

Achieving Effective Outcomes in Youth Justice

Final report

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Executive summary

Purposes

When the present youth justice system was introduced in New Zealand in 1989, including the use of family group conferences, it was a unique innovation. Since that time, other countries have experimented with similar practices. New Zealand remains a world leader, yet there has been relatively little research on its system. Although there is some evidence to suggest that effective family group conferences can affect outcomes for young people, including reducing reoffending, the nature of the best practice that produces effective family group conferences remains a matter of opinion and debate. This research has been designed to identify aspects of practice that will achieve effective outcomes. Particular objectives for this report include:

- describing practice over the period 1998 to 2001
- identifying features that are relevant to best practice in the youth justice system
- determining the extent to which the goals of the Children, Young Persons and Their Families Act 1989 are being met in relation to:
 - accountability, restoration and enhanced wellbeing
 - empowerment
 - time frames
 - protecting rights
 - cultural responsiveness
 - diversion and decarceration.

The results of the research are intended to assist the Department of Child, Youth and Family Services (CYF), the New Zealand Police, and the Department for Courts to develop guidelines for professional and managerial staff; to benchmark the quality of youth justice practice; to implement best practice to limit the future offending of children and young people who attend family group conferences; and to increase understanding of effective practice for girls compared to boys and for the different ethnic groups within New Zealand, principally Māori, Pākeha and Pacific young people.

Research design and method

The Achieving Effective Outcomes in Youth Justice Project (AEO) consisted of two main studies built around a sample of 24 family group conference (FGC) co-ordinators from eight CYF districts:

- The *retrospective study* collected file data on 1,003 cases involving young people who had had a family group conference in 1998 and who, at the time of the study, had been eligible to appear in the adult courts for at least one year. Over half (520) of these same young people were also interviewed to determine their views on what had happened at the family group conference and to gather information on their early life and events subsequent to the family group conference

- The *prospective study* observed the practice in 2001/2002 of co-ordinators who had conducted the conferences that were part of the retrospective study. This study obtained information on 115 cases and wherever possible included interviews close to the time of the conference with the young people, the families and the victims involved.

In order to focus on any special factors in offending by Māori or Pacific young people, or girls, additional analyses were undertaken that compared patterns for them with those of other ethnic groups or boys respectively. For Māori and Pacific cases, additional data were collected to provide case studies and the sample was boosted so as to ensure that at least 15% of the cases involved Pacific young people.

A third major study was also undertaken on Police youth diversion. This collected data on 1,794 cases involving young people who came to the attention of the Police during 2000/2001. The results of the first stage of this study have been reported separately (Maxwell et al, 2002) but a number of additional analyses of these data are included in the present report. An extension to this study that aims to collect data on the reoffending of these young people will be completed in 2003.

The backgrounds of the young people

The young offenders came from a range of family backgrounds and had a diversity of experiences while growing up. However, the two samples were distinguished from more general samples of young people by the extent of disruption in their lives because of the many caregivers they had had, the number of schools they had attended and places in which they had lived, the frequency of their experiences of violence and abuse, and the number of adverse factors in their family backgrounds (Fergusson et al, 1994). At the time of the family group conference, the young offenders in both samples were doing poorly at school (they had often truanted, been suspended or been expelled), had poor relationships with others, were getting on poorly with other members of their family, had run away from home, had frequently used alcohol and cannabis, and had engaged in early and unsafe sex.

The family group conference process

Normally it is the co-ordinator, sometimes assisted by their clerical support person, who carries out the preparation for the conference. For about two-thirds of conferences in the prospective sample, the family and the young person were prepared for what would happen by a visit from the co-ordinator, and in only about one-third of the cases was the young person seen separately from the family. In other cases, preparation occurred by phone and letters.

In both the retrospective and prospective samples, the young person and at least one of their caregivers almost always attended the family group conference. Siblings were there for about a quarter and other family members for nearly a half. The Police almost always attended, the Youth Advocate attended in about three out of four Youth Court cases and a

social worker or community agency worker attended about one in five of the retrospective sample and over half in the prospective sample.

When a victim was identified, a victim was present for about half the conferences in both the retrospective and prospective samples. Victims who did not attend usually gave as a reason that they did not want to meet the young person or their family. An unsuitable time was the next most common reason but others just wanted to forget what had happened and did not want to have any further involvement. When a business was the victim, those involved often saw attendance as a waste of their time, especially when they were frequently targeted. The victims who did attend wanted to tell the young person how they felt and to express their views on what had happened. They also wanted to play a part in preventing crime and to find out about the young person.

The conference often began with a *karakia* delivered by a family member. Introductions were a normal part of the process although some commented adversely on their absence. The co-ordinator then normally explained the procedure and the Police officer presented a summary of the facts around the offending. Providing the young person did not deny involvement, usually the victim would then express his/her views and the conference would explore options for outcomes before the family broke for private time. After this, all reconvened to discuss the proposed plan and arrive at an agreed decision; this normally included designating specific people to be responsible for post conference arrangements, including arranging referrals or placements, supervising tasks and monitoring outcomes. However, it is important to note that the exact procedure depended on the differing circumstances and wishes of participants and the different practices of specific co-ordinators. Differences were most likely to occur when conferences were large and when an elder was involved in the facilitation in accord with customary procedures.

Monitoring of plans was delegated to the family in about half the cases. Plans were completed either in full or mainly for nearly nine out of ten conferences. Reasons for non-completion included further offending or difficulties in arranging appropriate referrals or placements. The plans themselves were analysed in the study. They almost invariably included elements intended to make the young person accountable. Measures to enhance wellbeing were included for nearly half. In 1998, vocational programmes were the ones that were very likely to be completed and seen as helpful. Correspondence school programmes were completed by a little over half and most of those completing saw them as helpful. However, anger, alcohol and drug assessments and driver education programmes were not often seen as helpful.

Key findings

In this study, many findings highlight common misconceptions about family group conferences, and some of these are listed below in Box 1. Other findings clarify issues of debate, validate existing beliefs and highlight the critical issues around current successes and failures and around future needs. Summaries of key findings are presented in Boxes 2 to 5, and some policy implications are presented in Box 6 below.

Box 1 Misconceptions about family group conferences

- 1** *It is not true that it is faster for young offenders to go through the Youth Court.* Family group conferences do not substantially slow the process of justice and Youth Court referrals do not increase the speed of resolution. The research findings showed that:

 - Youth Court-referred family group conferences were completed more speedily than Police-referred family group conferences. However, decisions about outcomes were no faster and were sometimes slower overall for Youth Court cases because of the extra time taken to make a referral and to reach a decision.

- 2** *It is not true that the family group conference is a soft response to offending.* The data presented in this report showed that:

 - Young offenders did not find the family group conference to be an easy option. At the conference, they were required to face their victims and their family and they were expected to apologise and to repair the harm that they had done. Going to court and receiving an order, according to some young people, was much simpler and easier.

- 3** *It is not true that the family group conference fails to respond to offending.* Data presented in this report indicated that:

 - At least as many young offenders were now being made accountable through family group conferences and the Youth Court as before the 1989 legislation (when most of these young offenders were dealt with by the courts). Furthermore, most of those involved in the decisions, including families, young offenders and victims, believed the outcomes of the family group conference were fair and appropriate. An analysis of what young offenders actually did after the conference showed that most were acting to the best of their ability to repair the harm they had caused.

- 4** *It is not true that young people fail to complete agreed to tasks.* This study showed:

 - When young offenders agreed to undertake apologies, to do work or to pay money, the large majority completed these tasks. Many of those who did not complete the tasks fully did complete most of them. However, the lack of monitoring whether or not tasks were completed and the lack of communication of progress to victims could lead to the young offender being wrongly blamed for failing to do what was promised.

Box 1 cont.

5 *It is not true that the requirements of the family group conference plans were less likely to be complied with and completed than Court orders.* Data presented in this report indicated that:

- Compared to the court system, the victim was much more likely to receive an apology and some reparation for damage as a result of the family group conference.
- Victims often said that they had experienced reassurance from finding out who the young offender was and from actions being taken to make him or her accountable and to reduce the chances of further offending.
- However, some young offenders and their families were unable to completely repair the harm done, both because this was not possible and because the expectations of some victims could not be met.

Box 2 Meeting the objects and principles of the Act**1** *Achieving accountability*

Young offenders who attended family group conferences were held accountable for their offending and restorative outcomes were agreed to for most of them.

2 *Enhancing wellbeing*

Family group conferences have had limited success in enhancing either the wellbeing of young offenders or in providing support for their families. The following problems were noted:

- There were limited resources for programme in many parts of the country.
- Specific deficiencies were the lack of drug and alcohol, anger management and mental health programmes.
- When programmes were provided, they were not always able to retain young offenders or were perceived as ineffective by them.
- Suitable educational and training arrangements were not always made, although when arranged they were often completed and valued
- Needs for family support or for care and protection were not always responded to.

3 *Diversionary processes*

The data in this research showed that:

- The family group conference was meeting the goals of diversion from criminal proceedings and of avoiding institutional and custodial outcomes for young people.
- Police youth diversion provides an important option for many young people for whom a family group conference is not considered necessary.

Box 3 Ethnic and cultural responsiveness

- For Māori, outcomes in the youth justice system as a whole are of greater relative severity than for non-Māori. This is because Māori young people are more likely to come to the attention of the youth justice system and, although they present on average with less severe offences, they are more frequently referred by the police to the Youth Court for minor offences, rather than directly for family group conference.
- This research demonstrated that young people from different ethnic groups or cultures tend to obtain similar outcomes to each other from the family group conference process itself; there are also similar outcomes for all ethnic groups from the Youth Court process. However, Youth Court outcomes are generally more severe than family group conference outcomes, and as we have seen, Māori are more likely to go to the Youth Court.
- Appropriate cultural responses will depend on the particular family or whānau – much of this is probably about ensuring that the family is comfortable with the person who is arranging their conference and that this person listens and responds to their preferences to the extent that this is possible.

Box 4 Practice**1 *Effective practice***

Effective practice means:

- treating all young people fairly irrespective of their ethnic group especially when deciding who to apprehend, divert, refer or prosecute
- avoiding bringing matters before the Youth Court when they are unlikely to require Youth Court orders
- arranging family group conferences so as to ensure that:
 - all participants are well prepared and consulted about who will attend, the venue, the processes and the time
 - all who attend are greeted and introduced
 - all who attend understand what is happening and have support
 - victims, families and young offenders participate fully, are able to say what they feel and are involved in decisions
 - professionals do not dominate the conference and the decision making, and as few professionals are present as is possible
 - young offenders are treated with fairness and respect and feelings of stigma and exclusion are avoided
 - the cultural practices used are appropriate to the setting and situation, and in consultation with the participants
 - expressions of remorse, repairing the harm, including the use of restorative sanctions, and forgiveness are facilitated
 - punitive and restrictive sanctions are avoided whenever possible
 - reintegrative and rehabilitative options are arranged as appropriate, plans are monitored and victims are kept informed
- minimising the delays in all processing and minimising the use of lengthy remands in custody
- ensuring that young offenders have options for gaining educational qualifications, vocational skills and suitable employment
- avoiding arrangements that bring together young offenders and enable them to develop friendships that can focus on anti-social activities
- providing programmes for young offenders that respond to their psychological problems and that help them to learn how to develop positive relationships with others, as well as to deal with issues of anger and drug and alcohol misuse.

Box 4 cont.

2 *Practitioners' effectiveness*

A number of factors affecting practitioners were identified:

- youth justice co-ordinators identified the need for support through professional supervision, back-up and training; they also identified the need for resources to fund conferences, to arrange programmes and to make appropriate placements
- good relationships and effective team work among youth justice professionals is necessary for the youth justice system to reach its potential and all need more training in relation to the Act and best practice
- problems with restructuring and changes in computer record systems were linked with adverse staff morale and all of these impacted on effective practice
- the skills of the co-ordinator were undoubtedly an important factor, but generalizations are not possible and it appears that, at the time of the research, some co-ordinators related better to some young people than did others.

Box 5 **Outcomes**

1 *Reoffending*

- the data suggest that reoffending is not increasing and may have declined
- girls are less likely to reoffend than boys
- Pacific young people are less inclined to reoffend as adults compared to Pākehā and Māori young people.

2 *Achieving positive life outcomes for young people*

Effective responses to the offending of young people need to occur at a number of points and include ensuring that there are:

- services and strategies that respond to early signs of childhood disadvantage, parental difficulties, educational failure and anti-social behaviour
- appropriate responses to young offenders when they come in contact with the youth justice system
- opportunities for young people as they enter adulthood to ensure they can develop a constructive life-style that is rewarding to them as well as avoiding reoffending.

Box 6 Policy Implications

1 Crime Prevention

An analysis of background factors most likely to be associated with conviction as an adult has a number of implications of crime prevention strategies:

- *Family background*: as in other research, a number of factors can be identified in the backgrounds of young people which place them at risk; potentially these can be addressed by early intervention programmes aimed at such children and young people
- *Involvement with CYF*, either for reasons of care and protection or because of earlier offending is an important predictor of negative life outcomes. This finding suggests the importance of ensuring the quality and effectiveness of interventions when a child or young person first comes to notice of CYF
- *A lack of school qualifications* is another major factor in poor outcomes indicating the critical impact of effective management of problems that lead to school drop out and failure
- *The level at which a young person is dealt with in the youth justice system* emerges as an important factor in life outcomes. This finding underlines the importance of compliance with the diversionary principles of the Act by ensuring that children and young people are always dealt with at the lowest level in the youth justice system possible.

2 Recording

Currently the lack of consistency in recording systems across agencies and the incompleteness of data are major impediments to both research and policy development. If practice is to be improved, information on performance needs to be readily accessible from reporting systems based on a well defined, clear and comprehensive database which has the following features:

- consistent identification numbers for individuals used by police, CYF and Courts
- key data on processes of police warnings and diversion, conferencing and court appearances
- complete data on outcomes of cases
- consistent criteria for performance of key tasks such as time frames for referral, decision making and completions of cases
- standard usage of and a self-report procedure to determine ethnic groupings based on the Statistics New Zealand convention
- data on monitoring of key elements associated with effective practice
- information on reoffending
- data on residential admissions, length of stay and reason for admission.

Box 6 cont.

3 Monitoring

A number of points have been identified throughout the research at which the monitoring of practice is necessary if best practice is to be achieved. These include:

- monitoring of protection of rights when a young person is arrested or interviewed
- monitoring of police practice in deciding to take no further action, warn, divert, refer to family group conference or charge in the Youth Court
- monitoring of young persons' admissions of responsibility and agreement with proposed plans at the family group conference
- monitoring of completion of plan elements after the family group conference
- monitoring of programme provision in terms of availability and effectiveness
- monitoring of follow up to victims
- improved monitoring of outcomes to ensure that they meet best practice standards.

Restorative and diversionary justice for young offenders in New Zealand

In some respects, the youth justice system in New Zealand has continued to grow in strength and to become more restorative and diversionary in its philosophy and practice. The sanctions adopted by family group conferences remain at least as restorative in 2002 as they were in 1990. The Police have developed their own diversionary practices which reflect restorative rather than punitive values. The Youth Court appears to have become more inclusive than it was in 1990/91, if the views of young offenders and their families are to be relied upon. Victims more often appear to feel positively about their experiences than in the early years. Reintegrative and rehabilitative programmes were also offered more often in 1998 than in 1990/91 and current policies aim to strengthen this aspect of the youth justice system.

On the other hand, restrictive sanctions were still being used in cases where they did not appear to be necessary for the safety of the public. And the practice of laying charges in the Youth Court where relatively minor offending was involved and where relatively minimal sanctions were imposed has increased. The research also indicated that there were some area differences in terms of the practice of laying charges in the Youth Court, with young Māori being more likely to be charged than young Pākehā for similar offences.

Furthermore, there remain considerable areas where improvement in practice is both needed and possible. The needs of young offenders are not always being met. Victims and young offenders are not always effectively included in decision making at the family group conference. Youth justice co-ordinators and other professionals do not always manage the conference situation in a way that optimises involvement,

encourages consensus decisions and provides an opportunity for remorse and healing. The use of the Youth Court for making decisions could be reduced. And improvements in both monitoring and the keeping of records on key processes and outcomes could allow the youth justice system to be built around optimising effective restorative practice: achieving greater satisfaction for participants, repairing harm and reintegrating more of young offenders into the wider society.

Part 1

Background

Part 1 comprises three chapters that provide the background to the youth justice system in New Zealand and to this study. Chapter 1 spells out the research context and goals of the study. Chapter 2 describes the legislative context of the system and its main features. Chapter 3 provides details of the methodology.

Achieving effective outcomes in youth justice – introduction

Introduced in 1989, New Zealand's present youth justice system, which includes the use of family group conferences, was a unique innovation. Since that time, other countries have experimented with similar practices but New Zealand remains a world leader. Yet there has been relatively little research on its system. Although some evidence suggests that effective family group conferences can affect outcomes for young people, including reducing reoffending, the nature of the best practice that produces effective family group conferences remains a matter of opinion and debate.

The Children, Young Persons and Their Families Act 1989 (the Act) is consistent with modern trends in youth justice that emphasise the importance of diverting young people from courts and from custodial options. It attempts to provide ways of dealing with young people in the community and within their families wherever possible; holding young people accountable for their offending; involving victims, families and young people in processes of decision-making; putting in place measures to assist with reducing reoffending; reducing time frames for decisions; ensuring the tasks agreed to at the family group conference are completed; and making processes and services culturally appropriate (Maxwell and Morris, 1993). (Further description of the Act and its goals is provided in Chapter 2.)

Shortly after the 1989 Act was passed, Howard Zehr's book, *Changing Lenses* (Zehr, 1990) introduced to the international community the idea of a restorative approach to justice in a modern context. It set out values and principles that have, over subsequent years, been translated from theory into processes and practices in many jurisdictions (Van Ness, 1997; Van Ness and Strong, 1997; Van Ness and Nolan, 1998; Maxwell, 1998; Walgrave, 1998; Bazemore and Walgrave, 1999; Morris and Maxwell, 1999; Crawford and Goodey, 2000; Morris and Young 2000; Strang and Braithwaite, 2000; Bazemore and Schiff, 2001). The youth justice system in New Zealand has been seen as the first and most fully developed example of a national system of justice that incorporates restorative justice principles into practice. It has influenced the development of a variety of different forms of conferencing in other parts of the world. Both in New Zealand and elsewhere, the concept of conferencing as a method of determining youth justice outcomes has influenced the development of restorative justice theory and the articulation of principles to guide restorative practice (for example the principles drawn up by the United Nations, 2001). Other processes that have the potential to deliver restorative justice, such as victim offender mediation, circle sentencing and New Zealand's development of community panel pre-trial diversion and restorative conferences for adults (Morris and Maxwell, 1999; Department for Courts, 2001; Hayden, 2001), have also been influenced by the family group conference model.

Morris and Maxwell (1999) describe the critical characteristics of restorative conferencing as follows:

- victims, offenders and communities of care participating in justice processes, including the decision-making
- cultural flexibility and the cultural relevance of the system for participants

- increasing victims, offenders and communities of care understanding about the offence and the circumstances around it
- respect for all who participate and avoiding stigmatic shaming of the young people and their families
- offenders acknowledging responsibility by, for instance, making amends and apologising to victims
- offenders repairing harm by, for instance, completing agreed tasks
- offenders, victims and communities of care accepting the outcomes
- restoring connectedness and reintegration as evidenced by offenders feeling good about the process, the outcomes, themselves and their life prospects
- reducing reoffending
- healing the victims' hurts.

Research on the impact of conferencing in the context of youth justice has been summarised in previous publications by the principal researchers and others (Maxwell and Morris, 1993; Hudson et al, 1996; Morris et al, 1998; Levine et al, 1998; Maxwell and Morris, 1999; Sherman, 1999a, 1999b). Much of this research has focused on the evaluation of the process against process targets and short-term outcome objectives. Previous research on the extent to which the New Zealand youth justice system was meeting its objectives was published in 1993 (Maxwell and Morris, 1993). This research together with the results of a number of studies in different parts of the world (Maxwell and Morris in Hudson et al, 1996; Morris and Maxwell, 2001) have demonstrated that a variety of methods of conferencing can produce agreement about outcomes that are satisfying to participants. Conferences are more inclusive than courts, are more likely to produce outcomes that are seen as satisfactory to victims and are more likely to result in remorse and reparation from the offender.

Increasingly research is examining longer-term outcomes such as reoffending, restoration and reintegration (Maxwell and Morris, 2001; Luke and Lind, 2002; Sherman et al, 2000; Daly, 2000; Daly and Hayes, 2001). Other research has focused on the offence circumstances and the aspects of process that are associated with effective conferencing (Daly, 2000; Daly and Hayes, 2001; Strang and Braithwaite 2001).

In New Zealand, previous research on reoffending (Morris and Maxwell, 1997; Morris et al, 1998; Maxwell and Morris, 1999) has produced data that indicate that effective conferencing can reduce reoffending and increase the probability that offenders will be reintegrated into the community. It has identified a number of critical factors that are significant predictors of reoffending including:

- negative early life events such as adverse family backgrounds and early experiences
- early negative outcomes for young people, such as offending, running away and truanting, suspension or expulsion, poor school performance and involvement in alcohol and drugs
- protective factors such as close relationships with family and others, and educational success
- positive family group conference events such as remorse, making amends, completion of tasks and the avoidance of stigmatic shaming

- subsequent positive life events such as obtaining training, developing close relationships, avoiding criminal associates and establishing a stable life style.

While some of these factors can only be changed by providing increased support to children and families or through early intervention and other remedial programmes for children and families with unmet needs, the last two sets of factors point to the potential impact of practice within the youth justice system itself. Best practice issues within the Department of Child, Youth and Family Services (CYF) identified by Levine and Wyn (1991) and Levine et al (1998) include careful family group conference preparation, good inter-agency cooperation, and active networking with community groups. Critical issues identified were:

- the relationship between youth justice co-ordinators and youth aid officers
- regular local meetings of all youth justice professionals, including youth aid, court staff, judges, youth advocates and youth justice co-ordinators
- networking with community agencies to develop useful programmes
- preventive work in collaboration with police and other agencies and community groups
- Māori youth justice co-ordinators working with local iwi to develop cultural capabilities and culturally relevant practice, such as using marae as venues for family group conferences
- youth justice co-ordinators having the opportunity to meet regularly and share ideas
- finding ways of responding to underlying care and protection issues
- treating all family group conferences, including those for first and minor offenders, with care and attention
- using skilled people to prepare families and victims before the conference
- securing the participation of extended family, whānau and family group members
- involving victims effectively and providing support for them
- providing resources to meet goals of plans agreed at the family group conference
- including measures for accountability that are achievable and realistic in family group conference plans
- adhering to specific guidelines for arranging community options to custody wherever possible
- family and whānau accepting responsibility for monitoring and reviewing the agreed tasks.

Best practice in the youth justice system in New Zealand has also been identified in other publications. Stewart (in Hudson et al, 1996) discusses practice in family group conferences. Guidelines for co-ordinators are provided in the Department of Child, Youth and Family Services' Youth Justice Handbook (1996). Morris et al (1997) discuss practice in the youth court. Maxwell et al (2002) provide data on police practice in decision-making and in police youth diversion. The practice of youth advocates was researched by Morris et al (1997) and guidelines were subsequently developed by the New Zealand Law Society (1999). More general discussions of practice across the system were debated by professionals at a 1998 conference (Morris

and Maxwell, 1999). These sources provide a basis for developing measures of practice, processes and outcomes in the youth justice system.

The evidence-based research model of practice developed by Sherman (1999a, 1999b) provides a theoretical context for developing research that identifies effective practice and can provide benchmarks for assessing it. As already indicated, many of the factors that predict reoffending and reintegration, such as early life experiences, early minor offending, educational difficulties and other negative outcomes, are not able to be changed when more serious offending becomes evident. However, research on reoffending previously described (Maxwell and Morris, 1999) demonstrated that family group conferences that are successful in achieving the critical outcomes already described above can, independently of earlier events, contribute to the critical objectives of reduced reoffending and reintegration into the community.

While factors related to the history of the family and the young person cannot be changed, achieving best practice is likely to increase the chances of successful family group conference outcomes. Therefore, in order to achieve effective outcomes, it is critical to identify both management and professional key practice factors that are related to achieving key objectives of the Act. These may include the amount of staff time spent preparing for the family group conference, the organisational context of the conference, the staff training available, and the resources provided for youth justice services.

Effective interventions, then, are likely to be important factors in achieving effective outcomes. Overseas research has examined factors associated with such interventions. Loeber and Farrington (1998) conclude that there are no simple rules about which programmes are most likely to be successful, as success depends on the match between the type of intervention and the characteristics and needs of the young person, and whether delivery is in an institutional or a community setting. Comprehensive services can be effective when multiple strategies are used in a co-ordinated fashion across various settings including schools, families and community groups. Other commentators examining successful programmes for children and young people at risk of future offending (OECD, 1996; Sherman et al, 1996; Utting, 1996; Yoshikawa, 1994; Howell, 1995) identify other important characteristics including interventions that:

- provide ongoing support to the child/young person
- improve interpersonal skills
- provide positive role models
- are rewarding and interesting
- encourage participants to be involved in planning
- have staff whom clients can trust
- have educational components and teach new skills
- are culturally appropriate.

Purposes of the research

In summary then, the purpose of this research is to identify factors associated with effective outcomes in the youth justice system. These include: achieving the stated goals of the Children, Young Persons and Their Families Act 1989; reducing reoffending; reintegrating offenders and victims into society; and responding to victims' needs.

A major part of the report focuses on family group conferences as a key mechanism within the context of all the available youth justice options.¹

Factors examined in the study include: the family group conference process and outcomes; the young people's experiences after the family group conference; the provision of services after the conference; other criminal justice events including diversionary and youth court experiences; the previous history of the young person; and the professional practice of the co-ordinator and other members of the youth justice team and the management practice of the CYF office including resourcing, training and procedures. Specific objectives for this report include:

- describing practice over the period 1998 to 2001 – Part 2 (Chapters 4 to 8) focuses on this information
- identifying features that are relevant to best practice in the youth justice system – Part 3 (Chapters 9 and 10) present the results of predictive analyses in relation to preventing reoffending and fostering effective process and practice
- determining the extent to which the goals of the Children, Young Persons and Their Families Act 1989 are being met – Part 4 (Chapters 11 and 12) present the relevant information in relation to:
 - accountability, restoration and enhanced wellbeing
 - empowerment
 - time frames
 - protecting rights
 - cultural responsiveness
 - diversion and decarceration.

In addition, the researchers collected data to provide a baseline for the youth services strategy evaluation and this has been supplied in a separate report to the Ministry of Social Development (Robertson and Maxwell, 2001).² Chapter 12 draws on Maxwell et al's 2002 research on police youth diversion to draw together findings on the extent the youth justice system has resulted in diversion from the court system and decarceration and on the extent to which the police are using the lower level options of police warnings and police youth diversion (also known as alternative action) in relation to young people.

Further research is currently extending the police youth diversion study to include data on reoffending in that sample. In addition, there will be further research to explore other aspects of the data already collected on those who have had family group conferences in this study: by focussing on the differences between the more and less serious offenders in the retrospective part (described in the next section), and by following up on the impact of their conferences with those offenders in the

¹ A full description of the range of youth justice options, with text and a diagram (Figure 2.1) is given in Chapter 2.

² The new youth services strategy was implemented in 2000. It aims to “improve CYF capacity to work with those children and young people who are severely disordered in one way or another and/or whose life problems or conditions put them at risk of further offending or poor life outcomes by providing relevant social services responses that are likely to improve their chances of more positive life outcomes”. (CYF, 2000)

prospective part of this study (also described in the next section). It is hoped that the resulting data will continue to be a resource for answering further questions on youth justice in New Zealand.

The results of this research are intended to assist CYF, the New Zealand police, and the Department for Courts to develop guidelines for professional and managerial staff; to benchmark the quality of youth justice practice; to implement best practice to limit the future reoffending of those children and young people who attend family group conferences; and to increase understanding of effective practice for the different cultural groups within New Zealand, particularly Māori, Pākehā and Pacific young people.

Content of the report

Throughout the final report material that compares the sample by ethnicity and gender and co-ordinator is presented at every stage of analysis. Changes over time in practice relating to family group conferences are also discussed where relevant. Case studies are presented that explore the background of the young people, the conference process, life outcomes and cultural issues.

This report is divided into five parts.

The next two chapters complete Part 1 and provide a description of the main features of the youth justice system in New Zealand and an account of the methodology.

Part 2 describes the results of the research. Chapter 4 describes the characteristics of the samples. Chapter 5 focuses on family group conferences using data from the official records. Chapters 6 and 7 also describe experiences in the youth justice system but this time using data from the interviews with the young people and with the families and victims respectively. Chapter 8 presents data on the later outcomes for young people using information from both official records and interviews with young people.

Part 3 consists of two chapters that presents multivariate analyses that put process data together with data on adult life outcomes: Chapter 9 focuses on reoffending, and Chapter 10 on effective practice.

Part 4 examines the extent to which the objectives of the legislation were met. The first chapter in this section examines the extent to which processes and plans were consistent with objectives while Chapter 12 focuses on the extent to which diversion and decarceration objectives were met.

Part 5 comprises only one chapter that summarises key findings, discusses other issues raised by the data and provides a conclusion to the report.

The youth justice system – an overview

The objectives and principles underlying youth justice in New Zealand

When the Children, Young Persons and Their Families Act 1989 (the Act) was passed into law it was unprecedented in the English-speaking world. The legislation, together with its objects, sets out in statutory form a comprehensive set of general principles that govern both state intervention in the lives of children and young people and the management of the youth justice system. Furthermore, there is no doubt that some of these objectives and principles were unique at that time. The objects aim to:

- promote the wellbeing of children, young people and their families, and family groups by providing services that are appropriate to cultural needs, accessible, and are provided by persons and organisations sensitive to cultural perspectives and aspiration;
- assist families and kinship groups in caring for their children and young people
- assist children and young people and their families when the relationship between them is disrupted
- assist children and young people in order to prevent harm, ill-treatment, abuse, neglect and deprivation
- hold young offenders accountable for their actions
- deal with children and young people who commit offences in a way that acknowledges their needs and enhances their development
- promote co-operation between organisations providing services for children, young people, families and family groups.¹

A series of general principles emphasise the need to:

- involve family, whānau, hapū and iwi² in decisions
- strengthen and maintain child/family relationships
- consider both the welfare of the child and family stability
- consider the wishes of the child or young person
- obtain the support of the child and the family for outcomes
- work in a time frame appropriate to the age of the child or young person.

Specific principles governing the youth justice sections of the 1989 Act emphasise that:

¹ Appendix 1 provides the exact wording of the objects and relevant principles of the Act.

² The nearest literal translation of these Māori words is extended family, clan and tribe. But the words carry additional meaning relating to the way Māori society functions and the role these basic kinships play in social organisation.

- criminal proceedings should not be used if there is another way of dealing with the matter
- criminal proceedings must not be used for welfare purposes
- measures to deal with offending should strengthen the family, whānau, hapū, iwi and family group, and foster their ability to deal with offending by their children and young people
- young people should be kept in the community
- age is a mitigating factor
- sanctions should be the least restrictive possible and should promote the development of the child in the family
- due regard should be given to the interests of the victim
- the child or young person is entitled to special protection during any investigations or proceedings.

To some extent these objectives and principles reflect current trends (and tensions) in juvenile and criminal justice practice: disillusionment with aspects of a welfare approach; the separation of welfare and justice issues; the endorsement of certain principles of just deserts (proportionality, determinacy and equity of outcomes); an emphasis on accountability and responsibility; the protection of children's and young people's rights; a preference for diversion from formal procedures; deinstitutionalisation and community-based penalties; a shift in resources from state agencies to the voluntary and private sector; and the use of least restrictive alternatives.

The New Zealand system, the first legislated example of a move towards a restorative justice approach to offending, recognises and seeks the participation of all involved in the offending and focuses on repairing harm, reintegrating offenders, and restoring the balance within the community affected by the offence. The system incorporated a number of innovative strategies: the rights and needs of indigenous people were to be taken into account; families were to be central to all the decision-making processes involving their children; young people themselves were to have a say in how their offending should be responded to; victims were to be given a role in negotiations over possible penalties for juvenile offenders; and the model of decision-making advocated was group consensus. The emphasis moved from deciding on penalties to deciding on outcomes that repair harm and reintegrate offenders.

These strategies were to be achieved partly through changes in police and court processes and practice but mainly through a new decision-making forum, the family group conference. This enabled victims and offenders to meet together with members of the enforcement agency and the family to decide on an appropriate penalty. The family group conference enables the involvement of the family, the young person and the victim in decision-making at an agreed venue, using a procedure of their own choice and in accordance with their culture. Before describing in more detail how the 1989 Act's objects are translated into a practical reality, we will first elaborate on these various innovative strategies.

Integration of indigenous and Western approaches

Marshall (1985) identifies features of strategies for dispute settlement in small-scale societies that differentiate them from criminal justice arrangements in modern urbanised and industrialised societies. First, the emphasis is on consensus and involves the whole community rather than a single individual making the decision for the parties. Second, the desired outcome is reconciliation and a settlement acceptable

to all parties rather than the offender's isolation and punishment; third, the concern is not to apportion blame but to examine the wider reasons for the wrong (an implicit assumption is that there is often wrong on both sides); and fourth, there is less concern with whether or not there has actually been a breach of the law and more concern with the restoration of harmony. A key factor in these distinctions seems to be the existence of prior relationships between the parties.

These features were all apparent in the methods of dispute resolution which existed in New Zealand prior to colonisation. The early settlers believed that the Māori people, who had arrived in New Zealand from the Pacific Polynesian Islands before the European colonisation of 150 years ago, had no law because they saw no written legal rules, police, prisons or the like; instead they described what they saw as 'primitive and barbaric customs' (Jackson, 1991). But it is clear that Māori did not live in a lawless society. There were rules by which they lived, and which covered all aspects of their life.

Tikanga o ngā hara, for example, translates broadly into the law of wrongdoing in which there were clear concepts of right and wrong. The law, however, was based on notions that responsibility was collective rather than individual and that redress was due not just to any victim but also to the victim's family. Understanding why an individual had offended was also linked to this notion of collective responsibility. The reasons were felt to lie not in the individual but in a lack of balance in the offender's social and family environment. The causes of this imbalance, therefore, had to be addressed in a collective way and, in particular, the imbalance between the offender and the victim's family had to be restored through mediation.

Māori had also created *rūnanga o ngā ture*, which translates broadly into a council of law or court. These were headed by *tohunga o ngā ture*, experts in law, but also contained *kaumātua* or *kuia* (elders), a representative from the offender's family and a representative from the victim's family. This group sorted out the wrongdoing and restored the balance. For example, they might have ordered the transfer of the offender's goods to the victim or the offender to work for the victim.

Colonialism, however, all but destroyed indigenous systems of justice in all parts of the British Empire, and New Zealand was no exception (Jackson, 1988; Pratt, 1991). The culture and values of Māori were not allowed to exist alongside the culture and values of the colonisers. Dismantling these and the subsequent enforced assimilation to 'the British way of life' was what Pratt (1991) ironically calls the 'gift of civilisation' (page 297). To be one people required one set of laws, and since the colonisers had the power (first through weapons and later through increased numbers), it was their law which dominated. Indeed, removing Māori law was a powerful mechanism for destabilising the foundations of Māori society.

The Children, Young Persons and their Families Act 1989, on the other hand, stressed the provision of services that are *culturally sensitive* and a process that is *culturally appropriate*. Hence it sought to re-introduce elements of cultural responses to dealing with offenders. This was partly a reflection of the resurgence of Māori culture and values since the mid-1970s but also recognised that the New Zealand population is made up of a number of different ethnic groups.

Numerically, 2001 census data show that the largest group were Pākehā:³ more than 60% of the juvenile⁴ population. Māori made up around 21% of the juvenile population, Pacific peoples made up 7%, as did Asians.⁵

Although Māori and Pacific peoples make up together less than a third of the New Zealand juvenile population, they are over-represented in various indices of social and economic deprivation: higher infant mortality rates, lower life expectancy rates, higher unemployment rates and lower incomes than the dominant (Pākehā) group (Te Puni Kōkiri, 1998, 2000). Māori young people are more likely to leave school without a formal qualification, to be suspended or expelled from school and to be unemployed (Maxwell and Morris, 2002). Māori are also over-represented in the population of known offenders, including juvenile offenders. In the 2001 police statistics on offences for which there were apprehensions, 47% of known 10–16 year old offenders are described as Māori, compared to 44% described as Pākehā, 7% described as Pacific and 1% described as Asian. The procedures in the 1989 Act recognised the over-representation of Māori among juvenile offenders and responded to it by attempting to incorporate traditional, extended family decision-making methods for resolving conflict.

The role of whānau is important in both Māori (and Polynesian) child-rearing and decision-making. It is not unusual, for example, for Māori children to live from time to time with different relatives within their wider whānau. This occurs in part because the child is considered not simply the child of the birth parents but also of the whānau, hapū and iwi. Bringing up children, therefore, and hence dealing with their delinquencies, is a communal responsibility. Moreover, in pre-colonial times most decisions, whatever their nature, were customarily made by the whānau, hapū or iwi depending on the importance and nature of the decision. Hence the involvement of whānau, hapū and iwi is explicitly recognised within the new legislative framework in both discussions and decisions about appropriate solutions to juvenile offending.

This re-assertion of traditional Māori cultural values was of symbolic, as well as of practical importance. As a result of colonisation, decisions affecting Māori people in such areas as social welfare and criminal justice were, in the past, made for Māori and with little consultation with Māori. Thus traditional Māori structures were weakened. The 1989 Act sought, therefore, to empower Māoridom. It sought to involve Māori directly in decisions about their young people and thus to acknowledge their identity as tangata whenua (the people of the land) and ethnic partners with the Crown. Such an emphasis has implications for other cultural groups in New Zealand and has the potential to validate a variety of cultural practices.

³ Pākehā refers to anyone of European origin.

⁴ For these purposes we have defined the juvenile population as those aged 10–16 years and, hence, covered by the youth justice legislation.

⁵ Asians are the fastest growing group in New Zealand due to recent migration. They are less likely than Māori and Pacific Island peoples to be represented in the offending population and are less likely to be socially and economically disadvantaged.

However, it would be a mistake to describe the New Zealand system as the rejection of a Western criminal justice system in favour of the adoption of an indigenous method of resolution, and certainly the advocates of a Māori indigenous model would reject such a depiction (Jackson, 1988). A distinction must be drawn between a system that attempts to re-establish the indigenous model of pre-European times and a modern system of justice that is appropriate to contemporary Māori culture. The New Zealand system is an attempt to establish the latter, not to replicate the former. As such, it seeks to incorporate many of the features apparent in whānau decision-making processes and seen in meetings on marae today. However, it also contains elements quite alien to indigenous models such as the presence of representatives of the state. Other principles that, to our mind, are equally important are the empowerment of families, offenders and victims. Although families and victims had recognised roles in the resolution of disputes in traditional Māori society, their part in the new system is not necessarily identical with traditional roles. We discuss in later chapters the extent to which whānau have become involved in youth justice processes and the ways in which these various principles interact. We also raise questions about how successfully a Western criminal justice system can be married with an indigenous model, especially given the context of a modern and mixed society.

Empowerment of the family

A recurrent theme in conventional criminological literature is that deficiencies in the family lie at the root of juvenile crime (see Rutter and Giller, 1983 and Gelsthorpe, 1999, for a review). Traditionally therefore the State has acted to usurp the rights of families in situations of alleged abuse and neglect and the responsibilities of families whose children have committed offences. The exception is when the state has recognised family responsibility in a negative sense by holding the family accountable for their children's misdemeanours (as, for example, in England, where magistrates have the power to fine the parents of children who commit offences). Indeed, despite rhetoric about the importance of families, families were undermined by the ways in which juvenile justice systems tended to operate: they were excluded.

The idea of a *partnership* between the state and families in resolving issues that affect their children is a novel one. Thus, in contrast with most systems of juvenile justice, the New Zealand system sets out to give that responsibility to families, whānau, hapū, iwi and family groups to respond to their child's offending. The underlying intention is to empower families to deal with offending themselves and to restrict the power of professionals, in particular the power of social service professionals. Thus, except for minor or inconsequential offending that is usually dealt with by the police by means of a warning families are to be involved in formulating a plan. The plan is the result of deliberations at a family group conference, whether set up by direct referral from the Police or by referral from the Youth Court if the police have laid charges.⁶ The plan must be considered by a judge if the referral to conference came through the Youth Court or if referral to the Youth Court is an outcome of a police referred family group conference. However, plans from police referred family group conferences do not have to go to court, and provided compliance is deemed satisfactory, a court appearance is avoided. The family, therefore, is a key agency in diverting young

⁶ It is interesting to note that the police have been including families in a plan when they have decided to deal with lower level offending through police alternative action (diversion). This falls below the level of referral to a family group conference or to Youth Court.

people from formal proceedings. We comment in subsequent chapters on the way in which this has worked in practice.

Empowerment of offenders

To speak of the empowerment of offenders in conventional criminal justice systems is a contradiction in terms. Offenders do not participate much in court procedures, a situation well depicted in Carlen's (1976) description of them as 'dummy players' (first raised page 42). The 'game' takes place all around them for the benefit of 'repeat players' (Galanter, 1974, terms introduced on pages 97, 98) such as judges, prosecutors, defence counsel and the like, while they watch passively and uninvolved. They take on the status of objects or 'dependants' and participate little (Ericson and Baranek, 1982, page 3). O'Connor and Sweetapple (1988), for example, describe as follows the position of young people in the Australian courts prior to the legislative changes of the 1990s:

For children the structure and mechanisms of the court routinely strip them of their ability to participate in the court process. ... In many cases ... legal representation simply reinforces the child's disadvantaged and dependent position and at the same time allows the court to proceed under the fiction that the child's wishes and interests are represented ... they are powerless to impinge on their fate. (p 98)

Restorative justice meets these concerns. Restorative justice was not a phrase that featured in the New Zealand debates about youth justice originally. However, the youth justice system generally, and family group conferences in particular, are now commonly presented as an example of restorative justice in practice since the values underlying family group conferences are seen as reflecting restorative justice values (see, for example, NACRO 1999; Dignan 1999). Both family group conferences and restorative justice give a say in how the offence should be resolved to those most affected by it – victims, offenders and their communities of care – and both give primacy to their interests. Thus, it relies on connections – connections between offenders, victims and communities – rather than on exclusion, and its basic premises are that, in order to restore balance, offenders must accept *responsibility* for their actions and make *amends*. In theory, both offenders and victims are *empowered*: offenders by taking responsibility for their actions and victims by regaining control of their lives. These premises underlie the system of youth justice in New Zealand and family group conferences in particular.⁷

That is not to say that there are no potential disadvantages for offenders. If restorative justice processes are to be an alternative to prosecution, all eligible offenders must have a similar chance of involvement in such options and not be subject to discrimination or unpredictable decision-making. Nor should they experience any pressure to accept restorative justice processes. Some commentators have argued that offenders should have legal advice at this stage so that they are fully aware of the choices open to them and of the consequences of these choices. A simple admission of guilt before proceeding, particularly where the offender is a juvenile, may not provide adequate protection. Similarly, acquiescence in a decision to make amends without advice as to the consequences of failure to adhere to that decision or of the

⁷ Victim-offender mediation is another example of restorative justice in practice. See Umbreit et al. (2001).

penalties likely to be imposed by a court, may be an insufficient safeguard against agreement to severe sanctions. Moreover, failure after restorative justice processes may lead later to courts' greater intervention because of the offender's supposed unwillingness to co-operate. (We comment in subsequent chapters on some of these concerns in relation to youth justice in New Zealand.)

Empowerment of victims

Traditionally, the criminal justice system has given only a minimal role to victims. Indeed, in part, one of its functions has been to protect offenders from the vengeance of victims. However, increasingly, criminal justice systems are giving more weight to victims' needs and wishes. There are a number of reasons for this shift in emphasis: in particular, the acceptance of criminal justice systems' failure to reform and/or deter offenders and, consequently, the need to substitute other justifications for intervention; the emergence of pressure groups from a range of political backgrounds (from the women's movement to law and order proponents) that have begun to highlight victims' concerns; and the growth of the restorative justice movement that sees victims as having a central role in decisions about responses to offending.

Thus, in most jurisdictions in recent years, there have been a number of significant changes in the provision of services for victims. In New Zealand, the Victims of Offences Act 1987 recognises the legitimacy of concerns for victims and provides for taking victim impact statements that can be used in evidence in court proceedings. The number of agencies providing support services has also increased, court procedures (such as the introduction of victim advisors in the court) have improved, and reparation has been introduced as a sentence. In a review of these developments, Hutton and Young (1989) comment that, at that time, there had been little concerted effort to set up, and no indication of official support for, reconciliation meetings between victims and offenders or for providing a forum in which victims could participate in the sentencing process or, at least, have their views taken into account. However, over the last ten years, the growth in victims' involvement in sentencing decisions about adult offenders has increased through the introduction of a number of pilot projects. The New Zealand's youth justice system and family group conferences have frequently been cited as a model for a process that enables victims to be heard (Dignan, 1999, NACRO, 1999, Morris and Maxwell, 2001).

It should be noted here, however, that giving victims a greater voice and role fits, too, with many indigenous systems of justice, where the victim is central rather than peripheral to the proceedings and the objective is not simply to punish the offender but to restore community balance. Traditionally, Māori were concerned not only with atonement for the offence and restitution to the victim, but also with the restoration of whānau, hapū and iwi – for example, through the reintegration of the offender (Ballara, 1998).

The main argument used in favour of increasing victims' representations about how offenders should be dealt with (through the presence of victims or their representatives at hearings, consultation with victims about appropriate outcomes, the introduction of victim impact statements and the like) is that they possess the information required to reach a just outcome. To do otherwise, it is argued, retains an imbalance in favour of offenders, as those making decisions

about offenders can be influenced by information about the offender's situation, for example, the impact of a particular outcome on them or their families.

There are other arguments in favour of victim involvement. Koehler (1988), for example, argues that, by providing victims with information and facilitating their participation in the process, the system will increase victim satisfaction, enhance the prospects of reconciliation and peace-making and provide a more effective means of restitution and reparation. It is this participation which empowers.

Counter-arguments are that involving victims introduces subjectivity and emotion into what should be an objective and rational task, that outcomes will inevitably, therefore, become more punitive, and that disparities in outcomes will increase depending on the whims or idiosyncrasies of victims (Johnstone, 2002; Delgado, 2000; Levine et al, 1998). Rock (1985) also draws our attention to some potential pitfalls for victims – in particular, the time consumed by meeting with minor offenders for minimal return and the pain caused by meeting with serious offenders. The data in subsequent chapters provide evidence that relates to some of these concerns.

Group consensus decision-making

The particular adaptation of whānau decision-making chosen in the development of the family group conference involves face-to-face contact between the juvenile offender (and his or her family and whānau) and the victim(s) (or their representatives). However, it has been modified by introducing representatives from the police and social welfare services and providing for legal representation in the more serious cases and is quite different both from traditional courtroom decision-making practices and from traditional diversionary procedures.

The conventional approach can be characterised as both linear and professional. A linear approach is when one person or group of people (for example, a judge or magistrate) makes the decision for others (for example, the young person and the family). A professional approach assumes that the decision-maker has certain qualities or training that ensure that the decision is right (for that young person and family) and hence that it is appropriate for the decisions to be (en)forced on the offender.

In contrast, the Children, Young Persons and Their Families Act 1989 introduced a group approach to decision-making, the family group conference, that allows all the participants in a particular forum to contribute to the process and to work towards the determination of an outcome. A facilitator is provided whose role is to negotiate between parties with potentially different views, for example, between the family and the victim or between the family and the police. The aim is to move away from the adversarial and confrontational procedures apparent in courtrooms towards outcomes shaped by the families themselves and agreed to by all the participants, including the victims. Again, we discuss the extent to which this has been achieved in subsequent chapters.

Like most systems of juvenile justice, the New Zealand system has multiple goals and some of these are in conflict. For example, involving families in decisions may conflict with the requirement to consider the wishes of the child or young person, and giving due regard to the interests of the victim may conflict with the emphasis on the enhancement of the development of children and young people. The data in subsequent chapters provide some insight into these issues.

A description of the youth justice system in New Zealand

The age of criminal responsibility in New Zealand is ten, although published police statistics present data on offending below that age. However, children under the age of 14 cannot be prosecuted except for the offences of murder and manslaughter. In other cases where such children's offending causes concern, they may be dealt with by warning, police diversion or a family group conference. Alternatively they may be referred to the Department of Child, Youth and Family Services (CYFS) as being in need of care and protection and, if necessary, matters can be dealt with in the Family Court.

This replaced the former system by which such children could only come to court by way of a complaint brought against their parents after, at least in theory, a referral to what was known as a Children's Board. This was an informal meeting between the parent, child, a representative of the police, the Department of Social Welfare⁸ and the Department of Māori Affairs and various appointed representatives of the community at which it was discussed whether or not complaint proceedings should be brought or whether or not a warning or some other informal action would suffice. The emphasis was on dealing with such children without recourse to court and on providing appropriate support to the families. The Children's Boards, however, were not generally effective in achieving these goals. These goals are now primarily to be met through either the care and protection or the youth justice procedures of the 1989 Act.

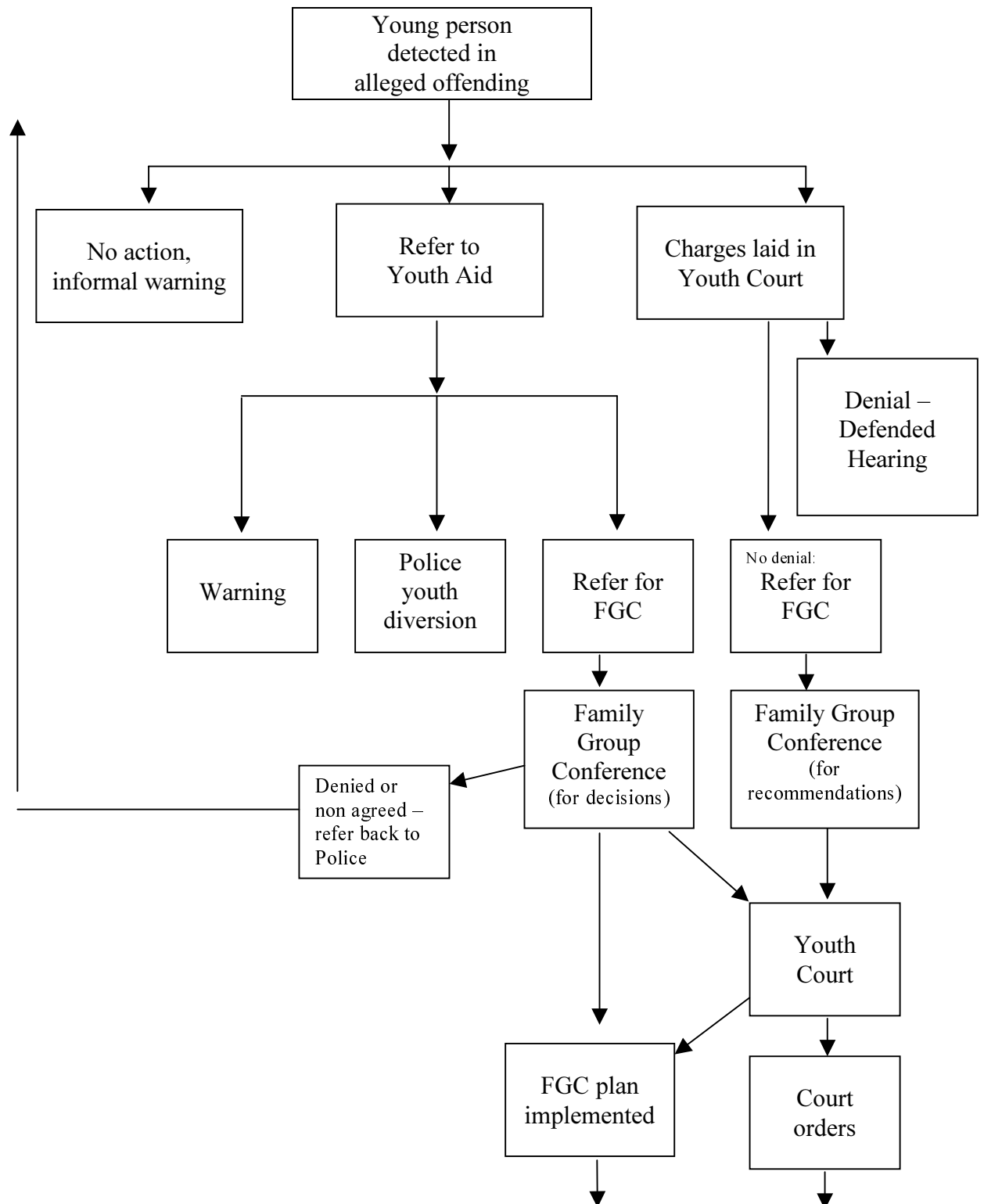
A young person who commits offences beyond the age of 16 is dealt with in the same manner as an adult, that is, in the District Court or, if the offence is serious, in the High Court. The very serious offences of murder and manslaughter committed by any juvenile aged 10 years or over are automatically transferred by the Youth Court to be dealt with in the High Court. The Youth Court can transfer other cases involving serious offences (for example, arson and aggravated robbery) to the High Court. There is also provision in other cases for the Youth Court to transfer matters to the District Court, depending on the seriousness of the case and the previous offending history of the young person. Such cases are rare⁹ and the vast majority of juvenile offending by young people is now dealt with under the procedures described below.

⁸ At that time the equivalent of CYFS was part of the (then) Department of Social Welfare.

⁹ In a sample examined in 2000/01 (Maxwell et al, 2002), only 17% of cases of young people coming to the notice of the police resulted in a charge in the Youth Court and in 2000, only 6% of the cases involving young people who appeared before the Youth Court resulted in a conviction (Spier, 2001).

Figure 2.1 provides a diagrammatic description of the possible pathways through the new system. These are explained further in the text following.

Figure 2.1 Pathways through the system



Police

The intention underlying the 1989 Act is to encourage the police to adopt low key responses to juvenile offending except where the nature and circumstances of the offending mean that stronger measures are required to protect the safety of the public. Thus juvenile offenders cannot be arrested unless certain tightly drawn conditions are met.¹⁰ The most important of these are that the arrest is necessary to ensure the juvenile's appearance in court, to prevent further offending, or to prevent the loss or destruction of evidence or interference with witnesses.

Also, as in most jurisdictions now, it is expected that minor and first offenders will be diverted from prosecution by means of an immediate (street) warning. Where further action is thought necessary, the police can refer juveniles to the police youth aid section (a specialist unit dealing only with juveniles) for follow-up – for example, a warning in the presence of the parents. Youth aid may also require an apology to the victim and give the child or young person an additional sanction (for example, some work in the community). This system of police youth aid diversion and the role of police more generally in responding to children and young people is more fully described elsewhere (Maxwell et al, 2002).

Youth justice co-ordinator

Where youth aid sections feel that action beyond that which they normally arrange themselves is required, they must refer the juvenile to the youth justice co-ordinator. These co-ordinators are responsible for negotiating with the youth aid officer over whether to deal with the juvenile through police youth diversion or, if the offence is moderately serious or because of previous offending, to arrange an family group conference.

The youth justice co-ordinators originally came from a range of backgrounds – for example, social services, probation and the prison system – although more recent appointments have emphasised experience in social work. Many are Māori. They are appointed by, and are officers within, CYFS.

The family group conference

The family group conference lies at the heart of the New Zealand procedures: both as another means of avoiding prosecution and also as a means of determining how young people who commit offences should be dealt with. A conference must be held to consider the case whenever criminal proceedings are contemplated (non-arrest cases) or brought (arrest cases).

Where a young person is not arrested but is referred to the police youth aid section, a family group conference must be held before a prosecution can be brought. The family group conference for formulating a plan for the juvenile or

¹⁰ See s.214 of the Children, Young Persons and Their Families Act, 1989.

making such recommendations as it sees fit (including prosecution). The range of possibilities here cover ways of repaying the victim and the community, penalties for misbehaviour and plans designed to reduce the chances of reoffending. The exact details are limited only by the imagination of the parties involved. Common options include an apology, reparation, work for the victim or the community, donations to charity, restrictions on liberty such as a curfew or grounding, and programmes of counselling or training.

Similarly, where a young person is arrested and brought before the court for alleged offending (other than murder, manslaughter or a traffic offence not punishable by imprisonment), the court must adjourn the matter to enable a family group conference to be held if there has not been a denial or if there has been a finding of guilt. The family group conference is then again responsible for formulating a plan for the juvenile or making such recommendations as it sees fit. The court, in dealing with the case, must have regard to this plan or these recommendations.

The family group conference is made up of the young person; his or her advocate, if one has been arranged; members of the family, whānau or family group and whoever they invite; the victim(s) or their representative; the police; the youth justice co-ordinator; and a CYFS social worker in cases where the department has had a statutory role in relationship to the custody, guardianship or supervision of the young person. In 1994, in response to the report of the ministerial review team (1992), the government amended the legislation to add victims' supporters. The family and those it invites are entitled to deliberate in private during the family group conference and can ask for the meeting to be adjourned to enable discussions to continue elsewhere. Conferences can take place wherever the family wish in, for example, the CYFS offices, the family's home or on marae (meeting houses).

The jurisdiction of the family group conference is limited to the disposition of cases where the young person has not denied the alleged offences or has already been found guilty. The conference's intended focus is on the young person's offending and matters related directly to the circumstances of that offending. The 1989 Act clearly states that criminal proceedings should not be used to intervene in the life of the young person on welfare grounds, and this objective has been interpreted to imply that family group conferences themselves should primarily focus on issues of accountability rather than welfare. Welfare issues should only be addressed as voluntary additions to offence-based sanctions or separately in care and protection proceedings. In the latter case, the youth justice co-ordinator should refer the case to the care and protection co-ordinator.

The youth justice co-ordinator has the following role in relation to the conference:

- to convene the FGC within the time limits set down by the 1989 Act
- to consult with the family or whānau about the conference arrangements including the date, time, place, participants and the procedures to be adopted
- to notify all those entitled to attend and to ascertain the views of those unable to attend
- to ensure that everyone present is adequately informed about what happened and to determine whether or not the young person denies the information in the summary of facts

- to ensure that information on the impact of the offence on any victims is given to the conference
- provide families, whānau, hapū, iwi and family groups with the information they need in order to arrive at decisions
- to ensure that the family is given the opportunity to deliberate privately
- to seek agreement to the decisions and, if necessary, adjourn the conference or negotiate between the family and enforcement agency
- to record the conference decisions and to provide a copy to the participants and others who are entitled to be informed
- to facilitate access to any resources that the family may need to carry out the decisions
- to report back to the referring agency¹¹ where no agreement was possible at a conference.

The plans and decisions are binding when they have been agreed to by all those present at a family group conference and, where it is relevant, accepted by the court. A conference can be reconvened to review original decisions at a later date, either on the initiative of the youth justice co-ordinator or at the request of two conference members. This provision can be used when a young person fails to complete the tasks on which the family group conference has agreed. At this stage, a new plan is formulated. At any stage, plans can include a recommendation for prosecution in court.

In order to ensure that the process works swiftly, the legislation has set time limits within which family group conferences must be held. Where a young person is in custody, a family group conference must be convened within seven days to consider placement; where the court requests a family group conference be held, it must be convened within 14 days; and where the youth justice co-ordinator receives notification of an intended prosecution of a young person who has not been arrested, or a child aged 10 to 13 is alleged to be in need of care and protection by reason of offending, the family group conference must be convened within 21 days of that notification. A 1994 amendment to the Children, Young Persons and Their Families Act, 1989, defined ‘convene’ as ‘to take the appropriate steps ...under sections 247 and 253 ... in order to cause the conference to meet’.¹² The time frames stem from an awareness that young people already work within much shorter time frames than adults and that responses to offending tend to have more meaning when applied relatively quickly.

Youth Court

A court process is reserved for a minority of young offenders. The Youth Court was created as a branch of the District Court to deal with youth justice cases only. It replaced the Children and Young Persons Court, which dealt with care and protection as well as control and youth justice cases. Its establishment underlines the importance of the principle that the offending of young people should be premised on criminal justice not welfare principles – on notions of accountability and responsibility for actions, due process, legal representation, requiring judges

¹¹ The appropriate enforcement agency (usually the police) or the Youth Court.

¹² New s.2(1) to Children, Young Persons and Their Families Act, 1989 inserted 1994.

to give reasons for certain decisions, and imposing sanctions which are proportionate to the gravity of the offence.

The Youth Court is closed to the public to preserve the confidentiality of its proceedings. It is supposed to operate an appointments system in an attempt both to prevent young people from associating with each other at court and to reduce the amount of time families are kept waiting. The court always appoints a youth advocate (a barrister or solicitor) to represent the young person where he or she does not already have a legal representative. The court may also appoint a lay advocate to support the young person in any proceedings in the Youth Court. Lay advocates are individuals of standing within the young person's culture and it is their responsibility to ensure that the court is aware of cultural matters that are relevant to the proceedings.

Where cases are referred to the Youth Court, the possible outcomes are as follows in descending order of severity: transfer to the District Court; supervision with residence; supervision with activity; community work; supervision; fine, reparation, restitution, or forfeiture; to come up if called upon within 12 months (a type of conditional discharge); admonition; discharge from proceedings; and police withdrawal of the information. In addition, it is possible to order the disqualification of a driver involved in a traffic offence.

A supervision with residence order may last for up to nine months and is made up of three months in the custody of the Department of Social Welfare (reduced to two months if the young person does not abscond or commit further offences during the custodial placement) and up to six months supervision following the period of residence. Supervision with activity involves up to three months structured supervised activity and may be followed by up to three months supervision. Community work is for a minimum of 20 and a maximum of 200 hours and has to be completed within 12 months. Supervision is limited to a maximum of six months.

Transfer to the District Court can take place at two different stages of the process. First, it can occur at the charge stage if the juvenile is at least 15 years of age; and either the offence is purely indictable or the offence is punishable by imprisonment for a term exceeding three months; and the young person elects trial by jury under section 66 of the Summary Proceedings Act. Secondly, it can occur at the disposition stage when the nature or circumstances of the offence are such that if the young person was an adult he or she would be sentenced to custody and the court is satisfied that any order of a non-custodial nature would be inadequate.

Thus court orders are for a determinate period of time and plans must be prepared for the court detailing how the order is to be implemented, including the nature of any programme to be provided and the person or agency who is primarily responsible for the supervision. Orders other than supervision with residence can be administered by any person or organisation so nominated. This enables cultural or iwi authorities to work directly with young people who offend. Resources are available to support such arrangements (although it cannot yet be said that a full and adequate range of community programmes has been developed). The person or organisation nominated is also required to report to the Youth Court at the expiry of the order on the effectiveness of the order, the young person's response to it and any other matter considered relevant.

The intention of the legislation is to enable families to influence outcomes. Thus, the Youth Court cannot make a disposition unless a family group conference has been held and it must take into account the plan and recommendations put forward by the conference.

Summary

New Zealand's youth justice system is unique in a number of respects. Drawing on aspects of traditional Māori customary law, it is the only jurisdiction to date that mandates a restorative process for responding to the more serious offences committed by young people, provides for the participation of victims in decisions and requires the involvement of families and offenders in the decision-making process.

This chapter details the main features of the system:

- The legislation identifies a number of objects and principles that emphasise the importance of cultural issues, the empowerment of family, offenders and victims, and an emphasis on group consensus decision-making.
- The objects and principles of the legislation also emphasise diversions and decarceration, the need to separate welfare and justice issues, the importance of restorative responses. The need for time frames that are appropriate to the age of the child are underlined.
- Once a young offender has been identified, responses can be made through informal warnings, a referral to the youth aid section in the police or by laying charges in the Youth Court.
- Young offenders referred to youth aid can be dealt with by warnings, police youth diversions or by referral for a family group conference.

Family group conferences are central to 1989 Act. The legislation identifies when they are used, and limits their jurisdiction but they are a means both of avoiding prosecution and of working out how the young people involved should be dealt with. A family group conference includes the young offender, his or her family or whānau, the victim(s) and his or her supporters, a representative of the police and a youth justice co-ordinator who is responsible for the arrangements for and the facilitation of the conference. The conference may include a social worker and a youth advocate for the young person. It may also include others with a significant interest in the wellbeing of the young person, such as a teacher, subject to the wishes of the young person and his family or whānau.

Methodology

The components of the research

The Achieving Effective Outcomes in Youth Justice Project (AEO) has four major components which are linked and referred to below by their study titles:

- The *retrospective study* collected data on 1,003 cases involving young people who had a family group conference in the youth justice system and who had been eligible to appear in the adult courts for at least one year. Over half (520) of these young people were interviewed to determine their views of what happened at the conference during their early life and subsequent events.
- The *prospective study* observed the current practice of the co-ordinators who conducted conferences targeted in the retrospective study. This study provided information on 115 cases and also obtained interviews close to the time of the conference with the young people and also with families and victims.
- The *Māori study* aimed to increase understanding of best practice for Māori participants. Comparisons were made between Māori and other ethnic groups in the retrospective study. It also examined data from observations and interviews with Māori families or whānau and young people involved in selected conferences that formed part of the prospective study. Some additional data has also been collected from co-ordinators on their views about family group conferences for Māori.
- The *Pacific study* aimed to provide a better understanding of issues arising for Pacific peoples in relation to family group conferences. Comparisons were made between Pacific and other ethnic groups in the retrospective study. As with the Māori study, it examined conference observations and interviews with Pacific families and young people involved in selected conferences that formed part of the prospective study.

All four studies were built around a sample of 24 youth justice co-ordinators. The sample was drawn from co-ordinators who had been practising in 1998 and were still accessible for interview, and preferably also for observation as part of the prospective study. Other factors determining sample selection were the ethnicity of clients and co-ordinators, and geographical areas. These were chosen to maximise the variety of practice while minimising the costs of data collection and pressure on offices taking part in other research projects. In order to obtain a sufficient sample of Pacific young people and families, an additional Pacific co-ordinator was added for the prospective study and additional cases involving Pacific young people were included in the retrospective study; these conferences were conducted by a variety of co-ordinators who were not part of the sample of 24.

In addition, two linked studies were undertaken. The data collected from the retrospective study was used to supply information to the Ministry of Social Development as part of the youth services strategy evaluation.¹ A study of police youth diversion examines practice of police youth aid in the same areas as those from which the co-ordinators for this project were selected. This chapter of the report briefly describes the methodology for each of these studies and the data that were collected.

The retrospective study

The retrospective study examined files on a 1,003 youth justice family group conference cases² involving young people aged at least 15 years and 9 months. The young people attended conferences between October 1997 and March 1999 facilitated by one of the 24 selected youth justice co-ordinators. Data on each young person's contact with CYF has been collected from the CYF social work information system (SWis) and data on the young person's court appearances was collected from the law enforcement system information held by the Ministry of Justice.

Ethnicity

A key component of this study is the collection and analysis of data for young people from different ethnic groups. Further, family/whānau members and victims come from a range of ethnic groups. From a research design perspective on matching interviewers with interviewees, we have also been careful to offer to match respondents with interviewers assumed to be acceptable to them. In some cases the ethnic group of the interviewer has been an important consideration.

We use the term *ethnicity* to refer to the social phenomenon that, it is understood, captures the 'essence of an ethnic group' (Hutchinson and Smith, 1996). *Recorded ethnicity* refers to data taken from the files of government agencies. The term *ethnic group* refers to one of five individually distinct categories relevant to New Zealand: Pākehā (New Zealand European), Māori (New Zealand Māori), Pacific (Pacific People/Pacific Islander), Asian and Other (any group not otherwise included). We use *ethnic group identity* to refer to the identity expressed by respondents themselves (self-identity) in response to a standardised question taken from the 1996 census and

¹ The baseline data report for the Youth Services Strategy evaluation was presented in August 2001 (Robertson & Maxwell, 2001). It presented information drawn from the retrospective data available at that time. Thus, it included selected file data on 733 young people who had had a family group conference in 1998 together with interview data for 301 of these young people. The data selected particularly to practice, need/risk data and outcomes for the young people. The report provides a snapshot overview of referral practice, family group conference processes and outcomes, the backgrounds of the young people and their life since the family group conference in a period prior to the introduction of the youth services strategy.

² The original contract specified only 500 cases but additional funding allowed the number on which file data were collected to be substantially increased.

administered by team a member of this project. In most tabulations, main ethnic group identity is given following the hierarchy established by Statistics New Zealand.

We were interested, too, in looking at the possibility of disaggregating those who identify with the Māori ethnic group, and possibly the Pacific ethnic group, into two main sub-groups: those who identify only with the Māori ethnic group ('sole-Māori') and those who identify with the Māori and any other ethnic group(s) ('mixed-Māori'). Given the significant changes to the way in which the collection of ethnicity data in New Zealand has altered over time, we were interested to see whether other researchers' observations of differences in outcome for sole-Māori and mixed-Māori groups holds in this setting. The sole-Māori group is nearest to the historical definition of Māori race, based on half-or-more blood quantum. The mixed-Māori group is a relatively new group who, it is theorised, have outcomes intermediate between sole-Māori and whichever other ethnic groups they identify with.

We have taken the following approach to our data. Young people's data drawn from the SWis database is available with main ethnic group and, also mixed ethnic group in some cases (Pākehā/Māori). We have not distinguished between these two groups, preferring to record both as Māori as it does not appear the mixed category was used reliably. Self-identified responses (this study's interview data) are categorised by main ethnic group using the Statistics New Zealand approach. This categorises any respondent identifying as Māori (either solely or mixed) as Māori. Notably, Māori/Pacific individuals will be categorised as Māori using this rule. We have preserved the sole-Māori and mixed-Māori categories in some analyses (noted in the relevant sections which follow). A full description of ethnicity coding is presented later in this chapter.

Sample selection

The first step was to obtain a file of all referrals for a youth justice family group conference during 1998. This file listed all the youth justice conference referrals (YJ 232 output) for 1998 on the SWis system. From these referrals the conferences for our sample were initially identified. Originally the data collection period was to be for 1998 only, but it was later extended to include cases from late 1997 to early 1999 in order to ensure that there were at least 30 cases from as many as possible of each of the selected co-ordinators and to ensure an adequate number of cases involving young people of Pacific ethnicity. Details obtained for each referral included the SWis ID of the young person involved, their date of birth, the date of the family group conference, and the area and identity of the youth justice co-ordinator. This file was then edited down to include only those young people who were at least 15 years and 9 months³ old on the date of the family group conference. A table was then produced of the number of family group conferences conducted by each co-ordinator.

³ The original specification of the AEO study called for a sample of 16-year-olds. However, in order to increase the numbers of family group conferences held by co-ordinators the age of eligibility was lowered to 15 years 9 months.

Four criteria were used to identify the sample of co-ordinators: the area in which they practised (in order to reduce costs of travel), co-ordinators with at least 30 family group conferences involving those aged 15 years and nine months (to ensure an adequate sample of co-ordinator practice), co-ordinators still employed as youth justice co-ordinators (to enable them to be available for interviews and observations) and co-ordinators who varied in gender, ethnicity and practice.⁴ The selection of the areas and the individual co-ordinators within these areas was decided in consultation with staff in CYF and the Ministry of Social Development.

The areas from which co-ordinators were selected were Christchurch and the western and central parts of the North Island (the greater Wellington area, the Manawatu, Wanganui, Taranaki), Hamilton, Auckland and Whangarei. Those selected were (with one exception) those who were still practising as co-ordinators.⁵ The 24 co-ordinators in the retrospective sample represent two-thirds of all the co-ordinators in 1998 who met the eligibility criteria and half of all the co-ordinators throughout the country who were still in that role and who had had at least the same number of conferences in 1998 as the sample selected. Sixteen were male and eight were female; nine were Māori, three Pacific and 12 were of European descent.

The next step was to identify at least 30, and no more than 50, cases for each co-ordinator from the target period. Where there were more than 50 cases available, the first 50 for the 1998 year were selected. More often, it was necessary to add cases from the last three months of the preceding year or the first three months of the next year to reach the target of 30 per co-ordinator. This was because a number of cases had to be excluded from the sample when the young person did not attend the family group conference or denied all the offences. A further complicating issue was that for some young people more than one family group conference was held in order to deal with the referred offences. Typically this would happen because at an initial family group conference the young person and/or their family did not attend the meeting, or the young person denied the offences and was referred to the Youth Court, or the family group conference agreed to an adjournment. The extent to which this happened is reported later. When more than one family group conference was recorded for the same offences for the same young person, the one where the young person was present and decisions were taken was selected as the target family group conference for the purposes of this study.

Thus, the retrospective family group conference sample consists of 1,003 cases with the following characteristics:

⁴ The decision about the selection was taken in collaboration with staff at National Office who were familiar with the co-ordinators. The original sample included 18 but six more were added as additional funds became available making a total of 24 co-ordinators. An additional Pacific female co-ordinator was included in the prospective sample in order to increase the probable representation of cases involving Pacific peoples in that part of the study.

⁵ Unfortunately for the study, some of them moved to other positions before the observations were concluded.

- the youth justice family group conference was held between October 1997 and March 1999
- the conference was facilitated by one of the selected sample of youth justice co-ordinators
- the young people for whom the conferences were held were at least 15 years 9 months old on the date of the family group conference.

At all the conferences in the sample the young person attended and the family group conference made a final decision on the admitted offending.⁶ At all but two of the conferences the young person admitted at least some of the offences.

Comparing the sample with 1998 cases

It is important to remember that the sample is not a random sample of youth justice family group conferences held during 1998. However, some comparisons between this sample and the total sample of family group conferences held during 1998 are possible. During 1998, 6309 youth justice referrals were identified where a family group conference appeared to have been completed.⁷

First, it is necessary to recognise that an individual may have been referred more than once during 1998. A total of 4112 individual young offenders (of all ages) were represented in the 6309 referrals for which a conference was held in 1998. A total of 2561 of these young offenders were over the age of 15 years 9 months at the time of the group family conference. The selected sample includes 940 of these young people while another 1621 met the age criteria but were not included in the sample. An additional 63 young people were later added to the sample to make up quotas (for example: young people of Pacific ethnicity and the number of cases per co-ordinator). These extra cases came from conferences held in 1997 or 1999. The following tables are concerned only with the 940 young people selected from the 1998 conference referral file. The first table (3.1) compares the number of youth justice family group conference referrals. Additional detail on numbers is included in Appendix 2.

⁶ These include conferences that were finalised but where there was no agreement.

⁷ When no 'date completed' was entered, it was assumed that the FGC did not occur. Not all the remaining FGC referrals reached a decision or had the young person present.

Table 3.1 Youth justice family group conference referrals per individual young person in 1998; percentages of sample cases compared to non-sample and total cases at all ages and aged 15 yrs and 9 months or over at the time of the conference

Number of referrals	Age > 15 yrs 9 mths		
	Sample	Non-sample	Total
1	64	74	70
2	21	19	20
3	9	5	6
4	3	1	2
5	2	0	1
6	0	0	0
Total number	940	1,621	2,561

The data in Table 3.1 show that, on the whole, the number of referrals for the sample and non-sample cases are fairly similar and that, compared to the overall total of 1998 cases, the sample appears to be representative of the whole. The somewhat smaller proportion of individuals with a single referral compared with the non-sample can be explained by the fact that those individuals with more referrals were more likely to have had an eligible conference, ie one where the young person was present and a decision was reached. However, in other respects, the sample is likely to be relatively representative of the 1998 cases completed as, of the 2561 young people in the sample age range, 37% (940) were in the sample.⁸

This conclusion is confirmed by other analyses of the data on referrals. However, because of the older age of the sample (92% of the sample's conferences in 1998 were held when they were over 15 years 9 months compared to only 58% of the total young people), they were more likely to have had previous notifications to the Department of Child, Youth and Family Services (85% compared to 77%), they were more likely to be boys (86% compared to 83%), and they were more likely to have been referred for a family group conference by the Youth Court rather than by the police (58% compared to 47%).

There were some ethnic group differences between the young people in the sample and the total number of young people that reflect the way the sample was selected. In particular, those in the sample were less likely to be Māori. This reflects the deliberate inclusion of two South Island areas to ensure that a variety of practice differences were captured. However, these were also areas where Māori were less likely to be living. Also the sample was more likely to be Pacific in ethnic origin, reflecting the inclusion of areas

⁸ This is likely to be an under-estimate because while a family group conference was definitely held for all those in the sample (that was the criteria for entry), this will not be the case for the non-sample young people (about 5% of those YJ 232 records that were checked when selecting the sample did not have an eligible conference).

in Auckland where a greater proportion of the Pacific population of New Zealand is concentrated.

Overall, therefore, the sample selected differs somewhat from the total group of individuals for whom a family group conference was recorded as completed in 1998. The largest difference is that they are older and this led to other consequences in that they were somewhat more likely to have had multiple previous referrals to CYF, to have been referred by the Youth Court, and to be male. The choice of areas also created some other differences: a slightly smaller proportion of Māori and a slightly higher proportion of those of Pacific ethnicity were selected. However, these differences are not great and the sample makes up at least 37% of older referrals for 1998.

Collection of CYF file data

Permission was gained from the CYF Research Access Committee to access the CYF records of the young people included in our sample. These records were normally entered on the social work information system (SWis) by CYF staff (youth justice co-ordinators, social workers and support staff). We had to approach offices for paper files when data on SWis were incomplete.

The data collected from CYF files include information on the offences dealt with at the family group conference, those present, the outcome of the family group conference, Youth Court information, and details of previous and subsequent notifications and referrals to CYF including notifications and referrals for care and protection. A full description of these data is presented in Appendix 2.

Although some data are recorded in precoded form (eg type of referral, date of referral, date of convening and date of completion, and co-ordinator IDs), most information on SWis is recorded in the form of case notes. As has been indicated previously (Robertson and Maxwell 1996), the quality of these data on SWis is highly variable, although we believe it has improved in recent years.⁹ Of the case note data, some information (eg details of referral and outcome of the family group conference) is more reliably recorded than are other details of practice (eg monitoring of conference outcomes and court appearances). We have mainly used the more general data for this report. In addition, where the SWis information relating to the family group conference was limited, we requested paper copies of the family group conference outcome form (SW842 – family group conference ‘Recommendations and Decisions’) from co-ordinators. Thus, we believe the details of the offences dealt with, the young person’s admission, and the recommendations included in the family group conference plan were reasonably complete and have been reliably coded. Full information on who attended was only available for 759 cases.¹⁰

⁹ This is in part due to the Professional Quality Assurance (PQA) programme CYF implemented in 1997 to improve record keeping.

¹⁰ Although data on the presence of youth aid were available for 772 cases and on the young persons’ mother for 761 cases, full information was often missing from SWis. Some additional data were

Collection of the law enforcement system file data

The names and dates of birth of those young people selected was passed to the Ministry of Justice. Staff of the Ministry obtained information on their subsequent convictions in the District or High Courts by using data from the case-monitoring subsystem of the law enforcement system. For this report, convictions for court cases finalised up to 31 December 2001 have been included. When data on date of birth were inconsistent between SWis and law enforcement data, driver's licence information was used wherever possible as this would have been checked against other forms of identification such as a birth certificate or passport.¹¹

The entire sample of 1,003 cases was analysed to determine if any of the young people had been convicted after the age of 17. The retrospective sample was designed to consist of people who were at least 16 years old in December 1998. Data were available on adult court appearances for one year for 993 cases, which represents 99% of the sample. A two-year follow-up was possible for 957 cases, which represents 95% of the sample, and a three-year follow-up was available for 513 cases, which represents 51% of the sample. Information used in this analysis covered date of birth, gender, recorded ethnicity, the date of offending, the types of offences committed, the dates of first and final appearance, the sentences imposed and the number of offences involved in each court case.

Interviews with CYF staff

Interviews were conducted with all but one of the co-ordinators in the sample and with their office managers. The interviews focused on issues relating to practice in both 1998 and 2001/2002 including background and training, tasks undertaken by various members of staff, the management of the family group conference process, the availability of programmes and other supports in the community, relationships with other agency staff, and beliefs about philosophy and practice in relation to youth justice.

Young persons' interviews

A total of 520 of the 1,003 young people in the retrospective sample were located and interviewed. The interview asked them about their life since the family group conference, their memories of and views on the 1998 family group conference, their family background and their experiences while growing up. Details of the interview questions and coding are supplied in Appendix 3.

available from paper files, but not all the files were accessible to the research team.

¹¹ The project was designed so that participants were at least 15 years 9 months at the time of the family group conference. However, when the date of birth was corrected, 32 of the participants proved to be younger than this at the time of the conference. In addition, it should be noted that 151 of the sample were actually over the age of 17 at the time of the conference although for most of these participants their offending will have occurred before they were 17. Those who should have been ineligible to be included in the sample because their corrected date of birth information showed they were too old or too young were not excluded from the analysis.

The process of locating and interviewing the young people

A major challenge for the project was locating the young people for interview. The process began with information on addresses from the files held in the SWis database. The first step in the recruitment process was to send to each young person a letter at this address explaining the study. The letters included a reply slip and a prepaid return envelope. The slip asked the young person to reply if they were not interested in taking part in the research and did not want a researcher to contact them. Inevitably, because these addresses were from a period of two to three years earlier, when most of the young offenders were living with parents, they were usually no longer current. Furthermore, because of their age and lifestyle, the young people were often very transient. Contacting parents was sometimes a successful way of obtaining up to date information, but often parents were also unable to be contacted. When parents were contacted, they did not always know where the young person was living.

Further checking was carried out on the young offender's name and the name of their parents or caregivers (where known) using the electoral roll and the Telecom white pages and the young person's name on police records. When a young person was likely to be in custody, the Department of Corrections was consulted to find out if this was the case and which prison they were in. Release dates were ascertained so a time to interview could be arranged prior to the young person's release. An interview sample sheet was completed for each young offender giving all the information available on contact details and the necessary information for carrying out the interview. This included information about the nature and date of offences to enable the target family group conference to be identified.

At least 10 days after the letter was sent out the interviewers attempted to contact all those who had not declined to take part. Often when the interviewer called, the young person would no longer be living at the address. Those living there were then asked if they knew where the young person was and this information was used to make further attempts at contact. Parents' preparedness to help suggests that they found the process acceptable. In a small minority of cases, the parents declined to provide information as they wanted the young person to be able to put the matter behind them. In three cases, complaints were received from parents who were concerned that information on their address or phone had been made available to the researchers. In all three cases, the principal investigator fully explained the procedure and the reasons for it and the parents withdrew their complaint. One parent even proceeded to assist us in arranging an interview with the young person.

Making contact with the young people often involved visiting several different addresses. Sometimes neighbours or new tenants provided useful information that enabled other options to be ruled out. When the young person was not found, police youth aid officers often assisted on the basis of their local knowledge.

When a young person was located, the interviewer explained the research and asked the young person if he or she was prepared to take part. Arrangements were then made with those agreeing about a time and place for the interview. Interviews typically lasted

between 45 minutes and an hour. If young people refused to be interviewed, they were thanked and their refusal was recorded on the database.

Overall, the process of locating people was very time-consuming. It required considerable persistence. Multiple addresses were visited, often several times. When appointments were made, they were not always kept; this involved more visits – a process that some interviewers found more frustrating than others. Details of response rates are presented in Table 3.2.

Table 3.2 Results of attempts to interview 1,003 young people in the retrospective sample; number and percentages¹²

Outcome	n	%
Interviewed	520	52
Refused or otherwise unavailable ¹³	152	15
Outside research area or overseas	59	6
Possible addresses not yet contacted	76	8
No further leads	196	20
Total	1,003	100

The data in Table 3.2 show the outcomes of attempts to locate and recruit young people. They show that a total of 15% refused or were unavailable for interview at the time they were contacted. Another 26% were not contacted, either because they were overseas, living outside the areas where interviewers were working, or because they could not be found at the available addresses. Another 8% had not yet been contacted when data collection was concluded, although there were still some unvisited contact addresses for them. It is possible that with more time and resources as many as 60% could have been recruited.

The interviewers

Locating the young people and interviewing them was initially carried out by a trained team of four interviewers (one Pākehā, one Samoan and two Māori) and members of the core team. This team was supplemented on three occasions, by a further group who were recruited and trained and who worked under field supervisors' supervision, by the market research firm NBR, and finally by two experienced social science researchers. This additional recruitment resulted from pressure of travel and its costs, the difficulties of recruiting particularly Māori and Pacific interviewers who were able to locate and interview the young people successfully and, finally the need to complete the interviews. (Further detail on the interviewers and the work each group achieved is set out in Table 6.1 in Appendix 6.)

The next set of tables looks at the extent to which the characteristics of the interviewers matched those of interviewees. Data on this are provided in Tables 3.3 and 3.4.

¹² Percentages do not always add to 100 because of rounding errors.

¹³ Other reasons were listed for ten young people. These included those who were on a programme, in a psychiatric institution, mentally handicapped, mentally distressed or unwell. Three had died.

Table 3.3 Sex matching of interviewers and interviewees;¹⁴ percentages of totals

Interviewer	Interviewee		
	% Male	% Female	% Total
Female	42	100	50
Male	58	0	50
Total	100	100	100

The data in Table 3.3 show that half the interviews were conducted by female interviewers and half by male interviewers. All the young women in the sample were interviewed by a female interviewer. Because more of the sample were male than female, it is not surprising to find that 42% of the interviews with young men were conducted by female interviewers. Detailed examination of refusal rates shows that when women interviewed men there was a 22% refusal rate. When men interviewed men there was a 78% refusal rate. These data indicate that, for young men, women were probably more acceptable as interviewers.

Table 3.4 Matching interviewers and interviewees by ethnic group; percentages of totals

Interviewer	Interviewee					% Total
	Pākehā	Māori	Māori/Pākehā	Pacific	Other	
Pākehā	94	42	70	71	84	72
Māori	6	57	30	7	16	25
Pacific	0	1	0	22	0	3
Total	100	100	100	100	100	100

The data in Table 3.4 show that, overall, 72% of the retrospective sample interviews were conducted by Pākehā, 25% by Māori and 3% by Pacific interviewers. Thus, almost all of the Pākehā young people were interviewed by Pākehā. Of the Māori young people, 57% were interviewed by a Māori interviewer and most of the remainder were interviewed by a Pākehā interviewer. The proportion who were described on SWis as Māori/Pākehā were more likely to have been interviewed by a Pākehā interviewer than a Māori interviewer (70% compared to 30%). Pacific young people were also more likely to have been interviewed by a Pākehā or a Māori interviewer rather than by a Pacific interviewer (78% compared to 22%).

Again, data on refusals can give some indication of the acceptability of these interviewing arrangements. When Pākehā were interviewed, Māori interviewers had a lower refusal rate than Pākehā (8% compared to 24%). However, only 13 Pākehā were approached by Māori so that generalisations should not be made on the basis of this result. When it comes to Pākehā attempting to interview Māori, Pākehā

¹⁴ The NRB cases have been excluded from this analysis and the analysis in Table 3.4 as there are no data available on the characteristics of the individual interviewers or information on who they interviewed.

interviewers had slightly lower refusal rates than Māori (11% compared to 15% for Māori young people and 12% compared to 17% for Māori/European young people). Pākehā approaching Pacific young people obtained a very slightly higher proportion of refusals than the Pacific interviewers (23% compared to 20%). These data indicate that the approach by an interviewer of another ethnic group probably had no adverse effect on refusal rates for any ethnic group. Expertise of the interviewer appears to be a much more important factor in success.

Young people's responses to the research

After they completed the questionnaire, the young people were asked their views of the research. Their replies on the experience generally were, on the whole, positive. Ninety per cent found the interview interesting and 96% said that they could be contacted again if a follow-up study was done. Ninety-seven per cent requested a summary of the research findings. Specific questions on possible negative features identified the following responses: boring (9%), hard to understand (8%), too long (18%) and too personal (14%).¹⁵ On the other hand, the positive comments some respondents made seemed to sum up the general response:

I really enjoyed this. I hope you can interview me again in five years.

I took this very seriously. I was glad to do it because it might help others.

One young person said that the interview was too personal but added:

Yes, but I can handle it. It's confidential. It's good to talk to someone about these things.

One interviewer suggested reviewing their past helped interviewees see it from a new perspective.

This was a really good interview. We both enjoyed it and I think we both learned a great deal. Her – about herself and the chance to reflect – and me — about her life and the enduring human spirit.

In summary, the task of locating and selecting suitable and effective interviewers for a project like this was not an easy one. Experience is probably a very important criterion. Initial optimism about being able to undertake the work is not necessarily a guide to success. We experienced particular difficulties in recruiting Māori and Pacific interviewers who were successful with this type of interviewing. In part this was due to the relatively low hourly rates that were paid and in part due to the high demand for skilled Māori and Pacific people as social researchers.

The upshot of these difficulties was that we were not always able to match potential interviewees with interviewers from the same ethnic group. In the latter stages of the

¹⁵ The same respondents made a number of these comments.

project, after discussion with our cultural consultants about this, we discontinued attempts at recruiting specifically Māori and Pacific interviewers and used the most effective interviewers available regardless of their ethnic group. As noted above, the results indicate that, in general, being approached by an interviewer of a different ethnic group did not lead to an increased probability of a refusal.

Matching the sex of interviewer and interviewee was successfully achieved for the young women in the sample. However, as more of the sample were men and half the interviewing was undertaken by women, inevitably many of the men were interviewed by a women. However, the low refusal rates for female interviewers contacting men indicates that this was not a problem for successful recruitment.

Comparing those interviewed with the total sample

Analyses were carried out on sampling factors, demographic characteristics and key offence characteristics to determine whether or not there were any apparent biases between the interviewees and those who refused or with whom we had no contact. The results of these analyses are summarised below under the relevant headings.

Areas and co-ordinators

Examining the interview and refusal rates across areas shows that area differences failed to reach the chosen level of statistical significance¹⁶ (Chi-square = 47.5, df=32, p=0.04). Areas where a higher proportion were interviewed included Whangarei, Wellington, Taranaki and Masterton while areas where the proportion was smaller were Horowhenua, Dunedin and Hamilton. There seems no general pattern in the nature of the area. Both urban and rural areas were among the areas with relatively high and low refusal rates. The only possible obvious difference is that most of the areas closest to the core team had a somewhat higher success rate. An analysis of the differences in interview success by co-ordinator only just proved significant (Chi-square = 70.59, df=50, p<0.03). Again, there seemed no obvious pattern to explain why a higher proportion of interviews were obtained for some co-ordinators than for others. Māori, Pākehā and Pacific co-ordinators and urban and rural co-ordinators were represented amongst those for whom successful interview rates were highest and lowest. It seems possible that the apparently significant results could be an artefact of multiple comparisons and relatively small cell sizes when data are broken down over a relatively large number of areas and co-ordinators.

Demographic characteristics

Those who were recruited were compared on age, sex and ethnicity with those who refused and those who could not be contacted. Table 3.5 summarises the findings showing means or percentages as appropriate, and significance of differences using analysis of variance or Chi-squared tests.

¹⁶ See discussion of 'significance of differences' later in this chapter.

Table 3.5 Comparisons of demographic characteristics of the retrospective sample interviewed, refused or not contacted; mean age or percentages¹⁷

Variable	Interviewed	Refused	Not contacted	For Chi ² ; significance of differences
Age in yrs	16.49	16.47	16.48	F=0.046; ns
Boys%	52	15	33	Chi ² =0.41; ns
Girls%	50	12	38	
Māori%	48	11	41	Chi ² =27.02 p<.001
Pacific%	47	12	41	
NZE%	57	18	25	

The data in Table 3.5 show that there is no significant difference in the responses of those approached for interview with respect to age or sex. However, a greater proportion of New Zealand European ethnicity were either successfully interviewed or refused compared to those of Māori or Pacific ethnicity of whom a larger proportion were unable to be contacted. In other words, Māori and Pacific young people were likely to agree to an interview if contacted but, compared to Pākehā, were more difficult to locate in the first place.

Offence characteristics

Data on the sample interviewed, refused and not contacted were compared in terms of the type of offences, the seriousness of the most serious offence, whether the family group conference was referred by the Youth Court or police, and whether or not there was a victim of the offending. In no case was the differences between percentages significant. In other words, the interviewed sample is representative of the total sample in the type of offending that led to a family group conference. The nature and severity of outcomes of family group conferences or Youth Court decisions was also compared. Again there was no significant difference between those interviewed and those not interviewed in the type or severity of outcome.

Conference characteristics

Data were available from the files on who was present at the family group conference and its outcomes. In most respects, all these variables were not significantly different for the interviewed, refused and no contact groups.

There is one important exception and that relates to the presence of close family members at the conference. Those who were contacted (regardless of whether they were interviewed or refused) were more likely to have had their mother present (77% of those

¹⁷ Percentages in rows sum across the row.

contacted had a mother present compared to 66% for those who were not contacted; $p < 0.001$), father present (72% of those contacted had a father present compared to 63% for those not contacted; $p = 0.02$) and a grandparent present (79% of those contacted had a grandparent present compared to 65% for those not contacted; $p = 0.01$). They were also less likely to have had other extended family or whānau present (57% of those contacted with extended family or whānau present compared with 70% of those with no extended family or whānau present; $p < 0.01$). One plausible interpretation is that those who were able to be contacted were more likely to have come from supportive families that were also more intact and stable. Therefore, file address information was more likely to still be accurate for these families and they were also more likely to have been able to assist us in trying to locate the young person.

With respect to family group conference outcomes, there were virtually no differences on the many variables examined ($n = 22$) and only one minor significant effect was noted for counselling support (35% who were contacted were given counselling support compared to 29% of those who were not contacted). It may be that this indicates more stable situations post conference for those counselled. However, it is probably safest to disregard this as a chance effect (because chance findings are inevitable with such a large number of comparisons) unless there is further evidence to link counselling support to reintegration and stability after the family group conference.

Reoffending characteristics after two years were also compared. There were no significant differences in who was interviewed depending on whether or not reoffending occurred, but 60% of those who reoffended and were in prison were interviewed compared to only 50% of the rest of the sample.¹⁸ This was because those in prison were both easier to locate and less likely to refuse than those who were not.

In summary then, the sample of those interviewed appears in almost all respects to be representative of the total sample. The main points of difference were that both Māori and Pacific were less likely to have been located and interviewed and so too were those whose parents or grandparents did not attend the family group conference. Also those who were imprisoned for reoffending were somewhat more likely to have been interviewed than those who were not.

The prospective study

The prospective study was undertaken involving four to eight current family group conference cases involving young people of any age undertaken by the co-ordinators in the sample.¹⁹ At least four cases were observed for each of 17 co-ordinators: 16 of the original 24 co-ordinators and the additional Pacific co-ordinator included to bolster observations of Pacific young offenders. At least four cases were observed for another

¹⁸ Chi-square = 7.65, $df = 2$, $p < 0.03$.

¹⁹ Details of the interview questions for the young people, family or whānau, victims and youth justice co-ordinators in addition to the family group conference observation schedules are supplied in Appendix 3.

co-ordinator but we were only able to obtain the records on two cases as the observer left the study without completing the remainder of the forms. Of the seven co-ordinators whom we were not able to observe, three had taken up another position and four were suffering health problems at the time of data collection. In total, data were available for 111 different conferences. Four of the conferences involved two young co-offenders so that conferences for 115 young people were observed. Ninety-two per cent were interviewed. Two of these young people appeared at two different conferences so that only 113 distinct young people were involved; four refused, five were unable to be contacted and one was only interviewed after the second conference.

These family group conferences were observed to identify salient features of co-ordinators' practice. Additional information was obtained on current practice by interviewing conference participants including co-ordinators, victims, families and young people. For 93% of family group conferences, family members were interviewed. Two refused, five were unable to be contacted and one was only interviewed after the second conference. In the cases where there were victims, 93% were able to be identified, contacted and interviewed; none refused.²⁰ In total, 105 young people were interviewed, 107 family members and 100 victims (58 who attended and 42 who did not). In addition, youth justice co-ordinators were interviewed about conferences held for 112 young people. Three youth justice co-ordinators did not respond to requests for interview about one of their conferences.

These data were collected by 12 different observer/interviewers. All but one of the interviewers were women. Two were Pacific, one was Māori and the remainder were Pākehā. Five were members of the core team. Co-ordinators were contacted by the designated observer who arranged to attend the conferences or who arranged for another observer if they were unavailable on a particular date. Families and victims were usually asked for their permission for the observer to be present beforehand but, on occasion, permission was requested at the time of the conference. On one occasion, family members who had agreed previously changed their mind at the start of the conference and the observer withdrew. On two occasions, families refused permission at the time of the conference, and so these cases are not in the sample.

At the start of the conference, the observer provided information on the research and, at a convenient time before or after the conference, asked participants if they were willing to be interviewed or contacted to discuss being interviewed. Interviews were sometimes arranged at the time of the conference and sometimes afterwards depending on circumstances at the end of the conference. They were conducted as soon as practicable after the conference, usually at the person's home or another suitable location or, depending on participant preference and accessibility, by telephone. In addition, when the victim had a telephone, he or she was contacted again, between four and eight weeks later as appropriate, to ask whether or not tasks had been completed and whether or not their views had changed.

²⁰

For five, there were no contact details, one could not be contacted, one was only interviewed about one young person when in fact two young people were involved in the offending and attended the same conference, and one was interviewed for only one of the conferences that addressed the offending against them. It is hoped that follow-up information, similar to that obtained for the retrospective sample, will be gathered two years later if sufficient funding is available.

The Māori study

Throughout this report data have been compared for those of Māori and other ethnic groups. The extent Māori researchers were able to interview and has been noted above (see Table 3.4). In addition, additional qualitative information was collected from Māori families and young people involved in the prospective study. Data from Māori have been analysed and reported on by Māori researchers. The goal is to identify the experiences of Māori and, where possible, to consider particular practice issues for them.

The Pacific study

Throughout this report data have been compared for those of Pacific and other ethnicities. The extent Pacific researchers were able to interview and has been noted above (see Table 3.4). and extra qualitative information was collected from Pacific families and young people involved in the prospective study. Data from Pacific people have been analysed and reported on by Pacific researchers. The goal is to identify the experiences of Pacific peoples and, where possible, to consider particular practice issues for them.

Related studies

Police youth diversion study

A related study was undertaken for the New Zealand Police and the Ministry of Justice. This study collected data from police youth aid officers throughout the country on young people who came to notice during a period of approximately three months starting at some time between October 2000 and March 2001. Originally it was intended to sample 10 sites in the same areas as this project, but in fact, 18²¹ sites asked to take part in the study and all were included. Data were provided on 1794 separate referrals to youth aid involving young people who were either warned, undertook a diversionary plan with the police, were referred for a family group conference or were charged in the Youth Court. The data included information on:

- the young person and the nature of his/her offending
- background factors including family circumstances where these were known
- the actions taken by the police, including full details of any diversionary plans.

In addition, the police youth aid officers collecting the data were interviewed about their practice.

The results of this study have been published (Maxwell et al, 2002) and data from it has been used to amplify and extend this research. Further work is currently being undertaken to follow up on the young people identified to determine the impact of police actions on reoffending.

²¹ Collapsed to 16 sites in the final analysis by amalgamating three Auckland sites.

Baseline data for the youth services strategy evaluation

The Ministry of Social Development was also supplied data from the retrospective study to serve as a baseline for the evaluation of the youth services strategy that was introduced in 2000. A final report submitted to the Ministry of Social Development (Robertson and Maxwell, 2001) covered 733 cases on which file data were available and presents data from the 301 interviews on which data were available for analysis at the time of the submission of the report.

Summary of data

In summary, analyses of the following data are presented in this report.

SWis output file data for 1998

Basic data was obtained from the SWis files on 6309 referrals for family group conferences recorded during 1998 and completed in 1998 or 1999.

Retrospective data

- *File information from CYF SWis:* Information from SWis files was collected for 1,003 cases in the retrospective sample. This information came principally from files for 1998, but has been extended to cover October 1997 to March 1999 when it was necessary to meet sample criteria. The sample was based on the cases of 24 co-ordinators from North Auckland, Auckland, Hamilton, Central North Island, Greater Wellington, Christchurch, Dunedin and rural Otago.
- *Law enforcement system data:* Ministry of Justice staff obtained data on court records for the 1,003 cases on which SWis information was obtained. These data provided limited information²² on Youth Court appearances and data on convictions in the adult system up to 31 December 2001. Analyses of convictions one, two and three years after the young person's 17th birthday (including basic frequencies and survival curves showing reoffending over time) are presented.
- *Interview data:* Frequency tables on selected variables are presented in this report based on a total of 520 interviews with young people from the retrospective sample. Information is available from interviews with 23 of the 24 co-ordinators and with all of the 11 managers responsible for them.

