



Department of Human Services

**Review of the Youth Justice
Group Conferencing Program**

Final Report

September 2010
This report contains 85 pages



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Executive summary

The Youth Justice Group Conferencing Program is a diversionary program operating in Victoria's Youth Justice system. Group Conferencing is a restorative justice process that involves a young offender, their family or support networks, their legal representative, a police informant and a convenor, together with people who have been affected by their offending. At the actual Conference, everyone has a chance to discuss the event and how to make things better for everyone impacted by the crime.

The Youth Justice Group Conferencing Program is an intervention based on restorative justice principles that aims to provide a community rehabilitation intervention to the Children's Court at the pre-sentence stage, in order to divert the young person from more intensive supervisory outcomes, increase responsibility for their offending and encourage reparation to the victim and community.

The Program aims to address issues that contribute to the young person's offending behaviour and divert them from more intensive supervisory court outcomes. A secondary aim is to involve family members, significant others, community members, the police, and victims in the decision-making process, and thereby enhance their satisfaction with the justice process.

KPMG conducted a review of the Youth Justice Group Conferencing Program between September 2009 and September 2010 to determine the effectiveness of the Program in meeting its stated aims since operations commenced in 2003, as well as to provide the Department of Human Services with recommendations to improve the Program's operations.

This review was based on a targeted literature review, key stakeholder consultations, telephone surveys with Group Conferencing participants (young offenders, their families and victims of crime), analyses of Program service activity and outcome data for a sample of young people who participated in the Youth Justice Group Conferencing Program compared with a sample of young people who received Probation or Youth Supervisory Orders, and a benefit cost analysis.

Key findings from the review are that:

- Statewide demand has increased significantly for the Program over the past five years, with the Program outperforming targets in 2008/09 and 2009/10.
- In most cases during the review period, Conferences were attended by victims (or their representatives) as well as Police informants and legal representatives. However, inconsistent with the requirements of the legislation, Group Conferences did not always include participation by Police or a legal representative.
- Three quarters of the young people participating in Youth Justice Group Conferencing received non-supervisory orders and were diverted from further progression into the Youth Justice system.
- Young people who participated in Youth Justice Group Conferencing were much less likely to have reoffended within 12 or 24 months than young people who received initial sentences of Probation or Youth Supervision Order.

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- Due to small sample sizes the review can not definitively determine any impact of personal characteristics such as age, gender or Aboriginal status on recidivism.
- The most common offences committed that led to a Youth Justice Group Conference were burglary, recklessly cause injury, unlawful assault, criminal damage, intentionally cause injury, armed robbery, theft of a motor vehicle, theft, affray and recklessly cause serious injury.
- Approximately 5.5 per cent of young people in both groups committed more serious offences. Youth Justice Group Conferencing participants who subsequently committed more serious offences were four times more likely to have a DHS Youth Justice worker than young people who did not reoffend and were less likely to have immediate family members attending their Conference than other participants.
- Highly skilled and competent Convenors who are able to implement the Youth Justice Group Conferencing model are central to the Program.
- All of the victims and family members, and the majority of young offenders (91%) surveyed strongly agreed or agreed that “Overall, I was satisfied with my involvement with the whole Group Conferencing Process”. All participants surveyed agreed that “I would recommend the Program to someone else if they were eligible”.
- For every \$1 invested by the Department of Human Services on Group Conferencing, at least \$1.21 is saved in the immediate and short term. These savings are likely to underestimate the actual saving to Government for each young people over the course of their lifetime.

In conclusion, this Review found the Youth Justice Group Conferencing Program to be broadly effective in meeting its stated objectives.

This review makes the following recommendations in order to strengthen the Program. These recommendations are also considered in light of the recent Victorian Parliamentary Law Reform Committee’s (VPLRC) *Inquiry into alternative dispute resolution and restorative justice* and the Victorian Parliamentary Drugs and Crime Prevention Committee (VPDCPC) *Inquiry into Strategies to Prevent High Volume Offending by Young People*, as indicated below in italics¹.

It is recommended that the Department of Human Services:

1. based on the positive findings of this review, that the Program is effective, cost-efficient and well-supported by stakeholders and participants, continue to fund and support the Youth Justice Group Conferencing Program.
2. review the level of resourcing of the Youth Justice Group Conferencing Program in order to:
 - 2.1. meet existing demand and strengthen/expand the Program
 - 2.2. ensure that suitably trained and experienced Convenors are attracted to and retained in this field

¹ Further details on these recommendations are presented in Appendix C.

2.3. accommodate post-Conference follow-up by the Convenor to monitor and/or assist the young person with the completion of their outcome plan.

