

CONFERENCING AND RE-OFFENDING IN QUEENSLAND*

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ABSTRACT

This paper adds to a growing body of Australian research on conferencing and re-offending. We gathered data from conference case files and offending history records for 200 young offenders who were conferenced in southeast Queensland from April 1997 to May 1999 to assess the impact of offender characteristics and conference features on future offending behaviour. After three to five years following their conference, just over half (56%) of the young offenders in our sample went on to commit one or more offences. Bivariate analyses show that offenders' age at conference, age at first offence, gender, and prior offending history are associated with post-conference offending. Survival analysis demonstrates how these offender characteristics impact estimated probabilities of re-offending. However, the conference measures are not significantly associated with post-conference offending because of little to no variation. We conclude that while there remains uncertainty about how conference features are related to re-offending, what offenders bring to their conference is highly predictive of what they do afterwards.

RESTORATIVE JUSTICE, CONFERENCING AND RE-OFFENDING

Interest in restorative justice for young offenders has grown during the past decade in Australia and New Zealand. The most common form of restorative justice in these countries is youth justice conferencing for young offenders. Conferencing was first developed in New Zealand following passage of the *Children, Young Persons and Their Families Act 1989*. During the following decade restorative justice programs emerged in all Australian states and territories, and most are now legislated (Daly & Hayes, 2001).

There is considerable debate over how restorative justice should be conceptualised and defined. In dealing with criminal matters, restorative justice is often viewed as an alternative to traditional state-centred justice, and brings together those affected by crime in a facilitated, constructive dialogue about an offence, its impact, and what should be done in response to it. John Braithwaite notes that several varied justice practices are claimed under the restorative justice “banner”. These include transformative justice, peacemaking, relational justice, republican justice, and reconciliation (Braithwaite, 2002). Tony Marshall’s definition of restorative justice draws attention to the restorative process and its outcomes (Crawford & Newburn, 2003) but falls short of linking these with behavioural outcomes (e.g., future offending behaviour): “a process whereby parties with a stake in a specific offence collectively resolve how to deal with the aftermath of the offence and its implications for the future” (Marshall, 1999). This definition seems to have driven much of the empirical research on restorative justice, which has focused more on restorative process and outcomes (e.g., how conferences are administered and run, how participants feel about conferences, how offenders make amends, and how victims are healed and recover) than on behavioural outcomes (e.g., recidivism).

There is now an established literature on the benefits of restorative interventions, as well as a burgeoning literature on re-offending. To date, restorative justice conferencing has been evaluated in several Australian jurisdictions, including New South Wales (Trimboli, 2000), Victoria (Markiewicz, 1997), Western Australia (Cant

& Downie, 1998), the Northern Territory (Fry, 1997) and Queensland (Hayes, Prenzler, & Wortley, 1998). These studies mainly focus on how participants perceive conferencing processes and are limited by the needs of commissioning organisations. Other academic research projects have been carried out in New Zealand (Maxwell & Morris, 1999; Maxwell & Morris, 2001), the Australian Capital Territory (Sherman, Strang, & Woods, 2000; Strang, Barnes, Braithwaite, & Sherman, 1999), New South Wales (Luke & Lind, 2002) and South Australia (Daly, 2001b, 2002, 2003a, 2003b; Hayes & Daly, 2003). These studies provide more compelling evidence on re-offending by examining how variation within conferences (New Zealand and South Australia) and differences between conference and court (New South Wales and Canberra) relate to future offending behaviour.

Evaluations of restorative conferencing programs: There is now a substantial amount of evidence from several Australian and overseas jurisdictions, which shows that offenders and, to a lesser degree, their victims view restorative justice conferences as fair and are generally satisfied with outcomes.¹ For example, Trimboli (2000) evaluated the youth justice conferencing scheme in New South Wales and found that 90% of offenders and 79% of victims were satisfied with how their cases were dealt with by the conference. Also, 95% of offenders and 97% of victims felt the conference was fair for offenders. In Queensland, 98% of offenders and victims felt their conference was fair, and similar proportions (99% and 97%, respectively) were satisfied with their conference outcomes (Hayes et al., 1998; Palk, Hayes, & Prenzler, 1998). Major research projects carried out in the Australian Capital Territory and South Australia show similar results. In Canberra, 85% of juvenile personal property offenders and 92% of juvenile property (security) offenders who attended a policy-run conference in the RISE project reported that their treatment was “fair overall”. Also, 80% of juvenile property victims felt “satisfied with [the] outcome after conference” (Strang et al., 1999). In South Australia, 90% of young offenders in the South Australia Juvenile Justice (SAJJ) project reported being satisfied with how their cases were handled in a family conference, compared to 73% of victims (Daly, 2001a).

¹ The exception here is with early work in New Zealand, which shows lower rates of satisfaction among offenders and even lower rates among victims, compared to results from Australia (Maxwell & Morris, 1993).

Also, SAJJ observers rated the process of deciding conference outcomes as fair in 89% of conferences (Daly, 2003a).

Restorative conferencing and recidivism: A small but growing number of research projects have examined the long-term behavioural outcomes of conferencing for young offenders. Much of this research has compared conferencing to court (Latimer, Dowden, & Muise, 2001; Luke & Lind, 2002; McCold & Wachtel, 1998; Sherman et al., 2000) or conferencing to other court diversion program (McGarrell, 2001). However, some research, including the present study, has focused on the variable effects of offender and conference characteristics in predicting re-offending (Hayes & Daly, 2003; Maxwell & Morris, 2001). These studies assess how variation within an intervention is related to re-offending, rather than comparing the effects of two or more interventions on future offending behaviour.

Comparison studies. The Reintegrative Shaming Experiments (RISE) project in Canberra is the only randomised field study in the region. From 1995 to 2000, eligible offenders (i.e., those who admitted to their offences) were randomly assigned to conference or court (Strang et al., 1999). RISE researchers conducted four experiments based on offence type – drink drivers, youth violence (offenders 29 years or younger), juvenile property (offenders 17 years or younger) and juvenile property-security (offenders 17 years or younger who shoplifted from stores employing security staff). Researchers collected offending data from the police for the 12-month period preceding and following referral to court or conference. An analysis of these data showed no differences in post-referral offending for the drink drivers and juvenile property experiments. However, there were significant differences for offenders in the youth violence experiment. Offenders who went to conference were significantly less likely to re-offend than those who went to court (Sherman et al., 2000).

In New South Wales, Luke and Lind (2002) conducted a retrospective analysis of several thousand first offenders (i.e., those with no prior proven court appearance) who went to conference or court from 6 April 1997 to 5 April 1999. They grouped offenders into the following three categories: offenders in court during the 12 months before the introduction of conferencing (6 April 1997 to 5 April 1998: N=5,516);

offenders in court during the first 12 months of conferencing (6 April 1998 to 5 April 1999: N=3,830); offenders in conference during the first 12 months of operation (6 April 1998 to 5 April 1999: N=590). Records for first offenders were chosen to control for the effects of prior offending. After making several comparisons between the conference and court groups, Luke and Lind (2002) concluded that conferencing rendered a 15% to 20% reduction in predicted risk of re-offending.