Prospective data

Observations are available on 115 young people who had family group conferences. Interviews were conducted with 105 young people, 107 family members and 100 victims

²² The data are limited because there is no common identity number used by CYF' SWis and law enforcement system data accessed by the Ministry of Justice. This means that it is not possible to track a young person from the Youth Court to a family group conference or vice versa. Permanent identity numbers are assigned on the law enforcement system at the first 'proved' outcome in the Youth Court. There is no record on the law enforcement system data base if the Youth Court hearing results in a not proved outcome.

(58 of whom attended a family group conference). For 112 of the conferences, interviews were conducted with the youth justice co-ordinator, for 113 the forms giving details of outcomes were available, and for 113 the summaries of facts of the offence were available.

Presentation of basic data

Data describing the main results of the research include:

- descriptive data on the sample composition derived from SWis files (Chapter 4)
- data on the family group conference process derived principally from SWis files and co-ordinators' views but including some information from the young people's interviews (Chapter 5)
- data on outcomes in the criminal justice system from Ministry of Justice files (Chapters 6 and 8)
- data on the experiences and views of the young people derived principally from interviews with them but also include some data from SWis and Ministry of Justice files where relevant (Chapters 7 and 8).

Research time frames

The process of designing the study began in May 1999 and culminated with a draft proposal at the end of June that year. Funding applications were negotiated during the remainder of that year and early 2000. The actual process of designing the research instruments, finalising ethical and agency approvals, obtaining CYF data on all 1998 referrals and selecting the retrospective sample and beginning the pilot work did not begin until May 2000. The main data collection began with interviews with co-ordinators and managers in July 2000 and interviews with young people in August. Prospective data were collected from March 2001. Interviews in both the retrospective and prospective studies were not completed until May 2002. Data entry and checking occurred throughout the data collection period and a preliminary report on the retrospective sample was prepared for June 2001.

Meanwhile, pilot work began on the police youth diversion study over the summer of 1999/2000. A final contract for the full study was negotiated during 2000 and the data collection began at about in the latter half of 2000 and was concluded by May 2001. The final report on this project was released in January 2002.

For the main Achieving Effective Outcomes study, the final data analyses began at the close of data collection in April 2002. Since that time, data entry and checking were completed, data cleaned, SPSS databases set up, new variables created and the data analysed and described. The draft final report was completed in mid-August 2002.

Data analysis

Coding and checking procedures

Basic file information from CYF computer files on each case in the sample was coded and entered into a Filemaker Pro database. Coding of additional data was carried out by a small group of people who were trained to use a codebook that provided category definitions. A sample of coded cases were checked by a senior researcher.

SWis data

Information relating to the family group conference offences, who attended the conference and the conference decisions was obtained for as many cases as possible from the SWis database. When crucial information on the conference was not on the database, paper copies of the 842 form that records family group conference information and decisions were requested from co-ordinators. An attempt was made to code other case information, for example on Youth Court outcomes and hearings, from the CYF computer files, but coding of an initial sample revealed too much missing data. As the extent of missing data could have resulted in biased information, the coding of this information was discontinued and, where possible, other sources for this information were sought. For example, details of court hearings and orders were often missing, and in this instance it was decided to use law enforcement system data supplied by the Ministry of Justice on court outcomes.

Interview and observational data

Interview schedules for the young people in the retrospective and prospective samples, and for family or whānau and victims in the prospective sample, and the prospective observations schedules were checked by senior researchers prior to entry into a Filemaker Pro database. A sample of data entry was checked by a senior researcher.

Filemaker Pro databases

All Filemaker Pro databases were transferred into Excel 2001 or SPSS 10 files and data checks and cleaning were undertaken. These included out of range frequency and consistency checks. Where necessary, variables were recoded and composite variables created. Excel files were then transferred to SPSS. Composite files and most analyses were made, as appropriate, using the procedures available in SPSS 10. Charts were created either in Excel 2000 or SPSS 10 depending on the type of data involved.

Law enforcement system data

The Ministry of Justice used survival analysis (Proc Lifetest in SAS²³) to plot changes over time in the percentages of offending since the young person's 17th birthday.

²³ For two types of cases, offending was measured from a date after the person turned 17. First, if the person was 17 or more when the family group conference occurred, offending after the family group conference was analysed. Secondly, if the person was in prison before the age of 17 and was released after their 17th birthday, offending after the date of release was analysed.

Law enforcement system data from the Ministry of Justice were also transferred to the Crime and Justice research Centre as Microsoft Excel files and then transferred into SPSS for combining with other data and subsequent analysis.

Combining law enforcement system and SWis data

Law enforcement system data were also used in combination with SWis data in analysing the severity of Youth Court outcomes, in particular, in identifying those cases where the highest level of orders were made (ie Youth Court supervision orders and prison). Detailed data on these cases were then checked in order to eliminate any possibility that the sentence was related to other charges heard at the same time as those that derived from the target conference.²⁴ Since the Ministry of Justice data does not provide detailed information on the nature of court orders (particularly the various types of supervision orders), it was decided that where there was ambiguity the conference outcome would be coded. In those cases where there was no conference agreement, CYF files were checked in order to clarify the court outcome. Thus the severity rating does not distinguish between those who received a Youth Court community work order for 100 hours, and a case that was adjourned for completion of 100 hours community work and eventually discharged. Details of the severity coding are included in Appendix 3.

Ethnicity coding

Recorded ethnicity

Different recorded ethnicity codes were used by SWis and the Justice ministry's law enforcement data. SWis used a coding consistent with the New Zealand census. The main difference for law enforcement system data was the use of a single category for Pacific peoples, a single category for Asian peoples and a single category to record people of more than one ethnic group. Data from SWis and law enforcement data files have been used to report ethnicity recorded as Pākehā, Māori, Pacific, Asian or 'Other'. It is not clear if the categories in these data sets are based on the young person's self-report, families' reports or judgements of the professionals who dealt with them. This variation in practice across agencies is not useful. Agreement on a standard usage (the Statistics New Zealand census provides an appropriate standard) and on a procedure for determining ethnic group (again the use of self-report as in the New Zealand census provides a standard model) is highly desirable.

Ethnic group ethnicity

When young people or families were interviewed, they were asked to identify themselves using a question based on the New Zealand census. This allows multiple ethnic groups to

²⁴ The lack of common identity numbers makes it difficult to match law enforcement system records with SWis file data. Where there was ambiguity, a best guess was made based on dates and types of offences.

be recorded (Questions 81 in Appendix 3). As some young people reported more than one ethnic group identity, it was necessary to classify them in terms of a primary ethnic group. However, it was felt that important information would be lost if multiple ethnic group identities were ignored. Therefore:

- those who reported one ethnic group identity were coded according to this ethnic group: ‘Pākehā’, ‘sole-Māori’, ‘Pacific’ or ‘Other’
- those who reported more than one ethnic group identity were coded ‘mixed-Māori’ if they reported Māori, irrespective of the other ethnic group identities mentioned, and ‘Pacific’ if they reported a Pacific ethnic group identity (but not Māori)
- those Pacific young people reporting more than one identity, except where the other identity was Māori, were coded as Pacific.²⁵

Thus the primary ethnicity code for data from the young person’s interview is:

- Pākehā
- sole-Māori
- mixed-Māori
- Pacific
- other

Data on recorded ethnicity from SWis files was compared to the self-report ethnic group identity data from the young people. In 20% of cases there was a mismatch in primary ethnic group, although when multiple ethnic groups are used the mismatch reduces considerably.

The degree of mismatch is greatest for those whose ethnic group was categorised as ‘Other’. Ninety-six per cent of those categorised as ‘Other’ on SWis categorised themselves in other ways; over 60% of those who disagreed with the SWis description classified themselves as Pākehā, a quarter said they were Māori and 16% said they were Pacific. About one in 10 of those categorised on SWis as New Zealand European described themselves as Māori while nearly as many described on SWis as Māori described themselves under another primary ethnic group. These data indicate the difficulty of relying on a single categorisation of ethnicity as many of the mismatches will result from the fact that many people report belonging to more than one ethnic group. Another reason for the difference will be that the official data will often rely on reports of parental ethnicity which may not agree with that of the young person – especially in the cases of mixed marriages or when that young person is the child of immigrants but sees himself or herself as now belonging to the New Zealand community. One view of the impact of these discrepancies will be that they will blur the differences between ethnic groups. Another is that the discrepancies could be seen as indicating the dangers in seeing cultural difference as a matter of a finite number of ethnic group categories.

²⁵ This follows the procedure used by Statistics New Zealand.

Given these problems it was not possible to consistently classify ethnic group using either the New Zealand census standard or the expanded coding derived from the additional questions asked in order to extend an understanding of Māori ethnic identity. Nor was it possible to reconcile the different categories in a consistent and optimal manner. For example, interview data was only available for some of the sample while SWis and law enforcement data were sometimes in conflict with each other and with interview data. The practice adopted in this report is, therefore, to use the ethnic group code in any particular analysis derived from the source of the data. When data came from multiple sources, the way ethnicity was categorised is reported.

Significance of differences

For the purposes of describing sample differences or differences as a function of ethnicity or sex, tests of significance have been carried out.²⁶ There have, therefore, been a large number of these and this increases the probability of reporting chance results. For this reason, we have not reported any differences that are not associated with a probability of at least 0.03. Also, those differences where the probability is between 0.03 and 0.01 have been described as marginal as opposed to those of less than 0.01 which have been described as significant. All these tests have been interpreted as two-tailed tests – in other words, no specific hypothesis about the direction of difference has been assumed. In the prospective sample, because of its relatively small size, analyses by sex and ethnicity were not carried out.

On the other hand, where multivariate analyses and analyses relating to reoffending can be based on hypotheses from previous research, we have used one-tailed tests and a significance level of at least 0.05.

Presentation

In presenting the data, choices have had to be made among many possible breakdowns in order to reduce the amount of information to that which is manageable and meaningful for the reader. For this reason, when secondary breakdowns have been made, eg with respect to ethnicity and sex, usually only the significant results have been presented. In addition, when numbers in specific categories are small, eg 'Other' ethnicity, these columns have been omitted. However, in some cases statistically not significant data has been presented where this is likely to be of importance to the reader.

In the tables in this report, the data have been presented as percentages that total in columns unless otherwise stated. Total numbers in the relevant sample are given either in the table heading or, for sub-samples, in the table sub-heading. For the most part, the figures in the text have come from specific tables but, on occasion, additional analyses have been carried out and are reported in the text although not included in a specific table.

²⁶ Significance of differences were not carried out for any of the comparisons on the law enforcement system data supplied by the Ministry of Justice except with respect to the survival analyses.

Where necessary, numbers have been rounded upward from 0.5 and above, or downward when below 0.5. Due to rounding, percentages may total 99 or 101 rather than 100 in all cases. Usually percentages will sum down the column. When they sum across rows, this is noted in a footnote.

Details of tests of significance are usually given in footnotes. These include details of the type of comparison being made, the nature and value of the test of significance, and the degrees of freedom (df) and probability value (p) associated with the particular comparison. Significant differences have been bolded in the tables.

Summary

The study

The Achieving Effective Outcomes in Youth Justice Project focuses on the experiences of a range of participants in youth justice family group conferences and on the outcomes for the young people involved. In total, data was drawn from just over 1120 family group conferences. Findings from the project are considered and discussed in the context of the wider youth justice system, including police youth diversion and the Youth Court.

The Achieving Effective Outcomes study was drawn from four different perspectives. The first perspective sought, retrospectively, the views of young people about the family group conference in which they had participated. The second perspective, the prospective study, observed youth justice co-ordinators' practice, and interviewed participants close to the time of the conference. Two further perspectives sought to increase understanding of best practice for both Māori and Pacific peoples in respect of family group conferences, and within the wider youth justice system. The following summarises the methodology used in the study, and highlights identified shortcomings in data collection and sharing.

Data were supplied by the Ministry of Justice on the conviction records of 999 of the 1,003 cases in the retrospective sample. Police and Ministry of Justice also supplied relevant national data on offending and the outcomes of police and court decisions for the years prior to the Children, Young Persons and Their Families Act, 1989 and up to the present. Data from the police youth diversion study (Maxwell et al, 2002) is also used to amplify and extend the data reported here.

The variety of sources from which the primary data were obtained, the process of obtaining it, the numbers in the various samples and the way the data have been analysed and presented are described. Wherever possible comparisons have been made between those selected as part of the sample and national data, between the characteristics of those interviewed and those who were not, and of the characteristics of interviewers that might explain differences in recruitment rates.

The *retrospective* sample differs from a national sample in a number of ways. Given the selection criteria, those in that study were older. On the other hand, as the sample makes

up over a third of the older referrals for 1998, they are likely to be representative of the national pattern at that time. Moreover, Pākehā were more likely to have been located and interviewed than other ethnic groups and those in prison were more likely to have been located and interviewed than those who were not. Other differences were intended. The increased percentage of those of Pacific ethnicity was to ensure a sufficient sample for comparative analysis while selecting two South Island areas resulted in a slightly smaller proportion of Māori.

The *prospective* sample was smaller and was not randomly selected. At the time of writing, data were not available to allow comparisons between the prospective sample and other conferences held in 2001/02.²⁷ The study provides a sample of at least four cases for each of 17 co-ordinators, as well as data on 111 different conferences involving 115 young people from which 110 young people were interviewed. Interviews were also conducted with 107 family members, 100 victims and with the young justice co-ordinators about conferences for 112 young people.

New Zealand European, Māori and Pacific interviewers located and interviewed just over half (52%) of the retrospective sample, a creditable outcome given the time that had elapsed since the family group conference, the young people's subsequent mobility and the fact that they were now living in many different parts of the country – indeed some were no longer living in New Zealand. Cost and time precluded exhaustive attempts to locate everyone.

Seventy-nine per cent of those contacted agreed to be interviewed, a gratifyingly high rate given the topic and the target population. A general question elicited a positive response with 90% finding it interesting. Almost everyone agreed to take part in any future research and requested a copy of the findings. However, more specific questions elicited some criticism of the interview's length, its personal nature, interest, and ease of understanding.

Data other than that generated by the retrospective and prospective studies came from 1794 cases involving young people dealt with by the police in 2000/01. This sample includes young people who were dealt with by warnings and police youth diversion as well as those referred for a family group conference or charged in the Youth Court.

Methodological issues around data collection and sharing

Two findings are important in terms of wider issues about data collection. The first relates to *interviewer characteristics*. For some decades social science researchers have spent considerable resources in attempting to match interviewer characteristics with those of the interviewee. Our research throws possibly interesting light on this topic. Analyses of interviewers' characteristics showed that the core team, who were generally the most experienced interviewers, were more successful in locating and interviewing young people than those employed as casual interviewers. Moreover, age, sex and ethnicity did not seem to be systematically associated with interviewers' success. Nor were refusals

²⁷ These data have yet to be obtained from CYF.

apparently related to the similarity between interviewer and interviewee in terms of sex and ethnicity. Indeed, women had a higher success rate when approaching men than did men while Pākehā had lower or similar refusal rates when approaching Māori or Pacific young people to interviewers of the same ethnicity. These data suggest that experience and competence are more important than age or matching sex and ethnicity in successfully obtaining interviews.

Two caveats should be noted. First, this finding needs further validation. Second, its limitations should be noted. It was about securing interviews. It does not say anything about the conduct of the interview itself.

The second finding relates to *data collection* and has ramifications for agency efficiency and for the basic data collection on which much social science research is dependent.

Matching of data was made difficult because of the inconsistency between the information kept in the various databases held by the Police, CYF and the Department for Courts. Different definitions were used for various types of outcomes, there was no consistency in ID numbers, and personal demographic information often varied. In respect of ethnicity, not only did agencies code ethnicity differently, but it is also unclear whether the categories recorded in the respective data sets were arrived at by self-report, families' report or professional judgement. Statistics New Zealand has, in the census, already provided both a standard usage and a self-report procedure to determine ethnic groupings, and these are familiar to the New Zealand public. We suggest both that practice be uniform across agencies, and that the Statistics New Zealand convention for determining and coding ethnicity be adopted.

Comment is made in Chapter 13 on the importance of reviewing these record systems so that, wherever possible, there is consistency across agencies.

Part 2

The youth justice system in practice:

The rhetoric and the reality

The five chapters in this section provide an overview of the data on the youth justice system. Chapter 4 describes the samples of young people on whom data has been gathered in terms of area, demographic characteristics, offences and outcomes. Data in Chapter 5 focus largely on the family group conference process using, in the main, data from official records. Chapter 6 provides the perspectives of the young people themselves on their lives and experiences in the youth justice system. Chapter 7 gives the perspectives of families and victims on their experiences and Chapter 8 presents data on the later outcomes of the conference using information both from records and interviews with young people.

Chapter 4

Describing the young people and their outcomes

Area

The cases selected for the sample have come from a limited number of geographic areas. Table 4.1 describes the number of cases from each of the CYF areas included in the study.

Table 4.1 Offices from which the sample was selected for the retrospective and prospective samples; percentages (n=1,003; 115)

Area	Retrospective	Prospective ¹
Whangarei	8	11
Auckland north	13	2
Auckland south	14	10
Hamilton	10	5
Central ²	24	23
Wellington	13	32
Christchurch	9	7
Southern ³	9	10
Totals	100	100

The proportion of cases included from co-ordinators originally located in each area differs. More of the retrospective sample came from Auckland north than did the prospective sample, and more of the prospective cases came from Wellington. These differences reflected the difficulties in obtaining observations in the Auckland area. On the other hand, in Wellington, an extra Pacific co-ordinator was included for the prospective study and, because cases in the Wellington area were relatively accessible for core staff, more were included.

¹ Co-ordinators' cases in the prospective study are listed by the area in which they were located in 1998 for purposes of comparison. However, by the time of the prospective study, two had moved to other areas.

² Taranaki, Wanganui, Palmerston North, Horowhenua.

³ Dunedin and Otago.

Demographics

The sample was selected using SWis data with the aim of ensuring that at least 15% were girls and at least 15% were recorded as Pacific young people.⁴ These targets were met: 15% of the retrospective sample were girls and 25% of the prospective sample were girls. In the retrospective sample, 17% were Pacific as were 15% of the prospective sample. No special measures were required to ensure an adequate representation of Māori given that they make up a similar proportion to Pākehā in the young offending population as a whole. In terms of age, the retrospective sample were all over 15 years 9 months at the time of their family group conference. In contrast, 43% of the prospective sample were over 16 years, just over a third (36%) were 15 years, 18% were 14 years and the remainder (3%) were 12 or 13 years.

Table 4.2 shows the composition of the retrospective and prospective samples.

Table 4.2 Sex and recorded ethnicity of the young people in the retrospective sample; percentages (n=1,003)

Ethnicity	Boys	Girls	Total
Pākehā	34	33	34
Māori/Pākehā	6	9	6
Māori	32	40	34
Pacific	17	13	17
Other	10	5	10
Totals	100	100	100

The data in Table 4.2 show that just over a third of the retrospective sample were Pākehā, the same percentage were Māori and 6% were recorded as Māori/Pākehā in the SWis files. A total of 17% were recorded as Pacific and 10% were recorded as ‘Other’, mostly Asian. The ethnicity proportions were similar for girls and boys. These proportions were not identical with that for New Zealand as a whole because of the way the sample was selected to meet the sampling requirements set down for the study.

Table 4.3 Sex and ethnic group identity of the young people in the prospective sample; percentages (n=105)⁵

Ethnicity	Boys	Girls	Total
Pākehā	17	33	29
Māori/Pākehā	7	8	8
Māori	66	37	44
Pacific	3	19	15
Other	3	2	3
Totals	100	100	100

⁴ In this study ethnicity has been described in several different ways depending on the source of the data. These definitions are described in Chapter 3.

⁵ These data are based on the young persons’ interviews for the prospective sample, as file data on ethnicity were not available.

The data in Table 4.3 shows that in the prospective sample, because the numbers are relatively small, there is a lot more variability in the distribution by ethnic group. The percentage of boys in the prospective sample who identified as Māori was twice that recorded in the retrospective sample and correspondingly fewer boys were in any of the other ethnic groups. This means that for those variables where there were significant differences by ethnic group, the data from the prospective sample may not be representative of the population as a whole.

The family or whānau members interviewed as part of the prospective study were usually women (80%). Among the 100 victims interviewed, approximately equal proportions of men and women were interviewed (54% men and 46% women). However, women were more likely to attend than men (54% as opposed to 64%). Table 4.4 describes the ethnic group identity of the family members and victims who were interviewed and Table 4.5 describes the age groups of victims.

Table 4.4 Sex and main ethnic group identity of the family members and victims interviewed in the prospective study; percentages (n=107; 100)

Ethnicity	Family or whānau	Victims		Total
	Total	Attending	Non-attending	
Pākehā	47	82	90	86
Māori	32	9	7	8
Pacific	16	4	0	2
Other	4	5	3	4
Totals	100	100	100	100

The data in Table 4.4 show that the ethnic group identity of the family or whānau member interviewed was not entirely similar to that of the young people. While nearly half of the young people identified as Māori and less than a third as Pākehā, the family or whānau member interviewed identified as Pākehā in nearly half the cases and in only a third as Māori. In other words, it appears that for many of the young people who identified as Māori their parent or caregiver interviewed for this study identified themselves as Pākehā. It is not clear whether these differences reflect differences in identity, descent or sex, though both factors were probably involved. Those observing the conferences reported that the young person's parents were often people of a different ethnic group.

Table 4.5 Age groups of the victims interviewed in the prospective study; percentages (n=100)

Age in years	Victims		Total
	Attending (n=58)	Non-attending (n=42)	
Under 20	14	12	13
20 – 29	22	10	15
30 – 39	10	23	17
40 – 49	27	31	30
50 – 59	17	12	14
60 or more	10	12	11
Totals	100	100	100

The data in Table 4.5 show that nearly two-thirds of the victims were in the middle age groups from 30 to 59 years and the median age was over 40 years. These data are similar for attending and non-attending victims. Overall, 60% of the victims were working full-time and those attending the conference were more likely to be employed full-time than those who did not.

Ethnic group identification

There have been extensive debates over the best way to view and measure ethnicity for Māori (Robson, 1999; Statistics New Zealand, 1999, 2001). At an official level, this debate has been reflected in changes in census classification. Durie and his colleagues (Durie, 1995a; 1995b) at Massey University have been engaged in a longitudinal project to examine a profile of Māori households and Māori within those households. In this study, we chose several questions to explore ethnic group identity.

The primary ethnic group identification question, copied from the 1996 census, reads “Which ethnic group or groups would you identify with?”⁶ Those with multiple responses were always coded as Māori if Māori was amongst the responses. The Māori ethnic identity group was then sub-categorised as sole-Māori if Māori was the only identification or mixed-Māori (if other ethnic group identities were also mentioned). We then compared these two categories with potential markers derived from a series of other questions on Māori and Pacific ethnicity. Only those who identified as New Zealand Māori or as a member of a Pacific group were asked the questions relevant for them.⁷ These data are set out in Tables 4.6 and 4.7 for the retrospective sample. They have been analysed separately in each table as appropriate for those classified as sole-Māori and mixed-Māori.⁸ The same analysis was not possible in the prospective sample because of smaller numbers.

Describing Māori cultural diversity

The data in Table 4.6 show the overall responses to a series of items that aim to provide an understanding of the complex nature of what it is to identify as Māori.⁹

Overall percentages show that the pattern of responses was similar for both the retrospective and prospective samples. The data in the total columns show that half the retrospective sample chose to describe themselves as Māori and that another one in four described themselves as Māori/Pākehā or part Māori. The rest of those who responded to these questions indicated another ethnic group. The answers to the other questions showed that, overall, most who identified Māori as at least one of their ethnic group identities knew at least some of their whakapapa and had visited a marae. Whānau played a part in their lives and the young people have contacts with Māori although most had limited language skills.

⁶ This question stands in contrast to the 1991 and 2001 questions that ask “Which ethnic group do you belong to? (Tick the box or boxes that apply to you).”

⁷ Ten young people responded to both these sets of questions.

⁸ The detail of this classification is reported in Chapter 3.

⁹ These questions are based on research being carried out by Massey University (Te Hoe Nuku Roa Research Team, 1995, 1997, 1999).

Table 4.6 Responses to New Zealand Māori questions for retrospective samples of sole-Māori vs mixed-Māori and total prospective sample; percentages (n=219; 47)

Question	Retrospective		Prospective	
	Sole-Māori (n=165)	Mixed-Māori (n=54)	Total ¹⁰ (n=219)	Total (n=47)
Which ethnic group/s do you identify with?				
Māori	65	11	52	40
Māori/Pākehā	14	41	21	26
Kiwi	11	21	13	21
New Zealander	6	17	8	9
Part Māori	4	2	4	2
Other	0	7	2	2
How many generations of Māori ancestry can you name?				
1	5	17	8	27
2	35	39	36	47
3	38	30	36	18
More	22	15	20	0
Have you ever been to a marae?				
Not at all	0	2	1	2
Once or a few times	18	31	21	26
Several times	67	65	67	51
More than once a month	15	2	11	21
Does involvement in whānau play:				
A very large part in your life	35	28	34	30
A large part in your life	39	38	39	49
A small part in your life	20	23	20	11
A very small or no part	6	11	7	11
Have you a financial interest in Māori land?				
Yes	57	37	52	60
Are your contacts with other people?				
Mainly Māori	51	28	45	29
Some Māori	34	50	38	47
Few Māori	15	19	16	24
No Māori	1	4	1	0
How would you rate your ability with Māori language?				
Excellent or very good	5	6	5	12
Fair	46	32	43	53
Poor	39	41	39	28
None	10	22	13	6

To determine whether or not there is a difference between the sole-Māori group and the mixed-Māori group, the retrospective data have also been analysed so that these two sub-categories can be compared and these data are also presented in Table 4.6. Analysis

¹⁰ The number given is the number in this category. Not every person responded to every item.

shows that there are no differences between the sole-Māori and mixed-Māori categories in the reported number of generations of Māori ancestry they can name or in the importance that involvement with whānau plays in their life. However, those identified as sole-Māori were significantly different from those categorised as mixed-Māori in several other ways. In this sample, ‘sole-Māori’ were more likely to:

- be able to report on three or more generation of Māori ancestry (60% compared to 44%)
- have a financial interest in Māori land (57% versus 37%)
- report that their main contacts were with Māori (51% versus 28%)
- report that they had visited a marae several times or more often in the last year (82% versus 67%).

These data indicate that some of the Māori young people may be more familiar with traditional/conservative Māori cultural practices than others. Given these apparent differences, and the fact that family group conferences are seen as creating a flexible process that permits a response to Māori cultural practice, results wherever possible, will be reported separately for sole-Māori and mixed-Māori. However, this will not be possible when data are based on files rather than interviews.¹¹

Describing Pacific cultural diversity

Our Pacific consultants identified a somewhat different set of questions that aimed to identify the differences that exist among Pacific people of different cultures and backgrounds. Using these questions, similar analyses to those undertaken above for Māori were carried out. The results of these are reported in Table 4.7.¹²

¹¹ It is not possible to classify the recorded ethnicity in the SWis database into sole and mixed ethnic group identity.

¹² Responses for the prospective sample have not been included because of small numbers.

Table 4.7 Responses to Pacific questions for the retrospective sample; percentages¹³

Question	Primary ethnicity		% Total (n=96)
	% Sole-Pacific (n=75)	% Mixed-Pacific (n=21)	
Which ethnic group/s do you identify with?			
Samoan	31	5	25
Tongan	15	5	13
Kiwi or New Zealander	20	52	27
Pacific Islander	13	19	15
Polynesian	3	14	5
Other ¹⁴	21	24	22
Where born?			
New Zealand or other Islands	66	85	70
	34	15	30
How many generations of your family have been in New Zealand?			
1	34	42	36
2	43	37	41
More	25	21	23
Do you know your ancestral village?			
Yes, know it	83	62	78
Yes, have been there	62	46	59
Are you involved in activities in the Pacific community?			
Yes	41	24	37
If yes, over the last year?			
More than a few times	53	50	29
A few times	43	25	41
Once	3	25	6
Does involvement in your family play:			
A very large part in your life	54	57	55
A large part in your life	38	33	37
A small/very small part in your life	8	10	8
Are your contacts with other people with?			
Mainly (own group)	26	28	27
Some (own group)	45	50	46
Few (own group)	25	17	23
No (own group)	4	6	4
How would you rate your ability with (own) language?			
Excellent or very good	37	17	33
Fair	30	39	32
Poor	21	28	22
None	12	17	13

¹³ The 'sole-Pacific' group comprises are those who, in the original question (81) on ethnicity replied giving only a Pacific or Pacific options. The 'mixed-Pacific' group comprises are all other respondents (ie those with both a Pacific and another ethnicity) and include 10 who have been classified 'mixed-Māori' elsewhere in this report.

¹⁴ 'Other' responses include other Pacific groups.

The data in Table 4.7 show the overall responses to a series of items that, like the questions for Māori, aim to provide an understanding of the complex nature of what it is to identify as any one of a number of Pacific peoples or as Pacific generally. Ideally, these analyses would be done separately for each of the distinct Pacific ethnic group identities but the small number in the sample mean that it is necessary to collapse data across all the different island nations. The data in the total columns show that two-thirds of this sub-sample identify as a member of at least one nominated Pacific ethnic group as one that best describes them. The remaining one in three identified as Māori, Kiwi, New Zealander or in another way.

The answers to the other questions showed that, overall, most who identify being Pacific as at least one of their ethnic groups have most commonly been in New Zealand for only one or two generations (77%), know their ancestral village (78%) and have been there (59%). Over one-third were involved in activities in the Pacific community and involvement in their family plays a large or a very large part in their life (92%). For nearly three-quarters, their own ethnic group is not their main contact. Only a third say their knowledge of their own language is excellent or very good (although another third say that it is fair). The picture is of young people who are close to their cultural heritage although there is an important minority who appear to be quite detached on many of these criteria.

To determine whether or not there is a difference between those who choose a Pacific ethnic group as their only identity, sole-Pacific, and those who include other ethnic groups as well as Pacific, mixed-Pacific, the data were analysed so that these two sub-categories could be compared and these data are also presented in Table 4.7. Analysis shows that, as for Māori, there were no differences between these two categories in the reported number of generations of Pacific ancestry they can name, in the importance that involvement with family plays in their life, the extent of contact with other Pacific peoples or in their ability with their Pacific language. However, those who choose a Pacific identity as their sole ethnic group were more likely to have been born in the Islands, report knowing their own village, having been there and being more involved in activities in the Pacific community.

As for Māori it would be preferable to report separately for sole-Pacific and mixed-Pacific but small numbers will prevent this for most analyses. Moreover, the fact that half the mixed-Pacific group are also mixed-Māori makes doing this problematic.

History of Department of Child, Youth and Family Services contact prior to target family group conference

Data were collected on the previous history of contact between the young person and CYF. It is possible that the young person had previous referrals for a family group conference for offending but it is also possible that they had, at some point in their life, been referred for reasons of care and protection. These data are presented in Table 4.8.

Table 4.8 Previous referrals/notification to CFYS for the retrospective sample; percentages; (n=1,003; (733))¹⁵

Reason	%
Care and Protection (C&P) notification	47
C&P FGC referral (n=733)	18
Youth justice (YJ) FGC referral	53
YJ FGC referral accepted (n=733)	51
Both C&P notification & YJ referral	31
Either C&P or YJ referral	69

The data in Table 4.8 show that nearly half of those in the retrospective sample had previously been notified to CYF for care and protection reasons although only 18% of these had been referred for a care and protection family group conference. Slightly over a half had previously been referred for a youth justice family group conference and, for most, the referral had been accepted, indicating that a conference was likely to have been held. Nearly a third had previously come to notice for reasons of both care and protection and youth justice. In total, at least 69% had been involved with CYF for at least one reason in the past.

Referral source

Family group conferences can occur as a result of two different methods of referral: directly from police youth aid or from the Youth Court. In some of the cases included in this study, some of the offences dealt with in the target family group conferences had been charged in the Youth Court as well as other charges directly referred by the police for a conference. Table 4.9 sets out the principal method of referral for the retrospective sample but indicates, in brackets under Youth Court referrals, the number and percentage of cases that had been referred from both sources.

Table 4.9 Principal method of referral for a family group conference for the retrospective and prospective samples; numbers and percentages (n=1,003; 115)

Method of referral	Retrospective		Prospective	
	n	%	n	%
Police only	359	36	61	53
Youth Court	644	64	54	47
<i>(Both)¹⁶</i>	<i>(94)</i>	<i>(9)</i>	<i>(6)</i>	<i>(5)</i>
Total	1,003	100	115	100

¹⁵ Data on referrals for a care and protection family group conference and acceptances of youth justice conference referrals were only available for a sample of 733 of the 1,003 cases where the detailed case notes were inspected.

¹⁶ These are cases where some of the charges were directly referred for a family group conference while other charges were referred to the conference from the Youth Court.

The data in Table 4.9 show that the police directly referred not much more than a third of the retrospective sample for a family group conference, while the Youth Court had referred the rest of the sample for at least some of the charges. The police referred more of the prospective than the retrospective sample. This may be explained by the young age of many of those in this sample. Data from the police youth diversion research similarly show a lot of variability across principal methods of referral. Some of the referral agents reported referring a similar or even a greater proportion of their cases directly for a family group conference while other areas reported making very few direct referrals (Maxwell et al, 2002).

Total sample

Offences

Young people were referred to a family group conference for offences that varied in number and type. Table 4.10 sets out the number of offences for which the sample was referred and Table 4.11 indicates the proportion being referred for offences of different types. In classifying the type of offence, we have used the seven main categories of offences used by the police.¹⁷ However, as the vast majority of young people's offences come under the general category of dishonesty, this category has been further subdivided into burglary, car conversion and other dishonesty. In addition, the violence category has been subdivided into serious violence and other violence¹⁸ in order to provide more information on the nature of crimes against the person.

¹⁷ These categories are based on codes derived from the categories in the Crimes Act 1961 with the addition of drug offences that come under the Misuse of Drugs Act 1975, traffic offences that come under the Land Transport Act 1998 and other offences prosecuted under the Summary of Offences Act 1981. All the main justice departments, Police, Court, Corrections and the Ministry of Justice, use the same four digit coding system for offences but Police and Justice combine the codes in different classification systems. The coding used by the Ministry of Justice is reported in Appendix 3.

¹⁸ Serious violence included offences such as aggravated robbery, assault with a weapon, wounding with intent. Other violence included common assault and resisting the police.

Table 4.10 Number of offences and incidents¹⁹ referred to the family group conference for the retrospective sample; numbers and percentages

Number	Offences		Incidents	
	n	%	n	%
1	348	35	460	57
2	211	21	126	15
3	140	14	68	8
4	85	9	41	5
5 – 9	152	15	88	11
10 or more	62	6	33	4
Total ²⁰	998	100	816	100
Average	3.6		2.6	

The data in Table 4.10 show that about a third had only one offence dealt with at the family group conference and another third had two or three dealt with. For about a fifth, however, the police cited at least five offences.

Because several offences are sometimes alleged in relation to the same incident we have provided an analysis of the number of different incidents involved.²¹ These data show that nearly 60% of family group conferences involved only one incident and nearly three-quarters involved no more than two. A minority of 15% of the young people were involved in more than five different incidents.

¹⁹ For any single *incident* that gives rise to a crime, more than one *offence* may be alleged to have occurred. For example, when a young person steals from a builder's yard, they may be charged with trespass and with theft.

²⁰ The family group conference information available in the SWis database is incomplete. Additional information was obtained, wherever possible from paper files held in offices. However, the data were not always able to be located. Thus, the 'n' in this and following tables about the family group conference is often less than the 1,003 cases in the total retrospective sample.

²¹ These data may over-represent the number of cases where there was a single incident as sometimes full details of the circumstances of the offence were not available.

Table 4.11 Types of offences²² referred to the family group conference for the retrospective sample; numbers and percentages down columns (n=998)²³

Type of offences	n	%
Dishonesty	620	62
Burglary	296	30
Car conversion	272	27
Other (eg theft & shop lifting)	327	33
Property damage and abuse	171	17
Drugs and antisocial	124	12
Cannabis	81	9
Other drugs	8	1
Anti-social	40	4
Violence	324	33
Serious	116	12
Other	234	23
Sex	11	1
Traffic ²⁴	190	19
Administrative	95	10

The data in Table 4.11 show that about a third of the sample were alleged to have committed a burglary and/or other dishonesty offences such as theft. Over a quarter were alleged to have been involved in car conversion. In total, over 60% were alleged to have been involved in dishonesty offences. A third were alleged to have been involved in offences of violence. However, only about one in ten were alleged to have been involved in serious violent offences and only one in a hundred were alleged to have been involved in a sexual offence. Thus, the most serious offending was also the most uncommon. Between about 10% and 20% were involved in traffic offences, property damage, drug or antisocial, or administrative offences. Of those involved in drug offences, nine out of ten were involved with cannabis rather than the more serious drugs which made up less than one per cent of all offences.

Outcomes of the family group conferences – plans and recommendations

The first issue for a family group conference to determine is whether or not the young person admits to the offending. A total of 72 of the 1,003 young people did not admit some or all of the allegations about offending, but for 70 of these young people, some offences were admitted and dealt with by the conference.²⁵

²² In this and other tables that report offences generally, as opposed to those based on the most serious offence, all offences are included so that numbers and percentages may not add to the expected totals.

²³ Because there may be more than one offence type for each case, the total number of offences is greater than the number of cases.

²⁴ Only traffic offences of sufficient seriousness to warrant imprisonment have been included in this research.

²⁵ Another two were recorded as denying all offences and no further action appears to have been taken in these cases.

When the family group conference proceeded, almost always (91% of those cases where data was available) those involved agreed on a plan detailing outcomes or making recommendations to the Youth Court about how the offending should be dealt with. Table 4.12 describes what happened in the non-agreed cases.

Table 4.12 Responses to non-agreed family group conferences for the retrospective sample by original source of referral; numbers and percentages²⁶ (n=95)

Original source of referral	Subsequent response			
	Court		Did not proceed	
	n	%	n	%
Court referral	73	100	0	0
Police referral	17	77	5	23

The data in Table 4.12 show that almost all of the non-agreed cases went to the Youth Court for a decision. This was because the large majority had originally been a Youth Court-referral and, thus, automatically returned to the Youth Court. Family group conferences in 11% of these cases were non-agreed. Of the police referrals, there were only 22 non-agreements, representing 6% of all police-referred conferences. The difference may reflect the greater seriousness of some Youth Court cases.

In 56 cases, the case notes indicated reasons for non-agreement. Some of these cases were police-referred and others were court-referred. Occasionally, the young person (9%) or the victim (5%) did not agree. Overwhelmingly, it was the police who did not agree (71%). The remaining 14% were cases where the police and victim did not agree with the family. Disagreement revolved round police wanting orders or a transfer to the District Court while victims wanted reparation. In practice, when these cases went to the Youth Court, the outcomes usually reflected the families' views. For about three-quarters of these non-agreed cases, charges were laid in the Youth Court and the remaining, approximately one-quarter, did not proceed.

In those cases where a family group conference proceeded and outcomes were agreed, decisions about accountability and/or programmes were made for 99% of the 904 cases on which information was available. In the remaining 1%, the conference decided on no further action. The outcomes of the 904 family group conferences are set out in Table 4.13.

²⁶ Percentages sum across rows.

Table 4.13 Recommendations of the family group conference for the retrospective and prospective²⁷ samples; numbers and percentages (n=904; 115)²⁸

Recommendation	Retrospective		Prospective	
	n	%	n	%
Apologies – any type	629	76	95	83
Face-to-face at conference ²⁹	130	15		
Written after conference	531	65		
Verbal after conference	84	10		
Monetary – any type	481	53	52	45
Reparation	431	52		
Donations – community ³⁰	48	5		
Donations/gifts – victim	19	2		
Work – any type	606	67	72	63
For the victim	60	7		
In the community	579	64		
Restrictions – any type	345	38	48	42
Non-association	191	21		
Informal supervision ³¹	26	3		
Curfews and other	273	30		
Driving disqualification	139	15		
Court orders – any as below:	123	14		
Supervision	69	8		
Supervision with activity	18	2		
Supervision with residence	17	2		
Conviction & transfer	24	3		
Suspended sentence	9	1		
Fine	7	1		
<i>Accountability – any</i> ³²	878	97	112	97

²⁷ Because of the smaller numbers in the prospective sample, comparisons have only been made for the overall categories.

²⁸ In only 823 cases did the offences involve a victim so that percentages of apologies, reparation, and donations and work for the victim were calculated out of 823.

²⁹ Face-to-face apologies to the victim were only relevant when a victim was present. Thus these were given in 45% of the cases where a victim was present but the figure in the table above shows the percentage for all conferences.

³⁰ Donations to the community were also sometimes made when there was no victim: for example, in cases involving traffic offences.

³¹ These cases are where informal arrangements were made for the young person to be supervised for a period for time by a CYF social worker. This was usually in Christchurch.

³² ‘Accountability – any’ refers to all those who received at least one of the above penalties.

Table 4.13 (continued)

Recommendation	Retrospective		Prospective	
	n	%	n	%
Assessments	112	12	36	31
Referral for care and protection	3	<1		
Programmes – therapeutic or recreational	214	24	54	47
Counselling	196	22		
Outdoor	8	1		
Cultural	11	1		
Leisure	11	1		
Sex offender	1	<1		
Where to reside	117	13		
Youth benefit	10	1		
Driver education programme	63	7		
Training programme	214	24		
Schooling arrangements	45	5		
Finding employment	45	5		
Essay	39	4		
<i>Provisions to enhance wellbeing any kind³³</i>	548	61	89	77
Other measures to ensure Compliance – any as below:	300	30	44	38
Refer to Youth Court ³⁴	105	12		
Will lay charges if tasks not completed	145	16		
Agreed not to reoffend	90	10		

The data in Table 4.13 for the retrospective sample show that almost all the agreed plans required some form of accountability (97%). In over half the cases (53%), some monetary penalty was put in place, often in the form of reparation to the victim. Work was required in two-thirds (67%) of cases, most commonly for a community agency. Additional details on the amount of these penalties is provided in Table 4.14.

³³ Provisions to prevent reoffending are defined as any type of assessment, referral, programme, provisions about living and financial arrangements, schooling, or employment or writing an essay.

³⁴ This refers to cases where there was a request for some offences that had not previously been charged in the Youth Court to be laid there.

Table 4.14 Amounts of monetary penalties and hours of work required in cases of reparation and work in the community; retrospective sample interviews; numbers and percentages³⁵

Reparation or donation amount (n=360)	n	%
Up to \$50	72	20
\$51– 100	51	14
\$101– 200	76	21
\$20 – 500	97	27
\$501 – 1000	38	11
More than \$1000	26	7
Hours of work in community (n=561)	n	%
Up to 25	79	14
26 – 50	209	37
51 – 100	181	32
101 – 200	90	16
More than 200	2	<1

The data in Table 4.14 show that about half the reparation or donations were for no more than \$200 but 18% were for amounts greater than \$500 – a not inconsiderable sum for a young person who may not be earning. For 26 young people, the amount of reparation totalled over \$1000. Nevertheless, additional analysis of the data from SWis showed that 85% of the young people paid amounts less than \$200 in full. Sixty-two per cent of the young people who agreed to reparation of more than \$200 paid all the money. Those who did not repay the money in full, however, often repaid a large proportion of it.

Half the young people were assigned no more than 50 hours of work in the community and another third were contracted to undertake between 51 and 100 hours. A total of 16% undertook more than 100 hours. Further analysis indicates that 85% completed the work. This was true both for groups carrying out less than 50 hours and those carrying out more than 50 hours.

Data from Table 4.13 show that restrictions were placed on the liberty of the young person for a defined period in over a third of cases (38%), and driving restrictions were required for about one in six. Some form of court order was recommended for just over one in seven (14%). There were 123 such orders recommended.

Provisions intended to enhance wellbeing and prevent reoffending were also a frequent outcome for well over half (61%) of the retrospective cases. Assessments or referrals for care and protection conferences were arranged for 13%. Therapeutic or recreational programmes were arranged for about a quarter (22%) and these were most commonly described as counselling programmes. Other provisions involved education, training, employment and arrangements for basic needs including where to live and/or for financial support. Educational placements or training programmes were mentioned for over a

³⁵ The data in this paragraph comes from the SWis database.

quarter and over one in ten family group conferences made recommendations about where the young person should live. Essays were required from a small percentage.

A number of other measures to ensure compliance were used for 30% of the young people. Over a third of these recommended that the police lay a charge in the Youth Court. The remainder involved agreements not to reoffend or a recommendation that charges be laid in the Youth Court if tasks were not completed.

Data on outcomes from the prospective sample were compared with the retrospective data. In general, both samples were similar, especially with respect to accountability. However, there were two significant and important changes. In 2001/02, nearly twice as many referrals were being made to programmes (47% compared to only 24% in 1998)³⁶ and nearly twice as many young people were having educational or training placements arranged for them (53% compared to only 29% in 1998).³⁷ Thus, overall in 2001/02, for over three-quarters some steps were being taken to enhance wellbeing compared to less than two-thirds in 1998.

Involvement in the Youth Court³⁸

For 64% of the cases in the retrospective sample, charges were laid in the Youth Court (n=644). Data on the Youth Court history of cases were usually not recorded or were only partly recorded on the SWis databases and the courts were unable to make information available to us. The main source of data for most of the sample comes from the LES database through the Ministry of Justice. These data record the offences with which the young person was charged, the date of the first and final appearance in the Youth Court and outcomes for the most serious type of offence. Some additional information was available from the case notes on SWis. This sometimes, but not always, included information on the reasons for adjournments and the type of reports requested, data on outcomes and dates of court appearances for Youth Court cases. The data on time to process cases and reasons for adjournments are presented in Part 3 when time frames are discussed. Comparisons between directly-referred and court-referred conferences in relation to the type of offending are also presented in Part 3 when the success in meeting diversionary objectives is discussed. In this section, data on the seriousness of the offending charged in the Youth Court compared to the seriousness of offending reflected in police referrals for a conference, and on the outcomes in the Youth Court are also presented (Tables 4.15 and 4.16).

³⁶ Programme referrals Chi-square = 29.3, df=1, p<0.001

³⁷ Educational and training referrals Chi-square = 28.5, df=1, p<0.001

³⁸ Data on Youth Court outcomes were not available for the prospective sample as many of these cases were still in progress.

Table 4.15 Seriousness³⁹ of offences charged in the Youth Court compared to seriousness of offences for police-referred family group conferences in the retrospective sample; percentages⁴⁰ (n=1,003)

Seriousness	Police referrals	Youth Court referrals	Total
Minimum	48	52	7
Minimum/medium	37	63	29
Medium	39	61	45
Medium/maximum	35	65	14
Maximum	16	84	6
Total	38	62	100

The data in Table 4.15 show, as one might expect, that relatively more of the minimum seriousness offences came directly from the police and relatively more of the maximum seriousness offences came from the Youth Court.⁴¹ But, in the main, there are not the large differences that could be expected between the seriousness of offences being dealt with by direct referrals to family group conference compared with those being dealt with through the Youth Court. This finding replicates the findings in the police youth diversion study. This relative lack of difference seems quite remarkable given that the Act states that offences should be dealt with at the lowest level possible. Further information on why this is occurring comes from the data presented in the police youth diversion report (Maxwell et al, 2002). These data show that geographical area was an important factor in influencing the outcomes of police decision-making.

Table 4.16 presents data on the results of Youth Court appearances in terms of severity of outcome.⁴² The classification of severity is based on the rankings of orders of the Youth Court set out in s283 of the Act. When penalties were awarded through the adult courts, these have been listed adjacent to the most comparable point for the Youth Court. Full details of the coding system are supplied in Appendix 3.

³⁹ Seriousness has been rated using categories developed by Maxwell and Morris (1993) and described in Appendix 3.

⁴⁰ Percentages sum across rows for referral type and down the column for total.

⁴¹ A Chi-square test shows that the differences in the table are significant at the one per cent level of significance. Chi-square = 14.73, df=4, p<0.01

⁴² These data have been based on data supplied the Ministry of Justice. There are two problems with them. First, it was not always possible to be certain that the data record on LES matched the SWIS record because there is no common reference point in the two systems. Thus, on occasions, the outcome may refer to different offences and a different family group conference. The second problem is that LES collapse a number of categories of Youth Court order. The most problematic result of this is that all three types of supervision order are coded in the same way so that the Ministry of Justice was not able to distinguish residential from non-residential orders. We have used data from files or from young people's reports of outcomes to provide fuller data wherever possible. Further detail is included in the method section on classification.

Table 4.16 Severity of most severe outcomes in the Youth Court using law enforcement system data supplemented by self-report and SWis file data for the retrospective sample; numbers and percentages (n=696)

Severity of outcome ⁴³	n	%	Cum. %
1 Apologies	32	5	5
2 Restrictions & other minor	49	7	12
3 Fines, disq, suspended.	29	4	16
4 Medium work & monetary ⁴⁴	338	49	64
5 Major work & monetary ⁴⁵	87	13	77
6 Supervision order (YC)	66	10	86
7 Supervision (adult)	9	1	88
8 Supervision w activity (YC)	28	4	92
9 Non-resident PD ⁴⁶ (adult)	6	1	93
10 Supervision w residence (YC)	21	3	96
11 Prison or CT (adult)	31	5	100

The data in Table 4.16 show that about one in eight received fairly minor penalties. The most serious of these involved agreements not to associate with particular people, work in the community of no more than 20 hours and financial penalties of no more than \$50. Fines, disqualified driving and suspended sentences were used for only one in twenty. The most common outcomes were work for at least 21 hours or monetary penalties of at least \$51 – these applied to 62% of those appearing before the Youth Court. Altogether, for three-quarters of those appearing in the Youth Court, these were the most severe penalties. It could be argued that the bulk of these could have been effectively managed through a more diversionary process provided quality systems of monitoring outcomes and responding to defaulters were in place.

More serious penalties involved supervision or supervision with activity and these were imposed on one in seven of the young people appearing in the Youth Court. One per cent were awarded adult periodic detention. A residential or custodial sentence was given to three percent of those appearing in the Youth Court and a further five percent received adult sentences of prison or corrective training (CT).

Table 4.16 includes 62 cases where the offences had originally been the subject of a police referral. Most (n=49) were cases where the family group conference recommended that the charges should be laid in the Youth Court. In only three of the cases resulted from a supervision order or a more severe penalty. In three-quarters of these cases (n=37) outcomes involved non-minor community work or monetary penalties and the remaining eight involved less severe outcomes. As before, it seems possible that these cases could have been dealt with within the family group conference, especially if effective monitoring systems and responses to defaulters were in place.

⁴³ Full details of these definitions are supplied in Appendix 3.

⁴⁴ Community work < 101 hours and monetary < \$501.

⁴⁵ Community work > 100 hours and monetary > \$500.

⁴⁶ PD is periodic detention; CT (below) corrective training.

A further 13 cases were non-agreed, and four of these were resolved in the adult courts (although only two received a custodial sentence). The remaining non-agreed cases received lesser penalties. The relationship between severity of outcome and seriousness of offences is examined in Table 4.17.

Table 4.17 Severity of most severe outcomes in the Youth Court and seriousness of offences for the retrospective sample; percentages (n=696)

Severity of outcome	Seriousness of offences			
	min;min/med n=233	med n=308	med/max n=100	max n=50
1 Apologies	9	2	4	0
2 Restrictions & other minor	12	5	6	0
3 Fines, disqual. & suspended sentence	5	4	4	2
4 Medium work & monetary	50	46	24	16
5 Major work & monetary	12	23	21	18
6 Supervision order (YC)	5	8	15	24
7 Supervision (adult)	1	1	0	6
8 Supervision w activity (YC)	2	2	13	10
9 Non-resident PD (adult)	<1	3	4	12
10 Supervision w residence (YC)	<1	1	0	4
11 Prison or CT (adult)	3	4	9	8

The first point to be made about the data in Table 4.17 is that there are several apparent anomalies. Some very minor offending appears to have been dealt with severely: in particular, seven young people whose offences were classified as medium or less went to prison. This is because there were other charges taken into account at sentencing that involved later offences of a more serious nature. Similarly, some apparently very serious offending appears to have received relatively minor penalties. This finding highlights some of the problems with the seriousness of offence categories but also the importance of other factors in sentencing. In practice, the courts may regard an apparently serious offence as relatively minor because of the circumstances surrounding it: for example, the particular offender may have been a minor player in an offence involving others. A number of mitigating factors relating to the circumstances of the offender may also be taken into account in sentencing.⁴⁷

Overall, the pattern of severity of outcomes seems to reflect the relatively minor nature of much of the offending being brought before the Youth Court. Only about one in five of the offences were of medium/maximum or maximum seriousness. About a quarter of the outcomes were at the level of a supervision order or higher. However, despite the caveats described in the previous paragraph, there appears to be only a moderate relationship between the seriousness of offences and the severity of penalties. Three-quarters of the least serious, just over half of the medium seriousness, and just under four-fifths of the medium maximum category seriousness offences were given sanctions involving less than

⁴⁷ Section 284 of the 1989 Act describes these.

100 hours of community work and less than \$500 in monetary sanctions. Yet these data do not provide a sufficient basis to comment on the appropriateness of the sentences in particular cases. This is especially so given the central role played by the family group conference and the extent to which factors other than the nature of the offence itself are expected to be taken into account by the Youth Court.

Ethnic similarities and differences

Analyses of the difference by recorded ethnicity (SWis data) and/or ethnic group identity data taken in this study were carried out for all the variables in this chapter which describe the young person’s contact with the youth justice system. Differences were not significant with respect to the number of offences and incidents dealt with at the family group conference and the number of hours of work in the community. There were six aspects where there were significant differences across ethnic groups: the nature of previous contact with the system, the principal method of referral for a family group conference, the type and the seriousness of offences, and the type and seriousness of outcomes experienced. These differences are described in Table 4.18 to 4.25. The most noticeable discrepancies are bolded.

Table 4.18 Previous notifications of referral for a family group conference by recorded ethnicity⁴⁸ for the retrospective sample; percentages (n=1,003)⁴⁹

Method of referral	Pākehā (n=341)	Māori ⁵⁰ (n=400)	Pacific (n=165)	Other (n=97)
Care & protection notif.	48	55	39	21
Previous YJ FGC referral	47	64	53	28
Previous Youth Court	22	39	31	16

Data in Table 4.18 show that Māori were more likely to have been previously notified for reasons of care and protection compared to non-Māori. Māori were also significantly more likely to have been involved in previous referrals in the youth justice system compared to other ethnic groups. Compared to Pākehā, those of Pacific ethnic groups were somewhat less likely to have been involved in the care and protection system but more likely to have been involved in the Youth Court.

⁴⁸ Main ethnic group for recorded ethnicity from the SWis database – refer to Chapter 3 for an explanation.

⁴⁹ C & P Chi-square = 42.1, df=3, p<0.001; YJ Chi-square = 46.9, df=3, p< 0.001; YC Chi-square = 24.9, df=3, p<0.001

⁵⁰ Includes those identified as Māori/Pākehā.

Table 4.19 Principal method of referral for a family group conference by recorded ethnicity⁵¹ for the retrospective sample; percentages (n=1,003)⁵²

Method of referral	Pākehā (n=341)	Māori (n=400)	Pacific (n=165)	Other (n=97)
Police only	44	29	30	43
Youth Court	56	71	70	57

The data in Table 4.19 show that both Māori and Pacific young people were more likely than those of Pākehā or ‘Other’ recorded ethnicity to have been referred for a family group conference by the Youth Court. The important question to answer is whether this reflects difference in response to ethnicity or whether it is a function of other variables such as previous history and type and seriousness of offences. Table 4.18 shows that Māori were more likely to have been previously involved with the youth justice system than Pākehā and ‘Other’ offenders. However, there were differences in type and seriousness of offences, as shown in Tables 4.20 and 4.21, that do not support the pattern of disproportionately sending Māori young offenders to the Youth Court.

Table 4.20 Type of offence referred to the family group conference by recorded ethnicity for the retrospective sample; percentages:⁵³ (n=998)⁵⁴

Type of offences	Pākehā (n=341)	Māori (n=396)	Pacific (n=164)	Other (n=97)
Violence	32	31	40	30
Serious	9	12	17	10
Minor	25	22	25	25
Dishonesty	58	68	65	44
Burglary	22	38	30	25
Car conversion	23	31	34	17
Other	39	32	27	24
Cannabis	13	6	3	7
Traffic	24	16	10	30

The data in Table 4.20 have been bolded to indicate where differences occur. Normally only data where there were significant differences have been reported in these tables showing difference with respect to recorded ethnicity, but because of the potential

⁵¹ Main ethnic group for recorded ethnicity from the Swis database – refer to Chapter 3 for an explanation.

⁵² Chi-square = 21.9, df=3, p< 0.001

⁵³ As previously referenced generally in footnote 22 in this chapter, percentages sum to more than 100 in each column as some young people committed more than one type of offence.

⁵⁴ The differences between ethnicities in the proportion committing violent offences are not significant, either overall or for serious or for minor offences of violence. Dishonesty Chi-square = 22.5, df=3, p<0.001; Burglary Chi-square = 23.6, df=3, p<0.001; Car conversion Chi-square = 16.2, df=3, p = 0.001; Other dishonesty Chi-square = 12.3, df=3, p<0.01; Cannabis Chi-square = 19.8, df=3, p<0.001; Traffic Chi-square = 22.7, df=3, p<0.001

importance of data on violent offences, these are shown in Table 4.20 even though none of the differences are significant. Among the dishonesty offences, Māori and Pacific young people were more likely to have been involved in burglary and car conversion while Pākehā were more likely to have been involved in other types of dishonesty. Pākehā were the group most likely to have been involved in drug offences, particularly the use of cannabis, and they were also more likely to have been involved in traffic offences. Those in the ‘Other’ ethnic category were the group most likely to have been involved in traffic offences.

Table 4.21 Seriousness of most serious offences referred to the family group conference; by recorded ethnicity for the retrospective sample; percentages (n=998)⁵⁵

Seriousness	Pākehā (n=341)	Māori (n= 396)	Pacific (n=164)	Other (n=97)
Min + Min/medium	33	40	35	29
Medium	51	42	40	46
Med/max + Max	17	18	25	25

The data in Table 4.21 show that Māori were more likely to have been involved in offences classified as least serious. It is Pacific and ‘Other’ offenders who were more likely to have been involved in the most serious types of offending. In particular, those of ‘Other’ ethnicities were often likely to have been involved in the more serious type of traffic offences such as driving causing injury or death. However, these differences between ethnicities are of marginal significance.

It would appear that it is not the seriousness of the offending of Māori that explains why they were more likely to be charged in the Youth Court. Two geographical areas with a particularly high proportion of Māori also make a much greater use of the Youth Court for Māori, although there were no significant differences in referral pattern in any of the other areas. The possibility of area biases in referrals depending on ethnicity is of considerable concern and this is a matter which deserves to be monitored by the government agencies involved.

For Pacific young people, it is the relative seriousness of their offences that appears to explain the greater likelihood that they will have been charged in the Youth Court rather than any markedly greater prior involvement than Pākehā in the youth justice system. However, it would also seem important to monitor referral patterns in different areas with respect to Pacific young people.

Table 4.22 presents data on the outcomes of the family group conference for young people in each ethnic group.

⁵⁵ Chi-square = 13.7, df=6, p = 0.03

Table 4.22 Main recommendations⁵⁶ of the family group conference by recorded ethnicity for the retrospective sample from SWis database; percentages; (n=904)^{57 58}

Recommendation	% Pākehā (n=271)	% Māori (n=332)	% Pacific (n=145)	% Other (n=75)
Written apology	58	67	72	64
Restrictions – any type	37	34	53	35
Driving disqualification	18	13	9	27
Assessments	16	11	7	17
Driver ed. programme	9	4	5	14
Training programme	18	29	24	22
Therapeutic/leisure	37	26	26	38

Overall, there are similarities across ethnic groups in relation to provisions recommended to achieve accountability and to prevent reoffending. Some of the more specific types of outcomes also seemed to be equally likely to be used of all groups: monetary payment, restrictions, court orders and changes of place of residence. Māori and Pacific young people were slightly more likely to have outcomes involving apologies. Pacific young people were the group most likely to have restrictions imposed on them. ‘Other’, and to a lesser extent Pākehā, were most likely to be disqualified from driving or to be referred to a driver education programmes and this is consistent with the larger proportion who were involved in traffic offences. Pākehā were the group most likely to have been referred to a therapeutic or leisure programme in contrast to Māori and Pacific who were more likely to have been referred to a training programme. Further Pākehā and ‘Other’ were most likely to be the groups referred for an assessment.

Although there were no significant differences in outcomes by recorded ethnicity from family group conference cases or from the Youth Court separately, there are some significant differences when the data are combined. Tables 4.23 to 4.25 report on the findings separately for family group conference only cases, Youth Court only cases and all cases.

⁵⁶ Because of the small numbers involved, only the most common types of outcomes have been included in this table.

⁵⁷ In only 823 cases did the offences involve a victim so that percentages of apologies, reparation, and donations and work for the victim percentages were calculated out of 823.

⁵⁸ Written apology Chi-square = 8.5, df=3, p = 0.03; Restrictions any type Chi-square = 17.4, df=3, p = 0.001; Non association Chi-square = 31.8, df=3, p<0.001; Disqualification Chi-square = 18.9, df=3, p<0.001; Assessment Chi-square = 9.9, df=3, p = 0.02; Driver education programme Chi-square = 14.0, df=3, p<0.01; Training programme Chi-square = 10.3, df=3, p<0.02; Therapeutic/leisure Chi-square = 13.0, df=3, p<0.01

Table 4.23 Severity of most severe outcomes for Police direct referrals to family group conferences for the retrospective sample by ethnicity; numbers and percentages (n=288)

Severity of outcome	Pākehā (n=122)	Māori (n=94)	Pacific (n=43)	Other (n=29)
1 Apologies	6	5	9	3
2 Restrictions & other minor	14	16	12	0
3 Fines, disq, suspended.	7	5	0	17
4 Medium work & monetary	62	59	72	69
5 Major work & monetary	12	15	7	10

Table 4.24 Severity of most severe outcomes in the Youth Court using law enforcement data supplemented by self-report and SWis file data for the retrospective sample by ethnicity; numbers and percentages (n=696)

Severity of outcome	Pākehā (n=211)	Māori (n=301)	Pacific (n=120)	Other (n=64)
1 Apologies	6	4	5	5
2 Restrictions & other minor	10	8	3	3
3 Fines, disq, suspended.	6	3	4	3
4 Medium work & monetary	48	47	50	58
5 Major work & monetary	10	15	9	12
6 Supervision order (YC)	10	8	13	9
7 Supervision (adult)	1	1	2	2
8 Supervision w activity (YC)	2	5	7	0
9 Non-resident PD (adult)	2	<1	2	2
10 Supervision w residence (YC)	3	3	2	5
11 Prison or CT (adult)	2	6	3	2

The data in Tables 4.23 and 4.24 compare the outcomes by ethnicity of those having conferences and those going to the Youth Court. Table 4.23 shows no significant differences by severity of outcome and ethnicity. Similarly a comparison of the less severe outcomes (1 to 5) with the more severe outcomes (6 to 11) in Table 4.24, shows no significant differences by ethnicity and this is consistent with the overall pattern of percentages reported above. However, some significant differences emerge when both tables are combined as Table 4.25.

Table 4.25 Combined FGC and Youth Court retrospective sample – severity of outcome by ethnicity (excluding other); percentages (n=891)⁵⁹

Severity of outcome ⁶⁰	Pākehā (n=333)	Māori (n=395)	Pacific (n=163)
a. Minor penalties	19	14	12
b. Community work and/or reparation	68	67	68
c. Supervision	8	11	17
d. Custodial	5	7	4

The severity of outcome for this sample (i.e. the combined police and Youth Court referrals) is presented in Table 4.25. When the outcome categories indicated in the Table (minor penalties etc) are compared there is a significant association between severity of outcome and ethnicity (Chi-square = 15.1, df=6, p = 0.02). These differences are partly explained by the greater likelihood that Māori and Pacific young people will be charged in the Youth Court, where they are eligible for these more severe sanctions. Further work needs to be undertaken to determine whether these differences remain once offence characteristics are taken into account.

Sex similarities and differences

Analyses of the similarity and difference by sex of the young person were carried out for all the variables in this chapter that describe the young people's contact with the youth justice system. Some differences were noted for all other variables reported on in this chapter. The first important difference is that, compared to boys, girls were more likely to have been previously notified for care and protection reasons (58% compared 41%).⁶¹ Other differences were in terms of type of referral, nature of offending and recommendations of the conference. These differences are described in Table 4.26 to 4.30 where the most noticeable discrepancies are bolded.

⁵⁹ The 'Other' ethnic group has not been included in this analysis.

⁶⁰ Categories a. – d. are defined as follows:

- a. minor penalties are equivalent to no sanctions and categories 1 and 2 in Tables 4.23 and 4.24
- b. community work refers to any community work or monetary sanctions and includes categories 3 to 5 in Tables 4.23 and 4.24
- c. supervision refers to categories 6 to 9 in Table 4.24
- d. custody refers to supervision with residence, corrective training or prison.

⁶¹ Chi-square = 18.7, df=1, p<0.01

Table 4.26 Principal method of referral for a family group conference by sex for the retrospective sample; percentages (n=1,003)⁶²

Method of referral	Boys (n=852)	Girls (n=151)
Police only	34	47
Youth Court	66	53

The data in Table 4.26 show that while two-thirds of boys were charged in the Youth Court, this was true of only half the girls. This finding is consistent with the different nature and seriousness of offences as indicated in Tables 4.27 and 4.28.

Table 4.27 Seriousness of offences referred to the family group conference by sex for the retrospective sample; percentages (n=998)^{63 64}

Seriousness	Boys (n=848)	Girls (n=150)
Min + min/medium	34	43
Medium	45	45
Med/max + max	21	11

Table 4.28 Types of offences referred to the family group conference by sex for the retrospective sample; percentages (n=998)⁶⁵

Type of offences	Boys (n=848)	Girls (n=150)
Burglary	32	17
Car conversion	29	16
Other dishonesty	31	42
Property damage and abuse	18	10
Serious violence	13	6
Other/minor violence	22	31

Table 4.27 shows that, compared to girls, boys were more likely to have been involved in more serious types of offending. The data in Table 4.28 show that boys were more likely to commit burglary, car conversion, property damage and abuse and offences of serious violence. Girls were more likely to be involved in other dishonesty offences, and further analysis of the data presented in Maxwell et al, 2002 shows that the difference comes principally from their relatively high involvement in shoplifting. Girls were also more

⁶² Chi-square = 9.7, df=1, p = 0.01

⁶³ Because there may be more than one offence type for each case, the total number of offences is greater than the number of cases.

⁶⁴ Chi-square = 9.1, df=2, p = 0.01

⁶⁵ Burglary Chi-square = 14.3, df=1, p<0.001; Car conversion Chi-square = 11.3, df=1, p = 0.001; Other dishonesty Chi-square = 6.9, df=1, p<0.01; Property damage and abuse Chi-square = 6.3, df=1, p = 0.01; Serious violence Chi-square = 5.4, df=1, p = 0.02; Other/minor violence Chi-square = 6.1, df=1, p = 0.01

likely to be involved in minor offences of violence. Given these differences, it is not surprising to find that outcomes are also different and these differences are set out in Tables 4.29 and 4.30.

Table 4.29 Main types of accountability recommendations⁶⁶ of the family group conference by sex for the retrospective sample; percentages (n=904)⁶⁷

Recommendation	Boys (n=774)	Girls (n=130)
Curfews and other	32	20
Court orders – any	15	8

Table 4.30 Hours of work in the community by sex for the retrospective sample; percentages (n=561)⁶⁸

Hours of work in community	Boys (n=481)	Girls (n=80)
Up to 25	13	20
26 – 50	35	49
51 – 100	34	20
101 – 200	17	10
More than 200	<1	1

The data in Table 4.29 show that boys were more likely to have had curfews placed on them and to receive court orders. The data in Table 4.30 also indicate that the hours of community work were likely to be greater for boys than girls. These findings are consistent with the previously reported differences in offence types with boys committing more burglaries and car-related offences, and more serious offences of violence compared to girls.

Summary

The study

This chapter of the report first describes the sample in terms of geographical area, age, sex and ethnicity (Tables 4.1 to 4.5). The largest group in the retrospective sample, over a quarter, came from the Auckland urban area, about a quarter came from some areas in the central North Island, one in eight came from Wellington and about one in ten came from Christchurch, Dunedin and Otago, Hamilton and Whangarei. The geographical distribution of the prospective sample was somewhat different. The main difference was that fewer came from the Auckland area and more came from the Wellington area reflecting cost and

⁶⁶ Only the recommendations relating to accountability are included in this table as differences in other types of responses were not significant.

⁶⁷ Curfew and other restrictions Chi-square = 7.5, df=1, p<0.01; Court orders any Chi-square = 4.5, df=1, p = 0.03

⁶⁸ Curfew and other restrictions Chi-square = 7.5, df=1, p<0.01; Court orders any Chi-square = 4.5, df=1, p = 0.03

difficulties of attending conferences at short notice in areas distant from the Research Centre.

In terms of age, the retrospective sample were all at least 15 years 9 months but the prospective sample comprised a range from 12 to 16 years. Under half were 16 years, about a third were 15 years and the rest were between 12 and 14 years.

Boys made up 85% of the retrospective sample and girls 15%. Pākehā and Māori each made up a third of the retrospective sample, with another 6% referring to themselves as both Māori and Pākehā. Pacific young people made up 17%, with half of the 'mixed-Pacific' group being 'mixed-Māori'. The remaining 10% were of other ethnic groups. Māori were over-represented compared to the proportion they make up of the total population of the same age range, while Pākehā young people were under-represented.

A greater proportion of the prospective sample were Māori than was the case in the retrospective sample. Half of the family or whānau members interviewed described themselves as Pākehā and only a third as Māori and 80% of family and whānau members interviewed were women. Victims were overwhelmingly Pākehā (86%).

Data on questions about the cultural identities of Māori young people were analysed by the primary identification of young people. These data showed a different pattern of cultural identity for those describing themselves solely as Māori compared with those describing themselves as of mixed-Māori ethnicity. Cultural identity rather than simply primary ethnic identity has, therefore, been used in analyses of interview data (Table 4.6).

Data was also examined on the cultural identities of Pacific young people. While there appear to be differences in the way the Pacific young people identified themselves on the items chosen, the numbers in the different categories were too small for reliable analysis of differences in cultural identity to be part of analyses of interview data (Table 4.7).

The second part of this chapter describes the target family group conferences in terms of history of previous contact with CYF, referral source, number and type of offences dealt with, and outcomes (Tables 4.8 to 4.14). Data on prior history of contact with CYF show that over two-thirds had been notified previously for either care and protection or youth justice. Over two-thirds of the retrospective sample were referred by the Youth Court for their target family group conference while the police referred just over a third. In contrast there were more police referrals in the younger prospective sample – slightly over half. About a third of the referrals were for only one offence and over a half were for only one incident. The pattern of offending replicates the pattern reported from other sources (Maxwell and Morris, 2000; Maxwell et al, 2002).

Nearly two-thirds were referred for dishonesty offences, which ranged relatively equally across burglary, car conversion and other dishonest offences. About a third were referred for violence and sexual offences, but only 13% of all the offenders were alleged to have committed *serious* violence and/or sexual offences. The most serious offences were therefore the least common, a finding that held across drug offences where involvement was with cannabis rather than more serious drugs.

Almost all of the young people admitted to all or some of the allegations, and in almost all cases went to a family group conference that was able to agree on outcomes, or recommendations to the Youth Court. Where agreement was not reached, the Youth Court made decisions that generally reflected the families' views, rather than those of the police, who had been the group most likely not to agree at the earlier procedure.

Outcomes in the retrospective sample involved accountability measures of some kind for 97%. Three-quarters of these were apologies, just over a half were monetary responses, and two-thirds agreed to undertake some type of work for the victim or in the community. Thirty-eight per cent of the recommendations were for some sort of restriction, generally curfews, while some were for a range of court orders. Over a third entailed other measures to ensure compliance. Provisions intended to enhance wellbeing were recommended for 61% – mostly programmes of a therapeutic or recreational nature or some type of vocational training.

Data for the prospective sample were similar except that there were significant increases in measures to enhance wellbeing, particularly therapeutic and leisure programmes and educational and vocational training. By 2001/02, some measures of this type were being recommended for over three-quarters, an important change from 1998. (However, the direction of respondents' comments reported in the next Chapter (see discussion following Table 5.8) raises some concerns about the perceived value of other than educational and vocational programmes, certainly as they are offered at the moment.)

About half the reparation or donation amounts recommended were less than \$200 but 18% were for more than \$500. Whatever the amount, most young people paid it back in total or in full, a considerable achievement when their likely resources are taken into account. Almost half the work was for no more than 50 hours but 16% of offenders agreed to more than 100 hours.

The seriousness of offences that gave rise to police referrals as opposed to Youth Court referrals were compared (Table 4.15). This showed that, although the most serious offences were much more likely to go to the Youth Court, so did half those of the least serious group of offences. Furthermore, outcome data indicated that Youth Court penalties for three quarters were of the kind that could be arranged without a court order (Tables 4.16 to 4.17).

These data also raise questions about the appropriateness of police actions in referring minor cases to the Youth Court particularly when, as we found, differences in referrals appear to arise in different geographic areas.

Ethnicity is related to the patterns of offending and the way in which the young people were dealt with (Tables 4.18 to 4.25). Māori were more likely than Pākehā to have had previous notifications for care and protection, to have come in contact with the police and have had referrals for youth justice. Māori and Pacific Island young people were also more likely to be referred to the Youth Court than receive police referrals directly to a family group conference and were more likely to have been involved in burglaries and car conversion. In contrast, Pākehā were more likely to be involved in drug

offences and both Pākehā and ‘Other’ ethnic groups were more likely to be involved in traffic offences.

Pacific young people were also most likely to have been involved in serious violence. On the other hand, they were less likely than Māori and Pākehā to have been involved in the care and protection system although they and Māori were more likely to have had previous Youth Court experience (Table 4.18).

The finding of a relationship between ethnicity and the probability of being charged in the Youth Court is an interesting and important one. It could be interpreted as indicating a different response by the police to Māori and to Pacific young people. For this reason, additional analyses were carried out.

Multivariate analysis showed that these differences in the percentage of referrals to the Youth Court could not be explained by differences in gender, previous offending, the number of different types of offences, violent offences or the seriousness of the offences committed by those of different ethnic groups. However, they were related to geographic differences in referral patterns. In two specific geographic areas Māori were significantly more likely than Pākehā to be charged in the Youth Court rather than sent directly to a family group conference.

Perhaps an even more important question is whether or not these differences in referral pattern led to more severe outcomes. The answer is that they did. Although there were no significant differences in outcomes depending on ethnicity within the group of police referrals for family group conference or within the group of Youth Court-referred cases, when the pattern of outcomes is examined, then Māori have more severe outcomes than do Pākehā or ‘Other’. This finding is not consistent with the fact that Māori were more often referred for minor offences.

Pacific young people also received more severe penalties than Pākehā. While this reflects their greater probability of being referred to the Youth Court, this can be interpreted as being consistent with their somewhat greater probability of having committed more serious offences.

Although other explanations of ethnic differences in referral patterns cannot be ruled out, it seems likely that in two geographic areas ethnic bias in referral practice led to young Māori more often appearing in the Youth Court than Pākehā.

There were also differences in the recommendations for outcomes depending on ethnic group. Pākehā and ‘Other’ groups were more likely to have a driving disqualification. Māori were more likely to make apologies and have training or further schooling arranged for them compared to Pākehā who were more likely to be sent for an assessment or on a therapeutic or leisure programme.

Pacific young people were more likely to be required to undertake work and to have restrictions and to make apologies. Training or further schooling arrangements were also more likely to be recommended for Pacific young people and they were less likely

to be sent for an assessment or sent on some type of therapeutic or leisure programme compared to Pākehā.

These differences in the outcomes for different ethnic groups may be the result of a complicated set of factors. Some will reflect difference in offence patterns: for example, Pākehā and ‘Other’ were more likely to commit traffic offences and were more likely to receive a driving disqualification. Some may reflect differences in cultural patterns: for example, the relatively high proportion of Pacific young people for whom restrictions or work were recommended may reflect the different views of Pacific parents compared to others. It is possible that cultural factors may also be the reason for a higher proportion of Māori and Pacific young people offering apologies. The greater use of therapeutic/leisure programmes and assessments for Pākehā and ‘Other’ young people in contrast to the greater use of training for Māori and Pacific young people may again reflect parents’ cultural differences, but it may also reflect geographical differences in the availability of these services. However, these considerations need to be set against the general and positive finding that for young people of all ethnic groups the same type of main outcomes were agreed to – those involving accountability and preventing reoffending.

Girls and boys have different offending profiles with girls being more likely to have had care and protection notifications, to have been involved in less serious offending, most commonly shoplifting, while boys were involved in more serious offences and particularly those of serious violence, burglary, car conversion and property damage and abuse. It is, therefore, not surprising to find that outcomes varied with boys being more likely than girls to be charged in the Youth Court, and to be recommended for court orders, more hours of community work, heavier monetary penalties or restrictions on them (Tables 4.26 to 4.30).

Overall, the samples of young people, both retrospective and prospective, were similar to one another and to national data. The pattern of offending and the responses to it were, in the main, not only consistent with national data but also consistent with previous studies of young offenders in New Zealand.

Data collection

Again, incomplete data and inconsistencies between agencies in their data collection and coding created problems in matching cases across agencies, collecting data on the full sample and matching ethnicity. For examples:

- while the four main justice agencies – Police, Courts, Corrections and the Ministry of Justice – code offences similarly, Police and Justice combine the codes in different classification systems
- information about family group conferences was incomplete on the CYF Swis database and it was not always possible to locate paper files to supplement
- there was incomplete information about cases that went through the Youth Court either because there was no record in some cases or because the law enforcement system data obtained through the Ministry of Justice’s data system

only records certain information or because the SWis data could not be relied on to fill in the gaps

- outcome data supplied by the Ministry of Justice had two inherent problems. First it did not necessarily match the SWis record because there is no common reference point in the two systems, and secondly, the Ministry's law enforcement data system collapses various categories of Youth Court orders so that it is impossible to distinguish, for example, between residential and non-residential orders.

Monitoring

Our findings suggest the proper working of the Act may call for monitoring in two areas: referral practices to the Youth Court, and in difference of outcomes between ethnic groups.

Referral practices to the Youth Court

The 1989 Act requires that offences be dealt with at the lowest level possible. Our finding that three-quarters of the outcomes could have been arranged without a court order (and indeed, that the majority of penalties imposed were fairly minor and of the sort that could have been arranged in a family group conference) raises questions about the appropriateness of police referring minor cases to the Youth Court. We recommend ensuring quality monitoring of responses to young offenders to ensure that the handling of these cases is in line with the intentions of the Act, particularly with regard to diversionary processes. We also note that the agencies concerned may like to monitor police referral practices to the Youth Court across geographic areas.

Outcomes

The findings that referral patterns to the Youth Court differ across ethnicities making them eligible for, and indeed resulting in, more severe outcomes for certain groups unrelated to the seriousness of offending also suggests the need for close monitoring. This should be done across all geographical areas to ensure that any tendency to respond differentially depending on ethnicity is eliminated.

Chapter 5

The family group conference process

The family group conference process has three main components: preparation, the conference itself and follow-up. The youth justice co-ordinator has overall responsibility for managing all phases of the conference. Others who take part in the conference may also play a role in implementing and following up the plans and recommendations. How each of the three stages is managed may differ from place to place and from time to time, depending on management practice both within CYF and the police, and the availability of staff and resources. This process is described in this chapter using data from CYF records, victims' views on attending a conference, observations of conferences and time data from police and the Youth Court.

Preparation

In the preparation phase, co-ordinators consult with the police about referrals from them. The young person, family and victim are then contacted, the purposes of the conference and their roles in it are discussed with them, and decisions are taken in consultation with them about the venue, the time, the management of the conference and who will be invited. The responsibility for making these arrangements lies with the youth justice co-ordinator who may allocate these duties to a clerk or to a youth justice social worker.¹ In addition, in two areas in 1998, other staff undertook the allocation of youth justice cases. Additional data were available for 112 of the prospective sample cases. A home visit was arranged to prepare the young person and their family in 63% of cases and letters were also sent to 94%. Pamphlets were distributed to 75%. In over a third of cases (35%), the young person was seen separately from the family and in another third the young person was only seen with the family.

The co-ordinators in the sample in this study were usually responsible for allocating the case, although seven of the 23 co-ordinators interviewed reported that it was done by, or in consultation with, a senior social worker. In all but one instance where the co-ordinator delegated this task to the clerk, co-ordinators conducted the consultations with the police. On the other hand, the majority of co-ordinators (15 of the 23 interviewed) reported delegating the sending out of information for participants to their clerk. The exceptions were the co-ordinators who had no or limited access to clerical support.

All but two of the co-ordinators reported being personally involved in preparing the young people and their families, and in preparing the victims. The other two co-ordinators reported delegating the preparation to social workers. However, three co-ordinators reported sharing the preparation with social workers. In two more instances, the co-ordinators said the police youth aid staff and Victim Support assisted in the preparation of victims.

¹ Not all the co-ordinators responded to all the questions. Data in this section came from co-ordinators' descriptions of who took responsibility.

The family group conference: process and participants

At the conference, the youth justice co-ordinator can delegate the facilitation role to a social worker (this usually only occurs if the co-ordinator is not available and these cases were excluded from this study) or to an elder or respected person in the local community. Details of particular (Māori) elders' involvement in facilitation were not usually available for the retrospective cases but all the co-ordinators who took part in this study reported that they did not normally delegate this role to anyone else although some reported asking elders to perform a mihi (greeting) or a karakia (prayer).

Those participating in the conference should normally include the young person, his or her parents or caregivers and the victim. In addition, it is expected that any other person who has an ongoing role in the life of the young person will be invited; this can include whānau and extended family, previous caregivers, teachers and others in the community. Friends of the young person can also be invited. Another category of people sometimes represented is the welfare professionals who have played a supporting role to the young person in the past; these people may include a CYF social worker, a counsellor, therapist or a community social worker. Where the conference has been ordered by the Youth Court, a youth advocate will have been appointed and is able to attend. The victim is able to bring supporters to the conference and, if he or she cannot attend personally, can send a representative to present his or her views. The Children, Young Persons and Their Families Act 1989 also provides for the attendance of others who may play a role in the life of the child and any other person in accordance with the wishes of the family, whānau or family group. Table 5.1 presents data on who attended the family group conferences held for the young people in those conferences on which data are currently available.²

² In a handful of cases, young people, victims or youth advocates were noted as having been consulted by phone but these cases have not been included in this table. However, if they had been, they would make little difference to the percentages.

Table 5.1 Those attending the target family group conferences;³ data from SWis database for the retrospective sample and from observations for the prospective sample; percentages (n=759;⁴ 115)⁵

Person	% Retrospective	% Prospective
Young person	99	100
At least one parent/caregiver	85	96
Mother	73	84
Father	41	50
Caregiver	10	9
Siblings	25	26
At least one other family member	44	47
Uncle/aunt	23	29
Grandparent	13	17
Other extended family or whānau	21	20
Family supporters – at least one	26	22
Partner/boyfriend/girlfriend	3	2
Others	20	22
Co-offenders and/or their family	4	8
Professionals		
Police youth aid	94	94
Police officer in charge of case	6	0
Youth advocate Youth Court cases ⁶	72	97
Youth advocate – non-court ⁷	2	0
Social worker	15	35
Community agency representative	3	30
Victims and supporters ⁸ – at least one	47	54
Victim	41	50
Victim supporter	11	18
Victims' representative	7	6

³ These data indicate the number of family group conferences where at least one person in each category was in attendance. For some categories, more than one person in the category may have been at the family group conference, eg both a brother and a sister.

⁴ The records indicated that 99% of the retrospective sample and 100% of the prospective sample young people attended. However, other information on attendance at the family group conference was able to be obtained from SWis or, if SWis files were not available, from an '842' record for only 759 cases.

⁵ For the prospective sample, only the main data have been presented.

⁶ Youth advocates attended 364 of the 471 retrospective cases on which we had data.

⁷ Youth advocates appeared in 10 of the 366 non-court cases on which we had data.

⁸ Victims were identified in 688 cases where attendance information was available and this is the denominator for calculating the relevant percentages.

For all the cases in the retrospective sample, the young person was involved in the family group conference. However, the slightly lower percentage noted for those attending in the retrospective study is because details for 760 cases indicate that in 1% of cases this involvement was through a telephone consultation rather than by actual attendance. Table 5.1 shows that, in addition, at least one parent or a caregiver was present for 85%, usually the mother (73%). Siblings were present at 25% of conferences and other family members were present at 44%. Other family supporters were present for approximately a quarter. The percentages are very similar for the prospective sample.

Family group conferences are usually attended by a police youth aid officer, and this was the case for 94% of the family group conferences in the retrospective sample. When CYF refers a young person to the Youth Court a lawyer is also appointed to act on the young person's behalf. Where this was the case, 72% of the youth advocates attended. In addition, a youth advocate appeared at the family conference for 2% of the non-court referrals. In these cases, the advocate could already have been involved with the young person in previous court appearances, arranged by the family or appointed by CYF. Significantly more of the Youth Court-referred cases in the prospective sample were attended by youth advocates (97%).

Social workers and community agency representatives can attend family group conferences in order to provide information to help the family make decisions. Social workers, in particular, may have had previous contact with the young person, for example, with regard to prior offending or care and protection matters. Table 5.1 shows that social workers were present at 15% of the family group conferences for the retrospective sample and a community agency representative was present at 3% of the family group conferences. The prospective sample were more likely to have had social workers or community agency representatives present. It is unclear if this is because of changed practice, the selection of cases or the age of the young person.

At least one victim was present in 41% of the retrospective cases where a victim had been identified and, together with the cases where there was a victim representative, this means that in nearly half of the conferences someone close to the circumstances could represent the victims' views. Although there is provision for victims to bring supporters, this seems only to have occurred for 11% of the cases where a victim attended. The reasons for victim attendance or absence are discussed in the next section of this chapter. Percentages are slightly higher for the prospective sample, where members attending comprised 50% victims, 18% victim supporters and 6% victim representatives.

We coded whether or not the records on the SWis database mentioned the presentation of formal reports to the family group conference. Out of 770 retrospective family group conferences, mention was only made of a psychological report in 13 cases (2% of the sample); alcohol and drug reports were not mentioned at all; and another report was mentioned in only three cases. However, it is possible that the SWis files did not always record that a report had been presented. Consistency in practice would be helpful.

Reasons for victim attendance or non-attendance

A key ingredient of the new system is providing victims with a voice in determining the appropriate response to the offences committed against them. Interviews with 100 victims from the prospective sample explored their reasons for attending (n=58) or not attending (n=42).

Reasons why victims do not attend

Victims who chose not to attend the family group conference gave a variety of reasons: they were too busy, uninterested, afraid, feared a loss of control, felt that they could contribute nothing, saw no value in the family group conference for them and so on. It is not easy to categorise the reasons for not attending as many people gave a complex and often an idiosyncratic mix of answers:

It was three to four months, perhaps more after the event so really – who cares. I saw the young person afterward and she seemed a good person and was upset. Had it been a young man or a drunk driver my reaction may have been different. I think she would have learned from the experience and that is also why we did not attend.

Nevertheless we tried to categorise the replies into the two most common categories. Table 5.2 sets out the main groups of reasons for non-attendance reported by the victims from the prospective sample.

Table 5.2 Reasons victims did not attend the family group conference for the prospective sample; percentages down the column (n=42)

Reason	%
Did not want to meet young person or family	45
Would have liked to attend but unable to	31
Other reasons	24

The data in Table 5.2 show that the most common reason, given by nearly half the victims who did not attend, was not wanting to meet the young person or their family. Sometimes this was through fear of meeting the person again (about one in five of the replies indicated some element of fear or anxiety), sometimes it was for a possibly related reason that the offender should not be able to identify them in future. Sometimes they wanted to avoid further confrontation.

I had a very bad experience with him. I didn't want to see him.

I didn't want to be confronted by her or put [my daughter] through it. She's only 13 and I'm very angry. I wrote a letter to youth aid and he represented us.

Because if I see them they will remember me. I don't want them to see me and know what I look like.

We have got young children and the young person is well-known around town for his gang connection. I didn't want him to be able to recognise me and maybe come back.

I didn't really want to see her again and all her family would be there.

It would just cause another fight if I went.

Another 31% said they would have liked to attend but were unable to because of other commitments. However, less than half of this group (14% of the sample of non-attenders) reported reasons (like time or venue unsuitable or inadequate notice) that could have been attributed to CYF's failure to include them.⁹ Other priorities were an important factor for the remainder:

The family group conference was to be held in work time. I did not want to waste any more time. She has already wasted my time and money.

I didn't think I could add anything. It was a busy time for me at work so I just couldn't justify the time.

Other reasons reported by those who were personally attacked or had their homes entered are difficult to categorise. As already noted, a complex mix of reasons was often presented. The different elements included wanting to put the matter out of their minds and resenting having to spend more time on the offender. The following quotes illustrate the mix of reasons included in the 'Other' category that make categorisation difficult.

There was no point in going really. He had cost us enough time and money and I didn't really want to meet him.

I did not know about it in time but I didn't want to go either even if I had got the notice in time – I am very shy.

It was the young person's problem and not mine. It was for the young person to decide what path they will take.

I couldn't be bothered. I didn't want to take time off work and I didn't want to go after work, as I didn't have transport.

It would have been a waste of my time. I am self-employed. It would just be going and being confronted by the young person and their family.

⁹ This contrasts with earlier findings (Maxwell and Morris, 1993) that indicated that, in 1990 and 1991, many victims reported that they were not invited or invited too late for them to be able to attend.

Two others said that their response was determined by negative experiences, either first or second hand:

Because of my previous experience with a family group conference, I felt I had wasted enough of my time as I am self-employed. It would just be going to be confronted by the young person and their family. All the support is for the young person. It is a waste of time. It would have made a difference if I knew he was going to be punished for what he did.

I knew someone who had been to one before and they said it is a waste of time going.

When a business was involved, its representative (the ‘victim’) was less likely to attend. A total of 61% of those where the offence was a personal one attended the family group conference but only 42% of victims of business-related offences did so. Many of the business victims emphasised the low priority that attending a conference had for them and that they saw attendance as a waste of their time:

Work takes priority. We get too many cases of shoplifting. They happen every day and every week or two there is a family group conference.

We leave it to the police. The people doing it would do a better job. We would just sit there and also we would spend a lot of time at family group conferences as a lot of young people offend.

In some of the examples given above, there might have been a different outcome if the co-ordinator had spent time with the victim discussing their concerns, allaying fears and explaining their importance in the process without placing undue pressure on the victim. In other cases co-ordinators might have received a more positive response if they had consulted the victim about the time and place before finalising the arrangements. However, such co-ordinator action is probably unlikely to alter outcomes in cases involving businesses and when the victim feels threatened by being in the same room as the offender.

Reasons why victims attended

Victims expressed a variety of reasons for deciding that they would attend the family group conference. Those given by the victims in the prospective sample are described in Table 5.3.

Table 5.3 Reasons victims attended the family group conference for the prospective sample;¹⁰ percentages (n=58)

Reason	%
Tell young person how you felt	55
Express views on what should happen	43
Confront the young person	36
Play part in preventing crime	36
Find out about young person	31
Reparation	22
Ensure things done properly	21
Teach young person a lesson	12

The most common reason was to ‘tell the young person how I felt’; over half gave this as a reason:

I wanted to go because what he did was appalling and I would not forgive myself if he did this to another child. I wanted him to know what he had done to us.

I wanted to make him fully aware of the consequences of his actions.

Another wanted to involve the parents in the knowledge:

I wanted to let the parents know my feelings. That is a very important part. And I wanted to find out about parents. They are most important.

Other reasons also reflected victims’ concern to protect their own interests – a desire to obtain reparation, to ensure the process was correctly followed or to confront the young person. The first of these two views was only expressed by about one in five although just over a third reported wanting to confront the young person:

I wanted to go to confront him and make him realise that he must leave behind crime – we are not just faceless victims.

And over two out of five said they wanted to express their views on what should happen:

We felt that no matter what, he should have to pay us back rather than just do community work.

I wanted an apology, to find out who did it.

I wanted her to apologise to me and to hear her views.

Other reasons given by about a third emphasised a desire to play a part in preventing crime. The following quotes all illustrate this and indicate attitudes consistent with a

¹⁰ More than one reason was often offered by the same person.

restorative approach to crime that aims to reintegrate the offender with society rather than simply to punish:

There was no immediate benefit except a need to participate in the justice system and for the boys who did it. Retribution was not my motive. I don't harbour anger.

I wanted to play a part in preventing crime – absolutely.

I felt we had an important role to play – we wanted to help. We wanted to put this boy on the right track.

I wanted to contribute to his growth in a positive way.

I wanted her to know about reinforcing her positive attributes and her different personality when she is intoxicated. It was not about punishment or retribution.

I wanted to make sure [the young person] didn't get into too much trouble or get a record. I would have opposed a conviction.

A desire to find out about the young person and, more generally, about how the system works were also motives:

I wanted to see who she was – look her in the eyes.

To see how these things work. You hear so much that is adverse. I was concerned at what help was being provided for the young person. I wanted to hear at first hand what was going to happen.

Expressing their anger to the offender was frequently a part of what motivated the victim – he or she wanted the offender to know how their actions had affected them personally. Often this was accompanied by a desire to see that the offender was punished but also, as the following quote illustrates, a desire to see the harm repaired:

I was brassed off and wanted to see him. I wanted to make sure he got punished and I was curious about the process. I was angry really. I wanted to eyeball him and make sure he made things OK.

The final quote in this section indicated the extent to which some of the victims who attended recognised just how important it was for the young person to know what harm they had caused as well as to be able to repair it:

I wanted to meet the young person and to put right what was wrong. I wanted him to realise what he had done and my being there was important for that to happen.

Overall, therefore, while punishment and accountability were reasons given by some victims for attending, many also wanted to confront the offender as a way of getting their message across or hearing at first hand what was to happen. About a third of the victims

who attended saw themselves as able to make a positive contribution in preventing crime either generally or more specifically in relation to the young person who had offended against them. Their responses indicate a commitment to values that are consistent with the restorative goals of the Act – repairing harm and reintegrating the young offender.

During the conference

Information on what happened during the conferences comes from observations of 115 cases in the prospective sample. Introductions occurred in 95% of the conferences and the fact that they did not occur in the remaining 5% was subject to adverse comment by attending victims and, sometimes, by family who did not necessarily know all the professionals. A karakia was used to open a quarter of the conferences and this was usually performed by a family or whānau member or a kaumātua. A mihi occurred for 18% – again this was usually performed by a family member. For 88% of conferences, English was the only language. Of the remainder, English was used along with another language. Nine involved a Pacific language or languages (Samoan, Tokelaean, and Tongan), two involved Māori, one Somali and one deaf signing.

For 90% of conferences, the co-ordinator explained procedure and, in three out of four conferences, possible outcomes were described. Usually the police officer read the ‘summary of facts’ (97% cases). In 81% of cases the co-ordinator checked that offences were not denied and in 90% of conferences the young persons’ agreement with the facts was obtained. The victims’ views were presented at 90% of conferences. Other reports were presented at nearly one in four conferences. Options for outcomes are often suggested by some or all participants at this stage, prior to the family deliberations.

The next phases of the conference involved private time for the family or whānau with the young person to develop their response to the offending. This happened in 85% of cases. If present, youth advocates stayed during 62% of the conferences but the police and the youth justice co-ordinator withdrew.

Following the private consultation the conference was reconvened and a plan developed, taking into account proposals put forward by the family and young person from their private discussion time. In most cases the plan was agreed to. When the conference had been directed by the Youth Court, the plan was referred back to the Court for its endorsement. If no agreement was reached at a conference the matter went to the Youth Court for further direction.

An example of a family group conference that displays most of the critical elements is presented below:

Prior to the conference for Roger,¹¹ the youth justice co-ordinator spent some time with the one of the victims discussing what would happen. She agreed to attend because she felt that management could not let these things slide when it affected them, was curious and had a sense of community responsibility. She asked that the conference be held in her restaurant where the burglary occurred – she felt this would be a comfortable place for her and considered it would be good for the offender to return to where it all happened. The family and Roger agreed to this. They also decided to deal with a new charge of intentional damage involving different victims at the same time.

The conference started a little late as everyone waited for the police officer who did not turn up so, after introductions and a discussion of the purposes of the conference, the youth justice co-ordinator read the summary of facts. Roger agreed with them. Both victims of the intentional damage (a husband and wife) explained how the offence had impacted on them – the cost, but also the work and the anxiety. The husband had fixed the fence that had been knocked down and then it was knocked down again and the young person admitted that that was him too. After some prompting from his father Roger said he was sorry. His father encouraged him to do better than that and suggest what he could do to help repair the damage, and options were discussed. The café manager then explained how the burglaries had affected her and her staff.

The social worker then talked about Roger's strengths and the family background. This led to further discussion about what could be done to prevent further reoffending. Everyone was invited to express his or her views. After three-quarters of an hour, the professionals and victims left the family and young person with the youth advocate to develop a plan.

After half an hour, the conference reconvened and the family's plan was put to the other participants. Details of the proposed reparation and work were discussed and agreed with the victims. Letters of apology were to be written to all the victims (verbal apologies had already been made to all the café staff). The young person agreed to continue at school but work part-time at the café, to attend a recreational programme, to undertake a psychological assessment, and to do some work for the husband and wife victims. Roger's father thanked the victims for arranging the conference at the café and the conference closed one-and-three-quarters of an hour later. The café manager said that it was a very worthwhile experience, and that understanding the family situation had given her a better understanding of the young person. The café staff had appreciated his apology and acknowledged this.

This conference illustrates many of the positive elements that can make the process a rewarding one for the participants. The victims' choice of venue was informal but one that allowed them to attend in a place where they felt at ease. Returning to the scene of one of the crimes meant that the young person had to confront all those affected by his actions at that place as well as the victims of the intentional damage. After introductions, the details of the offences were fully described and Roger admitted them. Then there was a full discussion of what the offences had meant for the victims and Roger was given an opportunity to apologise. He did this rather inadequately but his father encouraged a fuller response and Roger made a commitment later in the conference to write letters to everyone who had been affected. The victims were fully involved in developing suggestions for the plan and they eventually agreed to Roger coming and working at the

¹¹ Names in this case study and the one that follows are pseudonyms.

café part-time in the evenings as well as him doing some work for the other victims. Roger in turn received support from family and the social worker who affirmed his positive qualities and all participated in suggesting options for his future. The plan included provision for Roger's reintegration and rehabilitation through continued schooling, psychological assessment and joining a programme.¹² Afterwards all felt that the conference had been worthwhile. The victims were reassured, and the family and Roger had made a commitment to his future.

Not all conferences displayed all these elements but agreements were reached in 90% of cases. The following quotes illustrate the views of participants who were well-satisfied with the outcomes:

Everyone seemed happy with the decision; there was no questioning of it.

All participants wanted to work towards a rehabilitative not punitive solution.

[The plan] appeared to be an appropriate balance between the young person's needs, accountability and responsibility and the victim's needs.

The young person and his family acknowledged and admitted what had happened was wrong. They were remorseful and apologetic and willingly offered to make reparations to heal what harm had been caused by the young person towards the victims. The victims were very forgiving and appreciated the 'cultural' values and beliefs of the parents to take responsibility in making good what their son had violated. They invited the young person to join in their church youth group.

But, at times, the agreements did not always involve everyone's full acceptance of the outcome:

Although general agreement was apparently reached, when interviewed the young person and victim indicated that they did not feel comfortable with every aspect of the plan.

The whānau were not happy about the amount of reparation and about the loss of licence but respected the young person's decision to pay the reparation. The young person was not happy about the total loss of licence.

The young person did not like the non-association part in the plan. Her father and uncle thought that she was getting off too lightly but overall everyone agreed to the plan.

The plan was really constructed very much by the professionals but the family consented.

The youth aid officer made clear what he thought was wanted and the young person and his mother agreed/accepted.

¹² Referrals can be made to a variety of programmes, depending on availability and funding, to assist young people with a range of problems eg educational, vocational, alcohol and drugs, defensive driving, anger management.

I'm not convinced that the young person actually agreed with the outcome. He adopted an attitude "just let's get this over with, I'll do whatever you want".

In other conferences the outcome was recorded as 'no agreement':

The young person would not agree to live with family.

The police wanted a s.283 discharge and others wanted a s.282 discharge, which does not involve a Youth Court record.

The police wanted a conviction and referral to the District Court but the family wanted matters to remain in the Youth Court.

