffend than the group who went to court in 1997, simply because some of those who were less likely to reoffend were removed from the court group and sent to conference.[8]

To examine the effect of conferencing on reoffending, comparisons of the conference group are made with both court groups. Tables 9 and 10 show the Cox proportional hazards regression models for CONF98 versus COURT 97, and CONF98 versus COURT98, respectively.

For both the conference versus court comparisons there is a significant effect

Table 9: Cox proportional hazards model of time to reoffend for first offenders, CONF98 versus COURT97

Variable	DF	Parameter estimate	Standard error	Chi-square	p	Hazard ratio
CONF98 v. COURT97	1	-0.17682	0.07967	4.9254	0.0265	0.838
Age13-15 v. age10-12	1	-0.31139	0.08913	12.2063	0.0005	0.732
Age16-17 v. age10-12	1	-0.51277	0.09551	28.8265	<0.0001	0.599
Male v. female	1	0.32794	0.06151	28.4213	<0.0001	1.388
Serious person offence v. other offence	1	0.12308	0.11894	1.0709	0.3007	1.131
Less serious person offence v. other offence	1	0.13540	0.07488	3.2698	0.0706	1.145
Theft offence v. other offence	1	0.22980	0.05567	17.0401	<0.0001	1.258
Sydney residence v. elsewhere	1	-0.10347	0.04846	4.5588	0.0327	0.902

6,021 records, 4,139 censored

Table 10: Cox proportional hazards model of time to reoffend for first offenders, CONF98 versus COURT98

Variable	*DF*	*Parameter estimate*	*Standard error*	*Chi-square*	*p*	*Hazard ratio*
CONF98 v. COURT98	1	-0.24585	0.08201	8.9867	0.0027	0.782
Age13-15 v. age10-12	1	-0.22369	0.12255	3.3316	0.0680	0.800
Age16-17 v. age10-12	1	-0.44108	0.12838	11.8050	0.0006	0.643
Male v. female	1	0.32930	0.07386	19.8754	<0.0001	1.390
Serious person offence v. other offence	1	0.04495	0.12927	0.1209	0.7280	1.046
Less serious person offence v. other offence	1	0.12069	0.08461	2.0349	0.1537	1.128
Theft offence v. other offence	1	0.23183	0.06490	12.7597	0.0004	1.261
Sydney residence v. elsewhere	1	0.02140	0.05698	0.1411	0.7072	1.022

4,367 records, 3,054 censored

between the conference and court groups. The effect is stronger for the comparison with the 1998 court group than with the 1997 court group, as can be seen from the smaller *p*-value and smaller hazard ratio. The respective hazard ratios of 0.838 and 0.782 indicate that those who were conferenced had a probability of reoffending that was 16 per cent less than the probability for the COURT97 group, and a probability of reoffending that was 22 per cent less than the probability for the COURT98 group.

The stronger effect for the 1998 comparison supports the possibility of there being some selection effect but these results also indicate that there is a difference between the court and conference groups which is not likely to be due wholly to a selection effect.

For the second measure of reoffending, namely the reappearance rate per year in the follow-up period, Tables 11 and 12 show the results from fitting negative binomial regression models to compare the conference group with each of the court groups, COURT97 and COURT98 respectively, controlling for the effects of age, gender, offence and area of residence.

It can be seen from Tables 11 and 12, that after controlling for the effects of age, gender, offence and area of residence, there is a significant difference between reappearance rates for the conference and court groups.

The exponentiated parameter estimate can be interpreted as a ratio of the incidence rates for the two groups being compared. For CONF98 versus COURT97 this statistic is $e^{-0.1698}$ which is equal to 0.837 and for CONF98 versus COURT98 this statistic is $e^{-0.1781}$ which is equal to 0.844. Because both ratios are approximately equal to 0.84 we can conclude that the reoffending rate of first offenders who went to a conference is 16 per cent lower than the reoffending rate for first offenders who went to court.

Earlier (in Tables 2 and 5) it was seen that those conferenced were younger and more likely to have committed a theft offence than those who went to court. Tables 13 and 14 show the mean

Table 11: Negative binomial model of reappearance rate for first offenders, CONF98 versus COURT97

Parameter	*DF*	*Estimate*	*Standard error*	*Wald 95% confidence*	*limits*	*Chi-square*	*p*
Intercept	1	-6.6777	0.1523	-6.9763	-6.3792	1922.17	<0.0001
CONF98 v. COURT97	1	-0.1698	0.0826	-0.3316	-0.0079	4.23	0.0398
Age13-15 v. age10-12	1	-0.3380	0.1023	-0.5385	-0.1376	10.93	0.0009
Age16-17 v. age10-12	1	-0.6889	0.1065	-0.8977	-0.4802	41.83	<0.0001
Male v. female	1	0.3445	0.0636	0.2199	0.4690	29.37	<0.0001
Serious person offence v. other offence	1	0.0452	0.1268	-0.2033	0.2937	0.13	0.7215
Less serious person offence v. other offence	1	0.1149	0.0776	-0.0373	0.2670	2.19	0.1389
Theft offence v. other offence	1	0.1798	0.0583	0.0655	0.2940	9.51	0.0020
Sydney residence v. elsewhere	1	-0.0563	0.0512	-0.1566	0.0441	1.21	0.2717
Dispersion	1	1.6839	0.0804	1.5334	1.8491		