A recent Canadian meta-analysis of 22 studies that compared restorative justice programs to other types of interventions showed mixed results (Latimer et al., 2001). Across the studies examined, there were 32 tests that assessed the effectiveness of restorative justice programs to reduce recidivism. The mean effect size was 0.07, and the range of effect sizes was -0.23 to 0.38 (Latimer et al., 2001). In other words, restorative justice interventions resulted in an average 7% reduction in recidivism compared to non-restorative controls. Most of the programs led to reduced re-offending (by as much as 38%) but some programs led to increases in recidivism (up to 23%). While 72% of the 32 effect sizes were greater than zero (demonstrating reductions in crime), a third of these were negligible (ranging from 0.0 to 0.09 – i.e., from no effect on recidivism up to a 9% reduction in recidivism) and a similar proportion (28%) was less than zero (indicating increases in recidivism up to 23%) (Latimer et al., 2001: 14).

Variation studies. In New Zealand, Maxwell and Morris (2001) followed 108 young offenders who attended family group conferences in 1990 and 1991 for six and one half years to learn how features of the conference relate to future offending. Using data from post-conference interviews and official data on post-conference convictions, they found that more than a quarter (28%) of young offenders were “persistent reconvicted” (i.e., appeared in court on criminal matters five or more times during the follow-up period). A similar proportion (29%) was not re-convicted at all during the follow-up period. They developed a model of re-offending, which showed that early negative life events (e.g., poverty and parental neglect) and what happened after the conference (e.g., unemployment, criminal associates) were predictive of future offending behaviour. However, several features of the conference also were predictive. When young offenders’ conferences were memorable, when they were not made to feel a bad person, when they participated in, agreed to and complied with the

outcome decision, when they met the victim and offered an apology, and when they felt sorry for what they had done, re-offending was less likely.

In South Australia, Hayes and Daly (2003) analysed conferencing data and the official offending histories for a group of 89 young offenders whose conferences were observed from March through June 1998 (Daly, 2001b; Daly, Venables, McKenna, & Christie-Johnston, 1998). Similar to the New Zealand study, the aim was to learn how variation in conferencing processes was related to future offending behaviour. Data were gathered from observations of conferences and interviews with participants (offenders, their victims, police, and conference coordinators). The observational data had many measures of restorativeness and procedural justice, and the offending history data included details for all offences finalised by the police (caution, conference, or court) before the conference and 8-12 months after the conference. Multivariate analyses showed that prior offending, sex, race, and social marginality were highly predictive of post-conference offending. There also were conference effects. Re-offending was less likely for young offenders who were observed to be remorseful and whose conference outcome decisions were observed to be consensual (Hayes & Daly, 2003).

To summarise, research conducted in Australia and overseas shows that: 1) offenders and victims rate conferences highly on measures of satisfaction and fairness; 2) compared to offenders going to court, conference offenders are less likely to re-offend; and 3) when conference offenders are remorseful and conference decisions are consensual, re-offending is less likely. Findings from evaluation studies and academic research demonstrate that offenders and victims feel positive toward the conference process. However, less is known about how conferences affect re-offending. The findings from RISE showed significant conferencing effects in only one of four experiments, while results from the New South Wales study showed a 15-20% reduction in future offending for conference offenders. Findings from New Zealand and South Australia showed that offender characteristics and events after the conference remain powerful predictors of recidivism but that things that happen in the conference (remorseful offenders and consensual decision making) are associated with reductions in re-offending. Findings from the Canadian meta-analysis showed that several conferencing and court comparisons yielded larger reductions in

recidivism for conference offenders; however, a substantial number of studies showed no differences between conference and court offenders or increases in re-offending among conference offenders.

COMMUNITY CONFERENCING AND RE-OFFENDING IN QUEENSLAND

In April 1997 the Queensland Department of Justice, Juvenile Justice Branch, initiated a “pilot” community conferencing scheme for young offenders, following amendments to the *Juvenile Justice Act 1992*.² Community conferences were convened in two southeast Queensland jurisdictions: Logan and Ipswich.³ Under Queensland legislation, police officers may respond to youth crime in four ways: they may issue a warning, confer a formal caution, refer a matter to community conference, or refer a matter to the youth court. The aim of community conferencing, as specified in the *Juvenile Justice Act 1992*, is to divert young offenders from formal juvenile justice system processing. Therefore, the *Act* also allows youth court magistrates to refer matters to community conferencing as an alternative to sentencing in the court (“indefinite referral”) or as a condition of sentencing (“pre-sentence referral”).⁴

Data on conferences and offending: Data for this study were derived from the Queensland Police Service’s Offender History Database and the Queensland Department of Families’ Community Conferencing Database. We accessed the official criminal histories and conferencing case files for all young people (10-16 years of age) conferenced from April 1997 and May 1999 (N=200). We obtained the criminal histories in March 2002, rendering a follow-up period of three to five years

² Responsibility for conferencing administration shifted to the Queensland Department of Families, following a state election in mid-1998.

³ Another conferencing site was established in a large Indigenous community on Palm Island (located close offshore of Townsville in Far North Queensland) in 1993 and was administered by the local Community Justice Group (CJG). However, because conferencing procedures on Palm Island differed substantially from those used in Logan and Ipswich and because only a small number of juvenile offenders had been referred to the CJG, the conferencing scheme on Palm Island was not assessed during an external evaluation conducted in 1998 (Hayes et al., 1998).

⁴ While we are unable to address it here because our number of court-referred cases is too small (N=12), an important empirical question is how effective court-referred conferences are in reducing further offending, compared to police-referred conferences.

for our analyses. Criminal history data include date and type of charge, as well as outcome (e.g., formal caution, conference or court referral). Offence type follows the ASOC (Australian Standard Offence Classification) divisions.⁵ We grouped offences into the following categories for our analyses: all property, all violent, all drug related, property and violent, property and drug related, violent and drug related, property, violent and drug related, other offence types.

Data from the Queensland Department of Families include information about offenders, offences and conference administration. These data contain contact information for young offenders, as well as age, date of birth, sex and race of offenders. The Department also records referral information (date received and referred by the police or court), information on victims and supporters (contact information, age and sex), information on conference management (who convened the conference, who attended the conference, date the conference was convened, as well as when it started and when it finished),⁶ and information on conference agreements (written and/or verbal apology, commitment not to re-offend, direct restitution, work for the victim, community work, treatment or counselling or other Department program).

Data on conference participants' views: The Department also maintains evaluation data for the conferencing program, which are used to monitor participants' views. Evaluation surveys are routinely given to all conference participants immediately after the conference ends but before the conference agreement is signed and the conference is officially closed. The evaluation survey contains a series of statements to which participants agree or disagree "a little" or "a lot" (see full item list in Table 7). Some items relate to conference referral and intake, some to restorative justice, and some to procedural justice. Participants are not identified in the evaluation survey; however, a final item asks respondents what brought them to the conference – e.g., "because of

⁵ Details on the 16 ASOC divisions is available from *Australian Standard Office Classification* (1997), Australian Bureau of Statistics (Publication 1234.0), ISBN0 642 25794 9.

⁶ In Queensland, the start time recorded for a conference was when the convenor officially opened the conference. The end time recorded was after the offender, victim and police officer signed the agreement. These practices in recording time vary by research project. For example, in the SAJJ project, researchers recorded the close of the conference to be when the coordinator *completed* the conference, but before the agreement was signed because recording and printing the agreement could take some time, and victims had already left.

something I admitted doing” (offender); “because of something that happened to me” (victim); “because I came to support someone who did something/who had something happen to them” (offender/victim support person). The Department uses responses to this last item to group evaluation results by participant role.

