
AN EVALUATION OF THE NSW COMMUNITY CONFERENCING FOR YOUNG ADULTS PILOT PROGRAM

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EXECUTIVE SUMMARY

An evaluation was undertaken of a pilot community conferencing program targeting young adults in NSW. The program began in September 2005 in two local courts: Liverpool and the Tweed Heads circuit. The program is still in operation.

This study measures the satisfaction of both conference participants and key stakeholders with the pilot program. Participants' satisfaction was measured using a short, structured questionnaire which was completed at the end of each conference. Victims, offenders and support persons of victims and offenders were asked to participate in the study. Questionnaires were returned from 171 conferences held between 12 September 2005 and 31 October 2006. A total of 585 questionnaires were completed. This total comprised 178 offenders, 89 victims, 172 offender support persons, 44 victim support persons and 42 victim representatives. Victim representatives participated in those conferences which did not involve a direct victim; some attended more than one conference and completed a questionnaire at each conference. The 42 victim representatives completed a total of 102 questionnaires.

OFFENDER AND VICTIM PROFILE

The majority of offenders and victims who participated in the survey were male and born in Australia.

Of the 171 conferences for which data were collected:

- 35.7 per cent (61 conferences) had at least one direct victim present;
- 47.4 per cent (81 conferences) were held without a direct victim, but with a victim representative; and,
- 17.0 per cent (29 conferences) were held with neither a victim nor a victim representative.

This profile of victim participation in conferences partly reflects the types of offences referred to conferences by magistrates. Half of all offences for which conferences were held were either traffic/motor vehicle offences (46.4%) or drug-related offences (4.3%). The vast majority of these offences did not involve a direct victim.

SURVEY OF CONFERENCE PARTICIPANTS

The vast majority of victims, offenders and their support persons who participated in this study were satisfied with the various stages of their conference, from the pre-conference preparation stage, through to the conference itself and the draft intervention plans developed by the participants.

PRE-CONFERENCE PREPARATION

Of each of the four types of respondents to the survey:

- Approximately 97 per cent indicated that they had been informed in 'good time' about when their conference was to be held.
- Between 58 and 74 per cent felt they had been given 'a lot' of information about what would happen at the conference.

- Between 53 and 67 per cent indicated that they were given ‘a lot’ of information about what was expected of them at the conference.
- Between 86 and 92 per cent were ‘quite satisfied’ or ‘very satisfied’ with the arrangements made to ensure they could get along for the conference.

More than half (54.0%) of the victims and 60.8 per cent of the offenders felt that they were given ‘a lot’ of information about possible outcomes of the conference.

CONFERENCE PROCEEDINGS

Of the victims, offenders and support persons of the victims and offenders:

- At least 97 per cent stated that they understood what was going on in the conference.
- Between 73 and 85 per cent believed that the conference was ‘very fair’ to the offender.
- Between 61 and 76 per cent believed that the conference was ‘very fair’ to the victim.
- At least 93 per cent believed that they were treated with respect during the conference.
- At least 96 per cent agreed or strongly agreed with the statement *you feel you had the opportunity to express your views in the conference*.
- At least 91 per cent perceived that their conference took account of what they said in deciding what should be done.

About seven in ten victims and offenders felt that the conference in which they participated respected their rights ‘a lot’.

INTERVENTION PLANS

Conference participants agreed on draft intervention plans for 166 (97.1%) of the 171 conferences involved in this study. The five conferences for which draft intervention plans were not agreed upon were from Liverpool and involved offences related to a riot which occurred in Macquarie Fields, Sydney, in late February/early March 2005.

Of each of the four types of survey respondents:

- At least 91 per cent were satisfied with the conference intervention plan.
- Between 81 and 93 per cent believed that the intervention plan was fair to the offender.

At least half of the victims, their supporters and the supporters of the offenders believed that the plan was ‘very fair’ to the victim.

The majority of victims, offenders and their respective support persons were satisfied with the way their case was dealt with by the justice system.

Almost all offenders agreed that *what happened in the conference will encourage [them] to obey the law in the future*. Two in five offenders stated that *during the conference, [they were overwhelmed by their understanding of] what it actually felt like for those who had been affected by [their] actions*. One in two offenders stated that *during the conference, [they were overwhelmed by the feeling] that the offence [they] committed was wrong*.

The results of this participant satisfaction survey are very similar to those obtained in the evaluation of the NSW Youth Justice Conferencing scheme (Trimboli 2000).

KEY STAKEHOLDER INTERVIEWS

Stakeholders' satisfaction with the implementation and operation of the pilot program was measured in one of two ways, either by short face-to-face interviews or two-hour focus groups.

Interviews or focus groups were held with magistrates, senior and operational police, conference facilitators, staff involved in program management/implementation and some members of the inter-Departmental Working Group. The objectives of this component of the evaluation were to identify the stakeholders' perceptions of various aspects of the implementation and operation of the program, including the effectiveness of the program in achieving its objectives, the program's eligibility criteria, conferences held for offences without direct victims, conferences with victim representatives, the importance of police attendance at conferences, training received by police and facilitators, and stakeholders' overall opinion regarding the program.

EFFECTIVENESS OF PROGRAM IN ACHIEVING OBJECTIVES

Most stakeholders believed that the conferencing program was effective in achieving its objectives of increasing the offender's awareness of the consequences of their offences for the victims and the community, encouraging offenders to take responsibility for the offence they have committed, and meeting the needs of victims and the community. However, some police officers believed that the extent to which the offender was willing to co-operate determined how effectively the program could achieve these objectives.

PROGRAM'S ELIGIBILITY CRITERIA

Most stakeholders suggested that the program's eligibility criteria should be broadened to:

- apply to all adult offenders, not only those aged 18 to 24 years; and
- include other offences, such as more serious offences, some offences against the police and the offences removed in the initial stages of the program's implementation (that is, riot, affray and assault police offences).

Some operational police officers, on the other hand, argued that:

- the age limit should be reduced to 21 years;
- only less serious offences (e.g. malicious damage, common assault, offensive behaviour and shop-lifting) are suitable for conferencing; and
- only first offenders should be referred to conferencing.

CONFERENCES WITH NO DIRECT VICTIMS

Police officers from Liverpool strongly opposed conferences with no direct victims. The vast majority of the other stakeholders, including police officers from Tweed Heads, believed that it is appropriate to conduct such conferences.

CONFERENCES WITH VICTIM REPRESENTATIVES

While a small minority stated that it is not appropriate to conduct conferences with victim representatives, the majority of stakeholders believed that such conferences are appropriate.

CONFERENCES WITHOUT EITHER A VICTIM OR A VICTIM REPRESENTATIVE

The question of whether it is appropriate to hold conferences without either a victim or a victim representative produced mixed responses. Many stakeholders asserted that such conferences are not appropriate while others stated they are appropriate.

IMPORTANCE OF POLICE ATTENDANCE AT CONFERENCES

Most program managers, conference facilitators, magistrates, operational police from Tweed Heads and other Working Group members stated that it is critical for police to attend conferences. Some of these stakeholders suggested that the police officer(s) involved in the offence(s) should attend, others suggested that any officer could attend.

By contrast, all police from Liverpool asserted that, as the conferencing program currently operates, it is not important for police to attend conferences as their only role is to ensure that participants feel secure.

Both police and conference facilitators stated that the police roster is the key issue to be resolved when police are invited to attend conferences. The rosters are organised six weeks in advance and are difficult to change without substantial notice. Police at both sites identified two further issues – lack of time and the focus on the offender's availability when organising conferences.

TRAINING RECEIVED BY POLICE AND FACILITATORS

While police inspectors and superintendents stated that they had received some training regarding the conferencing program, the vast majority of operational police stated that they had received none. With the exception of one operational police officer, all officers interviewed stated that training should have been provided prior to the program's implementation.

The initial two-day training provided to conference facilitators prior to program implementation was well received by the majority of facilitators and program managers.

OVERALL OPINION REGARDING CONFERENCING PROGRAM

Conferencing was not supported by the majority of police officers from Liverpool. By contrast, most of the remaining stakeholders believed that the conferencing program is successful, effective and operating well. Nonetheless, some stakeholders recommended a number of improvements to the pilot program, including:

- Undertake a gradual expansion of the program across the State.
- Clearly articulate the program objectives.
- Modify the eligibility criteria.
- Obtain stakeholder commitment to the program.
- Determine the role of the police in the overall program and conference process.
- Ensure magistrates more consistently apply the eligibility criteria.
- Ensure magistrates articulate their rationale for referring offenders to the program.
- Ensure that the same magistrate deals with a matter until it is finalised.

- Develop a proforma court report, with a succinct summary of key features, for submission to the magistrate prior to the offender's sentence hearing, to allow the magistrate time to consider the report.
- Develop rules regarding attendance at and participation in conferences by victim representatives.

NET-WIDENING AND RE-OFFENDING

Given that the pilot program was intended to target offenders who were likely to be facing imprisonment, it would be expected that the proportion of offenders sentenced to prison in the two pilot sites would be smaller after the program commenced compared with the period prior to the program's commencement. This did not occur for either Liverpool or Tweed Heads. It therefore appears that net-widening occurred in both sites. However, the actual number of offenders sentenced to prison in a year in Tweed Heads is quite small, suggesting that this may not have been a suitable site for the pilot program.

Of the offenders who attended a conference in Liverpool or Tweed Heads, 4.4 per cent were charged with another offence after the date of their conference. This figure is very small and is most likely due to the very short period of time (average of 4.8 months) since offenders had been to their conference, allowing them little opportunity to re-offend.

1. INTRODUCTION

The community conferencing for young adults (CCYA) pilot program was established through the *Criminal Procedure Amendment (Community Conference Intervention Program) Regulation 2005* under the *Criminal Procedure Act 1986*. This program provides magistrates with another sentencing option for young adults aged between 18 and 24 years who meet specific criteria. The pilot program for young adults began operation in September 2005 in two local courts in New South Wales (NSW) – one metropolitan court (Liverpool) and one non-metropolitan local court circuit (Tweed Heads, Murwillumbah, Byron Bay and Mullumbimby). The program enables magistrates in these two sites to refer offenders to conferences. In order to be referred, offenders must have pleaded guilty or have been found guilty of particular offences. Offenders must also be likely to serve a sentence of imprisonment.

A conference for a young adult is a decision-making forum in which the offender and his/her family/support group meet face-to-face with the victim of the offence and his/her family/support group. During the conference, the participants decide on what can be done to repair the harm caused by the offence. A draft intervention plan is then prepared which specifies the decisions made by the conference participants. This draft plan must be approved by a magistrate. The process ends once the offender completes the requirements of the intervention plan.

This report describes an evaluation of the community conferencing for young adults pilot program. The principal focus of this evaluation was to measure satisfaction of conference participants and key stakeholders. While the impact of conferencing on the offenders' subsequent re-offending is a crucial consideration in the future of the program, more time is required to allow offenders the opportunity to re-offend. Therefore, this report cannot provide an examination of re-offending. An estimate of the number of offenders who participated in a conference and were charged with another offence after their conference date will, however, be given and discussed. The report also considers whether the program reached the offenders for whom it was intended.

RESTORATIVE JUSTICE AND REINTEGRATIVE SHAMING

For thousands of years, many tribes and cultures have used meetings between offenders and victims to respond to crime (Braithwaite 1999). Despite this, these types of meetings were rarely used in legal systems until the 1970s, after which they began to develop in the USA and Canada as a means of diverting offenders from court (Daly & Hayes 2001; McCold 2006). It has only been since the early 1990s, however, that the popularity of these processes has increased internationally and that governments have implemented legislation to support them (Maxwell & Hayes 2006).

Such processes are given a variety of names, including mediation, circles and conferencing. Many of them are based on the principles of 'restorative justice' which is a relatively new term, even though it has been used in an informal or unlegislated way for many years. There is no single definition of this term, but one definition that is widely used is that proposed by Tony Marshall (1999, p.5) which states:

Restorative justice is a process whereby all the parties with a stake in a particular offence come together to resolve collectively how to deal with the aftermath of the offence and its implications for the future.

In addition to being used as alternatives to court processes, restorative justice schemes have been used at various stages in the criminal justice process, including pre-court, post-charge, pre-sentence, post-sentence or pre-revocation (e.g. before being released for parole; Latimer et al. 2001).

Also underpinning some of these restorative justice schemes is Braithwaite's (1989) theory of reintegrative shaming. This theory proposes that some types of shaming can prevent crime. 'Stigmatising' shaming occurs when an offender is treated disrespectfully and as a bad person. Braithwaite argues that this type of shaming is likely to aggravate offenders and increase crime. On the other hand, Braithwaite argues that 'reintegrative' shaming reduces crime because it involves disapproval of a person's actions; this disapproval is respectful rather than disrespectful. During reintegrative shaming, the person is treated as a good person and reintegration rituals are used to encourage forgiveness.

Some types of restorative justice practices do not involve face-to-face meetings. For example, some victim-offender mediation programs involve a neutral mediator who meets separately with victims and offenders to discuss the crime and repair the harm caused by the offence. This report, however, concentrates on diversionary conferences that are face-to-face meetings. Some examples of these are described in the following section.

CONFERENCING SCHEMES

Governments in many parts of the world have implemented conferencing schemes to address a range of criminal matters, including driving, assault, property and family violence offences. Some schemes target young offenders and others target adult offenders. For example, a program run by the police in Bethlehem, Pennsylvania, USA, was used to target young people who had committed their first offence. Young offenders were eligible if they committed relatively minor crimes, such as minor assaults, theft and property crime (McCold 2003). In many parts of the world, including Australia and Bangladesh, conferences have been used for school children involved in bullying (Queensland Department of Education 1996; Ahmed & Braithwaite 2005). In London, United Kingdom, conferences were run for adults who committed robbery or burglary offences (Sherman et al. 2005). Other countries have also adopted conferencing schemes to deal with crime and, in many cases, different programs are used to target offenders of different ages and specific crimes (McCold 2006). Of particular note, are the conferencing schemes established in New Zealand, which is a world-leader in the implementation and use of conferencing. In fact, many of the legislated conferencing schemes in use around the world, particularly those for young offenders, have been modeled on the New Zealand scheme of family group conferences.

Family group conferences began in New Zealand in 1990 after *The Children, Young Persons and Their Families Act* was passed in 1989. These conferences allow extended families to make decisions about what should be done to repair the harm caused by an offence. Young people can be referred to a conference by the police or the youth court. Conferences referred by the police are run by the police. Those referred by the courts are run by co-ordinators employed by the Child Youth and Family Services Department. Conferences can be attended by all individuals directly affected by the offence, the family of the young person and representatives from relevant government agencies. During the conference, the young person is held accountable for his/her

offence by being required to make amends to the victim. Plans are also developed by the conference participants to help the young person reintegrate into society.

Conferencing has been formally trialled in New Zealand for adult offenders. The court-referred restorative justice pilot program for adults began operation in New Zealand in 2001. The pilot was run by the Department of Courts in four different parts of New Zealand. Offenders were referred to a conference by the court after they had entered a guilty plea. Eligible offences included all property offences with two years imprisonment or more, and other offences with a maximum penalty between two and seven years imprisonment; including common assault, driving causing injury or death and criminal harassment. Drug offences, domestic violence offences, home invasion, offences against the administration of justice (New Zealand Ministry of Justice 2005) and sexual offences (Maxwell & Hayes 2006) are ineligible for the program. Once referred to a conference, an offender's suitability is assessed. If suitable, community based facilitators meet separately with the offender and the victim, to prepare for the conference. The conference does not go ahead if the victim chooses not to participate. The conferences are run by the facilitators and attended by the offender, the victim and their support people. Police, probation officers and the offender's lawyer are also invited to attend. During the conference, participants must decide on what can be done to repair the harm caused by the offence. Conference agreements can include any reparation to the victim as well as rehabilitation or other programs for the offender. A report of the conference is provided to the court and the judge can sentence the offender or adjourn the matter until the plan is completed. Once the plan is completed, the matter returns to court and the offender can be discharged or sentenced.

Conferencing schemes are becoming more common in Australia. Currently, all Australian States and Territories, apart from Victoria, have at least one legislated conferencing scheme (Maxwell & Hayes 2006). These schemes, however, differ in the way they are administered. For example, some conferencing schemes are administered by the police, while others are administered by the courts. Some legislated schemes are only for juveniles (e.g. NSW, Tasmania, Western Australia, South Australia, Northern Territory) and others include adults (e.g. Australian Capital Territory). Some address minor offending and some address serious offending (Daly & Hayes 2001).

This report will focus on conferencing in NSW. NSW was the first State in Australia to trial conferencing in 1991 in Wagga Wagga. The trial was based on the New Zealand model of family group conferencing and on Braithwaite's theory of reintegrative shaming. It was run by police and targeted juvenile offenders who had committed minor offences or their first offence. This scheme came to an end in 1995 and was succeeded by a pilot scheme of community youth conferences which, in turn, was succeeded by the Youth Justice Conferencing (YJC) scheme in 1998 (when the *Young Offenders Act 1997* became law). The YJC scheme drew heavily from the New Zealand model of family group conferencing, and is administered by the Department of Juvenile Justice. Young offenders between 10 and 18 years of age who have committed summary offences or indictable offences that can be dealt with summarily may be referred to a youth justice conference when they are eligible and entitled to be dealt with in this way, according to the terms of the Young Offenders Act. Offenders who have committed very serious offences, including those involving death, serious sexual assaults and serious drug offences are not eligible to be conferenced. The young offender can be referred to a conference by the police or the court. A specially trained community based convenor meets with participants and organises and facilitates the conference. The conference

involves a face-to-face meeting between the victim, the offender and their family/support group. Police and other professionals are also invited to participate. The group must make decisions about what can be done to repair the harm caused by the offence and record these in an outcome plan. When the young offender has been referred by the court, the outcome plan must be returned to the referring magistrate for approval.

OUTCOME EVALUATIONS

In general, conference participants are satisfied with the conferencing processes in which they participate. For example, Maxwell et al. (2004) studied conferences for young offenders in New Zealand and found that, for court-referred conferences, the vast majority of participants (but only half of the victims) agreed with the decisions made and felt they were repairing the harm done by the offence, as well as helping the offender reintegrate into society. For police-referred conferences, most offenders said that they were treated with respect, that the conference was fair, that they were remorseful and that the experience was positive. About one-fifth of offenders reported that their experience was negative (Maxwell et al. 2002). Similarly for adult offenders in New Zealand, most victims were satisfied with the conference process, the conference plan and the sentence given to the offender (New Zealand Ministry of Justice 2005). Most offenders considered the conference to be a positive experience, they were satisfied with the conference proceedings and thought the outcomes were fair (New Zealand Ministry of Justice 2005).

High levels of satisfaction have also been found for the conferencing schemes operating in Australian States (e.g. Markiewicz 1997; Cant & Downie 1998; Hayes et al. 1998; Palk et al. 1998; Daly 2003; Wilczynski et al. 2004; Maxwell & Hayes 2006). In NSW, the vast majority of people who participate in youth justice conferences are satisfied with the process (Trimboli 2000). They feel the conference process is fair, they are treated with respect and they are satisfied with the outcomes. The current study is based on Trimboli's (2000) evaluation of the YJC scheme. The same questionnaires were used to allow comparisons between the two studies. More detailed results of Trimboli's (2000) study are presented throughout the results section of this report.

While participant satisfaction is one measure used to indicate the success of conferencing schemes utilising restorative justice processes, the occurrence of net-widening and the rates of re-offending are other common features of interest in new criminal justice programs. These measures are often used as indications that a scheme or pilot is effective and successful.

Net-widening is a term used to describe a phenomenon where a process which has been introduced as an alternative to court or in order to divert offenders from court or prison results in more offenders being brought into the justice system. The occurrence of net-widening is used as an indication that a scheme or pilot is not targeting the intended group of offenders.

Re-offending is another measure often used to indicate whether a scheme or pilot is successful. There are several re-offending studies of conferencing schemes. Some studies compare groups of offenders who participate in conferences with comparison or control groups who have been dealt with by more traditional legal processes, such as court. For example, Luke and Lind (2002) compared re-offending by young first offenders who had been dealt with in court with those who had participated in a youth justice conference.

Fewer young offenders who had participated in a conference re-offended following the conference than those who had been dealt with in court. Similar results were found for young offenders in New Zealand (Maxwell & Paulin 2005) and for young violent offenders in the Reintegrative Shaming Experiments (RISE) in the Australian Capital Territory (Sherman et al. 2000). There were, however, no differences in the Australian Capital Territory between re-offending after conference or court for juvenile offenders who committed personal property or shoplifting offences (in stores with security staff), or for adults who committed drink-driving offences (Sherman et al. 2000).