Observations used 6,021, missing 85

Table 12: Negative binomial model of reappearance rate for first offenders, CONF98 versus COURT98

Parameter	DF	Estimate	Standard error	Wald 95% confidence	limits	Chi-square	p
Intercept	1	-6.6683	0.1814	-7.0239	-6.3127	1350.71	<0.0001
CONF98 v. COURT98	1	-0.1781	0.0820	-0.3387	-0.0174	4.72	0.0298
Age13-15 v. age10-12	1	-0.3468	0.1323	-0.6061	-0.0876	6.87	0.0087
Age16-17 v. age10-12	1	-0.7184	0.1362	-0.9853	-0.4515	27.83	<0.0001
Male v. female	1	0.3074	0.0745	0.1614	0.4533	17.04	<0.0001
Serious person offence v. other offence	1	0.0277	0.1324	-0.2318	0.2871	0.04	0.8344
Less serious person offence v. other offence	1	0.0527	0.0876	-0.1190	0.2244	0.36	0.5475
Theft offence v. other offence	1	0.2071	0.0670	0.0758	0.3384	9.56	0.0020
Sydney residence v. elsewhere	1	0.0683	0.0589	-0.0471	0.1838	1.35	0.2461
Dispersion	1	1.4166	0.0902	1.2504	1.6049		

Observations used 4,367, missing 53

reappearance rates for each group, by age and offence type, respectively. Both age and offence type are as at the first appearance at court or conference.

Clearly the conference group has a lower rate of reappearance than either court group, within each of the age group categories. The differences between age groups are also evident – the younger the offender at first appearance, the higher the reappearance rate.

The reappearance rate for those conferenced is lower than the reappearance rate for those who went to court for all types of offence except those in the 'other offences' category.

Note that although the mean reappearance rate for the conference group in the 'other offences' category is higher than for the two court groups, this comparison is not an 'apples with apples' comparison. There are differences in the profiles of 'other offences' dealt with at court and in conferences. For example, drug offences make up a substantial proportion of offences dealt with in court (at least one-quarter of all offences) but no drug offences were dealt with in a conference in our sample.

COMPARING REOFFENDING FOR *ALL* OFFENDERS

To check these results, and to look at the comparison for a wider range of offenders, the restriction on first offenders was relaxed and regressions were carried out for *all* juvenile offenders who went to court or to a conference in the year after the Young Offenders Act was introduced. It was not possible to carry out this analysis for those who went to court in the year before conferencing was introduced because an individual who went to court in the year before the introduction of the Act, and then went to a conference or to court in the following year, would have been included in more than one group. So this analysis is restricted to those who went to court or conference in the year after the introduction of the Young Offenders Act. The earliest appearance at court or conference was used as the date of initial treatment and, for those who went to both court and conference in the period, determined which group the person was placed in. That is, a person whose first appearance in the year after the introduction of the Young Offenders Act was at a conference was included in the conference group, even if that person subsequently had a court appearance in the same year. The number of previous proven interventions (i.e. proven court appearances plus conferences) and the number of previous appearances resulting in a

Table 13: Mean number of reappearances per year by age

Age at first appearance	COURT97	CONF98	COURT98
10 - 12 years	0.58	0.52	0.58
13 - 15 years	0.39	0.35	0.40
16 - 17 years	0.24	0.19	0.24

Observations used 9,934, missing 2

Table 14: Mean number of reappearances per year by offence type

Offence type at first appearance	COURT97	CONF98	COURT98
Serious person offences	0.29	0.27	0.29
Lesser person offences	0.31	0.18	0.29
Theft offences	0.35	0.32	0.36
Other offences	0.26	0.32	0.27

Observations used 9,924, missing 12

Table 15: Cox proportional hazards model of time to reoffend for all offenders, CONF versus COURT

Variable	*DF*	*Parameter estimate*	*Standard error*	*Chi-square*	*p*	*Hazard ratio*
CONF v. COURT	1	-0.32679	0.06711	23.7091	<0.0001	0.721
Age13-15 v. age10-12	1	-0.18693	0.09758	3.6695	0.0554	0.830
Age16-17 v. age10-12	1	-0.12964	0.09962	1.6934	0.1931	0.878
Male v. female	1	0.33329	0.05230	40.6104	<0.0001	1.396
Serious person offence v. other offence	1	0.01672	0.08286	0.0407	0.8401	1.017
Less serious person offence v. other offence	1	0.11742	0.05561	4.4590	0.0347	1.125
Theft offence v. other offence	1	0.15479	0.04313	12.8816	0.0003	1.167
Sydney residence v. elsewhere	1	-0.00296	0.03848	0.0059	0.9387	0.997
Number of previous proven appearances	1	0.17458	0.01011	298.1928	<0.0001	1.191
Number of previous control orders	1	-0.08201	0.09294	0.7786	0.3776	0.921

7,090 records, 4,419 censored

control order (i.e. a detention penalty) were included in the regression models as additional covariates to control for possible differences between the groups in their pre-existing tendency to reoffend.

