

**EXPERIMENTS IN RESTORATIVE POLICING:
A PROGRESS REPORT**

on the

CANBERRA REINTEGRATIVE SHAMING EXPERIMENTS (RISE)

Australian Federal Police

and

Australian National University

By

Lawrence W. Sherman, University of Maryland (USA)
Co-Principal Investigator and Scientific Director

Heather Strang, Australian National University*
Project Manager

Geoffrey C. Barnes, University of Maryland (USA)
Assistant Project Manager, Data Analysis

John Braithwaite, Australian National University
Principal Investigator

Nova Inkpen and Min-Mee Teh
Project Staff, Australian National University

Law Program
Research School of Social Sciences
Institute of Advanced Studies
Australian National University

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*Please direct all inquiries to Heather Strang at (e-mail) heathers@coombs.anu.edu.au

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EXECUTIVE SUMMARY

This report describes the results of the first three years' research on the largest criminological field experiment ever conducted in Australia, and one of the largest world-wide. RISE, the Reintegrative Shaming Experiments, compare the effects of standard court processing with the effects of a diversionary conference for four kinds of cases:

- drink driving (over .08 Blood Alcohol Content) at any age
- juvenile property offending with personal victims
- juvenile shoplifting offences detected by store security officers
- youth violent crimes (under age 30)

The diversionary conferences consisted of a meeting between the offender and at least some family or friends of the offender, the usual presence of the victim or (in the case of drink driving) a community representative, and a police officer who facilitated the meeting. These often highly emotional meetings, which took roughly 90 minutes (compared to around ten minutes for court cases), addressed these issues in this order:

- what the offender did
- the harm it caused
- the worse harm it could have caused
- ways to repair the harm
- a written agreement between police and offender on exactly what the offender will do to repair the harm

These are the three central hypotheses of the experiment:

1. Both offenders and victims find conferences to be fairer than court
2. There will be less repeat offending after a conference than after a court treatment.
3. The public costs of providing a conference are no greater than, and perhaps less than, the costs of processing offenders in court.

The present report addresses only the first of the three hypotheses. Data on the second and third hypotheses are still being collected, and insufficient data are presently available on those hypotheses to produce even a preliminary report. All findings described in this report are also subject to modification as additional data are collected and analysed.

The findings from direct treatment observations are based upon the completion of at least one independent observation report for 86 percent of drink driving offenders, 66 percent of Juvenile Personal Property offenders, 75 percent of Juvenile Property (Security) offenders, and 68 percent of Youth Violent Crime offenders. The findings from offender interviews are based upon completion rates of 85 percent for drink driving offenders, 76 percent of Juvenile Personal Property offenders, 73 percent of Juvenile Property (Security) offenders, and 72 percent of Youth Violent Crime offenders. The findings from victim interviews are based upon completion rates of 87 percent for Juvenile Personal Property victims and 82 percent of Violent Crime victims.

The following summarises the key findings from the experiment to date:

1. The Experimental Sample Is A Highly Active Group of Repeat Offenders

At the time that the more than 1100 offenders in this experiment were referred by police officers after an arrest, the offenders self-reported the following levels of offending:

- *Drink drivers* admit to an average of 19 occasions of drink driving in the year preceding their RISE offence.
- Eighty percent of all drink drivers in the sample admit to at least one prior occasion of drink driving in the preceding year.
- *Juvenile personal property offenders* admitted to around 50 prior offences in the year before entering RISE, most of them property crimes, with an average of two police contacts.
- Seventy percent of juvenile personal property offenders admitted to prior property offending and over half to prior violent offending in the preceding year.
- *Juvenile property (security) offenders* admit to about 40 offences in the preceding year, mostly property crimes, with an average of one police contact.
- *Youth Violence Offenders* admitted to about 22 offences in the preceding year, including an average of two violent offences and an average of one prior police contact for a violent offence.

2. The Offender Sample Uses Alcohol and Marijuana at High Rates

- The average BAC of drink drivers in the experiment was .12.
- Half of the drink driving offenders report using marijuana on occasion; 15% are daily marijuana users
- Almost no drink drivers admitted using heroin or cocaine
- More than half of the juvenile and youth offenders report using alcohol 2-3 days per month or less
- Over half of the juvenile and youth offenders report using marijuana at least occasionally, and some regularly.

3. Victims Suffered Substantial Harm

- Medical treatment was required because of the offences against 62 percent of the youth violence victims, almost all of them in a hospital emergencycentre.
- About seventy percent of property crime victims suffered financial harm.
- Emotional harm commonly included increased suspicion and fear.

4. Conferences Treated Victims Better Than Court

- Property crime victims were notified in good time for 77% of the conferences but only 15% of the court cases.
- Violent crime victims were notified in good time for 75% of the conferences but only 36% of the court cases.

- In 81% of the property crime conferences but only 5% of the property court appearances, the victim was present at the proceedings.
- In violence cases, 91% of the victims were in attendance at conference cases but only 13% were present at the court cases.
- Victims received apologies from offenders in none of the court proceedings, but victims whose cases were heard at conference received apologies in 67% of the property cases and 82% of the violence cases.

5. Conferences Differed From Court In Many Ways

Based on systematic observations of both court and conference by independent observers, great differences were found on the following dimensions:

- Time and effort given to justice: much more for conferences than court
- Participants: many more in conferences
- Emotional intensity: greater in conferences
- Procedural justice: greater in conferences
- Restorative justice: greater in conferences
- Retributive justice: greater in court
- Reintegrative shaming: greater in conferences
- Stigmatic shaming: greater in conferences
- Defiance: somewhat greater in conferences
- Apologies: many in conferences, none in court
- Forgiveness: much more in conferences
- Discussion of drug and alcohol problems: more in conferences.

6. Offenders Found Conferences More Stressful Than Court

- Conferences are more emotionally intense for offenders than court
- Drink drivers report significantly higher levels of embarrassment and shame from being criticised in conferences than in court.

7. Most Victims Said Conferences Were Fairer Than Court

- Victims' sense of restorative justice was higher among conference victims than court victims.
- Victims sense of procedural fairness was high among conference victims, but not measurable among court victims because they so rarely attended proceedings.
- Healing of the victims' emotional harm was substantial among conference victims for both property and violence cases.
- Reconciliation of the victim and the offender was far greater in conference cases than in court for both property and violence experiments

- Victims were less likely to fear repeat victimisation by the offender after conference cases than after court cases.
- Legitimacy of the law and respect for the police was mixed between different experiments. Property victims reported higher respect for police after conference cases than after court cases, although violence victims did not.
- Satisfaction with the way their case was handled was somewhat greater for conference than court cases among property victims, but there was no difference among violence victims.

8. Offenders Said Conferences Were Fairer Than Court

- Offenders reported higher levels of most dimensions of procedural fairness after conferences than after court.
- Drink drivers saw the penalty as too hard more often in court than in conference, and were more often angry after court.
- Youth and juvenile offenders reported no less sense of retributive punishment in conference than in court.
- Offenders reported much higher levels of restorative justice, or the opportunity to repair the harm they had caused by their crimes, after conferences than after court appearances.
- Offenders reported more dimensions of reintegrative shaming after conferences than after court, including a greater sense of forgiveness.
- Offenders report little evidence of defiance in either treatment
- Conferences increase respect for the police and the law more than court.
- Drink driving conferences increase the informal social control of the family more than court, but the young offender experiments do not yet clearly show this effect of conferences
- Perceived deterrence from the threat of punishment appears greater among offenders sent to conference than those sent to court.

CHAPTER 1

INTRODUCTION

This report describes what we have learned to date about the Canberra field test of restorative community policing that some observers predict will become a major paradigm for policing world-wide in the 21st Century. The significance of both that paradigm and this report can be better understood by placing the paradigm in the context of other major paradigms of policing. This chapter attempts to do that in summary fashion, and then to illustrate the new paradigm with four case studies from the Canberra experiment. The chapter concludes with a statement of the three major hypotheses of the RISE project, and of the restorative community policing paradigm.

FIVE PARADIGMS OF POLICING

A mere 17 decades have passed since the birth of the modern police institution in London in 1829. We have all witnessed major changes in policing since World War II, with the pace of change increasing in recent years. These changes can be summarised in four paradigms. A fifth paradigm, the focus of this report, has emerged only in the present decade. Whether it will take hold with the force of the first four remains to be seen.

Incident-Based Policing

The first new paradigm to emerge in the past half-century was incident-based policing. Fuelled by changes in communications (the rise of three-digit phone numbers for police and portable police radios) as well as the transition from walking to motor vehicles as the major form of police transport, incident-based policing turned each incident into an end in itself. Officers were encouraged to go quickly to the location of each call for police service, investigate the incident, make a legalistic determination about whether to make an arrest, and leave as quickly as possible in order to answer the next call. Rapid response was the primary police goal in this paradigm. The goals of solving problems, preventing crime in the future, or repairing harm to victims were nowhere to be found.

This paradigm, which grew in dominance from the 1960s to the early 1990s, is still the dominant paradigm in English-speaking countries. Most of what police do is organized in this way. But for the past three decades, the paradigm has been under relentless attack by proponents of alternative approaches.

Community Policing

In the wake of riots, racial tensions of increasingly diverse advanced societies, and the general decline in the legitimacy of and respect for government, the first major alternative to incident-based policing was community policing. Instead of making incident response the major goal of policing, this paradigm made good community relations the major goal. The paradigm lacked precision as to operational methods, but was often implemented by specialised police officers spending full time on communicating with active members of residential and commercial geographic areas. Meanwhile, the 'real police' remained sceptical of the specialists' efforts, and pursued the incident-based paradigm undisturbed.

The rise of urban homicide rates in the US during the late 1980s, which occurred after or during the adoption of community policing in many cities, did little to improve the credibility of a paradigm seen as largely a public relations effort.

Problem-Oriented Policing

In the early 1980s, a very different paradigm achieved major impact on police leadership. Professor Herman Goldstein's (1979) paradigm of problem-oriented policing challenged the way in which police leaders spent their time. He called on them to stop managing for internal administrative order and to start leading for external public safety results. Urging police to focus on what he called the 'substance' of police work, he directed their attention away from crime and disorder incidents in isolation and towards the patterns of community safety problems the incidents constitute. He then urged them to act like public health officials: to identify the known risk factors or causes of the patterns, attempt to remove those risk factors, and measure the results.

This paradigm has done far more to shift the goal of policing away from law enforcement (or incident management) for its own sake, and even away from a purely retributive view of justice. The major goal of the problem-oriented paradigm is prevention. While the paradigm did not readily provide a new technology to help police prevent crime, or even for measuring prevention when it is achieved, it had a revolutionary effect in making police leaders more committed to prevention. The most demonstrable example of that in recent years has been the New York City Police, which have attracted world attention for their commitment to (and apparent success at) the prevention of homicides.

The major technology developed in the two decades since Goldstein first outlined the paradigm has been crime analysis and computerised mapping of high-crime 'hot spots' at high-crime hot times'. The epidemiological identification of crime targets is now far more advanced in many cities than ever. But the question still remains of what works, and what works best, to prevent crime.

Evidence-Based Policing

Another paradigm of policing provided a technology for helping to answer those questions, by measuring the results of police work. From the early 1970s, the (US) Police Foundation in Washington pioneered the paradigm of field experiments in policing, testing alternative strategies for their relative effectiveness in preventing crime. The major goal of the paradigm is to direct policing to methods for which the strongest scientific evidence exists showing effectiveness at crime prevention (Sherman, 1998). Research produced under the evidence-based paradigm has helped to undermine the incident-based paradigm, especially with evidence that rapid response time has almost no effect on arrest rates or public safety. Yet the paradigm has failed so far in redirecting police methods, largely because there is not alternative technology for policing that has emerged as the most effective.

Restorative Community Policing

The final paradigm to emerge is different from the rest. It provides both a new goal and a new method of doing police work.

The goal is to repair the harm that a specific criminal event has caused – which nicely adapts to the incident-based epistemology of modern police culture. It flies in the face, however, of the generally retributive orientation towards offences and offending found in police

culture. Yet the justification for restoration over retribution is the further goal of prevention: the hypothesis that offenders who restore harm done to their victims in the past will be less likely to cause such harm again in the future.

The methodology of this paradigm employs a police partnership with a community, but not necessarily a geographic one. The primary community for restorative policing is the social network of family and friends connected closely to the offenders and victims involved in the crime. The technology adapted from the Maori and other indigenous peoples' methods of justice calls for bringing that community together in a discussion with the victims and the offenders about what is to be done to repair the harm. An agreement reached at such a conference is hypothesised to be the key to both restoration and prevention.

This paradigm has also drawn on a foundation of scientific theory and concept. It provides a practical application of Braithwaite's (1989) theory of reintegrative shaming, as the name of RISE suggests: when a community condemns a wrong but allows a wrongdoer to repay his debt to society (and a victim) as a condition for forgiveness, the offender will be less likely to reoffend than when he is condemned to permanent stigma as a criminal. The paradigm also fits Tyler's (1990) theory of procedural justice: when offenders are treated in ways that they define as fair, regardless of the punishment they receive, they will be less likely to re-offend. Finally, it fits the philosophical argument that meeting victim needs should be the central goal of justice, even in the prosecution of so-called crimes against the state.

The purpose of RISE is to apply evidence-based policing to the paradigm of restorative community policing. The central premise of evidence-based policing is that no method of police work should be based on mere theory, as it has for most of the last 17 decades. In order to fit the evidence-based paradigm growing rapidly in medicine and in all areas of public service, restorative community policing should survive the empirical test of its claims. But before presenting those claims in greater detail, it is useful to illustrate just how the restorative paradigm was implemented in the Canberra field test – in contrast to the prevailing model of incident-based law enforcement.

FOUR CASE STUDIES

The following case studies are partly fictitious in order to protect the identities of the offenders, but are typical illustrations of the data presented in the subsequent chapters.

Two Drink Drivers

The time is 4 a.m. The place is Adelaide Avenue in Canberra, a circular road whose shape prevents drivers from seeing the police operations until they are right on top of them. The police are using the Australian law empowering them to stop any motorist for a breath test, regardless of any reason to believe the motorist has been drinking.

George is a 23-year old computer programmer who has been drinking in the Civic Centre of Canberra since he left the office shortly before midnight. He has consumed about 7 bottles of beer with some snack food. As he pulls around the corner, the police wave him down and give him a breath test on a small hand-held device, about 5 x 8 inches big. George fails the test at .11 percent BAC. He is asked to wait in a police car while the police stop the next car coming around the bend.

The next car is driven by Robert, a 38-year old airport mechanic who has also been drinking in Civic since before midnight. He also is stopped by police, and also blows into the breathalyser. His BAC is the same as George's: .11 percent.

Both George and Robert are taken to the police station where they are asked to repeat the breathalyser test. Both of them now show a higher BAC of .13, since they had only stopped drinking just before getting into their cars and their blood alcohol was still rising.

Both of them make full admissions to the police about their drinking, and neither of them have any outstanding warrants, prior arrests or convictions. The police officer in charge decides that both cases qualify for RISE, the collaborative research project of the Australian Federal Police/ACT Region and the Australian National University Research School of Social Sciences.

At 5 a.m., the officer in charge calls the 24-hour RISE number. The RISE manager on duty, who is at home asleep, wakes up to the ring. She answers the phone and hears the officer say he has two new cases. She starts to ask the officer all the questions that she must ask to be sure the cases are eligible for the experiment, then reaches for the checklist to make sure she has covered them all. When that is done, she decides to accept both cases for RISE.

'Hang on', the manager says, 'let me get the Redbook'. The manager reaches for the red business ledger in which the first record of all RISE cases is kept, then writes in it as the officer dictates all the details of George and Robert's arrest and case numbers. At that point, they both receive PCA (for driving with a proscribed content of alcohol in their blood) RISE number 452 and 453. The manager then opens envelope # PCA-452, which contains a sheet marked PCA-452 and the word 'court'. She advises the officer in charge that under the equal probability rules of the experiment, George should be prosecuted as usual.

The manager then opens the envelope marked # PCA-453. This time the sheet inside the envelope says 'conference'. She advises the officer in charge that under the scientific rules of the experiment, George should be asked to attend a diversionary conference instead of going to court.

The officer goes to a private room where George is waiting and gives him the information about the charge and the date he should appear in court. George leaves the secure area of the police station and calls a taxi to take him home.

The officer then goes back to Robert, and tells him that he is eligible to attend a diversionary conference instead of going to court. Robert is told that he must bring at least five family and friends with him, and that another officer would call him in the future to arrange the details. The officer tells Robert he can decline this procedure at any time and ask for a court hearing, in which case he is liable to conviction with a criminal record and publication of his name in the *Canberra Times*. But if he reaches an agreement at the conference for how to pay back the community for the risk he has caused, he will not be charged. Robert agrees to attend the conference, and also takes a taxi home.

The Drink Driver in Court

Several weeks later, George walks into the Canberra Magistrate's Court. It is a busy place, buzzing with lawyers and defendants and their families. George finally finds the right courtroom, and sits on edge for an hour while many other defendants are called up before the bench. At last he hears his name, and walks hesitantly up towards the magistrate. The

magistrate asks George if he is represented by counsel. George says no. He asks George if he would like an adjournment for 30 days in order to obtain legal advice. George says yes.

Thirty days later George meets his lawyer in court. The lawyer asks for another adjournment to have more time to prepare the case. The magistrate grants the request.

Thirty days later George is back in court for the third time. The lawyer stands near the bench while George stands nearby. George cannot hear very well everything that the lawyer is saying to the magistrate, but in a few minutes they are excused and walk out into the lobby. At that point the lawyer extends his hand to say, 'Congratulations! I got you off without a suspended licence'. George asks 'Do I have a criminal conviction?' The lawyer says 'Yes, but you have only to pay a \$500 fine. See the clerk about it and you are all done'.

Next day the *Canberra Times* publishes the list of drink driving convictions. Many citizens of Canberra read this list assiduously, but, as it happened, no one whose opinions George values reads it that day. George has become a convicted criminal, but no one he knows or loves has become aware of it.

The Drink Driver in Conference

Six weeks after the arrest, Robert receives a call at work from the AFP Diversionary Conferencing Unit. The sergeant at the other end of the line says 'We would like to hold a conference on your case at the Civic Police station at 6 p.m. next Thursday week. Can you attend at that time?'

'Sure', Robert says, 'that's my day off'.

'Be sure that you bring at least five mates or family members with you, or we can't go ahead with the conference', the officer says.

'Right', says Robert, 'ringing off'. He whistles softly. Like George, Robert had managed to keep his arrest a secret from his friends and family. But now he was forced to tell at least five people, any one of whom could tell many others. But as he walks back out to the airport runway where a plane has been parked for maintenance, Robert thinks he will try to keep the story away from his boss. He will just have to bring his 10-year old daughter and 12-year old son, his wife, his sister-in-law and his old friend Stephen from high school.

'What an example I'm going to set for my kids', Robert thinks. 'And my sister-in-law will never let me hear the end of this. But better taking the heat from the family than risking the job'.

The next Thursday night, Robert sits freshly scrubbed in coat and tie with his family and friend in the lobby of the Canberra Civic station. At about 6:05 p.m. a uniformed police officer he has not met before comes out the door, introduces himself, explains that he will be facilitating the conference and leads the group upstairs into a private room. They all take their assigned seats in a circle, along with a middle-aged man Robert does not know. The facilitator introduces the man as a community representative who is concerned about the problem of drink drivers on the highways late at night when his daughter is driving home from work in a hospital. Another police officer is also present in uniform.

The facilitator opens the discussion by stating the facts of Robert's arrest and his BAC levels. He then asks Robert what he did that day and how he happened to be drinking and driving. Robert says 'I got off work late after a double shift from 6 a.m. to 10 p.m., and I

wanted to let off a little steam. I knew the wife would be asleep and that I would have no one to talk to, so I thought I would just pull into one of the nightclubs for a little bit of life. I met a few mates there, and we just kept talking and having a good time. I didn't realise how late it was until one of my mates left, and I decided I had better get home'.

The facilitator then asks each of the family and friends to describe how they felt when they heard that Robert had been charged with drink driving. Robert's wife starts to cry, and says that this incident was just not like him.

Robert's sister-in-law says, 'Well it's just the kind of silly thing the silly bugger does every now and then; he just doesn't *think* about what he's doing. I don't know how many times I have told him he had to take better care of my sister, but he just doesn't get it'. She would continue, but the facilitator gently stops her and says 'Let's hear from Robert's children now'.

Robert's daughter says, 'It made me feel sad when I heard about it. Sad. And afraid. Afraid that Dad would have an accident and not come home to us, or be in a wheelchair'. Robert's son says nothing, but when the facilitator asks him again, the son says 'I was afraid too. I'm just glad he didn't get hurt'.

At this point the facilitator asks the other police officer to describe some facts about drink driving that the group may not know. The officer reads from a script about how many drinks it takes to go over the limit at various body weights, and statistics on how many drink driving deaths and accidents there have been in Canberra. Then he turns on a videotape.

For the next seventeen minutes, the group sits in the darkened room listening to an interview with a woman who had lost her husband and a child in an accident caused by a drinking driver. She described the pain in her life and in her daughter's that has lasted decades after the accident. Other interviews on the tape include police officers who have responded to the scene of fatal accidents caused by drink driving. The narrator uses the metaphor of ripple effects to show how much harm can be caused by a single act of drink driving.

The tape is over, and the sergeant gets down to business. He asks the community representative to speak about the harm that the community has suffered from the drink driving problem, and the usual punishment that drink drivers receive in court. The officer then describes some of the alternative methods that others drink driving conferences have used to allow offenders to repay their debt to the community. The facilitator then asks the family members what they think is fair.

The sister in law says, 'I think he should have to go around to schools to give lectures about the problem of drink driving. That would really make a big impression on him since he doesn't like to speak in public'.

The facilitator asks if anyone else has a suggestion. The community representative suggests that Robert could do community service at the Salvation Army for about 25 hours, which would be a rough equivalent of a fine he might have to pay in court. Robert's friend from high school suggests that Robert could simply make a donation to the Salvation Army rather than serving all that time. Robert speaks up at that point and says, 'I would rather put in the time'.

The facilitator says, 'Well, if that's what you'll agree to, let me write that up on this form. Then I will go make a photocopy so that we can both keep a signed copy of your

agreement'. At that point, he the room while the group talks about what could happen to Robert if he got caught again. The police officer says, 'There's just as much risk of getting stopped tonight as there was three months ago, make no mistake'.

The facilitator returns to the room, hands Robert the copies of the agreement. Robert signs both copies. He reminds Robert that if he fails to meet the terms of the agreement, his case can be prosecuted in court.

Over the next six months, Robert visits the Salvation Army to help make sandwiches and perform other labour. After his 25 hours are completed, the Salvos send a letter certifying Robert's 25 hours of service back to the Diversionary Conferencing Unit.

Many days when Robert leaves for work on the night shift, both his children say, 'you're not going to be arrested tonight, are you Dad?' His wife glances at him with a slight look of fear and Robert shakes his head silently as he walks out the door.

Two Violent Youths

David saw Sally across the street as she was walking home from school. David yelled at Sally, who yelled back at him. David then ran across the street, pushed Sally against the fence and tore her shirt. David's friend Michael joined him and kicked Sally in the back as she was running away. David punched Sally in her arm and kicked her in the shins. David is 15, Sally is 16.

Henry and William were both in their twenties. Henry got out of prison one day and went looking for William. When he found him, Henry knocked out William's teeth and left him lying unconscious.

Both cases were investigated by AFP officers who decided to refer both cases to RISE. When the envelope was opened on the case involving David and Sally, the formula said the case should go to court. When the envelope was opened on the case involving Henry and William, it said the case should go to a conference.

The Violent Youth in Court

David appeared in court without friends or family present. Sally was not permitted to attend her case as the Children's Court is closed and she was not required as a witness. However, she had found out when the case was to be heard and waited in the court foyer to see what happened. David's court appearance lasted five minutes before he was given a good behaviour bond. Sally was afraid that David would attack her again. No one spoke to her at court. She felt intimidated and disrespected. After she went home she suffered nightmares and many sleepless nights. She went out less often than before and suffered frequent headaches.

Five months later, David was convicted of another crime, this time a burglary. He got another good behaviour bond and walked out of the courtroom free to go.

The Violent Youth in Conference

Henry went to a conference with William, their friends and a minister of religion. The conference lasted almost two hours. William spoke at length during the conference about the harm he had suffered. Henry spoke as well, about the anger he had felt towards William

who he alleged had raped his girlfriend. William denied that he had raped Henry's girlfriend, saying he had just joined in after she had had consensual sex with another of Henry's friends. Since they all knew each other as regular heroin users, William had thought that he was 'entitled'.

William asked Henry to pay the \$3,000 in dental bills from the assault but Henry declined saying he had no money. William was really afraid that Henry might try to kill him next time. Because William used the same heroin dealer as Henry, William was afraid that Henry would have many opportunities to assault him again. So the conference discussion focused on the question of how to make William feel safe from Henry.

The lengthy discussion produced an outcome that everyone agreed to. Henry undertook to stay a certain number of metres away from William at all times. William thought that would give him plenty of room to avoid another confrontation. More important, William thought it was better not to get Henry even angrier at him by having him go to jail for knocking out William's teeth. When he was interviewed after the conference, William said that he felt much safer than he had before the conference, which may have prevented a lethal assault at a later time. At the time of writing, two years after the conference, the outcome agreement has been complied with.

THREE HYPOTHESES

The paradigm of restorative community policing these cases illustrate contains three major hypotheses and many corollaries. The corollaries flow out of the first, most basic hypothesis, which this report tests in great detail:

1. Community Justice (Diversionary) Conferences are fairer than court for victims and offenders.

Fairness, of course, has many dimensions. The dimensions included in our research include procedural, restorative, and retributive justice, as well as reintegrative and stigmatic shaming. RISE tests the corollary hypotheses that conferences produce more justice of all kinds (except retributive) in the minds of the victims and offenders, as well as more reintegrative and less stigmatic shaming.

In later reports, but not in the present report, RISE will also describe its tests of two other central hypotheses:

2. Recidivism will be lower in cases sent to conference than in cases sent to court.

3. The public costs of processing cases will be as low in conference as in court, or even lower in conference.

The latter two hypotheses cannot be addressed at this time because too many data necessary for the test are still in the process of 'ageing'. That is, enough time has to lapse from the assignment of cases to court or conference in order to determine what the future rates of repeat offending will be, what the full costs of processing the cases will be, the rates at which fines are paid and community service agreements kept, and so on. While RISE has taken longer than originally projected, the more important point is that it has accomplished most of its original study objectives. The ageing of the cases is merely a delay, and not an uncertainty, in reaching the capacity to test the remaining two hypotheses. That conclusion, as well as the conclusion that the first hypothesis has survived an attempt to falsify it with the data in hand, is clearly supported by the remainder of the report.

CHAPTER 2

RESEARCH DESIGN AND METHODS

THE FOUR EXPERIMENTS

RISE is not one but four separate experiments. Separate randomised controlled trials are being conducted for separate offence types and offender groups so as to identify possible differential effectiveness of conferences and court. This design has the benefit of distinguishing different effects of diversionary conferencing under different circumstances. At the same time, the greater homogeneity within each of the four experiments has the benefit of increasing statistical power (Weisburd, 1993), defined as the probability of accepting a true conclusion as correct and not as due to chance (i.e., 1 minus the probability of a Type II error). The four experiments are:

- drink driving with blood alcohol content above .08 (offenders of all ages)
- juvenile property crime which involves personal victims (offenders aged under 18 years)
- juvenile shoplifting from stores employing security personnel (offenders aged under 18 years)
- youth violent crime (offenders aged under 30 years)

RANDOMISED CONTROLLED TRIALS

Each of the experiments is structured in the most rigorous scientific method available for police experiments: the randomised controlled trial. The logic of this design, developed by Cambridge University statistician R.A. Fisher in the 1920s, is to compare the effects of one treatment to another on offender behaviour by controlling for all other possible causes of that behaviour besides the treatment. The method for accomplishing this goal is to give each case in the experiment an equal probability of receiving each of the two treatments. This equal probability is achieved by using a mathematical formula called random assignment to determine in advance which treatment each case will receive. Once an officer has determined that it is legally appropriate to send a case either to court or to diversionary conference, the case is entered into the experiment. It is only at that time that the mathematical formula is used to determine which treatment will be assigned to each case.

ETHICAL ISSUES

Prior to the finalisation of the research design a good deal of careful consideration was given to the ethical aspects of a randomised controlled trial in criminal justice. Randomised trials have been endorsed by the U.S. Federal Judicial Center's (1981) Advisory Committee to the Chief Justice of the United States and by the Australian National Health and Medical Research Council guidelines on human subjects experimentation under the following conditions:

- There was substantial uncertainty about the superiority of current practice over an alternative practice.
- The experiment has adequate sample size, statistical power and research management to ensure the achievement of strong conclusions about the relative effects of the two practices.

A third criterion for ethical experimentation in criminal sanctions has been proposed by Professor Norval Morris (1966): the principle of less severity, that is, that the proposed experimental treatment ought not to be more severe than the existing practice. Although a judgement regarding the relative severity of each treatment was bound to be somewhat subjective, absent substantial experience with conferencing in Canberra, the research team assumed that the lack of any criminal record in the outcome of a conference made it less severe in conventional terms.

When the research design had been finalised it was put to the ANU's Committee on Ethics in Human Experimentation. It was agreed that it was not necessary to obtain the informed consent of offenders to their taking part in the experiments, given that all of them would have gone to court absent the conferencing program. None of those assigned to a conference was compelled to take part and all could opt for normal court processing of their case (seven offenders actually did so, all in the Drink Driving Experiment). Indeed, they could change their minds at any time, up to and including the end of a conference.

A primary concern of the research team, the Ethics Committee and the AFP was preserving the privacy and confidentiality of the offenders coming into the experiments and all information held about them. This was also the concern of the Privacy Commission which was formally consulted prior to the commencement of data collection regarding the basis on which the research could be conducted and private information obtained from the AFP could be held for analyses by the researchers. These and other issues were spelled out in a 27-page Memorandum of Understanding drawn up between the ANU and the AFP. Among the issues addressed was that of the confidentiality of the data collected in terms of police access to it: the Memorandum stated that under no circumstances would the researchers reveal to police any information disclosed by any identified participant in the experiments.

The Ethics Committee decided that the informed consent of participants in the experiments would be required on several occasions:

1. When a case was diverted from normal court processing to a conference, the investigating police officer was obliged to explain to offenders that they had the right to have their matter heard in a court rather than a conference if that was their preference. The officer obtained in writing their agreement to diversion from the normal option of court to the experimental condition of conference.
2. At the commencement of every conference the police officer facilitating the conference reminded offenders of their right to stop the conference at any time and ask for the matter to be dealt with in court. (RISE observers recorded for every conference whether the reminder of informed consent was provided as part of the conference protocol).
3. At the beginning of every conference and prior to any case being heard in the Children's Court, it was necessary to obtain the agreement of the offenders, and, where relevant, the victims, to the case being observed by the researcher. An exception was made for those cases held in adult court, which was an open court and where the practicalities of the situation made it impossible to identify offenders prior to their case being heard.
4. Prior to interviewing any offender, victim or supporter of either party it was necessary for the respondent to read and sign an Informed Consent form. This form set out the reasons for the interview and gave assurances regarding the confidentiality of the information which the respondent was asked to reveal.

POLICE DISCRETION

This principle is of paramount importance in ACT policing. More by practice than formal protocol, a convention exists whereby apprehending officers have very great latitude in deciding how their cases are to be dealt with. It is very rare for squad sergeants to overrule the decision of any of their constables, nor do these constables have to account in any formal way for the decision they reach. In squaring the principle of discretion with the implacable requirements of randomisation, it was agreed with the police at the outset that officers' discretion would be exercised in their decision whether or not to refer any ostensibly eligible case to RISE. If they believed that it must be dealt with in a particular way, then there was no compulsion for it to come into the study.

There was no alternative for the research team but to agree to this regime, which had both good and bad consequences. The good consequence was the low level of misassignment to the alternative treatment. It was constantly emphasised to police that it was fatal to a randomised trial to misassign cases to the alternative treatment and that we would much prefer not to have the case at all than have it misassigned. The bad consequence was that, despite very close contact and cooperation between the researchers and police at every level throughout the course of the study, RISE missed many ostensibly eligible cases (the Pipeline' data below). As a result the experiments take very much longer to finish than had been anticipated in order to achieve the required sample size.

SAMPLE SIZE

Sample size requirements were calculated on the basis of the number of cases required in order to detect a difference in recidivism rates between experimental (conference) and control (court) groups. Preliminary analysis of Australian Federal Police (AFP) criminal records suggested recidivism rates around 50 percent over one year for both juvenile property and juvenile violent offenders. AFP data on drink driving reoffending, however, showed a rate of only 8.8 percent over two years. The logic of statistical power therefore required a much larger sample size for the drink driving study than for the other two experiments, because statistical power declines with the decline in recidivism rates. Other things being equal, a lower base rate of recidivism can be compensated by increasing sample size.

Initially it was proposed that there should be a total of 800 cases in the drink driving study, 150 cases in each of the two juvenile property experiments and 300 in the youth violence experiment. Some of these decisions were subsequently amended after data collection had commenced, on the basis of case availability. Owing to the large number of drink driving matters which the police were prepared to refer to RISE, it was decided to increase the target figure to 900 cases, so as to improve statistical power. Amendment was made to the target number of youth violence cases for the opposite reason: too few cases were being referred by police to RISE, so the figure was reduced to 100 cases. In addition and for the same reason, five months into the experiment it was decided to increase the age limit in the youth violence study from 17 to 29.

ELIGIBILITY CRITERIA

Offence eligibility

Because the aim of the research was to compare cases which were assigned to court with equally serious cases that were assigned to conference, a case could be accepted into the experiments only

if it would normally be dealt with by court. The research protocol also required, however, that eligible cases must not be so serious that in the estimation of the apprehending police officer they could only be dealt with in court, as there was a 50 percent probability that they would be assigned to a conference. Thus the aim of the research team was to include in the experiment middle range' offences, neither so trivial that they would normally be dealt with by a simple caution or warning, nor so serious that police would be reluctant to bypass the court system.

As it turned out, RISE was rarely troubled by too serious' cases, as police officers almost always erred on the side of cautiousness in referring cases to the experiments. However, the few exceptions to this rule resulted in our observing some of the most emotionally powerful conferences in the experiments. On the other hand, there were a number of rather trivial matters that came into the experiments: these were almost always shoplifting matters involving very small value thefts but perpetrated by offenders who had been cautioned on a previous occasion; it had previously been the practice in Canberra that such matters go to court. And while some of these matters continued to be sent to court outside of the RISE framework (see the discussion of pipeline' below), the observations suggested that there was little emotional power in the conferences.

Drink Driving. Offence eligibility for the Drink Driving Experiment was very straightforward. Eligible offenders were apprehended for driving with a blood alcohol content (BAC) in excess of .08. The legal maximum BAC in the Australian Capital Territory (ACT) was actually .05, but during the period in which data were being collected, people whose level was found to be between .05 and .08 could be dealt with by a Traffic Infringement Notice (an 'on the spot' fine) rather than by court. It was decided therefore to exclude these offenders from the experiment. Also excluded were the comparatively small number of cases involving an accident, in the interests of improving homogeneity and hence statistical power.

Juvenile Personal Property. Offences deemed eligible for the Juvenile Personal Property Experiment included these offences:

- burglary
- theft (both personal and some shop theft, as defined above)
- receive stolen goods
- criminal damage (vandalism)
- fraud (excluding offences involving a driver's licence)
- take vehicle without authority
- vehicle break-in
- attempts at any of the above

Juvenile Property (Security). Eligibility was limited to one kind (but not all kinds) of shoplifting arrest. An eligible offence for this experiment involved a juvenile offender coming to police attention through security personnel employed specifically to detect shoplifting. (If the offence came to police attention through the shop proprietor or a member of the sales staff, then it was included in the Juvenile Personal Property Experiment).

Youth Violence. Eligible incidents for this experiment included these offences:

- armed robbery
- common assault
- assault occasioning actual bodily harm
- act endangering life

- fighting
- possession of an offensive weapon
- arson
- attempts at any of the above

These lists were not intended to be all-inclusive. Police officers were asked to consult with RISE staff if there were property or violence matters the eligibility of which was in doubt. However, they are in fact a complete list of all offence categories included in the experiment to date.

The process of deciding what offence categories would be ineligible for conferencing entailed some political negotiation at the outset. Although both the then Chief Police Officer for the ACT and the then ACT Attorney General were broad-minded in their approach and wanted to declare ineligible as few offences as possible, it was decided to exclude serious indictable offences (such as attempted murder), all sexual offences and domestic violence offences.

Offender eligibility

In all four experiments, offenders had to meet the following criteria in order to be eligible for RISE:

- they (and all co-offenders) had made full admissions about committing the offence
- they (and all co-offenders) had no outstanding warrants or bonds which would require them to attend court
- there was no reason to believe that they (or any co-offender or parent) would object to a conference
- they (and all co-offenders) lived in the ACT region
- the apprehending officer's sergeant approved the case being sent to RISE
- the apprehending officer agreed to accept the RISE recommendation (based on random assignment) for the case regardless of whether it was court or conference.

In addition to the above requirements, the experiments varied somewhat in the kinds of offenders they accepted.

Drink Driving. In addition to the above requirements, offenders were eligible to enter the Drink Driving experiment if they met the following conditions:

- their Blood-Alcohol Content was over .08 at the time of arrest
- their offence did not involved an accident
- the offender was not a police officer
- the offender was eligible for a procedure known as 'Voluntary Agreement to Attend Court' (VATAC). This procedure is used in the ACT in lieu of the normal summons process where the offender is assessed by the apprehending officer as likely to attend court at the agreed time and place, by virtue of residence and employment in the Canberra region. So as to increase case homogeneity, police agreed that all cases coming into the Drink Driving Experiment would be dealt with by VATAC rather than by summons if the case was assigned to court.)

Juvenile Property. In addition meeting the eligibility criteria required of all RISE offenders, at least one co-offender had to be under 18 years of age in order to qualify for either the Juvenile Personal Property or the Juvenile Property (Security) experiments.

Youth Violence. In order to take part the Youth Violence experiment, offenders needed basic RISE criteria discussed above, *and* at least one co-offender had to be under 30 years of age.

PIPELINES

To determine the extent to which cases referred into the experiments were representative of the total population of offences apprehended during the course of the study, a weekly record, or pipeline' was kept of all cases of these kinds that came to police attention. Some of these cases were RISE-eligible and some RISE-ineligible. Of the RISE-eligible cases, some came into RISE and others did not. Of those which did not, this was usually because, in the estimation of the apprehending officer, the nature or circumstances of the offence required that it *must* be dealt with in court or *must* be dealt with by caution or, later in the study when conferencing had become an accepted alternative, *must* be dealt with by conference.

Drink Driving

Table 2.1 shows the Drink Driving incidents recorded in Pipeline for 1997. Only 123 of the 593 incidents were ineligible for RISE. Of the 470 RISE-eligible incidents more than half were RISE cases.

There were four reasons for drink driving incidents to be ineligible for RISE – motor vehicle accidents, non-ACT resident status, outstanding warrants and refusal to supply a breath sample. More than a quarter of the ineligible incidents involved a motor vehicle accident, and more than half involved offenders who either were not from the ACT or had outstanding warrants requiring their attendance in court. Fifteen ineligible incidents involved offenders who refused to supply a sample of their breath for analysis. This is a common occurrence in offenders with a high blood alcohol reading, as they have great difficulty in following the instructions required for breath analysis. It is also possible for offenders with a low blood alcohol reading to be alcohol-affected to the point where they are unable to provide a sample of breath for analysis. Given the difficulty in ascertaining the blood alcohol reading for this group of offenders they are considered ineligible for RISE. Finally, ten offenders were ineligible for RISE due to more than one of the reasons discussed above.

Juvenile Property

For the majority of non-RISE property crimes that come to police attention, it is difficult to determine which of the two property experiments would have been most appropriate for the offence had it been placed into the study. Both of the experiments accept different sorts of shop theft cases, and the features of an offence that distinguish a Juvenile Personal Property case from one that belongs in the Juvenile Property (Security) experiment are not easily available from the police data systems. For the purpose of pipeline analysis, therefore, both property experiments need to be examined as one unit.

The total number of Juvenile Property incidents recorded from May 1997 to December 1997 was 258, of which 23 were referred to RISE. Of these 258 incidents, 185 were eligible for RISE and 73 were ineligible. RISE Juvenile Property cases made up 12 percent of the total eligible population in pipeline (see Table 2.3).

Table 2.4 shows the reason for ineligibility in the population of Juvenile Property cases. The most common reason was some ambiguity about whether all of the offenders involved had accepted responsibility for the offence. In another fifteen percent of the ineligible cases, at least one

Table 2.1: Drink Driving – Pipeline of Cases, 1997

Month	Total Cases	Eligible for RISE	Placed into RISE	Percent placed into RISE	
				Of All Cases	Of Eligible Cases
Jan 1997	52	43	25	48.1%	58.1%
Feb 1997	33	29	13	39.4%	44.8%
Mar 1997	53	42	27	50.9%	64.3%
Apr 1997	53	41	22	41.5%	53.7%
May 1997	44	30	19	43.2%	63.3%
Jun 1997	41	29	11	26.8%	37.9%
Jul 1997	43	35	19	44.2%	54.3%
Aug 1997	71	58	43	60.6%	74.1%
Sep 1997	72	58	36	50.0%	62.1%
Oct 1997	65	50	24	36.9%	48.0%
Nov 1997	56	48	19	33.9%	39.6%
Dec 1997*	10	7	5	50.0%	71.4%
TOTALS	593	470	263	44.4%	56.0%

*The final RISE case was received on 4 Dec 1997. Figures for this month are calculated from 1-4 Dec 1997 only.

Table 2.2: Drink Driving – Reasons for Case Ineligibility

Month	Vehicle Accident	Non- Resident	Warrant	Refuse Sample	Multiple Ineligible	Total
Jan 1997	1	3	3	1	1	9
Feb 1997	1	3	0	0	0	4
Mar 1997	3	3	3	2	0	11
Apr 1997	6	2	2	0	2	12
May 1997	4	3	5	0	2	14
Jun 1997	2	3	3	3	1	12
Jul 1997	2	3	2	1	0	8
Aug 1997	4	3	0	4	2	13
Sep 1997	2	5	5	0	2	14
Oct 1997	5	4	3	3	0	15
Nov 1997	3	2	2	1	0	8
Dec 1997*	2	1	0	0	0	3
TOTALS	35	35	28	15	10	123

offender made clear denials of guilt. A similar number of cases involved offender(s) with outstanding warrants which required them to attend court. Such offenders were ineligible for a conference, and thus ineligible for RISE. A fourth reason for a case to be ineligible was based on the offenders residential status; if an offender did not live in the ACT region, it became difficult to organise their conference support group and it was decided to declare non-residents ineligible for RISE. Only one ineligible Juvenile Personal Property was a non-resident. Finally, seven cases were declared ineligible for more than one of the above reasons.

Table 2.3: Juvenile Property – Pipeline of Cases, May-December 1997

Month	Total Cases	Eligible for RISE	Placed into RISE	Percent placed into RISE	
				Of All Cases	Of Eligible Cases
May 1997	15	14	5	33.3%	35.7%
Jun 1997	50	35	4	8.0%	11.4%
Jul 1997	15	9	3	20.0%	33.3%
Aug 1997	5	4	3	60.0%	75.0%
Sep 1997	28	17	0	.0%	.0%
Oct 1997	48	34	3	6.3%	8.8%
Nov 1997	53	42	3	5.7%	7.1%
Dec 1997	44	30	2	4.5%	6.7%
TOTALS	258	185	23	8.9%	12.4%

Table 2.4: Juvenile Property – Reasons for Case Ineligibility

Month	Guilt Denied	Denial Unclear	Non- resident	Warrant	Multiple Ineligible	Total
May 1997	0	0	1	0	0	1
Jun 1997	0	8	0	4	3	15
Jul 1997	1	3	1	1	0	6
Aug 1997	0	1	0	0	0	1
Sep 1997	3	6	1	1	0	11
Oct 1997	6	5	1	1	1	14
Nov 1997	1	5	1	2	2	11
Dec 1997	0	12	0	1	1	14
TOTALS	11	40	5	10	7	73

Youth Violence

Although a large number (222) of Youth Violence incidents were recorded from May 1997 to December 1997, only 72 were eligible for RISE (Table 2.5). The number of Youth Violence cases referred to RISE made up only 11 percent of the eligible population.