Another method used to study re-offending is to examine the number of participants who re-offended and create models to predict which features or characteristics of offenders are more likely to lead to re-offending. For example, offenders who participated in a family conference in South Australia were followed for eight to 12 months after their conferences; 40 per cent were re-arrested or apprehended. Age, gender and prior offence history were highly predictive of further re-offending. Also, re-offending was less likely when offenders were observed to be remorseful and when all people in the conference agreed on the outcomes (Maxwell & Morris 2001; Hayes & Daly 2003). Similarly, in Queensland, 56 per cent of offenders re-offended three to five years after they participated in a community conference (Hayes & Daly 2004).

This report will provide an estimate of the number of offenders in the CCYA pilot program who re-offended two days to 12 months after the date of their conference. It was not practical to conduct a comparison study because a comparison group was not readily available and, more importantly, very little time had passed since the offenders had been to their conference, allowing little opportunity to properly measure or analyse re-offending patterns.

1.1 FEATURES OF THE COMMUNITY CONFERENCING PROGRAM FOR YOUNG ADULTS

CRIMINAL PROCEDURE AMENDMENT (COMMUNITY CONFERENCE INTERVENTION PROGRAM) REGULATION 2005

The Criminal Procedure Amendment (Community Conference Intervention Program) Regulation 2005, and the associated operating guidelines, outline the operation of the pilot program and describe the roles and responsibilities of the various participants.

Consistent with the YJC scheme on which the pilot program for young adults is based, the objectives of this program are (Source: Criminal Procedure Regulation 2005, Part 4, Division 1, s. 5):

- a. to provide for the greater participation in the justice process of offenders and victims and the families and support persons of offenders and victims;
- b. to increase offenders' awareness of the consequences of their offences for their victims and the community;
- c. to promote the reintegration of offenders into the community;
- d. to increase the satisfaction of victims with the justice process;
- e. to increase the confidence of the community in the justice process; and
- f. to provide a participating court with an additional sentencing option.

Figure 1: Overview of the operation of the Community Conferencing for Young Adults Pilot Program

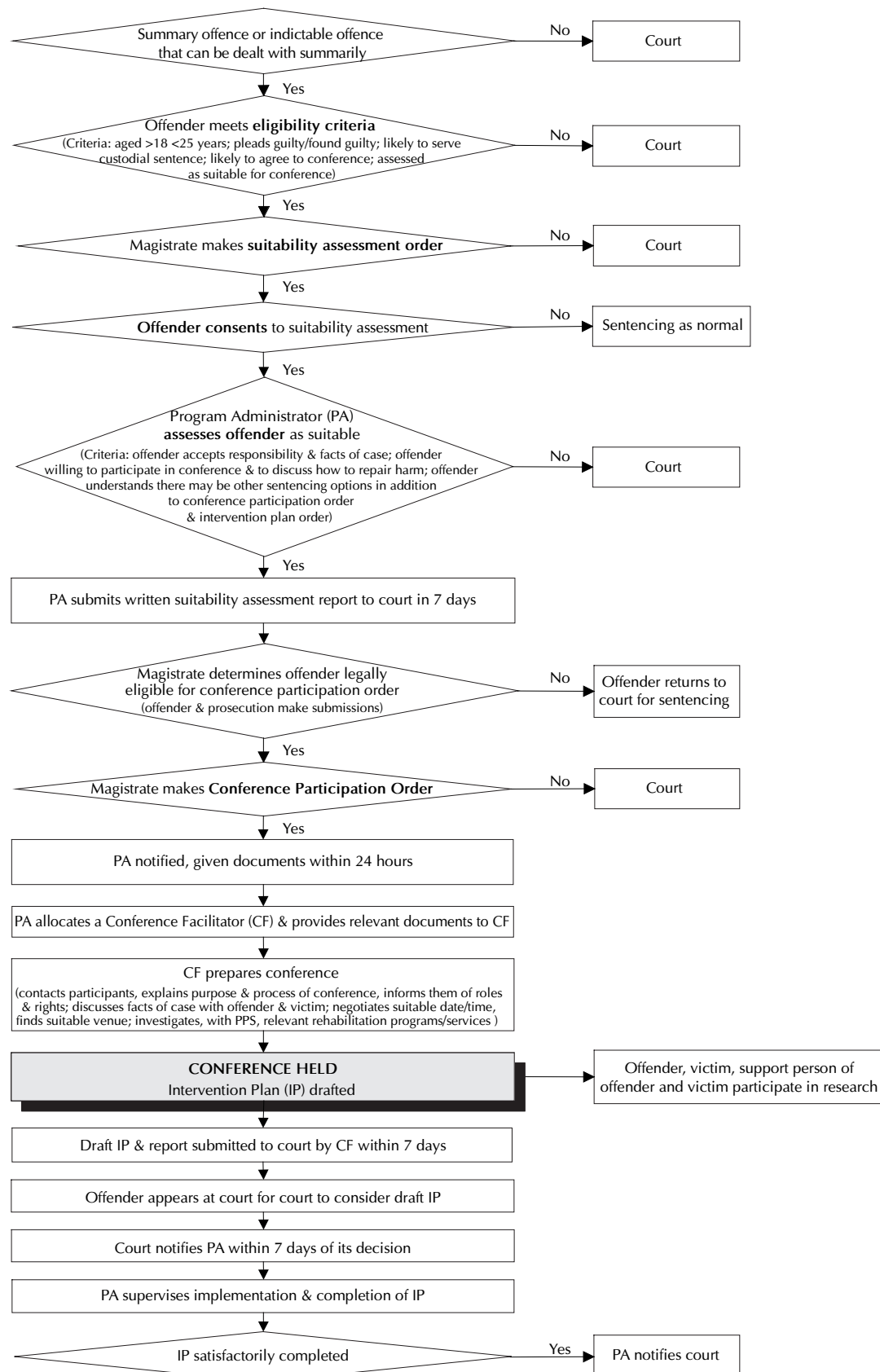


Figure 1 broadly illustrates how the pilot program operates.

To be eligible to participate in a conference, a number of criteria must be met:

- a. the offender must be at least 18 years of age and less than 25 years at the time of the offence;
- b. the court must consider that the offender is likely to serve a sentence of imprisonment for this offence;
- c. the offender must have no record of specific convictions, namely, murder, manslaughter, category 1 personal violence offences, specific drug offences, serious firearms or weapons offences;¹
- d. the offender must have been assessed as suitable to participate in the conferencing program; and
- e. the court must consider that the offender will participate in the conferencing program if he/she is referred to it.

As Figure 1 shows, offences which can be dealt with by way of a conference in this pilot program are summary offences, and indictable offences that may be dealt with summarily under the Criminal Procedure Act 1986. A number of offences are not eligible for conferencing. Ineligible offences include malicious wounding or infliction of grievous bodily harm, sexual assault, child prostitution, pornography, stalking or intimidation with the intent to cause fear of physical or mental harm, domestic violence offences, any offence involving the use of a firearm and offences related to supplying prohibited drugs. Riot, affray and some assault police offences, although originally included, were added to the list of ineligible offences during the course of the pilot.

If a magistrate in one of the participating courts refers an offender for a conference suitability assessment, the relevant program administrator has the responsibility of undertaking the assessment as soon as practicable. The Regulation outlines a number of criteria to assist the administrator in conducting this assessment (Source: Community Conferencing for Young Adults Operating Procedure, 29 August 2005, p. 8):

- a. whether the offender accepts responsibility for the offence;
- b. whether the offender accepts the facts of the case tendered to the court;
- c. whether the offender has a general understanding of what will happen at the conference and is willing to participate;
- d. whether at the conference the offender is willing to discuss and be part of deciding how they can repair the harm caused by their offending;
- e. whether the offender understands that the conference is part only of the broader sentencing process and there may be other aspects to the sentence in addition to a conference participation order and an intervention plan order; and
- f. the nature of any known relationship between offender and victim, including whether the existence of a prior relationship would be potentially assisted or harmed by the conferencing process.

The program administrator must submit a written suitability assessment report to the participating court. If an offender is assessed as unsuitable for a conference, the matter is referred to court for sentencing in the usual manner. If the offender is assessed as suitable for a conference, the magistrate considers whether he/she is eligible to participate in a conference; if so, then a conference participation order is made. However, if the offender does not agree to be subject to a conference participation order, the matter is returned to court for sentencing in the usual manner.

The program administrator must then assign a conference to a facilitator. Facilitators are recruited from the local community and are offered conferencing work depending on their appropriateness for individual conferences. The facilitator is responsible for contacting the relevant parties and explaining the purpose of the conference, the conference process, the benefits of attending and the role of the different participants. The facilitator is also responsible for: catering for specific needs of participants (for

example, interpreters, disabilities and travel); organising a suitable venue which is safe, comfortable and accessible to public transport; arranging a time which is convenient to the victim, offender and as many other participants as possible; and conducting the conference. Facilitators have been specially trained to undertake these tasks and many have had substantial experience in conducting youth justice conferences.

The program's operating guidelines note that (Source: Community Conferencing for Young Adults Operating Procedure, 29 August 2005, p. 18):

the minimum number of participants at a conference would ordinarily be:

- the facilitator,
- the offender,
- the offender's support people,
- the victim (or the victim's representative) and
- the victim's support people.

The Regulation notes that others who are entitled to attend a conference include a police officer responsible for investigating the offence for which the conference is being held and a legal practitioner who can advise the offender but who cannot participate in the conference (Criminal Procedure Regulation 2005, Division 2, Part 13).

One of the key functions of the conference is for participants to develop a draft intervention plan. This plan documents recommendations made by the conference participants to demonstrate that the offender (Source: Community Conferencing for Young Adults Operating Procedure, 29 August 2005, p. 25):

- has recognised the harm done to the victim and the community, and accepted responsibility for their actions; and
- has committed to undertake activities or attend programs which aim at promoting rehabilitation and reducing re-offending.

Intervention plans can include the offender making a written or verbal apology to the victim, financially reimbursing the victim, undertaking community work, or addressing other problems that might underlie the offence, such as undertaking treatment for illicit drug use problems. The draft intervention plan and a conference report are submitted by the program administrator to the court for the magistrate's approval or request for revision.

Once approved, the program administrator is responsible for supervising the implementation and completion of the 'intervention plan order'. If the offender does not satisfactorily complete the intervention plan order, the administrator must notify the court.

IMPLEMENTATION OF THE PILOT PROGRAM

An inter-Departmental Working Group (with its current membership) was established in late 2004 to implement the pilot program and to oversee its operation. The Group, which meets on a regular basis, has representatives from the magistracy and key stakeholder agencies, including the Attorney General's Department, Department of Corrective Services, Department of Juvenile Justice, Legal Aid Commission, NSW Law Society, NSW Police Force and Youth Justice Advisory Committee.

1.2 CURRENT STUDY

The NSW Bureau of Crime Statistics and Research was commissioned by the NSW Government to conduct an evaluation of the community conferencing for young adults pilot program. The Bureau's terms of reference were to determine:

1. Whether young adult offenders, victims and support persons of both victims and offenders who participate in conference proceedings are satisfied with the process and the outcomes of the proceedings.
2. Whether conference proceedings lead to an increased acceptance of responsibility by the offender.
3. Whether key stakeholders are satisfied with the implementation of the program and their recommendations, if any, for modifications.
4. Whether the program reached those for whom it was intended.
5. The rate of re-offending amongst those participating in the program.

2. METHOD

This section is presented in three parts. The first part describes the method used to conduct the survey of conference participants. The second part describes the method used to measure stakeholder satisfaction with the implementation of the program. The third part describes the calculations for estimating the effectiveness of the program as a diversionary option from prison and the effect of the program on re-offending.

Ethics approval for the components of the evaluation dealing with satisfaction was obtained on 4 August 2005 from the Ethics Committee of the NSW Department of Corrective Services.

2.1 SURVEY OF CONFERENCE PARTICIPANTS

This section describes the method used to conduct the survey of conference participants. The goal was to survey every victim and offender who attended a conference in each of the two pilot sites: Liverpool and Tweed Heads (including Byron Bay, Mullumbimby and Murwillumbah). In addition, one support person of each victim and each offender was targeted. The study covered a period of 13 months, from the time of commencement of the program in September 2005 to the end of October 2006.

Conference participants were invited to complete a short, structured questionnaire at the end of their conference before leaving the conference venue.

In some cases, there was no direct victim. These cases generally involved offences that were either driving-related or drug-related. A victim representative often attended these conferences and he/she was asked to complete the questionnaire in lieu of the victim support person.²

SURVEY INSTRUMENT

The questionnaires used in the evaluation of the YJC scheme (Trimboli 2000) were used in this study. This allowed comparisons between the two studies.

In the current study, the questionnaire took approximately ten minutes to complete. It included both closed and open-ended questions. For the closed questions, participants were asked to give a rating on a four or five-point Likert scale. Some of these questions were derived from the interview schedules developed for the Canberra RISE evaluation (Reintegrative Shaming Experiments, unpublished; Strang 2002).

Within each questionnaire, the sequence of the questions reflected the chronological sequence of the conferencing process. Survey questions measured:

- satisfaction with the pre-conference preparation;
- satisfaction with the conference proceedings;
- satisfaction with the intervention plans;
- the extent to which the offender understood the harm caused to the victim; and
- the degree of satisfaction with how the criminal justice system handled their case.

Each participant was also asked to provide demographic information (including age, gender, Aboriginality, country of birth, mother's country of birth and father's country of birth).

For each of the four different categories of conference participants (offenders, victims, offenders' support persons and victims' support persons), the core survey questions were asked in the same order. Additional questions were asked of each of the different categories of conference participant. The offender was asked a number of questions about his/her self-projected compliance with the law and the extent to which he/she accepted responsibility for his/her actions. The victim was asked the extent to which he/she was given an opportunity to explain the loss and harm resulting from the offence, and the extent to which the conference took account of the effects of the offence on him/her. The victim was also asked to indicate against whom the offence had been committed: the individual personally, a business which he/she owns, or a company/organisation which employs him/her or which he/she represents. Support persons of both victims and offenders were asked how well their concerns were dealt with at the conference. See Appendix for questionnaires.

PROCEDURE FOR CONDUCTING SURVEY

The Bureau co-ordinated the data collection. Program administrators and conference facilitators assisted the Bureau. The facilitators explained the research to the conference participants when they made arrangements for the conference. They then administered the questionnaires to the participants at the end of the conference. Facilitators were asked to ensure that conference participants completed the questionnaires independently. Program administrators advised the Bureau when a referral to a conference was received from court. This advice included details of the conference facilitator responsible for organising and conducting the conference. Bureau staff then contacted the facilitator requesting information regarding the date of the conference and the number of each type of conference participant expected to attend. A package of evaluation materials was assembled and sent to the facilitator. Each package was tailor-made for the specific conference, based on the advice provided by the facilitator.

Each package included questionnaires that were colour-coded by type of conference participant; this was designed to make the distribution process easier for the facilitator. Prior to completing the questionnaire, each respondent was asked to complete a consent form. This form explained that conferences with young adult offenders are a new way of dealing with criminal matters and, as such, the NSW Attorney General's Department would like to know how well conferences are working and what the conference participants thought of the process. Attached to each questionnaire and each consent form was an envelope. The respondent was requested to place his/her completed questionnaire and consent form into the respective envelopes and to seal them before returning them to the facilitator. By separating the completed consent form from the completed questionnaire, the researchers were not able to link the two, thus increasing confidentiality. The facilitator was requested to return the sealed envelopes from each conference to the Bureau.

DATA ANALYSIS

The data from the self-completed written questionnaires were entered into a Microsoft Access database. The response categories for the closed survey questions in the questionnaire were combined in the same way as those in the YJC evaluation (Trimboli 2000).

Once the pilot began, it became obvious that many conferences involved victimless offences, such as driving and drug offences. Also, in the initial stages of the program,

offences related to a riot which occurred in late February/early March 2005 in Macquarie Fields, near Liverpool, Sydney, were referred to conferencing. These riot offences were subsequently deemed inappropriate for conferencing and were removed from the eligibility criteria.

In addition to analysing all the data, other analyses were conducted to examine how conferences held for victimless offences (conferences held for victimless offences versus those for offences involving victims) and pilot site (Tweed Heads versus Liverpool) affected participant satisfaction. Where there was a difference between the results from Liverpool and Tweed Heads, the data from Liverpool were further analysed to examine the affect of the conferences involving riot offences on participant satisfaction.

Conferences for the riot offences involved 18 victims (20.2% of all victims in this sample), seven offenders (3.9% of all offenders), seven offender support persons (4.1% of all offender support persons) and three victim support persons (2.0% of all victim support persons). It should be noted that because 20.2 per cent of all the victims³ in the sample attended the conferences involving riot offences, their responses may have influenced the responses for the category of victims. Therefore, in order to determine if this occurred, the responses given by the victims from Liverpool who attended the conferences dealing with riot offences were removed from the data. These results were then compared to the results for all victims from Liverpool.

Results of the analyses of conferences for victimless offences (conferences for victimless offences versus those for offences involving victims), pilot site (Tweed Heads versus Liverpool), and conferences held for riot offences (victims who attended conferences for riot offences versus all victims) are only presented when there were differences of approximately 10 per cent or more between the groups.

2.2 KEY STAKEHOLDER INTERVIEWS

The second component of this evaluation was a survey of key stakeholders. The objectives of this survey were to examine each stakeholder's perceptions of various aspects of the implementation and operation of the conferencing program, including: the effectiveness of the program in achieving its objectives, the program's eligibility criteria, conferences conducted for offences without direct victims, conferences conducted with victim representatives, the issues related to police attendance at and participation in conferences, training received regarding the program, stakeholders' overall opinion regarding the program, and areas where modifications could be made to the program to improve its operation and outcomes. Stakeholders were also given the opportunity to raise any other issues of concern regarding the program.

With the exception of facilitators who were all invited to attend, stakeholders who participated in this component of the evaluation were nominated by their respective senior managers.

Information was obtained either by face-to-face interviews or by two-hour focus group discussions. Interviews were held with five magistrates, eight senior and operational police at Tweed Heads, one senior police officer at Liverpool, one member of the inter-Departmental Working Group and six staff involved in program management/implementation. Four separate focus groups were conducted: two with conference facilitators (7 attended at Liverpool and 8 at Tweed Heads), one with police at Liverpool (9 attended) and one with members of the inter-Departmental Working Group (3 attended).

2.3 NET-WIDENING

The pilot program was designed to provide an additional sentencing option where the court considers it is likely that they would impose a sentence of imprisonment on the offender. Data were therefore examined to determine whether the pilot program was being used only for offenders who would otherwise have been sentenced to a term of imprisonment. The proportion of 18 to 24 year old offenders receiving sentences of imprisonment, periodic detention and home detention from Liverpool and Tweed Heads (including Byron Bay, Mullumbimby and Murwillumbah) courts was calculated for the 12 months prior to and after commencement of the pilot program and compared with the proportion receiving these penalties in all other courts of NSW.

2.4 RE-OFFENDING

An indication of the rate of re-offending among those on the conferencing program was obtained by calculating the proportion of offenders who were charged and convicted with further offences after the date of their conference.

Offenders were followed for a period of 12 months from 30 September 2005 to 30 September 2006. The first offender included in this analysis attended a conference on 30 September 2005, therefore his opportunity to re-offend was 12 months. The last offender who could be included in the re-offending analysis attended a conference on 28 September 2006; his opportunity to re-offend was restricted to two days. On average, offenders had a period of 4.8 months in which they could re-offend.

All offenders were included in this analysis except one offender who participated in two conferences. The total number of offenders considered for this calculation was 180.⁴

3. RESULTS

The results are presented in three parts. The first part deals with the results of the survey of the conference participants. The second part deals with the results of the focus groups and interviews held with key stakeholders. The third part presents data related to net-widening and re-offending.

3.1 SURVEY OF CONFERENCE PARTICIPANTS

The results of the survey are presented in three sections. The first section provides data on the number and type of conference attendees (offenders, victims or their supporters), the socio-demographic characteristics of the respondents, the offences for which the conferences were held and the type of victim involved (for example, personal victim or corporate victim). The second section examines the respondents' satisfaction with various aspects of the conferencing process and the outcomes of the conference proceedings. The third section deals with a number of issues which are specific to the roles of the conference participants.

SAMPLE CHARACTERISTICS

These results are based on the written questionnaires returned from 171 conferences held in NSW between 12 September 2005 and 31 October 2006. Over this period, a total of 174 evaluation packages were sent for conferences held in the two pilot sites. The response rate for conferences was therefore 98.3 per cent.

At least 86 per cent of participants from each category (offender, victim or support persons) who were eligible to participate in the study chose to do so. These details are presented in Table 1.