For this analysis the sample size was 717 for the conference group, referred to as CONF, and 6,476 for the court group, referred to as COURT. Table 15 shows the Cox proportional hazards model regression comparing the conferenced group with the court group.

As for first offenders, there is a significant conferencing effect. The hazard ratio of 0.721 indicates that the risk of reoffending for those conferenced is 28 per cent lower than the risk of reoffending for those who went to court.

Table 16 shows the negative binomial regression model for comparing the court and conference groups of all offenders on their reappearance rate. Again there is a significant conferencing effect. The exponentiated parameter estimate for the conference versus court comparison is $e^{-0.2776}$ which is equal to 0.76, indicating that the reoffending rate for all juvenile offenders conferenced is 24 per cent lower than the reoffending rate for those who went to court.

Table 16: Negative binomial model of reappearance rate for all offenders, CONF versus COURT

Parameter	*DF*	*Standard Estimate*	*error*	*Wald 95% confidence*	*limits*	*Chi-square*	*p*
Intercept	1	-6.4276	0.1258	-6.6741	-6.1811	2611.86	<0.0001
CONF v. COURT	1	-0.2776	0.0610	-0.3972	-0.1580	20.69	<0.0001
Age13-15 v. age10-12	1	-0.2886	0.0921	-0.4691	-0.1081	9.82	0.0017
Age16-17 v. age10-12	1	-0.2963	0.0933	-0.4792	-0.1135	10.09	0.0015
Male v. female	1	0.3301	0.0490	0.2341	0.4260	45.45	<0.0001
Serious person offence v. other offence	1	0.0422	0.0803	-0.1152	0.1996	0.28	0.5994
Less serious person offence v. other offence	1	0.0912	0.0532	-0.0131	0.1955	2.94	0.0865
Theft offence v. other offence	1	0.1304	0.0414	0.0492	0.2116	9.91	0.0016
Sydney residence v. elsewhere	1	0.0496	0.0369	-0.0227	0.1220	1.81	0.1788
Number of previous proven appearances	1	0.1926	0.0114	0.1702	0.2150	283.66	<0.0001
Number of previous control orders	1	-0.0514	0.0881	-0.2240	0.1213	0.34	0.5597
Dispersion	1	0.8596	0.0417	0.7816	0.9453		

Observations used 7,090, missing 103

A CLOSER LOOK AT SPECIFIC OFFENCES

In this section survival distributions are compared for the three most common offence types that were conferenced in the CONF98 sample, that is, the sample of first offenders who were conferenced in the year after the introduction of the Young Offenders Act. Table 17 shows the frequency of these three offence types in conferences. Together they account for 59.2 per cent of cases.

The offence category 'burglary, break and enter' is as defined by the Australian Standard Offence Classification (ASOC Division 07 – *Unlawful entry with intent/ burglary, break and enter* – see Appendix C). The offence category 'other theft' includes all other theft offences except those related to motor vehicles; it includes all offences classified in ASOC Subdivisions 082 – *Theft (except motor vehicles)*, 083 – *Receiving or handling proceeds of crime*, and 084 – *Illegal use of property (except motor vehicles)*. The offence category 'other acts intended to cause injury' includes all offences classified in ASOC Division 02 – *Acts intended to cause injury* except aggravated assault.

The survival functions are shown in Figures 2, 3 and 4, each figure being for a specified offence type. For the comparisons shown here, the two court groups have been combined, so that, in each case, first offenders who were conferenced in the year after the introduction of the Young Offenders Act are compared with first offenders who went to court either in the year before or the year after the introduction of the Act.

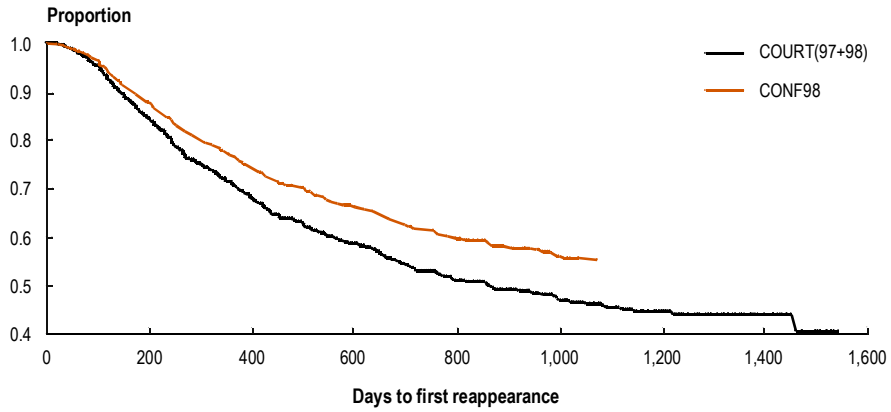
In all three cases the survival curves for conferences are above those for court, indicating a lower level of reoffending. However no statistically significant difference emerges, probably because of the small numbers of cases involved.

For *burglary, break and enter* the simple Cox proportional hazards regression comparing the conference group with the court group results in a hazard ratio of 0.767 with a *p*-value of 0.0755. Similarly, for *other theft* the hazard ratio is 0.810 with a *p*-value of 0.2265 and for *other acts intended to cause injury* it is 0.680 with a *p*-value of 0.1009.