The following is an example of a non-agreed family group conference:

A family group conference was held for Tania a 15-year-old Māori young woman on a charge of aggravated robbery. The victim did not attend the conference because she was afraid after her experience with Tania and her two co-offenders (both girls). The youth justice co-ordinator explained the seriousness of the nature of the charge to Tania. As she just wanted the matter dealt with she admitted to the offence, against the advice of her youth advocate who had concerns about the appropriateness of the charge laid by the police. Tania read out a letter of apology that she had written to the victim and then the conference adjourned for private time. A detailed plan was formulated addressing accountability including an apology, reparation, restrictions on liberty and community work. Other recommendations were for Tania to undergo an alcohol and drug assessment and attend an anger management programme. Tania's living arrangements, her education and part-time work options were also part of the plan. It was felt appropriate that a youth justice social worker should be assigned to Tania and that this should all take place under a six-months supervision order.

All present agreed that this was a comprehensive plan and that the charges should stay within the Youth Court. However, at this stage the police said that they wanted the young person to undergo supervision with residence prior to the six-month supervision order in the community and the plan formulated by the family. Both Tania and her mother were visibly angry and upset.

At court the next day Tania denied the aggravated robbery charge and it went to a defended hearing. She did not give evidence at this hearing but her two co-offenders did. The charge was subsequently reduced to one of robbery and a second family group conference was held. The victim, after receiving the apology letter from Tania, said that she would attend this conference. However, after speaking with the police officer in charge of the case, she became angry that the offenders had, as she saw it, virtually got away with it, and changed her mind. The victim's non-attendance at either conference excluded the possibility of a face-to-face apology and the reconciliation that might have ensued. At the second conference a similar plan to the first was proposed but without the six-month supervision order. Again, the police felt that this was too lenient and wanted a supervision order. When the recommendations went back to Youth Court the judge agreed with the police and imposed a supervision order on the young person.

The above description of the conference process highlights the importance of making sure that the family group conference is an enabling process. Only in this way is it possible to resolve matters that might otherwise require extensive time in court hearings. In this case, the police lack of response to the concerns of the family and the lawyer about the case being treated at an inappropriately high level of seriousness and insistence on a severe penalty resulted in a defended hearing. Despite the charge of aggravated robbery being withdrawn in favour of a lesser charge of robbery, the police continued to demand a severe penalty and only after the case returned to court yet again was the matter resolved by a supervision order – a penalty proposed at the first conference.

Generally there was considerable diversity in the order in which things happened and in the nature of what was discussed at conferences. Some co-ordinators focused on the main business, others talked about the processes, the principles of the Children, Young Persons, and Their Families Act, judges' expectations and so on. The way of presenting material varied. Some co-ordinators used a semi-formal presentation on a whiteboard, others were less didactic. Many used a whiteboard to list the proposed outcomes and participants often saw this as helpful as it enabled them to understand fully what was being proposed and could be used by the family during private time to record their own plan.

Post-conference actions

After the conference, the co-ordinator sends out the plans and decisions of the conference to all who were present. Youth justice co-ordinators were asked to indicate who amongst the CYF staff were usually responsible for assisting with family group conference implementation and about the process of approval of budgets to cover the costs of plans. Table 5.4 presents these results.

Table 5.4 shows that social workers mostly arranged referrals and placements but, in over a third of the cases, co-ordinators reported that they usually played a role in this and one said that they generally delegated this to the family. The manager most commonly made funding decisions, although in some cases this role was given to a senior social worker. The co-ordinator rarely had control over funding for referrals or placements, although about a quarter were given budgetary control over family group conference costs.

Table 5.4 Who in CYF was responsible for implementing plans for referrals and placements and approving funding? Data from co-ordinator interviews in 1998; numbers and percentages (n=23)

Person responsible for	n	%
Arrangements for referrals and placements		
Youth justice co-ordinator (YJC)	2	9
YJC/social worker	7	30
Social worker	13	57
Family	1	4
Approval of funding for placement or referral		
YJC	1	4
YJC/manager	2	9
Manager	11	49
Manager and social worker	1	4
Senior social worker	6	26
Social worker	1	4
Social worker/senior social worker/manager	1	4
Approval of funding for family group conference costs		
YJC	6	26
YJC and social worker	1	4
Manager/YJC	1	4
Manager	11	49
Senior social worker	4	17

It is also necessary to follow up on other actions decided on by the conference where an agreement has been reached (and endorsed by the Youth Court when the conference was court-referred). During the conference, arrangements for the implementation of the plans are often decided. Official records indicate that in over half of the retrospective cases, these arrangements were fully described in the plan but for 29% they were only partly described and for 17% no specific person was mentioned as having responsibility to plan implementation. It should be noted there were some cases where no specific arrangements were necessary; for instance, when an apology was the only requirement and this was made in the conference. Table 5.5 describes those who were given the responsibility for implementation.

Table 5.5 Who was responsible for implementing the family group conference plan?¹³ Data on the retrospective sample from SWis database; numbers and percentages (n=712)

Person/agency implementing	n	%
Family	353	50
CYF ¹⁴	333	47
Police	123	17
Others	108	11

The data in Table 5.5 show that family members were given the responsibility for implementing some aspect of the plan in half the cases. CYF were responsible for helping to implement some aspect of the family group conference plan for 40%, while the police had a role in less than one fifth of cases. In the ‘Other’ category, community workers (6%), the victim (3%), a youth advocate (2%), a family support person (1%) or a teacher (1%) were the types of people most frequently mentioned.

Monitoring

Youth justice co-ordinators were asked which CYF staff were normally involved in monitoring the family group conference plans, and these data are presented in Table 5.6.

Table 5.6 Which CYF staff were normally involved in monitoring family group conference plans? Data from co-ordinator interviews; numbers and percentages (n=23)

Person monitoring	n	%
YJC	7	30
Social worker	11	49
Social worker/YJC	4	17
YJC/police youth aid/family	1	4

The data in Table 5.6 show that when CYF staff were involved in monitoring family group conference plans, it was most likely a social worker, although co-ordinators themselves often undertook or shared this role. Data on who prepared court reports indicated that when the Youth Court required a report on the *progress* of cases, in over half the offices, the youth justice co-ordinator provided this. On the other hand, when the Youth Court required a *pre-sentence* report, a social worker normally provided this.

¹³ These data may be underestimates; in some cases, there was no need for support in implementation and, in other cases, the person responsible may not have been recorded. However, in other cases when arrangements were made, more than one person may have been involved so that data sum to more than 100%.

¹⁴ The person responsible could be either a social worker or the youth justice co-ordinator.

The family group conference plans for the cases in the sample were also examined to see if there was any indication of who would monitor aspects of the plan. In 861 cases, where information on plans was available, a quarter did not mention a specific person to monitor the plan. For over a third, monitoring arrangements were fully described but in another 41% not all the aspects of the plans were assigned for monitoring.¹⁵ Table 5.7 sets out those who were officially assigned a monitoring role.

Table 5.7 Persons specified in the family group conference plan to have responsibility for monitoring;¹⁶ data from SWis database on the retrospective sample; numbers and percentages (n=654)

Person monitoring	n	%
CYF social worker	258	39
Police	162	25
YJC	148	23
Family	138	21
Other	215	33

Data in Table 5.7 show that CYF social workers were most often identified as having some responsibility for monitoring the plan. Police and co-ordinators also each had a monitoring role in nearly a quarter of the family group conferences, with family members assigned a role in monitoring in about a fifth of the family group conferences. The ‘Other’ most frequently mentioned was the Youth Court (16%). The monitor sometimes undertook the role of receiving apology letters or reparation to hand to the victim. A community member (often a social worker) was mentioned in 9% of cases and youth advocates were mentioned in 5%.

Completion of plans

Data on completion of plans was only obtained by inspecting the case notes in the CYF files. A sub-sample of 252 of the retrospective sample of 1,003 cases were inspected and for 82 (33%) of them, the data were missing or recorded as not applicable.¹⁷ For 89% of the 170 cases where data was available, the plans were recorded as having been completed either in full or mostly. For 90%, the accountability components were recorded as complete and for 91%, the measures to prevent reoffending were recorded as complete. Reasons for not completing the plan were usually not available but, for eight

¹⁵ Thus monitoring of one aspect of the plan may have been specified, but other aspects of the plan did not have a person allocated to monitor them.

¹⁶ In not all cases will monitoring have been necessary. On the other hand, in many cases, more than one person was assigned a monitoring role and hence the data sum to more than 100%.

¹⁷ We do not know whether the failure to enter case notes on plan completion is related to whether or not the plan was completed, ie that case notes were not entered where the plan was not completed. The coder commented that: “Reading the case notes I did not get a sense that there was a bias one way or the other.” However, the reports of the young people are generally in agreement with the CYF files: 91 of 113 cases (81%) on which both CYF and young person’s data were available agreed that the plan was successfully completed (this includes cases where the plan was not fully completed but was completed to the satisfaction of the court or the social worker; for example where the young person was a few hours short on their work in the community).

young people, further offending was mentioned, for three there were technical problems in making the appropriate arrangements, and two had died. In other cases, the plan was not completed because of a change in the young person's circumstances; for example, getting a job. In some cases, reparation was later substituted for community work. In other cases again, the person monitoring signed off the plan when most of the requirements had been met.

More complete information comes from 520 of the young people who were interviewed. They reported on the extent to which they had completed the various elements of their plans. These data are presented in Table 5.8.

Table 5.8 Completion of plans; number and percentages of young people in the retrospective sample reporting the completion of specific elements; numbers and percentages¹⁸ (n=520)

Element	Element present in plan		Per cent completing where element present	
	n	%	%	
Apologies – any	364	74	90	
Verbal	168	34	95	
Written	292	59	90	
Monetary – any	227	44	86	
Money/gifts – community	43	9	93	
Money/gifts – victim	196	40	85	
Work – any	336	68	83	
For the victim	35	7	77	
In the community	324	66	84	
Restrictions – any type	201	41	83	
Court orders – any ¹⁹	69	14	87	
<i>Accountability – any kind</i>	471	95	73	
Programmes – any	136	28	71	
Joining a group	20	4	70	
Where to reside	55	11	84	
Education/training	68	14	76	
<i>Provisions to enhance wellbeing – any</i>	209	42	71	
Others to ensure compliance – any	300	33	-	
Making promises	119	24	76	
All elements – any	477	97	67	

The data in Table 5.8 show that, overall, 73% of the young people reported completing *all* the accountability element in their plans. Not included in the table is the fact that 84%

¹⁸ In this table subtotals and their descriptors have been indented from the main categories used in each subsection of the table. Data for the main categories and totals are bolded.

¹⁹ In addition, six young people reported that when they went to the Youth Court they were convicted and sentenced in the District or High Courts and these cases have not been included in the above table. In five of these cases, the eventual outcome was a custodial sentence.

reported completing them to the satisfaction of the person charged with monitoring them. At least 90% reported delivering apologies, 87% reported making monetary payments, 83% reported carrying out work or complying with restrictions and 87% reported completing court orders. These replies are consistent with the rate of completion reported in SWis files. An important point to note is that the reports of compliance with court orders are much the same as the reports of compliance with other accountability elements that were not court-ordered. In other words, these data do not suggest that an order of the court is more or less likely to be complied with than is an accountability element in a family group conference plan.

When it comes to measures to enhance wellbeing, compliance drops. Only 71% of those agreeing to undertake programmes reported completing all tasks and 88% reported completing all or most of them. A partial explanation may be because the young person did not always see the programmes as helpful. For example:

- 84% completed most or all of their vocational training programme and 91% reported that it was helpful²⁰
- 56% completed most or all of their correspondence school programme and 61% reported that it was helpful
- 59% completed most or all of their anger training programme but only 37% reported that it was helpful
- 62% completed most or all of their drug or alcohol programme but only 24% reported that it was helpful.

On the other hand, programmes with more time limited requirements were usually completed although these were not necessarily regarded as helpful:

- 91% completed most or all of their driver education programme but only 22% reported that it was helpful
- 90% completed an assessment but only 21% reported that it was helpful.

There was one resounding success on both counts: all six young people attending outdoor education completed it and reported that it was helpful.

Questions can be asked about what led the young people to judge whether or not the programme was helpful. The main criteria the young people used to judge helpfulness is likely to have been whether or not the programme enabled them to make the life changes that they hoped to make when they agreed to participate. At other times, making visible progress towards longer-term goals or having identified needs met were recognised as reasons for judging the helpfulness of the programmes.

This interpretation of what helpfulness means is consistent with the finding that it was the educational programmes, especially those relevant to employment, rather than the behaviour change ones that were generally seen as most helpful. It is also understandable

²⁰ This finding and the next about correspondence schooling seem fairly realistic, given the reported levels of employment or training set out in Table 8.1.

that the behaviour change programmes were less likely to be seen as helpful given the difficulty of achieving behaviour change in relatively short time frames. But low ratings in either set of programmes do draw attention to the importance of providing quality programmes that demonstrably produce results relevant to young people’s goals and/or within time frames that these young people can manage.

The failure of the driver education programmes to be seen as helpful is surprising as getting a licence should have been a useful and relevant goal for many of those who attended. We note that many of the programmes involved theory only. Perhaps an audit of these programmes for practicality and the ability to engage young people may be helpful. The lack of perceived value from assessments may reflect the fact that the assessment was often not followed up with by a suitable programme that the young person saw as helpful.

All elements of plans were reported as completed by two-thirds of the young people but a total of 81% reported completing most of them.

Those young people who were interviewed were also asked whether anyone made sure they completed the family group conference plan. Eighty per cent of the young people indicated that there was someone who made ‘sure they did the things they were supposed to do’. Twenty per cent reported that no one was responsible for monitoring.

Table 5.9 sets out the young persons’ responses on who they saw as responsible for monitoring their plan. Their replies give a rather different picture to the files that emphasise the role of professionals. In contrast, the young people’s replies emphasise the role played by their families.

Table 5.9 Who made sure you completed the plan? Data from the young persons’ interviews in the retrospective sample; numbers and percentages (n= 405)²¹

Person monitoring	n	%
Family	182	49
Other	59	8
Community member	24	6
Social worker	53	14
Police youth aid	53	14
Youth justice co-ordinator	10	3
Lawyer	9	2
Other justice personnel	10	3
Self	5	1
Total	405	100

As the data in Table 5.9 indicate, the young person’s view of who made sure they completed their plan often contrasted with the person identified as responsible for monitoring in the family group conference plan. Half reported that a family member was

²¹ Not all the eligible young people answered this question. In the great majority of cases, only one person was mentioned but, when more than one person was mentioned, the first mentioned was used to code the answer.

the main person who made sure that they completed the plan. Members of the community and other people who were not professional youth justice workers were seen as having this role in about another one in seven of the cases.²² Police, social workers, youth justice co-ordinators, lawyers or others involved in the justice system were seen as having checked on plan completion in just over a third of cases (36%). However, the checking by professionals often consisted of ringing family members, so that these results are not necessarily inconsistent with the officially assigned task of monitoring. The extent to which people in the informal support network of the young person became involved in making sure that tasks were completed regardless of whether or not they had formally been assigned this responsibility is an important finding as it validates the assumptions that underlie family group conferences and their processes.

Time frames

Time involved in processing cases arises in three ways: in the time taken by the police to apprehend an offender and decide how to respond to the offending (including responses of police warnings and diversion); time taken by CYF to process family group conferences; and time taken by the Youth Court to process the cases with which it is involved. Data on time to process cases within the police is provided by the study of police youth diversion (Maxwell et al, 2002). The relevant information is summarised in Table 5.10, which presents both percentages and cumulative percentages for each time period. Unless otherwise stated, all the time data is based on elapsed time, not working days.

Table 5.10 Time from offence to referral to youth Aid; police youth diversion sample; percentages and cumulative percentages (n=1,784)²³

Time of offence to youth aid	Warnings		Diversion		FGC		Youth Court		Total	
	%	cum%	%	cum%	%	cum%	%	cum%	%	cum%
Up to a week	48	48	43	43	32	32	50	50	46	46
Up to 4 weeks	35	83	35	78	43	75	19	69	34	80
Up to 12 weeks	13	96	18	96	16	91	18	87	5	95
More than 12 weeks	4	100	9	100	13	100	5	100	5	100
Time to youth aid to time of youth aid decision										
Up to a week	69	69	64	64	64	64	74	74	68	68
Up to 4 weeks	16	85	26	90	21	85	11	85	22	90
Up to 12 weeks	15	100	8	98	12	97	9	94	8	98
More than 12 weeks	>1	100	2	100	3	100	6	100	2	100
Time of offence to time to youth aid decision										
Up to a week	10	10	21	21	14	14	35	35	24	24
Up to 4 weeks	61	71	40	61	41	55	25	60	41	65
Up to 12 weeks	25	94	30	91	24	79	20	80	25	90
More than 12 weeks	6	100	9	100	21	100	20	100	10	100

²² These other people were sometimes friends of the family or of the victim or else no information was given.

²³ The line that reports time frames for up to four weeks has been bolded for ease of quick inspection. Note that the first three rows in each section present cumulative percentages. The last row in each section present the percentage outstanding after twelve weeks.

The data in Table 5.10 show that 80% of the young people's offending is detected and reported to youth aid within four weeks. This is most likely to be true for the offences dealt with by warnings. The cases involving the Youth Court take longest with 13% taking at least 12 weeks to detect and process.

Youth aid have an important role in decision-making. In two-thirds of cases referred to them, the decision is made within a week and 90% within four weeks. There is very little difference in the time taken to process cases that are dealt with in different ways.

Data from the time from offence to police decision are also presented in Table 5.10. Two-thirds are detected and processed in four weeks but 10% can take longer than twelve weeks. It is the family group conference and Youth Court cases that are most likely to take the longest time from offence to police decision. This may in part be because of a longer time taken to detect the offending but it will also be because more time is needed to gather information, including, possibly, making a home visit.

It should also be noted that time to complete diversionary tasks would also be needed to be considered if these data were to be compared with the time it takes cases to be processed by the Youth Court and through CYF.

The Children, Young Persons and Their Families Act 1989 sets out statutory time frames for making the arrangements for a family group conference. In particular, CYF are required to convene a family group conference within 21 working days of receiving a referral from the police or within 14 working days of receiving a referral from the Youth Court. Data on these times are available from the national CYF databases. The databases also record the date on which the family group conference is completed. In Table 5.11 we present the data on elapsed time in weeks.

Table 5.11 Time from referral to convene and complete a family group conference for police and Youth Court referrals. 1998 data from SWis database; percentages and cumulative percentages

Time from referral to convening	Police referrals		Youth Court referrals		Total	
	%	cum %	%	cum %	%	cum %
Up to two weeks	65	65	82	82	74	74
2 – 3 weeks	13	78	9	91	11	85
3 – 4 weeks	6	84	4	95	5	90
4 – 6 weeks	7	91	3	98	5	95
More than 6 weeks	9	100	2	100	6	100
Time from convening to completion						
Up to one week	37	37	54	54	46	46
1 – 2 weeks	32	69	28	82	30	76
2 – 3 weeks	16	85	10	92	13	89
3 – 4 weeks	7	92	4	96	5	94
4 – 6 weeks	5	97	2	98	4	98
More than 6 weeks	3	100	2	100	3	100
Time from referral to completion						
Up to 2 weeks	29	29	44	44	37	37
2 – 3 weeks	18	47	25	69	22	59
3 – 4 weeks	14	61	15	84	15	74
4 – 6 weeks	18	79	10	94	13	87
More than 6 weeks	21	100	7	100	13	100

The data in Table 5.11 show that, in 1998, 82% of Youth Court-referred family group conferences were convened within two weeks. When these are calculated as working days, as defined in the statutory time limit, 89% meet the criteria for Youth Court referrals. Furthermore, some Youth Courts meet monthly rather than fortnightly and, by 28 days after referral, 95% of Youth Court-referred conferences are recorded as having been convened. However, convening is not completing. The actual time of four weeks from referral for a conference to completion is achieved by only 84% of the Youth Court referred cases – a figure of 94% is only reached after six weeks.

Police-referred conferences have more time allowed them under the Act. The data in Table 5.11 show that, in 1998, 78% of police-referred family group conferences were convened within three weeks. By four weeks after referral, 84% of police-referred conferences were recorded as having been convened. This figure too, while not excellent, is reasonably satisfactory but, again, completing the family group conference takes longer. The actual time of four weeks from referral to conference completion is achieved in only 61% of the police-referred cases – a figure of 79% is only achieved after six weeks.

As well as time frames for arranging a family group conference, time frames can be examined for the processing of cases in the Youth Court. Data on this aspect of the process are available from the information supplied by the Ministry of Justice from law enforcement data on the retrospective sample. This is set out in Table 5.12.

As there are no statutory time frames for the Youth Court, perhaps it is not surprising to find these data show even greater lengths of time and more variability than the arrangements for the holding of a family group conference. The data in Table 5.12 also contrast with the opinions of those who believe that time frames for arranging family group conferences compare unfavourably with the management of cases through the courts. The first set of data in the Table show that it takes up to three weeks before just over half the conferences are held and that over a third take more than four weeks. This is despite the fact that the family group conference will have been held before the first Youth Court date. It is difficult to understand the reasons for these delays as the bulk of Youth Court cases were held in courts that meet at least fortnightly.

When the family group conference recommendations and plans are presented to the Youth Court, there can be further delays before cases are finalised. For a third of the sample it took up to another eight weeks and for half it was more than 12 weeks. Thus, overall time from first to last court date was up to 16 weeks for nearly half and over 20 weeks for at least a third. These time frames are not consistent with the intent expressed in the 1989 Act.

Table 5.12 Time from first Youth Court appearance to family group conference, and to the final Youth Court appearance for Youth Court cases; LES data; percentages and cumulative percentages (n=99)

Time from first YC to FGC	%	Cum%
FGC before first YC ²⁴	25	25
Up to 2 weeks	15	40
2 – 3 weeks	14	53
3 – 4 weeks	10	64
More than 4 weeks	36	100
Time from FGC to final YC		
Up to 2 weeks	15	15
2 – 4 weeks	6	22
6 – 8 weeks	5	33
8 – 10 weeks	9	42
10 –12 weeks	5	48
Over 12 weeks	52	100
Time from first to final YC		
Up to 4 weeks	12	12
4– 6 weeks	5	12
6 – 8 weeks	5	22
8 – 10 weeks	6	28
10 –12 weeks	5	33
12 –16 weeks	15	48
16 – 20 weeks	16	64
More than 20 weeks	36	100

However, it is possible that much of the time from the return of the case from the family group conference to the final Youth Court date is necessary to allow adjournments for the plans to be completed. Additional data on a portion of the retrospective sample from the SWis databases, although based on much smaller numbers, provide further insight into how time frames are managed in the Youth Court. These data are set out in Table 5.13.

²⁴ These will usually be cases where the family group conference recommends that a case be transferred to the Youth Court or where police lay charges when a family group conference has failed to agree.

Table 5.13 Time from first Youth Court appearance to family group conference, to Youth Court decision and to the final Youth Court appearance for Youth Court cases for the retrospective sample; data from SWis database; percentages and cumulative percentages

Time from first YC to FGC (n=105)	Youth Court referrals	
	%	Cum%
Up to one week	17	17
1 – 2 weeks	29	46
2 – 3 weeks	28	74
3 – 4 weeks	12	86
More than 4 weeks	14	100
Mean	22 days	
Time from FGC to YC decision (n=65)		
Up to two weeks	14	14
2 – 4 weeks	34	48
4 – 6 weeks	11	59
6 – 8 weeks	9	68
8 – 10 weeks	11	79
10 – 12 weeks	8	87
More than 12 weeks	14	100
Mean	51 days	
Time from YC decision to final YC (n=42)		
Same day	31	31
Up to 4 weeks	7	38
4 – 8 weeks	19	57
8 – 12 weeks	19	76
12 – 20 weeks	9	85
More than 20 weeks	14	100
Mean	57 days	
Time from first to final YC (n=59)		
Up to four weeks	14	14
4 – 8 weeks	12	26
8 – 12 weeks	20	46
12 – 16 weeks	20	66
16 – 20 weeks	19	85
More than 20 weeks	15	100
Mean	108 days	

The above data indicate that the Youth Court is not only taking longer because of the adjournments for family group conference plans to be completed, but it is also often taking considerable time to process cases to the point where it can reach a decision. While it took, on average, 22 days for the family group conference to be convened and reach a decision, it took the Youth Court another 51 days after that to reach its decisions. In part, the process can be affected by delays in cases where there is additional offending but these cases represent a minority of those being dealt with. Other delays occur in cases

where the judge requires a report or plan before making a supervision order. More importantly, the delay is likely to result from the practice of holding regular Youth Court days. These can be as much as one month apart in some areas.

These data also show that the Youth Court takes, on average, another 57 days to finalise the case after it reaches a decision. There is a lot of variability here. Nearly a third of the Youth Court cases were finalised the same day and this includes those where a conviction was registered or Youth Court orders were made. Cases where family group conference plans were to be implemented often took much longer as many Youth Courts waited until the plans were complete before arranging a discharge or allowing a withdrawal of the case. The long times involved are illustrated by the fact that nearly a quarter of the cases were not finalised for at least 12 weeks.

The total picture presented in these data suggests, therefore, that at least half the average of 108 days for the Youth Court to finalise a case results both from the time taken to come to a decision (an average of 73 days from first Youth Court appearance to Youth Court decision – see Table 5.13) and the time taken to await the completion of family group conference plans.

Ethnic similarities and differences

Analyses of differences by ethnicity were carried out for processes in the youth justice system using data from the SWis database and from the interviews with young people in the retrospective sample. Significant differences as a function of ethnicity did emerge in three aspects: who attended the family group conference; and who was designated as responsible for implementing plans and monitoring of plans. The relevant differences in the data on these variables are described in Table 5.14 and 5.15 where the most noticeable differences are bolded.

Table 5.14 Data on father and victim attendance at the target family group conferences by ethnicity of the young person for the retrospective sample; data from SWis database; percentages (n=760)²⁵

Person	Pākehā (n=267)	Māori (n=298)	Pacific (n=120)	Other (n=75)
Father	45	33	43	51
Victim ²⁶	48	37	34	47
Victims and supporters	53	42	38	55

The data in Table 5.14 show that Māori young people were less likely than those of other ethnicities to have had their father present at the family group conference. This finding may reflect the general population finding that Māori women are more likely than other

²⁵ Father Chi-square = 12.2, df=3, p<0.01; victim any Chi-square =10.7, df=3, p = 0.01; victim and supporters Chi-square = 11.5, df=3, p<0.01

²⁶ The denominator for calculating the relevant percentages for victim data was based on the number of conferences for which a victim had been identified.

ethnic groups to head sole-parent families (Statistics New Zealand: Census 2001). The ethnic group most likely to have a father present was the ‘Other’ group.

When it comes to victims’ attendance, those of Pākehā or ‘Other’ ethnicity were more likely than Pacific or Māori young people to have a victim and victim supporters present. These findings could be explained by the difference in the type of offence and, hence, the type of victim offended against. Data from the prospective study reported in Chapter 6 show that Māori and Pacific young people were more likely to have committed dishonesty offences and these were the offences most likely to involve a business victim rather than a personal victim. It is the individual, rather than the business, victim who is more likely to attend the family group conference.

Table 5.15 reports on ethnicity differences in who was responsible for implementing and monitoring family group conferences.

Table 5.15 Who was responsible for implementing and monitoring the family group conference plan?²⁷ Data on the retrospective sample from SWis database by ethnicity; percentages (n=715)²⁸

Implementation	Pākehā (n=260)	Māori (n=275)	Pacific (n=108)	Other (n=72)
Family to implement	42	54	56	49
Monitoring				
Police ²⁹	31	19	18	35
Youth justice co-ordinator ³⁰	28	22	13	19
Other ³¹	22	36	42	29

The data in Table 5.15 describe who was responsible for implementing and monitoring plans. It shows that Māori and Pacific families were designated as responsible for arranging plan implementation more commonly than were Pākehā and ‘Other’ families. This could be seen as reflecting a stronger emphasis on family among Māori and Pacific. On the other hand, there was no statistically significant difference between ethnic groups when family undertook the monitoring of plans.³² When youth justice co-ordinators were

²⁷ These data may be underestimates; in some cases, there was no need for support in implementation and, in other cases, the person responsible may not have been recorded. However, when arrangements were made, more than one person may have been involved so that data sum to more than 100%.

²⁸ Chi-square = 9.4, df=3, p<0.03

²⁹ Chi-square = 15.4, df=3,, p<0.01

³⁰ Chi-square =10.2, df=3, p=0.06

³¹ ‘Other’ includes Court staff, youth advocates, family supporters and community workers but not family.

³² Actual percentages of family monitoring were 24% Pākehā, 16% Māori and 23% Pacific.

involved, they were more likely to monitor Pākehā young people, when other people or agencies were involved, they were more likely to monitor Pacific young people and the police were more likely to monitor young people of ‘Other’ ethnicity. No particular category was significant in monitoring Māori young people. Again these differences are not easily explicable. It is possible that they simply reflect area differences in practice and we have already seen that responses to young people from different ethnic groups varies by area.

Sex similarities and differences

Analyses of differences by sex were carried out for processes and outcomes in the youth justice system using data from the SWis database and from the interviews with young people in the retrospective sample. Differences were not significant with respect to the nature, monitoring, implementation and completion of plans or in the types of outcomes that resulted from Youth Court appearances. There were two aspects where there were significant differences as a function of sex: who attended the family group conference and whether or not specific aspects of the plans were completed.

The only difference for girls and boys in who attended the conference was in relation to the victim supporter. When the young offender was a girl, victim supporters³³ were more likely to be present (19%) compared to boys (10%). There does not seem to be any obvious explanation for the difference. For instance, the difference in offence types shows that girls were more likely to carry out shoplifting than any other offence. It may be that this difference is a chance one. Table 5.16 shows data for girls and boys on completions of plans.

Table 5.16 Completion of plans by sex; those in the retrospective sample reporting undertaking and completing selected elements;³⁴ percentage with element in plan

Element	Boys (n=417)	Girls (n=72)
Verbal apologies	37	18
Restrictions – any type	44	24
Educational training	12	24

The data in Table 5.16 show that boys were more likely than girls to have plans recommending verbal apologies and restrictions of some type. The increased probability of boys being required to make verbal apologies is not readily explained by the nature of their offending or by any difference in the presence of victims at their conference and we can offer no explanation for this. The greater emphasis on restrictions for boys may, however, suggest a difference in response to boys who may be seen as more likely to disobey parental injunctions or it could relate to the fact that their increasing probability

³³ Victim supporters Chi square = 6.7, df=1, p = 0.01

³⁴ Verbal apologies Chi-square = 10.5, df=2, p<0.01; Restrictions any type Chi-square = 11.6, df=2, p<0.01; Educational training Chi-square = 13.0, df=2, p = 0.001

of their being involved in burglary and car theft. In these instances these sanctions may seem more appropriate.

Summary

The first part of this chapter has described the processes of the family group conference from data taken from the formal CYF records kept on the conference arrangements and observations from the prospective sample of the way the conferences proceeded. It presents data from victims on their reasons for choosing to attend or not to attend the conference and it also presents data on time frames in the youth justice system for police processes, the family group conferences and the Youth Court.

The youth justice co-ordinator, responsible for the overall management of the family group conference, generally prepared for it, sometimes with their clerical support person assisting. Preparation consisted of liaising with the police for police-referred conferences, arranging home visits to speak with the family and young person (in only two-thirds of the cases in the prospective sample and in only about one-third of the cases was the young person seen separately from the family) or in phoning and sending letters.

The young person and their caregiver(s) almost always attended the conferences. Siblings were there for about a quarter and other family members for nearly a half. The professionals almost always included the police, a youth advocate who attended in about three out of four Youth Court-referred cases, and a social worker or community agency worker who attended about one in five conferences in 1998 and for over half the conferences in the prospective sample.

Victims or their supporters were present on about half the occasions when a victim had been identified. Victims in the prospective sample who did not attend usually gave as a reason not wanting to meet the young person or their family, and here about one in five expressed some element of fear or anxiety. Being unable to attend, but would have liked to, was the next most common reason. (Only about 14% of this category considered venue unsuitable or notification inadequate, an improvement on findings a decade ago). Others wanted to forget what had happened and did not want to have any further involvement. When a business had been affected by the young person's action, those involved often saw attendance as a waste of their time, especially when they were frequently targeted. The victims who did attend wanted to tell the young person how they felt, to express their views on what had happened, and influence outcomes. Some also saw their attendance as helping prevent crime, and to find out about the young person – attitudes consistent with restorative goals.

Introductions were a normal part of the process although, in the small numbers where introductions did not occur, some commented adversely on their absence. Observations for the prospective sample showed that one out of four conferences began with a karakia delivered by a family member. The co-ordinator then generally explained the procedure and the police officer presented a summary of the facts of the offending. Providing the young person did not deny involvement in the offending, the victim or victims would then express his or her or their views and the conference proceeded to explore options for

outcomes before the family had their private time. After this all reconvened to discuss the proposed plan and arrive at an agreed decision. This normally included designating specific people to be responsible for post-conference arrangements, including arranging referrals or placements, supervising tasks and monitoring outcomes.

Post-conference actions comprised sending out the agreed plans and decisions, nominating (generally) CYF staff to be responsible for plan implementation, and obtaining funding approval as required.. Youth justice co-ordinators and social workers were most likely to be involved in arranging referrals and placements Managers generally made funding decisions and controlled budgets.

Official records show that those designated as responsible for the monitoring of plans or elements of plans were CYF social workers (39%) and 'Other' (33%), while youth justice co-ordinators, police, and family were each designated in about one-quarter of the cases (Table 5.7). Interestingly, the young people's perceptions on who had this responsibility differed. Half reported that a family member was the main person who made sure that they completed the plan.

Plans almost invariably included elements intended to make the young person accountable and almost half included measures to enhance wellbeing. In a sub-sample (170) of retrospective cases studied in depth, the plans were recorded as having been completed either in full or mainly for nearly nine out of ten conferences.

In 1998, the young people were most likely to complete the vocational programmes and see them as helpful. About half completed correspondence school programmes – again most of those completing saw them as helpful, even when they did not complete them. One can hypothesise that the courses were judged as providing useful employment skills and skills needed to make the transition to adult status. However, the respondents generally did not consider anger, alcohol and drug, assessments and driver education programmes helpful. The low perceived helpfulness of driver education programmes suggests that these programmes should be reviewed to ensure they are relevant and effective for those referred to them. The low perceived helpfulness of assessments could result from the failure to follow up with appropriate and effective programmes. These findings suggest a need for monitoring and review to ensure high quality programmes that can produce results related to young persons' needs and goals.

Data on elapsed time between critical points are presented for police, CYF and Youth Court processing. The results show that delays can occur at all points in the process. On balance, CYF appear to be achieving appropriate time frames at least as often as the police and usually more often than the Youth Courts. However, in some instances there are long delays in processing and this raises a question about whether there needs to be monitoring of agency response times.

Analyses by ethnicity indicate more similarities than differences in the conference process. What differences there were appeared to be the result of other differences in the sample such as offence and background characteristics.

Similarly, there were few differences between boys and girls. The differences that were noted are likely to be a function of differences in patterns of offending. Victim supporters were more likely to be present when a girl was involved. Boys were more likely than girls to be required to offer verbal apologies and to accept some type of restrictive sanctions, and girls were less likely than boys to complete work in the community or to attend programmes when these were required.

The young people, their backgrounds and their involvement in the youth justice system

Previous research has identified a number of indicators of young New Zealanders' offending (Fergusson et al, 1993) and reoffending (Maxwell and Morris, 1999). Interviews with the young people in this sample covered the most important variables identified in this research. The frequency with which various indicators were reported by the young people interviewed from the retrospective and prospective samples is described in this chapter. Data¹ on the young people are set out under separate headings for a selection of variables relating to family background, experiences while growing up and offending history. In addition, this chapter provides an insight into how the young people saw their experiences of the youth justice system. Their views provide another dimension to the more formal account of the family group conference given in the previous chapter and, further, an insight into their contact with the police.

Family backgrounds

Some of the critical variables in the family background of young people, which previous research has suggested is associated with their increased probability of offending as an adult, are listed in Table 6.1 along with the frequency with which they were reported by those interviewed.

Table 6.1 Experiences while growing up; data from young persons' interviews for the retrospective and prospective samples; percentages

Experience	Retrospective (n=520)	Prospective (n=105)
<i>Changes in home circumstances</i>		
Changes in caregiver – any	62	69
1	20	20
2 – 4	27	29
5 plus	15	19
Changes in where lived – any	81	83
1 – 4	50	61
5 plus	31	22
<i>Changes in school</i>		
Up to 3	29	57
4 – 7	56	17
8 plus	15	4

¹ Data in this chapter come from interviews with 520 young people from the retrospective sample but numbers in specific tables are often smaller because not all chose to reply or were eligible to reply to particular questions. It should be noted that the retrospective sample were recalling more distant events than the prospective. Also those in the retrospective sample were all over the age of 15 years 9 months at the time of the family group conference while many of the prospective sample were younger and were recalling events relatively soon after the conference.

Table 6.1 Experiences while growing up (continued)

Experience	Retrospective	Prospective
<i>Exposure to violence and abuse – any frequent²</i>	60	41
Sexually abused	5	6
Given a really severe thrashing		
Often	17	6
Sometimes	20	15
Hit with strap, stick etc.		
Often	25	15
Sometimes	36	28
Smacked		
Often	34	14
Sometimes	45	67
Emotionally abused		
Often	19	13
Sometimes	21	29
<i>Anti-social family</i>		
Watched adults fight physically		
Often	27	13
Sometimes	20	32
Watched adults fight verbally		
Often	45	27
Sometimes	31	48
<i>Family involvement in drugs and crime – any³</i>	73	88
Family involved in crime – any	66	84
A parent	27	50
A sibling	35	46
Extended family or whānau	48	59
Family members often involved in heavy use of – any	41	36
Alcohol	35	31
Drugs	18	19

The data in Table 6.1 show that many of the young people had experienced considerable instability during their early years. Over 60% of those in the retrospective sample reported at least one change of caregiver during their childhood and 42% experienced at least two

² Questions about frequency were asked using a 5 point scale ranging from 1 = never to 5 = often. Those responding with a 4 or 5 have been described as ‘frequently’ and those responding 2 or 3 as ‘sometimes’.

³ For experiences of violence and abuse, the ‘any’ variables refer to ‘frequent’ experiences. ‘Any’ involvement in alcohol and drugs means heavy use of alcohol and/or some use of drugs. Involvement in crime is based on an answer of ‘yes’. The two items on witnessing adults fight are not included in this subtotal although factor analysis later showed that they belong with family involvement in alcohol and crime.

changes.⁴ These young people also reported frequent changes of school and living circumstances; 71% had attended more than three different schools and nearly a third had lived in at least five different homes. The prospective sample were less likely to report as many changes of school than the retrospective sample and this is likely to be due to the fact that it contains many younger children.

Overall, 60% of the retrospective sample reported frequent exposure to at least one possible form of violence and abuse while growing up. However, smaller proportions reported severe abuse. Only 5% reported having been sexually abused, although this may be an underestimate as victims are often too ashamed to report that this has happened (Mullen et al, 1993). Larger proportions reported physical abuse: over a third reported having been severely thrashed or smacked at least sometimes and well over half reported having been hit with a strap or stick. Forty per cent reported emotional abuse.

The proportions reporting having witnessed family violence are high: nearly half reported watching adults fight physically and nearly half reported frequently watching their parents fight verbally. The proportions are not significantly dissimilar in the prospective sample, although fewer tended to report watching adults fight either physically or verbally.

Young people frequently reported that members of their family were involved in crime. Nearly half of the retrospective sample said that this was true for their extended family, and over a quarter of the young people said that their parents were involved in crime. Siblings' involvement in crime was mentioned by over a third. In all, two-thirds reported that at least one relative had been involved in crime. In addition, over a third reported that family members frequently used alcohol heavily and 18% reported frequent use of drugs by family members. In total, three-quarters of the young people reported growing up in families characterised by crime, frequent use of alcohol, or drug use. Those in the prospective sample were more likely to report that members of their family were involved in crime.

Quotes from the young people elaborate the bare statistics and illustrate the depth and complexity of their experiences. Changes in family care sometimes occurred with family break up and reconstitution:

My mum had a boyfriend from when I was four until I was 11. I see him as dad. She had another from when I was 13 to now. I also lived with my auntie in Wanganui for two years.

On occasion, the changes could be seen as positive:

I had month on, month off with Father then Mother. I went backward and forward but in a good way.

⁴ It should be noted that Māori families may arrange a 'whāngai' adoption. In such cases, the child may move between families while growing up.

But others' histories indicate problems of inadequate or inconsistent care:

Dad left when I was young but I didn't really care. I had Mum and she's choice. I lived with her until I was four, then my father until I was six, and with a foster family until I was sent to boarding school.

I have moved backward and forward between grandparents, uncles, aunties. I have moved between families a lot.

I moved in with my father and my stepmum when I was nine. I didn't see Mum again until I was 16 – we could have but we didn't want to. I stayed with them [father and stepmother] until I was 13. I left home at that time, I told them that is what I wanted. CYFS had me, I scammed them to letting me stay with this old lady, then I lived with my grandmother, and then on my own. I left social welfare care when I was 16 and they haven't enquired about me since.

Up to five I was with my mother. From five to eight years I was with one parent and a stepparent. I was with my mother and father until I was nine and then in social welfare custody until I was 16. I had 20 changes or more there.

Criminal offending by family members was often part of growing up:

I lived with my mother and mostly Mum and Dad for times when he was out of prison. When I was 13 I was sent to relatives because Mum and Dad were not getting along. Then I was in family homes and in a residence.

Some young people were more explicit about the nature of the problems:

Dad left when I was one year old. I had a stepfather from the time I was five till when I was 15. He was a bad bugger, a dope grower, very angry and very violent.

Our parents didn't care about us growing up. They didn't give crap. They were just drinking all the time.

The young people sometimes linked their problems to their offending:

I never knew my dad. My mum was a heroin user. I've been in every boy's home in New Zealand. Now drinking is my downfall. Every time I offend it is due to being drunk. I just can't stay out of trouble.

My life turned to shit when my father went to gaol for molesting my sister. I committed offences as a result of the immense family stress.

Other childhood experiences

The young people were asked about a variety of other experiences during their childhood. Table 6.2 provides an overview of these. It indicates the percentages reporting various positive and negative childhood experiences.

Table 6.2 Reports of positive and negative experiences while growing up; young people's interviews for retrospective and prospective samples; percentages responding 'yes' to each item (n=520; 105)⁵

Experience	Retrospective	Prospective
<i>Positive relationships</i>		
I had people in my life who cared about me	94	98
I had good friends while I was growing up	84	86
Apart from my parents, there were other adults (family and friends) I was close to while I was growing up	77	78
There were people I admired and wanted to be like	53	45
<i>Family environment</i>		
I generally did what I was told	59	43
I think that my family was reasonably happy	67	64
In general I had a happy childhood	66	72
I got on well with my parents	66	75
My family was actively involved in the community	41	39
While growing up I spent a lot of time with my father	42	53
I was often in conflict with my parents	32	33
In my spare time I did things with my family	87	45
<i>Clubs and friends</i>		
I was involved with sports or other clubs while growing up	83	74
In my spare time I had friends visit or visited them	88	88
In my spare time I did things in the neighbourhood, clubs, sports	74	47
<i>Parental supervision</i>		
Parents usually knew my whereabouts when I was out		
Primary school age	84	78
Intermediate school age	67	70
Secondary school age	28	39
There was someone home when I came back after school		
Primary	88	88
Intermediate	76	84
I had a time to come home and I came home by it in:		
Intermediate	67	47
Secondary	37	57
<u>Experience</u>	<u>Retrospective</u>	<u>Prospective</u>
<i>Poverty</i>		
My family had enough money to get by	67	75
<i>Health</i>		
I had a number of health problems	9	19

⁵ The percentages in this table were based on those replying 4 or 5 on a five-point scale from 1 = disagree to 5 = agree.

The data in Table 6.2 show that almost all of the young people reported feeling cared about and having good friends. Over three-quarters of the retrospective sample reported that there were other adults that they were close to while they were growing up. Two-thirds said that their family and childhood was reasonably happy, that they generally did what they were told and that they got on well with their parents. Almost all were involved in sports and clubs. The prospective sample reported similar experiences, except that only about half reported doing things in the neighbourhood in their spare time.

On the other hand, about a third of the retrospective sample did not report a happy and harmonious family and did not report getting on well with their parents. Nearly half did not have people they admired and wanted to be like, and nearly 60% did not report spending much time with their father. Almost a third reported often being in conflict with their parents. Again, the prospective sample reported similar experiences.

Young people in the retrospective sample believed that their parents knew where they were and arranged for someone to be home when they came in after school in four out of five cases when they were at primary school. By secondary school, supervision and monitoring were reported by no more than half.

One in four of the prospective sample and one in three of the retrospective sample reported that their family had enough money to get by. Only a few reported health problems.

What seemed a surprisingly large number of the young people reported that a parent or a close relative or friend had died not long before the onset of offending:

In 1998, before I got into trouble, my grandfather died.

Sometimes these deaths were violent ones:

My dad committed suicide in 1997. I found him in the garage.

My dad got murdered four years ago [two years before the offending].

The young people reported mixed experiences in their school lives. Tables 6.3 and 6.4 report these data.

Table 6.3 Positive experiences and negative experiences and responses to school; young people’s interviews for retrospective and prospective samples; percentages agreeing or saying ‘yes’ to each item⁶

Experience	Retrospective (n=520)	Prospective (n=105)
<i>Positive experiences (percentage agreeing)</i>		
In general I did well at school	39	44
I got on well with my teachers	35	31
In general I was good at sport	81	73
I reached the 5 th form ⁷	63	49
Gained a school qualification ⁸	21	14
<i>Bullied others</i>		
Bullied often		
Physical bullying	16	20
Left out or ganged up on	14	11
Ganging up on other children often at some time	26	18
Primary	11	7
Intermediate	11	8
High school	19	13
<i>Stole from others</i>		
Stealing from other children often at some time	25	17
Primary	12	8
Intermediate	12	9
High school	18	16
Punching, kicking, hitting other children often at some time	47	43
Primary	25	26
Intermediate	25	28
High school	38	32
<i>Negative school experiences</i>		
Truanted from school often at some time	69	52
Primary	7	8
Intermediate	19	10
High school	68	50
Suspended or expelled from school at some time	79	76
Primary	18	18
Intermediate	32	30
High school	76	72

⁶ The percentage ‘agreeing’ is made up of those replying 4 or 5 on a five-point scale from 1=disagree to 5 = agree. Similarly the percentage for ‘frequently’ comes from responses of 4 or 5 on a scale from 1= never to 5= often.

⁷ A number of the prospective sample were too young to have reached 5th form.

⁸ A number of the prospective sample were not old enough to have gained a school qualification.

When it comes to positive experiences at school, only about two-fifths of the retrospective sample reported getting on well with teachers or doing well in their school work although 81% said that they were good at sport. Negative experiences at school were quite commonly reported. About one in six said that they had been a frequent victim of physical bullying or had been ganged up on and left out, and a greater number reported this had happened at least sometimes. At high school, only about one in five reported ganging up on other children or stealing at school, but nearly half reported punching, kicking or hitting other children frequently. In addition, over two-thirds of the sample reported truanting frequently at high school and nearly 80% reported having been suspended or expelled from school. The results for the prospective sample seem similar taking into account the younger age of many of the children. We also asked the young people about the extent to which they became involved in a range of other problem activities while growing up. Table 6.4 reports on these data.

Table 6.4 Reports of involvement in other problem activities while growing up; young people’s interviews for retrospective and prospective samples; percentages of those agreeing or responding ‘yes’ to each item; (n=520; 105)

	Retrospective	Prospective
Running away		
at least once	69	65
at least three times	47	41
Drug and alcohol use (frequent experimentation)		
Tobacco	66	75
Marijuana (dope)	52	36
Alcohol	50	53
Sniffing	7	6
Sexual activity before 15 years	54	55
Involvement in unprotected sex ⁹	35	20

The data in Table 6.4 show that about two-thirds of both samples reported running away at some time and nearly half said that they had done this at least three times. Two-thirds were using tobacco frequently and half reported using marijuana and alcohol frequently. Very few reported sniffing substances. Over a half reported sexual activity before they were 15 years of age and about a third of the retrospective sample reported that they were sometimes involved in unprotected sex.¹⁰

Offending history

The young people were asked about the extent to which they offended while growing up, and whether or not they had had contact with the police. Data on previous family group

⁹ Responses of 4 or 5 on a 5 point scale from 1 = never to 5 = often.

¹⁰ The smaller proportion reporting unprotected sex in the prospective sample is probably due to the fact that many were younger than those in the retrospective sample.

conferences or Youth Court appearances for offending come from SWis files. Table 6.5 reports these data.

Table 6.5 Previous involvement in offending while growing up; young people’s interviews for retrospective and prospective samples; percentages saying yes (n=516; 105)

	Retrospective	Prospective
<i>Self-report offending – any</i>	88	84
Undetected	79	65
Detected	69	77
<i>Contact with the police</i>		
At least some	72	65
Often ¹¹	69	35
<i>Previous YJ FGCs (CYFS data)¹²</i>		
At least one	51	
Four or more	16	
Youth Court	32	

The data in Table 6.5 show that over three-quarters of the retrospective sample reported undetected offending, a figure similar to that quoted by Fergusson and others (1993) and Moffitt and Harrington (1996) for general population samples of a similar age. However, over two-thirds reported detected offending and these figures are larger than the proportions reported by the studies referred to above. Table 6.5 also suggests that, while a relatively large proportion reported that some of their offending is undetected, most of those who offended were detected at some point. Nearly three-quarters reported previous contact with the police and over two-thirds reported having often been in contact with the police.

In addition to self-report data, the CYFS files¹³ show that about half the retrospective sample had had a previous family group conference for their offending and 16% had had four or more previous family group conferences. A third had previously been charged in the Youth Court.

The young people were asked to indicate the nature of their previous undetected offending. Their responses to this question are given in Table 6.6.

¹¹ Categories 4 or 5 on a scale from 1= never to 5 = often.

¹² The rest of the data in this table were not available for the prospective sample.

¹³ These data are based on the 733 cases originally identified.

Table 6.6 Nature of previous undetected offending while growing up; young people’s interviews for retrospective and prospective samples; percentages responding ‘yes’ to each item (n=520; 102)

Type of offending	Retrospective	Prospective
Soft drugs for personal use	60	48
Property	56	47
Violence	35	34
Drugs – hard drugs or for supply	17	13
Other	9	2

The data in Table 6.6 show that for 60% of the retrospective sample the undetected offending referred to involved soft drug use. Over half reported undetected property offending, over a third reported undetected offences of violence and a smaller number reported other undetected offences or serious drug offences. The prospective sample reported a similar pattern of undetected offences.

Police contact

A young person’s first contact with the youth justice system is usually with a front line police officer after an offence has been reported or detected. As we have already seen, 72% of the young people interviewed in the retrospective sample had had contact with the police prior to the offending in the target conference. Others would have already formed views about the police from friends or family members. It is in this context that views on contacts with the police in relation to the target offence will have been formed. Table 6.7 sets out these views.

Table 6.7 Young people’s views of their contact with the police in relation to the target conference; young people’s interviews for retrospective and prospective samples; percentages agreeing and disagreeing with statements (n=520; 105)¹⁴

Statement	Retrospective		Prospective	
	disagree	agree	disagree	agree
Police treated me fairly when arrested	49	38	51	29
Police treated me fairly when interviewing me at station	43	42	31	51
Police treated me fairly in the FGC	26	62	17	74
Police treated me fairly in the Youth Court	25	64	20	68
Police treated me fairly on other occasions	58	26	50	31
As a result, my respect for police has increased	64	22	57	26

The data in Table 6.7 show a marked contrast between young people’s views of how they were treated when being arrested and interviewed and their views of how they were treated

¹⁴ Agreement has been defined as responses of 4 or 5 and disagreement as 1 or 2 on a five-point scale: 1= disagree and 5 = agree.

in the family group conference and in the Youth Court. In the family group conference and at court, nearly two-thirds of the retrospective sample agreed with the statement that they had been fairly treated. Only around a half felt unfairly treated when they were arrested and interviewed.¹⁵ However, general experiences of the police tended to be negative, with over half feeling that they had been treated unfairly on other occasions. The young people's respect for the police appears not to have increased as a result of their contacts. The views of the prospective sample are not significantly different from those for the retrospective sample.

Some of the young people made specific allegations of police ill-treatment. A small sample are quoted below:¹⁶

On this occasion there were three of us. The police handcuffed me and pushed me on the road on my face and then stomped on the back of my head. The police gave me a hiding when I was in the cells.

The police are corrupt. They put a gun to my head. They used dogs on me and the dogs bit me until I bled all over my body. The police threatened me. I was only 15 at the time and I was so scared. I was surrounded by detectives. I was begging. It was so pathetic. They were laughing, cold and heartless.

The cops unfairly treated me while I was in custody. I was placed in Mt Eden because there was no room in Kingslea, Weymouth or Epuni. They left me naked in the round room [cells]. There was no toilet. They only let me out for 1 hour in one whole week. I have vivid memories of that week I also had harassment from the cops in the Otahuhu cells. An older, bigger cop physically beat me up because I called him names.

Others referred to specific instances where they believed they had been unfairly treated:

The police tricked me. They said I was allowed a lawyer but they didn't tell me my rights. I ended up giving a statement I shouldn't have.

This cop treated me as if I was in the wrong for what I did. He intimidated me and made me feel stink. I was sorry but the cop kept harassing me.

They were unfair to me when I was on my own but at the family group conference [the police officer] changed his attitude from abusive to 'I want to help you'.

It was difficult to find positive examples but some of the young people reported mixed experiences:

Though they've treated me well, I've seen them treat my friends very unfairly. I have little time for them now.

Uniformed police are more cocky – because they have a uniform on they think they are bigger. In general, youth aid cops are easy to deal with.

¹⁵ Different sections of the police would have been involved in these different circumstances. Arrests and interviews would have been carried out by front line police or detectives. Family group conferences would have been attended by youth aid officers, and police prosecutors, senior youth aid officers in the larger areas, would have attended the courts procedures.

¹⁶ These quotes came from young people in both the retrospective and the prospective samples.

I have mixed views of cops but generally a good attitude towards them. I understand that they have difficulties with their jobs even though they were a bit tough on me when I was arrested.

I respect the police but some are just too hard case.

Family group conference experiences

Data on young people's reports of what happened at the family group conference

The young people in both the retrospective and prospective samples were asked about their memory of the conference, the extent to which they were prepared for it and consulted about it, their participation in and their involvement during the conference. They were also asked about their responses to the victims and to their own offending, the responses of others to them and for their views on the outcomes. The responses to the individual items are presented in Table 6.8 for both the prospective and retrospective samples.¹⁷

Table 6.8 Young people's agreement¹⁸ with statements about their involvement in and views about the family group conference; young people's interviews for retrospective and prospective samples;¹⁹ percentages saying 'Yes' to each item (n=520, 105)

Experience	Retrospective		Prospective ²⁰	
	agree	disagree	agree	disagree
Preparation: consulted and informed				
I was told what would happen	76	17	70	20
I was told what others might expect of me	68	24	65	26
I was told about possible outcomes	75	18	65	23
I was consulted about who should come	80	18	60	37
Support				
People there cared about and supported me	94	5	91	3
People spoke up on my behalf	76	17	81	8
People showed they cared about me regardless of what I had done	80	10	84	5
People talked about what they liked about me	50	43	47	40
Understanding				
I understood what was going on	79	12	86	3
I understood what was decided	93	4	98	1
Participation				
I felt I'd the opportunity to say what I wanted	66	24	75	9
I felt involved in making decisions	49	41	56	27
I really agreed with the decisions	61	27	73	15
The decision was better than I expected	61	28	60	32
Family met privately ²¹	64	36	-	-

¹⁷ These items were derived from a similar earlier study (Maxwell and Morris, 1999).

¹⁸ Agreement has been defined as responses of 4 or 5 and disagreement as 1 or 2 on a five-point scale: 1= disagree and 5 = agree.

¹⁹ The number of respondents to the particular questions varies – each person did not answer every item.

²⁰ Missing data occur where the prospective sample were not asked the question.

Fairness				
I was treated with respect	67	22	83	7
I was treated fairly	74	15	84	6
Generally people were looking out for my best interests	67	21	80	7
Stigma and exclusion				
The way I was dealt with made me feel I was a bad person	51	35	40	46
I was treated as though I was a criminal	53	38	-	-
I felt too intimidated to say what I wanted to	41	52	32	54
Remorse				
Was a victim present ²²	56	44	50	50
I could understand how the victim felt	72	21	83	9
I felt really sorry about my offending	61	30	80	12
I showed the victim I was really sorry	62	31	60	21
I could see the victim's point of view	76	18	83	9
I felt ashamed of myself	53	38	47	42
In the FGC I felt what I did was wrong ²³	62	30	88	9
I now feel what I did was wrong	86	11	91	6
Forgiveness				
After the FGC people showed me I was forgiven	53	36	45	28
People gave me another chance	77	14	80	13
<hr/>				
Experience	agree	disagree	agree	disagree
<hr/>				
People made it clear I can put the whole thing behind me	75	18	68	19
People treated me like a trustworthy person	44	39	-	-
I think the victim accepted my apology	57	28	77	13
People didn't let me forget what I had done	39	53	-	-
Memorability				
I remember a lot about it ²⁴	45	30	77	12
Other responses				
I decided to keep out of trouble in future ²⁵	74	21	95	3
I was able to make up for what I did	77	18	82	14

The items in Table 6.8 have been able to be divided into nine main clusters that make good theoretical sense and are based on statistical analysis²⁶. The names chosen to describe these items are given in the table above each group of items. The results are described under these names.

²¹ The young people in the prospective sample were not asked this question as an observer recorded this information. Private family time was recorded for 82% of the conferences observed.

²² For the victim questions, the percentages in Table 6.8 were compared for those family group conferences where a victim was and was not present. As there was no significant difference depending on when a victim was and was not present at the conference, the data have been reported for the whole sample of young people whose offence involved a victim.

²³ Chi-square = 23.5, df=1, p<0.001

²⁴ Chi-square = 23.19, df=1, p<0.01

²⁵ Chi-square = 90.6, df=1, p<0.001

²⁶ 'Principal components' was used to analyse the responses of the 520 young people in the retrospective sample. The nine factors were rotated using a varimax rotation. These factors are used in the analysis in chapters 9 & 10.

Preparation – being consulted and informed

Over two-thirds agreed with items indicating that they were consulted about the arrangements and informed about what would happen. There were few comments about specific aspects of preparation that could be improved but general unfamiliarity with the process undoubtedly affected some:

I was scared the first time – I didn't know what to expect.

Some commented on appreciating pre-conference briefings when they were arranged but others who did not have preliminary meetings with key professionals said that they would have liked to have met them beforehand. A few were concerned that inappropriate people been invited:

I don't get on with my father so I wasn't keen on him being invited.

X and Y [friends of the mother] were nothing to do with it – they are not my family.

Not all the young people felt comfortable when there were lots of people at the conference. One young person commented that having so many people present 'was scary' and another said that he 'didn't want everyone to know'.

Support

Overall, 90% of both samples said that people were there who cared about them and over three-quarters said people spoke up on their behalf and cared about them regardless of what they had done.

It was good to have my parents there and have support from them.

But a few young people felt unsupported:

My family, mum and cousins, were unhelpful at the family group conference.

My parents kind of disowned me. If they cared they would have come.

I asked for my counsellor to be there and she wasn't. The co-ordinator said there would be a youth advocate but there wasn't.

Understanding

At the conference, about three-quarters of the retrospective sample felt that they understood what was happening and 93% said they understood what was decided. These figures were slightly higher for the prospective sample. Very few commented adversely:

I was a bit lost – I was a bit confused, I didn't really know what they were talking about.

Participation

Feeling involved and accepting decisions was reported less often. However, all but one of the items in this cluster were answered positively by at least 60% of both samples. And these results are more positive than the results from earlier research (Maxwell and Morris, 1993). For instance, two-thirds said that they were able to say what they wanted:

It was good – just saying my side and saying sorry and being able to have a say in the plan.

But just under a half of the retrospective sample and over a quarter of the prospective sample reported that they did not feel they had been involved in the decisions.

Other concerns were expressed about how the conference worked. Several felt they had not been listened to or involved:

I was speaking but they weren't listening. They wouldn't believe what I had to say about things going on in my life. While I was there to deal with my life, they were more interested in wrapping things up for an early night with coffees at home.

I had the opportunity to say what I wanted to but they didn't want to listen. I felt it was a pick on {me} day.

He spoke to Dad the whole time not me.

They didn't really listen or understand to what I had to say.

Some were concerned about the way others behaved:

I would like it if everyone got to say what they wanted to without people butting in.

I wish my Mum had not talked so much.

Stigma and exclusion

Items indicating a feeling of stigma and exclusion were reported by at least of a third of both samples. The results are somewhat disappointing given the literature that indicates negative consequences from stigmatic shaming (Maxwell and Morris, 2002b). About half reported being made to feel like a bad person and that they had been treated as though they were a criminal. Over a third said that people did not let them forget what they had done:

He [the youth justice co-ordinator] doesn't care about kids. He's a pretender, like an actor. It's just a job, he wants his lunch. He is not trying hard enough. He is too old. Maybe they should get someone younger who can relate. He made me feel like a scumbag.

However, some of the comments indicated that the young people felt that being treated badly was sometimes understandable:

I was treated fairly and with respect by the system but not by the victims but I can see their point of view.

I wasn't treated with respect but I was a fucking little bastard.

Perhaps as a consequence of the feelings of stigma and exclusion, over a half of the retrospective and a third of the prospective sample felt too intimidated to take advantage of the opportunity to say what they wanted:

Wanted to say more than able to but I couldn't be bothered and I don't like talking in a big group.

I couldn't say what I wanted to because my parents were there.

I didn't tell them everything because I didn't think they'd believe me.

Fairness and respect

On the other hand, two-thirds reported that people were there who were looking out for their best interests. Two-thirds and three-quarters respectively reported being treated with respect and treated fairly. These figures are even higher in the prospective sample with over 80% agreeing with most of the items. However, there were some negative responses:

The older you get the less respect and fairness you get.

You feel really small, I think they're trying to help your self-esteem but it has the opposite effect. I just wanted to get it over and done with.

Remorse

The victim was present at about half the family group conferences in both samples. In the other conferences, the views of the victim would usually have been presented by the police. Overall, in the retrospective sample, three-quarters of the young people reported understanding how the victim felt and seeing the victims' point of view. About 60% of the retrospective sample reported feeling really sorry for offending and feeling that what they had done was wrong. However, significantly more of the prospective sample (88%) reported feeling that what they did was wrong and this difference was significant.²⁷ The following quotes illustrate the genuineness of the feelings of many:

²⁷ The difference may be due to the presence of the observer impacting on professional behaviour or the choice of conference to which observers were invited.

Meeting the victim affected me. What we thought was such a little thing did so much harm.

It was an accident but I take full responsibility for it.

I felt really sorry for her.

The victim never turned up and I was disappointed by that. I wanted to do a verbal apology but they wouldn't let me. I was genuinely sorry.

When the young person had apologised, about 60% of the retrospective sample said that they thought that the victim had accepted their apology although this was reported by more of the young people in the prospective conferences. Sometimes they had good reason to think this:

I gave a verbal apology in front of the whole church; they clapped and cheered.

The comments of others made it clear that they did not really know whether or not the apology was accepted. However, about three-quarters of the retrospective sample felt that they were able to make up for what they did and even more of the prospective sample. About half the young people reported feeling ashamed of themselves.

Facing the victim made me feel rat shit. I couldn't look him in the eye.

When they started talking to me I felt like scum.

I had to write a letter of apology. I couldn't look at her and say I was sorry.

In some cases, however, the young person confessed that the apology had not been genuine:

I apologised but I didn't mean it. I don't think she believed it. I wouldn't believe me.

I said sorry but it was only to shut the victim up.

I gave a pretend apology.

Meeting with the victim did not always lead to a positive outcome:

I went to this conference quite remorseful, understanding where the victims were coming from and ready to apologise. I was under the impression that one or two victims would show. When I got there a large room was packed with victims and some were still outside waiting to get in. They were out for my blood, they were all demanding reparation, there was no way that I could do that. They were abusing me, swearing at me and calling me stuff 'a little shit' etc. ... My attitude changed to ... 'Fuck youse - I'm not taking that shit'. I really hardened on my

inside. I don't think family group conferences should allow that to happen. I know I was in the wrong but I don't think that was fair.

However, some did not feel remorse at all:

I am not a criminal. It was a one-off incident. I was victimised in the end.

I said to the victims 'get fucked' instead of apologising. I had no feeling for them.

Forgiveness

Ideally, the expression of remorse will lead to others helping the young person to finding ways to repair the harm and then, being able to put matters behind them. However, previous studies have suggested that to expect forgiveness may be unrealistic when the damage is considerable and the crime is recent (Maxwell and Morris, 2000b). Nevertheless, at least half of the young people agreed with items that indicated that there was some sense of forgiveness in the family group conference and three-quarters reported that people had made it possible for them to put things behind them and that they had been able to make up for what they done. For some there was tangible evidence of forgiveness:

I stole this lady's car and she sent me thank you note with \$10 because she got loads of insurance money.

One of the victims gave me a job after I robbed his boy.

Others were still feeling the effects of not being forgiven:

My mum never forgave me and stopped talking to me.

When I see the victim, the 'looks' still remind me of what happened.

Repair

About three-quarters felt that they had been able to make up for what they had done. and the same percentage now felt that what they had done was wrong. Looking back, 86% of the retrospective sample and 91% of the prospective said that they now felt that what they had done was wrong. Three-quarters of the young people in the retrospective sample and nearly all those in the prospective sample said that, at the conference, they decided to keep out of trouble in the future. For some this was the start of a changed life-style:

After the family group conference I put personal stuff [drinking and smoking] away. I paid more attention to my family.

The family group conference allowed me to get out of a bad place to a safe place.

The conference helped a lot. I just got stuck into life and got closer to my family.

Getting a job was the important thing that helped me – it put me back on the rails. I did not want to put my parents through that stress again.

Memorability

The last cluster had only one item and was labelled memorability. The data indicated that slightly less than half of the retrospective sample remembered a lot about the family group conference. Perhaps this is not surprising given that it had usually happened over two years previously and that this was not necessarily their only family group conference.

On the other hand, a conference that was more memorable may also have been one that was more effective. One that was easily forgotten may have had less impact and this will be tested later in this report. Nearly one-third indicated that they had little or no memory of their target conference. As one might expect, three-quarters of the prospective sample who were interviewed very soon after their conference, reported remembering a lot about theirs.

Views about outcomes

Sixty per cent of both samples said that they thought the outcome was better than they had expected. A minority of the young people voiced complaints about the outcomes:

The decision wasn't too harsh. [But] it was thoughtless. It did nothing to help my situation.

The decision was no decision – it led to the Youth Court. I understood that, but I wish they could have sorted it out at the family group conference instead of me having to be humiliated at the Youth Court.

The young people in the retrospective sample were asked if what had happened at the family group conference or the impact of a programme had helped them stop, or reduce, their offending. About a third of those interviewed reported that having a family group conference had helped them to stop or reduce their offending. Nearly one in four reported that taking part in programmes had helped to stop or reduce reoffending:

At first I continued to offend but the Straight Thinking course changed that.

Data on observers' reports of what happened at the family group conference

The observers at the prospective conferences were asked to judge what happened using many of the same items that were asked of the young people. These data are important as they provide another perspective on what happened. Comparing observers' and young people's responses also enables a judgement to be made of the extent to which it is possible to use observations as a basis for understanding the responses of the young people to the conference. Observer data are presented in Table 6.9.

Table 6.9 Observers' reports based on attendance at the family group conferences in the prospective sample; percentages agreeing with the item (n=115)

Experience	Agree
Support	
People spoke up on behalf of young person (yp)	87
People showed they cared about yp regardless of offending	91
People talked about yp's strengths, what they liked about him/her	54
Understanding	
Young people appeared to understand what was happening	84
Young people appeared to understand decisions	97
Participation	
Young people had the opportunity to have their say	86
Young people appeared to agree with decisions	94
Fairness	
Young person treated with respect	86
Young person treated fairly	92
Stigma and exclusion	
Things were said that could make young person feel like a bad person	21
Things were said the indicated people thought yp was a criminal	13
Remorse	
The young person said or showed he/she was really sorry	59
The young person showed he/she could see victims view	25
Young person accepted responsibility for offending	85
Forgiveness	
At the end, people showed the yp he/she was forgiven	51
People made it clear yp could put the whole thing behind them	52
Views on outcomes	
Young person said he/she would keep out of trouble in future	48
The young person was able to make up for what he/she did	82

Comparing the responses of the observers and young people is enlightening. Both observers and young people agreed about the fairly high levels of support for the young people, their understanding of what happened and that they were treated fairly and with respect. They also validate the young people's reports that in only about half the conference do people talk about their strengths and positive qualities.

However, the observers were more sanguine than the young people about the extent to which the young people participated. The observers almost always (86%) felt the young people were able to have their say but only three-quarters of the young people reported this. Similarly, 94% of the observers felt that the young person agreed with the decisions but this was also only reported by three-quarters of the young people. This underlines how important it is that co-ordinators give young people a lot of opportunity and encouragement to express their views and are particularly careful to ensure that they actually agree with what is being decided. Similarly, the observers underestimated the extent to which the young people felt stigmatised and excluded. Things being said that 'made the young person feel like a bad person' was only reported by observers for about one fifth of the young people yet twice as many of the young people reported this.

Remorse and forgiveness were also areas where observers' and young people's responses differed. The observers and young people agreed about the extent to which the young person showed that he or she was really sorry but 83% of young people said they could see the victim's point of view although only a quarter of the observers said that this was shown. Co-ordinators may be able to elicit these responses from the young person by direct questions, and doing so might reassure the victim who may very often not recognise empathy felt but not directly expressed by the young people.

Only about half the observers felt the young person was forgiven yet over two-thirds of the young people expressed these feelings. Again a more explicit discussion of this issue could be helpful. It could clarify the issue for the young person and validate it in the eyes of other participants. Similarly, only half the observers reported that the young person said he or she would keep out of trouble in future although 95% reported having made that resolution. Having these views expressed in the family group conference would be reassuring for all involved and may make it more likely that the young person will commit to change.

Young people's views of what is important for them

Young people in the prospective sample were asked what was important for them at the family group conference. These data are presented in Table 6.10.

Table 6.10 Important features of the conference (note change); responses of young people in the prospective sample; percentages agreeing and disagreeing (n=105)²⁸

Experience	Agreeing	Disagreeing
To have the chance to tell people what happened	68	24
To make up for what I did by doing some work or paying money	74	18
To have people listen to my side of the story	70	18
To let people know I can be trusted	75	14
To have the chance to apologise for what I did	85	9
To let people know the behaviour won't happen again	85	8
To let people know that I usually don't do things like this	68	20

The data in Table 6.10 show that, overwhelmingly, the young people saw the conferences as a chance to apologise and to let people know that the behaviour would not be repeated. Three-quarters saw it as a chance to repair harm and restore their own reputation. About 70% saw it as an opportunity to tell people what really happened and to give their side of the story. On the other hand, the reports of the observers described in the previous section suggest that at least some of these goals are not being

²⁸ Agreement has been defined as a response of 4 or 5 and disagreement as a response of 1 or 2 on a five-point scale from 1=disagree to 5=agree.

effectively achieved. These findings, therefore, reinforce the importance of providing support for the young people in enabling them to say what they really mean both in the early and in the later phases of the conference.

Youth Court contact

One of the claims that has been made for the family group conference is that it provides a more meaningful, comprehensible and participatory experience of the justice system than a court system. At the same time, the Youth Court has made considerable effort to overcome past criticisms of courts as being remote, incomprehensible and alienating. The data in Table 6.11 give the views of the young people on the Youth Court.

Table 6.11 Young people’s reports of experiences and views of their contact with the Youth Court; from retrospective and prospective samples; percentages agreeing and disagreeing with statements (n=352; 65)²⁹

Experience	Retrospective		Prospective	
	Agree	Disagree	Agree	Disagree
<i>Preparation</i>				
I was told what would happen at the Youth Court	76	17	72	19
I was told what I should do at the Youth Court	74	12	63	27
I was given information on possible outcomes	76	18	71	18
<i>Support</i>				
There were people there who cared about/ supported me	88	10	82	7
People showed they cared about me	73	17	64	20
<i>Understanding</i>				
I understood what was going on	77	15	76	11
I understood what was decided	94	3	91	5
<i>Participation and involvement</i>				
I had the opportunity to say what I wanted	49	45	53	2
I felt involved in the decisions	36	54	34	55
I really agreed with decisions	72	21	73	18
The decision was better than expected	66	21	61	32
<i>Fairness</i>				
I was treated with respect	71	17	86	12
I was treated fairly	76	13	82	7
People were looking out for my best interests	64	22	73	13
<i>Stigma and exclusion</i>				
I felt like a bad person	48	40	20	63
I felt too intimidated to say what I really felt	37	53	33	54
<i>Remorse</i>				
I felt ashamed of myself ³⁰	45	43	26	58
<i>Forgiveness</i>				
People gave me another chance	81	13	75	9
People treated me as trustworthy ³¹	49	40	-	-
<i>Memorability</i>				
I remember a lot about the Youth Court	54	30	75	12

²⁹ Agreement has been defined as a response of 4 or 5 and disagreement as a response of 1 or 2 on a five-point scale from 1= disagree to 5=agree.

³⁰ It may be that this item could indicate stigmatic shaming rather than the shame that may be associated with remorse. However, analysis of the relationships among items shows that “I felt ashamed of myself” correlated with other remorse items identified in Table 6.8 rather than with the items labelled stigma and exclusion.

³¹ Not asked for the prospective sample.

A comparison of Tables 6.8 and 6.11 shows that, on the whole, young peoples' views of their experiences in the family group conference and the Youth Court are relatively similar and this is true for both the retrospective and prospective samples. In particular, similar proportions agreed with the extent to which they were prepared for what would happen, were supported, understood what had happened, were treated with fairness and respect, agreed with the decisions and were stigmatised and excluded.

These findings indicate that the Youth Court has succeeded in overcoming some of the problems of distance and remoteness that affected perceptions of it in the past. Many of the Youth Court Judges make considerable attempts to ensure that the language of the Youth Court is relatively informal, that the family and young people are given an opportunity to participate and that the young person is engaged in the events. Another factor affecting these relatively positive perceptions of the Youth Court is that the family group conference and the Youth Court are, in many respects, two intertwined elements of the experience of these young people. They receive support, information and are treated fairly and respectfully throughout a process where there is opportunity for them to play a part in reaching the decisions that are usually the basis for Youth Court endorsement. On the other hand, some of these results are somewhat surprising given the expectation that family group conferences would provide an environment that was, compared to the court, relatively informal and supportive. Thus these data raise questions about the extent to which family group conferences are always successful in achieving the goals the legislation envisages. Alternatively, perhaps these results are a reminder of the factors can make the family group conference a more intimidating environment than the Youth Court. The requirement that the young person face up to their offending in the presence of the victim and family is by no means an easy one.

Nevertheless, the more limited opportunity for participation in the Youth Court was a noticeable area where the family group conference had a distinct advantage. Young people reported that, in the family group conference, they were more likely to feel involved in decisions (almost two-thirds in the family group conference compared to about a third in court) and able to say what they wanted (two-thirds in the family group conference compared to about half in the Youth Court):

In the Youth Court they didn't let me speak. If I could have, I would. I wanted to speak to the judge about my alcohol and drug problems.

There were also some differences, in views on other people's responses in the two settings. In the family group conference, people who cared and supported the young people were more often present and people were more likely to show they cared about them and treated them with respect, but these differences were not large. In addition, the opportunity to feel and express remorse to victims that is afforded in the family group conference is not paralleled by the experience of the Youth Court and earlier research suggests that this aspect can be central to effective outcomes (Maxwell and Morris, 1999).

On the other hand, the Youth Court proved somewhat more likely to be clearly remembered than the family group conference. It is hard to know whether this is about the extent to which one was more intimidating than the other or whether this reflects

the different frequency of experiences the young people had had in each setting as for each family group conference there are likely to be about three or more Youth Court appearances.

There were some differences in responses to the Youth Court between those in the retrospective and prospective samples. Those in the prospective sample were less likely to report being made to feel like a bad person or ashamed of themselves compared to those in the retrospective sample. It is not possible to determine whether this is because the prospective sample are not representative, because the Youth Court has become more benign, or because the young people in the retrospective sample have come to view the experiences as more shaming than they originally felt or admitted them to be. Another fact may be the increased likelihood that the retrospective sample had frequently appeared in court. Those in the prospective sample were also more likely to report remembering a lot about it. This undoubtedly reflects the fact that, for the prospective sample, these events at the time of the interview were relatively recent.

Ethnic similarities and differences

Analyses of the difference by ethnic group identity were carried out on data on the participants' experiences and views, using data from the interviews with young people in the retrospective sample. In this analysis, four ethnic groupings are used:

- Pākehā (sole-Pākehā and mixed-Pākehā *excluding* mixed Māori and mixed-Pacific)
- Sole-Māori
- Mixed-Māori
- Pacific (sole and mixed).

There were significant differences in relation to all the main issues reported on in this chapter. The relevant differences in the data on these variables are described in Table 6.12 to 6.17 where the most noticeable differences are bolded.

Table 6.12 Experiences while growing up by ethnic group identity; data from young persons' interviews for the retrospective sample; percentages (n=509)³²

Statement	Pākehā (n=200)	Sole-Māori (n=165)	Mixed-Māori (n=54)	Pacific (n=90)
<i>Unstable home circumstances</i> ³³				
Changes in where lived, any				
1 – 4	53	53	35	47
5 plus	34	30	41	21
<i>Exposure to violence/abuse, any</i> ^{34 35}	45	73	63	65
Given a really severe thrashing often	10	22	13	26
Smacked often	25	38	32	45
Hit with a strap etc often	19	28	24	33
Watched adults fight physically often	9	42	39	33
Watched adults fight verbally often	31	59	54	45
<i>Family involved drugs/crime, any</i> ³⁶	55	92	80	78
Family involved in crime, any	45	87	76	70
Family members often involved in heavy use of:				
Alcohol	22	50	34	41
Drugs	12	30	25	8
Any alcohol/drug	28	56	41	43

³² This is based on a total of a maximum of 509 young people's interviews. The replies from 11 young people of other ethnicity have been excluded as numbers are too small to be reliable. Replies from Pacific young people are not differentiated for 'Pacific only' and 'Pacific other' for the same reason. The number of responses is smaller than the total number in each sub-sample when some chose not to reply or were not eligible to answer a particular question. Analyses of difference by sex and ethnicity have not been carried out for the prospective sample due to the small numbers involved.

³³ Chi-square = 21.4, df=6, p<0.01

³⁴ Questions about frequency were asked using a 5 point scale ranging from 1 = never to 5 = often. Those responding with a 4 or 5 have been described as "frequently" and those responding 2 or 3 as "sometimes". The 'any' variables have been defined as for Table 6.1.

³⁵ Severe thrashing Chi-square = 29.4, df=6, p<0.001; Smacked Chi-square = 44.2, df=6, p<0.001; Hit with a strap etc. Chi-square = 24.9, df=6, p<0.001; Watched adults fight physically Chi-square = 83.2, df=6, p<0.001; Watched adults fight verbally Chi-square = 38.4, df=6, p<0.001

³⁶ Family involved in crime Chi-square = 72.5, df=3, p<0.001; Alcohol Chi-square = 45.3, df=3, p<0.001; Drugs Chi-square = 40.9, df=6, p<0.001; Any violence and abuse chi square = 32.9, df=4, p<0.001; Any involvement in crime chi square = 64.7, df=4, p<0.001; Any involvement in alcohol and drugs chi square = 31.1, df=4, p<0.001

The data presented here demonstrate two important findings. First, in many ways the young people involved in family group conferences are similar in profile, irrespective of their ethnic group identity. They report similar levels of instability in their family backgrounds, and also report similar levels of positive experiences in their upbringing. There were no real differences in changes of caregivers or numbers of school attended. Their experience of conferences were also relatively similar.

On the other hand, the reports of young people who identified with different ethnic groups indicated some significant differences in their experiences. Young Māori were less likely to have completed their schooling or to have secured formal qualifications when compared with both Pacific and Pākehā. They were also more likely to have moved house a number of times. Māori reported feeling more intimidated in conferences yet were also more likely to receive a decision from the conference that was better than expected.

Differences between sole-Māori and mixed-Māori young people were also demonstrated, with sole-Māori reporting (see Table 6.12) the highest rates of violence and abuse experiences and highest rates of family involvement in crime, alcohol and drugs while they were growing up. This is a likely demonstration of the way in which inter-generational patterns of disadvantage arise.

There were no differences by ethnic group identity in relation to the number of changes of caregiver or changes of schools, but there were differences in the number of changes in the places where the young person lived. There were more changes for those categorised as 'mixed-Māori' compared to those of Pākehā, 'sole-Māori' or Pacific ethnic group identity. Compared to Pākehā and 'sole-Māori', fewer Pacific young people reported living in more than five places.

Physical punishment (either by smacking or by 'hitting with a strap') was less likely to be frequently reported by Pākehā and most likely to be frequently reported by Pacific young people. The data on Pacific young people are consistent with analyses showing increased violent offending, especially in families, by Pacific offenders (Paulin and Siddle, 1997). Exposure to other types of abuse and violent experiences was most likely to be reported frequently by 'sole-Māori' (although differences between 'sole-Māori' and 'mixed-Māori' are not always large) than by Pākehā, with Pacific young people being intermediate. Frequent family involvement in crime and alcohol followed the same pattern: 'sole-Māori' showed the highest proportion and Pākehā the lowest (except that Pacific young people were less likely to report family members as being involved in drugs).

When data on *any* frequent experiences of violence and abuse and family involvement in crime, alcohol and drugs are calculated, the differences between sole-Māori and Pākehā are the greatest in the study. In each case, the other two groups are intermediate in their percentages:

- three out of every four 'sole-Māori' reported frequent experience of at least one type of violence or abuse while this is true for less than half the Pākehā young people

- ninety-two per cent of ‘sole-Māori’ young people reported coming from a family that was involved in either crime or frequent use of alcohol or drugs compared to just over half of Pākehā.

The prevalence of these childhood background factors may explain some of the reasons why Māori are over represented in the youth justice system.

Table 6.13 Reports of positive experiences while growing up by ethnic group identity; young people’s interviews for retrospective sample; percentages agreeing to each item³⁷

Statement	Pākehā (n=200)	Sole-Māori (n=165)	Mixed-Māori (n=54)	Pacific (n=90)
<i>Positive experiences</i>				
I got on well with my parents	62	64	61	82
While growing up I spent a lot of time with my father	39	38	57	49

In most respects, there were no differences in most of the positive experiences reported while growing up by young people of different ethnic group identity. However, the Pacific young people were more likely to report getting on well with their parents than those in other ethnic groups. Finally, the ‘mixed-Māori’ group were most likely to report spending a lot of time with their father compared to those of Pākehā and ‘sole-Māori’ ethnic group identity. These data are undoubtedly affected by the presence or absence of a father. A third of sole-Māori young people were in the care of a mother only, while this was true of only a quarter of the Pākehā and mixed-Māori groups.³⁸ Table 6.14. reports ethnic differences in experiences at school.

³⁷ I got on well with parents Chi-square = 13.7, df=6, p = 0.03; Spent time with father Chi-square = 20.9, df=6, p<0.01. Numbers vary as not all chose to reply.

³⁸ Chi-square = 19.5, df=6, p<0.01

Table 6.14 Positive experiences and negative responses to school by ethnic group identity young people’s interviews for retrospective sample; percentages agreeing to each item^{39 40}

Statement	Pākehā (n=200)	Sole-Māori (n=165)	Mixed-Māori (n=54)	Pacific (n=90)
<i>Positive experiences</i>				
I got on well with my teachers	26	39	42	46
In general I was good at sport	71	86	87	89
Reached form 5	71	48	57	70
Gained secondary school qual.	26	11	28	26
<i>Negative responses</i>				
Ganging up on other children frequently at some time	17	34	30	28
Stealing from other children frequently at some time	13	34	28	34
Punching, kicking, hitting other children frequently at some time	35	54	61	57

The data in Table 6.14 also show some interesting differences in relation to school experiences. Pākehā and Pacific children were more likely than all Māori to reach the fifth form and those categorised as ‘sole-Māori’ were least likely to have a secondary school qualification. Pacific young people were most likely to report getting on well with their teachers and being good at sport, and these items were least often checked by Pākehā. On the other hand, a number of negative experiences of school, ganging up on others, stealing or physically bullying other children, and being suspended or expelled are less likely to have been reported by Pākehā young people.

There were differences for self report offending. Sole-Māori were most likely to have reported offending prior to the conference (79%) while Pākehā were least likely (59%),⁴¹ and mixed-Māori and Pacific were intermediate: 70% and 74% respectively.

There was also a difference in reported sexual activity before the age of 15 years. Pacific young people are least likely to report this (41%), while Māori were most likely to (63% of ‘sole-Māori’ and 59% of ‘mixed-Māori’). Pākehā were intermediate with sexual activity being reported by half of them. However, it may be that those of Pacific

³⁹ Agreement has been defined as responses of 4 or 5 and disagreement as responses of 1 to 2 on a five-point scale.

⁴⁰ Got on well with teachers Chi-square = 21.9, df=6, p = 0.001; Good at sport Chi-square = 20.5, df=6, p = 0.01; Reached form 5 Chi-square = 22.9, df=3, p<0.001; Gained secondary school qual. Chi-square = 15.5, df=3, p = 0.001; Ganging up on other children Chi-square = 15.7, df=3, p = 0.001; Stealing from other children Chi-square = 26.2, df=3, p<0.001; Punching etc Chi-square = 23.8, df=3, p<0.001

⁴¹ Chi-square = 17.0, df=3, p<0.001

ethnic group identity were less willing to answer this question, a speculation consistent with cultural taboos on this topic. Pākehā, compared with the other ethnic groups, were also less likely to report engaging in unsafe sex.

Table 6.15 presents data on young people’s views of the family group conference.

Table 6.15 Young people’s views⁴² of the family group conference by ethnic group identity; young people’s interviews for retrospective sample;⁴³ percentages agreeing⁴⁴

Statement	Pākehā (n=200)	Sole-Māori (n=165)	Mixed-Māori (n=54)	Pacific (n=90)
<i>Participation and involvement</i>				
I felt too intimidated to say what I wanted to	32	45	46	51
<i>Responses to victims⁴⁵ and the offence</i>				
Was a victim present?	55	45	52	46
I felt really sorry about my offending	55	56	64	72
I showed the victim I was really sorry	55	59	81	68
In the FGC I felt what I did was wrong	52	62	68	78
<i>Responses to them</i>				
I felt ashamed of myself	51	47	53	70
I now feel what I did was wrong	82	85	83	96
People talked about what they liked about me	43	59	51	47
<i>Views on outcomes</i>				
The decision was better than I expected	51	69	69	59

When it comes to the family group conference, on most variables there were no ethnic group differences. However, a victim was more likely to be present at conferences involving Pākehā, though this could be related to area differences and to differences in

⁴² Agreement has been defined as responses of 4 or 5 and disagreement as responses of 1 to 2 on a five-point scale.

⁴³ The number of respondents to the particular questions varies – not each person answered every item.

⁴⁴ Felt too intimidated to say what wanted to Chi-square = 12.2, df=3, p<0.01; Victim present Chi-square = 19.0, df=6, p<0.01; Felt sorry about offending Chi-square = 9.2, df=3, p<0.03; Showed victim I was sorry Chi-square = 10.4, df=3, p = 0.015; In FGC felt what did wrong Chi-square = 9.8, df=3, p = 0.02; I felt ashamed Chi-square = 13.5, df=3, p<0.01; Now feel what did was wrong Chi-square = 9.8, df=3, p = 0.02; People talked about what liked about me Chi-square = 8.7, df=3, p = 0.03; Decision better than expected Chi-square = 13.5, df=3, p<0.01

⁴⁵ For the victim questions, the percentages were compared for those family group conferences where a victim was and was not present. As there was no significant difference depending on when a victim was and was not present at the conference, the data have been reported for the whole sample of young people whose offence involved a victim.

the type of offence. Victims were least likely to be present in Auckland (25% compared to 41% overall) – an area with a high proportion of Māori and Pacific offenders.

There was also a difference in responses of people talking about the positive characteristics of the young person. Māori were most likely to report this and all Māori were more likely to report that the decision was better than expected and Pākehā the least likely.

When it comes to participation and involvement, Pākehā were least likely to report feeling too intimidated to say what they wanted, while Pacific young people were most likely to report being intimidated. Research points to the importance of ‘whakamā’ for Māori and for similar feelings of extreme shame and embarrassment for Pacific peoples (Metge, 1986). Possibly related to this is the finding that feelings of remorse and regret were least often reported by Pākehā and more often by Māori or Pacific young people. Furthermore, shame was most likely to be reported by Pacific young people (although it was also least likely to be reported by ‘sole-Māori’) and they were also more likely to now report feeling that what they had done was wrong. Another possible related finding is that it is the Pacific young people who were most likely to report that having a family group conference had helped them stop or reduce their offending while it was Pākehā who were least likely to say this. The data are presented in Table 6.16.

Table 6.16 Impact of family group conference or programmes on reducing offending by ethnic group identity: young people’s interviews for retrospective sample; percentages responding ‘yes’ to each item⁴⁶

Experience	Pākehā	Sole-Māori	Mixed-Māori	Pacific
	(n=199)	(n=164)	(n=54)	(n=88)
Having an FGC	25	35	33	59
	(n=169)	(n=129)	(n=42)	(n=66)
Taking part in a programme	17	27	41	21

The data in Table 6.16, also report differences in feelings about the impact of taking a part in a programme group conference on offending. Forty-one per cent of the ‘mixed-Māori’ group reported that they thought they had made a difference but this was not true for those with other ethnic identities. Table 6.17 presents data on ethnic group differences in views of the Youth Court.

⁴⁶ Having an FGC Chi-square = 31.9, df=3, p<0.001; Taking part in a programme Chi-square = 12.5, df=3, p<0.01

Table 6.17 Young people's views of the Youth Court by ethnic group identity; young people's interviews for retrospective sample; percentages agreeing with statements⁴⁷

Statement	Pākehā	Sole-Māori	Mixed-Māori	Pacific
<i>Preparation</i>				
	(n=107)	(n=122)	(n=44)	(n=60)
I was told what I should do at the Youth Court	69	75	73	85
<i>Responses to them</i>				
	(n=109)	(n=125)	(n=45)	(n=65)
I felt like a bad person	41	53	36	57
	(n=109)	(n=126)	(n=45)	(n=65)
I felt ashamed of myself	44	37	51	59

The Youth Court was less likely to have been experienced differently by those from different ethnic groups than experiences at the family group conference. But, most notably, as for the family group conference, feelings of shame and being a bad person were most likely to be reported by the Pacific young people. Pacific young people were most likely to have reported that they were told what they should do at the Youth Court. This latter difference may also be a function of different practice in different areas. The great majority of Pacific young people live in the Auckland area.

Māori case studies

In this section two case studies for sole-Māori young people are presented. The goal was to select cases that described the experience of Māori young people at the family group conference. The first conference illustrates the way in which whānau involvement can enrich the conference by providing support and suggesting a variety of options for the young person's future that can come from her involvement with whānau. The second conference illustrates that the presence of large numbers of whānau cannot necessarily guarantee benefits by way of increased support when relationships between core and extended family have broken down.

The following case studies describe the family group conference experience for two sole-Māori young people in the prospective sample.

Makareta

Makareta is a 16-year-old Māori who was referred to a conference for the offences of taking a motor vehicle and drink-driving. She had already had a conference five months previously for drinking in a public place, assault on a police officer and two charges of theft. This was followed on the same day by a care and protection conference. The co-ordinator stated that although Makareta belonged to a well-known whānau that had a high profile in the

⁴⁷ Told what should do at Youth Court Chi-square = 17.9, df=6, p<0.01; Felt like bad person Chi-square = 15.0, df=6, p = 0.02; Felt ashamed Chi-square = 21.5, df=6, p = 0.001

community, her parents did not want all their extended whānau invited to the conferences.

The conference was held in the Child, Youth and Family Offices at 1:30 in the afternoon. The youth justice co-ordinator was Māori and, as part of the local iwi, was also whānau to Makareta. Those present at the conference included: the young person and her mother and father, two other whānau members (an uncle and Makareta's godmother), police youth aid, a youth advocate and a youth justice social worker. Makareta's parents were the victims of this offence. The co-ordinator later stated, during an interview, that there would normally have been a large whānau contingent present but he felt that, for this particular offence, the key people were present, Makareta's uncle has a high profile in the community and is respected by her.

The co-ordinator started the conference by welcoming everyone. He then asked the parents if either one would like to say a karakia. They suggested that the uncle do this, which he did, followed by a mihi. The co-ordinator then formally welcomed everyone in Māori and then in English and explained the conference procedure briefly. He again welcomed everyone, especially whānau who were there to tautoko Makareta.

The co-ordinator talked about the confidential nature of what is discussed at the conference and reiterated that the hui was about the young person but impacted on whānau and so it was good to see the presence of extended whānau. He stated that the decisions made go back to the Youth Court judge who, nine times out of ten, accepted these. The decisions made needed to be beneficial to the interests of all concerned, the public, the victims, the whānau and the young person so that she could take stock of her life and make good future choices.

The co-ordinator spoke mainly English but frequently used Māori too. He stated that he had had a kōrero with Makareta about how sad he was that she had come to the attention of the law again as she had been making excellent progress after attending a residential centre to address her problems. The mother stated that this had happened because Makareta had been drinking as a result of being depressed and had slashed her wrists again. There was a general discussion about what has made Makareta depressed and that the family were not happy with the fact that the doctor had prescribed Prozac for her. Her mother had refused to fill the prescriptions as Makareta had started to become dependant on the drug. She said that they "drove her nuts" and that she was taking more than the prescribed dosage as she did not think that they were working. There was a lot of discussion about how Makareta had improved since being at the residence and how she had been trying really hard to get a job but had had no luck because of her age. This was partially what had depressed her.

The co-ordinator talked about how all the good done at the residence could be easily undone if there was no support for the family in the community.

At one stage the co-ordinator made reference to the fact that issues relating to “Hine-nui-i-te-po”⁴⁸ needed to be dealt with in another forum by whānau. This young woman had been sexually abused at the age of 13 by a 67-year-old man and coerced to take part in providing sexual favours for which she was rewarded with alcohol. This was common knowledge in the community as charges had been laid against the abuser.

There was a general discussion about options for Makareta in relation to courses, work and how to deal with unpaid fines that she had accrued. Makareta’s parents suggested that she might be able to undertake some community work at their place of work. At this point, the co-ordinator stated that he thought all the relevant factors had been discussed and that it was time to let the family have a kōrero. He talked about the uncle’s involvement in a potential tourist project in the area and how:

Taha Māori plays a key part in tourism – it’s important to learn this. This is the first time something of this nature is starting up in the rohe.

He also talked about the Wānanga at Otaki and the opportunities that existed there for Makareta: “The world’s your oyster, girl.”

The youth justice co-ordinator stated that he expected some oversight of the plan by CYFS. Makareta’s mother was sceptical about this and stated, “They’re always too busy and wait till you fall off the cliff.”

The co-ordinator stated that the whānau would need help with referrals and Makareta might possibly need a Youth Services assessment. In that way, the Department could assist her “To awhi you, tautoko you so you can get through.”

The professionals left the family to talk privately to come up with a plan and returned half an hour later.

The family’s plan included apologies from Makareta to both her parents and the owner of another vehicle that she had hit, counselling for anger and alcohol and drug issues, community work and an employment skills course.

There were general discussions about whether or not the Youth Court judge would be happy with the plan and the atmosphere was laid back. A lot of humour was evident and people laughed freely.

⁴⁸ This reference implies a history of sexual abuse.

The conference drew to a close and the youth justice co-ordinator thanked everyone, especially the whānau, and finished with a karakia. The conference finished at 3:10pm.

Wiremu

Wiremu is a 17-year-old Māori who has been before the courts for the last 18 months on a variety of charges. He was referred to a family group conference for the offences of assault and disorderly behaviour. The incident which led to these offences occurred when Wiremu had been drinking in the street and had got into an altercation with a passing motorist and had then punched a local resident.

The conference was held in the Child, Youth and Family Offices. The youth justice co-ordinator was female and, although not Māori herself, has strong ties with, and the support of, the local Māori community. Those present at the conference included: the youth and his mother and father, police youth aid and a youth advocate.

A large whānau group, including two siblings, had been to a previous family group for Wiremu where they had spent hours coming up with a detailed plan to address the offending. These plans included Wiremu's attendance at the local kōhanga, which is operated by whānau, to help him learn te reo Māori. However, his parents were resistant and, although Wiremu was happy to do this, they did not think that he should be working for the whānau and his mother stated: "I look on this as slavery myself." This time, although attempts were made to engage whānau, they said, "Don't ask us back again please." The victim did not want to attend as Wiremu had said that he did not remember committing the offence. The victim did not feel it was wise to meet Wiremu and stated that:

We've got young children and (Wiremu) is well-known around town for his (gang) connections and if he couldn't remember me I didn't want him being able to recognise me and maybe coming back.

The youth justice co-ordinator started the conference by welcoming everyone; there were no other formalities. All the participants knew each other from previous contact. The co-ordinator took the lead and apologised for the non-attendance of the victim. She then reminded Wiremu that this was a formal process and that the nature of this had previously been discussed with him. There was some concern that Wiremu had turned 17 three months previously as that made it difficult for him to be dealt with in the Youth Court in a manner that would be resolved by the time he was 17 and a half.

Police youth aid read the summary of facts and the co-ordinator asked Wiremu if he admitted or denied the charges. He replied “I can’t remember hitting him – I was drunk, that’s all I can say.”

He then admitted all of the charges because he wanted them to be dealt with. Wiremu then became very distressed and stated that he felt like going out and doing it again because everyone expected him to get into trouble all the time. He then added that he often got angry because of an incident that had occurred between him and the police some time ago and if people “acted like cops” he lost his temper: “I hate myself and I hate this town.”

The main focus of the conference at this point was to try to calm the young person. It was decided that the advocate should meet in private with Wiremu and his parents to see if they could come to some consensus on how to proceed. Five minutes later, the advocate came out and commented that Wiremu was beyond assistance and that she felt that he was borderline psychotic. The conference reconvened and the co-ordinator asked Wiremu and his parents what they wanted her to say to the judge at the Youth Court, apart from the fact that a conference had been held but was unable to reach a decision.

Say I haven’t got a life. I’m a loser. I’ve been on curfew for years, just send me away I’ll come out a better person. I’m just lost; nowhere to go.

Wiremu was very upset at this stage and the discussion centred on what could be done to assist him with his alcohol-related offending. The advocate suggested that he should make an appointment to talk to a drug and alcohol counsellor who could then inform the Youth Court judge that this was happening. Wiremu agreed to do this. The co-ordinator asked him if he was sorry for the offending and, if so, did he feel that he could write an apology letter to the victim. Wiremu replied that he was sorry and would write a letter but that he was not very good at writing. The co-ordinator offered to help him with this after the conference and he agreed.

Wiremu’s parents did not play an active role in the proceedings and had little or nothing to say apart from his mother chastising him for swearing when he was upset. The co-ordinator asked them if they would like to say anything. His father replied: “What you fellas think is the best – I can’t do nothing”.

The co-ordinator reminded them that it was up to them to find solutions and discussed what had happened at the last family group conference where a large number of whānau had been present. His parents said that they did not have a good relationship with whānau and did not have anything to do with them. The co-ordinator explained the concept of

holding Wiremu accountable and how it was appropriate that he should put something into the community, as decided by the whānau. She asked Wiremu if he understood this and he agreed that he did. His parents were very much at a loss and clearly expected the professionals to come up with a solution. Wiremu had settled down by this stage and the co-ordinator discussed his options generally; for example, attending a course or counselling. She later commented that she felt that she had fallen into the role of a social worker at that stage, which she did not feel was appropriate.

It was decided that Wiremu would go and make an appointment for counselling and then come back to the CYFS offices to write the apology letter. His parents were happy with this. Police youth aid did not have any comments make as the conference had not reached agreement and would go back to Youth Court. The co-ordinator summed up, thanked everyone for coming and reminded Wiremu that this was his last chance and that it was up to him to stay out of trouble. The conference lasted for around forty minutes.

Pacific case studies

Three family group conferences conducted for Samoan youth by a Samoan youth justice co-ordinator were observed by a Samoan interviewer who wrote up case studies on these after interviewing the young person, family and victims (see Appendix 4).⁴⁹ In each case, introductions were made both in Samoan and English and often the co-ordinator spoke both languages throughout the conference. The interviewer noted that these conferences followed a customary procedure where the right to speak on behalf of the group is seen as a privilege reserved for a matai or the leader of the family. In one case, the father spoke on behalf of the family.