More victim representatives than victims participated in this study (102 victim representatives and 89 victims). This occurred because some offences dealt with under the program did not involve a direct victim. Further information regarding offences for which conferences were held is provided in the next section. Victim representatives completed the same questionnaires as victim support persons. The responses for 'victim support persons' therefore include those of the victim representatives. It is important to note that the same victim representatives attended a number of conferences. Forty-two victim representatives completed the 102 questionnaires received in this study. More

Table 1: Proportion of eligible conference participants completing a questionnaire

<i>Type of participant attending conference</i>	<i>Number eligible to complete questionnaire</i>	<i>Completed a questionnaire</i>	
		<i>N</i>	<i>% of those eligible</i>
Offender	182	178	97.8
Victim	93	89	95.7
Offender support person	177	172	97.2
Victim support person/representative			
Supporter of direct victim	51	44	86.3
Victim representative	110	102	92.7
Total victim support person/representative	161	146	90.7
Total	613	585	95.4

specifically, victim representative 1 completed 22 questionnaires, victim representatives 2, 3 and 4 completed nine, eight and seven questionnaires, respectively. All other victim representatives completed fewer than five questionnaires each.

The results of victim support persons may have been skewed by the victim representatives who completed multiple questionnaires. Therefore, the pattern of responses given by victim representatives 1, 2, 3 and 4 to each survey question was analysed to determine whether it differed from the pattern of responses given by other victim support persons. They were found to be similar. As a result, the responses given by each of these representatives for each questionnaire they completed were included in the results. For questions regarding gender, Aboriginality and country of birth, however, the answers from victim representatives 1, 2, 3 and 4 were counted once only.

SOCIO-DEMOGRAPHIC CHARACTERISTICS OF SURVEY RESPONDENTS

Of the 178 offenders who answered the question regarding gender, 87.4 per cent were male and 12.6 per cent were female. Of the 86 victims who answered this question, 74.4 per cent were male and 25.6 per cent were female.

Of the 171 offender support persons who answered this question, 38.6 per cent were male and 61.4 per cent were female. Questionnaires for 'victim support persons' were completed by both victim representatives and victim supporters. Of the 43 victim support persons who answered this question, 53.5 per cent were male and 46.5 per cent were female. Sixty victim representatives answered the question regarding gender, of whom 60.0 per cent were male and 40.0 per cent were female.

Of the 178 offenders who answered the survey question regarding Aboriginality, 8.1 per cent identified themselves as being of Aboriginal or Torres Strait Islander origin. Similarly, of the 87 victims who answered this question, 8.0 per cent identified in this way. Of the 171 offender support persons who answered this question, 5.8 per cent were of Aboriginal or Torres Strait Islander origin. Seven percent of the victim support persons and none of the victim representatives who answered the question identified as being of Aboriginal or Torres Strait Islander origin.

Tables 2 and 3 show the age of the key participants in the conference, namely, offenders and victims, respectively. Their ages are given according to each pilot site.

Table 2: Age of the offenders by site

<i>Offender's age (years)</i>	<i>Liverpool</i>		<i>Tweed Heads</i>		<i>Total</i>	
	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>
18	7	7.5	17	20.2	24	13.6
19	25	26.9	21	25.0	46	26.0
20	16	17.2	11	13.1	27	15.3
21	13	14.0	5	6.0	18	10.2
22	11	11.8	12	14.3	23	13.0
23	6	6.5	7	8.3	13	7.3
24	13	14.0	10	11.9	23	13.0
25	2	2.2	1	1.2	3	1.7
Total	93	100.0	84	100.0	177	100.0

Note: Table 2 excludes 1 offender from Liverpool who did not answer this question.

As Table 2 shows, approximately two in five offenders were either 19 (26.0%) or 20 (15.3%) years old. Although this is not shown in Table 2, the average age of the offenders at Liverpool and Tweed Heads was 21.7 and 20.5 years, respectively.

As Table 3 shows, 53.6 per cent of the victims were aged between 30 and 49 years. Although not evident from Table 3, the average age of the victims at Liverpool and Tweed Heads was 44.2 and 41.0 years, respectively.

Table 3: Age of the victims by site

<i>Victim's age (years)</i>	<i>Liverpool</i>		<i>Tweed Heads</i>		<i>Total</i>	
	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>
16 - 19	3	6.1	3	8.6	6	7.1
20 - 29	8	16.3	5	14.3	13	15.5
30 - 39	12	24.5	8	22.9	20	23.8
40 - 49	16	32.7	9	25.7	25	29.8
50 - 59	9	18.4	7	20.0	16	19.0
60+	1	2.0	3	8.6	4	4.8
Total	49	100.0	35	100.0	84	100.0

Note: Table 3 excludes 5 victims from Liverpool who did not answer this question.

Survey participants were asked to indicate their country of birth, their mother's country of birth and their father's country of birth. Tables 4 and 5 show the responses provided regarding the birthplace of the offenders, victims and their respective parents. Countries of birth of support persons are also briefly described.

As Table 4 shows, 81.0 per cent of offenders were born in Australia. However, there were some differences between sites: Australia was the birthplace of 68.5 per cent of

Table 4: Country of birth of offenders and their parents

<i>Country of birth</i>	<i>Offender</i>		<i>Offender's mother</i>		<i>Offender's father</i>	
	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>
Australia	141	81.0	102	60.7	97	58.1
United Kingdom	-	-	2	1.2	8	4.8
New Zealand	7	4.0	7	4.2	7	4.2
Vietnam	2	1.2	6	3.6	6	3.6
Italy	-	-	3	1.8	2	1.2
Greece	-	-	2	1.2	1	0.6
Germany	-	-	1	0.6	-	-
Philippines	1	0.6	3	1.8	1	0.6
Netherlands	-	-	1	0.6	-	-
Other	23	13.2	41	24.4	45	27.0
Total	174	100.0	168	100.0	167	100.0

Note: Table 4 excludes 4 offenders who did not answer the question regarding their country of birth, 10 offenders who did not answer the question regarding the birthplace of their mother and 11 offenders who did not answer the question regarding the birthplace of their father.

offenders from Liverpool and 95.1 per cent of offenders from Tweed Heads.⁵ Most of the offenders from Liverpool who were not born in Australia were born in New Zealand and 'other' countries, such as Fiji and Iraq. Australia was the birthplace of approximately 60 per cent of the offenders' parents. Again, there were differences between the sites. At Liverpool, 37.5 per cent of offenders' mothers and 36.4 per cent of offenders' fathers were born in Australia.⁶ Other than Australia, the most common countries of birth were Fiji, Italy, Lebanon, New Zealand and Vietnam. At Tweed Heads, 86.3 per cent of offenders' mothers and 82.3 per cent of offenders' fathers were born in Australia.⁷

Of the 172 offender support persons who answered this question, 75 per cent were born in Australia.

Table 5: Country of birth of victims and their parents

<i>Country of birth</i>	<i>Victim</i>		<i>Victim's mother</i>		<i>Victim's father</i>	
	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>
Australia	73	83.9	62	71.3	60	69.0
United Kingdom	3	3.4	5	5.8	7	8.0
Italy	5	5.8	7	8.0	7	8.0
New Zealand	1	1.2	2	2.3	1	1.2
Vietnam	-	-	-	-	1	1.2
Greece	-	-	-	-	-	-
Germany	-	-	-	-	1	1.2
Philippines	-	-	-	-	-	-
Netherlands	-	-	1	1.2	1	1.2
Other	5	5.8	10	11.5	9	10.3
Total	87	100.0	87	100.0	87	100.0

Note: Table 5 excludes 2 victims who did not answer these questions.

As Table 5 shows, 83.9 per cent of victims were born in Australia. There were differences between the two sites: at Liverpool, 75.0 per cent of victims were born in Australia, while at Tweed Heads, 97.2 per cent were born in Australia.⁸ Australia was also the birthplace of approximately 70 per cent of the victims' parents. Again, there were differences between the sites. At Liverpool, 61.5 per cent of victims' mothers and 57.7 per cent of victims' fathers were born in Australia.⁹ Of those not born in Australia, the most common countries of birth were the United Kingdom and Italy. At Tweed Heads, 85.7 per cent of victims' mothers and fathers were born in Australia.¹⁰

Of the 44 victim support persons and the 60 victim representatives who answered this question, 72.7 per cent and 71.7 per cent, respectively, were born in Australia.

OFFENCES FOR WHICH CONFERENCES WERE HELD

Table 6 shows the offences for which the conferences in this sample were held.

As Table 6 shows, the largest category of all offences recorded was traffic and motor vehicle offences (46.4%). The next largest category was theft and related offences (17.6%). About nine per cent of offences involved property damage, while six per cent involved unlawful entry of a structure or lands with intent, or a burglary, break and enter. The remaining offences involved assaults, drug-related offences, offences against

justice procedures, weapons offences or other offences. It is important to note that approximately half of all offences recorded were traffic and drug offences that did not involve a direct victim.

Almost half (46.8%) of the 171 conferences were held for victimless offences. Half (n=45) of the 90 conferences held at Liverpool and 43.2 per cent (n=35) of the 81 conferences held at Tweed Heads were for victimless offences.

Table 6: Offences for which conferences were held

<i>Offence</i>	<i>N</i>	<i>%</i>
Road traffic and motor vehicle regulatory offences		
• use uninsured motor vehicle	13	4.3
• drive with special/low/middle/high range PCA	23	7.6
• drive while disqualified	31	10.3
• drive on road while licence suspended/cancelled	10	3.3
• use unregistered registrable class A motor vehicle	11	3.6
• other, <i>includes menacing driving, negligent driving, unlicensed driver</i>	52	17.2
Total	140	46.4
Theft and related offences		
• larceny value ≤ \$2000	20	6.6
• obtain money/valuable thing/financial advantage by deception/ make false statement	14	4.6
• other, <i>includes steal from the person, steal motor car, steal property</i>	19	6.3
Total	53	17.6
Property damage, <i>includes malicious damage, graffiti</i>	26	8.6
Unlawful entry of a structure/lands with intent/ burglary, break and enter	18	6.0
Assault		
• common assault	10	3.3
• other	3	1.0
Total	13	4.3
Drug related offences, <i>includes possess prohibited drug, cultivate prohibited plant</i>	13	4.3
Offences against justice procedures, <i>includes assault police officer, resist police officer</i>	14	4.6
Weapons related offences, <i>includes carry cutting weapon on apprehension</i>	6	2.0
Other offences, <i>includes riot, offensive language/manner offences</i>	19	6.3
Total	302	100.0

Note: Table 6 is based on the information provided by conference administrators regarding the offences committed by the offenders.

The offence categories in Table 6 are drawn from the law part codes used by the courts. The number of offences is more than the number of offenders because some offenders were charged with multiple offences.

Table 7: Type of victim against whom the offences were committed

<i>Victim Type</i>	<i>N</i>	<i>%</i>
Respondent personally	35	41.7
A company/organisation which employed respondent or respondent represents	36	42.9
A business respondent owns	5	6.0
Both respondent personally and a company/organisation which employed respondent or respondent represents	8	9.5
Total	84	100.0

Note: Table 7 excludes 5 victims who did not provide information regarding victim type.

Of the 171 conferences for which data were collected, only 35.7 per cent (n=61) had one or more direct victims present. Nearly half (47.4%, 81) of the conferences were held without a direct victim, but with a victim representative, and 17.0 per cent (n=29) of the conferences were held with neither a victim nor a victim representative.¹¹

For conferences which included a victim, each victim in this sample survey was asked to indicate against whom the offences were committed: the subject personally, a business he/she owned, a company/organisation for which he/she worked or which he/she represented, or both the subject personally and the company/organisation which employed him/her. Table 7 shows the type of victim against whom the offences were committed.

As Table 7 shows, the majority of the offences were committed either against victims personally (41.7%) or against a company/organisation which employed them or they represented (42.9%).

PARTICIPANT SATISFACTION WITH CONFERENCING

Respondents in this sample survey were asked to indicate their level of satisfaction with various stages of the conferencing process, from the pre-conference preparation stage to the conference proceedings and the draft intervention plans.

In the next section, comparisons are made between the results obtained in the current study and those obtained in the Bureau's evaluation of the NSW YJC scheme (Trimboli 2000). Note that, in the current study, victim representatives were given the victim support person questionnaires. The responses from victim representatives are therefore included with those from the victim support persons.

The data for the entire sample were analysed. Additional analyses were undertaken regarding conferences held for victimless offences (conferences held for victimless offences versus those for offences involving victims), pilot site (Tweed Heads versus Liverpool), and conferences for riot offences (victims who attended conferences for riot offences versus all victims). Results of these additional analyses are only presented when there were differences of approximately 10 per cent or more between the groups.

Pre-conference preparation stage

Each of the four respondent types were asked four questions regarding the notification they received about the conference:

1. *Were you informed in good time about when your conference was to be held?*

2. *Were you given information about what would happen at the conference?*
3. *Were you given information about what was expected of you at the conference?*
4. *How satisfied were you with the arrangements made to ensure that you could get along for the conference?*

Victims and offenders were asked an additional question: *were you given information on possible outcomes of the conference?* Neither the offenders' support persons nor the victims' support persons or representatives were asked this question.

Table 8 shows the responses given by each of the four respondent types to the survey question: *were you informed in good time about when your conference was to be held?*

Table 8: Responses for *were you informed in good time about when your conference was to be held?*

<i>Responses</i>	<i>Offenders</i>		<i>Victims</i>		<i>Offenders' Supporters</i>		<i>Victims' Supporters</i>	
	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>
yes	173	98.3	84	96.6	165	97.6	141	97.2
no	3	1.7	3	3.4	4	2.4	4	2.8
Total	176	100.0	87	100.0	169	100.0	145	100.0

Note: Table 8 excludes 2 offenders, 2 victims, 3 offenders' supporters and 1 victim supporter who did not answer this question.

As shown in Table 8, at least 97 per cent of all types of respondents indicated that they had been informed in good time about when their conference was to be held. These proportions are similar to those obtained by Trimboli (2000).

Table 9 presents the responses given by the four respondent types to the second survey question measuring participant satisfaction with the notification they received regarding their conference, namely, *were you given information about what would happen at the conference?*

Respondents were asked to give a rating on a four-point Likert scale, ranging from 'none at all' to 'a lot' of information.

Table 9 shows that between 58.1 and 74.2 per cent of all categories of respondents felt that they had been given 'a lot' of information about what would happen at the conference. Less than seven per cent of each category felt that they had been given

Table 9: Responses for *were you given information about what would happen at the conference?*

<i>Responses</i>	<i>Offenders</i>		<i>Victims</i>		<i>Offenders' Supporters</i>		<i>Victims' Supporters</i>	
	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>
none at all/not much	7	3.9	1	1.1	11	6.4	3	2.0
some	39	21.9	26	29.6	61	35.5	47	32.2
a lot	132	74.2	61	69.3	100	58.1	96	65.8
Total	178	100.0	88	100.0	172	100.0	146	100.0

Note: Table 9 excludes 1 victim who did not answer this question.

‘none at all’ or ‘not much’ information. At least 96 per cent of the young offenders, victims and offender support persons participating in the YJC evaluation reported that they were given either ‘some’ or ‘a lot’ of information about what would happen at the conference (Trimboli 2000).

The third survey question relating to participant satisfaction with the pre-conference preparation stage was: *were you given information about what was expected of you at the conference?* The responses given to this question by each of the four respondent types are outlined in Table 10.

Table 10: Responses for *were you given information about what was expected of you at the conference?*

<i>Responses</i>	<i>Offenders</i>		<i>Victims</i>		<i>Offenders’ Supporters</i>		<i>Victims’ Supporters</i>	
	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>
none at all/not much	7	4.0	4	4.5	15	8.9	2	1.4
some	51	29.0	29	33.0	64	37.9	52	35.6
a lot	118	67.0	55	62.5	90	53.2	92	63.0
Total	176	100.0	88	100.0	169	100.0	146	100.0

Note: Table 10 excludes 2 offenders, 1 victim and 3 offenders’ supporters who did answer this question.

As Table 10 shows, between 53.2 and 67.0 per cent of all types of respondents indicated that they were given ‘a lot’ of information about what was expected of them at the conference. Together, the response categories ‘some’ and ‘a lot’ accounted for the answers given by nine in ten of each of the four respondent types. Again, these proportions are similar to those obtained in the YJC evaluation, where approximately 96 per cent of each of the three respondent types stated that they had been given either ‘some’ or ‘a lot’ of information about what was expected of them at the conference (Trimboli 2000).

Table 11 presents the responses given by each of the respondent types in the current study to the last question regarding satisfaction with the pre-conference preparation stage: *how satisfied were you with the arrangements made to ensure that you could get along for the conference?* Respondents were asked to give a rating on a five-point Likert scale, ranging from ‘very dissatisfied’ to ‘very satisfied’. To allow comparisons with the YJC study, the five response categories in this study were combined into two categories: ‘very dissatisfied’, ‘quite dissatisfied’ and ‘neither satisfied nor dissatisfied’ were combined as were ‘quite satisfied’ and ‘very satisfied’.

Table 11: Responses for *how satisfied were you with the arrangements made to ensure that you could get along for the conference?*

<i>Responses</i>	<i>Offenders</i>		<i>Victims</i>		<i>Offenders’ Supporters</i>		<i>Victims’ Supporters</i>	
	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>
very dissatisfied/quite dissatisfied/ neither satisfied nor dissatisfied	22	12.4	12	13.6	17	9.9	12	8.3
quite satisfied/very satisfied	155	87.6	76	86.4	155	90.1	133	91.7
Total	177	100.0	88	100.0	172	100.0	145	100.0

Note: Table 11 excludes 1 offender, 1 victim and victim supporter who did answer this question.

Table 11 shows that between 86.4 and 91.7 per cent of respondents from each category were 'quite satisfied' or 'very satisfied' with the arrangements made to ensure they could get along for the conference. Approximately nine in ten respondents in the YJC evaluation also gave these responses (Trimboli 2000). In the current study, there were some differences by pilot site. More victims at Tweed Heads (94.3%) than Liverpool (81.1%) and more offender support persons at Tweed Heads (95.1%) than Liverpool (85.6%) responded with 'quite satisfied' or 'very satisfied'.¹²

Offenders and victims were asked a fifth question to measure their satisfaction with the pre-conference preparation stage: *were you given information about the possible outcomes of the conference?* Table 12 shows the results obtained.

Table 12: Responses for *were you given information about possible outcomes of the conference?*

<i>Responses</i>	<i>Offenders</i>		<i>Victims</i>	
	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>
none at all/not much	9	5.1	6	6.9
some	60	34.1	34	39.1
a lot	107	60.8	47	54.0
Total	176	100.0	87	100.0

Note: Table 12 excludes 2 offenders and 2 victims who did not answer this question.

As Table 12 shows, more than half (54.0%) of the victims and three in five (60.8%) of the offenders felt that they were given 'a lot' of information about possible outcomes of the conference. Combined, the response categories 'some' and 'a lot' accounted for the answers given by nine in ten of the victims (93.1%) and offenders (94.9%). Approximately 91 per cent of the young offenders and the victims participating in the YJC evaluation gave these responses (Trimboli 2000).

In summary, the vast majority of the conference participants in the current study reported being satisfied with both the preparation during the pre-conference stage and the notification they received about the conference process.

Conference proceedings

Conference participants were asked a number of questions about how they were treated during the actual conference. Many of these questions were originally derived from the RISE interview schedules to measure four aspects of a dimension which the RISE researchers labeled 'perceived procedural justice', that is, a perception on the part of the conference participants that they had been treated fairly in the conferencing process. These aspects were awareness of the process, consistency and fairness, respect and process control (Sherman et al. 2000).

(a) Awareness of process

To measure their awareness of the conferencing process, the four respondent types were asked to respond to the statement: *you understood what was going on in the conference*. On a five-point Likert scale, respondents were asked how much they agreed or disagreed with this statement; response categories were combined in a similar way as for earlier questions.

Table 13: Responses for *you understood what was going on in the conference*

<i>Responses</i>	<i>Offenders</i>		<i>Victims</i>		<i>Offenders' Supporters</i>		<i>Victims' Supporters</i>	
	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>
strongly disagree/disagree/ neither agree nor disagree	3	1.7	1	1.1	6	3.5	4	2.8
agree/strongly agree	174	98.3	86	98.9	166	96.5	141	97.2
Total	177	100.0	87	100.0	172	100.0	145	100.0

Note: Table 13 excludes 1 offender, 2 victims and 1 victim supporter who did not answer this question.

As shown in Table 13, the vast majority of participants from each category agreed or strongly agreed with the statement: *you understood what was going on in the conference*. At least 91 per cent of the respondents to the YJC evaluation also stated that they had understood what was going on in the conference (Trimboli 2000).