Table 17: Frequency of most common offence types for CONF98

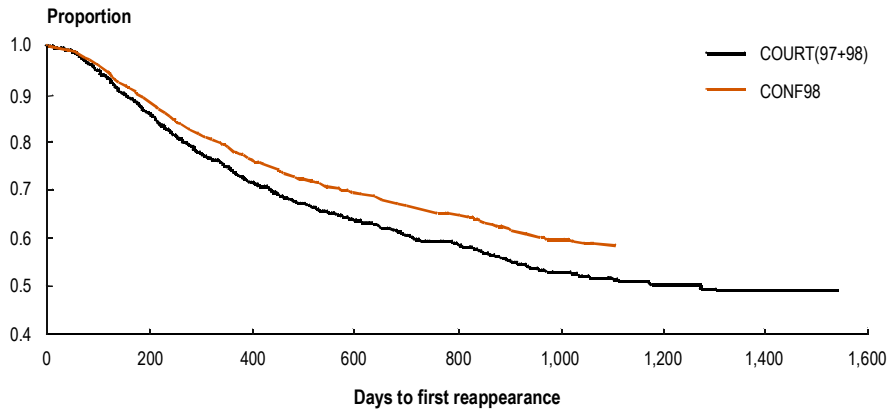
Most serious offence type	*% of cases conferenced*	*No. of cases conferenced*
Burglary, break and enter	24.6	142
Other theft	20.2	117
Other acts intended to cause injury	14.4	83

Figure 2: Proportion who have not reoffended by time, CONF98 versus COURT(97+98) - burglary, break and enter



(Note: 1,289 records, 768 censored)

Figure 3: Proportion who have not reoffended by time, CONF98 versus COURT(97+98) - other theft



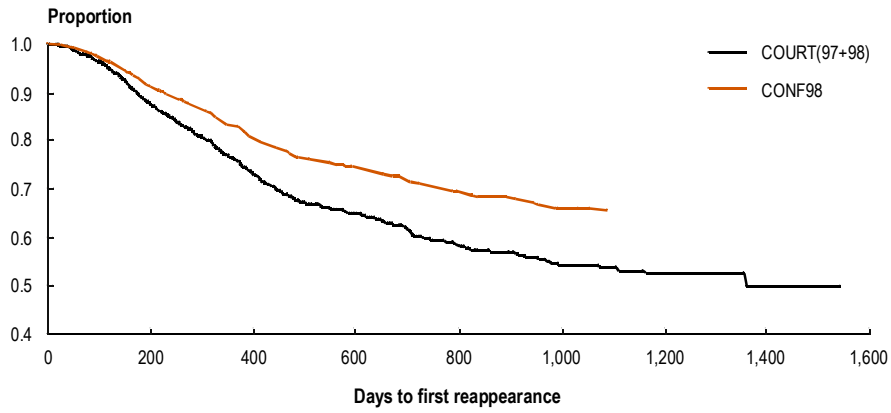
(Note: 1,993 records, 1,316 censored)

It is noteworthy that the offence group *other acts intended to cause injury* shows the greatest difference (smallest hazard ratio) between conference and court. A greater effect for violent offences is consistent with other evidence (e.g. Sherman et al. 2000; McCold & Wachtel 1998).

CASES INVOLVING ABORIGINAL YOUNG PEOPLE

Information on the Aboriginality of young people appearing in court or in conferences is limited. Aboriginality was not recorded in 16.3 per cent of the conferences and 73.4 per cent of the court appearances in the main subset

Figure 4: Proportion who have not reoffended by time, CONF98 versus COURT(97+98) - other acts intended to cause injury



(Note: 1,401 records, 962 censored)

Table 18: Proportion who reoffended within one year – CONF98

	Reoffended after one year of follow-up?					
Aboriginality	***No***	***%***	***Yes***	***%***	***Total***	***%***
Non-Aboriginal	251	74.3	87	25.7	338	100.0
Aboriginal	55	68.8	25	31.3	80	100.0
Total	**306**		**112**		**418**	

Frequency missing = 172 (X^2=1.00,1df, p=0.3170)

Table 19: Proportion who reoffended within two years – CONF98

	Reoffended after two years of follow-up?					
Aboriginality	***No***	***%***	***Yes***	***%***	***Total***	***%***
Non-Aboriginal	143	62.4	86	37.6	229	100.0
Aboriginal	30	47.6	33	52.4	63	100.0
Total	**173**		**119**		**292**	

Frequency missing = 298 (X^2=4.50, 1df, p=0.0339)

of first offenders. This situation significantly restricts the scope for analysis but some insights are possible from the available data.

About 17 per cent of the CONF98 group were Aboriginal and about 24 per cent of all conferences up to 30 June 2001 involved Aboriginal young people. It is possible that these figures are a slight overestimate of the actual proportions, as the individuals who do not have Aboriginality recorded are generally those with briefer contact with the justice system and they are therefore more likely to be non-Aboriginals.