The main reason for Youth Violence incidents being declared ineligible for RISE was an inability to determine whether all offenders admitted their guilt at the time of apprehension (Table 2.6).

RANDOM ASSIGNMENT METHOD

Prior to commencement of data collection, the sequence of treatments was randomly assigned by a computer program using a sequence of quasi-random numbers. Separate listings were made for each of the experiments.

Envelopes were prepared containing a slip of paper bearing the assignment for each case, carefully double folded so that it was impossible to read without opening the envelope. They were then

Table 2.5: Youth Violence – Pipeline of Cases, May-December 1997

Month	Total Cases	Eligible for RISE	Placed into RISE	Percent placed into RISE	
				Of All Cases	Of Eligible Cases
May 1997	32	10	1	3.1%	10.0%
Jun 1997	23	7	2	8.7%	28.6%
Jul 1997	28	8	0	.0%	.0%
Aug 1997	30	11	1	3.3%	9.1%
Sep 1997	31	13	3	9.7%	23.1%
Oct 1997	27	8	0	.0%	.0%
Nov 1997	23	7	1	4.3%	14.3%
Dec 1997	28	8	0	.0%	.0%
TOTALS	222	72	8	3.6%	11.1%

Table 2.6: Youth Violence – Reasons for Case Ineligibility

Month	Guilt Denied	Denial Unclear	Non- resident	Warrant	Multiple Ineligible	Total
May 1997	4	10	1	0	7	22
Jun 1997	2	11	0	0	3	16
Jul 1997	4	9	0	1	6	20
Aug 1997	0	14	0	0	5	19
Sep 1997	0	11	0	0	7	18
Oct 1997	0	15	0	0	4	19
Nov 1997	0	12	0	0	4	16
Dec 1997	0	14	0	0	6	20
TOTALS	10	96	1	1	42	150

sealed and numbered according to the case number and experiment to which each applied. Thus envelope JPP062 referred to case number 62 in the JPP [Juvenile Personal Property] series; envelope JPS101 referred to case number 101 in the Juvenile Property (Security) series; JVC 022 referred to case number 22 in the Youth Violence series; PCA433 referred to case number 433 in the Drink Driving series; and so on.

Assigning the cases

When police officers apprehended offenders whom they believed to be eligible for one of the RISE experiments and whom they were equally prepared to process by court or by conference, then they placed a call to one of two mobile phones staffed by RISE researchers on a rostered basis 24 hours a day. The staffer taking the call then asked the officer the relevant eligibility questions (listed above) before taking down the following details about the case and the offender:

- date and time the call was received
- initials of the person taking the call
- case number
- offender(s) name
- offender(s) date of birth

- offender(s) sex
- offender(s) attitude (good, bad, indifferent)
- apprehending officer's name and badge number
- apprehending officer's sergeant's name and badge number
- police incident data base (COPS) unique identifying job number
- police station referring the case (there are four in Canberra)
- (in the case of property and violence) nature of the offence
- (in the case of drink driving) offender's blood alcohol reading
- offender(s) address and phone number

When all this information had been supplied and entered in the log book, the staffer then opened the envelope corresponding to the offender's now-assigned case number and told the officer whether the assignment was court or conference. The assignment was also entered into the log book.

CASES INCLUDED IN THIS REPORT

At present time, only one of the four RISE experiments – Drink Driving – has received and randomly assigned all of its anticipated case load. The other three experiments are still accepting new cases, and data are still being collected. Some cases from these experiments have only recently entered the study, and have not yet had enough time to generate any meaningful data. For this reason, relatively recent cases are excluded from all of the tables and other analyses presented in this report.

Those cases which are included have been selected for one of two reasons. First, all cases which have been part of the RISE experiments long enough (on average) for the case to have reached a final treatment disposition are automatically included in these analyses. Secondly, any cases for which observation or interview data have actually been collected – even those which have entered RISE only recently – are also represented in the data. The amount of time allotted for a case to have been treated varies according to which experiment it is a part of, and the type of treatment it was randomly selected to receive. Youth Violence cases, for example, typically take much longer than cases in the other experiments to reach the end of their treatment sequence. If no other data are available from a Youth Violence case, it will therefore need to have been in RISE for a relatively long period of time before it becomes part of the analysis dataset. The cut-off dates for automatic inclusion in the dataset are provided in Table 2.7.

Table 2.7: Age Requirements of Cases Used for Current Analyses

Experiment	Assigned Treatment	Age of cases which are automatically included in the current analysisdataset...
Drink Driving	Court	All 450 cases are contained in the current data
	Conference	All 450 cases are contained in the current data
Juvenile Personal Property	Court	Cases which entered RISE prior to 22 Dec 1997
	Conference	Cases which entered RISE prior to 17 Nov 1997
Juvenile Property (Security)	Court	Cases which entered RISE prior to 22 Jan 1998
	Conference	Cases which entered RISE prior to 26 Dec 1997
Youth Violence	Court	Cases which entered RISE prior to 28 Aug 1997
	Conference	Cases which entered RISE prior to 01 Aug 1997

Because data are still being collected, the use of these two case-selection criteria means that the final results are likely to change in many respects, including the pipeline analyses presented above. It also means that completion rates of interviews and even observation rates of treatments may increase, since not all cases reported here have yet had a full opportunity to be treated or provide other data. It is unlikely that any of the completion rates will decline appreciably, and are most likely to go up as time goes on.

Table 2.8: Drink Driving – Case Flow by Four-Week Periods, court vs. conference

Period	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
01 Jul 1995 through 28 Jul 1995	7	1.6%	10	2.2%	17	1.9%
29 Jul 1995 through 25 Aug 1995	15	3.3%	18	4.0%	33	3.7%
26 Aug 1995 through 22 Sep 1995	22	4.9%	13	2.9%	35	3.9%
23 Sep 1995 through 20 Oct 1995	18	4.0%	13	2.9%	31	3.4%
21 Oct 1995 through 17 Nov 1995	11	2.4%	8	1.8%	19	2.1%
18 Nov 1995 through 15 Dec 1995	10	2.2%	14	3.1%	24	2.7%
16 Dec 1995 through 12 Jan 1996	21	4.7%	16	3.6%	37	4.1%
13 Jan 1996 through 09 Feb 1996	10	2.2%	25	5.6%	35	3.9%
10 Feb 1996 through 08 Mar 1996	34	7.6%	24	5.3%	58	6.4%
09 Mar 1996 through 05 Apr 1996	32	7.1%	41	9.1%	73	8.1%
06 Apr 1996 through 03 May 1996	17	3.8%	11	2.4%	28	3.1%
04 May 1996 through 31 May 1996	14	3.1%	23	5.1%	37	4.1%
01 Jun 1996 through 28 Jun 1996	20	4.4%	21	4.7%	41	4.6%
29 Jun 1996 through 26 Jul 1996	17	3.8%	13	2.9%	30	3.3%
27 Jul 1996 through 23 Aug 1996	12	2.7%	8	1.8%	20	2.2%
24 Aug 1996 through 20 Sep 1996	19	4.2%	15	3.3%	34	3.8%
21 Sep 1996 through 18 Oct 1996	9	2.0%	18	4.0%	27	3.0%
19 Oct 1996 through 15 Nov 1996	13	2.9%	11	2.4%	24	2.7%
16 Nov 1996 through 13 Dec 1996	13	2.9%	11	2.4%	24	2.7%
14 Dec 1996 through 10 Jan 1997	11	2.4%	14	3.1%	25	2.8%
11 Jan 1997 through 07 Feb 1997	7	1.6%	6	1.3%	13	1.4%
08 Feb 1997 through 07 Mar 1997	5	1.1%	10	2.2%	15	1.7%
08 Mar 1997 through 04 Apr 1997	14	3.1%	12	2.7%	26	2.9%
05 Apr 1997 through 02 May 1997	10	2.2%	11	2.4%	21	2.3%
03 May 1997 through 30 May 1997	10	2.2%	5	1.1%	15	1.7%
31 May 1997 through 27 Jun 1997	8	1.8%	6	1.3%	14	1.6%
28 Jun 1997 through 25 Jul 1997	6	1.3%	7	1.6%	13	1.4%
26 Jul 1997 through 22 Aug 1997	15	3.3%	15	3.3%	30	3.3%
23 Aug 1997 through 19 Sep 1997	16	3.6%	21	4.7%	37	4.1%
20 Sep 1997 through 17 Oct 1997	11	2.4%	18	4.0%	29	3.2%
18 Oct 1997 through 14 Nov 1997	14	3.1%	8	1.8%	22	2.4%
15 Nov 1997 through 12 Dec 1997	9	2.0%	4	.9%	13	1.4%
Totals	450	100.0%	450	100.0%	900	100.0%

chi-squared=33.90, d.f.=31, p=.330

Table 2.9: Juvenile Personal Property – Case Flow by Four-Week Periods, court vs. conference

Period	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
01 Jul 1995 through 28 Jul 1995	0	.0%	4	9.5%	4	4.3%
29 Jul 1995 through 25 Aug 1995	0	.0%	0	.0%	0	.0%
26 Aug 1995 through 22 Sep 1995	2	3.9%	1	2.4%	3	3.2%
23 Sep 1995 through 20 Oct 1995	0	.0%	2	4.8%	2	2.2%
21 Oct 1995 through 17 Nov 1995	1	2.0%	2	4.8%	3	3.2%
18 Nov 1995 through 15 Dec 1995	1	2.0%	2	4.8%	3	3.2%
16 Dec 1995 through 12 Jan 1996	1	2.0%	2	4.8%	3	3.2%
13 Jan 1996 through 09 Feb 1996	1	2.0%	2	4.8%	3	3.2%
10 Feb 1996 through 08 Mar 1996	3	5.9%	3	7.1%	6	6.5%
09 Mar 1996 through 05 Apr 1996	1	2.0%	2	4.8%	3	3.2%
06 Apr 1996 through 03 May 1996	2	3.9%	4	9.5%	6	6.5%
04 May 1996 through 31 May 1996	1	2.0%	1	2.4%	2	2.2%
01 Jun 1996 through 28 Jun 1996	3	5.9%	3	7.1%	6	6.5%
29 Jun 1996 through 26 Jul 1996	4	7.8%	0	.0%	4	4.3%
27 Jul 1996 through 23 Aug 1996	1	2.0%	1	2.4%	2	2.2%
24 Aug 1996 through 20 Sep 1996	6	11.8%	1	2.4%	7	7.5%
21 Sep 1996 through 18 Oct 1996	8	15.7%	3	7.1%	11	11.8%
19 Oct 1996 through 15 Nov 1996	1	2.0%	2	4.8%	3	3.2%
16 Nov 1996 through 13 Dec 1996	2	3.9%	0	.0%	2	2.2%
14 Dec 1996 through 10 Jan 1997	1	2.0%	1	2.4%	2	2.2%
11 Jan 1997 through 07 Feb 1997	1	2.0%	1	2.4%	2	2.2%
08 Feb 1997 through 07 Mar 1997	3	5.9%	0	.0%	3	3.2%
08 Mar 1997 through 04 Apr 1997	0	.0%	1	2.4%	1	1.1%
05 Apr 1997 through 02 May 1997	0	.0%	0	.0%	0	.0%
03 May 1997 through 30 May 1997	0	.0%	1	2.4%	1	1.1%
31 May 1997 through 27 Jun 1997	2	3.9%	0	.0%	2	2.2%
28 Jun 1997 through 25 Jul 1997	1	2.0%	0	.0%	1	1.1%
26 Jul 1997 through 22 Aug 1997	1	2.0%	1	2.4%	2	2.2%
23 Aug 1997 through 19 Sep 1997	1	2.0%	1	2.4%	2	2.2%
20 Sep 1997 through 17 Oct 1997	0	.0%	0	.0%	0	.0%
18 Oct 1997 through 14 Nov 1997	1	2.0%	0	.0%	1	1.1%
After 14 Nov 1997	2	3.9%	1	2.4%	3	3.2%
Totals	51	100.0%	42	100.0%	93	100.0%

chi-squared=32.28, d.f.=30, p=.355

Table 2.10: Juvenile Property (Security) – Case Flow by Four-Week Periods, court vs. conference

Period	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
01 Jul 1995 through 28 Jul 1995	4	10.5%	0	.0%	4	5.0%
29 Jul 1995 through 25 Aug 1995	1	2.6%	1	2.4%	2	2.5%
26 Aug 1995 through 22 Sep 1995	1	2.6%	1	2.4%	2	2.5%
23 Sep 1995 through 20 Oct 1995	0	.0%	0	.0%	0	.0%
21 Oct 1995 through 17 Nov 1995	3	7.9%	4	9.5%	7	8.8%
18 Nov 1995 through 15 Dec 1995	0	.0%	1	2.4%	1	1.3%
16 Dec 1995 through 12 Jan 1996	3	7.9%	0	.0%	3	3.8%
13 Jan 1996 through 09 Feb 1996	2	5.3%	1	2.4%	3	3.8%
10 Feb 1996 through 08 Mar 1996	1	2.6%	5	11.9%	6	7.5%
09 Mar 1996 through 05 Apr 1996	4	10.5%	4	9.5%	8	10.0%
06 Apr 1996 through 03 May 1996	7	18.4%	3	7.1%	10	12.5%
04 May 1996 through 31 May 1996	2	5.3%	1	2.4%	3	3.8%
01 Jun 1996 through 28 Jun 1996	0	.0%	2	4.8%	2	2.5%
29 Jun 1996 through 26 Jul 1996	1	2.6%	3	7.1%	4	5.0%
27 Jul 1996 through 23 Aug 1996	1	2.6%	3	7.1%	4	5.0%
24 Aug 1996 through 20 Sep 1996	1	2.6%	1	2.4%	2	2.5%
21 Sep 1996 through 18 Oct 1996	0	.0%	0	.0%	0	.0%
19 Oct 1996 through 15 Nov 1996	1	2.6%	2	4.8%	3	3.8%
16 Nov 1996 through 13 Dec 1996	0	.0%	0	.0%	0	.0%
14 Dec 1996 through 10 Jan 1997	0	.0%	0	.0%	0	.0%
11 Jan 1997 through 07 Feb 1997	0	.0%	0	.0%	0	.0%
08 Feb 1997 through 07 Mar 1997	0	.0%	2	4.8%	2	2.5%
08 Mar 1997 through 04 Apr 1997	0	.0%	0	.0%	0	.0%
05 Apr 1997 through 02 May 1997	0	.0%	1	2.4%	1	1.3%
03 May 1997 through 30 May 1997	1	2.6%	2	4.8%	3	3.8%
31 May 1997 through 27 Jun 1997	0	.0%	2	4.8%	2	2.5%
28 Jun 1997 through 25 Jul 1997	0	.0%	1	2.4%	1	1.3%
26 Jul 1997 through 22 Aug 1997	1	2.6%	0	.0%	1	1.3%
23 Aug 1997 through 19 Sep 1997	0	.0%	0	.0%	0	.0%
20 Sep 1997 through 17 Oct 1997	1	2.6%	1	2.4%	2	2.5%
18 Oct 1997 through 14 Nov 1997	0	.0%	0	.0%	0	.0%
15 Nov 1997 through 12 Dec 1997	1	2.6%	0	.0%	1	1.3%
After 12 Dec 1997	2	5.3%	1	2.4%	3	3.8%
Totals	38	100.0%	42	100.0%	80	100.0%

chi-squared=26.61, d.f.=25, p=.376

Table 2.11: Youth Violence – Case Flow by Four-Week Periods, court vs. conference

Period	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
01 Jul 1995 through 28 Jul 1995	1	4.3%	0	.0%	1	2.1%
29 Jul 1995 through 25 Aug 1995	1	4.3%	2	8.3%	3	6.4%
26 Aug 1995 through 22 Sep 1995	0	.0%	0	.0%	0	.0%
23 Sep 1995 through 20 Oct 1995	0	.0%	0	.0%	0	.0%
21 Oct 1995 through 17 Nov 1995	0	.0%	0	.0%	0	.0%
18 Nov 1995 through 15 Dec 1995	1	4.3%	0	.0%	1	2.1%
16 Dec 1995 through 12 Jan 1996	1	4.3%	0	.0%	1	2.1%
13 Jan 1996 through 09 Feb 1996	0	.0%	1	4.2%	1	2.1%
10 Feb 1996 through 08 Mar 1996	0	.0%	2	8.3%	2	4.3%
09 Mar 1996 through 05 Apr 1996	0	.0%	0	.0%	0	.0%
06 Apr 1996 through 03 May 1996	0	.0%	3	12.5%	3	6.4%
04 May 1996 through 31 May 1996	2	8.7%	1	4.2%	3	6.4%
01 Jun 1996 through 28 Jun 1996	1	4.3%	4	16.7%	5	10.6%
29 Jun 1996 through 26 Jul 1996	1	4.3%	0	.0%	1	2.1%
27 Jul 1996 through 23 Aug 1996	3	13.0%	0	.0%	3	6.4%
24 Aug 1996 through 20 Sep 1996	1	4.3%	0	.0%	1	2.1%
21 Sep 1996 through 18 Oct 1996	2	8.7%	0	.0%	2	4.3%
19 Oct 1996 through 15 Nov 1996	1	4.3%	1	4.2%	2	4.3%
16 Nov 1996 through 13 Dec 1996	0	.0%	0	.0%	0	.0%
14 Dec 1996 through 10 Jan 1997	0	.0%	0	.0%	0	.0%
11 Jan 1997 through 07 Feb 1997	1	4.3%	0	.0%	1	2.1%
08 Feb 1997 through 07 Mar 1997	0	.0%	0	.0%	0	.0%
08 Mar 1997 through 04 Apr 1997	1	4.3%	3	12.5%	4	8.5%
05 Apr 1997 through 02 May 1997	2	8.7%	2	8.3%	4	8.5%
03 May 1997 through 30 May 1997	1	4.3%	0	.0%	1	2.1%
31 May 1997 through 27 Jun 1997	0	.0%	2	8.3%	2	4.3%
28 Jun 1997 through 25 Jul 1997	0	.0%	0	.0%	0	.0%
After 25 Jul 1997	3	13.0%	3	12.5%	6	12.8%
Totals	23	100.0%	24	100.0%	47	100.0%

chi-squared=29.46, d.f.=23, p=.166

CASE FLOW

Tables 2.8 through 2.11 show the number of cases that have been placed into the experiments during each four-week period since the study began. Periods of case intake from which not all cases are guaranteed to have qualified for the current dataset have been combined into a single category at the bottoms of the tables.

Tables 2.12 through 2.15 show the case flow for each experiment by each of the four Canberra police districts. Between a third and a half of all cases in each experiment were referred from the City District, the largest and busiest station.

Table 2.12: Drink Driving – Case Flow by Police District, court vs. conference

District	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
City	229	50.9%	250	55.6%	479	53.2%
Belconnen	61	13.6%	72	16.0%	133	14.8%
Woden	57	12.7%	41	9.1%	98	10.9%
Tuggeranong	67	14.9%	51	11.3%	118	13.1%
Traffic Operations	28	6.2%	30	6.7%	58	6.4%
Other	2	.4%	2	.4%	4	.4%
Unknown	6	1.3%	4	.9%	10	1.1%
Totals	450	100.0%	450	100.0%	900	100.0%

chi-squared=7.08, d.f.=6, p=.313

Table 2.13: Juvenile Personal Property – Case Flow by Police District, court vs. conference

District	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
City	21	41.2%	15	35.7%	36	38.7%
Belconnen	11	21.6%	9	21.4%	20	21.5%
Woden	9	17.6%	5	11.9%	14	15.1%
Tuggeranong	9	17.6%	13	31.0%	22	23.7%
Traffic Operations	1	2.0%	0	.0%	1	1.1%
Other	0	.0%	0	.0%	0	.0%
Unknown	0	.0%	0	.0%	0	.0%
Totals	51	100.0%	42	100.0%	93	100.0%

chi-squared=3.23, d.f.=4, p=.520

Table 2.14: Juvenile Property (Security) – Case Flow by Police District, court vs. conference

District	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
City	13	34.2%	22	52.4%	35	43.8%
Belconnen	6	15.8%	8	19.0%	14	17.5%
Woden	6	15.8%	8	19.0%	14	17.5%
Tuggeranong	13	34.2%	4	9.5%	17	21.3%
Traffic Operations	0	.0%	0	.0%	0	.0%
Other	0	.0%	0	.0%	0	.0%
Unknown	0	.0%	0	.0%	0	.0%
Totals	38	100.0%	42	100.0%	80	100.0%

chi-squared=7.47, d.f.=3, p=.058

Table 2.15: Youth Violence – Case Flow by Police District, court vs. conference

District	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
City	9	39.1%	11	45.8%	20	42.6%
Belconnen	5	21.7%	6	25.0%	11	23.4%
Woden	1	4.3%	4	16.7%	5	10.6%
Tuggeranong	8	34.8%	3	12.5%	11	23.4%
Traffic Operations	0	.0%	0	.0%	0	.0%
Other	0	.0%	0	.0%	0	.0%
Unknown	0	.0%	0	.0%	0	.0%
Totals	23	100.0%	24	100.0%	47	100.0%

chi-squared=4.34, d.f.=3, p=.227

RANDOM ASSIGNMENT COMPLIANCE RATES AND TREATMENT INTEGRITY

After being informed of the randomly assigned treatment for each case (court or conference) by the RISE staffer, the apprehending officer then (almost always) processed the case accordingly. Tables 2.16 through 2.19 show treatment integrity for all offenders.

These tables reveal near-perfect compliance by the police in accepting the initial random assignment across all experiments. The exception is the Juvenile Personal Property experiment, where misassignment at initial treatment was over ten percent – still an extremely high level of compliance in relation to most experiments. However, misassignments were rarely caused by a deliberate choice by the officer to ignore the RISE protocol. Almost all of them resulted from actions of the offender or circumstances coming to light after assignment, resulting in a decision to process a conference-assigned case through the court.

There were a number of reasons why cases assigned to conference went to court:

- the offender rejected conferencing when it was assigned and asserted their right to have their case processed in the normal way through court (seven cases, all drink driving).
- the offender re-offended immediately after being assigned to conference and assignment was altered to court (one juvenile property case, two drink driving cases).
- the offender withdrew his/her full admissions to the offence, requiring a determination of guilt by a court (one juvenile property case).
- the offender persistently failed to turn up for the conference, or did so in an intoxicated state (two youth violence cases, four drink driving cases).
- the offender's attitude or behaviour was such that the officer decided to send the case to court (five cases, all drink driving)
- because of an administrative error on the part of the police, the case was sent to court when it had been assigned to conference (one drink driving case).
- the conference failed to reach an outcome acceptable to all parties and the facilitator referred the matter to court (one juvenile property case).
- in a further five cases (one juvenile property case, four drink driving cases) the police gave no reason for the misassignment.

Table 2.16: Drink Driving – Treatment Integrity across Offenders, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Percent treated as assigned at initial treatment	447	99.8%	429	95.3%	.000 *
Percent with initial treatment at court	447	99.8%	429	4.7%	.000 *
Percent with initial treatment at conference	447	.2%	429	95.3%	.000 *
Percent with some other initial treatment	447	.0%	429	.0%	
Percent treated as assigned at final treatment	429	99.3%	425	94.6%	.000 *
Percent with final treatment at court	429	99.3%	425	5.4%	.000 *
Percent with final treatment at conference	429	.5%	425	94.6%	.000 *
Percent with some other final treatment	429	.2%	425	.0%	.318

Table 2.17: Juvenile Personal Property – Treatment Integrity across Offenders, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Percent treated as assigned at initial treatment	67	86.6%	47	89.4%	.652
Percent with initial treatment at court	67	86.6%	47	6.4%	.000 *
Percent with initial treatment at conference	67	3.0%	47	89.4%	.000 *
Percent with some other initial treatment	67	10.5%	47	4.3%	.200
Percent treated as assigned at final treatment	66	83.3%	43	86.0%	.702
Percent with final treatment at court	66	83.3%	43	7.0%	.000 *
Percent with final treatment at conference	66	3.0%	43	86.0%	.000 *
Percent with some other final treatment	66	13.6%	43	7.0%	.253

Some of the reasons why cases assigned to conference ended up in court were 'acceptable' reasons for treatment failure. Re-offending immediately after assignment, for example, was not foreseeable at the time the case was deemed eligible, and nor was the preference of some conference-assigned offenders to go to court. In addition, where offenders failed to attend their conferences, police felt they had no alternative but to send the case to court (where the offenders often failed to appear as well).

In other instances, however, cases could not be treated as assigned due to inadequate checking of facts regarding the eligibility of the offence or the offender. These were 'unacceptable' and true treatment failures. Every effort was made prior to the commencement of data collection to alert all police officers to the dire consequences to the integrity of the experiments of high numbers of treatment failures, and as a result, they remained at a relatively low level (two cases that we were aware of and a further six cases where we did not know the reason for misassignment).

As far as we know, there was only one misassignment (a juvenile property case) resulting simply from the officer preferring the alternative treatment. The actual proportion of cases misassigned to the alternative treatment for unacceptable reasons compared very favourably with the majority of randomised experiments, both in criminal justice and in medicine. For example, in the series of six domestic violence experiments carried out in various American cities to determine the deterrent effect of arrest, up to 16 percent of all cases were misassigned (Sherman 1992, p 394).

Table 2.18: Juvenile Property (Security) – Treatment Integrity across Offenders, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Percent treated as assigned at initial treatment	40	97.5%	52	96.1%	.715
Percent with initial treatment at court	40	97.5%	52	.0%	.000 *
Percent with initial treatment at conference	40	.0%	52	96.1%	.000 *
Percent with some other initial treatment	40	2.5%	52	3.8%	.715
Percent treated as assigned at final treatment	38	97.4%	51	94.1%	.446
Percent with final treatment at court	38	97.4%	51	.0%	.000 *
Percent with final treatment at conference	38	.0%	51	94.1%	.000 *
Percent with some other final treatment	38	2.6%	51	5.9%	.446

Table 2.19: Youth Violence – Treatment Integrity across Offenders, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Percent treated as assigned at initial treatment	31	100.0%	31	96.8%	.325
Percent with initial treatment at court	31	100.0%	31	.0%	
Percent with initial treatment at conference	31	.0%	31	96.8%	.000 *
Percent with some other initial treatment	31	.0%	31	3.2%	.325
Percent treated as assigned at final treatment	31	90.3%	31	83.9%	.457
Percent with final treatment at court	31	90.3%	31	6.4%	.000 *
Percent with final treatment at conference	31	.0%	31	83.9%	.000 *
Percent with some other final treatment	31	9.7%	31	9.7%	1.000

OFFENCES IN THE VICTIM ANALYSES

Victim analyses are limited to the Juvenile Personal Property and the Youth Violence Experiments. No data on victims were collected for the other two experiments, for the several reasons. As noted above, no drink driving offences included direct victims and consequently there were no drink driving data on victims. In addition, no interview data were collected from victims' of shoplifting matters referred to the police by the security staff employed by large stores [i.e., the Juvenile Property (Security) cases]. The rationale for this decision was as follows: the objective of the victim study was to determine the comparative levels of satisfaction that victims felt from the court and conference processes. In order to feel a sense of satisfaction, or dissatisfaction, a precondition was a sense of victimisation. Security personnel employed by large stores whose specific task it was to apprehend shoplifters cannot be expected to have anything more than a minimal level of engagement, and no sense of victimisation, when apprehension was the specific purpose of their employment. Their role was really that of private police rather than public victims. It was decided, therefore, not to interview these victims', nor to include them in the victim analyses.

By contrast, shop proprietors, shop managers or sales staff were likely to experience a very real sense of victimisation when they apprehended shoplifters in the course of their employment. The

personal' nature of these cases is the source of the word 'personal' in the name of the Juvenile Personal Property Experiment, in which they were included.

TARGETS AND METHODS OF MEASUREMENT

There were three principal sources of data in RISE:

- Observation by trained RISE research staff of court and conference treatments to which offenders had been randomly assigned
- Interviews with victims, offenders and their supporters by trained RISE interviewer staff after the court and conference treatments had been completed.
- Self-completion instruments completed by the police officer facilitating each conference, the apprehending police officer in each case and all community representatives who attended conferences. (Community representatives were citizens who volunteered to come along to conferences in the absence of 'direct' victims of the offence to express the community's opprobrium of the offence. There was usually at least one at each drink driving conference and often one at shoplifting conferences where the store chose not to be directly represented).

In addition, RISE staff maintained a computerised data system, which recorded information about cases as they came into RISE (as described above) and progressed through the various phases of the experiment. As a back-up, a variety paper data sheets were also filled out for each case, recording details about the offence, the people involved in it, and the collection of data about them.

Observations

Treatment in both court and conference was coded in two ways, using both a systematic observation instrument and by a 'global ratings' instrument. In each of these, the observer coded indications of stigmatising and reintegrative shaming, participation in the discussion by all present, apologies, forgiveness, restitution agreements and other relevant dimensions. The systematic observation instrument was used to record the order in which these dimensions occurred, while the 'global ratings' instrument was used to measure the overall incidence of these dimensions. Both were mainly focused on the offender, with only a few questions designed to record victim-related data: these concerned discussion about reparation to the victim, whether the victim expressed moral indignation, extent of forgiveness by all parties, including the victim, and what kind of supporters accompanied the victim.

The procedures entailed in obtaining the observation data was as follows:

Court. For the drink driving cases, each week RISE staff developed a list of (1) cases assigned to court in the preceding week and (2) cases for which no appearance date had yet been notified. This list was then faxed to the police responsible for setting court appearance dates in VATAC cases. This system was never infallible, however, and each week a member of the RISE team also checked the name of each court-assigned offender, including all non-drink driving offenders, on the AFP Criminal History data base. All court dates were routinely recorded here, including summonsed and arrested cases. If the offender failed to appear in court as required, then a warrant was usually issued. In such instances, it was imperative to check this data base regularly, as these cases could be heard at any time after the warrant had been issued.

The majority of all cases assigned to court entailed an adjournment, which were granted for a variety of reasons but most commonly so that the offender could obtain legal advice. In the non-

drink driving cases these adjournments could also be numerous (up to six times in our cases) and took place for a wide range of reasons, mostly related to pre-sentence reporting. In these cases it was the observer's responsibility to record the date on which the case would next be heard.

Conference. When a case was assigned to a conference, the apprehending police officer passed the file to the AFP Diversionary Conferencing (DC) Team, who were responsible for organising the conference. When a date, time and place were allocated for each conference, the DC Team notified the RISE researchers accordingly.

'Untreated' cases. It should be noted that in 12 cases in the juvenile property and youth violence experiments, the offender was cautioned rather than dealt with as assigned in court or conference. In a further 57 cases, the offender received no treatment at all. Of these 57, 36 involved offenders assigned to conference. Such cases usually came about either because the offender could not be located even when a warrant was issued or because the file was lost by the police.

Tables 2.20 through 2.23 show the pattern of observation data collection. The data collected at a RISE observation is based upon the offender-treatment unit of analysis. A single conference involving three offenders produces three sets of offender-treatment records, as does a single offender who appears in court on three different occasions. Relatively often, observers were present at a scheduled treatment but nothing 'observable' happened. In other words, not enough occurred to warrant the completion of observation instruments. The various reasons for this result are set out in Tables 2.24 through 2.27. Across all experiments, the most common reason for a court case not to be completed was because of adjournment while the most common reason for conferences not to be completed was the absence of the offender.

Tables 2.28 through 2.31 show the percentage of individual treatment events with a RISE observer present and the reasons why these events were missed. An individual treatment event can involve the simultaneous treatment of any number of offenders.

Table 2.20: Drink Driving – Data Collection at Offender-Treatments, court vs. conference

Result	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
Observed	417	61.8%	386	76.4%	803	68.1%
Attended but nothing to observe	203	30.1%	66	13.1%	269	22.8%
Not observable (e.g., cautions)	1	.1%	0	.0%	1	.1%
Missed	53	7.9%	50	9.9%	103	8.7%
Unknown result	1	.1%	3	.6%	4	.3%
Totals	675	100.0%	505	100.0%	1180	100.0%

chi-squared=49.60, d.f.=4, p=.000*

Table 2.21: Juvenile Personal Property – Data Collection at Offender-Treatments, court vs. conference

Result	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
Observed	51	43.2%	38	65.5%	89	50.6%
Attended but nothing to observe	43	36.4%	12	20.7%	55	31.3%
Not observable (e.g., cautions)	7	5.9%	3	5.2%	10	5.7%
Missed	17	14.4%	5	8.6%	22	12.5%
Unknown result	0	.0%	0	.0%	0	.0%
Totals	118	100.0%	58	100.0%	176	100.0%

chi-squared=7.99, d.f.=3, p=.046*

Table 2.22: Juvenile Property (Security) – Data Collection at Offender-Treatments, court vs. conference

Result	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
Observed	33	64.7%	41	66.1%	74	65.5%
Attended but nothing to observe	8	15.7%	9	14.5%	17	15.0%
Not observable (e.g., cautions)	1	2.0%	3	4.8%	4	3.5%
Missed	8	15.7%	8	12.9%	16	14.2%
Unknown result	1	2.0%	1	1.6%	2	1.8%
Totals	51	100.0%	62	100.0%	113	100.0%

chi-squared=0.86, d.f.=4, p=.930

Table 2.23: Youth Violence – Data Collection at Offender-Treatments, court vs. conference

Result	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
Observed	24	26.7%	27	64.3%	51	38.6%
Attended but nothing to observe	37	41.1%	9	21.4%	46	34.8%
Not observable (e.g., cautions)	2	2.2%	3	7.1%	5	3.8%
Missed	27	30.0%	3	7.1%	30	22.7%
Unknown result	0	.0%	0	.0%	0	.0%
Totals	90	100.0%	42	100.0%	132	100.0%

chi-squared=22.09, d.f.=3, p=.000*

Table 2.24: Drink Driving – Reasons for Offender-Treatments not Reaching Completion, court vs. conference

Reason	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
Offender absent	44	18.0%	20	26.0%	64	19.9%
Victim absents	0	.0%	0	.0%	0	.0%
Offender intoxicated	0	.0%	1	1.3%	1	.3%
Supporters intoxicated	0	.0%	0	.0%	0	.0%
Insufficient number of supporters	0	.0%	15	19.5%	15	4.7%
Halted by Facilitator	0	.0%	1	1.3%	1	.3%
Administrative problems	20	8.2%	6	7.8%	26	8.1%
Adjourned	154	62.9%	15	19.5%	169	52.5%
Change of plea	3	1.2%	0	.0%	3	.9%
Postponed	0	.0%	0	.0%	0	.0%
No return on summons	4	1.6%	2	2.6%	6	1.9%
Other	2	.8%	7	9.1%	9	2.8%
Unknown reason	18	7.3%	10	13.0%	28	8.7%
Totals	245	100.0%	77	100.0%	322	100.0%

chi-squared=94.73, d.f.=9, p=.000*

Table 2.25: Juvenile Personal Property – Reasons for Offender-Treatments not Reaching Completion, court vs. conference

Reason	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
Offender absent	5	9.6%	7	46.7%	12	17.9%
Victim absents	0	.0%	0	.0%	0	.0%
Offender intoxicated	0	.0%	0	.0%	0	.0%
Supporters intoxicated	0	.0%	0	.0%	0	.0%
Insufficient number of supporters	1	1.9%	0	.0%	1	1.5%
Halted by Facilitator	0	.0%	0	.0%	0	.0%
Administrative problems	1	1.9%	2	13.3%	3	4.5%
Adjourned	38	73.1%	4	26.7%	42	62.7%
Change of plea	2	3.8%	0	.0%	2	3.0%
Postponed	0	.0%	1	6.7%	1	1.5%
No return on summons	0	.0%	0	.0%	0	.0%
Other	4	7.7%	0	.0%	4	6.0%
Unknown reason	1	1.9%	1	6.7%	2	3.0%
Totals	52	100.0%	15	100.0%	67	100.0%

chi-squared=22.67, d.f.=7, p=.002*

Table 2.26: Juvenile Property (Security) – Reasons for Offender-Treatments not Reaching Completion, court vs. conference

Reason	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
Offender absent	1	8.3%	6	54.5%	7	30.4%
Victim absents	1	8.3%	0	.0%	1	4.3%
Offender intoxicated	0	.0%	0	.0%	0	.0%
Supporters intoxicated	0	.0%	0	.0%	0	.0%
Insufficient number of supporters	0	.0%	0	.0%	0	.0%
Halted by Facilitator	0	.0%	0	.0%	0	.0%
Administrative problems	0	.0%	0	.0%	0	.0%
Adjourned	7	58.3%	0	.0%	7	30.4%
Change of plea	0	.0%	0	.0%	0	.0%
Postponed	0	.0%	1	9.1%	1	4.3%
No return on summons	0	.0%	0	.0%	0	.0%
Other	1	8.3%	2	18.2%	3	13.0%
Unknown reason	2	16.7%	2	18.2%	4	17.4%
Totals	12	100.0%	11	100.0%	23	100.0%

chi-squared=12.89, d.f.=5, p=.024*

Table 2.27: Youth Violence – Reasons for Offender-Treatments not Reaching Completion, court vs. conference

Reason	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
Offender absent	6	10.2%	2	18.2%	8	11.4%
Victim absents	0	.0%	2	18.2%	2	2.9%
Offender intoxicated	0	.0%	0	.0%	0	.0%
Supporters intoxicated	0	.0%	0	.0%	0	.0%
Insufficient number of supporters	0	.0%	2	18.2%	2	2.9%
Halted by Facilitator	0	.0%	1	9.1%	1	1.4%
Administrative problems	2	3.4%	0	.0%	2	2.9%
Adjourned	35	59.3%	1	9.1%	36	51.4%
Change of plea	1	1.7%	0	.0%	1	1.4%
Postponed	0	.0%	0	.0%	0	.0%
No return on summons	0	.0%	1	9.1%	1	1.4%
Other	0	.0%	2	18.2%	2	2.9%
Unknown reason	15	25.4%	0	.0%	15	21.4%
Totals	59	100.0%	11	100.0%	70	100.0%

chi-squared=51.33, d.f.=9, p=.000*

Table 2.28: Drink Driving – Observer Presence at Treatment Events, court vs. conference

Result	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
RISE Observer present	620	91.9%	452	89.5%	1072	90.8%
Missed - Non-observable event	1	.1%	0	.0%	1	.1%
Missed - RISE error	15	2.2%	4	.8%	19	1.6%
Missed - Permission refused	0	.0%	0	.0%	0	.0%
Missed - Not notified beforehand	10	1.5%	31	6.1%	41	3.5%
Missed - Other reason	8	1.2%	3	.6%	11	.9%
Missed - Unknown reason	20	3.0%	12	2.4%	32	2.7%
Unknown if observer present	1	.1%	3	.6%	4	.3%
Totals	675	100.0%	505	100.0%	1180	100.0%

chi-squared=25.77, d.f.=6, p=.000*

Table 2.29: Juvenile Personal Property – Observer Presence at Treatment Events, court vs. conference

Result	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
RISE Observer present	81	77.9%	36	83.7%	117	79.6%
Missed - Non-observable event	7	6.7%	3	7.0%	10	6.8%
Missed - RISE error	4	3.8%	0	.0%	4	2.7%
Missed - Permission refused	4	3.8%	0	.0%	4	2.7%
Missed - Not notified beforehand	1	1.0%	3	7.0%	4	2.7%
Missed - Other reason	4	3.8%	0	.0%	4	2.7%
Missed - Unknown reason	3	2.9%	1	2.3%	4	2.7%
Unknown if observer present	0	.0%	0	.0%	0	.0%
Totals	104	100.0%	43	100.0%	147	100.0%

chi-squared=9.17, d.f.=6, p=.164

Table 2.30: Juvenile Property (Security) – Observer Presence at Treatment Events, court vs. conference

Result	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
RISE Observer present	39	79.6%	37	78.7%	76	79.2%
Missed - Non-observable event	1	2.0%	3	6.4%	4	4.2%
Missed - RISE error	1	2.0%	3	6.4%	4	4.2%
Missed - Permission refused	2	4.1%	0	.0%	2	2.1%
Missed - Not notified beforehand	2	4.1%	2	4.3%	4	4.2%
Missed - Other reason	0	.0%	0	.0%	0	.0%
Missed - Unknown reason	3	6.1%	1	2.1%	4	4.2%
Unknown if observer present	1	2.0%	1	2.1%	2	2.1%
Totals	49	100.0%	47	100.0%	96	100.0%

chi-squared=5.01, d.f.=6, p=.542

Table 2.31: Youth Violence – Observer Presence at Treatment Events, court vs. conference

Result	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
RISE Observer present	56	72.7%	27	81.8%	83	75.5%
Missed - Non-observable event	2	2.6%	3	9.1%	5	4.5%
Missed - RISE error	3	3.9%	1	3.0%	4	3.6%
Missed - Permission refused	8	10.4%	0	.0%	8	7.3%
Missed - Not notified beforehand	1	1.3%	2	6.1%	3	2.7%
Missed - Other reason	5	6.5%	0	.0%	5	4.5%
Missed - Unknown reason	2	2.6%	0	.0%	2	1.8%
Unknown if observer present	0	.0%	0	.0%	0	.0%
Totals	77	100.0%	33	100.0%	110	100.0%

chi-squared=10.79, d.f.=6, p=.095

For the Drink Driving experiment, the most common reason for missing a court event was an error by RISE staff while for conferences it was because RISE was not notified beforehand by the police (Table 2.28).

For the Juvenile Personal Property experiment the most common reason for missing a court event was because it was a non-observable event, such as a decision by the Director of Public Prosecutions not to offer evidence. For conference the most common reason was also the occurrence of a non-observable event, which usually meant that the police chose to caution the offender rather than hold a conference (Table 2.29)

For the Juvenile Property (Security) and Youth Violence experiments the most common known reason for missing a court event was that permission to observe the case was denied (Tables 2.30 and 2.31). As we discussed above in the section entitled 'Ethical Issues', for all court cases in the Juvenile Court (and all conferences), it was necessary to obtain the informed consent of the offenders and their families to the presence of a RISE observer. (Normally, the Juvenile Court was closed to all except the offenders' immediate family, his/her solicitor and other court personnel, but prior negotiation with all the ACT magistrates resulted in permission being given to RISE observers attending, subject to the agreement of the offenders). This permission was refused in four percent of the Juvenile Property (Security) cases and ten percent of the Youth Violence cases (but never refused at any conference). The most common known reason for missing conferences in the Juvenile Property (Security) experiment was an error by RISE staff, while for Youth Violence it was because it was a non-observable event (Tables 2.30 and 2.31).

Tables 2.32 through 2.35 set out the observation completion rates across both the offender-treatment unit of data collection and individual treatment events. These tables show that RISE has done fairly well at being present when treatment was scheduled to occur, but that somewhat smaller number of these events – less than half for Juvenile Personal Property observations in court – actually resulted in a treatment that was worth observing.