In another case, an aunty, who was the eldest of the support group present, spoke on behalf of the family, apologised to the victims and thanked all those present (including the youth justice co-ordinator) for the concern that they had showed for the youth. At the conference, although the young person's mother was given the opportunity to speak, she deferred that right to her older sister. One of the victims at this conference, who was Rarotongan, talked about her Samoan ancestry and used this link to connect with the young person and his family. This shared cultural heritage enabled her to empathise with the boy's parents.

At the third of these conferences, a young person's grandmother (who was his caregiver) was invited to give the prayer at the end of the conference. This invitation was given by the youth justice co-ordinator as a mark of respect towards the grandmother and an acknowledgement of her leadership in the Samoan church community and her religious beliefs. The grandmother's acceptance of this offer was seen to indicate her agreement

⁴⁹ Appendix 4 includes 8 case studies, three of which relate to the family group conference experiences of Pacific young people and one to those of one Māori young person. The other three concern four Pākehā youth, one of whom is female.

with the decisions made and her gratefulness for the process. The respect of all concerned was seen as an inherent part of this cultural process.

Comment on Pacific case studies

These case studies tell stories that echo themes that emerge from observations of people of other cultures at other conferences. They underline customary processes of greeting, the use of participants own language and the roles of those with status. The differences of potential importance to the participants also lie in more subtle factors such as the comfort people feel when they are in a context with people of the same culture and who respond in many small ways that are familiar to them. What we learn from these Pacific case studies is the importance of having people at the conference who the participants are familiar with and who understand how to affirm them within the cultural parameters of custom; people who responds in similar ways and who share a common cultural history.

However, it could be argued that cultural practices will not always guarantee other qualities in a conference which are part of the family group conference process. The importance of all, including the young person, participating may be at odds with customs of deference to a leader or a family spokesperson. Families may not always see the participation of their young person as appropriate and necessary to the process of reaching a decision. Providing support to the young person can be important to generating remorse and facilitating the young person's acknowledgement of their wrong doing may be necessary in order to respond to the expectations of victims.

On the other hand, giving respect is likely to be essential to allowing Pacific families to understand the process, to engage with the problem and to play their part in finding a solution. The challenge for facilitators will be to first to provide a context where families can engage and then to encourage them to respond in ways that will meet the other objectives of the family group conference. Without a respectful process, it is doubtful whether many of the other objectives are likely to be achieved.

Sex similarities and differences

Analyses of the difference by sex in the young people's interviews on their experiences and views of the youth justice processes have already been published using preliminary data from this study (Maxwell and Kingi, 2001). Reanalysis using data on the whole sample confirmed a number of important differences and also included new findings on experiences while growing up. As many differences were not significant, only those aspects where there were significant differences as a function of sex are described. The first set of data presented in Table 6.18 deal with experiences while growing up.

Table 6.18 Experiences while growing up by sex; young persons' interviews for the retrospective sample; percentages (n=520)^{50 51}

Statement	Boys (n=444)	Girls (n=76)
<i>Exposure to violence and abuse⁵²</i>		
Frequently watched adults fight verbally	43	53
<i>Family involvement in drugs</i>		
Family members frequently involved in heavy use of drugs	17	26
<i>Positive experiences at home</i>		
I generally did what I was told	60	52
<i>Positive experiences at school</i>		
In general I did well at school	34	65
<i>Negative experiences at school</i>		
Punched and kicked by other children	17	11
<i>Negative responses at school</i>		
Ganging up on other children frequently at some time	23	40
<i>Involvement in problem activities</i>		
Ran away from home	67	80
Alcohol use (frequent experimentation)	47	72
Never involved in unsafe sex	49	34

Compared to the boys, girls were more likely to report watching adults fight verbally, that family members were involved in the heavy use of drugs, that they did not do what they were told, that they frequently ganged up on other children, that they frequently experimented with alcohol and had run away from home. And they were less likely to say that they had never been involved in unsafe sex. There were only two items where girls were significantly more likely to report a positive feature: they were more likely than boys to report doing well at school and not having been punched or kicked at school. This general picture of greater disadvantage and early problems for girls compared with boys is, perhaps, not unexpected. Girls are, overall, much less likely than

⁵⁰ A total of 520 young people's interviews are reported on in this chapter but numbers are often smaller because not all chose to reply or were eligible to reply to particular questions. Ns are indicated for each variable or in footnotes.

⁵¹ Frequently watched adults fight verbally Chi-square = 16.2, df=4, p<0.01; Family members frequently involved heavy use of drugs Chi-square = 21.8, df=4, p<0.001; Generally did what told Chi-square = 13.7, df=4, p<0.01; In general did well at school Chi-square =28.3, df=4, p<0.001; Was punched and kicked at school Chi-square 14.2, df=4, p<0.01; Ganging up on other children Chi-square = 10.0, df=2, p<0.01; Alcohol use Chi-square = 18.6, df=4, p = 0.001; Unsafe sex Chi-square = 10.2, df=4, p = 0.036; Ran away from home Chi-square = 7.4, df=2, p = 0.025

⁵² Questions about frequency were asked using a 5 point scale ranging from 5 = often to 1 = never. Those responding with a 4 or 5 have been described as "frequently" and those responding 2 or 3 as "sometimes".

boys to offend. However the findings from the sample suggest that when girls do offend they are likely to have experienced more adverse factors in their backgrounds compared to the boys who offend. On the other hand, it is important to recognise that in many other respects, the responses of girls and boys were indistinguishable. Differences in relation to how boys and girls were treated by the police are presented in Table 6.19.

Table 6.19 Young people’s views of their contact with the police in relation to the target conference by sex; young person’s interviews for the retrospective sample; percentages agreeing with statements⁵³

Statement	Boys	Girls
Police treated me fairly when interviewing me at station	44	26
Police treated me fairly in the FGC	64	51

The data in Table 6.19 show that girls were less likely to report being treated fairly by the police – both when the police conducted an interview with them and in the family group conference. Comments from the interviews do not elaborate on this finding. Data on views of the family group conference are presented in Table 6.20.

Table 6.20 Young people’s agreement⁵⁴ with statements about their involvement in and views about the family group conference by sex; young people’s interviews for the retrospective sample⁵⁵; percentage agreeing⁵⁶

Statement	Boys	Girls
<i>Responses to victims⁵⁷ and the offence</i>		
I could see the victims point of view	77	65
<i>Responses to them</i>		
People gave me another chance	80	61
<i>Views on outcomes</i>		
Having an FGC helped stop/reduce offending	37	21
I now feel what I did was wrong	87	79

⁵³ Police treated me fairly at station Chi=quare = 15.7, df=4, p<0.01 (n=467); police treated me fairly in family group conference Chi=quare = 11.9, df=4, p<0.02 (n=486)

⁵⁴ Agreement has been defined as responses of 4 or 5 and disagreement as responses of 1 and 2 on a five-point scale.

⁵⁵ The number of respondents to the particular questions varies – not each person answered every item.

⁵⁶ I could see the victim’s point of view Chi-square = 7.8, df=2, p = 0.02 (n=438); People gave me another chance Chi-square = 13.5, df=2, p = 0.001 (n=504); Having FGC helped stop offending Chi-square = 9.4, df=2, p<0.01 (n=515); Now feel what did was wrong Chi-square = 9.9, df=2, p<0.01 (n=507)

⁵⁷ For the victim questions, the percentages in Table 6.20 were compared for those family group conferences where a victim was and was not present. As there was no significant difference depending on when a victim was and was not present at the conference, the data has been reported for the whole sample of young people whose offence involved a victim.

The data in Table 6.20 show that boys were more likely than girls to say that they could see the victim's viewpoint in the conference. During the family group conference, the boys were also more likely than girls to report that other people gave them another chance and that having an family group conference helped them to stop or reduce their offending. Finally, there was one difference between boys and girls when they were asked about the Youth Court and its impact on them. Boys were more likely than girls to report that it made them feel like a bad person.⁵⁸

In general, the boys appear to be responding more positively to the conference and finding people supportive. The boys were also more likely to report that as young men they felt that what they did was wrong; this was reported by almost nine out of ten. The reason for these differences could lie in the more adverse backgrounds of the girls. The greater exposure they had to negative life experiences may have left them feeling more alienated from family and less responsive to victims.

Summary

The results reported in this chapter describe the varied family backgrounds that the young people came from and their diverse range of childhood, school and offending experiences while growing up. The extent of disruption in their lives resulting from multiple caregivers and changes in the places they live and the schools that they attend is notable, as is the lack of positive factors in their lives. Compared with normative data from the Christchurch Health and Development Study, these experiences are very different to the experiences of most children but they are very comparable to the group that Fergusson and his associates describe as multi-problem children (Fergusson et al, 1994). In their comments, many of the young people recognise the link between their adverse backgrounds and their offending.

The data also describe the young people's experiences at the family group conference. Both their answers to the standard questions and their comments provide an insight into the nature of conference practice and their responses to that practice. It is interesting that, in searching for suitable illustrative comments, it was a great deal easier to find negative ones. Illustrating the positive outcomes was difficult, even when there were a large number of positive replies. For many, the conference experiences appeared to meet many of the criteria believed to be associated with good outcomes. There were high levels of satisfaction among young people with the process of preparing for the conference by providing information and consulting participants about their preferences. Young people reported that they felt supported at the conference and understood what was happening. About two-thirds to three-quarters said that they were treated with fairness and respect.

However, it is clear that the goals of the conference were not always being achieved. A significant minority of young people still felt that they were not heard and, for a significant number, the experience was shaming rather than providing an opportunity for effective and constructive responses to repairing harm. About 40% of the young people did not feel involved in decisions and a third felt stigmatised as a bad person. In addition, at least a third felt a limited degree of remorse or that they were forgiven.

⁵⁸ Made me feel like a bad person Chi-square = 14.3, df=4, p<0.01

When the results were compared for young people reporting different ethnic group identities, the findings indicated both similarities and differences. Significant differences were also found between those who identify as sole-Māori and mixed-Māori, with sole-Māori generally experiencing or reporting poorer outcomes, paralleling work in other areas (Pomare et al., 1995; Pomare, 1980; Pomare & de Boer, 1988). Yet in other respects, all Māori were relatively homogeneous and different from both Pākehā and Pacific, again paralleling findings in other areas (Te Puni Kōkiri, 1998, 2000).

Young Pacific people generally reported similar views of their experiences to those of other ethnic groups. However, there were some interesting differences. In particular, Pacific young people were most likely to report getting on well with their parents; they, like Māori, were more likely than Pākehā to report being good at sport; and were more likely than Pākehā to report being involved in stealing and bullying. At the family group conference they were more likely to report being too intimidated to say what they wanted to but more likely to respond to items indicating that they felt remorseful and ashamed of themselves. They were more likely than Pākehā to report the family group conference had contributed to reducing their offending.

The case studies emphasised the potential importance for Pacific families of a process that is respectful and affirming if families are to become engaged in the process and to arrive at effective solutions.

A number of sex differences were also noted in reported experiences and responses that can be explained by differences in the background.

The views of victims, family or whānau and observers

A third perspective on the family group conference comes from the views of victims and family or whānau on the family group conference process. This chapter presents these. First we report on interviews with 100 victims.

Experiences and views of victims

Preparation

Data from 1990/91 (Maxwell and Morris, 1993) showed that inadequate briefing of victims and families was often a problem. In the case of victims, this was seen as one factor likely to affect attendance. The victims interviewed in the prospective sample were asked about how they were briefed and their satisfaction with this. These data are set out in Table 7.1.

Table 7.1 Views of attending and non-attending victims on preparation; prospective sample; percentages responding yes; (n=58; 42)

Statement	Attending (n=58)	Non-attending (n=42)
I was told in good time	84	90
I was told what would happen	76	na
I was told what I would have to do	67	na
I was satisfied with what I was told	87	na
I was consulted about when it should take place	53	17
I was consulted about where it should take place	33	14

Over four-fifths of attending victims said they were told in good time and so were 90% of those who did not attend, indicating that practice in this critical area appears to have improved markedly. At least two-thirds of those attending received details of the process and their role so that nearly nine out of ten reported being satisfied with what they were told. Perhaps more importantly, these data show that, in 2001, victims were generally reporting much higher levels of information about when the conference was to be held, what would happen and what they would have to do compared to the victims interviewed ten years previously.

On the other hand, only a half and a third respectively reported being asked for their views about time and venue. Of those who did not attend, 17% and 14% respectively reported being consulted about the time and place, but this may be because they had already indicated that they did not wish to come. On the other hand, a sixth of those who did want to attend didn't do so because of an unsuitable time or place.

Victims' views of the family group conference

Victims' involvement is a critical part of the family group conference process. Maxwell and Morris's (1993) 1990/91 data raised doubts about whether or not victims were always being treated with respect and fully involved in the conference process. Data in Table 7.2 provide information on this in 2001.

Table 7.2 Views of victims attending family group conferences on the process; prospective sample; percentages (n=58)¹

Statement	Agreeing	Disagreeing
I understood what was going on	88	3
I felt I had the opportunity to say what I wanted	86	5
I felt involved in making decisions	55	25
I had a chance to explain the effect of the offending	83	4
I was treated with respect	90	3
My needs were met	71	16
I thought the young person was sorry	55	22
I thought young person understood impact of offence on me	59	24

The data in Table 7.2 show that about nine out of ten reported having been treated with respect, understanding what happened and being able to express their views. More than eight out of ten reported having had a chance to explain how they felt. However, only just over half felt that they were actively involved in the decisions, felt that the young person was truly sorry and that the offender understood the impact the offence on them. The data from observers is consistent with the victims' comments. These are not promising outcomes for conferences aiming at restoring harm to victims and preventing reoffending by enabling the young person to understand the consequences of their offending. The comments of those attending give further insight into both the positive and negative aspects of the conferences for victims.

Some considered the way they were greeted on arrival left something to be desired. These comments also indicated that whatever briefing was given was not necessarily adequate:

I nearly went away again when I saw the family all milling around outside – they all seemed large and rather frightening. And no-one was there to greet me when I came inside. Then [the observer] came over and spoke to me.

I felt uneasy at first as the outsider but the young person's dad put me at ease. He said it was good to see me. I thought the young person might ask me to leave as I wasn't a member of the family.

At first it was daunting: the number of people there for the young person. I didn't expect the whole family would turn up. But there were some neutral

¹ Agreement has been defined as responses of 4 or 5 and disagreement as 1 or 2 on a five point scale: 1= not at all to 5 = fully. Percentages across the table do not summate to 100 as mid-point responses of 3 have been omitted from the table.

people there too, like the social worker, police and the youth justice co-ordinator, so that was good.

Some of those who had supporters with them said they were glad of it while others wished they too had come with someone:

I felt supported because I had friends there. So I felt OK.

If I had known what it was going to be like [so many people there for the family] I would have liked more support.

I was given the option of having support. [When I got there] I felt outnumbered. I was told the police would [provide support]. But no one sat next to me. I felt it was a real confrontation.

But others did not feel the support they had had was helpful:

Victim support person was very quiet and dumb and not helpful – a very boring person. She did not help with English and I did not talk to her beforehand. Is she paid?

Several described their feelings as the conference progressed. Both co-ordinators and family contributed to victims' positive feelings:

It was very clear and the co-ordinator conducted it well. It was clear where we fitted and it was well run with no confusion. Victims should be given attention and information. It was relaxing, not intimidating – a great environment.

At the beginning I thought it was probably a waste of time but this changed very quickly. People were honest and straight up. I walked away feeling something had been achieved.

But, similarly, the responses of professionals, families and the young person, and the nature of the venue, could prove frustrating:

The co-ordinator advised us we wouldn't get compensated. He was out for the offender from day one. He was difficult to deal with. We all felt re-victimised. He was trying to smooth over the offence. Also he felt condescending and he didn't take note that we were all intelligent people. And then we got the same treatment from the offender's dad!

I was confused because I didn't like the structure – a lot of legalities.

It was freezing cold and there were no hot drinks.

Yet for many, the initial apprehension gave way to feelings of surprise and pleasure at how positive the conference was:

I felt relaxed, comfortable and included – more than welcome and encouraged to participate.

The warmth and concern towards the young person was good – there was a nice feeling about it rather than them and us.

I really liked the co-ordinator – wonderful, co-operative, fair but does not pull any punches – up-front and says it like it is.

We could air our opinions and without being pooh-poohed or told: ‘No you can’t say that’, and people listened.

It was a chance to express how you feel and this gives you a certain amount of relief. Now I understand why he did it and where it came from – especially after meeting the family. I don’t feel so angry now. That doesn’t excuse what happened but I can see it might change.

Observers’ views of victims’ responses

Those who carried out the observations of the conferences in the prospective sample reported on their views of victims’ responses. Data in Table 7.3 describe these views.

Table 7.3 Observers’ reports based on attendance at the family group conferences in the prospective sample where victims attended; percentages agreeing with the item (n=58)

Agreeing	%
Victim was one of the main people making decisions	68
Young person said or showed that he/she was sorry	59
Victim accepted apology	55
Victims indicated prepared to support or help the young person in future	46
The victim said things indicating they could see young person’s point of view	30
Victim appeared upset by what young person or supporters said to them	11

The data in Table 7.3 provide another perspective on the responses of victims. At two-thirds of the conferences observers rated the victim as one of the main people involved in the decision. These data are consistent with the views of the victims reported in Table 7.2. In 59% of the conferences, observers said that the young person said or showed that he/she was sorry, and in a similar proportion of cases (55%) the observer also reported that the victim accepted the young person’s apology. Nearly half the victims indicated in the conference that they would be prepared to support or help the young person in the future and nearly a third said that they could see things from the young person’s point of view. These seem surprisingly positive and generous responses on the part of the victims involved. A much smaller proportion of the victims, one in ten, appeared upset by what the young person or their supporters said to them or about them.

Views of the outcomes

Victims were asked their views on the outcomes of the conference both in the interview soon afterwards and, where possible, several weeks later. The results of these questions are reported in Table 7.4.

Table 7.4 The views of victims about the outcomes of family group conferences; prospective sample; percentages ‘agreeing’ and ‘disagreeing’ or saying ‘yes’ (n=58 attending; n=42 non-attending)

Statement	Agreeing	Disagreeing
Non-attending victims		
I was told about the outcome	67	35
If yes was it: Too harsh	4	
About right	54	
Too soft	42	
Attending victims		
Agreed with decisions	87	8
After I felt: Better	81	
No different	14	
Worse	5	
It helped put matters behind me	69	20

Only about two-thirds of the non-attending victims reported having been told about the outcomes of the conference at the time they were contacted by our interviewer. Over half of those commenting felt that the outcome had been about right:

It seems fairly good. I feel sorry for his background knowing his family history. It is really up to the family to follow through and I have doubt about that but the plan sounded solid.

Over 40% of those who did not attend and who knew of the outcome felt it had been too soft.

As far as I am concerned it was an adult crime and so he should be in prison. I haven't heard anything from him – no apology letter.

I think they got off lightly but it is what I would have expected.

Victims who attended the conference were more likely to report agreeing with the decisions – nearly nine out of ten said they agreed and fewer than one in ten did not agree. Also eight out of ten of those attending reported feeling better as a result of attending the conference, only one in 20 felt worse and two-thirds said that it had helped them put matters behind them. Thus it is clear that attending the conference is associated with satisfaction with decisions and arriving at a sense of closure about what has happened. There are several possible reasons why victims who attended felt positive about the outcomes. Satisfaction could have come from being able to affect the decision about the outcome or from receiving an apology:

They had lied about [being responsible] immediately after [the offence]. At the family group conferences I saw them face-to-face and saw them acknowledge they had done wrong.

Everyone managed to sit down and meet and say how they felt. Everyone could leave being civil, no grudges.

Satisfaction also could come from believing that the chances of further offending had been reduced:

It seems to have given the young person goals to achieve [and] to get on the straight and narrow. Before, he was heading on the road to a disastrous end.

It was an opportunity for a positive step forward for the young person, a form of accountability for his offending. There was a slight turnaround in attitude.

I like the idea of [the offender] fronting up to victims and also of hearing what everyone else is doing for the young person.

Very often feelings were mixed:

I had a feeling of relief about getting the money back. Generally I had a good impression. It achieved the goal of making everyone feel safe and we all got to have a fair go. I am happy and proud of them.

The comments of those who did attend and left feeling negative indicate why conferences were sometimes less than satisfactory. Some pointed to the young person's failure to play an active role:

[The young person] was lacking in any kind of response. Even eye contact would have been something.

He wouldn't talk much. He should explain himself more but that might come with age.

Some felt that the apology was only a gesture:

The apologies were not genuine. They had been schooled. It wasn't from them – it was not something they looked like they wanted to do.

[The outcome] was not his idea – he hasn't bought into it. He needed to feel it was his idea and to own it.

Others felt that the difficulties in the young person's family background had not been resolved:

He is being passed around too much. No one is taking responsibility for him. And he will be back again. He didn't understand what was going on – he didn't have a clue. [The outcome] was not his idea –he hasn't bought into it. He needed to feel it was his idea and to own it.

There was not too much emphasis on family. Responsibility seemed to have been passed off on to [community group]. One problem is his family.

You can't guarantee the young person is going to improve. It has got to come from him. But he needs lots of support from his parents – especially his father.

Only a few commented about the penalties being too soft from those who attended – ‘I think they need to be harder on young people’ – and such comments usually also raised concerns about the young person:

The number of community service hours seemed pathetic given the extent of the damage. There was limited time to talk. And there were not enough services or information on them (the services).

And one victim commented that the penalty seemed unduly harsh:

They were a bit hard on him – a bit heavy-handed. The police were making a mountain out of a molehill. The molotov [cocktail] wasn't live. We had no animosity between us.

When asked if they felt better as a result of attending, two-thirds of victims replied positively:

Yes – I do feel better. I don't think they will do something like this again.

I feel we have done all we possibly can to resolve this so in that respect I feel better.

It was worthwhile just talking to the families. It was great. They were sorry and were aware of issues. The broad socio-economic issues became apparent and comprehensible – usually [these are ignored by] the justice system. [Normally] victims and offenders never meet and it breeds distrust and antagonism. It is harder to be angry at someone who can't do any better. But without the justice system I could have wanted to get my mates together with steel bars and gone after them. I doubt there will be permanent charges from these actions, although people are doing their best. The tools and resources to make a difference don't seem to exist or assist.

The different tenor of the comments made by attending and non-attending victims suggests that those who attended were more likely to be satisfied with the types of outcomes arrived at. When asked about their overall views of the family group conference, there were many thoughtful replies and some indicated how their views had changed:

I've changed my opinion. I had misgivings at the start. It was only the lack of involvement before which gave us that [negative] opinion.

Many stressed the value for victims in meeting the offenders and being involved in decisions:

I do think that the conferences are a good thing. They allow people to get things off their chest. A victim like myself finds out more and [it] gives you a better understanding to see the offender face-to-face. I saw the young person showing respect and listening and contributing.

I think they are a good thing. They managed to clear the air for us and let us talk about things. They are certainly worthwhile.

Others stressed the importance of providing opportunities for change for the young people:

It would work well if it was my son. I want every opportunity to put him back on the right track.

It is a positive way to sort feelings through. What happens at the family group conference makes the young person realise the importance of having support behind him/her.

And some pointed to avoiding court records at a young age:

Probably a good idea to keep minor things out of the courts and solve things in a way that gives the young person a chance to sort things out without a court conviction.

The general informality of the setting and the opportunity to discuss matters was appreciated:

I like the idea. It is very positive. The court is too impersonal. Family group conferences are more culturally appropriate to address personal feelings.

Some, however, had mixed feelings:

It is worthwhile in certain cases but not for all – it won't help everyone.

And some came out feeling negative:

It was a waste of time. I wouldn't go to another one.

Later on

Whenever possible, both attending and non-attending victims were contacted several weeks after the conference to find out if they had been kept informed of what had happened and if they now felt differently about matters. Overall:

- 31% reported that the plans had been completed
- another 25% that they were partly completed or still ongoing
- about one in five reported that plans had not been completed
- a total of 14% said that they did not know the outcomes.

The importance of knowing about the outcome is underlined by other comments of the victims. These are reported separately below for the victims who attended and those who did not. These data suggest much lower completion rates than indicated in the interviews and by the file data. There are two reasons for this: the victims were not being accurately informed or the tasks were still being undertaken at the time of our interview.

Non-attending victims

Some of the victims who did not attend reported that they had not received any information at all on the outcomes. Others had been told what the plan decided at the family group conference was but had not received any information since and this often produced negative feelings about the process:

I have heard nothing. I feel twice as pissed off as I was before.

I never received a written apology but I am not really interested. I think actions speak louder than words. I feel a bit calmer now about the event.

Others were kept informed but not all had been told that the plan was completed fully:

I got a phone call from the police who talked about what happened at court. He said he would post letters out and a summary of what happened in court but I haven't seen it.

He has done the 20 hours community service. I have heard he has written the letter but I haven't seen it yet. He hasn't done the driving course but I don't know about the rest. He certainly hasn't reoffended since then. He is working full-time now and seems to be thriving. I feel it has been character building for everyone.

Those who had been fully informed and knew that the tasks were completed usually had positive feelings about the experience:

Yes, I got the apology letter. I think that she would have learnt her lesson. It's a good process if she gets a second chance.

I got all [the goods that were stolen] back. They kept me informed and we got an apology so I guess that's all right. I think it's a good process and we were kept informed of what was happening up until family group conference was held.

Attending victims

Victims who had attended were concerned about a lack of information or promised action. This tended to confirm negative feelings or change positive opinions adversely:

I haven't received any apology letter. I didn't think they were genuine in the apology in the family group conference and this just confirms it.

I had a lot of information from the co-ordinator before and then a summary of what happened after the family group conference and was told it would be resolved in a month. I tried to ring but the co-ordinator did not respond in six weeks. The youth aid officer rang and apologised saying it happens all the time. He said he would follow up but I still received no money or the written apology. In the end one boy did send a letter and money but the police had to keep at it. Now I have finally received the second lot. I was very happy at the time but very upset with the failure to follow up.

No – nothing happened. The young person was supposed to contact me so we could do our part of the plan. I have never seen him. They did call up once but I was going to Wellington that day. They never called back. I have not heard from the social worker or an official type person either. There has been no follow-up. This makes me feel I have wasted my time. As far as I'm concerned it's over, it's in the past. If they contacted me now I wouldn't be interested. There were supposed to be newsletters also and I haven't seen any of the things done. Now it's in the past and can stay there.

Nothing happened that I know of. I never got a verbal apology. It was very frustrating because the young person refused to talk. I have nothing against family group conferences – just that one.

One victim followed up on the outcome personally:

Things are going good. He has changed himself. He completed the plan and has grown out of what he was doing. He's got the possibility of a job but has to be drug-tested. He has got one clear one to go and the job is his if he passes. But no one followed up. Everyone put a lot of work in and then nothing. The young person thanked me for calling – he appreciated the call. There is all this hype about youth suicide and big names raising money and then [in practice] nothing – no one follows through to see something is done.

Having the young person work for him worked well in the eyes of one victim:

Yes he did work at [my business]. It was really good although it was hard for him. At the start the staff didn't want to know him but after a while they started talking to him. In the end they saw that he was Ok – just a bit misguided. When he didn't show, I told him that if he did that again there'd be serious consequences and he didn't miss again. He did all that was required [50 hours]. I hope he doesn't re-

offend but that's up to him we can't stop him. I think it was good for him to face up to us. I'm pleased that I followed that path – it wasn't a bad thing for him.

And when the victim and offender lived in the same neighbourhood, positive results could be very healing:

I've had no hassles or anything. I see her around. She just walks past and says 'hi'. It's been good. I am happy with the outcome.

But, inevitably, when tasks were not completed, victims were disappointed:

Nothing happened that I know of. I never got a verbal apology. It was very frustrating because the young person refused to talk. I have nothing against family group conferences – just that one.

Families' or whānau views

Preparation of family or whānau

Maxwell and Morris' (1993) 1990/91 data showed that inadequate briefing of families was often a problem, especially with respect to responses to offending. For the prospective sample, 107 family or whānau were asked about how they were briefed and their satisfaction with it. These data are set out in Table 7.5.

Table 7.5 Views of family or whānau on preparation; prospective sample; percentages responding (n=107)

Statement	Yes/ Agree	No/Disagree
<i>Experiences</i>		
Told in good time	94	6
Told what would happen	79	21
Satisfied with what told would happen	83	5
Told what you would have to do	73	27
Satisfied with what told you should do	81	4
Were given ideas about how to deal with offending	51	49
Satisfied with ideas about responses to offending	70	21
Asked when it should take place	75	25
Asked where it should take place	56	44
Asked who should be invited	80	20
Did you feel right family members there	85	15
Did you feel right others were there	74	26

These data show that in 2001/02, nearly everyone said they were told about the conference in good time and most reported receiving information about when the conference was to be held, what would happen and what they would have to do. The percentages for these items were all higher than for the 1990/91 sample. However, 21% still were not sure what would happen, over a quarter were not sure what their role would be and nearly half said that they were not given ideas about how to deal with offending. It

was this latter area where there was the most dissatisfaction with preparation; one in five felt dissatisfied.

In total, 80% were asked who should be invited and three-quarters were asked about when the conference should take place. But only half were asked where it should be held. These are relatively low percentages, especially given the fact that the Act requires that family or whānau should be consulted on who should attend, and on where and when the conference should be held. Overall, 15% said they did not think the right family members were there and only a quarter felt that that the right people were there. Comments elaborate on the statistical data:

I think his mum should have been there.

Because Anthony has a learning disorder I would have liked to have a professional there who could have explained this to the group. I can't explain this to these people.

Others were very comfortable with their choices of attendees although different views were expressed about the best size for a conference and about the absence of particular individuals:

It was his choice – least number of people possible. His biggest fear was facing the people he had hurt.

It was about right. It was quite a serious thing and [the mother] didn't like too many people there. Things do get out when there are too many people although it is supposed to be confidential.

The more people you have the better the ideas so from our side it was ok.

I don't think his father's presence would have helped. He's afraid of his father's disapproval.

While some appreciated the role played by the professionals, others were more critical:

The professionals were fabulous. The co-ordinator and the youth aid officer were awesome – non-judgmental.

I would have liked a social worker who was more interactive, and assertive. They haven't got us together in a meeting yet.

Views of the family group conference

Family involvement is central to the family group conference process. In 1990/91, data (Maxwell and Morris, 1993) suggested that such involvement did not always happen. Data in Table 7.6 provide information on this in 2001.

Table 7.6 Views of family or whānau about the family group conference process; prospective sample; percentages agreeing and disagreeing² (n=107)

Attending family or whānau	Agree	Disagree
Understood	95	5
Express views	80	10
Involved in decisions	80	10
Treated with respect	88	12

The data in Table 7.6 show that about nine out of ten reported having been treated with respect and understanding what happened.

I feel that [my grandson] was treated really well and I felt comfortable and was acknowledged in the process.

It was a very open sharing. It dealt with the anger and hurt experienced by the victim, but in a non-threatening manner and we [the young person and the family] were able to respond by apologising to her and her family.

I felt good, I did a bit of talking with [the young person] beforehand. I felt empowered by the process and had the opportunity to work through a number of issues with [my son]. He said it was my opportunity to have my say, so I did and it was empowering.

However, only eight out of ten reported having had a chance to express their views and that they were actively involved in the decisions. Some reported being distressed about what happened:

I didn't like the way the victims shouted at [my son]. You would think that shouting, threatening and swearing at a person wouldn't achieve anything. I think the police person really set [my son] up and then gave the victim an 'in' to start shouting. The co-ordinator just let the victim go but we understood why— it's part of what the conference does – he told us that.

It wasn't as I envisaged it to be, it was like a one-sided court. I didn't feel that we had a representative. We weren't familiar with what is handed down from court.

Views of the outcomes

Family or whānau were also asked about their views on outcomes. These data are presented in Table 7.7.

² Agreement has been defined as responses of 4 or 5 and disagreement as 1 or 2 on a five point scale: 1= not at all to 5 = fully. Percentages across the table do not summate to 100 as mid-point responses of 3 have been omitted from the table.

Table 7.7 Family or whānau views of the outcomes of the family group conference; prospective sample; percentages agreeing and disagreeing³ (n=107)

	Agreeing	Disagreeing
Agreed with decisions	85	5
I felt like a bad person	70	27
Felt young person was sorry	56	27
Felt young person dealt with fairly	78	13
Others treated young person with respect	83	9
Think victim forgave the young person	59	27

On the whole, families agreed with the decisions and felt positive about the outcomes:

The victim was very generous – very good about what the young person had done.

But over a quarter reported that they felt like a bad person during the conference. Sometimes this was because of the process, but at other times these feelings came from previous experiences:

I felt insignificant. I was the one that was punished. I really felt I let [my daughter] down.

Yes – especially in the social worker report, I find that usually, as a sole parent, all people tend to generalise. They blame inadequate parenting rather than a lack of resources.

Sometimes the victim makes you feel like you're in court yourself – attacked for being a bad mother.

I always feel bad. I feel responsible.

I felt a lot of guilt on my part because of what he has been doing. Generally I feel that, as a parent, I'm responsible.

When it's your child you feel like a failure, not a bad person. You feel like you have let society down.

About a quarter also reported that they did not think the young person was truly sorry or that the victim had forgiven the young person.

The process was good. It was an opportunity for the victims (my parents) to have their say. It's not a case of forgiveness or not. If he does well on the plan and changes his ways, they may forgive. I think they are reserving judgment.

³ Agreement has been defined as responses of 4 or 5 and disagreement as 1 or 2 on a five point scale: 1= not at all to 5 = fully. Percentages across the table do not summate to 100 as mid-point responses of 3 have been omitted from the table.

Observers' views of the process

The observers were asked to rate a number of aspects of the process. Some of these data on the reactions of young people and victims have already been presented. Table 7.8 deals with the behaviour of the professionals, the various participants' roles and the way they were carried out, the emotions displayed in the conference, and assessments of the conferences' outcomes and success.

Table 7.8 Observers' reports based on attendance at the family group conferences in the prospective sample; percentages agreeing with the item (n=115)

Observers' reports	%	
<i>The professionals</i>		
The behaviour of the professionals – facilitator		
The facilitator seem well prepared for the FGC		97
The facilitator ensured the young person spoke		92
The facilitator ensured the family or whānau spoke		95
The facilitator ensured the victims spoke		99
The facilitator ensured the views of all were taken into account		96
The behaviour of the professionals – youth advocate		
Spoke on behalf of the young person		74
Youth advocate provided legal information to the conference		68
Suggested outcomes		66
Appropriateness of role played by professionals		
Youth justice co-ordinator		83
Police youth aid		80
Youth advocate		85
Main people involved in determining final decision		
Young person		72
Family or whānau		84
Youth justice co-ordinator		56
Police youth aid		75
Youth advocate		42
Victims		45
Person/people inappropriately dominating discussion		25
Person/people being overlooked		19
<i>Emotions</i>		
Emotions displayed by the young person	Initially	At close
Defiant/angry/sullen	23	9
Uninterested	12	4
As if it was a joke	8	4
Engaged	57	66
Responsive	50	64
Remorseful	33	38
Other emotions and behaviour observed	Overall	
Angry/aggressive remarks aimed at young person	25	
Crying by participants	24	
Arguing between participants	17	

Table 7.8 Observers' reports (continued) %

	%
<i>Family whānau responses</i>	
Family or whānau indicated they were unable to cope with young person	26
Family or whānau made commitment to support in future	70
<i>General outcomes</i>	
Outcomes were likely to:	
Promote the wellbeing of young person and family or whānau	80
Strengthen families and enable them to cope	57
Assist development of the young person	82
Ensure offender made accountable	87
Kept young person in the community	93
Other general outcomes	
Ensured young people's interests were protected	95
Paid due regard to interests of victims	91
Genuine consensus	87
Outcomes appropriate = 4 or 5	85
Process was culturally appropriate	82
No agreement reached	11
Overall success = 4 or 5	75
Optimism about young person not reoffending	41

Participation and decision-making

Table 7.8 reports observers' judgments of how the conferences were managed by the professionals. For at least 95% of conferences, the facilitator was seen as well prepared, as ensuring that the family or whānau and victims spoke and as ensuring that the views of all were taken into account. Slightly fewer, 92%, made sure that the young person spoke. Although this is certainly not a common omission, it is an important one, especially in the eyes of victims. Overall, the youth justice co-ordinator was seen as playing an appropriate role in 83% of the conferences:

The co-ordinator was there to support the family and to play a part in reaching outcomes that were suitable for the young person.

However, in over half the conferences the youth justice co-ordinator was seen as one of the main people involved in determining the final decision. This perhaps suggests a rather more central role in the outcome than is appropriate for one *facilitating* a process designed to ensure others' involvement in it:

The co-ordinator could have empowered the family more. The outcome seemed predetermined.

The co-ordinator was competent but didn't encourage or facilitate discussion.

Other adverse comments indicated that, in about one in ten conferences, the youth justice co-ordinator was seen as inappropriately dominating the conference and, on three occasions, they gave the young person a dressing-down.

The police youth aid officer, almost always a participant at a conference, has the role of reporting on the offending and often supports victims if they are present or reports their views if they are absent. They were seen as behaving appropriately in 80% of conferences:

He, along with the other professionals, was most constructive and took into account the need for balance in helping keep the young person safe, guarding his interests and the interests of the public.

Observers rated them as being one of the main people involved in the decision in three-quarters of the conferences. Again, this apparent extent of involvement in decisions seems, on the face of it, contrary to the intention of the 1989 Act to give the responsibility for decisions, as far as is possible, to those most affected by the offending (although, on occasion, the youth aid officer will have had a role in representing the views of an absent victim). In one in ten of the conferences, the youth aid officer was seen as inappropriately dominating the discussions. And on three occasions, he/she made angry remarks and became involved in an argument with the young person. Observers adversely commented on the behaviour of some police representatives:

The police representative was pushing for voluntary DNA to be discussed. His tone of voice and obvious frustration at the young person was not professional or constructive at times. It also prolonged the discussion on what discharge should or could be used. The frustration of the co-ordinator and the youth advocate with the police person was showing at the end.

Police youth aid was fairly aggressive. He appeared to be enacting a 'stern father' role.

The police officer obviously did not like the young person and called him an "arsehole" in the break.

The police youth aid officer continually intervened – often very inappropriately.

The police were not willing to state what they wanted before the family had their private time when he clearly had a bottom line that he announced after they had made their decision.

Police insistence on the decision they wanted despite the views of others was commented on on several occasions:

The police are now taking it to youth court although there was no legal representation for the young person at the conference. It was not that an agreement could not be reached but because the police wanted it to go to court.

On other occasions the observer queried whether or not a family group conference or court hearing had really been needed:

I am surprised that it came to a family group conference at all. The co-ordinator was of the opinion that the offences needn't have come this far. The police could have worked it out between the offender and the victim who was sympathetic to the offender.

I wondered why the charge had come to the Youth Court. The co-ordinator told those present there were other ways it could have been dealt with rather than an arrest, Youth Court and family group conference. [This was a case of a young person taking the family car without permission and damaging it.]

The third professional asked about was the youth advocate. They were present at 53% of the conferences that were observed. They were seen as one of the main people involved in determining decisions in 42% of these conferences and this suggests that they tended to be a less dominant influence than the police and the co-ordinator for the most part. Several comments indicated that they often played a positive role:

The youth advocate was excellent. He explained issues to the young person. He made sure tasks were reasonable and did not set up the young person to fail.

The reports of their speaking on behalf of three out of four of the young people and of providing legal information and suggesting outcomes for two-thirds provides more information on the role they assumed. However, two comments referred to the lack of previous contact between the youth advocate and the young person. On another occasion, the youth advocate appeared to play a more assertive role than appropriate:

The youth advocate seemed determined to solve the problem. He often dominated the discussion.

Previous research on the role of the youth advocate (Maxwell et al, 1997) and the best practice guidelines produced by the New Zealand Law Society (NZLS, 1999) suggest that a less obtrusive role is appropriate on most occasions.

Social workers were not often present and usually played a minor role when they did attend. However, on two occasions social workers from organisations contracted by CYF attended and were seen as behaving inappropriately:

There was little input by whānau. The conference was driven by the input of the social worker.

The young person was not given space to have his say. The conference was dominated by the whānau worker. Perhaps family should also have had more space to say what they wanted.

In contrast, family or whānau and young people were most often seen as having had the primary role in determining the decisions (84% and 72% respectively) while victims were seen as having a primary involvement in slightly less than a half of cases where they were present. A family member dominated the conference in eight of the cases but only two victims did so.

Sometimes, the professionals were seen to work well and appropriately as a team:

All contributed positively to potential outcomes. In the end though it was up to the family.

Observers' ratings indicate that most professionals acted appropriately. Where they didn't, reasons varied. At times, they failed to work together:

Although the co-ordinator advised the conference that she had contacted the victims, youth aid criticised her because they were absent.

Of the negative comments, professional collusion in determining the outcome was the most likely to be commented on:

The plan was devised before the conference began. In the break the professionals finalised their plan while the family were left to talk.

The whole process centred on the professionals. The family virtually did not speak in the early part. The victim could also have been involved more and so could the young person.

The young person hardly spoke. The outcomes were determined by the professionals.

Previous research (Maxwell and Morris, 1993) suggested that professionals were tending to dominate decision-making in many conferences. Overall, in the present study, families and young people were more often seen as having central roles. However, as the above comments suggest, in 2001 some police, co-ordinators and youth advocates continue to appear to dominate.

In a quarter of the conferences the specific people seen as dominating the discussion were most likely the police or the co-ordinator. In one in five cases, some people were overlooked, almost invariably some of the family members, although in nine cases – it was the young person. There were a variety of reasons for this. It could be that, as already noted, the professional domination was intimidating or that the co-ordinator was not successful in encouraging discussion from some of the participants:

The discussion between the co-ordinator, police and the young person tended to exclude the family.

The victim had a full say but there was no encouragement to the young person or the family.

These data indicate that the role of helping people to make their own decisions is easily converted by professionals into that of becoming a principal decision-maker. One youth justice co-ordinator was conscious of this commenting: *"I wouldn't usually conduct a*

family group conference like this’ about a conference where he made all the running in terms of plan and negotiations. The fact that such domination continues to happen suggests a need for further training.

Established family patterns often pre-determined who would participate:

The young person was very, very quiet. The co-ordinator tried to get her to talk. The mother said: ‘She’s used to us talking for her’.

The father tended to dominate the discussion but I think it was just the dynamics of this particular family.

The observers were asked to consider whether or not there were issues of gender that created an imbalance in the conference. The above comment is typical of comments on conferences where one particular family member played a dominant role – *‘It was the women that did most of the talking’.*

Emotions

The data in Table 7.8 also demonstrate the often emotional nature of a family group conference. It was not uncommon for the young people to be judged to be displaying negative emotions at the start of the conference: about one in four seemed defiant, angry or sullen, one in six seemed disinterested and one in twelve seemed to be treating it as a joke. However, by the end of the conference, these negative responses characterised less than one in ten. Conversely, positive responses of engagement and responsiveness characterised only about half initially but nearly two-thirds at the close. Remorse was exhibited initially by about a third and this did not change a great deal. These observer judgments may, of course, not accurately reflect what the young person felt. On occasion, it became apparent in the interview that a blasé expression hid much more complex emotions and genuine remorse was sometimes expressed in the interview but had not been displayed in the conference. And embarrassment often led young people to display ‘a silly grin’. Unfortunately, this was often misinterpreted by the victim as indicating that the young person did not care when the opposite could be the case.

The expression of emotion is an important feature that often distinguishes family group conferences from the youth court. The emotions expressed frequently resulted from victims’ or family’s distress at what had happened. For a quarter of those in the prospective sample, the observer recorded angry and aggressive remarks. These most often came from victims and victims’ supporters but nearly as often from family members. Twice they were made by the young person. Arguments broke out in about one in five conferences. These were most usually between the family and the young person or between family members. On occasion, they involved the young person and/or the family and the police, and on three occasions they involved the victim and the family. These explosions of negative emotion were often seen as necessary, or at least as an inevitable part, of a process that brings together victims and offenders and makes families fully aware of the delinquencies of their young people.

However, the emotional tenor of a conference often changed dramatically as it progressed. The intensity of reliving and sharing the experiences of those damaged by the offending meant that crying was a feature in a quarter of the conferences. The remorse of young people and families led to tears in over one in ten conferences for both groups. Sometimes, but less often, the victims also cried. It was often the tears that were seen as signaling genuine remorse and this could be important for the victim for whom it was a sign of the genuineness of the regret expressed by the family or whānau and the young person.

Family or whānau responses

Over a quarter of the families or whānau (28%) indicated that they had difficulty coping with the young person. For only half of these families did the observer report that measures were put into place that would help them cope. On the other hand, a slightly higher proportion of the families who did not indicate that they could not cope (60%) were seen by the observers as having had some support through the plan. Another positive finding was that for 70% of the conferences that were observed, the family provided support for the young person. This matches the reports of the young people in the previous chapter where at least three-quarters indicated that they felt supported.

Cultural responsiveness

Family group conferences often involved people from a number of different cultures and ethnic groups. Being culturally responsive raises problems of how to act when faced with the variety of ethnic backgrounds, and the adequacy of whatever action was taken. We found ourselves looking here at issues about how well language barriers were crossed; what the appropriate response was when the groups involved come from different backgrounds; whether religious forms that might be appropriate for Māori were simply assumed to be appropriate for Pākehā; and whether religious and cultural observances are always appropriate for Māori. At other times, attempts to respond culturally could founder in the areas of inter-generational differences about what was appropriate.

As well as Pākehā, Māori and a range of Pacific people, there were Somali, Chinese, Korean, Taiwanese, Indian, Greek and Russian peoples involved. In one conference, people from three different cultures were involved and three different languages were used: English, Korean and Tongan. Language differences were, undoubtedly, an enormous problem when principal participants were not fluent in English and this was so even when there was an interpreter:

The grandparents, although they were the caregivers, couldn't understand anything and not enough time was given for translations or for their input. They were effectively excluded for the most part except that there was an opening prayer and closing by Grandfather and this seemed like tokenism.

The observers often found it difficult to judge whether arrangements were suitable or not:

Mihi, karakia or prayers were not offered to participants, although one family was Māori and the young person's family were involved in the church.

There has often been an assumption that being culturally responsive means including greetings in an appropriate language, holding conferences in a traditional setting and including community elders but these stereotypic criteria can be problematic:

It was held in a Māori hall with Māori pictures on the wall but there was no karakia or mihi.

Although there was a mihi and karakia and it was held on the marae, the Kaumātua left after the mihi – it felt that rather than a ‘true’ cultural process, the marae was just a venue.

Sometimes practice included no specifically ‘cultural’ features yet this appeared to be acceptable to participants:

The family was Māori but there was no overt recognition of this. Nevertheless, the young person and whānau seemed very comfortable.

The mother, young person and victim all have Māori heritage. This was not specifically addressed but these participants seemed comfortable and the mother and victim later identified themselves as New Zealanders.

Mihi, karakia or prayers were not offered to participants, although one family was Māori and the young person’s family were involved in the church.

It wasn’t held at the marae and kaumātua were not prominent in the discussions but I guess it met their needs.

That the observers sometimes had difficulty in judging whether such arrangements were suitable illustrated the erroneous assumptions that certain forms should always be used with Māori.

At other times, process options were negotiated at the time of the conference:

The victims were Chinese and had a support person. The way the conference was opened and closed was determined by the ethnicity of the young person’s family with the victim’s consent.

On one occasion, the option offered did not seem appropriate:

The group supporting the young person were Greek. The youth justice coordinator offered a karakia but this was refused.

Two other comments indicate that not all were interested in whether the experience was culturally responsive or not. At one conference the victim referred to the family derogatorily as ‘a bunch of Māoris’. At another, where the family felt differently from the professionals about the best outcome, a Pacific mother commented ‘Palagi make business about nothing – it is racist’.

Sometimes the nature of cultural responsiveness and the value of restorative justice have to be judged against the values held by different generations. Some Pacific parents⁴ expressed the view that a major problem for their young people was that the education system in New Zealand expected and encouraged their young people to ask questions and to challenge accepted ideas. This was seen as causing young people to act inappropriately and to behave disrespectfully to their elders.

Victims' interests

Although in 91% of cases, observers reported that victims' interests were taken into account, there were comments on occasions when the involvement of the victim was not well managed:

The victim felt his words were not properly heard and his views were kind of overcome by youth aid and the youth advocate.

Overall comments

Finally, the observers commented on the outcomes of the conference in relation to the principle objectives of the Act. The data in Table 7.8 showed that, in at least 80% of cases, the conference was judged to have decided on outcomes likely to promote the wellbeing of the young person and their family or whānau, to assist in the development of the young person, to make the young offender accountable and to keep him/her in the community. Similarly, at least 80% were seen as having reached a genuine consensus, as having adopted a culturally appropriate process, as paying due regard to the interests of victims, as ensuring young people's interests were protected and as reaching appropriate outcomes. Of course it would be pleasing if all conferences achieved these goals but, nevertheless, these outcomes are highly creditable. Only two comments expressed reservations about the general purport of the plans:

It seemed to me that the outcome was more focused on control and punishment than on wellbeing and restoration.

The issue of the young person not attending school was not addressed.

Other comments indicated that observers often felt the plans were responsive in ways that the youth court could not have been:

It will enable the young person to move towards independence if the relationship with the parents does not improve.

The plan responded to both the young person's and the community's interests.

⁴ Pacific Youth Justice Seminar, Papatoetoe, Auckland, May 1999. This seminar was organised by the Ministry of Pacific Island Affairs in conjunction with the Department for Courts, Ministry of Justice and the Child, Youth & Family Service. A second Pacific youth justice seminar was held in Porirua in November 1999.

On the other hand, less than half of the observer reports expressed optimism about the young person not reoffending; over two-fifths noted that outcomes failed to strengthen families and enable them to cope and only three out of four were judged to be an overall success in terms of the quality of the process. Thus, while much of what was observed met the objectives of the Act, there are important areas where improvement in practice is possible and more effective long-term outcomes could be achieved.

The key features of the conferences that observers considered to have failed had to do with shortcomings in the process or because of the behaviour of the co-ordinator, the police, family members, the young person or the victim. Positive features related to those already traversed: support, the sensitivity with which professionals carried out their roles so that views were fully aired and everyone participated, appropriate attention to cultural issues, and the way in which participants worked towards constructive outcomes.

Process factors

The room wasn't properly prepared and there was no proper welcome or introduction. It was far too casual.

The victims and family were given different times for the meeting. The victim waited 25 minutes because the co-ordinator did not know she was there.

There were a very large number of victims present and very few whānau. There was no real discussion about anything.

The conference went on for a long time. By the end of it the young person was bored and his mind seemed to be in another place. He was leaning back in his chair and picking at the wall behind him. He was neither engaged nor responsive for large amounts of time.

The co-ordinator

It was over dominated by the co-ordinator and kind of routine. There were no victims.

The police

I believe the Police attitude and behaviour defeated the purpose of the conference. The Police were disrespectful of the boys and focused on punishment. He did not believe their mothers could control their young people.

Families

The attitude of the stepfather was the problem. He has been described as a bully and he certainly showed some of those traits in the conference towards the victims. He stormed out at one point and the atmosphere relaxed a little but tightened again when he came back.

Young person

The young person did not seem motivated to listen or accept the words of her family. She seemed to choose the gang and see them as her family. The conference seemed to do little to turn this around.

The victim

The victim's father wanted to change the rules and take matters to Youth Court instead. Both he and the offender's father got a little heated at one point. I had a sense that both of them felt disempowered and disillusioned with the outcome.

General

The family and the young people were not invited specifically to speak until it was time to talk about the plan. Even then it was just 'how are you going to achieve these?' The mother was told to be quiet by the victim and never given the opportunity to speak. She was really upset.

The family was viewed as dysfunctional by the other participants and the outcomes were very controlling.

On the other hand, there were many positive features on which observers commented. These are listed under the variety of themes that have emerged from this study as likely to be critical in achieving positive outcomes:

Attendance

Lots of people were there. It was particularly good because of the challenge from the victims and the young person's siblings.

Professionals' roles

The youth aid officer was very sensitive.

It was very well organised. Police and the co-ordinator had a good knowledge of what happens in the community and were able to offer really good suggestions for outcomes for the young person.

Support

The school worker and the community worker both said really positive and supportive things about the young person. The youth aid officer also seemed supportive. Victims had their say in person and in writing.

The family came together to support the young person. His uncle's closing speech had an impact on the young person who started crying again.

Views shared

All views appear to have been aired and all were able to negotiate final plan.

Participation

Everyone, ie the young person and his support group and the victims and their support groups, had a chance to have their say in a way that meant the young person could hear what was being said and could understand what was being discussed.

The young person participated well. He didn't just let the process happen around him.

Victim involvement

The young person got to face the victim. There was support from the family and [community social work agency]. His family were willing to work with the young person on the plan. The victim got reparation promised to her.

The victim was fully involved in discussion with everyone at the conference.

There was a really good dialogue between victim and the young person. Clearly all were concerned about his future.

Positive recognition

Acknowledgement was made of all the progress the young person had made and that all – youth aid, whānau and youth justice co-ordinator - had worked together to find best outcome for young person.

Cultural process

Whānau and family support was there. The process was not rushed. It was held in a cultural setting that made connections between whānau at the marae and the young person and her family.

Everyone was given a chance to have a say. Both the English and the Samoan languages were used to communicate and this enabled the victim and her husband (who was Rarotongan) to follow the process while the use of Samoan was for the benefit of the young person's support group.

Constructive outcomes

The young person is getting the help she needs financially, with living arrangements, and through referral for counselling.

There were good outcomes involving all the victims. The young person has a chance to put things right with them through work in place of reparation and a chance to apologise personally to them. The conference was held at the scene of the burglaries. The young person had to front up to staff and apologise. And he got positive reinforcement for doing this.

Serious offence

A serious offence was able to be dealt with in this manner. There was a great deal of discussion about the effects of the assault on the victim. It had aggravated an existing head injury. The victim's parents showed sympathy for the young person's family and admitted that part of the blame lay with their son. It was a good result.

General

The offending was dealt with in a way appropriate to the nature of the offence. All the professionals were supportive.

The victims had the opportunity to have a say and so did the family. Good support was given by [a local trust member]. It was good for the victims to air their emotions – they were all still hurting physically and emotionally from the accident.

People wanted to help the young person while safeguarding the community from any reoffending. There was a concern to move him away from the social welfare residence as soon as possible in order to reduce the risk of his learning more criminal behaviour.

The young victims had their say and so did their parents. And the young person was held accountable for actions and is getting help for his anger.

There was a balance between the young person, the victim, and youth justice and care and protection issues.

It gave an opportunity for everyone to come together and provide support for each other and show the young person how much support there is for him and how his actions affect, not only the victims, but family and Iwi as well. This young person and his father cried together.

Summary

This chapter presents interview data on the experiences and views of the total sample of victims and families in the prospective study. Because of small numbers it has not been possible to undertake analyses comparing responses with respect to ethnicity and gender.

Fifty-eight victims who attended a conference and 42 who did not were interviewed. Encouragingly, 80% of both groups reported satisfaction with being told in good time

when the conference would take place and with the preparation they had had, reflecting considerable positive change since the Maxwell & Morris study (1993). However, lack of briefing on roles, and of consultation on venue and time did prevent some attending. This is a failure of good practice.

Victims' experiences of attending the conference were also more positive than in the earlier study. Most who attended agreed with the outcomes, felt better as a result of attending, able to move on, and found the process satisfactory. However, nearly a half did not feel involved in making the decisions or that the young person was genuinely sorry or understood the impact of the offence. Other practice problems that emerged from comments were briefing failures in terms of setting expectations about what the process would entail, failing to meet and greet victims when they arrived at the conference or to ensure that someone was there to provide support when necessary.

Two issues appear to be particularly important in relation to satisfaction with the family group conference process. First, the tendency for non-attending victims to be more negative about outcomes than those who attended underlines the importance of ensuring victim attendance. About a third of those who did not attend said they were not told about the outcomes and only about half of those who were told felt that the decision was about right – two out of five reported that it was too soft. Second, the tendency of both sets of victims who did not receive promised apologies or information on outcomes to be more negative about the process than those who did indicates the importance of follow-up if victim satisfaction with outcomes, particularly over time, is to be achieved.

Comments indicated that follow-up was a very important factor in satisfaction with outcomes and particularly with satisfaction over time. Those who remained ignorant of whether or not tasks were completed or who did not receive promised apologies were often likely to express negative opinions while those who were told and who found that tasks were completed were very positive about the whole process.

Families or whānau views also suggested that the majority considered that they had had timely pre-conference information, including about their role, and again, the percentage (at least 80%) who felt satisfied has risen since 1990/91. However, only a half were given ideas about how to respond to the offending and at least a quarter of the families said they were not consulted about conference time or venue and a fifth said they were not consulted about who should be invited. Again, these data raise concerns not only about practice with respect to the preparation process that is crucial for an effective conference (Levine et al, 1998; Morris and Maxwell, 1999). Section 250 of the Act requires that family or whānau be consulted on attendance, and conference time and venue.

Families and whānau viewed the conference process almost universally positively with at least four out of five of those involved considering they understood what had happened, were able to express their views and be involved in decisions and that they were treated with respect. They also agreed with the outcomes and felt the young person had been dealt with fairly and with respect. On the other hand, nearly half did not feel the young person was genuinely sorry or that the victim forgave the young person. And over a quarter felt like a bad person at the conference. These deficiencies point to key aspects of

process that were undoubtedly important for all concerned and that need to be improved if the impact of conferences is to be maximised and their reputation enhanced.

The observers' views of the process indicate the importance of emotion in family group conferences, allowing the expression of both negative and positive emotions that bring people together – and indeed make families aware of the impact of their young people's delinquencies.

While many professionals were considered thoroughly competent, observers identified some important behavioural short-comings. Youth justice co-ordinators and youth advocates could be over-involved in decision-making; co-ordinators were also rated as dominating the conference, as were some youth aid officers; and police were seen as being over-insistent on achieving the outcome they wanted. While professionals were seen as working well and appropriately as a team, observers also noted collusion in determining outcomes. Training is clearly needed, and needs to be focused, particularly on ensuring that the role of facilitating decision-making is not subverted into becoming the principle decision-maker.

Observers' ratings reinforce the findings on the need for change. Over two-fifths noted that outcomes failed to strengthen families and enable them to cope and only three out of four were judged to be an overall success in terms of the quality of the process. We repeat our words: while much of what was observed met the objectives of the Act, there are important areas where improvement in practice is to achieve more effective long-term outcomes.

The observers' observations of the degree of cultural responsiveness within family group conferences indicate that this can be problematic. There were over-simple, if not ignorant, expectations of what was culturally appropriate for different groups (ie that prayers and mihi on a marae were always appropriate for Māori while offering a karakia to a Greek seems extraordinary). Not all cultural elements were always included when it was appropriate. Another area of difficulty lay in ensuring everyone knew what was going on when insufficient time was allowed and sometimes there were problems in communication because of language even when an interpreter was present. Again, further training should help address these issues. However, the difficulties caused by the difference of inter-generational views, particularly among Pacific generations brought up with different notions of how the young should behave to their elders and to those in authority, is less easy to resolve.

Life outcomes: life events after the conference and the Youth Court

Events and relationships

A hoped-for outcome of the family group conference is a positive and constructive life style reinforced by the impact of the events on the young people and on those close to them. However, many other influences on the young person's life will also affect longer-term outcomes. This chapter aims to explore what happened next using data from the interviews with the young people in the retrospective sample and law enforcement system file data supplied by the Ministry of Justice, which describe their contact with the criminal justice system. Table 8.1 sets out the life events reported by the young people since the family group conference.

Young people were asked about positive life events they had experienced since the family group conference. Nearly three-quarters reported constructive employment, schooling or training; a half reported belonging to some form of group; and a third found religion important. Close relationships with family and friends were reported by nine out of ten and a similar proportion reported having been involved in a serious personal relationship. Generally, two-thirds reported getting on well with others and over a quarter reported that they had become a parent, often proudly. These two clusters of items were used to create composite variables measuring subsequent life events that are used in the predictive analyses in Chapter 9.

However, despite the prevalence of these positive and potentially protective events, negative life events, psychiatric problems, criminal associates and use of alcohol and drugs, all of which could be factors in reoffending (Maxwell and Morris, 1999, Fergusson et al 1994, Moffitt and Harrington, 1996), were frequently reported. Negative life events reported included periods of unemployment for four-fifths, at least three changes in place of residence for over half, a serious relationship break up for over half, major health problems for one in five and someone close being serious ill or dying for over half. Sixty-one per cent experienced psychiatric problems. Criminal associates were reported by three-quarters and heavy use of alcohol and cannabis was reported by about a quarter and a third respectively. Each of these clusters have also been used to create composite variables measuring subsequent life events for use in the predictive analyses in Chapter 9.

Table 8.1 Life events since the family group conference from the retrospective sample; percentages (n=520)¹

Life event	%	
<i>Positive life events</i>		
Schooling or training	70	
Student		10
Constructive employment in last 6 months	70	
Full-time		39
Part-time		15
Home duties/DPB	6	
Belong to groups: any ²	47	
Religion important	34	
<i>Positive relationships</i>		
Close friend/confidant	89	
Serious personal relationship	81	
Become a parent	27	
Feel close to family	81	
Find it easy to get on with others	67	
<i>Negative life events</i>		
Unemployment for a period	80	
Last 6 months unemployed		26
Changes in where lived – more than 3	53	
1 or 2		30
Close personal relationship break-up ³	59	
If yes – very painful		49
Major health problems	22	
Someone close died/seriously ill	58	
<i>Psychiatric factors, any</i> 61		
Depression sometimes or often ⁴		34
Mood swings sometimes or often		43
Suicidal thoughts sometimes or often		7
Hospitalised		5
Medicated		8
Therapy		15
<i>Criminal associates</i>		
Close friends offending		73
Gang member		16
<i>Drug and alcohol use</i>		
Use alcohol a lot		29
Use dope a lot		36
Use other illegal drugs a lot		5

¹ As in other chapters, the actual number of responses to a particular item may be less than the total in the sample.

² These groups included sports teams, churches, social clubs, marae or cultural groups.

³ Proportion of those who have been in such a relationship.

⁴ Normally items involving 'agree' or 'frequently' have been based on those answering 4 or 5 on a five point scale from 1 = never to 5 = often. With these items, the calculation of 'sometimes' or 'often' have been based on the sum of those responding 3 to 5 on this scale.

Cultural pride and knowledge

Previous research (Maxwell and Morris, 1999) has pointed to the potential role of cultural pride and knowledge as a protective factor. Replies to questions on these issues are reported in Table 8.2.

Table 8.2 Young people’s knowledge of and pride in their culture; agreement with statements in the young people’s interviews for the retrospective sample; percentages (n=520)

Knowledge and pride	%
Know about my cultural background – yes	72
Proud of culture and ethnic background – agree ⁵	89

The data in Table 8.2 indicate that nearly three-quarters reported knowing about their cultural background and 89% agreed that they were proud of their culture and ethnic background. These two items have been used to form a composite variable – ‘cultural pride and knowledge’ – that is used in the later predictive analyses in Chapter 9.

Overview of life outcomes

Ensuring that harm is repaired is the first critical step in a response to offending by young people. The Children, Young Persons, and Their Families Act 1989 goes further in also seeking to put in place measures likely to enhance wellbeing. Measuring enhanced wellbeing is no easy task. In this study, we have attempted to obtain indicators of enhanced wellbeing by asking, not only about life events since the family group conference, but also about their general views on life since the conference and their hopes for the future. The data in Table 8.3 reports on the young people’s views on aspects of their lives an attitudes and personal wellbeing since the conference.

⁵ ‘Agree’ for this item and in subsequent tables refers to those responding 4 or 5 on a five point scale from 1 = disagree to 5 = agree.

Table 8.3 Young people's general views on life since the family group conference; young people's interviews retrospective sample; percentages agreeing (n=520)

Views on life	%
<i>Positive moves</i>	
I have taken responsibility for any wrong things I have done	92
I have not wanted to get involved in crime	77
<i>Positive aspects of life</i>	
Since the conference have things happened that made you feel really good about yourself? ⁶	76
Are there things in your life that are important to you at the moment?	94
Are there things you hope to achieve in the future?	92
<i>Feeling good about life and the future</i>	
Life in general has gone well for me	57
I have a positive view of the future	87
In general I feel good about myself	86

At least three-quarters reported anti-crime attitudes referred to above as 'positive moves' since the family group conference; they had taken responsibility for things they had done wrong and over 77% reported not wanting to be involved in crime. Positive aspects of life were also reported by at least three-quarters, with over 90% reporting that there were important things in their life at the moment and things they hoped to achieve in the future. In terms of generally feeling good about themselves and their future, nearly 60% said that life had gone well for them and nearly 90% said that they had a positive view of the future and felt good about themselves. These three clusters of items were used to derive the composite variables used in the predictive analyses in Chapter 9.

Offending

Self-report

The 520 young people who were interviewed were asked if they had offended since the family group conference, how often, whether or not it was detected, the nature of the offence and how was it dealt with. This information was sought for several reasons: as a measure of honesty compared with official data on the law enforcement data system; to explore whether the young people committed a sizeable proportion of undetected offences or not; and to provide information in the gap between the family group conference-recorded information and the young person becoming eligible for any records on Justice Ministry's data system. Table 8.4 reports on whether or not reoffending occurred and was detected, and whether the penalties were custodial ones. These self-report data are compared with law enforcement data on convictions for offences after the age of 17.

⁶ This item and the final two in this table were answered 'yes' or 'no' and data indicate 'yes' responses.

Table 8.4 Detected self-report reoffending and penalties from retrospective interviews and LES data; percentages

Category of offending	Self-report data (n=516)	LES data (n=993)
None detected ⁷	30	31
Detected – minor penalties	44	47
Detected – custodial penalties ⁸	26	22

Data from the young people interviewed indicates that the distribution of self-reported offending is very similar to the distribution of offending recorded on the law enforcement data system. A quarter of the sample reported no offending since the family group conference and another 5% reported only undetected offending, indicating that the offending but not detected category is small. Again there is a very similar distribution between self-report and official data.

Data from the young people suggest that a quarter received custodial penalties in the district or high court and this too is very similar to the proportion reported by the Ministry of Justice. These data give confidence in the accuracy of young people's self-reports and they are also very similar to the figures reported in a previous study of reoffending (Maxwell and Morris, 1999).

Data from the young people about their most serious detected offending indicate that 23% of offences involved serious violence and another 26% involved burglary or car theft. These, together with two cases where the young person said they were charged with relatively serious drug offences, make up the most serious offences.

Court convictions

An analysis was undertaken of law enforcement system data on all convictions for cases dealing with offences committed after the age of 17.⁹ These cases were heard in the District or High Court. The analysis covered those in the sample for whom data were available for one, two and three years after they reached their 17th birthday. These data were used to calculate survival curves that show the pattern of convictions over time.

The data provide the main measure of follow up offending in this study. They have the advantage that they represent the most reliable information on subsequent offending and also meet a consistent criterion with respect to seriousness: the offending was considered sufficiently serious to warrant a conviction in the District or High Court. Follow-up information was available at one year for almost all of the sample (99%), at two years for

⁷ For the law enforcement data, 'none' means none that was detected and led to a conviction after the age of 17. For the 'self-report' retrospective sample, 'none' means none detected since the family group conference.

⁸ These custodial penalties were either prison or corrective training as a result of a district or high court hearing.

⁹ The analysis in this section is based on convicted cases. If a person is convicted for several offences at the same time, these offences are counted as one case.

95% of the sample and at three years for 51% of the sample. These data are set out in Tables 8.5 to 8.7.

Table 8.5 Number of cases convicted at one, two and three years after the age of 17 years for the retrospective sample; percentages (n=993; 957; 513)

Number of convicted cases	One year	Two years	Three years
None	45	33	27
1	22	16	14
2–5	32	39	38
6–10	1	11	19
11 or more	0	<1	2
<i>Sub total – one or more convictions</i>	<i>55</i>	<i>67</i>	<i>73</i>
Mean number of convicted cases	2.3	3.3	4.2
Maximum number of convicted cases	9	12	14

Fifty-five per cent of these young people had been convicted of an offence within a year of their 17th birthday, 67% had been convicted within two years and 73% within three years. The average number of convictions for these young people within a year was 2.3 and the maximum for one person was nine. Within two years the average number of convictions was 3.3 and the highest number of convictions one person received was 12. Within three years the average number of convictions was 4.2 and the most occasions convicted was 14. The types of major offences for which these young people were convicted in the periods of one, two and three years after their 17th birthday are shown in Table 8.6.

Table 8.6 Type of major offence¹⁰ for which convicted at one, two and three years after the age of 17;¹¹ retrospective sample; percentages of total sample including those not convicted (n=993; 957; 513)

Type of Major Offence	One year	Two years	Three years
Violent	9	12	14
Other against persons	1	1	2
Property	24	29	29
Drug	3	3	3
Against justice	3	5	5
Good order	4	4	3
Traffic	10	12	16
Miscellaneous	1	1	1
No conviction	45	33	27

In each follow-up period the most common type of major offence committed was a property offence. Traffic offences and violent offences were the next most common categories. The most common violent offences committed in the first year were for grievous assault (22% of convictions), serious assault (16%), and minor assault (15%). The most common violent offences committed within two years were for grievous assault (30% of convictions), serious assault (27%), and aggravated robbery (18%).¹² The most common violent offences committed within three years were for grievous assault (27%) and serious assault (17%). Table 8.8 describes the sentences for these offences.

Table 8.7 Type of sentence imposed for the major offence at one, two and three years after the age of 17; retrospective sample; percentages of total sample including those not convicted (n=993; 957; 513)

Type of Sentence	One year	Two years	Three years
Custodial	13	19	22
Periodic detention	14	19	22
Community service	8	8	7
Supervision	5	4	3
Monetary	13	15	17
Other	2	1	1
Conviction and Discharge	1	1	1
No conviction	45	33	27

¹⁰ The offence type is based on the Ministry of Justice offence classification with additional breakdowns of specific categories to allow comparison with the other data in this study. Where more than one offence was dealt with at one time, the coded offence is, in all cases, the most serious judged by the criterion that it received the most serious sentence.

¹¹ In some cases the number in a particular category may be less in a later year than it was in an earlier one if those involved have, in the meanwhile, committed a more serious type of offence or if data were not available for these individuals at a later follow up.

¹² In each of the years, the types of violent offences with the largest numbers were reported in this paragraph. Thus data on minor assault and aggravated robbery are not reported for each year.

Table 8.7 shows that the most common sentences imposed on those who were convicted were periodic detention, custodial and monetary penalties. An increasing proportion of those convicted had received custodial penalties over the period; 13% received custodial penalties in the first year and 22% in the third year. The lengths of these sentences are described in Table 8.8.

Table 8.8 Length of longest custodial sentence imposed for convicted cases that resulted in a custodial sentence within one, two, and three years of reaching the age of 17 years; convicted cases in the retrospective sample; percentages (n=129; 178; 114)

Length of sentence	One year	Two years	Three years
Corrective training ¹³	35	23	18
Prison:			
< or = 3 months	9	12	16
>3 to 6 months	11	3	3
>6 to 12 months	19	28	25
>1 to 2 years	15	21	28
>2 to 3 years	7	9	6
>3 years	3	4	3
Life	1	1	1
Average ¹⁴	11 months	1 year	1 year

Table 8.8 shows that for 74% of those imprisoned within a year of their 17th birthday the longest custodial sentence imposed was a year or less. A further 15% received a custodial sentence of more than one year up to two years and only 4% received sentences longer than 3 years. For those who received a custodial sentence within two and three years of their 17th birthday, the average sentence length was slightly higher than for those imprisoned within a year of their 17th birthday.

Survival analyses

Survival analysis using Proc Lifetest in SAS[®] (Allison, 1995) was used to analyse all convictions since the participants reached the age of 17. Survival analysis identifies the proportion of people who have been convicted or not in a given time period and takes account of the different lengths of follow-up time available for each offender. While survival analysis may take into account multiple offending by an offender, for this research only the first conviction after a young person's 17th birthday was included in the analysis.

¹³ The sentence of corrective training is for three months.

¹⁴ The average excludes corrective training and the life sentence. If more than one custodial sentence was imposed, only the longest sentence is included in the table.

Figure 8.1 Percentage of retrospective sample not convicted of an offence committed after the age of 17 years¹⁵ (n=999)

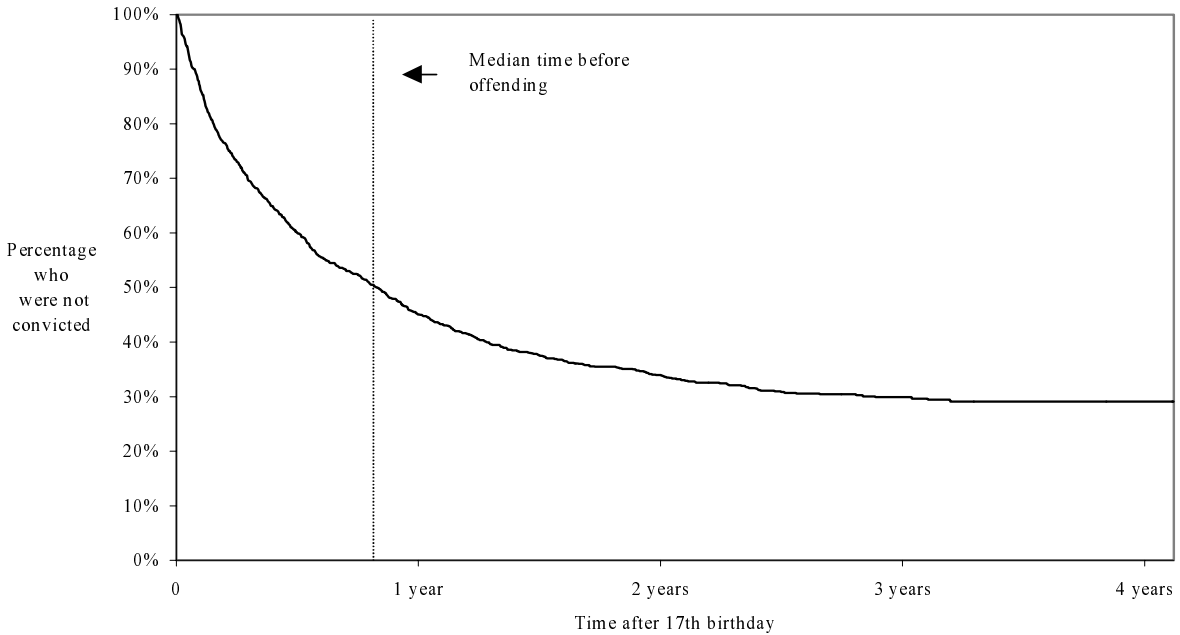


Figure 8.1 shows the results of the survival analysis. The percentage who were not convicted decreased each month from 88% at the end of the first month to 45% at the end of the first year, 34% at the end of the second year and 30% after 3 years. The survival rate dropped fastest in the first five months compared to the later months and by two years the rate of change had tapered considerably. By three years, very little change was occurring on a month by month basis. The median¹⁶ time before offending was 300 days (nearly ten months).

Reoffending categories

Using the information from the law enforcement system database on number and frequency of reconvictions after the age of 17 and on the severity of responses to them, it is possible to categorise each person in terms of frequency and seriousness of offending in the first two years after they have turned 17. The categories used are similar to those used by Maxwell and Morris (1999). The definitions are as follows and data showing the frequency of cases in each category are presented in Table 8.10:

¹⁵ Seven people were excluded from the survival analysis: two who died and five who were in prison before the age of 17 and had not been released from custody by 21 December 2001.

¹⁶ The median can be regarded as a more useful measure of the centre of the distribution than the mean when data is not normally distributed.

- None no recorded convictions after age 17
- Minor no more than one per year in the first two years excluding prison sentences or minor traffic offences (defined as those traffic offences receiving non-custodial sentences)
- Medium more than one but no more than two convictions each year excluding prison and excluding minor traffic
- Improving persistent those who qualified as serious/persistent in year one but were out of prison and did not commit offences in year two
- Serious or persistent those who committed three or more offences in year one and offended or were sentenced to prison.

Table 8.9 Reoffending categories for the first two years after age 17; the retrospective sample; numbers and percentages (n= 958)¹⁷

Category	Number	Percentage	Cumulative percent
None	320	33	33
Minor	210	22	55
Medium	122	13	68
Improving persistent	59	6	74
Serious/persistent	247	26	100

The data in Table 8.9 show that a third of the sample did not reoffend in the two years following their 17th birthday, about another third came into the minor or medium category of petty occasional offending that did not result in prison terms of more than three months and the remaining were classed as serious or persistent offenders (although a small group of these did not reoffend in the second year). These data are very similar to figures reported in a previous study of reoffending (Maxwell and Morris, 1999). In that study, about 30% were classed as not having been convicted in the six years after a family group conference while a similar proportion were classed as persistent reoffenders, most of whom had had custodial sentences. These data provide a basis for an analysis of factors associated with reoffending and also for the prediction of reoffending. The results of these analyses are presented in Chapter 9.

Ethnic similarities and differences

Analyses of the difference by ethnic group identity were carried out for data on life outcomes using data from the interviews with young people in the retrospective sample. Differences were not significant with respect to general views on life since the family group conference but there were important differences in life events since the conference and in post-conference offending. The relevant differences in the data on these variables are described in Table 8.10 where the most noticeable differences are bolded.

¹⁷ The number of cases coded in this reoffending category is one greater than the reoffending analysis in the same category reported in Table 8.5. This case was categorised a serious persistent, due to the offender receiving an 11-year prison sentence.

Table 8.10 Life events since the family group conference by ethnic group identity; retrospective sample; percentages

Statement	Pākehā (n=200)	Sole-Māori (n=165)	Mixed-Māori (n=54)	Pacific (n=90)
<i>Positive life events</i> ¹⁸				
Employment in last 6 months				
Full-time	45	19	26	39
Part-time	9	18	11	14
Close friend/confidant	97	86	85	81
Become a parent	14	43	26	32
Feel close to family	72	85	80	91
Find it easy to get on with others	66	59	69	82
Belong to groups, any	37	51	48	61
Religion important	23	28	32	74
<i>Negative life events</i> ¹⁹				
Unemployment For a period	74	87	89	79
Last 6 months unemployed	20	38	30	18
Changes in where lived				
1 or 2	26	30	32	31
More than 3	63	53	57	34
Close personal rel'ship break-up	65	50	64	53
Psychiatric factors ²⁰				
Depression sometimes/often	37	26	33	46
Prescribed medication	13	4	9	6
Therapy	19	10	22	10
Close friends offending	64	82	83	71
Gang member	11	22	20	18

Almost all the life events items showed significant differences by ethnic group identity. Pākehā were more likely to report being employed full-time and having a close friend or confidant, and least likely to being a gang member. On the other hand they were also more likely to face certain negative life events than the other groups. They were least likely to feel close to family; to have a close personal relationship breakup – the latter

¹⁷ Full-time employment Chi-Square = 42.6, df.= 9, p<0.001; Part-time employment Chi-Square = 42.6, df.= 9, p<0.001; Close friend/confidante Chi-Square = 19.9; df.= 3; p<0.001;¹⁸ Become a parent Chi-Square = 39.1; df.= 3; p<0.001; Feel close to family Chi-Square = 21.8; df.= 6; p = 0.001; Find it easy to get on with others Chi-Square = 19.5; df.= 6; p<0.01; Belong to groups (any) Chi-Square = 17.1; df.= 3; p.= 0.001; Religion important Chi-Square = 104.1; df.= 6; p<0.001

¹⁹ Unemployment for a period Chi-Square = 12.5; df.= 3; p<0.01; Last 6 months unemployed Chi-square = 42.6; df.= 9; p<0.001; Changes in where lived Chi=quare = 31.5, df=6, p<0.001; Close personal relationship break up Chi-Square = 8.7; df.= 3; p = 0.03; Depression sometimes/often Chi-Square = 18.7; df.= 6; p <0.01; Medicated Chi-Square = 10.6; df.= 3; p = 0.01 Therapy Chi-Square = 9.6; df.= 4, p = 0.02; Close friends offending Chi-square = 18.9; df=3, p<0.001 Gang member Chi-square = 9.3; df=3, p = 0.025

²⁰ Psychiatric factors (any) was not significantly different across ethnic groups.

was true for two-thirds of them; to be on prescribed medication; and were the second most likely group to be in therapy.

The ‘sole-Māori’ group stood out as being least likely to be in full-time employment (only one in five were in full-time work), but they were more likely to be in part-time employment. This reflects overall unemployment trends for Māori (Te Puni Kōkiri, 1998, 2000). Reflecting a characteristic characteristic for Māori generally they were the group most likely to report having become a parent – nearly half reported this.²¹ The ‘mixed-Māori’ group were most likely to report having been in therapy. They were otherwise like the ‘sole-Māori’ group in having the most reported unemployment (at the time of interview nearly nine out of ten Māori were unemployed), the most reported part-time employment; close friends who were offending (eight out of ten) or being a gang member (one in five).

Pacific young people presented a different pattern again. At least some 70% of all these respondents reported being close to family and, with nine out of ten reporting this, were the group most likely to feel this, to find it easy to get on with others (eight out of ten), to belong to groups (six out of ten) and three-quarters said religion was important. All these items suggest that they are the group who are most embedded in their socio-cultural community. On the other hand, they were also most likely to report suffering from depression at some time (nearly half), and were more likely than Pākehā to have close friends offending and to be gang members.

Table 8.11 presents data on ethnic group identity and cultural pride and knowledge.

Table 8.11 Young people’s knowledge of and pride in their culture by ethnic group identity; agreement with statements in the young people’s interviews for the retrospective sample; percentages²²

	Pākehā (n=200)	Sole-Māori (n=165)	Mixed-Māori (n=54)	Pacific (n=90)
Know about my cultural background	68	73	65	87
Proud of culture and ethnic background	84	89	92	97

Pacific young people, too, were most likely to report knowledge of and pride in their culture. Nearly nine out of ten reported knowing about their background as compared with three out of four of the sole-Māori group and two-thirds or less of Pākehā and mixed-Māori. Almost all groups reported being proud of their culture and ethnic background, but this was true for nearly every Pacific young person in the sample.

Table 8.12 presents self-report data on ethnic group identity and offending detected since the family group conference.

²¹ Māori women start childbearing in their late teens compared with Pākehā women who start childbearing almost a decade later (Ministry of Health, 1999).

²² Knowledge cultural background - Chi-Square = 12.9; df.= 3; p<0.01; Proud background Chi-Square = 10.4; df.= 3; p<0.02

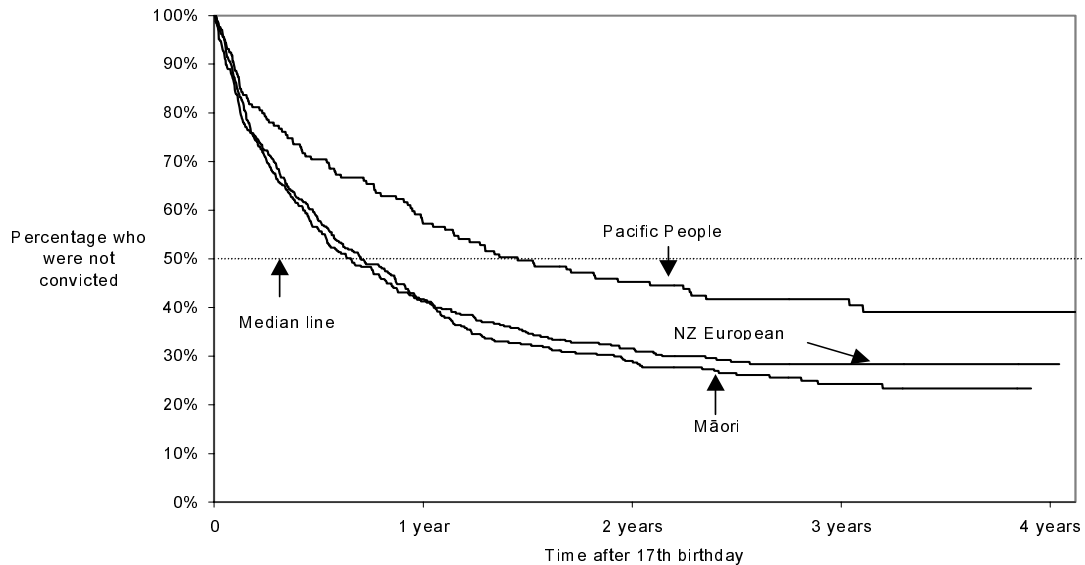
Table 8.12 Self-report data on detected offending since the family group conference by ethnic group identity; percentages²³

Self-report data	Pākehā (n=199)	Sole-Māori (n=164)	Mixed-Māori (n=54)	Pacific (n=88)
Post-conference detected offending	73	75	74	56

Self-report data on detected reoffending show that about three-quarters of Pākehā, ‘sole-Māori’ and ‘mixed-Māori’ reported reoffending. This figure is lowest for Pacific young people where only six out of ten reported reoffending.

Finally, data on young people’s convictions in the adult courts after their 17th birthday were calculated by ethnicity. The resulting survival curve is presented in Figure 8.2.

Figure 8.2 Percentage of retrospective sample not convicted after the age of 17, by ethnicity (n=999)



The data in Figure 8.2 show survival curves for Pākehā, Māori and Pacific peoples.

Figure 8.2 shows that Māori and Pākehā had similar patterns of offending after the age of 17 years while Pacific people show a lower rate of offending.²⁴ Half of Māori had offended before eight months (238 days) had passed compared to just over eight months for Pākehā (255 days) and one year five months (529 days) for Pacific people.

²³ Self-report offending Chi-Square = 11.8; df = 3; p < 0.01

²⁴ Survival curve for Pacific young people compared with the survival curve for Māori and Pākehā young people combined Chi-Square = 12.3; df = 1; p < 0.0004.

Sex similarities and differences

Analyses of the differences by sex with respect to items on life outcomes was carried out using data from the interviews with young people in the retrospective sample. Differences were significant on only few items. There were also differences in cultural pride and knowledge and post-conference offending. The main differences in life events are described in Table 8.13 where the most noticeable differences are bolded.

Table 8.13 Life events since the family group conference by sex; retrospective sample; percentages²⁵

	Boys (n=443)	Girls (n=76)
<i>Positive life events</i>		
Employed full-time in last 6 mths	36	18
Find it easy to get on with others	70	49
<i>Negative life events</i>		
Someone close died/seriously ill	55	72
Psychiatric factors: any		
Mood swings sometimes or often	41	59

The data in Table 8.13 show that boys were more likely than girls to report some of the positive life events. Boys were more likely to have had full-time employment in the last six months. Fewer than one in five of the girls had had full-time employment, and of these, 11% were living alone and caring for a child. Only half the girls reported that it was easy to get on with others while over two-thirds of the boys reported this.

Girls were more likely than boys to report two negative life events: someone close being seriously ill or dying was reported by nearly three-quarters of the girls compared to just over half the boys. Six out of ten of the girls reported experiencing mood swings sometimes or often compared to about four out of ten boys. These data reinforce findings of early life experiences that suggested a greater degree of adversity in the lives of the girls who offend compared to boys (Fergusson et al,1994) .

Boys reported being proud of their culture and background more often than girls.²⁶ More than nine out of ten boys reported this compared to fewer than eight out of ten girls.

Despite the more favourable post-conference life events for boys, it is the boys who are more likely to have offended since the conference.²⁷ Nearly eight out of ten boys reported this, but only two-thirds of the girls.

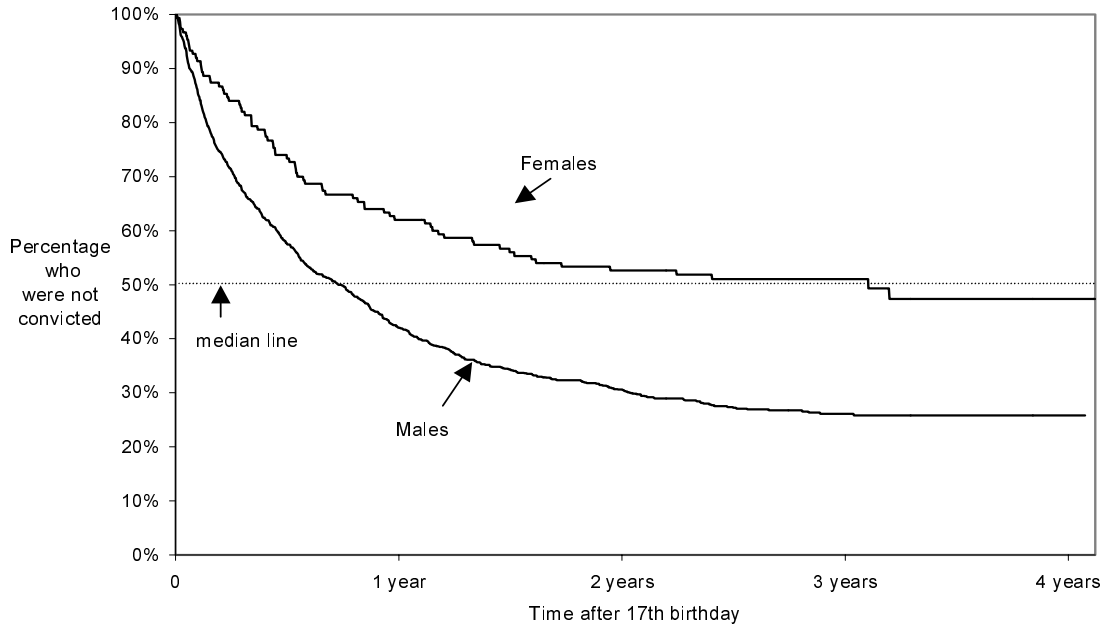
²⁵ Full-time employment - Chi-Square = 19.2, df.= 6, p<0.01; Find it easy to get on with others - Chi-Square = 19.7, df.=4, p = 0.001; Someone close seriously ill or dying - Chi-Square = 8.1, df.=2, p<0.02; Experiencing mood swings - Chi-Square = 12.2, df.=4, p<0.02

²⁶ Proud of background Chi-Square = 10.9, df.= 2, p<0.01

²⁷ Post FGC offending Chi=quare = 6.5, df=2, p = 0.038

Data on young peoples' convictions in the adult courts after their 17th birthday confirms this. The survival curve calculated from LES data is presented in Figure 8.3.

Figure 8.3 Percentage of retrospective sample not convicted after the age of 17, by gender, law enforcement system data (n=999)



The data in Figure 8.3 show survival curves for boys and girls. The curves are statistically significantly different from one another. The figure shows that far fewer of the girls reoffend compared to boys and that the median time for girls to reoffend is about three years compared to about 9 months for the boys. The difference becomes apparent almost immediately and increases up to the median time point for reoffending by boys. After that, the rate of reoffending is very similar for both groups.

Again the data on differences between boys and girls shows that, despite less favourable backgrounds in several respects and being less responsive to victims in conferences (see section on sex similarities and differences in Chapter 6), girls do not reoffend as repeatedly as boys. This pattern is consistent with earlier data on girls being under-represented in the sample and committing fewer and less serious offences as young people. It is also true of crime statistics world-wide. Many reasons have been advanced for the lower rates of offending by girls including differential patterns of social control, different opportunities and different expectations (Heidensohn, 1996) but there is no clear agreement on this issue.

Summary

The data here show that at least three-quarters of the sample reported experiencing a number of positive life events such as employment, schooling, training or close relationships with family and friends.

However, fewer than half were involved in group activities and one-third found it difficult to get on with others. Other negative life events such as being unemployed, a break up of a close relationship, psychiatric issues, frequent changes in where they lived and the death or serious illness of someone close were all reported by about a half or more. Risk factors such as having criminal associates and the heavy use of alcohol and cannabis were also reported by one quarter and a third respectively.

At the time of interview, over half reported that life had gone well and at least three-quarters said that they no longer wanted to be involved in crime. At least eight out of ten believed they had taken responsibility for their wrongdoing and felt good about themselves, had a positive view of life, had things in their life that were important and had goals for the future.

These statements need to be set against self-reported reoffending, where only a quarter reported no reoffending since the family group conference, and the law enforcement system convictions data analysed by the Ministry of Justice that show high conviction levels. Fifty-five per cent had a conviction recorded against them within a year of turning 17, 67% had a conviction within two years and 73% had a conviction within three years, primarily for property, traffic and violence offences. Within three years 22% had been imprisoned, a rate that grew steadily (13% within one year of turning 17, 19% within two). The risk of being convicted was greatest in the first five months after turning 17 and least in the months leading up to the end of the three year follow-up period, when few who had not previously been convicted were obtaining convictions. Twenty-seven per cent of those followed up for three years since turning 17 had not been convicted. (Part 3 of this study explores the relationship between further convictions and life events. It also examines the impact of prior life events, early negative outcomes, the family group conference and youth justice co-ordinator processes.)

Analysis of ethnicity similarities and difference showed that Pākehā were the group most likely to report any of the protective factors – for example, employment and a close friend – and they were also less likely than other groups to report criminal associates. In contrast Māori in particular, but also mixed-Māori, appear marginally more at risk by being more likely to be out of work, to have psychiatric issues and to have criminal associates. Pacific young people had stronger family and community ties than those in the other two groups but, in spite of apparently being more closely involved with their communities, were more likely to report having suffered depression at some time.

Sex differences indicated that, in a number of respects, the known pattern of greater adversity in the backgrounds of girls is being repeated in their lives as young women. Despite this, as with the general pattern for crime statistics, the boys are more likely to be offending as young men. These data suggest that factors other than those described here are responsible for the differences.

Part 3

Understanding effective outcomes

Part 3 is made up of two chapters that deal with issues of prediction. Chapter 9 presents analyses that predict adult life outcomes (by which we mean reoffending and positive life events) from family circumstances and early life events, experiences of the youth justice system and subsequent life events. Chapter 10 examines issues of practice in the youth justice system and presents analyses that predict young people's experiences of the family group conference from practice variables.

Understanding adult life outcomes

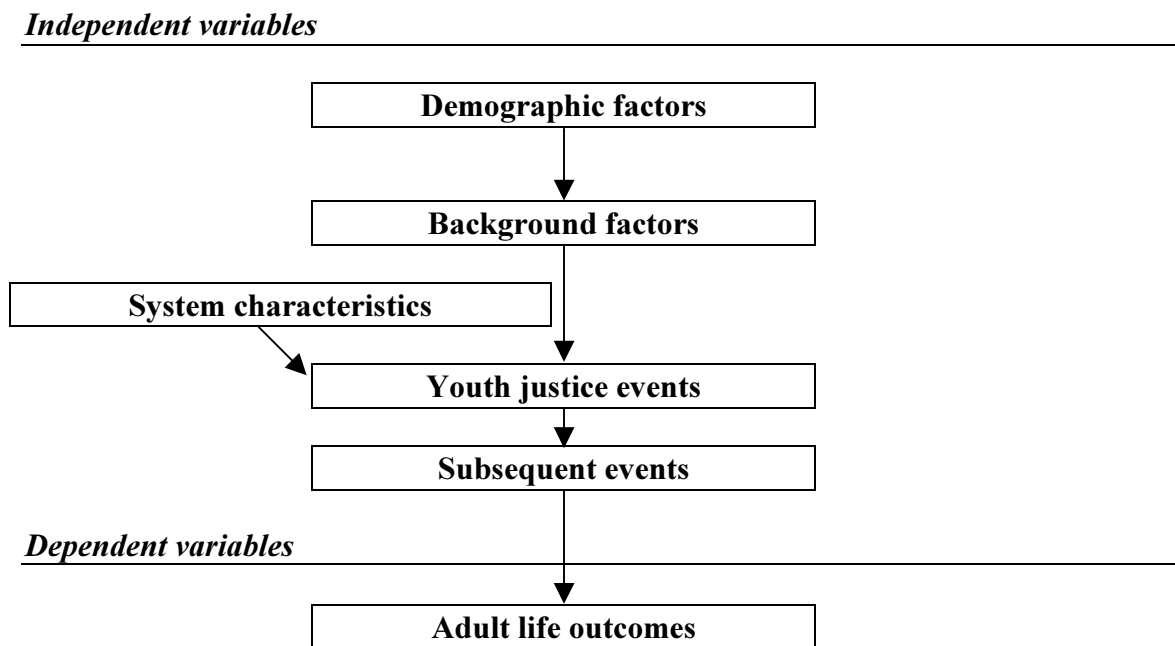
This chapter identifies a number of aspects of youth justice processes that are potentially important predictors of the desired adult life outcomes of reduced reoffending and reintegration into society. These variables include those identified by Maxwell and Morris (1999) in a previous small scale study of reoffending, and a number of other variables that could be used to assess the importance of the role of youth justice processes in achieving effective outcomes. A model (see Figure 9.1) is presented that suggests how these factors may be linked in the life course of the young person. This model has guided the research and the way that the analysis has been undertaken.

After describing the model and the way the analysis was conducted, this chapter reports the results in three parts:

- Part A examines the extent to which demographic factors, factors in the background of the young person, youth justice events and subsequent life events that predict reoffending
- Part B examines the impact of the same factors on life outcomes
- Part C combines the analyses from Parts A and B and looks at predictions of both reoffending and life outcomes together – the totality of adult life outcomes.

The model

Figure 9.1 Model describing the critical factors that may predict adult life outcomes.



This model identifies the first factors of interest as being the basic demographic variables of sex and ethnicity.¹ (The coding of ethnicity was described in Chapter 3.) These variables will often affect the nature and impact of other life events in the background of the child prior to the particular family group conference that was the target for this study. The young person's background also may influence the way they respond to the family group conference and the other youth justice system events on which this research focuses. Responses to the questions on background have been described in Chapter 6 and details of the 18 composite variables derived from these are described in Appendix 5. The variables of prior offending and contact with CYF complete the set of 21 background variables.

Youth justice system events and outcomes may also be influenced by other characteristics of the system. Particular variables available from SWis files were the area where the conference was arranged; the co-ordinator who facilitated the conference; the people attending; offence characteristics; and whether or not the matters were heard in the Youth Court. Other information on co-ordinators' practice came from interviews with co-ordinators and observations of them. The study was designed to assess whether or not these differences in practice would affect outcomes for young people. The extent to which this occurs is examined in the next chapter (Chapter 10).

After the family group conference, a number of subsequent events, both those arranged by the youth justice system and those that are a result of other factors in the young person's life, may impinge on the adult life outcomes of interest to this study. The study collected information on how the young people reacted to the family group conference, to the Youth Court and to any programmes that were arranged, as a way of summarising the impact on the young person of the youth justice events. Data were also collected on subsequent life outcomes, including education and employment history, mobility, relationships with others and involvement in drugs and alcohol.

Finally, there are two groups of adult life outcome variables that are the main dependent variables examined in this Chapter. These have been defined as: reoffending as indicated by convictions in the adult courts up to two years after the young person's 17th birthday, and positive life outcomes as indicated by positive views on life at the time of interview.

Not all the variables in the model are available on all the 1,003 young people in the retrospective sample. Some of the important information is only available for the 520 who were interviewed. Thus, the model has been tested in two ways. First, the fuller version of the model was examined using the data on the 520 cases interviewed. Then the model was tested using the more limited data available on all 1,003 in order to test whether or not the variables currently available in the system can be used to predict issues related to adult life outcomes and to monitor the impact of practice on adult life outcomes. Further information on the variables used in these analyses is provided in Appendix 5.

¹ Age was not included as the sample was drawn from young offenders in a restricted age range.

Analysis

The steps in the analysis are described under the headings below. For the reader who is unfamiliar with statistics, the language used to describe the analysis can be difficult to understand and many readers may find the descriptions of the procedures confusing. However, only three important concepts are involved in the various analyses conducted here; with an understanding of these, it is hoped that the reader will be able to understand most of the description of the findings in this and the next chapter without having to read the more technical descriptions of the procedures that are contained in the rest of this section – those readers may, after reading the paragraphs below, prefer to go directly to the results in the following sections of this Chapter. The three important concepts are:

- *the significance of the relationship* This shows whether or not there is a statistically significant relationship between variables and is usually measured by the probability of achieving such a result by chance alone. The *probability* indicates the level of significance and is indicated as being either $p < 0.05$ (*), $p < 0.01$ (**) or $p < 0.001$ (***). The initials 'ns' indicate where there was *no significant relationship*. As the probability of a relationship being statistically significant increases with sample size, it is important to consider also the strength of the relationship
- *the strength of the relationship* This is measured by a variety of statistical techniques, including correlations, analysis of variance and Chi-square tests. With correlation the strength of the relationship is indicated by a correlation coefficient (r) – ie 0 indicates no relationship but 1 shows a perfect one-to-one relationship. Usually, the correlation is somewhere between 1 and 0. A negative sign is used to indicate cases when there is a negative relationship between the variables, that is where an increase in one variable leads to a reduction in the second correlated variable. In terms of the practical magnitude of the correlation, Cohen (1988) proposed the following categorisation – 0.50 or greater is large, from 0.30 to 0.49 is moderate and less than 0.30 is a small correlation. This should be kept in mind when reading the following results
- *multivariate analysis* This is used to explore the relationships between sets of variables and an outcome variable. Multivariate statistical techniques (logistic regression, multiple regression and canonical correlation) are used to assess the interrelationships between variables, and add depth to the analysis, going beyond the simple examination of the relationship between two variables. Thus while it might initially appear that a variable is significantly related to reoffending, it is possible that once other factors are taken into account, the association is no longer significant.