Given the very high number of court appearances with unknown Aboriginality it is not possible to provide similar measures from the court data. However it does appear that Aboriginal young people are more likely than non-Aborigines to be referred to a conference than go to court. The most recent accurate count of Aboriginal juvenile court attendances, from 1990, found that 15.6 per cent of court appearances were by Aboriginal young people (Luke & Cunneen 1995, p. 5).

The data does allow a comparison of reoffending by Aboriginality for those who attended a conference. Tables 18 and 19 below show the proportions who reoffended for first offenders conferenced in the twelve-month period beginning 6 April 1998 (the first year of operation of the Young Offenders Act). Table 18 shows the proportion who had reoffended after one year of follow-up and Table 19 shows the proportion who had reoffended after two years of follow-up. Note that the tables only include those offenders who had at least one year of follow-up time (in Table 18) or two years of follow-up time (in Table 19). At both the one-year and the two-year mark the proportion who had reoffended was higher for Aboriginal young people but only at the two-year mark was the difference statistically significant.

Figure 5 shows the survival functions for Aborigines and non-Aborigines in the CONF98 group. A simple Cox proportional hazards model fitted to the data shows that the difference in the survival functions is statistically significant. The estimated hazard ratio is 1.710, with a *p*-value of 0.0023, indicating that Aboriginal young people who were conferenced were about 70 per cent more likely than their non-Aboriginal counterparts to reoffend over the follow-up period.

The very large proportion of defendants of unknown Aboriginality in court cases prevents a reliable comparison of Aboriginal conference and court reoffending. It is possible, however, to gain an indicative view of the data by comparing reoffending for those identified as Aboriginal at court and conference. Caution should be used in interpreting the data as only 431 of the 5,516 court cases in the COURT97 group were identified as Aboriginal. The COURT98 data is not used in this comparison as the data on Aboriginality for this group is even less complete.

Figure 6 shows that those attending conferences appear once again to have a lower risk of reoffending. The simple Cox proportional hazards regression of the data shown in Figure 6 results in an estimated hazard ratio of 0.698 with a *p*-value of 0.0278. As one might expect, given the relatively high proportion of conferences attended by Aborigines, the

difference in reoffending, for Aboriginal young people only, is even larger than was observed earlier (see Figure 1) for the comparison of all first offenders in the CONF98 and COURT97 groups (e.g. the hazard ratio overall is 0.870, compared with 0.698 for the subset of Aboriginal young people).

A LOOK AT MORE RECENT CONFERENCES – HAVE REAPPEARANCE RATES CHANGED?

This study has focused on conferences in the first year of operation of the scheme. But how have more recent conferences performed?

The survival distribution plot in Figure 7 is for first offenders conferenced in the first, second and third years of conferencing (referred to as CONF98, CONF99 and CONF00, respectively). There is no difference in the reoffending pattern over the three years.

It appears that the rehabilitative effect of conferencing has remained fairly constant since its introduction.

CONCLUSION

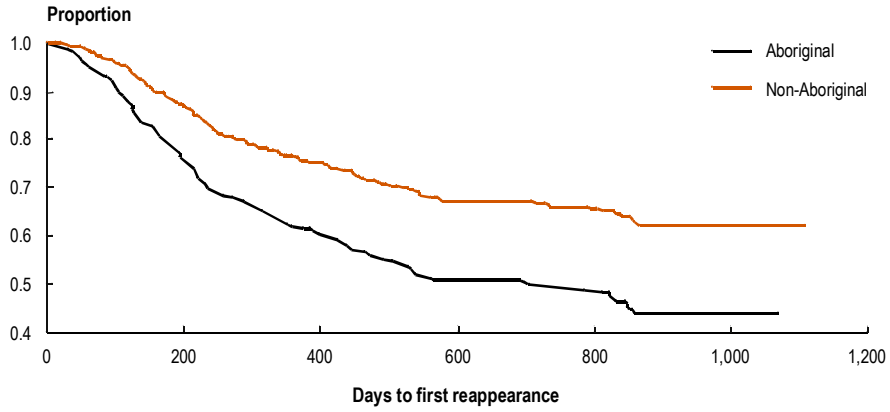
This study looks at the question of reoffending from a number of different perspectives. Each of these perspectives indicates that conferencing has the effect of reducing or delaying reoffending as measured by subsequent court appearances or conferences.

While the reduction in reoffending may be small, the effect is persistent in all of the comparisons carried out in this study. When the effects of other factors are controlled for, it appears that both the risk of reoffending and the rate of reappearances per year in the follow-up period are about 15 to 20 per cent lower for those who had a conference than for those who went to court.

Given the complexity of decision making in the justice system, and the complex causes of offending behaviour, it is possible that this lower level of reoffending for conferences is partly due to selection decisions by referring bodies and the young people themselves.