Table 2.32: Drink Driving – Observation Completion Rates across Treatment Events, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Offender-Treatments with observer present	674	92.0%	502	90.0%	.252
Offender-Treatments observed	675	61.8%	505	76.4%	.000 *
Treatment events with observer present	674	92.0%	502	90.0%	.252
Events resulting in at least one observation	675	61.8%	505	76.4%	.000 *

Table 2.33: Juvenile Personal Property – Observation Completion Rates across Treatment Events, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Offender-Treatments with observer present	118	79.7%	58	86.2%	.269
Offender-Treatments observed	118	43.2%	58	65.5%	.005 *
Treatment events with observer present	104	77.9%	43	83.7%	.408
Events resulting in at least one observation	104	44.2%	43	65.1%	.020 *

Table 2.34: Juvenile Property (Security) – Observation Completion Rates across Treatment Events, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Offender-Treatments with observer present	50	82.0%	61	82.0%	.996
Offender-Treatments observed	51	64.7%	62	66.1%	.876
Treatment events with observer present	48	81.3%	46	80.4%	.921
Events resulting in at least one observation	49	63.3%	47	68.1%	.623

Table 2.35: Youth Violence – Observation Completion Rates across Treatment Events, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Offender-Treatments with observer present	90	67.8%	42	85.7%	.017 *
Offender-Treatments observed	90	26.7%	42	64.3%	.000 *
Treatment events with observer present	77	72.7%	33	81.8%	.290
Events resulting in at least one observation	77	28.6%	33	57.6%	.006 *

Perhaps more important than the ability to turn up at a large number of events is goal of gathering observation data on as many offenders as possible. Tables 2.36 through 2.39 show the status of observation data collection across all offenders in the dataset. Those who are time-eligible for observation are those offenders who entered RISE prior to the cut-off dates listed in Table 2.7.

Table 2.36: Drink Driving – Status of Observation Data across Offenders, court vs. conference

Status	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
Time-eligible and observed	395	87.8%	382	84.9%	777	86.3%
Time-eligible and not observed	55	12.2%	68	15.1%	123	13.7%
Not time-eligible but observed	0	.0%	0	.0%	0	.0%
Not time eligible and not observed	0	.0%	0	.0%	0	.0%
Totals	450	100.0%	450	100.0%	900	100.0%

chi-squared=1.59, d.f.=1, p=.207

Table 2.37: Juvenile Personal Property – Status of Observation Data across Offenders, court vs. conference

Status	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
Time-eligible and observed	46	66.7%	37	63.8%	83	65.4%
Time-eligible and not observed	22	31.9%	21	36.2%	43	33.9%
Not time-eligible but observed	1	1.4%	0	.0%	1	.8%
Not time eligible and not observed	0	.0%	0	.0%	0	.0%
Totals	69	100.0%	58	100.0%	127	100.0%

chi-squared=1.05, d.f.=2, p=.590

Table 2.38: Juvenile Property (Security) – Status of Observation Data across Offenders, court vs. conference

Status	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
Time-eligible and observed	32	72.7%	40	72.7%	72	72.7%
Time-eligible and not observed	10	22.7%	14	25.5%	24	24.2%
Not time-eligible but observed	1	2.3%	1	1.8%	2	2.0%
Not time eligible and not observed	1	2.3%	0	.0%	1	1.0%
Totals	44	100.0%	55	100.0%	99	100.0%

chi-squared=1.35, d.f.=3, p=.717

Some final and comprehensive measures of RISE's success at obtaining observation data can be found in Tables 2.40 through 2.43. Looking first at those offenders who are time-eligible to have completed their treatment, these tables show how many offenders have actually reached their final treatment disposition, and how many have provided at least one offender-observation to the current dataset. The second part of these tables limits the focus to only those offenders who have actually reached the conclusion of their treatment, and shows the degree of success RISE has had with collecting data on one, all, and the most-important final treatment event, where the legal and social consequences for the offender are normally revealed.

Table 2.39: Youth Violence – Status of Observation Data across Offenders, court vs. conference

Status	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
Time-eligible and observed	18	58.1%	23	67.6%	41	63.1%
Time-eligible and not observed	11	35.5%	8	23.5%	19	29.2%
Not time-eligible but observed	2	6.5%	3	8.8%	5	7.7%
Not time eligible and not observed	0	.0%	0	.0%	0	.0%
Totals	31	100.0%	34	100.0%	65	100.0%

chi-squared=1.15, d.f.=2, p=.563

Table 2.40: Drink Driving – Observation Rates across Offenders, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Offenders time-eligible for observation:					
Percent who have reached final treatment	450	95.3%	450	94.4%	.545
Percent with at least one observation	450	87.8%	450	84.9%	.208
Offenders who have reached final treatment:					
Percent with at least one observation	429	91.6%	425	89.6%	.326
Percent with all treatments observed	429	88.3%	425	88.9%	.784
Percent with final treatment observed	429	90.9%	425	89.6%	.534

Table 2.41: Juvenile Personal Property – Observation Rates across Offenders, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Offenders time-eligible for observation:					
Percent who have reached final treatment	68	95.6%	58	74.1%	.001 *
Percent with at least one observation	68	67.7%	58	63.8%	.653
Offenders who have reached final treatment:					
Percent with at least one observation	65	70.8%	43	83.7%	.111
Percent with all treatments observed	65	66.1%	43	81.4%	.074
Percent with final treatment observed	65	66.1%	43	83.7%	.035 *

Table 2.42: Juvenile Property (Security) – Observation Rates across Offenders, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Offenders time-eligible for observation:					
Percent who have reached final treatment	42	88.1%	54	92.6%	.471
Percent with at least one observation	42	76.2%	54	74.1%	.814
Offenders who have reached final treatment:					
Percent with at least one observation	37	86.5%	50	80.0%	.424
Percent with all treatments observed	37	78.4%	50	80.0%	.856
Percent with final treatment observed	37	86.5%	50	80.0%	.424

Table 2.43: Youth Violence – Observation Rates across Offenders, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Offenders time-eligible for observation:					
Percent who have reached final treatment	29	100.0%	31	90.3%	.083
Percent with at least one observation	29	62.1%	31	74.2%	.323
Offenders who have reached final treatment:					
Percent with at least one observation	29	62.1%	28	82.1%	.094
Percent with all treatments observed	29	44.8%	28	78.6%	.008 *
Percent with final treatment observed	29	58.6%	28	78.6%	.108

Interviews

Structured interviews were conducted with offenders, victims and those supporters who both had attended the treatments and cohabited with those they had come along to support.

Offenders. Immediately after final disposition, the RISE interviewer supervisor wrote to the offender seeking agreement to an interview, and the case was allocated to one of the RISE-trained interviewers. The interviewer was required to make contact with the respondent and arrange a time to conduct a structured interview. (A second wave of interviewing was conducted two years after the offence came into RISE but no analysis has yet been conducted on these data).

Tables 2.44 through 2.47 show the status of interview data across offenders in each experiment. In a similar fashion to the analyses conducted on observation data, 'time-eligible' refers to those offenders who have had a long enough time after their final treatment that we would expect them to have provided interview data to the current dataset.

Tables 2.48 through 2.51 sets out the interview result across all time-eligible offenders, along with the reasons why interviews could not be obtained. Across all experiments, more conference-assigned offenders than court-assigned offenders have been successfully interviewed. In general, interviewers found conference-assigned offenders both more willing to be interviewed and also easier to locate. These offenders knew that a RISE observer had been present at their case. They were therefore already familiar with the study when contacted by the interviewer and hence less inclined to refuse an interview than offenders receiving court treatment. In terms of locating the

Table 2.44: Drink Driving – Status of Interview Data across Offenders, court vs. conference

Status	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
Time-eligible and interviewed	326	72.4%	385	85.6%	711	79.0%
Time-eligible and not interviewed	95	21.1%	34	7.6%	129	14.3%
Not time-eligible but interviewed	8	1.8%	7	1.6%	15	1.7%
Not time eligible and not interviewed	21	4.7%	24	5.3%	45	5.0%
Totals	450	100.0%	450	100.0%	900	100.0%

chi-squared=34.01, d.f.=3, p=.000*

Table 2.45: Juvenile Personal Property – Status of Interview Data across Offenders, court vs. conference

Status	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
Time-eligible and interviewed	44	63.8%	35	60.3%	79	62.2%
Time-eligible and not interviewed	17	24.6%	8	13.8%	25	19.7%
Not time-eligible but interviewed	3	4.3%	2	3.4%	5	3.9%
Not time eligible and not interviewed	5	7.2%	13	22.4%	18	14.2%
Totals	69	100.0%	58	100.0%	127	100.0%

chi-squared=7.12, d.f.=3, p=.068

offender and scheduling an interview, the conference provided an opportunity not available in the court for the RISE observer to check the accuracy of contact details held on the offender.

In Drink Driving, apart from those cases with no final disposition, for both court and conference offenders the most common reason for not obtaining an interview was because of refusal to be interviewed (Table 2.48).

In Juvenile Personal Property, for both court and conference offenders, the most common reason for not obtaining an interview was because the offender was not able to be contacted (for conference offenders, the same number refused to be interviewed; Table 2.49).

In Juvenile Property (Security), for court offenders the most common reason for not obtaining an interview was again because the offender was not able to be contacted, while for conference offenders the most common known reason was because they refused to be interviewed (Table 2.50).

In Youth Violence, for both court and conference offenders the most common reason for not obtaining an interview was because of refusal to be interviewed (Table 2.51).

Table 2.46: Juvenile Property (Security) – Status of Interview Data across Offenders, court vs. conference

Status	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
Time-eligible and interviewed	25	56.8%	38	69.1%	63	63.6%
Time-eligible and not interviewed	12	27.3%	11	20.0%	23	23.2%
Not time-eligible but interviewed	2	4.5%	1	1.8%	3	3.0%
Not time eligible and not interviewed	5	11.4%	5	9.1%	10	10.1%
Totals	44	100.0%	55	100.0%	99	100.0%

chi-squared=1.86, d.f.=3, p=.602

Table 2.47: Youth Violence – Status of Interview Data across Offenders, court vs. conference

Status	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
Time-eligible and interviewed	21	67.7%	20	58.8%	41	63.1%
Time-eligible and not interviewed	9	29.0%	7	20.6%	16	24.6%
Not time-eligible but interviewed	1	3.2%	3	8.8%	4	6.2%
Not time eligible and not interviewed	0	.0%	4	11.8%	4	6.2%
Totals	31	100.0%	34	100.0%	65	100.0%

chi-squared=5.15, d.f.=3, p=.161

Table 2.48: Drink Driving – Interview Result across Time-Eligible Offenders, court vs. conference

Status	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
Successfully interviewed	326	77.4%	385	91.9%	711	84.6%
Not interviewed due to non-contact	18	4.3%	10	2.4%	28	3.3%
Not interviewed due to refusal	30	7.1%	11	2.6%	41	4.9%
Not interviewed for another reason	3	.7%	2	.5%	5	.6%
No attempt made to interview	0	.0%	1	.2%	1	.1%
No final disposition available	44	10.5%	10	2.4%	54	6.4%
Totals	421	100.0%	419	100.0%	840	100.0%

chi-squared=38.59, d.f.=5, p=.000*

Table 2.49: Juvenile Personal Property – Interview Result across Time-Eligible Offenders, court vs. conference

Status	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
Successfully interviewed	44	72.1%	35	81.4%	79	76.0%
Not interviewed due to non-contact	6	9.8%	3	7.0%	9	8.7%
Not interviewed due to refusal	7	11.5%	3	7.0%	10	9.6%
Not interviewed for another reason	1	1.6%	2	4.7%	3	2.9%
No attempt made to interview	0	.0%	0	.0%	0	.0%
No final disposition available	3	4.9%	0	.0%	3	2.9%
Totals	61	100.0%	43	100.0%	104	100.0%

chi-squared=3.96, d.f.=4, p=.411

Table 2.50: Juvenile Property (Security) – Interview Result across Time-Eligible Offenders, court vs. conference

Status	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
Successfully interviewed	25	67.6%	38	77.6%	63	73.3%
Not interviewed due to non-contact	8	21.6%	2	4.1%	10	11.6%
Not interviewed due to refusal	1	2.7%	4	8.2%	5	5.8%
Not interviewed for another reason	3	8.1%	4	8.2%	7	8.1%
No attempt made to interview	0	.0%	0	.0%	0	.0%
No final disposition available	0	.0%	1	2.0%	1	1.2%
Totals	37	100.0%	49	100.0%	86	100.0%

chi-squared=7.70, d.f.=4, p=.103

Table 2.51: Youth Violence – Interview Result across Time-Eligible Offenders, court vs. conference

Status	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
Successfully interviewed	21	70.0%	20	74.1%	41	71.9%
Not interviewed due to non-contact	1	3.3%	3	11.1%	4	7.0%
Not interviewed due to refusal	8	26.7%	4	14.8%	12	21.1%
Not interviewed for another reason	0	.0%	0	.0%	0	.0%
No attempt made to interview	0	.0%	0	.0%	0	.0%
No final disposition available	0	.0%	0	.0%	0	.0%
Totals	30	100.0%	27	100.0%	57	100.0%

chi-squared=2.21, d.f.=2, p=.332

Table 2.52: Drink Driving – Status of Supporter Interview Data across Offenders, court vs. conference

Status	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
Time-eligible and interviewed	54	15.3%	205	53.9%	259	35.3%
Time-eligible and not interviewed	293	83.0%	173	45.5%	466	63.6%
Not time-eligible but interviewed	2	.6%	0	.0%	2	.3%
Not time eligible and not interviewed	4	1.1%	2	.5%	6	.8%
Totals	353	100.0%	380	100.0%	733	100.0%

chi-squared=120.77, d.f.=3, p=.000*

Table 2.53: Juvenile Personal Property – Status of Supporter Interview Data across Offenders, court vs. conference

Status	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
Time-eligible and interviewed	31	62.0%	24	72.7%	55	66.3%
Time-eligible and not interviewed	17	34.0%	9	27.3%	26	31.3%
Not time-eligible but interviewed	1	2.0%	0	.0%	1	1.2%
Not time eligible and not interviewed	1	2.0%	0	.0%	1	1.2%
Totals	50	100.0%	33	100.0%	83	100.0%

chi-squared=1.95, d.f.=3, p=.582

Table 2.54: Juvenile Property (Security) – Status of Supporter Interview Data across Offenders, court vs. conference

Status	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
Time-eligible and interviewed	18	66.7%	39	88.6%	57	80.3%
Time-eligible and not interviewed	8	29.6%	5	11.4%	13	18.3%
Not time-eligible but interviewed	0	.0%	0	.0%	0	.0%
Not time eligible and not interviewed	1	3.7%	0	.0%	1	1.4%
Totals	27	100.0%	44	100.0%	71	100.0%

chi-squared=5.68, d.f.=2, p=.058

Offender supporters. Those supporters eligible for interview were those who had attended the treatment and also cohabited with the offender. In the event of two or more people meeting these criteria, the mother was selected, or the closest friend. They were usually interviewed on the same occasion as the offender. If they were not available at that time, they were interviewed later by telephone.

Tables 2.52 through 2.55 set out the status of offender supporter interview data across all of offenders in the current dataset. As was the case with our other data sources, most of the supporters examined in this report have had an appropriate amount of time in which to be interviewed, and are thus considered 'time-eligible' to have completed this phase of the project.

Table 2.55: Youth Violence – Status of Supporter Interview Data across Offenders, court vs. conference

Status	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
Time-eligible and interviewed	17	70.8%	18	72.0%	35	71.4%
Time-eligible and not interviewed	6	25.0%	4	16.0%	10	20.4%
Not time-eligible but interviewed	0	.0%	1	4.0%	1	2.0%
Not time eligible and not interviewed	1	4.2%	2	8.0%	3	6.1%
Totals	24	100.0%	25	100.0%	49	100.0%

chi-squared=1.74, d.f.=3, p=.628

Table 2.56: Drink Driving – Supporter Interview Result across Time-Eligible Offenders, court vs. conference

Status	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
Successfully interviewed	54	12.8%	205	48.9%	259	30.8%
Not interviewed due to non-contact	20	4.8%	11	2.6%	31	3.7%
Not interviewed due to refusal	14	3.3%	3	.7%	17	2.0%
No supporter eligible for interview	255	60.6%	156	37.2%	411	48.9%
Not interviewed for another reason	4	1.0%	3	.7%	7	.8%
No attempt made to interview	0	.0%	0	.0%	0	.0%
No final disposition available	74	17.6%	41	9.8%	115	13.7%
Totals	421	100.0%	419	100.0%	840	100.0%

chi-squared=131.22, d.f.=5, p=.000*

Unlike these other data collection efforts, however, supporter interviews were not obtained with the same degree of regularity, particularly for Drink Driving offenders who had been assigned to court. Tables 2.56 through 2.59 set out the supporter interview result across time-eligible offenders, and provide the reasons why supporters interviews could not be completed. Because so few court-assigned offenders were accompanied to their treatment, especially in the Drink Driving experiment, one of the most common reasons for the non-interview of supporters was the lack of anyone eligible to participate in the interview.

Tables 2.60 through 2.63 set out the interview completion rates for the current data across both offenders and the offender supporters in each experiment. From these analyses, the higher response rate for conference-assigned offenders is strongly apparent, although the difference in these rates is most striking – and statistically significant – for offenders in the Drink Driving experiment.

Table 2.57: Juvenile Personal Property – Supporter Interview Result across Time-Eligible Offenders, court vs. conference

Status	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
Successfully interviewed	31	50.8%	24	55.8%	55	52.9%
Not interviewed due to non-contact	5	8.2%	1	2.3%	6	5.8%
Not interviewed due to refusal	1	1.6%	1	2.3%	2	1.9%
No supporter eligible for interview	11	18.0%	6	14.0%	17	16.3%
Not interviewed for another reason	0	.0%	1	2.3%	1	1.0%
No attempt made to interview	0	.0%	0	.0%	0	.0%
No final disposition available	13	21.3%	10	23.3%	23	22.1%
Totals	61	100.0%	43	100.0%	104	100.0%

chi-squared=3.41, d.f.=5, p=.638

Table 2.58: Juvenile Property (Security) – Supporter Interview Result across Time-Eligible Offenders, court vs. conference

Status	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
Successfully interviewed	18	48.6%	39	79.6%	57	66.3%
Not interviewed due to non-contact	2	5.4%	1	2.0%	3	3.5%
Not interviewed due to refusal	1	2.7%	2	4.1%	3	3.5%
No supporter eligible for interview	5	13.5%	1	2.0%	6	7.0%
Not interviewed for another reason	0	.0%	1	2.0%	1	1.2%
No attempt made to interview	0	.0%	0	.0%	0	.0%
No final disposition available	11	29.7%	5	10.2%	16	18.6%
Totals	37	100.0%	49	100.0%	86	100.0%

chi-squared=12.90, d.f.=5, p=.024*

Table 2.59: Youth Violence – Supporter Interview Result across Time-Eligible Offenders, court vs. conference

Status	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
Successfully interviewed	17	56.7%	18	66.7%	35	61.4%
Not interviewed due to non-contact	0	.0%	1	3.7%	1	1.8%
Not interviewed due to refusal	2	6.7%	2	7.4%	4	7.0%
No supporter eligible for interview	4	13.3%	1	3.7%	5	8.8%
Not interviewed for another reason	0	.0%	0	.0%	0	.0%
No attempt made to interview	0	.0%	0	.0%	0	.0%
No final disposition available	7	23.3%	5	18.5%	12	21.1%
Totals	30	100.0%	27	100.0%	57	100.0%

chi-squared=3.01, d.f.=4, p=.556

Table 2.60: Drink Driving – Interview Response Rates across Time-Eligible Offenders, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Percent of offenders interviewed	421	77.4%	419	91.9%	.000 *
Percent of offender supporters interviewed	347	15.6%	378	54.2%	.000 *

Table 2.61: Juvenile Personal Property – Interview Response Rates across Time-Eligible Offenders, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Percent of offenders interviewed	61	72.1%	43	81.4%	.269
Percent of offender supporters interviewed	48	64.6%	33	72.7%	.441

Table 2.62: Juvenile Property (Security) – Interview Response Rates across Time-Eligible Offenders, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Percent of offenders interviewed	37	67.6%	49	77.5%	.314
Percent of offender supporters interviewed	26	69.2%	44	88.6%	.070

Table 2.63: Youth Violence – Interview Response Rates across Time-Eligible Offenders, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Percent of offenders interviewed	30	70.0%	27	74.1%	.738
Percent of offender supporters interviewed	23	73.9%	22	81.8%	.533

Victim Interviews

Victims of the Juvenile Personal Property and Youth Violence cases were contacted as soon as practicable after the disposition of their case to arrange an interview. A response rate of 87 percent was achieved for the Juvenile Personal Property Experiment and 82.5 percent for the Youth Violence Experiment. For Juvenile Personal Property, six of the cases where no interview was obtained were conference-assigned cases and the remaining four were court-assigned. In Youth Violence, five of the cases where no interview was obtained were court cases and the remaining two were conference cases. A second wave of interviewing was conducted two years after the case came into RISE, but no analysis has yet been conducted on these data.

Who were the respondents for the victim interviews? Sometimes a case involved the victims of several similar offences committed at different times, which were being dealt with simultaneously either by court or conference. In these cases, each victim was approached for interview. Sometimes there were several victims of the same offence (e.g., members of a family whose house had been burgled). In these cases, RISE staff selected for interview the person who appeared to be most affected by the offence. There was one exception to this rule: in this case a husband and

wife were both interviewed following the virtual destruction of the interior of their home by friends of their daughter who had held a party while they were away on holiday. They each reacted so differently to this offence that it seemed inappropriate to choose between them for interviewing purposes.

In cases where both or all the participants had been fighting and there was no obvious victim or offender, all parties were treated as both offenders and victims and interviewed as both.

Why were there no victim interviews in some cases? There were a number of cases where it was not possible to interview anybody:

- There was no identified victim for four Juvenile Property cases and one Youth Violence. In one case the police became aware of the offence because the complainant saw from his window a number of youths siphoning fuel from cars parked in his street. However, none of the vehicles was his and at no stage did the police identify their owners (who may have remained unaware that they had been victims at all, at least until they unexpectedly ran out of petrol). In another case, the offender was charged in court with the possession of an offensive weapon, namely a toy pistol, and brandishing it in a public place. Although he had caused considerable fear and alarm when he committed the offence, none of the people present was identified by the police. The non-identifying of victims by police occurred most often with cases that went to court, where there was no imperative to do so, all offences, by definition, being committed against the Crown.
- In a number of Juvenile Property cases the victim was a corporate entity. When such cases were dealt with by conference, sometimes a victim might be 'constructed', that is, a representative of the organisation might attend the conference and express a view on behalf of the corporate entity. Most often, these 'victims' felt very little sense of victimisation, although there was a continuum of engagement which could be detected in cases of this kind. At one extreme might be a representative of a government department in a case involving the defacement of a public building and at the other extreme school principals and teachers who felt genuinely upset about theft or damage to their schools. In the middle of this continuum were members of the Fire Brigade in arson/fire-setting cases, officers of Australia Post in mail theft and bus drivers in criminal damage cases involving public transport. Initially the intention had been to interview everyone occupying the victim role. This proved not to be feasible, however, owing to the implicit assumption in many of the questions in the questionnaire that a level of personal engagement existed on the victim's part. Finally it was decided to interview the bus drivers and the school principals /teachers but not the representatives of government departments. In addition after two attempts to interview Fire Brigade personnel it was decided to exclude these as well.
- where the police had no record of the offence after placing it into RISE (two Youth Violence cases, four Juvenile Personal Property cases) and hence no treatment was given and no victims could be identified.
- where Juvenile Property (Security) cases were misassigned by RISE staff into either the Juvenile Personal Property (four cases) or Youth Violence (one case) experiments at the time of taking the case. It was not possible to conduct interviews for these cases as there were no identified victims.

Victim supporters. Those supporters eligible for interview were the same as those for offender supporters, namely that they had attended the disposition with the victim and also cohabited with the victim. In the event of two or more people meeting these criteria, the mother was selected, or the closest friend. They were usually interviewed on the same occasion as the victim: if they were not available at that time, they were interviewed by phone.

A total of only six victim supporter interviews have been obtained, three for Juvenile Personal Property victims and three for Youth Violence; all were in respect of conference-assigned victims.

On no occasion did an eligible victim supporter refuse to be interviewed. However, it was not possible to determine a completion rate for victim supporter interviews for the same reason as for offender supporter interviews: when victims were not interviewed, for whatever reason, then it was not possible to know whether an eligible victim supporter existed.

Making contact for interviews

Offenders. The offender's name, address and phone number, where available, were obtained by the RISE staffer who took the initial telephone call from the police on the RISE mobile phone. At the conclusion of each juvenile/youth conference, and prior to each juvenile court case (when seeking permission to observe the case), offenders were advised that they would receive a letter asking for an interview. For adult court cases, it was not possible to make such an approach, owing to the difficulty in identifying the offender prior to the case being heard. In the interests of equal treatment and to avoid artificially inflating the conference response rate compared with court, no approach was made to adult conferenced offenders.

When disposition was completed, RISE staff wrote to each offender (and, where the offender was a juvenile, the parents or guardian) explaining that the ANU was conducting a survey of the ACT justice system and that we would like to meet them to hear their views about how their case had been dealt with. Where there were co-offenders, all of them were contacted in this manner. The case was then assigned to one of a team of trained offender interviewers. The assignments were made on chance, though attempts were made to assign cases with addresses south or north of Lake Burley Griffin to interviewers living on the same side of Canberra.

There were between eight and 12 interviewers working with RISE at any one time; to date 60 interviewers have conducted RISE offender interviews. Each of them has undergone about 20 hours of training, with periodic recalls, to ensure the highest possible quality of data. Each must tape every tenth interview to ensure homogeneity of style across interviewers and to detect any problems in the administering of the interviews. The interview supervisor telephones every twentieth respondent to check that the interview was carried out in the approved way with the correct respondent.

It was primarily the responsibility of the interviewer to make contact with the offenders and persuade them to participate. A regime was established whereby interviewers were required to make three phone calls (where possible) at different times of the day and three home visits. If they were unsuccessful in making contact they handed back the case to the supervisor who then arranged for a series of checks to be done, including checking the electoral role and telephoning extensively same-name White Pages entries around Australia. If the interviewer had made contact but the interview had been refused then the supervisor's role was to assess whether to reassign the case immediately to another interviewer, reassign it after some time had elapsed or to declare it an abandoned case (the last was only done after all avenues for contact or persuasion to participate had been exhausted). All interviews were conducted face-to-face, with the exception of a small number of offenders who had moved to another state by the time they were contacted. They were interviewed by phone.

As discussed above, in a total of 12 cases to date, the offender was cautioned rather than dealt with in court or conference. In these cases, offenders were given a 'modified' interview, removing those questions which related to their experience of court or conference. Where a case had not been disposed of after 12 months (or up to 18 months where there was a real prospect of the case being completed in that time frame), a 'modified' interview was also given to those offenders who could be contacted and agreed to participate.

It was important to assure offenders about the confidentiality of the information they disclosed in the course of the interview. Prior to the interview, each offender read and signed an informed consent form setting out the purpose of the research and the conditions under which the information sought would be collected and stored. In particular, offenders were assured that no information they disclosed would ever be linked to their name.

Victims. Normally at the time the case was dealt with in court or in conference, no information was held about the identity of the victim. Therefore when the disposition was completed, a member of the RISE team obtained from the AFP incident data base the narrative summary of the incident which normally contained details of the victim. As with the offenders, RISE staff then sent to each victim a letter explaining that the ANU was conducting a survey of the justice system in the ACT and that they would like to meet them to discuss their views about how their case has been dealt with. This was followed up wherever possible by a phone call to make an appointment to meet and administer the structured questionnaire; alternatively a home visit was made to arrange the appointment. All interviews were conducted face-to-face where possible, although in three cases to date the victims had moved to another state by the time they were contacted and their interviews were conducted by phone.

It was necessary to assure victims that RISE was being conducted in close collaboration with the AFP, and that their contact details were provided by the AFP. Assurances were also given about the confidentiality of the information they disclosed in the course of the interview. Prior to every interview, the victim read and signed an informed consent form which set out the purpose of the research and the conditions under which the information sought was collected and stored.

Generally speaking victims were receptive to an approach inviting them to take part in an interview and appreciated the opportunity to express their views about the way their case was dealt with. Only three victims have so far refused outright to be interviewed giving an exceptionally high completion rate of 85 percent. Two of these were shop proprietors who saw shoplifting as a routine part of their business lives and did not want to 'waste time' answering questions about incidents they barely remembered. One other was involved in a fight where each party had been treated both as victim and offender. These three cases make up 2 percent of all possible interviews.

Victims were relatively easy to find and most seem to lead settled lives compared with some of our young offenders. Not all have been found, however: eight Juvenile Property interviews (10 percent) and seven Youth Violence interviews (16 percent) could not be conducted because the victims could not be located.

Self-Completed Instruments

Data were collected on the perceptions of the following participants in the dispositions -

- Police facilitator (conference cases only) - at the conclusion of each conference, the facilitators were asked to complete a short questionnaire designed to measure their satisfaction with the process.
- Community representatives (conference cases only) - again, at the conclusion of each conference attended by a community representative (which included most of the drink driving conferences and a majority of the Juvenile Property (Security) conferences), each was asked to complete a questionnaire aimed at measuring their satisfaction with the process.
- Police informant (both conference and court cases) - following the final disposition of each case, the informant who had originally given the case to RISE was sent a questionnaire to elicit his/her level of satisfaction with the way the case was dealt with.

CONCLUSION: GENERAL ASSESSMENT OF THE RESEARCH DESIGN

This chapter has demonstrated the complexity of research management required to implement the RISE research design. Many dimensions of implementation are defined and described in the chapter, and many statistics are presented to summarise the final result. These data may be summarised under two main categories of success in carrying out the research design: internal and external validity.

Internal validity is the extent to which a research design adequately tests hypotheses of cause and effect within the cases included in the study. External validity is the extent to which a research design produces results that can be generalised from the study cases to other samples at other times or in other places.

Key measures of internal validity in an experimental research design of this kind include the rate of treatment as assigned, the rates of observation of treatments being administered, and the rates of post-treatment interviews completed.

Key measures of external validity in an experiment of this kind include the pipeline data, particularly the ratio of experimental to eligible offences, as well as the offence and offender eligibility criteria and the extent to which they were complied with.

In general, an experiment with weak internal validity must also suffer weak external validity. Conclusions which are uncertain in the sample studied cannot possibly be any more certain when generalised to other times and places. Yet an experiment with strong internal validity may still have weak external validity. The strongest experiments are high on both kinds of validity, and the next strongest are high on internal validity with uncertain external validity. This experiment is clearly more fortunate than most social policy evaluations, which are unfortunately weak on both internal and external validity (Sherman, et al, 1997).

Internal Validity

The internal validity of the RISE design is demonstrably high, with the randomised controlled design ranking at the top of the 5-point Maryland Scale of Scientific Methods (Sherman et al, 1997). When carried out as planned, the randomised design controls for most major threats to internal validity: natural changes over time (history), selection bias in the allocation of treatment, causal direction, and chance factors. RISE has successfully carried out the research design as planned, with respect to all of the key dimensions of internal validity:

- an extraordinarily high degree of police treatment of cases as randomly assigned, higher than virtually all previous experiments in policing world-wide
- high rates of observations of court and conference treatments
- high rates of interviews of victims and offenders after treatments

This assessment is based on two different standards. For compliance with random assignment, there is great controversy about the effects of anything less than near-perfect compliance. More than 5 percent non-compliance raises questions about whether to analyse the cases by treatment as assigned or as received. Fortunately, those issues do not arise in this experiment. For observations and interviews, the issue is different: whether the achieved sample is likely to match the entire universe of cases to be studied. On that criterion, anywhere from 70 percent and upwards is considered to have a strong likelihood of characterising the entire population, with the higher the percentage completion rate the better. In most cases, RISE has so far exceeded the 70 percent threshold.

In sum, RISE offers strong internal validity as a test of placing the case into one policy track' or another. Whether or not treatment actually occurs, or whether offenders pay their fines, or other issues of how the policy track' is implemented does not affect the internal validity of the test. People fail to show up for court as well as conference. Studying only cases in which everything goes right' would weaken external validity: generalising to the question about what is best to do with an offender from the moment of apprehension for a crime. The percentages of those treatment rates merely describe what happens in those tracks, and not the internal validity of the research design.

External Validity

External validity is much harder to assess in objective terms. There are few clear standards, largely because so little replication research has ever been done to assess the criteria for successful and unsuccessful transfers of conclusions from one sample to another. Whether findings from Canberra would apply elsewhere in Australia or in the world is simply unknown, but at least it is knowable. Replications of these designs and methods in other places is the soundest way to answer that question, and the standard method of science.

What is clear is that the findings can be most confidently generalised to cases with the same types of offences and offenders. Just how confident we can be about those kinds of cases, however, is a more subjective judgement. Most scientists would agree with the following conclusion: we can be most confident about the generalisability of the results from the drink driving experiment, and somewhat less confident about the generalisability of the juvenile and youth experiments, at least within the community in which the study was conducted. Such a conclusion is based on the following analysis.

Pipeline. One clear standard can be used to assess external validity within a community: the extent to which a study's conclusions can be generalised to all cases of the type sampled within that community. In randomised experiments, this is often measured by the use of a 'pipeline' analysis identifying all cases of the kind eligible for the experiment. The percentage of such cases which are then taken into the experiment is a reflection of the probability of the experimental cases mirroring the total population of cases. As the pipeline analysis presented earlier indicates, the percentage of eligible cases in the experiment varied across the four experiments. For the Drink Driving cases, the percentage was about half of all eligible cases. For the juvenile and youth experiments, the percentage were around 10 percent of eligible cases.

The ratios of experimental to eligible cases are not atypical for human experiments in general. Few experiments – even medical trials – even conduct or report a pipeline study, leaving the percentage of eligible cases included in the sample completely unknown. The few experiments that have reported pipeline data are rarely able to claim more than half of the eligible cases, and many claim as few as ten percent. One of the strongest police experiments ever conducted, the Milwaukee domestic violence experiment, achieved only about 40 percent of eligible cases (calculated from Sherman, 1992, p. 305).

External validity in all these experiments would clearly be greater within the communities in which they were conducted if higher ratios had been achieved. Yet higher percentages of cases taken in can often cause lower percentages of cases treated according to the experimental protocol, thus reducing internal validity. Moreover, it is not clear that the external validity of conclusions within a community is the same as the external validity of conclusions to other communities. And on that crucial point, there remains no substitute for replication, regardless of the ratios of experimental to eligible cases.

Generalisability to Other Communities. It is nonetheless useful to speculate about the question of external validity by using theory and data. The theory is that conclusions from one sample should apply to the application of the same treatment in similar samples. Similarity denotes both the kinds of offenders treated and the social context in which they live. While the social context of Canberra is clearly different from that of big cities in important ways (such as anonymity, average education level and the prevalence of government employment), the kinds of offenders dealt with by police may be less different than is often thought.

For drink driving cases, there is ample indication that both the offence and the methods of enforcement produce a population of offenders representing all walks of life. We have little reason to believe that drink drivers in Canberra are very different from drink drivers in other states in Australia – at least not where Random Breath Testing is widely used. While the social context of a smaller community than Sydney or Melbourne may still affect external validity from a community of 300,000 people, the demographic characteristics of the offenders appears to be similar.

Much the same can be said about juvenile offenders in Canberra: the context is not that of a big city, but the offenders who are arrested there may be every bit as serious, drug or alcohol involved, and repetitive as big city offenders who are arrested. While the ACT is not a community with a high rate of homicide or robbery, the actual rate of juvenile crime is unknown. Since most crimes are not solved, the age of the offender is not recorded. Juvenile arrest rates may vary more by the organization of enforcement and culture of police discretion than by actual rates of juveniles committing offences. More telling is the rate of recidivism, which shows how often offenders who are arrested continue to run afoul of the law. The preliminary analysis of juvenile offending showed that half of them were re-arrested in one year. Since this rate may be even higher than the rate in New South Wales, it is quite possible that the results from Canberra can generalise to any part of Australia, or even the US or Europe.

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CHAPTER 3

THE FOUR EXPERIMENTS: OFFENDERS AND VICTIMS

This Chapter describes the samples comprising the four RISE experiments. For each of them, it discusses the characteristics of the offenders and their prior offending behaviour. For two experiments, Juvenile Personal Property and Youth Violence, the characteristics of the victims are also discussed.

Data on four variables discussed in this Chapter were obtained at the time the case came into RISE and so are available for all offenders in the experiments so far:

- age
- sex
- attitude at time of apprehension
- blood alcohol content (for drink driving offenders only)

Data on the remaining variables for offenders and for all variables relating to victims were obtained at interview. The interview completion rates were reported in Chapter 2 and are noted below for each experiment. Each table indicates the number of subjects included for each variable.

This Chapter also addresses the substance abuse patterns of all interviewed offenders across all four experiments.

We note throughout whenever any difference exists between the court-assigned and the conference-assigned offenders that is not likely to be due to chance, or 'statistically significant', at the .05 (five percent) level (using a two-tailed test, which predicts neither one treatment nor the other to have the higher result).

Readers should be cautioned that in studies with large numbers of significance tests, one out of twenty tests is expected to be significant simply by chance alone at the five percent level – by definition. Thus it is often the case that 'significant' differences may pop up at random. They are fully reported in order to allow the reader to judge whether a pattern is evident that may show cause for interpreting the results differently from the authors.

COMPARABILITY OF TREATMENT GROUPS

The major concern in comparing characteristics of court and conference cases is whether the random assignment 'worked' in creating comparable characteristics of cases in both treatments. The value of random assignment for achieving equivalent groups and eliminating the sample selection hypothesis about any differences is increased by larger samples. The smaller the sample, the greater the risk that the groups may turn out to be non-equivalent in certain respects just by chance alone.

The RISE samples clearly differ in this respect between drink driving and the other three experiments. The drink driving sample is so large that any difference is more likely to be detected as 'significant', even though it occurs by chance alone. In that experiment any significant

differences between the characteristics of the two treatment groups are likely to be trivial, and unlikely to pose a credible rival hypothesis to the conclusion that any differences in outcomes were caused by the difference in treatment.

The samples of the other three experiments, however, are still small enough so that significant differences in offender or victim characteristics could pose credible rival hypotheses. On the other hand, significant differences are more likely to occur with larger samples. Thus the smaller samples may be more susceptible to important differences between the groups that are not detected as statistically significant. That is why the other three experiments must be continued until they achieve their sample size requirements, however long that may take. By reporting these results now, we caution the reader to examine them in light of the fact that a larger sample may well change both the sample characteristics and the results reported in subsequent chapters. Even the completion rates of the interviews may increase as we continue to try to locate hard-to-find offenders.

DRINK DRIVING

There are 900 offenders in this dataset, of whom 726 (81 percent, or 85 percent of those who were eligible) have been interviewed. There is always only one offender per case in both the court-assigned and conference-assigned groups.

Offender Characteristics

Table 3.1 reveals that the average age of drink driving offenders at the time they came into RISE was 30 for those assigned to court and 31.5 for those assigned to conference. Three quarters of both groups were male and just over one quarter of both groups were married. A significantly higher percentage of the conference-assigned were born outside Australia and in a non-English speaking country. Around 2 percent of both groups were Aboriginal or Torres Strait Islander (compared with 0.8 percent of the ACT population who are Aboriginal or Torres Strait Islander; *Year Book Australia 1998*). In both groups subjects who had completed their schooling averaged 12 years of education and seven percent unemployment. Almost 90 percent of both groups were described by police as having a 'good' attitude at the time of their apprehension.

In terms of the drink-driving offence which resulted in the offender being placed into RISE, the average blood-alcohol content was just slightly above .120% in both of the treatment groups. This difference, shown in Table 3.2, was not statistically significant.

Prior Offending Behaviour

Drink driving offenders were asked about their drink driving offences prior to the incident which brought them into RISE. Both groups reported an average of 19 prior offences in the twelve months before the disposition of the RISE offence (excluding the offence which brought them into RISE). Over 80 percent of both groups admitted to at least one such offence in this time period (see Table 3.2).

JUVENILE PERSONAL PROPERTY

There were 127 offenders in this dataset of whom 84 (66 percent, or 76% of those who were eligible) have been interviewed. The mean number of offenders per case was 1.5 for the court-assigned group and 1.4 for the conference-assigned group.

Table 3.1: Drink Driving – Offender Characteristics, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Average age at entry into experiment	450	30.2	450	31.5	.078
Average years of education	302	12.0	369	12.1	.513
Percent male	450	76.2%	450	76.0%	.938
Percent with 'good' attitude at apprehension	448	89.5%	447	89.0%	.820
Percent born outside of Australia	333	15.0%	388	23.5%	.004 *
Percent born in a non-English nation	306	2.9%	357	6.4%	.031 *
Percent Aboriginal or Torres Strait Islander	333	2.4%	390	1.8%	.573
Percent married	333	26.1%	391	27.6%	.651
Percent unemployed	330	7.9%	389	7.2%	.731

Table 3.2: Drink Driving – Offence and Prior offences, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Average Blood Alcohol Content	439	.122	449	.121	.733
Average self-reported PCA offences	315	19.2	370	18.5	.818
Percent with additional PCA offending	318	83.6%	372	80.4%	.264

There were 83 victims eligible for interview of whom 72 (87 percent) have been interviewed. The mean number of victims per case was 1.5 for the court-assigned group and 1.2 for the conference-assigned group.

Offender Characteristics

Table 3.3 shows that the average age of juvenile personal property offenders was 15 when they came into RISE. In both the court and the conference groups, over 80 percent were male and none were married. Around 15 percent of both groups were born outside Australia, but few of them in non-English speaking countries. Aboriginal juveniles made up 8.5 percent of the court group and 11 percent of the conference group. In both groups, subjects who had completed their education averaged ten years of schooling; 11 percent of the court group and 22 percent of the conference group were unemployed. Around two thirds of both groups was described by the police as having a 'good' attitude at the time of their apprehension.

Table 3.4 shows the presenting offences for Juvenile Personal Property offenders. For both court-assigned and conference-assigned *offenders*, the largest category of offence was 'generic theft' (i.e., theft not otherwise defined). Table 3.5 shows the presenting offences for RISE *cases*, which also indicates that 'generic theft' was the largest category for both court-assigned and conference-assigned cases.

Prior Offending Behaviour

Interviewed subjects were asked about the number of crimes they had committed in the 12 months prior to the disposition of the crime that brought them into RISE, including all crimes for which they had not been apprehended by the police. Excluding the offence which brought them into RISE, Table 3.6 reveals that both court and conference groups admitted to around 50 prior

Table 3.3: Juvenile Personal Property – Offender Characteristics, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Average age at entry into experiment	69	15.6	58	15.7	.726
Average years of education	13	9.8	12	9.8	.867
Percent male	69	88.4%	58	84.5%	.526
Percent with 'good' attitude at apprehension	69	66.7%	58	70.7%	.629
Percent born outside of Australia	47	14.9%	37	16.2%	.870
Percent born in a non-English nation	41	2.4%	34	5.9%	.473
Percent Aboriginal or Torres Strait Islander	47	8.5%	37	10.8%	.729
Percent married	46	.0%	37	.0%	
Percent unemployed	46	10.9%	36	22.2%	.182

Table 3.4: Juvenile Personal Property – Presenting Offences for RISE Offenders, court vs. conference

Frequency	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
Shop Theft	11	15.9%	12	20.7%	23	18.1%
Burglary	16	23.2%	9	15.5%	25	19.7%
Vandalism/Criminal Damage	11	15.9%	11	19.0%	22	17.3%
Receive/Possess Stolen Property	3	4.3%	1	1.7%	4	3.1%
Generic Theft	20	29.0%	19	32.8%	39	30.7%
Auto Theft	6	8.7%	6	10.3%	12	9.4%
Other Property	0	.0%	0	.0%	0	.0%
Fighting	0	.0%	0	.0%	0	.0%
Common Assault	0	.0%	0	.0%	0	.0%
Actual/Grievous Bodily Harm	0	.0%	0	.0%	0	.0%
Robbery	1	1.4%	0	.0%	1	.8%
Arson	1	1.4%	0	.0%	1	.8%
Weapons Offences	0	.0%	0	.0%	0	.0%
Other Violence	0	.0%	0	.0%	0	.0%
Totals	69	100.0%	58	100.0%	127	100.0%

chi-squared=4.11, d.f.=7, p=.767

offences, most of them property crimes. Seventy percent of both groups admitted to prior property offending and over half to prior violent offending. There was no significant difference between the two groups in these offending patterns.