(b) Consistency and fairness

To measure their perception of the conference's consistency and fairness, each of the four respondent types were asked two survey questions, based on the YJC evaluation (Trimboli 2000):

1. *How fair do you feel that the conference was to [the offender]?*
2. *How fair do you feel that the conference was to [the victim]?*

Victims and offenders were asked an additional question: *how much do you feel that the conference respected your rights?*

For each of the three survey questions, respondents were asked to give a rating on a four-point Likert scale. The response categories for the first two questions regarding fairness of the conference towards the key participants ranged from 'very unfair' to 'very fair'. The four categories were collapsed into three categories. Table 14 shows the responses given to: *how fair do you feel that the conference was to [the offender]?*

As Table 14 shows, at least 96 per cent of the conference participants surveyed believed the conference was 'somewhat fair' or 'very fair' to the offender. In fact, between 73.1 and 85.2 per cent of each of the four respondent categories perceived that the conference was 'very fair' to the offender. Only 2.3 per cent of offenders believed the conference was 'somewhat unfair' or 'very unfair' to them. In the YJC evaluation, between 95 and 98 per cent of the respondents stated that the conference was either 'somewhat fair' or 'very fair' to the offender (Trimboli 2000).

Table 14: Responses for *how fair do you feel that the conference was to [the offender]?*

<i>Responses</i>	<i>Offenders</i>		<i>Victims</i>		<i>Offenders' Supporters</i>		<i>Victims' Supporters</i>	
	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>
very unfair/somewhat unfair	4	2.3	1	1.1	7	4.1	2	1.4
somewhat fair	43	24.6	12	13.6	25	14.5	29	20.0
very fair	128	73.1	75	85.2	140	81.4	114	78.6
Total	175	100.0	88	100.0	172	100.0	145	100.0

Note: Table 14 excludes 3 offenders, 1 victim and 1 victim supporter who did not answer this question.

Proportionally more participants at Tweed Heads than Liverpool indicated the conference was 'very fair' to the offender. At Liverpool, this answer was given by 68.5 per cent of offenders, 81.1 per cent of victims, 76.7 per cent of offenders' supporters and 74.4 per cent of victims' supporters.¹³ At Tweed Heads, this answer was given by 78.3 per cent of offenders, 91.4 per cent of victims, 86.6 per cent of offenders' supporters and 83.6 per cent of victims' supporters.¹⁴

Table 15 shows the responses given to the second survey question measuring the respondents' perception of the conference's consistency and fairness, namely, *how fair do you feel the conference was to [the victim]?* It is important to note that, even though some of the conferences were for victimless offences, some of the participants at these conferences chose to answer this question. It is possible that the victim to whom they referred was either the victim representative attending the conference or the community in general. Note, however, that 6.5 per cent of the total sample (38 respondents) did not answer this question. Some of these respondents noted on their questionnaire that a victim was not present at their conference.

Table 15: Responses for *how fair do you feel that the conference was to [the victim]?*

<i>Responses</i>	<i>Offenders</i>		<i>Victims</i>		<i>Offenders' Supporters</i>		<i>Victims' Supporters</i>	
	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>
very unfair/somewhat unfair	10	6.0	2	2.3	6	3.8	3	2.2
somewhat fair	56	33.5	22	25.0	32	20.4	42	31.1
very fair	101	60.5	64	72.7	119	75.8	90	66.7
Total	167	100.0	88	100.0	157	100.0	135	100.0

Note: Table 15 excludes 11 offenders, 1 victim, 15 offenders' supporters and 11 victims' supporters who did not answer this question.

Table 15 shows that between 94.0 and 97.8 per cent of respondents from each category indicated the conference was either 'somewhat fair' or 'very fair' to the victim. Between 61 and 76 per cent of each of the four respondent categories perceived that the conference was 'very fair' to the victim. Only 2.3 per cent of victims believed the conference was 'somewhat unfair' or 'very unfair' to them. At least 92 per cent of the respondents to the YJC evaluation also stated that the conference was either 'somewhat fair' or 'very fair' to the victim (Trimboli 2000).

Proportionally more victims at Tweed Heads (91.4%) than Liverpool (60.4%) believed the conference was 'very fair' to them.¹⁵ Victims attending the conferences involving the riot offences had a small effect on the results. When the 18 victims involved in these conferences were removed from the data, the percentage of victims at Liverpool who believed the conference was 'very fair' to them increased to 71.4 per cent. Also, proportionally more offenders who committed victimless offences (67.1%) than those who committed an offence involving a victim (55.3%) indicated that the conference was 'very fair' to the victim.¹⁶ Offender support persons showed similar patterns (81.3% for victimless offences, 72.0% for offences involving a victim).¹⁷

To measure their perception of the extent to which the conference respected their rights, victims and offenders were asked to give a rating on a four-point Likert scale, ranging from 'not at all' to 'a lot'. The four categories were collapsed into three. Support persons were not asked this question. Table 16 shows the results.

Table 16: Responses for *how much do you feel that the conference respected your rights?*

<i>Responses</i>	<i>Offenders</i>		<i>Victims</i>	
	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>
not at all/not much	14	7.9	7	8.0
a fair bit	40	22.6	21	24.1
a lot	123	69.5	59	67.8
Total	177	100.0	87	100.0

Note: Table 16 excludes 1 offender and 2 victims who did not answer this question.

As Table 16 shows, approximately seven in ten offenders (69.5%) and victims (67.8%) felt that the conference in which they participated respected their rights 'a lot'. A further 22.6 per cent of offenders and 24.1 per cent of victims felt that their conference respected their rights 'a fair bit'. Similar results were obtained in the YJC evaluation (Trimboli 2000).

In the current study, there were some differences by pilot site. Proportionally more victims at Tweed Heads (74.3%) than Liverpool (63.5%) felt the conference respected their rights 'a lot'. Similar proportions of victims at Liverpool (23.1%) and Tweed Heads (25.8%) felt the conference respected their rights 'a fair bit'. None of the victims at Tweed Heads and 13.5 per cent of the victims at Liverpool felt the conference respected their rights 'not at all' or 'not much'.¹⁸ The negative responses at Liverpool were strongly influenced by the conferences conducted for riot offences. When these 18 responses were removed from the data, the proportion of victims at Liverpool who felt that the conference respected their rights 'not at all' or 'not much' fell to 5.6 per cent.

(c) Respect

Offenders, victims and their respective support persons were asked to respond to the statement: *you feel that you were treated with respect during the conference*. Respondents were asked to indicate, on a five-point Likert scale, the extent to which they agreed or disagreed with the statement. Again, the five response categories were reduced to two. The results are presented in Table 17.

As shown in Table 17, the majority of conference participants from all categories agreed or strongly agreed that they were treated with respect during the conference. The vast majority of the YJC survey participants also stated that they had been treated with respect during the youth justice conference they attended.

Table 17: Responses for *you feel that you were treated with respect during the conference*

<i>Responses</i>	<i>Offenders</i>		<i>Victims</i>		<i>Offenders' Supporters</i>		<i>Victims' Supporters</i>	
	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>
strongly disagree/disagree/ neither agree nor disagree	10	5.7	6	7.0	4	2.3	1	0.7
agree/strongly agree	166	94.3	80	93.0	167	97.7	144	99.3
Total	176	100.0	86	100.0	171	100.0	145	100.0

Note: Table 17 excludes 2 offenders, 3 victims, 1 offender supporter and 1 victim supporter who did not answer this question.

All victims at Tweed Heads agreed or strongly agreed that they were treated respectfully, while 88.5 per cent of victims from Liverpool felt this way.¹⁹ These results were strongly influenced by the responses given by victims who attended the five conferences conducted for riot offences. When these 18 victims were removed from the data, 97.1 per cent of victims at Liverpool felt they were treated with respect.

(d) Process control

To measure their perception of 'process control' or 'a feeling ... that [they] could influence what happened in their case' (Sherman et al. 1998, p. 123), survey respondents were asked to indicate the extent to which they agreed or disagreed with two statements:

1. *You feel you had the opportunity to express your views in the conference.*
2. *The conference took account of what you said in deciding what should be done.*

Table 18 shows the responses given by each of the four respondent types to the first statement measuring process control.

Table 18: Responses for *you feel you had the opportunity to express your views in the conference*

<i>Responses</i>	<i>Offenders</i>		<i>Victims</i>		<i>Offenders' Supporters</i>		<i>Victims' Supporters</i>	
	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>
strongly disagree/disagree/ neither agree nor disagree	7	4.0	1	1.1	4	2.3	1	0.7
agree/strongly agree	170	96.0	86	98.9	168	97.7	145	99.3
Total	177	100.0	87	100.0	172	100.0	146	100.0

Note: Table 18 excludes 1 offender and 2 victims who did not answer this question.

As Table 18 shows, at least 96 per cent of respondents from each category agreed or strongly agreed that they *had the opportunity to express [their] views in the conference*. The YJC evaluation found that 91 per cent of offenders, 99 per cent of their supporters and 98 per cent of the victims perceived that, during their youth justice conference, they had been given the opportunity to express their views (Trimboli 2000).

Table 19 shows the responses given to the statement: *the conference took account of what you said in deciding what should be done*.

Table 19: Responses for *the conference took account of what you said in deciding what should be done*

<i>Responses</i>	<i>Offenders</i>		<i>Victims</i>		<i>Offenders' Supporters</i>		<i>Victims' Supporters</i>	
	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>
strongly disagree/disagree/ neither agree nor disagree	11	6.6	6	8.5	14	8.7	4	2.8
agree/strongly agree	155	93.4	65	91.5	147	91.3	138	97.2
Total	166	100.0	71	100.0	161	100.0	142	100.0

Note: Table 19 excludes 12 offenders, 18 victims, 11 offenders' supporters and 4 victims' supporters who did not answer this question.

Table 19 shows that between 91 and 97 per cent of respondents from each category believed that their conference had taken account of what they had said in deciding what should be done. At least 89 per cent of the respondents of the YJC evaluation had similar views (Trimboli 2000). It is worth noting that 7.7 per cent of the total sample in this study (45 participants) did not provide a response to this statement. For most of these participants (35), this occurred because an intervention plan was not agreed upon in their conference.

As with the results obtained for the youth justice conferences, the respondents in the current study perceived that they had been treated fairly during the conference proceedings, stating that they understood the conference process and believing that the conference was fair to both of the key participants – the victim and the offender.

Respondents in the current study were asked two open-ended questions regarding conference proceedings:

1. *What were the best features of the way the conference was run?*
2. *What were the worst features of the way the conference was run?*

Respondents could give as many responses as they wished; these were then coded into categories. Table 20 shows the comments made by each of the four respondent types to the first question regarding the best features of the way the conference was run.

A number of conference participants (72, 12.3% of the total sample) did not answer this question and are therefore excluded from Table 20.²⁰

As Table 20 shows, four conference participants (one offender, two support persons of the offenders and one support person of the victims) reported 'no best features' about the way their conference was run. The most frequent comment made by each type of conference participant who reported best features of the way the conference was run was that all participants either expressed their views and feelings or were given the opportunity to do so. This comment was made by at least one-third of each type of participant. Their comments included:

- We could all have a say.
- Everyone gets a chance to speak and everyone listens.
- Everyone gets to tell their point of view and express their feelings.
- Being allowed to express your feelings fully.
- Opportunity for everyone to be heard.

Another frequent response was that their conference was professionally organised and/or conducted. Comments included:

- The facilitator did a wonderful job.
- Comprehensive and run fairly.
- Good organisation.
- Planned properly.
- It was handled professionally.
- Clearly presented and people were fully prepared prior to the conference.

Approximately one in six offenders and one in four victims who reported best features of the way their conference was run stated that the offender understood the consequences

of his/her actions or that the victim had the opportunity to express the impact of the offender's actions. Comments included:

- You get to hear how it affected the other side.
- The victim makes you feel what the impacts of your actions were.
- Being able to tell the offender about the impact of his crime on the victim and the damage his actions caused.
- The victim was able to voice their concerns and the trauma of the experience and the way it affected their lives.
- The perpetrator was able to realise the extent to which his actions impacted on the community.

Table 20: Subjects' perceptions of the *best features of the way the conference was run*

<i>Best features</i>	<i>Offenders</i>		<i>Victims</i>		<i>Offenders' Supporters</i>		<i>Victims' Supporters</i>	
	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>
No best features	1	NA	-	NA	2	NA	1	NA
All participants expressed/could express their views/feelings	50	33.6	31	44.9	61	39.1	50	37.0
Professionally conducted/well run/well planned/well organised/well explained/facilitator fair	25	16.8	21	30.4	55	35.3	42	31.1
Offender understood consequences of actions/victim had opportunity to express impact of offender's actions	26	17.5	18	26.1	20	12.8	18	13.3
Relaxed/calm/informal/not pressured/comfortable/friendly	27	18.1	7	10.1	31	19.9	27	20.0
Participants were understanding/honest/open/supportive of offender	11	7.4	19	27.5	20	12.8	17	12.6
Fair/respectful/rational/non-judgemental	25	16.8	6	8.7	20	12.8	25	18.5
Offender was allowed to talk/was listened to	20	13.4	5	7.3	3	1.9	4	3.0
Opportunity for both sides to contribute to, decide on, plan/reaching agreement	13	8.7	9	13.0	16	10.3	8	5.9
Presence of police/victim representative/support people	7	4.7	4	5.8	9	5.8	2	1.5
Constructive participation (including by offender)	11	7.4	6	8.7	13	8.3	13	9.6
Being face-to-face/opportunity to meet/opportunity to talk to others	6	4.0	6	8.7	9	5.8	8	5.9
Opportunity for offender to show remorse/show willingness to change/apologise/victim getting apology	2	1.3	3	4.4	3	1.9	3	2.2
Other (e.g. it was all good, effective, offender's honesty, positive, personal, okay, silent time, offender gets help, safe/secure/non-threatening, conference facilities)	12	8.1	10	14.5	17	10.9	21	15.6
Total number of subjects who reported best features	149		69		156		135	
Total number of subjects who answered the question	150		69		158		136	

Note: All percentages in Table 20 are percentages of the total number of subjects in that respondent type who reported best features. Percentages do not add to 100.0 per cent because of multiple responses in many cases.

About one in five offenders, offenders' support persons and victims' support persons said that their conference was relaxed, calm, comfortable or friendly. Comments included:

- A relaxed environment.
- Making it a friendly atmosphere.
- There was no pressure.
- Calm.
- Everyone felt comfortable.

Of the offenders who reported best features of the way their conference was run, 16.8 per cent stated that the best feature was that participants were fair, respectful or non-judgemental. Also, 13.4 per cent of offenders stated that they were given the opportunity to talk or that the other participants listened to him/her. Comments included:

- Got treated with respect.
- Everyone was fair.
- Everyone was not judgemental.
- Didn't feel bullied.
- Being able to have my say.
- I was able to explain the reasons why it happened.
- You can explain your side of events.

Table 21 presents the comments made by respondents regarding the worst features of the way their conference was run. As with Table 20, this table excludes 30.4 per cent of the total sample (178 respondents) who did not answer this question.²¹

As Table 21 shows, 227 (38.8% of the total sample) respondents stated that there were no worst features of the way the conference was run.²²

Of those who nominated a 'worst feature', about two in five victims and a corresponding proportion of their supporters stated that their conference was poorly organised, structured or conducted. Their comments included:

- Facilitator did not keep it focused.
- Facilitator needed to be more assertive.
- The structure was not so strict.
- Facilitator did more directing and managing than facilitating.
- Too many pauses which stopped the flow.
- Facilitator cut people off.
- Facilitator became emotional when the offender cried – should be impartial.
- Didn't seem to be fully organised.
- Conference was running late.
- Time was inconvenient.

Fewer offenders and offenders' supporters expressed the view that their conference was poorly organised or conducted. Their comments included:

- Confrontational issues were brought up without prior knowledge.
- The questions asked by the facilitator were not clear and hard to understand.
- Everyone was unsure of the process.
- No control.
- Held too early in the morning.
- It was Sunday.
- Short notice.

Table 21: Subjects' perceptions of the *worst features of the way the conference was run*

<i>Worst features</i>	<i>Offenders</i>		<i>Victims</i>		<i>Offenders' Supporters</i>		<i>Victims' Supporters</i>	
	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>
No worst features	82	NA	22	NA	79	NA	44	NA
Poorly organised/poorly structured/ poorly conducted	8	16.3	14	42.4	10	21.7	21	40.4
Being put on spot/confronting/daunting/ overwhelming/emotional	13	26.5	2	6.1	6	13.0	9	17.3
Facing the victim/victim's story/facing offender	8	16.3	3	9.1	1	2.2	1	1.9
Embarrassed about impact of actions/ offender got upset	4	8.2	-	-	1	2.2	-	-
Length of conference (too long, too short)	3	6.1	7	21.2	7	15.2	4	7.7
Absence of police/victim/offender support people/co-offenders	2	4.1	2	6.1	6	13.0	8	15.4
Negative attitude of some participants	2	4.1	1	3.0	8	17.4	2	3.9
Quality of conference facilities (e.g. air conditioning, noisy environment)	4	8.2	3	9.1	2	4.4	-	-
Impact on support people	2	4.1	-	-	4	8.7	3	5.8
Offender lacked confidence/maturity/ coherence/was lying/insincere	-	-	2	6.1	1	2.2	6	11.5
Insufficient/inappropriate participation	1	2.0	1	3.0	1	2.2	2	3.9
Feeling obligated to develop/agree to plan	1	2.0	3	9.1	-	-	-	-
Time away from normal activities/ preparation time	3	6.1	2	6.1	1	2.2	1	1.9
Other (e.g. past, too soft, not English speakers, possible retribution, relying on others to show up, some participants outnumbered, boring, delay between offence and conference, blaming victim)	5	10.2	10	30.3	5	10.9	3	5.8
Total number of subjects who reported worst features	49		33		46		52	
Total number of subjects who answered the question	131		55		125		96	

Note: All percentages in Table 21 are percentages of the total number of subjects in that respondent type who reported worst features. Percentages do not add to 100.0 per cent because of multiple responses in many cases.

About 27 per cent of offenders said that the worst feature of the way that their conference was run was that they were 'put on the spot' and/or found the experience confronting, daunting or overwhelming. Comments included:

- It was overwhelming at first, being confronted by so many people.
- It made me feel bad.
- It was a bit embarrassing.

Intervention Plans

Draft intervention plans were agreed on for 166 (97.1%) of the 171 conferences involved in this study. The five conferences for which draft intervention plans were not decided upon were those from Liverpool involving riot offences.

The intervention plans developed by conference participants were diverse and included components such as apologies, financial reimbursement to the victim, community work, counselling and educational courses. Some specific examples of intervention plans include:

- Provide a verbal apology to the victim, pay \$1,861 to the victim to replace damaged property, undertake drug and alcohol assessment for counselling and complete 100 hours of community work.
- Provide a verbal apology to the victim and complete 24 hours of community work.
- Complete a safe driver program, pay outstanding fines and sell vehicle.
- Undertake counselling and provide a written apology to the victim.
- Complete a two-day anger management course, attend four counselling sessions and complete 40 hours of community work.

Consistent with the Bureau's evaluation of the YJC scheme, the current study measured respondent satisfaction with the draft intervention plans developed by the conference participants. Participants were only asked to respond to this issue if a draft intervention plan had been agreed upon during the conference. To measure satisfaction, respondents were given the following three statements/questions:

1. *You are satisfied with the conference intervention plan.*
2. *Do you think the outcome [the offender] received in the conference is [lenient/severe]?*
3. *How fair do you think the outcome is for the victim? Would you say that it is...*

Respondents were asked to rate each statement/question on a five-point Likert scale according to how well it reflected their opinions.

The remaining questions regarding satisfaction with the draft intervention plans were open-ended questions:

4. *What are the best features of the outcome plan?*
5. *What are the worst features of the outcome plan?*

Table 22 presents the results to the first statement: *you are satisfied with the conference intervention plan*. The five response categories were reduced to two categories.

Table 22: Responses for *you are satisfied with the conference intervention plan*

<i>Responses</i>	<i>Offenders</i>		<i>Victims</i>		<i>Offenders' Supporters</i>		<i>Victims' Supporters</i>	
	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>
strongly disagree/disagree/ neither agree nor disagree	10	6.0	6	8.7	5	3.1	7	4.9
agree/strongly agree	157	94.0	63	91.3	158	96.9	136	95.1
Total	167	100.0	69	100.0	163	100.0	143	100.0

Note: Table 22 excludes 11 offenders, 20 victims, 9 offenders' supporters and 3 victims' supporters who did not answer this question.

Table 22 shows that the majority of conference participants agreed or strongly agreed with the statement: *you are satisfied with the conference intervention plan*. The majority of the respondents to the YJC evaluation also stated that they were satisfied with the conference plan (Trimboli 2000). It is important to note that, in this study, 7.4 per cent of the total sample (43 participants) did not respond to this statement. In most of these cases (35), this occurred because a draft intervention plan was not agreed upon.

Table 23 presents the respondents' ratings of the severity of the draft intervention plan for the offender. The five response categories were again reduced to three categories. The categories 'much too lenient' and 'somewhat lenient' were combined, as were the categories 'somewhat severe' and 'much too severe'. The response 'fair' was left as a separate category.