Analysis plan

1. The development of composite variables

The first step was to reduce down the amount of data by creating composite variables, where appropriate. Within the main clusters where there were large numbers of items,

principal components analysis (for example, with background factors, young people's responses and subsequent life events) or correlations (system characteristics and positive life outcomes) were used to identify items that were related and could be used to create composite variables. Alpha reliability coefficients were used to describe the extent to which the clusters were reliable estimates of each composite variable. Appendix 5 sets out the means of both the individual and composite variables that were used in the main analyses and the reliability of the composites.

2. Testing the relationship between independent and dependent variables

The next step was to test for significant relationships between the independent variables (eg sex, family group conference outcome) and the dependent variables (eg reoffending, 'life outcomes'). The results of the tests of the relationships between each independent variable and reoffending are described in the first section of this chapter, and their relationships with positive life outcomes are described in the second section.

Several different kinds of data are used. In some instances, numeric data indicates the frequency with which events had occurred; at other times, people were asked to make judgements using scales (*ordinal data*) and sometimes the data were in categories (*categorical or nominal data*). This means that the measures of relationship have been chosen depending on the type of data. Thus, on occasion, data will be correlated using Spearman's Rho (a measure of correlation suitable for ordinal data) or by calculating analyses of variance or using Chi-squared (for categorical data). The common thread amongst all these measures is that they allow for tests of the size and significance of the relationships.

Many of the variables where there was no significant relationship at the 5% level of significance were excluded from further analysis. However, some were retained despite this because of their importance in previous research or because of the importance for theory of that particular variable. When there were two similar variables, only the one with the stronger relationship with reoffending was retained for further analysis.

3. The relative importance of independent variables in predicting the dependent variables

The next step was to determine the extent to which the different groups of variables were able to predict each of the dependent variables – multivariate analysis. For example, is gender still significantly related to reoffending once offending variables (e.g. type and seriousness of offence) have been taken into account. Again this has been done in different ways depending on the nature of the data. Wherever possible, *multiple regression* has been used. This technique assesses the relative importance of different variables in predicting a single dependent variable. As before, statements can be made about the strength of the relationships and their significance, and consequently it is possible to identify the most important predictors. However, when two of the independent variables are themselves correlated, it may be necessary to drop the weaker one from the analysis. This means that some variables that drop out

of the picture when multivariate techniques are used may still be related, but that they are less important than other variables with which they have an association.

The results are reported separately for the two main dependent variables: reoffending and adult life outcomes. A series of *regression analyses* (using SPSS 10) were carried out in order to determine the impact of various clusters of variables. The main method used for the prediction of reoffending was a conditional *binary logistic regression analysis*² and for predicting adult life outcomes, stepwise *multiple regression analysis* was used. These analyses were done by gradually working through the various steps of the model set out in Figure 9.1 and each step is described as the results are presented.

4. *Modelling the outcomes*

Canonical correlation (SAS Institute, 1990) was also used to identify which of the main variables were related to the main outcomes. This technique differs from multiple regression in that it examines the relationship between two sets of variables. In the present study, one set consists of the demographic, background, youth justice events and/or subsequent events, while the other consists of the adult life outcome variables. The technique creates summary variables (canonical variables or factor) for each of these two sets of variables. The canonical variable is created on the basis of its correlation with a canonical variable formed from the other set of variables. Looking at how important the old variables are in constructing the new canonical variables provides an understanding of the relationships between the two sets of variables. Thus the technique helps reduce a large number of variables down to a few summary variables and helps in understanding the relationship between these summary variables.

Analyses were carried out that used each group of variables described in Figure 9.1, both singly and in various combinations, to examine the relationships between the other variables and the critical adult life outcomes of avoiding reoffending and of achieving positive life outcomes.

Results

Part A: Predicting reoffending

Table 9.1 describes the degree of association between each of the independent variables and reoffending (coded as described in Chapter 8), wherever a correlation could be used. When a Chi-squared test was the appropriate test of significance, the results are presented in a footnote. In all cases, the variables marked with asterisks in the final column are significantly associated with reoffending.

² This method is used when the dependent variable consists of categorical data; in this case the binary reoffending category.

Table 9.1 The relationship between independent variables³ and reoffending showing correlations and probabilities

Variables		Correlation ⁴
Demographic factors		
Sex	Male, Female	0.19 ***
Ethnicity	Māori, NZE, Pacific, Other ⁵	**
Background factors		
Background – family	Mother's age when young person born	-0.15 **
	Family transience	0.20 ***
	Health problems	0.00 ns
	Poverty	-0.03 ns
	Family environment	-0.15 ***
	Anti-social family	0.16 ***
	Abuse and punishment	0.15 ***
	Parental monitoring	-0.16 ***
Background – school	Positive school experiences	-0.07 ns
	Negative school experiences	0.23 ***
	School qualifications	-0.25 ***
	Was a victim of bullying	0.04 ns
Anti-social behaviour	Stole	0.20 ***
	Bullied others	0.18 ***
	Substance abuse & anti-social	0.23 ***
	Ran away from home	0.17 ***
Relationships	Bored and hung around	0.14 ***
	Clubs and friends	-0.00 ns
	Positive relationships	-0.12 **
Care & protection history	Notifications – C&P	0.24 ***
Prior offence history	Referrals for youth justice matters	0.35 ***
Youth Justice events		
	8 geographical areas ⁶	ns
	24 co-ordinators ⁷	***

³ The labels of the variables do not always fully explain the variables. Additional information is sometimes presented in the text describing the results and full information is included in Appendix 5.

⁴ The significance of the finding is indicated by * when $p < 0.05$, ** when $p < 0.01$ and *** when $p < 0.001$. When there is no significant relationship, this is indicated as ns. Because many of the variables were ordinal or non-normally distributed, Spearman's Rho was used to calculate correlations. Where there it was not possible to calculate a correlation, for instance with the different ethnic groups, a Chi-squared analysis was used and the value is given as a footnote.

⁵ Chi-squared = 29.78, df=12

⁶ Chi-squared = 37.5, df=28

⁷ Chi-squared = 140.5, df=92

**Table 9.1 Relationship between independent variables and reoffending
(continued)**

Variables	Correlation		
Attendance at the FGC	Victim attended	-0.02 ns	
	Mother attended	-0.04 ns	
	Father attended	-0.14 ***	
	Other caregiver present	0.08 *	
	Number of victims & supporters	-0.03 ns	
	Number of family & supporters	-0.06 ns	
	Number of professional	0.17 ***	
Offences	Any victim of offences	0.08 *	
	Seriousness of offence	0.02 ns	
	Number offence types	0.23 ***	
	Number of offences	0.21 ***	
YJ system responses	Referral type	0.17 ***	
	Youth Court – yes/no	0.18 ***	
	Severity of outcome	0.16 ***	
	Restorative – yes/no	-0.07 *	
	Restrictive – yes/no	0.07 *	
	Reintegrative – yes/no	0.07 *	
	Rehabilitative – yes/no	0.02 ns	
Young person’s responses to the family group conference	Preparation	-0.05 ns	
	Participation	-0.17 ***	
	Understanding	-0.00 ns	
	Fairness	-0.14 **	
	Support	0.04 ns	
	Remorse	-0.07 ns	
	Forgiveness	-0.12 *	
	Memorable	-0.09 *	
	Able to make up	-0.10 *	
	Decided to keep out of trouble	-0.26 ***	
	Stigma and exclusion	0.16 ***	
	<i>Subsequent events</i>	Positive life events	-0.17 ***
		Negative life events	0.18 ***
		Positive relationships	-0.06 ns
Criminal associates		0.24 ***	
Psychological problems		0.12 **	
Alcohol and drug use		0.21 ***	
Cultural pride and knowledge		0.01 ns	
Good intentions		-0.20 ***	
Programmes part or more completed		-0.08 ns	
Part of any group		-0.07 ns	
<i>Positive life outcomes</i>	Feeling good	-0.24 ***	
	Good events	-0.10 *	

The data in Table 9.1 identify a large number of variables as being related to reoffending. At first glance the number of significant variables seem intimidating. However, many of these associations are weak (correlations <0.20).

To help understanding, the results are described in groups in the text below, under sub-headings for each main group of variables. It is important to remember that these are simple bi-variate associations and some of the variables may be inter-correlated. For instance, if the seriousness of offences and the number of offences are themselves correlated, then it is highly likely that both will relate in a similar way to reoffending. The discussion in this section highlights the variables that appear most useful in predicting reoffending. The next section uses multivariate analysis to assess the relative importance of these interrelated variables, firstly by identifying the most important variables in each group and then the variables that are significantly associated with reoffending once the effect of other variables are taken into consideration.

Demographic factors and reoffending

Sex and ethnicity are two variables that have often been found to be associated with offending. As Table 9.1 indicates, this appears to be the pattern with reoffending in the current study, males are both more likely to reoffend than females. With ethnicity it is important to take into account how the ethnic group comparison is conducted. Overall ethnicity was significantly related to reoffending. However, as was shown in the previous chapter and supported by additional analysis here, Pacific young people, compared to Māori and Pākehā, are less likely to reoffend. On the other hand there is no significant difference between Māori and Pākehā in reoffending. Furthermore, as we will see later, ethnicity is less important in predicting reoffending than other variables which are associated with ethnicity.

Background factors and reoffending

A number of events in the background of the young person are associated with an increased probability of reoffending and all of these have been previously reported in other studies (Fergusson et al., 1994; Maxwell and Morris, 1999). Family background factors include the relatively youthful age of the mother when the young person was born, family transience, not having a positive family environment, belonging to a family where members were involved in drugs and crime, being abused and severely punished as a young person, and having parents who did not provide supervision and monitoring of after-school activities during the young person's early years. The strongest of these variables as a predictor of reoffending was family transience

School experiences and early anti-social activities were also important. Those with negative school experiences and without school qualifications were more likely to reoffend. Those who reoffended were also more likely to have stolen, bullied others or to have been involved in substance abuse and anti-social activities when young. They were more likely to have run away from home, been bored and to have spent time hanging around and were less likely to have had positive relationships with family, peers or others while they were growing up. Four variables stand out in these two clusters of factors:

- having had negative school experiences
- not having any school qualifications
- early involvement in alcohol, drug or substance abuse
- stealing.

Two more background events are among the strongest variables with a relationship with reoffending. They are:

- having been previously referred to CYF for care and protection matters
- having been previously referred to CYF for youth justice matters.

Both these variables have been found to be predictive in most other studies that include them (Fergusson et al, 1994). They are also associated ($r=.31$, $p<.001$), so those having been referred for care and protection matters are more likely to have had a previous youth justice referral.

However, many of these variables are inter-correlated so do not emerge as independent predictors of future life events. Nevertheless, five variables derived from this cluster continue to be important in the subsequent multivariate analyses and they are:

- a composite variable⁸ representing adverse backgrounds made up of all the factors relating to school, family and relationships ($r=0.27^{***}$)
- a lack of school qualifications ($r=0.25^{***}$)
- a composite variable summarising all the anti-social behaviours ($r=0.25^{***}$)
- care & protection history assessed by a prior notification to CYF ($r= 0.24^{***}$)
- Prior offence history as assessed by a prior referral to CYF for youth justice matters ($r=0.35^{***}$).

Youth justice events and reoffending

A number of youth justice events were measured in this study. Many of these are unique to the youth justice system in New Zealand and, thus they have not previously been examined in other studies of reoffending. They are, therefore, of special interest.

Variables relating to the nature of the youthful offences have previously been shown to help predict reoffending (for example: Coumarelos, 1994, Farrington, 1994, Fergusson et al., 1994, Maxwell and Morris, 1999). In this study, the seriousness of the offence was unrelated to reoffending but the number of the offences and the number of different types of offences referred to the family group conference were important. Of these, the latter – the number of different types of offences – was the most strongly associated with reoffending, so this was used in subsequent analyses. Although being dealt with in the court rather than through diversion can be confounded with the seriousness and number of offences, it has often predicted reoffending in the previous studies cited above, and it

⁸ A detailed definition of this variable and other composite variables created for the multivariate analyses presented in this chapter is given in Appendix 5, Table A5.3.

emerged as significant in this study also. Having a victimless offence was also associated with a lesser chance of reoffending, although the association was not strong.

The relative lack of importance of the seriousness of the offences in predicting reoffending, and the significance of the number of types of offences and whether or not the case is dealt with through the Youth Court, are interesting findings. They are consistent with the suggestion in early chapters of this report and in Maxwell and Morris (2002) that the police are paying more attention to factors other than the seriousness of the offence when deciding to refer matters to the Youth Court, for example, any prior history of offending and their knowledge of the offender's background. Other findings already reported here indicate that many of the cases referred to the Youth Court are being dealt with by an endorsement of the diversionary plan that the family group conference has recommended. An alternative explanation of the link between multiple types of offences, court appearances and reoffending is that there are adverse consequences when relatively minor offending is unnecessarily escalated by being dealt with through the courts.

In order to explore these possibilities further a regression analysis⁹ was carried out to predict reoffending from dealing with the offence in the Youth Court and the variables that have most often been used in the past for this purpose: sex, ethnicity, previous contact with the system, number of types of offences and the seriousness of offences. The results show that there is a significant relationship between reoffending and having been dealt with in the court regardless of all these other factors: the odds ratio of 1.42¹⁰ indicates that young people are half as likely again to reoffend if they have been to the Youth Court. This relationship is even stronger when the most serious offending, which might always need to be dealt with by a court, is excluded from the analysis: the odds ratio increases to 1.63.¹¹ A very plausible explanation that is consistent with criminological theory and the principle in the Act of diverting cases from the court wherever possible, is that the court processes themselves make reoffending more likely because of their impact in labelling the young person as criminal and the public nature of the denunciation of them as an offender. Although these findings seem compelling, other explanations can be advanced and cannot be ruled out by this study alone. However, it should be noted that research in New South Wales (Luke and Lind, 2002) also supports the interpretation that a diversionary family group conference will be more successful than the use of court proceedings. Luke and Lind found a reduction of 15% to 20% in reoffending for young people who had attended a conference compared to young people who attended court and this difference occurred across offence types and regardless of gender, criminal history, age and ethnicity.

⁹ Conditional Binary Logistic analysis using SPSS10.

¹⁰ Probability value is less than 0.05

¹¹ Probability value is less than 0.01

The next two variables to be examined were the areas in which the co-ordinators operated. There were two options here: to examine the impact of the local CYF office or of the wider CYF district. Neither showed any relationship with reoffending. However, there were differences between the co-ordinators in the amount of reoffending that occurred among their cases. This could have been because of personal characteristics or because of the types of cases they were assigned. Whatever the reason, the effect was significant at $p < 0.001$ and persisted throughout many of the analyses that were conducted. The nature of this effect is explored further in the next chapter.

Who attended the family group conference was examined. Although having the mother or victim attend the conference was not related to reoffending, the father's attendance was associated with a lesser chance of reoffending. This finding appears to be related to the young person's belonging to a family in which a father is involved rather than to being reared, effectively, by a mother only.¹² Having a non-parent caregiver at the family group conference is associated with a greater likelihood of reoffending, although the association is weak, and probably reflects the increased chances of the young person being in care. (It is hoped to follow up this finding with further analysis of the data at a later point in time in order to consider these other explanations.)

The number attending the family group conference was examined. The number of victims and supporters and the number of family and supporters was not significantly related to reoffending but the number of professionals was. The more professionals attending, the greater the likelihood of reoffending. Morris and Maxwell (1997) have reported this finding. As the additional professionals will almost always be social workers or a youth advocate, the finding could be interpreted as indicating that the more serious the case is seen to be, the more likely the young person is to have a social worker and a youth advocate. However, other data presented in Table 10.5 suggest that there is an alternative explanation: a family group conference may be less effective when a large number of professionals are present.

The nature of the outcomes of the conference was examined. As most had restorative outcomes, it is perhaps surprising to find that there was only a small significant relationship between *not* having these types of outcomes and reoffending ($r = -0.07$). A similar small relationship linked reoffending to having restrictive sanctions. These two findings both appear to imply a link between restorative practice and not reoffending. However, the further finding that having reintegrative sanctions was linked to reoffending seems at first sight to be contrary to this suggestion: except that, as noted in previous research (Morris and Maxwell, 1997), the use of reintegrative programmes tended to be limited to the cases that were seen by the professionals as the most serious.

It may seem obvious that the severity of the outcomes should be linked to reoffending ($r = 0.16$). One might expect that the most serious offenders would be most likely to reoffend and also those most likely to receive the most severe outcomes. The number of

¹²

Fergusson et al (1994) has shown that children of sole mothers are disadvantaged in many ways, including being in a low income family where there are fewer supports. Being born to a mother aged under 20 years compounds disadvantage.

types of offences is also a possible factor that would explain the link between severity of outcome and reoffending. However, there is an alternative explanation – the severity of the response increases reoffending regardless of the nature of prior offending. The data, in fact support this latter interpretation. When a multivariate analysis is carried out (this is described in more detail in the next section), the results show that the severity of outcomes is linked to reoffending independently of the number of types of offence and seriousness of offence. This is an important finding. Popular belief that severe penalties will decrease the likelihood of further reoffending is not supported. There are important implications of these findings for practice in the Youth Court and further analysis is desirable to tease out these results in greater detail, the relationships between reoffending and the types of penalties, the nature of offending and the circumstances of the offender.

The family group conference events and the young person's response to the family group conference, and reoffending

Previous research on understanding reoffending (Maxwell and Morris, 1999) identified the young person's response to the family group conference as a predictor of reoffending. This result is replicated in this larger study. Important variables associated with a lowered probability of reoffending are the intention to keep out of trouble in future, having participated in the conference, feeling the outcome was fair and not being stigmatised and excluded. Feeling that they were forgiven and able to make up for what they had done were also associated with lower reoffending, although the correlations were not strong. At first glance this pattern seems somewhat different to that reported in 1999 when remorse and stigma emerged as the two most important variables. In the current study remorse was not significantly associated with reoffending. These issues are clarified in Chapter 10.

Subsequent events

Subsequent events are also linked to reoffending. Having criminal associates is the best predictor of reoffending, followed closely by a heavy alcohol and drug use. Negative life events, a lack of positive life events and psychological problems are also significant factors. On the positive side, not wanting to get involved in crime (good intentions) is associated with not reoffending. This may be more of a commentary by the young person on their state of mind at the time of the interview for this study rather than reflecting whether or not they had actually reoffended between the family group conference and the time when they were interviewed for this research. In this sample, taking part in programmes had no significant impact and this may reflect the fact that many of the programmes to which the young people were referred were often seen as not useful by the young person.

Multivariate analysis – the relative importance of demographics, background factors, youth justice events and subsequent events on reoffending

As already mentioned, the above results do not always indicate the most important factors in determining outcomes because many of the variables may be effectively be proxies for another factor. For example, problems at school may reflect adverse family background factors or, alternatively, difficulties at home may result from problems being experienced

at school. This section uses multivariate statistical techniques to examine the relative importance of the variables found to be associated with reoffending. It tests whether these variables are still related to reoffending once the effect of the other variables has been taken into account. While each variable on its own was relatively weakly correlated with reoffending, multivariate analysis assess the strength of association between a group of variables and reoffending. The analysis was conducted in two steps. Firstly the main (significant) variables in each group were identified. Then all these variables were examined to assess how, as a group, they were related to reoffending. The results reported here are based on binary logistic regression with the dependent variable being reoffending, comparing those who don't reoffend or have only one minor reoffence with those who have one serious or more than one reoffence. The results using other categorisations of reoffending are very similar to those reported below.

Multivariate analysis can sort out which are the most important variables over all but they can also rule out important explanations which can be quite real because they only affect a relatively small number of cases or because multiple explanations of events may conflict. For instance, the example above suggested that either family background could affect school performance or school events could affect relationships at home. But these two may not be mutually exclusive; both explanations could be true for different groups of young people.

While multivariate analysis is limited in that multiple explanations that compete can be obscured, the technique is the most powerful available in providing information on the main patterns underlying such events as reoffending and effective outcomes. It can highlight broad groups of variables rather than single factors even though those may all be important in particular cases.

Traditional models of predicting reoffending

We have already referred to some of the complex pattern of relationships between the nature of offending and prior offence history and reoffending. In this section the results of the multivariate analysis undertaken to tease out these relationships are presented.

Most research examining reoffending focuses on the relatively few simple variables that are available on criminal justice databases, such as demographic and offence factors (for a review see Maxwell and Morris, 1999). The conclusion drawn from such research is that reoffending is often largely explained by such variables; particularly sex, prior offence history, number of offences and the seriousness of offences. These previous findings also make it important to examine the factors traditionally supposed to be the best indicators.

A conditional binary logistic regression was used to predict reoffending from these variables¹³ for the retrospective sample (as all these variables came from files the analysis was conducted on the total sample, n=1,003). The analysis indicated that the prediction accounts for 21% of the variance (Nagelkerke R square=.21). Detailed results are presented in Table 9.2.

¹³ Detail of the variable definitions used for these analyses are presented in Appendix 5, Table A5.3.

Table 9.2 Predicting reoffending from demographic and offence variables: results present odds ratios and levels of significance

<i>Variable</i>	<i>detail of variable</i>	<i>odds ratio</i>	<i>p</i> ¹⁴
<i>Demographic factors</i>			
Sex	Female, Male	2.88	***
Ethnicity	Pacific vs Pākehā	0.49	**
<i>Background factors</i>			
Care & protection history	Prior notifications for care & protection	1.16	**
Prior offence history	Prior referrals to CYF for offending	1.27	***
<i>Youth Justice events</i>			
Youth Court case	Youth Court – no/yes	1.63	**
Offences	Seriousness of most serious offence	ns	
	Number of offence types ¹⁵	1.18	*

The results in Table 9.2 describe the strength of the relationship in terms of odds ratios. These indicate how many times more likely to reoffend are those with a high score on the variable. Significant variables related to reoffending were:

- *Sex*: Boys were nearly three times as likely to reoffend as girls
- *Ethnicity*: Pacific young people were only half as likely to reoffend as the rest
- *Previous care and protection history*: Those with such a history were somewhat more likely to reoffend
- *Previous referrals for youth justice matters*: Those with such referrals were one and a quarter times as likely to reoffend
- *Youth Court appearances*: Those with such appearances were nearly one and two-thirds times as likely to reoffend.

It is important to note, that each of these relationships is independent of the others. A previous history with care and protection is therefore important independently of a previous youth justice history. Being dealt with in the Youth Court is, as previously noted, independent of previous referrals and the nature of current offending.

Coumarelos (1994) also identifies ethnicity, sex, previous offending and the nature of the offending as important predictors of reoffending. However, in this study, it is interesting to note that being Māori was not a significant predictor and nor was the seriousness of the offending dealt with at the target family group conference.

¹⁴ A higher odds ratio tends to be associated with a higher level of significance but this is not always the case because of the different spread of scores in the various variables.

¹⁵ Number of offence types was used rather than actual number of offences. The reason for this is that it was a better predictor. This may be a result of the fact that number of offences was sometimes very large for some offence types like forging a cheque, in a way that was out of proportion to other characteristics of the offence such as seriousness.

The finding that being dealt with by the Court is associated with reoffending is important as it confirms the value of making use of family group conferences as well as diversionary strategies whenever possible (see also the previous discussion in this chapter of this finding).

A new model for predicting reoffending

This research enables us to re-examine standard explanations of reoffending. By examining some background factors including family and school experiences, youth justice process factors and subsequent life events, it is possible to go beyond the relatively limited set of explanatory options available from agency files.

The methodology underlying the analysis that underpins these results is complex and often technical. Most of it has therefore been placed in Appendix 5 as well as some of the preliminary analyses of the relative impact of various groups of factors. In this section we concentrate on describing as simply as possible, the main factors that have emerged as independently predicting reoffending.

Independent predictors are those that are important even when everything else has been held constant. Thus, the associations described here cannot be explained away by any of the other variables included in the model. Table 9.3 sets out the main results. It shows how significant each variable is as an independent predictor and it gives an odds ratio¹⁶ that shows the strength of the relationship between the variable and reoffending.

The amount of variance accounted for by the analysis that excludes subsequent events is 30%.¹⁷ This is half as much again as the variance accounted for by the traditional factors. Furthermore, there are considerable changes in the balance of the relative importance of the various factors that are being considered. However, one factor does not change and that is the importance of being male. This remains the most important factor. It increases the odds of reoffending by 2.67 times even when other factors are taken into account.

The only important independent predictors from life experience variables prior to the conference identified in this analysis are the lack of school qualifications and the prior history of involvement with CYF either for reasons for care and protection or youth justice. To a large extent these variables will be proxies for the range of adverse life experiences that they are associated with and that were identified in Table 9.1¹⁸ However, the fact that they emerge as the most important prior predictors in this study has important implications for crime prevention. Initiatives that focus on more effective intervention when children or young people first come into contact with CYF, either for

¹⁶ Odds ratios are reported in the Binary Logistic analysis in SPSS 10 as EXP(B).

¹⁷ Using the Nagelkerke method of estimating the R square values used in SPSS 10.

¹⁸ It should be noted that when only the background factors are used in a multiple regression to predict reoffending, they produce a multiple correlation of 0.40 ($R^2=.16$) which is highly significant and several of the variables that are significant are ones that do not emerge in this in this analysis.

care and protection or youth justice, and when they are having problems in their schooling are likely to reduce the chances of these young people reoffending.

Table 9.3 Predicting reoffending from demographic and background factors and youth justice events; excluding and including subsequent life events: Significance of relationships and odds ratios for analyses: (n= 442)

<i>Subsequent life events</i>	<i>Excluded</i>		<i>Included</i>	
	<i>p</i>	<i>Odds</i>	<i>p</i>	<i>Odds</i>
Demographic factors:				
Sex: males	**	2.67	**	2.42
Ethnicity	ns		ns	
Background factors				
Adverse background circumstances	ns		ns	
Anti-social behaviour	ns		ns	
Lack of school qualifications	*	1.96	*	1.77
Prior involvement with welfare services	*	1.15	ns	
Prior involvement with youth justice services	***	1.33	***	1.37
Youth justice events				
Number of types of offences	ns		ns	
Referral to the Youth Court	ns		ns	
Poor quality of conference for young person	**	1.81	**	1.63
Reintegrative outcomes	*	1.67	*	1.64
Rehabilitative outcomes				
Restrictive outcomes	ns		ns	
Severity of outcome	*	1.49	*	1.47
Subsequent negative life events	-	-	*	1.26

The family group conference provides opportunities for constructive responses that will prevent reoffending. The important responses identified here include a conference that the young person sees as inclusive, fair, forgiving, allowing them to make up for what they have done and not stigmatising or excluding them. It is also an opportunity for putting in place the reintegrative and rehabilitative responses that are needed if they are to gain educational qualifications, find jobs, build positive and supportive relationships, and recover from psychological problems, addictions and difficulties in managing anger. These young people need more than accountability – they need to have ongoing support and effective opportunities if they are not to become involved in criminogenic lifestyles.

The analysis of subsequent life events indicates the negative outcomes that will be likely to enhance the probability of reoffending if these young people go on to be involved with criminal associates, alcohol and drug abuse, and have further negative experiences such as unemployment, transient life styles, failed relationships and health and psychiatric problems. The conference represents an opportunity to make constructive responses and set in place supports that will prevent reoffending. The data also shows that severe responses to offending are unlikely to lead to constructive life change although this variable will also in part reflect the danger that some of these young people are seen as representing at the time of the target conference.

A comparison of the analyses with and without subsequent life events shows only minor changes in emphasis. With subsequent life events included the variance accounted for is 0.29, which is not significantly different from the analysis without these events included. However, the fact that these events make a significant contribution to reoffending in and of themselves indicates that interventions that change these factors in their lives after their initial offending are likely to make further offending less likely. Here it is important to note that, although previous research (Maxwell and Morris, 1999) found that having had reintegrative outcomes was a significant predictor of not reoffending, in this study there is no perceptible impact from programmes. At that time we commented that this was undoubtedly due to the fact that they were not provided. This time, there was some evidence that programmes were being provided to some young people. However, it appears that the fact that there were not enough programmes to respond to need and that many of the programmes failed to engage the young people or meet their needs can explain why having a programme did not, overall, emerge as making a positive contribution to crime prevention.

Putting aside the variable sex (as being less amenable to change), these findings point to the possibility of preventing reoffending through:

- early effective responses to offending
- enabling the young person to gain educational qualifications
- enabling a change of heart in the young person through a quality family group conference
- putting in place reintegrative outcomes
- avoiding the use of severe outcomes whenever possible.

The above results are consistent with the principles and objects of the 1989 Act and, thus, provide empirical evidence of its effectiveness. The emergence of the additional impact from subsequent negative life events suggest the importance of continuing to provide support to the young people through ensuring that their needs for programmes are met after the conference.

Part B: Predicting life outcomes

Multivariate analysis was also undertaken to examine the impact of various groups of variables on the subsequent life events and also on the outcome of ‘feeling good’ about life. As already indicated, these two clusters can be considered as important in different ways. The cluster of subsequent life events include variables that have been identified by other researchers as criminogenic needs are important for policy and practice purposes as they point to needs which are likely to be important in preventing further reoffending after the family group conference. On the other hand, ‘feeling good’ represents the young peoples’ subjective view of their life and wellbeing in a general way and this indicates the extent that reintegration has been achieved psychologically as well as from a criminological perspective. Table 9.4, therefore, sets out a stepwise multiple regression analysis predicting a composite variable summarising subsequent negative life events¹⁹

¹⁹ Appendix 5, Table A5.3 presents a definition of this variable and the text provides the rationale for its composition.

from the same variables that were identified as potential predictors of reoffending in Table 9.3.

Table 9.4 Predicting subsequent negative life events from demographic and background factors and youth justice events: Significance of relationships and standardised Beta Coefficients²⁰; (n= 464)

	<i>p</i>	<i>Beta</i>
Demographic factors:		
Sex: males	ns	
Ethnicity – Pacific vs Pākehā	***	-0.17
Background factors		
Adverse background circumstances	**	0.18
Anti-social behaviour	***	0.20
Lack of school qualifications	**	0.13
Prior involvement with welfare services	ns	
Prior involvement with youth justice services	ns	
Youth justice events		
Number of types of offences	*	0.10
Referral to the Youth Court	ns	
Poor quality of conference for young person	**	0.12
Reintegrative outcomes	*	0.09
Rehabilitative outcomes	ns	
Restrictive outcomes	ns	
Severity of outcome	ns	

Overall, an adjusted R-squared of 0.27 indicates that over a quarter of the variance in these subsequent life events is accounted for by the variables included in the analysis. The first interesting point about the detail of the analysis is that the variables that prove most significant in predicting the pattern of subsequent life events are rather different from those that predict reoffending even though both reoffending and subsequent life events are correlated. This is largely due to the fact that regression analyses choose the best predictors from the set it is currently analysing. Negative life events, although they often link to reoffending, do not always do so. The different pattern of significance for early events reflects both the relationship between the two variables and the differences.

- The demographic variable that stands out in this analysis is not sex but ethnicity: being Pacific rather than Pākehā is less likely to be associated with negative life events

²⁰

A standardised beta coefficient is a measure of the strength of the relationship between a particular independent variable and the dependent variable. It indicates the number of standard deviations by which the dependent variable will change as a result of one standard deviation in the predictor. These have been presented in the above tables so that any positive change in the coefficient will indicate an increase in 'feeling good'. The higher the coefficient, the stronger the effect.

- The background factors that stand out are now adverse backgrounds, early anti-social behaviour rather than a prior history with care and protection or the youth justice system. This change in emphasis underscores the close relationships between adverse backgrounds and care and protection history and between anti-social behaviour and prior youth justice referrals
- A lack of school qualification is also related to adverse subsequent life events as well as to reoffending.

When it comes to negative life events, which may arise from youth justice events, the pattern is more similar to that for reoffending although again, there is some shift in emphasis:

- the number of offence types is related to negative subsequent life events
- referral to the Youth Court is no longer a predictor
- the lack of a constructive conference is a predictor
- having reintegrative outcomes is associated with negative life events.

The messages from this analysis are again, the importance of school qualifications early in life and the importance of constructive outcomes which may be able to protect the young person from further problems in finding a positive place in the world. Having reintegrative outcomes associated with negative outcomes in this analysis can be explained by the greater probability that attempts will be made to include reintegrative outcomes in conferences for young people who are already in particularly adverse circumstances. These results also serve once more to underline the importance of providing support to families when their children are young.

The final multivariate analysis repeats the same procedure as that for subsequent life events using the variable 'feeling good'. The results are presented in Table 9.5 with and without subsequent life events as a composite variable in the equation.

Table 9.5 Predicting ‘feeling good’ from demographic and background factors and youth justice events: excluding and including subsequent life events; Significance of relationships and standardised Beta Coefficients²¹; (n= 464)

<i>Subsequent life events</i>	<i>Excluded</i>		<i>Included</i>	
	<i>p</i>	<i>Beta</i>	<i>p</i>	<i>Beta</i>
Demographic factors:				
Sex: males	ns		ns	
Ethnicity – Pacific vs Pākehā	ns		*	-0.11
Background factors				
Adverse background circumstances	ns		ns	
Anti-social behaviour	ns		ns	
Lack of school qualifications	*	-0.10	ns	
Prior involvement with welfare services	**	-0.13	**	-0.12
Prior involvement with youth justice services	ns		ns	
Youth justice events				
Number of types of offences	ns		ns	
Referral to the Youth Court	ns		ns	
Poor quality of conference for young person	***	-0.36	***	-0.29
Reintegrative outcomes	ns		ns	
Rehabilitative outcomes	ns		ns	
Restrictive outcomes	ns		ns	
Severity of outcome	ns		ns	
Subsequent negative life events			***	-0.25

Overall, an adjusted R-squared of 0.22 indicates that nearly a quarter of the variance in these ‘feeling good’ is accounted for by the variables included in the analysis which include subsequent negative life events. The pattern of results in this table is yet another variant of the patterns we have seen before in multivariate analyses predicting reoffending and subsequent life events. Again, there are slight variations in which variables emerge and which do not. The main points are summarised below.

- The most important predictor of ‘feeling good’ in these analyses is the quality of the conference with Beta Coefficients of 0.36 and 0.29. This finding could be interpreted as indicating the impact that a quality conference can have

²¹

A standardised beta coefficient is a measure of the strength of the relationship between a particular independent variable and the dependent variable. It indicates the number of standard deviations by which the dependent variable will change as a result of one standard deviation in the predictor. These have been present in the above tables so that any positive change in the coefficient will indicate an increased likelihood that there will be less reoffending. The higher the coefficient, the stronger the effect.

- Neither sex nor ethnicity are significant when subsequent events are excluded but being Pacific has a slight importance in decreasing positive feelings when subsequent events are included
- Among the background factors, schooling again emerges in the first analysis. Its failure to be represented as significant in the analysis including subsequent life events is because it is associated so strongly with the training and employment variables included in the subsequent event composite
- Prior involvement with welfare services is significant in these analyses but the related variable of 'adverse background circumstances' is not, repeating the pattern noted for reoffending
- Finally the strong relationships between 'feeling good' and a lack of subsequent negative life events again emerges as the second most important predictor.

These multivariate analyses are important because they underline the independence of many of the variables considered earlier when the simple correlation results were discussed. The simple correlations are much easier to understand but interpreting the extent to which they are important independently from other factors can only be understood when the results presented above have been examined.

Part C: Predicting adult life outcomes

As explained previously, canonical correlation is a multivariate statistical technique that examines the association between two sets of variables. In the present study one set of variables consists of either the young persons background, youth justice events or subsequent life events (or all combined), while the second set of variables are the 'outcome' variables (the adult life outcomes of reoffending and positive life outcomes). Canonical correlation creates summary canonical variables (factors) that consist of a combination of the individual variables that are most strongly associated with the outcome canonical variable. Using a canonical correlation, it is then possible to put together a picture of the factors that lead both to positive life outcomes and to a life without reoffending.

The canonical correlations have been done in steps. Firstly, the impact of each set of variables (background variables, youth justice events, and subsequent life events) on adult life outcomes is assessed separately. Secondly, the combined impact of all the variables on adult life outcomes is assessed.

Background events and adult life outcomes

Two factors were significant in the analysis of background events and, in combination, they accounted for 87% of the variance. The first and strongest factor accounted for 46% of the variance. This factor described those who reoffended and who did not feel good about their lives. The most significant variables, in order of importance associated with this first factor, were:

- a lack of school qualifications
- negative school events such as expulsion and suspensions
- involvement in substance abuse and anti-social behaviour
- having a poor family environment
- previous referrals to youth justice
- family involved in anti-social activity
- bullies others
- a lack of parental monitoring
- previous notifications to care and protection
- not having positive relationships with others
- family transience
- childhood abuse and punishment
- not being involved in groups or clubs.

These, in effect, describe the most important factors that can be said to require responses in the early lives of children. The factors that emerge include those that have often been previously identified as indicators of later problems (Fergusson et al, 1994; Farrington, 1994) ie early offending and early anti-social activity including bullying and substance abuse. At least as important, however, are failure in the education system; not having a caring and happy home environment; not having parents who provide supervision; not developing positive relationships with others and being part of group activities; and living in neglectful, transient, abusive and punitive families. The salience of the positive family and personal relationships that are basic to successful development in this analysis is an important finding. These results suggest that successful early prevention of offending must focus on both schools and families. It must deal with both educational and social needs. To focus only on early offending and anti-social activity is to focus on the early indicators of future problems rather than on the important factors that have enabled this pattern of behaviour to develop.

The second factor described a sub-group within the sample who felt good and reoffended. This factor is less easy to interpret but the data indicate that this minority group who reoffend and felt good about themselves as young adults were most often those who had been involved in groups and clubs as a young person and came from a positive family environment. Later analyses also identify this group and provide further information on the variables that characterise them.

Youth justice events and adult life outcomes

Two youth justice factors were significant and, in combination, they accounted for 90% of the variance. The first and strongest factor accounted for 52% of the variance and, as

in the analysis above, identified those who reoffended and did not feel good about themselves. The significant variables in order of importance around the youth justice events were:

- failure to form an intention not to reoffend
- feeling unable to make up for the harm that was caused
- having a relatively severe outcome at the family group conference
- less participation in the conference and its decisions
- not feeling forgiven
- having matters decided in the court
- not being treated with fairness and respect at the family group conference
- feeling stigmatised and excluded at the family group conference
- having more professionals at the conference
- having reintegrative outcomes
- not having a father present at the conference
- not feeling remorse at the family group conference.

The main feature that emerges from an examination of the youth justice events that identify poorer adult life outcomes is the importance of the young person's responses to the family group conference. The absence of an intention not to reoffend and not feeling able to repair the harm are the most important variables, but other features of the conference – not fully participating, not feeling forgiven, not feeling treated with fairness and respect, feeling stigmatised and excluded and not feeling remorse – are also important. Who attends does matter, and the two items that emerged as most important were not having the father present and having a large number of professionals present.

The other youth justice events – a severe outcome, going to court, and having more reintegrative outcomes – identify aspects of the way the offences were responded to. Further analysis will be needed to determine whether any of these correlates actually have a negative impact on adult life outcomes or whether they are indicators of other correlates of poor outcomes.

The second factor accounted for 38% of the variance. The second correlate, as in the previous analysis, identified features associated with reoffending yet also feeling good about one's life as a young adult. These all dealt with aspects of the family group conference: understanding what happened, feeling supported, feeling able to repair the harm and feeling forgiven. These variables, which generally are positive indicators, do not seem to match with reoffending and, again, further analysis will be conducted to determine how best this rather atypical sub-group can be described and defined.

Subsequent life events and adult life outcomes

One factor emerged that was highly significant and, on its own, accounted for 83% of the variance.²² The first and strongest factor again identified those who reoffended and did not feel good about themselves. The identifying correlates in order of importance were:

- not having good intentions about avoiding reoffending
- experiencing psychological problems
- experiencing negative life events
- having criminal associates
- not having positive relationships with others
- frequently using alcohol and/or drugs.

Good intentions have recurred as an important predictor of outcomes in this study. This variable can be seen as one that summarises the impact of many other events on the young person. Psychological research (Ajzen and Fishbein, 1975) indicates that, in general, attitudes (for example, towards crime) are poor predictors of behaviour. There is one exception: the intentions about behaviour are very often predictive. This is because they not only summarise general attitudes (for example, towards offending) but they also incorporate other important influences on behaviour. The most important of these other influences are social pressure from other people and the potential opportunities for and rewards of alternatives to offending, in this case, becoming part of the wider society. Thus, intending not to reoffend is likely to summarise the impact of the young person's attitude toward their experiences in the youth justice system and in the conference in particular; to the social pressures from family, friends and the community; and the extent to which pro-social alternatives like jobs, finding a partner and membership in the non-criminal community are options open to them.

The emergence of the other variables (eg. psychological problems and substance abuse) that were important in this analysis as a predictor of positive life outcomes and not reoffending is understandable; they match commonsense expectations and previous research (Zamble and Quinsey, 1997). They also fit the model of understanding behaviour proposed by Ajzen and Fishbein (1975).

These findings underline the importance of:

- providing appropriate and effective mental health services to young people at risk
- making employment a realistic possibility for them
- avoiding placing them in situations where they form close bonds with others involved in offending.

The second factor accounted for 38% of the variance. As in the previous analyses of adult life outcomes, this factor defined those who felt good but yet also reoffended. This group

²²

Two other minor factors were also significant but neither accounted for a great deal of variance and were difficult to interpret and were likely to have described a picture that was characteristic of only a small minority of the sample.

were people without psychological problems but people who reported alcohol and drug problems. These findings suggest a starting point for identifying this atypical group.

Overall predictions of adult life outcomes

Finally, the impact of all variables on all adult life outcomes was examined. In combination the same two factors accounted for 92% of the variance. The first and strongest factor accounting for 65% of the variance and, as before, predicted not reoffending and feeling good. The significant variables in order of importance were:

- not having a severe outcome
- having an intention not to reoffend
- having a school qualification
- not having been dealt with through the court
- the young person feeling that he/she was able to repair the harm done
- not having been previously notified for care and protection.

These variables summarise the most important features of life experiences. As a child, a notification for care and protection was the most significant feature; as a young person, failing to obtain a school qualification was the most important variable; and at the family group conference there were a series of variables: the severity of the outcome, forming the intention not to reoffend going through the court and feeling able to repair the harm done. The emergence of these variables in this final analysis does not mean the other variables emerging from the individual analyses reported earlier were unimportant. All were important – but these are the ones that emerged as having the most weight when everything was put together. With other samples or with changes in practice, it could be that slightly different combinations of variables would emerge.

The second factor accounted for 50% of the variance and again described a sub-group who both reoffended and felt good about themselves. The significant variables, in order of importance, were:

- feeling able to repair the harm
- not having psychological problems
- not forming an intention not to reoffend
- not having been notified as in need of care and protection
- not being a bully at school
- being abused or severely punished as a child
- having more professionals at the family group conference.

There are some variables in the list defining this group of offenders that have already emerged and been discussed. However, others are new and add some interesting information: these young people have not had a history with CYF, they were not a bully at school and yet they were more likely to have been abused or often severely punished as a child. They also had more professionals at their conference. These findings suggest the need for more investigation of those young people identified by this factor.

Summary

The analyses presented in this chapter are often complex and the techniques used will be unfamiliar to many readers. However, the results are very clear and there is a lot of consistency in the patterns when analyses of different kinds have been undertaken. The value of using such a complex approach is that relationships can be uncovered that may have gone unnoticed. Also, what appears initially to be an important relationship can sometimes be better explained by other factors. In this chapter, the large and comprehensive data set has yielded strong results that are statistically very significant and account for a lot of the variability in the data.

These data provide strong support for the model proposed for explaining reoffending on the one hand and positive life outcomes on the other. Background events do have an impact on the young people's lives, but the family group conference can also have an impact. Moreover events subsequent to the conference also affect young people's future.

Phrased like this, the conclusions seem to be common sense. Yet those who call for more punitive responses focus on the offence and retribution rather than on repair and reintegration. A much more complex range of solutions is necessary if reoffending is to be reduced and the breach in social harmony is to be repaired. The analyses reported here validate that:

- early intervention to support families and to respond at an early point when the child or young person first comes to the notice of CYF, either for care and protection or youth justice, is important and is likely to be effective in preventing reoffending and ensuring positive life outcomes
- the focus of early intervention needs to be on building positive relationships in both the school and the family environment, rather than on simply reacting to early indicators of anti-social behaviour
- diverting young people from appearing in the Youth Court and keeping the severity of outcomes at the lowest level possible contributes to a reduction in the likelihood of reoffending
- the family group conference can make an important contribution to preventing further offending despite the existence of negative background factors and irrespective of the nature of the offending
- life events subsequent to the conference also matter; taking advantage of the opportunity to respond to psychological problems, alcohol and drug misuse, educational failure and lack of employment opportunities are all important options that could reduce reoffending and increase positive life outcomes.

Data reported in this chapter describe a number of different aspects of the family group conference that tend to be important in making reoffending less likely. There should be good preparation before the conference and, at the conference, the young person should feel supported, understand what is happening, participate and not feeling stigmatised or excluded. A conference that generates feelings of remorse, being able to repair harm, and being forgiven, and the formation of the intention not to reoffend, is likely to reduce the chances of further offending. These findings provide a validation for the objects and the

principles underlying the 1989 Act and of the features that those close to the system have identified as being important to good practice.

The findings also indicate that there are different types of young people. Most either experience positive life outcomes and fail to reoffend or experience negative life outcomes and reoffend. However, another group has a more mixed experience as young adults. This group were identified as reporting positive life outcomes but also being involved in further offending. Further work needs to be undertaken to describe these differences more fully.

Nevertheless, the findings identified clearly the most important precursors of good outcomes in respect of backgrounds and criminal justice events. It also identified most important factors in building on positive youth justice system experiences by:

- providing appropriate and effective mental health services
- making employment a realistic possibility
- avoiding placing the young people in situations where they form close bonds with others involved in offending.

In the next chapter the most important youth justice system characteristics and practice factors that lead to the positive family group conference outcomes will be explored.

Understanding practice

The previous chapter has identified a number of aspects of the youth justice process that are important predictors of achieving the desired adult life outcomes of reduced reoffending and reintegration into society. The results also indicate the centrality of many of the outcomes of the family group conference process from the perspective of the young person such as avoiding stigma and exclusion, treating young people with fairness and respect, ensuring they are supported and understand what is happening and encouraging their participation, remorse, repair, forgiveness and the intention 'to keep out of trouble in future'. However, additional questions need to be asked about how these outcomes can be achieved. The present chapter focuses on the aspects of practice that lie behind these critical outcomes of the conference. First it reports on the variables that were used and how the analyses were undertaken. This is followed by a description and discussion of the findings.

Variables and analysis

The analyses reported in this chapter pull together all the information available on practice in managing the family group conference, and attempt to use that information to identify best practice in achieving the optimal outcomes as defined by the young people's responses to the conference. The variables used include the area in which the conference was held, the co-ordinator who ran it, the other youth justice events that were used in the analyses in Chapter 9, a set of composite items derived from the questionnaire administered to co-ordinators about their practice and their office environment in 1998.

The co-ordinators were asked for ratings of the office climate, workloads, professional support, resources, independence, relationships with police, key aspects of practice, as well as views on philosophy underpinning practice, years experience as a co-ordinator and rated effectiveness of conferences in 1998. The responses of co-ordinators on these items have not been described elsewhere in this report and they are described later in this chapter. A multivariate analysis was attempted to determine whether or not a relatively limited number of critical factors could be used to describe the responses of young people to the family group conference. However, this did not prove useful. An analysis of the relationships between the items¹ showed that the original items were best represented through the variables used in the previous chapter and described in Appendix 5.

It was, therefore, decided to carry out a canonical correlation to determine the relationships between the young people's responses and all the other variables that could provide information on practice in order to attempt to identify the particular aspects of the conference which were likely to be affected by specific aspects of practice. The results of these analyses are also reported later in this chapter.

¹ This was done using the SAS procedure for principle components analysis.

The next step was to attempt to define the possible practice factors that could be related to the young person's responses by examining the inter-correlations between these two sets of variables using Spearman's Rho. Finally, using canonical correlation, an attempt was made to determine whether or not the young people's responses could be better explained by some of the factors in their background than by the youth justice events.

Co-ordinator practice

The practice of the co-ordinators in 1998 was likely to have been affected by a number of both organisational and personal factors. The co-ordinators' reports on these come from an interview with them in 2000 or 2001. Table 10.1 describes the mean rating on each item and the percentage reporting ratings below the midpoint of the scale.

The co-ordinators' replies were used to develop a number of composite variables (as indicated by bolded headings in the table) that have been used in the analyses reported later in this chapter.² However, the fairly small variability among the responses is likely to limit the usefulness of some of these items as predictors of outcomes.

Table 10.1 Co-ordinators' views of practice in 1998; mean ratings and percents below midpoint of the rating scale; (n=23)³

Variable	Means	% below midpoint
<i>Overall effectiveness rating</i>	7.3	0
<i>Workload manageability</i>	7.1	9
<i>Practitioner support ratings</i>		
Adequacy of supervision	5.0	35
Back up when on leave	3.9	65
Training	3.6	75
<i>Independence rating</i>	8.4	0
<i>Resources ratings</i>		
To fund conferences	7.0	17
To fund plans	6.6	22
Programmes are available	5.9	22
Placements are available	4.3	52

² Items defining workload manageability, independence and overall effectiveness of conferences were each based on single ten-point scales where 10 is a very positive rating and 5 is the midpoint. The 'Police relationship' item and the 'Practice issue' items were based on a five-point scale where 5 is positive and 3 is the midpoint. 'Practitioner support' was based on the sum of three ten-point scales. 'Resources' were the sum of four ten point scales. 'Practice' and 'philosophy' items involved the sums of seven five-point and 15 ten-point scales respectively. Appendix 3 includes relevant extracts from the questionnaire and Appendix 5 reports the alpha reliabilities of items.

³ Twenty-three of the 24 co-ordinators agreed to an interview about practice.

Variable	Means	% below midpoint
Office climate ratings		
Computer system useability	6.1	22
Cars being available	8.1	4
Relationships in office	6.9	0
Morale	5.7	26
Philosophy – “How important are these ...”		
Relinking families	8.2	4
Relinking to culture	8.4	4
Timeliness of responses	8.5	0
Addressing educ failure/vocational need	8.6	4
Address care & protection needs	8.3	4
Provide rehabilitative programmes	8.1	4
Providing support for families	8.5	0
Getting yp into positive leisure activities	8.1	9
Avoiding outcomes that bring yps together ⁴	7.4	4
The yp acknowledging responsibility	9.4	0
[Avoiding] Punishment of the offender ⁵	4.4	52
Avoiding residential & custodial outcomes	8.0	0
Outcomes that repair harm to victims	9.3	0
Protecting young people’s rights	9.1	0
Family decision-making	9.4	0
Police relationship (five-point scale)	4.3	9
Practice issues – “Do you ...” (five-point scale)		
Meet family before FGC	4.0	13
Meet victim before FGC	3.3	13
Talk to yp on own before FGC	4.2	9
Invite extended family local	3.3	9
Invite extended family out of town	4.7	26
Make sure family have private time	5.0	4
Ensure take account victims’ interests	5.0	0

The data in Table 10.1 provide interesting information about how their practice was seen by 23 of the co-ordinators practicing in 1998. Problematic issues can be identified by the items where means were lowest and where the greatest proportions of co-ordinators reported ratings below the mid-point of the scale. Thus workloads were a problem for nearly one in ten. Professional support was often seen as poor: a third reported inadequate supervision arrangements, two-thirds reported inadequate back up while on leave and three-quarters reported having received either no training or inadequate training for their role. On the other hand, they all saw the independence they had in relation to their role at that time as a positive feature.

⁴ This refers to avoiding outcomes that lead to bringing young offenders together with one another.

⁵ Scoring on this item was reversed so that punishment being important was coded 1 and ‘not being important’ was coded 10.

When it came to the resourcing of conferences, concerns were expressed by almost one in five about the limited funds for running conferences, resources to finance plans and the lack of programme options. However, other co-ordinators believed that the limits placed on resources in 1998 were appropriate. In addition, over half the co-ordinators expressed concerns about the scarcity of suitable placements for those who could no longer live at home.

A number of items explored issues around the working environment in the office ('office climate'). One in five gave below-average ratings for the impact of the computer system on their lives, but cars were not a problem and nor were relationships with other staff. A quarter said that morale was down in the office and the average for this item was only 5.7.

Relationships with the police were seen as positive by most co-ordinators but 9% rated the relationships below the mid-point in the scale. These results are consistent with the reports of the youth aid officers in the same areas at the same time⁶. However, many of the police Youth Aid Officers reported that relationships with CYF generally were poorer. For example the average rating on a 10 point scale where 10 was positive was 7 for co-ordinators but only 5 for CYF more generally. Police comments amplified these findings: several reported that although their relationship with the co-ordinator was good, they did not find that CYF was effective in arranging conferences in a timely manner and preferred to either handle matters themselves or lay a charge in the Youth Court.

Youth justice co-ordinators' views of the effectiveness of police actions are amplified in the results of an unpublished survey made available by the New Zealand Police (2001). That survey of 39 youth justice co-ordinators reported that in the year 2000 more than three-quarters (82%) reported being satisfied with police services but 13% were neutral and another 6% dissatisfied. Reasons given by those who were dissatisfied related to ignorance of the Act and a lack of understanding of the underlying goals of the family group conference. Data from these various sources is consistent with the view we have formed from visiting and talking to these two groups of professionals. For the most part there is a real respect and effective working relationships between them but differences in underlying philosophy and views of the effectiveness of the other organisation occur from time to time in particular areas.

Most co-ordinators said that they were almost always able to meet practice objectives of meeting with families and young people before the conference, inviting members of extended family living locally, making sure the family had private time to deliberate in the conference and ensuring that the conference took account of the interests of victims. However, means of only 3.3 out of five were recorded for meeting with victims before the family group conference (13% did not often do this)⁷ and inviting extended family

⁶ At the time that the co-ordinators were interviewed, interviews were conducted with the Police Youth Aid officers in the same areas using the same questions.

⁷ The value of meeting with victims is discussed in Chapter 5.

from out of town (about one in four did not often do this). These shortcuts could be seen as indicators of the consequences of the workloads and other pressures that some co-ordinators felt during 1998.

Questions on issues relating to youth justice philosophy proved interesting. Most co-ordinators agreed with almost all the items and gave them the same high ratings. Others chose to use the scale to indicate the relative importance that various components of core philosophy had for them. Thus, overall, differences are not large. The highest ratings were consistent with the goals of the Act in identifying the most important features as being: ensuring the young person acknowledged responsibility for offending, family decision-making, repairing harm to victims, and protecting young people's rights. And most of the other items consistent with the Act received fairly high ratings: providing rehabilitative programmes, providing support for families, relinking families, responding to care and protection issues, relinking to culture and getting young people involved in positive leisure activities.

Two of the three items that received the lowest endorsement were avoiding residential and custodial outcomes and avoiding outcomes that brought young people together. This is an interesting finding as research has linked the use of custodial outcomes and outcomes that aggregate offenders to increased reoffending (Andrews et al, 1999; Dowden and Andrews, 1999; Loeber and Farrington, 1999).

Perhaps the relatively low value some co-ordinators placed on avoiding these outcomes is related to the divergent opinions about avoiding the use of punishment. This was the only item that received an average rating below 5 out of 10. While the Act does not explicitly indicate that punitive sanctions are to be avoided, it makes it clear that offending is to be dealt with at the lowest level possible and places a clear emphasis on a more restorative approach that involves the repair of harm, the acceptance of responsibility for offending and responding in ways that are likely to enhance the wellbeing of offenders. Co-ordinators were about evenly divided in whether they saw punishment as a desirable or an undesirable outcome; although several who disagreed with the item added phrases like: 'not a severe punishment, you understand.' Perhaps the tolerance of a punishment by many of the co-ordinators reflects views widely expressed in the general community. Over recent years there have been frequent calls for increases in punitive sanctions and custodial outcomes for the more serious offenders.

The discrepancy between research findings and the views held by some co-ordinators on appropriate outcomes may be linked to the lack of training available to co-ordinators about the impact of alternative strategies for responding to young offenders. It could also reflect a lack of feedback and research which examines the effectiveness of the various options.

Overall, co-ordinators saw the outcomes of their conferences as being effective rather than ineffective. However, most of the ratings were between six and eight (mean = 7.3). The co-ordinators were asked about what could be done to improve their effectiveness. The constraints most often mentioned were a lack of support for the youth justice work as opposed to the other aspects of CYF work, limits on resources (both financial resources and programmes options), heavy workloads and the changes that there had been in the

CYF system and structures. On the other hand, their comments indicated that they all endorsed the Act as a fundamentally sound and appropriate approach to young offenders and, as a group, they were proud of their role and committed to it.

The final item on which data for co-ordinators was recorded was their number of years experience in the position. The average number of years was nearly six and in 1998 only 29% had had fewer than three years experience as a co-ordinator.

Results of multivariate analysis

The impact of area and co-ordinator

An important goal of this research was to determine the impact of practice. The first two variables of interest are the area and the co-ordinator. Area did not show a significant relationship with any of the practice variables. However, there were differences depending on the individual co-ordinator in the extent to which young people reported they were involved,⁸ felt forgiven⁹ and felt supported¹⁰ at the family group conference.

A multivariate analysis of variance was carried out to determine the impact of any of the co-ordinator variables that were derived from co-ordinator interviews in 2001. Only one variable emerged that was significantly related to co-ordinator practice and that was a composite variable describing the climate of the office which included items about the impact of the computer system, changes in structure and, most importantly, staff morale.¹¹ However, this was not as important as the individual co-ordinator was.

Do ethnicity and sex make a difference?

Further multivariate analysis attempted to explore what it was about the co-ordinator that made a difference. A possible reason could be that some co-ordinators worked better with some of the young people and, indeed, there was evidence that some co-ordinators were more effective in enabling more positive responses from young people depending on the gender or ethnicity of the young person. The analyses also examined whether or not the sex and ethnicity of the co-ordinator affected the young persons' responses to the family group conference. The possibility was also considered that, depending on their sex and ethnicity, some of the young people might be more responsive to some co-ordinators than to others; this is called an interaction effect. Overall, however, there were no patterns of advantage for co-ordinators of one sex or one ethnicity, or for young people of one sex or one ethnicity; but there were three statistically significant interaction effects.

⁸ p<0.01

⁹ This depended on the ethnicity of the young person, p<0.02

¹⁰ This depended on the gender of the young person, p<0.01

¹¹ Chi-squared = 34.01, df=19, p<0.02

These related to participation in the conference, perceived fairness of the outcome and feelings of being forgiven. The results are described in Tables 10.2 to 10.4.

Table 10.2 Participation of girls and boys in the family group conference depending on the ethnicity of the co-ordinator; means¹²

	Girls	Boys
Co-ordinator ethnicity		
Pākehā	3.1	3.4
Māori	4.1	3.7
Pacific	2.6	3.7

The data in Table 10.2 show that girls were less likely to feel involved in the process or the decisions when the co-ordinator was of Pacific ethnicity. However, they were more likely to feel involved when the co-ordinator was Māori. This difference did not apply to boys.

Table 10.3 Perceived fairness reported by young people of different ethnicities depending on the sex of the co-ordinator; means¹³

	Pākehā	Māori	Pacific
Co-ordinator sex			
Male	3.8	4.0	4.1
Female	3.6	4.1	3.6

The data in Table 10.3 show that when the co-ordinator was a man, the young people of Pākehā or Pacific ethnicity were more likely to feel that they had been treated with fairness and respect.

Table 10.4 Perceived forgiveness reported by young people of different ethnicities depending on the sex of the co-ordinator; means¹⁴

	Pākehā	Māori	Pacific
Co-ordinator sex			
Male	3.7	3.6	3.5
Female	3.4	3.7	3.4

The data in Table 10.4 show that the young people of Pākehā ethnicity were more likely to feel that they had been forgiven when the co-ordinator was a man, and that Māori young people were likely to feel forgiven when the co-ordinator was a woman. However, the significance of this effect was less than for the other two and the differences do not appear to be great.

¹² The significance of this effect was $p < 0.001$

¹³ The significance of this effect was $p < 0.01$

¹⁴ The significance of this effect was $p < 0.02$

These findings indicate that there are likely to be some subtle effects. Some young people will be more responsive to some co-ordinators and vice versa. Sometimes these differences may be about sex or ethnicity but they could be about other factors. Being an effective co-ordinator means being able to respond in ways that will obtain the best results from young people of all kinds, but it may also be about making sure that each co-ordinator is aware of his or her strengths and weaknesses. Referral to others more skilled with some types of young people may be an option. Enlisting the support of others in a particular family group conference may be another. In short, being an effective co-ordinator for all comers may not be a realistic goal.

The impact of their backgrounds on young people's responses to the conference

A canonical correlation was carried out to explore whether or not the young people's responses to their conferences were related to their own backgrounds. This proved to be the case: 68% of the variance¹⁵ in young people's responses could be accounted for by aspects of their background. The first canonical variate accounted for 51% of the variance: intentions not to reoffend, remorse, forgiveness and support were all more likely when the young person belonged to groups or clubs, had parents who supervised his or her activities and came from a good family environment. Unsurprisingly, well-supervised young people from good homes appear to be more likely to respond positively to the family group conference.

A second canonical variate accounted for 35% of the variance. It linked a combination of variables comprising lack of participation in the conference, failing to form intentions not to reoffend and, surprisingly, being supported and, understanding what was happening, with the variables of substance abuse, and again surprisingly, belonging to clubs and having positive relationships with others. It seems that there is also a group of young people who, while supported and understanding what happened, nevertheless did not become involved in the conference. These young people, while getting on well with others and belonging to groups, were also involved in alcohol and substance abuse and could be seen as the well-socialised rebels who are more difficult to engage in the family group conference process.

The impact of youth justice events on young people's responses

The canonical correlation relating youth justice events to young people's responses produced one significant canonical variate that accounted for 39% of the variance. It identified young people who reported:

- feeling supported
- not forgiven
- that they understood what was happening
- that they were stigmatised and excluded
- that they were not treated with fairness and respect
- that they were not able to repair the harm they had done
- that they did not form an intention of not offending in future.

¹⁵ The higher the variance, the more important the relationship between the two sets of variables.

In terms of practice, these young people were defined by one critical experience – they received the most severe outcomes. Again, there are two possibilities. It may be that the consequences of severe outcomes lead young people to feel very negative about their conference experience and not in anyway reintegrated by it. The other interpretation is that the severe outcomes resulted, at least in part, from the recalcitrant and unrepentant attitudes of the young person. This is similar to findings reported in Chapter 9 where severe outcomes and reoffending were linked to negative family group conference experiences. Further research and analysis is important to determine which of these hypotheses is correct.

Correlational analysis

The above results are somewhat disappointing as they fail to throw much light on issues of best practice. However, the results of a more simple strategy, that of correlating each youth justice event with each young person's response variable, provides some more useful information. Table 10.5 sets out these results.

Table 10.5 The relationship between youth justice events and young people's responses to the family group conference; significant correlations; (n= 520)

	Participation	Fairness	Repair	Forgive	Stigma	Remorse	Intend
No. of professionals present	-0.19	-0.24	-0.13	-0.16	0.24	-	-
Court case	-	-	-	-0.24	-	-	-
No. of offence types	-0.15	-0.16	-0.13	-0.20	0.09	-	-0.18
Severity	-0.12	-0.15	-0.10	-0.16	0.18	-	-
Restorative outcomes ¹⁶	-	-	-	-	-	0.14	-
Reintegrative outcomes ¹⁷	-	-0.18	-0.12	-0.20	-	-	-

First, it needs to be noticed that a number of variables are missing from Table 10.5: young people's responses on how well they were prepared, how well they understood what was happening and how well they were supported were omitted because they did not correlate well with any of the youth justice events. This is understandable because all of these events were reported on positively by most of the young people in the sample. Some youth justice events were also omitted because they too did not have any significant relationship with any of the young people's responses. These were the office climate, whether the young person's father was present, the seriousness of the offence and the restrictive or rehabilitative nature of the outcomes.

Examining the pattern of significant correlations reported in the table, the first noticeable feature is the general pattern running across a number of variables. Participation, fairness, repair, forgiveness and a lack of stigma are all more likely to be reported when there are

¹⁶ Definitions supplied in Box 11.1.

¹⁷ Definitions supplied in Box 11.1.

fewer professionals present and when there are fewer types of offences reported. These are all also associated with less severe outcomes. Forgiveness is also more likely to have been felt when the case did not go to court. Similarly to other analyses, reintegrative requirements seem less likely to have been asked for in conferences where the process was seen as fair, enabling harm to be made good and where people were forgiving. As before, this could suggest that only the offenders perceived as most at risk and who had severe outcomes had reintegrative plans made for them in 1998. Two further relationships reached significance: remorse was associated with restorative outcomes, and the intention not to reoffend was more likely to have been formed when there were fewer types of offences.

These results confirm other analyses reported in the last two chapters that indicate that many of the family group conferences that were more effective in having the desired impact on the young people were ones where there were not a large number of professionals present, where there were not a variety of different types of offences being dealt with and where the court was not involved and the outcomes were not severe. This finding could be interpreted as supporting the principle in the 1989 Act that states that matters should, wherever possible, be handled at the lowest level possible. It could also suggest that once offending escalates, much greater efforts are going to be needed if the restorative goals of the family group conference are to be achieved.

Summary

This chapter describes features of co-ordinator practice in 1998. It identifies problems at that time, for at least some of the co-ordinators, in relation to:

- practitioner support: professional supervision, and especially back up when on leave and training for practitioners
- resources: funding for conferences, availability of programmes and especially placements for children needing alternative places to live
- office climate: difficulties with the computer system and office morale
- adhering to best practice in arranging for the conference: particularly in preparing participants for the conference and in ensuring extended family from out of town are able to attend
- philosophy: not all co-ordinators gave high importance to some of the aspects of the Act such as avoiding custodial outcomes and there were differing opinions on the appropriateness of punishment as an outcome of the conference.

Examination of the impact of various aspects of practice on the young people's responses to the conference showed that the factors which were noted by some co-ordinators as affecting their work adversely, such as the office climate (and particularly staff morale), the impact of restructuring and computer system effects, had no discernable impact on the young person's responses. Nor did the area in which the conference was held.

The one variable that made a discernible difference to the responses of the young person was the co-ordinator, although we were unable to identify any distinguishing characteristics of the co-ordinator that made a difference. The data suggested that, on

occasion, co-ordinators of a particular ethnicity or sex were more or less likely to be effective with various young people depending on their sex and ethnicity. Possibly there are correlations with co-ordinator personal skills, such as empathy, and facilitation skills, but these were not examined in this research.

Aspects of the young people's backgrounds also affected their views of the conference. The findings are not always straight forward and sometimes particular variables may have both positive and negative outcomes. Intentions not to reoffend, remorse, forgiveness and support were all more likely when the young person:

- belonged to groups or clubs
- had parents who were home after school and supervised or monitored his or her activities
- came from a positive family environment where they spent time with their father got on well with parents, had a happy childhood and did what they were told, and their family were involved in the community.

Less participation in the conference occurred when the young people, although supported at the conference and understanding what happened, were involved in:

- groups and clubs
- alcohol or substance abuse.

It appears that well-socialised young people from strong family backgrounds are most likely to respond positively to the family group conference. On the other hand, another group of young people who are involved with peers and with drugs and alcohol may be less responsive. Further research is needed to clarify some of these complex interactions.

When it came to the circumstances surrounding the conference, one variable stood out. Those who did not respond positively to the conference were also those who experienced relatively severe outcomes. It was not possible to determine whether they received severe outcomes because of their unresponsiveness at the conference or alternatively that they reported feeling negatively about the conference because of the relatively severe outcomes. However, it is important to note that these were not necessarily the young people who had committed the most serious offences. Further data analysis and research is needed to understand this finding. (Following up the prospective sample in the next stage of this research project should contribute to this goal.)

Finally, a correlational analysis indicated some important patterns. A conference that enabled the young person to feel involved: did not stigmatise and exclude them, treated the young person with fairness and respect, resulted in the young person feeling they were able to repair the harm that was done and were being given another chance, had fewer professionals present, dealt with fewer different types of offences and had less severe outcomes. Again it is not always easy to see which is the cause and which is the effect here. However, the implication that it is useful to limit the number of professionals does link with findings from observations (see Chapter 7) that indicated that some conferences were dominated by professionals who took over the decision-making. These

same conferences were the ones that were often reported on adversely by both families and young people. The results also support the principle of the Act that requires offending to be responded to with the least restrictive sanction possible.

The findings in this chapter, although often difficult to interpret, are clear in one respect. They confirm the importance of participatory, fair, comprehensible and forgiving conferences that allow the young person to express remorse, repair the harm and determine not to reoffend in future.

Part 4

Meeting objectives

Part 4 consists of two concluding chapters. These deal with the extent to which objectives were met and provide an overview of the impact of the system on participants. The first of these, Chapter 11, examines the extent to which the family group conference processes and plans meet the objectives of the Act. Chapter 12 examines the extent to which objectives of diversion and decarceration have been met.

Meeting objectives: processes and plans

The objects of the 1989 Act have already been described in Chapter 2. In this chapter, data on practice and outcomes are examined to determine the extent to which these objects are being met, and the appropriateness of these goals and the potential value of using reoffending as a benchmark of success discussed. Comparisons are also made with the findings of previous research (Maxwell and Morris, 1993) that examined practice and outcomes in 1990/91. This chapter deals with these issues under the following headings:

- the desired outcomes of the family group conference: accountability, restoration and enhancing wellbeing
- the impact of the family group conference on reoffending
- the process goals of the family group conference: participation, victim involvement and consensus decision-making
- achieving time frames appropriate to the age of young people
- protecting rights
- cultural responsiveness.

Accountability, restoration and enhancing wellbeing

Accountability, restoration and enhancing wellbeing through rehabilitation and reintegration are concepts that are linked in the wording of the general objects of the 1989 Act. The objects of the Act (s4 (a) and (f)) state that the object is to promote the '*well being* of children, young persons, their family and family groups' by 'ensuring that (i) they are held *accountable* and encouraged to accept responsibility for their behaviour' and (ii) 'they are dealt with in a way that acknowledges their needs and that will *give them the opportunity to develop* responsible, beneficial and socially acceptable ways'.

This context makes it clear that the emphasis is not on punishment as a deterrent but rather on encouraging the young people to take responsibility for what they have done. Such an interpretation is consistent with the principles' emphasis on sanctions taking 'the form most likely to promote the *development* of the child and young person' (s208 (f)) and 'that any measures for dealing with offending ... should have due regard to the *interests of any victims* of that offending' (s208 (g)).

These phrases indicate that a constructive emphasis on encouraging responsibility in the young person through repairing harm to victims and community and through actions that promote the general development of the young person is what is intended, rather than inflicting punishment. They also imply that enhancing wellbeing by developing young people can not simply be seen as involving responses that are fundamentally rehabilitative but also involving responses that promote their reintegration into the society. The specific measures that result from the family group conference plans can be separated out as being largely related to accountability and restoration or to enhancing wellbeing, and so these separate components are discussed independently even though the overall goals can be viewed holistically.

This report has distinguished between the elements of plans under the two headings of accountability and enhancing wellbeing. Accountability has been further subdivided into sanctions of a restorative or restrictive type.¹ Wellbeing has been subdivided into measures involving rehabilitation or reintegration (see Box 11.1). Some of the classifications we have made here could be debated. Some forms of accountability classified as restrictive could be argued as helping to restore the balance in the eyes of the community. Some of the so-called restorative penalties could well be seen as punitive in the eyes of the young person. Indeed, any requirement is in some sense restrictive of freedom and can potentially be viewed as a punishment. Some of the so-called restrictive penalties could also be seen as intended to rehabilitate, (for example, supervision), and the suspended sentence recommendations could be seen as more of a nominal sanction to ensure compliance with other measures than a restrictive sanction. The views of different parties involved could be quite different. And, in practice, many of the elements of the plan could serve multiple purposes.

As with the accountability measures, many of the measures designed primarily to enhance wellbeing may serve multiple purposes and/or be viewed differently by some of those involved in the conference. Placements in residential therapeutic programmes could involve restrictions on liberty. Obtaining a driving licence and attending a driver education programme can be seen as reintegrative, but also as a way of making the young person accountable. Also, distinctions between measures defined as primarily rehabilitative or primarily reintegrative may, at times, seem arbitrary. Literacy programmes, for example, could be seen as rehabilitative rather than reintegrative and, in a broader sense, all rehabilitative programmes could be seen as reintegrative. At the same time, there seem to be some fundamental differences between programmes that enhance wellbeing, by repairing past damage, and those that advance the potential of the young person to play a full role in society. The advantage of developing these broad categories is that it makes it possible to answer some of the questions that are frequently asked about the nature of the youth justice system in New Zealand and the extent to which it is a system of restorative justice. The classification serves, therefore, to tease out some of the senses in which these outcomes can be seen as serving different underlying motives and purposes as well as being perceived as having different effects.

¹ The term 'restrictive sanction' includes those elements that are normally viewed as punishments by the offender and the community. However, because of the extensive debate around what constitutes a punishment (for example Daly, 200; Walgrave, 2001), the less emotional term – sanction – has been used primarily in discussing the findings of this report.

Box 11.1 Definitions of categories used for elements of the plan

Accountability

Restorative sanctions	Apology Reparation or donation Work for the victim ²
Restrictive sanctions (or punishments)	Curfew or non-association agreement Suspended sentence Driving disqualification Fines or forfeiture Supervisions or custodial sentences

Provisions to enhance wellbeing

Reintegrative	Education and training courses Employment arrangements Arrangements for the youth benefit Change in residence
Rehabilitative	Counselling Anger or alcohol and drug programmes Other therapeutic programmes Driver education Essays

Accountability through restrictions and restoration

Most (97%) juveniles referred to family group conferences or to the Youth Court agreed to perform tasks that can be viewed as making them accountable for their actions. Many of these measures are restorative in the sense that they involved a response designed to make good the harm to either a specific victim or to the community in general, through making apologies (agreed to at 76% of conferences), monetary reparation or donations (53%) or work for the victim or in the community (67%). Data set out in Table 11.1 categorise conference outcomes under the headings in Box 11.1. These data show that, in total, 84% of the conferences included one of the potentially ‘restorative’ outcomes in the plan.

However, many of the ways in which the plans aimed to make the young people accountable had restrictive elements. Non-association, informal supervision and curfews were recommended for 38%; driving disqualification was recommended for 15% and court orders for fines, suspended sentences, supervision, or a conviction and transfer to the adult courts for sentence (usually a custodial outcome) was recommended for 14%. In total, the analysis in Table 11.1 shows that these restrictive sanctions were included in the plans for 59% of the young people.

² Work in the community was excluded from analyses by categories because although this could be viewed as restorative on occasion, at other times it appeared to be operating as a punishment.

Enhancing wellbeing through rehabilitation and reintegration

Overall, some provision that could be seen as enhancing wellbeing was recommended for 47% of the young people. However, three different types of emphases are involved here. Actions that could be seen as likely to assist the reintegration of the young person in the community were recommended for a total of 39% of the young people (see Table 11.1). Recommendations of programmes or actions that could be seen as more rehabilitative than reintegrative were made for 31%. Referrals for assessments or for a care and protection conference that may or may not have resulted in a rehabilitative or a reintegrative outcome were arranged for 12%.

An overview of the elements in plans

Table 11.1 below categorises the various types of recommendations made and indicates how a plan may come together involving multiple elements.

Table 11.1 Recommendations of agreed family group conference comparing the combinations of primarily restorative, restrictive, rehabilitative and reintegrative measures for the retrospective sample; number and percentages (n=904)

<i>Type of element</i>	<i>n</i>	<i>%</i>
Restoration – any	762	84
Restriction – any	529	59
<i>Some accountability</i>³	878	97
Reintegration –any	349	39
Rehabilitation – any	279	31
<i>Some provisions to enhance wellbeing</i>	548	61
Nothing	26	3
<i>Combinations of elements</i>		
Restorative only	201	22
Restorative & restrictive	195	22
Restorative, restrictive rehabilitative & reintegrative	103	11
Restorative, restrictive & reintegrative	91	10
Restorative, rehabilitative & reintegrative	75	8
Restorative, restrictive & rehabilitative	44	4
Restorative, & reintegrative	37	4
Restorative & rehabilitative	16	2
Restrictive only	61	7
Restrictive, rehabilitative & reintegrative	15	2
Restrictive & rehabilitative	10	1
Restrictive & reintegrative	10	1
Rehabilitative & reintegrative	14	2
Rehabilitative only	2	1
Reintegrative only	4	1

³ Work in the community (as opposed to work for the victim) was not included as either restorative or restrictive. It is, however, included in the total for some accountability.

The data in Table 11.1 show that restorative elements are the most likely to be included in the plan and this reflects the importance placed on apologies even when other reparation is not possible. Elements involving some type of restriction being placed on the young person are the next most common group and these were recommended⁴ for nearly 60% of the young people. Rehabilitative and reintegrative elements were present for about one in three young people. The data on the combinations of elements amplify the above findings. They show that the most common combinations were for both restorative and restrictive elements and this combination was included in almost half of the cases (48%).

For some of the conferences, a victim was not identified. It appears that restorative accountability occurs almost always when there is a victim and that restrictive sanctions are being placed on almost all the remainder. On the other hand, these data do not necessarily indicate that the accountability objectives of the Act are being appropriately met. It has already been suggested that restrictive actions are not consistent with the objects of the Act. Furthermore, the data presented in Chapters 6 and 7 cast doubt on the reality of some of the restorative measures. Young people, families and victims all voiced views that indicated that not all the apologies were genuine. The value of requiring an apology when remorse is not actually felt must be questioned. Given these concerns, it is likely that the accountability objectives are being appropriately achieved for less than the 84% of young offenders who had restorative elements included in their conference plan.

The use of measures that are specifically intended to prevent future reoffending was less common. In total, nearly half (47%) of the young people had rehabilitative and/or reintegrative elements in their plan. However, over half had no reintegrative or rehabilitative elements and this could be seen as falling short of the Act's intention to promote the wellbeing of young people who have offended (Morris, 1999). This could be because those present at the conference believed that the accountability measures were sufficient. One example would be when a young person offends thoughtlessly, but is remorseful and undertakes to repair the harm. Another example would be when the young person is sentenced to a custodial penalty in an institution that provides rehabilitative programmes. Alternatively, the failure to include measures to enhance wellbeing may reflect the lack of suitable programmes for young people⁵ – a concern many of the coordinators and managers interviewed. For whatever reason, it seems clear that many of the young people in this sample who were neither employed nor actively engaged in education or training did not have plans that responded to these needs and it is also likely to be true that others in need of rehabilitative services did not receive referrals for these.

⁴ Although many of the family group conferences are technically only recommendations to the Youth Court in practice, it is rare for the Youth Court to change the recommended plan.

⁵ The absence of sufficient suitable programmes for young people, particularly in relationship to anger, alcohol and drug problems and other mental health issues has been widely reported by health and welfare professionals. The launch of the CYF Youth Services Strategy in 2000, the Ministry of Justice strategy in response to the report of the Task Force on Youth Justice, and recent announcements in the areas of child health services by the Ministry of Health, have been designed in response to this recognised need (CYF, 2000; Ministry of Justice, 2002).

While the above data show that the family group conference decisions emphasised accountability, particularly through restoration in most cases and, in 47% of cases, provided measures designed to enhance wellbeing through rehabilitation or reintegration, it is important to consider whether or not these plans were actually carried out. Data from CYF files were only available for two-thirds of the cases we examined and, for many of these, the file noted that data on completion were not applicable.⁶ However, for the 170 cases on which there was information, the entire plan was recorded as fully completed for 80% and mainly completed for another 9%, although the accountability components were completed for 90% of the latter. These data are consistent with information from the young people themselves; 67% of those interviewed said they had fully completed the various elements of the plan and 81% had completed it in part. This is also consistent with data from 1990/91 where family group conference plans were either completed fully or in part by 87% of the young people (Maxwell and Morris, 1993).

A further question that can be asked is whether or not the plans were both carried out and successful in achieving their goals. Doubts have already been raised about the genuineness of apologies in some cases and about the effectiveness and usefulness of the programmes that were attended (see Chapters 6 and 7).

It is useful to examine how data from the present study on outcomes (reported in Table 4.12) compare with that gathered in the first years after the Act (Maxwell and Morris, 1993). A similar pattern in the proportion of referrals for counselling, changes of residence and training programme arrangements emerges. On the other hand, in the retrospective sample, there is a greater emphasis on apologies (76% compared to 70%), reparation (52% compared to 29%), work (67% compared to 58%), curfews (30% compared to 14%), and driving disqualifications (15% compared to 11%). This increase in the proportion of accountability elements probably largely reflects the increased age and relatively greater seriousness of offences for the retrospective sample rather than major changes in practice.

Promoting the development of young people

The structure of the legislation reinforces the separation between care and protection and youth justice proceedings. Dealing with the separation of what were previously seen as part of a comprehensive set of responses to young people in the welfare system has not been simple. The advantages of separating the two systems can be seen in the greater emphasis on accountability of young offenders than in the past. Disadvantages can be seen in the difficulty of assessing, arranging and resourcing measures designed to respond to needs that have traditionally come under the welfare heading. Maxwell and Morris (1993) have documented the failure to provide adequately for needs in the youth justice system during the early years of the Act. The responses of the young people in the retrospective sample when asked about the programmes they had attended indicate that there were still serious difficulties in 1998 in arranging suitable and effective programmes.

⁶ This would be the case when there was no agreed plan or when the matter was dealt with by apologies and or payments given in the family group conference. It may also have been seen to be true when the case was dealt with by Youth Court orders.

The youth services strategy (CYF, 2000) and a youth offending strategy (Ministry of Justice, 2002) have been designed to overcome these difficulties. At the time of our study it was too early to determine whether or not these were effective. Data from the prospective sample indicates a higher proportion of young people having some measures to enhance wellbeing in 2001/02 than in 1998. This could indicate that the strategy is having an impact but it could be a result of the prospective sample including younger children.

Measures to promote young people's development and give them the 'opportunity to develop responsible, beneficial and socially acceptable ways' (s4(f), 1989 Act) can be seen as coming under three main headings:

- *increasing young people's understanding of their offending* This may be made possible by assisting the young people to understand the nature and consequences of their actions through victims and their representatives presenting information in the conference and the police outlining the effects and consequences of offending
- *providing rehabilitative programmes* that respond to the needs of the young person with respect to mental health, drug and alcohol abuse, anger management and other problems
- *initiating actions designed to reintegrate the young person into the community* This is potentially achieved through elements in plans that respond to needs for schooling, training, employment, an appropriate place to live, and resources to support themselves if they are living independently, and by encouraging family reconciliation and contact with pro-social groups and activities.

Data already presented in this report indicate the considerable needs of the young offenders who come to family group conferences. From the interviews with the young people in the retrospective sample it is possible to make approximate estimates of the proportion that are likely to have needs in particular areas and it is also possible to examine the same young people's reports on the services that were provided for them.

Family support and care

Between a third and a half of the young people experienced frequent changes of care and/or residence during their early life. It is not possible to estimate whether or not these same young people were in a stable living situation at the time of the conference as this question was not asked. Thirteen per cent reported that plans were made to change where they lived and this occurred for 84% of this group. However, we lack data on the adequacy of these changes.

Data described earlier in this report and by others (Farrington 1994) emphasise the importance of stability of care and a positive family environment as factors in positive life outcomes. The data also indicate the ongoing importance of positive relationships with family in later adjustment. These relationships can be a decisive factor for both developing social problems in the first place and for finding the power to get out of them (Weijers, 2001). The quality of family relationships may also be a decisive factor in the

young person's response in the family group conference. These findings underline the importance, when responding to offending, of encouraging positive family involvement and arriving at outcomes that are likely to enhance relationships particularly through the family group conference.

Mental health needs

Since the family group conference, 61% of the young people reported some signs of mental ill health and/or formal contact with mental health services (see Table 8.1). There is evidence of factors indicative of mental health risk in the histories of many. Between a third and a half reported frequent experiences of violence and abuse while growing up (see Table 6.1) and about one in six reported being frequently bullied at school (see Table 6.3). Problems in family relationships and multiple changes of care were reported by at least a third (see Table 6.1). Again, it is difficult to tell whether or not these experiences were still unresolved at the time of the family group conference, but there seems to be a discrepancy between the potential needs of the young person and the arrangements for services made in the conference. Counselling was arranged for only 22% of the sample. Of those attending drug and alcohol programmes, only a quarter (24%) reported that this was helpful or very helpful. Of those attending anger programmes, only a little over a third (37%) reported that this was helpful or very helpful. Furthermore, the data on mental health problems since the family group conference seem to indicate that these services may have been too few to meet all needs and not adequate to resolve the needs of those who did receive help.

Drug and alcohol

About two-thirds reported frequently using alcohol and/or cannabis while growing up. Less than 10% of the sample had programmes recommended for drug and alcohol, and these were not always completed or helpful. The programmes available are undoubtedly insufficient to meet the young person's needs both in terms of being provided to all with needs and responding appropriately and/or effectively to those attending.

Anger

About one in seven of the young offenders were involved in serious violence and one in four were involved in minor violence. Not all these young people would have needed programmes while some of those committing other types of offences will also have had problems with anger control. Six per cent had anger programmes arranged for them and about 60% completed all or most of the programme, but only just over a third reported finding the programme helpful. Once more, there appear to be too few referrals compared with the amount of need and, for many, the programmes were not effective in retaining or effectively responding to them.

Traffic

One in five of the young offenders were involved in a traffic offence. Fewer than one in ten was referred for driver education. However, of those interviewed, 91% reported completing this requirement. On the other hand, only 22% reported that this experience was helpful. Not only do traffic offences feature commonly, but one in four of all the offences involved interfering with or converting a car. Many of the offences involving cars can be seen as part of a general desire to seek excitement coupled with a scant regard for the impact on others of stealing. Indeed, the preoccupation of many teenagers with cars and a lack of opportunity to learn to use one can be seen as part of the inducement to steal. Providing opportunities to become involved with cars and competent in using them could lessen both the amount of car theft and the often dangerous consequences of unlawful use.

Relationship difficulties

At the time of the interview, about a third of the young people lacked friends of their own age, half reported that they did not belong to any group and three-quarters reported that they numbered current offenders among their friends or associates. One in five said they did not have close friends and one in ten reported lacking anyone at all to whom they felt close and in whom they could confide. Furthermore, although many had formed close personal relationships at some time, over half of these broke up, usually painfully. Most of the third who had become a parent lived separately from that child.

The lack of close friendships and effective relationships has been a pervasive theme in the lives of many of these young people and those who have become completely alienated as young men and women are particularly at risk of harming themselves or others (Farrington, 1994). Many of the signs of this alienation would have been present at the family group conference, yet it is difficult to identify constructive responses to these needs. Improved relationships within the family may be a part of the conference outcomes for many and this possibility should not be underestimated. Recommendations to join a group were made for only 4% and some of the group activities arranged by the conference for a variety of other purposes could also have contributed to building the relationships of the young people with others of their own age. However, for those with the most serious problems, there was little professional help available. Fewer than 5% were referred for general counselling.

Education, training and employment

Responding to needs in the areas of education, training and employment can be seen as a major area for reintegrative responses likely to prevent further offending. Of those interviewed, 89% reported periods of unemployment since the family group conference, and a third of those who reported not having any educational or training qualifications before the family group conference had not had any further schooling or training since that time. These data indicate the failure of the system, at least in 1998, to respond effectively to this group of needs.

At the time of the family group conference, between two-thirds and three-quarters reported truanting frequently or having been suspended or expelled. The family group conference made arrangements for education, training or employment for only 29% of the young people. When arrangements were made, over half completed all or most of a correspondence school course and 61% reported that they found this helpful. Over 84% completed most or all of a vocational training programme and nine out of ten reported that this was helpful. Only 5% reported arrangements to assist with employment opportunities.

Perhaps more than any of the other reintegrative needs of young people, those involved in the youth justice sector are seeking opportunities to improve young people's access to educational and training programmes (Report of the Ministerial Task Force in Youth Offending, 2002; Youth Offending Strategy, 2002). The ability to respond to young people's needs appeared in 1998 to fall well short of their needs, and the recommended actions referred to in the youth offending strategy have yet to be implemented. By 2001, there were some signs of improvement: over half the prospective sample reported that schooling or further training was arranged for them in the family group conference, but this could reflect the younger age of many of those in the prospective sample.

Reoffending findings

In this study we have attempted to answer questions about reoffending by examining samples of young people who had family group conferences in 1990/01 and in 1998, and by comparing differences in the experiences within the system for young people who did and did not reoffend in later years (Maxwell and Morris, 1999, Maxwell et al, 2003). These results indicate that family group conference events can have an impact on reoffending. The 1999 study showed that there were significant relationships between reoffending and a number of variables describing the views of the young person about their experience of the family group conference.⁷

- meeting: met the victim and/or apologised
- participation: felt involved in the decision-making
- acceptance: agreed with the family group conference outcomes
- remorse: remembered the conference, completed tasks, felt sorry and showed it and felt they had repaired the damage
- no stigmatic shaming: not made to feel a bad person.

The current study replicated some of these results and added to them. Significant relationships were recorded between reoffending and the following variables based on the young people's reports of their experiences of conferencing:⁸

- support: felt that there were people present who supported them and cared about them
- understanding: understanding what had happened

⁷ These questions were asked in relation to the family group conference but the responses may, at times, have been about the total experiences of the young person in the youth justice system.

⁸ See Chapter 8 for data on reoffending and Chapter 9 for the analysis.

- fairness and respect: felt they were treated with fairness and respect
- no stigmatic shaming: did not feel labeled or excluded
- forgiveness: felt that those present let them put the past behind them
- remorse: being able to repair the harm that was done
- intentions: forming an intention not to reoffend.

There are consistent themes across both studies. Remorse and avoiding stigmatic shaming appear to be important in both studies. And the lack of stigmatic shaming can be linked to the obverse of the questions on being treated with fairness and respect included in the second study. Being supported, understanding what went on and forming an intention not to reoffend are also new variables that emerged in the second study. Apologies to the victim, a sense of participation and agreement with the outcomes were reported by almost everyone in the second study and this goes some way to explaining why they did not appear as important defining variables.

However, it is important to note that the variables were defined differently in the two studies. Concept labels were given to clusters of items that were statistically related and the specific items, for example those defining remorse, differed in the two studies. This raises issues of how to assess concepts like remorse. Indeed it is arguable whether saying “I was able to repair the harm” should be described as remorse. Similarly, in the first study, being made to feel a bad person was interpreted as stigmatic shaming while in the second study more specific questions on feeling labeled and excluded were the defining ones. Further research is needed to explore how best to ask questions that define the subjective experiences of the young people who have had a conference and to determine how they are inter-related.

Nevertheless, our data indicate that:

- being supported, participating and understanding the events
- being treated with fairness and respect and not being stigmatically shamed
- agreeing with outcomes and taking actions to repair the harm
- feeling forgiven and able to put matters behind them

are all elements that help define a constructive family group conference experience that will elicit intentions not to reoffend.

Participation, victim involvement and consensus decision-making

Participation

Participation was assessed by the extent to which young people, families and victims were involved in the decisions. Victim involvement was assessed by whether or not victims attended and reported that they felt involved and by how they evaluated the outcomes. Consensus decision-making was assessed by the extent to which plans and recommendations were agreed to by all participants.

The data in Chapter 5 described who attended the family group conference for about 760 of the retrospective cases and 115 prospective cases. It showed that, for the retrospective

cases, 99% of conferences were attended by the young person, 85% were attended by at least one parent or caregiver and 44% were attended by at least one other family member. For the prospective cases, all the young people were present, nearly all (95%) were attended by at least one parent or caregiver and nearly half (47%) were attended by at least one other family member. These data show that young people and families certainly participated in the process. Families' participation stands in contrast to the lack of involvement recorded for Youth Courts in overseas jurisdictions (compare O'Connor and Sweetapple, 1988).

As well as the youth justice co-ordinator, others present were the police youth aid officer (present for 94% of the cases in both the retrospective and prospective samples), and a youth advocate who was present for 73% of the retrospective, and 97% of the prospective cases that were referred by the Youth Court. Where a victim was recorded as involved in the offending, they or their representatives were present for 47% of the conferences for the 1998 retrospective sample and for 58% of the 2001 prospective sample.

These figures indicate that, with one exception, those central to the process were almost always present. The figure for victims falls well short of what might be hoped for in a system designed to be inclusive of them. In the earlier study (Maxwell and Morris, 1993), the main reason for victims not attending was not being told in sufficient time or the conference being held at an unsuitable time. In 2001/02, these were no longer the most important reasons (90% of victims said that they were told in good time when the conference would happen and only 19% said that the time was not suitable for them or that the notice was inadequate). The most frequently offered reason for non-participation in 2001/02 was that the victim did not want to meet the young person or his or her family, and that they just wanted to put the whole incident behind them. It would be wrong to pressure victims to attend. Thus, it seems necessary to recognise that victims will not always be part of the process.

Participation means more than simply attending. Data on whether or not participants felt involved in the process and in the decision-making come from interviews. At least three out of five said they were consulted about who should come (80% retrospective, 60% prospective). The majority said that they understood what was going on at the conference (79% retrospective, 86% prospective). However, only half of them reported that they felt involved in making the decision (49% retrospective, 56% prospective).

These figures are more positive than the responses recorded in 1990/91 (Maxwell and Morris, 1993). Then it was stated that *'one of the major weaknesses of the new system must be its failure to engage young people in the decision-making process'*. The increased probability of young people reporting feeling involved in 1998 compared to 1990/91 suggests that the attitudes of some of the participants in the family group conference may have changed, making it a place where the young people feel more able to participate. And the extent to which young people felt involved still contrasts favourably with the Youth Court, where only one in three in both the retrospective and prospective samples reported feeling involved. The observers considered that the skill of co-ordinators varied in the extent to which they enabled the participation of young people: this suggests that these skills ought to be an important focus in co-ordinator training.

Although the Act requires that family members be given the opportunity to deliberate in private, this only occurred for less than two-thirds of the prospective conferences. Although some families will genuinely not feel the need for private deliberation, Maxwell and Morris's 1990/91 study (1993) suggested that the failure to take the opportunity for private time was often a response to pressure not to do so. We do not have any evidence of this in the 2001/02 prospective sample and data on family members' involvement show that almost all (over 80%) reported understanding what happened, being able to express their views and being involved in decisions.

Similarly, seven out of ten victims agreed with the decision and at least eight out of 10 understood what was decided, were able to express their views and were given a chance to explain the impact of the offending on them. On the other hand, only just over half reported that they felt that they had been involved in making the decision and this is probably an inevitable consequence of the system of allowing the family to deliberate in private in order to ensure that they take ownership of the outcomes. There is a dilemma here in ensuring on the one hand that the family and the young person are empowered and on the other hand empowering victims – an issue to which we return in the final chapter.

Comparing young people's views of family group conference and Youth Court

Young people's views on the family group conference and the Youth Court, in terms of opportunities to participate, were fairly similar. This contrasts with the data we reported in 1993 (Maxwell and Morris, 1993) when parents and young people saw family group conferences as more effective venues for participation than the Youth Court. This is because, in 1998, young people rated the Youth Court more favourably than they had done in 1990/91. Similar proportions of young people in the retrospective sample reported that they understood what was happening in both the family group conference and the Youth Court. However, more reported that they found it hard to say what they wanted in the court setting (half of those describing the Youth Court compared to only a third of those describing the family group conference). Also, more felt involved in decisions in the family group conference (half compared to only a third of those appearing in the Youth Court). Yet, the fact that a third reported being involved in the decisions of a court seems, in itself, remarkable and perhaps reflects both the manner and behaviour of the judge as well as the frequency with which family group conference recommendations were accepted.

There were other differences in young people's views about the two settings. In the family group conference, people who cared and supported them were more often present and people were more likely to show they cared about them and treat them with respect, but these differences were not large ones. On the other hand, many other differences were even slighter. Agreement with decisions was somewhat more likely in the Youth Court as was reporting that the decision was better than expected. Finally, the Youth Court proved somewhat more likely to be clearly remembered than the family group conference, but perhaps this reflects the fact that many of the young people would have had greater experience of participating in a number of family group conferences than they would have had of the Youth Court.

The fact that there was often little perceived difference between the family group conference and the Youth Court is somewhat surprising given the expectation that family group conferences provide an environment that is relatively informal, and emphasises involvement and consensus decision-making. Thus these data raise questions about the extent to which the family group conference is achieving the participatory and consensus decision-making goals that the legislation envisages. However, other factors may mitigate against the family group conference being a more participatory and involving environment than the Youth Court. The requirement that the young person face up to his or her offending in the presence of the victim and family is by no means an easy one. Many of the young people found it difficult and were, as they reported, intimidated by the conference. A quarter of the conferences we observed appeared to be dominated by the professionals (the police, the youth justice co-ordinator and/or the youth advocate) and the young people seemed to be the object of attention rather than a participant with a central role to play. One factor that may make the Youth Court less intimidating is that much of the decision-making has already taken place in the family group conference so that the likely outcomes of the Youth Court are known. And many of the Youth Court judges make considerable attempts to ensure that the language of the Youth Court is relatively informal and that the families and young people are given an opportunity to participate, and they deliberately attempt to engage the young person in the events.

In 2001, most victims reported that, in the conference, they were treated with respect (90%), understood what happened (88%), were able to express their views (86%), had a chance to explain how they felt (83%), agreed with the decisions that were reached (69%), and 68% said that they felt their needs were met. However, only just over half felt that they were involved in making the decision (55%). As a result of the conference, 81% of the victims reported that they felt better and only 5% said they felt worse. Two-thirds said that it had helped them put matters behind them.

Consensus decision-making

Agreed outcomes should satisfy participants more than enforced outcomes and most family group conference outcomes are 'agreed' outcomes: 91% of the cases in the retrospective sample and 95% of the cases recorded for the 1990/91 sample (Maxwell and Morris, 1993).⁹

⁹ However, an anomaly in the CYF official national records appears to contradict the research findings in this study. Data from the SWis database showed that, out of all the outputs opened for youth justice family group conferences, only 77% were recorded as agreed. This discrepancy can be explained by the fact that, when a conference is not successfully concluded on the date for which it is convened, the output is often closed and recorded as non-agreed when, in fact, the conference did not take place or was not concluded for some other reason. These cases where the conference failed to occur or were not concluded did not meet the criterion for inclusion in the retrospective sample as no decision was reached. After one of the outputs for an unsuccessful conference has been closed, the practice appears to have been to open another output for the same young person and the same set of offences are dealt with on another date.

Non-agreed conferences sometimes result from different attitudes among the police in different areas. A greater proportion of non-agreed conferences occurred in one area (17%) compared to nationally (10%). In a number of cases in this area, the police asked for the proposed measures to be subject to a Youth Court order although the family wanted matters to be kept out of the Youth Court. When these cases, agreed or non-agreed, came before the Youth Court there was a range of outcomes. About half of the non-agreed cases received a conviction or some type of supervision order, but the other half were dealt with through a family group conference plan.

‘Agreed’ cases did not necessarily represent consensus between the young person, family and/or victims. While some of these ‘agreements’ were arrived at despite differences, in most cases it was the police and or other professionals who took a different view from the family. In these latter cases, the views of professionals tended to be the ones ‘agreed’ to.

The qualitative information on the limits to ‘consensual agreement’ are consistent with reports on the extent to which offenders, families and victims felt involved in decisions. Only about half the young people and victims felt involved. Four out of five family members said they felt involved and 85% reported that they really agreed.¹⁰ These data all raise questions about the possibility of professional ‘coercion’.

Time frames

The extent to which actions were taken in time frames appropriate to the young people’s sense of time was assessed, wherever possible, by examining data on the time taken to process cases involving young offenders. Within the 1989 Act, statutory time frames are laid down for the convening of family group conferences but the intent of the legislation can be seen as extending to all processes and players, including the police and the Youth Court as well as CYF. These data were presented in Chapter 5 and they are summarised in Table 11.2.

¹⁰ In some cases, the professionals may have been appropriately ensuring that public safety was protected, but such cases were relatively rare.