When asked about their contact with the police in the twelve months prior to the disposition of the RISE offence, both groups reported an average of two contacts (excluding the RISE offence), usually for violent offences. Over half of both groups admitted to prior contact for any sort of offence, usually a violent offence (see Table 3.7).

Table 3.5: Juvenile Personal Property – Presenting Offences for RISE Cases, court vs. conference

Frequency	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
Shop Theft	11	21.6%	11	26.2%	22	23.7%
Burglary	9	17.6%	5	11.9%	14	15.1%
Vandalism/Criminal Damage	9	17.6%	8	19.0%	17	18.3%
Receive/Possess Stolen Property	2	3.9%	1	2.4%	3	3.2%
Generic Theft	14	27.5%	14	33.3%	28	30.1%
Auto Theft	4	7.8%	3	7.1%	7	7.5%
Other Property	0	.0%	0	.0%	0	.0%
Fighting	0	.0%	0	.0%	0	.0%
Common Assault	0	.0%	0	.0%	0	.0%
Actual/Grievous Bodily Harm	0	.0%	0	.0%	0	.0%
Robbery	1	2.0%	0	.0%	1	1.1%
Arson	1	2.0%	0	.0%	1	1.1%
Weapons Offences	0	.0%	0	.0%	0	.0%
Other Violence	0	.0%	0	.0%	0	.0%
Totals	51	100.0%	42	100.0%	93	100.0%

chi-squared=2.83, d.f.=7, p=.900

Table 3.6: Juvenile Personal Property – Prior Offending, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Average self-reported property crimes	46	43.3	36	39.6	.871
Average self-reported violent crimes	46	10.9	36	5.2	.190
Average self-reported offences (all types)	46	54.2	36	44.8	.691
Percent with additional property offending	46	69.6%	36	69.4%	.991
Percent with additional violent offending	46	52.2%	36	66.7%	.188
Percent with any additional offending	46	80.4%	36	80.6%	.989

Table 3.7: Juvenile Personal Property – Prior Contact with Police, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Average self-reported property contacts	46	0.6	36	0.9	.627
Average self-reported violence contacts	46	1.9	36	1.0	.215
Average self-reported contacts (all types)	46	2.5	36	1.9	.523
Percent with additional property contact	46	30.4%	36	19.4%	.255
Percent with additional violence contact	46	41.3%	36	44.4%	.779
Percent with any additional contact	46	56.5%	36	52.8%	.739

Table 3.8: Juvenile Personal Property – Victim Characteristics, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Average age at entry into experiment	39	35.3	30	36.1	.778
Average years of education	36	12.8	33	12.8	.943
Percent male	39	61.5%	33	48.5%	.274
Percent born outside of Australia	38	21.1%	33	15.2%	.524
Percent born in a non-English nation	35	5.7%	32	.0%	.160
Percent Aboriginal or Torres Strait Islander	39	.0%	33	6.1%	.160
Percent married	38	65.8%	33	72.7%	.533
Percent unemployed	39	2.6%	33	.0%	.324

Victim characteristics

Table 3.8 reveals that the average age of interviewed victims was about 36 years for both groups. Just under half of the conference-assigned victims and just over half of the court-assigned victims were male. Two thirds of both groups were married. About one fifth of both groups were overseas-born and a slightly higher percentage of the court group than the conference group were born in a non-English speaking country. The number of Aboriginal victims was small: two in the conference group and none in the court group. Both groups averaged twelve years of schooling. Very few property victims were unemployed. On all these variables there was no significant difference between the groups.

JUVENILE PROPERTY (SECURITY)

There are 99 offenders in this dataset, of whom 66 (67 percent, or 73 percent of those eligible) have been interviewed. The mean number of offenders per case is 1.2 for the court-assigned group and 1.3 for the conference-assigned group.

Offender Characteristics

Table 3.9 indicates that both court-assigned and conference-assigned offenders were about 16 years of age at the time they came into RISE. A little over half of all offenders were male and none was married. Those who had completed their schooling averaged nine years of education. Almost one third of all court-assigned offenders were unemployed, a significantly higher percentage than the conference group. About the same percentage of both groups were born outside Australia; fewer than half of these were born in a non-English speaking country. Aboriginal juveniles were again over-represented and a slightly higher percentage of them were assigned to conference rather than to court. Around three quarters of both groups were described by police as having a 'good' attitude when they were apprehended.

Table 3.10 indicates the presenting offence for Juvenile Property (Security) offenders was always shop theft, except in those cases which were misassigned (four offenders assigned to conference). Table 3.11 shows the same pattern for RISE cases.

Table 3.9: Juvenile Property (Security) – Offender Characteristics, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Average age at entry into experiment	44	16.3	55	15.6	.121
Average years of education	12	9.2	14	9.6	.346
Percent male	44	52.3%	55	61.8%	.346
Percent with 'good' attitude at apprehension	44	70.5%	53	81.1%	.230
Percent born outside of Australia	27	18.5%	39	15.4%	.746
Percent born in a non-English nation	24	4.2%	36	8.3%	.508
Percent Aboriginal or Torres Strait Islander	27	7.4%	38	15.8%	.292
Percent married	26	.0%	39	.0%	
Percent unemployed	25	32.0%	38	7.9%	.028 *

Table 3.10: Juvenile Property (Security) – Presenting Offences for RISE Offenders, court vs. conference

Frequency	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
Shop Theft	44	100.0%	51	92.7%	95	96.0%
Burglary	0	.0%	2	3.6%	2	2.0%
Vandalism/Criminal Damage	0	.0%	2	3.6%	2	2.0%
Receive/Possess Stolen Property	0	.0%	0	.0%	0	.0%
Generic Theft	0	.0%	0	.0%	0	.0%
Auto Theft	0	.0%	0	.0%	0	.0%
Other Property	0	.0%	0	.0%	0	.0%
Fighting	0	.0%	0	.0%	0	.0%
Common Assault	0	.0%	0	.0%	0	.0%
Actual/Grievous Bodily Harm	0	.0%	0	.0%	0	.0%
Robbery	0	.0%	0	.0%	0	.0%
Arson	0	.0%	0	.0%	0	.0%
Weapons Offences	0	.0%	0	.0%	0	.0%
Other Violence	0	.0%	0	.0%	0	.0%
Totals	44	100.0%	55	100.0%	99	100.0%

chi-squared=3.33, d.f.=2, p=.189

Prior Offending Behaviour

Table 3.12 indicates that court assigned subjects admitted to 49 prior offences and conference-assigned subjects to 31 prior offences (excluding the RISE offence), in both cases the great majority being property rather than violent offences. A significantly higher percentage of the court group reported additional offending beyond the RISE offence, mostly property crimes.

Table 3.11: Juvenile Property (Security) – Presenting Offences for RISE Cases, court vs. conference

Frequency	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
Shop Theft	38	100.0%	40	95.2%	78	97.5%
Burglary	0	.0%	1	2.4%	1	1.3%
Vandalism/Criminal Damage	0	.0%	1	2.4%	1	1.3%
Receive/Possess Stolen Property	0	.0%	0	.0%	0	.0%
Generic Theft	0	.0%	0	.0%	0	.0%
Auto Theft	0	.0%	0	.0%	0	.0%
Other Property	0	.0%	0	.0%	0	.0%
Fighting	0	.0%	0	.0%	0	.0%
Common Assault	0	.0%	0	.0%	0	.0%
Actual/Grievous Bodily Harm	0	.0%	0	.0%	0	.0%
Robbery	0	.0%	0	.0%	0	.0%
Arson	0	.0%	0	.0%	0	.0%
Weapons Offences	0	.0%	0	.0%	0	.0%
Other Violence	0	.0%	0	.0%	0	.0%
Totals	38	100.0%	42	100.0%	80	100.0%

chi-squared=1.86, d.f.=2, p=.395

Table 3.12: Juvenile Property (Security) – Prior Offending, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Average self-reported property crimes	27	45.1	39	29.4	.402
Average self-reported violent crimes	27	4.1	39	1.4	.215
Average self-reported offences (all types)	27	49.2	39	30.8	.333
Percent with additional property offending	27	96.3%	39	56.4%	.000 *
Percent with additional violent offending	27	51.8%	39	41.0%	.395
Percent with any additional offending	27	96.3%	39	61.5%	.000 *

Table 3.13: Juvenile Property (Security) – Prior Contact with Police, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Average self-reported property contacts	27	0.6	39	0.3	.173
Average self-reported violence contacts	27	0.8	39	0.7	.891
Average self-reported contacts (all types)	27	1.4	39	1.0	.522
Percent with additional property contact	27	40.7%	39	20.5%	.089
Percent with additional violence contact	27	29.6%	39	30.8%	.923
Percent with any additional contact	27	51.8%	39	33.3%	.142

Table 3.14: Youth Violence – Offender Characteristics, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Average age at entry into experiment	31	16.2	34	18.3	.019 *
Average years of education	10	9.9	14	10.8	.197
Percent male	31	54.8%	34	100.0%	.000 *
Percent with 'good' attitude at apprehension	29	62.1%	33	54.5%	.556
Percent born outside of Australia	22	13.6%	23	4.3%	.291
Percent born in a non-English nation	19	.0%	23	.0%	
Percent Aboriginal or Torres Strait Islander	22	9.1%	23	4.3%	.538
Percent married	22	.0%	23	4.3%	.328
Percent unemployed	21	19.1%	23	21.7%	.830

YOUTH VIOLENCE

There were 65 offenders in this dataset, of whom 45 (69 percent, or 72 percent of those eligible) have been interviewed. The mean number of offenders per case is 1.4 for the court-assigned cases and 1.3 for the conference-assigned cases.

There were 45 victims eligible for interview, of whom 82.5 percent have been interviewed. The mean number of victims per case is 1.1 for the court-assigned cases and 1.2 for the conference-assigned cases.

Offender characteristics

Table 3.14 shows that the average age of youth violence offenders at entry into RISE was 16 for those assigned to court and 18 years for those assigned to a conference. Most of both groups were male, and so far all females in this experiment have been assigned to court where they make up a little less than half of all subjects. Very few were married. A slightly higher percentage of court-assigned than conference-assigned subjects were born outside Australia, though none in either group was born in a non-English speaking country. Nine percent of court-assigned and 4 percent of conference-assigned subjects were Aboriginal or Torres Strait Islander. Of those subjects who were no longer students, each group averaged 10 years of completed education and about 20 percent of each group was unemployed. A slightly higher percentage of court-assigned than conference-assigned subjects was described by the police at the time of their apprehension as having a 'good' attitude.

Table 3.15 shows the presenting offences for RISE *offenders*. For both court-assigned and conference-assigned offenders, the largest category of offence was common assault. Table 3.16 shows the presenting offences for RISE *cases*, which also indicates that common assault was the largest category for both court-assigned and conference-assigned cases.

Although there were small variations between the groups there was no significant difference between them on any of these variables except for the lower than expected percentage of females assigned to conferences. The small number of cases in this experiment compared to the other three experiments is still rendering court-conference comparisons of offender characteristics unstable.

Table 3.15: Youth Violence – Presenting Offences for RISE Offenders, court vs. conference

Frequency	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
Shop Theft	0	.0%	0	.0%	0	.0%
Burglary	0	.0%	0	.0%	0	.0%
Vandalism/Criminal Damage	1	3.2%	0	.0%	1	1.5%
Receive/Possess Stolen Property	0	.0%	0	.0%	0	.0%
Generic Theft	0	.0%	0	.0%	0	.0%
Auto Theft	0	.0%	0	.0%	0	.0%
Other Property	0	.0%	0	.0%	0	.0%
Fighting	2	6.5%	4	11.8%	6	9.2%
Common Assault	16	51.6%	15	44.1%	31	47.7%
Actual/Grievous Bodily Harm	9	29.0%	4	11.8%	13	20.0%
Robbery	0	.0%	3	8.8%	3	4.6%
Arson	2	6.5%	8	23.5%	10	15.4%
Weapons Offences	1	3.2%	0	.0%	1	1.5%
Other Violence	0	.0%	0	.0%	0	.0%
Totals	31	100.0%	34	100.0%	65	100.0%

chi-squared=11.11, d.f.=6, p=.085

Table 3.16: Youth Violence – Presenting Offences for RISE Cases, court vs. conference

Type of Offence	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
Shop Theft	0	.0%	0	.0%	0	.0%
Burglary	0	.0%	0	.0%	0	.0%
Vandalism/Criminal Damage	1	4.3%	0	.0%	1	2.1%
Receive/Possess Stolen Property	0	.0%	0	.0%	0	.0%
Generic Theft	0	.0%	0	.0%	0	.0%
Auto Theft	0	.0%	0	.0%	0	.0%
Other Property	0	.0%	0	.0%	0	.0%
Fighting	1	4.3%	2	8.3%	3	6.4%
Common Assault	13	56.5%	13	54.2%	26	55.3%
Actual/Grievous Bodily Harm	6	26.1%	4	16.7%	10	21.3%
Robbery	0	.0%	1	4.2%	1	2.1%
Arson	1	4.3%	4	16.7%	5	10.6%
Weapons Offences	1	4.3%	0	.0%	1	2.1%
Other Violence	0	.0%	0	.0%	0	.0%
Totals	23	100.0%	24	100.0%	47	100.0%

chi-squared=5.51, d.f.=6, p=.480

Table 3.17: Youth Violence – Prior Offending, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Average self-reported property crimes	22	32.6	23	11.8	.199
Average self-reported violent crimes	22	1.9	23	1.8	.924
Average self-reported offences (all types)	22	34.5	23	13.6	.203
Percent with additional property offending	22	63.6%	23	65.2%	.914
Percent with additional violent offending	22	63.6%	23	52.2%	.448
Percent with any additional offending	22	77.3%	23	82.6%	.664

Table 3.18: Youth Violence – Prior Contact with Police, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Average self-reported property contacts	22	0.4	23	0.2	.618
Average self-reported violence contacts	22	0.9	23	0.5	.298
Average self-reported contacts (all types)	22	1.2	23	0.7	.240
Percent with additional property contact	22	13.6%	23	21.7%	.487
Percent with additional violence contact	22	36.4%	23	34.8%	.914
Percent with any additional contact	22	45.4%	23	47.8%	.877

Prior offending behaviour

Table 3.17 shows what interviewed subjects said when asked about their prior offences, both detected and not detected, in the 12 months prior to the disposition of the RISE offence. Court-assigned subjects admitted to 33 property and two violent crimes. Conference-assigned subjects admitted to 12 property and two violent crimes (excluding the RISE offence). Around 65 percent of each group reported additional property offending and over half of each reported violent offending as well (excluding the RISE offence). Over three-quarters of each group admitted to additional offending of some kind.

Interviewed subjects were also asked about contact with the police in the twelve months prior to the disposition of the offence which brought them into RISE. Table 3.18 indicates that both groups reported around one offence, in both cases most often for violent rather than property offences. Nearly half of both groups reported contact with the police for offences prior to the RISE offence; usually in relation to a violent offence.

Victim characteristics

Table 3.19 reveals that the average age of interviewed victims was 19 for those whose cases were assigned to court and 26 for those whose cases were assigned to conference, a significant difference between the groups. Significantly fewer conference-assigned victims were male and significantly more were born outside Australia. Though few were born in a non-English speaking country. The number of Aboriginal victims was small: one in each group. Both groups averaged 11 years of schooling and 13 percent unemployment .

Table 3.19: Youth Violence – Victim Characteristics, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Average age at entry into experiment	15	19.0	22	25.6	.043 *
Average years of education	5	11.6	18	11.5	.947
Percent male	15	33.3%	22	77.3%	.009 *
Percent born outside of Australia	15	6.7%	22	36.4%	.023 *
Percent born in a non-English nation	14	.0%	20	5.0%	.330
Percent Aboriginal or Torres Strait Islander	15	6.7%	22	4.5%	.795
Percent married	15	6.7%	22	22.7%	.165
Percent unemployed	15	13.3%	22	13.6%	.980

As with the offenders, the small number of cases in this experiment compared to the other three experiments is still rendering unstable court-conference comparisons of some victim characteristics.

OFFENDER SUBSTANCE ABUSE ACROSS ALL EXPERIMENTS

Drink Driving Offenders

Alcohol. About one third of both court-assigned and conference-assigned offenders had blood alcohol content (BAC) of .10 or less at the time of their offence (the minimum level for entry to the experiment was .08) while about half of both groups were in the range .10-.15 (see Table 3.20); both averaged 0.12 at the time of their apprehension (see Table 3.2, presented earlier).

When asked about the frequency of their alcohol consumption, most interviewed offenders in both groups said that they drank at least 2-3 days per week; only around 10 percent said that they drank every day (Table 3.21). When asked about the quantity of alcohol typically consumed on the days that they drank, more than half in each group said that they had 3-6 drinks and 13 percent said they had more than nine drinks (Table 3.22).

There was no significant difference on any of these measures between the court-assigned offenders and the conference-assigned offenders.

Other drugs. Around half of all interviewed drink driving offenders indicated that they had used marijuana in the twelve months prior to the offence which brought them into RISE. The next most frequently reported drugs used were hallucinogens and amphetamines, with significantly more court-assigned than conference-assigned drink drivers recording hallucinogen usage. For all other drugs there was no significant difference between the groups (Table 3.23).

Among marijuana users ($n=335$), one quarter of both groups said that they used it once or twice a year, while 15 percent of both groups reported using it at least once a day (Table 3.24).

Very few drink driving offenders reported any cocaine use ($n=22$), and all of these respondents reported using it only once or twice a year (Table 3.25).

Table 3.20: Drink Driving – Blood-Alcohol Content at Time of Arrest, court vs. conference

Blood-Alcohol Content	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
Less than or equal to .100%	149	33.9%	170	37.9%	319	35.9%
.105% through .150%	220	50.1%	205	45.7%	425	47.9%
.155% through .200%	61	13.9%	67	14.9%	128	14.4%
.205% through .250%	8	1.8%	6	1.3%	14	1.6%
Greater than .250%	1	.2%	1	.2%	2	.2%
Totals	439	100.0%	449	100.0%	888	100.0%

chi-squared=2.37, d.f.=4, p=.669

Table 3.21: Drink Driving – Frequency of Alcohol Consumption, court vs. conference

Frequency	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
Don't drink	7	2.1%	6	1.5%	13	1.8%
Less than once per month	3	.9%	6	1.5%	9	1.2%
One day per month	2	.6%	4	1.0%	6	.8%
2-3 days per month	28	8.4%	21	5.4%	49	6.8%
One day per week	65	19.6%	78	20.1%	143	19.8%
2-3 days per week	132	39.8%	143	36.8%	275	38.1%
4-6 days per week	63	19.0%	86	22.1%	149	20.7%
Every day	32	9.6%	45	11.6%	77	10.7%
Totals	332	100.0%	389	100.0%	721	100.0%

chi-squared=5.64, d.f.=7, p=.582

Table 3.22: Drink Driving – Quantity of Alcohol Typically Consumed when Drinking, court vs. conference

Quantity	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
1-2 drinks	56	17.4%	67	17.5%	123	17.5%
3-4 drinks	96	29.8%	145	38.0%	241	34.2%
5-6 drinks	78	24.2%	79	20.7%	157	22.3%
7-8 drinks	50	15.5%	39	10.2%	89	12.6%
9-12 drinks	23	7.1%	26	6.8%	49	7.0%
More than 12 drinks	19	5.9%	26	6.8%	45	6.4%
Totals	322	100.0%	382	100.0%	704	100.0%

chi-squared=8.53, d.f.=5, p=.129

Table 3.23: Drink Driving – Prevalence of Self-Reported Drug Use in the Previous Year, court vs. conference

Substance	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Marijuana	334	51.2%	392	44.9%	.091
Cocaine	334	4.5%	392	2.3%	.108
Heroin	334	2.4%	392	1.0%	.161
Amphetamines	334	12.6%	392	8.9%	.116
Hallucinogens	334	14.4%	392	8.7%	.018 *
Steroids	334	.3%	392	.0%	.318
Any of the above drugs	334	52.4%	392	45.9%	.082

Table 3.24: Drink Driving – Frequency of Marijuana Use, court vs. conference (self-reported users only)

Frequency	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
Once or twice per year	41	24.4%	40	24.0%	81	24.2%
Every 2-5 months	29	17.3%	34	20.4%	63	18.8%
Once per month	25	14.9%	24	14.4%	49	14.6%
Once per week	21	12.5%	25	15.0%	46	13.7%
Every 2-3 days	27	16.1%	20	12.0%	47	14.0%
Once per day	18	10.7%	11	6.6%	29	8.7%
More than once per day	7	4.2%	13	7.8%	20	6.0%
Totals	168	100.0%	167	100.0%	335	100.0%

chi-squared=5.31, d.f.=6, p=.505

Among amphetamine users ($n=73$), more than half reported using it only once or twice a year while eight offenders used it once a week or more frequently (Table 3.27)

Among hallucinogen users ($n=80$), two thirds reported using it once or twice a year and none used it more often than once a week (Table 3.28).

Table 3.25: Drink Driving – Frequency of Cocaine Use, court vs. conference (self-reported users only)

Frequency	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
Once or twice per year	13	86.7%	7	100.0%	20	90.9%
Every 2-5 months	2	13.3%	0	.0%	2	9.1%
Once per month	0	.0%	0	.0%	0	.0%
Once per week	0	.0%	0	.0%	0	.0%
Every 2-3 days	0	.0%	0	.0%	0	.0%
Once per day	0	.0%	0	.0%	0	.0%
More than once per day	0	.0%	0	.0%	0	.0%
Totals	15	100.0%	7	100.0%	22	100.0%

chi-squared=1.03, d.f.=1, p=.311

Table 3.26: Drink Driving – Frequency of Heroin Use, court vs. conference (self-reported users only)

Frequency	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
Once or twice per year	2	28.6%	1	33.3%	3	30.0%
Every 2-5 months	2	28.6%	0	.0%	2	20.0%
Once per month	0	.0%	0	.0%	0	.0%
Once per week	2	28.6%	1	33.3%	3	30.0%
Every 2-3 days	0	.0%	1	33.3%	1	10.0%
Once per day	1	14.3%	0	.0%	1	10.0%
More than once per day	0	.0%	0	.0%	0	.0%
Totals	7	100.0%	3	100.0%	10	100.0%

chi-squared=3.65, d.f.=4, p=.455

Table 3.27: Drink Driving – Frequency of Amphetamine Use, court vs. conference (self-reported users only)

Frequency	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
Once or twice per year	23	56.1%	20	62.5%	43	58.9%
Every 2-5 months	6	14.6%	5	15.6%	11	15.1%
Once per month	8	19.5%	3	9.4%	11	15.1%
Once per week	2	4.9%	3	9.4%	5	6.8%
Every 2-3 days	1	2.4%	1	3.1%	2	2.7%
Once per day	0	.0%	0	.0%	0	.0%
More than once per day	1	2.4%	0	.0%	1	1.4%
Totals	41	100.0%	32	100.0%	73	100.0%

chi-squared=2.70, d.f.=5, p=.745

Table 3.28: Drink Driving – Frequency of Hallucinogen Use, court vs. conference (self-reported users only)

Frequency	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
Once or twice per year	33	70.2%	21	63.6%	54	67.5%
Every 2-5 months	10	21.3%	6	18.2%	16	20.0%
Once per month	2	4.3%	5	15.2%	7	8.8%
Once per week	2	4.3%	1	3.0%	3	3.8%
Every 2-3 days	0	.0%	0	.0%	0	.0%
Once per day	0	.0%	0	.0%	0	.0%
More than once per day	0	.0%	0	.0%	0	.0%
Totals	47	100.0%	33	100.0%	80	100.0%

chi-squared=2.93, d.f.=3, p=.403

Table 3.29: Drink Driving – Frequency of Steroid Use, court vs. conference (self-reported users only)

Frequency	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
Once or twice per year	0	.0%	0	.0%	0	.0%
Every 2-5 months	0	.0%	0	.0%	0	.0%
Once per month	1	100.0%	0	.0%	1	100.0%
Once per week	0	.0%	0	.0%	0	.0%
Every 2-3 days	0	.0%	0	.0%	0	.0%
Once per day	0	.0%	0	.0%	0	.0%
More than once per day	0	.0%	0	.0%	0	.0%
Totals	1	100.0%	0	100.0%	1	100.0%

(no tests possible)

Juvenile Personal Property Offenders

Alcohol. When asked about frequency of their alcohol consumption, most interviewed subjects in both groups said they drank 2-3 days per month or less; very few drank more often than 2-3 days per week (Table 3.30). When asked about the quantity of alcohol typically consumed on the days that they drank, about 40 percent of both groups reported fewer than five drinks; around ten percent reported consuming more than 12 drinks (Table 3.31).

Other drugs. More than half of both court-assigned and conference-assigned interviewed offenders reported using marijuana in the preceding year. The next most commonly reported drugs were hallucinogens and amphetamines, followed with small numbers admitting to use of heroin, cocaine and steroids (Table 3.32).

Among marijuana users ($n=53$), two thirds reported using it once a week or less often (Table 3.33). Among amphetamine users ($n=7$), none used it more often than once a month (Table 3.36), while among hallucinogen users ($n=12$), half had used it once or twice in the year and none more often than once a month (Table 3.37).

Table 3.30: Juvenile Personal Property – Frequency of Alcohol Consumption, court vs. conference

Frequency	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
Don't drink	9	19.6%	12	32.4%	21	25.3%
Less than once per month	8	17.4%	5	13.5%	13	15.7%
One day per month	2	4.3%	6	16.2%	8	9.6%
2-3 days per month	8	17.4%	7	18.9%	15	18.1%
One day per week	7	15.2%	3	8.1%	10	12.0%
2-3 days per week	9	19.6%	2	5.4%	11	13.3%
4-6 days per week	3	6.5%	1	2.7%	4	4.8%
Every day	0	.0%	1	2.7%	1	1.2%
Totals	46	100.0%	37	100.0%	83	100.0%

chi-squared=10.39, d.f.=7, p=.168

Table 3.31: Juvenile Personal Property – Quantity of Alcohol Typically Consumed when Drinking, court vs. conference

Quantity	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
1-2 drinks	6	16.7%	7	28.0%	13	21.3%
3-4 drinks	8	22.2%	2	8.0%	10	16.4%
5-6 drinks	6	16.7%	4	16.0%	10	16.4%
7-8 drinks	7	19.4%	8	32.0%	15	24.6%
9-12 drinks	6	16.7%	1	4.0%	7	11.5%
More than 12 drinks	3	8.3%	3	12.0%	6	9.8%
Totals	36	100.0%	25	100.0%	61	100.0%

chi-squared=5.92, d.f.=5, p=.314

Table 3.32: Juvenile Personal Property – Prevalence of Self-Reported Drug Use in the Previous Year, court vs. conference

Substance	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Marijuana	47	74.5%	37	54.0%	.056
Cocaine	47	2.1%	37	2.7%	.868
Heroin	47	8.5%	37	5.4%	.579
Amphetamines	47	12.8%	37	5.4%	.238
Hallucinogens	47	23.4%	37	10.8%	.124
Steroids	47	2.1%	37	2.7%	.868
Any of the above drugs	47	74.5%	37	54.0%	.056

Table 3.33: Juvenile Personal Property – Frequency of Marijuana Use, court vs. conference (self-reported users only)

Frequency	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
Once or twice per year	3	9.1%	8	40.0%	11	20.8%
Every 2-5 months	4	12.1%	0	.0%	4	7.5%
Once per month	5	15.2%	4	20.0%	9	17.0%
Once per week	9	27.3%	3	15.0%	12	22.6%
Every 2-3 days	6	18.2%	4	20.0%	10	18.9%
Once per day	5	15.2%	1	5.0%	6	11.3%
More than once per day	1	3.0%	0	.0%	1	1.9%
Totals	33	100.0%	20	100.0%	53	100.0%

chi-squared=10.92, d.f.=6, p=.091

Table 3.34: Juvenile Personal Property – Frequency of Cocaine Use, court vs. conference (self-reported users only)

Frequency	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
Once or twice per year	0	.0%	0	.0%	0	.0%
Every 2-5 months	0	.0%	1	100.0%	1	50.0%
Once per month	0	.0%	0	.0%	0	.0%
Once per week	1	100.0%	0	.0%	1	50.0%
Every 2-3 days	0	.0%	0	.0%	0	.0%
Once per day	0	.0%	0	.0%	0	.0%
More than once per day	0	.0%	0	.0%	0	.0%
Totals	1	100.0%	1	100.0%	2	100.0%

chi-squared=2.00, d.f.=1, p=.157

Table 3.35: Juvenile Personal Property – Frequency of Heroin Use, court vs. conference (self-reported users only)

Frequency	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
Once or twice per year	2	50.0%	0	.0%	2	40.0%
Every 2-5 months	0	.0%	0	.0%	0	.0%
Once per month	0	.0%	0	.0%	0	.0%
Once per week	2	50.0%	1	100.0%	3	60.0%
Every 2-3 days	0	.0%	0	.0%	0	.0%
Once per day	0	.0%	0	.0%	0	.0%
More than once per day	0	.0%	0	.0%	0	.0%
Totals	4	100.0%	1	100.0%	5	100.0%

chi-squared=0.83, d.f.=1, p=.361

Table 3.36: Juvenile Personal Property – Frequency of Amphetamine Use, court vs. conference (self-reported users only)

Frequency	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
Once or twice per year	2	40.0%	0	.0%	2	28.6%
Every 2-5 months	2	40.0%	1	50.0%	3	42.9%
Once per month	0	.0%	1	50.0%	1	14.3%
Once per week	0	.0%	0	.0%	0	.0%
Every 2-3 days	0	.0%	0	.0%	0	.0%
Once per day	0	.0%	0	.0%	0	.0%
More than once per day	1	20.0%	0	.0%	1	14.3%
Totals	5	100.0%	2	100.0%	7	100.0%

chi-squared=3.73, d.f.=3, p=.292

Table 3.37: Juvenile Personal Property – Frequency of Hallucinogen Use, court vs. conference (self-reported users only)

Frequency	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
Once or twice per year	4	50.0%	2	50.0%	6	50.0%
Every 2-5 months	2	25.0%	1	25.0%	3	25.0%
Once per month	2	25.0%	1	25.0%	3	25.0%
Once per week	0	.0%	0	.0%	0	.0%
Every 2-3 days	0	.0%	0	.0%	0	.0%
Once per day	0	.0%	0	.0%	0	.0%
More than once per day	0	.0%	0	.0%	0	.0%
Totals	8	100.0%	4	100.0%	12	100.0%

chi-squared=0.00, d.f.=2, p=1.000

Table 3.38: Juvenile Personal Property – Frequency of Steroid Use, court vs. conference (self-reported users only)

Frequency	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
Once or twice per year	1	100.0%	0	.0%	1	100.0%
Every 2-5 months	0	.0%	0	.0%	0	.0%
Once per month	0	.0%	0	.0%	0	.0%
Once per week	0	.0%	0	.0%	0	.0%
Every 2-3 days	0	.0%	0	.0%	0	.0%
Once per day	0	.0%	0	.0%	0	.0%
More than once per day	0	.0%	0	.0%	0	.0%
Totals	1	100.0%	0	100.0%	1	100.0%

(no tests possible)

Table 3.39: Juvenile Property (Security) – Frequency of Alcohol Consumption, court vs. conference

Frequency	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
Don't drink	8	29.6%	17	43.6%	25	37.9%
Less than once per month	1	3.7%	6	15.4%	7	10.6%
One day per month	3	11.1%	4	10.3%	7	10.6%
2-3 days per month	6	22.2%	6	15.4%	12	18.2%
One day per week	1	3.7%	3	7.7%	4	6.1%
2-3 days per week	7	25.9%	1	2.6%	8	12.1%
4-6 days per week	1	3.7%	1	2.6%	2	3.0%
Every day	0	.0%	1	2.6%	1	1.5%
Totals	27	100.0%	39	100.0%	66	100.0%

chi-squared=11.66, d.f.=7, p=.112

Table 3.40: Juvenile Property (Security) – Quantity of Alcohol Typically Consumed when Drinking, court vs. conference

Quantity	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
1-2 drinks	3	15.8%	8	38.1%	11	27.5%
3-4 drinks	1	5.3%	5	23.8%	6	15.0%
5-6 drinks	3	15.8%	1	4.8%	4	10.0%
7-8 drinks	2	10.5%	3	14.3%	5	12.5%
9-12 drinks	6	31.6%	3	14.3%	9	22.5%
More than 12 drinks	4	21.1%	1	4.8%	5	12.5%
Totals	19	100.0%	21	100.0%	40	100.0%

chi-squared=8.86, d.f.=5, p=.115

Juvenile Property (Security) Offenders

Alcohol: When asked about the frequency of alcohol consumption, more than two thirds of those interviewed in both groups said that they drank 2-3 days per month or less. Only three said they drank more often than 2-3 days per week (Table 3.39). When asked about the quantity of alcohol typically consumed on the days that they drank, responses were highly variable but no significant relationship could be found between consumption and assigned treatment (Table 3.40).

Other drugs. Of those who were interviewed, two thirds of the court group and nearly half of the conference group reported using marijuana in the preceding twelve months. Hallucinogens were the second most commonly reported drug used, followed by amphetamines and heroin. There was no reported use of cocaine or steroids.

Among marijuana users ($n=33$), half of the court group and two thirds of the conference group reported using it once a week or less often (Table 3.42).

Table 3.41: Juvenile Property (Security) – Prevalence of Self-Reported Drug Use in the Previous Year, court vs. conference

Substance	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Marijuana	27	66.7%	39	43.6%	.065
Cocaine	27	.0%	39	.0%	
Heroin	27	7.4%	39	2.6%	.404
Amphetamines	27	14.8%	39	5.1%	.223
Hallucinogens	27	22.2%	39	12.8%	.342
Steroids	27	.0%	39	.0%	
Any of the above drugs	27	66.7%	39	46.1%	.100

Table 3.42: Juvenile Property (Security) – Frequency of Marijuana Use, court vs. conference (self-reported users only)

Frequency	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
Once or twice per year	1	5.9%	4	25.0%	5	15.2%
Every 2-5 months	2	11.8%	4	25.0%	6	18.2%
Once per month	2	11.8%	2	12.5%	4	12.1%
Once per week	3	17.6%	1	6.3%	4	12.1%
Every 2-3 days	4	23.5%	2	12.5%	6	18.2%
Once per day	1	5.9%	1	6.3%	2	6.1%
More than once per day	4	23.5%	2	12.5%	6	18.2%
Totals	17	100.0%	16	100.0%	33	100.0%

chi-squared=4.77, d.f.=6, p=.573

While use of heroin ($n=3$) and amphetamines ($n=5$) was very infrequent among Juvenile Property (Security) offenders (see Tables 3.44 and 3.45), no hallucinogen users from this experiment ($n=11$) reported using it more often than once a week (Table 3.46).

Table 3.43: Juvenile Property (Security) – Frequency of Cocaine Use, court vs. conference (self-reported users only)

Frequency	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
Once or twice per year	0	.0%	0	.0%	0	.0%
Every 2-5 months	0	.0%	0	.0%	0	.0%
Once per month	0	.0%	0	.0%	0	.0%
Once per week	0	.0%	0	.0%	0	.0%
Every 2-3 days	0	.0%	0	.0%	0	.0%
Once per day	0	.0%	0	.0%	0	.0%
More than once per day	0	.0%	0	.0%	0	.0%
Totals	0	100.0%	0	100.0%	0	100.0%

(no tests possible)

Table 3.44: Juvenile Property (Security) – Frequency of Heroin Use, court vs. conference (self-reported users only)

Frequency	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
Once or twice per year	1	50.0%	0	.0%	1	33.3%
Every 2-5 months	0	.0%	0	.0%	0	.0%
Once per month	0	.0%	1	100.0%	1	33.3%
Once per week	0	.0%	0	.0%	0	.0%
Every 2-3 days	1	50.0%	0	.0%	1	33.3%
Once per day	0	.0%	0	.0%	0	.0%
More than once per day	0	.0%	0	.0%	0	.0%
Totals	2	100.0%	1	100.0%	3	100.0%

chi-squared=3.00, d.f.=2, p=.223

Table 3.45: Juvenile Property (Security) – Frequency of Amphetamine Use, court vs. conference (self-reported users only)

Frequency	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
Once or twice per year	1	33.3%	2	100.0%	3	60.0%
Every 2-5 months	1	33.3%	0	.0%	1	20.0%
Once per month	0	.0%	0	.0%	0	.0%
Once per week	1	33.3%	0	.0%	1	20.0%
Every 2-3 days	0	.0%	0	.0%	0	.0%
Once per day	0	.0%	0	.0%	0	.0%
More than once per day	0	.0%	0	.0%	0	.0%
Totals	3	100.0%	2	100.0%	5	100.0%

chi-squared=2.22, d.f.=2, p=.329

Table 3.46: Juvenile Property (Security) – Frequency of Hallucinogen Use, court vs. conference (self-reported users only)

Frequency	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
Once or twice per year	1	16.7%	2	40.0%	3	27.3%
Every 2-5 months	3	50.0%	1	20.0%	4	36.4%
Once per month	1	16.7%	1	20.0%	2	18.2%
Once per week	1	16.7%	1	20.0%	2	18.2%
Every 2-3 days	0	.0%	0	.0%	0	.0%
Once per day	0	.0%	0	.0%	0	.0%
More than once per day	0	.0%	0	.0%	0	.0%
Totals	6	100.0%	5	100.0%	11	100.0%

chi-squared=1.25, d.f.=3, p=.740

Table 3.47: Juvenile Property (Security) – Frequency of Steroid Use, court vs. conference (self-reported users only)

Frequency	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
Once or twice per year	0	.0%	0	.0%	0	.0%
Every 2-5 months	0	.0%	0	.0%	0	.0%
Once per month	0	.0%	0	.0%	0	.0%
Once per week	0	.0%	0	.0%	0	.0%
Every 2-3 days	0	.0%	0	.0%	0	.0%
Once per day	0	.0%	0	.0%	0	.0%
More than once per day	0	.0%	0	.0%	0	.0%
Totals	0	100.0%	0	100.0%	0	100.0%

(no tests possible)

Youth Violence Offenders

Alcohol. More than half of those interviewed in both groups reported using alcohol 2-3 days a month or less often (Table 3.48). When asked about the amount of alcohol typically consumed during a day of drinking, respondents in the Youth Violence experiment exhibited a significant relationship between this variable and their randomly-assigned treatment (Table 3.49).

Other drugs. More than two thirds of those interviewed in both groups reported using marijuana in the preceding year. The next most commonly used drugs were hallucinogens and amphetamines. Three subjects reported use of cocaine and none reported use of steroids.

Among marijuana users ($n=28$), half of those interviewed in both groups said that they used it more often than once a week (Table 3.51). There were only four interviewed subjects who reported heroin use, and all but one of them used it once a month or less frequently (Table 3.53). Among both amphetamine ($n=8$) and hallucinogen users ($n=8$), none reported using either substance more often than once per month (Tables 3.54 and 3.55).

Table 3.48: Youth Violence – Frequency of Alcohol Consumption, court vs. conference

Frequency	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
Don't drink	4	18.2%	2	8.7%	6	13.3%
Less than once per month	4	18.2%	1	4.3%	5	11.1%
One day per month	1	4.5%	4	17.4%	5	11.1%
2-3 days per month	3	13.6%	6	26.1%	9	20.0%
One day per week	1	4.5%	4	17.4%	5	11.1%
2-3 days per week	5	22.7%	5	21.7%	10	22.2%
4-6 days per week	4	18.2%	1	4.3%	5	11.1%
Every day	0	.0%	0	.0%	0	.0%
Totals	22	100.0%	23	100.0%	45	100.0%

chi-squared=8.85, d.f.=6, p=.182

Table 3.49: Youth Violence – Quantity of Alcohol Typically Consumed when Drinking, court vs. conference

Quantity	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
1-2 drinks	4	22.2%	5	23.8%	9	23.1%
3-4 drinks	1	5.6%	2	9.5%	3	7.7%
5-6 drinks	2	11.1%	4	19.0%	6	15.4%
7-8 drinks	6	33.3%	0	.0%	6	15.4%
9-12 drinks	0	.0%	8	38.1%	8	20.5%
More than 12 drinks	5	27.8%	2	9.5%	7	17.9%
Totals	18	100.0%	21	100.0%	39	100.0%

chi-squared=16.26, d.f.=5, p=.006*

Table 3.50: Youth Violence – Prevalence of Self-Reported Drug Use in the Previous Year, court vs. conference

Substance	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Marijuana	22	68.2%	23	69.6%	.922
Cocaine	22	9.1%	23	4.3%	.538
Heroin	22	9.1%	23	8.7%	.964
Amphetamines	22	22.7%	23	13.0%	.410
Hallucinogens	22	27.3%	23	8.7%	.113
Steroids	22	.0%	23	.0%	
Any of the above drugs	22	68.2%	23	69.6%	.922

Table 3.51: Youth Violence – Frequency of Marijuana Use, court vs. conference (self-reported users only)

Frequency	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
Once or twice per year	3	21.4%	0	.0%	3	10.7%
Every 2-5 months	2	14.3%	1	7.1%	3	10.7%
Once per month	1	7.1%	3	21.4%	4	14.3%
Once per week	1	7.1%	3	21.4%	4	14.3%
Every 2-3 days	5	35.7%	5	35.7%	10	35.7%
Once per day	0	.0%	0	.0%	0	.0%
More than once per day	2	14.3%	2	14.3%	4	14.3%
Totals	14	100.0%	14	100.0%	28	100.0%

chi-squared=5.33, d.f.=5, p=.377

Table 3.52: Youth Violence – Frequency of Cocaine Use, court vs. conference (self-reported users only)

Frequency	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
Once or twice per year	2	100.0%	1	100.0%	3	100.0%
Every 2-5 months	0	.0%	0	.0%	0	.0%
Once per month	0	.0%	0	.0%	0	.0%
Once per week	0	.0%	0	.0%	0	.0%
Every 2-3 days	0	.0%	0	.0%	0	.0%
Once per day	0	.0%	0	.0%	0	.0%
More than once per day	0	.0%	0	.0%	0	.0%
Totals	2	100.0%	1	100.0%	3	100.0%

(no tests possible)

Table 3.53: Youth Violence – Frequency of Heroin Use, court vs. conference (self-reported users only)

Frequency	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
Once or twice per year	2	100.0%	0	.0%	2	50.0%
Every 2-5 months	0	.0%	0	.0%	0	.0%
Once per month	0	.0%	1	50.0%	1	25.0%
Once per week	0	.0%	0	.0%	0	.0%
Every 2-3 days	0	.0%	1	50.0%	1	25.0%
Once per day	0	.0%	0	.0%	0	.0%
More than once per day	0	.0%	0	.0%	0	.0%
Totals	2	100.0%	2	100.0%	4	100.0%

chi-squared=4.00, d.f.=2, p=.135

Table 3.54: Youth Violence – Frequency of Amphetamine Use, court vs. conference (self-reported users only)

Frequency	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
Once or twice per year	2	40.0%	1	33.3%	3	37.5%
Every 2-5 months	3	60.0%	1	33.3%	4	50.0%
Once per month	0	.0%	1	33.3%	1	12.5%
Once per week	0	.0%	0	.0%	0	.0%
Every 2-3 days	0	.0%	0	.0%	0	.0%
Once per day	0	.0%	0	.0%	0	.0%
More than once per day	0	.0%	0	.0%	0	.0%
Totals	5	100.0%	3	100.0%	8	100.0%

chi-squared=1.96, d.f.=2, p=.376

Table 3.55: Youth Violence – Frequency of Hallucinogen Use, court vs. conference (self-reported users only)

Frequency	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
Once or twice per year	2	33.3%	1	50.0%	3	37.5%
Every 2-5 months	1	16.7%	1	50.0%	2	25.0%
Once per month	3	50.0%	0	.0%	3	37.5%
Once per week	0	.0%	0	.0%	0	.0%
Every 2-3 days	0	.0%	0	.0%	0	.0%
Once per day	0	.0%	0	.0%	0	.0%
More than once per day	0	.0%	0	.0%	0	.0%
Totals	6	100.0%	2	100.0%	8	100.0%

chi-squared=1.78, d.f.=2, p=.411

Table 3.56: Youth Violence – Frequency of Steroid Use, court vs. conference (self-reported users only)

Frequency	Court		Conference		Total	
	<i>n</i>	Percent	<i>n</i>	Percent	<i>n</i>	Percent
Once or twice per year	0	.0%	0	.0%	0	.0%
Every 2-5 months	0	.0%	0	.0%	0	.0%
Once per month	0	.0%	0	.0%	0	.0%
Once per week	0	.0%	0	.0%	0	.0%
Every 2-3 days	0	.0%	0	.0%	0	.0%
Once per day	0	.0%	0	.0%	0	.0%
More than once per day	0	.0%	0	.0%	0	.0%
Totals	0	100.0%	0	100.0%	0	100.0%

(no tests possible)

SAMPLE CHARACTERISTICS AND VALIDITY OF THE EXPERIMENTS

Two important conclusions emerge from these analyses. One is about internal validity. The other is about external validity.