Table 23: Subject's perception of the severity of the intervention plan for the offender

<i>Responses</i>	<i>Offenders</i>		<i>Victims</i>		<i>Offenders' Supporters</i>		<i>Victims' Supporters</i>	
	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>
much too lenient/somewhat lenient	3	1.8	9	13.2	4	2.5	6	4.2
fair	142	84.0	55	80.9	151	93.2	130	90.9
somewhat severe/much too severe	24	14.2	4	5.9	7	4.3	7	4.9
Total	169	100.0	68	100.0	162	100.0	143	100.0

Note: Table 23 excludes 9 offenders, 21 victims, 10 offenders' supporters and 3 victims' supporters who did not answer this question.

A large number of victims (21, 23.6% of all victims in the sample) did not answer this question. For 18 victims, this occurred because an intervention plan was not agreed upon at their conference. As Table 23 shows, for those who did respond to the item, at least four in five of each of the four respondent types perceived that the intervention plan was 'fair' to the offender. While 14.2 per cent of offenders perceived that the draft intervention plan was either 'somewhat severe' or 'much too severe' on the offender, less than six per cent of the victims, their support persons and offenders' support persons gave these responses. When the sites were analysed separately, 75.8 per cent of victims at Tweed Heads and 85.7 per cent of victims at Liverpool believed the intervention plan was fair.²³

Respondents were asked to rate the fairness of the intervention plan for the victim. The results are presented in Table 24. It is important to note that, in conferences dealing with victimless offences, many of the participants answered this question. It is possible that the victim to whom they referred was either the victim representative attending the conference or the community in general. Also, 15.4 per cent of the total sample (90 participants) did not provide a response to this item. For some participants (35), this occurred because an intervention plan was not decided upon. In other cases, it may have occurred because there was no victim at the conference.

As shown in Table 24, the vast majority of conference participants from each category believed the intervention plan was 'somewhat fair' or 'very fair' to the victim. In fact, at least half of the victims, their supporters and the supporters of the offenders believed that the plan was 'very fair' to the victim. At least 89 per cent of subjects in each category of respondents in the YJC evaluation also believed that the plan was either 'somewhat fair' or 'very fair' to the victim.

Table 24: Subject's perception of how fair the outcome was for the victim

<i>Responses</i>	<i>Offenders</i>		<i>Victims</i>		<i>Offenders' Supporters</i>		<i>Victims' Supporters</i>	
	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>
very unfair/somewhat unfair	13	8.5	4	6.0	7	4.8	5	3.9
somewhat fair	83	54.2	28	41.8	59	40.1	59	46.1
very fair	57	37.3	35	52.2	81	55.1	64	50.0
Total	153	100.0	67	100.0	147	100.0	128	100.0

Note: Table 24 excludes 25 offenders, 22 victims, 25 offenders' supporters and 18 victims' supporters who did not answer this question.

More offenders at Tweed Heads (96.1%) than Liverpool (86.8%) believed the conference was 'somewhat fair' or 'very fair' to the victim.²⁴

Tables 25 and 26 summarise the comments made by each of the four respondent types regarding the best and worst features of the draft intervention plan, respectively. These tables only include those who made favourable and unfavourable comments regarding the intervention plans. Table 25 therefore excludes 31.1 per cent of the total sample (182 participants) who did not answer the question.²⁵

Two participants reported that the draft intervention plan developed in their conference had no best features.

As Table 25 shows, the most frequent comment made by the offenders who reported best features of their draft intervention plan concerned the specific components of the plan, 37.3 per cent of offenders noted that this was the best feature of their plan. Their comments included:

- Community service.
- Drug and alcohol counselling.
- Doing my first aid.
- Detoxing.
- Surf life saving.
- I gain volunteer work which helps me in becoming a paramedic.
- Going to driving course.

This comment was made by a smaller proportion of victims (18.4%), their supporters (22.7%) and the offenders' supporters (16.5%). Their comments included:

- Anger management course.
- Traffic offender program.
- 30 hours voluntary work at nursing home.
- Working with disabled people.
- Drug counselling.
- PCYC program.
- Drug awareness program.

At least one in five of each of the four respondent categories stated that the best feature of the plan was that all participants, including the offender, provided input or that agreement was reached regarding the plan. Comments included:

- We all talked about it and we all agreed on it.
- It gave everyone a chance to say what they felt should happen.

- Everyone involved had sufficient input and their views were recognised.
- Each person has equal say.
- Being given the opportunity to contribute to initiatives for the offender.
- Having a say.
- All involved are part of the process.
- A collaborative effort by all parties.
- Offender made sincere input.
- Gives the offender a chance to participate in the choice of punishment they should receive.

Table 25: Subjects' perceptions of the *best features of the intervention plan*

<i>Best features</i>	<i>Offenders</i>		<i>Victims</i>		<i>Offenders' Supporters</i>		<i>Victims' Supporters</i>	
	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>
No best features	1	NA	-	NA	-	NA	1	NA
Specific components of plan	44	37.3	9	18.4	19	16.5	27	22.7
Participants have input/reach agreement/ participants listened to suggestions/offender contributes to plan	26	22.0	14	28.6	33	28.7	23	19.3
Opportunity for offender to learn/address problems/make constructive use of time	22	18.6	9	18.4	21	18.3	29	24.4
Opportunity for offender to take responsibility/ make amends/prove self/show remorse/ apologise/makes offender accountable	15	12.7	8	16.3	19	16.5	18	15.1
Opportunity for offender to understand consequences of actions	13	11.0	4	8.2	19	16.5	16	13.4
Opportunity for offender to contribute to community	13	11.0	4	8.2	11	9.6	11	9.2
Second chance for offender/offender not receiving jail term/opportunity for offender to 'get back on track'	13	11.0	6	12.2	15	13.0	9	7.6
Fair/achievable/flexible/appropriate for crime	15	12.7	3	6.1	19	16.5	10	8.4
Tailored to offender's existing commitments/ circumstances/skills	4	3.4	1	2.0	3	2.6	4	3.4
Plan more effective in deterring young offenders	1	0.9	2	4.1	5	4.3	3	2.5
Reimbursement for victim	-	-	3	6.1	-	-	5	4.2
Alternative to court/ more appropriate than court	-	-	-	-	4	3.5	1	0.8
Other (e.g. all/everything, lenient, follow-up)	10	8.5	4	8.2	3	2.6	5	4.2
Total number of subjects who reported best features	118		49		115		119	
Total number of subjects who answered the question	119		49		115		120	

Note: All percentages in Table 25 are percentages of the total number of subjects in that respondent type who reported best features. Percentages do not add to 100.0 per cent because of multiple responses in many cases.

Approximately 18 per cent of offenders, their supporters and victims stated that the best feature of the intervention plan was that it gave the offender an opportunity to learn, to address his/her problems or to make constructive use of his/her time. About one in four victims' supporters also made comments of this nature. Their comments included:

- Helps the offender deal with the underlying issues and rehabilitate.
- The offender learns from his mistakes.
- Opportunity for offender to address drug problem.
- Young person gets help.
- Opportunity to overcome problems.
- To learn new stuff.
- Having the opportunity to learn.
- Getting me motivated to better myself.
- You realise that drugs get you nowhere.
- Can flourish an interest in other areas and activities.
- The plan addresses the offender's behaviour.
- It will enable the offender to fill her spare time.

That the intervention plan was fair, achievable, flexible or appropriate for the crime committed was stated by one in eight offenders and one in six offenders' supporters. Comments included:

- Options were reasonable and fair.
- Fair to all parties.
- It's a reasonable amount to pay back under the circumstances.
- The punishment fits the crime.
- The flexible nature of the plan.

Approximately one in six victims, victims' support persons and offenders' support persons said that the best feature of the intervention plan was that it gives the offender an opportunity to take responsibility, be accountable, make amends for his/her offending, or show remorse. One in eight offenders also made comments of this nature. Comments included:

- To show you're sorry.
- A good way to make it up to her.
- I can express my remorse in my own words.
- Making the person front up to what he has done.
- Chance to make amends.
- Gives offender chance to do something in return for his crime.

Only one in ten offenders (11.0%) and one in six of their supporters (16.5%) indicated that the best feature of the draft intervention plan was the opportunity for the offender to understand the consequences of his/her actions. This feature was highlighted by only 8.2 per cent of victims and 13.4 per cent of their support persons. Comments included:

- Made me realise what I did was wrong.
- You get to see how much it affected other people.
- Chance for the offender to think about implications.
- To let him see what can happen because of his actions.
- To help the offender realise how wrong the offence was.
- Opportunity for victim to make offender aware of consequences of their actions.
- Offender has better understanding of the crime and the ramifications of the crime.
- Offender now appears to understand the seriousness of what he has done, not just to direct victims, but to the community too.
- It will make him more aware of the implications of his actions.

Table 26 summarises the participants' perceptions of the worst features of the draft intervention plans. Note once again that a large number of participants did not provide a response to this question. Thirty-five participants did not respond because an intervention plan was not decided upon at the conference. In total, the table excludes 272 conference participants (46.5% of the total sample) who did not answer the question.²⁶

Table 26: Subjects' perceptions of the worst features of the intervention plan

Worst features	Offenders		Victims		Offenders' Supporters		Victims' Supporters	
	N	%	N	%	N	%	N	%
No worst features	62	NA	22	NA	74	NA	45	NA
Specific components of plan	12	44.4	1	7.7	1	4.2	1	2.2
Negative impact on offender	12	44.4	1	7.7	4	16.7	1	2.2
Not relevant/unsuitable to offender's needs/insufficiently flexible	-	-	-	-	4	16.7	11	23.9
Negative impact on others not involved in crime	3	11.1	3	23.1	3	12.5	6	13.0
Uncertainty about suitable outcomes/insufficient options available	1	3.7	1	7.7	3	12.5	7	15.2
Offender may not comply/not taken seriously by offender	-	-	3	23.1	-	-	6	13.0
Lenient on offender	-	-	2	15.4	2	8.3	7	15.2
Participant's suggestions not well received/not included/no input from offender/victim	-	-	1	7.7	2	8.3	3	6.5
Other (e.g. possible rejection by court, lengthy development process, insufficient compensation, pressured to agree)	1	3.7	2	15.4	6	25.0	5	10.9
Total number of subjects who reported worst features	27		13		24		46	
Total number of subjects who answered the question	89		55		98		91	

Note: All percentages in Table 26 are percentages of the total number of subjects in that respondent type who reported worst features. Percentages do not add to 100.0 per cent because of multiple responses in many cases.

Table 26 shows that 34.7 per cent of the total sample (203 participants) reported that the intervention plan had no worst features. These participants included 62 offenders (34.8% of all offenders in the sample), 22 victims (24.7% of all victims), 74 support persons of the offenders (43.0% of all offender support persons) and 45 support persons of the victims (30.8% of all victim supporters in the sample).

Of the offenders who answered the question and reported worst features of the intervention plan, 44.4 per cent reported that the specific components of their intervention plan were the worst features. Their comments included:

- Jail and weekend detention.
- Paying money.
- Speaking to PCYC.
- \$550 for the mattress.
- Being banned from two shops for my entire life.

Another comment made by 44.4 per cent of the offenders was the negative impact that the plan had on them. Comments included:

- One task takes place on my birthday.
- It's a little time-consuming and it's hard when you work full-time.
- Finding time in my busy schedule

Features like these were noted by one in six (16.7%) of the offenders' support persons.

About one in four support persons of victims stated that the worst feature of the draft intervention plan was that it was not relevant to, or suitable for, the offender's needs, or that it was not sufficiently flexible. This concern was also expressed by one in six of the offenders' support persons. Their comments included:

- Not sufficient options for this offender's problems.
- Need greater flexibility such as access to hospitals and nursing homes.
- Lacks flexibility to deal with cultural issues.
- Doesn't really attend to drug problems.
- Didn't address offender's anger issues.
- Offender has no job so would have a problem paying a fine.
- Not applicable to the case in hand.
- Not sure it's what he needs.
- Give him a task that he can deal with, not load it up with a big challenge that he could not complete with his disability and drug problem.

Offenders' understanding of the harm caused

Each of the four types of respondents were asked to rate the extent to which they agreed or disagreed with the statement: *after the conference, [the offender] had a proper understanding of the harm caused to the victim*. Table 27 shows the results. It is important to note that, in conferences dealing with victimless offences, other participants often answered this question. It is possible that the victim to whom they referred was either the victim representative at the conference or the community in general.

Table 27: Responses for *after the conference, [the offender] had a proper understanding of the harm caused to the victim*

<i>Responses</i>	<i>Offenders</i>		<i>Victims</i>		<i>Offenders' Supporters</i>		<i>Victims' Supporters</i>	
	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>
strongly disagree/disagree/ neither agree nor disagree	6	3.5	25	28.4	10	6.1	12	8.5
agree/strongly agree	165	96.5	63	71.6	155	93.9	130	91.5
Total	171	100.0	88	100.0	165	100.0	142	100.0

Note: Table 27 excludes 7 offenders, 1 victim, 7 offenders' supporters and 4 victims' supporters who did not answer this question.

As Table 27 shows, the majority of the offenders, offenders' supporters and victims' supporters agreed or strongly agreed that, after the conference, the offender had a proper understanding of the harm caused to the victim. A smaller percentage of victims (71.6%) agreed or strongly agreed with this statement in comparison to respondents from other categories. In the YJC evaluation, the pattern was similar; the vast majority of

offenders and their support persons agreed or strongly agreed with the statement, while 78 per cent of victims agreed or strongly agreed with the statement (Trimboli 2000). It is noteworthy that, in the current study, several participants (19, 3.3% of the total sample) did not provide a response to this item.

More victims at Tweed Heads (77.1%) than at Liverpool (67.9%) agreed or strongly agreed that, after the conference, the offender had a proper understanding of the harm caused to the victim.²⁷

Overall satisfaction with conferencing

Each of the four respondent types were asked to respond to a general statement designed to measure their overall satisfaction with conferencing, both the process and the draft intervention plans. Table 28 presents the results to the statement: *you are satisfied with the way your case was dealt with by the justice system*.

Table 28: Responses for *you are satisfied with the way your case was dealt with by the justice system*

<i>Responses</i>	<i>Offenders</i>		<i>Victims</i>		<i>Offenders' Supporters</i>		<i>Victims' Supporters</i>	
	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>
strongly disagree/disagree/ neither agree nor disagree	24	14.1	25	29.1	19	11.2	12	8.3
agree/strongly agree	146	85.9	61	70.9	150	88.8	132	91.7
Total	170	100.0	86	100.0	169	100.0	144	100.0

Note: Table 28 excludes 8 offenders, 3 victims, 3 offenders' supporters and 2 victims' supporters who did not answer this question.

Table 28 shows that between 86 and 92 per cent of offenders, offenders' supporters and victims' supporters agreed or strongly agreed that they were satisfied with the way their case was dealt with by the justice system. Although most victims were satisfied, the percentage of victims that agreed or strongly agreed (70.9%) with the statement was smaller than that for the other respondent categories. Sixteen participants (2.7% of the total sample) did not, however, provide a response to this item. In the YJC evaluation, at least 90 per cent of offenders and their support persons agreed or strongly agreed with the statement, while 79 per cent of victims gave these responses (Trimboli 2000).

In this study, more victims from Tweed Heads (82.4%) than Liverpool (63.5%) agreed or strongly agreed that they were satisfied with the way their case was dealt with by the justice system.²⁸ The lower levels of satisfaction at Liverpool occurred due to negative responses from the conferences regarding the riot matters. When the 18 responses from victims at these conferences were removed from the data, 88.2 per cent of victims from Liverpool agreed or strongly agreed with the statement. More offenders who committed an offence involving a victim (90.3%) than those who committed victimless offences (80.5%) agreed or strongly agreed that they were satisfied with the way their case was dealt with by the justice system.²⁹

Respondent-specific issues

Survey questions were included to measure issues specific to the different roles of conference participants.

Offender

Offenders were given three statements which were designed to measure whether they accepted responsibility for their actions. They were asked to select the response that best reflected how they felt. The statements were:

1. *During the conference, you began to understand what it actually felt like for those who had been affected by your actions.*
2. *During the conference, you felt that the offence you committed was wrong.*
3. *What happened in the conference will encourage you to obey the law in the future.*

Table 29 shows the responses given by the offenders to the first statement: *during the conference, you began to understand what it actually felt like for those who had been affected by your actions*. Offenders gave a rating on a five-point Likert scale, ranging from 'not at all' to 'felt overwhelmed by it'. The five response categories were reduced to three categories. In conferences dealing with victimless offences, it is possible that the victim to which the offender referred was either the victim representative attending the conference or the community in general.

Table 29: Responses for *during the conference, you began to understand what it actually felt like for those who had been affected by your actions*

<i>Responses</i>	<i>N</i>	<i>%</i>
not at all/a little	3	1.7
quite a bit/a lot	101	57.4
felt overwhelmed by it	72	40.9
Total	176	100.0

Note: Table 29 excludes 2 offenders who did not answer this question.

As Table 29 shows, almost all offenders gave a rating of 'quite a bit', 'a lot' or 'felt overwhelmed by it'. The vast majority of offenders in the YJC study also answered the question with 'quite a bit', 'a lot' or 'felt overwhelmed by it' (Trimboli 2000).

Table 30 shows the responses given by the offenders to the second statement measuring the extent to which they accepted responsibility for their actions, namely, *during the conference you felt that the offence you committed was wrong*.

Table 30 shows that the vast majority of offenders gave a rating of 'quite a bit', 'a lot' or 'felt overwhelmed by it'. In the evaluation of the YJC program, approximately 94 per cent of offenders gave these responses (Trimboli 2000).

Table 30: Responses for *during the conference, you felt that the offence you committed was wrong*

<i>Responses</i>	<i>N</i>	<i>%</i>
not at all/a little	5	2.8
quite a bit/a lot	80	45.5
felt overwhelmed by it	91	51.7
Total	176	100.0

Note: Table 30 excludes 2 offenders who did not answer this question.

A statement measuring the offenders' self-projected compliance with the law following their participation in the conference was also included, namely, *what happened in the conference will encourage you to obey the law in the future*. The results for this statement are presented in Table 31. The responses on the five-point Likert scale have again been reduced to two categories.

Table 31: Responses for *what happened in the conference will encourage you to obey the law in the future*

<i>Responses</i>	<i>N</i>	<i>%</i>
strongly disagree/disagree/neither agree nor disagree	5	2.9
agree/strongly agree	167	97.1
Total	172	100.0

Note: Table 31 excludes 6 offenders who did not answer this question.

As Table 31 shows, 97.1 per cent of offenders stated they agreed or strongly agreed that what happened in the conference will encourage them to obey the law in the future. Although this is not evident from Table 31, of the 167 offenders who gave these responses, 132 (or 76.7% of all offenders who answered this question) strongly agreed with the statement. Of the juvenile offenders who participated in the YJC study, 92.2 per cent agreed or strongly agreed that the conference would encourage them to obey the law in the future (Trimboli 2000).

Victim

Victims in the current study were asked to respond to two statements:

1. *At the conference, you had an opportunity to explain the loss and harm that resulted from the offence.*
2. *The conference took adequate account of the effects of the offence on you.*

Both statements were derived from the interview schedules developed for the RISE evaluation (Reintegrative Shaming Experiments, unpublished; Strang 2002).

Table 32 presents the responses given by victims to the first statement.

As Table 32 shows, almost all victims agreed or strongly agreed that they had an opportunity to explain the loss and harm that resulted from the offence. While this is not shown in Table 32, of the 84 victims who agreed or strongly agreed with the statement, 58 (68.2% of all victims who answered this question) strongly agreed with it. Similarly, in the YJC study, almost all victims agreed or strongly agreed that they had an opportunity to explain the loss and harm that resulted from the offence (Trimboli 2000).

Table 32: Responses given by victims to *at the conference, you had an opportunity to explain the loss and harm that resulted from the offence*

<i>Responses</i>	<i>N</i>	<i>%</i>
strongly disagree/disagree/neither agree nor disagree	1	1.2
agree/strongly agree	84	98.8
Total	85	100.0

Note: Table 32 excludes 4 victims who did not answer this question.

Table 33 shows the responses given by victims to the second statement measuring whether conferencing adequately considered their needs and interests.

Table 33: Responses given by victims to *the conference took adequate account of the effects of the offence on you*

<i>Responses</i>	<i>N</i>	<i>%</i>
strongly disagree/disagree/neither agree nor disagree	6	7.0
agree/strongly agree	80	93.0
Total	86	100.0

Note: Table 33 excludes 3 victims who did not answer this question.

Table 33 shows that 93.0 per cent of victims either agreed or strongly agreed that the conference took adequate account of the effects of the offence on them. Of the 80 victims who gave these responses, 51 (59.3% of all victims who answered this question) strongly agreed with the statement. Similarly for the YJC study, the vast majority of victims agreed or strongly agreed that the conference took adequate account of the effects of the offence on them (Trimboli 2000).