Table 11.2 Time periods between apprehensions, referrals, convening family group conferences, decisions and case completion within police, CYF and the Youth Court

<i>Time frames for CYF working days</i>			
Police refer to convened FGC	84% in 21 days*	85% in 4 weeks	16% > 4 weeks
Youth Court refer to convened FGC	89% in 14 days*	95% in 4 weeks	5% > 4 weeks
<i>Total time frames for police referrals</i>			
Time of offence to youth aid referral	50% in 14 days	80% in 4 weeks	20% > 4 weeks
Youth aid referral to decision	74% in 14 days	90% in 4 weeks	10% > 4 weeks
Time of offence to decision	32% in 14 days	65% up to 4 wks	35% > 4 weeks
<i>CYF time frames for police referrals</i>			
Referral to FGC completion	61% in 4 weeks	77% in 6 weeks	23% > 6 weeks
<i>Total time frames for Youth Court cases</i>			
Police apprehension to charge	66% in 4 weeks	75% in 4 weeks	25% > 4 weeks
First YC date to FGC referral	29% in 14 days	76% in 4 weeks	24% > 4 weeks
FGC referral to FGC completion	85% in 4 weeks	94% in 6 weeks	6% > 6 weeks
FGC completion to YC decision	14% in 14 days	34% in 4 weeks	34% > 6 weeks
YC decision to YC completion	31% same day	76% in 12 weeks	14% > 20 weeks

Note: The two time frames asterisked refer to statutory time frames which are defined in working days. All other time frames presented refer to elapsed time.

The statutory time frames for CYF to convene police-referred conferences is 21 working days and to convene Youth Court-referred conferences is 10 working days. CYF's performance in meeting targets for over 85% is very satisfactory, although a minority, usually police referrals, were not convened after four weeks. Times to complete the family group conference from the initial referral date are, however, much longer and, after six weeks, 6% of the family group conferences referred by the Youth Court and nearly a quarter referred by the police had still not been held. These time frames can be seen as unsatisfactory. Undoubtedly, improved staffing levels in CYF could eliminate some of the delays, but we also recognise the importance of allowing sufficient time to ensure that the right people are present and to adequately prepare all the participants. Also, delays will sometimes occur because of events beyond the co-ordinators' control, such as additional offending and delays in receiving information from other players in the system.

The time frames being achieved for a family group conference seem much more satisfactory than the decision times within police and the Youth Court. Apprehension dates were not available for the police, so that the time taken to refer to youth aid cannot be described. However, with youth aid, one-third were decided within 14 days and two-thirds within four weeks. These times are similar to the times taken by CYF to complete police-referred family group conferences.

In 1993 Maxwell and Morris (1993) commented, ‘The Youth Court often performed very poorly with respect to operating within meaningful time frames’. The same comment stands today. Indeed, performance appears to have worsened rather than improved. One problem is the length of the period between Youth Court sittings and this varies across areas. Larger courts sit at least fortnightly and most others sit at least four weekly. However, only 29% of the charges laid for the retrospective sample were referred to family group conference within a fortnight and a quarter took longer than four weeks. This seems surprising given that the referral should only involve the relatively simple task of appointing a youth advocate and sending a referral form to CYF. In 1993, Maxwell and Morris suggested that the Youth Courts consider making arrangements for a Youth Court referral immediately on receiving the charges rather than waiting for a court sitting and requiring an initial appearance.¹¹ However, time frames appear to be even longer now than they were in 1990/91. In part, this may be a function of increased caseloads but it is probably due in part to the practice of lengthening periods between sittings in Youth Courts with lighter case loads. Such a practice is at variance with the requirements of the Act to facilitate rapid processing.

Finally, the infrequency of sittings of the Youth Court can create other problems. In areas where sittings occur every four weeks, even minor problems automatically extend matters for four weeks. Needing a defended hearing can also involve substantial delays. Current information from the Department for Courts¹² suggests that in two of the main centres a date can normally be found from 13 to 21 working days after an application is made. In the third, there is currently a delay of three months.

Protecting rights

Questions about the extent to which young people’s rights were protected require data on the behaviour of police when apprehending, arresting and questioning young people; the extent to which the young person is given the right to challenge allegations about the circumstances of the offending in the family group conference; and the behaviour of youth advocates appointed to advise and appear for the young people. In the early years of the Act, some of the most hotly debated aspects were sections 214 to 232 dealing with rights relating to arrest and questioning. Two main issues emerged from that debate. The first concerned the use of the detailed caution that informs young people of their right not to accompany the police officer to the station and their right not to make a statement. The second concerned the requirements for the police to notify the parents about their child’s involvement with the police; to allow the young person to consult with a parent or nominated adult prior to questioning; to ensure a nominated adult is present when the young person is questioned and a statement is taken; to inform the young person of his or her rights to consult a barrister or solicitor; and to have a barrister or solicitor present while the young person is being questioned.

¹¹ This practice operated in at least one Youth Court at the time of the earlier study (Maxwell and Morris, 1993).

¹² Information provided by Judge Becroft 7/8/02.

Over the period 1990 to 1993, the police frequently complained about these requirements and saw them as an impediment to effectively dealing with young people. Maxwell and Morris (1993) showed that many young people said that the police had not administered a caution and that many young people were interviewed without a parent or nominated person being present. A number of cases have been tested in the court and have led to evidence being challenged and thrown out because of a police officer's failure to follow the required cautioning procedure.¹³ Practice guidelines were subsequently developed by the police to set down procedures for getting nominated people who could be available while a young person was interviewed and to reinforce the need to comply with the requirements of the Act when apprehending and interviewing a young person. In the wake of these events, practice appeared to change. Over recent years, neither public debate nor information on practice in this area has focused on the use of police cautions prior to questioning, and the current research was not designed to focus on it. However, it is a matter for concern that there are no procedures to monitor practice in these matters and the earlier use of a checklist, filled out by the apprehending officer, appears to have been discontinued.

Data presented earlier in this report from conference observations indicate that the agreement of the young person to the decisions was almost always sought. However, this did not occur in every case and there is no routine monitoring of the extent to which this occurs.

A third important method of protecting young people's rights is the provision to appoint a youth advocate in all cases where a young person appears before the Youth Court. The evidence from this study indicated that although the appointment is routinely made, not all youth advocates attended the family group conference. Furthermore, a youth advocate was present at the family group conference for several of the young people who had not appeared in the Youth Court, although we do not have information on why they were present. Since the Maxwell and Morris (1993) report was published, Maxwell et al (1997) have conducted research into the role of the youth advocate with the goal of identifying best practice. The findings of this research formed a basis for the developments of new procedures around the appointment, review of appointment and training of youth advocates. Nevertheless, there is as yet no formal procedure in place for monitoring the process or for evaluating the quality of service being provided.¹⁴

¹³ The need for a better system of monitoring performance is highlighted by a recent case ('Lost innocence' screened on TVNZ 20/20 programme on 11 August 2002) involving three girls who were sentenced to imprisonment for an offence that they did not commit. It was suggested in the media that one factor was that the youth advocate failed to seek evidence to confirm their alibis. It became apparent that the girls had made a false confession under duress.

¹⁴ For example, *R v Toko*, Sinclair J, 9 April 1991, High Court Auckland T.1/91; *R v Irwin*, Fisher J, 3 Dec 1991, High Court Hamilton T32/91; *Police v Edge*, Young DJ, 29 Dec 1991, District Court Oamaru, CRN 1245003903; *Ratten v Edge* (on appeal), Holland J, 10 June 1992, High Court. Another case is worthy of note because, in this instance, the judge held that, although all procedures had not been followed, there had been reasonable compliance: *Crime Appeal* 311/91, Cook P, 19 Sept 1991, Court of Appeal.

Responsiveness to Māori

The development of the family group conference in New Zealand was very much influenced by the process of whānau meetings to resolve conflict. There are many features that are common between the family group conference and customary practice in the whānau meeting:

- the potential to empower the participants
- allowing all involved to participate in the kōrero and to be part of reaching a consensus decision
- the opportunity given to whānau to awhi the young person who has offended and to awhi the victims of offending
- the critical goal of repairing harm
- the cultural goal to restore the balance within the community and to reintegrate those who have been alienated from it
- allowing those most affected by the conflict to take charge of the process through customary procedures if the meeting is managed by elders.

On the other hand, many aspects of the family group conference are not consistent with customary practice and it needs to be recognised that this is a statutory process arranged by the state to resolve matters in accordance with the law:

- the process requires the young person to participate although, traditionally, many whānau would have seen the decisions to be taken as ones for them rather than for the young person
- the police are involved in the process
- the responsibility for facilitation lies with CYF, a state department that has been often seen in the past as acting in ways that disempowered Māori and that are contrary to whānau interests
- the venue is rarely a traditional one. Most conferences are held in departmental offices or general community facilities
- the victims are often outsiders who are not part of the whānau or even Māori
- there are limits on what can be decided and on how matters will proceed after the conference and official methods of monitoring progress will be put in place
- Māori participants come from a diverse range of cultural backgrounds and may not be familiar with customary procedures and feel distanced from marae and elders in their local area
- most importantly, the context of decision-making is the law.

Nevertheless, in practice, the family group conference was often a comfortable forum for Māori families and whānau, and they tended to respond quickly and openly when given the opportunity to participate. The fact that many of the co-ordinators were Māori also undoubtedly contributed to their ease in the situation. There is little doubt that the process is able to be a much more appropriate one for Māori than the Youth Court itself. The ability to offer hapū and iwi a role in the management of the process is an added strength although we found little evidence that this was being done very often. The extent to which the process should actively encourage Māori families to seek reintegration with

their whānau and marae is a matter which deserves further debate. The opinions of the Māori co-ordinators with whom we discussed the issue was that they felt that they need to be largely guided by the family in these matters, although they always encouraged the involvement of whānau and often actively sought out members of whānau who had not already been contacted by the family.

Māori are an increasingly diverse population; socially, economically and culturally (Cunningham, 2002; Durie, 1995). Material from case studies and interviews indicates that relying on formal processes (such as mihi and karakia) to identify differences for Māori, however well-intentioned, may not, in fact meet the cultural expectations of the Māori young people and their whānau or families. At times, family group conferences can and do embody a Māori kaupapa, but not often. Given the diversity of life styles and expectations of Māori people, perhaps it is not appropriate to expect that it should always do so. However, the option is an important one for those who wish it.

Are Māori treated differently?

An allied issue is the extent to which the processes of youth justice serve Māori and Pākehā equally. Is the system racist? Do Māori get treated fairly? The data reported here indicate that, as is already well known, young Māori are more likely to be apprehended by the police than young Pākehā by a ratio of approximately four to one. Previous research (Fergusson and Lynskey, 1993) indicates that this can only partly be explained by the relatively greater socio-economic disadvantage of Māori families and would appear to indicate that Māori are more likely to be reported when they are behaving in ways that lead the public or the police to suspect them of offending.

Once in the system, the data in this study show that Māori young people were more likely to be charged in the Youth Court than Pākehā and that this effect was not explained by differences in type or seriousness of offending. However, the data appear to suggest that the extent of the difference depends on geographical area. As a consequence of the greater probability of being charged in the Youth Court, the outcomes for young Māori were more severe.

Responsiveness to Pacific peoples

There are lessons to be learnt from the Pacific case studies, observations of Pacific conferences and the comments of Pacific peoples involved in the youth justice system. The first and perhaps the most important lesson is the importance of offering people respect and acknowledging their standing and place within their culture. It is this affirmation that is likely to give them the ability to take charge of the process and to arrive at a solution that will not only repair the wrong but affirm the young person and offer him or her the chance to be forgiven and to find a way forward to a positive future.

On the other hand, conferences where professionals take over the process, where the language used is not that of the family and where the cultural gestures are token, are unlikely to assist families to find a road towards effective support of their young person and to enable them to play a useful role in resolving the conflict.

Are Pacific peoples treated differently?

Furthermore, as for Māori, Pacific young people were more likely to have been referred to the Youth Court by the police even when offending factors were taken into account. In other respects, however, there was not evidence of unequal treatment. Again, it is important that practice in this respect be monitored and corrected if it appears not to be justified by the circumstances around the offending.

Summary

The objective of ensuring young people are made accountable appears to be being achieved in almost all cases (97%) through the plans of the family group conference and the decisions of the Youth Courts. Some form of restoration is also part of the plans for over 80% of the conferences examined. Data on completion of plans indicates that these may be remaining largely uncompleted in about one in five cases. The absence of effective monitoring (where information was available, a quarter had no specific person assigned, and for over one-third, monitoring arrangements did not cover some aspects of the plan – see Chapter 5, and Tables 5.6 and 5.7) were was a practice issue that was unresolved in the early years of the Act and it remains so today. The genuineness of apologies was questioned by some of the victims and some of the young people admitted that they did not feel genuinely remorseful. Genuine remorse cannot be a mandatory requirement but the data reported in this study suggest that improved practice by the professionals involved could increase the probability that it occurs.

The 1989 Act does not include punishment as part of the objectives of the system and it can be argued that the wording indicates that this is not seen as a desired outcome. About three out of five of the plans, however, involved restrictions on liberty. It can be claimed that, in some cases, these restrictions are necessary for public safety but whether these are always necessary and appropriate needs to be addressed.

Another of the Act's major goals was to enhance the wellbeing of young people. Rehabilitative or reintegrative outcomes were planned for less than half of the 1,003 young people dealt with in 1998, despite the high levels of need demonstrated in the analysis of their background circumstances. On the whole, the measures recommended were more often reintegrative, usually involving education and training, and these initiatives were frequently carried through successfully. Rehabilitative programmes, especially those for drugs and alcohol and for anger, were less often part of the plan and when they were they were often not completed or not seen by the young people as helpful. The lack of appropriate responses to need and of suitable referral options was a major problem in meeting the objectives of the 1989 Act in its early days and certainly remained so in 1998. It is too early to determine whether or not recently announced initiatives (CYF 1999, Ministry of Justice 2002) will be successful in changing this.

Conference processes of participation, victims' involvement and consensus decision-making were evaluated. Young people and families were almost always present at conferences. When they attended, families reported feeling involved, but this was only true for about half of the young people. While this is an improvement on data from 1990/91, observations suggested that co-ordinators' practice involving young people

could be improved with training. Victims were only present in about half of the conferences, both in 1998 and 2001/02, but this appears to have been largely because they did not want to attend rather than because they had not been given information. While improved practice might increase the proportion of victims attending, it is their right to choose whether or not to attend and it would be inappropriate to put pressure on them to take part. When victims decided to attend, most reported feeling involved and agreeing with outcomes although almost half felt they were not involved in the decision-making.

Consensus about plans was reported for over 90% of conferences. A lack of agreement sometimes arose among family members or between victims and family, but most often it occurred between the police and the family. In addition, observations suggested that, at times, pressure from professionals was brought on family members to 'agree'.

Time frames being achieved within CYF largely met the targets set out in the Act and are also largely satisfactory in other respects. Time frames within the police could be improved, while those in the Youth Court seem to be the least satisfactory. Delays most often arise from delays in making a referral for a family group conference, the length of time between Youth Court sittings and, less commonly, because of new offending by the young person.

Data were not available on the extent to which the police are protecting young people's rights at the time a young person is apprehended. However, no monitoring of these actions is occurring. Similarly, no records are kept of by the Youth Court of whether or not youth advocates attended the family group. Nor is any record kept of whether or not the young person is asked and agrees to the facts of the offence as presented at the family group conference.

Finally, data were available on cultural responsiveness. To be effectively responsive to Māori needs, there probably has to be a different set of processes, a different type of spirit and underlying philosophy and, potentially, different outcomes from those typically available in criminal justice contexts. In each of these respects, practice showed both limitations and successes. While many conferences observed formal protocols drawn from Māori culture, they often failed to respond to the 'spirit' of the culture. For Māori, they did not display the informal processes of debate and talking through the problem with the whānau and with the guidance of kaumātua.

It is important when designing and implementing a 'culturally appropriate' system to understand that Māori are an increasingly diverse population – socially, economically and culturally (Cunningham, 2002; Durie, 1995). Relying on stereotypes to identify differences for Māori, however well intentioned, may not in fact meet the cultural expectations of the Māori young people and their whānau/families. At times, family group conferences can and do transcend tokenism and embody a Māori kaupapa, but not often. Given the diversity of life styles and expectations of Māori people, perhaps it is not appropriate to expect that it should always do so. However, it is important that Māori kaupapa is available there for those who wish it.

For Pacific people, the acknowledgement and respect for families, that was essential to enabling them to participate effectively, was lacking. Token gestures such as greetings in the language and inviting elders to open and close the meeting did not replace the active involvement in the facilitation of someone from the culture and who knew the language. But even with a process that is truly respectful and when language problems are overcome, it is important to recognise that some of the family group conference objectives around the participation of young people may be seen as at odds with cultural expectations.

These data indicate that family group conferences in New Zealand are, for the most part, achieving the goals of enabling families and young people to participate in decisions and arrive at outcomes that give them ownership of the process. The frequent involvement of family in arranging aspects of the plan and in monitoring completion of outcomes is also consistent with the goals of empowerment. Such findings have also been reported for family group conferences in the child welfare system and in other jurisdictions (Shore et al, 2002; Daly, 2001). These analyses emphasise the success of inclusive family group conferences in marshalling support for young people, and reinforce the value of making both core family and wider family central to the decision-making process as opposed to giving decision-making power to professionals.

However, there were still a number of conferences that fell short of the goals of the Act:

- making young people accountable through an emphasis on restorative rather than restrictive and punitive outcomes¹⁵
- enhancing wellbeing by arranging for reintegrative and rehabilitative measures that could promote the development of the young people¹⁶
- ensuring the full participation of families, young people and victims in the conference process
- achieving consensus decisions that were in no sense coerced by professionals
- minimising time frames for meeting decisions and completing plans
- adopting processes that were culturally responsive in the sense of adopting informal processes of talking through the problem with whānau and with the guidance of kaumātua.

In addition, a pattern of referrals that in certain parts of the country sees Māori referred more often to the Youth Court and facing the more severe sentences suggests there may be some discrimination.

These findings are a cause for concern, especially given that the research also demonstrates that these objects are potentially achievable within the current legislative framework. Implications for practice that might improve outcomes are set out below.

¹⁵ 16% of plans did not include any restorative elements (Table 11.1).

¹⁶ While not all young people may need measures to enhance wellbeing it is noted that there was no mention of this element in 39% of plans (Table 11.1).

Areas where improvements in practice could affect outcomes

Procedural

In a number of areas, simple procedural change could help effect change:

- *victim involvement in decision-making*: Only 55% of victims reported being involved. The professionals need to ensure that victims are involved as much as possible and to monitor that they are involved
- *presentation of facts at conference and asking for young person's agreement to the decision*: In a number of instances offenders were not asked about the facts presented at the conference, nor if they agreed with them. Nor was their agreement to the decision always sought. Procedures need to be put in place to ensure these both happen.

To a very large extent, these could be achieved by reminding the professionals involved of the desired procedures, and providing them with a check-list.

Monitoring and evaluation

Monitoring and evaluation is are needed in critical aspects of the system to:

- ensure Māori are not subject to discrimination in relation to being charged in the Youth Court and the likelihood of more severe penalties
- review punishment outcomes to ensure any that are imposed are both appropriate and necessary
- ensure effective monitoring of family group conference plans
- ensure the new procedures around the appointment, review of appointment and training of youth advocates are working appropriately
- ensure that the police use procedures in relation to young person's rights when they are apprehended
- ensure youth advocates both attend the Youth Court and play appropriate roles within the family group conference process.

Training

Specific areas for training to improve professionals' practice were also identified. These would lead to:

- better facilitation skills to help induce young people's remorse, ensure the young person's beneficial involvement in terms of participation and feeling remorse, and to reduce any professional tendency to pressure outcomes
- ensuring plans have the appropriate elements to reintegrate the young person into the community eg schooling, training, employment, an appropriate place to live, resources to support independent living, encouraging family reconciliation and contact, and contact with pro-social groups

- ensuring family group conference plans encompass rehabilitative programmes to respond to young peoples' mental health, drug and alcohol abuse, anger management and other needs
- better understanding of the cultural needs of the diversity of New Zealand's population, and the diversity within its ethnic groups, so appropriate cultural forms and practices are put in place during family group conferences.

Meeting objectives: diversion and decarceration

Diversion and decarceration have a range of meanings. The Children, Young Persons, and Their Families Act 1989 gives definition to these principles in the New Zealand context by de-emphasising the use of formal court proceedings. The first of the youth justice principles (208(a)) states that ‘unless the public interest requires otherwise, criminal proceedings should not be instituted against a child or young person if there is an alternative means of dealing with the matter’. This implies that arrest and the laying of charges in the Youth Court should be avoided wherever possible. This section also has implications for the outcomes: in particular, it signifies that Youth Court orders should only be used when necessary and a conviction and transfer to the adult courts should be used even more sparingly.

Section 4(f) of the Act requires that children and young people be dealt with in ways that ‘give(s) them the opportunity to develop in responsible and socially beneficial ways’. This has implications for the selection of responses to offending and the type of sanctions adopted. It shifts the emphasis from punitive and custodial responses to responses that keep the child or young person in the community. The youth justice principles make this even more explicit. Section 208(d) states that ‘a child or young person who commits an offence should be kept in the community so far as that is practicable and consistent with the need to ensure the safety of the public’. This section at clause (f) also places an emphasis on rehabilitative and reintegrative responses provided within the community context by stating that any sanction must take the form most likely to promote the development of the child or young person within his or her family, whānau, hapū or iwi and must take the least restrictive form that is appropriate in the circumstances. To determine the extent to which diversion and decarceration have been achieved in the new system we therefore examined:

- the use of arrest: how often it occurred and to what extent it was followed by the laying of charges or not
- the laying of charges in the Youth Court: in particular, how this was related to the seriousness of offending and to what extent it appeared justified in order to achieve the desired outcomes
- the use by the police of informal diversionary procedures and family group conference referrals
- the use of Youth Court orders; how did recommendations for orders relate to seriousness of offending and was there any evidence that informal sanctions could have achieved similar results
- the use of supervision with residence
- the recording of a conviction and transfer to the District and High Court: the frequency with which this occurred in relation to the seriousness of the offending and the extent to which there was evidence that alternative options could have been considered
- the use of penal custody.

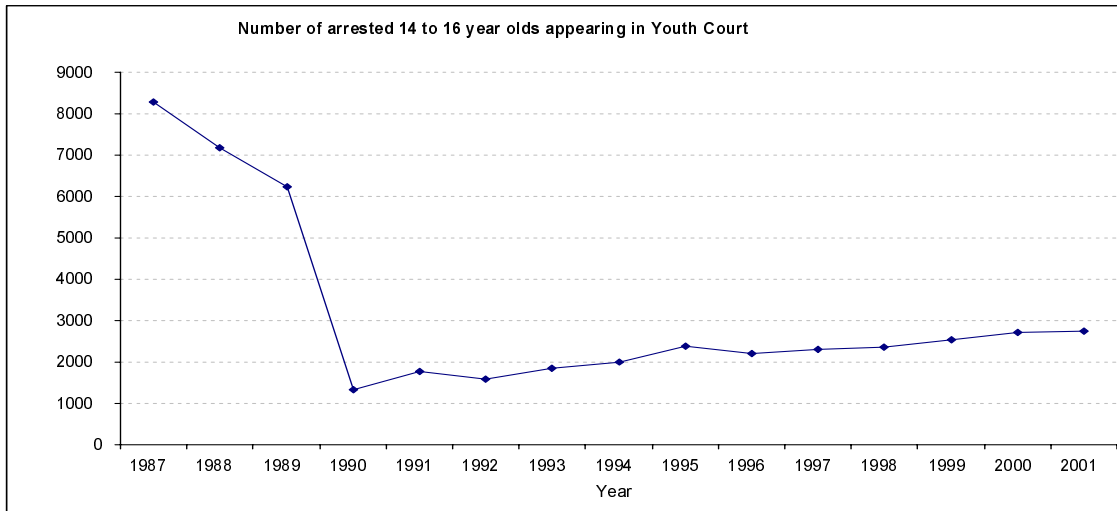
Each of these is discussed in turn.¹

The use of arrest

The 1989 Act redefined the situations in which a young person could be arrested in order to avoid both the unnecessary detention of young people and the use of the Youth Court. The clear preference is to deal with young people less formally. Since the Act, there has been a considerable reduction in the arrest rate: from approximately a third prior to the Act, to 10% to 12% of those coming to attention in the following years. This, at first sight, seems to confirm that practice changed in line with the new provisions. However, 1990/91 data (Maxwell and Morris, 1993) suggested that, despite the changes in the law and the reduction in the number being arrested, the reasons for arrest were, in practice, not dissimilar from those that emerged from the study conducted prior to the Act (Morris and Young, 1987). The most common grounds for arrest were to prevent the young person's reoffending or to ensure the appearance of the young person in court, but it was apparent that these were being interpreted very broadly (and differently in different areas).

Data on the number of arrests of young people 1987–2001 were supplied by the Ministry of Justice and are depicted in Figure 12.1.

Figure 12.1 Number of arrests of young people in 1987 to 2001



¹ Maxwell and Morris (1993) were able to examine the extent to which use was made of remands in custody and presented details of the number of appearances in the Youth Court. Unfortunately, this type of data, which came from the intensive focus on a relatively small number of cases as they proceeded through the system, was not available in the records on which we have had to rely on this occasion. The absence of this critical information from the records is, however, a concern and this information should be a part of routine information collection if the effectiveness of the system is to be critically examined from ongoing records.

The data in Figure 12.1 show that there has been a major decline in the number of arrests since the 1989 Act from over 8000 per annum to less than 2000 per annum. However, between 1990 and 2001 there was a trend for the number of arrests to increase. Data on the numbers of young people offending are not available but data on the number of offences committed by young people can be used as a proxy to provide a baseline for calculating the percentage of arrests in each of the years for which data are available. These calculations show that arrests occurred in only 5% of offences in 1990, but that they occurred in 12% of offences in 2001. This makes it clear that the rise in arrests cannot be accounted for by increases in offences, and data presented elsewhere in this paper indicate that there is no massive increase in more serious and violent offences that can account for this change. Rather, it appears that the changes are evidence of a harder line being taken by police front line officers in response to offending by young people. Table 12.1 compares reasons for arrests in 1990 and 2001.

Table 12.1 Reasons for arrests in 1990 and 2001; data supplied by the NZ police; percentages

Reasons	1990	2001
To prevent further offending	53	64
To ensure appearance	31	19
To prevent interference with evidence ²	7	8
To prevent interference with witnesses		6
Warrant for arrest	3	1
Wrong age given	3	0
Purely indictable offence	2	1

The data on reasons for arrest show that there have been some changes over time. More of the arrests in 2001 were said to be to prevent offending and proportionately fewer were said to be to ensure the appearance of the young person in court. These data are difficult to interpret, especially as the choice of reason does not necessarily relate to clear differences in the circumstances under which the young person was apprehended. It may mean little more than an increased preference for the most common category. There is certainly no obvious indication of differences in the nature of the offending patterns over the period being examined which would explain these changes.

Other recent data comes from the study of police youth diversion based on a sample of young people coming to the attention of the police in 2000/01 (Maxwell et al, 2002). In the 2000/01 sample of police cases, 15% of young people were recorded as having been arrested, which is reasonably consistent with the 12% of arrests nationally in 2001. More importantly, there was considerable variation in the percentage depending on the area: it ranged from 6% to 26%. This variability in arrest rate seemed quite unrelated to the seriousness of offending or to the type of area. Rather, police officers in some areas appear to be routinely arresting many young people who would be dealt with without arrest had they been apprehended in another area. For the most part, the areas using arrest most frequently were also most likely to be laying charges in the Youth Court.

² In 1990, data on arrest to prevent interference with evidence were amalgamated with data on arrest to prevent interference with witnesses.

Examining Youth Court charging practice can also, therefore, provide additional information on arrest practice.

The laying of charges

Section 208(a) of the Children, Young Persons and Their Families Act 1989 states that, unless the public interest requires otherwise, criminal proceedings should not be instituted against a child or young person if there are other means of dealing with the matter. Even when an arrest has been made, the police are still able to release the young person without charge. Maxwell and Morris (1993) presented 1990/91 data showing that, out of a total of 75 police arrests, only five cases involved release without a charge and the remaining 70 cases proceeded to a Youth Court appearance. The eventual outcome in approximately half of these cases was that the charges were withdrawn or the case was discharged after the Youth Court had received the recommendations agreed to at the family group conference. Maxwell and Morris commented at that time that the practice of almost automatically laying a charge upon arrest was questionable.

Subsequently, new police instructions emphasised the need to review matters before making a charge after an arrest. This appears to have had an effect on practice. The police youth diversion study (Maxwell et al, 2002) show a somewhat different picture has emerged. These data are presented in Table 12.2.

Table 12.2 Police decisions for cases arrested; data from police youth diversion; percentages (n=1,692)

Police decision	Arrested	Not arrested
Youth Court	78	6
FGC referral	6	8
Diversion	7	35
Warn or other	9	51

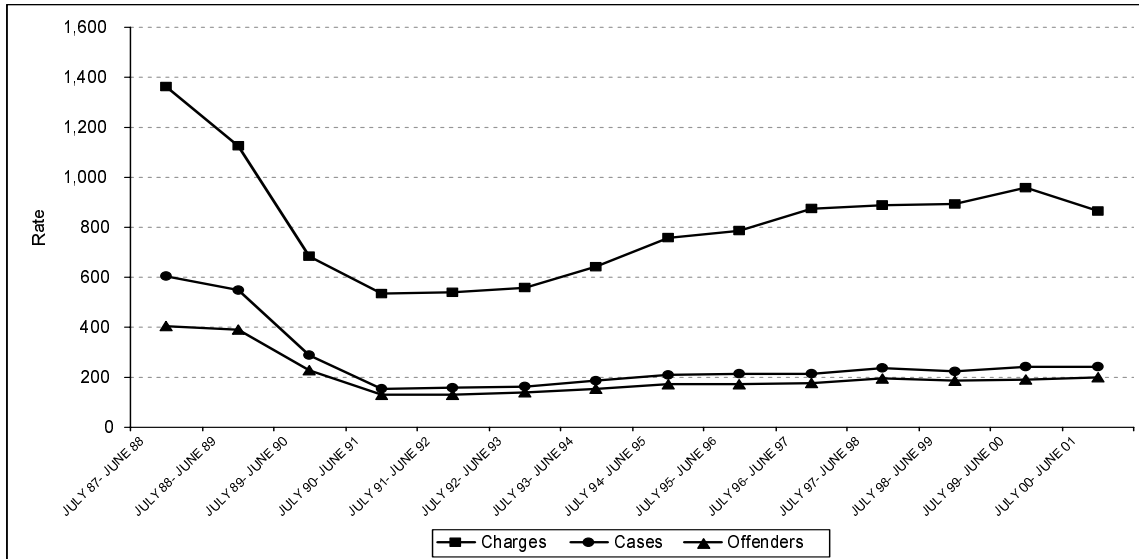
The data in Table 12.2 show that now, nearly one in four of those arrested do not appear in the Youth Court but are eventually dealt with in a diversionary manner. These data suggest that there may be a more judicious approach to laying charges in 1998. Nevertheless, in the great majority of cases where an arrest is made, charges are laid in the Youth Court. As the data already presented show that most Youth Court cases do not result in orders but are resolved along the lines of a family group conference plan, it could still be the case that the use of arrest is a factor leading to the escalation of the level at which offending is dealt with. This interpretation is reinforced by the finding illustrated in Table 12.2 that it is very uncommon for a non-arrest case to appear in the Youth Court – only 6% of non-arrests are charged.

The use of police diversion and family group conferences

Police practice is definitely more diversionary than it was prior to the 1989 Act. Official statistics (Department of Statistics, 1991) recorded a Youth Court appearance rate for 1990 of 16 per 1,000 young people aged 14 to 16. This can be compared with an average rate of 63 in the three calendar years prior to the introduction of the Act. Figure 12.2

describes the changing rates of Youth Court appearances from before the 1989 Act up to the present.

Figure 12.2 Rates per 10,000 aged 14 – 16 years of charges, distinct cases and distinct offenders in the Youth Court for the June/July years 1987 to 2001



Data in Figure 12.2 describe the number of charges (or informations) laid in the Youth Court. It is these data that have most often been publicly available and reliance on them have led to suggestions that there have been large increases in youth offending from 1991 to 2001 (see media reports prior to the October 2002 parliamentary election). However, data on charges include every single charge that is laid against a person and many people who appear in the Youth Court at a particular time will have been charged with more than one offence.

Figure 12.2 also describes the trend for distinct cases. Distinct cases refer to the number of times a case (which may involve multiple charges) is dealt with by the Youth Court and is a much more accurate indication of the amount of business going through the Youth Court. This line on the graph shows relatively little change from 1991 to 2001. Similarly, Figure 12.2 refers to distinct offenders; that is, the number of different young offenders who appear in a particular Youth Court in a particular year. Some of them will have appeared more than once in the course of the year but, like distinct cases, this figure shows relatively little change from 1991 to 2001.

However, all three measures, charges, cases and offenders, confirm the marked drop in the number of young people appearing in the Youth Court from 1987/88 prior to the Act to 1990/91. Overall, the rate of distinct offenders per 10,000 young people dropped from 400 per 10,000 in 1987 to less than 200 per 10,000 in 1990. By 1998, the rate of Youth Court appearances by distinct offenders had gradually risen again to 230 per

10,000 and the latest figure for 2000/01 is 240 per 10,000.³ Thus, despite the increased rate of charging in the Youth Court, it is clear that there has been no dramatic increase in the number of distinct young offenders who appear in the Youth Court from 1990/01 to 2000/01.

Furthermore, the gap between the number of distinct cases and the number of distinct offenders has narrowed making it clear that reappearances of the same offender in the Youth Court in the same year have declined since before the Act. This suggests a decline in reoffending although no firm conclusion about this can be drawn from the data presented here as it is possible that the decline in reappearances is due to the fact that young people are now only being charged in the Youth Court for relatively serious offending.

Issues of reoffending patterns aside, what now needs to be examined is how this impressive change in the amount of diversion has been achieved. Data on police clearance modes throughout the period have been provided by the police and these are presented in Table 12.3.

Table 12.3 Police clearance modes for the years 1990 to 2001;⁴ percentages

Year	Youth Court	FGC	YC+FGC	Youth Aid	Warning
1990	5	9	14	71	15
1991	8	9	17	61	22
1992	9	10	19	54	28
1993	8	9	17	58	25
1994	9	8	17	58	26
1995	10	8	18	58	24
1996	10	8	18	57	15
1997	10	7	17	56	26
1998	12	7	19	58	23
1999	12	5	17	60	23
2000	12	4	16	61	24
2001	13	3	16	59	25

The data in Table 12.3 suggest that the proportions being charged in the Youth Court have tended to increase relative to family group conference referrals but that the combined proportion of Youth Court and family group conference cases has remained relatively stable. Overall these two methods of responding to young people account for 16 to 19% of young offenders. However, police referred-family group conferences have declined steadily and Youth Court charges have risen since the early days after the 1989 Act. Police referrals are now only a quarter the number of Youth Court referrals. Yet, in the early 1990s, the number of family group conferences referred by the police was about the same as the number referred by the Youth Court (Maxwell and Morris, 1993).

³ These figures have been derived from data supplied by the Ministry of Justice and Statistics New Zealand.

⁴ Data supplied by the New Zealand Police.

Over the years, the records suggest that about a quarter of offences cleared by the police have been dealt with by police warning and that between 55% to 60% have been dealt with by youth aid. The assumption has often been made that those referred to youth aid are the young people who are being dealt with by police youth diversion (or alternative actions as they are sometimes known). However, the research data indicate that this is not a correct interpretation. Table 12.4 compares the clearance code data from the police with data from research samples based on official files or checklists supplied by the police (Maxwell et al, 2002).

Table 12.4 Comparison of police clearance code data for all offences (CC) data collected directly from police in 1990/91 (M&M⁵) on offenders and in 2000/01 (PYD);⁶ percentages

Source & year	Youth Court	FGC	Youth Aid	Warning
M&M 1990/91	10	28	11	51
CC 1991	8	9	61	22
PYD 2000/01	17	8	32	43
CC 2000	12	4	61	24

The above data show that the overall pattern of distribution across the four categories in both sets of research findings is very different from the pattern that emerges from the statistics on police clearance codes. The largest difference is that police clearance codes appear to underestimate warnings and overestimate the proportion dealt with by youth aid. In addition, the research findings at both points report more Youth Court and family group conference referrals. The main reason for the discrepancies undoubtedly lies in the fact that the cases referred to youth aid are, in practice, not all dealt with by youth aid diversion. What happens is that, on receiving a case, a youth aid officer will make a decision about whether the case will be dealt with by warning, by youth aid diversion or by referral to a family group conference. However, the clearance code originally entered by the officer in charge of the case when the matter was referred onward is not necessarily changed after youth aid have reviewed the case and made a decision among these three options. Thus, the police clearance codes must be treated with caution as they are not likely to be accurate indicators of the final disposal of cases.

What the research data indicate is that, over the years, the use of referrals for a family group conference has decreased while the use of police youth diversion and charging in the Youth Court has increased. These findings are consistent with the changes in the rates of offenders appearing in the Youth Court. They are also consistent with reports from youth aid of their increased use of in-house diversionary programmes and, in many areas, their reduced reliance on direct referrals for a family group conference.

Youth aid officers in some areas reported that they tended to prefer Youth Court referrals to direct family group conference referrals in order to ensure rapid processing

⁵ Maxwell and Morris, 1993.

⁶ Maxwell et al, 2002.

of the relatively serious offenders. However, data presented in the previous chapter of this report casts doubt on the accuracy of this assumption. These same officers often also reported preferring to put in place diversionary actions themselves for the more minor offenders.

Thus changes in referral practice appear to be a result of two separate factors: the growing confidence of police in the use of youth diversion and the recognition of the limited capacity of youth justice co-ordinators to respond to increases in work loads over years in which funding for CYF has been held constant and, in some instances, where youth justice funding appears to have actually declined. As already reported in Chapter 10, this can be seen as one of the factors leading to problems in the relationship between Police and CYF staff working in the youth justice area. Thus, it is not surprising to find that there are large area differences in the response to young people's offending (Maxwell et al, 2002).

There are other questions to consider. Firstly, to what extent is diversion by the police or referral to a family group conference 'real' in the sense that sanctions have, indeed, been minimised compared to those that might have been expected had they been made by the Youth Court? Secondly, to what extent have the changes in resolution modes over the years been an appropriate response to changes in the seriousness of offences? Thirdly, are cases being handled at a higher level, for example Youth Court, that could have been effectively handled by family group conference or police youth diversion? Fourthly, what is the impact of the charges on the sanctions being used when young people offend?

Do lower level options involve lesser sanctions?

Ideally, comparisons would be made with data from the years prior to the 1989 Act but the lack of suitable data on past practice makes comparisons between then and now difficult. Maxwell and Morris (1993) attempted to compare data from 1990/91 with data collected by Morris and Young (1987) on practice prior to the 1989 Act. They came to the conclusion that the proportion of offenders who appeared in court and those referred by police for a family group conference in 1990/91 were, together, approximately equivalent to the court appearance rate reported in the years prior to the 1989 Act. In effect, over two-thirds of the young people who would previously have gone to court were, in 1990/91, being dealt with by police-referred family group conferences. Data on Youth Court appearances reported in Figure 12.1 confirm that about three times as many young people were appearing in the Youth Court in 1987 and 1988 compared to the numbers in 1990/91. However, the data on the use of police-referred family group conferences over recent years show that there were only half to a third as many family group conferences as Youth Court cases. Compared to the pre-Act data, young people are now being diverted from criminal proceedings in the Youth Court, not only through family group conferences but also by the use of police youth diversion.

In terms of sanctions, however, prior to the 1989 Act, only about three out of five (Ministry of Justice statistics) of those who appeared in court received any formal penalty. In Maxwell and Morris' 1990/91 sample, about 95% of those who attended family group conferences or who appeared in court were made accountable for their

offence either by receiving a penalty or making an apology. In addition, 11% of the total sample had some form of informal sanction arranged through the youth aid section. Thus, the total number who received some form of penalty since the Act is almost certainly greater than before it. When the same comparison is made for the present sample, not only are 95% of the Youth Court and family group conference cases made accountable in some way but an increasing proportion of cases are being dealt with by youth aid diversion.

The data in Table 12.4 demonstrate that both police diversion and the Youth Court have become a much more common method of responding to youth offending than in 1990/91 when there was a considerably greater proportion of direct referrals for a family group conference and a somewhat greater use of warnings. The police youth diversion data also show that 35% of the 32% of cases dealt with by youth aid diversion received some form of informal sanction making a total of 11% of the young people being made accountable. Together with the 25% being referred for family group conference or Youth Court in this sample, this suggests that, in 2000/01, a total of 36% of young offenders were made accountable. Thus, presently, the proportion receiving sanctions is about the same as it was before the 1989 Act but, in addition, more young people are being made accountable in other ways through restorative outcomes or rehabilitative referrals. In other words, the net has been widened in the sense that an increased number are now receiving some sort of sanctions. But much of the widening is due to increasing restorative and reintegrative or rehabilitative outcomes rather than to the use of restrictive sanctions.

Are the changes in the mode of resolution a response to increased seriousness of offences?

Nevertheless, there has been a rise in the number and rate of young people appearing in the Youth Court since 1990/91. This is undoubtedly attributable to the pattern already noted of referring cases to the Youth Court rather than directly for a family group conference (see Table 12.3). To explore this issue, data on the seriousness of the most serious offence has been compared for the 1990/91 Maxwell and Morris sample (M&M), the 2000 police youth aid sample (PYD) and the 1998 retrospective sample (AEO). These data are presented separately for all family group conferences and all Youth Court cases in Table 12.5.

Table 12.5 Seriousness of youth offending for family group conference and Youth Court cases and for all youth offenders; M&M, AEO retrospective and PYD samples; percentages

Seriousness of offence level	M&M	AEO	PYD
<i>Family group conference cases</i>	(n=187)	(n=1,003)	(n=366)
Minimum	16	7	17
Minimum/medium	11	29	28
Medium	66	45	35
Medium/maximum	5	14	17
Maximum	2	6	3
<i>All Youth Court cases</i>	(n=59)		(n=164)
Minimum	53		51
Minimum/medium	10		27
Medium	34		16
Medium/maximum	12		5
Maximum	1		1

The data in Table 12.5 show that there are some differences in the samples in the seriousness of offences committed by offenders referred to family group conferences from police or the Youth Court. The main difference appears to be that the two later samples have more offenders with minimum/medium offences and fewer with medium offences.⁷ Differences at the medium/maximum and maximum level are not significant given the small number involved in the earliest sample and the percentages in the two highest categories are identical for both the later samples.

It is not possible to be certain if this reflects a real change in these relatively minor offenders coming to notice, or it reflects sampling differences. Neither of the more recent samples were intended to be nationally representative⁸ and between area differences in the patterns of offending were noted in both of them.⁹ Furthermore, the AEO sample consisted of older offenders than the other two samples.¹⁰ However, what can be said is that there is no evidence of major changes in the seriousness of the most serious offence being committed by young offenders apprehended over the ten years separating the two studies. In summary then, the evidence suggests that it is not

⁷ It could be suggested that direct comparisons of the M&M and PYD samples with the AEO sample is not appropriate as the AEO sample comprises those 16 years and over. However, the AEO sample of family group conference cases share a very similar pattern of seriousness to the PYD sample and both the latter samples differ from the 1990/91 sample. Thus the time period rather than the age of the sample appears to be the critical factor.

⁸ However, the AEO and PYD samples come from the same areas and the M&M sample come from a subset of these areas; Auckland, Christchurch, Wellington and Masterton.

⁹ In addition, although all these research projects used the same instructions for coding seriousness, researchers made the judgement in the M&M and AEO samples, while police youth aid classified the PYD cases.

¹⁰ This would have resulted in more relatively serious offenders in the former sample and indeed, there are fewer minimum and more medium offences recorded for the retrospective sample.

changes in the pattern of offending that are the primary reason for changes in responses. The reasons for changes in responses lie in the police practice in some areas where, over time, less serious cases have been more likely to be charged in the Youth Court rather than referred directly for a family group conference (see Maxwell et al, 2002).

Are cases being dealt with at a higher level than necessary?

However, as well as the way that the decision is taken, the nature of the outcomes need to be examined. Data in Table 12.6 on the severity of penalties in 1990/91 (Maxwell and Morris, 1993) and in 1998 from the retrospective sample, provide additional information for family group conference and Youth Court cases.

Table 12.6 Severity of outcomes¹¹ of family group conference and Youth Court decisions comparing M&M sample with the retrospective sample; percentages totalling down columns (n=199; 1,003)

Outcome	M&M	AEO
0 Nothing	5	3
1 Apologies, warnings	11	2
2 Curfews, restriction, other minor	14	11
3 CW ¹² < 50 hours; money <\$500	32	30
4 CW 50-100 hours; money \$500-1,000	13	23
5 CW 100-150 hrs, money \$1,000-1,500	13	9
6 CW 150hrs+; money \$1,500 +	5	7
7 Supervision	0	7
8 Supervision with activity	4	3
9 Supervision with residence	2	2
10 Prison or corrective training	1	3

The data in Table 12.6 show a remarkable similarity between the severity of penalties that was recorded for the 1990/91 and 1998 samples. The main difference is that, as one might expect given that the 1990/91 sample were of a variety of ages and the 1998 sample limited to those around 16 years, the later sample tended to have more of the most severe penalties and the earlier sample had more of the less severe penalties. Summing the three main groups of penalties (0–2, 3–6 and 7–10) it can be seen that:

- minor penalties were recorded for 30% in 1990/91 and for 16% in 1998
- moderate penalties were recorded for 63% in 1990/91 and for 69% in 1998
- the most severe penalties were recorded for 7% in 1990/91 and for 15% in 1998.

Thus, despite differences in the way the young people appear to be being dealt with in 1998 compared to the period immediately after the 1989 Act, the outcomes are

¹¹ The definitions of the categories used in this table correspond to those detailed in Appendix 3 of this report. These have been matched to the definition in Maxwell and Morris (1993), Appendix 2.

¹² CW is used to refer to an order for Community Work or work in the community recommended by the family group conference.

remarkably similar. These data reinforce the need to question whether or not it is necessary to deal with so many young people through the Youth Court with its potential to stigmatise young people rather than through family group conferences.

What is the impact of the changes since the 1989 Act on the sanctions being used?

A further issue with respect to whether or not the introduction of family group conferences can properly be described as diversionary is the relative severity of the sanctions that have been imposed since the 1989 Act compared to before it. Comparisons are made difficult by the changes in the tariffs used by the court from before to after the Act. However, it could be argued that the cases now being dealt with by a family group conference and receiving penalties through community work, monetary sanctions and other restrictions are being more severely treated than they would have been if they had been admonished and discharged in the earlier court system. On the other hand, custodial penalties have certainly been vastly reduced with less than half the numbers receiving these penalties since the Act than prior to it.

Are these patterns of responding to offending consistent with the diversionary object of the Act?

The next question to be considered is the appropriateness of these patterns in relation to the object of the 1989 Act that stress the importance of handling cases at the lowest possible level. The increased handling of matters by police youth aid diversionary procedures rather than by referral to family group conference would be consistent with this diversionary principle. On the other hand, neither the increased use of police youth diversion for young people previously warned nor the increased use of the Youth Court for cases that would previously have been referred directly for a family group conference are in line with this principle.

Data on the relative seriousness of offences dealt with in different ways and data on the outcomes of the various methods of handling the offences provide a basis for examining this question. First, comparisons on the relative seriousness of offending dealt with in the four different ways are presented in Table 12.7.

Table 12.7 Seriousness of offences and mode of resolution for police youth diversion and the retrospective sample; percentages

Source of data: Seriousness level	Police youth diversion sample				AEO Retrospective sample	
	Warned	PYD	FGC	YC	FGC	Youth Court
Minimum	73	44	19	16	9	6
Minimum/medium	22	32	20	32	28	29
Medium	4	19	41	32	48	44
Medium/maximum	1	4	17	17	13	14
Maximum	-	1	2	4	3	7

Data from both the police youth diversion study and the retrospective sample show reasonable agreement about the seriousness of offences dealt with in different ways. Overall, the data make it clear that the bulk of the young people are being dealt with by

warnings. Moreover, so too are many of the police youth diversion cases, but some offences of medium or higher seriousness are also diverted at police level. However, the pattern of seriousness being dealt with by family group conferences or the Youth Court is very similar. This confirms the data on severity of outcomes that suggest that many of the cases charged in the Youth Court might be effectively dealt with at lower levels.

Second, data on the outcomes for offences of different seriousness levels in the four different modes of resolution are set out in Table 12.8.

Table 12.8 Severity of outcomes and mode of resolution for police youth diversion and the retrospective sample; percentages

Source of data:	Police youth diversion sample PYD	AEO Retrospective sample	
Severity level		Police referred FGC	Youth Court ¹³
Apology/warning/no action	37	6	5
Curfew and other restrictions, community work <21 hours, monetary <\$50	41	13	7
Fine/ disqualification/suspended sentence ¹⁴	N.A.	6	4
Community work 21-100 hours, monetary \$50-500	20	62	49
Community work 101+ hours, monetary \$501+	2	12	13
Supervision ¹⁵			11
Supervision with activity			4
Periodic detention			1
Supervision with residence			3
Prison or corrective training			5

The data in Table 12.8 confirm the overlap in responses for matters dealt with by police youth diversion, police referrals for a family group conference and Youth Court cases. However, the data also indicate the most common outcomes as a result of each different method of processing cases and these data could be used to benchmark the appropriateness of referrals to various parts of the system in future. Police youth diversion is mostly being used where apologies, minor restrictions, less than 21 hours of community work or monetary sanctions of less than \$50 are involved. However, about a quarter of these cases received more community work or greater monetary sanctions so that it might be appropriate to consider guidelines recommending usual responses of no more than 50 hours community work or \$100 in monetary sanctions at this level.

¹³ Unfortunately records do not show which cases were resolved by family group conferences and which by Youth Court orders. Not all these cases will have been dealt with by Youth Court orders. Most of those involving community work, monetary penalties or curfews etc will have been arranged through the family group conference plan.

¹⁴ These court orders were made in some instances for police referred-family group conferences when matters were sent on to the Youth Court.

¹⁵ This includes Youth Court supervision orders (10%) and District Court supervision (1%) sentences.

Family group conferences are mostly responding in the middle range of work (21 to 100 hours) and monetary sanctions (\$50 to \$500), although on occasion the hours of community work and monetary sanctions were set higher.¹⁶ Sanctions at this level seem well-suited for police referred-family group conferences. These also have the advantage that a face-to-face meeting may lead to a more effective apology and reparative response to victims as well as help to put in place measures to enhance wellbeing with the full involvement of family or whānau.

In none of the cases in our sample where there was a direct referral for a family group conference, and in only just over a quarter of the court-ordered family group conferences, did the family group conference recommend that matters be resolved by an order from the court. Thus, police referred-family group conferences are responding to offending in a way that obviates the need for a court order.

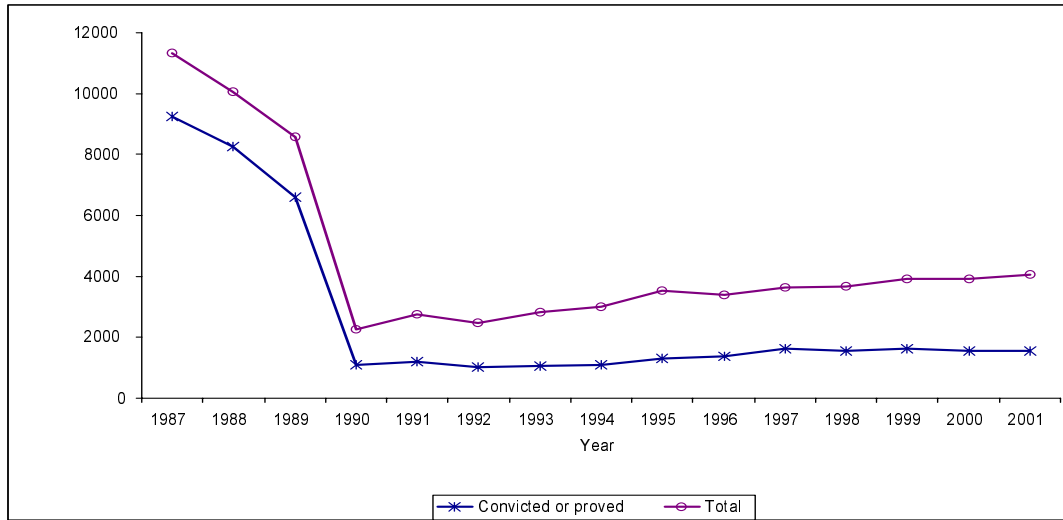
The Youth Court dealt with many cases at exactly the same level as the family group conference. In fact, less than a third of Youth Court cases appeared to have received formal court orders and the maximum level of sanction for 65% was no more than 100 hours community work and/or a monetary penalty of up to \$500. It is undoubtedly appropriate for there to be some cases coming to Youth Court, where relatively minor sanctions result, so as to ensure the integrity of the system. However, at least a third of the 1198 cases presently being dealt with in the Youth Court were dealt with in the same ways as the police referred-family group conferences. Thus, a greater use of police referred-conferences would seem more consistent with the intentions of the Act. Such a goal would seem achievable, especially if procedures for monitoring outcomes were improved in ways that provided reassurances to all those involved in the conferences and to the wider public.

The use of Youth Court orders

The Youth Court itself is more successful than the old Children and Young Persons' Court was in avoiding the use of court orders. National data for the years 1987 to 2001 are set out in Figure 12.3.

¹⁶ Family group conference plans rarely seemed to be offering options for the equivalent of a supervision order or a supervision with activity order in 1998, although an earlier study suggested that this was possible and could be encouraged (Coshan, 1991).

Figure 12.3 Youth Court cases from 1987 to 2001 showing total cases and cases convicted or proved¹⁷

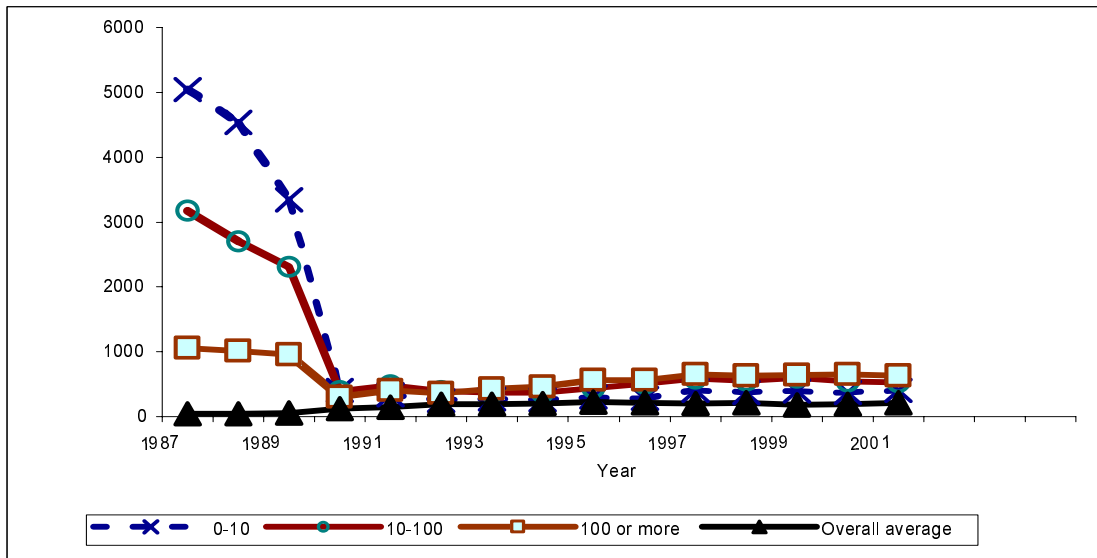


The data in Figure 12.3 show that the number of cases being prosecuted in the Youth Court dropped from a total of 11,327 in 1987 to only 2,249 in 1990 – less than a fifth of the 1987 number. Since that time, the number has risen steadily to 4,046 in 2001. This figure is 1.8 times the 1990 figure but, is still little more than a third of the figure before the 1989 Act.

Furthermore, of the total cases prosecuted in the Youth Court, a smaller portion in 1998 were being dealt with by the use of Youth Court orders; ie being ‘proved’ or ‘convicted’. In 1987, 82% of all the cases charged in the Youth Court resulted in an order. By 1990, this was true of less than a half of the cases referred to the Youth Court and this is despite the drop in the total number of cases being referred. Almost all the remaining cases were dealt with by way of a discharge or the withdrawal of charges after the completion of family group conference plans. By 2001 the absolute number of cases being dealt with by way of a Youth Court order had risen much less than the total number of cases being dealt with by the Youth Court, so that only 39% of the Youth Court cases were receiving an order. National data can also be used to examine whether the increased number of referrals to the Youth Court is an indication of more serious crime. Figure 12.4 presents data on seriousness of offending in the Youth Court over the period 1987–2001.

¹⁷ Data were provided by the Ministry of Justice.

Figure 12.4 Number of cases dealt with in the Youth Court with three levels of offence seriousness and average seriousness of offences from 1987 to 2001¹⁸



The data in Figure 12.4 are based on the Ministry of Justice seriousness scale. They show that appearances in the Youth Court for crimes that were in the least serious categories dropped the most from before to after the introduction of the 1989 Act but that, from about 1992, the relative seriousness of the offences remained much the same. This interpretation is reinforced by an examination of the overall average seriousness of offences in each year. The average fluctuated considerably as a few very serious offences can cause quite major changes but, on the whole, the average seriousness rating is remarkably similar. Thus, these data reinforce the research findings indicating that the changes in the number of cases being charged in the Youth Court cannot be explained by any increased seriousness of youth offending.

There are two very important points to make on the basis of these data. The first is that the rise in Youth Court appearances is not being mirrored in an increased use of orders as a method of response. Furthermore, the numbers of cases involving serious offending is not increasing. These findings contradict claims made by political candidates, prior to the 2002 election, that Youth Court data showed large increases in serious youth offending.

The second point is that it is difficult, on the basis of these data, to justify the increased number of police prosecutions of young people. The clear intention of the 1989 Act was to limit the use of criminal proceedings as a method of responding to youth crime. Such a goal is not being met when well over a half of the cases being prosecuted in the Youth Court are being resolved through family group conference plans without court orders. If police were to refer a greater number of cases directly for a family group conference, the outcomes in terms of accountability would not be changed, but it would be possible to avoid the unnecessary use of criminal proceedings. This finding that police unnecessarily

¹⁸ Data were provided by the Ministry of Justice.

emphasise prosecution is consistent with the data in the report on police youth diversion (Maxwell et al, 2002). This demonstrated that many of those committing relatively minor offences were being charged in the Youth Court, especially in some areas of the country, when at other times and in other places, similar offences were being dealt with by direct referral to a family group conference or even by police diversion.

The use of supervision with residence and remands in custody

Nationally, the absolute numbers of young offenders being placed in a CYF residence has declined. The number of cases resulting in sentences of supervision with residence in 1990 was less than half the average number for the previous three years (Maxwell and Morris, 1993). Data supplied by the Ministry of Justice for 2000 indicates that there were an estimated 115 supervision with residence orders in that year, a figure that translates to 3.5% of the total young people appearing before the Youth Court. This is an increase on the figures for 1990 quoted in Table 12.6 but still represents a relatively small proportion of offenders.

The goal of reducing residential placements was achieved both through a reduction in the use of ‘supervision with residence’ orders by the court and through changes in practice in CYF. Residential staff were given a gatekeeper role to ensure that admissions occurred only when:

- there was a supervision with residence order by the court
- the young person had been remanded by the court to the custody of the Director-General of Social Welfare and there was no other suitable placement option
- an emergency temporary placement was needed after an arrest and prior to a court hearing in order to provide protection for the public or young person and there was no other suitable placement option.

There have, not surprisingly, been difficulties in limiting admissions to residences, given the expectations that were built up over the years when they were a commonly used option for young people who had offended, been neglected, been abused or were just difficult to manage. There has, however, been ongoing pressure for increases in the availability of beds for youth justice placements and, over the late 1990s, this pressure increased when young people were often held in police custody because placements in residence were not available. In 1997, the Office of the Commissioner for Children expressed strong disapproval of *‘the practice of holding young people for other than brief periods in police cells and is disturbed to learn that a number of young people have been so held for a period of up to 21 days’* (Ludbrook, 1997). The report goes on to present information it had collected, to criticise the conditions under which young people were being held and to present the view that such actions were in breach of the New Zealand Bill of Rights Act, 1990, and New Zealand’s obligations under international human rights instruments. It also made a number of recommendations for change. Since that time, processes have been put in place for monitoring placement of children and young people in police custody and the lengthy remands of young people in residences.

In 1999, a new residential services strategy was announced. This led to the building of new youth units in three areas and youth justice residential beds were increased from 76

to 90 by 2002/03 (Polaschek, 1999). However, building new units has not been a speedy process. One factor affecting residential policy was growing concern about the siting of residences in suburban communities that felt threatened when young people absconded. This slowed the process of obtaining resource consents for building the new units. Presently, the number of beds for youth justice has not increased as only one new unit has been built near Palmerston North – Lower North Youth Justice Residential Centre — and this replaces the youth justice beds previously available at Epuni. The new unit has a secure perimeter fence and many of the other features of a medium-security prison, including central surveillance of cells and leisure areas. The atmosphere seems much more like that of a prison compared to the more open surroundings of the older residences. Together with the new physical structures, more specialised programmes are provided that aim at targeting the needs that are associated with an increased probability of reoffending by young offenders placed in residence. To date, information is not available to assess the impact of these new facilities on young people and no independent research has been commissioned to do so.

At the present time, placements in residences have been recorded as varying from a few days up to one year and occasionally longer.¹⁹ The variation in length of stay reflects the varying lengths of the placements of young offenders on remand. At one of the three main residences taking up to 25 young offenders, data showed that the number of supervision with residence placements varied between 40 and 50 over the last few years while up to 300 additional placements of young people on remand were recorded for the same years. The other two residences can take up to 50 young offenders at any one time – if the pattern of remands is similar across residences, one would expect them to take another 80 to 100 remand cases per year. This suggests that supervision with residence orders are being given to 110 to 150 young people annually over recent years and accords with the estimate for 2000 of 115 (Spier, 2000).

The pressure on youth justice beds that leads to young people being held in police custody seems, therefore, to continue to come from remands until such time as the new units are completed. Data on the use of beds in residences that details numbers of supervision with residence and remand cases and reports the length of, and reasons for, remand needs to be collected on a nationally consistent basis and should be publicly available to allow monitoring and public scrutiny of the process. Such scrutiny is particularly important now. Remand periods are now longer than the period normally served by a young person who has received a sentence of supervision with residence through a Youth Court order. There therefore appears to be some conflict here with the principles of the 1989 Act. Furthermore, lengthy remands of young people without the option of this period being deducted from any eventual custodial sentence is in conflict with practice in relation to adult offenders and could be considered a breach of more fundamental rights under United Nations conventions.

¹⁹ Unfortunately, data on residential admissions, reasons for admission and lengths of stay are not published. Nor are they collected in a systematic form by the Child, Youth and Family Services. Some information was supplied to us by each residence, but the data was kept in different forms by each so it was not possible to obtain any overall picture of the reasons for admission and the lengths of stay or to make comparisons over time.

Conviction and transfer to the District or High Court

The most severe sanction available to the Youth Court is to record a conviction and transfer the case to the District or High Court for sentence.²⁰ National data show that in 1990 the number of cases being transferred to higher courts was reduced both proportionally and numerically compared with the previous three years. In 1987, the number was 1318 and this dropped to 269 in 1990. Since then it has risen to a high of 340 in 1997 but had fallen back again to 234 in 2001. Figure 12.5 shows graphically the pattern of convictions over time.

Figure 12.5 Number of convictions recorded against young offenders for 1987 to 2001

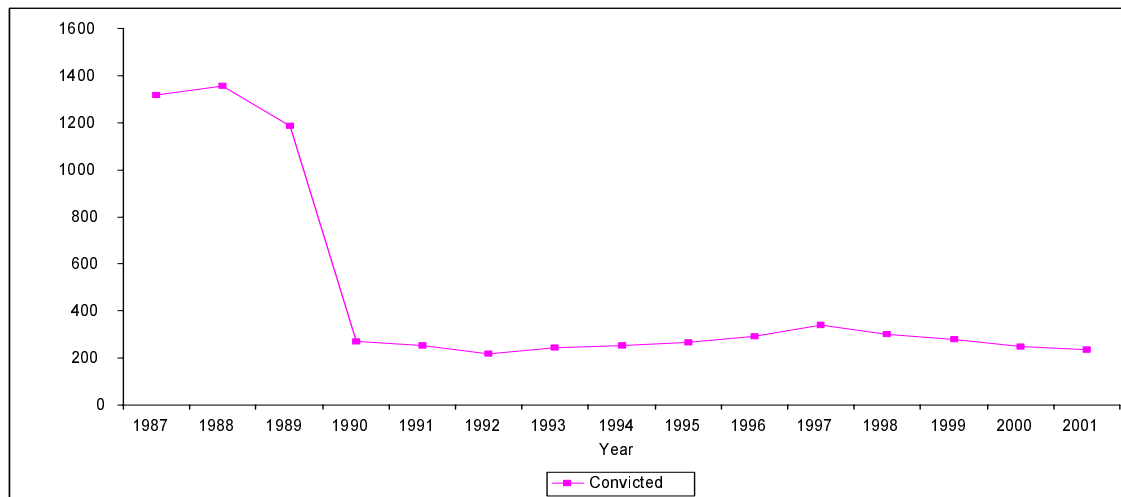


Figure 12.5 shows clearly that one consequence of the Act has been a large drop in convictions. They are now less than one-fifth of the convicted cases compared to prior the Act. This indicates an increased preference for community-based sentences. This trend is both in line with the principles of the Act and with the growing body of research evidence on the limited effectiveness of custody in preventing the reoffending of young people (Andrews, 1994; Andrews and Bonta, 1998; Dowden and Andrews, 1999).

The use of penal custody

National data show that in 1990, cases involving young people receiving a custodial sentence in the adult courts reduced both in proportion and numerically compared with previous years. In 1987, the number was 295 and this dropped to 104 in 1990. Since then, it rose to a high of 143 in 1997 but from then on it decreased again so that, by 2001, there were only 73 cases. These data are shown graphically in Figure 12.6.

²⁰ In addition, in some cases where the offence is denied, because of the nature of the case it may be transferred to the District or High Court for trial and, if proven, sentencing.

Figure 12.6 Custodial sentences for cases transferred from the Youth Court to the District or High Court from 1987 to 2001

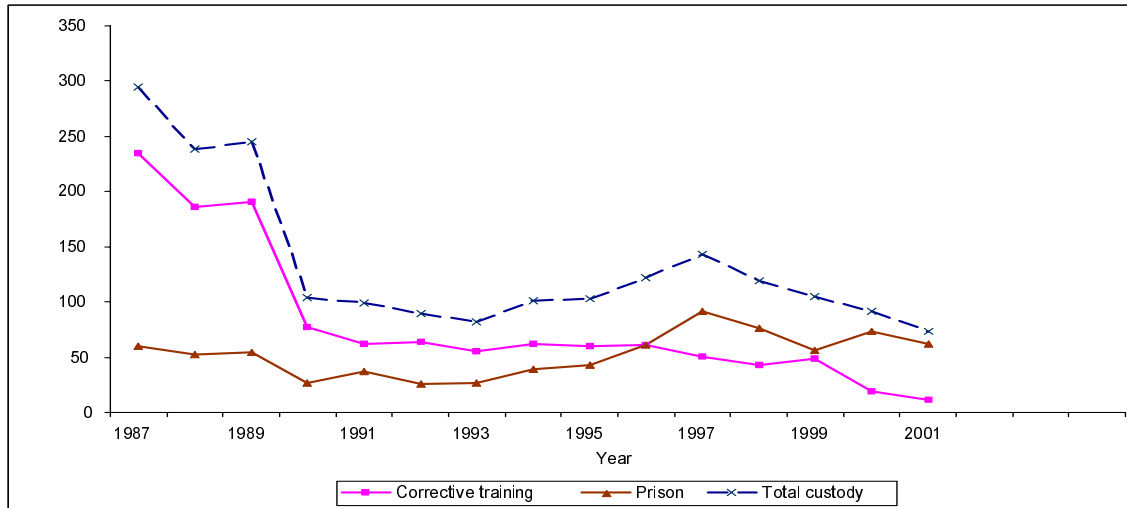


Figure 12.6 also shows the type of custodial sentence imposed. From 1987 to 1995 the bulk of custodial sentences were corrective training. However, evaluations have shown little evidence of positive outcomes from these ‘short sharp’ boot-camp style sentences (Walters and Morris, 1995). Indeed, the recidivism rates for corrective training were alarmingly high. This resulted in the use of this sentence being reduced and eventually dropped from the range of sentencing options for young people. This fall in the use of corrective training is the principal reason for the increased use of prison sentences from 1997, but there is also an overall decrease in the use of prison from 1997 to 2001. The decrease in custodial sentencing is also in part the result of a decline in the number of young people receiving orders in the Youth Court to transfer the case to the District or High Court.

Summary

The definitions and principles of Children, Young Persons and their Families Act 1989 seeks to avoid young people being arraigned in court formal proceedings and subject to punitive and custodial sanctions. Rather the Act seeks, as far as is practicable, to keep the child or young person within the community and emphasises rehabilitative and reintegrative responses. This part of the research has examined the extent to which the youth justice system has achieved the outcomes the Act intended – diversion and decarceration.

The research

The data reported here indicate that in 2000/01 the police were increasingly using arrest and laying charges in the Youth Court in circumstances that appear to be inconsistent with the principles and objects of the Children, Young Persons, and Their Families Act and with police practice in 1990/91. Data on the police practice in referring for family group conferences or using their own youth diversion process also indicate changes in recent years. Police referrals for family group conferences have declined while both

police youth diversion and Youth Court charges have increased. Comparisons of data on the seriousness of offences over time indicate that changes in responses cannot be explained by changes in seriousness of offending. Rather, the reasons lie in changes in police practice. These changes appear to reflect limits on the resources available to manage family group conferences in some CYF offices which creates difficulties in the relationship between CYF and police in some areas. Both are problems that current strategies are attempting to change (Ministry of Justice and Ministry of Social Development, 2002).

The increased referrals to the Youth Court is concerning, both because of the inconsistency with the Act's intentions and because the court procedure has the potential to stigmatise young people. However, the increasing police use of diversion can be seen as a constructive and appropriate response, consistent with the objectives of the Children, Young Persons, and Their Families Act 1989. These diversionary plans, which generally involve apologies, minor restrictions, less than 21 hours community work and minor monetary sanctions, confirm this. There are two caveats here. First, in some instances the amounts of monetary sanctions and work in the community being arranged were sometimes greater than would seem appropriate without external scrutiny. Second, the police youth diversion report (Maxwell et al, 2002) noted considerable diversity in police practice across areas and this does not seem consistent with fair and just delivery of sanctions.

Despite these changes over the last 12 years, the number of cases being dealt with by Youth Court orders remains at a level, that is one third of the 1987 level.

Information on the use of CYF residences is, unfortunately, sparse. While the details are difficult to document as there appears to be no national data on the number of sentences of supervision with residence, the number of remands to residences, the lengths of time served or by type of admission, it appears that supervision with residence orders have increased slightly between 1990 and 2000. However, pressure for a greater availability of beds in CYF residences has been exacerbated since the 1990s in part by the police practice of holding young people in custody when placements in residence were not available. This practice gives rise to additional concerns the length of, and reasons for, remand.

Concerns about bed shortages have already led to the building of one new youth justice unit and plans are in place for two more. Action to expedite these two additional units are currently a priority. The principal Youth Court judge and CYF are presently setting in place new procedures for improving the monitoring of remands and the use of police cells for young people. However, more fundamental issues about lengthy remands without corresponding sentence remission, as well as the ready available public information on use of supervision with residence orders remain.

Since the introduction of the 1989 Act relatively few young people have been dealt with by using convictions in the District and High Court and sentences of penal custody. Indeed figures for both convictions and sentences of penal custody for young people have declined slightly over recent years.

What then can we say about changes in the frequency and severity of penalties over the years prior to the Act and up to 1998? The answer is that, although there appears to have been relatively little change in the seriousness of offences being dealt with, fewer young people are being sent to court and fewer young people are receiving custodial penalties now than prior to the Act. However, since the Act, more young people are receiving moderate penalties through the family group conference and police diversionary processes. In other words, more young people are being made accountable for their offending through the use of processes that keep the young people in the community and avoid criminal proceedings. The data reported here suggest that even more gains could be made if financial savings through reducing Youth Court appearances in more of the minor cases were used to improve CYF' capacity to deal with these cases by direct referrals for a family group conference. Such increases in diversion and decarceration are likely to have real advantages for young people, for families, for victims and financially, through increases in young people taking responsibility for their offending, increased access to programmes for young people and to support for their families, increase responsiveness to victims and less costly solutions.

Implications arising from the research

The appropriate use of police youth diversion schemes and the nature of the outcomes imposed has been commented on above. Consideration might be given to developing guidelines about upper limits on outcomes, for instance, no more than 50 hours of community work or \$100 in monetary sanctions to be imposed at this level. Cases where greater sanctions are considered necessary should be referred to the police for a police-referred family group conference.

The absence of nationally consistent data consistently collected has been highlighted before. This part of the study identified further areas. Data on the extent of remands in custody and the number of appearances in the Youth Court was not easily available. CYF does not systematically collect data on the length of residential admissions, reasons for admissions and length of stay – these are collected by each residence but in different forms, so that obtaining an overall view of reasons for admission, and length of stay and making comparisons over time is not possible. Without such data, published on an annual basis, it is very difficult to carry out critical monitoring and evaluation of the youth justice system in relation to lengthy remand sentences imposed on young people or to ensure fundamental human rights are not being breached.

Part 5

In conclusion

The final chapter, Chapter 13, summarises key points, discusses other issues raised by the data, and presents some concluding remarks.

Discussion and conclusions

The individual chapters in Part 1 of this report described the youth justice system in New Zealand and presented data on the research process, the methods used and the sample involved in the study. Part 2 presented data on the young people's involvement in youth justice processes and practices, on the young people's backgrounds, on the views of the participants in and observers of the family group conference, and on the life outcomes for the young people. Part 3 examined the extent to which adult life outcomes and best practice could be predicted from the data. Part 4 analysed the extent to which the New Zealand youth justice system is currently successful in meeting its objectives. This chapter summarises the main issues around each of these topics and comments on them under the following headings:

- the research process
- the characteristics of a sample of young offenders and their experiences of the youth justice system, especially of conferences
- family group conference processes and the views of participants
- life outcomes of a sample of young offenders
- the experiences of different groups
- the extent that the objectives of the Children, Young Persons and Their Families Act (1989) are being met
- effective practice
- policy implications.

The research process

The process of designing the study began in May 1999 and the final report was completed in June 2003.

Research design

A sample of 24 youth justice co-ordinators, who varied with respect to age, ethnicity, gender and practice, were selected from Whangarei, Auckland, Hamilton, New Plymouth, Wanganui, Palmerston North, Wellington, Christchurch, Dunedin and Otago. A sample of 1,003 young people, whose family group conferences were facilitated by members of the co-ordinator sample, were chosen from CYF files to provide what we have called the 'retrospective sample'. These young people were at least 15 years and 9 months of age¹ at the time they had a family group conference facilitated by one of the selected co-ordinators over a period around the calendar year 1998. Over half these young people were tracked and interviewed. Data for the entire sample were obtained on their history in the adult criminal justice system, if any, from the age of 17 years. Except with respect to age, this sample was representative of young offenders nationwide in 1998 and comprised over a third of all the older cases referred for a youth justice family group conference. Around a third were Māori, 15% were Pacific young people, and 15% were female.

¹ This age cut-off was chosen to enable the researchers to obtain follow-up information from official records about any subsequent offending that resulted in a conviction as an adult in the District or High Courts.

A second sample of 115 family group conferences was obtained in 2001/2002. The young offenders appearing in these comprise what we have called the 'prospective sample'. These conferences were facilitated by 18 of the same 24 co-ordinators whose cases made up the retrospective sample and by an additional Pacific co-ordinator who was especially recruited for the prospective study. Interviews were conducted with at least 100 young people, families and victims after the conclusion of the conference and their appearance in the Youth Court as appropriate. Follow-up interviews with victims were conducted at a later time when any actions that the young person had promised to perform for the victim should have been completed. The young offenders in the prospective sample will be tracked and interviewed again in 2003/04.

Other data discussed in this report come from a study of 1,794 cases involving young people apprehended by the police in 2000/01 (Maxwell et al, 2002) and from CYF files on the entire 6,309 cases referred for a family group conference in 1998. The Police, the Ministry of Justice, CYF and the Department for Courts have all supplied additional relevant data from 1987 to the present on young people who have offended.

Interviewing

The task of trying to trace and interview 1,003 young people about their offending history two to four years after their family group conference was an exacting one. The fact that we managed to interview more than half of them (a 52% success rate) is, in our view, very creditable. Only 21% of the young offenders refused to be interviewed; the remainder had not been located at the conclusion of data gathering.

Our interviewers varied in age from early twenties to mid-sixties. They included men and women, Pākehā, Māori and Pacific people. Experience as an interviewer appeared to be the most important pre-requisite for tracking and recruiting young people. An important methodological finding was that neither the age nor the ethnicity of the interviewer appeared to affect response rates for Pākehā, Māori or Pacific young people. Nor did the sex of those who interviewed the young men matter (all the girls were interviewed by women interviewers).

Almost all those interviewed said they found it interesting and they seemed to us very honest and open about their past and present lives. Many commented that the interview enabled them to talk about a difficult time, and had helped them to understand what had happened to them and put matters in perspective. As a result, extraordinarily rich data sets are available.

The strength of the data lies in the large numbers and the representative nature of the samples, and the variety of sources from which they have been drawn. This has enabled a comprehensive account to be given of the youth justice system in New Zealand and enables evidence-based statements to be made about best practice. Nonetheless, there are weaknesses owing to the limits on the data currently kept within Government agencies and the difficulties in integrating the records. These problems are elaborated in the section on policy implications and suggestions are made for improving youth justice record systems. A further limitation on the conclusions presented here is that, because of the richness and complexity of the available data, more time is required to completely analyse it and to explore the reasons underlying key findings. However, we do not expect this to be the last report

based on these data. The information is available for further analysis depending on the needs of the contracting agencies and the resources available to the research team.

The samples of young offenders and their experiences

In this section, we describe the background, offending, and experiences of the family group conference and afterwards of the two samples of young offenders. We also describe the factors that predict life outcomes for young offenders in the retrospective sample.

The samples

Boys made up 85% of the retrospective sample and girls made up 15%. Māori and Pākehā both made up a third while Pacific young people made up 17%. Compared with the New Zealand total population of young people, Māori are over-represented in this sample of young offenders but Pacific young people are not. These demographic characteristics of the retrospective sample are very similar to those reported in other studies of young offenders (Maxwell and Morris, 1993; Maxwell and Morris, 2000; Maxwell et al, 2002).

The prospective sample was similar to the retrospective sample in its gender balance, but included more Māori. Unlike the retrospective sample, who were all about 16 years of age, it varied in age composition with 43% aged 16 years or older and about a third being 15 years old.

Background factors

The young offenders came from a range of family backgrounds and had a diversity of experiences while growing up. However, the samples were distinguished from more general samples of young people by the extent of disruption in their lives because of the many caregivers they had had, the number of schools they had attended and places in which they had lived, the frequency of their experiences of violence and abuse, and the number of adverse factors in their family backgrounds (Fergusson et al, 1994). It is, therefore, not surprising that they often presented a similar picture to that characterising multi-problem children in other studies (Fergusson et al, 1994; Moffitt and Harrington, 1996; Loeber and Farrington, 1998). At the time of the family group conference, the young offenders in these two samples were doing poorly at school (they had often truanted, been suspended or been expelled), had poor relationships with others, were getting on poorly with other members of their family, had run away from home, had frequently used alcohol and cannabis, and had engaged in early and unsafe sex.

Offending that led to the family group conference

The pattern of offending that led to the family group conference in both these samples replicates patterns reported in earlier studies of offending by young people in New Zealand (Maxwell and Morris 1993, Maxwell and Morris, 2000; Maxwell et al, 2002). Over 60% of the young offenders committed dishonesty offences: burglary, car conversion and other dishonesty offences were reported roughly equally. Offences of violence were committed by about a third, and serious offences of violence or sexual

offences were committed by 13%. Most of the remaining offences involved property damage and abuse and offences involving cannabis.

Family group conference processes and views of participants

Preparing for the conference

The first step in arranging a family group conference is to identify and contact the participants, inform them about what was likely to happen at the conference and obtain their views on the time and venue of the conference, on the people who should be invited and on how the process should be managed. For about two-thirds of conferences in the prospective sample, the family and the young person were prepared for what would happen by a visit from the co-ordinator. However, for the remaining third, phone calls and letters, usually with pamphlets, were the only form of preparation undertaken. It was not surprising, therefore, to find that one in five of the families and about one in three young people said they felt unprepared for what would occur. The importance of preparation has frequently been emphasised by commentators, including those who have researched co-ordinators' views (Levine et al, 1998), and by co-ordinators' own reports on best practice (Compton, 1999). Victims in the prospective sample had personal contact with the co-ordinator before the conference less often than families and young people, and were more likely to mention their uncertainty about what to expect.

The 1989 Act requires that families and victims be consulted about preferences for the time and place of the conference and the processes to be followed there. The data indicated that this consultation did not always occur. Both families and victims were often informed of, rather than consulted about, the time and venue of the conference. Cultural responsiveness in conferences has often been interpreted as including a mihi (greeting) and karakia (prayer). This may be appropriate for Māori families, who often accepted and responded to the invitation to provide a karakia, but not for other cultural groups. For other cultures, this invitation could be more problematic and it did not appear that this issue had always been discussed during the preparation. Best practice should involve ensuring that participants are asked prior to the conference about their preferences with respect to processes, and these wishes should be responded to whenever possible, taking into account the views of other key participants.

During the conference

The conference itself can be described with reference to the key components. The first of these is the process of greeting and introducing people. This is an essential component of best practice in all cases. However, several victims in the prospective sample commented on the fact that nobody greeted them on arrival. Arriving at a strange place where one is likely to meet someone who has already offended against you, and who is there with his or her supporters, can be a daunting prospect. The data indicate that it is important that the co-ordinator ensure that victims are greeted on arrival and are brought into the room where the meeting will be held and introduced to those present before the conference actually starts. The more formal process of making introductions at the start of the meeting is also important. Observers

sometimes noted that this did not happen and, in several cases, families and victims commented that they were not introduced to some of the participants.

The next key stage is that of discussing the offending and ascertaining whether or not it is denied. Normally, this was done by the police officer present reading the summary of facts and the young person being asked about the accuracy of these. This latter step is a key to ensuring that the young person's rights are protected. However, it was omitted in some of the conferences we observed.

Normally, victims were then asked to express their views and to describe the impact that the offence had had on them. In almost all cases, victims felt that this was a process that enabled them to say what they wanted. Observers often commented on the degree of emotion that could surround this phase of the meeting. Co-ordinators usually recognised and respected the desire of victims to say what they wanted without hindrance. At times, the consequences of this for the family and young person were to cause shame and distress, but most families and young people accepted what was said. In some cases, the young offenders' replies indicated that they were alienated from the process at this point. The co-ordinators' management of this delicate situation is critical. Many co-ordinators were successful in assisting victims to vent their anger, families to accept what the victim was saying and both parties to move on to a constructive approach to repairing the harm. The right balance will not always be found but training in the management of such transitions using simulated conferences could improve the skills of some co-ordinators in this area. Sometimes these skills will also be necessary to ensure that the professionals themselves do not take over the role of the victim or become a party to making accusations.

Ideally, the next phase allows the young offenders and their families to express their views in ways that are constructive and restorative for the victim. Sometimes the young offenders, and also their families, spontaneously apologised to the victims in response to hearing their story. Allowing space for this to happen, encouraging the young offender to talk and amplify on a simple statement, and enabling a dialogue to develop between the victim, the young offender and their family, is another important skill for co-ordinators. Nevertheless, some of the co-ordinators or police officers present at the conference entered the dialogue at this point in ways that effectively shut out the young offender and his or her family, either by adding their own views to those of the victim, by delivering admonitions or by moving on rapidly to other matters. Of all the points in the conference that need to be 'got right', this seems to be the most critical.

When the victim/offender dialogue has been constructive with the expression of remorse and the acceptance of apologies, the conference tends to proceed naturally to a discussion of the options for reparation and restoration without a great deal of intervention by the professionals, except to ensure that everyone present has an opportunity to be involved. At other times, the intervention of the co-ordinator will be required to encourage discussion by all those present of the options for resolution and to ensure the inclusion of the young person as well as that of other participants. Maintaining a balance that precludes the domination of professionals is a key skill. This balance was not always maintained and conferences were sometimes dominated by one person. The fact that this person was usually a professional, such as a police officer, a lawyer or a social worker, suggests a lack of adequate training of the

professionals who participate in family group conferences about their critical values and roles.

Once a full expression of views on the options for a resolution has occurred, most conferences break for the family and the young offender to have private time in which to formulate a plan to present to everyone. However, in the final 'negotiation' phase of the conference when the plan is presented to the entire group, difficulties can again arise. Most commonly, these occurred when other participants, usually the professionals, debated and modified the plan in ways that lessened the involvement of the families, young offenders and victims. The latter two participants were the most likely to be left out of the process at this point. Sometimes, police officers would announce that the family's decision was unsatisfactory and that they were not prepared to agree. While this will sometimes be legitimate, this response contrasted with the responses in other conferences where the victims, offenders and police were all involved in a discussion that was managed by the co-ordinator in ways that ensured that all views were heard and a negotiated solution was reached. However, it is our view that such an outcome is not possible if some parties have 'a bottom line' which they see as non-negotiable. Furthermore, while a victim might in some circumstances be entitled to take such a position, it seems contrary to the intentions of the 1989 Act for a professional participant to do so except in circumstances when there are serious safety issues.

Post-conference actions

The final task at the conference is to discuss how to follow up on the tasks agreed to. Many conferences nominated people to arrange the details of the plans and to monitor their completion. Very commonly, these roles were delegated to family members. Interviews with the young offenders often indicated a discrepancy between their views of whether or not plans had been completed (or completed to the satisfaction of the person monitoring them) and the records about completion on CYF computer files or the information that victims reported receiving. Sometimes the young person may have not reported accurately on their behaviour, but at other times, the problem lay with the process for passing information on to professionals and from professionals to victims. This area of practice was identified as a problem in Maxwell and Morris (1993) and appears still to be unresolved. Reparation reported as paid was not reaching victims speedily, letters of apology were being written but not received, and work was largely completed but victims were not being told of this. When this happened, victims felt disillusioned. Such outcomes can adversely affect the public's perceptions of the appropriateness of family group conferences as a method of responding to offending by young people. Standards need to be developed around best practice in monitoring plans to ensure reliable signing off, both with young offenders and families, and with victims, CYF and the police.

Life outcomes

Since the family group conference, most of the young people in the retrospective sample were able to develop positive goals and achieve successes in education, employment or developing positive relationships. Seventy percent of those interviewed had been employed in the last six months and over 80% reported having close relationships with partners, family or friends. Over 60% of the retrospective sample did not want any further involvement in crime, felt life had gone well for

them, and had positive views about the future. Thirty percent of them had not been detected in any offending.

However, a negative life event or risk factor was also recorded for about 80% of the retrospective sample. About two-thirds said they had been involved in further detected offending and this figure corresponded with court records. Data on convictions for offences committed as an adult showed that nearly half appeared before the courts in the first year after they turned 17 years and that, after three years, this figure had risen to 69%. The new offences most often involved property, followed by traffic offences and violence. Within three years, 22% of the retrospective sample had received a prison sentence.

Predicting life outcomes

A series of analyses were undertaken to predict reoffending and positive life outcomes for the retrospective sample when they reached young adulthood. The results of these analyses were clear and consistent, both internally and with previous studies that examined similar issues (Fergusson et al, 1994; Zamble and Quinsy, 1997; Farrington, 1994; Andrews et al, 1994). They showed that family background factors, the responses of the youth justice system that affected young offenders' views of family group conferences, and events subsequent to the conference, all had an impact on the young people's lives, and affected young offenders' likelihood of re-offending and achieving positive life outcomes. The analyses reported here confirm that:

- effective early intervention is likely to prevent reoffending and ensure positive life outcomes
- the focus of early intervention needs to be on building positive relationships in both the school and the family environment
- using diversionary strategies and avoiding charges in the Youth Court wherever appropriate is likely to lead to more positive outcomes
- a constructive family group conference can make an important contribution to preventing further offending despite negative background factors and irrespective of the nature of the offending
- life events subsequent to the conference also matter: taking advantage of the opportunity to respond to psychological problems, alcohol and drug misuse, educational failure and lack of employment opportunities are all important options that could reduce reoffending and increase positive life outcomes.

A number of different aspects of the family group conference that were important in making reoffending less likely were identified. There should be good preparation before the conference and, at the conference, the young person should feel supported, understand what is happening, participate in the conference and not feel stigmatised or excluded. A conference that generates feelings of remorse, of being able to repair harm and of being forgiven, and encourages the young offender to form the intention not to reoffend, is likely to reduce the chances of further offending. These findings provide a validation for the objects and the principles underlying the 1989 Act and of the features that those close to the youth justice system have identified as being important to good practice (Levine et al, 1998). Few of the young offenders in this study appeared to have participated in positive and effective programmes. The results of research (Sherman, 1996; Farrington, 1998; Andrews and Bonta, 1998; Andrews et al, 1999) would strongly suggest that, if restorative processes were followed up with

appropriate programmes of good quality, the outcomes would be even more positive. Further critical factors for building on positive youth justice system experiences are:

- providing appropriate and effective mental health services
- making employment a realistic possibility
- avoiding placing the young people in situations where they form close bonds with others involved in offending.

The findings also indicate that not all young offenders respond in the same way. While most either go on to experience positive life outcomes and subsequently do not reoffend or go on to experience negative life outcomes and reoffend, there is a group who have more mixed experiences as young adults. This group reported having positive life outcomes but also being involved in further reoffending. Further work needs to be undertaken to describe these differences more fully. There are also questions around why having matters resolved in court and receiving relatively severe sanctions were linked to negative life outcomes in adulthood. The direction of causation is by no means clear and further analysis could provide additional information.

Comparing the experiences of different groups

Data analyses were undertaken to compare the experiences of Māori and Pacific young people with those of Pākehā, and of girls with boys. This section presents a summary of these analyses.

Explaining the experiences of young Māori

This research attempted three tasks in relation to the provision of effective outcomes in youth justice for young Māori:

- first, we have used Māori-responsive research methods by using Māori interviewers, advisers and analysts to guide the research process and to report on the results
- second, we attempted to elucidate outcomes for Māori in comparison with non-Māori, and also to identify possible intra-Māori differences for young people. Data are presented with Māori, non-Māori and/or intra-Māori breakdowns where the differences were significant, and we offer possible explanations for these differences
- third, we identified some areas of practice within the youth justice system which should be changed or improved.

There is one important caveat that needs to be entered before our conclusions are offered. The self-report method (which is consistent with Statistics New Zealand practice) was used in identifying ethnicity for Māori who were interviewed. However, this method was not able to be used when examining data from files and this is clearly an area where practice in the youth justice system can improve. It particularly affects the analysis of patterns of offending and reoffending for the retrospective sample. The difference in method makes the identification of intra-Māori differences data from the CYF database problematic, and it is possible that the Māori populations in the retrospective and prospective samples are defined slightly differently, potentially complicating our analysis. That said, the major question of interest is whether or not

outcomes for young Māori are different from those for other ethnic groups and this does not appear to be seriously affected.

Overall, we noted some broad differences in the youth justice system that clearly resulted in more severe outcomes for young Māori. These differences, described below, had a cumulative negative effect. First, it is important to note that in this research, as in the general statistics on this topic, Māori young people are more likely to come to the attention of the youth justice system than are non-Māori young people. Previous research (Fergusson et al, 1993) has indicated that this difference can partly be explained by the greater likelihood that Māori are at risk in terms of socio-economic status:

- young Māori who entered the youth justice system in this study had a similar range of backgrounds and risks to those who were identified as non-Māori. In other words, socio-economic factors did not appear to explain the differences in terms of the numbers of Māori young people entering the youth justice system. However, it was noted that those who ‘solely’ identified as Māori experienced slightly greater risks than those who identified as mixed-Māori
- as a consequence of being more likely to enter the youth justice system in the first place, young Māori were also more likely to be identified as having been previously in contact with the youth justice system: we found that the single largest correlation with reoffending was previous offence history
- on the other hand, young Māori who entered the youth justice system did so with, on average, less severe offences. This finding is consistent with one of the explanations for the over-representation of Māori in populations of young offenders offered by Fergusson and his colleagues (1993) and supported by Maxwell and Smith (1998): they suggest that this over-representation is likely to be, in part, due to the ‘increased vigilance’ of the public and the police with regard to Māori youth. This is a plausible explanation for the finding that young Māori are coming to notice for less severe offending in this study
- when the outcomes of family group conferences were analysed separately for those who were directly referred by the police for a family group conference and those referred by the Youth Court, the severity of outcomes for young Māori were not significantly different from those for other young offenders. However, Youth Court appearances resulted in more severe outcomes for all young offenders, when compared to the outcomes from family group conferences, irrespective of the young offenders’ ethnic group.
- young Māori appeared more likely to be dealt with in the Youth Court than were young Pākehā (71% compared with 56%) and so this means that a more severe range of outcomes were available for these Māori than for those dealt with solely through a family group conferences by the police. This finding did not occur in all of the areas studied, but was identified as a significant difference in two geographic areas. Again, these more severe outcomes may be directly related to the fact that Māori were brought to the attention of the youth justice system more frequently.
- as those being referred to the Youth Court were more likely to receive more severe outcomes regardless of the seriousness of their offending, this increased the chances that young Māori would receive more severe outcomes regardless of the seriousness of their offending. In practice, this meant that

young Māori were more likely to receive outcomes involving orders for supervision either in the community or in a residence. This appeared to be independent of the seriousness of their offences, but was consistent with (i) being processed through the Youth Court rather than being directly referred to family group conference, and (ii) entering the youth justice system more frequently due to increased vigilance.

These findings have important implications for police practice. In particular, two aspects deserve to be monitored. First, it is important that the police ensure that they are not responding differently when a report is received about the behaviour of young Māori compared to young Pākehā, or when an offender is apprehended. Previous research (Maxwell and Smith, 1998) that surveyed police officers indicated that most officers believed that some officers behaved differently when a young person who was reported as offending was identified as Māori. Furthermore, in this study, it appeared that there were geographical differences that were a factor in the decision to charge a young person in the Youth Court: in some areas, other things being equal, Māori were more likely to be charged than Pākehā. While most police may be equitable in their treatment regardless of the offender's ethnicity, any suggestion of differential responses is of considerable concern. This can only be addressed by careful recording and monitoring at a local level.

The research also attempted to address the question of how effective family group conferences were for Māori. Overall, analysis of statistical data shows no significant differences in satisfaction with, or outcomes from, family group conferences for Māori compared with other ethnicities. This may possibly reflect the fact that a high proportion of the youth justice co-ordinators and social workers are Māori.

Furthermore, the philosophy underpinning the design of the family group conference is consistent with whānau processes in that the expectation is that, after greetings and introductions, all are given the opportunity to speak freely of their concerns, the whānau are allowed time to debate issues privately and decision making is intended to be by consensus. Statistical analysis cannot provide a detailed insight into participants' feelings about the process but, as discussed earlier, qualitative analysis is consistent with the finding that the process did not always operate as intended in these respects, and this affected Māori, Pākehā and Pacific peoples alike.

The data showed that, in many conferences for Māori, tikanga (protocol) was appropriately observed in terms of mihi, karakia, introductions and venues. But the data also showed that, in some conferences, karakia were used when the participants had not been consulted and were not comfortable with this. The cultural and ethnic responsiveness of family group conferences is a subtle process to manage. The diversity of Māori young people and their whānau also results in tensions which are difficult to manage and this dynamic is exacerbated when victims are from different ethnic groups or cultures. The Māori ethnic group consists of a number of sub-cultures and our research has again confirmed the diversity of Māori, ranging from those with more to those with less traditionally conservative backgrounds. Their views on what is appropriate for them will be equally diverse.

It is important that youth justice co-ordinators are responsive to the many factors that are involved. In practice, this means that all should receive training which will enable them to be alert to the critical factors discussed above and which will ensure that the participants are themselves consulted about where and when the conference will be held and how the process should be managed for it to be culturally appropriate for them and for the others involved.

Explaining the experiences of young Pacific people

Young Pacific people offend at approximately twice the rate of Pākehā but at half the rate of young Māori. The socio-economic disadvantage of Pacific peoples in New Zealand is undoubtedly a major factor in this difference, but our data also suggest that they are being brought before the Youth Court more often than their Pākehā counterparts for similar offending. However, once dealt with either by a family group conference or by the Youth Court, outcomes are not discernibly different from those of Pākehā who have committed offences similar in type and seriousness.

The fact that the offending of Pacific young people was likely to be more serious than that of other ethnic groups can explain why Pacific young people were more often dealt with in the Youth Court than were other ethnic groups and why their outcomes were on average more severe. These results are consistent with previous data from Paulin & Siddle (1997) who compared the offending of Pacific peoples with those of other ethnicities. Nevertheless, despite the greater seriousness of their offending and their more severe outcomes, Pacific young people in the sample were convicted as adults at a significantly lower rate than Pākehā or Māori.²

The data from observations and cases studies of family group conferences for Pacific young people and discussions with Pacific advisers suggested that these conferences can be successful in engaging families and in arriving at successful outcomes. Success was considered most likely to occur when the process engaged the family by treating them with respect and by acknowledging them and their role in a manner which went beyond token gestures. Our advisers suggested that Pacific participants needed to feel validated and crucial to the process rather than merely provided with an opportunity to participate. They needed to be left to take charge of the decisions rather than have professionals suggest or make decisions for them. They needed to be spoken to in a language they understood by people who could respond to them in ways that were affirming and respectful. They needed encouragement to provide their young people with the support, affirmation and forgiveness that they needed if they too were to become part of a solution that set wrongs right and built towards a constructive future. In addition, it is essential that speakers of English as a second language are able to understand the process.

Our observations suggested that there is room for improvement in the way family group conferences are managed for Pacific peoples. Just as for Māori, best practice would be for the co-ordinator to ascertain the specific cultural expectations of the participants prior to the conference and to clearly explain the use of any culture-specific processes to all the participants at the beginning of the conference. In particular it is important that the co-ordinator ensure that all participants in the family group conference are introduced to each other and, when interpreters are not able to be present, non-English speakers should be identified and encouraged to seek clarification (perhaps from a family translator) throughout the conference.

The lack of suitable programmes for many of the Pacific young offenders is a problem, particularly given the extent to which they reported periods of depression

² Understanding why, despite the greater seriousness of their offending, Pacific people are convicted as adults at a lower rate could provide a valuable insight into factors that might contribute further to understanding how to prevent reoffending. Further analysis of these data together with other data available through the Ministry of Justice could assist in this.

after the family group conference. At the same time, a strength for Pacific young offenders, which may partly explain their decreased probability of conviction in the adult system during the first three years after turning 17, may well lie in the extent to which they are connected with family and community, acknowledge and respect their elders and have a sense of identity as a Pacific young person. Another advantage for the young Pacific offenders in this study was their relatively greater achievement in the educational system and the opportunities given many of them to take part in further training after their family group conference.

However, this research also points up the need for a much deeper and fuller understanding of what it means to be, for example, a young Samoan, Tongan, Niuean, Cook Islander or Tokelauan in New Zealand today. We need to explore how the patterns of the past from the Pacific can be reconciled with New Zealand's current reality so that both parents and children can share a common vision of their future and how accepted cultural norms can be reconciled with educational practices that encourage a questioning attitude and with family group conferences that require the full participation of young offenders in decisions about their offending.

Comparing the experiences of girls and boys

The girls in the retrospective sample were more likely than the boys to report adverse background factors. They were also more likely to report risk-taking behaviours such as frequent experimentation with alcohol and engaging in unsafe sex. These findings are very similar to those reported by Fergusson et al (1994), who commented that, when girls offend, they are more likely to display a range of other anti-social behaviours as well.

Girls were more likely than boys to commit less serious offences. In particular, they were more likely to be involved in shoplifting and offences of minor violence, while boys were more likely to be involved in burglary, car theft and serious violence. Consequently, boys were more likely than girls to be charged in Youth Court, to receive heavier penalties and to be given more sanctions of a restrictive type.