The conclusion about internal validity is that the court and conference treatment groups appear to be very similar in most respects. No pattern emerges which suggests that different outcomes could be caused by pre-existing differences in the offenders. The Youth Violence Experiment is the only possible exception, with all of the females in the court treatment group (none in conference) and constituting half of that group. This experiment also has greater differences in pre-RISE offending, even though the differences are not significant. These issues may disappear as more cases enter the experiment, and will be fully analysed before any conclusions are reached about the impact of court or conference on recidivism.

The conclusion about external validity is that the offenders and victims in these samples may be typical of offenders and victims in many places, with both high and low crime rates. The high prevalence of substance abuse among all offenders in these samples certainly qualifies the study as a major contribution to the study of the drug-crime connection in Australia, where little interview research of this kind has ever been done on offenders. More important, it may mean that the results of RISE can be confidently generalised to the likely effects of the same treatments on highly active, substance-abusing offenders all over Australia and in other advanced economies.

CHAPTER 4

WHAT HAPPENED IN COURT AND CONFERENCE: OBSERVATION AND RECORDS

This chapter examines the observations and associated records, and selected data from offender interviews about what happened in court and conferences. Each treatment type is addressed on 12 dimensions:

- time and effort given to justice
- participants
- emotional intensity
- procedural justice
- restorative justice
- retributive justice
- reintegrative shaming
- stigmatic shaming
- defiance
- apologies
- forgiveness
- discussion addressing issues of the offenders' substance abuse.

This diverse, multi-layered perspective enables a broad yet focused view of the two very different criminal justice processes of conventional court appearances and the innovation tested here as an alternative to court.

The reliability of observer coding of these dimensions has been tested in conferences, which are the longer and more difficult of the two observation processes. That test is reported by Harris and Burton in the RISE working paper entitled 'The Reliability of Observed Reintegrative Shaming, Shame, Defiance and Other Key Concepts in Diversionary Conferences'. That report concludes that there is high inter-rater reliability in the dimensions included in this chapter.

TIME FOR JUSTICE

Drink Driving

Table 4.1 reveals that while conference-assigned drink driving offenders waited significantly longer than court-assigned offenders to receive their initial treatment (their first scheduled appearance in court or their first scheduled conference) the average time until the completion of final treatment (their last appearance) was very similar – just over 50 days in both cases.

Whereas the court group averaged one and a half appearances per case, the conference group averaged just over one, a significant difference between them. It is the practice of the court on the first appearance to ask offenders if they wish to adjourn the case to allow the offender time to seek legal advice. If this offer was accepted, then nothing recordable by the RISE observer

Table 4.1: Drink Driving – Time and Effort Expended in Getting Offenders to Treatment, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Average days until initial treatment	446	30.7	429	52.0	.000 *
Average days until final treatment	428	51.5	425	58.5	.091
Average number of treatment events	428	1.5	425	1.2	.000 *
Average number of observed events	393	1.1	381	1.0	.005 *
Percent reaching resolution within 30 days	428	48.6%	425	34.1%	.000 *
Percent reaching resolution within 60 days	428	73.1%	425	71.8%	.656
Percent reaching resolution within 90 days	428	84.8%	425	85.9%	.659
Percent resolved through a single treatment	428	68.0%	425	89.6%	.000 *

Table 4.2: Drink Driving – Duration of Observed Treatment Events, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Average duration of initial observation	392	6.9	369	86.9	.000 *
Average duration of final observation	390	6.9	368	87.2	.000 *
Average duration of longest observation	392	7.0	369	87.0	.000 *
Average total duration from all observations	392	7.2	369	87.1	.000 *

occurred on this first court appearance. Over thirty percent of all Drink Driving court events were not worthy of data collection (see Table 2.20), leading to the difference between the average number of treatment events and the average number of observed events (Table 4.1).

Table 4.1 also shows that half of the court cases and a third of the conference cases were completed within 30 days, a significant difference between the groups, while around 85 percent of both groups had their cases completed within 90 days. Cases within the conference group were significantly more often completed through a single treatment rather than multiple appearances, as the data in this Table concerning treatment'events and observed'events would lead one to expect.

The average total duration of all observed court cases was seven minutes, compared with 87 minutes for conference cases (Table 4.2).

Juvenile Personal Property

Initial treatment of conference offenders took more than double the time to occur, a significant difference of 80 days as compared to 39 days for court cases (Table 4.3). This is in contrast to the percentage of cases resolved through a single treatment: 93 percent of conference cases compared with just over half of the court cases. An explanation for this discrepancy between court and conference with regard to single treatment resolution may be the common practice of the court to offer offenders the opportunity to adjourn the case in order to seek legal advice. On accepting this offer a case is put over to be dealt with on another day, thus prolonging its resolution. This court practice may also account for the significant difference in the number of treated events, with court taking just under two appearances and conferences taking just over one.

Table 4.3: Juvenile Personal Property – Time and Effort Expended in Getting Offenders to Treatment, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Average days until initial treatment	67	38.7	46	79.8	.000 *
Average days until final treatment	66	66.3	43	84.6	.142
Average number of treatment events	66	1.8	43	1.2	.001 *
Average number of observed events	47	1.1	36	1.0	.328
Percent reaching resolution within 30 days	66	37.9%	43	27.9%	.280
Percent reaching resolution within 60 days	66	48.5%	43	41.9%	.502
Percent reaching resolution within 90 days	66	68.2%	43	58.1%	.296
Percent resolved through a single treatment	66	56.1%	43	93.0%	.000 *

Table 4.4: Juvenile Personal Property – Duration of Observed Treatment Events, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Average duration of initial observation	47	15.9	37	72.7	.000 *
Average duration of final observation	47	15.9	36	70.7	.000 *
Average duration of longest observation	47	16.1	37	72.7	.000 *
Average total duration from all observations	47	16.9	37	73.1	.000 *

Table 4.5: Juvenile Property (Security) – Time and Effort Expended in Getting Offenders to Treatment, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Average days until initial treatment	39	32.0	51	47.9	.052
Average days until final treatment	38	43.6	50	57.5	.198
Average number of treatment events	38	1.3	50	1.2	.634
Average number of observed events	32	1.0	41	1.0	
Percent reaching resolution within 30 days	38	60.5%	50	32.0%	.008 *
Percent reaching resolution within 60 days	38	71.1%	50	64.0%	.488
Percent reaching resolution within 90 days	38	81.6%	50	78.0%	.682
Percent resolved through a single treatment	38	84.2%	50	86.0%	.819

When we look at the average total duration of all observed cases, a significant difference is evident between those assigned to court and those assigned to conference. On average, Juvenile Personal Property offenders assigned to conference were engaged in a sum total of 73 minutes of treatment over all of their observed events, while court-assigned offenders were granted around 17 minutes (Table 4.4).

Table 4.6: Juvenile Property (Security) – Duration of Observed Treatment Events, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Average duration of initial observation	32	10.9	41	67.8	.000 *
Average duration of final observation	31	10.9	41	67.8	.000 *
Average duration of longest observation	32	10.9	41	67.8	.000 *
Average total duration from all observations	32	10.9	41	67.8	.000 *

Table 4.7: Youth Violence – Time and Effort Expended in Getting Offenders to Treatment, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Average days until initial treatment	31	48.4	30	57.1	.454
Average days until final treatment	31	133.8	30	111.5	.499
Average number of treatment events	31	2.8	30	1.4	.000 *
Average number of observed events	20	1.2	26	1.0	.202
Percent reaching resolution within 30 days	31	25.8%	30	33.3%	.528
Percent reaching resolution within 60 days	31	35.5%	30	56.7%	.100
Percent reaching resolution within 90 days	31	38.7%	30	76.7%	.002 *
Percent resolved through a single treatment	31	25.8%	30	76.7%	.000 *

Table 4.8: Youth Violence – Duration of Observed Treatment Events, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Average duration of initial observation	20	33.3	26	90.9	.001 *
Average duration of final observation	20	26.0	26	91.5	.000 *
Average duration of longest observation	20	33.5	26	91.5	.001 *
Average total duration from all observations	20	36.7	26	92.0	.001 *

Juvenile Property (Security)

Table 4.5 reveals a minimal difference in the time taken for court and conference offenders to experience initial treatment or reach resolution regarding their final treatment. There is little or no difference in the percentage of cases resolved in a single treatment. The effort expended in treating offenders for shoplifting appears similar for court and conference. The only difference refers to the completion of cases within 30 days of their participation in the project, with approximately two thirds of court cases and one third of conference cases reaching resolution at this point. Where the two groups differ most is in the treatment time. Table 4.6 presents the average total duration from all observations with the conference offenders taking around 68 minutes and those assigned to court granted just under 11 minutes.

Youth Violence

A significantly higher number of treatment events took place among court-assigned offenders compared with those assigned to conference, with court contact doubling to nearly three treatment events, as compared to around one and a half treatment events for conferences. No difference was found in the number of days taken to reach initial or final treatment for court or conference cases. This is in stark contrast to the percentage of conference cases reaching resolution in a single treatment: a quarter of court cases as compared to over three quarters of offenders assigned to conference. In addition to conference cases reaching completion in a single treatment, they were also more likely to reach resolution within a 90 day time frame, with 77 percent of conference and 39 percent of court offenders being finalised in that period. Once again in considering the time allotted for treatment events (Table 4.8), those assigned to conference are given a longer and arguably more intense experience than their counterparts in court (92 minutes as compared to 37 minutes for court offenders).

COMMUNITY FOR JUSTICE

Interviewed offenders were asked who they could recall attending the disposition of their case. This included the police informant, the police facilitator and any community representative in conferences and the magistrate and solicitor in court.

Drink Driving

Significantly greater presence of supporters is revealed in Table 4.9 for offenders of drink driving allocated to conference than to court. More than five supporters, including family and friends, participated in a conference with an average of less than one supporter present in court-assigned cases. Members of the offenders' immediate family were present at treatment for 68 percent of conference group as compared to only 24 percent of the offenders assigned to court (Table 4.10). A similar contrast is indicated when this analysis is broadened to include any family members. Over 71 percent in conference cases as compared to 25 percent of court cases.

Table 4.9: Drink Driving – Number of Other Persons Participating in Treatment, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Average total count of other participants	334	3.1	392	7.3	.000 *
Average from offender's immediate family	334	0.3	392	1.3	.000 *
Average from offender's entire family	334	0.3	392	1.7	.000 *
Average total of all offender supporters	334	0.5	392	5.1	.000 *
Average number of community reps.	334	0.0	392	0.8	.000 *
Average total of harmed-party participants	334	0.0	392	0.8	.000 *

Table 4.10: Drink Driving – Prevalence of Offenders Encountering Other Persons at Treatment, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Percent with offender immediate family	334	23.6%	392	68.1%	.000 *
Percent with any offender family member	334	24.9%	392	71.2%	.000 *
Percent with any offender supporters	334	39.5%	392	95.7%	.000 *
Percent with a community representative	334	.6%	392	68.1%	.000 *
Percent with any harmed-party participants	334	.6%	392	68.1%	.000 *

Table 4.11: Juvenile Personal Property – Number of Other Persons Participating in Treatment, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Average total count of other participants	47	5.0	37	8.2	.000 *
Average number of offender parents	47	1.1	37	1.2	.367
Average from offender's immediate family	47	1.2	37	1.6	.077
Average from offender's entire family	47	1.3	37	2.0	.010 *
Average total of all offender supporters	47	2.1	37	4.4	.000 *
Average number of victims	47	0.1	37	1.0	.000 *
Average number of victim supporters	47	0.0	37	0.9	.000 *
Average total of harmed-party participants	47	0.2	37	2.2	.000 *

Table 4.12: Juvenile Personal Property – Prevalence of Offenders Encountering Other Persons at Treatment, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Percent with offender parent present	47	76.6%	37	78.4%	.848
Percent with offender immediate family	47	76.6%	37	78.4%	.848
Percent with any offender family member	47	76.6%	37	83.8%	.414
Percent with any offender supporters	47	87.2%	37	89.2%	.785
Percent with victim present	47	6.4%	37	59.5%	.000 *
Percent with victim supporters present	47	2.1%	37	54.0%	.000 *
Percent with any harmed-party participants	47	10.6%	37	81.1%	.000 *

The inclusion of community representatives in conferences, participating as delegated victims, is designed to provide conference offenders with an opportunity to understand the harm caused by their actions. This dimension is absent in court. Based on this difference in process, it is not surprising that a significantly greater number of conference-assigned offenders are faced with persons either discussing or demonstrating the harm inherent in their actions. An average of just under one representative was present at treatment across all offenders assigned to conference (Table 4.9).

Juvenile Personal Property

Table 4.11 shows that court-assigned Juvenile Personal Property offenders recalled significantly fewer participants in their treatment than those who were assigned to conference. Both groups of offenders usually had one parent attending with them, and Table 4.12 shows that three quarters of all offenders had a parent present. Conference-assigned offenders had significantly more members of their entire family present. Indeed they had significantly more supporters of all kinds attending, though nearly 90 percent of offenders in both groups had a supporter of some kind with them at the disposition of their case.

Table 4.11 also indicates that victims very rarely attended court in Juvenile Personal Property cases, whereas conference offenders averaged around one victim in attendance at treatment. These victims often brought to the conference one supporter as well, so that there were on average two participants at treatment who had suffered harm from the offence for each conference-assigned offender. Most often, there were no such individuals present at the treatment of court-assigned offenders, a significant difference when compared to the conference group (Table 4.12).

Juvenile Property (Security)

A marked difference was evident in the number of supporters present at the treatment of conference offenders when compared to those assigned to court. Conference-assigned offenders reported an average offender support group of more than five supporters, as compared to an average of just over one for their court-assigned counterparts (Table 4.13). This difference was replicated through all measured dimensions of support: a Juvenile Property (Security) offender who was assigned to the conference groups had significantly greater support from their parents, from their immediate family, their extended family, and their broader community of care. Overall, an average of eight participants were present the treatments of offenders assigned to conference while only four participated in treatment for those assigned to court (Table 4.13). More than 85 percent of offenders had some source of support regardless of treatment type (Table 4.14) though this level of support increased dramatically in cases assigned to conference.

Table 4.13: Juvenile Property (Security) – Number of Other Persons Participating in Treatment, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Average total count of other participants	27	4.2	39	8.1	.000 *
Average number of offender parents	27	1.0	39	1.4	.039 *
Average from offender's immediate family	27	1.1	39	2.1	.000 *
Average from offender's entire family	27	1.2	39	2.5	.000 *
Average total of all offender supporters	27	1.4	39	5.1	.000 *
Average number of victims	27	0.0	39	0.7	.000 *
Average number of victim supporters	27	0.0	39	0.2	.057
Average total of harmed-party participants	27	0.0	39	1.3	.000 *

Table 4.14: Juvenile Property (Security) – Prevalence of Offenders Encountering Other Persons at Treatment, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Percent with offender parent present	27	81.5%	39	84.6%	.746
Percent with offender immediate family	27	81.5%	39	87.2%	.545
Percent with any offender family member	27	81.5%	39	87.2%	.545
Percent with any offender supporters	27	85.2%	39	92.3%	.390
Percent with victim present	27	.0%	39	56.4%	.000 *
Percent with victim supporters present	27	.0%	39	10.3%	.044 *
Percent with any harmed-party participants	27	.0%	39	74.4%	.000 *

Table 4.15: Youth Violence – Number of Other Persons Participating in Treatment, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Average total count of other participants	22	6.2	23	7.9	.084
Average number of offender parents	22	1.2	23	1.0	.519
Average from offender's immediate family	22	1.3	23	1.9	.114
Average from offender's entire family	22	1.4	23	2.1	.061
Average total of all offender supporters	22	2.1	23	4.2	.001 *
Average number of victims	22	0.0	23	0.6	.000 *
Average number of victim supporters	22	0.0	23	1.0	.007 *
Average total of harmed-party participants	22	0.1	23	2.0	.000 *

Table 4.16: Youth Violence – Prevalence of Offenders Encountering Other Persons at Treatment, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Percent with offender parent present	22	90.9%	23	69.6%	.075
Percent with offender immediate family	22	90.9%	23	82.6%	.422
Percent with any offender family member	22	90.9%	23	82.6%	.422
Percent with any offender supporters	22	95.5%	23	91.3%	.585
Percent with victim present	22	4.5%	23	52.2%	.000 *
Percent with victim supporters present	22	4.5%	23	39.1%	.005 *
Percent with any harmed-party participants	22	9.1%	23	69.6%	.000 *

The participation of victims is an important item to consider: in court usually no Juvenile Property (Security) victims attended the proceedings, while 56 percent of the conference offenders recorded a victim in attendance (Table 4.14). Nearly three quarters of offenders assigned to conference encountered persons harmed by their actions (Table 4.14).

Youth Violence

Table 4.16 reveals that the attendance of supporters, although lower for offenders in the violence experiment than in the other experiments, was still double for those assigned to conference when compared to the court group. It is interesting to note a higher percentage of Youth Violence offenders attending court had parental support, 91 percent as compared to 70 percent for Youth Violence conferences, although this difference is not significant. What is significant is the greater prevalence of victims, and their supporters, at conference-assigned cases. Victims attended treatment for over 52 percent of Youth Violence conference offenders, compared to just five percent of court offenders. When victim attendance is considered along with their own supporters, (victims averaged one supporter in each conference-assigned case, Table 4.15) nearly 70 percent of Youth Violence offenders assigned to conference encountered persons harmed by their actions.

EMOTIONAL INTENSITY OBSERVED

Observers at each conference and court case recorded on an eight-point scale how emotionally powerful was the account given of the consequences of the offender's act and how emotionally responsive the offender was to that account.

Drink Driving

Observers of drink driving conferences consistently recorded higher levels of emotional power in the description of the act, the offenders response to this description, their level of emotional engagement, and degree of discomfort than observers in court (Table 4.17). Accompanying this significant increase in emotions experienced in conferences was the higher percentage of drink driving offenders who cried in conference than in court. Overall observers rated the conference experience as more emotionally intense than court.

Juvenile Personal Property

Table 4.18 reveals that on both these measures the observers scored significantly higher for conferenced Juvenile Personal Property offenders than those who went to court, even though there was no difference between the groups in terms of their overall level of emotional engagement. Juvenile Personal Property offenders also appeared to be significantly more uncomfortable at conferences than in court, as indicated by signs of restlessness and anxiety. Despite the higher level of emotions evidenced in Juvenile Personal Property conferences, there was almost no occasion on which the offender was shouted at or threats of any violence made. Tears on the part of Juvenile Personal Property offenders were also rare at both court and conference.

Table 4.17: Drink Driving – Observed Emotional Intensity of Treatment, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Emotional power of act description (1-8)	395	1.2	380	3.3	.000 *
Emotional responsiveness of offender (1-8)	393	2.3	380	3.9	.000 *
Emotional engagement of offender (1-8)	393	3.6	380	5.2	.000 *
Degree of offender discomfort (1-8)	394	3.4	380	4.2	.000 *
Frequency of shouting at offender (1-8)	393	1.0	380	1.0	.025 *
Percent with any violence or threats	394	.0%	376	.0%	
Percent of offenders who cried at treatment	393	.8%	380	12.4%	.000 *

Table 4.18: Juvenile Personal Property – Observed Emotional Intensity of Treatment, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Emotional power of act description (1-8)	47	1.3	37	5.3	.000 *
Emotional responsiveness of offender (1-8)	47	2.5	37	3.5	.010 *
Emotional engagement of offender (1-8)	47	4.5	37	4.6	.839
Degree of offender discomfort (1-8)	47	4.4	37	5.4	.019 *
Frequency of shouting at offender (1-8)	47	1.0	37	1.2	.110
Percent with any violence or threats	47	.0%	37	5.4%	.160
Percent of offenders who cried at treatment	47	4.3%	37	13.5%	.155

Table 4.19: Juvenile Property (Security) – Observed Emotional Intensity of Treatment, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Emotional power of act description (1-8)	33	1.2	41	4.0	.000 *
Emotional responsiveness of offender (1-8)	33	2.3	41	3.5	.004 *
Emotional engagement of offender (1-8)	33	4.2	41	4.8	.120
Degree of offender discomfort (1-8)	33	4.2	41	5.1	.012 *
Frequency of shouting at offender (1-8)	33	1.0	41	1.1	.133
Percent with any violence or threats	33	.0%	41	.0%	
Percent of offenders who cried at treatment	33	6.1%	41	14.6%	.225

Table 4.20: Youth Violence – Observed Emotional Intensity of Treatment, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Emotional power of act description (1-8)	20	2.3	26	4.8	.000 *
Emotional responsiveness of offender (1-8)	20	2.3	26	3.4	.026 *
Emotional engagement of offender (1-8)	20	3.5	26	4.5	.105
Degree of offender discomfort (1-8)	20	3.8	26	3.9	.815
Frequency of shouting at offender (1-8)	20	1.0	26	1.2	.170
Percent with any violence or threats	20	.0%	26	.0%	
Percent of offenders who cried at treatment	20	5.0%	26	.0%	.330

Juvenile Property (Security) and Youth Violence

The difference with regard to emotional intensity experienced by treatment type was noted again in both Juvenile Property (Security) and Youth Violence. Observers recorded significantly higher levels of emotional power surrounding the accounts given of the consequences of the offender's act and the offender's response to these accounts in conferences over court (Tables 4.19 and 4.20). Treatment type did not affect the degree of emotional engagement observed in offenders, although a significantly greater level of discomfort was observed in Juvenile Property (Security) offenders assigned conference as opposed to court (Table 4.19). Just as in the observation of Juvenile Personal Property, there was minimal evidence of shouting or threats of violence in either court or conference for offenders of Juvenile Shoplifting or Youth Violence. Tears were rare in both these experiments as well.

PROCEDURAL JUSTICE OBSERVED

Although the observation data do not contain information on all facets of procedural justice theory, two areas – correctability and process control – were open to some degree of examination.

In terms of correctability, one indication of offenders' capacity to correct wrong facts was the percentage of time during treatment in which offenders were speaking. Measure of process control, on the other hand, could be derived using three different items from the observation data. The first concerned the degree of offender contribution to the disposition, the second concerned how much offenders were dominated, and the third concerned the extent to which they were coerced into accepting the outcome of their treatment.

Drink Driving

The presence of a significant degree of procedural justice in conferences was supported by the observation records for drink driving by assigned treatment types. Table 4.21 reveals a lower degree of conference coercion and domination suggesting that observers felt offenders possessed a greater degree of control over their conference proceedings than they felt in court. This is supported by the greater degree to which offenders contributed to the conference and the percentage of time they spoke. Given that offenders are invited to speak within both forums it is important to note the environment in which their participation is occurring. Even a small difference in terms of the proportion of time offenders were given to speak is made important when one considers how much longer conference treatments last when compared to court hearings. Conference-assigned offenders, for example spoke for an average of nearly 26 percent of the 87 minute duration of the typical conference. These figures mean that, on average, those assigned to conference spent more than 20 minutes participating directly in their own treatment, as compared to less than 90 seconds for court-assigned offenders.

Table 4.21: Drink Driving – Observed Procedural Justice of Treatment, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Percent of time with offender speaking	368	20.4%	358	25.8%	.000 *
Degree of offender contribution (1-8)	372	3.5	360	4.8	.000 *
Extent to which offender coerced (1-8)	393	5.6	380	3.0	.000 *
Extent to which offender dominated (1-8)	394	4.6	380	3.3	.000 *

Table 4.22: Juvenile Personal Property – Observed Procedural Justice of Treatment, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Percent of time with offender speaking	47	11.2%	31	19.3%	.000 *
Degree of offender contribution (1-8)	47	2.6	31	3.2	.070
Extent to which offender coerced (1-8)	45	4.9	36	3.5	.017 *
Extent to which offender dominated (1-8)	47	5.1	37	4.1	.050

Table 4.23: Juvenile Property (Security) – Observed Procedural Justice of Treatment, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Percent of time with offender speaking	30	17.5%	37	20.3%	.258
Degree of offender contribution (1-8)	30	3.5	37	3.7	.552
Extent to which offender coerced (1-8)	32	6.0	41	4.0	.000 *
Extent to which offender dominated (1-8)	33	5.5	41	4.2	.008 *

Juvenile Personal Property

In terms of correctability, Juvenile Personal Property offenders spoke in their conferences for a significantly longer percentage of treatment than observed for those assigned to court (Table 4.22). Court-assigned and conference-assigned offenders were somewhat more similar, however, in the relatively small extent of their contribution to the proceedings and the moderate extent to which they were dominated. Observers also recorded that court-assigned offenders were significantly more coerced than conference-assigned offenders.

Juvenile Property (Security) and Youth Violence

No differences were observed in either of these experiments between treatment types regarding the percentage of time the offender spoke or the degree to which they contributed to their respective justice processes (Table 4.23). With regard to dimensions of control, observers recorded a significant degree of domination and coercion in court-assigned Juvenile Property (Security) offenders. This pattern is replicated in Youth Violence. Table 4.24 reveals significantly higher levels of coercion and domination in court and lower levels of offender

Table 4.24: Youth Violence – Observed Procedural Justice of Treatment, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Percent of time with offender speaking	18	6.3%	24	18.2%	.000 *
Degree of offender contribution (1-8)	18	1.9	24	4.2	.000 *
Extent to which offender coerced (1-8)	19	5.9	25	3.6	.004 *
Extent to which offender dominated (1-8)	20	6.6	26	3.9	.000 *

contribution and overall time spent speaking. This result suggests a higher degree of procedural justice observed in conferences over court.

RESTORATIVE JUSTICE OBSERVED

Observers recorded on an eight-point scale five measures of restorative justice:

- the amount of discussion of the consequences of the offender's actions.
- the amount of discussion about the consequences of this kind of offence, even if these consequences were not realised in any particular case.
- the amount of discussion about repaying a debt to the community incurred by the commission of the offence.
- the amount of discussion about reparation to the victim of the offence
- overall how much discussion of reparation occurred.

On all of these measures there was significantly more discussion recorded in conferences than in court across all experiments (Tables 4.25 through 4.28). In all experiments, discussion about the consequences of the offenders' actions and the consequences of this kind of offence was rated as more than double among conference offenders than that observed in court. Observers recorded almost no discussion focused on repaying a debt to the community among court offenders, whereas it was discussed in conferences with a moderately degree of frequency. Discussion centred on reparation to the victim of the offence was also observed more often for conference-assigned offenders than their counterparts who were assigned to court. As would be expected from the these other analyses, a good deal more discussion about reparation generally was recorded in conferences compared with court.

Table 4.25: Drink Driving – Observed Restorative Justice of Treatment, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Consequences of offender's actions (1-8)	395	2.1	379	4.7	.000 *
Consequences of type of offence (1-8)	371	1.6	379	6.5	.000 *
Repaying debt to the community (1-8)	371	1.1	379	4.9	.000 *
Overall discussion of reparation (1-8)	370	1.7	380	4.9	.000 *

Table 4.26: Juvenile Personal Property – Observed Restorative Justice of Treatment, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Consequences of offender's actions (1-8)	47	2.6	37	6.6	.000 *
Consequences of type of offence (1-8)	47	2.2	29	4.8	.000 *
Repaying debt to the community (1-8)	47	1.6	37	3.9	.000 *
Reparation to victim parties (1-8)	47	2.4	37	5.4	.000 *
Overall discussion of reparation (1-8)	47	2.8	37	5.7	.000 *

Table 4.27: Juvenile Property (Security) – Observed Restorative Justice of Treatment, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Consequences of offender's actions (1-8)	33	2.9	41	6.0	.000 *
Consequences of type of offence (1-8)	30	2.1	37	5.7	.000 *
Repaying debt to the community (1-8)	30	1.2	41	3.6	.000 *
Reparation to victim parties (1-8)	30	1.5	41	4.2	.000 *
Overall discussion of reparation (1-8)	30	2.0	41	4.9	.000 *

Table 4.28: Youth Violence – Observed Restorative Justice of Treatment, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Consequences of offender's actions (1-8)	20	3.2	26	5.8	.000 *
Consequences of type of offence (1-8)	18	2.4	24	5.8	.000 *
Repaying debt to the community (1-8)	18	1.2	26	4.5	.000 *
Reparation to victim parties (1-8)	18	1.2	26	3.9	.000 *
Overall discussion of reparation (1-8)	18	1.9	26	5.2	.000 *

Table 4.29: Drink Driving – Prevalence of Observed Outcomes Resulting from Treatment, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Percent with charges formally dismissed	388	12.6%	379	1.1%	.000 *
Percent given an official reprimand	387	.3%	379	.0%	.318
Percent ordered into imprisonment	387	.0%	379	.0%	
Percent ordered to pay fine	387	86.3%	379	3.7%	.000 *
Percent ordered to community service	387	2.6%	379	56.7%	.000 *
Percent with license suspension/cancellation	387	85.0%	379	4.2%	.000 *
Percent ordered to counselling program	387	2.8%	379	4.2%	.302
Percent ordered to donate to charity	387	8.0%	379	45.1%	.000 *
Percent ordered to make victim reparation	387	.0%	379	.3%	.318
Percent ordered some other outcome	387	.3%	379	84.4%	.000 *
Percent ordered to make formal apology	387	.0%	379	.8%	.083

OUTCOMES

All of the remaining dimensions of observed justice, including retribution, reintegrative shaming, stigmatic shaming, apologies, and forgiveness hinge upon the substantive outcomes of the court and conference processes. Inherent differences between court and conference in this regard provide a foundation for the reader to interpret the other measures of justice. It is difficult to compare outcomes of court and conference because there are so few types of outcomes that are available in both dispositions. This is an observation consistent across all four experiments.

Drink Driving

The processing of drink driving cases through the court system involves different outcomes to those observed in conferences. It is a common practice for the ACT Magistrates Court in dealing with offenders with exemplary driving records and low blood alcohol readings to find the offence proven without proceeding to conviction. This outcome occurred in nearly 13 percent of court cases (Table 4.29). Another outcome relevant only to court is the payment of fines and/or the suspension or cancellation of drivers licences. More than 86 percent of court-assigned offenders were ordered to pay a fine and over 84 percent of court offenders had restrictions placed upon their licence. In contrast outcomes more common to conferences include community service and donations to charity. Unpaid work was engaged in by 57 percent of conference cases, as compared to only three percent of court cases, while just over eight percent of court cases as compared to 45 percent of conference cases made donations to charity (Table 4.29).

Juvenile Property Personal, Juvenile Property (Security), and Youth Violence

The diversity of outcomes is reflected in the high percentage of conferences entailing some 'other' outcome than those for which coding was available: 31 percent of conference-assigned Juvenile Personal Property offenders, 43 percent of Juvenile Property (Security), 72 percent of Youth Violence and 84 percent of Drink Driving offenders received 'some other outcome' as compared to two percent of court-assigned Juvenile Personal Property offenders, 0.3 percent of drink

Table 4.30: Juvenile Personal Property – Prevalence of Observed Outcomes Resulting from Treatment, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Percent with charges formally dismissed	50	80.0%	39	10.3%	.000 *
Percent given an official reprimand	41	9.8%	36	.0%	.044 *
Percent ordered into imprisonment	41	2.4%	36	.0%	.323
Percent ordered to pay fine	41	17.1%	36	2.8%	.034 *
Percent ordered to community service	41	.0%	36	41.7%	.000 *
Percent ordered to counselling program	41	2.4%	36	2.8%	.927
Percent ordered to donate to charity	41	.0%	36	11.1%	.044 *
Percent ordered to make victim reparation	41	31.7%	36	33.3%	.881
Percent ordered some other outcome	41	2.4%	36	30.6%	.001 *
Percent ordered to make formal apology	41	.0%	36	52.8%	.000 *

Table 4.31: Juvenile Property (Security) – Prevalence of Observed Outcomes Resulting from Treatment, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Percent with charges formally dismissed	27	81.5%	43	7.0%	.000 *
Percent given an official reprimand	26	15.4%	40	.0%	.043 *
Percent ordered into imprisonment	26	.0%	40	.0%	
Percent ordered to pay fine	26	3.8%	40	.0%	.327
Percent ordered to community service	26	7.7%	40	57.5%	.000 *
Percent ordered to counselling program	26	7.7%	40	.0%	.161
Percent ordered to donate to charity	26	.0%	40	12.5%	.023 *
Percent ordered to make victim reparation	26	7.7%	40	35.0%	.005 *
Percent ordered some other outcome	26	.0%	40	42.5%	.000 *
Percent ordered to make formal apology	26	.0%	40	57.5%	.000 *

driving offenders and no Juvenile Property (Security) or Youth violence court cases (Tables 4.29 through 4.32).

In reference to the first variable presented in Tables 4.30 through 4.32, 'Percent with charges formally dismissed', it is the practice in the ACT Children's Court not to record a conviction, where possible, for a first offence: this was the case for the great majority of cases going to court. However, there was often some other outcome, usually payment to the victim, payment of a fine and/or an official reprimand by the magistrate.

For both Juvenile Personal Property and Juvenile Property (Security), a significant number of conference-assigned offenders donated money to charity, an outcome not considered in court (Tables 4.30, 4.31). For Juvenile Personal Property the main similarity between the two groups concerned victim reparation: in one third of both court-assigned and conference-assigned cases the offenders were required to make reparation to their victims (Table 4.30). A higher percentage of Juvenile Property (Security) offenders who were conferenced made reparation to the victim, 35 percent as compared to eight percent of Juvenile Property (Security) court offenders (Table 4.31).

Table 4.32: Youth Violence – Prevalence of Observed Outcomes Resulting from Treatment, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Percent with charges formally dismissed	21	57.1%	28	14.3%	.002 *
Percent given an official reprimand	18	16.7%	25	.0%	.083
Percent ordered into imprisonment	18	.0%	25	.0%	
Percent ordered to pay fine	18	33.3%	25	.0%	.010 *
Percent ordered to community service	18	16.7%	25	52.0%	.013 *
Percent ordered to counselling program	18	5.6%	25	12.0%	.461
Percent ordered to donate to charity	18	5.6%	25	16.0%	.269
Percent ordered to make victim reparation	18	5.6%	25	16.0%	.269
Percent ordered some other outcome	18	.0%	25	72.0%	.000 *
Percent ordered to make formal apology	18	.0%	25	28.0%	.005 *

For conference-assigned offenders the most frequent outcome was to perform some voluntary work in the community, usually for a community-based organisation, or make a formal apology to their victim. As shown in Table 4.30 nearly 42 percent of conference-assigned Juvenile Personal Property offenders engaged in community service with no court-assigned Juvenile Personal Property offenders given this opportunity. This also occurred in Juvenile Property (Security) with nearly 58 percent of conferenced offenders receiving community service and only 8 percent of Juvenile Property (Security) court cases (Table 4.31). Finally, 52 percent of Youth Violence offenders who attended a conference were given community service as part of their outcome agreement, as compared to only 17 percent of Youth Violence court cases (Table 4.32).

RETRIBUTIVE JUSTICE OBSERVED

Observers also recorded their ratings concerning the thinking articulated behind the outcomes; specifically they were asked to code the extent to which the conference or the court case took into account principles of punishment, repayment to the community, repayment to the victim, the prevention of future offences and restoration of the offender's honour or esteem.

Drink Driving

The observation of Drink Driving cases produced higher ratings of punishment in court cases, along with significantly lower levels of repayment to the community and restoration of the offender's honour or esteem. No detectable difference was found in the use of outcomes aimed at the prevention of future offending (Table 4.33).

Juvenile Property Personal, Juvenile Property (Security), and Youth Violence

For Juvenile Personal Property cases, observers recorded only small differences between court and conference concerning punishment, the restoration of the offender or the prevention of future offences. However, there was a significant difference regarding principles of reparation to the victim and to the community which were rated at much higher levels in conferences than in court (Table 4.34). Observers of Juvenile Property (Security) reported little difference between

Table 4.33: Drink Driving – Observer Ratings of Philosophy Used in Determining Outcome, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Reparation to community (1-8)	355	1.4	358	6.1	.000 *
Restoration of offender (1-8)	356	2.0	352	4.8	.000 *
Prevention of future offending (1-8)	359	5.9	349	5.6	.064
Punishment (1-8)	364	6.3	351	4.2	.000 *

Table 4.34: Juvenile Personal Property – Observer Ratings of Philosophy Used in Determining Outcome, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Reparation to victim (1-8)	45	3.0	31	6.2	.000 *
Reparation to community (1-8)	45	1.6	29	4.4	.000 *
Restoration of offender (1-8)	45	3.4	31	4.5	.070
Prevention of future offending (1-8)	45	5.5	31	5.6	.872
Punishment (1-8)	45	3.2	31	4.0	.130

Table 4.35: Juvenile Property (Security) – Observer Ratings of Philosophy Used in Determining Outcome, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Reparation to victim (1-8)	27	1.2	37	5.2	.000 *
Reparation to community (1-8)	27	1.5	37	4.2	.000 *
Restoration of offender (1-8)	27	2.7	37	4.8	.000 *
Prevention of future offending (1-8)	30	5.7	37	5.0	.161
Punishment (1-8)	27	3.1	37	3.9	.094

treatment type with regards to punishment and the prevention of future offences. This contrasted with higher levels of restoration of the offender's honour or esteem and repayment to the victim and community in conferences (Table 4.35). This latter finding was consistent with observations recorded for Youth Violence cases, as significantly higher levels of restoration of the Youth Violence offenders honour or esteem, and repayment to the victim and community were found in conference cases. No difference in the use of outcomes directed towards the prevention of future offending were recorded in court or conference Youth Violence matters. However, a significantly greater use of the principles of punishment were recorded in the disposition of Youth Violence court cases (Table 4.36).

Table 4.36: Youth Violence – Observer Ratings of Philosophy Used in Determining Outcome, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Reparation to victim (1-8)	17	1.1	22	3.8	.000 *
Reparation to community (1-8)	17	1.4	22	5.0	.000 *
Restoration of offender (1-8)	17	2.5	22	4.2	.011 *
Prevention of future offending (1-8)	17	5.4	22	5.4	.949
Punishment (1-8)	17	5.4	22	3.5	.024 *

REINTEGRATIVE SHAMING OBSERVED

In determining the presence or absence of reintegrative shaming within each treatment type, observers were asked to record on an eight-point scale the following measures of reintegrative shaming:

- the level at which reintegrative shaming was expressed
- the level of disapproval expressed towards the type of offence
- the level of disapproval expressed towards the offender's actions
- the level of support given to the offender during their treatment
- the level of respect expressed towards the offender
- the level at which the offender was treated by their supporters as someone they loved
- the level of approval expressed towards the offender as a person
- the level at which it was communicated to the offender that they could put their actions behind them

Drink Driving

On all eight measures of reintegrative shaming, observers recorded significantly higher levels in drink driving conferences than in court (Table 4.37). Conference-assigned offenders faced higher levels of disapproval towards drink driving in general and their particular offence. Along with this they received double the rating of support and were three times more likely to be treated by their supporters as someone they loved. This support was given through expression of respect and approval of the offender as a person, which was twice as likely to occur in a conference over court. Finally, offenders assigned to a court disposition were less likely to be given the opportunity to put their offence behind them.

Juvenile Personal Property

Great difference was found in the treatment of conference-assigned offenders over court-assigned Juvenile Personal Property offenders (Table 4.38). More than double the rating of reintegrative shaming was observed in conferences over court. A higher level of disapproval for both the offenders' actions and their type of offence was expressed in Juvenile Personal Property conferences. Offenders who were assigned to conference also experienced greater levels of support than their court counterparts. This level of support is further confirmed by the degree to which offenders were treated by their supporters as someone they loved. Following from this, it

Table 4.37: Drink Driving – Observed Reintegrative Shaming at Treatment, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Expression of reintegrative shame (1-8)	395	1.5	376	4.4	.000 *
Disapproval of the type of offence (1-8)	371	2.3	379	6.0	.000 *
Disapproval of the offender's actions (1-8)	395	2.6	380	4.9	.000 *
Support given to offender at treatment (1-8)	394	2.4	380	5.8	.000 *
Expression of respect for offender (1-8)	394	2.3	380	4.6	.000 *
Offender treated as someone loved (1-8)	393	1.8	380	5.7	.000 *
Approval of offender as person (1-8)	394	2.2	377	4.8	.000 *
Offender could put offence behind him (1-8)	393	1.5	378	4.1	.000 *

Table 4.38: Juvenile Personal Property – Observed Reintegrative Shaming at Treatment, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Expression of reintegrative shame (1-8)	47	2.3	37	4.8	.000 *
Disapproval of the type of offence (1-8)	47	3.8	36	6.8	.000 *
Disapproval of the offender's actions (1-8)	47	4.1	37	6.7	.000 *
Support given to offender at treatment (1-8)	47	4.5	37	5.4	.024 *
Expression of respect for offender (1-8)	47	3.4	37	4.3	.038 *
Offender treated as someone loved (1-8)	47	4.4	37	5.6	.006 *
Approval of offender as person (1-8)	47	3.6	37	4.5	.042 *
Offender could put offence behind him (1-8)	47	3.4	37	4.5	.084

is not surprising that offenders participating in a conference received higher levels of respect and approval than those assigned to the court system (Table 4.38).

Juvenile Property (Security) and Youth Violence

For both Juvenile Property (Security) and Youth Violence more than double the rating score of reintegrative shaming was reported for offenders assigned conference over those sent to court (Tables 4.39 and 4.40). Also important was the higher level of disapproval observed in conference-assigned cases towards the offenders' actions, and their type of offence, when compared to court in both experiments. In Juvenile Property (Security), no difference in the level of support was observed based on treatment type. However, conference-assigned offenders were more likely to be treated by their supporters as someone they love than those offenders put before the court (Table 4.39). The capacity for an offender to put their actions behind them was recorded by observers to be of greater significance in conferences (Tables 4.39 and 4.40). Yet Youth Violence offenders in court and conference showed no significant difference recorded on the following measures; level of support, respect, approval or treatment as someone the supporters loved (Table 4.40).