While all victims at Tweed Heads agreed or strongly agreed with the statement, the figure for Liverpool was 88.5 per cent.³⁰ This was due to the conferences held for the riot offences. When the 18 victims from these conferences were removed from the data, 94.1 per cent of victims from Liverpool agreed or strongly agreed that the conference took adequate account of the effects of the offence on them.

SUPPORT PERSONS OF OFFENDERS AND VICTIMS

The support persons of both offenders and victims were asked to respond to the question: *how well were your concerns about the offender's actions dealt with at the conference*. This question was originally derived from the interview schedule designed for the RISE evaluation (Reintegrative Shaming Experiments, unpublished), and was asked only of the support persons of offenders who participated in the YJC evaluation (Trimboli 2000).

Respondents were given an eight-point scale, ranging from 1 = 'not at all well' through to 8 = 'very well'. The responses were grouped into three categories. Responses 1 to 4 were grouped together, 5 and 6 were grouped together and 7 and 8 were grouped together. Table 34 shows the responses given by the support persons of both victims and offenders.

Table 34: Responses given by support persons to *how well were your concerns about the offenders' actions dealt with at the conference*

<i>Responses</i>	<i>Offenders' Supporters</i>		<i>Victims' Supporters</i>	
	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>
1 to 4	9	5.3	6	4.3
5 and 6	36	21.2	46	32.6
7 and 8	125	73.5	89	63.1
Total	170	100.0	141	100.0

Note: Table 34 excludes 2 offenders' supporters and 5 victims' supporters who did not answer this question.

As Table 34 shows, the majority of support persons indicated that their concerns about the offenders' actions were dealt with 'well' or 'very well' (responses 7 and 8) at the conference. Specifically, 73.5 per cent of the offenders' supporters believed that their concerns had been dealt with in this way. Fewer (63.1%) of the victims' supporters felt their concerns had been dealt with 'well' or 'very well'. Offenders' support persons in the YJC study provided similar responses (Trimboli 2000).

3.2 KEY STAKEHOLDER INTERVIEWS

This section examines the degree of stakeholder satisfaction with the implementation and operation of the conferencing pilot program. It is based on the interviews and focus group discussions held with magistrates, operational and senior police officers, program managers, conference facilitators and members of the inter-Departmental Working Group. This section is divided into seven parts reflecting the issues discussed.

EFFECTIVENESS OF THE PROGRAM IN ACHIEVING OBJECTIVES

Stakeholders were asked their perceptions of the effectiveness of the program in achieving three of its objectives:

1. increasing the offenders' awareness of the consequences of their offences for their victims and the community;
2. encouraging offenders to take responsibility for the offence they have committed; and
3. meeting the needs of victims and the community.

Most stakeholders believed that the program was effective in achieving each of these objectives. Comments included:

- The program is extremely effective. It gets the message to the offender in a personalised way. Because it is personalised, offenders can understand it. The program has a greater impact; the crime is not anonymous.
- For the first time, offenders are hearing about what they're doing from a victim's perspective.
- It appears that the offenders have increased knowledge about the ramifications of their actions. That's what they're saying in court; they talk about the consequences, especially the unrepresented offenders.
- In conferencing, the victim is at least asked to provide input.

Some police officers, however, believed that the effectiveness of the program in achieving these objectives depended upon the degree to which the offender was willing to co-operate. Comments included:

- It's up to each individual. It depends on whether the offender is open to it.
- The program can be effective if the offender co-operates.

PROGRAM'S ELIGIBILITY CRITERIA

With the exception of some police, most stakeholders suggested a broadening of the program's eligibility criteria regarding the offenders' age range and the offence types. Some stakeholders also suggested changes regarding first-time/repeat offenders.

Age Range: Many stakeholders argued that the upper age limit should be removed, stating that the program should be available to all offenders aged 18 years or more. They believed that this would serve a number of purposes:

1. provide victims of the offences with equity of access to conferences, regardless of the offender's age;

2. give offenders the opportunity to learn; and
3. allow for situations involving co-offenders who are not within the 18 – 24 year age range and for whom an intervention plan could not be enforced.

Some stakeholders argued that the program should also be available to offenders aged between 16 and 18 years who commit traffic offences.

By contrast, some operational police officers argued that the upper age limit should be reduced to 21 years because

- by 21, you should know what you're doing and behaviour can't change.

Senior police officers, one magistrate and some Working Party members believed that the existing age range was appropriate.

Eligible Offences: Many stakeholders argued that the range of eligible offences should be broadened. They suggested that more serious offences be included, such as assault occasioning grievous bodily harm and indictable offences with a maximum penalty 'which is at the lower end of the scale'. Others suggested that some types of domestic violence offences, such as assaults between siblings, and some offences against the police, such as assault police, should be eligible for conferencing. Offences, such as riot and affray offences, which were removed in the initial stages of program implementation, were also considered suitable for this program. As one stakeholder stated:

- the police aren't the direct victims, the community is also the victim; the riots we dealt with were against the State; the courts would not impose the same outcomes.

Most police officers, on the other hand, asserted that only less serious offences are suitable for conferencing, such as malicious damage, common assault, offensive behaviour and shop-lifting. The majority of officers stated that any offence where a uniformed police officer was a direct victim should be excluded from the program. Individual officers suggested different offences for exclusion. Some examples included, all 'assault police' offences, minor traffic offences, minor PCA offences and affray.

Some stakeholders suggested the elimination of motor vehicle offences and drug offences where there is no direct victim.

Repeat Offenders: Some police officers suggested that conferencing should only include first offenders and only one conference should be allowed per offender. Comments included:

- Repeat offenders should go to court, not conference. If the offender has priors as an adult, there should be no conference. If the offender has priors as a juvenile, then a conference is suitable.
- If an offender has a criminal history, including as a juvenile, they shouldn't get a CCYA.
- Offenders should not get a second conference. With one conference, they can learn; there's no need for more.

Two other stakeholders also stated that the program should be available to first offenders.

CONFERENCES WITH NO DIRECT VICTIMS

Stakeholders were asked: *should conferences be conducted if there is no direct victim?* Of those interviewed, all facilitators, all police officers in Tweed Heads, most program managers and most magistrates responded that it is appropriate to conduct conferences without a direct victim. Comments included:

- I've seen the benefits. Restorative justice is about restoring to the community and driving offences affect so many people, including the offender's family.

- They should be conducted. I'm a believer in education. At a conference, offenders can be educated regarding the consequences of their offences (e.g. you can't travel overseas with a criminal record). I'd rather see them educated and then come back to court at the end of the conference process. Once they go to gaol it's too late to educate them.

Police officers from Liverpool strongly opposed such conferences. Comments included:

- Victimless conferences, how ridiculous is that?
- No conferences should be conducted without victims, it's not confronting enough.
- In these cases, the offender does not have to confront a person, does not have to be held accountable.

CONFERENCES WITH VICTIM REPRESENTATIVES

The majority of stakeholders stated that it is appropriate to conduct conferences with a victim representative. Comments included:

- A victim representative can achieve the same result, but they should be relevant to the offence.
- Victim representatives (e.g. Rescue Squad, Headway) can draw graphic pictures and inject some realism because they talk about what happens to people. They can be very effective.
- Initially, I thought no, but then I changed my mind. At first, I thought what would happen is the offender would get a lower penalty, that it would be an easy way out, but the victim representative explained what could happen. So, instead of getting a Section 10 or a good behaviour bond, at the conference, the offender was able to express his remorse and make a commitment to do something else. Offenders are shamed and may be less likely to re-offend.
- It's unfair to the offender for the process not to take place, especially when there's a real victim who can't come to the conference. Representatives can bring a reality to the conference, they're doing a good job. In cases like driving offences, the victim is the community, so representatives are representatives of the community. They can still explain the consequences of the crime.

Other stakeholders were more cautious in endorsing conferences with victim representatives, asserting that representatives should attend only after meeting with the direct victim of the offence so that they understand the impact of the offence on the victim's day-to-day life. The role of the representative would then be to convey the victim's views to the other conference participants. Comments included:

- The conference could go ahead in cases where the victim does not want to go, but the victim representative gives the victim's version of the events. But I think that it is not appropriate to conduct a conference with a victim representative if there is no direct victim to the offences.
- If there is no meeting between the representative and the direct victim, the implication is that a 'generic victim' exists.
- What motivates a representative to go to several conferences? They would lack objectivity.

A small minority of stakeholders stated that it is not appropriate to conduct conferences with victim representatives. Comments included:

- If there's no victim, there should be no conference. A conference with a victim representative puts undue pressure on the representative. Representatives may not reflect community views.
- Conferencing is about involving victims in the process. It is not about the offender dealing with the broad philosophical impact of the offence which is what a victim representative could explain, conferencing is about the impact of the offender's specific offence on someone.

CONFERENCES WITHOUT EITHER A VICTIM OR A VICTIM'S REPRESENTATIVE

The question: *is it appropriate to conduct conferences without either a victim or a victim's representative* produced mixed responses from the stakeholders who were interviewed. Many asserted that such conferences are not appropriate. Comments included:

- No. It demeans the point of the conference.

- I don't see how it would work. The process doesn't work. The outcomes would not be reflective of what the victim would want. It's not logical to run a conference without the 'other side' present.
- It's difficult to see the point of such a conference. It would be more like therapy or counselling. A victim, a victim representative or a community advocate would give the program credibility; otherwise, it would be perceived as a 'soft option'.
- No, we can't just have the offender's support persons because the intervention plan would be too soft. The risk is there is no alternative view at the conference; we need a police officer or a community representative at the conference to put the alternative view. It would also be difficult for the facilitator because he/she can't be impartial.

Other stakeholders believed that such conferences are appropriate, for example:

- It's a court alternative, so yes it's appropriate.
- Only for minor offences. Conferences should still be run in order to get offenders to make a commitment to do something. They might not do this if they just went to court.
- Yes, if there is a statement from the victim. Sometimes it can make a difference for the offender and his/her family. It can stop the offender continuing down the path of criminality. It's better to have the conference and the intervention plan; this is more likely to have an impact on the offender rather than no conference at all.
- For some conferences, it has worked very, very well to have only the offender and the offender support people.

IMPORTANCE OF POLICE ATTENDANCE AT CONFERENCES

The majority of program managers, conference facilitators, magistrates, operational police from Tweed Heads and Working Group members asserted that it is critical for police to attend conferences. Comments included:

- It is critical. It allows police to be seen in a different light, in a less daunting and confrontational environment than, for example, in a police station.
- It's very critical for the offenders, the victims and the police. The offender can see the offences from a different perspective. For the victim, the police presence provides security. The police can see why the offender committed the crime.
- It's very critical. It's good for the police too – offences have an impact on police officers as well.

Other stakeholders noted that police should attend conferences only in certain situations, for example:

- if the police officer was the direct victim of the offence(s);
- if a direct victim requires the police to attend in order to feel comfortable attending the conference;
- for public order offences; or if,
- the officer is the arresting officer: The arresting officer should be the primary person to go to the conference. If the arresting officer can't go, then someone else could go, but that officer should be briefed by the arresting officer.

Some stated that the role of the police officer in the conference process needs to be clearly articulated.

All the police interviewed from Liverpool unanimously stated that, as the program currently operates, it is not at all important for police to attend conferences because they are permitted only minimal input and their main role is to ensure that participants are safe. Comments included:

- The police have no say about who goes to a conference, but the police have to go to the conference and then they can't have input at the conference. The police should have more of a role in the decision-making at the conference.

- We're just free security. If there's a high risk, there should be no conference; if there's some risk, then security officers should be hired.

They suggested that police be more closely involved in referring the offender to a conference and in the offender's psychological assessment. They also believed they should have a greater role in developing the draft intervention plan and that they, the victim and the offender should all agree upon, and sign, the draft plan. Comments included:

- Police have to have a say in the outcome plan and to sign the plan. It's the same as a jury, everyone has to agree.
- Officers who attend conferences need to be passionate about their role. Going to a conference should not just be time out from being 'in the truck'/on the road.

Some police and facilitators recommended that a designated police officer be appointed in the different geographical areas to attend conferences. These stakeholders argued that the designated officer should be supportive of the program, trained and focus exclusively on conferencing issues.

Police and facilitators were asked to identify the issues that need to be considered when police are invited to attend conferences. There was general agreement that the key consideration is police rosters. Police stated that they do not receive sufficient notice to attend conferences and rosters often have to be changed. Comments included:

- Rosters. Making a date more than one month in advance would be helpful.
- Rostering is an issue which has to be considered when organising conferences. There have to be enough police officers at the station, on the road, etc.

Police in both pilot sites noted two further issues:

1. Lack of time. Comments included:

- Police time is precious.
- We have a problem dealing with normal chores.
- Conferencing is extra to the core responsibilities. It puts pressure on the officer to meet their other work responsibilities.
- Police attendance at conferences should be based on their availability.

2. Inappropriate priorities when organising conferences. Comments included:

- Appointments and dates of conferences are made to suit the crook, not the victims or the police. They should be made to fit in with the victims and the police, not the offender.

Police officers in Tweed Heads stated that the distances to be travelled is another issue to be considered.

TRAINING RECEIVED BY POLICE AND FACILITATORS

Conference facilitators, program managers and the police were asked to comment on the training they had received about the conferencing program.

The police inspectors and superintendents who were interviewed stated that they had received some training about the program. However, with one exception, the operational police officers from both sites stated that they had received no training. Comments included:

- I had no idea what would happen at the conference and what was expected of me.
- I didn't know what conferencing was about until I was contacted by the facilitator to attend.

The officer who stated that training had been provided was a more senior officer who received a 45-minute briefing during a one-day staff development course for sergeants.

Most officers noted that training should have been provided prior to the implementation phase. Comments included:

- The training could have been improved. If there was a training program people would be less negative about it. I was apprehensive at first. I spoke with the facilitator and the administrator who explained the program a bit more and I felt more positive about it.
- A 30 – 40 minute lecture would have been useful. It would have been good to know, from the outset, the list of offences that were eligible and ineligible. If I knew more about the program, I could have said to the offender, get your solicitor to suggest the program to the magistrate.

One officer stated that no training was required: it's common sense; I don't want training.

In the main, conference facilitators and program managers made positive statements regarding the initial two-day training provided to facilitators prior to program implementation. Comments included:

- Training was great, A-class, fantastic.
- I liked the training.

However, many stated that it would be useful to have training materials and further training on a regular basis. Comments included:

- A video of a good conference, sample documents of court reports would be useful.
- This forum [focus group with facilitators] is good. We can hear the experiences of other facilitators. We need more sessions like these as informal training and support, but we must be paid to attend.

ISSUES SPECIFIC TO FACILITATORS

Conference facilitators were asked to identify the difficulties which they have experienced in organising and conducting conferences, and to suggest solutions to these difficulties.

One difficulty involved conducting home visits. Comments included:

- I avoid home visits with offenders, I meet them in the park.
- Home visits are better because you can gather valuable information about their life.

Facilitators suggested that they be given the option of conducting visits either at the individual's home or at a neutral meeting point.

Insufficient resources, such as, appropriate venues, victim representatives and community work options were also an issue. Comments included:

- Potential community options need to be lined up before the conference takes place. Back-up options should be available to be suggested at the conference if participants can't come up with anything.
- Having the right venue makes a huge difference, some are cold or noisy.

Facilitators suggested that the local office investigate suitable options and develop a list of appropriate resources by specific geographic areas, including more innovative options for inclusion in the intervention plans. They also suggested that meetings be conducted with local community groups to identify those interested in being victim representatives at conferences.

Conferencing co-offenders separately requires that victims attend more than one conference and results in inconsistent intervention plans for the offenders. Facilitators suggested that co-offenders be conferenced together.

Facilitators are trained to follow a specific model for conducting conferences. This involves a 'script' to which they must adhere. Some facilitators raised concerns regarding the model and 'script'. Their comments included:

- The model is good, but the script isn't. The questions need to be changed.
- Sometimes the facilitators need to diverge a little from the script because it's not flexible enough.
- We need to have a section at the beginning for us to read out what happened and then ask the offender if they're at the conference voluntarily. This is how it happens for YJC.
- The model of disengagement is counter-intuitive and very confronting.
- Sometimes it's hard to draw anything out of the offender.
- The process of disengagement works very well. Let them go for it and then bring each other into line.
- The mechanics of the conference are good.

Facilitators suggested that they be consulted regarding aspects of the 'script' which may require modification.

Another difficulty can occur when the permanent magistrate goes on leave, because replacement magistrates are not sufficiently informed about the program:

- [The permanent magistrate] is great, succinct. He has alternative schemes into which the offender could be diverted if conferencing is not suitable. When he goes away, the replacement magistrate is inconsistent.

Some facilitators stated that they were not being informed of the matter's progress. Facilitators expressed mixed views about this issue, some stating that they received either a letter or a phone call advising them of the offender's sentence, others stated that this did not occur:

- I'd like a post-sentencing letter about what happened at court, not just whether the offender completed the intervention plan.

There were issues with insufficient support and supervision of facilitators. Comments included:

- The face-to-face debriefings are inconvenient. At times, very short notice is given for these. I'd prefer to have debriefing by phone rather than in person.

Concerns were mentioned regarding the assessment of facilitators' performance. Comments included:

- Assessment is inconsistent.
- We're assessed by people who haven't run a conference. We should be assessed by other facilitators.

Facilitators suggested that assessments be undertaken by peers who have had experience both in conducting conferences 'by the script' and in dealing with unexpected situations.

Some administrative issues were also raised. Comments included:

- One of the negative aspects of the program is being paid eight to ten weeks after the completion of a conference. This would be prohibitive for some facilitators.
- The recording sheets could be simplified.

Facilitators suggested that they be paid following a conference rather than at court finalisation of the matter and that time-recording sheets be simplified for payment purposes.

OVERALL OPINIONS ABOUT THE CONFERENCING PROGRAM

The majority of police officers from Liverpool did not support conferencing. Comments included:

- It's too easy. The offender turns up to the conference, apologises, says he won't do it again, goes to TAFE, gets a course for free, then thumbs his nose at the system. But conferences aren't good for the victim. What does the victim get? Conferencing goes out of the way to help the offender after the third, fourth, fifth times, but the victim gets nothing. Offenders laugh at the police.
- Police consider conferencing a joke. It's not supported by front-line police.
- Diversionary programs are a waste of money and don't work. They're a good concept, but it's too little, too late; band-aid solutions. Hard-core criminals are getting away with crime because of diversionary programs. Instead of spending money on diversionary programs, if someone commits a heinous crime it should be gaol.

By contrast, most of the remaining stakeholders were generally supportive of the conferencing program and believed that it is successful, effective and operating well. Comments included:

- Conferencing is working. The vast majority of young people have a genuine sense of remorse and will do more than I thought they would commit to, especially for minor offences.
- The positive thing about conferencing is it's giving people who've done something dumb an opportunity.
- The program is increasing offenders' awareness of the consequences of their offences for their victims and the community. Offenders are able to see things from the victims' perspective and also understand the perspectives of the others involved.
- With conferencing there's more of a commitment from the offender to take responsibility for their actions than if the offender just goes to court.

Despite their general support of the program, some stakeholders recommended a number of improvements to the existing pilot program if expansion is under consideration. These improvements included:

- Undertake a gradual expansion of the program across the State.
- Clearly articulate the program objectives.
- Modify the eligibility criteria.
- Obtain stakeholder commitment to the program.
- Determine the role of the police in the overall program and conference process.
- Ensure magistrates more consistently apply the eligibility criteria.
- Ensure magistrates articulate their rationale for referring offenders to the program.
- Ensure that the same magistrate deals with a matter until it is finalised.
- Develop a pro-forma court report, with a succinct summary of key features, for submission to the magistrate prior to the offender's sentence hearing, to allow the magistrate time to consider the report.
- Develop rules regarding attendance at and participation in conferences by victim representatives.

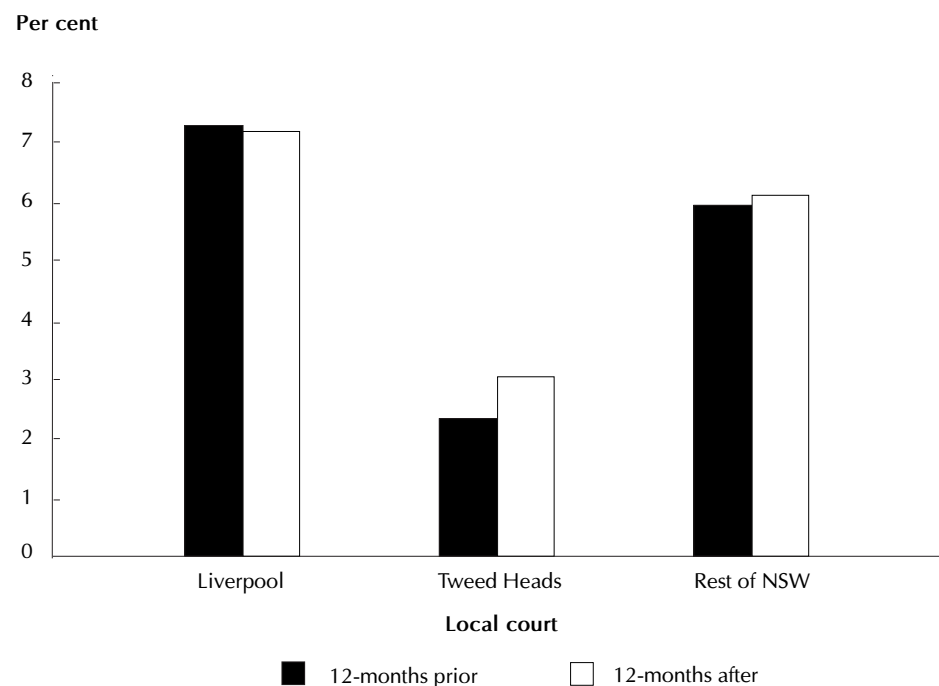
Program managers identified more specific issues, including:

- Appoint additional program staff to undertake responsibilities such as supervision of intervention plans.
- Acquire suitable office accommodation for program staff, separate from the secure areas of the courthouse to enable interviews with offenders without infringing the security of magistrates.
- Design a new database to allow for both data storage and data extraction.