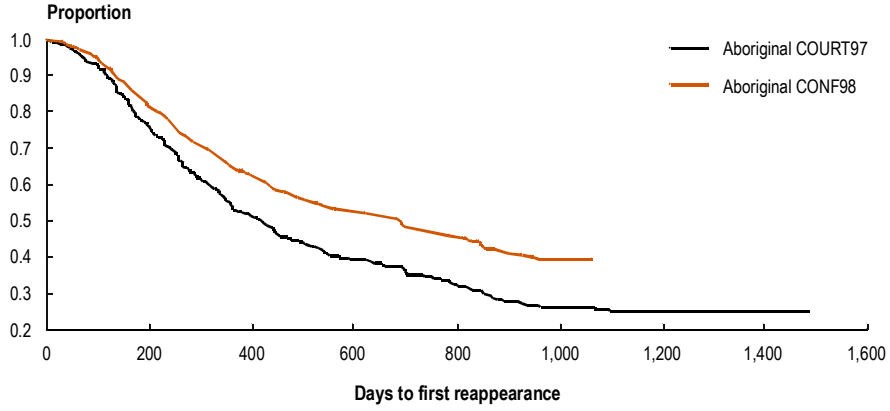
However the consistency in court reoffending rates, both before and after introduction of the conference option,

Figure 5: Proportion who have not reoffended by time, Aboriginal versus non-Aboriginal - CONF98



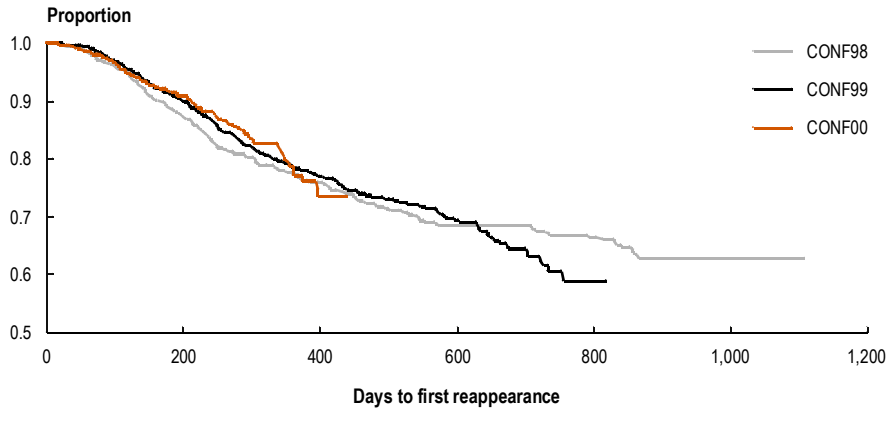
(Note: 494 records, 326 censored)

Figure 6: Proportion who have not reoffended by time, CONF98 versus COURT97 - Aborigines only



(Note: 516 records, 203 censored)

Figure 7: Proportion who have not reoffended by time, CONF98, CONF99, CONF00



and the persistence of lower levels of reoffending for conferences, even after controlling for the effects of gender, age, offence type, Aboriginality and prior record, strongly suggests that the difference in reoffending levels is largely due to the conference experience itself.

It is possible that reappearance at court or conference is lower for those who attend conferences because of an effect on *subsequent* diversionary decisions (e.g. the absence of a court appearance in a young person's criminal record may encourage a further non-court referral). However this is unlikely to explain the present results because the greatest impact of such an effect is likely to be a diversion to a further conference, rather than a warning or caution, and thus it would be accounted for in this analysis. Fuller investigation of this question will have to await better quality data from the NSW Police.

The results of this research are consistent with the general findings of other restorative justice research on recidivism but the strength and consistency of the effect in the present study is more notable. It is likely that the relatively large sample and long follow-up period used in this study have allowed clearer differences to emerge than in some of the previous research. In fact a reanalysis of our data with a follow-up period ending 30 June 2000 (i.e. one year earlier) failed to show such clear and consistent differences in reoffending. So, too, did a reanalysis using only half the sample.

Perhaps one of the lessons of this study is that short follow-up periods and small sample sizes are unlikely to detect the relatively subtle differences in reoffending levels that are likely to result from different official responses to offending.

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NOTES

1 Garth Luke is a research consultant.

2 It is possible that some of these 'first offenders' had a prior police warning or caution; however this information was not available to this study. Also any non-proven court appearances (i.e. where guilt was not admitted or proven) have been excluded from this study in both the assessment of prior record and in the count of any reoffending. Appendices D and E contain information on the prior conferences and proven court appearances for ALL young people conferenced up to 30 June 2001.

3 The dates of appearance and reappearance used in this study are the date of conference or the date the court matters are finalised. It was not possible to use either the offence date or arrest date as the conference data recorded offence date only and the court data recorded the arrest date only. There were also a large number of missing offence and arrest dates in each database. The mean time between arrest date and date of finalisation during the period studied is 107 days for court appearances and the mean time between offence date and date of finalisation is 101 days for conferences. Therefore the use of date of finalisation/ conference date in the reoffending analysis should slightly favour those sent to court.

4 Any offences committed by a person aged 18 or older are not recorded in the juvenile databases used in this study.

5 The Young Offenders Act also encouraged greater use of police cautions and some of those who attended court before the Act was introduced would probably have been cautioned if they had been apprehended a year later.

6 The regions are Department of Juvenile of Justice regions at the time of treatment.

7 It was not possible to include Aboriginality in the regression models because of the high proportion of missing information in the databases. However the question of Aboriginality is discussed at some length later in the paper.

8 The years 1997 and 1998 referred to here are actually the twelve-month periods beginning 6 April 1997 and 6 April 1998, respectively.