Table 4.39: Juvenile Property (Security) – Observed Reintegrative Shaming at Treatment, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Expression of reintegrative shame (1-8)	33	2.0	40	4.4	.000 *
Disapproval of the type of offence (1-8)	30	3.1	41	6.6	.000 *
Disapproval of the offender's actions (1-8)	33	3.7	41	6.4	.000 *
Support given to offender at treatment (1-8)	33	4.2	41	4.8	.197
Expression of respect for offender (1-8)	33	2.9	41	3.3	.439
Offender treated as someone loved (1-8)	33	3.7	41	5.0	.006 *
Approval of offender as person (1-8)	33	3.2	41	3.5	.453
Offender could put offence behind him (1-8)	33	4.2	41	5.4	.034 *

Table 4.40: Youth Violence – Observed Reintegrative Shaming at Treatment, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Expression of reintegrative shame (1-8)	20	2.3	26	4.8	.000 *
Disapproval of the type of offence (1-8)	18	3.1	26	6.3	.000 *
Disapproval of the offender's actions (1-8)	20	4.3	26	6.3	.001 *
Support given to offender at treatment (1-8)	20	4.3	26	5.1	.149
Expression of respect for offender (1-8)	20	2.7	26	3.2	.285
Offender treated as someone loved (1-8)	20	4.4	26	5.2	.297
Approval of offender as person (1-8)	20	3.0	26	3.8	.116
Offender could put offence behind him (1-8)	20	3.5	26	5.0	.049 *

STIGMATISING SHAMING OBSERVED

The following five measures are utilised in determining the presence of stigmatising shame:

- the amount of stigmatising shame expressed
- the amount of disapproval in the offender as a person
- the amount of stigmatising names and labels used to describe the offender
- the amount of moral lecturing to which the offender is subjected
- the extent to which the offender is treated as a criminal

The most important way to view the results on shaming is that shaming of any kind is rare in court. Both reintegrative shaming and stigmatisation are infrequently observed in court. Both kinds of shaming are more frequently observed in conferences with reintegrative shaming being the more commonly observed than stigmatisation.

Table 4.41: Drink Driving – Observed Stigmatising Shaming at Treatment, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Expression of stigmatising shame (1-8)	395	1.5	378	1.6	.061
Disapproval of the offender as a person (1-8)	395	1.2	380	2.1	.000 *
Use of stigmatising names and labels (1-8)	395	1.0	380	1.2	.000 *
Extent of moral lecturing (1-8)	394	1.5	380	3.1	.000 *
Offender treated as a criminal (1-8)	394	1.6	380	1.3	.000 *

Table 4.42: Juvenile Personal Property – Observed Stigmatising Shaming at Treatment, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Expression of stigmatising shame (1-8)	47	2.2	37	2.3	.641
Disapproval of the offender as a person (1-8)	47	1.8	37	2.7	.009 *
Use of stigmatising names and labels (1-8)	47	1.4	37	1.8	.205
Extent of moral lecturing (1-8)	47	2.7	37	3.9	.002 *
Offender treated as a criminal (1-8)	47	2.6	37	2.2	.282

Drink Driving

Differences in the expression of stigmatising shaming were negligible according to observers. However, drink driving conferences possessed significantly greater amounts of stigmatising shaming on three variables, disapproval of the offender as a person, the extent of moral lecturing and the use of stigmatising names and labels, with the first two variables twice as likely to occur in a conference (Table 4.41).

Juvenile Personal Property

Observers recorded significant differences on only two variables in comparing conferences and court. The first was a higher level of disapproval in the Juvenile Personal Property conferences of the offender as a person. The second related to a higher degree of moral lecturing directed at Juvenile Personal Property offenders in conference than in court (Table 4.42). On all other dimensions of stigmatising shaming there were no observable differences, each treatment type recording a minimal amount of stigmatising shame.

Juvenile Property (Security)

Despite a higher degree of reintegrative shaming it appears that Juvenile Property (Security) conferences also possessed a greater degree of stigmatising shaming. According to observers the presence of stigmatising shaming in Juvenile Property (Security) conferences was more prevalent than in court-assigned cases (Table 4.43). Although only slightly higher than court, a significant difference was recorded on almost all dimensions. Therefore, in a conference offenders were more likely to be disapproved of as a person, described of using stigmatising names and labels and subjected to moral lecturing (Table 4.43).

Table 4.43: Juvenile Property (Security) – Observed Stigmatising Shaming at Treatment, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Expression of stigmatising shame (1-8)	33	1.7	41	2.6	.017 *
Disapproval of the offender as a person (1-8)	33	1.6	41	2.8	.001 *
Use of stigmatising names and labels (1-8)	33	1.1	41	1.7	.003 *
Extent of moral lecturing (1-8)	33	3.0	41	4.1	.009 *
Offender treated as a criminal (1-8)	33	1.8	41	1.9	.840

Table 4.44: Youth Violence – Observed Stigmatising Shaming at Treatment, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Expression of stigmatising shame (1-8)	19	2.3	26	2.8	.387
Disapproval of the offender as a person (1-8)	20	1.6	26	3.2	.001 *
Use of stigmatising names and labels (1-8)	20	1.3	26	1.1	.439
Extent of moral lecturing (1-8)	20	2.8	26	4.4	.018 *
Offender treated as a criminal (1-8)	20	3.0	26	1.8	.009 *

Youth Violence

On two dimensions, disapproval of the offender as a person and the extent of moral lecturing, a significant difference was noted in Youth Violence conference cases in the direction of conference having more stigmatising shaming (Table 4.44). Observers noted little or no difference in the presence of stigmatising shaming or the use of stigmatising names and labels according to treatment type. One dimension of particular interest in Table 4.44 is the extent to which offenders were treated as a criminal. This occurred significantly more often in court than in conferences.

DEFIANCE OBSERVED

Three measures are used to ascertain the levels of defiance observed in either treatment type:

- the extent to which an offender behaves in a defiant manner
- the degree to which an offender holds others responsible for their actions
- the extent to which an offender is sullen or unresponsive during treatment

Table 4.45 reveals that drink driving conference-assigned offenders possessed a higher level of defiance in two of the three measurable forms: the extent to which an offender behaves in a defiant manner and the extent to which an offender is sullen and unresponsive (Table 4.45).

No difference was detected in the degree to which an offender holds others responsible for their actions, a finding consistent across all four experiments. For Juvenile Personal Property and Juvenile Property (Security), significant differences were recorded in conference-assigned offenders on two measures of defiance: the extent to which an offender behaves in a defiant manner and the extent to which an offender is sullen or unresponsive during treatment (Tables

4.46 and 4.47). Observers of Youth Violence cases reported no difference in the presence of defiance by treatment type (Table 4.48).

Table 4.45: Drink Driving – Observed Offender Defiance at Treatment, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Extent to which offender is defiant (1-8)	394	1.2	378	1.5	.000 *
Offender holding others responsible (1-8)	395	1.4	380	1.4	.654
Offender is sullen and unresponsive (1-8)	347	1.3	343	1.6	.001 *

Table 4.46: Juvenile Personal Property – Observed Offender Defiance at Treatment, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Extent to which offender is defiant (1-8)	47	1.2	37	1.7	.039 *
Offender holding others responsible (1-8)	47	2.1	36	1.8	.303
Offender is sullen and unresponsive (1-8)	46	2.0	29	3.1	.023 *

Table 4.47: Juvenile Property (Security) – Observed Offender Defiance at Treatment, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Extent to which offender is defiant (1-8)	33	1.1	41	2.1	.000 *
Offender holding others responsible (1-8)	33	1.8	41	2.0	.675
Offender is sullen and unresponsive (1-8)	25	1.9	37	3.3	.004 *

Table 4.48: Youth Violence – Observed Offender Defiance at Treatment, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Extent to which offender is defiant (1-8)	20	1.8	26	2.1	.438
Offender holding others responsible (1-8)	20	3.3	26	2.5	.263
Offender is sullen and unresponsive (1-8)	18	1.9	24	2.8	.117

APOLOGY OBSERVED

Three measures were used to observe the extent of offender apology at treatment:

- the extent to which the offender accepts having done wrong
- the extent to which an offender was sorry or remorseful for their actions
- the percentage of offenders who apologised.

In addition to the measures described above, the number and type of apologies were also recorded. If an apology was to occur in any given treatment its expression, from most to least likely, would be as follows: verbal, handshake, hug, pat on the shoulder, kiss or some other form.

Table 4.49: Drink Driving – Observed Extent of Offender Apology at Treatment, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Offender accepts having done wrong (1-8)	395	6.1	380	6.5	.003 *
Extent of offender sorrow and remorse (1-8)	394	3.9	380	5.1	.000 *
Percent of offenders who apologise	393	12.7%	377	9.3%	.127

Table 4.50: Drink Driving – Observed Number of Offender Apologies at Treatment, court vs. conference

Form of Expression	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Verbal	395	0.14	382	0.11	.227
Handshake	395	0.00	382	0.00	.318
Hug	395	0.00	382	0.01	.158
Pat on the shoulder	395	0.00	382	0.00	.318
Kiss	395	0.00	382	0.00	
Other	395	0.00	382	0.00	.981

Table 4.51: Juvenile Personal Property – Observed Extent of Offender Apology at Treatment, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Offender accepts having done wrong (1-8)	47	6.3	37	6.4	.865
Extent of offender sorrow and remorse (1-8)	47	4.9	37	5.1	.738
Percent of offenders who apologise	46	39.1%	37	64.9%	.019 *

Drink Driving

Offenders accepting that their actions had been wrong was observed to occur more often in conferences than in court. Following from this was the greater degree to which sorrow and remorse was expressed in conferences (Table 4.49). Apologies in drink driving matters were rarely observed, with no significant difference between court and conference. An interesting point to note is that court-assigned offenders were more likely than conference-assigned offenders to apologise for their actions. Given that offenders are observed to accept their actions as wrong it is interesting how few are moved to apologise, notwithstanding the fact that there is no victim in these cases.

Juvenile Personal Property

In both court and conference it was common to observe offenders accepting their actions as wrong and as a consequence showing sorrow and remorse. However, significantly greater numbers of conference-assigned offenders were observed to apologise for their actions (Table 4.51). As shown in Table 4.52, a verbal apology was the most likely response, this occurring more often in conferences than in court. An interesting point to note is the presence of other

Table 4.52: Juvenile Personal Property – Observed Number of Offender Apologies at Treatment, court vs. conference

Form of Expression	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Verbal	47	0.45	37	1.22	.008 *
Handshake	47	0.00	37	0.08	.083
Hug	47	0.00	37	0.11	.210
Pat on the shoulder	47	0.00	37	0.00	
Kiss	47	0.00	37	0.08	.324
Other	47	0.04	37	0.00	.323

Table 4.53: Juvenile Property (Security) – Observed Extent of Offender Apology at Treatment, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Offender accepts having done wrong (1-8)	33	6.0	41	5.9	.861
Extent of offender sorrow and remorse (1-8)	33	4.8	41	5.2	.413
Percent of offenders who apologise	33	30.3%	41	46.3%	.161

Table 4.54: Juvenile Property (Security) – Observed Number of Offender Apologies at Treatment, court vs. conference

Form of Expression	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Verbal	33	0.30	41	0.61	.062
Handshake	33	0.00	41	0.05	.160
Hug	33	0.00	41	0.00	
Pat on the shoulder	33	0.00	41	0.00	
Kiss	33	0.00	41	0.00	
Other	33	0.00	41	0.02	.323

forms of apology such as handshake or hug which occurred in conference and was absent from court. In explaining the presence of apology and their various forms attention needs to be drawn to the increased presence of victims in conferences over court. The physical presence of victims may impact on the likelihood of an offender making an apology.

Juvenile Property (Security)

Juvenile Property (Security) observers recorded no significant differences in the presence of apology by treatment type (Table 4.53). In all three measures the extent of offender apology was moderately high in both court and conference. Although not significant, it is worth noting that more conference-assigned offenders apologised for their actions. Once again the most common form of apology was verbal, however as Table 4.54 reveals, no significant court-conference difference was found.

Youth Violence

Although both court and conference offenders accepted their actions as wrong, those who attended a conference were more likely to express sorrow and remorse for those actions (Table 4.55). Of most interest is the percentage of offenders who apologised for their actions. No offenders who attended court apologised, in contrast to conference offenders of whom 58 percent apologised (Table 4.55). As shown in Table 4.56, handshakes and verbal apologies were the most frequently used forms of expression.

FORGIVENESS OBSERVED

The same structure in accounting for the presence of apology is also used in recognising the presence of forgiveness. Three measures identify the degree to which it is present and this is accompanied by tables presenting the form in which forgiveness was given. The three measures are as follows:

- the amount of forgiveness expressed towards to the offender
- the degree to which the offender is forgiven for their actions
- the percentage of offenders who received forgiveness

As with the forms of apology, forgiveness was also identified in terms of expressions that were verbal, or physical such as, a handshake, hug, pat on the shoulder or kiss.

Drink Driving

Table 4.58 shows that it was rare for observers to record forgiveness in court-assigned drink driving cases. However, in conference cases offenders and their actions were twice as likely to be forgiven. This contrast is represented most dramatically in the percentage of offenders who received forgiveness. Fewer than five percent of court offenders and more than 43 percent of conference offenders were reported to have received some form of forgiveness. Across all forms of forgiveness conferences rated significantly higher (Table 4.58).

Table 4.55: Youth Violence – Observed Extent of Offender Apology at Treatment, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Offender accepts having done wrong (1-8)	20	5.0	26	6.0	.136
Extent of offender sorrow and remorse (1-8)	20	4.3	26	5.7	.022 *
Percent of offenders who apologise	20	.0%	26	57.7%	.000 *

Table 4.56: Youth Violence – Observed Number of Offender Apologies at Treatment, court vs. conference

Form of Expression	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Verbal	20	0.00	26	0.62	.000 *
Handshake	20	0.00	26	0.23	.031 *
Hug	20	0.00	26	0.00	
Pat on the shoulder	20	0.00	26	0.00	
Kiss	20	0.00	26	0.00	
Other	20	0.00	26	0.00	

Table 4.57: Drink Driving – Observed Extent of Forgiveness at Treatment, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Amount of forgiveness expressed (1-8)	393	1.1	378	2.5	.000 *
Degree to which offender forgiven (1-8)	395	1.2	377	3.8	.000 *
Percent of offenders who receive forgiveness	450	4.2%	450	43.3%	.000 *

Table 4.58: Drink Driving – Observed Number of Forgiveness Expressions at Treatment, court vs. conference

Form of Expression	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Verbal	395	0.01	382	0.21	.000 *
Handshake	395	0.00	382	0.15	.000 *
Hug	395	0.00	382	0.07	.002 *
Pat on the shoulder	395	0.00	382	0.13	.000 *
Kiss	395	0.00	382	0.02	.012 *
Other	395	0.04	382	0.50	.000 *

Table 4.59: Juvenile Personal Property – Observed Extent of Forgiveness at Treatment, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Amount of forgiveness expressed (1-8)	47	1.8	37	2.9	.013 *
Degree to which offender forgiven (1-8)	47	2.1	37	4.1	.000 *
Percent of offenders who receive forgiveness	69	21.7%	58	34.5%	.116

Juvenile Personal Property

Although no significant difference was recorded in the percentage of offenders who received forgiveness by treatment type, observers reported a greater amount of forgiveness in conferences expressed both towards the offender and their actions (Table 4.59). In effect an offender who was conferenced was twice as likely to be forgiven for their actions, as offenders attending court. As shown in Table 4.60, forgiveness was expressed in conferences through a handshake, or more commonly, through some form of verbal expression.

Juvenile Property (Security)

Offenders were twice as likely to be forgiven for their actions in a conference than they were in court, and nearly three times as likely to receive forgiveness (Table 4.61). Over 38 percent of conference-assigned offenders received forgiveness, as compared to only 14 percent of court-assigned offenders. The most significant forms of forgiveness were verbal, followed by the physical contact of a handshake (Table 4.62).

Table 4.60: Juvenile Personal Property – Observed Number of Forgiveness Expressions at Treatment, court vs. conference

Form of Expression	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Verbal	47	0.23	37	0.41	.212
Handshake	47	0.00	37	0.30	.026 *
Hug	47	0.00	37	0.19	.128
Pat on the shoulder	47	0.02	37	0.11	.127
Kiss	47	0.00	37	0.00	
Other	47	0.19	37	0.14	.542

Table 4.61: Juvenile Property (Security) – Observed Extent of Forgiveness at Treatment, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Amount of forgiveness expressed (1-8)	33	1.9	41	2.1	.507
Degree to which offender forgiven (1-8)	33	1.9	41	3.6	.000 *
Percent of offenders who receive forgiveness	44	13.6%	55	38.2%	.004 *

Table 4.62: Juvenile Property (Security) – Observed Number of Forgiveness Expressions at Treatment, court vs. conference

Form of Expression	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Verbal	33	0.09	41	0.34	.033 *
Handshake	33	0.00	41	0.15	.012 *
Hug	33	0.00	41	0.05	.323
Pat on the shoulder	33	0.00	41	0.07	.183
Kiss	33	0.00	41	0.00	
Other	33	0.09	41	0.20	.201

Youth Violence

Table 4.63 shows that on all three measures observers recorded significantly higher levels of forgiveness in conferences over court. Conference-assigned offenders were three times as likely to be receive forgiveness, as those offenders attending court. Likewise forgiveness expressed towards the offender and their actions was twice as likely to occur in conferences as compared to court (Table 4.63). Although the most common form of forgiveness given was verbal, it is interesting to note the absence of others forms of forgiveness in court. No court-assigned offenders received forgiveness in the form of a handshake, a significant difference when compared with its use in conferences (Table 4.64).

Table 4.63: Youth Violence – Observed Extent of Forgiveness at Treatment, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Amount of forgiveness expressed (1-8)	20	1.5	26	2.8	.015 *
Degree to which offender forgiven (1-8)	20	2.0	26	4.3	.002 *
Percent of offenders who receive forgiveness	31	12.9%	34	44.1%	.005 *

Table 4.64: Youth Violence – Observed Number of Forgiveness Expressions at Treatment, court vs. conference

Form of Expression	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Verbal	20	0.20	26	0.46	.117
Handshake	20	0.00	26	0.35	.017 *
Hug	20	0.10	26	0.00	.330
Pat on the shoulder	20	0.00	26	0.08	.327
Kiss	20	0.00	26	0.00	
Other	20	0.20	26	0.15	.790

SUBSTANCE ABUSE ISSUES

Three measures were used to investigate the identification and reaction to drug or alcohol problems:

- In the first measure, RISE observers recorded their own subjective judgements about whether the offender may have had a drug or alcohol problem.
- The second measure examined the percentage of cases in which the topic of drug or alcohol problems was raised among those participating in the treatment.
- The third measure examined the percentage of offenders who were referred to some form of drug or alcohol assistance as part of their observed treatment.

The results from these measures are presented in Tables 4.65 through 4.68. In each of these tables, the second and third measures described above are examined both across *all* observed offenders, and also across only those offenders who were judged by the RISE observer to have had a possible drug or alcohol problem.

Drink Driving

Perhaps because conferences last longer than court hearing and bring out more details about offenders' lives, RISE observers rated a significantly larger percentage of the conference group as having a possible drug or alcohol problem. Over all observed offenders, discussions of drug or alcohol problems were recorded more often in drink driving conference than in court, a significant difference (Table 4.65). When the analysis was narrowed to include only those offenders who were thought to actually have a problem, however, this difference disappeared. This analysis tends to suggest that conference participants were no more likely than those in court to discuss drug or alcohol problems with offenders who actually had such one. On the other hand, it may

Table 4.65: Drink Driving – Drug/Alcohol Problems and Reaction to Them, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Percent with possible drug/alcohol problem	394	10.4%	380	18.7%	.001 *
Possibility of problem raised (all offenders)	394	10.4%	380	17.4%	.005 *
Possibility of problem raised (problem only)	41	75.6%	71	69.0%	.453
Referred to assistance (all offenders)	394	5.3%	378	6.9%	.370
Referred to assistance (problem only)	41	31.7%	70	34.3%	.783

Table 4.66: Juvenile Personal Property – Drug/Alcohol Problems and Reaction to Them, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Percent with possible drug/alcohol problem	47	10.6%	37	8.1%	.695
Possibility of problem raised (all offenders)	47	12.8%	37	5.4%	.238
Possibility of problem raised (problem only)	5	80.0%	3	66.7%	.751
Referred to assistance (all offenders)	43	4.7%	37	2.7%	.646
Referred to assistance (problem only)	5	40.0%	3	33.3%	.880

Table 4.67: Juvenile Property (Security) – Drug/Alcohol Problems and Reaction to Them, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Percent with possible drug/alcohol problem	33	12.1%	41	7.3%	.501
Possibility of problem raised (all offenders)	33	6.1%	41	4.9%	.828
Possibility of problem raised (problem only)	4	50.0%	3	33.3%	.723
Referred to assistance (all offenders)	31	3.2%	41	.0%	.325
Referred to assistance (problem only)	4	25.0%	3	.0%	.391

also be the case that the possibility of a drug or alcohol problem is only discussed in both forums when there is some evidence that the offender is suffering from such a condition. If so, then it would appear that the conference setting may be better suited to provide such evidence and fostering such a discussion.

No significant difference was recorded between court and conference with regard to the percentage of cases referred to assistance for a drug or alcohol problem. Both across all offenders and across only those offenders thought to have a problem, an equal percentage of offenders received such a referral.

Table 4.68: Youth Violence – Drug/Alcohol Problems and Reaction to Them, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Percent with possible drug/alcohol problem	20	20.0%	26	23.1%	.806
Possibility of problem raised (all offenders)	20	20.0%	26	23.1%	.806
Possibility of problem raised (problem only)	4	75.0%	6	83.3%	.791
Referred to assistance (all offenders)	20	.0%	26	.0%	
Referred to assistance (problem only)	4	.0%	6	.0%	

Juvenile Property Personal, Juvenile Property (Security), and Youth Violence

No significant court-conference difference was found in Juvenile Personal Property or Juvenile Property (Security) cases (Tables 4.66 and 4.67). Discussion of drug and alcohol problems was more likely to occur in Youth Violence cases than in the Juvenile Property experiments. However, no difference in treatment type was recorded (Table 4.68), and no offenders were referred to assistance for drug or alcohol problems.

ADDITIONAL PROBLEMS

Observers were asked to record if the following additional problems were raised during the course of an offender's treatment: financial, educational, employment, health, language, relationship or any other problem. The first item in Tables 4.69 through 4.72 deals with the percentage of offenders whose treatments involved the discussion of any of these seven problems. These values are followed by a breakdown for each of the listed problems. The final variable in each table, which is limited to only those offenders whose treatments involved such discussions, shows the observers ratings of how well problems were addressed at court or conference.

Drink Driving

Table 4.69 shows that Drink Driving offenders assigned to conference were significantly more likely than those assigned to court to have discussed at least one of these additional problems at treatment. The difference between the two treatment groups was found to be significant for the discussion of financial, health, relationship and other unspecified problems. This finding highlights an important dimension of conferences, and demonstrates their capacity to create an opportunity in which problems confronting the offender can be openly discussed. In terms of how well such problems were addressed and dealt with at treatment, however, there was no significant difference between the two treatment groups.

Juvenile Property Personal and Juvenile Property (Security)

Tables 4.70 and 4.71 reveal four significant differences in the discussion of problems in conferences over court. For Juvenile Personal Property, conferences discussed relationship problems twice as often as court (Table 4.70). This same discussion of relationship problems was nearly four times as likely to occur in Juvenile Property (Security) conferences (Table 4.71). The overall observation of any problems being discussed was shown to occur twice as often in Juvenile Property (Security) conferences as compared to court.

Table 4.69: Drink Driving – Other Problems Dealt With at Treatment, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Percent with additional problems discussed	393	47.8%	380	56.6%	.015 *
Percent with financial problems discussed	395	15.7%	382	25.4%	.001 *
Percent with educational problems discussed	395	1.5%	382	2.4%	.399
Percent with employment problems discussed	395	34.4%	382	28.0%	.054
Percent with health problems discussed	395	1.8%	382	4.7%	.021 *
Percent with language problems discussed	395	.2%	382	.5%	.546
Percent with relationship problems discussed	395	6.8%	382	13.3%	.003 *
Percent with other problems discussed	395	3.5%	382	10.7%	.000 *
How well problems were addressed (1-8)	190	5.6	215	5.4	.616

Table 4.70: Juvenile Personal Property – Other Problems Dealt With at Treatment, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Percent with additional problems discussed	47	42.6%	37	56.8%	.201
Percent with financial problems discussed	47	14.9%	37	10.8%	.581
Percent with educational problems discussed	47	12.8%	37	16.2%	.662
Percent with employment problems discussed	47	8.5%	37	8.1%	.948
Percent with health problems discussed	47	4.3%	37	2.7%	.700
Percent with language problems discussed	47	.0%	37	.0%	
Percent with relationship problems discussed	47	14.9%	37	35.1%	.038 *
Percent with other problems discussed	47	21.3%	37	24.3%	.746
How well problems were addressed (1-8)	20	3.6	21	3.2	.639

Youth Violence

The discussion of problems in Youth Violence cases occurred as frequently in court cases as it did in conference cases (Table 4.72). Where the two dispositions were likely to differ was how well the problems were addressed. Youth Violence conferences addressed problems twice as well as court, a difference recorded as significant. Across the three above mentioned experiments discussion of problems was as likely to occur in court as it was in conferences, a positive finding for both dispositions.

Table 4.71: Juvenile Property (Security) – Other Problems Dealt With at Treatment, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Percent with additional problems discussed	33	24.2%	41	48.8%	.028 *
Percent with financial problems discussed	33	9.1%	41	22.0%	.125
Percent with educational problems discussed	33	9.1%	41	17.1%	.311
Percent with employment problems discussed	33	6.1%	41	9.8%	.560
Percent with health problems discussed	33	3.0%	41	2.4%	.880
Percent with language problems discussed	33	.0%	41	2.4%	.323
Percent with relationship problems discussed	33	6.1%	41	22.0%	.045 *
Percent with other problems discussed	33	6.1%	41	12.2%	.361
How well problems were addressed (1-8)	8	3.8	20	4.6	.505

Table 4.72: Youth Violence – Other Problems Dealt With at Treatment, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Percent with additional problems discussed	20	50.0%	26	42.3%	.614
Percent with financial problems discussed	20	10.0%	26	11.5%	.871
Percent with educational problems discussed	20	15.0%	26	7.7%	.460
Percent with employment problems discussed	20	5.0%	26	7.7%	.714
Percent with health problems discussed	20	5.0%	26	3.8%	.856
Percent with language problems discussed	20	.0%	26	.0%	
Percent with relationship problems discussed	20	5.0%	26	23.1%	.073
Percent with other problems discussed	20	20.0%	26	15.4%	.695
How well problems were addressed (1-8)	10	2.3	11	4.8	.007 *

CONCLUSION: DIFFERENCES BETWEEN COURT AND CONFERENCE

This chapter has demonstrated substantial differences between court and conference, using the best method of measurement known to science: direct observation. This method is superior to interviews and archival data because it allows the observer to collect more objectively all of the information that is available in the natural setting. Observation puts social settings under a microscope in bold relief; other methods are more like radar, showing general shapes but not precise pictures.

Using this superior method, we can reach the following conclusions:

- time and effort given to justice: much more for conferences than court
- participants: many more in conferences
- emotional intensity: greater in conferences
- procedural justice: greater in conferences
- restorative justice: greater in conferences

- retributive justice: greater in court
- reintegrative shaming: greater in conferences
- stigmatic shaming: greater in conferences
- defiance: somewhat greater in conferences
- apologies: many in conferences, none in court
- forgiveness: much more in conferences
- discussion of drug and alcohol problems: more in conferences.

In sum, the observations suggest that the conferences successfully created many, although not all, of the conditions that RISE attempted to create in order to provide a valid test of the theories. The major exception is that there was more stigmatic shaming in conferences than in court, and perhaps that explains the somewhat higher level of defiance in conference. These exceptions vary by experiment, but generally depart from the pattern of conferences more often than court providing the kind of justice that leading theories predict will increase compliance with the law.

These findings must be read in conjunction with a less direct method of measurement – interviews – to determine the offenders' perceptions of what went on at the conference, and how they evaluate it in terms of fairness and other key theoretical dimensions.

CHAPTER 5

OFFENDER REACTIONS TO COURT AND CONFERENCE

This chapter describes the differences and similarities with which offenders react to conferences compared with court. The data are drawn entirely from the interviews of the offenders after the treatments have been finally delivered. The dimensions generally follow the same outline as the data from independent observations presented in Chapter 4.

The first dimension this chapter considers addresses our hypothesis that conferences will achieve greater emotional engagement of offenders with the criminal process than court cases. In the final analyses of the data, a major objective will be to tease out the productive and counterproductive forms of emotional engagement, phenomena which at this stage we can barely begin to understand. For the moment, we can explore in a preliminary way the basic hypothesis that emotional engagement is stronger with conferences than court cases.

The rest of the chapter examines offender perceptions to test the hypotheses that

- procedural justice is better served by conferences than court
- courts place more emphasis on retribution than conferences
- restorative justice is greater in conferences
- reintegrative shaming is greater in conferences
- stigmatic shaming is greater in court
- defiance and related concepts should be greater in court
- conferences should increase the legitimacy and respect for the law
- perceived deterrence should be as great or greater in conference as in court.

All of these analyses are based upon offender interviews that are still in progress. As reported in Chapter Two, the total completion rates for the interviews by experiment are as follows, with generally lower completion rates for court cases than for conference:

- | | |
|--------------------------------|--------------|
| • Drink Driving | 84.6 percent |
| • Juvenile Personal Property | 76.0 percent |
| • Juvenile Property (Security) | 73.3 percent |
| • Youth Violent Crime | 71.9 percent |

EMOTIONAL INTENSITY

Tables 5.1 through 5.4 show that for both the Juvenile Property (Security) and Drink Driving experiments, there is a significant tendency for conference offenders to be more likely than court offenders to report that they were 'Worried about what others thought of me'. The differences were not significant in the other two experiments. In only the drink driving experiment was there a significant tendency for a higher percentage of conference offenders to report that they 'Felt bad because everyone knew of the offence'. This was also true of 'Felt ashamed because of being criticised', though the tendency for conference offenders to feel more ashamed is approaching significance in the Juvenile Property (Security) experiment.

Table 5.1: Drink Driving – Perceived Emotional Intensity of Treatment, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Worried about what others thought of me	329	39.8%	385	50.4%	.005 *
Felt bad because everyone knew of offence	329	35.9%	385	44.9%	.014 *
Felt ashamed because of being criticised	329	21.3%	385	38.2%	.000 *
Felt awkward and aware of myself	329	55.0%	385	64.2%	.013 *
Embarrassed by being centre of attention	329	52.6%	385	51.4%	.759
Felt so exposed, I wished I could disappear	329	28.6%	385	18.7%	.002 *
Felt sad or depressed during treatment	297	27.3%	343	32.1%	.185

Table 5.2: Juvenile Personal Property – Perceived Emotional Intensity of Treatment, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Worried about what others thought of me	42	33.3%	34	47.1%	.232
Felt bad because everyone knew of offence	42	47.6%	34	55.9%	.480
Felt ashamed because of being criticised	42	28.6%	34	41.2%	.260
Felt awkward and aware of myself	42	52.4%	34	64.7%	.283
Embarrassed by being centre of attention	41	34.2%	34	52.9%	.106
Felt so exposed, I wished I could disappear	42	23.8%	34	26.5%	.794
Felt sad or depressed during treatment	42	35.7%	28	57.1%	.082

The next three items in Tables 5.1 through 5.4 have been found in preliminary factor analyses conducted by Mr Nathan Harris on the drink driving cases only to define a factor he labels 'embarrassment and self-awareness'. The three items involve feeling awkward and aware of myself, 'embarrassed by being by being the centre of attention' and 'felt so exposed, I wished I could disappear'. Importantly, the embarrassment and self-awareness factor is not correlated with shame or reintegration, but is positively correlated with stigmatisation. The difference between the emotion of embarrassment and self-awareness and the emotion of guilt-shame in Harris's work is the difference between the kind of emotion we experience when our nakedness is exposed through no fault of our own and the emotion we feel when we know we have done something wrong to someone else. The Tables show that on the embarrassment and self-awareness items, there are not large differences between court and conference. Only one of these twelve comparisons is statistically significant.

'Felt sad and depressed' is only significant on one comparison, though this is a potentially important result. Juvenile Property (Security) conference offenders were more likely to report feeling sad and depressed during the conference than court offenders during their court case. It will be important to monitor this issue and explore its significance as more data come in.

Overall, differences in offender interview responses on emotional intensity between court and conference are not huge at this stage. There are some positive trends which we will explore further in later sections of this chapter and some that cause concern. The complexity of the analyses required to get to the bottom of the emotional intensity issues must await completion of the all data collection.

Table 5.3: Juvenile Property (Security) – Perceived Emotional Intensity of Treatment, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Worried about what others thought of me	26	26.9%	37	56.8%	.017 *
Felt bad because everyone knew of offence	26	38.5%	37	37.8%	.961
Felt ashamed because of being criticised	26	11.5%	37	29.7%	.072
Felt awkward and aware of myself	26	38.5%	37	56.8%	.157
Embarrassed by being centre of attention	26	34.6%	37	51.3%	.191
Felt so exposed, I wished I could disappear	26	30.8%	37	37.8%	.567
Felt sad or depressed during treatment	23	17.4%	37	51.3%	.005 *

Table 5.4: Youth Violence – Perceived Emotional Intensity of Treatment, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Worried about what others thought of me	22	36.4%	21	23.8%	.381
Felt bad because everyone knew of offence	22	40.9%	21	47.6%	.667
Felt ashamed because of being criticised	22	36.4%	21	23.8%	.381
Felt awkward and aware of myself	22	54.5%	21	57.1%	.868
Embarrassed by being centre of attention	22	40.9%	21	42.9%	.900
Felt so exposed, I wished I could disappear	22	45.4%	21	28.6%	.262
Felt sad or depressed during treatment	20	35.0%	19	36.8%	.908

PERCEIVED PROCEDURAL JUSTICE

The social psychology of procedural justice hypothesises that when offenders believe that they have been treated fairly by the criminal justice system, they will be more likely to comply with the law in future (Lind and Tyler, 1988; Tyler, 1990; Makkai and Braithwaite, 1996). When reoffending data is collected for the RISE experiments, the various more detailed predictions of this body of theory will be testable. At this stage, we are in a position at least to assess whether conference offenders perceive their treatment to be more or less procedurally fair in a variety of ways compared to offenders randomly assigned to court.

Tables 5.5 through 5.8 show that across all the experiments, a higher percentage of conference than court offenders perceived that they 'Understood what was going on' and that they 'Understood what my rights were'. Only four of the eight separate comparisons are statically significant at this stage, though given the consistency of the data trend, we might expect more of these comparisons to become statistically significant as more cases come in.

Tables 5.9 through 5.12 also show that except in the Juvenile Personal Property experiment, conference offenders are more likely than court offenders to judge that the treatment was fair overall, though the difference has to date only attained significance in the Drink Driving experiment. Offender perceptions that the court or conference respected their rights were high in both court and conference cases, though consistently higher in the conference cases, a difference that was significant in the Drink Driving experiment.

Table 5.5: Drink Driving – Perceived Procedural Justice (Awareness of Process), court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Understood what was going on at treatment	330	73.6%	387	97.7%	.000 *
Understood what my rights were	332	62.3%	392	93.1%	.000 *

Table 5.6: Juvenile Personal Property – Perceived Procedural Justice (Awareness of Process), court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Understood what was going on at treatment	43	79.1%	34	91.2%	.134
Understood what my rights were	46	80.4%	37	100.0%	.002 *

Table 5.7: Juvenile Property (Security) – Perceived Procedural Justice (Awareness of Process), court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Understood what was going on at treatment	26	76.9%	37	91.9%	.126
Understood what my rights were	27	85.2%	38	92.1%	.406

Table 5.8: Youth Violence – Perceived Procedural Justice (Awareness of Process), court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Understood what was going on at treatment	22	50.0%	21	85.7%	.011 *
Understood what my rights were	22	54.5%	21	80.9%	.066

Conference offenders across the four experiments more likely to believe that people who have committed the same offence are treated the same way by conferences' than are court offenders to believe that people who have committed the same offence are treated the same way by courts', though the difference is only significant in the Juvenile Property (Security) and Drink Driving experiments. These views indicate the facet of consistency in procedural justice. The differences are surprisingly large in the Juvenile Property (Security) experiment, with 65 per cent of conference offenders believing that people who committed the same offence are treated the same way by conferences' compared to 27 per cent of court offenders believing that people who committed the same offence are treated the same way by courts'.

Three items in Tables 5.9 through 5.12 related to how fairly the police were perceived by offenders. The first was about perceptions of the fairness of police leading up to the court or conference case, the second about police fairness during the case, the third a more general item 'Police in Canberra enforce the law fairly'. All twelve comparisons on these three items across the four experiments are in the direction of conference offenders feeling that the police are fairer than court offenders in the immediate aftermath of their encounter with the police. For six of the twelve comparisons, the difference is statistically significant.

Table 5.9: Drink Driving – Perceived Procedural Justice (Consistency; Fairness), court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Treatment was fair overall	330	80.3%	387	95.1%	.000 *
Treatment respected my rights	329	88.2%	387	96.9%	.000 *
Offenders with same offence treated the same	330	39.1%	380	51.6%	.001 *
Police were fair leading up to treatment	325	78.1%	387	92.8%	.000 *
Police were fair at treatment	323	60.7%	387	93.8%	.000 *
Police in Canberra enforce the law fairly	333	58.9%	391	73.4%	.000 *

Table 5.10: Juvenile Personal Property – Perceived Procedural Justice (Consistency; Fairness), court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Treatment was fair overall	43	95.3%	34	94.1%	.815
Treatment respected my rights	43	88.4%	34	97.1%	.136
Offenders with same offence treated the same	44	52.3%	34	64.7%	.274
Police were fair leading up to treatment	43	65.1%	33	75.8%	.317
Police were fair at treatment	42	54.8%	34	79.4%	.021 *
Police in Canberra enforce the law fairly	47	57.5%	37	75.7%	.078

Table 5.11: Juvenile Property (Security) – Perceived Procedural Justice (Consistency; Fairness), court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Treatment was fair overall	26	76.9%	37	91.9%	.126
Treatment respected my rights	26	88.5%	37	91.9%	.664
Offenders with same offence treated the same	26	26.9%	37	64.9%	.002 *
Police were fair leading up to treatment	26	69.2%	38	89.5%	.061
Police were fair at treatment	25	48.0%	37	86.5%	.002 *
Police in Canberra enforce the law fairly	27	55.6%	39	74.4%	.125

Another facet of procedural justice in the work of researchers such as Tyler (1990) is correctability - feeling able to get injustices reversed. While Tables 5.13 through 5.16 show a tendency for correctability to be superior in conferences, the results are not totally consistent. The first two items were: 'If the conference/court had got the facts wrong you felt able to get this corrected' and 'If you believe you had been treated unfairly by the conference/court or the police, you believe you could have got your complaint heard'. For both the Juvenile Property (Security) and Drink Driving experiments, conference offenders were significantly more likely to agree with these statements than court offenders. In the other two experiments, the differences were not significant. The third item was 'You felt too intimidated to say what you really felt in the conference/ court case'. Only in the Drink Driving experiment was there a significantly greater tendency for conference offenders to agree with this item compared to court offenders.

Table 5.12: Youth Violence – Perceived Procedural Justice (Consistency; Fairness), court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Treatment was fair overall	22	81.8%	21	90.5%	.422
Treatment respected my rights	21	80.9%	21	95.2%	.163
Offenders with same offence treated the same	22	36.4%	21	57.1%	.181
Police were fair leading up to treatment	22	54.5%	21	85.7%	.025 *
Police were fair at treatment	22	59.1%	21	85.7%	.052
Police in Canberra enforce the law fairly	22	40.9%	23	60.9%	.189

Table 5.13: Drink Driving – Perceived Procedural Justice (Correctability), court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
If police had facts wrong, able to correct	330	54.9%	384	79.7%	.000 *
If police treated me unfairly, able to complain	329	52.3%	387	72.4%	.000 *
Felt too intimidated at treatment to speak	329	28.3%	386	13.5%	.000 *

Table 5.14: Juvenile Personal Property – Perceived Procedural Justice (Correctability), court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
If police had facts wrong, able to correct	43	69.8%	34	70.6%	.939
If police treated me unfairly, able to complain	43	55.8%	34	52.9%	.805
Felt too intimidated at treatment to speak	42	23.8%	34	26.5%	.794

Table 5.15: Juvenile Property (Security) – Perceived Procedural Justice (Correctability), court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
If police had facts wrong, able to correct	26	50.0%	37	81.1%	.012 *
If police treated me unfairly, able to complain	26	46.1%	37	75.7%	.020 *
Felt too intimidated at treatment to speak	26	42.3%	37	32.4%	.436

Table 5.16: Youth Violence – Perceived Procedural Justice (Correctability), court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
If police had facts wrong, able to correct	22	50.0%	21	61.9%	.444
If police treated me unfairly, able to complain	22	59.1%	21	57.1%	.900
Felt too intimidated at treatment to speak	22	31.8%	21	14.3%	.180

Table 5.17: Drink Driving – Perceived Procedural Justice (Control), court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Felt I had some control over the outcome	329	50.5%	387	78.5%	.000 *
Had an opportunity to express my views	330	71.2%	387	91.5%	.000 *
Had enough control over the way things run	329	38.6%	386	64.8%	.000 *
Treatment took account of what I said	328	56.7%	387	73.1%	.000 *
Felt pushed around by others with power	330	19.7%	387	9.0%	.000 *
Felt pushed into things that I didn't agree with	330	11.8%	387	11.9%	.978

Table 5.18: Juvenile Personal Property – Perceived Procedural Justice (Control), court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Felt I had some control over the outcome	43	60.5%	34	55.9%	.691
Had an opportunity to express my views	43	53.5%	34	67.7%	.210
Had enough control over the way things run	43	44.2%	34	52.9%	.452
Treatment took account of what I said	42	64.3%	34	67.7%	.762
Felt pushed around by others with power	43	30.2%	33	15.2%	.117
Felt pushed into things that I didn't agree with	43	20.9%	34	17.6%	.720

Table 5.19: Juvenile Property (Security) – Perceived Procedural Justice (Control), court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Felt I had some control over the outcome	26	34.6%	37	81.1%	.000 *
Had an opportunity to express my views	26	50.0%	37	86.5%	.003 *
Had enough control over the way things run	26	38.5%	37	54.0%	.228
Treatment took account of what I said	26	46.1%	37	64.9%	.148
Felt pushed around by others with power	26	26.9%	37	27.0%	.993
Felt pushed into things that I didn't agree with	26	15.4%	37	21.6%	.534

The six items in Tables 5.17 through 5.20 measured another facet of procedural justice called process control - a feeling on the part of offenders that they could influence what happened in their case. There was no significant difference between court and conference on any of these process control items in the Juvenile Personal Property experiment. With the Drink Driving experiment, in contrast, there was a significant tendency for perceptions of process control to be stronger in conference than in court on five of the six items. Juvenile Property (Security) and Youth Violence both had two significant differences in the direction of conference participants enjoying greater process control. In the Juvenile Property (Security) experiment, 81 per cent of conference offenders compared to 35 per cent of court offenders 'Felt they had some control over the outcome' and 87 per cent of conference offenders compared to 50 per cent of court offenders believed they 'Had an opportunity to express my views'. In the Youth Violence experiment, on the latter item the difference was 81 per cent (conference) versus 36 per cent (court). Moreover,

Table 5.20: Youth Violence – Perceived Procedural Justice (Control), court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Felt I had some control over the outcome	22	59.1%	20	80.0%	.147
Had an opportunity to express my views	22	36.4%	21	80.9%	.002 *
Had enough control over the way things run	22	36.4%	21	52.4%	.302
Treatment took account of what I said	22	40.9%	21	76.2%	.018 *
Felt pushed around by others with power	22	59.1%	21	33.3%	.094
Felt pushed into things that I didn't agree with	22	18.2%	21	23.8%	.660

Table 5.21: Drink Driving – Perceived Procedural Justice (Impartiality), court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Felt treated no better or worse than others	302	44.0%	321	33.3%	.006 *
All sides had a fair chance to present views	330	71.8%	387	90.4%	.000 *
Felt disadvantaged by age, income, sex, etc.	330	19.1%	387	4.1%	.000 *

Table 5.22: Juvenile Personal Property – Perceived Procedural Justice (Impartiality), court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Felt treated no better or worse than others	40	50.0%	29	41.4%	.485
All sides had a fair chance to present views	43	81.4%	34	88.2%	.408
Felt disadvantaged by age, income, sex, etc.	43	14.0%	34	8.8%	.483

in the Youth Violence experiment 76 per cent of conference offenders felt the conference took account of what I said', while only 41 per cent of court offenders believed the court took account of what I said'.