Each offender’s record in the conferencing database contained the survey responses for all participants in a conference (offender, victim and support people), rather than just the offender’s responses. However, the last item, which asks participants why they attended the conference, allowed us to identify the offender’s survey among all of those entered. A challenge arose, however, in identifying survey responses for multiple offenders. We resolved this problem by dichotomising the four agree-disagree categories. For example, if two offenders in a conference agreed to an item (one “a little” and the other “a lot”), the item was coded “agree” for each offender. Where there was a discrepancy between multiple offenders in agreement (i.e., one agreed and another disagreed), the items were coded as missing. This occurred in an average 3.4% of cases across the 15 agree/disagree items.

Re-offending defined: Recidivism research shows that there are differences in how offending and re-offending are defined and measured. Much depends on the nature of data available to researchers (e.g., official agency records; offender self-reports; observations), and agency data are influenced by organisational record-keeping practices. In a recent review of research on restorative justice and re-offending, measures of recidivism were shown to vary from any new official incident to post-intervention conviction (Luke & Lind, 2002). Because of problems inherent in using reconviction as a measure of recidivism (Maltz, 1984),⁷ we adopted a strategy similar to our prior work on conferencing and re-offending (Hayes & Daly, 2003) and chose to measure recidivism as any new “official incident” post-conference. We counted the number of incidents rather than charges because the latter often reflected offence-related charges rather than new criminal activity. An example is a break and enter charge on a specific date followed by charges like “offensive language”, “resisting

⁷ When re-offending is measured as re-conviction, much information is lost. Such a measure is likely to capture the vagaries of the juvenile justice system more than recidivism. When we consider typical criminal justice system flows, we see that there are several points before sentencing at which offenders may exit the system. For example, crimes may go undetected or unreported, and detected crimes may not be investigated.

arrest”, “false pretence”, “assaulting police officer”, all occurring on the same date as the property offence. Hence, the count is of discrete legal interventions.

RESULTS

Descriptive characteristics of young offenders,⁸ their offences and their conferences: Table 1 below summarises several descriptive features of the young offenders in this study. Of the 200 young people (10-16 years of age) conferenced from April 1997 to May 1999, the majority (84%) were male, and the average age for all offenders, as well as males and females grouped separately, was 14 years (SD=1.6). Data on ethnicity were not available for more than half of the offenders in our sample. This is unfortunate, as prior research in Australia has shown that indigenous status is significantly related to risk of re-offending (Broadhurst & Loh, 1995; Hayes & Daly, 2003).

Just over half (51%) of these offenders came to their conference with a history of prior offending. We defined “prior offending” as one or more detected offences that occurred before the conference offence. Prior offending was largely property-related (see preceding section for details on coding offence type) – 62% had only property offences registered against their offending history.

The offences for which these young people were conferenced, in the main, were property-related.⁹ Nearly three quarters (74%) of young people were conferenced for property-related offences. However, where post-conference offending occurred, it appeared to be more serious. The proportion of young offenders engaging in only

⁸ Demographic characteristics for young offenders in our sample were sparse. While offender age and gender were consistently recorded in the police and conference data, ethnicity data were available for just under half of all offenders.

⁹ Queensland legislation currently sets no limits on the seriousness of offences referred to conference; however, the *Juvenile Justice Act 1992* stipulates that referring officers should consider a young person’s prior offending history and the nature of the offence (s18(5)). During the first two years of operation, the period from which our data were drawn, referred offences were generally property-related. Current referral patterns in Brisbane, however, show a substantial rise in court referred matters, which are commonly more serious in nature (Jason Kidd, Brisbane Coordinator for community conferencing, 2003, personal communication).

property-related post-conference offending fell to 21%, but a notable proportion were involved in a mix of property and violent crimes (27%)¹⁰.

Conferences averaged just under two hours in length (median duration was two hours)¹¹ and mainly involved a single offender and victim (57% of conferences had only one offender; 69% had only one victim). There was, however, substantial variation in conference duration. Duration ranged from 30 minutes to four hours, and the median duration was two hours.

The amount of time from when the offenders were arrested for an offence to when their conferences were convened was substantial. The average time from conference offence arrest to conference was nearly three months (85 days). Most of this time, however, occurred from the date of arrest to the date of referral to community conference (average 50 days). Once conference convenors received a referral from police, conferences were, on average, convened within one month (35 days). These case handling times are affected by operational practices. In Queensland, when young offenders are arrested, police must investigate the offence and seek victim consent before they can refer a matter to conference.¹² In some instances, victims, who may be angry and/or frightened, may need to be persuaded that a conference will be beneficial for them, and this can cause delays. Once a referral is received, conference convenors meet with offenders and victims face-to-face to discuss the conference process and what each participant is required to do. The nature of an offence (e.g., property or violent, level of harm, age and gender of victims) and the number of offenders and victims will affect case handling times.

¹⁰ We do not conclude from these data that youthful offending among our sample of young people was non-serious. Some property-related offences, while perhaps not legally qualified as “serious”, may be interpreted as such by victims. Likewise, some violent offences, such as “assault”, may be legally qualified as serious but may not be experienced as such by an offender and victim (e.g., a young person who pushes a classmate during play in a school yard). How seriousness is defined in official data often cannot capture the very subjective nature of the level of harm experienced by victims.

¹¹ The young offenders in our sample were conferenced during the first two years of program operation in Queensland, prior to administrative changes occurring in April 2001. Thus, conference duration for this group of offenders may not accurately characterise current practice. The average length of a community conference under current practice is approximately 90 minutes (Gail Pollard, Manager, Community Conferencing Queensland, March 2003, personal communication). This length seems to fall in line with experiences in other jurisdictions.

¹² Recent amendments to the *Juvenile Justice Act 1992* have removed the requirement of victim consent.

INSERT TABLE 1 ABOUT HERE

Descriptive features of offending and re-offending: Table 2 below summarises several features of pre- and post-conference offending. We defined offending as any detected and recorded criminal activity, which does not include arrest-related offences and charges (e.g., resisting arrest, obscene language) and for which offenders were officially cautioned, referred to community conference or referred to the youth court. The date of a conference is the temporal marker for counting pre- and post-intervention offences.

We find that just under half (49%) came to their conference with no prior detected offending.¹³ A similar proportion (44%) of young offenders committed no further offences three to five years following their conference. Further, rates of both pre- and post-conferencing offending were generally low, with median rates ranging from 0.38 to 0.97 offences per year. Median offending rates better characterise these offenders, because mean offending rates were higher, as was variation in pre- and post-conference offending. That is, pre- and post-conference offending distributions were positively skewed, a common feature of offence distributions. On the whole, levels of pre- and post-conference offending activity were low. Approximately 84% of offenders committed three or fewer offences prior to their conferencing offence. Also, slightly less than three quarters of offenders committed three or fewer offences in the three to five years following their conference.