Despite being less serious offenders, the girls more often than the boys reported that they were not treated fairly by the police. They were also less likely than the boys to report pride in their culture and background. When asked about the family group conference, boys were more likely than girls to report that having a family group conference had helped them to stop or reduce their offending, although they were also more likely to say that the conference had made them 'feel like a bad person'. Boys were also more likely to report being able to see the victim's viewpoint and that now, as young men, they felt that what they had done was wrong. Some of these findings are not easy to explain and they raise questions for future research. In other respects, there was little difference between the family group conference experiences of boys and girls.

After the conference, the boys were more likely to report that they had found it easy to get on with their peers and that they had had positive experiences. In contrast, the girls more often reported experiencing mood swings and the death or illness of someone close to them. These findings are consistent with the greater earlier adversity in the lives of the girls. Yet, despite the more favourable post-conference events for boys, it is the boys who were more likely than the girls to have re-offended and to be

still offending as young adults. This underlines the main finding, worldwide, that men are more likely than women to engage in both offending and reoffending.

Meeting the objects and principles of the 1989 Act

The primary purpose of this research was to identify the factors associated with effective outcomes in the youth justice system. In doing so, it has first focused on the extent to which of the objects and principles of the 1989 Act were met and the extent to which restorative processes were achieved.

Elements of family group conference plans were classified under two headings corresponding to the two major purposes of the conference: accountability and enhancing wellbeing. The accountability elements were further classified into those that were principally restorative in nature and the remainder, which were largely of a restrictive nature. The wellbeing elements were further classified into those that were largely rehabilitative in nature (in the sense of intending to assist recovery from past problems) and those that were largely reintegrative (in the sense of assisting the young person to become part of the community and gain skills that would assist them to be full members of the community). However, in practice, many of the elements of the plan could serve multiple purposes.

Accountability

Accountability for young people is being achieved almost universally through the plans agreed at the family group conference and through the orders of the Youth Court. Although there are no data on the outcomes of monitoring of these, information from the young offenders in the retrospective sample indicates that, in over 80% of conferences, the required tasks were completed.

Repairing harm

Some form of restorative response was normally part of the plan when there was a victim. Responses usually took the form of an apology (agreed to at just over three-quarters of conferences), monetary reparation or donations (just over half) or work for the victim or in the community (two-thirds).

Restrictive sanctions

Restrictive sanctions were included in the plans for nearly three-fifths of the young people. Non-association, informal supervision and curfews were recommended for three out of ten; driving disqualification was recommended for nearly one in seven and court orders for fines, suspended sentences, supervision, or a conviction and transfer to the adult courts for sentence (usually a custodial outcome) were recommended for about the same number. The authors suggest that these sanctions were not always necessary for the public's safety or that they were consistent with the objects and principles of the Act.

Enhancing wellbeing

Measures to enhance wellbeing were included for about half of the young people in the 1998 sample. Actions that could be seen as likely to assist the reintegration of the

young person in the community were recommended for about two out of five of the young people. The family group conferences made arrangements for education, training or employment for only three out of ten of the young people, despite the fact that a far greater number lacked appropriate employment qualifications. About one in eight reported that plans were made for a change in where they lived.

Recommendations of programmes or actions that could be seen as more rehabilitative were made for just under a third. Counselling was arranged for nearly one quarter of the 1998 sample, anger programmes for one in sixteen. Drug and alcohol programmes and referrals for driver education were made for less than one in ten. Referrals for assessments or for a care and protection conference that may or may not have resulted in a rehabilitative or a reintegrative outcome were arranged for about one in eight.

When the data on conference recommendations is compared with data on young offenders' needs it appeared that both reintegrative and rehabilitative options were too rarely available for the young offenders in the retrospective sample. For example, at the time of the conference over two-thirds reported truanting regularly or having been suspended or expelled but fewer than half of these had proposals made for gaining further educational or vocational qualifications. Of those lacking school qualification when they were interviewed two to three years later, two-thirds had not had plans that included arrangements for their further educational or training. On the other hand, of those who helped to continue their education, nine out of ten cases reported that this was helpful.

There is also a large disparity between the numbers later reporting unmet needs in the areas of mental health, drug and alcohol abuse and anger control since the conference and the number for whom programmes or activities were arranged at the time of the conference. Even when programmes were arranged, a third said that they had not been helpful. Some increase in the proportion referred to programmes or training courses was, however, noted for the 2000/2001 prospective sample, compared to the 1998 retrospective sample but the sample is small and it was often too early to tell how effective the programmes were.

Participation and consensus decision making

The main process goals of the family group conference ensuring that the appropriate people participate, that victims and families are involved and that there is consensus decision-making were largely achieved. Not all victims attended but this was mainly because they did not choose to do so. More young people reported feeling involved than in the years immediately after the Act, but, as this was reported by only about half of them, there remains room for improvement if family group conferences are to reach their full potential. Agreed conference decisions did not always reflect true consensus and questions were raised about the extent to which, at times, professionals dominated decision making.

Time frames

Appropriate time frames in convening and completing family group conferences were, for the most part, met within CYF, but time frames for the police and for the Youth Court in making referrals to a family group conference were sometimes quite long in some areas. Considerable delays could occur in the Youth Court, especially

where sittings were infrequent, where administrative problems arose and, less frequently, when there was repeat offending before the case was completed. Other contributing problems were the lack of monitoring of time frames and of progress towards the completion of plans.

Protecting rights

Information on the extent to which young people's rights were protected was not available. Procedures for recording the actions of the police in arresting and interviewing young people about offending were in place during the early years of the Act (Maxwell and Morris 1993) but these appear to have been discontinued. In addition, records are not kept on whether or not the young person was asked if he or she agreed with the summary of facts presented by the police and, if not, what processes were followed to either correct the summary of facts or to arrange a defended hearing. All young offenders charged in the Youth Court had a youth advocate appointed to represent them. However, the process of appointment and the quality of performance of youth advocates are not monitored. There are also no procedures for protecting young people's rights within the family group conference when a youth advocate is not present.

Diversion and decarceration

The increased use of diversionary practices and the decreased use of incarceration are amongst the most dramatic consequences that occurred with the introduction of the 1989 Act. Since 1990/91, the use of police warnings remains much the same; however, there has been an increased use of police youth diversion with fewer young offenders being referred to family group conferences; there has been a slight decline in the numbers of convictions and transfer to the adult courts; and, over recent years, fewer young offenders have been given prison sentences.

Appropriate sanctions

There are, however, two areas where there has been an increase in the use of criminal proceedings in ways that do not appear to be related to the increased seriousness of offending or to the increased severity of the outcomes decided upon. The first is that police are, compared with 1990/91, referring a greater proportion of cases to the Youth Court (17% in this study compared to 10% reported by Maxwell and Morris, 1993). The second is the somewhat greater use of Youth Court orders. This may be a consequence of the greater number of referrals for which court orders are being recommended by police.³ To some extent, this may also be because of any difficulties CYF have had in processing the number of family group conferences being referred directly to them by the police. Increased resources within CYF, improved relationships in certain Districts between police and CYF, and increased discussion of these matters between Youth Court judges, Police personnel and CYF, could lead to a reduction in Youth Court caseloads and Youth Court appearances for relatively minor matters, without compromising the need to ensure appropriate outcomes for more serious offending.

³ This could also come about when the Youth Court decided to use an order rather than follow family group conference recommendations although in our 1990/91 study, we found that it was rare for judges to decide on a more severe penalty than that recommended by the family group conference.

Effective practice

Meeting the objects and principles of legislation is clearly a primary target for the youth justice system. However, a second, and possibly more fundamental, objective is, to achieve the desired outcomes of the system. This research has, therefore, examined findings on effective practice, especially with respect to family group conferences. In identifying key factors in practice, the research has focused on those predicting reoffending and life outcomes more generally.

The analysis of the data enabled us to identify a number of best practice factors with respect to the youth justice system in general and the management of conference processes in particular. The first of these factors stems from the finding noted above that preference is not always being given by the police to resolving matters at the lowest level possible that is consistent with the nature of the offending and the circumstances of the offender. The subsection that follows summarises some key features of best practice in conferences that emerged from the research findings.

Dealing with matters at the lowest level possible

The data in this study indicated that, when the seriousness of the offence was held constant, offenders dealt with at a lower level (ie, through direct referral for a family group conference rather than through a charge in the Youth Court) and who received less severe outcomes (ie, were dealt with by plans that were less rather than more restrictive and by lower rather than higher tariff Youth Court orders) were less likely to be convicted as an adult and to have poorer life outcomes.

It could be argued that sometimes factors other than the seriousness of the offence should influence the level and nature of responses to offending. However, there is little doubt that relatively minor offending was sometimes being dealt with through a family group conference when a police diversionary response could have been used. Similarly, the finding that minor matters that could have been dealt with through a family group conference were processed through the Youth Court is contrary not only to the principles of the Act but also to best practice. These findings support diverting offenders to the lowest level possible in all cases by reducing the number of young offenders charged in the Youth Court and using the least restrictive penalties consistent with the nature of the offending.

Best practice in conferencing

In summary, the key features of best practice that have emerged from observation of conferences, a consideration of the views of participants and statistical analyses of outcomes are:

System factors

- providing all professionals who may be called upon to take part in a family group conference with training in their role, including identification of key tasks and knowledge of best practice guidelines. Those potentially involved include co-ordinators, police, social workers and youth advocates

- ensuring that Youth Justice co-ordinators receive professional support and backup in an office environment where morale is high and their contribution is valued.

Preparing for the conference

- ensuring the right participants are invited, including fathers, as well as mothers, including other people who will be able to support the young offender and ensuring that the number of professionals present is limited to those who are essential for the process
- preparing families, young offenders, victims and professionals for the conference, ideally at separate face-to-face meetings with the co-ordinator, where they are given information on the purposes of a conference, the order in which things are likely to occur, the role that each will be expected to play and possible options for outcomes
- consulting participants about preferences with respect to time, place and process.

Facilitating the conference

- greeting participants on arrival, introducing the victim to others, ensuring appropriate seating arrangements and beginning with formal introductions
- explaining any culturally responsive processes which may be used, such as karakia and prayers, and specifying the language that will be used
- discussing early on in the conference the facts of the offence and checking to determine whether or not the young person denies or substantially accepts these facts while ensuring that neither the family nor the professionals coerce the young offender into agreeing with the facts set out by the Police
- providing an opportunity for any victims' views to be fully expressed, elaborated on and heard with respect and without interruption
- providing an opportunity, and if need be, actively encouraging the young offender and his or her family to respond to the victim without interruption or additions by other participants at this time
- providing an opportunity for all to be fully involved in a discussion of options for responding to the offending before the family and young offender deliberate privately
- ensuring that the young offender and his or her family are given time to deliberate privately
- listening to and considering the proposals of the family and the young offender
- encouraging an open discussion to ensure that all participants can express their views on the proposals and negotiate modifications where there is agreement
- avoiding domination of the proceedings, especially by the professionals
- ensuring that all are treated fairly and with respect and encouraged to contribute at all key phases, including prior to the private family time and after the young offender and his or her family have made their proposals
- ensuring that all are in full agreement with the final plan, but, if this is not the case, recording the details of the non-agreement.

Desirable features of practice for young offenders

The research focused on identifying desirable features of practice from the perspective of the young offender. Many of these have already been noted above but they can be summarised as follows:

- being well prepared for the conference consulted about arrangements and informed about what will happen
- having people present that support and care about the young offender
- understanding what happened
- being treated fairly and with respect
- not being stigmatised and excluded
- participating fully through presenting views and being involved in decisions
- feeling remorse, including understanding the victims' views and feeling genuine regret for what happened
- feeling able to repair the harm that was done
- feeling that others forgave them and gave them another chance
- deciding to keep out of trouble in future.

When young offenders responded to the conference in these ways, they were less likely to reoffend and more likely to experience positive outcomes as young adults.

Family group conference factors related to positive outcomes for families and victims

Similarly, a number of factors resulted in families and victims responding positively. In summary, these were:

- being prepared for what would happen
- being greeted, introduced and enabled to participate fully
- understanding what was happening
- being treated with fairness and respect
- being involved in the decision about outcomes
- feeling that the young offender was genuinely remorseful, had attempted to make up for what he or she had done, and resolved not to reoffend.

There will doubtless be aspects of practice that are important but which have not been identified in this research because of the type of data collected and the questions asked. For example, the need for co-ordinators to have appropriate professional supervision, the need for co-ordinators to have regular conferences and meetings with other co-ordinators in the area, and the need to have team meetings of all local professionals including Youth Court, Police, CYF and community agency personnel have been identified as important by Youth Justice co-ordinators and others in both this and previous research (Levine et al, 1998; Maxwell and Morris, 1993; Morris et al, 1997; Morris and Maxwell, 1999). Further information about programmes that are effective in rehabilitating and reintegrating young people is still needed. We were not able to undertake an analysis of the impact of programmes on reoffending and reintegration because of the relatively low number of offenders in the retrospective sample for whom programmes were provided and the limited time frame for data collection in the prospective sample. The impact on outcomes of receiving support from effective youth justice social workers has not been able to be assessed because they were rarely involved with the young offenders in the retrospective sample. And

only minimal information on Youth Court processes was collected due to limits on the budget for the research and on the records that were available.

Policy implications

There are a number of important policy implications that emerged from this research. Three particular areas stand out. These are the need for improved and co-ordinated data collection systems across agencies, the need for better monitoring of processes and the need for more effective action to prevent offending before young people reach the point at which a family group conference becomes necessary.

Data collection systems

The lack of a common identifier across departments for young offenders meant that records had to be manually linked by name, date of birth and ethnicity. Thus, the process of obtaining and reconciling data from the official records held by different departments was not simple or straightforward. There were three main reasons for this:

- first, the record systems of the Police, CYF and the Courts were designed primarily to serve the needs of practitioners rather than for monitoring and reporting on judicial processes and outcomes. Thus police records are based on specific offences while family group conferences and Youth Court appearance data deal with a group of offences brought to notice at a particular time. Police records do not identify the specific groups of offences that comprise a particular case. Information based on cases can be obtained for court appearances but doing so for special samples is not straightforward. Neither police, CYF nor the law enforcement systems can be easily used to identify specific offenders or capture information on reoffending. The Ministry of Justice has, in recent years, developed techniques for using the law enforcement system to obtain reoffending information for specific samples but the cost of obtaining these data is high. CYF keeps data on time frames for arranging and completing conferences to measure compliance with statutory requirements, but full details of all time frames affecting the processing of young offenders were not recorded by police or on the law enforcement system. There is no common framework for recording referrals or transfers from one area to another. Data on the outcomes of family group conference and Youth Court decisions are not shared across all agencies. Nor are there systems for recording and monitoring specific agencies' responsibilities in relation to the completion of plans or orders.
- second, there is little or no consistency across user departments in how the data were categorised and recorded. Thus offence categories used by the police and the Ministry of Justice to report data are quite different, even though, in both agencies the data are derived from the same categories defined under the Crimes Act 1961. Youth justice co-ordinators used a variety of labels to describe specific offences that were not necessarily consistent with the Crimes Act or with those used by other co-ordinators. There is no agreement between police and CYF records on the number of family group conferences that are being held in any single year. The police recorded details of all cases they recommended for a conference but a referral may not necessarily have actually been made. CYF often recorded a conference as completed every time a conference was convened, but this did not necessarily

mean that the conference was actually held or that it had reached a decision. Similarly, there is a considerable discrepancy between the number of offences recorded by the police as having been ‘charged’ in the Youth Court and the number of offences recorded by the Ministry of Justice for which there was an ‘information laid’. The different terminology used by the different agencies, and sometimes within an agency, is often confusing. The nature of the records themselves thus create difficulties that can lead to politicians and the media making apparently contradictory statements and drawing erroneous conclusions about crime statistics. The coding of ethnicity varied between agencies, and it was not clear how each agency had arrived at the categories recorded

- third, data that can be used to assess the performance of the youth justice system are not routinely collected and none of the agencies had a system in place for recording data that would have enabled samples of participants to be easily tracked and interviewed should evaluation of the system be required. The CYF database was designed to record details of the offences dealt with at a family group conference, the role and addresses for each person attending the conference and the conference outcomes. Often, however, relevant records were absent or incomplete.

We propose that all information on responses to young people in the youth justice system be recorded using a consistent terminology and a well defined and simple set of categories that users can come to understand. We propose that information systems be developed to allow outcomes to be monitored and reported. We recommend that a common youth justice data system operate across all three agencies with the following features:

- a single ID number for each person
- a case-based approach to recording rather than an offence-based or incident-based approach
- a record of key dates, including offence date, apprehension date, all referral dates and the nature of referrals, date of first court appearance, decision/outcome data for family group conference and Youth Court, dates of completion of tasks or orders or discharge
- common categories describing how cases were disposed of (for example, by specific orders or by plans with specific characteristics) across family group conference plans, Youth Court outcomes and District Court outcomes that can be ranked by severity
- common referral and transfer categories and records
- data on cases remanded in custody, residences and police custody
- records of any monitoring of tasks, including who is responsible and whether or not completed when signed off
- basic information on key players, including addresses for the young person, their family and victims
- clear and consistent demographic data, with particular attention to ethnic group by self-identification from multiple options.

Monitoring

A number of points have been identified throughout the research at which the monitoring of practice is necessary if best practice is to be achieved. These include:

- monitoring young peoples' rights when they are arrested or interviewed
- monitoring police practice in deciding whether to take no further action, warn, divert, refer to family group conference or charge in the Youth Court
- monitoring the young person's admission of responsibility and agreement with proposed plans at the family group conference
- monitoring completion of the elements of the plan after the family group conference
- monitoring the availability and effectiveness of programmes
- monitoring follow-up to victims.

A related issue where monitoring is urgently needed relates to ethnicity and equity. The findings about the disadvantage of young Māori compared to Pākehā who offend at a similar level are of considerable concern. It is possible that this affects only a few areas of New Zealand and it may stem from a greater probability that young Māori enter the system at a younger age than Pākehā. Nevertheless, policies and practices must be developed to monitor issues of inequity with respect to Māori or other groups and respond rapidly to any problems of this nature.

Crime prevention

Analyses of the factors associated with reoffending and positive outcomes also have implications for broader areas of policy and, in particular, for crime prevention strategies. First, the finding that those likely to be convicted as an adult and to have poor life outcomes were also more likely to have come from more disadvantaged family backgrounds (characterised by high mobility, abuse and punishment, antisocial behaviour of other family members and poor supervision), is not new (Fergusson, 1994) but it reinforces the crucial importance of providing support to high-needs families and programmes for young children at risk.

Second, the finding that those young people notified to CYF as being in need of care and protection or referred previously for a youth justice family group conference were more likely to be convicted as an adult and report poorer life outcomes highlights the critical importance of effective intervention on the first occasion a child comes to the notice of CYF. Responses to the first referral are likely to have a long-term impact and affect the chances of further referrals for offending. Thus this finding also supports the critical importance of family support and programmes for children and young people at risk when they first come to attention.

Third, the lack of school qualifications was also related to criminal conviction as an adult and to poor life outcomes. The success of the education system in identifying children who are not succeeding in school or who are truanting and in providing a way of meeting their educational needs is likely to have an important impact on their reoffending as well as on their employment, relationships with others and integration into the community.

Fourth, the level at which a young offender is dealt with emerges as an important factor in life outcomes. Those dealt with more severely for offences of similar seriousness have poorer outcomes. This finding underlines the importance of compliance with the diversionary principles of the Act by ensuring that children and young people are dealt with at the lowest level appropriate in the youth justice system.

Standards

The issue of setting standards for effective practice is an important one but one which carries with it certain dangers. These are well described by Braithwaite (2002). A number of criteria identified in this research could be used in setting standards to determine the extent to which optimal outcomes have been achieved. Inevitably achieving such standards will never be possible in all cases. However, designing practice to maximise the chance of optimal outcomes is likely to be helpful providing the indicators selected and the process of assessment does not lead practitioners to achieve positive outcomes through the way they evaluate and record events. Important process features associated with optimal outcomes include whether or not:

- constructive support is provided to the young person both during and following the youth justice process
- the young person accepts responsibility for wrongdoing
- the young person genuinely feels remorseful
- conference outcomes include appropriate restitution and repair of harm to victims
- a genuine apology is made
- reintegrative measures are put in place for the young person
- the young person is forgiven both by the victim and his or her own family or whānau
- stigmatisation and labelling of the young person has been avoided
- the young person forms an intention not to reoffend.

It would be possible to develop indicators around these nine possible standards for good practice to assess the effectiveness of groups of cases dealt with in different ways or by different offices or by different practitioners. However, there would also be dangers around any attempt to use these as indicators of best practice if this lead to practitioners attempting to ensure that records reflected a creditable performance rather than genuine change in the participants. To obtain a valid and reliable indication of whether or not standards are being met, any assessment should, therefore, be carried independently and based on the views of participants rather than simply on file information.

Restorative and diversionary justice for young offenders in New Zealand

In some respects, the youth justice system in New Zealand has continued to grow in strength and to become more restorative and diversionary in its philosophy and practice. The sanctions adopted by family group conferences remain at least as restorative in 2002 as they were in 1990. The Police have developed their own diversionary practices which reflect restorative rather than punitive values. The Youth Court appears to have become more inclusive than it was in 1990/91, if the views of young offenders and their families are to be relied upon. Victims more

often appear to feel positively about their experiences than in the early years. Reintegrative and rehabilitative programmes were also offered more often in 1998 than in 1990/91 and current policies aim to strengthen this aspect of the youth justice system.

On the other hand, restrictive sanctions were still being used in cases where they did not appear to be necessary for the safety of the public. And the practice of laying charges in the Youth Court where relatively minor offending was involved and where relatively minimal sanctions were imposed has increased. The research also indicated that there were some area differences in terms of the practice of laying charges in the Youth Court, with young Māori being more likely to be charged than young Pākehā for similar offences.

Furthermore, there remain considerable areas where improvement in practice is both needed and possible. The needs of young offenders are not always being met. Victims and young offenders are not always effectively included in decision making at the family group conference. Youth Justice co-ordinators and other professionals do not always manage the conference situation in a way that optimises involvement, encourages consensus decisions and provides an opportunity for remorse and healing. The use of the Youth Court for making decisions could be reduced. And improvements in both monitoring and the keeping of records on key processes and outcomes could allow the youth justice system to be built around optimising effective restorative practice: achieving greater satisfaction for participants, repairing harm and reintegrating more of young offenders into the wider society.

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Māori Glossary¹

awhi	<u>help, embrace, aid, cuddle</u>
hapū	<u>sub-tribe, clan</u> , pregnant, conceive
hara	<u>crime</u> , sin, excel, foul(sport)
Hine nui te po	the guardian of the realm of the dead, <u>used allegorically to refer to someone sexually abused</u>
hui	<u>gathering, meeting</u> , add up
Iwi	bone (commonly used to mean <u>tribe</u>) iwi (lower-case) means Māori people as in te iwi Māori
karakia	<u>blessing</u> , prayer–chant, religious service, incantation
kaumātua	<u>elder</u> , old man, adult, become adult
kaupapa	<u>topics</u> and agenda
kawa	<u>protocol</u> , protocol of dedication, acid, pepper tree, pile of rocks
kōrero	<u>speak, meeting</u> , news, narrative, quotation
kuia	<u>respected older woman</u> , old lady, matron
Māori	<u>indigenous people of NZ</u> , ordinary, fresh,
Marae	<u>meeting area of whānau or iwi</u> , courtyard, focal point of settlement, central area of village and its buildings
mihi	<u>greet</u> , admire, respect, congratulate
Pākehā	<u>European, Caucasian</u> , non-Māori
Rohe	<u>territory</u> , margin, outfield (sport), hand net
rūnanga	<u>council, institute</u> , debate, discuss, seminar, assembly
Rūnanga o ngā ture	<u>Māori Community Law Centre</u>
Taha Māori	<u>Māori aspect</u>
tangata whenua	<u>local people</u> , aborigine, native
tautoko	<u>to support</u> , support play, promotion, reinforce
Te Kōhanga Reo	<u>Māori language nest</u>
te Reo Māori	<u>the Māori language</u>
tikanga	<u>custom</u> , obligations and conditions (legal), provisions (legal), criterion
tohunga	<u>expert, specialist</u> , priest, artist
Tohunga o ngā ture	<u>legal expert</u>
ture	<u>law, justice system</u>
wānanga	<u>learning</u> , seminar, series of discussions, occult science

¹ Underlined meanings are the ones corresponding to the usages in the report.

whakamā	<u>shame</u> , embarrassment, feel ignominious, shyness, loss of mana
whakapapa	<u>genealogy</u> , cultural identity, Book of Chronicles, family tree
whānau	<u>family, extended family</u> , delivery, give birth, genus

Appendices

**OBJECTIVES AND PRINCIPLES OF THE CHILDREN, YOUNG PERSONS
AND THEIR FAMILIES ACT 1989**

PART I

GENERAL OBJECTS, PRINCIPLES, AND DUTIES

General Objects

4. Objects—The object of this Act is to promote the well-being of children, young persons, and their families and family groups by—

- (a) Establishing and promoting, and assisting in the establishment and promotion, of services and facilities within the community that will advance the well-being of children, young persons, and their families and family groups and that are—
 - (i) Appropriate having regard to the needs, values, and beliefs of particular cultural and ethnic groups; and
 - (ii) Accessible to and understood by children and young persons and their families and family groups; and
 - (iii) Provided by persons and organisations sensitive to the cultural perspectives and aspirations of different racial groups in the community:
- (b) Assisting parents, families, whanau, hapu, iwi, and family groups to discharge their responsibilities to prevent their children and young persons suffering harm, ill-treatment, abuse, neglect, or deprivation:
- (c) Assisting children and young persons and their parents, family, whanau, hapu, iwi, and family group where the relationship between a child or young person and his or her parents, family, whanau, hapu, iwi, or family group is disrupted:
- (d) Assisting children and young persons in order to prevent them from suffering harm, ill-treatment, abuse, neglect, and deprivation:
- (e) Providing for the protection of children and young persons from harm, ill-treatment, abuse, neglect, and deprivation:
- (f) Ensuring that where children or young persons commit offences,—
 - (i) They are held accountable, and encouraged to accept responsibility, for their behaviour; and
 - (ii) They are dealt with in a way that acknowledges their needs and that will give them the opportunity to develop in responsible, beneficial, and socially acceptable ways.
- (g) Encouraging and promoting co-operation between organisations engaged in providing services for the benefit of children and young persons and their families and family groups.
- (g) Cf. 1974, No. 72, s. 3

General Principles

5. Principles to be applied in exercise of powers conferred by this Act—Subject to section 6 of this Act, any Court which, or person who, exercises any power conferred by or under this Act shall be guided by the following principles:

- (a) The principle that, wherever possible, a child's or young person's family, whanau, hapu, iwi, and family group should participate in the making of decisions affecting that child or young person, and accordingly that, wherever possible, regard should be had to the views of that family, whanau, hapu, iwi, and family group:

- (b) The principle that, wherever possible, the relationship between a child or young person and his or her family, whanau, hapu, iwi, and family group should be maintained and strengthened:
- (c) The principle that consideration must always be given to how a decision affecting a child or young person will affect—
 - (i) The welfare of that child or young person; and
 - (ii) The stability of that child's or young person's family, whanau, hapu, iwi, and family group:
- (d) The principle that consideration should be given to the wishes of the child or young person, so far as those wishes can reasonably be ascertained, and that those wishes should be given such weight as is appropriate in the circumstances, having regard to the age, maturity, and culture of the child or young person:
- (e) The principle that endeavours should be made to obtain the support of—
 - (i) The parents or guardians or other persons having the care of a child or young person; and
 - (ii) The child or young person himself or herself—to the exercise or proposed exercise, in relation to that child or young person, or any power conferred by or under this Act:
- (f) The principle that decisions affecting a child or young person should, wherever practicable, be made and implemented within a time-frame appropriate to the child's or young person's sense of time.
- (f) Cf. 1974, No. 72, ss.4a-4c; 1983, No. 129, s. 3

6. Welfare and interests of child or young person deciding factor—Where, in the administration or application of this Part or Part II or Part III or Part VI (other than sections 351 to 360) or Part VII or Part VIII of this Act, any conflict of principles or interests arises, the welfare and interests of the child or young person shall be the deciding factor.

Cf. 1974, No. 72, s. 4

PART IV

YOUTH JUSTICE

Principles

208. Principles—Subject to section 5 of this Act, any Court which, or person who, exercises any powers conferred by or under this Part or Part V or sections 351 to 360 of this Act shall be guided by the following principles:

- (a) The principle that, unless the public interest requires otherwise, criminal proceedings should not be instituted against a child or young person if there is an alternative means of dealing with the matter:
- (b) The principle that criminal proceedings should not be instituted against a child or young person solely in order to provide any assistance or services needed to advance that welfare of the child or young person, or his or her family, whanau, or family group:
- (c) The principle that any measures for dealing with offending by children or young persons should be designed—
 - (i) To strengthen the family, whanau, hapu, iwi, and family group of the child or young person concerned; and
 - (ii) To foster the ability of families, whanau, hapu, iwi, and family groups to develop their own means of dealing with offending by their children and young persons:
- (d) The principle that a child or young person who commits an offence should be kept in the community so far as that is practicable and consonant with the need to ensure the safety of the public:

- (e) The principle that a child's or young person's age is a mitigating factor in determining—
 - (i) Whether or not to impose sanctions in respect of offending by a child or young person; and
 - (ii) the nature of any such sanctions:
- (f) The principle that any sanctions imposed on a child or young person who commits an offence should—
 - (i) Take the form most likely to maintain and promote the development of the child or young person within his or her family, whanau, hapu, and family group; and
 - (ii) Take the least restrictive form that is appropriate in the circumstances:
- (g) The principle that any measures for dealing with offending by children or young persons should have due regard to the interests of any victims of that offending:
- (h) The principle that the vulnerability of children and young persons entitles a child or young person to special protection during any investigation relating to the commission or possible commission of an offence by that child or young person.

Additional data tables

Comparison of the retrospective sample with Youth Justice outputs for 1998

Table A2.1 describes number and percentages of outputs opened for Youth Justice family group conferences in 1998 for those in and outside the sample.

Table A2.1 Number of outputs per young person where a YJ FGC was held in 1998 – Sample cases compared to non-sample and total cases

Number of outputs	Sample		Non-sample		Total	
	n	%	n	%	n	%
1	571	61	2188	69	2759	67
2	204	22	631	20	835	20
3	89	9	229	7	318	8
4	49	5	69	2	118	3
5	19	2	35	1	54	1
6	5	1	13	1	18	1
7	2		3		5	
8	1		3		4	
9	0		1	0	1	0
Total	940	100	3172	100	4112	100

Table A2.2 shows data for outputs opened for Youth Justice family group conferences for those 15 years 9 months and older only.

Table A2.2 Number of outputs per young person aged 15 years and 9 months or older in 1998 - Sample compared to non-sample and total case

Number of outputs	Sample ¹		Non-sample		Total	
	n	%	n	%	n	%
1	605	64	1196	74	1801	70
2	196	21	306	19	502	20
3	83	9	83	5	166	6
4	32	3	24	1	56	2
5	17	2	6	0	23	1
6	4	0	6	0	10	0
7	2	0	0	0	2	0
8	1	0	0	0	1	0
Total	940		1621		2561	

¹ Note that the data for the sample are different from that in the previous table as they present only those outputs opened since reaching the age of 15 years and 9 months.

Data sources, interview schedules and coding

Information on youth justice cases collected from CYF files

Basic information on the retrospective sample has been recorded for each target person on:

Young person – descriptive data

Client ID
Sex
Ethnicity
Date of birth
Age at FGC

The FGC details

Time of FGC offence/s
Date of FGC offence/s
Seriousness of most serious FGC offence

Type of offences – number of each type

FGC offence Violence - serious
FGC offence Violence - other
FGC offence Sexual
FGC offence Drugs and anti-social
FGC offence Dishonesty – Burglary
FGC offence Dishonesty – Car conversion
FGC offence Dishonesty – Other
FGC offence Property Damage and Abuse
FGC offence Administrative
FGC offence Traffic
Number of FGC Offences
Previous FGC matters reviewed at this FGC
Number of distinct FGC incidents
Victims – are there any victims of the above offences
Number of Victims FGC offence

The FGC referral

Site
Date of referral/consultation with Police
Referring agency – court or Police
Date referral accepted or directed
Currently on youth justice plan
Target FGC includes reconvened matters from a previous FGC

Currently has Care and Protection contact with CYF
Currently in Care of CYF

Setting up the FGC

Date FGC convened
Number advised
Number FGCs convened where the conference adjourned because someone was 'not present'
Reason convened FGC not held – YP not attended
Reason convened FGC not held – Family not attended
Reason convened FGC not held – Victim not attended
Reason convened FGC not held – Youth Advocate not attended
Reason convened FGC not held – Police not attended
Reason convened FGC not held Other (state)

Previous FGC held where YP denies offences
YP denies offences other – YP denies offences prior to the FGC

Number of other FGC adjournments before decision reached
Reason for adjournment was report or assessment
Reason for adjournment was new offences
Reason for adjournment was other

Number of previous non-agreed FGCs
No agreement – Police disagree with family
No agreement – YP disagrees with family
No agreement – Victim disagree with family
No agreement – YJC disagree with family
No agreement – Other disagree with family (state)

Police response to denied, non-agreed or not held FGC

Participants at the target FGC – where decision reached or last non-agreed FGC

Type of FGC – police or court
FGC meeting – face to face, phone or separate meetings
Who participated in the FGC by phone
Date FGC completed
Did YP admit some or all of the offences at the FGC
Did the family deliberate privately
Is there a record of who attended the FGC on SWis

Who present at target FGC –

YP present at target FGC
Mother present at target FGC
Father present at target FGC
Partner/girlfriend/boyfriend present at target FGC
Caregiver present at target FGC

Grandparent present at target FGC
Aunt/Uncle present at target FGC
Siblings present at target FGC
Other Whanau/Extended family present at target FGC
Family supporters present at target FGC
Co-offender present at target FGC
Social worker present at target FGC
Youth Advocate present at target FGC
Police – Youth Aid present at target FGC
Police – OC case present at target FGC
Victim on own present at target FGC
Victim representatives present, on own, at target FGC
Victims – number of victims with support at target FGC
Victim support – number of Victim supporters accompanying a victim at target FGC
Community agency representative present at target FGC
School/Teacher present at target FGC
Other person present at target FGC
Who other person present at target FGC (state)
Number of Family/Whanau present at target FGC
Number of Victims present at target FGC
Number of Officials/Others present at target FGC

Name of youth justice coordinator who facilitated the FGC
Non-attending victims views presented to target FGC
Non-attending family members views presented to target FGC

Psychological reports presented to the FGC
A and D reports presented to the FGC
Other reports presented to the FGC

The FGC outcome – where decision reached or last non agreed FGC

Record of FGC outcome on SWis
Did target FGC agree
Result of non-agreement at target FGC – referred back to Police or Court

FGC Outcome –

Target FGC outcome – no further action
Target FGC outcome – warning
Target FGC outcome – Care and protection referral
Target FGC outcome – Apology verbal
Target FGC outcome – Apology written
Target FGC outcome – Apology in conference
Target FGC outcome – Work in community
Target FGC outcome – Work for victim
Target FGC outcome – Reparation
Target FGC outcome – Work/education programmes

Target FGC outcome Programme description
Target FGC outcome driver education
Target FGC outcome STOP
Target FGC outcome cultural
Target FGC outcome Outdoor adventure
Target FGC outcome – Counselling/support
Target FGC outcome – Assessment
Target FGC outcome – Informal supervision social worker
Target FGC outcome – Change residence
Target FGC outcome – Curfew and other restrictions
Target FGC outcome – Non association
Target FGC outcome – Disqualification
Target FGC outcome – Monetary community
Target FGC outcome – Monetary victim
Target FGC outcome – Supervision
Target FGC outcome – Supervision with activity
Target FGC outcome – Supervision with residence
Target FGC outcome – District or High Court referral
Target FGC outcome – Youth Court referral
Target FGC outcome – promise not to reoffend
Target FGC outcome – other
Target FGC outcome – details of other

Was there a subsequent FGC to consider the target offences?

Number subsequent Decision FGCs
Reason subsequent FGC was to change plan
Reason subsequent FGC was because of new offences
Reason subsequent FGC because YP had not completed plan
Reason subsequent FGC other
Outcome subsequent FGC target offences – continue or alter original plan

Any Review FGC
Reason for Review FGC – scheduled or in response to new offending
Detail of reason review – text
Result of review

Implementation and monitoring of the FGC plan

Responsibility for implementation stated on FGC plan
CYF to implement plan
How quickly CYF followed up FGC plan
Family to implement plan
Police to implement plan
Others to implement plan

Monitoring designated in FGC plan
CYF Social worker to monitor target FGC plan

YJC to monitor target FGC plan
Police to monitor target FGC plan
Family to monitor target FGC plan
Other person to monitor target FGC plan
Who other to monitor FGC plan (state)

Evidence of monitoring on SWis file
Adequacy of monitoring

Effectiveness report on target FGC plan – court cases only, success of plan

Degree to which the plans objectives were met
Accountability components meet
Welfare components meet
Why FGC plan not fully completed

Output completion signoff Date

Youth Court

Record of Court outcome on SWis
Date of first appearance

Number adjournments for the FGC
Reason >1 adjournments for the FGC

Any defended hearing

Date of court decision/plan
Number of adjournments between the FGC and court decision
Reason for adjournments FGC plan to court decision

Court adopts FGC agreed plan
Reason court not adopt FGC plan – what court adopts or rejects from plan

Court orders a SW report
Court orders a Psychological report
Court orders a Cultural report

Courts response to a non-agreed FGC – whose recommendations are adopted
Details of courts decision in response to a non-agreed FGC

Youth Court makes orders

Youth Court outcomes

Discharged or withdrawn
Court order – admonish

Court order – suspended sentence
Court order – Community work
Court order – disqualification
Court order – fines
Court order – pay sum towards cost prosecution
Court order – reparation
Court order – restitution
Court order – forfeit property
Court order – confiscate motor vehicle
Court order – Supervision
Court order – Supervision with activity
Court order – Supervision with residence
Court order – transfer to district or high court
District or High Court outcome (state)

Number of court adjournments for completion FGC tasks
Reason >1 adjournments for completion FGC tasks

Date of final court hearing

Cases where orders not completed – reason why not completed

Description of the Process in this case – text description of how offences dealt with and any other points that should be noted.

Data on young persons previous history with CYF

The following information was obtained on CYF dealings with the young person, prior to the current offences and FGC:

Previous youth justice notifications

Does the young person have a previous youth justice history on SWis
Number of previous YJ referrals
Date of first YJ referral
Number of previous YJ FGCs
Date of first YJ FGC
Previous Youth Court appearances
Date of first court appearance
Highest previous YJ response (1)
Highest previous YJ response (2)
Number of previous YJ placements
Type of previous YJ Placement
Previous YJ placement in a residence
Previous YJ placement in DSW custody

Previous Care and Protection Notifications

Does the young person have previous care and protection on Swis
Number of previous C&P notifications
Date of first C&P notification
Number previous C&P FGC Referrals
Date of first C&P FGC Referral
Highest order previous C&P response
Previous Informal Resolution C&P
Previous C&P FGC referral
Type previous C&P response (1)
Type previous C&P response (2)
Number of previous C&P placements
Previous placement with approved caregivers
Previous caregiver changes

Data on young persons subsequent history with CYF

The following information was obtained on CYF dealings with the young person, subsequent to the current offences and target FGC:

Subsequent Offending History

Reoffending recorded on SWis
Reoffends between target FGC notification and FGC outcome
Reoffends while still on target FGC Plan (incomplete)
Number new YJ referrals from police
Number new YJ referrals from Court
Number of subsequent YJ FGCs held
Highest subsequent YJ response (1)
Highest subsequent YJ response (2)
Subsequent YJ Placement in a Residence
Subsequent YJ Placement in DSW custody

Data on Young Persons Subsequent Care and Protection

Subsequent C&P recorded on SWis
Number subsequent C&P notifications
Number subsequent C&P FGC referrals
Type subsequent C&P response (1)
Type subsequent CP response (2)
Subsequent CP placement with approved caregivers

Information on factors affecting youth justice practice

The variables in the database from coordinators and manager interviews are listed below:

Duties

- Amount and nature of support – clerical and social worker.
- Nature of duties undertaken by YJC and others: preparation, FGC, monitoring, reports

- The extent to which case loads are considered manageable – depends on above factors
- Decisions about resources to fund plans
- Usual amount of resources
- Beliefs about best practice
- Impact of computer system and recording requirements on practice
- Intra office relations
- Availability of a car
- Time frames
- Amount and impact of structural change
- Happy in work and in DSW
- Relations with other youth justice professionals locally
- Amount of training and supervisions.

Community context

- Availability of appropriate community resources to place, assess, provide services
- Need to pay community agencies for supervised plans

YJC practice and philosophy

- Frequency of home visits to family, victims, others
- Involving extended family – extent and criteria for this
- Time frames to complete plans
- YJCs beliefs about best practice
- Types of programmes typically used/available
- Beliefs about key elements in YJC practice

Other practice issues

- Respect for cultural values
- Impact of strengthening family philosophy
- Care and protection interface
- Relationship with the police:
- Relations with local Youth Aid
- Relationship with the Youth Court:
- Youth advocate practice
- Interagency teams

Retrospective sample
The young persons interview




**ACHIEVING EFFECTIVE OUTCOMES IN YOUTH
JUSTICE**



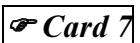
In this interview we want to ask you about your life, and especially about the things that have got you into trouble. Our main aim is to find out what helps people to stop offending, and what encourages people to keep offending. To start, I would like to ask you how life has gone for you since the FGC in 1998.

[Throughout use 8 = n/a, 9 = dk]


LIFE SINCE THE FGC

1	<p>Indicate how much you agree with this statement: Life in general has gone well for me since the FGC</p> <div style="text-align: right; border: 1px solid black; padding: 2px;"> Card 1 </div>	<p>1 2 3 4 5 disagree agree</p>	
2	<p>a) Are there things in your life that are important to you at the moment?</p> <p>b) If yes, what are these? Education, family, partner, children, work, sports, money, God, religion ...</p>	<p>1 2 yes no</p>	<p>a) b) <i>text</i></p>
3	<p>a) Are there things you hope to achieve in the future?</p> <p>b) If yes, what are these?</p>	<p>1 2 yes no</p>	<p>a) b) <i>text</i></p>
4	<p>a) Since the FGC have things happened that made you feel really good about yourself; e.g having a great holiday, or doing really well at something?</p> <p>b) If yes, what are these?</p>	<p>1 2 yes no</p>	<p>a) b) <i>text</i></p>
5	<p>Have you done any schooling or training since the FGC?</p>	<p>1 2 yes no</p>	

	List what and note if completed [c] or not [nc]		+ text	
6	Which best describes your situation during the past 6 months (<i>just record one response</i>)  Card 2 1 Working full time 2 Working part time 3 A full time student 4 Unemployed and looking for work 5 Unemployed and not looking for work 6 Home duties 7 DPB 8 Invalid/sickness benefit 9 Other (<i>specify</i>)			
7	Have you had any periods of unemployment since the FGC?	0 yes in last year	1 yes more than 1 yr ago	2 no
8	a) How often have you changed where you lived since the FGC? (<i>write in number of changes</i>) b) Who do you live with now  Card 3 1 Parents 2 Other family 3 Flatting 4 Partner 5 Partner and child 6 Child 7 Boarding 8 Moving around 9 Other (<i>specify</i>)		a) b)	
9	Since the FGC have you had at least one close friend who you can confide in and share important things with?	1 yes	2 no	
10	Have you had a serious personal relationship with a girlfriend/ boyfriend since the FGC?	1 yes	2 no	
11	a) Have you had a serious personal relationship that has broken up since the FGC? b) If yes , how painful was the break up for you?  Card 4	1 yes	2 no	a) b)
		1 not very	2 3 4 5 very painful	

12	Have you become a father/mother since the FGC?	1 yes	2 no	
13	Do you feel close to members of your family or whanau?  Card 5	1 not close	2 3 4 5 very close	
14	Has anyone close to you died or got really sick?	1 yes	2 no	
15	Have you experienced:  Card 6 a) Depression? b) Mood swings? c) Suicidal thoughts?	1 never	2 3 4 5 very often	a) b) c)
16	Have you been: a) Hospitalised for any psychiatric illness? b) Have you been prescribed medication for a psychiatric illness? c) Have you been in therapy with a psychologist, psychiatrist etc?	1 yes	2 no	a) b) c)
17	Are you part of a group such as ... a) Social club? b) Kapa haka/cultural/music group? c) Marae? d) Sports team? e) Church? f) Other? (<i>specify</i>)	1 yes	2 no	a) b) c) d) e) f)
18	How important is God or religion in your life?  Card 7	1 not imp	2 3 4 5 very imp	


19	a) Do any of your close friends that you usually hang around with offend or have a criminal history? b) Have you belonged to a gang since the (1998) FGC?	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">1</td> <td style="width: 50%; text-align: center;">2</td> </tr> <tr> <td style="text-align: center;">yes</td> <td style="text-align: center;">no</td> </tr> <tr> <td style="border: none;"></td> <td style="text-align: right;">a)</td> </tr> <tr> <td style="border: none;"></td> <td style="text-align: right;">b)</td> </tr> </table>	1	2	yes	no		a)		b)																																	
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	a)																																										
	b)																																										
20	Do you: Card 8 a) Drink alcohol? b) Smoke marijuana (dope)? c) Use any other illegal drugs?	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 12.5%; text-align: center;">1</td> <td style="width: 12.5%; text-align: center;">2</td> <td style="width: 12.5%; text-align: center;">3</td> <td style="width: 12.5%; text-align: center;">4</td> <td style="width: 12.5%; text-align: center;">5</td> </tr> <tr> <td style="text-align: center;">none</td> <td colspan="3"></td> <td style="text-align: center;">lots</td> </tr> <tr> <td style="border: none;"></td> <td style="border: none;"></td> <td style="border: none;"></td> <td style="border: none;"></td> <td style="text-align: right;">a)</td> </tr> <tr> <td style="border: none;"></td> <td style="border: none;"></td> <td style="border: none;"></td> <td style="border: none;"></td> <td style="text-align: right;">b)</td> </tr> <tr> <td style="border: none;"></td> <td style="border: none;"></td> <td style="border: none;"></td> <td style="border: none;"></td> <td style="text-align: right;">c)</td> </tr> </table>	1	2	3	4	5	none				lots					a)					b)					c)																
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				b)																																							
				c)																																							
21	<i>Indicate how much you agree with each of the following statements:</i> Card 1 a) I find it easy to get on with people my own age b) I have not had any major health problems c) I have not wanted to get involved in crime d) I have taken responsibility for any wrong things I have done e) In general I feel good about myself f) I have a positive view of the future	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 12.5%; text-align: center;">1</td> <td style="width: 12.5%; text-align: center;">2</td> <td style="width: 12.5%; text-align: center;">3</td> <td style="width: 12.5%; text-align: center;">4</td> <td style="width: 12.5%; text-align: center;">5</td> </tr> <tr> <td style="text-align: center;">disagree</td> <td colspan="3"></td> <td style="text-align: center;">agree</td> </tr> <tr> <td style="border: none;"></td> <td style="border: none;"></td> <td style="border: none;"></td> <td style="border: none;"></td> <td style="text-align: right;">a)</td> </tr> <tr> <td style="border: none;"></td> <td style="border: none;"></td> <td style="border: none;"></td> <td style="border: none;"></td> <td style="text-align: right;">b)</td> </tr> <tr> <td style="border: none;"></td> <td style="border: none;"></td> <td style="border: none;"></td> <td style="border: none;"></td> <td style="text-align: right;">c)</td> </tr> <tr> <td style="border: none;"></td> <td style="border: none;"></td> <td style="border: none;"></td> <td style="border: none;"></td> <td style="text-align: right;">d)</td> </tr> <tr> <td style="border: none;"></td> <td style="border: none;"></td> <td style="border: none;"></td> <td style="border: none;"></td> <td style="text-align: right;">e)</td> </tr> <tr> <td style="border: none;"></td> <td style="border: none;"></td> <td style="border: none;"></td> <td style="border: none;"></td> <td style="text-align: right;">f)</td> </tr> </table>	1	2	3	4	5	disagree				agree					a)					b)					c)					d)					e)					f)	
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				f)																																							

23	Did you commit any of the following offences that <u>were not detected</u> over this period.... a) Violence? b) Property? c) Drugs? hard drug use or for supply? d) Drugs? soft for private use? e) Other? (<i>specify</i>)	1	2					
		yes	no					
			a)					
			b)					
			c)					
			d)					
	e)							
24	What kind of things used to trigger your offending ...  Card 1 a) Being bored/wanting excitement? b) To get things you wanted? c) To go with friends? d) Being angry? e) Nobody cared about me/I had nothing to lose/a bad time in my life f) Because of drinking?/Drugs?/Glue?	1	2	3	4	5		
		disagree			agree			
						a)		
						b)		
						c)		
						d)		
						e)		
				f)				


THE FAMILY GROUP CONFERENCE

We have talked about things before the 1998 FGC. Now I want to ask you about your family group conference (indicate which one). **[Interviewer note-it is very important that you clarify which FGC you are talking about. eg. date, offences, who was involved]**


MEMORY OF FGC

25	Indicate how much you agree with each statement  Card 1 a) I remember a lot about the FGC b) I was told what would happen at the FGC c) I was told what others might expect of me at the FGC d) I was given information on possible outcomes of the FGC	1	2	3	4	5	FGC1	FGC2
		disagree			agree			
						a)		
						b)		
						c)		
				d)				


PEOPLE AT THE FGC

26	<i>Indicate how much you agree with each statement</i> <div style="text-align: right;"> Card 1</div>	1	2	3	4	5	FGC1	FGC2		
		disagree					agree			
								a)		
								b)		
						c)	<i>text</i>	<i>text</i>		
						1	2			
						yes	no			
						d) In the FGC did you and your family meet privately before the final decisions were made?				


PARTICIPATION AND INVOLVEMENT

27	<i>Indicate how much you agree with each statement</i> <div style="text-align: right;"> Card 1</div>	1	2	3	4	5	FGC1	FGC2		
		disagree					agree			
								a)		
								b)		
						c)				
						d)				
						d) I felt too intimidated to say what I really felt in the FGC				

AGREEMENT

28	<i>Indicate how much you agree with each statement</i> <div style="text-align: right;"> Card 1</div>	1	2	3	4	5	FGC1	FGC2		
		disagree					agree			
								a)		
								b)		
						c)				
						c) The decision was better than I expected				


FAIRNESS AND REPAIR

29	Indicate how much you agree with each statement  Card 1	1	2	3	4	5	FGC1	FGC2
		disagree						
	a) I was treated with respect in the FGC					a)		
	b) I was treated fairly in the FGC					b)		
	c) If you were treated unfairly (<i>i.e. response 1-3</i>) why do you think that was? (<i>write below</i>)					c)	<i>text</i>	<i>text</i>
	d) In general, people at the FGC were looking out for my best interests					d)		
	e) I was able to make up for what I did					e)		


VICTIM

30	Was the victim at the FGC?	1	2	7	FGC1	FGC2
		yes	no	no vict		


REMORSE

31	Indicate how much you agree with each statement  Card 1	1	2	3	4	5	FGC1	FGC2
		disagree						
	a) I could understand how the victim felt					a)		
	b) I felt really sorry about my offending					b)		
	c) I showed the victim that I was really sorry					c)		
	d) I think the victim accepted my apology					d)		
	e) I could see the victims point of view					e)		
	f) Looking back, I now feel that what I did was wrong					f)		
	g) In the FGC I felt that the offence I committed was wrong					g)		
	h) I decided to keep out of trouble in the future					h)		
	i) Did you keep out of trouble?	1	2			i)		
		yes	no					


SHAME

32	Indicate how much you agree with each statement  Card 1	1	2	3	4	5	FGC1	FGC2
		disagree		agree				
	a) In the FGC I felt ashamed of myself					a)		
	b) People in the fgc spoke up on my behalf					b)		
	c) The way it was dealt with made me feel like I was a bad person					c)		
	d) In the FGC I was treated as though I was a criminal					d)		

FORGIVENESS

33	Indicate how much you agree with each statement  Card 1	1	2	3	4	5	FGC1	FGC2
		disagree		agree				
	a) After the FGC people didn't let me forget what I had done					a)		
	b) At the end of the FGC people showed me that I was forgiven					b)		
	c) People have made it clear that I can put the whole thing behind me					c)		


ACCEPTANCE

34	Indicate how much you agree with each statement  Card 1	1	2	3	4	5	FGC1	FGC2
		disagree		agree				
	a) In the FGC people showed that they cared about me regardless of what I'd done					a)		
	b) In the FGC people talked about what they liked about me					b)		
	c) At the FGC people gave me another chance					c)		
	d) At the FGC people treated me as a trustworthy person					d)		

Can I ask you now what was decided at the FGC? Did everyone agree?

35 FGC OUTCOME	FGC 1	FGC 2
Reached agreement 1 Yes 2 No		

What things were decided? (Make sure that the YP is talking about the 1998 FGC) [Use the show card]

FGC PLAN 	FGC 1	FGC 2
1: Yes completed		
2: Yes part done		
3: Yes but not done		
4: No		
a) Verbal apology		
b) Written apology		
c) Work in the community		
d) Work for the victim		
e) Money/Gift for the victim		
f) Money/Gift to community/Charity		
g) Educational training (<i>specify</i>)		
h) Making promises		
i) Joining a group (<i>specify</i>)		
j) Live elsewhere N.Z		
k) Live elsewhere overseas		
l) Restrictions on liberty (<i>specify</i>)		
m) Youth Court orders (<i>specify</i>)		
n) Programmes		
o) Other (<i>specify</i>)		


PROGRAMMES

36 type of program arranged through fgc	attendance				length (no of wks)	live in?		how helpful?				
	1 none	2 some	3 most	4 all		1 yes	2 no	1 no help	2	3	4	5 very helpful
TOPS or other training courses												
Return to school/correspondence												
Polytech or university												
Driver education program												
Assessment												
Drug and alcohol counselling												
Program for anger or violence												
STOP program												
Cultural												
Outdoor adventure program												
Other (<i>specify</i>)												


37	<p>a) Did anyone make sure you did the things you were supposed to?</p> <p>If yes, who? (e.g. family, community member, social worker, police)</p> <p>b) Comments: (<i>record here any comments as to the plan, what was done, why it wasn't completed. e.g the YP was supposed to go to drug counselling, but the social worker didn't organise it</i>)</p>	1 yes	2 no	a)	+ <i>text</i>
					b)

POLICE

Here are a number of statements about you and the police. For each indicate how much you agree

38	Indicate how much you agree with each statement  Card 1	1	2	3	4	5	
		disagree			agree		
	a) The police treated me fairly when I was arrested.					a)	
	b) The police treated me fairly when I was interviewed at the police station.					b)	
	c) The police treated me fairly in the FGC.					c)	
	d) The police treated me fairly when in the youth court.					d)	
	e) The police treated me fairly on other occasions when I came into contact with them.					e)	
	f) As a result of my dealings with police, I would say that my respect for the police has gone up.					f)	

YOUTH COURT EXPERIENCES (related to the FGC applicable if not applicable go to question 44)

39	Indicate how much you agree with each statement  Card 1	1	2	3	4	5	
		disagree			agree		
	a) I remember a lot about the youth court.					a)	
	b) I was told what would happen at the youth court.					b)	
	c) I was told what I should do at the youth court.					c)	
	d) I was given information on possible outcomes of the youth court.					d)	
	e) There were people there who cared about what happened to me and supported me.					e)	
	f) I felt involved in making the decisions at the youth court.					f)	
	g) I understood what was going on in the youth court.					g)	
	h) I felt I had the opportunity to say what I had to say.					h)	
	i) I felt too intimidated to say what I really felt in the youth court.					i)	

AGREEMENT

40	Indicate how much you agree with each statement Card 1	1	2	3	4	5	
		disagree			agree		
	a) At the end of the youth court, I understood what was decided.					a)	
	b) I really agreed with the decisions.					b)	
	c) The decision was better than I expected.					c)	

FAIRNESS

41	Indicate how much you agree with each statement Card 1	1	2	3	4	5	
		disagree			agree		
	a) I was treated with respect in the youth court					a)	
	b) I was treated fairly in the youth court					b)	
	c) If you were treated unfairly (<i>i.e. response 1-3</i>) why do you think that was? (<i>write below</i>)					c)	<i>text</i>
	d) In general, people at the youth court were looking out for my best interests					d)	


FORGIVENESS AND ACCEPTANCE

42	Indicate how much you agree with each statement	1	2	3	4	5	
		disagree		agree			
	a) The way it was dealt with in the youth court made me feel like I was a bad person					a)	
	b) In the youth court I felt ashamed of myself					b)	
	c) In the youth court people showed that they cared about me regardless of what I'd done					c)	
	d) At the youth court people gave me another chance					d)	
	e) At the youth court people treated me as a trustworthy person					e)	

Card 1


YOUTH COURT OUTCOMES

43	What was the outcome of the youth court?	1	2	
		yes	no	
	a) Discharge/withdrawn		a)	
	b) Fine		b)	
	c) Reparation/costs/restitution		c)	
	d) Forfeiture		d)	
	e) Loss of license		e)	
	f) Loss of vehicle		f)	
	g) Community work		g)	
	h) Supervision		h)	
	i) Supervision with activity		i)	
	j) Supervision with residence		j)	
	k) District Court(<i>specify</i>)		k)	

45	Do you think any of the following have helped you to stop, or reduce, your offending?  Card 10	1	2		
		yes	no		
			a)		
			b)		
			c)		
			d)		
			e)		
			f)		
			g)		
			h)		
			i)		
			j)		
			k)		
			l)		
	m)				

GROWING UP

Now we would like to ask some things about what your life was like while you were growing up (Note: if YP says that they were adopted please make a note of this but don't specifically ask this question)

46	How old were your parents when you were born? a) Mother b) Father			
			a)	
			b)	
47	When you were born, were your parents: a) Living together? b) Married?	1	2	
		yes	no	
			a)	
			b)	
48	Which best describes your mother's situation while you were growing up (includes mother figure, ie step mother, foster mother, grandmother, aunty etc)  Card 11 1 Looking after home and family 2 Working full time 3 Working part time			

	<p>4 A full time student 5 DPB 6 Other beneficiary 7 Retired from paid work 8 No mother figure while growing up 9 Other (<i>specify</i>)</p>		
49	<p>What type of work did your mother do? (<i>Use as possible prompts: What did she do there? Was she a boss?</i>)</p>		<i>text</i>
50	<p>Which best describes your father's situation while you were growing up (<i>includes father figure, ie step father, foster father, grandfather, uncle etc</i>) ☞ Card 11</p> <p>1 Looking after home and family 2 Working full time 3 Working part time 4 A full time student 5 DPB 6 Other beneficiary 7 Retired from paid work 8 No father figure while growing up 9 Other (<i>specify</i>)</p>		
51	<p>What type of work did your father do? (<i>Use as possible prompts: What did he do there? Was he a boss?</i>)</p>		
52	<p>Before I was born, I think that my parents wanted me</p>	<p>1 2 3 4 5 disagree agree</p>	
53	<p>Who did you live with for the most part of your childhood? (<i>enter all that apply & underline main one</i>) ☞ Card 12</p> <p>1 Mother & father 2 Mother 3 Father 4 One parent and a step parent 5 Other relatives 6 Friends 7 Institutions 8 Other (<i>specify</i>)</p>		

54	How many changes of family/caregiving situations were there? (<i>no change =0</i>)		
55	Indicate the number of places you lived during your a) Pre-school years b) Primary & Intermediate school years c) Secondary school years		a) b) c)
56	How many different schools did you go to? a) High schools b) Intermediate schools c) Primary schools d) Total		a) b) c) d)
57	Did you attend a pre-school such as, Kindergarten or Kohanga Reo?	1 yes	2 no
58	Indicate how much you agree with each statement <i>While I was growing up</i> Card 1	1 2 3 4 5 disagree agree	
	a) I had people in my life who cared about me. Who?		a)
	b) I had good friends while I was growing up.		b)
	c) I was involved with sports or other clubs while growing up.		c)
	d) While growing up I spent a lot of time with my father.		d)
	e) Apart from my parents, there were other adults, (family and friends) I was close to while I was growing up.		e)
	f) There were people I admired and wanted to be like. Who?		f)
	g) I generally did what I was told		g)
	h) I got on well with my parents		h)
	i) I think that my family was reasonably happy		i)
	j) My family was actively involved in the community		j)
	k) In general, I had a happy childhood.		k)
	l) I had a number of health problems		l)
	m) I was often in conflict with my parents		m)
	n) Did you ever run away from home and stay out overnight? (<i>write how often</i>)		n)

59	What did you do in your spare time? Card 13	1	2	3	4	5		
		never					often	
							a)	
							b)	
							c)	
							d)	
					e)			

60	<i>How often was the following true for you</i> Card 13	1	2	3	4	5		
		never					often	
							a)	
							b)	
							c)	
					d)			

61	I attended Sunday school or church while I was growing up Card 13	1	2	3	4	5	
		never					often

62	Generally, my family had enough money to get by Card 1	1	2	3	4	5	
		disagree					agree

ALCOHOL, DRUGS AND SEX

63	While you were growing up (before school leaving age) did you experiment with the following..... Card 13	1	2	3	4	5		
		never					often	
							a)	
							b)	
							c)	
					d)			

64	a) Were you under the age of 15 when you first started having sex?	1				2	a)
		yes		no			
	b) I was involved in unsafe sex Card 13	1	2	3	4	5	b)
		never					often




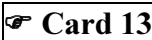

DISCIPLINE, BULLYING, OFFENDING AND ABUSE

65	At school I was: Card 13	1	2	3	4	5	
		never					often
							a)
					b)		


66	At home I was: ☞ Card 13 a) Smacked b) Hit with a strap, stick or something similar c) Given really severe thrashings d) Emotionally abused (<i>put down, called names, made to feel unwanted etc</i>) e) Sexually abused f) I watched adults fight physically g) I watched adults fight verbally	<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 20%;"></th> <th style="width: 10%;">1</th> <th style="width: 10%;">2</th> <th style="width: 10%;">3</th> <th style="width: 10%;">4</th> <th style="width: 10%;">5</th> <th style="width: 10%;"></th> </tr> <tr> <td></td> <td colspan="2" style="text-align: center;">never</td> <td></td> <td colspan="2" style="text-align: center;">often</td> <td></td> </tr> </thead> <tbody> <tr><td style="text-align: right;">a)</td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td style="text-align: right;">b)</td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td style="text-align: right;">c)</td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td style="text-align: right;">d)</td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td style="text-align: right;">e)</td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td style="text-align: right;">f)</td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td style="text-align: right;">g)</td><td></td><td></td><td></td><td></td><td></td><td></td></tr> </tbody> </table>		1	2	3	4	5			never			often			a)							b)							c)							d)							e)							f)							g)							
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67	While growing up I had a lot of contact with the police ☞ Card 13	<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 20%;"></th> <th style="width: 10%;">1</th> <th style="width: 10%;">2</th> <th style="width: 10%;">3</th> <th style="width: 10%;">4</th> <th style="width: 10%;">5</th> <th style="width: 10%;"></th> </tr> <tr> <td></td> <td colspan="2" style="text-align: center;">never</td> <td></td> <td colspan="2" style="text-align: center;">often</td> <td></td> </tr> </thead> <tbody> <tr><td style="text-align: right;">a)</td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td style="text-align: right;">b)</td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td style="text-align: right;">c)</td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td style="text-align: right;">d)</td><td></td><td></td><td></td><td></td><td></td><td></td></tr> </tbody> </table>		1	2	3	4	5			never			often			a)							b)							c)							d)																												
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68	Others in my family were involved in crime or had criminal convictions a) Parent b) Sibling c) Extended family/whanau d) other	<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 20%;"></th> <th style="width: 10%;">1</th> <th style="width: 10%;"></th> <th style="width: 10%;"></th> <th style="width: 10%;"></th> <th style="width: 10%;">2</th> <th style="width: 10%;"></th> </tr> <tr> <td></td> <td colspan="2" style="text-align: center;">yes</td> <td></td> <td></td> <td colspan="2" style="text-align: center;">no</td> </tr> </thead> <tbody> <tr><td style="text-align: right;">a)</td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td style="text-align: right;">b)</td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td style="text-align: right;">c)</td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td style="text-align: right;">d)</td><td></td><td></td><td></td><td></td><td></td><td></td></tr> </tbody> </table>		1				2			yes				no		a)							b)							c)							d)																												
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69	Members of my family (household) were involved in the heavy use of: a) Alcohol b) Drugs c) Other substances ☞ Card 13	<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 20%;"></th> <th style="width: 10%;">1</th> <th style="width: 10%;">2</th> <th style="width: 10%;">3</th> <th style="width: 10%;">4</th> <th style="width: 10%;">5</th> <th style="width: 10%;"></th> </tr> <tr> <td></td> <td colspan="2" style="text-align: center;">never</td> <td></td> <td colspan="2" style="text-align: center;">often</td> <td></td> </tr> </thead> <tbody> <tr><td style="text-align: right;">a)</td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td style="text-align: right;">b)</td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td style="text-align: right;">c)</td><td></td><td></td><td></td><td></td><td></td><td></td></tr> </tbody> </table>		1	2	3	4	5			never			often			a)							b)							c)																																			
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c)																																																																		

SCHOOL DAYS

70	<i>Indicate how much you agree with this statement</i> ☞ Card 1 a) In general I did well at school b) In general I was good at sports c) I got on well with teachers	<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 20%;"></th> <th style="width: 10%;">1</th> <th style="width: 10%;">2</th> <th style="width: 10%;">3</th> <th style="width: 10%;">4</th> <th style="width: 10%;">5</th> <th style="width: 10%;"></th> </tr> <tr> <td></td> <td colspan="2" style="text-align: center;">disagree</td> <td></td> <td colspan="2" style="text-align: center;">agree</td> <td></td> </tr> </thead> <tbody> <tr><td style="text-align: right;">a)</td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td style="text-align: right;">b)</td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td style="text-align: right;">c)</td><td></td><td></td><td></td><td></td><td></td><td></td></tr> </tbody> </table>		1	2	3	4	5			disagree			agree			a)							b)							c)							
	1	2	3	4	5																																	
	disagree			agree																																		
a)																																						
b)																																						
c)																																						
71	What form were you in when you left school?																																					
72	What is your highest school qualification 1 None 2 School Certificate 3 Sixth form Certificate 4 University Entrance 5 Bursary																																					

73	<p>When you went out how often did your parents, or caregivers, know where you were and who you were with</p> <p>a) Primary up to S4  Card 13</p> <p>b) Intermediate</p> <p>c) High School</p>	<p>1 2 3 4 5</p> <p>never often</p> <p>a)</p> <p>b)</p> <p>c)</p>	
74	<p>How often did you get into trouble at primary school for the following things:  Card 13</p> <p>a) Truantiing</p> <p>b) Ganging up on other children</p> <p>c) Stealing from other children</p> <p>d) Punching, kicking, hitting other children or getting into fights with other children</p>	<p>1 2 3 4 5</p> <p>never often</p> <p>a)</p> <p>b)</p> <p>c)</p> <p>d)</p>	
75	<p>How often did you get into trouble at intermediate (<i>Form 1 & 2 if only primary</i>) for the following things:  Card 13</p> <p>a) Truantiing</p> <p>b) Ganging up on other children</p> <p>c) Stealing from other children</p> <p>d) Punching, kicking, hitting other children or getting into fights with other children</p>	<p>1 2 3 4 5</p> <p>never often</p> <p>a)</p> <p>b)</p> <p>c)</p> <p>d)</p>	
76	<p>How often did you get into trouble at secondary school for the following things:  Card 13</p> <p>a) Truantiing</p> <p>b) Ganging up on other children</p> <p>c) Stealing from other children</p> <p>d) Punching, kicking, hitting other children or getting into fights with other children</p>	<p>1 2 3 4 5</p> <p>never often</p> <p>a)</p> <p>b)</p> <p>c)</p> <p>d)</p>	
77	<p>Were you ever suspended or expelled from school? If yes, how often? (<i>write number</i>)</p> <p>a) Primary up to S4</p> <p>b) Intermediate</p> <p>c) High school</p>	<p>a)</p> <p>b)</p> <p>c)</p>	
78	<p>When I got home from school, an adult or someone over 14 yrs was usually there  Card 14</p> <p>a) Primary up to S4</p> <p>b) Intermediate</p>	<p>1 2 3 4 5</p> <p>never always</p> <p>a)</p> <p>b)</p>	

CULTURE AND IDENTITY

79	Do you feel you know about your cultural background?	1 yes	2 no	
80	Would you say that you are proud of your culture and ethnic background?	1 2 3 4 5 disagree	agree	
81	Which ethnic group or groups would you identify with? (use show card)  Card 15			<i>text</i>

NZ MAORI QUESTIONS

For those who identify NZ Maori as one of their ethnic groups ask the following:

82	If you had to choose one option which best describes you which would you choose? 1 Kiwi 2 New Zealander 3 Maori/Pakeha 4 Part Maori 5 Polynesian 6 Maori 7 Other (<i>describe</i>)			
83	How many generations of Maori ancestry can you name? 1 1 generation 2 2 generations 3 3 generations 4 More than 3 generations			
84	Have you ever been to a Marae? 1 Not at all 2 Once 3 A few times 4 Several times 5 More than once a month			
85	In terms of your involvement with your whanau, would you say your whānau plays... 1 A very large part in your life 2 A large part in your life 3 A small part in your life 4 A very small/no part in your life			
86	Do you have a financial interest in Maori land (<i>i.e. as an owner, part/potential owner or beneficiary</i>)	1 yes	2 no	

87	<p>This question considers your contacts with other people.</p> <p>In general, would you say your contacts are with:</p> <p>1 Mainly Maori</p> <p>2 Some Maori</p> <p>3 Few Maori</p> <p>4 No Maori</p>		
88	<p>How would you rate your overall ability with Maori language ?</p> <p>1 Excellent</p> <p>2 Very good</p> <p>3 Fair</p> <p>4 Poor</p> <p>5 None</p>		

PACIFIC ISLANDER QUESTIONS

For those who identify as Pacific Islander, Samoan, Tongan, etc. as one of their ethnic groups ask the following adding the name of the primary ethnic identification in the bracketed spaces:

89	<p>If you had to choose one option which best describes you which would you choose?</p> <p>1 Kiwi</p> <p>2 New Zealander</p> <p>3 Pacific Islander</p> <p>4 Samoan</p> <p>5 Tongan</p> <p>6 Polynesian</p> <p>7 Part Pacific</p> <p>8 Other (<i>describe</i>)</p>		
90	<p>Where were you born?</p> <p>_____</p>		
91	<p>How many generations of your family have been in New Zealand?</p> <p>1 1 generation</p> <p>2 2 generations</p> <p>3 3 generations</p> <p>4 More than 3 generations</p>		
92	<p>Do you know your ancestral village?</p>	<p>1 2</p> <p>yes no</p>	
93	<p>If yes, have you ever been there?</p>	<p>1 2</p> <p>yes no</p>	
94	<p>Are you involved in activities in your Pacific community in New Zealand?</p>	<p>1 2</p> <p>yes no</p>	
95	<p>If yes, how often over the last year?</p> <p>1 Not at all</p> <p>2 Once</p>		

	<p>3 A few times 4 Several times 5 More than once a month</p>		
96	<p>In terms of your involvement with your family, would you say your family plays...</p> <p>1 A very large part in your life 2 A large part in your life 3 A small part in your life 4 A very small/no part in your life</p>		
97	<p>This question considers your contacts with other people. In general, would you say your contacts are with <i>(use option from 89 in space below)</i>:</p> <p>1 Mainly (_____) 2 Some (_____) 3 Few (_____) 4 No (_____)</p>		
98	<p>How would you rate your overall ability with the (_____) language?</p> <p>1 excellent 2 very good 3 fair 4 poor 5 none</p>		

99	<p>I have finished my questions. Thanks a lot for helping us with our research. Do you have any comments about the research or the interview?</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>		<i>text</i>												
100	<p>What did you think of the interview, was it:</p> <p>a) Boring?</p> <p>b) Hard to understand?</p> <p>c) Interesting?</p> <p>d) Too long?</p> <p>e) Too personal?</p>	<table border="1"> <thead> <tr> <th data-bbox="1040 688 1117 764">1 yes</th> <th data-bbox="1117 688 1372 764">2 no</th> </tr> </thead> <tbody> <tr> <td data-bbox="1040 764 1117 810"></td> <td data-bbox="1117 764 1372 810">a)</td> </tr> <tr> <td data-bbox="1040 810 1117 856"></td> <td data-bbox="1117 810 1372 856">b)</td> </tr> <tr> <td data-bbox="1040 856 1117 903"></td> <td data-bbox="1117 856 1372 903">c)</td> </tr> <tr> <td data-bbox="1040 903 1117 949"></td> <td data-bbox="1117 903 1372 949">d)</td> </tr> <tr> <td data-bbox="1040 949 1117 995"></td> <td data-bbox="1117 949 1372 995">e)</td> </tr> </tbody> </table>	1 yes	2 no		a)		b)		c)		d)		e)	
1 yes	2 no														
	a)														
	b)														
	c)														
	d)														
	e)														
101	<p>I've asked you about a lot of things, is there anything you would like to ask me?</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>		<i>text</i>												
102	<p>If we do more research in 5 years time to see how you're doing, can we get in contact with you again? <i>(If yes write address in space provided below)</i></p>	<table border="1"> <thead> <tr> <th data-bbox="1040 1314 1117 1390">1 yes</th> <th data-bbox="1117 1314 1372 1390">2 no</th> </tr> </thead> <tbody> <tr> <td data-bbox="1040 1390 1117 1442"></td> <td data-bbox="1117 1390 1372 1442"></td> </tr> </tbody> </table>	1 yes	2 no											
1 yes	2 no														

FINALLY

Thank you for your help

INTERVIEWERS NOTES

104	Rate the respondent for being:	1	2	3	4	5	
		not				very	
	a) Co-operative					a)	

	_____						<i>+ text</i>
	b) Interested					b)	

	_____						<i>+ text</i>
	c) Accurate or truthful generally					c)	

	_____						<i>+ text</i>
	d) Accurate or truthful about self-report offending					d)	

	_____						<i>+ text</i>
	e) Depressed					e)	

	_____						<i>+ text</i>
	f) under the influence of alcohol or drugs					f)	

	_____						<i>+ text</i>
	g) Having difficulties comprehending					g)	

	_____						<i>+ text</i>
	h) How confident are you that the young person was talking about the 1998 target FGC?					h)	
	_____	1	2	3	4	5	
	_____	not at all	some	some	very	confident	
	_____	confident	doubt	doubt	confident	confident	
	_____						<i>+ text</i>

Prospective sample
The young persons interview

ACHIEVING EFFECTIVE OUTCOMES IN YOUTH JUSTICE

In this interview we want to ask you about your life, and especially about the things that have got you into trouble. Our main aim is to find out what helps people to stop offending, and what encourages people to keep offending. To start, I would like to ask you about life in general.

(This interview was, for the most part, identical to that for the retrospective sample except that the wording of the questions was adapted to suit the different age group and time frames. There were also some additional questions – these are set out below.)

5	a) Are you currently attending school or doing training?	1 yes	2 no	a)		
	b) If yes , what?				b)	<i>text</i>
	c) If yes , are you attending	1 seldom	2 sometimes	3 regularly		

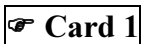
23	If YA diversion:					
	a) What did you have to do? (<i>specify</i>)				a)	<i>text</i>
	b) Were you involved in the decision?					
	c) Was it fair?					
	d) Did it make up for the harm you caused to the victim?					
	e) Did you do what was required?					
f) Comments (<i>including any problems etc</i>)						

I would now like to ask you how you felt about the decisions that were made at the FGC

<p>35</p> <p><i>Note here if agreement was reached</i></p> <p>What did you think about the FGC plan?</p> <p>a) Were there any things which you felt could have been done differently?</p> <p>b) If yes, what?</p> <p>c) Were there any other things which you would have liked to have happened?</p> <p>d) If yes, what?</p> <p>35 Cont</p>		<p>1 2 yes no</p>	
<p>36</p>	<p>a) Was this your first FGC?</p> <p>b) If no, was the previous FGC for this offence or for other offending? (<i>comment</i>)</p> <p>c) Was your experience at the FGC this time ...</p> <p>d) If 1 or 3, in what way? (<i>describe</i>)</p>	<p>1 2 a) yes no</p> <p>b)</p> <p>1 2 3 c) worse the same better</p> <p>d)</p>	<p><i>text</i></p> <p><i>text</i></p>

WHAT WAS IMPORTANT

People have different opinions about what is important at FGCs. Can you tell me how important these things were for you?

<p>37</p> <p>Indicate how much you agree with each statement</p> <p>It was important ...</p> <p>a) To have the chance to tell people what happened.</p> <p>b) To make up for what I did by doing some work or paying money.</p> <p>c) To have people listen to my side of the story.</p> <p>d) To let people know that I can be trusted.</p> <p>e) To have the chance to apologise for what I did</p> <p>f) To let people know that the behaviour won't happen again</p> <p>g) To let people know that I usually don't do things like this</p> <p>h) Other (<i>specify</i>)</p>	<p> Card 1</p>	<p>1 2 3 4 5 disagree agree</p> <p>a)</p> <p>b)</p> <p>c)</p> <p>d)</p> <p>e)</p> <p>f)</p> <p>g)</p> <p>h)</p>	<p><i>text</i></p>
--	---	---	--------------------

Achieving Effective Outcomes in Youth Justice Parent/Caregivers Questionnaire

In this interview we would like to ask you about what happened for your son/daughter at the FGC held during _____ (month) _____ (year) for _____
_____ (offences).

The aim is to find out what helps young people to stop offending and what sorts of things cause them to keep offending. To start with I would like to ask you for your impressions of the preparation for the FGC.

(Throughout use 8=not applicable; 9=don't know)

Preparation

(code Questions 1-4: 1=yes or 2=no)

- | | | |
|----------|--|--------------------------|
| 1 | Were you told in good time about when the conference was to be held? | <input type="checkbox"/> |
| 2 | If yes , who told you? | |
| | a) YJC | <input type="checkbox"/> |
| | b) Police youth aid | <input type="checkbox"/> |
| | c) Social worker | <input type="checkbox"/> |
| | d) Other (specify) _____ | <input type="checkbox"/> |
| 3 | Were you told what would happen at the FGC? | <input type="checkbox"/> |
| 4 | Who told you? | |
| | a) YJC | <input type="checkbox"/> |
| | b) Police youth aid | <input type="checkbox"/> |
| | c) Social worker | <input type="checkbox"/> |
| | d) Other (specify) _____ | <input type="checkbox"/> |
| 5 | How satisfied were you with what you were told (rate from 1=not at all to 5=fully) | <input type="checkbox"/> |
| | Comments: _____ | |
| | _____ | |
| 6 | Were you told what you would have to do at the FGC? (code 1=yes or 2=no) | <input type="checkbox"/> |
| 7 | Who told you? (code 1=yes or 2=no) | |
| | a) YJC | <input type="checkbox"/> |
| | b) Police youth aid | <input type="checkbox"/> |
| | c) Social worker | <input type="checkbox"/> |

- d) Other (*specify*) _____
- 8 How satisfied were you with what you were told (*rate from 1=not at all to 5=fully*)
- Comments: _____
- 9 Were you given some ideas about how to deal with the offending? (*code 1=yes or 2=no*)
- 10 Who told you? (*code 1=yes or 2=no*)
- a) YJC
- b) Police youth aid
- c) Social worker
- d) Other (*specify*) _____
- 11 How satisfied were you with what you were told (*rate from 1=not at all to 5=fully*)
- Comments: _____
- _____

(*code Questions 12-15: 1=yes or 2=no*)

- 12 Were you asked about when the conference should be held?
- 13 Were you asked about where the conference should be held?
- 14 Were you asked about who should be invited to attend the FGC?

The FGC

Participation and involvement

- 15 Did you feel the right people were at the FGC?
- a) Family?
- b) Others? (*including other professionals there to support/provide information – not YJC, Youth Advocate, Youth Aid or Social Worker*)
- Comments: _____
- _____

(*rate Questions 16 and 17 on a scale from 1=not at all to 5=fully and record comments*)

- 16 Overall did you
- a) Understand what was happening in the FGC?
- b) Express your views in the FGC?
- c) Feel involved in making the decisions at the FGC?
- d) Feel you were treated with respect at the FGC?

e) Agree with the decisions made?

f) Feel like a bad person because the way (*name of YP*)'s offending was dealt with?

Comments: _____

The young person/offending

17 Overall do you:

a) Think that (*YP*) was really sorry about the offending?

b) Think the way that (*YP*)'s offending was dealt with at the FGC was fair?

c) Think the people at the FGC treated (*YP*) with respect?

d) Think the victims forgave (*YP*)?

Comments: _____

18 Has (*YP*) started/completed any of the tasks decided on at the FGC? (*Code 1=yes or 2=no*)
(*Only ask this question if interview takes place some time after the FGC has been held*)

Comments: _____

At the time of the child's birth (*Parents only*)

*Now we would like to ask you a few questions about the time when (*YP*) was born.*

19 How old were you and your partner when he/she was born (*enter age*)

mother

father

20 When he/she was born, were you and your partner living together? (*code 1=yes or 2=no*)

21 Were you married? (*code 1=yes or 2=no*)

22 Was (*YP*) a wanted child?

1=yes

2=no

3=not then but later

9=don't know

While the child was growing up.

23 Has (*YP*) lived with anyone else during his/her childhood? (*code 1=yes or 2=no*)

If **yes**, give details (*relationship*) _____

(If interviewee is caregiver make a judgement as to which of the following questions can be asked and which are not applicable)

24 Were you and your partner working? (code 1=yes or 2=no)
(If changes describe – record what they were doing most of the time)

a) Mother (If yes, what did she do) _____

b) Father (If yes, what did he do) _____

25 Indicate the number of places you have lived during (YP)'s:

a) Pre-school years

b) Primary and Intermediate school years

c) High school years

26 Have you and your partner lived together since (YP) was born until now? (1=yes; 2=no)

27 If **no**, how many other partners have lived with you and (YP)? (write number)

(rate Questions 28 and 29 on a scale from 1=very poor to 5=very good)

28 What sort of relationship did those partners have with (YP)?

Partner 1

Partner 2

Partner 3

Comment: _____

29 What sort of relationship did you have with (YP)?

a) Pre-school

b) Primary school

c) Intermediate school

d) High school

e) Since

30 How many brothers and sisters does (YP) have?

a) Natural?

b) Half

c) Step?

d) Foster?

31 Generally, have the family had enough money to get by?
1=not enough 2=enough 3=more than enough

32 Has (YP) ever run away from home and stayed out over night?
1=never 2=once 3=2/3 times 4=more often

33 While growing up did your son/daughter spend much time with his/her father?
1=never 2=sometimes 3=quite a bit

(code Questions 34-36: 1=yes, 2=no, 3=sometimes)

34 Generally, did he/she have a time to be in by:
a) At intermediate age
b) At high school age

35 If yes to either of above, did he/she come in at that time
a) At intermediate age
b) At high school age

36 When (YP) got home from school was an adult or someone over 14 years usually there?
a) Primary school
b) Intermediate

(code Question 37: 1=usually not, 2=sometimes, 3=usually, 4=almost always)

37 When (YP) went out did you usually know where he/she was and who he/she was with?
a) Primary school
b) Intermediate school
c) High school

(rate Q38-Q40 on a scale from 1=never to 5=often)

38 At home has (YP) been:
a) Smacked
b) Hit with a strap, stick or something similar
c) Given really severe thrashings

39 At home has (YP) ever watched adults fight
a) Physically
b) Verbally

- 40 Has anyone in your family been involved in use of:
- a) Alcohol
 - b) Drugs
 - c) Other substances

(code Question 41-42: 1=yes or 2=no)

- 41 Has anyone else in your family been involved in crime or have criminal convictions?
- If yes, who? _____

- 42 Apart from yourself, are there other adults (family and friends) who (YP) has been close to while growing up?
- If yes, who? _____

(rate Questions 43-45 on a scale from: 1=never to 5=often)

- 43 Have you had support from family and friends raising your family when they were at:
- a) Primary school age
 - b) At intermediate age
 - c) At high school age

- 44 In their spare time has (YP)
- a) Done things at home or with family
 - b) Had friends visit or visited them
 - c) Done things in the neighbourhood/sports/clubs
 - d) Hung around town
 - e) Did (YP) get bored in his/her spare time

- 45 Has (YP) attended Sunday school or church while growing up?

(Rate Q46 on a scale from 1=very unhappy to 5=very happy)

- 46 Do you think that your family has been reasonably happy?

- 47 Have there been there periods in your life where the following were true about (YP):
(tick as many as applicable)

	Pre-school years	Primary school	Int years	High school years
a) Restless/unable to concentrate	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Difficult to manage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- c) Getting into trouble at school/in community
- d) Not attending school when they should
- e) Physically abused
- f) Sexually abused
- g) Emotionally abused

If yes, to any of e), f), g), in Q46 describe:

Background information

Now we would like to ask a few questions about you

48 What is your highest educational qualification?
(tick one only)

- 1 None
- 2 School Certificate
- 3 Sixth Form Certificate
- 4 University Entrance
- 5 Bursary
- 6 University Degree
- 7 Other (specify) _____

49 How often do you attend church (or another place of worship)?
(tick one only)

- 1 At least once a week
- 2 At least once a month
- 3 Two or three times a year
- 4 About once a year
- 5 Almost never
- 6 Never

(code Question 50: 1=no, 2=in moderation, 3=quite a lot)

50 Do you drink alcohol?

(code Questions 51-53: 1=no, 2=occasionally, 3=regularly)

51 Do you smoke tobacco?

52 Do you smoke marijuana (dope)?

53 Do you use any other illegal drugs?

Culture and identity

54 Which ethnic group or groups do you identify with?

1 NZ European

2 Maori (state hapu or iwi if known) _____

3 Samoan

4 Cook Island Maori

5 Tongan

6 Niuean

7 Chinese

8 Indian

9 Other (such as Dutch, Japanese, Tokelauan) Please state: _____

55 Do you feel you know about your cultural background? (code 1=yes or 2=no)

If yes, was there a time for you when this wasn't true? (code 1=yes or 2=no)

If yes, when?: _____

56 How proud are you of your culture and ethnic background?

(Rate on a scale from 1 to 10 with 10=very proud)

NZ Maori Questions

(For those who identify NZ Maori as one of their ethnic groups ask the following - tick one option only for each)

57 If you had to choose one option which best describes you which would you choose?

1 Kiwi

2 New Zealander

3 Maori/Pakeha

4 Part Maori

5 Polynesian

6 Maori

7 Other – please describe

58 How many generations of Maori ancestry can you name?

1 One generation

2 Two generations

3 Three generations

4 More than three generations

59 Have you ever been to a Marae?

1 Not at all

2 Once

3 A few times

4 Several times

5 More than once a month

60 In terms of involvement with your whānau, would you say your whānau plays ...

1 A very large part in your life

2 A large part in your life

3 A small part in your life

4 A very small/no part in your life

61 Do you have a financial interest in Maori land? (code 1=yes or 2=no)
(i.e. as an owner, part/potential owner or beneficiary)

62 This question considers your contacts with other people – in general, would you say your contacts are with

1 Mainly Maori

2 Some Maori

3 Few Maori

4 No Maori

63 How would you rate your overall ability with Maori language?

1 Excellent

2 Very good

3 Fair

4 Poor

5 None

Pacific Island Questions

(For those who identify as Pacific Island, Samoan, Tongan etc as one of their ethnic groups ask the following, adding the name of the primary ethnic identification in the bracketed spaces)

64 If you had to choose one option which best describes you which would you chose

- 1 Kiwi
- 2 New Zealander
- 3 Pacific Islander
- 4 Samoan
- 5 Tongan
- 6 Polynesian
- 7 Part Pacific
- 8 Other – please describe

65 Where were you born? _____

66 How many generations of your family have been in New Zealand?

- 1 One generation
- 2 Two generations
- 3 Three generations
- 4 More than three generations

67 Do you know your ancestral village? (code 1=yes or 2=no)

If **yes**, have you ever been there? (code 1=yes or 2=no)

68 Are you involved in activities in your Pacific community in New Zealand
(code 1=yes or 2=no)

If **yes**, how often over the last year

- 1 Not at all
- 2 Once
- 3 A few times
- 4 Several times
- 5 More than once a month

69 In terms of involvement with your family, would you say your family plays ...

- 1 A very large part in your life
- 2 A large part in your life
- 3 A small part in your life
- 4 A very small/no part in your life

70 This question considers your contacts with other people – in general, would you say your contacts are with *(use option from 64 in space below)*

- 1 Mainly ()
- 2 Some ()
- 3 Few ()
- 4 No ()

71 How would you rate your overall ability with the () language

- 1 Excellent
- 2 Very good
- 3 Fair
- 4 Poor
- 5 None

(For those who identify Maori or Pacific Island as one of their ethnic groups ask the following, adding the name of the ethnic identification in the brackets)

72 As a () do you feel that the FGC process took account of your cultural needs?

(code 1=yes or 2=no)

Comments: _____

Finally

Thank you for your participation in the research, do you have any comments or questions about the research or the interview?

Comments:

Would you like a brief summary of the research when it is finished? This may take about two years.

(code 1=yes or 2=no)

If **yes**, indicate an address to which results should be sent *(remember it may be two years from now)*

Address details:

Achieving Effective Outcomes in Youth Justice

Victim Questionnaire for those at FGC

In this interview we would like to ask you about what happened at the FGC for _____
 _____ (YP's name) held during _____ (month) _____ (year)
 for _____ (offences)

The aim is to find out your views on what happened, on the harm caused by the young person's offending and on whether or not you think he/she was made accountable for his/her actions. To start with I would like to ask you for your impressions of the preparation for the FGC.

(Throughout use 8=not applicable; 9=don't know)

Preparation

(code Questions 1-4: 1=yes or 2=no)

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

2 If **yes**, who told you?

a) YJC

b) Police youth aid

c) Social worker

d) Victim support

e) Other (specify) _____

3 Were you told what would happen at the FGC?

4 If **yes**, who told you?

a) YJC

b) Police youth aid

c) Social worker

d) Victim support

e) Other (specify) _____

5 How satisfied were you with what you were told (rate from 1=not at all to 5=fully)

Comments: _____

6 Were you told what you would have to do at the FGC? (code 1=yes or 2=no)

7 If **yes**, who told you? (code 1=yes or 2=no)

a) YJC

b) Police youth aid

- c) Social worker
- d) Victim support
- e) Other (specify) _____
- 8 How satisfied were you with what you were told (rate from 1=not at all to 5=fully)
- Comments: _____
- 9 Were you given some ideas about how to deal with the offending? (code 1=yes or 2=no)
- 10 If yes, who told you? (code 1=yes or 2=no)
- a) YJC
- b) Police youth aid
- c) Social worker
- d) Victim support
- e) Other (specify) _____
- 11 How satisfied were you with what you were told (rate from 1=not at all to 5=fully)
- Comments: _____
- 12 Were you asked about when the conference should be held? ? (code 1=yes or 2=no)
- 13 Were you asked about where the conference should be held? (code 1=yes or 2=no)

The FGC

Participation and involvement

- 14 Why did you decide to go to the FGC? (ask open ended question and record answer – tick boxes - then probe for further possible reasons)
- a) To get reparation
- b) To ensure that things were done properly
- c) To confront the YP
- d) To let the YP know how I felt
- e) To teach the YP a lesson
- f) To help or support the YP

- g) To find out about the YP
- h) To help play a part in preventing crime

Comments: _____

- 15 Would you have liked more support at the FGC? *(code 1=yes or 2=no)*

Comments: _____

- 16 How did you feel during the FGC? *(probe for changes as the FGC went on eg at beginning, middle, end)*

- 17 Overall did you: *(Rate on a scale from 1=not at all to 5=fully and record comments)*

- a) Understand what was happening in the FGC?
- b) Express your views in the FGC?
- c) Feel involved in making the decisions at the FGC?
- d) Have the chance to explain the loss and harm that resulted from the offence?
- e) Feel you were treated with respect at the FGC?
- f) Feel your needs were met at the FGC?
- g) Agree with the decisions made?

Comments: _____

- 18 As a result of participating in the FGC did you feel:

1=Better 2=Worse 3=No different

Comment: _____

- 19 Has the FGC helped you put these matters behind you?
(Rate on a scale from 1=not at all to 5=fully)

20 What were the **good** features of the FGC outcome?

21 What were the **bad** features of the FGC outcome?

22 What did you like about the way the FGC was conducted?

23 What didn't you like about the way the FGC was conducted?

24 Are there any other comments you would like to make about the FGC?

25 How do you now feel about FGCs in general?

The young person (YP)/offending

26 How did you feel about the young person at the time of the FGC
(e.g.: *angry, frightened, sorry, curious etc*)

27 Did you feel any different by the end of the FGC? (code 1=yes or 2=no)

(Rate Q28, Q29 on a scale from 1=not at all to 5=fully and record comments)

28 Do you think that the YP was really sorry for his/her offending?

Comments: _____

29 Do you think that the YP understood the impact of the offending on you?

Comments: _____

(code Questions 30-33: 1=yes or 2=no)

- 30 Did you know the YP before this offence occurred?
- 31 If yes, what is the nature your relationship with the YP?
a) Family
b) Other (specify) _____
- 32 Was the offence
a) Personal
b) Business related
- 33 Where did the offence take place?
a) Home (including fences, letter boxes etc)
b) Public place (including work etc)
- 34 How would you rate the overall impact of the offence?
(Rate overall impact from 1 to 10 with 10=most negative impact)
Comments: _____

Background information

Now we would like to ask a few questions about you

- 35 Which ethnic group or groups do you identify with?
- 1 NZ European
- 2 Maori (state hapu or iwi if known) _____
- 3 Samoan
- 4 Cook Island Maori
- 5 Tongan
- 6 Niuean
- 7 Chinese
- 8 Indian
- 9 Other (such as Dutch, Japanese, tokelauan) Please state: _____
- 36 Which age group do you belong to:
- 1 Under 20 years
- 2 20-29 years
- 3 30-39 years

- 4 40-49 years
- 5 50-59 years
- 6 60 or over

37 Which category best describes your current situation:

- 1 Working full time
- 2 Working part time
- 3 Full time student
- 4 Unemployed and looking for work
- 5 Unemployed and not looking for work
- 6 Home duties
- 7 DPB
- 8 Invalid/sickness benefit
- 9 Other (*specify*) _____

(For those who identify Maori or Pacific Island as one of their ethnic groups ask the following, adding the name of the ethnic identification in the brackets)

38 As a (_____) do you feel that the FGC process took account of your cultural needs?

(code 1=yes or 2=no)

Comments: _____

Finally

Thank you for your participation in the research, do you have any comments or questions about the research or the interview?

Comments:

Would you like a brief summary of the research when it is finished? This may take about two years.

(code 1=yes or 2=no)

If **yes**, indicate an address to which results should be sent (*remember it may be two years from now*)

Address details:

Achieving Effective Outcomes in Youth Justice Victim Questionnaire for those not attending FGC

In this interview we would like to ask you about what happened at the FGC for _____
 _____ (YP's name) held during _____ (month) _____ (year)
 for _____ (offences)

The aim is to find out why you did not attend the FGC and whether or not you think (YP) was made accountable for his/her actions

(Throughout use 8=not applicable; 9=don't know)

Preparation

(code Questions 1-4: 1=yes or 2=no)

- | | | |
|---|---|--------------------------|
| 1 | Were you told in good time about when the conference was to be held? | <input type="checkbox"/> |
| 2 | If yes, who told you? | |
| | a) YJC | <input type="checkbox"/> |
| | b) Police youth aid | <input type="checkbox"/> |
| | c) Social worker | <input type="checkbox"/> |
| | d) Victim support | <input type="checkbox"/> |
| | e) Other <i>(specify)</i> _____ | <input type="checkbox"/> |
| 3 | Were you asked about when the conference should be held? <i>(code 1=yes or 2=no)</i> | <input type="checkbox"/> |
| 4 | Were you asked about where the conference should be held? <i>(code 1=yes or 2=no)</i> | <input type="checkbox"/> |

The FGC

Participation and involvement

- | | | |
|---|--|--------------------------|
| 5 | Why did you decide not to go to the FGC? <i>(ask open ended question and record answer – tick boxes - then probe for further possible reasons)</i> | |
| | a) Not invited | <input type="checkbox"/> |
| | b) Time unsuitable | <input type="checkbox"/> |
| | c) Notice inadequate | <input type="checkbox"/> |
| | d) Did not want to meet YP and/or their family/whanau | <input type="checkbox"/> |
| | e) The FGC venue | <input type="checkbox"/> |

Comments: _____

6 Would you liked to have attended? (code 1=yes or 2=no)

7 Have you been told about the outcome of (YP name)'s FGC? (code 1=yes or 2=no)

8 If *yes*, what do you think about this? Was it:
1=Too harsh 2=About right 3=Too soft

Comment: _____

9 If *no*, tell them about the plan and ask: What do you think about this? Was it:
1=Too harsh 2=About right 3=Too soft

Comment: _____

(code Questions 10-13: 1=yes or 2=no)

10 Did you know the YP before this offence occurred?

11 If *yes*, what is the nature your relationship with the YP?
a) Family
b) Other (specify) _____

12 Was the offence
a) Personal
b) Business related

13 Where did the offence take place?
a) Home (including fences, letter boxes etc)
d) Public place (including work etc)

14 How would you rate the overall impact of the offence?
(Rate overall impact from 1 to 10 with 10=most negative impact)
Comments: _____

Background information

Now we would like to ask a few questions about you

15 Which ethnic group or groups do you identify with?

- 1 NZ European
- 2 Maori (state hapu or iwi if known) _____
- 3 Samoan
- 4 Cook Island Maori
- 5 Tongan
- 6 Niuean
- 7 Chinese
- 8 Indian
- 9 Other (such as Dutch, Japanese, tokelauan) Please state: _____

16 Which age group do you belong to:

- 1 Under 20 years
- 2 20-29 years
- 3 30-39 years
- 4 40-49 years
- 5 50-59 years
- 6 60 or over

17 Which category best describes your current situation:

- 1 Working full time
- 2 Working part time
- 3 Full time student
- 4 Unemployed and looking for work
- 5 Unemployed and not looking for work
- 6 Home duties
- 7 DPB
- 8 Invalid/sickness benefit
- 9 Other (specify) _____

Finally

Thank you for your participation in the research, do you have any comments or questions about the research or the interview?

Comments:

Would you like a brief summary of the research when it is finished? This may take about two years.