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APPENDIX A – RESEARCH ON RESTORATIVE JUSTICE REOFFENDING

Table 20: Summary of research on reoffending in restorative justice programs

Study	*Sample size*	*Follow-up period*	*Control method*	*Measure of reoffending*	*Results*
Australia					
Victorian program review reported by Griffiths 1999	71 max	12 months	matched probation group	Victorian Information Bureau of Records check – rate of reoffending period	no significant difference
Sherman et al. 2000 review of the ACT's RISE program	121 youth violence; 900 drink drivers; 143 shoplifting; 249 property offenders	12 months	random allocation after agreement to participate; also comparing offending before and after treatment	ACT criminal history data: rate of offending measured from the time of decision to conference	found no difference for juvenile property offenders and a slight drop for shoplifters; a 6% increase for drink-driving adults; a 38% decrease for young violent offenders
Hayes and Daly 2001	89	8–12 months	looked within the conferenced group only	any new official incident to which the police responded by arrest or apprehension – % in period	found that reoffending was less when young people were remorseful and outcomes were achieved by genuine consensus
North America					
Bonta et al. 1998 – Restorative Resolutions program in Canada	<100 in each group	12–24 months	matching on gender, race, age, risk classification, offence type and first offence	% given custody or probation, province coverage of data – may have missed other outcomes or offences outside the province	in all but one comparison the RR offenders demonstrated significantly lower recidivism – 13% to 22% reduction in recidivism – significant findings emerged with two years follow-up but not one year
Bonta et al. 1998 meta-analysis	14 studies mainly in North America				average reduction of 8% in offending, but there was considerable variation and methodological weaknesses – few used matched comparison groups and none used random assignment
Latimer , Dowden & Muise 2001 meta-analysis	24 youth and 8 adult schemes mainly in North America				72% of studies reported a decrease – the mean decrease of all studies reviewed was 7%.
McCold and Wachtel 1998 The Bethlehem Pennsylvania Police Family Group Conferencing Project	56–113	12 months	random allocation before decision to participate or not; 3 groups – allocated to court, allocated to conference&participated, allocated to conference & chose not to participate	% reoffending in follow-up period measured from the time of arrest	concluded that the main effects were self-selection effects but that there was a lower reoffence rate for violent offences probably due to resolution of conflict between parties
McGarrell 2001 Indianapolis restorative justice experiment	about 230 in each group	12 months	random allocation	% rearrested	overall 29% reduction after 12 months

APPENDIX A – RESEARCH ON RESTORATIVE JUSTICE REOFFENDING continued

Table 20: Summary of research on reoffending in restorative justice programs

Study	*Sample size*	*Follow-up period*	*Control method*	*Measure of reoffending*	*Results*
New Zealand					
Maxwell & Morris 2001	108	6.5 years	similar to Hayes and Daly above – focus was on the conference group and what characteristics of the conference reduced reoffending	NZ police data on reconvictions and interviews with young people and their families; grouped reoffending into four categories ranging from 'not reconvicted' to 'persistent reconvicted'	found that reoffending was less when the young person showed expressions of remorse and agreed with the conference outcome
Europe					
Miers et al. 2001 study of seven UK scheme	largest study had 153 in the treatment group	12–24 months	used matched groups who had been assessed as eligible but did not enter scheme for a variety of reasons and also checked their score on a risk instrument	% reconvicted in period and also rate of reconviction - UK criminal records system including caution information	found no difference with the children's schemes (which had least participants); found a non-significant decrease in one adult scheme and a significant decrease of 20% in the other (larger) adult scheme
Miers 2001 – review of the international literature					concluded that there is consensus that offending rates are no worse than for court but while there is some evidence of lower reoffending rates and seriousness (e.g. in Austria and Germany) further research is required

APPENDIX B – DATA USED IN THIS STUDY

The data for this study comes from two databases maintained by the NSW Department of Juvenile Justice: the Children's Court Information System (CCIS) and the Client Information System (CIDS).

The CCIS holds records of all finalised court appearances by children in NSW and keeps details of the identity of those appearing thus providing information about prior records and reappearances. The CCIS does have some information about conferences (when the court has made the referral); however it contains no record of conferences referred by Police or the DPP and no details about the conference itself.

All conference details are however recorded on CIDS so it was necessary to link data from the two databases in order to have a 'complete' picture of individuals' journeys through the system. The NSW juvenile justice system also uses the options of warnings and cautions but this data, which is held by the NSW Police on their Computerised Operational Policing System (COPS) database, does not have complete criminal histories for all children who appeared in the period under study and does not yet generate data in a form that could be used as the primary data source for this study.

As the CCIS and CIDS databases are separate systems that do not share individual record identifiers the first step was to construct an index that would link individuals on the two systems.

The first phase of this linking was carried out by staff of the Department of Juvenile Justice who checked for any overlap of all identities on the two systems using several combinations of parts of the recorded surnames, given names, gender and dates of birth (e.g. first five letters of surname, first initial, day and month of birth; first five letters of given name, date of birth etc). In the case of questionable matches staff made an informed decision based on their knowledge of each case and using other information such as the young person's address and treatment history.