These offending rates fall approximately midway between those observed in other jurisdictions where similar analyses have been conducted. For example, in South Australia, 89 young offenders whose family conferences were convened from April through June 1998 were followed for 8-12 months following the conference. Approximately 60% did not commit a further detected offence during the follow-up period (Daly & Hayes, 2002). In New Zealand, 108 young offenders whose family group conferences were convened between 1990 and 1991 were followed for a period

¹³ Some may question the utility of conferencing for first-time offenders and ask if other forms of diversion (e.g., informal or formal cautioning) may be more appropriate and/or effective. However, police officers in Queensland are required to consider an offender's prior offending history *and* the nature of an offence before referring a matter to caution, conference or court. Therefore, informal and formal cautioning is appropriately reserved for non-serious first-time offenders.

of 6.5 years. Approximately 29% had no further convictions during the follow-up period (Maxwell & Morris, 2001).¹⁴

INSERT TABLE 2 ABOUT HERE

We used a prevalence measure of pre- and post-conference offending (i.e., whether any offending was detected before or after the conference) to characterise offenders (Table 3), using similar categories of offenders as in the South Australia research (Hayes & Daly, 2003). The first two categories are “reformed” offenders: experimenters and desisters. *Experimenters* are offenders whose conference offence is the only offence on record. Assuming that these young people were not involved in any undetected offending, their conference offence may be atypical. Another group we call the *desisters*.¹⁵ This group came to their conference with a history of offending but registered no crimes following the conference. The remaining two categories are re-offenders: drifters and persisters. *Drifters*¹⁶ are young people whose first offence brought them to a conference and who continued to offend after their conference. Finally, *persisters* are offenders with both pre- and post-conference offending.

Table 3 summarises how these groups are represented. Just under half (44%) of young offenders did not re-offend. Most of these were the experimenters (29.5%), those with no detected offending before (except for the conference offence) and after their conference. A larger proportion of young people re-offended (56%), and most of these were persisters (36.5%), those with detected offending registered before and after their conferences. There were fewer desisters (14.5%) and drifters (19.5%). The

¹⁴ We exercise caution in drawing these comparisons of re-offending from studies conducted in other jurisdictions. This is because differences in follow-up periods, types of offenders and offences conferred, and legislation structuring practice can affect outcomes. The re-offending rate for the South Australia study was 40% for an 8-12 month follow-up period. This may seem high compared to a 56% re-offending rate for this study, which has a 3-5 year follow-up period. We highlight, however, that the types of offences conferred in the South Australia study were more serious than offences conferred in this study, and that there were fewer offenders in South Australia who were first-time offenders.

¹⁵ We note here that desistance should be understood as a *process* rather than as a discrete temporal marker in the life course (Bushway, Piquero, Briody, Cauffman, & Mazerolle, 2001; Laub & Sampson, 2001). That is, persistent offending behaviour develops over time, and restorative justice interventions may, for some, initiate the process of reformation.

¹⁶ We (Hayes & Daly, 2003) borrowed this term from the theoretical literature on delinquency to capture the notion of moral release (Matza, 1964; Sykes & Matza, 1957).

proportions of experimenters and persisters among these Queensland offenders are similar to offenders in the South Australia family conferencing and re-offending study (Daly & Hayes, 2002; Hayes & Daly, 2003), where 33% were classified as experimenters and 32% as persisters. However, there are more drifters (cf. 9% in SA) and fewer desisters (cf. 26% in SA) among our Queensland offenders than among the South Australian group of offenders. This may be due to the different follow-up periods used (8-12 months for the SA study).

TABLE 3 ABOUT HERE

Variables associated with re-offending: We began our analysis by exploring relationships between re-offending and variables known to be predictive of further offending – e.g., age, gender and prior offending (Gendreau, Little, & Goggin, 1996). We tested for mean differences in age and age at first offence for the four offender groups. While there were no significant age differences across the four offender groups in Table 4, there were differences in age at first offence. Persisters were an average 1.3 years younger than experimenters when committing their first offence (Table 4). This difference was statistically significant and is a trend consistently reported in the recidivism literature (Blumstein, Cohen, Roth, & Visser, 1986). The average age at first offence for drifters and desisters was the same (13.8 years).

TABLE 4 ABOUT HERE

We cross-classified gender and collapsed offender classification (i.e., “reformed offenders” and “re-offenders”). We found that female offenders are more likely to desist from further offending compared to young males ($\chi^2 = 22.9$, $df=1$, $p<0.001$). The association between gender and offending also is persistent in the recidivism literature (Gendreau et al., 1996), with males being more likely than females to re-offend.

TABLE 5 ABOUT HERE

Nearly three quarters of those offenders who came to their conference with one or more prior offences went on to commit a further offence in the three to five years after their conference. Also, nearly two thirds of those whose first offence brought them to their conference did not re-offend three to five years later. Our interval measure of pre-conferencing offending (annual rate of offending from age 10 to conference) is moderately correlated with annual rate of post-conference offending ($r=0.35$, $p<0.001$).

TABLE 6 ABOUT HERE

Turning to the conference, we find that no variables emerged as predictive of future offending behaviour in the bivariate analyses. We examined case flow duration, whether offenders offered their victims an apology or agreed to other outcomes, and participant evaluation items. Neither case flow duration nor whether offenders offered an apology or agreed to other outcomes (such as direct restitution, work for victims, community work, commitment not to re-offend) was associated with re-offending in bivariate analyses. Furthermore, how offenders' viewed conference processes also was not related to further offending. This is because there was very little to no variation in how young offenders perceived their conference experience. Nearly all young offenders rated several conference features very highly, and a substantial proportion of these offenders went on to commit one or more offences (see Table 7 in the following section titled "How offenders judged conference").

Survival analyses: Our follow-up period was three to five years post-conference. This meant that some offenders were followed for shorter periods than others. Hence, offenders in our study did not have equal opportunities (in terms of time) to re-offend. In statistical terms, this means that our offending data were "censored" (i.e., not all young people in our study re-offended three to five years following their conference). To correct this, we could have standardised the follow-up period to three years for all offenders, but this would have meant that any offending that occurred more than three years post-conference would have been lost. A better method is to conduct survival analysis. This method uses information from all cases to calculate survival probabilities, which show how likely it is that an offender will remain offence-free (or "survive") during the follow-up period. Put another way, this method computes

probabilities of “failure” (or re-offending) for our sample of offenders. We used the Kaplan-Meier product limit estimator to estimate the survival functions for groups of offenders. We compared survival functions for offenders grouped by offender characteristics (age, gender and prior offending) and conference characteristics (case handling times, conference length and whether offenders offered an apology or agreed to other outcomes) and compared group survival functions using the log rank (Mantel-Cox) test (SPSS, 1997).

To assess the effects of age, we grouped offenders according to their age at their conference: 10-12 years (N=39); 13-14 years (N=66); 15-16 years (N=95). Figure 1 demonstrates that the estimated rate of survival is lowest for 13-14 year olds and 15-16 year olds. In other words, these offenders were quicker to re-offend than the youngest group. Offenders in the 10-12 year group had a significantly higher estimated survival (i.e., desistance) rate than the other two age groups; hence, the survival curve for this group descends more slowly. The survival curve for 10-12 year olds is significantly different to that for 13-14 year olds (log rank $\chi^2_{(10-12/13-14)} = 6.78, df=1, p<0.01$) but not significantly different from the survival curve for 15-16 year olds (log rank $\chi^2_{(10-12/15-16)} = 3.25, df=1, p = 0.07$). These results indicate that very young offenders (10-12 years) are more likely to stay out of trouble, compared to middle adolescent offenders (15-16 years) and those approaching middle adolescence (13-14 years). However, these findings contradict what we know about how age and crime are related: younger offenders are more likely to persist than older offenders (Blumstein et al., 1986). We explore these results further below to reconcile this contradiction.

Figure 1 also demonstrates that offenders aged 13-14 years and 15-16 years have similar survival probabilities for about the first 1000 days (or nearly 3 years) of follow-up, after which the curve for the older group begins to level out. This indicates that re-offending for this group becomes less likely as offenders move into late adolescence and early adulthood.