3.3 NET-WIDENING

Figure 2 shows the percentages of 18 to 24 year old offenders from Liverpool and Tweed Heads who were sentenced to imprisonment (including periodic detention and home detention) for the 12-month period prior to (October 2004 to September 2005) and after (October 2005 to September 2006) commencement of the program. Data for local courts in the rest of NSW are also shown for comparison. If the young adult conferencing program had been effectively targeted one would expect to see a fall in the percentage of persons receiving a prison sentence after the program began.

Figure 2: Percentage of offenders sentenced to imprisonment in the 12 months prior to and after commencement of the program, by site



As shown in Figure 2, similar proportions of offenders were sentenced to imprisonment in the 12-month periods before and after the pilot program commenced for Liverpool, Tweed Heads and the rest of NSW. The fact that there has not been a fall in the proportion of offenders imprisoned suggests that offenders referred to a conference would not have gone to prison, that is, net-widening has occurred. Note, however, that the number of offenders who received a prison sentence in the Tweed Heads local court circuit was quite small, suggesting that this may not have been an appropriate site for this program.

3.4 RE-OFFENDING

Only 4.4 per cent of all offenders who participated in the conferencing program were charged and convicted of other offences in the period until 30 September 2006 (an average period of 4.8 months). Seven of these eight offenders were from Liverpool and one was from Tweed Heads.

4. DISCUSSION

The objectives of the evaluation of the community conferencing for young adults pilot program were to determine:

1. Whether young adult offenders, victims and support persons of both victims and offenders who participate in conference proceedings are satisfied with the process and the outcomes of the proceedings.
2. Whether conference proceedings lead to an increased acceptance of responsibility by the offender.
3. Whether key stakeholders are satisfied with the implementation of the program and their recommendations, if any, for modifications.
4. Whether the program reached those for whom it was intended.
5. The rate of re-offending amongst those on the program.

4.1 SATISFACTION, NET-WIDENING AND RE-OFFENDING

The response rate for the survey of conference participants was very high. This indicates that the responses given are representative of participants attending conferences and that participants were eager to voice their opinions about the program. Despite this, relatively large numbers of participants in this study did not respond to some items in the questionnaire. For some questions, participants were asked not to respond to the item because an intervention plan was not decided upon during the conference. For the remaining questions, the reasons for the large non-response rate are unclear. In some cases, respondents may not have had the time to answer the question (particularly the open-ended questions). Some respondents may not have understood certain questions. In other cases, however, non-response may indicate the respondent's reluctance to express dissatisfaction with the conference process or outcomes.

While conferences in this sample were held for a variety of offences, an unexpected finding was that half of these conferences were for traffic or drug-related offences. Very few of these offences are likely to involve a direct victim.

The results show very clearly that the vast majority of victims, offenders and their support persons who participated in the study were satisfied with the various stages of their conference, from the pre-conference preparation stage, through to the conference itself and the draft intervention plans developed by the participants.

Most conference participants believed they had been informed in good time about when the conference was to be held. They also stated that they had received a lot of information about what would happen at the conference, what was expected of them and what the possible outcomes of the conference were. Most conference participants understood what was going on at the conference. They also believed that it was fair to the victim and the offender, that the conference respected their rights and that they were treated with respect. The majority felt that they had been given the opportunity to express their views and that they had had a role in deciding what should be done. Also, the vast majority of conference participants were satisfied with the conference intervention plan, believing that it was fair to the victim and the offender.

Participants from Liverpool, however, were generally less satisfied than those from Tweed Heads. For example, fewer participants at Liverpool believed that either the conference or the intervention plan was fair to victims. Also, fewer participants at Liverpool believed that the conference had respected their rights, or that, after the conference, offenders had a proper understanding of the harm caused to the victim.

In some cases, these differences resulted from the dissatisfaction felt by the victims who attended the conferences held at Liverpool for riot offences. The victims participating in these conferences believed that they were not treated respectfully during the conference and that the conference did not take adequate account of the effects of the offence on them. More broadly, they were not satisfied with the way the criminal justice system dealt with their case. Riot offences were subsequently removed from those offences eligible for conferencing.

When conferences held for victimless offences were compared to those involving a direct victim, there were very few differences in participant satisfaction. The very high levels of participant satisfaction were, therefore, not restricted to those conferences involving direct victims of crime. Irrespective of the degree of satisfaction expressed by the conference participants, the question remains whether conferences that are held without a victim can be considered restorative. This issue was also raised by a number of stakeholders who were interviewed. Although restorative justice is not one of the stated objectives of this program, this principle generally underlies conferencing programs. While some argue that the community could be considered the 'victim', traditionally, the victim is an individual.

Relatively few participants reported negative features of the way their conference was run. Of the victims and their supporters who did make comments, the main complaint was that their conference was poorly organised, structured or conducted. Similarly, few participants reported negative features of the draft intervention plans.

The high levels of satisfaction reported by conference participants with conference proceedings and outcomes are not surprising. Many studies have found similar results, including those of conferencing programs operating in New Zealand (New Zealand Ministry of Justice 2005), Queensland (Hayes et al. 1998), South Australia (Daly 2003) and the Australian Capital Territory (Strang et al. 1999). As shown throughout the results of this report, participants attending youth justice conferences in NSW also reported very high levels of satisfaction immediately after their conference (Trimboli 2000). Levels of satisfaction with conferences are, however, lower when participants are approached some time after their conference (Morris & Maxwell 1998; Trimboli 2000). For example, Trimboli found that, compared with participants who completed their questionnaires immediately after their conference, those contacted several weeks or months after their conference were less satisfied. There may be several reasons for this, including offenders not completing the agreed plan and/or victims not being informed of the final outcome of the conference (Morris & Maxwell 1998). When interpreting the results of participant satisfaction in this study, it is therefore important to consider that the levels of satisfaction reported by participants may decrease over time.

The majority of offenders stated that during the conference they felt that the offence they committed was wrong and they began to understand what it actually felt like for those who had been affected by their actions. These responses indicate that the conference proceedings led to an increased acceptance of responsibility by the offender. Other studies, including those of the NSW YJC scheme (Trimboli 2000) found similar results.

In addition to participant satisfaction, this study also considered the issues of net-widening and re-offending. The community conferencing for young adults pilot program was intended to target offenders who were likely to be facing imprisonment. Therefore, while the program was operating, it would be expected that the proportion of offenders sentenced to prison in the two pilot sites would be smaller than it had been prior to the program's implementation. This was not the case for either Liverpool or Tweed Heads. In fact, the net appears to have widened for both pilot sites.

In Tweed Heads, the actual number of offenders sentenced to imprisonment over both 12-month periods was quite small: 18 in the period before program commencement and 21 in the period following program commencement. This raises the question of whether the Tweed Heads local court circuit was an appropriate site for a program targeting offenders likely to be facing prison.

The short follow-up period and the absence of a suitable control group made it impossible to evaluate the impact of the program on re-offending, though this is obviously a crucial issue for any criminal justice program. All that can be said is that 4.4 per cent of the offenders who passed through the program had been charged and convicted with a further offence after attending a conference. Note, however, that the average follow-up period was only 4.8 months.

The figures for subsequent offences in this study are much smaller than those found in other studies. For example, 40 per cent of young offenders who participated in a conference in South Australia were found to have re-offended within eight to 12 months after their conference (Hayes & Daly 2003) and 56 per cent of offenders in Queensland committed one or more offences three to five years after they participated in a community conference (Hayes & Daly 2004). In New Zealand, 32 per cent of adult offenders who participated in the court-referred restorative justice pilot were convicted of another offence within 12 months of the date of their conference. This figure was significantly smaller than that for offenders who did not go to a conference (36%; New Zealand Ministry of Justice 2005). A review of six evaluations of restorative justice programs for adults found that, on average, they did not result in lower rates of re-offending (Aos et al. 2006). By contrast, preliminary results suggest that significant reductions in rates of re-offending were found for lower-risk young offenders (Aos et al. 2006).

The small re-offending rates in the current study are most likely due to the very short time (in some cases, only two days) within which offenders had the opportunity to re-offend. To obtain a more accurate estimate of re-offending, a more rigorous analysis is required when more time has passed.

4.2 KEY STAKEHOLDER INTERVIEWS

Not all stakeholders shared the positive sentiment expressed by conference participants. Some stakeholders, particularly some operational police officers, did not support conferencing, asserting that the program focuses principally on the offender, with little or no regard for the needs of the victim of the offence. The negative attitude of these officers may reflect their perception that they were inadequately consulted during the program's development phase. Their attitude may have been further exacerbated by their belief that, although they are required to attend conferences, the views they express at the conferences are not given sufficient weight. Both the police and conference facilitators stated that police rosters are the key consideration when inviting police

officers to attend conferences; these rosters are arranged every six weeks and, according to the police, they are difficult to alter without substantial notice. The police in New Zealand also stated that rosters were one of the main reasons why they did not attend conferences (New Zealand Ministry of Justice 2005).

The remaining stakeholders in this study expressed mixed views about the conferencing program. The majority believed that conferencing is worthwhile and effective. However, they expressed sufficient reservations to suggest that the pilot program in its current form requires modification if it is to be expanded to other sites or state-wide. Some of these reservations relate to administrative or program management issues which, if dealt with, may increase the efficiency and consistency of the program's implementation. Other reservations are, however, more fundamental, highlighting the need to clarify, and agree upon, the philosophical underpinnings of the program.

Program managers and conference facilitators made the following recommendations to improve the program:

- Appointing additional program staff to focus on tasks such as monitoring whether offenders complete the various components of their intervention plans.
- Developing rules to guide the invitation and attendance of conferences by victim representatives.
- Investigating more suitable conference venues.
- Consulting with conference facilitators to improve aspects of the conference process which are currently causing concern, such as the 'script' that they are required to follow when running a conference and conferencing co-offenders separately.
- Training new magistrates about the program to ensure eligible offenders are referred.

Some magistrates suggested that the same magistrate should deal with the matter until it is finalised.

Resolving these program management issues is relatively straightforward. However, there are other issues that also require close attention.

Some stakeholders, particularly some of the Working Party members, expressed the view that, over its life-course, the program had changed. To these stakeholders, it became less clear whether the program addressed the needs of the offender and the victim of the offence in equal measures. This, in turn, raised the questions of whether conferences should be conducted if there is no direct victim and whether the process is actually restorative. Police at Liverpool also questioned whether the program pays adequate attention to the needs of the victims.

Almost all stakeholders questioned whether the program's current eligibility criteria were appropriate.

Stakeholders made a number of recommendations to address these concerns:

- Clearly articulate the program's theoretical underpinning.
- Clearly articulate the program's objectives and the relative place of offenders and victims in the program.
- Ensure that practice reflects the program's philosophy and objectives.
- Broaden the program's eligibility criteria.
- Ensure magistrates consistently apply the program's eligibility criteria.

In addition, in order to encourage increased commitment from, and constructive participation by, key stakeholders, it was suggested that:

- closer consultation occur between stakeholders, particularly between program managers and police;
- the roles of the different stakeholders (e.g. the police) in the overall program and in conferences be agreed upon and clearly articulated. At present, some police officers believe that their role at the conference is simply to provide protection, not to actively participate in the conference itself; and
- appropriate training be developed and provided to police, magistrates and lawyers regarding the program and their role in the program.

4.3 CONCLUDING REMARKS

This study has shown that conference participants are very satisfied with the pilot program and that most stakeholders are satisfied, although they suggest changes to the current program. The program, however, is not reaching the offenders for whom it was intended and little is known about the rate of re-offending. It is suggested that the length of the pilot program be extended until the issues of net-widening and, more particularly, re-offending can be more thoroughly examined.

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NOTES

1. Examples of category 1 personal violence offences, *Crimes Act 1900*, excluded from the program include: conspiring to commit murder (s. 26); acts done to person or property with intent to murder (s. 27, 28); attempts to murder by administering poison, shooting, attempting to drown, suffocate or strangle (s. 29); wounding with intent to do bodily harm or resist arrest (s. 33); aggravated sexual assault (s. 61J); aggravated sexual assault in company (s. 61JA); assault with intent to have sexual intercourse (s. 61K); sexual intercourse with child under 10 years (s. 66A); attempting, or assaulting with intent, to have sexual intercourse with child under 10 years (s. 66B); robbery or stealing from person in circumstances of aggravation (s. 95); robbery or stealing from person with wounding (s. 96); robbery being armed with an offensive weapon, or in company and wounding (s. 98).

Examples of category 2 personal violence offences, *Crimes Act 1900*, include: discharging loaded arms with intent (s. 33A); malicious wounding (s. 35(2)); attempts to choke (garrotting) (s. 37); using poison to endanger life (s. 39); causing bodily injury by gunpowder (s. 46); using explosive substance or corrosive fluid (s. 47); causing explosives to be placed in/near building, conveyance or public place (s. 48); sexual assault (s. 61I); aggravated indecent assault (s. 61M); sexual intercourse with a child between 10 and 16 years (s. 66C); persistent sexual abuse of child (s. 66EA); sexual intercourse with a person with intellectual disability (s. 66F); sexual intercourse with child between 16 and 18 years under special care (e.g. step-parent, guardian, foster parent, teacher, religious/sporting/musical instructor, health professional) (s. 73); sexual assault by forced self-manipulation (s. 80A); child abduction (s. 87); child prostitution and pornography (s. 91); breaking, entering and assaulting with intent to murder (s. 110); maliciously destroying or damaging property by fire or explosives (s. 195(b)); bestiality (s. 79).

Examples of relevant drug offences, *Drug Misuse and Trafficking Act 1985*, include: a person who cultivates, supplies or has a prohibited drug (s. 23(1)); a person who cultivates, supplies or has a prohibited drug which is not less than the commercial quantity (s. 23(2)); a person who manufactures, produces, or knowingly takes part in the manufacture of prohibited drug or exposes a child to the manufacturing/production process (s. 24(1)); a person who manufactures, produces, or knowingly takes part in the manufacture of prohibited drug which is not less than the commercial quantity (s. 24(2)); a person who supplies a prohibited drug (s. 25(1)); a person who supplies an amount of a prohibited drug which is not less than the commercial quantity (s. 25(2)); supplying prohibited drugs on an ongoing basis (s. 25A).

Examples of serious firearms or weapons offences, *Crimes Act 1900*, include: causing danger with firearm or spear gun (s. 93G); firing at dwelling houses or buildings with reckless disregard for safety of person (s. 93GA); committing an offence in possession of unregistered firearms in circumstances of aggravation (e.g. has more than one unregistered firearm, or unregistered firearm is a pistol/prohibited firearm) (s. 93I(2)); stealing firearms (s. 154D).

Examples of serious firearms or weapons offences, *Firearms Act 1996*, include: unauthorised possession or use of prohibited firearms or pistols (s. 7); purchase of firearms (s. 50); manufacture of a prohibited firearm or pistol (s. 50A(2)); selling firearms or firearm parts on an ongoing basis (s. 51B, 51BB).

2. Victim representatives either represented a specific victim or victims in general. These representatives were generally from a community-based organisation.
3. All of these victims were police officers.
4. The 180 offenders included 176 offenders who completed questionnaires for this study and 4 additional offenders who did not participate in the study but attended a conference during the study period.
5. Excludes 2 of the 94 offenders from Liverpool and 2 of the 84 offenders from Tweed Heads who did not provide a response to this item.
6. Excludes 6 of the 94 offenders from Liverpool who did not provide a response to either question.
7. Excludes 4 of 84 offenders who did not answer the question regarding their mother's country of birth and 5 of 84 offenders who did not answer the question regarding their father's country of birth.
8. Excludes 2 of the 54 victims from Liverpool who did not answer this question. Includes all 35 victims from Tweed Heads.
9. Excludes 2 of 54 victims who did not provide a response to either question.
10. Includes all 35 victims from Tweed Heads.
11. The number of conferences held for victimless offences and number of victim representatives are not equal because in some cases, the offence involved a victim but a victim representative attended the conference in their place. In other cases, no victim representatives or more than one victim representative attended conferences for victimless offences.
12. Excludes 1 of 54 victims at Liverpool and none of the 35 victims at Tweed Heads. Includes all 90 and 82 offender support persons at Liverpool and Tweed Heads, respectively.
13. Excludes 2 of 94 offenders and 1 of 54 victims who did not provide a response to this item. Includes all 90 offenders' supporters and all 78 victims' supporters.
14. Excludes 1 of 84 offenders and 1 of the 68 victims' supporters who did not provide a response to this item. Includes all 35 victims and all 82 offenders' supporters.
15. Excludes 1 of 54 victims from Liverpool who did not provide a response to this item. Includes all 35 victims from Tweed Heads.
16. Excludes 7 of the 80 offenders who attended a conference for victimless offences and 4 of the 98 offenders who attended a conference for an offence involving a victim.
17. Excludes 12 of the 76 offenders' supporters who attended a conference for victimless offences and 3 of the 96 offenders' supporters who attended a conference for an offence involving a victim.

18. Excludes 2 of 54 victims from Liverpool. Includes all 35 victims from Tweed Heads.
19. Excludes 1 of 35 victims at Tweed Heads and 2 of 54 victims at Liverpool who did not provide a response to this item.
20. These participants included 28 offenders (that is, 15.7% of all offenders in the sample), 20 victims (22.5% of all victims in the sample), 14 support persons of the offenders (8.1% of all offender support persons in the sample) and 10 support persons of the victims (6.9% of all victim support persons in the sample).
21. This total comprised 47 offenders (that is, 26.4% of all offenders in the sample), 34 victims (38.2% of all victims in the sample), 47 support persons of the offenders (27.3% of all offender support persons in the sample) and 50 support persons of the victims (34.3% of all victim support persons in the sample).
22. This view was expressed by 82 offenders (that is, 46.1% of all offenders in the sample), 22 victims (24.7% of all victims in the sample), 79 support persons of the offenders (45.9% of all offender support persons in the sample) and 44 support persons of the victims (30.1% of all victim support persons in the sample).
23. Excludes 19 of 54 victims from Liverpool and 2 of 35 victims from Tweed Heads.
24. Excludes 18 of the 94 offenders from Liverpool and 7 of the 84 offenders from Tweed Heads who did not provide a response to this item.
25. This total consists of 59 offenders (that is, 33.2% of all offenders in the sample), 40 victims (44.9% of all victims in the sample), 57 support persons of the offenders (33.1% of all offender support persons in the sample) and 26 support persons of the victims (17.8% of all victim support persons in the sample). Thirty-five conference participants did not answer this question because a draft intervention plan was not decided upon.
26. This total comprised 89 offenders (that is, 50.0% of all offenders in the sample), 54 victims (60.7% of all victims in the sample), 74 support persons of the offenders (43.0% of all offender support persons in the sample) and 55 support persons of the victims (37.7% of all victim support persons in the sample).
27. Excludes 1 of the 54 victims from Liverpool who did not provide a response to this item. Includes all 35 victims from Tweed Heads.
28. Excludes 2 of the 54 victims from Liverpool and 1 of the 35 victims from Tweed Heads who did not provide a response to this item.
29. Excludes 3 of the 80 offenders who attended conferences for victimless offences and 5 of the 98 offenders who attended conferences for offences involving a victim.
30. Excludes 1 of the 35 victims from Tweed Heads and 2 of the 54 victims from Liverpool who did not provide a response to this item.

APPENDIX

Questionnaires for respondents

ADULT CONFERENCES RESEARCH

OFFENDER'S QUESTIONNAIRE

(CONFIDENTIAL)

The Attorney General's Department would like to find out how well conferences are working and what people think of them. The Department is surveying people like you who have participated in a conference. Please answer **all** questions honestly and fully. Circle the response which **best** reflects what you think. Only circle **one** response for each question.