The first author then rechecked all the remaining unlinked conferencing records on CIDS to maximise the chance of linking all identities that appear on the two systems. Without fingerprint records or some other form of positive identification it is possible that individual matches could be missed, but for this to occur, the young person's records would need to have very significant differences in at least two of the three main matching fields – surname, given name, and date of birth – to be unmatched.

This matching process was very time consuming but it was critical if this study was to give an accurate picture of both conferences and court appearances. As conference information comes from CIDS any incorrectly unmatched identities on CIDS could result in undercounting of reappearances after conferences.

It should be noted that in the preparation of data for this study any duplicate identities on either system (i.e. people who incorrectly have two identity numbers on CCIS or CIDS) did not have their records merged. The managers of both CCIS and CIDS regularly check for and merge duplicates and the level of duplicates on each database is of the order of 1%-2%. While these duplicates may result in undercounting of prior and subsequent appearances (because an individual's criminal record appears as two people's shorter records) the effect is likely to be small and very similar for those receiving conferences and those going to court.

Once the information from the two databases was matched and merged a data set was constructed containing all court appearances and conferences in the period 6 April 1997 (i.e. one year before conferences commenced) to 30 June 2001. Each record in the data set has details about a particular court case or conference and contains the person's identity number and a number of summary variables of any court appearances the young person had prior to 5 April 1997.

Before analysing subsequent offending the following records were then removed from this data set:

- any court appearance records of referral to a conference (in order to prevent double counting of conference information contributed by the CIDS database);
- any unproven court appearances (including those identified as 'dismissed' on the CCIS);
- any court appearances to apply for an apprehended violence order;
- any conferences or court appearances where the offence or arrest dates were earlier than or equal to the 'initial treatment' date (so that only appearances for offences committed after the initial treatment were included in reappearance counts);
- any reconvened conferences for the same matters;
- any 'secondary' conferences (sometimes more than one conference for the same group of offences is held on the same day to accommodate different conference participants);
- any individuals whose 'initial treatment' was at age 18 or over (as any appearances for subsequent offending would not have been recorded in the children's system) or who had no date of birth recorded.

APPENDIX C – DEFINITION OF OFFENCE TYPES USED IN THIS STUDY

The offence categories used in this study are based on ASOC, the Australian Standard Offence Classification (Australian Bureau of Statistics 1997).

The lists below indicate which offences, as defined in ASOC, are included in each of the offence categories used in this study.

Serious person offences

ASOC Division	*ASOC Subdivision or lower level categories included*
01 - Homicide and related offences	All
02 - Acts intended to cause injury	0211 Aggravated assault
03 - Sexual assault and related offences	0311 Aggravated sexual assault
05 - Abduction and related offences	All
06 - Robbery, extortion and related offences	All

Less serious person offences

ASOC Division	*ASOC Subdivision or lower level categories included*
02 - Acts intended to cause injury	All except 0211 (Aggravated assault)
03 - Sexual assault and related offences	All except 0311 (Aggravated sexual assault)
04 - Dangerous or negligent acts endangering persons	All

Theft offences

ASOC Division	*ASOC Subdivision or lower level categories included*
07 - Unlawful entry with intent / Burglary, break and enter	All
08 - Theft and related offences	All
09 - Deception and related offences	All

Other offences

ASOC Division	*ASOC Subdivision or lower level categories included*
10 - Illicit drug offences	All
11 - Weapons and explosives offences	All
12 - Property damage and environmental pollution	All
13 - Public order offences	All
14 - Road traffic and motor vehicle regulatory offences	All
15 - Offences against justice procedures, government security and government operations	All
16 - Miscellaneous offences	All

APPENDIX D – RECONFERENCING

Table 21 shows that approximately 11 per cent of young people conferenced have attended a previous conference for another matter.

Table 21: Young people conferenced by number of previous conferences

Number of previous conferences	Frequency	Percent	Cumulative frequency	Cumulative percent
0	4,382	88.8	4,382	88.8
1	463	9.4	4,845	98.1
2	69	1.4	4,914	99.5
3	18	0.4	4,932	99.9
4	5	0.1	4,937	100.0

The count above does not include reconvened conferences and secondary conferences held for offences on the same day.

APPENDIX E – CONFERENCING AND PRIOR RECORD

Table 22 details the number of previous proven court appearances for those young people conferenced up to 30 June 2001.

While approximately 70 per cent had no previous proven appearance some of those conferenced had lengthy records.

Table 22: Young people conferenced by number of previous proven court appearances

Number of previous court appearances	Frequency	Percent	Cumulative frequency	Cumulative percent
0	3,430	69.5	3,430	69.5
1	849	17.2	4,279	86.7
2	313	6.3	4,592	93.0
3	130	2.6	4,722	95.7
4	81	1.6	4,803	97.3
5	58	1.2	4,861	98.5
6	25	0.5	4,886	99.0
7	15	0.3	4,901	99.3
8	9	0.2	4,910	99.5
9	15	0.3	4,925	99.8
10	3	0.1	4,928	99.8
11	4	0.1	4,932	99.9
12	1	0.0	4,933	99.9
13	3	0.1	4,936	100.0
14	1	0.0	4,937	100.0

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