INSERT FIGURE 1 ABOUT HERE

There also were differences in the survival functions by age at first offence. As in the preceding analysis, we grouped offenders by age at first offence: 10-12 (N=55); 13-14 (N=74); 15-16 (N=68).¹⁷ Figure 2 shows that offenders whose first offence was registered while they were between 15 and 16 years old re-offended more slowly compared to offenders in the two younger age groups. The survival function for the older age group was significantly different from the survival functions for the two other groups (log rank $\chi^2_{(10-12/15-16)} = 5.14$, $df=1$, $p<0.05$; log rank $\chi^2_{(13-14/15-16)} = 4.15$, $df=1$, $p<0.05$). Survival functions for the two younger age groups were not significantly different. Thus, we find that offenders who began their offending at an older age were more likely to stay out of trouble.

INSERT FIGURE 2 ABOUT HERE

Figures 1 and 2 are somewhat perplexing. We would have thought that the youngest age group in both these analyses would have had the lowest probabilities of survival (i.e., desistance). In other words, we expected to find that the youngest offenders at the conference and at first offence would have been more likely to re-offend than the other two age groups. This expectation is consistent with what the recidivism literature tells us: that the younger offenders are when they begin offending, the longer their offending is likely to persist (Blumstein et al., 1986). We attempted to reconcile our contradictory findings by more closely examining the youngest offenders. We cross-classified the two age groupings (*10-12 years of age at conference* and *10-12 years of age at first offence*) by the four offender categories (experimenters, desisters, drifters, persisters) and found that 60% of offenders who were between 10-12 years old at the time of their conference had no prior offending. In other words, the conference offence was their first offence. Just over half of this group (51%) did not commit a further offence (i.e., they were experimenters). When grouped by age at first offence, there were fewer 10-12 year olds who did not re-offend (35%).

This analysis shows that when a first offence brings the youngest group of offenders to a conference, the probability of post-conference offending is lower than when the

¹⁷ Three cases were dropped from this analysis because of missing data for date of birth.

first offence results in a caution or court appearance. To assess this further, we divided the youngest conference age group into these two groups: 10-12 year olds with prior offences (n=9), 10-12 year olds with no prior offences (n=30). We then compared the survival functions for these two groups. Figure 3 shows that when a conference is the first intervention for the youngest group of offenders, the probability of survival (i.e., desistance) is greater compared to 10-12 year olds who came to their conference with prior offences and experienced other interventions (caution or court).¹⁸ The survival functions for these two groups are significantly different with the survival curve for the 10-12 year olds with prior offending declining more rapidly (log rank $\chi^2=4.21$, $df=1$, $p<0.05$). This is a potentially important finding and it seems to indicate that conferencing may be a more effective intervention for very young offenders who have a high risk of re-offending, compared to cautioning or court.

INSERT FIGURE 3 ABOUT HERE

The survival functions for males and females differed significantly (log rank $\chi^2 = 18.49$, $df=1$, $p<0.001$), with an estimated lower rate of re-offending for females than for males. The survival function for males shows that the curve decreases more quickly, as male offenders had a lower mean number of days to first post-conference offence (901 days, compared to 1524 days for females).

INSERT FIGURE 4 ABOUT HERE

Comparing the survival functions for offenders with and without prior offending, we find that re-offending occurred more quickly for those with prior offences on record (log rank $\chi^2 = 27.22$, $df=1$, $p<0.001$). The mean days to first post-conference offence for those with prior offences (747 days) was nearly half the mean number of days to re-offence for those with no prior record (1267 days).

INSERT FIGURE 5 ABOUT HERE

¹⁸ No offender in our sample was referred to a conference before entry into our study. That is, offenders in our sample who committed one or more offences before their conference offence would have received a formal caution or a court referral, but not a conference referral. Therefore, we deduce that those who were 10-12 years at their conference with a history of prior offending experienced criminal justice interventions other than a community conference.

Cox proportional hazards regression confirmed that prior offending, age at conference, age at first offence and gender were significantly associated with post-conference offending. Cox regression is a multivariate analysis appropriate for censored data. Results from Cox regression indicate how the relative risk (or hazard rate) of the dependent variable (i.e., re-offending) is associated with an independent variable (i.e., either increases or decreases), controlling for other variables in the regression model. Table 7 shows that young offenders with a history of prior offending (i.e., one or more prior offences registered) had a risk of re-offence 2.3 times larger than offenders with no prior offending, controlling for other variables in the model. Offenders who registered their first offence between 10-12 years of age had a risk of re-offence 2.7 times larger than offenders who were 15-16 years at first offence. However, offenders between 10-12 years of age at the time of their conference had a risk of re-offence only .33 times as large as offenders who were 15-16 years at their conference. The effect of gender was highly significant. Males had a risk of re-offence 6.4 times larger than females, controlling for other variables in the model.

TABLE 8 ABOUT HERE

Turning to the conference, we did not expect to find any significant differences between the survival functions for offenders who offered their victims an apology and those who did not, as we observed no significant association between this variable and re-offending, and the log rank tests confirmed this ($p=0.94$). There also were no differences in re-offending among offenders agreeing to other conference outcomes (e.g., commitment not to re-offend, work for the victim, direct monetary restitution, community work). The time needed to process a case did not relate to survival probabilities. We grouped case flow times for offenders into two groups (below or equal to the 50th percentile (66 days) and greater than the 50th percentile) and compared the survival functions, but no significant difference emerged (log rank $\chi^2 = 0.16$, $df=1$, $p=0.69$). We also examined how variation in conference length might relate to re-offending, but no significant findings emerged. There were no differences

in the survival functions for offenders whose conference lengths fell at or below the median (120 minutes) to offenders whose conferences were longer (log rank $\chi^2=0.39$, $df=1$, $p=0.53$).

Results from the bivariate and survival analyses show that offender characteristics are more predictive of future offending than how conferences are administered (case handling times and conference length) or what happens in conferences (whether an offender offers an apology or agrees to other conference outcomes). This result needs to be qualified by the fact that our conferencing data were limited to official agency records. Nevertheless, our results, which show that age, age at first offence, gender and prior offending are associated with re-offending, are consistent with those in the recidivism literature (Blumstein et al., 1986; Gendreau et al., 1996) and with studies of conferencing and re-offending in South Australia (Hayes & Daly, 2003) and New Zealand (Maxwell & Morris, 2001).

How offenders judged conferences: Below, we summarise the conferencing evaluation survey results (Table 8). These data show how offenders judged their conferencing experiences, which was largely positive. There was little to no variation in how offenders rated their conferences on several measures of procedural justice and restorative justice. In fact, for 7 items (four restorative justice items and three procedural justice items), there was 100% agreement among offenders. Therefore, we chose not use these evaluation data in our bivariate and survival analyses. Table 7 presents the percentage of young people agreeing to evaluation items, as well as the percentage who re-offended. For example, for the first survey item (I was not pushed into being at the conference), 98.9% agreed with this statement, and 57.3% of these re-offended. Looking at the remaining items, we find that substantial proportions of young people who reported having positive experiences at conferences went on to re-offend. However, when negative sentiments were expressed, there did not appear to be any pattern in re-offending. That is, similar proportions of re-offenders and desisters were among the small group that reported negative conference experiences.