When you've answered all the questions, please place your completed survey form in the attached envelope, seal the envelope and return it to the conference facilitator. Conference staff will never see your completed form. All the information which the Department receives will be kept in the **strictest confidence**. Only the researchers will ever see your answers. Your personal details will never be made public.

Thank you very much for your co-operation.

Q 1 Were you informed in good time about when your conference was to be held?

Please circle one response.

yes	no
1	2

Q 2 Were you given information on what would happen at the conference?

Please circle one response.

none at all	not much	some	a lot
1	2	3	4

Q 3 Were you given information about what was expected of you at the conference?

Please circle one response.

none at all	not much	some	a lot
1	2	3	4

Q 4 Were you given information on possible outcomes of the conference?

Please circle one response.

none at all	not much	some	a lot
1	2	3	4

Q 5 How satisfied were you with the arrangements made to ensure that you could get along for the conference?

Please circle one response.

very dissatisfied	quite dissatisfied	neither satisfied nor dissatisfied	quite satisfied	very satisfied
1	2	3	4	5

Q 6 How fair do you feel that the conference was for you? Would you say that it was...

Please circle one response.

very unfair	somewhat unfair	somewhat fair	very fair
1	2	3	4

Q 7 How fair do you feel that the conference was to the victim? Would you say that it was...

Please circle one response.

very unfair	somewhat unfair	somewhat fair	very fair
1	2	3	4

Q 8 How much do you feel that the conference respected your rights? Would you say...

Please circle one response.

not at all	a little	a fair bit	a lot
1	2	3	4

A number of statements are made in the next section. We'd like you to indicate how much you agree or disagree with each statement. Please circle the response which best reflects what you think.

Q 9 You understood what was going on in the conference.

Please circle one response.

strongly disagree	disagree	neither agree nor disagree	agree	strongly agree
1	2	3	4	5

Q 10 You feel that you were treated with respect during the conference.

Please circle one response.

strongly disagree	disagree	neither agree nor disagree	agree	strongly agree
1	2	3	4	5

Q 11 You feel you had the opportunity to express your views in the conference.

Please circle one response.

strongly disagree	disagree	neither agree nor disagree	agree	strongly agree
1	2	3	4	5

Q 12 During the conference you began to understand what it actually felt like for those who had been affected by your actions.

Please circle one response.

not at all	a little	quite a lot	a lot	felt overwhelmed by it
1	2	3	4	5

Q 13 During the conference you felt that the offence you committed was wrong.

Please circle one response.

not at all	a little	quite a lot	a lot	felt overwhelmed by it
1	2	3	4	5

Q 14 Was an Intervention Plan decided on?

Please circle your response.

yes	no
1	2
If yes, go to next question	If no, go to Q 21

Q 15 The conference took account of what you said in deciding what should be done.

Please circle one response.

strongly disagree	disagree	neither agree nor disagree	agree	strongly agree
1	2	3	4	5

Q 16 You are satisfied with the conference Intervention Plan.

Please circle one response.

strongly disagree	disagree	neither agree nor disagree	agree	strongly agree
1	2	3	4	5

Q 17 Do you think the outcome you received in the conference is...

Please circle one response.

much too lenient	somewhat lenient	fair	somewhat severe	much too severe
1	2	3	4	5

Q 18 How fair do you think the outcome is for the victim? Would you say that it is...

Please circle one response.

very unfair	somewhat unfair	somewhat fair	very fair
1	2	3	4

Q 19 What are the best features of the Intervention Plan?

Please explain fully.

Q 20 What are the worst features of the Intervention Plan?

Please explain fully.

Q 21 What were the best features of the way the conference was run?

Please explain fully.

Q 22 What were the worst features of the way the conference was run?

Please explain fully.

Q 23 After the conference, you had a proper understanding of the harm caused to the victim.

Please circle one response.

strongly disagree	disagree	neither agree nor disagree	agree	strongly agree
1	2	3	4	5

Q 24 You are satisfied with the way your case was dealt with by the justice system.

Please circle one response.

strongly disagree	disagree	neither agree nor disagree	agree	strongly agree
1	2	3	4	5

Q 25 What happened in the conference will encourage you to obey the law in the future.

Please circle one response.

strongly disagree	disagree	neither agree nor disagree	agree	strongly agree
1	2	3	4	5

Q 26 Are you male or female:

Please circle your response.

male	female
1	2

Q 27 Are you of Aboriginal or Torres Strait Islander origin?

Please circle your response.

yes	no
1	2

Q 28 In which country were you born?

Please circle your response.

Australia	1
United Kingdom	2
New Zealand	3
Italy	4
Vietnam	5
Greece	6
Germany	7
Philippines	8
Netherlands	9
Other	10 Please specify _____

Q 29 In which country was your mother born?

Please circle your response.

- | | | |
|----------------|----|----------------------|
| Australia | 1 | |
| United Kingdom | 2 | |
| New Zealand | 3 | |
| Italy | 4 | |
| Vietnam | 5 | |
| Greece | 6 | |
| Germany | 7 | |
| Philippines | 8 | |
| Netherlands | 9 | |
| Other | 10 | Please specify _____ |

Q 30 In which country was your father born?

Please circle your response.

- | | | |
|----------------|----|----------------------|
| Australia | 1 | |
| United Kingdom | 2 | |
| New Zealand | 3 | |
| Italy | 4 | |
| Vietnam | 5 | |
| Greece | 6 | |
| Germany | 7 | |
| Philippines | 8 | |
| Netherlands | 9 | |
| Other | 10 | Please specify _____ |

Q 31 How old are you? _____

PLEASE CHECK THAT YOU HAVE ANSWERED ALL QUESTIONS, THEN PLACE THIS FORM INTO THE YELLOW ENVELOPE PROVIDED AND RETURN THE ENVELOPE TO THE FACILITATOR.

THANK YOU VERY MUCH FOR YOUR CO-OPERATION.

ADULT CONFERENCES RESEARCH

VICTIM'S QUESTIONNAIRE

(CONFIDENTIAL)

Q 1 Were you informed in good time about when the conference was to be held?

Please circle one response.

yes	no
1	2

Q 2 Were you given information on what would happen at the conference?

Please circle one response.

none at all	not much	some	a lot
1	2	3	4

Q 3 Were you given information about what was expected of you at the conference?

Please circle one response.

none at all	not much	some	a lot
1	2	3	4

Q 4 Were you given information on possible outcomes of the conference?

Please circle one response.

none at all	not much	some	a lot
1	2	3	4

Q 5 How satisfied were you with the arrangements made to ensure that you could get along for the conference?

Please circle one response.

very dissatisfied	quite dissatisfied	neither satisfied nor dissatisfied	quite satisfied	very satisfied
1	2	3	4	5

Q 6 How fair do you feel that the conference was for you? Would you say that it was...

Please circle one response.

very unfair	somewhat unfair	somewhat fair	very fair
1	2	3	4

Q 7 How fair do you feel that the conference was to the offender? Would you say that it was...

Please circle one response.

very unfair	somewhat unfair	somewhat fair	very fair
1	2	3	4

Q 8 How much do you feel that the conference respected your rights? Would you say...

Please circle one response.

not at all	a little	a fair bit	a lot
1	2	3	4

A number of statements are made in the next section. We'd like you to indicate how much you agree or disagree with each statement. Please circle the response which best reflects what you think.

Q 9 You understood what was going on in the conference.

Please circle one response.

strongly disagree	disagree	neither agree nor disagree	agree	strongly agree
1	2	3	4	5

Q 10 You feel that you were treated with respect during the conference.

Please circle one response.

strongly disagree	disagree	neither agree nor disagree	agree	strongly agree
1	2	3	4	5

Q 11 At the conference, you had an opportunity to explain the loss and harm that resulted from the offence.

Please circle one response.

strongly disagree	disagree	neither agree nor disagree	agree	strongly agree
1	2	3	4	5

Q 12 You feel you had the opportunity to express your views in the conference.

Please circle one response.

strongly disagree	disagree	neither agree nor disagree	agree	strongly agree
1	2	3	4	5

Q 13 The conference took adequate account of the effects of the offence on you.

Please circle one response.

strongly disagree	disagree	neither agree nor disagree	agree	strongly agree
1	2	3	4	5

Q 14 Was an Intervention Plan decided on?

Please circle your response.

yes	no
1	2
If yes, go to next question	If no, go to Q 21

Q 15 The conference took account of what you said in deciding what should be done.

Please circle one response.

strongly disagree	disagree	neither agree nor disagree	agree	strongly agree
1	2	3	4	5

Q 16 You are satisfied with the conference Intervention Plan.

Please circle one response.

strongly disagree	disagree	neither agree nor disagree	agree	strongly agree
1	2	3	4	5

Q 17 Do you think the outcome the offender received in the conference is...

Please circle one response.

much too lenient	somewhat lenient	fair	somewhat severe	much too severe
1	2	3	4	5

Q 18 How fair do you think the outcome is for you? Would you say that it is...

Please circle one response.

very unfair	somewhat unfair	somewhat fair	very fair
1	2	3	4

Q 19 What are the best features of the Intervention Plan?

Please explain fully.

Q 20 What are the worst features of the Intervention Plan?

Please explain fully.

Q 21 What were the best features of the way the conference was run?

Please explain fully.

Q 22 What were the worst features of the way the conference was run?

Please explain fully.

Q 23 After the conference, you felt the offender had a proper understanding of the harm caused to you.

Please circle one response.

strongly disagree	disagree	neither agree nor disagree	agree	strongly agree
1	2	3	4	5

Q 24 You are satisfied with the way your case was dealt with by the justice system.

Please circle one response.

strongly disagree	disagree	neither agree nor disagree	agree	strongly agree
1	2	3	4	5

Q 25 Was the offence(s) which was dealt with by the conference committed against:

Please circle your response.

you personally	a business you own	a company/organisation for which you work or represent
1	2	3

Q 26 Are you male or female:

Please circle your response.

male	female
1	2

Q 27 Are you of Aboriginal or Torres Strait Islander origin?

Please circle your response.

yes	no
1	2

Q 28 In which country were you born?

Please circle your response.

Australia	1
United Kingdom	2
New Zealand	3
Italy	4
Vietnam	5
Greece	6
Germany	7
Philippines	8
Netherlands	9
Other	10 Please specify _____

Q 29 In which country was your mother born?

Please circle your response.

- | | | |
|----------------|----|----------------------|
| Australia | 1 | |
| United Kingdom | 2 | |
| New Zealand | 3 | |
| Italy | 4 | |
| Vietnam | 5 | |
| Greece | 6 | |
| Germany | 7 | |
| Philippines | 8 | |
| Netherlands | 9 | |
| Other | 10 | Please specify _____ |

Q 30 In which country was your father born?

Please circle your response.

- | | | |
|----------------|----|----------------------|
| Australia | 1 | |
| United Kingdom | 2 | |
| New Zealand | 3 | |
| Italy | 4 | |
| Vietnam | 5 | |
| Greece | 6 | |
| Germany | 7 | |
| Philippines | 8 | |
| Netherlands | 9 | |
| Other | 10 | Please specify _____ |

Q 31 How old are you? _____

PLEASE CHECK THAT YOU HAVE ANSWERED ALL QUESTIONS, THEN PLACE THIS FORM INTO THE YELLOW ENVELOPE PROVIDED AND RETURN THE ENVELOPE TO THE FACILITATOR.

THANK YOU VERY MUCH FOR YOUR CO-OPERATION.

ADULT CONFERENCES RESEARCH

OFFENDER'S SUPPORT PERSON'S QUESTIONNAIRE

(CONFIDENTIAL)

Q 1 Were you informed in good time about when the conference was to be held?

Please circle one response.

yes	no
1	2

Q 2 Were you given information on what would happen at the conference?

Please circle one response.

none at all	not much	some	a lot
1	2	3	4

Q 3 Were you given information about what was expected of you at the conference?

Please circle one response.

none at all	not much	some	a lot
1	2	3	4

Q 4 How satisfied were you with the arrangements made to ensure that you could get along for the conference?

Please circle one response.

very dissatisfied	quite dissatisfied	neither satisfied nor dissatisfied	quite satisfied	very satisfied
1	2	3	4	5

Q 5 How fair do you feel that the conference was to the offender? Would you say that it was...

Please circle one response.

very unfair	somewhat unfair	somewhat fair	very fair
1	2	3	4

Q 6 How fair do you feel that the conference was to the victim? Would you say that it was...

Please circle one response.

very unfair	somewhat unfair	somewhat fair	very fair
1	2	3	4

Q 7 How well were your concerns about the offender's actions dealt with at the conference?

Please circle a number.

1	2	3	4	5	6	7	8
not at all well							very well

A number of statements are made in the next section. We'd like you to indicate how much you agree or disagree with each statement. Please circle the response which best reflects what you think.

Q 8 You understood what was going on in the conference.

Please circle one response.

strongly disagree	disagree	neither agree nor disagree	agree	strongly agree
1	2	3	4	5

Q 9 You feel that you were treated with respect during the conference.

Please circle one response.

strongly disagree	disagree	neither agree nor disagree	agree	strongly agree
1	2	3	4	5

Q 10 You feel you had the opportunity to express your views in the conference.

Please circle one response.

strongly disagree	disagree	neither agree nor disagree	agree	strongly agree
1	2	3	4	5

Q 11 Was an Intervention Plan decided on?

Please circle one response.

yes	no
1	2
If yes, go to next question	If no, go to Q 18

Q 12 The conference took account of what you said in deciding what should be done.

Please circle one response.

strongly disagree	disagree	neither agree nor disagree	agree	strongly agree
1	2	3	4	5

Q 13 You are satisfied with the conference Intervention Plan.

Please circle one response.

strongly disagree	disagree	neither agree nor disagree	agree	strongly agree
1	2	3	4	5

Q 14 Do you think the outcome the offender received in the conference is...

Please circle one response.

much too lenient	somewhat lenient	fair	somewhat severe	much too severe
1	2	3	4	5

Q 15 How fair do you think the outcome is for the victim? Would you say that it is...

Please circle one response.

very unfair	somewhat unfair	somewhat fair	very fair
1	2	3	4

Q 16 What are the best features of the Intervention Plan?

Please explain fully.

Q 17 What are the worst features of the Intervention Plan?

Please explain fully.

Q 18 What were the best features of the way the conference was run?

Please explain fully.

Q 19 What were the worst features of the way the conference was run?

Please explain fully.

Q 20 After the conference, you felt that the offender had a proper understanding of the harm caused to the victim.

Please circle one response.

strongly disagree	disagree	neither agree nor disagree	agree	strongly agree
1	2	3	4	5

Q 21 You are satisfied with the way this case was dealt with by the justice system.

Please circle one response.

strongly disagree	disagree	neither agree nor disagree	agree	strongly agree
1	2	3	4	5

Q 22 Are you male or female:

Please circle your response.

male	female
1	2

Q 23 Are you of Aboriginal or Torres Strait Islander origin?

Please circle your response.

yes	no
1	2

Q 24 In which country were you born?

Please circle your response.

- | | | |
|----------------|----|----------------------|
| Australia | 1 | |
| United Kingdom | 2 | |
| New Zealand | 3 | |
| Italy | 4 | |
| Vietnam | 5 | |
| Greece | 6 | |
| Germany | 7 | |
| Philippines | 8 | |
| Netherlands | 9 | |
| Other | 10 | Please specify _____ |

Q 25 In which country was your mother born?

Please circle your response.

- | | | |
|----------------|----|----------------------|
| Australia | 1 | |
| United Kingdom | 2 | |
| New Zealand | 3 | |
| Italy | 4 | |
| Vietnam | 5 | |
| Greece | 6 | |
| Germany | 7 | |
| Philippines | 8 | |
| Netherlands | 9 | |
| Other | 10 | Please specify _____ |

Q 26 In which country was your father born?

Please circle your response.

- | | | |
|----------------|----|----------------------|
| Australia | 1 | |
| United Kingdom | 2 | |
| New Zealand | 3 | |
| Italy | 4 | |
| Vietnam | 5 | |
| Greece | 6 | |
| Germany | 7 | |
| Philippines | 8 | |
| Netherlands | 9 | |
| Other | 10 | Please specify _____ |

Q 27 How old are you? _____

PLEASE CHECK THAT YOU HAVE ANSWERED ALL QUESTIONS, THEN PLACE THIS FORM INTO THE YELLOW ENVELOPE PROVIDED AND RETURN THE ENVELOPE TO THE FACILITATOR.

THANK YOU VERY MUCH FOR YOUR CO-OPERATION.

ADULT CONFERENCES RESEARCH

VICTIM'S SUPPORT PERSON'S/
VICTIM REPRESENTATIVE'S QUESTIONNAIRE

(CONFIDENTIAL)

Q 1 Were you informed in good time about when the conference was to be held?

Please circle one response.

yes	no
1	2

Q 2 Were you given information on what would happen at the conference?

Please circle one response.

none at all	not much	some	a lot
1	2	3	4

Q 3 Were you given information about what was expected of you at the conference?

Please circle one response.

none at all	not much	some	a lot
1	2	3	4

Q 4 How satisfied were you with the arrangements made to ensure that you could get along for the conference?

Please circle one response.

very dissatisfied	quite dissatisfied	neither satisfied nor dissatisfied	quite satisfied	very satisfied
1	2	3	4	5

Q 5 How fair do you feel that the conference was to the offender? Would you say that it was...

Please circle one response.

very unfair	somewhat unfair	somewhat fair	very fair
1	2	3	4

Q 6 How fair do you feel that the conference was to the victim? Would you say that it was...

Please circle one response.

very unfair	somewhat unfair	somewhat fair	very fair
1	2	3	4

Q 7 How well were your concerns about the offender's actions dealt with at the conference?

Please circle a number.

1	2	3	4	5	6	7	8
not at all well							very well

A number of statements are made in the next section. We'd like you to indicate how much you agree or disagree with each statement. Please circle the response which best reflects what you think.

Q 8 You understood what was going on in the conference.

Please circle one response.

strongly disagree	disagree	neither agree nor disagree	agree	strongly agree
1	2	3	4	5

Q 9 You feel that you were treated with respect during the conference.

Please circle one response.

strongly disagree	disagree	neither agree nor disagree	agree	strongly agree
1	2	3	4	5

Q 10 You feel you had the opportunity to express your views in the conference.

Please circle one response.

strongly disagree	disagree	neither agree nor disagree	agree	strongly agree
1	2	3	4	5

Q 11 Was an Intervention Plan decided on?

Please circle one response.

yes	no
1	2
If yes, go to next question	If no, go to Q 18

Q 12 The conference took account of what you said in deciding what should be done.

Please circle one response.

strongly disagree	disagree	neither agree nor disagree	agree	strongly agree
1	2	3	4	5

Q 13 You are satisfied with the conference Intervention Plan.

Please circle one response.

strongly disagree	disagree	neither agree nor disagree	agree	strongly agree
1	2	3	4	5

Q 14 Do you think the outcome the offender received in the conference is...

Please circle one response.

much too lenient	somewhat lenient	fair	somewhat severe	much too severe
1	2	3	4	5

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very unfair	somewhat unfair	somewhat fair	very fair
1	2	3	4

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Please explain fully.

Q 17 What are the worst features of the Intervention Plan?

Please explain fully.

Q 18 What were the best features of the way the conference was run?

Please explain fully.

Q 19 What were the worst features of the way the conference was run?

Please explain fully.

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Please circle one response.

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1	2	3	4	5

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Please circle one response.

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1	2

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1	2

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- | | | |
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| United Kingdom | 2 | |
| New Zealand | 3 | |
| Italy | 4 | |
| Vietnam | 5 | |
| Greece | 6 | |
| Germany | 7 | |
| Philippines | 8 | |
| Netherlands | 9 | |
| Other | 10 | Please specify _____ |

Q 25 In which country was your mother born?

Please circle your response.

- | | | |
|----------------|----|----------------------|
| Australia | 1 | |
| United Kingdom | 2 | |
| New Zealand | 3 | |
| Italy | 4 | |
| Vietnam | 5 | |
| Greece | 6 | |
| Germany | 7 | |
| Philippines | 8 | |
| Netherlands | 9 | |
| Other | 10 | Please specify _____ |

Q 26 In which country was your father born?

Please circle your response.

- | | | |
|----------------|----|----------------------|
| Australia | 1 | |
| United Kingdom | 2 | |
| New Zealand | 3 | |
| Italy | 4 | |
| Vietnam | 5 | |
| Greece | 6 | |
| Germany | 7 | |
| Philippines | 8 | |
| Netherlands | 9 | |
| Other | 10 | Please specify _____ |

Q 27 How old are you? _____

PLEASE CHECK THAT YOU HAVE ANSWERED ALL QUESTIONS, THEN PLACE THIS FORM INTO THE YELLOW ENVELOPE PROVIDED AND RETURN THE ENVELOPE TO THE FACILITATOR.

THANK YOU VERY MUCH FOR YOUR CO-OPERATION.