Impartiality is the facet of procedural justice captured in Tables 5.21 through 5.24. The first of these items involved offenders reporting whether the conference or court case had treated them no better or worse than others are normally treated in this kind of case. This was the only item where procedural fairness was found (for one of the four experiments) to be greater in court than in conference cases. In 44 per cent of court cases compared to 33 per cent of conference cases offenders reported that they felt no better or worse than others are normally treated for this kind of offence. The other two impartiality items - 'All sides had a fair chance to bring out the facts', and 'You were disadvantaged in the conference/court because of your age, income, sex or race or some other reason' found greater perceived impartiality in the drink driving conferences than in the court cases. The only other significant difference was that 86 per cent of Youth Violence conference offenders believed that 'All sides had a fair chance to bring out the facts' compared to 45 per cent of court offenders.

Perceived ethicality is the facet of procedural justice measured in Table 5.26-A. For all four experiments, there was a greater tendency of conference offenders to report that they 'could trust the police during this case', a difference that was only statistically significant in the Youth

Table 5.23: Juvenile Property (Security) – Perceived Procedural Justice (Impartiality), court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Felt treated no better or worse than others	21	28.6%	30	36.7%	.552
All sides had a fair chance to present views	26	73.1%	37	91.9%	.067
Felt disadvantaged by age, income, sex, etc.	26	23.1%	37	10.8%	.222

Table 5.24: Youth Violence – Perceived Procedural Justice (Impartiality), court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Felt treated no better or worse than others	21	47.6%	21	42.9%	.764
All sides had a fair chance to present views	22	45.4%	21	85.7%	.005 *
Felt disadvantaged by age, income, sex, etc.	22	40.9%	21	19.1%	.123

Table 5.25: Drink Driving – Perceived Procedural Justice (Ethicality), court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Felt I could trust the police during treatment	332	60.2%	392	84.7%	.000 *
I was made to confess to things I did not do	333	1.5%	392	.5%	.192

Table 5.26: Juvenile Personal Property – Perceived Procedural Justice (Ethicality), court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Felt I could trust the police during treatment	47	38.3%	37	59.5%	.055
I was made to confess to things I did not do	47	23.4%	37	2.7%	.003 *

Violence and Drink Driving experiments. For the Juvenile Personal Property experiment there was a significantly greater tendency for court offenders to report that 'I was made to confess things I did not do'. In the other three experiments, there was no significant court-conference difference on this item.

Table 5.29 through 5.32 reports on the procedural justice facet of respect. These data show different results for politeness of treatment versus rudeness and respect. In none of the experiments was there any significant difference in the degree to which offenders felt they had been treated politely. Consistent with our observations, the overwhelming majority of both court and conference offenders believe they are treated politely. Regardless of whether they are court or conference cases offender perceptions of politeness are lowest in the Youth Violence cases. On rudeness and respect, however, conferences tend to do better in the offenders' views. In both the Juvenile Property (Security) and Drink Driving experiments there was a significant tendency for more of the conference offenders than the court offenders to believe that had been treated with respect during their case. Police rudeness was also seen as significantly greater by court offenders in the Juvenile Personal Property and Drink Driving experiments.

Table 5.27: Juvenile Property (Security) – Perceived Procedural Justice (Ethicality), court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Felt I could trust the police during treatment	27	48.1%	39	66.7%	.142
I was made to confess to things I did not do	27	14.8%	39	5.1%	.223

Table 5.28: Youth Violence – Perceived Procedural Justice (Ethicality), court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Felt I could trust the police during treatment	22	22.7%	23	60.9%	.009 *
I was made to confess to things I did not do	22	22.7%	23	4.3%	.079

Table 5.29: Drink Driving – Perceived Procedural Justice (Respect), court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
People were polite to me at treatment	330	85.4%	387	88.9%	.173
I was treated with respect at treatment	330	63.6%	386	85.8%	.000 *
Police were rude when I was apprehended	332	16.0%	392	6.1%	.000 *

Table 5.30: Juvenile Personal Property – Perceived Procedural Justice (Respect), court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
People were polite to me at treatment	43	83.7%	34	76.5%	.440
I was treated with respect at treatment	43	62.8%	34	67.7%	.661
Police were rude when I was apprehended	46	43.5%	36	22.2%	.040 *

Table 5.31: Juvenile Property (Security) – Perceived Procedural Justice (Respect), court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
People were polite to me at treatment	26	80.8%	37	81.1%	.976
I was treated with respect at treatment	26	57.7%	37	86.5%	.016 *
Police were rude when I was apprehended	27	33.3%	39	20.5%	.263

Overall, there were 38 statistically significant differences in the direction of conference offenders believing they obtained superior procedural justice compared to court offenders and one significant difference in the opposite direction. Even at this stage of the research process, we can therefore be quite confident that offender perceptions of procedural fairness are stronger when they are randomly assigned to a conference than when assigned to court.

Table 5.32: Youth Violence – Perceived Procedural Justice (Respect), court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
People were polite to me at treatment	22	59.1%	21	71.4%	.407
I was treated with respect at treatment	22	63.6%	21	71.4%	.596
Police were rude when I was apprehended	21	28.6%	23	34.8%	.667

Table 5.33: Drink Driving – Perceived Retributive Justice, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
The outcome from my treatment was too hard	330	28.8%	386	15.5%	.000 *
The outcome from my treatment was severe	331	93.3%	390	95.9%	.135

Table 5.34: Juvenile Personal Property – Perceived Retributive Justice, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
The outcome from my treatment was too hard	43	7.0%	34	5.9%	.848
The outcome from my treatment was severe	47	93.6%	37	94.6%	.852

PERCEIVED RETRIBUTIVE JUSTICE

Tables 5.33 through 5.36 show minimal differences across the four experiments in the perceptions of offenders concerning the retributive justice of court versus conference. The only difference that is statistically significant is in the Drink Driving experiment where a larger minority of court offenders (29 per cent) felt that the outcome they received in court was too hard, compared to 16 per cent of conference offenders who believed their conference outcome was too hard.

PERCEIVED RESTORATIVE JUSTICE

Offender perceptions of restorative justice, in contrast, were consistently higher in conferences than in court. All but three of the comparisons in Tables 5.37 through 5.40 are significant at this point and all are in the direction of higher percentages of conference offenders believing that the criminal process they experienced had allowed them to repay society, to repay the victim and that they felt good that they were able to do something about the offence I committed. Many of the differences are unusually large for social science research, with overwhelming majorities experiencing restoration in the conference treatment. For seven of the comparisons, the percentage of offenders experiencing restoration in conferences is twice as high as the percentage in the court treatment.

Table 5.35: Juvenile Property (Security) – Perceived Retributive Justice, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
The outcome from my treatment was too hard	25	20.0%	37	18.9%	.918
The outcome from my treatment was severe	27	88.9%	39	94.9%	.406

Table 5.36: Youth Violence – Perceived Retributive Justice, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
The outcome from my treatment was too hard	22	13.6%	21	14.3%	.952
The outcome from my treatment was severe	22	86.4%	23	87.0%	.955

Table 5.37: Drink Driving – Perceived Restorative Justice, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
The treatment allowed me to repay society	330	43.0%	387	82.2%	.000 *
Felt good that I was able to do something	295	30.5%	343	77.3%	.000 *

Table 5.38: Juvenile Personal Property – Perceived Restorative Justice, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
The treatment allowed me to repay society	42	38.1%	34	76.5%	.001 *
The treatment allowed me to repay the victim	43	48.8%	34	76.5%	.012 *
Felt good that I was able to do something	42	42.9%	28	53.6%	.388

Table 5.39: Juvenile Property (Security) – Perceived Restorative Justice, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
The treatment allowed me to repay society	26	38.5%	37	89.2%	.000 *
The treatment allowed me to repay the victim	26	34.6%	37	81.1%	.000 *
Felt good that I was able to do something	23	43.5%	37	64.9%	.113

Table 5.40: Youth Violence – Perceived Restorative Justice, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
The treatment allowed me to repay society	22	27.3%	21	66.7%	.009 *
The treatment allowed me to repay the victim	22	18.2%	21	61.9%	.003 *
Felt good that I was able to do something	20	25.0%	19	36.8%	.438

Table 5.41: Drink Driving – Perceived Reintegrative Shaming, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
At treatment, I felt my offence was wrong	329	83.0%	385	93.3%	.000 *
Felt bad that offence could have hurt others	329	64.4%	385	88.3%	.000 *
Felt good that I was able to face up to offence	296	54.4%	343	76.4%	.000 *
Felt angry with myself for what I had done	329	61.1%	385	71.7%	.003 *
Was affected by emotions of injured parties	326	20.9%	381	46.5%	.000 *
At treatment, I felt ashamed of what I did	327	57.5%	385	77.7%	.000 *
I understood what it was like for victims	324	25.6%	383	68.2%	.000 *
Felt bad that my actions hurt others	326	22.4%	381	47.0%	.000 *
Others spoke up on my behalf at treatment	330	35.2%	384	87.2%	.000 *
I was able to make up for what I did	328	36.3%	385	74.8%	.000 *
I was able to clear my conscience	330	27.3%	386	50.0%	.000 *
People said it was not like me to offend	326	28.2%	386	67.9%	.000 *
People said I can put the offence behind me	329	47.4%	386	54.1%	.073
People accept me as basically law-abiding	328	60.4%	386	86.8%	.000 *
People noted aspects of me that they like	329	24.6%	384	63.3%	.000 *
I was treated as a trustworthy person	329	53.2%	384	76.8%	.000 *
Those close to me have given more support	317	44.2%	379	43.5%	.868

PERCEIVED REINTEGRATIVE SHAMING

Key hypotheses in this research are that conferences will conduce to reintegrative shaming more than court cases and that where reintegrative shaming occurs, reoffending will be less (Braithwaite, 1989). The crucial distinction from this theoretical perspective is between reintegrative shaming, which is expected to reduce crime, and stigmatisation, which we predict will increase crime. Reintegrative shaming means disapproving of the criminal act while treating the offender as a good person. It means avoiding any permanent labelling of the offender as a criminal. It means terminating rituals to communicate the wrongfulness of the criminal act with rituals to accept the offender back into the law abiding community. Most importantly, it means communicating disapproval in a respectful rather than a humiliating or degrading fashion. Clearly, there are a number of separate but related aspects of the concept of reintegrative shaming.

Our first analytic task is to ascertain whether it is better to treat these different aspects of reintegrative shaming as separate - for example, whether we can better explain crime by treating reintegration and shaming as separate variables or reintegrative shaming as a single variable.

Table 5.42: Juvenile Personal Property – Perceived Reintegrative Shaming, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
At treatment, I felt my offence was wrong	42	85.7%	34	85.3%	.959
Felt bad that offence could have hurt others	42	50.0%	34	76.5%	.016 *
Felt good that I was able to face up to offence	42	47.6%	28	53.6%	.632
Felt angry with myself for what I had done	42	57.1%	34	64.7%	.508
Was affected by emotions of injured parties	42	40.5%	34	52.9%	.286
At treatment, I felt ashamed of what I did	42	64.3%	34	76.5%	.250
I understood what it was like for victims	42	33.3%	34	82.3%	.000 *
Felt bad that my actions hurt others	42	52.4%	34	70.6%	.106
Others spoke up on my behalf at treatment	43	76.7%	34	94.1%	.027 *
I was able to make up for what I did	42	52.4%	34	73.5%	.057
I was able to clear my conscience	43	58.1%	34	64.7%	.562
People said it was not like me to offend	43	32.6%	34	70.6%	.001 *
People said I can put the offence behind me	43	76.7%	34	67.7%	.386
People accept me as basically law-abiding	43	37.2%	34	55.9%	.106
People noted aspects of me that they like	43	39.5%	34	55.9%	.159
I was treated as a trustworthy person	43	34.9%	34	44.1%	.419
Those close to me have given more support	43	53.5%	32	37.5%	.173

Factor analysis is the technique for doing this. Unfortunately, it requires a large number of cases to run a factor analysis; to date a meaningful factor analysis is only possible on the Drink Driving experiment. The next task is then to explore the relationship between practices of reintegrative shaming and the experience of the emotion of shame. Yet there are different types of shame, guilt and embarrassment as well. As discussed earlier in this chapter, the shame we experience from the exposure of nakedness is quite a different feeling with different physiological effects from the shame we experience from wrongdoing.

Tables 5.41 through 5.44 provide only a preliminary assessment of how items designed to capture the different features of reintegrative shaming and shame are behaving. In the Drink Driving experiment, where the sample size is largest, 15 of the 17 differences in Table 5.41 are statistically significant and in the direction of reintegrative shaming and shame being greater in conference than in court cases. The item with the most negative results in terms of the theory of reintegrative shaming across all the analyses is the last one in the tables. There is no tendency for offenders in conference cases to be more likely to agree that 'In the week after the conference/court case your family and friends gave you more support than they normally give you'. This is a clue that in future analyses we need to take a hard look at whether conferences are failing in enhancing family support, where and why.

In the three experiments with the smaller samples at this time (Tables 5.42 through 5.44), all ten court-conference differences which are significant are in the direction predicted by the theory of reintegrative shaming. While there are still insufficient data, except with the drink driving experiment, for the kind of analyses needed to explicate thereintegrative shaming issues, there is reason to be encouraged at this stage that reintegrative shaming concepts will prove useful.

Table 5.43: Juvenile Property (Security) – Perceived Reintegrative Shaming, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
At treatment, I felt my offence was wrong	26	65.4%	37	86.5%	.064
Felt bad that offence could have hurt others	26	30.8%	37	70.3%	.002 *
Felt good that I was able to face up to offence	23	52.2%	37	56.8%	.735
Felt angry with myself for what I had done	26	50.0%	37	59.5%	.467
Was affected by emotions of injured parties	26	34.6%	37	43.2%	.496
At treatment, I felt ashamed of what I did	26	57.7%	37	75.7%	.147
I understood what it was like for victims	26	30.8%	37	54.0%	.066
Felt bad that my actions hurt others	26	30.8%	37	54.0%	.066
Others spoke up on my behalf at treatment	26	61.5%	37	70.3%	.483
I was able to make up for what I did	26	38.5%	37	89.2%	.000 *
I was able to clear my conscience	26	46.1%	37	75.7%	.020 *
People said it was not like me to offend	26	42.3%	37	46.0%	.779
People said I can put the offence behind me	25	64.0%	37	64.9%	.946
People accept me as basically law-abiding	26	50.0%	37	46.0%	.756
People noted aspects of me that they like	26	38.5%	37	43.2%	.709
I was treated as a trustworthy person	26	30.8%	37	21.6%	.430
Those close to me have given more support	26	42.3%	37	54.0%	.367

Table 5.44: Youth Violence – Perceived Reintegrative Shaming, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
At treatment, I felt my offence was wrong	21	47.6%	21	61.9%	.365
Felt bad that offence could have hurt others	21	47.6%	21	66.7%	.222
Felt good that I was able to face up to offence	19	52.6%	19	47.4%	.754
Felt angry with myself for what I had done	21	28.6%	21	28.6%	1.000
Was affected by emotions of injured parties	21	33.3%	21	52.4%	.222
At treatment, I felt ashamed of what I did	21	33.3%	21	57.1%	.127
I understood what it was like for victims	22	18.2%	21	57.1%	.008 *
Felt bad that my actions hurt others	22	31.8%	21	52.4%	.181
Others spoke up on my behalf at treatment	22	77.3%	21	76.2%	.935
I was able to make up for what I did	21	23.8%	21	80.9%	.000 *
I was able to clear my conscience	22	40.9%	21	80.9%	.006 *
People said it was not like me to offend	22	40.9%	21	28.6%	.407
People said I can put the offence behind me	22	50.0%	21	71.4%	.157
People accept me as basically law-abiding	22	31.8%	21	61.9%	.050
People noted aspects of me that they like	22	45.4%	21	42.9%	.868
I was treated as a trustworthy person	21	23.8%	21	52.4%	.059
Those close to me have given more support	22	45.4%	21	47.6%	.890

Table 5.45: Drink Driving – Perceived Stigmatic Shaming, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Felt treated as though would offend again	329	19.1%	386	16.6%	.373
People made negative judgments about me	329	14.6%	386	11.1%	.172
Treated as though I was a criminal	329	28.3%	386	17.9%	.001 *
People important to me rejected me	329	4.6%	386	4.4%	.921
Treated as though I was a bad person	329	18.2%	385	15.1%	.259
People will not let me forget what I did	329	31.9%	385	36.4%	.211
People not at treatment treat me as a criminal	318	16.3%	347	12.4%	.147

Table 5.46: Juvenile Personal Property – Perceived Stigmatic Shaming, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Felt treated as though would offend again	43	25.6%	34	26.5%	.931
People made negative judgments about me	43	16.3%	34	32.4%	.111
Treated as though I was a criminal	43	37.2%	34	41.2%	.728
People important to me rejected me	43	11.6%	34	14.7%	.698
Treated as though I was a bad person	43	20.9%	34	29.4%	.405
People will not let me forget what I did	43	39.5%	34	44.1%	.691
People not at treatment treat me as a criminal	42	31.0%	30	16.7%	.158

PERCEIVED STIGMATIC SHAMING

Stigmatic shaming is defined as the opposite of reintegrative shaming. The hypothesis is that when it occurs it will make crime worse. Stigmatic shaming means not only disapproving of the criminal act but also treating the offender as a criminal. It means permanent labelling of the offender. It means unwillingness to terminate rituals to communicate the wrongfulness of the criminal act with rituals to accept the offender back into the law abiding community. Most importantly, it means communicating disapproval in a humiliating or degrading fashion. A good example of stigmatisation was the highly publicised 1998 incident of a Canberra Diversionary Conference where the victim and the mother of a shoplifter insisted that he parade outside the store with a T-shirt emblazoned 'I am a thief'.

The results for stigmatisation are presented separately from those for reintegrative shaming because what we are finding is that there are a lot of court cases and conferences where both reintegrative shaming and stigmatisation are occurring. What happens is that at different times during the same conference both types of shaming occur. Tables 5.45 through 5.48 show that at this stage there is not a strong tendency for conferences to be perceived as less stigmatising than court cases, especially in the Juvenile Personal Property experiment (Table 5.46). Across all the comparisons in these four tables, only two are statistically significant. Court Juvenile Property (Security) offenders were much more likely to feel treated as though they would offend again' (40 percent compared to 14 per cent of conference offenders). Court drink driving offenders were more likely to report that they were treated as though I was a criminal' (28 per cent compared to 18 per cent of conference offenders). What is interesting here is the low percentage

Table 5.47: Juvenile Property (Security) – Perceived Stigmatic Shaming, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Felt treated as though would offend again	25	40.0%	37	13.5%	.027 *
People made negative judgments about me	26	19.2%	37	13.5%	.559
Treated as though I was a criminal	25	36.0%	37	27.0%	.468
People important to me rejected me	26	7.7%	37	10.8%	.676
Treated as though I was a bad person	26	26.9%	37	21.6%	.638
People will not let me forget what I did	26	34.6%	37	21.6%	.273
People not at treatment treat me as a criminal	24	20.8%	30	10.0%	.291

Table 5.48: Youth Violence – Perceived Stigmatic Shaming, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Felt treated as though would offend again	22	31.8%	21	33.3%	.918
People made negative judgments about me	22	36.4%	21	19.1%	.213
Treated as though I was a criminal	22	50.0%	21	23.8%	.078
People important to me rejected me	22	18.2%	21	4.8%	.175
Treated as though I was a bad person	22	27.3%	21	19.1%	.534
People will not let me forget what I did	22	31.8%	21	38.1%	.675
People not at treatment treat me as a criminal	21	23.8%	21	23.8%	1.000

of offenders who perceive the court to be stigmatising them. Drink driving offenders are in court for a criminal offence; yet only 28 per cent of them report feeling that they are treated like a criminal. In a way, the surprise in these data is not the levels of stigmatisation that are breaking into conferences, but the low level of stigmatisation reported as experienced in court appearances.

FORGIVENESS

Forgiveness is one facet of reintegrative shaming which is producing quite unstable results at this time in the three experiments with the lowest sample sizes (Tables 5.50 through 5.52). More data will be needed to sort out the puzzles emerging in the two property and the violence experiments. The Drink Driving experiment results, however, are clear and consistent (Table 5.49). Conference offenders are more likely than court offenders to report that people have indicated to them that they were forgiven, that they loved them regardless of the offence, that they deserved a second chance and that they had earned a fresh start. With the last of these items, the difference is quite modest, however.

Table 5.49: Drink Driving – Perceived Forgiveness, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
People have indicated I was forgiven	326	29.4%	383	51.2%	.000 *
People said they love me despite offence	327	39.8%	385	62.1%	.000 *
People said that I deserve a second chance	329	32.8%	383	67.6%	.000 *
People accept that I have earned a fresh start	310	81.3%	328	90.2%	.001 *

Table 5.50: Juvenile Personal Property – Perceived Forgiveness, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
People have indicated I was forgiven	42	61.9%	34	58.8%	.788
People said they love me despite offence	43	48.8%	34	61.8%	.263
People said that I deserve a second chance	43	58.1%	34	79.4%	.044 *
People accept that I have earned a fresh start	41	92.7%	30	90.0%	.700

Table 5.51: Juvenile Property (Security) – Perceived Forgiveness, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
People have indicated I was forgiven	26	34.6%	37	56.8%	.084
People said they love me despite offence	26	46.1%	37	62.2%	.218
People said that I deserve a second chance	26	50.0%	37	73.0%	.071
People accept that I have earned a fresh start	22	90.9%	32	96.9%	.401

Table 5.52: Youth Violence – Perceived Forgiveness, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
People have indicated I was forgiven	22	54.5%	21	52.4%	.890
People said they love me despite offence	22	72.7%	21	57.1%	.296
People said that I deserve a second chance	21	61.9%	20	65.0%	.842
People accept that I have earned a fresh start	21	95.2%	17	88.2%	.461

Table 5.53: Drink Driving – Perceived Anger, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Feel bitter about the way I was treated	304	16.4%	380	5.5%	.000 *
The treatment just made me angry	312	21.2%	381	5.8%	.000 *
I wish I could get back at my accusers	328	1.5%	383	.5%	.194

Table 5.54: Juvenile Personal Property – Perceived Anger court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Feel bitter about the way I was treated	40	15.0%	33	18.2%	.722
The treatment just made me angry	40	15.0%	32	6.3%	.227
I wish I could get back at my accusers	39	7.7%	34	.0%	.083

Table 5.55: Juvenile Property (Security) – Perceived Anger, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Feel bitter about the way I was treated	26	11.5%	36	27.8%	.106
The treatment just made me angry	25	28.0%	34	17.6%	.365
I wish I could get back at my accusers	26	15.4%	36	11.1%	.636

Table 5.56: Youth Violence – Perceived Anger, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Feel bitter about the way I was treated	18	22.2%	20	30.0%	.597
The treatment just made me angry	19	31.6%	19	10.5%	.119
I wish I could get back at my accusers	19	21.1%	21	4.8%	.141

ANGER

Tables 5.53 through 5.56 similarly show quite inconsistent early results on the effect on offender anger of court versus conference treatment. None of the results are statistically significant in the property and violence experiments. For two of the three comparisons in the Drink Driving experiment, offenders were less likely to report anger about the way they were treated in conference cases than in court cases (Table 5.53).

Table 5.57: Drink Driving – Perceived Defiance, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Feel my accusers were more wrong than me	324	4.9%	379	5.8%	.611
Feel glad that I committed the offence	332	3.3%	388	5.4%	.166
Now feel that offence was right	331	3.6%	388	1.8%	.140
Proud my family knows about the offence	303	.0%	360	.0%	
Proud my friends know about the offence	327	1.8%	381	.0%	.014 *
Proud officials know about the offence	331	.6%	385	.0%	.158

Table 5.58: Juvenile Personal Property – Perceived Defiance, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Feel my accusers were more wrong than me	42	7.1%	31	.0%	.083
Feel glad that I committed the offence	47	4.3%	37	8.1%	.481
Now feel that offence was right	46	.0%	37	.0%	
Proud my family knows about the offence	44	2.3%	33	.0%	.323
Proud my friends know about the offence	42	4.8%	32	.0%	.160
Proud officials know about the offence	44	.0%	34	2.9%	.325

DEFIANCE

Sherman (1993) has argued, partly based on previous work on domestic violence (Sherman, 1992), that a reaction of defiance to threats of sanctions runs a grave risk of escalating crime. The problem in the data set is that a number of ways for measuring defiance that we have used arise with very low frequency (see Tables 5.57 through 5.60). Even with the large number of cases in the Drink Driving experiment, defiance measured in the ways listed in Table 5.57 is so rare that statistically significant differences emerge on only one comparison: two per cent of court offenders say they are proud that their friends know about their drink driving offence compared to none of the conference offenders. When further results are in, it may still be possible to measure defiance in a credible way by adding a number of items together in a composite index.

PERCEIVED LEGITIMACY

One hypothesis is that the way conferences are designed to nurture democratic participation and respect the citizenship of criminal offenders and other participants will enhance citizen perceptions of the legitimacy of government and more specifically of the criminal justice system. Tables 5.61 through 5.64 show a consistent pattern across the four experiments for respect for the justice system, the law and the police to be perceived to have gone up as a result of conferences more often than in court cases. At this stage only six of the twelve comparisons are statistically significant. None of the comparisons in the Juvenile Personal Property experiment (Table 5.62) are statistically significant, though all are in the direction of conferences doing more to enhance the legitimacy of government than court cases.

Table 5.59: Juvenile Property (Security) – Perceived Defiance, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Feel my accusers were more wrong than me	26	3.8%	36	16.7%	.088
Feel glad that I committed the offence	26	11.5%	37	2.7%	.211
Now feel that offence was right	27	3.7%	38	.0%	.327
Proud my family knows about the offence	26	.0%	37	.0%	
Proud my friends know about the offence	25	8.0%	35	.0%	.161
Proud officials know about the offence	26	11.5%	37	5.4%	.413

Table 5.60: Youth Violence – Perceived Defiance, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Feel my accusers were more wrong than me	15	26.7%	19	21.1%	.715
Feel glad that I committed the offence	21	4.8%	22	13.6%	.324
Now feel that offence was right	20	25.0%	23	26.1%	.937
Proud my family knows about the offence	22	.0%	20	5.0%	.330
Proud my friends know about the offence	22	13.6%	21	19.1%	.642
Proud officials know about the offence	22	.0%	22	.0%	

Table 5.61: Drink Driving – Perceived Legitimacy, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Have increased respect for the justice system	329	20.4%	387	65.9%	.000 *
Have increased respect for the law	328	23.2%	387	59.2%	.000 *
Have increased respect for the police	333	23.7%	392	62.0%	.000 *

Table 5.62: Juvenile Personal Property – Perceived Legitimacy, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Have increased respect for the justice system	44	29.6%	33	51.5%	.055
Have increased respect for the law	44	43.2%	34	55.9%	.272
Have increased respect for the police	47	34.0%	37	40.5%	.548

Table 5.63: Juvenile Property (Security) – Perceived Legitimacy, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Have increased respect for the justice system	26	23.1%	36	41.7%	.122
Have increased respect for the law	26	46.1%	37	56.8%	.416
Have increased respect for the police	27	14.8%	39	48.7%	.002 *

Table 5.64: Youth Violence – Perceived Legitimacy, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Have increased respect for the justice system	22	22.7%	21	52.4%	.047 *
Have increased respect for the law	22	31.8%	21	28.6%	.822
Have increased respect for the police	22	9.1%	23	34.8%	.038 *

PERCEIVED INFORMAL SOCIAL CONTROL

Tables 5.65 through 5.68 suggest that the overwhelming majority of criminal offenders, contrary to certain stereotypes, are proud to be a member of their family, love their family and believe 'my family loves me'. These three items are unaffected by conference or court treatment in any of the four tables. Conference offenders are more likely to believe that they will have a Problem with family/friends if I reoffend', though the difference is only statistically significant in the Juvenile Personal Property and Drink Driving experiments.

Not only is this form of family informal social control strengthened by drink driving conferences, it also seems to be the case that certain kinds of family solidarity are strengthened (which in turn ought to enhance informal control capacities). Eighty-seven per cent of offenders in drink driving conferences report that 'I learned there are people who care about me', compared with 37 per cent of court offenders. In the Drink Driving experiment, offenders felt their conference made them more proud of their family, brought their family closer together and increased the respect we have for one another in my family'. While conference outperformed court in these respects in the Drink Driving experiment, there was a tendency in the other experiments for the court offenders to more likely to believe that their court case had brought my family closer together' than were the conference offenders to believe that their conference had brought my family closer together'. In the Youth Violence experiment, this difference was statistically significant. In the three non-drink driving experiments, we would have to say even at this preliminary stage of the analysis that conferences are not working as well as hoped in terms of strengthening family solidarity.

PERCEIVED DETERRENCE

When conferences were first introduced, one of the concerns was that they would erode deterrence by being too soft on offenders. Tables 5.69 through 5.72 show that to date there is no evidence to support this concern. Indeed, there is some evidence that the reverse may be true. Across all four experiments, there are no differences between conference and court offenders in their ratings of how tough they believed punishment would be if they reoffended and how much of a problem it would be for them to be arrested for the same kind of offence again and go to court.

Table 5.65: Drink Driving – Perceived Informal Control, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Problem with family/friends if I reoffend	333	60.4%	390	79.2%	.000 *
I learned there are people who care about me	329	37.1%	386	87.1%	.000 *
I am proud to be a member of my family	331	93.0%	385	92.2%	.667
Due to treatment, more proud about family	330	26.1%	385	49.6%	.000 *
Treatment brought my family closer together	330	16.7%	384	31.8%	.000 *
My family loves me	331	95.8%	385	94.6%	.445
I love my family	331	97.9%	385	95.8%	.114
Treatment increased respect within my family	330	23.3%	384	44.5%	.000 *

Table 5.66: Juvenile Personal Property – Perceived Informal Control, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Problem with family/friends if I reoffend	47	74.5%	36	91.7%	.033 *
I learned there are people who care about me	43	72.1%	34	79.4%	.461
I am proud to be a member of my family	44	84.1%	34	82.3%	.842
Due to treatment, more proud about family	43	34.9%	34	44.1%	.419
Treatment brought my family closer together	43	27.9%	34	20.6%	.461
My family loves me	44	84.1%	34	85.3%	.885
I love my family	44	86.4%	34	94.1%	.247
Treatment increased respect within my family	43	27.9%	34	35.3%	.497

However, when asked, 'If you were caught for the same kind of offence again and went to a conference, how much of a problem would it create for your life?' large differences emerged, which were significant in all experiments except the Juvenile Property (Security) experiment (where it was almost significant). In short, sending cases to conference rather than court does not erode the deterrent power of court processing, but the deterrent power of the diversion appears even greater.

Even more interesting, in the Juvenile Personal Property and Drink Driving experiments, assignment to conference significantly increases the expectation that if they reoffend they will be caught. There is something about the discussion of the offence that occurs in a conference compared to the production-line processing of court that increases offenders' apprehension that if they do it again they are likely to be caught.

In sum, the evidence at this point indicates increased rather than reduced deterrence as a result of sending cases to a conference rather than to court. Conference assignment seems to increase fears of detection without reducing the fear of the sanctions associated with court, and while actually increasing the fear of the sanctions associated with diversion.

Table 5.67: Juvenile Property (Security) – Perceived Informal Control, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Problem with family/friends if I reoffend	27	74.1%	39	84.6%	.316
I learned there are people who care about me	26	42.3%	37	81.1%	.002 *
I am proud to be a member of my family	26	80.8%	38	86.8%	.532
Due to treatment, more proud about family	26	34.6%	37	48.6%	.272
Treatment brought my family closer together	26	30.8%	37	18.9%	.300
My family loves me	26	88.5%	38	89.5%	.902
I love my family	26	84.6%	38	92.1%	.381
Treatment increased respect within my family	26	30.8%	37	48.6%	.156

Table 5.68: Youth Violence – Perceived Informal Control, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Problem with family/friends if I reoffend	22	63.6%	23	73.9%	.469
I learned there are people who care about me	22	72.7%	21	71.4%	.927
I am proud to be a member of my family	22	77.3%	22	81.8%	.716
Due to treatment, more proud about family	22	40.9%	21	28.6%	.407
Treatment brought my family closer together	22	27.3%	21	4.8%	.046 *
My family loves me	22	90.9%	22	86.4%	.644
I love my family	22	100.0%	22	95.5%	.329
Treatment increased respect within my family	22	36.4%	21	57.1%	.181

Table 5.69: Drink Driving – Perceived Deterrence, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Punishment would be tough if I reoffend	331	93.3%	390	95.9%	.135
Court would be a problem if I reoffend	333	96.4%	392	95.9%	.738
Conference would be a problem if I reoffend	331	45.6%	390	82.6%	.000 *
Newspaper would be a problem if I reoffend	332	59.3%	392	67.1%	.031 *
Likely to be caught if I reoffend	333	66.4%	389	78.4%	.000 *

Table 5.70: Juvenile Personal Property – Perceived Deterrence, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Punishment would be tough if Ireoffend	47	93.6%	37	94.6%	.852
Court would be a problem if Ireoffend	47	95.7%	37	94.6%	.811
Conference would be a problem if Ireoffend	47	55.3%	37	86.5%	.001 *
Likely to be caught if Ireoffend	47	46.8%	37	70.3%	.030 *

Table 5.71: Juvenile Property (Security) – Perceived Deterrence, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Punishment would be tough if Ireoffend	27	88.9%	39	94.9%	.406
Court would be a problem if Ireoffend	27	92.6%	39	94.9%	.717
Conference would be a problem if Ireoffend	27	55.6%	39	76.9%	.079
Likely to be caught if Ireoffend	26	61.5%	39	79.5%	.133

Table 5.72: Youth Violence – Perceived Deterrence, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Punishment would be tough if Ireoffend	22	86.4%	23	87.0%	.955
Court would be a problem if Ireoffend	21	95.2%	23	91.3%	.611
Conference would be a problem if Ireoffend	22	54.5%	23	82.6%	.045 *
Likely to be caught if Ireoffend	22	63.6%	23	60.9%	.852

SELF-PROJECTED COMPLIANCE

If the conclusions of the last section are right, we would expect this to be reflected in offenders' expectations of whether they will reoffend. Tables 5.74-A display offender responses to questions about whether 'What happened in the conference/court case will help prevent you from breaking the law in the future' and whether 'What happened in the conference/court case will encourage you to obey the law'. The pattern of the results on both items across the four experiments is of a belief that conferences more than court cases reduce expectations of reoffending. However, the differences are not large and only four of the eight comparisons are statistically significant.

GENERAL ASSESSMENT OF OFFENDER REACTIONS

Overall, the offender interview data are consistent with the first of the three major hypotheses: that offenders consider conferences to be fairer than court. On most of the specific dimensions of fairness, this difference is clear. Only with respect to stigmatic shaming is there a departure from the predicted pattern, in which conferences may create more emotions of all kind, including both reintegrative and stigmatic shaming.

Table 5.73: Drink Driving – Self-Projected Compliance, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Treatment will help prevent reoffending	226	71.2%	211	84.8%	.001 *
Treatment will help me to obey the law	242	76.0%	231	85.7%	.007 *

Table 5.74: Juvenile Personal Property – Self-Projected Compliance, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Treatment will help prevent reoffending	27	63.0%	26	96.1%	.003 *
Treatment will help me to obey the law	31	71.0%	28	78.6%	.509

Table 5.75: Juvenile Property (Security) – Self-Projected Compliance, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Treatment will help prevent reoffending	18	77.8%	26	73.1%	.728
Treatment will help me to obey the law	19	63.2%	24	70.8%	.607

Table 5.76: Youth Violence – Self-Projected Compliance, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Treatment will help prevent reoffending	18	50.0%	18	83.3%	.035 *
Treatment will help me to obey the law	20	65.0%	17	76.5%	.457

Specifically, the data support the following conclusions:

- conferences are more emotionally intense for offenders than court
- procedural justice is better served by conferences than court
- offender perceptions of retribution varied little between court and conference, except for drink drivers who saw the penalty as too hard more often in court than in conference
- restorative justice is substantially greater in conferences
- reintegrative shaming is greater in conferences
- stigmatic shaming does not differ much between court and conference
- forgiveness is stronger in conference than in court
- for drink driving cases only, there is more offender anger at court than at conference; the other experiments show no difference yet
- offenders report little evidence of defiance in either treatment
- conferences increase respect for the police and the law more than court
- drink driving conferences increase the informal social control of the family more than court, but the young offender experiments do not yet clearly show this effect of conferences
- perceived deterrence appears greater among offenders sent to conference than to court.

A complete test of the fairness of conferences relative to court, however, must include a comparison of the perceptions of victims who have experienced the different processes.

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CHAPTER 6

VICTIM PERSPECTIVES ON COURT AND CONFERENCE

This Chapter presents data collected on victims in two experiments only, the Juvenile Personal Property and Youth Violence. There were no direct victims in the Drink Driving experiment as cases were excluded if they involved accidents. For reasons explained in Chapter 2, it was decided not to interview the security guard victims involved in the Juvenile Property (Security) experiment.

To date, a total of 109 of the 128 eligible victims have been interviewed in RISE (85% completion rate). Of these, 72 victims of 83 eligible (87%) have been interviewed in the Juvenile Personal Property experiment; 39 of them had their case assigned to court and 33 to conference. There have been 37 victims interviewed out of 45 eligible (82%) in the Youth Violence experiment, 15 of whom had their case assigned to court and 22 to conference.

The first section describes the level of harm reported by the victims, with few differences emerging between court and conference victims. Thus reassured of the comparability of the two groups, the confidence that can be placed in different effects of the court versus conference treatments is increased for these subsequent analyses:

- Notification of proceedings
- Attendance at proceedings
- Procedural justice
- Restorative justice:
 - Reconciliation
 - Forgiveness
 - Healing
- Legitimacy of the law
- Satisfaction with the way their case was handled

VICTIM DESCRIPTION OF HARM

Physical harm

This was suffered only by victims in the Youth Violence Experiment. For those victims, the rates of injury were substantial. Fifty percent of the 18 Youth Violence victims whose cases were assigned to court and 74 percent of the 19 victims whose cases were assigned to conference reported that they required the attention of a doctor as a result of the offence. Almost all of them had their injuries attended to in a hospital emergencycentre: seven of the court-assigned victims (39 percent) and twelve of the conference-assigned (63 percent) were admitted to hospital.

Financial harm

Juvenile Personal Property. Of those victims whose cases were assigned to court, 69 percent reported experiencing financial loss of some kind as a result of the offence, compared with 73 percent of those whose cases were assigned to conference. No Juvenile Personal Property victim

Table 6.1: Juvenile Personal Property – Financial Harm, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Percent with damage to property	39	41.0%	33	24.2%	.132
Average amount of damage to property	39	2,093	33	234	.145
Percent with loss of wages	39	10.3%	33	9.1%	.870
Average amount of lost wages	39	1,052	33	34	.273
Percent with medical costs	39	.0%	33	.0%	
Average amount of medical costs	39	0	33	0	
Percent with legal costs	39	.0%	33	.0%	
Average amount of legal costs	39	0	33	0	
Percent with repair costs	39	15.4%	33	.0%	.012 *
Average amount of repair costs	39	554	33	0	.129
Percent with costs to improve security	39	10.3%	33	9.1%	.870
Average amount of improved security costs	39	49	33	22	.465
Percent with other costs	39	35.9%	33	48.5%	.289
Average amount of other costs	39	217	33	154	.621
Total percent with any financial costs	39	69.2%	33	72.7%	.749
Average amount of all financial costs	39	3,195	33	475	.135

Table 6.2: Juvenile Personal Property – Emotional Harm, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Fear of being alone	39	7.7%	31	16.1%	.296
Sleeplessness and/or nightmares	39	10.3%	31	6.4%	.570
Headaches or other physical symptoms	39	5.1%	31	6.4%	.818
General increase in suspicion or distrust	39	51.3%	31	58.1%	.578
Loss of confidence	39	5.1%	31	6.4%	.818
Loss of self esteem	39	.0%	31	3.2%	.325
Other emotional harm	37	13.5%	31	22.6%	.345

reported costs associated with medical or legal bills. There was no significant difference between the two groups in the costs they incurred, except in the case of repair costs. Table 6.1 sets out the percentages of each group who incurred financial costs of different kinds (see Note at the end of this chapter).

Youth Violence. Three victims in the Youth Violence Experiment experienced financial harm as a result of their offence, all of them arson cases. One of them, whose case was dealt with in court, reported that he had recovered all costs through insurance, while the other two conference victims reported that their costs had not been recovered at the time of interview.

Emotional harm

Juvenile Personal Property. Victims were asked whether they had suffered from any of the emotional harms set out in Table 6.2. There was no significant difference between the groups on

Table 6.3: Youth Violence – Emotional Harm, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Fear of being alone	15	26.7%	22	22.7%	.794
Sleeplessness and/or nightmares	15	40.0%	22	27.3%	.442
Headaches or other physical symptoms	15	53.3%	22	31.8%	.210
General increase in suspicion or distrust	15	73.3%	22	59.1%	.379
Loss of confidence	15	26.7%	22	36.4%	.544
Loss of self esteem	15	26.7%	22	36.4%	.544
Other emotional harm	14	21.4%	22	13.6%	.573

Table 6.4: Juvenile Personal Property – Notification of Proceedings, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Notified in good time about treatment	39	15.4%	30	76.7%	.000 *
Given information about the conference			28	75.0%	
Given information about expectations			28	78.6%	
Given information about possible outcomes			28	64.3%	
Satisfied with arrangements to attend			24	70.8%	
Something went wrong with arrangements			24	12.5%	
Informed what offender was charged with	37	37.8%	3	33.3%	
Should have been informed about charges	23	69.6%	2	50.0%	

any of these harms. Increased suspiciousness was the most common harm experienced by both groups.

Youth Violence. Victims were asked whether they had suffered from any of the emotional harms set out in Table 6.3. Again, there was no significant difference between the groups on any of these harms at this stage and, as for Juvenile Personal Property victims, increased suspiciousness was the most common emotional harm experienced.

NOTIFICATION OF PROCEEDINGS

Juvenile Personal Property

Table 6.4 shows that only 15 percent of court-assigned victims had been notified in good time about their case compared with 77 percent of the conference-assigned, a significant difference between the groups.

Conference-assigned victims were asked a series of questions about how well they had been prepared for their conference by the police. Three-quarters of them said that they had been given 'some' or 'a lot' of information about what would happen at the conference and what was expected of them. Two-thirds said that they had been given information on possible outcomes. Seventy percent said they had been satisfied with the arrangements made by the police to ensure

Table 6.5: Youth Violence – Notification of Proceedings, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Notified in good time about treatment	14	35.7%	20	75.0%	.026 *
Given information about the conference			18	61.1%	
Given information about expectations			18	66.7%	
Given information about possible outcomes			18	55.6%	
Satisfied with arrangements to attend			17	52.9%	
Something went wrong with arrangements			17	5.9%	
Informed what offender was charged with	13	53.9%	1	.0%	
Should have been informed about charges	7	71.4%	1	100.0%	

that they could get along to the conference, though 12.5 percent reported that something had gone wrong with these arrangements (Table 6.4).