(code 1=yes or 2=no)

If **yes**, indicate an address to which results should be sent *(remember it may be two years from now)*

Address details:

Achieving Effective Outcomes in Youth Justice
Youth Justice Co-ordinators Questionnaire

YJC (Name): _____ AEO YP ID: _____

(throughout use 8=n/a; 9=dk)

FGC Preparation

1 Has this young person had an FGC before? (code 1=yes or 2=no)

2 Who set up/prepared for the FGC? (code 1=YJC 2=Social Worker 3=Other [specify])

3 How was the preparation for the FGC undertaken? (code 1=yes or 2=no)

a) Home visits/face-to-face

b) Telephone

c) Letter

d) Pamphlets

e) Video

4 During the FGC preparation was the young person seen (code 1=yes or 2=no)

a) Separately from parent(s)

b) Together with parent(s)

c) Separately and together with parent(s)

5 What standard issues are discussed during the FGC preparation?

6 Describe any particular issues in this case that were covered in the preparation

7 Were there any problems in setting up the FGC? (code 1=yes or 2=no)

If yes, describe _____

8 How much time did you spend setting up and preparing for the FGC?

(Hours : minutes) _____ :

The FGC

Participation and involvement

9 Were the right family or whanau members at the FGC? (code 1=yes or 2=no)

If **no**, who else should have been there and why weren't they? _____

10 How was everyone prepared for the FGC? (rate on scale from 1=poorly to 5=very well)

a) YP

b) Family/whanau

c) Victim

d) Others (specify) _____

Comments: _____

11 When victim was not at the FGC, ask: Why weren't they?

Comments: _____

(Rate Q12-14 on a scale from 1=none to 5=full – and record comments)

12 How would you rate the level of YP participation in the FGC?

Comments: _____

13 How would you rate the level of family or whanau participation in the FGC?

Comments: _____

14 How would you rate the level of victim participation in the FGC?

Comments: _____

15 Did the professionals inappropriately dominate the discussion during the FGC?

(code 1=yes or 2=no and describe)

a) Police youth aid

b) Youth advocate

c) Social worker

d) Others (*specify*) _____

Comments: _____

16 Did the professionals intervene appropriately during the FGC?
(*code 1=yes or 2=no and describe*)

a) Police youth aid

b) Youth advocate

c) Social worker

d) Others (*specify*) _____

Comments: _____

Resourcing

Rate Q17 and 18 on a scale from 1 to 10 (10 = sufficient)

17 Were sufficient funds/resources available for setting up the FGC?

Comments: _____

18 Were sufficient funds/resources available to implement the FGC plan?

Comments: _____

Outcomes and process

*Indicate: 1=yes; 2=no; 3=partly; 8=not applicable; or 9=don't know;
and comment where appropriate*

19 Did the FGC arrange outcomes:

a) Likely to promote the wellbeing of YP and F/W

b) Likely to strengthen families and enable them to cope

c) Likely to assist the development of YP

d) Likely to ensure the offender was made accountable

e) Which kept the YP in the community

f) Other (*specify*) _____

- 20** Did the process
- a) Pay due regard to interests of victims
 - b) Ensure that the YP's interests were protected
- 21** Was the process
- a) Culturally appropriate
 - b) Held within statutory period
- 22** Rate the success of the FGC outcome on a scale from **1** to **10** (*10 being very successful*)
- Comments _____

- 23** Rate the success of the FGC process on a scale from **1** to **10** (*10 being very successful*)
- Comments _____

Achieving Effective Outcomes in Youth Justice

Family Group Conference Observation

Part A: Observation Record

AEO YP ID: _____

YP (Name): _____ (Male/Female) YJC (Name): _____

Area: _____ Date: _____ Time Started: _____ (am/pm)

(If FGC late starting note reason why: _____)

Venue: (circle one) 1 CYF 2 Police Station 3 Residence/home 4 Community rooms 5 Marae 6 Other (specify)

Participants:

(Note other details on seating plan)

1 Facilitator (note who if not YJC above) _____

2 Total number present:

a) Participants:

--	--

b) Observers

--

3 Number of (tick if one or enter number):

a) Young person(s) (YP)

YP1

YP2

YP3

--

--

--

b) Co-offenders

--

--

--

c) Co-offenders family/support

--

--

--

d) Mother

--

--

--

e) Father

--

--

--

f) Caregiver/guardian

--

--

--

g) Sibling

--

--

--

h) YP's partner

--

--

--

i) Other family or whanau (specify) _____

--

--

--

j) Other YP or whanau support (specify) _____

--

--

--

k) Victim

--

--

--

l) Victim representative

--

--

--

m) Victim support

--

--

--

n) Youth Advocate

--

--

--

o) Youth Aid

--

--

--

p) Social worker

--

--

--

- q) Other professionals (specify) _____
- r) Others (specify) _____

Comments: (Note here any unusual relationships and reasons for non-attendance [if known] of key participants e.g. parents/victim)

Procedure: (Code the following questions either 1=yes or 2=no)

- 4 a) Karakia? (or other prayer)
- By whom? _____
- b) Introductions?
- By whom? _____
- c) Mihimihi? (or other cultural greeting)
- By whom? _____
- d) Preferred language (specify) _____
- 5 a) **Facilitator**
- i) Explained procedure
- ii) Described outcome options
- iii) Checked re denial
- iv) Checked YP agreed with outcome
- v) Other (specify) _____
- b) **Police**
- i) Read summary of facts
- ii) Checked re denial
- iii) Other (specify) _____
- 6 Victim/s views presented
- If yes, by whom? _____

Seating plan

Draw an outline of the arrangement of the room giving positions of participants (including yourself as an observer) using symbols as detailed in the key below; add other symbols you need to describe particular people (e.g. SM = stepmother, SF = stepfather); use numbers if more than one of each type of participant (e.g. V2 = Victim 2); if seated around a table, draw the outline:

Key(examples):

YP = young person

M = mother

F = father

C = caregiver/guardian

S = sister

B = brother

OF = other family or whanau (*specify*)

FS = family support

YPP = young person's partner

V = victim

VS = victim supporter

VR = victim representative

YJC = Youth Justice coordinator

SW = Social Worker/CYF

YA = Youth Aid/Police

Ad = Youth Advocate

OP = other professional

O = other participant (*specify*)

Achieving Effective Outcomes in Youth Justice
Family Group Conference Observation
Part B: Observation Coding Schedule

[Throughout use 8=not applicable; 9=don't know]

The young person (YP), the family or whanau (F/W) and the victim (V)

Participation and involvement

(rate Question 1 on a scale from: 1=not at all to 5=very)

1 The extent to which people:	YP	F/W	V
a) Appeared to understand what was going on in the FGC			
b) Had the opportunity to have their say at the FGC			
c) Appeared to understand what was decided at the end of the FGC			
d) Agreed with the decisions			

2 Which of the following adjectives do you feel characterised the YP during the FGC? *(tick boxes)*

	<i>Initially</i>	<i>At close</i>
a) Defiant/angry/sullen		
b) Engaged		
c) Uninterested		
d) Remorseful		
e) As if it was a joke		
f) Responsive		

Comment: _____

Agreement/understanding

(code 1=yes or 2=no)

3 How would you characterise the outcome decision?

- a) Genuine consensus (general agreement by all)

Comments: _____

- b) No agreement reached

Why? Comments: _____

Respect and fairness

(code Questions 4-22 1=yes, 2=no or 3=if not clearly "yes" or "no" and describe)

		<i>Rating</i>
4	The YP was treated with respect in the FGC	<input type="text"/>
Describe:		<i>text</i>
5	The YP was treated fairly in the FGC	<input type="text"/>
Describe:		<i>text</i>

Repair

6	The YP was able to make up for what he/she did	<input type="text"/>
Examples (eg apologies, reparation, com work etc):		<i>text</i>

Remorse

7	The YP accepted responsibility for the offending	<input type="text"/>
Describe:		<i>text</i>
8	The YP said he/she was really sorry about his/her offending	<input type="text"/>
9	The YP did other things that showed the victim that he/she was really sorry	<input type="text"/>
Describe:		<i>text</i>
10	The YP said things that showed that he/she could see the victim's point of view	<input type="text"/>
Examples:		<i>text</i>
11	The young person said he/she would keep out of trouble in the future	<input type="text"/>

Shame

12	Things were said in the FGC that could make the YP feel like he/she was a bad person	<input type="text"/>
Examples:		<i>text</i>
13	Things were said in the FGC that indicated people thought YP was a criminal	<input type="text"/>
Examples:		<i>text</i>

Forgiveness*Rating*

14	At the end of the FGC people showed the YP that he/she was forgiven
-----------	---

15	People made it clear that the YP could put the whole thing behind them
-----------	--

Examples:

text

16	The victim said things that indicated he/she could see the YP's point of view
-----------	---

Examples:

17	The victim accepted the YP's apology
-----------	--------------------------------------

Revictimisation

18	The victim appeared to be upset by what the YP or his/her supporters said to them at the conference
-----------	---

Support and acceptance

19	People spoke up on behalf of the YP
-----------	-------------------------------------

20	People said or did things that showed that they cared about the YP regardless of what he/she had done
-----------	---

Examples:

text

21	People talked about the YP's strengths and what they liked about YP
-----------	---

22	F/W made a commitment to providing support to the YP in the future
-----------	--

(code Questions 23-24: 1=yes or 2=no and record comments)

23	Victim(s) indicated that they were prepared to support/help the YP in the future
-----------	--

Comments

text

24	F/W indicated that they were unable to cope with YP
-----------	---

Comments:

*text***FGC facilitation***(code Questions 25-32: 1=yes, 2=no or 9=don't know)**Rating*

25	The facilitator seemed well prepared for the FGC
-----------	--

26	The facilitator ensured that the YP spoke
-----------	---

27	The facilitator ensured that family or whanau spoke	<input type="checkbox"/>
28	The facilitator ensured that victims spoke	<input type="checkbox"/>
29	The facilitator ensured that the views of all were taken into account	<input type="checkbox"/>

Role of Youth Advocate

30	The youth advocate spoke on behalf of the young person	<input type="checkbox"/>
Comments		<i>text</i>
31	The youth advocate provided legal information to the FGC	<input type="checkbox"/>
32	The youth advocate suggested outcomes	<input type="checkbox"/>
Comments		<i>text</i>

General observations

Some conferences can be highly charged and emotional; others are rather business-like and without much emotion. Indicate whether any of the following happened in the FGC:

Emotions

(code Questions 37-41: 1=yes or 2=no and add comments)

37	Angry/aggressive remarks aimed at YP	<input type="checkbox"/>
If yes, indicate by whom:		<i>text</i>
38	Arguing between participants	<input type="checkbox"/>
If yes, who was involved:		<i>text</i>
39	Crying by participants	<input type="checkbox"/>
If yes, indicate who:		<i>text</i>

Power/control

40	Did any person/people inappropriately dominate the discussion?	<input type="checkbox"/>
If yes, indicate who:		<i>text</i>
41	Did any person/people appear to be overlooked?	<input type="checkbox"/>
If yes, indicate who:		<i>text</i>

42 Who were the main people involved in determining the final decision *(tick as many as applicable)*

- a) YP
- b) Family/whanau
- c) YJC
- d) Police Youth Aid
- e) Youth advocate
- f) Victims
- g) Others *(state who)* _____

Comments: _____

43 How appropriate was the role played by professionals?

(rate on a scale from 1=not at all to 5=very or 9=don't know)

- a) YJC
- b) Police Youth Aid
- c) Youth Advocate
- c) Others *(state who)* _____

Comments: _____

44 Was there any sense that gender or ethnicity issues were overlooked? (eg were women silenced or cultural issues ignored)

45 **Elements of FGC Plan:**

(tick as many as applicable)

- a) Verbal apology
- b) Written apology
- c) Work in the community (individual)
- d) Work in the community (group)
- e) Work for the victim

- f) Money/gift for the victim
- g) Money/gift to community/charity
- h) Educational training (*specify*) _____
- i) Making other promises (eg not to offend, drive etc) (*specify*) _____
- j) Joining a group (*specify*) _____
- k) Live elsewhere in NZ
- l) Live elsewhere overseas
- m) Restrictions of liberty (*specify*) _____
- n) Recommendation for Youth Court orders (*specify*) _____
- o) Rehabilitative programmes (including counselling) (*specify*) _____
- p) Assessment (*specify*) _____
- q) Other (*specify*) _____

46 Note any funding support (or application for this) from CYF (if discussed):

47 Who is going to monitor/check each of the elements of the plan? (*tick boxes*)

- a) Family
- b) Professionals (*state who*) _____
- c) Others (*state who*) _____

Comments: _____

48 Does the FGC plan recorded by observer agree with attached 842? (*1=yes or 2=no*)

If **no**, how does it differ? _____

Overall evaluation and comments by the researcher on the FGC

(code Questions 49-50: 1=yes, 2=no, 3=partly or 9=don't know and comment where appropriate)

49 The FGC arranged outcomes:

- a) Likely to promote the wellbeing of YP and F/W
- b) Likely to strengthen families and enable them to cope
- c) Likely to assist the development of YP
- d) Likely to ensure the offender was made accountable
- e) Which kept the YP in the community
- f) Other (*specify*) _____

50 The FGC process

- a) Was culturally appropriate
- b) Paid due regard to interests of victims
- c) Ensured that the YP's interests were protected

Comments: _____

Overall success of FGC

(rate Questions 51-53 on a scale from: 1=not at all to 5=very)

- 51 How would you rate the overall success of the conference (ie process)?
- 52 Were the conference outcomes appropriate in your view?
- 53 How optimistic are you that the YP will not reoffend?

Why? Comments: _____

Final comments

54 Record main positive and negative features of the FGC:

Achieving Effective Outcomes in Youth Justice

Information on Youth Justice practice in 1998 & 2000

Selected items used in analyses

Coordinator's views

This questionnaire aims to compare the situation in your office in 1998 with the situation in 2000. We ask questions about staffing, funding, contextual factors (like the quality of the computer system, the availability of community services and so on) and other aspects of practice that may have impinged on outcomes then and now. At the end of each section we ask you to rate the adequacy of each factor on a scale from 1 to 10 where 10 represents the ideal in your view.

Please note that your replies to this questionnaire will be confidential to the research team and reported material will not identify your office or its staff.

	1998	2000
Staffing		
1) To what extent is/was your case load manageable <i>Rate from 1 to 10 (10 being completely manageable)</i>	_____	_____
2) Professional supervision		
a) Adequacy of supervision provided to you <i>Rate 1 to 10 (10 being completely adequate)</i>	_____	_____
b) Level of independence in carrying out your role <i>Rate 1 to 10 (10 being completely appropriate)</i>	_____	_____
Comment _____		

3) Training provided for YJC <i>Rate adequacy (10 being completely adequate)</i>		
a) Generally	_____	_____
4) Backup support provided for YJC (when on leave) <i>Rate adequacy (10 being completely adequate)</i>	_____	_____
5) Amount of experience		
a) As a YJC – years	_____	_____

Resources

6) How adequate are the resources available for:

Rate 1 to 10 (10 indicating completely adequate)

a) Funding of conference arrangements

b) Funding of conference plans

c) Availability of programmes for referral

d) Availability of appropriate placements

Impact of contextual factors

To what extent did each of the following contextual factors affect adversely the ability of staff to achieve good outcomes?

Rate on a scale of 1 to 10 (1 being negative to 10 positive)

7) Difficulties with the computer system

8) The availability of cars

9) Relationships with others within the office (comment on any difficulties)

10) Changes in structure of the office

11) Staff morale?

12) Other critical events/factors (describe)?

13) How much contact do you have with the following people or groups and does it hinder or help achieve good outcomes?

14) Police youth aid *Frequency of contact?*

Rate impact 1 – hinder, 5 helps

Practice

15) How often now do you:

Rate 1 to 5 (1 = hardly ever 5 = almost always)

a) Meet with the family before the FGC

b) Meet with any victim before the FGC

c) Speak to the young person on their own before the FGC	_____	_____
d) Invite extended family living locally	_____	_____
e) Invite extended family from out of town	_____	_____
f) Make sure the family have private time in the FGC	_____	_____
g) Ensure the FGC took into account the interests of victims	_____	_____
Any comments on the above: _____		

Philosophy

16) In your view, how important are these issues in relation to practice

Rate from 1 to 10 (10 means very important).

a) Relinking families	_____	_____
b) Relinking to culture	_____	_____
c) Timeliness of responses to offending	_____	_____
d) Addressing educational failure or vocational needs	_____	_____
e) Addressing care and protection issues	_____	_____
f) Providing rehabilitative programmes	_____	_____
g) Providing support for families	_____	_____
h) Getting young people involved in positive leisure activities	_____	_____
i) Avoiding outcomes that bring young offenders together	_____	_____
j) The offender acknowledging responsibility for offending	_____	_____
k) Punishment of the offender	_____	_____
l) Avoiding residential and custodial outcomes	_____	_____
m) Outcomes that repair harm to victims	_____	_____
n) Protecting young people's rights	_____	_____
o) Family decision making	_____	_____

Outcomes

17) General views on effectiveness of YJ practice at this time

Rate quality of outcomes (10 indicates excellent outcomes)

1998 _____	_____	_____
_____	_____	_____
2000 _____	_____	_____

Coding

CJRC Offence categories with seriousness ratings

Offence categories

Violence – minor [1600 plus others police codes]

Common Assault

Firearms

Possesses and offensive weapon [1750]

Assault police [1550]

Resists police

(Assault male on female)

Unlawful assembly [1820-1830]

Violence - serious [1000 police codes]

Homicide [1100]

Kidnap [1200]

Aggravated Robbery / assault [1310]

Grievous assaults [1400]

Wound with intent [1410] Injure [1420]

Serious assaults [1500]

Assault weapon

(Demands with menace)

Grievous Bodily harm

Assault intent to rob

Threatened to kill [1710]

Use of firearm

(Rioting) [1810]

Sexual [2000 police codes]

Indecent assault

Rape

Drugs – Not Cannabis [3100 police codes]

Drugs – Cannabis [3200 police codes]

Possession cannabis

Possession of utensils

Supply class C

Cultivate cannabis

Anti-social [3400 - 3900 police codes]

Disorderly behaviour

Fight public place

Minor drinks public place

Disorderly assembly

Fighting

Unlawful assembly

Dishonesty – Burglary [4110 - 4150 police codes]

Burglary
Enter with intent
Possession tools

Dishonesty – Car conversion/theft [4210, 4220, 4240 police codes]

Car theft
Take MV
Unlawful get into MV
Unlawful interferes MV

Dishonesty – Shop theft [4320 police codes]

Theft ex shop

Dishonesty – other theft [all other 4000 codes including 4230 police codes]

Take/convert/interfere with a bicycle
Theft ex car
Fraud
Receiving

Property Damage [5000 police codes]

Wilful damage
Intentional damage
Arson
Wilfully sets fire - endanger life

Property Abuse [6000 police codes]

Misuse telephone
Unlawfully on property
Trespass
Littering

Administrative [7000 police codes]

Escape custody
False complaint
Fails to give name and address
False info
Fail to answer bail
Breach previous FGC decisions

Traffic [8000 police codes]

Dangerous drive
Injuring with reckless disregard
Dangerous drive cause injury
Reckless / careless drive
Use unlicensed MV
Unlicensed driver
Drive whilst disqualified
Fails to stop and ascertain
Excess breath alcohol

Ministry of Justice classification of types of offences

The classification has two levels with eight types of offences at the higher level. Each of the eight types of offences can be further classified into more detailed types of offences.

Violent offences (19 categories)

Murder

Manslaughter (includes convictions for manslaughter which involve the use of a motor vehicle)

Attempted murder

Kidnapping or abduction

Rape

Unlawful sexual connection

Attempted sexual violation

Indecent assault

Aggravated burglary

Aggravated robbery

Robbery (includes both robbery and assault with intent to rob).

Grievous assault (includes assault with a weapon, wounding with intent, injuring with intent, aggravated wounding or injury, disabling, doing dangerous act with intent, acid throwing, and poisoning with intent to cause grievous bodily harm)

Serious assault (includes common assault under the Crimes Act 1961, assault with intent to injure, injuring by unlawful act and aggravated assault)

Male assaults female

Assault on a child

Minor assault (includes common assault under the Summary Offences Act 1981, assault on a police, prison, or traffic officer, or a person assisting the police, under the Summary Offences Act 1981)

Threaten to kill or do grievous bodily harm

Cruelty to a child

Other violence (includes demanding with intent to steal, using a firearm against a law enforcement officer, commission of a crime with a firearm, inciting, counselling, accessory to accessory after the fact to, or attempting to procure murder, and killing or injuring a police dog)

Other offences against the person (five categories)

Incest

Other sexual offences (includes unlawful sexual intercourse, and doing an indecent act with or upon another person)

Obstruct or resist (includes obstructing or resisting a police officer, traffic officer, or other official)

Threats or intimidation (excludes threatening to kill or do grievous bodily harm)

Other offences against the person

Property offences (eight categories)

Burglary

Theft

Receiving stolen goods

- Motor vehicle conversion
- Fraud (includes fraud, false pretences and forgery)
- Arson
- Wilful damage
- Other property offences (including unlawfully interfering with or getting into or onto a motor vehicle or motorcycle, possessing instruments for burglary or conversion, providing misleading information to obtain a benefit, or misleading a social welfare officer)
- Drug offences (six categories)
 - Use cannabis
 - Deal in cannabis
 - Other cannabis offences (including offences relating to the possession of pipes, needles, syringes or other drug-related utensils, offences where the person permitted his or her premises or motor vehicle to be used for a drug of, or where the offender made a false statement in relation to the Misuse of Drugs Act 1975)
 - Use other drug
 - Deal in other drug
 - Other drug offences (including offences relating to the possession of pipes, needles, syringes or other drug-related utensils, offences where the person permitted his or her premises or motor vehicle to be used for a drug of, or where the offender made a false statement in relation to the Misuse of Drugs Act 1975)
- Offences against the administration of justice (nine categories)
 - Breach periodic detention
 - Breach supervision
 - Breach parole (failure, without reasonable excuse, to comply with any condition of release from prison)
 - Breach community service
 - Failure to answer bail (failure by a person on bail to appear in court at a specified time and place)
 - Breach non-molestation or protection order
 - Escape custody (includes escaping from a penal institution, escaping from police custody, escaping from a psychiatric institution and escaping from other types of institutions)
 - Obstruct or pervert the course of justice
 - Other offences against the administration of justice (includes corrupt use of official information, bribing officials, officials accepting bribes, or other bribery or corruption offences)
- Offences against good order (seven categories)
 - Riot
 - Unlawful assembly
 - Possess offensive weapon
 - Offensive language
 - Disorderly behaviour (includes behaving in a disorderly or offensive manner (s4 Summary Offences Act 1981), disorderly or threatening behaviour (s3 Summary Offences Act 1981) and fighting in a public place (s7 Summary Offences Act 1981))

Trespassing
Other offences against good order

Traffic offences (six categories)

- Driving causing death or injury (includes driving with excess alcohol, reckless or dangerous driving, or careless driving where death or injury occurred. It is no longer possible to distinguish between offences where injury occurred and offences where death occurred)
- Driving with excess alcohol (includes driving with excess alcohol, refusal to supply a blood specimen, or driving under the influence of drink or drugs)
- Driving while disqualified
- Reckless or dangerous driving
- Careless driving
- Other traffic offences

Miscellaneous offences (six categories)

- Arms Act (excludes some offences categorised as violent offences or other offences against the person)
- Dog Control Act
- Tax Acts (Income tax Act 1976, Income Tax Act 1994, Goods and Services tax Act 1985, and the Tax Administration Act 1994)
- Liquor-related (Includes offences under the Sale of Liquor Act 1989, and minors drinking in a public place (s 38(3) Summary Offences Act 1981))
- Fisheries Act

Other miscellaneous offences (includes a wide variety of offences such as health and Safety in Employment Act 1992, Insolvency Act 1967, Resource Management Act 1991, Films, Videos, and Publications Classification Act 1993, Building Act 1991, Telecommunications Act 1987, Medicines Act 1981, Conservation Act 1987)

CJRC coding of seriousness of offences

The following categories have been used for rating the seriousness of offences

Minimum seriousness -

offences included theft and shoplifting goods valued at under \$100
property damage and abuse valued at under \$100
burglary where there was no damage or goods taken
possession of cannabis
receiving
theft if no info about reparation

Minimum/medium seriousness -

offences included burglary with goods taken and/or damage valued at under \$100
resisting the police or MOT officers and minor assaults
unlawfully gets into a motor vehicle
unlawfully attempt to take/interfere with a motor vehicle
threat - no weapon
possess cannabis for supply,
burg no amount mentione

Medium seriousness -

Offences included theft of goods valued at \$100 to \$1,000
Burglary involving goods taken and/or damage valued at \$100 to \$1,000
Unlawful taking where damage was valued at less than \$1,000
Driving with excess breath alcohol
Minor assault causing injury
Cannabis cultivation
Obscene phone calls
Possession of a weapon and careless driving
Possession of a class A drug
Assault with intent
Threat harm weapon
Unlawful taking of a motor vehicle
Endanger traffic
Male assault female

Medium/maximum seriousness -

Offences included dangerous driving
Burglary involving goods taken and/or damage to the value of \$1,000 or more
Robbery or aggravated robbery with no injury
Unlawful taking with damage to the value of \$1,000 or more
Aggravated assault
Indecent assault
Assault blunt instrument
Assault weapon
Attempt aggravated robbery]

Maximum seriousness -

Offences included murder	Driving resulting in injury
Attempted murder	Arson where the value of the property runs into tens of thousands of dollars.
Manslaughter	
Robbery and Aggravted robbery	
Serious assaults	
Rape	

Ministry of Justice Seriousness rating

Offence code	Description	Seriousness score
111	Murders	2808
112	Attempts to murder	2283
113	Manslaughter	1702
115	Aborts	356
1161	Aids suicide etc	303
121	Kidnaps	913
122	Abducts	146
131	Aggravated robbery	951
132	Robbery	310
133	Assaults intent to rob	457
141	Wounding	729
142	Injuring with intent	396
143	Aggravated wounding	965
144	Disables/stupefies	796
145	Dang act - intent	362
146	Injures - if death	147
147	Throws acid, poisons or infects	221
148	Use f/arm	860
149	Assault person with weapon	82
151	Aggravated assault	129
152	Assaults wth intent to inj'	122
153	Assault child	25
154	Male assaults female	25
155	Assault police(crimes act)	36
156	Asslt per assist pol (crimes)	4
157	Assaults person ex process	32
158	Com asslt(domestic)cr act	10
159	Common assault(crimes act)	10
161	Assault police	4
162	Assault person assist police	1
164	Common assault - domestic	2
165	Common assault	2
171	Threatens to kill/do gbh	50
172	Threaten person(crimes act)	30
173	Behave threateningly	1
174	Demand intent to steal/extortion	182
175	Carry offensive weapon	11
177	Fail provide necessities/illtreat/neglect child	402
178	Unlawful intimidate/threat	2
179	Threaten person	20
181	Rioting	177

182	Unlawful assembly	13
184	Criminal harassment	39
211	Rapes female under 16	2546
212	Atmpt rape/ass intent rape	1283
213	Abducts for sex	1003
214	Indecently assaults female	251
215	Rape/ unlawful sexual connection	1870
216	Attempt sexual violation	1286
217	Induce sexual connection	1049
219	Indecent act/ anal intercourse	542
221	Minor indecent acts	31
222	Obscene exposure	4
231	Incest	1074
232	Sodomy	540
235	Other sexual violation - c act s 128	1330
236	Other attempt commit sexual violation	1286
237	Other assault with int to com sex violtn	1286
238	Other sexual intercourse child under care	705
241	Unlawful sexual intercourse girl under 12	555
242	Att sexual intercourse	426
243	Indecent assault	248
244	Indecent act	229
245	Other indecent act	247
246	Living on earnings of prostitution/procuring	30
247	Indecent publication offences	5
253	Knowingly does act against s.51(1)	13
261	Abduct for sex	1003
262	Abduction for marriage or sex	1003
263	Indecently assaults	251
264	Induce sex connectn	1049
265	Male rapes female/unlawfule sexual connection	1870
266	Attempt to rape female	1283
267	Assault intent comit rape/sex	1283
268	Sex or attempted sexint'child under care/protctn	705
269	Anal intercourse/unlawful sexual connection	1254
271	Incest child	1074
281	Sexual intercourse or attempts with female under age	580
282	Attempt sex intercourse-female under age/subnormal	401
283	Female indecently assaults	230
284	Does or induces indecent act upon girl	227
286	Indecency male-female	247
287	Indecency male-male	313
291	Living on earnings of prostitution/procuring	30
292	Indecent publicationoffences	5
311	Import/export drugs not cannabis	515
312	Prod/manuf/distribute drugs not cannabis	515
313	Sell/give/supply/admin/deal drugs not cannabis	515

314	Possess for supply drugs not cannabis	515
315	Procure/possess drugs not cannabis	4
316	Consume/smoke/use drugs not cannabis	4
317	Cultivate prohibited plant	44
318	Misc ofce re drg(not cannabis)	202
319	Conspiring to deal with class a b & c drugs	367
321	Import/export cannabis products	132
322	Prod/manuf/dist cannabis products	132
323	Sell/gve/supp/admin/deal canab products	132
324	Possess for supply cannabis products	132
325	Procure/possess cannabis products	1
326	Consume/smoke/use cannabis products	1
327	Cultivate cannabis	21
328	Misc offence re cannabis	2
329	Conspiring to deal with cannabis	740
334	Unlic person sell/supply/keep liq	1
335	Behave in violent/dis manner in bar	14
341	Bookmaking	1
351	Obstruct/hinder resist police or other person assisting	1
352	Incite violence/disorder/lawlessness/obstruction	1
353	Disorderly offensive. Riotous behaviour-likely cause viol	1
357	Disorderly assembly	1
362	Prepares to commit crime public place	1
371	Cruelty to/illtreat child/abandon child	72
372	Breach non-molestation order	4
374	Offences against domestic protection act	32
379	Slave dealing	1610
383	Acting in contravention restraining order	14
385	Contravenes protection order	10
396	Unlicensed person sells liquor	1
411	Burgles for drugs	224
412	Burgles(oth prop)	140
413	Armed/enters with intent to brk & ent.possess instruments	42
415	Breaking and entering	543
421	Unlawful takes motor vehicle etc	27
422	Unlawful interfere motor vehicle etc	8
423	Unlawful take/ interfer with bicycle	6
424	Posses instruments for conversion	16
431	Theft drugs	22
432	Shoplifts	26
433	Theft ex railways /seaways/airways	21
434	Theft ex car	11
435	Theft ex person	18
436	Theft ex dwelling	18
437	Theft property	30
438	Theft as servant	106

441	Receives property	21
442	Receives drugs	105
443	Money laundering	706
451	Forgery	259
452	Trust frauds	103
453	Forges/utters/false pretences cheque	58
454	Forges/utters/false pretences not cheque	58
455	Credit by fraud	18
456	Brch act by fraud	4
457	Miscellaneous frauds	35
458	Cred/bank card fraud	54
459	Obtn services by cred/fraud cred/bank card	18
461	Burgles for drugs	224
462	Burgles(oth prop)	126
471	Theft of drugs	22
472	Shoplifts	10
473	Theft ex railways /ariways/seaways)	21
474	Theft ex car	11
475	Theft ex person)	18
476	Theft ex dwelling	18
477	Theft property	31
481	Receives property	21
482	Receives drugs	105
493	Forges/utters cheque	58
494	Forges/utters (not cheque)	58
511	Arson	285
512	Wilf dam	71
521	Wrecks, interferes with/endangers ship/aircraft or equipt for	91
522	Misc endangering offences	127
611	Wilful trespass	2
613	Misc trespass	2
631	Cruelty to animal	4
633	Other miscellaneous offs re animals	48
637	Cruelty to animal-animal protection act-	5
641	Offences re use f/arm	31
642	Offences re firearm	28
651	Misuse of telephone	3
653	Gives false alarm of fire	2
682	Possess f/arm w/out licence (16 or over)	1
684	Offences related to arms lic	4
685	Unlaw carry/possess f/arm/res wpn/ex/amm or imitation	28
686	Offences re firearm use	144
711	Bribe/corrupt jury/witnes/offics etc	86
712	Perjury etc	47
713	Escape from/break instit/lawful cus	22
714	Breaches of bail/parole etc	7

715	Other admin breach of misc statute	2
716	Breaches of passport and penal instituteions acts	10
718	Breaches of medicines act 1981	6
719	Failure to answercourt bail	8
721	Interferes with grave/human remains	60
722	Bigamy	4
733	Supply false etc info /documents	10
751	Treason	3650
771	Mislead info to obtain benrfit/finance etc	6
772	Breach land act	13
811	Drive causing injuryor death through drink/drug etc	349
812	Cause injury/ careless use through eba,drug etc	122
813	Driving under the influence	1
814	Refuse enforcmnt officer request for blood etc	2
816	Drives when disq	33
817	Fail stop/ascert/render after acc	4
819	Excess blood alcohol	1
821	Drive reckless/dang/carelessly	72
891	Cause bodily injury etc through drink/drugs	378
892	Drive under the influence of drink etc	1
894	Refuses request for blood/doctor	2
920	Possess endanger/threat/exploit species	241
963	Other offence companies act	8
969	Not paying tax deuction to ir dept	1
973	Insolvency offences	13
974	Operates without offical assignee apprvl	13
979	Offence against unlisted act	1
985	Breach of biosecurity act 1993	11
986	Breach of the maritime transport act 1994	1
988	Breach of films videos and publications	19
991	Offence against accident rehab & comp ins	4
9989	Default in payment of fine	20

CJRC coding of severity of outcomes

A coding system was developed for the severity of FGC outcomes and of Youth Court outcomes. The categories were based on the order of the tariffs listed in section 283 of the Children Young Persons and Their Families Act 1989, together with a judgement of the relative severity of financial, community work hours and the lower tariff penalties involving some supervision or restrictions. Multivariate analysis was conducted using an reduced coding system, as indicated in the report text.

Severity of FGC outcome

Severity of most severe outcomes FGC using SWis file data for the retrospective sample.

- 1 Apologies, nothing
- 2 Restrictions, curfews, community work <21hrs, monetary <\$51
- 3 Fines, disqualification
- 4 Medium work & monetary - Community work < 101 hours and monetary < \$501.
- 5 Major work & monetary - Community work > 100 hours and monetary > \$500.

Severity of Youth Court outcome

Severity of most severe outcomes in the Youth Court using LES data supplemented by self report and SWis file data for the retrospective sample.

- 1 Apologies, nothing
- 2 Restrictions, curfews, community work <21hrs, monetary <\$51
- 3 Fines, disqualification, suspended sentence
- 4 Medium work & monetary - Community work < 101 hours and monetary < \$501.
- 5 Major work & monetary - Community work > 100 hours and monetary > \$500.
- 6 Supervision order (YC)
- 7 Supervision (adult)
- 8 Supervision w activity (YC)
- 9 Non-resident PD (adult)
- 10 Supervision w residence (YC)
- 11 Prison or CT (adult)

Severity of combined FGC and Youth Court outcome

Overall severity of outcome - combined FGC and Youth Court retrospective sample.

Coding (1)

- 0 No sanction
- 1 Apologies, cautions and warnings
- 2 Restrictions, curfews, community work <10hrs, monetary <\$100, vol. disqualification
- 3 Community work 10-50 hours and monetary \$100-500
- 4 Community work 50-100 hours and monetary \$500-1,000
- 5 Community work 100-150 hours and monetary \$1,000-1,500
- 6 Community work 150+ hours and monetary \$1,500+
- 7 Supervision order (YC)
- 8 Supervision with activity (YC)
- 9 Non-resident PD (adult), Supervision (adult)
- 10 Supervision with residence (YC)
- 11 Prison or Corrective Training

Coding (2)

- 1 Nothing, Apologies, cautions, warnings
- 2 Restrictions, curfews, community work <10hrs, monetary <\$100, vol. disqualification
- 3 Community work 10-50 hours and monetary \$100-500
- 4 Community work 50-100 hours and monetary \$500-1,000
- 5 Community work 100+ hours and monetary \$1,000+
- 6 Supervision and Supervision with activity (Youth), and Non-resident PD and supervision (adult)
- 7 Supervision w residence (Youth)
- 8 Prison or Corrective Training

Case studies

Pacific case studies

Andrew

This case study illustrates a family group conference which was considered to be culturally responsive and which led to discharge in the Youth Court on completion of the plan. The young person, the victims and the Youth Justice co-ordinator were all Samoan. The observer was also Samoan.

Andrew is a 17 year old, New Zealand born, male Samoan teenager. He had already experienced an FGC and been to Youth Court for previous offending. This FGC resulted from a charge of being unlawfully in a (church) building. He was apprehended by the Police with some but not all of his associates in the offending.

A conference was held at the CYF office and was attended by Andrew, and his parents and the two victims, the pastor of the church and his wife, who were also Samoan. The Youth Justice co-ordinator was a Samoan woman and other professionals present were a Youth advocate and Police Youth Aid. The observer noted that it had taken a lot of encouragement by the Youth Justice co-ordinator and many visits to the family home before Andrew's father would agree to attend the conference. His father subsequently declined to be interviewed and did not attend Youth Court with his wife and son after the conference. The observer commented that the father's reluctance to be involved in these processes could be due to 'cultural pride' and his shame at the way his son had behaved, as essentially he had let the family down.

Seating was set out in a circle. The observer noted that this ensured everyone could see each other and that this was critical so that, when people were talking, their facial expressions and body language were visible and gave an added meaning to the dialogue. Everyone introduced themselves, and the conference began with a prayer from the young person's father. The Samoan language was used sensitively by the Youth Justice co-ordinator to show respect for the victims and Andrew's family, although Andrew is not fluent in the language himself. English was also used for the benefit of the non-Samoan professionals present. Andrew's father spoke on behalf of the family as is customary.

The young person did not deny the charge. The participants reached agreement about a plan, and an important element of this plan was based on traditional Samoan custom:

“Andrew is from a family of a strong cultural and religious nature. Andrew's family take into serious consideration the significance of his disrespect in unlawfully entering the property, as it is regarded as a sacred place, a place of worship. Therefore, [his family] have requested as in the traditional Samoan Custom, that they wish to apologise personally and present [the church] with a gift and a donation. This gesture enhances forgiveness between [the family] and the Church. This will take place on [date]”.

Interviewed after the conference, Andrew said that he felt involved in the process at the FGC and that he agreed with the decisions, which were better than he had expected. He felt that he had been treated respectfully and that everyone who had attended, including the victims, really cared about him. His apology to the victims at the conference was accepted and so Andrew felt that he had been able to make up for the harm that he had caused and that the victims had forgiven him. Andrew's aiga also apologised to the victims on behalf of him and the family.

Andrew's mother, when interviewed, said that having a Samoan Youth Justice co-ordinator really helped to facilitate the process.

The victims felt that the conference was an appropriate way for them to meet Andrew and his family to let them know how the offence had impacted on them so that they could put the offending behind them.

The observer concluded that all participants at the conference were treated with respect and the conference progressed in a dignified and organised manner after Andrew's father had said a prayer. All parties felt that having a Youth Justice co-ordinator who was Samoan and involved in her culture had made a difference. The closing prayer was said by one of the victims. His doing this indicated that they had forgiven Andrew and 'prayed' that he would do well in the future. They encouraged Andrew and his siblings to participate in their church youth group and voiced their willingness to work with and support Andrew.

The victims expressed their wish to attend Youth Court to support Andrew and his family. This was different to his previous FGC where the victims were not as forgiving.

Andrew has managed to put his offending behind him and get on with his life. He has not got into any more trouble since the FGC and feels that this is partly due to the fact that he has stopped hanging around with his friends. Andrew said that the conference provided him with a chance to tell people his story and to say how sorry he was.

The subsequent Youth Court outcome was a discharge without criminal record.

Jason

This case study illustrates a conference which was considered to be culturally responsive, and which allowed the young person's family to apologise in the traditional way. Unfortunately, the young person reoffended after this FGC, but participants at the reconvened FGC agreed to give Jason another chance before taking matters to the Youth Court.

Jason is a 16 year old New Zealand born Samoan who was first involved in offending at the age of 15. when he committed a burglary with some friends and later got involved with theft. This FGC related to a charge of burglary

The conference was attended by Jason, his mother, an aunt and the two victims, who were Cook Island Māori. Police Youth Aid were present, as were two observers from the Family Court in Japan. The Youth Justice Co-ordinator was a Samoan woman.

The Youth Justice co-ordinator welcomed and introduced everyone present individually, including the observers, both in English and Samoan. During the FGC, she also spoke in both languages. The family spoke mainly in English as did the victims who were Rarotongan.

One of the victims talked about her Samoan ancestry and used this link to connect with the young person and his family. The observer, also Samoan, reported that this victim was very forthcoming and forgiving and said that she could feel for the young person's parents through their shared cultural heritage. She hoped that he would remain friendly with her son.

Jason's aunty spoke on behalf on the family present because she was the eldest of the support group and apologised to the victims. Although given the opportunity to speak, Jason's mother deferred that right to her elder sister. The observer noted that the right to speak on behalf of the group is seen as a privilege reserved for a Matai or the leader of the family.

The plan involved the elements of accountability, restitution and reintegration. At the conference, Jason apologised both to the victims and to his family. John's aiga also apologised to the victims. Jason paid \$10 reparation to the victims at the conference. The plan also required that he complete 40 hours community work at the Church, keep attending college, observe a curfew and not associate with his co-offenders. If all of this was completed within a two month period, the police agreed not to take the matter any further. Jason said at the conference that he was aware that he had been given another chance and that he could leave what had happened behind him and get on with life.

Jason's aunt thanked the Youth Justice co-ordinator and all those present for attending and for the concern that participants showed for the young person.

When interviewed later, Jason's parents were present both to welcome the interviewer and to show that they supported their son. The interviewer did not think that this affected Jason's own views. Jason stated that the FGC experience was a predominantly positive experience for him: he understood what was going on and felt involved in the process; he

agreed with the decisions, which were better than he had expected; and he felt that everyone at the conference cared about him. He felt ashamed for letting his family down and said that he could understand how the victims felt.

Jason said that he was proud of his Samoan cultural background, although he cannot speak Samoan. He prefers to identify as a Pacific Islander because his friends come from a mix of Pacific peoples. Religion is important to Jason and his family, and they all participate in church activities.

The victims, when interviewed, said that they found the idea of an FGC very positive and contrasted with the Court, which they perceived as impersonal. Both considered that the FGC was more culturally appropriate as a forum for Pacific people and for addressing personal feelings.

Jason's mother said that the conference was an open and sharing process, which dealt with the victims' anger and hurt in a non-threatening way which was respectful to the victims and the young person and his family. The young person and his family were able to apologise and the victims were able to forgive the young person.

This conference was reconvened two months later, as Jason had committed further offences in the two weeks following the FGC. The outcomes of the reconvened conference superseded the outcomes above and reflected increased sanctions. Jason was given 5 months to complete the new plan, in the knowledge that the Police would not take the matter further if it was completed. If it was not completed, the FGC would be reconvened with a view to considering matters being laid in the Youth Court.

Samuel

This case study illustrates a family group conference which was considered to be culturally responsive. It also illustrates the challenge of working with a young person with longstanding adjustment difficulties and alcohol related problems and the potential adverse consequences of delay in arranging an FGC.

Samuel is a 15 year old New Zealand born Samoan who was attending an Art course. This was his first FGC, although he had been in trouble with the Police from the age of 13 for minor damage. The current charges were for wilful damage, assault and unlawfully getting into a car.

The conference was attended by Samuel, his father, his mother, who arrived half an hour late, his paternal grandmother, (who has been his primary caregiver) and one of the victims, who was a Pākehā. Also present were a teacher from the local college, two overseas observers, a representative of a local community trust, Police Youth Aid and the Youth Justice co-ordinator. These last three were Samoan women. Samuel's mother arrived half way through the conference.

The Youth Justice co-ordinator, who was Samoan herself, welcomed and introduced everyone present individually, including the observers, speaking both in English and Samoan. However, the conference was conducted mainly in English.

Participants at the conference learnt that Samuel had started drinking alcohol at the age of 12, that he had had longstanding difficulties at school both in his relationships with others, and with truanting. He had been attending an alternative school for the last three years. His parents had separated when he was five, and he had been brought up by his grandparents.

The plan decided upon at the conference included a verbal apology to the victim present, which was accepted; a written apology to the absent victim; 40 hours of community work; attendance at a residential educational facility; drug and alcohol assessment and counselling, and the ongoing involvement of a mentor to work with Samuel and his family, if needed.

The Samoan observer noted that Samuel's grandmother said a prayer in Samoan at the end of the conference indicating that she agreed with the decisions and that she was grateful for the process. The invitation to do so was a mark of respect shown by the Youth Justice co-ordinator towards Samuel's grandmother and an acknowledgement of her leadership in the Samoan church community and her religious beliefs.

When interviewed afterwards, Samuel felt that he was treated fairly and with respect during the conference and said that he felt involved in the process. He knew that those present cared about his future, regardless of his offending, and that they were there to help him get back on the right track.

The observer noted that Samuel's body language and demeanour throughout the conference indicated that he was sorry for his offending and that he could understand how the victims felt. However, when interviewed at a later stage, he said that he was not

ashamed of his offending: a statement which the observer (a Samoan woman) felt was unusual for someone from his cultural background.

When interviewed, Samuel identified himself as Samoan and said that he was proud of this culture and his own cultural background. Nevertheless, he would rather be described as a Pacific Islander because his friends are Pacific Islanders, but not all are Samoan. His family are involved in the Samoan community, particularly through the church and Samuel plays the drums for the church band.

When interviewed, the victim was concerned about the length of time between Samuel's offending and the FGC which was held 10 months later. He thought that such delay was not in the young person's interests because the sanctions were no longer meaningful and the delay prevented the young person from "being delivered that service that he or she requires". At follow-up interview, the victim reported that the young person had not carried out the promise to make a written apology to the absent victim, nor had he stayed at the residential programme, but had returned home. However, in general, and based on other FGCs which he had attended, the victim thought that conferences were "really good" but wished that more male parents and relatives attended as "these kids are too much for their mothers".

Samuel's grandmother, when interviewed, stated that she was very satisfied with the way her grandson was treated and with the way that the FGC was conducted, as talking and discussing things is culturally appropriate for a Samoan. She thought that it was good that feelings could be aired and shown, and that everyone was on an equal footing on neutral ground. The observer noted that Samuel's grandmother "participated well and fully" at the conference.

In commenting on Samuel, his personal history and his presenting problems, the observer stated that the dysfunctional aspects of Samuel's life were caused through trying to function in a Palagi society without having access to Palagi resources and the "know how" to work within the system. Further, that the New Zealand born Samoan identity causes conflict with traditional values for young people.

This conference was reconvened two months later as Samuel had left the residence after four days. He had gone to live with his mother. Although he had not reoffended and had completed his community work, the drug and alcohol assessment had not taken place and his last educational placement was no longer an option. Further decisions were taken to address Samuel's educational, therapeutic and mentoring needs, including an alcohol and drug assessment.

Pākehā case studies

Amy

This case study demonstrates the complex dynamics often present at conferences, both in the history that young people and their families bring with them, and, in managing a process in a way that meets the needs of young people and victims.

Amy, aged 15 years, was referred by the Police for an FGC. She had admitted to wilfully damaging a car belonging to a young male whom she knew. The offence resulted in damage to the car's bodywork.

The conference was held in the offices of CYF and began on time. Present were the young person, her mother, an adult friend to support her mother, the victim and his father, the Youth Aid officer, a CYF appointed social worker for Amy and the Youth Justice co-ordinator.

In the first 12 minutes of the FGC the Youth Justice co-ordinator described what would happen, drew attention to the accountability, repairing harm and reducing reoffending objectives of the FGC (written up on the whiteboard), and invited the Youth Aid officer to talk about the offence. The Youth Aid officer then read the summary of facts, provided information about the cost of repairing the damage, based on a quote provided by the victim, and referred to information from Amy that she had no money. Amy queried the Police's perception of the motive behind her offending ("pay back" for a perceived slight) but this was not pursued. Amy admitted the charge and when asked how he felt, the victim said "pissed off".

The Youth Aid officer then went on to acknowledge that this was the first time Amy had been in trouble with the Police and said, that, if a plan could be developed and completed to hold the young person accountable and pay the victim for the repair costs then the Police would not take the matter any further. On the other hand, he made it clear that, if there was agreement but payment was not made, then the Police would ask for the FGC to be reconvened with a recommendation, at that point, to refer the matter to Youth Court for an order against Amy's mother to pay the reparation. At the same time, the Youth Aid officer pointed out that the plan needed to be reasonable and achievable while respecting that the victim would be out of pocket by several hundred dollars. The Youth Aid officer sought confirmation from Amy that she had no financial resources.

The FGC then progressed to family discussion time, with the Youth Justice co-ordinator and the Youth Aid officer remaining with the family for a brief time. The Youth Justice co-ordinator was observed moving between the young person and her family and the victim and his father to negotiate. The Youth Aid officer joined the victim and his father. The slender financial resources of Amy and her mother were pointed out again to the victim and his father, and the Youth Justice co-ordinator invited them to consider options, both in terms of ways of funding the car bodywork repairs and a realistic time frame for paying reparation. Ideas were generated from the victim's father and the Youth Justice co-ordinator. This stage of the FGC lasted 20 minutes and, at the end, the victim and his father agreed in principle to claim reparation through their insurance company, in the

knowledge that the insurance company could make a civil claim against Amy if they wished.

The FGC then reconvened and the Youth Justice co-ordinator advised Amy and her mother about the victim's father's proposal, noting the Amy would need to pay any excess on the insurance policy. As this decision would now need to be put on hold pending enquiry of the insurance company, discussion moved on to how the young person could pay reparation and over what period of time, given the family's limited means. Amy suggested that she could pay \$10 a week, earning money from jobs for her mother and others. The possibility of family paying off the whole sum, and being repaid by Amy, was thought not to be a feasible option. All concerned, including Amy's mother, wanted Amy to be accountable and to be actively involved in funding the restitution. The final agreement for the plan was that Amy would pay \$50 to the victim at the end of each month, through the Youth Aid officer. It was hypothesised that the insurance excess may take six months to pay. The Youth Aid officer advised the conference participants that he hoped the matter could be resolved without going to Youth Court as it was in Amy's interests not to have a record; rather he hoped that she would simply receive a warning if matters were resolved. The planning stage took 20 minutes, at the end of which the victim and his father left and Amy and other members of

The Youth Justice co-ordinator asked if there was anything else that CYF and the Police could do for Amy and her family. Amy's mother expressed concern that the plan did not punish Amy, but the Youth Aid officer advised her that he was not in favour of punitive measures in this particular case. He did not think community service would help, but finding work to fund the restitution would. However, in answer to a question from Amy's mother, he affirmed that the matter would be closed, as far as the Police were concerned, if payment was made by a lump sum.

Amy's mother then went on to say that she felt *"the whole thing comes back on to me and where if the punishment for Amy"*. She added that she was the one who would have to deal with any acting out behaviour. When the Youth Justice co-ordinator asked again if Amy and her mother needed any help, it became apparent that they were having communication problems, and that Amy's mother was concerned about her because she was on a last warning for 'wagging' school and had run away from home for a week. Amy's mother was worried that she may not be allowed back into school and pointed out that Amy was quite intelligent.

The Youth Justice co-ordinator asked Amy if she would go and see someone, for example a counsellor, if the social worker arranged for this and Amy agreed. The Youth Justice co-ordinator said that he would add this to the plan. This appeared to be well received by Amy's mother, who went on to tell Amy about her positive attributes, and how she would like her to have more self esteem. The Youth Justice co-ordinator then reviewed the final plan by asking Amy to recall the decisions. Amy was able to do this accurately. This stage took 20 minutes, and the Youth Justice co-ordinator advised that the FGC was now completed.

Amy's mother then asked to talk to the professionals without Amy being present. She advised them that Amy had been the victim of sexual abuse in two unrelated offences, both of which involved Police investigation. Neither case had been resolved satisfactorily for a

variety of reasons, including lack of information about the Police decisions about the offending, and no counselling for Amy. Amy's mother thought that the past offending against Amy was much worse than the offending committed by her. Further she said that the lack of resolution had undermined Amy's view of the Police and prevented her from reaching closure. In summary, Amy's mother said that Amy had not been able to get help when she wanted it. She was aware that Amy was binge drinking and was concerned that she got bored at school although she was very bright and liked learning. She described both lethargy and volatility in her daughter's behaviour at home.

Subsequently, when interviewing Amy and her mother after the FGC, the observer was informed that the CYF social worker and the Youth Justice co-ordinator followed up the mother's private concerns immediately and a Police detective visited Amy. It seemed as if unresolved matters about Amy's victimisation were addressed as well as the FGC decision to refer Amy's for counselling.

In reviewing the youth justice process through interviews with the young person, her mother, and the victim's father, there were disparate views about the outcomes and these reflect the perceived weight given to different elements. The victim's mother thought that the conference focused on restitution for the victim rather than on guidance for her daughter, which she described as *"setting her on a better course"*. The mother, a solo parent, also expressed concern that it was *"back on my shoulders again even though I've asked for help in the past. I wanted it to go to Court"*. Prior to the conference, she had expected the focus to be on her daughter and for accountability to be channelled through community service. Instead the outcome *"went a different way"* and she felt that she had been *"hit"* and *"under attack"*. With hindsight, she wished that she had talked to the Youth Aid officer, rather than just the co-ordinator, prior to the conference, and further that her daughter had been given a Youth advocate. Overall, the mother felt *"insignificant"* and *"that I was the one that was punished"*. She also felt that *"I really let Amy down"* (because she was not more assertive during the FGC deliberations). She was disappointed that she was given *"bad"* advice prior to the FGC – in retrospect she wished that there had been a Youth advocate present, but had been told by Amy's appointed social worker, prior to the FGC, that this was not necessary.

The observer noted that both Amy and the victim were quiet during the FGC and that the discussions and decision making primarily involved the adults. When interviewed afterwards Amy told the observer that she would have liked to have had the opportunity to tell members of the conference what happened and further that she disagreed with the reason given for the offending. It would have been good if people had listened to her side of the story. She thought that the conference was looking out for the victim's best interests rather than hers. Overall she thought that what happened at the FGC *"did not turn out"* the way she had been told it would by the Youth Justice co-ordinator prior to the conference and she viewed the outcome options as proving *"in the end there was only one way"*. At the interview she agreed that the plan was *"OK"* but she would have preferred it to go to Court so that her mother did not have to pay restitution.

On the other hand, the victim's father was satisfied with the process, not just because the issue of restitution was resolved, but also because he wanted to find a fair and balanced solution for both Amy and his son. The process provided an opportunity for the young person to sort herself out without having a conviction. The victim's father's reasons for

attending the FGC included that he wanted to make sure Amy did not get in to too much trouble or get a record. He said that he would have opposed a conviction. The victim's father also said that he wanted to be present alongside his son (the victim) to make sure that his son (a teenager) did not say anything stupid. He was supportive of the FGC process, even though his work commitments were affected. However, the victim's father expressed concern that he was not introduced to any of the members of the FGC, which was embarrassing, and he only worked out that there was a social worker present to support Amy as the conference progressed. He did not think the Youth Justice co-ordinator was a good chair, but, on the other hand, he did think that there was good all round discussion, which, from his perspective, meant that he did not feel that he was in an "*us and them*" situation.

At the follow-up interview by telephone, he remained positive about the process and reported that matters had been resolved for his son because the insurance company had agreed to pay the full cost (excess waived). He did not know whether the insurance company would make any claim against the young person.

Marshall

The following case study illustrates both the difficulties that families and professionals face in trying to meet the needs of youth with mental health problems, but also the positive effects that can ensue from an FGC.

Marshall is a 16 year old Pākehā youth with a history of psychological problems, in particular anger, depression, drug and alcohol abuse and self destructive behaviour. He had attempted suicide on more than one occasion, using varying methods including overdosing, cutting his wrists and, on one occasion, jumping from the top of a commercial building while he was “out of it” on drugs and alcohol. Marshall had been involved in a series of incidents, one of which was an assault on his father.

Marshall continued to offend and, after being charged with breach of bail and assault with a weapon, was sent to the CYF Lower North residence. An FGC was held there for him in March 2001 where it was agreed that he could go back home if he agreed to abide by a curfew, not to consume alcohol or drugs and not to visit certain areas with his parents’ permission. The conference would be reconvened at a later stage to address Marshall’s offending. Two weeks later this FGC was held.

The conference was held at 6:30 in the evening at Marshall’s home to address two charges of breach of bail, two charges of assault (one with a weapon), one charge of intentional damage and three of breaking and entering. Marshall admitted the charge of assault against his father and the breach of bail. Marshall’s parents and his younger sister were present at the conference and the professionals included Police Youth Aid, a CYF social worker, a Youth advocate and the Youth Justice co-ordinator, who was female.

The Youth Justice co-ordinator started the conference by thanking Marshall’s parents for the use of their home and asked those not known to the family or each other to introduce themselves. She apologised to the family for having to postpone the conference from the week earlier and acknowledged that the family had now had to prepare themselves emotionally twice for the meeting. She talked about the need to discuss the results of assessments that had been carried out on Marshall relating to his mental health and drug and alcohol use. Marshall was annoyed at this and commented that the staff at the residence had said that these were going to be confidential so he could say what he liked. It was explained to him that it was just the ratings from the tests and the recommendations that were being made available and not the details of anything he had said. He was still angry. The court had also ordered an assessment of Marshall’s psychological wellbeing and this report was to be discussed but, at this stage, none of the family had seen it although the Youth Court Judge had said it should be released to them.

The conference started to go off track at this stage as Marshall’s father was not happy with how the ‘system’ worked and there was a debate about this between him, the social worker and the Youth advocate. The co-ordinator took charge by asking how they should start the conference: by discussing the denied charges that Marshall said he did not remember committing or by discussing the recommendations from the specialist reports. She asked Marshall how he was coping with his bail conditions in relation to alcohol and drug use. His father reported that he had had ‘a couple of beers’ with Marshall and that “something went down” between them that resulted in Marshall becoming depressed. Marshall

commented: *"I didn't get depressed – just shitty – you were being a dick."* There were clearly unresolved issues between Marshall and his father.

The co-ordinator then read out a report from the residence that made positive comments about Marshall's interaction with others, his participation in activities and his overall behaviour, which was described as respectful. Then there was a discussion about the overall recommendation of all the reports, which was that Marshall should go to a residential drug and alcohol rehabilitation programme. The basis for this was that his drug and alcohol use had led to him jumping off a building. Marshall was resistant to this and stated that he had stopped drinking and was going to counselling. He said he did not believe that he had an alcohol problem as he had stopped drinking. A discussion followed about what being an 'alcoholic' actually meant. This started another argument between Marshall and his father and the debate continued as to whether or not Marshall needed to go to a residential programme.

The discussion then moved on to how Marshall's offending could be dealt with and a discussion about him carrying a weapon started. He stated that he had had it for self protection and his father agreed with this. The co-ordinator continually tried to bring the discussion back "on track" by summarising what had been said but otherwise played a fairly low key role. She asked Marshall if there was anything that he wanted to say to his father and talked about how it was expected that he would apologise. Marshall refused to say he was sorry to his father, but said that he would write him a letter of apology. His father said that he would be happy if Marshall just got on with his life and kept to the bail conditions.

The Youth Justice co-ordinator later commented that the conference had been chaotic at times with Marshall's father often 'slamming the system'. The Youth Advocate had clearly not consulted with Marshall or his family before the conference and so discussions related to Marshall's offending were often confusing for the family. In particular, Marshall's father was confused about the Youth Court process and angry that the offending (the denied charges) was 'not being dealt with'. To add to the confusion, the social worker challenged Marshall in relation to the denied charges. The Youth Justice co-ordinator felt that this behaviour was inappropriate.

The outcome of the conference was that Marshall should actively seek employment until he could enrol in a course and that he should continue with alcohol and drug counselling. It was agreed that his counsellor would report to the Youth Court as to whether or not Marshall was in need of a residential drug and alcohol programme, as recommended in the other specialist reports. Marshall subsequently returned to Youth Court where the recommendations from the conference were accepted by the Judge.

During post conference interviews, Marshall's family said that they found him very difficult to deal with: *"We can deal with any one of these [problems] but not all at once."* His father said: *"As a victim I didn't want him home. The police didn't want him, I rang mental health people, and they didn't want to know – I haven't got a clue of how we were supposed to deal with him ... I was so traumatised. It was my son. He was saying things like: 'Don't you go to sleep, you bastard, I'll stick a knife in you'."*

The family said that they were confused that the conference focused on Marshall's

alcohol and drug problems and his psychological wellbeing, although they acknowledged that these were important issues. They had thought that the main purpose of the conference was to address his offending so that this could be put behind him, whereas they felt that this had not happened, particularly in relation to the denied charges. Marshall too, had wanted to '*get everything over*' with at the conference with regard to the charges.

A victim follow up interview was carried out with Marshall's father several months after the conference. He said that things were going well with Marshall – "*he's changed himself*". He had completed his FGC plan and appeared to have 'grown out of' his previous behaviour. Marshall also had the possibility of a job but this required drug testing. However, the outlook was positive as, so far, he had passed one of the three tests required.

His father was appreciative of the call as he felt that everyone puts a lot of effort initially into young people with psychological problems and then nothing else happens. He said: "*There's all this hype about youth suicide – big names raising money – but then nothing, they don't follow through to see that something is done.*"

Todd & Mark

The following case study describes two conferences held for 2 boys who had been involved with three others. They were charged with 24 incidents of intentional damage (to parked cars) which had occurred when they had been drinking. Conferences were held for them on different days during July 2001 in the late afternoon. The venue was CYF offices. The case study highlights differences in the responses of the 2 boys and their families. It also highlights the power that professionals can exercise at FGCs. In this case, professionals set core non negotiable elements for the Family Group Conference plans across the young offenders, with flexibility for participants to add on individual elements.

Todd's Conference

Todd is a 16 year old Pākehā youth who had never been in trouble with the police before this incident. His mother and stepfather were present at the conference as well as four of the victims (three Pākehā women and one Māori female student) and one victim support person (the father of the student, who was also Māori). The professionals present were Police Youth Aid and the Youth Justice co-ordinator, a Māori female.

The Youth Justice co-ordinator welcomed everyone present and asked everyone to introduce themselves. She then described the conference process. Todd admitted to the offending but said that he could not remember if he was involved in all 24 incidents. He was clearly nervous. The Youth Justice co-ordinator read out the views of the absent victims and then invited those present to tell Todd how they felt. Two of the women were really angry, and one went on at some length about how angry and disgusted she was at both Todd and his parents. Todd's mother said that she could understand why people were angry. The student talked about how her car had been a gift from her parents and that her insurance did not cover the damage. But she also said that she hoped that Todd had learnt his lesson. The fourth victim had come to the conference out of curiosity: "*Why our cars?*" She said that her insurance company had paid for the damage to her car but she felt that Todd should do something to pay people back for the damage: "*Just saying sorry won't do it*".

There was a general discussion about the trouble that youth can get into when they are drinking and how important it is for parents to know where their children are and what they are doing. The victims asked Todd questions about what he had been doing at the time of the offending and he answered these willingly. The Youth Justice co-ordinator then drew everyone's attention to the whiteboard where there was a template based on the outcomes from a co-offender's conference. There were four points: reparation, community work, apology letters to all the victims, and the charges to be laid in the Youth Court. She said that these would apply to all of the youth but that they each had to add something of their own to the plan.

Todd then asked the Youth Justice co-ordinator if he could say something and she agreed. He stood up and thanked everyone for coming and said that he was sorry for the stress and worry that he had caused everyone. He apologised to his parents for the shame he had caused them and said that he was ready to take responsibility for his actions. He had

already got a job to earn money to pay the reparation. "I'm extremely sorry, there's no reason for what I did." He had enrolled in a carpentry course, with the help of a scholarship, and was working hard to create a career for himself. He thanked everyone again and said that he was sorry that he had failed to get the details of the victims earlier so that he could have apologised before the conference. As he spoke, he referred to notes he had written beforehand. One of the victims acknowledged Todd's apology: "*That's okay, I was just really angry.*"

The family were then left for about 15 minutes to decide what else Todd would do to supplement the standard outcomes that had been decided on in the previous conference. When the meeting reconvened, Todd read out the plan which included his offer to work for the victims if they wanted him to. One of those present said he could do some work for her. The Youth Justice co-ordinator then suggested that he should write an apology letter to his school, as all of the offenders went to the same school and one of the victims was a teacher there. There was a strong feeling that the action of the youth had brought disrepute to the name of the school and, as a message to other students, it was important to make clear that there were consequences for offending. Todd agreed to this. There was a general feeling of goodwill and forgiveness towards Todd. The student's father said that Todd had been strong in fronting up to everyone, and one of the other victims wondered if Todd could have longer to do his community work. Todd's mother thanked everyone for coming and all the victims shook Todd's hand and urged him to keep out of trouble.

When interviewed afterwards, Todd's mother thought that the FGC process was "*too regimented*" and felt that she could not negotiate. She did not express herself fully at the FGC because "*I didn't want to antagonise things and make them worse for Todd*". What happened, however, was consistent with what she was told by the Youth Justice co-ordinator prior to the FGC, so even at this stage she was aware that the process would be regimented rather than "*a more productive forum*". Todd also reported later that he did not feel he had been able to say all that he wanted.

Mark's Conference

Mark is also a 16 year old Pākehā youth who had not been in trouble with the police prior to this incident. His Family Group Conference was held the day after Todd's. Those present included his mother and father, two of the victims who had been present the day before and the father of the student who had been a victim. Professionals present were Police Youth Aid and the same Youth Justice co-ordinator.

The process for the conference was the same as the one held the previous day. Where this one differed, was in how the young person was perceived and responded to because of how he presented at the conference.

One of the victims asked Mark if there was any reason for the offending other than that the youths had been drinking. He replied no, it was just that they had been drinking and had indulged in average teenage behaviour as teenagers often do stupid things when they are drunk. The victims got really angry at this comment. Mark had spoken confidently and, although he had apologised for his offending, was clearly not as nervous as Todd had been the previous day. His confidence could have been masking embarrassment but it was seen

as ‘cockiness’ by those present. This led to an attack on his parents by one of the victims:

“Look in the mirror, mum and dad, and think about your son and what he is doing - it’s not average behaviour. That’s utter rubbish, absolute crap ... I don’t have to listen to this rubbish. You need a parenting course I don’t think this young person is here on his own. I’m quite cross with all of you”.

Mark’s father said that they had to accept that responsibility and the victim then went on to ask Mark if he was ashamed of what he had done. He replied that he was and, as his mother went to speak, the victim told her to be quiet as she was still speaking. Mark’s mother was clearly upset at this but kept quiet. After the victims had expressed their views the Police Youth Aid representative commented:

“This was the first time you have come to notice but it’s not normal behaviour. I don’t care how pissed you were. But you have support and enough nous to front up to the victims. I’d hate to be spoken to like that but she’s a doozy [the offending]”.

The Youth Justice co-ordinator again presented the four not negotiable outcomes from the previous conferences and told Mark that it was up to him to add to these. The conference adjourned so that the family could consider Mark’s options. When the meeting reconvened Mark stood up and said:

“I’d just like to say I know there’s nothing that I can do that will make things better but from the bottom of my heart I’m truly sorry. It probably doesn’t make much difference but I’m truly sorry.”

His mother started crying at this stage. Mark and his parents were not able to think of anything to add to the already existing components of the plan and so the Youth Justice co-ordinator made suggestions which he agreed to. These were to make a poster to be displayed at school which indicated that it was not acceptable to damage property and to write an essay on alcohol use, a copy of which would be sent to all the victims present at the conference. The conference ended with two of the victims shaking Mark’s hand and one giving his mother a hug. The third victim, who had been responsible for most of the talking during the conference, just walked out, still clearly angry and upset.

The observer noted that the victims were clearly having to dredge up feelings of anger again and one stated, when interviewed, later that she found this difficult:

“Because of the time lapse [between the offending and the conference] I’d already dealt with things. It was not a particularly healing process - it’s been hard to dredge up that anger so they [offenders] got a sense of the anger I felt.”

The fact that there were multiple offenders and conferences made this a particularly prolonged process and was the only process criticism made by this victim later. This person thought that the Youth Justice co-ordinator conducted the conference very well and was “up front”. Both the young person and his mother, when interviewed, respectively expressed a discrepancy between what they had been told before the FGC and what

actually happened and thought that they did not have the opportunity to express their views at the FGC. The young person did not think that the co-ordinator controlled the conference very well.

Youth Court Outcomes

The recommendations of the Family Group Conferences for both of these young people were accepted by the Youth Court Judge who agreed that, if they completed the plans, the charges would be discharged without conviction.

Follow up interviews with victims indicated that they had received the apology letters and the reparation and that the community work had been completed.

Māori case study

Nathan

This case study is an example of an FGC held for a 13 year old boy who was a prolific offender and gang associate. His offending had been highly publicised by the media. The aim of the conference was not only to address his offending but to decide whether or not he was in need of care and protection.

Nathan is a 13 year old Māori youth who was in the custody of CYF at the time this FGC took place during August 2001. The conference was held in community rooms in the early afternoon. Nathan had been placed in a CYF residence in the South Island and was flying up to attend the conference in the care of a residential social worker. He was charged with four burglaries, stealing three cars and theft. There were a large number of whānau present to support Nathan including his mother, his sister, two aunts and an uncle, his two brothers and three other whānau members, one of whom was a social worker. Two victims were present and professionals attending included Counsel for the Child, two Police Youth Aid officers, a CYF Care and Protection social worker and the Residential social worker. The Youth Justice co-ordinator was a Māori female. Nathan's mother had phoned before the conference started to ask if it could be postponed as another of her children had been arrested. The co-ordinator said 'no' as it was important that Nathan's offending be dealt with. His mother and brother arrived three quarters of an hour into the conference.

The co-ordinator welcomed everyone and asked if a whānau member would like to say a karakia. This was done by the uncle. The co-ordinator then asked all those present to introduce themselves. She went on to explain the Children, Young Persons and Their Families Act, 1989 and how the Family Group Conference worked. Because of his age, this FGC would deal with care and protection issues and Nathan's offending. She told everyone that the process was about empowering family and whānau to make decisions and reminded whānau that no-one knew Nathan better than them. She then described the conference process.

One of the Police Youth Aid officers present read out a report describing the prolific nature of Nathan's offending, his drug and alcohol problems, his history of absconding and his association with a gang. She went on to say that it was his risk taking behaviour that was of concern and that, at that stage, the Police did not know the full extent of his offending. Files were coming in on a weekly basis and Nathan had admitted to some offences which had not been reported. Nathan sat smiling during this discussion.

At times during the conference, the debate became very heated. Nathan's mother and sister expressed concerns about the perceived lack of action by the Police when Nathan was first reported missing and felt that he should have been located before he had had an opportunity to indulge in this spree of offending. At this stage, the co-ordinator had to refocus the discussion as whānau were becoming involved in an angry debate with the Police who were trying to present their point of view of events. She commented that the lack of resources often caused a problem in dealing with youth like Nathan.

The views of the victims who were not at the conference were presented by the co-ordinator. The comments covered issues such as concern over Nathan's future and anger at his parents for their lack of supervision, and, she reported that one victim stated that he wanted Nathan sent to boot camp to sort himself out! One of the victims present then talked about how he and his wife felt. They came to the conference because they wanted to see who had burgled their home. Family possessions that could not be replaced had been taken, including their son's 21st birthday presents. They asked: "*What makes you do things like that it really upset us ... where did the stuff go?*" Nathan's mother asked him if he could answer this question. He was visibly upset, told her to "*shut-up*" and responded: "*Yeah, I sold it.*" The victim expressed concern that a 13 year old boy had contacts that enabled him to sell stolen goods: "*I wouldn't know where to start.*" They added that they would like to see Nathan do some community work or go on a programme - something that needed commitment to the community. They did not think reparation was feasible.

There was a general discussion about Nathan's offending and the co-ordinator asked him if he had anything he wanted to say to the victims present. He said, "*I'm sorry for taking your stuff - I don't know what I took, but I'm sorry*". His whānau were angry and asked him why he did this to which he replied 'money'. The implication was that he needed money for alcohol and drugs. The victims left after this discussion.

The rest of the conference was taken up with reports from professionals, notably the social worker from the CYF residence who reported that Nathan used his size to intimidate other youth in the residence and yet, when he had arrived wearing a bandanna as gang insignia and was told to take this off, he cried. Nathan's social worker reported that he had said that, if he goes to prison, he will be looked after by other gang members and this culture clearly appealed to him. It was unlikely that the three months he was to spend in the residence would be long enough to change these attitudes. However, he had been making an effort since being there and had managed to keep himself out of trouble. The whānau said they wanted Nathan to stay at the residence for longer and it was explained to them that the maximum time he could be held there was three months. This caused one whānau member to comment: "*You wonder why a lot of them fall through the cracks*" implying that this was not long enough.

Nathan was angry with his mother in particular and quite often told her to 'shut up'. His sister commented that he had developed a 'bad attitude' and that he would never have spoken like that before. The social worker commented: "*This has just happened as we came in - he's embarrassed - you need to take that into consideration [but] I'm not excusing him*". The discussion continued with whānau expressing their anger at what they felt were the failings of the 'system'.

The co-ordinator then advised the family that they needed to take time to decide whether or not they felt that Nathan was in need of 'care and protection' and the whānau asked the social worker from the residence to meet with them during private time. After about an hour, the whānau came up with a plan including written apologies to all victims, non association with gang members, drug and alcohol assessment and counselling and education, Nathan was to remain under the guardianship of CYF and to be placed with his aunt and uncle, who were present at the conference. All were in agreement that Nathan was in need of care and protection. The Police felt that the plan did not address issues of

accountability and were keen that reparation should be paid. It was decided to let the Family Court decide on these matters, as ‘other orders’ (s.84 the Act, 1989), at the time of making a Declaration that Nathan was in need of care and protection. The conference adjourned for a month for the completion of a drug and alcohol assessment, a psychological report and a caregiver assessment of Nathan’s aunt and uncle as preferred caregivers.

At that stage, the social worker from the residence said that Nathan would like to spend some time with his whānau before he went back to the residence that evening. The Police were adamant that this should not take place and stated: *“We’re not prepared to look for him again if he absconds ... it’s not in the public interest ... we won’t agree.”* The coordinator responded that ultimately it was the CYF social worker’s decision as Nathan was in the custody of the Department. To which the Police responded: *“If you agree and he absconds don’t ring us – he’s your responsibility – we’ll be refusing to look for him. We’re sick of it!”* The ensuing discussion centred on how, at some point, Nathan had to be trusted and that, if he was accompanied by the social worker from the residence, there was no reason he could not spend time with whānau – Nathan was happy with this.

Six weeks later a further FGC was held at the same venue. Nathan was not present. However, his mother, sister, Aunt and one other whānau member attended as well as a CYF social worker, Counsel for Child, Police Youth Aid and the Youth Justice coordinator. The conference agreed on Nathan’s placement with whānau and his continued education. He had completed the letters of apology which had been forwarded to his victims. Nathan was also to complete some community work, not associate with co-offenders and not enter a certain suburb in the city. The police were not going to seek a reparation order due to the family’s financial situation and CYF were to provide financial support for the plan as needed.

Nathan subsequently went to the East Coast to live with whānau.

Appendix 5

This technical appendix provides additional information on the variables used and the analyses performed in Chapters 9 and 10. It also provides additional information on the methodologies that were employed in the selecting and interpreting the regression analyses.

Definitions of variables used in the analyses in Chapters 9 and 10

The following two tables (A5.1 and A5.2) provide definitions of the variables that were used in the initial sets of analyses provided in Chapter 9 and Chapter 10.

Table A5.1 Variables used in the analyses¹

Descriptors	Type	Range	Mean	Std. Dev.	Alpha
<i>Demographic factors</i>					
Gender	S	0-1	-	-	-
Ethnicity:					
Māori vs not Māori	S	0-1	-	-	-
Pacific vs not Pacific	S	0-1	-	-	-
Pākehā vs not Pakeha	S	0-1	-	-	-
Other vs not other	S	0-1	-	-	-
<i>Background factors</i>					
Care & protection history:					
Number of C & P notifications to CYF	S	0-11	1.1	1.7	-
Prior offence history:					
Number of Youth Justice referrals to CYF	S	0-16	1.6	2.3	-
Family background:					
Family transience	C	2-30	10.5	6.6	-
Health problems	S	0-1	-	-	-
Poverty	S	1-5	3.9	1.3	-
Family environment	C	8-44	28.1	7.6	0.79
Anti-social family	C	9-32	17.9	5.6	0.76
Abuse and punishment	C	5-25	10.3	4.7	0.78
Parental monitoring	C	0-7	4.4	1.8	-
School background:					
Positive school experiences	C	3-15	10.1	2.9	0.45
Negative school experiences	C	0-6	2.5	1.4	-
Any School qualifications	S	0-1	-	-	-
Was bullied	C	2-10	3.9	2.4	0.79
Anti-social behaviour:					
Stole from others	C	3-15	5.2	3.3	0.82
Ran away	S	1-5	-	-	-
Bullied others	C	6-30	12.7	6.1	0.83
Substance abuse & antisocial	C	6-30	7.3	5.4	0.67

¹ S indicates a single item measure while C indicates a composite variable. See the following tables for the composition of composite variables.

Relationships:					
Bored and hung around	C	2-10	6.3	2.6	0.39
Clubs and friends	C	3-15	12.9	2.9	0.67
Positive relationships	C	4-20	16.5	3.3	0.39
Youth justice events					
Area - 8 areas	S	-	-	-	-
YJC - 24 co-ordinators	S	-	-	-	-
Co-ordinator practice:					
Office climate	C	16.5-50	34.3	8.6	0.8
Workload	S	3-10	7.2	1.9	-
Support	C	3-22	12.2	5.8	0.55
Experience	S	0.5-11	6	3.1	-
Independence	S	5.5-10.0	8.4	1.2	-
Resources	C	13-38	23.9	6	0.68
Police relationships	S	2-5	4.4	0.9	-
Practice issues	C	13-33	28.2	3.9	0.69
Philosophy	C	96.5-147	125.4	13.5	0.84
Effectiveness rating	S	6-10	7.3	1.1	-
Manager rating	S	2-10	7.9	1.8	-
Attendance at FGC:					
Victim attended	S	0-1	-	-	-
No. of victims & victim supporters	S	0-22	0.95	1.8	-
Mother attended	S	0-1	-	-	-
Father attended	S	0-1	-	-	-
Caregiver attended	S	0-1	-	-	-
No. of family & supporters	S	0-22	3	2.4	-
Number of professionals	S	0-6	1.8	0.9	-
Offences:					
Seriousness of offence	S	1-5	2.8	0.9	-
Number offence types	S	1-8	1.8	1	-
Number of offences	S	1-62	3.6	5	-
Referral type	S	Police =0 Youth Court=1	-	-	-
Any Youth Court involvement in case	S	0-1	-	-	-
Outcome FGC:					
Severity of outcome	S	0-11	4.3	2.3	-
FGC plan restorative	S	0-1	-	-	-
FGC plan restrictive	S	0-1	-	-	-
FGC plan reintegrative	S	0-1	-	-	-
FGC plan rehabilitative	S	0-1	-	-	-
Accountability	S	0-1	-	-	-
Enhance wellbeing	S	0-1	-	-	-
Young person's responses:					
Preparation	C	1-5	3.9	1.0	0.63
Participation	C	1-5	3.5	1.2	0.72
Understanding	C	1-5	4.5	0.8	0.53
Fairness	C	1-5	3.9	1.2	0.73
Support	C	1-5	4.0	0.9	0.58
Remorse	C	1-5	4.0	1	0.77
Forgiveness	C	1-5	3.6	1	0.70

Stigma and exclusion	C	1-5	3.1	1.2	0.56
Intend to keep out of trouble	S	1-5	4.0	1.6	-
Memorable	S	1-5	3.4	1.3	-
Able to make up	S	1-5	4.1	1.4	-
Programmes completed	S	0-1	-	-	-
Subsequent events:					
Negative life events	C	0-9	3.5	1.8	-
Positive relationships	C	0-4	3	0.9	-
Criminal associates	C	0-2	0.9	0.6	-
Psychological problems	C	0-6	0.7	1.2	-
Alcohol and drug use	C	0-3	0.9	0.9	-
Cultural knowledge and pride	C	3-9	8	1.6	-
Good intentions	C	0-2	1.7	0.6	-
<i>Adult life outcomes</i>					
Positive life outcomes:					
Feel good	C	3-15	12.6	2.3	0.61
Good events	C	0-3	2.6	0.6	-
Reoffending	S	1-5	-	-	-

Table A5.2 Definition of composite variables

Adult life outcomes

<i>Reoffending – Ministry of Justice data</i>	<i>First year offending</i>	<i>Second year offending</i>
<i>None</i>	None	None
<i>No more than 1 per year</i>	None	One
	One	None
<i>At most 2 per year</i>	Two	None
	None	Two
	One	Two
	Two	One
	Two	Two
<i>Improving persistent</i>	Serious Persistent	None
<i>Serious Persistent</i>	3 or more	Prison
	3 or more	At least one

Recode Reoffending -

Reoffend1 No reoffending
 More than one reoffence

Reoffend2 No more than one per year
 More than one per year

Young person’s report of life outcomes - # from young persons interview²

Positive aspects of life Sum of:
 Good events Since the FGC have things happened that made you feel really good about yourself? (0, 1)
 Are there things in your life that are important to you at the moment? (0, 1)
 Are there things you hope to achieve in the future? (0, 1)

Feeling good about life and the future: Sum of:
 Life in general has gone well for me (1-5)
 I have a positive view of the future (1-5)
 In general I feel good about myself (1-5)

² The coding for the particular item is indicated in brackets after the item. Generally 0=No and 1=Yes.

Background Factors³

Young persons reports of growing up - from young person's interview

Positive relationships

Sum of:

- I had people in my life who cared about me
- I had good friends while I was growing up
- There were other adults I was close to while I was growing up
- There were people I admired and wanted to be like

Family environment

Sum of:

- I generally did what I was told
- I think that my family was reasonably happy
- In general, I had a happy childhood
- I got on well with my parents
- My family was actively involved in the community
- While growing up I spent a lot of time with my father
- I was often in conflict with my parents
- In my spare time I did things with my family

Family transience

Sum of:

- Number changes in family/caregiver (restrict range 0-10)
- Number of changes in where lived (restrict range 0-10)
- Total number of different schools (restrict range 0-10)

Antisocial family

Sum of:

- Watched adults fight physically
- Watched adults fight verbally
- Family used alcohol
- Family used drugs
- Parent involved in crime (recode no=2, yes=4)
- Sibling involved in crime (recode no=2, yes=4)
- Extended family involved in crime (recode no=2, yes=4)

Abuse and punishment

Sum of:

- Smacked
- Hit with strap
- Given really severe thrashings
- Emotionally abused
- Sexually abused

Clubs and friends

Sum of:

- I was involved with sports or other clubs while growing up
- In my spare time I had friends visit or visited them
- In my spare time I did things in the neighbourhood, clubs, sports

Parental monitoring

Sum of:

- Parents usually knew my whereabouts when I was out
 - Primary school age (0=1-3,1=4-5)
 - Intermediate school age (0=1-3,1=4-5)
 - Secondary school age (0=1-3,1=4-5)

³ All variables on 1-5 scales unless stated otherwise. Where recoded to No/Yes this is indicated in brackets.

	There was someone home when I came back after school Primary (0=1-3,1=4-5) Intermediate (0=1-3,1=4-5)
	I had a time to come home and I came home by it in: Intermediate (0=1-2,1=3-5) Secondary (0=1-2,1=3-5)
<i>Bored and hung around</i>	Sum of: In spare time was bored Spare time hung around town
<i>Poverty</i>	My family had enough money to get by
<i>Health</i>	I had a number of health problems
<i>Positive school experiences</i>	Sum of: In general I did well at school I got on well with my teachers In general I was good at sport
<i>Was bullied</i>	Sum of: At school punched, kicked or hit by other children At school left out, ganged up on, threatened or frightened by other children
<i>Bullied others</i>	Sum of: Ganging up on other children frequently (4-5 rating) at some time Primary (0, 1) Intermediate (0, 1) High school (0, 1) Punching, kicking, hitting other children frequently (4-5 rating) at some time Primary (0, 1) Intermediate (0, 1) High school (0, 1)
<i>Stole from others</i>	Sum of: Primary (0, 1) Intermediate (0, 1) High school (0, 1)
<i>Substance abuse & antisocial</i>	Sum of: Tobacco Marijuana (dope) Alcohol Sniffing Contact with police grow up Unsafe sex
<i>Negative school experiences</i>	Sum of: Truanted from school frequently (4-5 rating) at some time Primary (0, 1) Intermediate (0, 1) High school (0, 1)

Suspended or expelled from school at some time
Primary (0, 1)
Intermediate (0, 1)
High school (0, 1)

Youth Justice Events (1)⁴

Young persons response to the FGC - from young person's interview

Preparation: consulted and informed

Mean of:

I was told what would happen
I was told what others might expect of me
I was told about possible outcomes
I was consulted about who should come

Support

Mean of:

People there cared about & supported me
People spoke up on my behalf
People showed they cared about me regardless of what I had done
People talked about what they liked about me

Understanding

Mean of:

I understood what was going on
I understood what was decided

Participation

Mean of:

I felt I had the opportunity to say what I wanted
I felt involved in making decisions
I really agreed with the decisions
The decision was better than I expected

Fairness

Mean of:

I was treated with respect
I was treated fairly
Generally people were looking out for my best interests

Stigma and exclusion

Mean of:

The way I was dealt with made me feel I was a bad person
I was treated as though I was a criminal
I felt too intimidated to say what I wanted to

Remorse

Mean of:

I could understand how the victim felt
I felt really sorry about my offending
I showed the victim I was really sorry
I could see the victims point of view
I felt ashamed of myself
In the FGC I felt what I did was wrong
I now feel what I did was wrong

Forgiveness

Mean of:

After the FGC people showed me I was forgiven
People gave me another chance

⁴ All variables on 1-5 scales unless stated otherwise. Where recoded to No/Yes this is indicated in brackets.

People made it clear I can put the whole thing behind me
People treated me like a trustworthy person
I think the victim accepted my apology
People didn't let me forget what I had done

Other responses

Memorability	I remember a lot about it
Intention not to re-offend	I decided to keep out of trouble in the future
Able to make up	I was able to make up for what I did

Youth Justice Events (2)⁵

Youth Justice co-ordinator practice - from YJC interview

Office Climate

Computer problems
Availability cars
Relationships office
Structure change office
Staff morale

Support

Supervision adequate

Backup support

Resources

Train - generally

Fund conference

Funds plans

Programmes available to refer

Placements available

Practice issues (1-5 rating scale)

Meet family before FGC

Meet victim before FGC

Speak to yp on own before FGC

Invite local family

Invite out of town family

Private time

Interests victim

Philosophy

Re-link families

Re-link culture

Timeliness of responses offending

Address education/vocational failure

Address C&P issues

Provide rehab programmes

Provide family support

YP involved positive leisure

Avoid bring yp together

Punish offender

Avoid residence or custody

Outcomes repair harm

Protect yp rights

Family decision making

⁵ All variables on 1-10 scales unless stated otherwise

Subsequent Events⁶

Positive life events

Sum of:

- Schooling or training since FGC (0, 1)
- Constructive employment in last 6 months (0, 1)
- Belong to any groups (0, 1)
- Religion important (0, 1)
- Become a parent (0, 1)

Positive relationships

Sum of:

- Close friend/confidant (0, 1)
- Serious personal relationship (0, 1)
- Feel close to family/whānau (0, 1)
- Find it easy to get on with peers (0, 1)

Negative life events

Sum of:

- Unemployment for a period (0, 1, 2)
- Changes in where lived (0, 1, 2)
- Close personal relationship break-up (0, 1, 2)
- Major health problems (0, 1, 2)
- Someone close died/seriously ill (0, 1, 2)

Psychological problems

Sum of:

- Depression often (0=1-3, 1=4-5)
- Mood swings often (0=1-3, 1=4-5)
- Suicidal thoughts often (0=1-3, 1=4-5)
- Hospitalised or Medicated or Therapy (0=1-3, 1=4-5)

Criminal associates

Sum of:

- Close friends offending (0, 1)
- Gang member (0, 1)

Good intentions

Sum of:

- I have taken responsibility for any wrong things I have done (0=1-3, 1=4-5)
- I have not wanted to get involved in crime (0=1-3, 1=4-5)

Drug and alcohol use

Sum of:

- Use alcohol a lot (0=1-3, 1=4-5)
- Use dope a lot (0=1-3, 1=4-5)
- Use other illegal drugs a lot (0=1-3, 1=4-5)

Cultural Knowledge and pride

Sum of:

- Know about my cultural background (recode no=2, yes=4)
 - Proud of culture and ethnic background (1-5)
-

⁶ The coding for the particular item is indicated in the bracket after the item.

Details of the methodology involved in the multivariate analyses

Choosing the independent variables for a multivariate model

There are a number of possible ways of constructing a multivariate model and a number of techniques for running analyses. We have chosen to construct a model which tests the hypotheses that are suggested by previous studies and by the data already presented in this report. This model suggests that the following factors are likely to be important as predictors of reoffending and positive life outcome:

- demographic factors:
 - sex of young person
 - ethnicity of young person;
- background factors relating to:
 - adverse background circumstances,
 - antisocial behaviour,
 - lack of school qualifications
 - prior involvement with welfare services
 - prior involvement with youth justice services,
- youth justice events including:
 - seriousness of offence
 - referral to the Youth Court,
 - who attends the FGC: father
 - who attends the FGC: no. of professionals
 - the lack of a constructive conference in the eyes of the young person
 - reintegrative outcomes
 - rehabilitative outcomes
 - restrictive outcomes
 - subsequent events that are not negative but are positive and supportive.

Rationale for choice and definition of variables

For the purposes of multivariate analysis, it is desirable to exclude any variables that can be seen as effectively alternate measures of one another (for example the measure of number of offences and number of different types of offences). For this reason, where there were pairs like this, the variable with the weaker simple correlation with reoffending was dropped in the multivariate analysis.

It is also desirable to include as few independent variables as possible in the multivariate analysis in order to ensure that the results will be reliable. Preliminary analysis showed that a number of the early life variables were inter-correlated and also were not significantly related to reoffending when other factors were taken into account. Too, previous research (Maxwell and Morris, 1999; Fergusson et al, 1994) showed that background factors were predictive of reoffending as a cluster. Early anti-social behaviour was also predictive of reoffending as a cluster in these earlier studies. For these reasons, early life events that had statistically insignificant simple correlations with reoffending were deleted and the remaining ones were combined to form two new composite events. The 'adverse background composite' was composed of the sum of binary variables based on the significant background factors and the 'anti-social composite' was composed of binary variables based on early anti-social behaviour. It could be argued that adverse backgrounds and anti social behaviour are not unrelated and indeed the simple correlation is 0.59 which is significant

at $p < 0.001$. However, it is useful to make the distinction because of the interest in early anti-social behaviour as a predictor independently of other adverse background factors. In addition, ‘school qualifications’ was retained as a separate variable because of the strength of its predictive power, because it is an important positive feature compared to most of the other variables and because it can be seen as conceptually rather different from the other two clusters.

Some youth justice variables were excluded for the following reasons:

- Attendance variables were omitted because they were not significant in and of themselves in any of the multivariate analyses.
- Seriousness of offence was not significant in the initial analyses.
- Restorative outcome was omitted because of insufficient variance – 94% had a restorative outcomes

On the other hand, a number of youth justice system variables or subsequent life event variables were not deleted because of the theoretical importance of the individual factors which they represent. Although they individually had low simple correlations with reoffending, additional composites were created from them. The definitions of these new variables are recorded in Table A5.3, followed by the correlations between the composite variables.

Table A5.3 Definitions of new composite variables showing the individual variables original correlation with reoffending and the transformation rule⁷ to create a binary variable

		Spearman's Rho	Transformation rule
Adverse background	Mother's age when yp born	-0.15**	20 or more vs 14-19 years ⁸
	Family transience	0.20***	8 or less vs 9 or more
	Family environment	-0.15***	29 or more vs less than 29
	Anti-social family	0.16***	less than 17 vs 17 or more
	Abuse and punishment	0.15***	less than 9 vs 9 or more
	Parental monitoring	-0.16***	5 or more vs less than 5
	Negative school experiences	0.23***	less than 3 vs 3 or more
	Bored and hung around	0.14***	less than 7 vs 7 or more
	Positive relationships	-0.12**	17 or more vs less than 17
	Anti social composite	Stole	0.20***
Bullied others		0.18***	less than 12 vs 12 or more
Substance abuse & antisocial		0.23***	less than 17 or 17 and more
Ran away from home		-0.17***	3 or more vs less than 3
Subsequent life events	Criminal associates binary	0.24***	0 vs 1 or more
	Alcohol and drug use	0.21***	0 vs 1 or more
	Negative life events	0.18***	0-3 vs 4-9
	Psychological problems	0.12**	0 vs 1 or more
	Positive life events	-0.17***	3to 5 vs 0 to 2

⁷ Items have been reversed when the correlation was negative.

⁸ Missing data coded as 20 or more.

Correlations (spearman) between items in Adverse background composite

	Family Transience	Family environment	Antisocial family	Punishment and abuse	Parental monitoring	Negative school experiences	Bored and hung around	Positive relationships
Mothers age	-.311	.122	-.283	-.207	-.051	-.097	-.033	-.032
Family transience	-	-.380	.269	.343	-.213	.217	.122	-.048
Family environment		-	-.353	-.418	.372	-.300	-.345	.286
Antisocial family			-	.532	-.239	.270	.232	-.026
Punishment and abuse				-	-.218	.296	.208	-.115
Parental monitoring					-	-.357	-.244	.183
Negative school experiences						-	.303	-.075
Bored and hung around							-	-.118
Positive relationships								-

Correlations (spearman) between items in Anti social composite

	Bullied others	Substance abuse And antisocial	Ran away from home
Stole	.507	.335	-.191
Bullied others	-	.397	-.274
Substance abuse and antisocial		-	-.379
Ran away from home			-

Correlations (spearman) between items in Subsequent negative life events composite

	Alcohol and drug use	Negative life events	Psychological problems	Positive life events	Feeling good
Criminal associates	.326	.168	.143	-.126	-.188
Alcohol and drug use	-	.129	.147	-.251	-.167
Negative life events		-	.174	-.122	-.233
Psychological problems			-	-.103	-.266
Positive life events				-	.281

Choice of dependent variable and regression procedure for reoffending

For reoffending there were three main choices for the dependent variable:

- 1) No reconviction as an adult versus at least one reconviction: Binary Logistic Regression
- 2) No more than one minor reconviction for an offence (minor was defined as a conviction which did not involve a prison sentence) versus the rest; Binary Logistic Regression
- 3) Three categories of offending: where None, some (Minor, medium and improving persistent as defined on page 193) are compared with 'Serious or persistent' offenders; Multinomial Logistic Regression.

Trial analyses were run with each of these choices. When the results of conducting analyses using all three types of dependent variable were compared, the most significant results were obtained with the second and third options. Both gave the same r square value for the variance accounted for and this was larger than when the variable comparing some and no reoffending was used. This made sense. All those in the sample had an offence history and most had already offended at least once before the target offence. Being able to compare the relatively serious with the relatively trivial reoffenders seemed a sensible choice. The independent variables that were significant were identical and the significance of the relationships between them and the independent variables was very similar. The next task was to choose between options two and three and this also involved a choice between the two methods of analysis.

Method of analysis

Preliminary analyses showed that the types of analyses that accounted for the greatest amount of variance were the second and third of those listed above. Both gave very similar results but the second one, which compared those who were involved in one minor reconviction at most with the rest was the easier to understand. It also had the advantage of reporting odds ratios so we have presented the results using this method. A further advantage of this analysis is that it gave the option of running a conditional analysis which excluded variables that were relatively insignificant but could decrease the likelihood that other potentially significant variables were detected. A conditional analysis is much like a stepwise analysis in which, at each step of the analysis, the strongest remaining variable is selected. Compared to an analysis without constraints, the strongest analysis was obtained using the conditional method in the sense that the largest number of variables were selected.

The analysis was then run in two ways. First, all those variables occurring up until the time of the decision about the outcome of the offending were used to predict reoffending. Second, these analyses were repeated but with the addition of a composite variable summarizing the significant subsequent life events that emerged from the simple correlations with reoffending. 'Good intentions' was excluded from this composite as it was not correlated with the other subsequent events and could be seen as a comment on state of mind at the time of the interview as opposed to being a life event. The new composite variable has been called 'subsequent life events'. It is interesting to note that many of these are indicators identified in previous research as associated with the probability of reoffending (Andrews et al 1999).

Choosing the dependent variable to assess adult life outcomes

The original variable chosen to assess adult life outcomes was the subjective analysis by the young person of how his or her life was going as represented by the composite variable: 'feel good'. However, it could be that this variable was likely to be affected by recent rather than longer term events and be less stable than some of the other life event indicators. Many of these life indicators have been chosen as intervention targets because of the meta-analytic research that has identified them as criminogenic needs. Too, choosing more tangible targets than 'feeling good' was likely to be much more practical for policy and practice. Furthermore, correlations between the subsequent negative life events composites showed that they were almost all inter-correlated and correlated with 'feel good'. Thus all of these composites excepting 'positive relationships', 'cultural pride and knowledge' and 'good intentions' were used to calculate a new composite called 'subsequent life events'. The rationale for dropping these three was they reflected subjective states rather than life events and that they were also not clearly correlated with reoffending in trial analyses. The subsequent life event composite was scored negatively because most of the events increased the chances of reoffending. However, analyses were also performed using 'feeling good' as the dependent variable and this was scored positively so that a low score correlated with the reoffending and subsequent life event variables. The method chosen for these analyses was multivariate linear regression.

The interviewers, retrospective study

Initially a team of four interviewers (one Pākehā, one Samoan and two Māori) who were trained in Wellington, along with members of the core team, moved through the country locating and interviewing young people. Rising costs and the pressures of constant travel on interviewers led to a decision to train additional teams to work from the Auckland/Hamilton and Dunedin areas under the supervision of field supervisors in Auckland and Dunedin. This strategy met with only partial success. In the Auckland and Wellington areas, new interviewers often failed to successfully locate and interview clients and were erratic in returning interviews that they reported as completed. In particular, it was difficult to locate and recruit who were able to locate and interview the young people successfully. Towards the end of 2001, it was decided to subcontract some of the Auckland and Northland interviewing to a market research firm (NRB), who successfully carried out a portion of the outstanding interviews. In Dunedin, some interviews were completed but a relatively high proportion of potential interviewees were not successfully located, while in Wellington the original team of interviewers moved on to other work.

Early in 2002, two new interviewers – older Pākehā women with professional backgrounds and experience in interviewing people from disadvantaged backgrounds – were recruited. Over a period of two months they successfully completed a relatively high proportion of the remaining outstanding interviews. Table A6.1 below describes the interviewers used and their contribution to the final sample of those interviewed.

The data in Table A6.1 describe the characteristics of interviewers, the numbers they approached and the outcomes of those approaches. For purposes of reporting the interviewers have been divided into three separate groups. The first group consist of five members of the core team. Overall they were responsible for 15% of the interviews and, collectively, had a low refusal rate of 7%. Their apparently greater success in obtaining interviews may, in part, be due to the fact that they sometimes interviewed young people who had already been contacted by another member of the interview team. However, on the whole, the greater success rate of the core team members is almost certainly accounted for by their greater experience with this type of interviewing and their more realistic expectations of what was involved.

Table A6.1 Interviewer characteristics and success rates

Interviewer Id	Sex	Age ¹	Ethnicity ²	Approached	Interviewed	Refused	%Refused
<i>Core team</i>							
C1	f	older	NZE	44	44	0	0
C2	f	younger	NZE	28	22	6	21
C3	f	older	NZE	9	9	0	0
C4	f	older	NZE	2	2	0	0
C5	m	younger	NZE	1	1	0	0
Subtotal				84	78	6	7
<i>Other successful</i>							
I1	m	younger	NZE	214	168	46	27
I2	m	younger	Māori	82	64	18	22
I3	f	older	NZE	57	56	1	2
I4	f	older	NZE	77	55	22)	
I5	f	older	NZE	41	40	1)	19 ³
Market research	-	-	-	44	31	13	30
I6	m	younger	NZE	14	11	3	21
I7	f	older	Pacific	11	10	1	9
Subtotal				540	435	105	19
<i>Other unsuccessful</i>							
I8	f	older	Pacific	4	4	0	0
I9	f	younger	Māori	7	3	4	57
I10	m	younger	NZE	3	0	3	100
I11	m	younger	NZE	1	0	1	100
I12	f	older	NZE	2	0	2	100
I13	f	younger	Māori/Pac	2	0	2	100
Subtotal				19	7	12	63
Unallocated				19	0	19	100
Total				662	520	142	21

The rest of the table reports data for the 13 interviewers who were employed specifically in that role and for the market research team who are listed as a group.⁴ Examining these data, it is apparent that seven of these interviewers were able to contact at least 11 people each and completed at least 10 interviews. These, along with the market research group, can be regarded as the ‘successful’ independent interviewers. The second panel in the table reports data for them. These data show that they were collectively responsible for 84% of the interviews and had an overall refusal rate of 19%. The highest refusal rate came from the NRB market research team, which included a number of different interviewers who experienced different success rates. Other interviewers in this group

¹ ‘Younger’ interviewers are those who were under the age of 40; most were in their 20s or early 30s. The older group were over the age of 40.

² Main ethnic group identity expressed by the interviewer.

³ Interviewers I4 and I5 worked together so that their refusal rate is more properly expressed for the pair rather than for each individual. Interviewers I2 and I3 also worked together so that some of the refusals allocated to one could have been made to the other.

⁴ Separate data were not available for each individual interviewer in the market research team.

had a variable refusal rate that cannot readily be explained by any obvious differences in their skill, personal characteristics or methods of working.

The last panel in the table reports data for the 'unsuccessful' group of six interviewers who only completed a total of 7 interviews between them.

Several did not complete any interviews and the overall refusal rate for these interviewers was 63%. This group also had a very poor record in successfully locating or making contact with young people. Obvious characteristics such as age, sex or ethnic group identity do not account for these differences and we were unable to predict in advance that these people were likely to be unsuccessful. However, it became clear that despite their initial assessments, they all found the task of going to homes and contacting the young person daunting. They were diffident in their approach and any early refusals discouraged them from continuing to seek out potential interviewees. It should be noted that the same factors also came into play for some of the other interviewers who were initially very successful but later found the role more difficult.

Finally, the table presents data for an 'unallocated' group of 19 refusals from young people who returned a reply slip indicating that they did not wish to be approached.