TABLE 8 ABOUT HERE

To items tapping procedural fairness, these agreement rates are similar to observations made in other studies (Daly, 2001a; Strang et al., 1999). However, agreement rates to items ostensibly tapping restorative justice are higher than what has been observed elsewhere. We suspect that these survey results flow from how the evaluation surveys were administered rather than how offenders truly felt about their conferences. Recall that the evaluation surveys were administered to participants immediately following the conclusion of a conference. The convenors asked the participants to complete the evaluation survey while they completed the agreement form for signature. It is likely that young offenders, perhaps relieved that their conferences were over and genuinely satisfied with the way things turned out, may have rushed through their evaluation survey without reflective consideration. Better measures of restorativeness and procedural fairness (e.g., purposefully constructed survey protocols and carefully timed administration) likely would have captured greater variation in offenders' experiences than this survey instrument, which was designed and used by conferencing personnel to monitor program needs.

SUMMARY AND DISCUSSION

Research on recidivism shows that the best predictors of re-offending are things associated with offenders, for example, age, age at first offence, gender, and prior offending. When young people begin offending at an early age, recidivism is more likely. Males are more likely to re-offend than females, and those who have offended in the past are likely to offend in the future. The research literature on conferencing shows that offenders have positive experiences. They view conferencing processes as fair and are satisfied with conference agreements. Most offenders who go to a conference feel they are treated fairly and with respect (Daly, 2001a), and compared to court, offenders perceive greater procedural justice and restorative justice (Strang et al., 1999).

While offender characteristics are good predictors of future offending and offenders have positive experiences in restorative justice conferences, it is unclear how conferencing is linked to recidivism. Comparison studies show that recidivism may be less likely among certain groups of offenders going to conference rather than court.

For RISE, there is reduced recidivism among youth violence offenders going to conference, but not for other groups of offenders (Sherman et al., 2000). For NSW, the likelihood of re-offending was 15-20% lower for conference offenders compared to those who went to court (Luke & Lind, 2002).

Studies that focus on variability within conferences show that beyond those things known to be associated with recidivism (e.g., age, gender and prior offending), there are things that occur in conferences that are associated with reduced re-offending: when young offenders are remorseful and when conference agreements (or outcomes) are decided by genuine consensus, re-offending is less likely (Hayes & Daly, 2003). Also, when offenders have memorable conferences, when they are not stigmatically shamed, when they are involved in conference decision-making and comply with conference agreements, when they feel sorry for their offending behaviour, when they meet and apologise to victims and feel that they have righted wrongs, future offending is less likely (Maxwell & Morris, 2001). This is true even when taking into account other factors that likely affect re-offending, such as negative life experiences and things that happen after the conference (e.g., unemployment, criminal associates).

Results from this study show that re-offending is more likely among male offenders, offenders moving into middle adolescence (13-16 years) at the time of their conference, offenders who begin offending at an early age, and offenders with a prior history of offending (Figures 1-5). We also learn that when a conference is the first intervention for the youngest group of offenders (e.g., offenders who are 10-12 years old at their conference and who have no prior offences), re-offending is less likely compared to the youngest offenders whose first intervention is a criminal justice intervention other than a conference (i.e., caution or court; Figure 3). This is potentially an important finding and one that should be empirically verified in future research on conferencing and re-offending. The recidivism literature shows that young people who begin offending at an early age (10-12 years) are more likely to persist than older first-time offenders. However, this may not be true when young first-time offenders go to conference rather than receive a caution or go to court. Most young offenders eventually grow out of crime (i.e., they mature), but those who begin offending at an early age likely take longer to do so: they have a longer criminal career (Blumstein et al., 1986). Our findings suggest that conferencing may be an

effective intervention in helping young first-time offenders grow out of crime more quickly.

A challenge for future research will be to elucidate the links between offender characteristics, conference experiences and re-offending. There is a need to develop innovative measures of how offenders understand the conference event, as well as measures that tap the social contexts within and surrounding the conference (e.g., measures of what young offenders do and what happens to them before, during and after a conference). Future work could explore new methods of observing conference events, conference participants, and re-offending behaviour by relying less on structured interview protocols and official agency records, and more on developing qualitative measures, such as the textual analysis of recorded semi-structured interviews with young people, which may show how they mentally construct or understand their conference experiences. Such an approach has been used to learn how young people make sense of their experiences in the children's court (O'Connor & Sweetapple, 1988), and from this research we learn that young people understand far less about the children's court and their rights than is often assumed. Similarly, a recent study in New South Wales, which used a qualitative approach "...to gather the voices and experiences of young people who had been cautioned or had been to a youth justice conference..." (Turner, 2002), showed that young people may not fully understand their basic rights concerning diversionary options. Applying similar qualitative methods in future research may yield results that more clearly illuminate how children's understanding of conference events is linked to re-offending. While some commentators are calling for more RISE-like evaluations with larger samples (Weitekamp, 2002), we may learn more by focusing attention on how young offenders describe what happens in their conferences and how conferences affect them, as well as their behaviour.

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TABLE 1. Offender, offence and conference features

<i>Offender characteristics</i>	
Percentage male offenders	84%
Mean age all offenders	14 (SD=1.6)
<i>Offence characteristics</i>	
Pre-conference offence type: N=101	
Property only	62%
Property and violent	19%
Violent only	8%
Property and drug	5%
Drug only	3%
Property, violent and drug	2%
Violent and drug	1%
Conference offence type: N=200	
Property only	74%
Violent only	19%
Property and violent	4%
Drug only	3%
Post-conference offence type: N=112	
Property and violent	27%
Property only	21%
Property, violent and drug	15%
Drug only	12%
Violent only	7%
Property and drug	7%
Violent and drug	5%
Other or unknown/not recorded	6%
<i>Conference characteristics</i>	
Mean time from arrest to referral	53 days (SD=74; median=25)
Mean time from referral to conference	35 days (SD=17; median=31)
Mean time from arrest to conference	88 days (SD=77; median=66)
Mean conference length	112 minutes (SD=32; median=120)
Number of victims present	
No victim	6%
One victim	69%
Two victims	17%
Three or more victims	8%
Number of offenders present	
One offender	57%
Two offenders	25%
Three or more offenders	18%

Table 1. continued**Conference outcome**

Verbal apology	86%
Written apology	29%
Verbal or written apology	91%
Commitment not to re-offend	35%
Direct monetary restitution	21%
Work for the victim	16%
Community work	28%

TABLE 2. Pre- and post-conference offending

<i>Pre-conference offending</i>		
No detected pre-conference offences (<i>except conference offence</i>)		49%
Offenders with pre-conference offending		
Mean number of offences		3.6 (SD=3.9; median=2)
Mean annual rate of offending (number of offences per year from age 10 to conference)		0.8 (SD=1.1; median=0.38)
Level of pre-conference offending		Cumulative %
No prior detected offending (<i>except conference offence</i>)	49%	49%
One prior detected offence	20%	69%
2-3 prior detected offences	13.5%	83.5%
4+ prior detected offences	16.5%	100%
<i>Post-conference offending</i>		
No detected post-conference offences		44%
Offenders with post-conference offending		
Mean number of offences		7.2 (SD=8.8; median=4)
Mean annual rate of offending (number of offences per from date of conference to 30 March 2002 – 3 to 5 years post-conference)		1.9 (SD=2.4; median=0.97)
Level of post-conference offending		Cumulative %
No prior detected offending (<i>except conference offence</i>)	44%	44%
One prior detected offence	10%	54%
2-3 prior detected offences	17%	71%
4+ prior detected offences	29%	100%