Court-assigned victims were asked whether they had been officially informed about what their offender had been charged with: only 38 percent had been so advised. Of those who had not been informed, 70 percent believed that they should have been told. (The percentages recorded for the conference-assigned victims on these questions relate to cases which, though assigned to a conference, were treated in court).

Youth Violence

Table 6.5 shows that only 36 percent of the court-assigned victims said that they had been notified about when their case was to be dealt with, compared with 75 percent of the conference-assigned group, a significant difference between them.

Conference-assigned victims were asked about the preparation police had given them beforehand. Two-thirds said that they had been given information about what would happen at the conference and what was expected of them there, while 56 percent were given information about possible outcomes. Most were satisfied with the arrangements made to enable them to attend their conference, and something had gone wrong with these arrangements in only six percent of cases (Table 6.5).

Court-assigned victims were asked whether they had been officially informed about what their offender had been charged with: 54 percent had been informed. Of the remainder who had not been told, 71 percent believed they should have been (Table 6.5).

PRESENCE AT THE PROCEEDINGS

Juvenile Personal Property

Table 6.6 reveals that 81 percent of the conference-assigned victims said that they had attended their conference. Six interviewed victims did not attend a conference. For three of these victims it was not possible for them to attend: one offender went to court, one offender was cautioned and one was never treated (see Chapter 2). Only 5 percent of the court-assigned victims had attended the court case: these were all witnesses for the prosecution. Children's Court is a closed court so victims are not permitted to attend unless they have an official role to play.

Table 6.6: Juvenile Personal Property – Presence at Proceedings, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Attended treatment	39	5.1%	31	80.7%	.000 *
Attended to express myself to the offender			25	64.0%	
Attended to help offender			25	64.0%	
Attended to ensure an appropriate penalty			25	76.0%	
Attended because I felt I had a duty to			25	92.0%	
Attended to have a say in resolution			25	76.0%	
Attended to ensure I was repaid for harm			25	44.0%	

Table 6.7: Youth Violence – Presence at Proceedings, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Attended treatment	15	13.3%	21	90.5%	.000 *
Attended to express myself to the offender			18	50.0%	
Attended to help offender			18	44.4%	
Attended to ensure an appropriate penalty			18	83.3%	
Attended because I felt I had a duty to			18	88.9%	
Attended to have a say in resolution			18	94.4%	
Attended to ensure I was repaid for harm			18	61.1%	

Conference-assigned victims who had attended their conference were asked the reasons that they had chosen to do so (there were too few court-assigned victims to make their responses meaningful). Table 6.6 indicates that the most common reason for attending was because the respondents felt they had a duty to attend (92 percent). Only 44 percent said that they attended because they wanted to ensure that they would be repaid for the harm they had experienced (Table 6.6).

Youth Violence

When asked about their attendance at their conference, 91 percent of conference-assigned victims said that they had in fact attended; in both cases where the victim did not attend, the offender was cautioned (Table 6.7). Of the court-assigned victims, 13 percent had attended their court case; again, as with the property victims, most of them were witnesses rather than observers of their own case (though cases involving offenders over the age of 17 were held in adult court).

When asked about why they attended their conference, the reason most often given by victims was because they wanted to have a say in how the problem was resolved (94 percent).

VICTIMS' REACTIONS TO THEIR TREATMENT

The remainder of this Chapter addresses victims' reactions to the way their case was dealt with. We compare the conference-assigned and court-assigned victims on measures relating to their experience of the crime and their feelings about the way they were treated up to the point of

Table 6.8: Juvenile Personal Property - Procedural Justice, conference victims only

	<i>n</i>	Value
Understood what was going on at the conference	25	100.0%
Felt that the conference was fair to me	25	96.0%
Felt that the conference respected my rights	25	92.0%
The police were fair during the conference	25	92.0%
In general, the police in Canberra enforce the law fairly	33	84.9%
If conference had the facts wrong, I felt able to get them corrected	25	84.0%
If police had treated me unfairly, I felt able to complain	25	92.0%
Felt to intimidated to speak during the conference	25	.0%
Had an opportunity to express my views during the conference	25	92.0%
Felt I had enough control over the way things were run	24	70.8%
Conference took account of what I said in reaching a decision	24	91.7%
Conference took account of the effects the offence had on me	24	79.2%
Felt pushed around by people with more power than me	24	.0%
Felt pushed into things that I did not agree with	24	4.2%
All sides got a fair chance to bring out the facts at the conference	25	96.0%
Felt disadvantaged by my age, income, sex, race, etc.	25	.0%
Felt I was treated with respect at the conference	25	92.0%

disposition. Thereafter discussion is limited to the reactions of conference-assigned victims; owing to the small percentage of court-assigned victims who actually attended their court case, it is not possible to compare victim reactions to the two kinds of dispositions in a meaningful way.

Perceived Procedural Justice

In Chapter 5 we discussed the evidence from social psychology that perceptions of procedural fairness by offenders are important in terms of the likelihood of future compliance with the law. It is important as well that victims feel that they have been treated fairly by the justice system if they are going to be satisfied with the way their case is dealt with, and perhaps even for their own compliance with the law in the future.

We have examined several facets of the concept of procedural justice for victims, including impartiality, correctability, control and ethicality. These measures are only available for conference-assigned victims because so few court-assigned victims attended their court case.

Juvenile Personal Property. Their responses indicated that overall these conference-assigned victims perceived high levels of procedural justice in the way they were treated. Their views are set out in Table 6.8.

Every respondent said that they understood what was going on in the conference, and over 90 percent felt the conference had been fair. The impartiality of the process was measured by a question about their feeling disadvantaged by their age, income, sex, race or other reason (no respondent said yes to this) and by two questions concerning the way they viewed the police: the great majority thought the police behaved fairly. In addition, almost all respondents felt that all sides had got a fair chance to bring out the facts at the conference.

Table 6.9: Youth Violence - Procedural Justice, conference victims only

	<i>n</i>	Value
Understood what was going on at the conference	19	78.9%
Felt that the conference was fair to me	19	73.7%
Felt that the conference respected my rights	19	78.9%
The police were fair during the conference	19	84.2%
In general, the police in Canberra enforce the law fairly	22	59.1%
If conference had the facts wrong, I felt able to get them corrected	19	73.7%
If police had treated me unfairly, I felt able to complain	19	84.2%
Felt to intimidated to speak during the conference	19	15.8%
Had an opportunity to express my views during the conference	19	78.9%
Felt I had enough control over the way things were run	17	76.5%
Conference took account of what I said in reaching a decision	19	63.2%
Conference took account of the effects the offence had on me	19	68.4%
Felt pushed around by people with more power than me	17	5.9%
Felt pushed into things that I did not agree with	17	11.8%
All sides got a fair chance to bring out the facts at the conference	19	89.5%
Felt disadvantaged by my age, income, sex, race, etc.	19	10.5%
Felt I was treated with respect at the conference	19	68.4%

Favourable views on the procedural justice facet of correctability were indicated by responses to questions about whether respondents felt that they could have got wrong facts corrected and whether they could have complained if the police had treated them unfairly.

The control facet of procedural justice was measured with a series of questions about whether respondents felt able to express their views in the conference, whether they felt they had enough control over the way things were run at the conference and whether the conference had taken account of their views in deciding what should be done and of the effects of the offence on them: on all these measures a high level of satisfaction was indicated. Very low measures were obtained on questions measuring lack of control: feeling intimidated, feeling pushed around, feeling pushed into things they did not agree with (Table 6.8).

The ethicality facet was measured with questions concerning whether respondents felt the conference had respected their rights and whether they had been treated with respect: both questions were answered positively by over 90 percent.

Youth Violence. Although the responses of Youth Violence victims were less positive than the Juvenile Personal Property victims, they still indicated a moderately high level of satisfaction regarding procedural justice in conferences (Table 6.9).

Around three-quarters of respondents said they had understood what was going on in the conference and that they felt it was fair to them. When asked questions about the impartiality of the process, 11 percent said they had felt disadvantaged by their age, income, sex, race or some other reason. On their views of the police, while over 80 percent felt the police had been fair in the conference, only 59 percent felt that the police in Canberra enforced the law fairly. However, 90 percent had felt that all sides had got a fair chance to bring out the facts at the conference.

Table 6.10: Juvenile Personal Property – Recovery from Anger and Embarrassment, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
The treatment made me feel angry	39	20.5%	33	15.2%	.558
Feel bitter about the way I was treated	39	7.7%	33	6.1%	.788
Would do some harm to offender myself	39	7.7%	33	6.1%	.788
Felt angry with offender before treatment			25	52.0%	
Felt angry with offender after treatment			25	28.0%	

Table 6.11: Youth Violence – Recovery from Anger and Embarrassment, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
The treatment made me feel angry	14	28.6%	21	28.6%	1.000
Feel bitter about the way I was treated	14	14.3%	22	31.8%	.221
Would do some harm to offender myself	15	46.7%	22	9.1%	.019 *
Felt angry with offender before treatment			19	63.2%	
Felt angry with offender after treatment			19	36.8%	

Overall, victims of Youth Violence indicated moderately favourable views on the facet of correctability, with about three-quarters feeling that they could have got wrong facts corrected and could have complained if the police had treated them unfairly.

In responding to questions about the control facet of procedural justice, victims of Youth Violence indicated a lower level of control than Property victims: however, three-quarters felt that they had had an opportunity to express their views in the conference and that they had had enough control over the ways things were run. Two-thirds felt that the conference had taken account of their views in deciding what should be done and that the conference had taken adequate account of the effects of the offence on them. When asked about feeling intimidated in the conference, 16 percent indicated they had felt this way; six percent had felt pushed around and 12 percent felt pushed into things they did not agree with (Table 6.9)

Again, on the ethicality facet, victims of Youth Violence responded less positively than property victims: nevertheless, three-quarters felt the conference had respected their rights and two-thirds felt they had been treated with respect at the conference.

Perceived Restorative Justice

Recovery from anger and embarrassment. An important element in victims' perceptions about restorative justice is the extent of their recovery from the anger and embarrassment they felt about the offence. Table 6.10 indicates that although court-assigned Juvenile Personal Property victims indicated more anger overall than conference-assigned victims, there was no significant difference between them on these measures. However, it is interesting to note that the percentage of those feeling angry after the conference dropped by about half, from 52 percent to 28 percent for these victims (no comparable measures were available for court-assigned victims).

Table 6.12: Juvenile Personal Property - Forgiveness, conference victims only

	<i>n</i>	Value
Felt forgiving towards the offender since the conference	25	24.0%
Felt unforgiving towards the offender since the conference	25	8.0%
Felt neither forgiving nor unforgiving since the conference	25	68.0%
Felt sympathetic towards the offender before the conference	25	28.0%
Felt sympathetic towards the offender after the conference	25	52.0%
Felt sympathetic towards offender supporters before the conference	23	69.6%
Felt sympathetic towards offender supporters after the conference	23	87.0%
Feel that offender learned his lesson and deserves a second chance	25	44.0%

Table 6.13: Youth Violence - Forgiveness, conference victims only

	<i>n</i>	Value
Felt forgiving towards the offender since the conference	19	36.8%
Felt unforgiving towards the offender since the conference	19	31.6%
Felt neither forgiving nor unforgiving since the conference	19	31.6%
Felt sympathetic towards the offender before the conference	18	5.6%
Felt sympathetic towards the offender after the conference	18	22.2%
Felt sympathetic towards offender supporters before the conference	18	50.0%
Felt sympathetic towards offender supporters after the conference	17	47.1%
Feel that offender learned his lesson and deserves a second chance	18	44.4%

Table 6.11 reveals that, as with the Property victims there was no significant difference between the court-assigned and conference-assigned Youth Violence victims on most of these measures. However, on the question of whether they would do some harm to the offender themselves if they had the chance, there was a striking and significant difference between the groups, with almost half of the court-assigned victims saying that they would do so, compared with only nine percent of the conference-assigned victims. It is interesting again to observe that the percentage of Youth Violence victims feeling angry after the conference dropped substantially, from 63 percent to 37 percent (again, no comparable measures were available for court-assigned victims).

Forgiveness. Only data concerning conference-assigned victims are presented here as there were too few court-assigned victims who had attended their court case to report on a comparison between the groups for either experiment.

Table 6.12 shows that when Juvenile Personal Property victims were asked how forgiving they have felt in thinking about their offender since the conference, two-thirds felt neither forgiving nor unforgiving while one quarter felt forgiving. Table 6.13 indicates that the Youth Violence victims split three ways on this question, with equal numbers feeling forgiving, unforgiving and indifferent.

Property victims were also asked about how sympathetic they felt towards their offender before and after the conference. The percentage feeling sympathy after the conference almost doubled compared with the percentage feeling sympathy before : 52 percent compared with 28 percent (Table 6.12). The percentage of Violence victims feeling sympathy for their offenders both before and after the conference was much lower, but the differential was far greater: 22 percent before the conference compared with six percent afterwards (Table 6.13).

Table 6.14: Juvenile Personal Property - Healing, conference victims only

	<i>n</i>	Value
Conference made me feel that I could put the whole thing behind me	33	42.4%
Conference made me feel more emotionally settled	24	33.3%
Felt at least somewhat anxious that the offence might happen again	24	41.7%
Felt that my sense of security has been restored	13	53.9%

Table 6.15: Youth Violence - Healing, conference victims only

	<i>n</i>	Value
Conference made me feel that I could put the whole thing behind me	22	50.0%
Conference made me feel more emotionally settled	18	38.9%
Felt at least somewhat anxious that the offence might happen again	18	16.7%
Felt that my sense of security has been restored	14	78.6%

In addition, Property victims were asked how sympathetic they felt toward their offender's family and friends before and after the conference. Again, their feelings of sympathy were affected by the conference, increasing from 70 percent beforehand to 87 percent afterwards (Table 6.12). This pattern was not seen with the Youth Violence offenders, however, where the percentage feeling sympathetic declined slightly from 50 percent beforehand to 47 percent afterwards (Table 6.13).

Finally, victims were asked whether they thought that since the conference their offenders had learned their lesson and deserved a second chance. Just under half of both Property and Youth Violence victims said they thought they had done so (Tables 6.12 and 6.13).

Healing. Again, data are available on this measure only for those victims who had attended conferences as too few had attended court to report on a comparison between dispositions.

As an indication of their recovery from the harm they had experienced, victims were asked whether they felt the conference made them feel they could put the whole thing behind them. Tables 6.14 and 6.15 show that 42 percent of Juvenile Personal Property victims and 50 percent of Youth Violence victims said that they felt this way.

When asked whether they felt the conference had made them feel more or less settled emotionally about the offence, most Juvenile Personal Property victims said they felt either more settled (33 percent) or no different (63 percent). Similarly, most Youth Violence victims also said either they felt more settled (39 percent) or no different (44 percent).

Victims were also asked how anxious they were after the conference about the offence happening again. Forty-two percent of the Juvenile Personal Property victims reported feeling at least somewhat anxious (Table 6.14). However the Youth Violence victims were less concerned: only 17 percent reported that they were anxious to some extent about being revictimised (Table 6.15).

Finally, victims were asked whether they had felt since the conference that their sense of security had been restored. Of those Juvenile Personal Property victims who had lost their sense of security, just over half said that it had been restored; of the Youth Violence victims who had lost their sense of security, three-quarters said it had been restored (Tables 6.14 and 6.15).

Table 6.16: Juvenile Personal Property – Reconciliation with Offender(s), court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Received apology from at least one offender	39	15.4%	33	66.7%	.000 *
Apology received as part of outcome	5	.0%	21	90.5%	.000 *
Percent of apologies rated as sincere	6	47.2%	22	68.2%	.339
Felt afraid of offender before treatment			25	4.0%	
Felt afraid of offender after treatment			25	4.0%	
Offender had proper understanding of harm			25	52.0%	
Should have received money as restitution	39	41.0%	33	45.4%	.710
Should have received apology as restitution	38	86.8%	33	100.0%	.023 *
Should have received some other restitution	39	43.6%	33	57.6%	.243
Received some restitution from treatment	39	7.7%	30	80.0%	.000 *
Anticipate offender will revictimise me	29	27.0%	27	11.1%	.123

Table 6.17: Youth Violence – Reconciliation with Offender(s), court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Received apology from at least one offender	15	26.7%	22	81.8%	.001 *
Apology received as part of outcome	4	.0%	17	82.3%	.000 *
Percent of apologies rated as sincere	4	37.5%	17	74.5%	.226
Felt afraid of offender before treatment			19	21.1%	
Felt afraid of offender after treatment			19	15.8%	
Offender had proper understanding of harm			19	36.8%	
Should have received money as restitution	15	46.7%	22	40.9%	.739
Should have received apology as restitution	15	80.0%	22	90.9%	.388
Should have received some other restitution	15	13.3%	22	59.1%	.003 *
Received some restitution from treatment	15	13.3%	20	85.0%	.000 *
Anticipate offender will revictimise me	11	22.7%	19	5.3%	.215

Reconciliation with their offender. A key aspect of conferences for victims is the opportunity they present for offenders to apologise directly. Although 15 percent of court-assigned Juvenile Personal Property victims reported that their offender had apologised to them, none had done so as a result of the court case. However, 67 percent of those assigned to conference had received an apology (almost always as part of the conference outcome), a significant difference between the groups (Table 6.16). For the Youth Violence victims, 82 percent of the conference-assigned had received an apology (again almost always as part of the conference outcome), but only 27 percent of the court-assigned, again, a significant difference (Table 6.17); and once more, none of these apologies resulted from a court outcome.

Victims were asked to rate how sincere they believed the apologies they had received to be. Two-thirds of apologies received by the conference-assigned Juvenile Personal Property victims were rated as sincere, and about half of apologies received by court-assigned victims (Table 6.16). Three-quarters of apologies received by the Youth Violence conference victims were rated as sincere and about one third of those received by court victims (Table 6.17).

Table 6.18: Juvenile Personal Property – Retributive Justice, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Feel satisfied that offender was caught			24	66.7%	
Satisfied with outcome after conference			25	76.0%	
Still satisfied with outcome			19	84.2%	
Informed about the outcome of court case	37	16.2%			
Should have been informed about outcome	31	74.2%			

All victims were asked whether they should have received from their offender material restitution and/or an apology. Of the Juvenile Personal Property victims, about 40 percent of both the court-assigned and the conference-assigned felt they should have received some money from their offender and almost all of both groups felt they should have received an apology. Eighty percent of the conference group were awarded something from the conference (most often an apology), compared with only eight percent of the court group who were awarded something from the court, a very large and significant difference (Table 6.16). Of the Youth Violence victims, again around 40 percent of both court and conference groups felt they should have received some money as restitution and at least 80 percent of both groups felt they should have received an apology. Eighty-five percent of the conference group but only 13 percent of the court group had received something from the conference (again, most often an apology), a highly significant difference (Table 6.17).

As a measure of their feelings toward their offender, all victims were asked whether they anticipated that their offender would revictimise them. Of the Juvenile Personal Property victims, 27 percent of the court-assigned believed their offender would revictimise them compared with 11 percent of the conference-assigned; of the Youth Violence victims, 23 percent of the court-assigned victims thought the offender would revictimise them compared with five percent of the conference-assigned (Tables 6.16 and 6.17).

Victims were also asked how afraid they felt of their offender before and after their conference: of the Juvenile Personal Property victims only one was afraid beforehand and he remained afraid, while 21 percent of the Youth Violence victims were afraid beforehand and 16 percent afterwards.

Conference-assigned victims were asked whether they believed that after the conference their offender had a proper understanding of the harm caused to them (too few court-assigned victims had attended their court case to make their responses meaningful). 52 percent of Juvenile Personal Property victims agreed (and 28 percent neither agreed nor disagreed); 37 percent of the Youth Violence victims agreed (and 21 percent neither agreed nor disagreed; Tables 6.16 and 6.17). Conference victims were also asked how afraid of their offender they felt before and after their conference. The same very small percentage of the Juvenile Personal Property victims felt afraid afterwards as before (Table 6.16), while slightly fewer Youth Violence victims felt afraid afterwards compared with before (Table 6.17).

Perceived Retributive Justice

While there are no direct questions on victims' perceptions of whether their offenders were punished with adequate severity, some items bear generally on whether victims saw that they had experienced retributive justice.

Table 6.19: Youth Violence – Retributive Justice, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Feel satisfied that offender was caught			17	58.8%	
Satisfied with outcome after conference			18	55.6%	
Still satisfied with outcome			10	100.0%	
Informed about the outcome of court case	13	30.8%			
Should have been informed about outcome	9	88.9%			

Table 6.20: Juvenile Personal Property – Legitimacy, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Have increased respect for the police	39	23.1%	33	39.4%	.143
Have increased respect for the justice system	38	15.8%	33	36.4%	.053
Have increased respect for the law	39	15.4%	33	18.2%	.757

As mentioned above, when asked about their reasons for attending the disposition of their case, 76 percent of conference-assigned Juvenile Personal Property victims said that they attended to ensure that the penalty for the offence was appropriate; 83 percent of the Youth Violence victims attended for the same reasons (Tables 6.6 and 6.7). No data are available on court-assigned victims.

Conference victims were also asked whether their conference had given them satisfaction that their offender was caught (again, no data are available on court-assigned victims); 67 percent of the Juvenile Personal Property victims and 59 percent of the Youth Violence victims said that they had experienced that satisfaction as a result of the conference (Tables 6.18 and 6.19)..

Conference victims also were asked whether they were satisfied with the outcome immediately after their conference (again, no data were available for court-assigned victims): 76 percent of the Juvenile Personal Property victims and 56 percent of the Youth Violence victims were satisfied. Of those who were satisfied immediately after the conference, 84 percent of the Juvenile Personal Property victims and 100 percent of the Youth Violence victims were still satisfied at the time they were interviewed (approximately six weeks later; Tables 6.18 and 6.19).

No data are available on how satisfied the court-assigned victims were with the outcome of their case because of the few who knew anything about it. We do know that 16 percent of the court-assigned Juvenile Personal Property victims knew what the outcome was (and 74 percent of those who did not know said they felt they should have been officially informed about it) and 31 percent of the court-assigned Youth Violence victims knew the outcome (and 89 percent of those who did not know said they should have been officially informed; Tables 6.18 and 6.19).

Legitimacy

Juvenile Property victims were asked about their sense of the legitimacy of the institutions of the criminal justice system following their experience of the way they had been dealt with. Table 6.20 indicates that apparently the greater contact with the police that conference-assigned victims experienced led to an increased level of respect for the police (though 55 percent said it had not changed). It appears there is a similar effect on their view of the justice system as a whole, where

Table 6.21: Youth Violence – Legitimacy, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Have increased respect for the police	14	42.9%	22	27.3%	.363
Have increased respect for the justice system	15	40.0%	22	31.8%	.625
Have increased respect for the law	15	20.0%	22	36.4%	.283

Table 6.22: Juvenile Personal Property – Satisfaction with Treatment, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Satisfied with way case was dealt with	39	43.6%	33	54.5%	.361
Pleased with treatment compared to other	37	46.0%	30	73.3%	.022 *

Table 6.23: Youth Violence – Satisfaction with Treatment, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Satisfied with way case was dealt with	15	60.0%	22	63.6%	.830
Pleased with treatment compared to other	15	73.3%	20	65.0%	.609

the difference between the two groups approaches statistical significance. There was little impact on respect for the law, however, with almost 80 percent of both groups said that their feelings had not changed.

By contrast with the property victims, the level of respect of court-assigned Youth Violence victims for the police and for the justice system as a whole was higher than for the conference-assigned. However, more conference-assigned victims had increased respect for the law (Table 6.21).

Satisfaction with Treatment

Table 6.22 shows that when asked whether they were satisfied with the way their case was dealt with by the justice system, a somewhat higher percentage of the conference than court Juvenile Personal Property victims said that they were satisfied. When they were asked whether they were pleased that their case had been dealt with in the way it was, rather than by the alternative disposition, a significantly higher percentage of the conference victims said that they were pleased. This was an interesting result given that the court victims had nothing more than a brief description of conferencing on which to base their preference. Few of the conference victims, however, may have actually been to court, so the comprehension of the alternative treatment may have been equally low for both groups.

Table 6.23 indicates that there was little difference between the two groups of Youth Violence victims in their level of satisfaction or in their preference about the way their case had been dealt with.

OVERALL ASSESSMENT OF VICTIM PERCEPTIONS

Based on an overall assessment of these measures, the data support a conclusion that victims found conferences to be fairer to them than court. These differences would have been even more measurable if more victims had ever been notified of court and had the opportunity to attend. But that finding in itself is a major indicator of the higher level of fairness to victims that conferences have provided in Canberra.

In general, the victims of juvenile property crimes found conferences more positive than the victims of youth violence, but conferences were still superior to court on most measures for both groups.

Specifically, the data show the following:

- The victims whose cases were sent to court and conference were highly comparable in terms of victim harm; over half of the Youth Violence experiment victims required medical attention for their injuries.
- Victim notification of proceedings in advance so that they could attend rarely occurred for court cases, but almost always occurred for conferences.
- Attendance at proceedings was much higher for conference (81 percent for Juvenile Personal Property and 91 percent for Youth Violence) than for court victims (5 percent for Juvenile Personal Property and 13 percent for Youth Violence).
- Procedural justice was high among conference victims, but not measurable among court victims because they so rarely attended proceedings.
- Restorative justice was higher among conference victims than court victims.
- Forgiveness of the offender among conference victims was greater for juvenile property crimes than for youth violence.
- Healing of the victims' emotional harm was substantial among conference victims for both property and violence cases.
- Reconciliation of the victim and the offender was far greater in conference cases than in court for both property and violence experiments; victims were far more likely to receive apologies, and less likely to fear repeat victimisation by the offender, in conference cases than in court cases.
- Legitimacy of the law and respect for the police was mixed between the two experiments. Property victims reported higher respect for police after conference cases than after court cases; violence victims did not.
- Satisfaction with the way their case was handled was somewhat greater for conference than court cases among property victims, but there was no difference among violence victims.

NOTE: The average amount of all financial costs for court-assigned victims is inflated by an extreme outlier. When this case is removed the average amount of financial costs for court-assigned victims is \$665. There is still no significant difference between court and conference in total amount of financial harm

CHAPTER 7

CONCLUSION

This report provides the first controlled test of the central hypothesis of the restorative community policing paradigm. All other theories about restorative policing depend upon this one. If the paradigm, as implemented by police in a medium-sized community, cannot create a greater sense of fairness on the part of offenders and victims, it is unlikely to have any effect on repeat offending. That, at least, is what the theories predict.

This report shows in highly consistent, and very repetitive, detail that conferences are generally perceived as fairer than court. There are some exceptions. There are some inconsistencies. But the basic conclusion is inescapable – both victims and offenders can name many ways in which they prefer conferences to court.

This does not necessarily mean that court is failing to perform properly. Many of the analyses provide an excellent reflection on the court. The lack of stigmatic shaming and the high level of perceived politeness are two of the most notable high marks the data give to court processing. The low level of emotional intensity is precisely what court was designed to achieve, in the interests of dispassionate determination of the facts and fair punishment. The introduction of a new paradigm that suggests offenders should have a more emotional experience in confronting the harm they have caused is not in any way a bad reflection on the court.

Yet the restorative paradigm may have a better idea than the law enforcement/criminal court paradigm in seeking more emotion, and more centrality for the victim role. It is no fault of the magistrates that the modern system of justice has evolved without giving much consideration to victim needs, or to the possibilities of offenders learning just how much harm they have caused. These data provide good indications that conferences can accomplish those objectives far better than the present court system.

Some observers have suggested that the courts could be redesigned to do everything that a conference does. No doubt this is possible. Whether it is likely is another matter entirely. The costs alone of providing ninety minutes rather than ten minutes of court time could be prohibitive. Additional issues include the question of architecture: whether the same results can be obtained from a magistrate on a bench in a big courtroom as from a police officer sitting in a small room of folding chairs arranged in a circle. The difference is not unlike that between a large church sanctuary and a Sunday School class in the basement. People may simply learn better, or differently, in the more informal setting. But then a magistrate could also convene court in a small room on folding chairs, at least in theory.

Depending upon what the data show in the future about the costs and recidivism rates, the present report suggests there are major advantages to be gained by using restorative community policing as an alternative to traditional law enforcement and the criminal courts. Only under a condition in which recidivism rates and costs were clearly higher for the conferences than for court would these advantages be counterbalanced. As long as there is at least no difference in both costs and recidivism, the advantages of increased respect for police and greater victim involvement seem to provide strong justification for the use of conferences. Whether this strong evidence will serve to guide police policy, however, is a question that only the next century will answer.

EXPERIMENTS IN RESTORATIVE POLICING: A PROGRESS REPORT ON THE CANBERRA REINTEGRATIVE SHAMING EXPERIMENTS (RISE).

APPENDIX 1, POLICE ATTITUDES TOWARDS CONFERCING

Previous chapters have examined how both offenders and victims reacted to their experiences in court and conference. To a somewhat more limited extent, the Canberra experiments have also collected data on how police officers have reacted to these two forms of treatment. Our data on police attitudes come from two separate sources.

The first of these sources, known as the Facilitator Questionnaire, is a very brief set of written questions that have been supplied to nearly every police officer who has served as a facilitator at a RISE conference. This questionnaire is designed to be completed by the facilitators themselves, and does not – as compared to the post-treatment data gathered from offenders, victims, and supporters – take the form of a face-to-face interview. Because these questions can be answered only by officers who have played their role in a successful conference, the resulting data contain virtually no court-assigned cases and therefore cannot be used experimentally to compare court and conference.

Our second source of data on police attitudes, referred to as the Informant Questionnaire, has much more experimental utility. In similar fashion to the other police instrument, the Informant Questionnaire consists of a small number of written questions that are completed by participating police officers. In the case of this questionnaire, the data come from the officers who investigated the offences and took the RISE offenders into police custody. Because Informant Questionnaires were sent to officers whose offenders had been assigned to both court *and* conference, these data can be used to make experimental comparisons between the two treatment groups.

COMPLETION OF THE POLICE QUESTIONNAIRES

Facilitator Questionnaires

During the time covered by this report, a total of 515 RISE conferences have been successfully completed. These conferences have produced data from 435 Facilitator Questionnaires, resulting in an 84% overall completion rate for this instrument. Across the four individual experiments, these completion rates were 90% for Drink Driving, 64% for Juvenile Personal Property, 68% for Juvenile Property (Security), and 58% for Youth Violence.

In the vast majority conferences attended by RISE observers, the facilitators have completed their questionnaire immediately afterwards and simply handed the form to the observer when finished. Whenever RISE has failed to attend a conference, however, the questionnaire has been mailed to the facilitator with the intention of it being completed and then posted back to RISE. On a smaller number of occasions, facilitators of observed conferences have taken the instrument with them for later completion, and have then been expected to mail the completed questionnaire back to the research staff. As commonly experienced in nearly all postal surveys, the completion rates for questionnaires that have required mailing are much lower than those collected directly by RISE observers. Nearly all of the non-completed Facilitator Questionnaires have required postal completion.

Table 7.1: Drink Driving – Conference Facilitator Reactions

	<i>n</i>	Value
Satisfied with the conference outcome	362	89.5%
Not satisfied with the conference outcome	362	3.6%
Felt conference outcome was too lenient	357	12.0%
Felt conference outcome was fair	357	84.0%
Felt conference outcome was too severe	357	3.9%
Less attention would have been paid to community/victims in court	344	80.5%
More attention would have been paid to community/victims in court	344	5.2%

Table 7.2: Juvenile Personal Property - Conference Facilitator Reactions

	<i>n</i>	Value
Satisfied with the conference outcome	25	84.0%
Not satisfied with the conference outcome	25	4.0%
Felt conference outcome was too lenient	25	12.0%
Felt conference outcome was fair	25	72.0%
Felt conference outcome was too severe	25	16.0%
Less attention would have been paid to community/victims in court	24	95.8%
More attention would have been paid to community/victims in court	24	.0%

Informant Questionnaires

All Informant Questionnaires involve postal completion methods, and it is therefore not surprising that this instrument suffers from relatively low completion rates. Overall, a total of 656 Informant Questionnaires are currently available for analysis. A certain proportion of these questionnaires, however, represent more than one juvenile offender. Out of a total of 1,097 offenders who would be expected – based on the amount of time that has passed since they reached final treatment – to have some Informant Questionnaire data available on their case, 684 (62%) actually do so.

Within the four experiments, the completion rates of Informant Questionnaires for individual offenders were 62% for Drink Driving, 61% for Juvenile Personal Property, 64% for Juvenile Property (Security), and 61% for Youth Violence. While these completion rates are lower than those of the Facilitator Questionnaire, they are actually somewhat better than expected when compared to other postal surveys. Moreover, any problems posed by these relatively low completion rates are largely compensated for by the dual-treatment nature of the resultant data.

CONFERENCE FACILITATOR ATTITUDES

In their questionnaires, facilitators were asked whether they were satisfied with the conference outcome, whether they thought the outcome of the conference was fair, and whether more or less attention would have been paid to the needs of the community and victims if the matter had be dealt with in court.

In all four experiments, facilitators expressed a very high level of satisfaction with the results of the conferencing process. Approximately nine out of every ten Drink Driving and Youth Violence

Table 7.3: Juvenile Property (Security) – Conference Facilitator Reactions

	<i>n</i>	Value
Satisfied with the conference outcome	32	78.1%
Not satisfied with the conference outcome	32	12.5%
Felt conference outcome was too lenient	32	12.5%
Felt conference outcome was fair	32	87.5%
Felt conference outcome was too severe	32	.0%
Less attention would have been paid to community/victims in court	32	87.5%
More attention would have been paid to community/victims in court	32	3.1%

Table 7.4: Youth Violence – Conference Facilitator Reactions

	<i>n</i>	Value
Satisfied with the conference outcome	15	93.3%
Not satisfied with the conference outcome	15	6.7%
Felt conference outcome was too lenient	15	.0%
Felt conference outcome was fair	15	93.3%
Felt conference outcome was too severe	15	6.7%
Less attention would have been paid to community/victims in court	14	100.0%
More attention would have been paid to community/victims in court	14	.0%

facilitators were satisfied with the outcomes of their conferences, while a maximum of just one in eight reported being dissatisfied in the Juvenile Property (Security) experiment.

A large majority of the facilitators in all of the experiments, ranging from nearly three-quarters to more than ninety percent, described their conference outcomes as fair. Of those who did *not* think that their conference's outcome was fair, the different experiments produced varying degrees of what the facilitators saw as undue lenience or severity. In both the Drink Driving and the Juvenile Property (Security) experiments, the facilitators were more likely to see any unfair outcomes as being too lenient, while the other two experiments were marginally more likely to produce outcomes that facilitators felt were too severe.

The only item from the Facilitator Questionnaire that allows any comparison to typical court processing deals with the amount of attention paid to the community or victims. While it is important to note that this item does not allow an experimental comparison between court and conference, it is also the case that most conference facilitators are experienced police officers who have had a wealth of experience with the courts when dealing with other matters. Their opinions about the likely results of sending these offenders to court are therefore of no small interest to the central questions of our research.

The vast majority of conference facilitators reported that needs of the community and the victims were better served by the conference than they would have been in court. Perhaps due to the fact that RISE Drink Driving cases involve no direct victims, these feelings – while still strong and encompassing more than four out of five facilitators – were weakest in this experiment. A similar force may also have been at work in the Juvenile Property (Security) experiment, where the corporate status of the victims may have made this question marginally more difficult to answer. In the two experiments with personal victims, however, more than 95 percent of facilitators felt that the case was more effectively dealt with at conference than at court, and absolutely none felt that the courts would have provided stronger focus on the victims' needs.

Table 7.5: Drink Driving – Informant Reactions, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Attended the treatment	286	4.9%	242	9.5%	.044 *
Knew about the outcome from treatment	284	50.3%	242	24.4%	.000 *
Satisfied with the outcome	140	70.0%	57	61.4%	.259
Felt outcome was too lenient	140	23.6%	57	28.1%	.522
Felt outcome was fair	140	75.0%	57	71.9%	.664
Felt outcome was too severe	140	1.4%	57	.0%	.158
Pleased with treatment instead of alternative	281	29.5%	237	36.3%	.105
Less job satisfaction with alternative	282	18.8%	235	14.0%	.145
More job satisfaction with alternative	282	11.7%	235	11.9%	.941

Table 7.6: Juvenile Personal Property – Informant Reactions, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Attended the treatment	34	32.4%	20	20.0%	.319
Knew details of treatment outcome	34	73.5%	20	55.0%	.186
Satisfied with the outcome	25	52.0%	11	63.6%	.533
Felt outcome was too lenient	25	40.0%	11	27.3%	.470
Felt outcome was fair	25	60.0%	11	72.7%	.470
Felt outcome was too severe	25	.0%	11	.0%	
Pleased with treatment instead of alternative	34	41.2%	20	65.0%	.094
Less job satisfaction with alternative	34	14.7%	19	26.3%	.344
More job satisfaction with alternative	34	17.6%	19	.0%	.012 *
Less attention paid to victim with alternative	33	.0%	19	21.1%	.042 *
More attention paid to victim with alternative	33	24.2%	19	5.3%	.045 *

INFORMANT ATTITUDES

The first two questions asked of the apprehending officers were whether they had attended the treatment and whether they knew what outcome had resulted from the offender's treatment. Only the Drink Driving experiment showed a significant difference in the informant's presence at treatment, with conference informants nearly twice as likely to be present. In the two Juvenile Property experiments, informants were more likely to have played a role in court than in conference, while participation in treatment was roughly equal between the two treatment groups in the Youth Violence experiment.

With the notable exception of Youth Violence informants, police officers seemed to be much more likely know the details of treatment outcome when the case had been sent to court. This difference was most striking in the Juvenile Property (Security) experiment, where informants were nearly three times more likely to know about the outcome of court cases than conference cases. One possible explanation for this difference may be the availability of court outcome information on the police computer system,

Table 7.7: Juvenile Property (Security) – Informant Reactions, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Attended the treatment	23	26.1%	24	12.5%	.249
Knew about the outcome from treatment	23	69.6%	24	25.0%	.002 *
Satisfied with the outcome	14	71.4%	6	83.3%	.580
Felt outcome was too lenient	14	14.3%	6	33.3%	.438
Felt outcome was fair	14	85.7%	6	66.7%	.438
Felt outcome was too severe	14	.0%	6	.0%	
Pleased with treatment instead of alternative	22	31.8%	24	54.2%	.131
Less job satisfaction with alternative	22	18.2%	24	25.0%	.583
More job satisfaction with alternative	22	13.6%	24	8.3%	.578
Less attention paid to victim with alternative	21	.0%	21	9.5%	.162
More attention paid to victim than alternative	21	9.5%	21	.0%	.162

Table 7.8: Youth Violence – Informant Reactions, court vs. conference

	Court		Conference		Sig.
	<i>n</i>	Value	<i>n</i>	Value	
Attended the treatment	15	53.3%	12	50.0%	.870
Knew about the outcome from treatment	15	66.7%	12	66.7%	1.000
Satisfied with the outcome	9	55.6%	8	75.0%	.431
Felt outcome was too lenient	9	55.6%	8	37.5%	.488
Felt outcome was fair	9	44.4%	8	50.0%	.832
Felt outcome was too severe	9	.0%	8	12.5%	.351
Pleased with treatment instead of alternative	14	42.9%	11	63.6%	.322
Less job satisfaction with alternative	15	46.7%	11	27.3%	.328
More job satisfaction with alternative	15	20.0%	11	.0%	.082
Less attention paid to victim with alternative	15	6.7%	10	10.0%	.785
More attention paid to victim than alternative	15	20.0%	10	10.0%	.502

making these data easier to access than details about conference outcomes. It is also possible that some informants were inspired to seek out this information simply because the questionnaire asked them about it, and that court outcome data were more easily and quickly obtained than conference information.

With the samples limited to only those informants who reported knowing the details of the treatment outcome, the next two items on the questionnaire assess the officers' satisfaction with this outcome and the degree to which they thought the outcome was fair. Some care must be taken in interpreting these results, however, due to rather small number of questionnaires available for analysis. The relatively low completion rates for Informant Questionnaires, the reported lack of informant knowledge about conference outcomes, and – in the Juvenile Property and Youth Violence experiments – the currently small available sample of treated cases have all combined to produce rather small sample sizes for these outcome-based items.

Perhaps due to these relatively small and uneven sample sizes, no statistically significant differences were found when comparing informants' reactions to court outcomes with their assessments of conference outcomes. In terms of overall satisfaction with the outcomes received by offenders, none of the four experiments revealed any significant differences between the two treatment groups. In general, most of the informants seemed to believe that the outcomes awarded to both court and conference offenders were neither too lenient nor too severe, and were best described as "fair".

The next item on the Informant Questionnaire, asked of all the participating informants, assessed whether these officers were pleased with the way the case was handled as opposed to the alternative form of treatment. In all four experiments, informants whose cases were assigned to conference were more likely to report being pleased in this way, although none of these differences proved to be statistically significant.

Informants were then asked whether they would have received more or less job satisfaction had the matter been dealt with through the alternate treatment. The results from this item are somewhat mixed. In the Drink Driving and Youth Violence experiments, informants whose cases were assigned to court were slightly more likely to express doubts about their potential satisfaction in resolving their cases through conference than vice-versa. Neither of these comparisons were statistically significant, however, while significance was attained for a contrary result in the Juvenile Personal Property study. In this experiment, those informants whose cases had been assigned to court were significantly more likely than their conference-assigned counterparts to believe that they would have received more satisfaction by resolving the matter through the alternative (i.e., conference) method of treatment. Thus while there are some indications that job satisfaction would be enhanced by dealing with Drink Driving and Youth Violence matters in court, the only significant result from this item suggests a preference for conference among Juvenile Personal Property informants.

The final item on the Informant Questionnaire, presented only to those in the Juvenile Property and Youth Violence experiments, asked whether the needs of the victim(s) would have been better served if the matter had been dealt with through the alternative treatment. Of the three experiments which produced data from this question, only the Juvenile Personal Property study led to any significant differences between the two treatment groups. Informants in this experiment were significantly more likely to believe that conference provides more attention to the needs of victims than court. Similar, but non-significant, differences can be found in the response patterns of informants in the other two experiments.

CONCLUSIONS ABOUT POLICE ATTITUDES

The RISE data concerning police attitudes are by no means conclusive. The instrument which provides the fullest completion rate cannot be used to make experimental court-conference comparisons, while the data source that allows for such comparisons is available for fewer than two-thirds of all treated offenders. Despite these problems, the police attitude data remain extremely important and provide valuable support for conclusions reached elsewhere in this report. Among these conclusions are the following:

- conference facilitators, who are the police officers most familiar with conferencing, have a very high level of satisfaction with conference outcomes
- the vast majority of facilitators believe that conferences produce fair outcomes
- in cases that do not involve direct personal victims, between 80 and 85 percent of facilitators believe that conferences provide a better response to community needs than court
- where personal victims are involved, more than 95 percent of facilitators feel that conferences are more in tune with the needs of victims than court
- informants seem to have better access to information about court outcomes than about outcomes resulting from conferences

- among those informants who know the outcome of treatment, most rate both court and conference outcomes as fair; neither treatment is seen as producing outcomes that are more fair than the other
- there may be a general trend in which informants whose cases are sent to conferences are more pleased with the method of treatment than those whose cases are sent to court, but none of these results has yet achieved statistical significance
- among Juvenile Personal Property informants, conferences appear to lead to increased job satisfaction and are also thought to better match the needs of victims

While these data are limited in some ways, they do support the general conclusion that conference outcomes tend to be somewhat more satisfying and have a higher degree of perceived fairness among those who are directly involved in the process. They also provide some support for the notion that conferencing is more responsive to the needs of victims than those procedures used in court. Because of some small sample sizes across various items in these data, however, more data collection will be necessary before any firm conclusions can be reached.