TABLE 3. Types of offenders in Queensland

Category	(N=200) %
“Reformed” offenders	44.0
<i>Experimenters</i> (no pre- or post-conference offending)	29.5
<i>Desisters</i> (pre-conferencing offending only)	14.5
Re-offenders	56.0
<i>Drifters</i> (post-conference offending only)	19.5
<i>Persisters</i> (pre- and post-conference offending)	36.5

TABLE 4. Type of offender by age at first offence

Offender group	Mean age of onset
Experimenter*	14.3 (SD 1.9; Med 14.7)
Desister	13.8 (SD 1.3; Med 13.6)
Drifter	13.8 (SD 1.7; Med 13.6)
Persister*	13.0 (SD 1.8; Med 13.2)

($F_{3,188}=5.7; p<.01$)

* Difference is significant at $\alpha=.05$

TABLE 5. Offender type by gender

Offender group	Male (1) N=167	Female (2) N=33
Reformist (1)	36.5%	82.0%
Recidivist (2)	63.5%	18.0%

($\chi^2=22.9; df=1; p<.001; phi=0.339$)

TABLE 6. Pre-conferencing offending by post-conference offending (prevalence), N=200

Post-conference offending	Pre-conference offending (<i>except conference offence</i>)	
	<i>No</i>	<i>Yes</i>
<i>No</i>	60.2 (experimenters)	28.4 (desisters)
<i>Yes</i>	39.8 (drifters)	71.6 (persisters)

($\chi^2 = 20.48, df=2, p < 0.001$; $\phi = 0.32, p < 0.05$)

TABLE 7. Cox proportional hazards regression for time to re-offend, prior offending, gender, age at conference and age at first offence

Variable	Parameter estimate	Standard error	Wald Chi-square	df	<i>p</i>	Relative risk (hazard) ratio
Prior offending (1=yes)	.83	.24	11.93	1	.001	2.29
Male v. female	1.86	.42	19.27	1	.000	6.41
Age at conference						
10-12 v. 15-16	-1.11	.42	6.92	1	.009	.33
13-14 v. 15-16	-.15	.268	.33	1	.57	.86
Age at 1 st offence						
10-12 v. 15-16	.99	.39	6.56	1	.01	2.71
13-14 v. 15-16	.42	.29	2.07	1	.15	1.53

197 cases; 86 censored

TABLE 8. Evaluation items (4 response options ranging from “disagree a lot to “agree a lot”) – young offenders

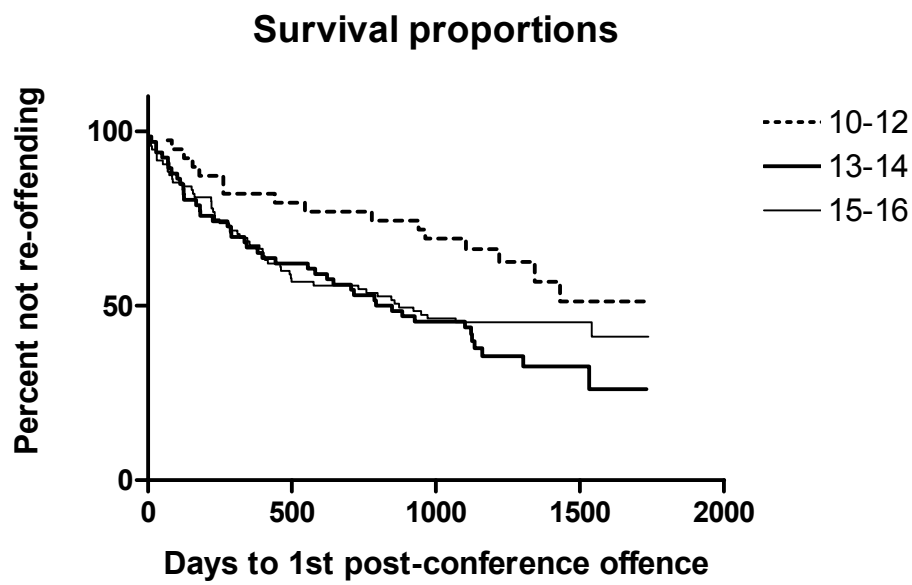
Survey item	% “Disagree a little” or “Disagree a lot” (% re-offended)	% “Agree a little” or “Agree a lot” (% re-offended)
1. I was not pushed into being at the conference. (Referral) N=180	1.1 (50.0)	98.9 (57.3)
2. I had a good idea what the conference would be like before I came. (Intake) N=167	9.6 (68.8)	90.4 (54.3)
3. I understood what was going on in the conference. (Intake and process) N=187	1.1 (100.0)	98.9 (55.1)
4. There were people at the conference who supported me. (RJ) N=185	0.0	100 (55.7)
5. I was treated with respect in the conference. (PJ) N=185	0.0	100 (56.8)
6. I was not pushed into things in the conference. (PJ) N=179	1.1 (50.0)	98.9 (55.9)
7. Everyone at the conference seemed to want to work things out. (RJ) N=187	0.0	100 (55.6)
8. After hearing everyone talk I see things differently now. (RJ) N=186	0.0	100 (55.4)
9. I got to have my say at the conference. (PJ) N=187	0.0	100 (55.6)
10. People seemed to understand my side of things. (RJ) N=182	2.2 (50.0)	97.8 (56.2)
11. The conference was just what I needed to sort things out. (RJ) N=181	0.6 (100.0)	99.4 (55.6)
12. Overall, I thought that the conference was fair. (PJ) N=181	0.0	100 (55.8)
13. I was satisfied with the agreement made in the conference. (PJ) N=183	0.5 (0.0)	99.5 (56.6)
14. Doing the conference means I can now make a fresh start. (RJ) N=184	0.0	100 (55.4)
15. If I had a friend in the same position as me I would tell them to go to a conference. (Global satisfaction) N=179	2.2 (100.0)	97.8 (54.9)
16. How did things feel at the end of the conference? N=176		
- Friendly and helpful, polite and cooperative		96.0 (56.2)
- Confused, cold, formal, awkward, unfriendly, unpleasant		4.0 (42.9)

(RJ) = restorative justice; (PJ) = procedural justice.

Percent re-offended shown in parentheses.

Note: In the disagree column, we show the categories of offenders to determine if negative judgements were more frequently related to re-offending. However, no patterns emerged. All types of offenders gave negative judgements, albeit infrequently.

FIGURE 1. Survival functions for Age at Conference: 10-12 years, 13-14 years and 15-16 years



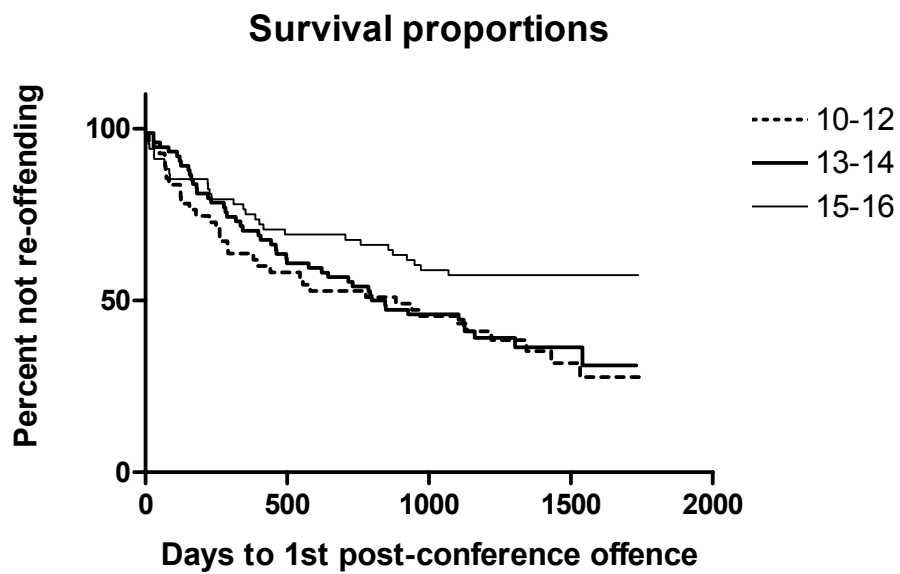
Median survival times:

10-12: Not calculated as more than 50% “survived” by the end of follow-up.

13-14: 792 days

15-16: 872 days

FIGURE 2. Survival functions for Age at First Offence: 10-12 years, 13-14 years and 15-16 years



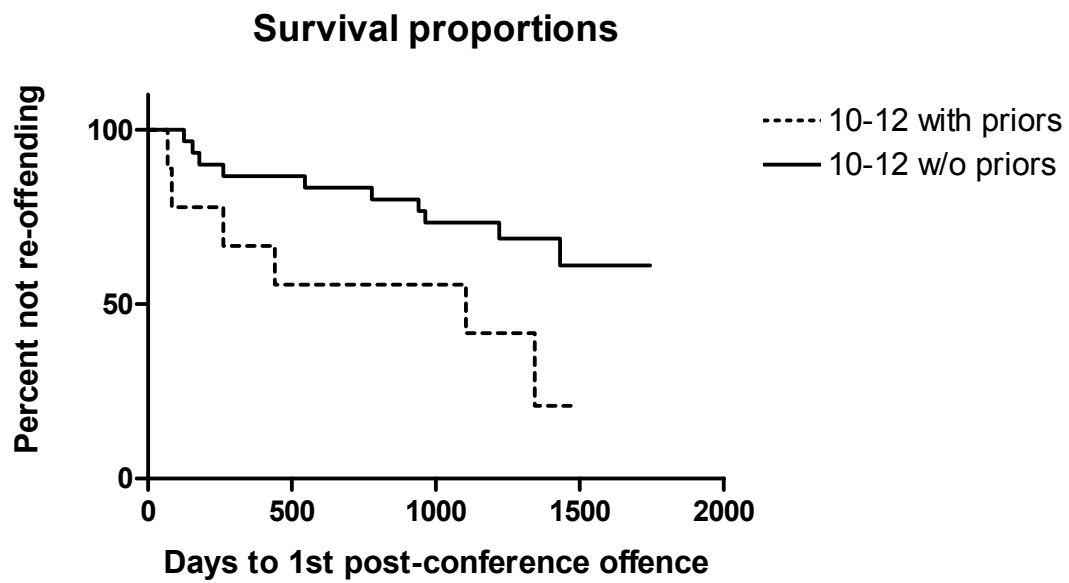
Median survival times:

10-12: 883 days

13-14: 797 days

15-16: Not calculated as more than 50% “survived” by the end of follow-up.

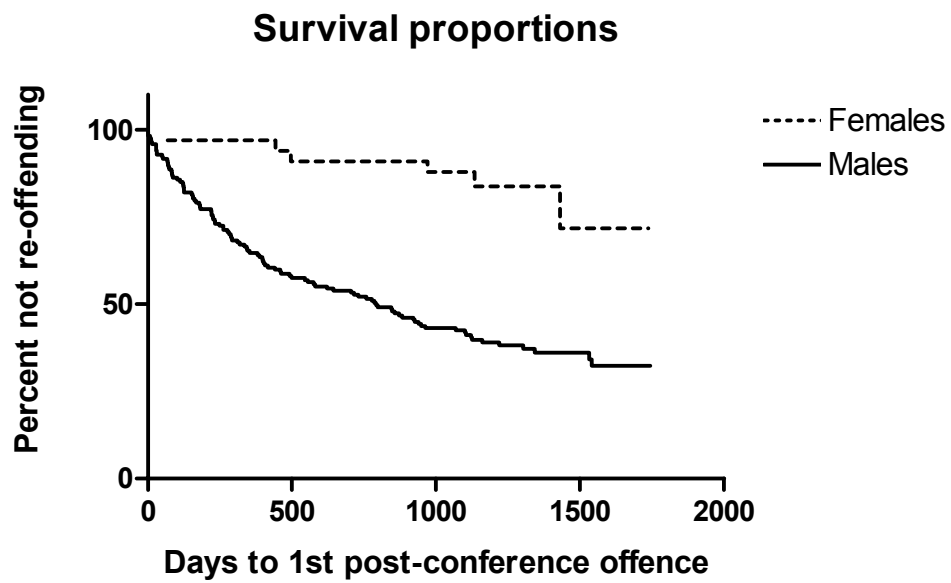
FIGURE 3. Survival functions for Age at Conference: 10-12 year olds with and without prior offences



Median survival times:

10-12 years with priors: 1104 days

10-12 years with no priors: Not calculated as more than 50% “survived” by the end of follow-up.

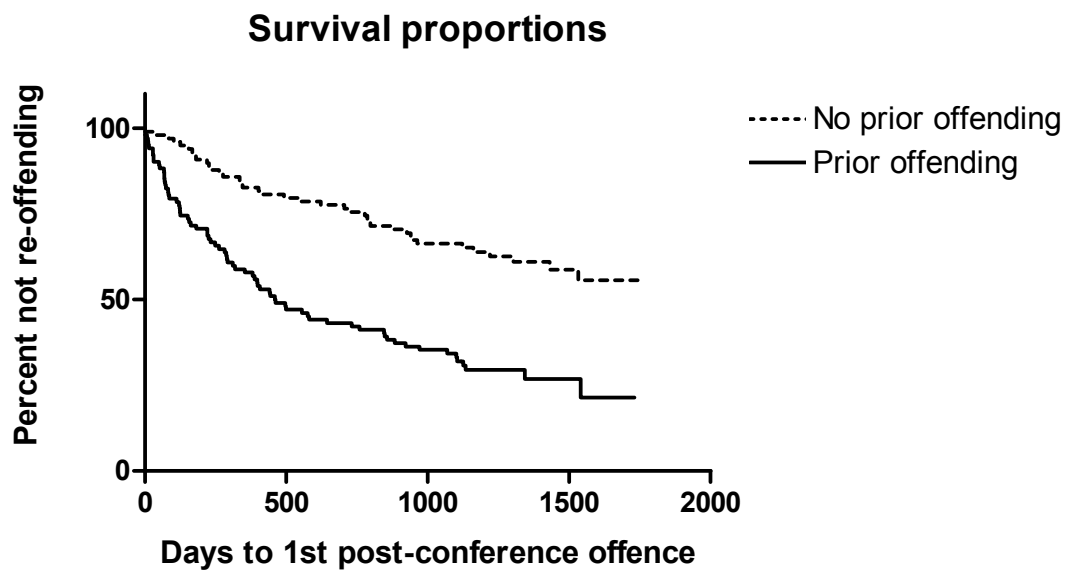
FIGURE 4. Survival functions for males and females

Median survival times:

Females: Not calculated as more than 50% “survived” by the end of follow-up.

Males: 792 days

FIGURE 5. Survival functions for offenders with prior offending and without prior offending



Median survival times:

No prior offending: Not calculated as more than 50% “survived” by the end of follow-up.

Prior offending: 462 days