This is consistent with the VPLRC recommendation in relation to:

- 61: “Monitoring Youth Justice Group Conferencing Program Conference outcome plans.”
- 62: “Support the offenders to complete YJGC Program outcome plans.”

3. accommodate post-Conference follow-up by the Convenor or a designated agency regarding the victim’s satisfaction and well being and, where appropriate, allow for further victim support.

This is consistent with the VPLRC recommendation in relation to:

- 58: “Follow-up with victims after a Youth Justice Group Conferencing Program Conference.”

4. promote the Youth Justice Group Conferencing Program and evidence regarding its effectiveness by:

4.1. communicating the strong and positive findings from this review to key stakeholders including: Children’s Courts, Victoria Police, Victoria Legal Aid, Victim Support Agencies and key youth focussed community based services.

4.2. providing ongoing education and information about the Program to key stakeholders centrally and in regions.

This is consistent with the VPLRC recommendations in relation to:

- 51: “Educating Children’s Court magistrates about the Youth Justice Group Conferencing Program
- 52: “Educating lawyers about the Youth Justice Group Conferencing Program”
- 59.1: “Information and training on the Youth Justice Group Conferencing Program for police.”

5. support an accreditation process for Youth Justice Group Conferencing Convenors in order to ensure that they have a consistent and assessable skill set.

This is consistent with the VPLRC recommendation in relation to:

- 66: “Restorative justice practitioner training.”

6. continue to provide professional development activities and forums for all Group Conference Convenors to maintain and build on the level of expertise and the high standard of Group Conferences.

This is consistent with the VPLRC recommendation in relation to:

- 65: “Training for restorative justice practitioners.”
- 57: “Training YJGC providers about victims’ rights and needs.”

7. give consideration to expanding the use of restorative justice approaches to other groups of young offenders and at other points in the sentencing process. The Program appears to be well placed for the target group. To reduce the risk of ‘net-widening’, it is recommended that restorative justice approaches target young people who are, at minimum, eligible for a sentence of Probation in the Victorian sentencing hierarchy.

8. ask the existing ‘State-wide Group Conferencing Advisory Group’, or representatives thereof, to consider the recommendations in this report.

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9. seek advice from the 'State-wide Group Conferencing Advisory Group', or representatives thereof, with regard to:
 - 9.1. the 'development of a practice model' for post-Conference follow up with the young person and the victim where appropriate
 - 9.2. an effective process for information sharing with, and educating of, key stakeholders and the broader community about the Youth Justice Group Conferencing Program
 - 9.3. commissioning a cohort study to identify the characteristics and risk profile of young people for whom the Youth Justice Group Conferencing Program is most effective
 - 9.4. considering whether specific strategies need to be identified and implemented in order to promote more involvement of young people who are Aboriginal or Torres Strait Islanders, and/or young people from culturally and linguistically diverse backgrounds in the Youth Justice Group Conferencing Program.

This is consistent with the VPLRC recommendations in relation to:

- 53: "Participation of Indigenous offenders and victims in the restorative justice processes."
- 54: "Participation of CALD offenders and victims in the restorative justice processes."

10. consider the role of Victoria Police in relation to:
 - 10.1. potential mechanisms for operational police officers to provide input into referral processes
 - 10.2. the police role of making initial contact with the victim and how this process could support an increased presence of victims at Group Conferences.

11. consider incorporating outcome and participant satisfaction measures into routine data collection for evaluation, monitoring and reporting purposes.

This is consistent with the VPLRC recommendation in relation to:

- 47: *Collecting and reporting data about restorative justice*

Acronyms

ADR	Alternative Dispute Resolution
AIHW	Australian Institute of Health and Welfare
BCR	Benefit cost ratio
CALD	Culturally and linguistically diverse
CBA	Cost benefit analyses
CYFA	Children's Youth and Families Act 2005
DHS	Department of Human Services
MCV	Magistrate's Court of Victoria
NOI	Australian Standard Offence Classification National Offence Index
NZ	New Zealand
RJ	Restorative Justice
VACP	Victims Assistance and Counselling Program
VPDCPC	Victorian Parliamentary Drugs and Crime Prevention Committee
VPLRC	Victorian Parliamentary Law Reform Committee
YJ	Youth Justice
YJGC	Youth Justice Group Conferencing Program (the Program)

Glossary of terms

Cautioning and Diversion Program	Under this Program, a formal caution is administered to the young offender by a senior police officer in the presence of a parent or guardian of the offender. After a caution, no further action is taken by the police in respect of the offence.
Deferral of sentence	A Magistrate may defer the sentencing of a young person in order to gauge their suitability for a Community Based Order, or to allow them to participate in a Group Conference, or to monitor the effect of a particular life event that may influence the Magistrate's final sentencing decision. Youth Justice may be required to support/supervise and prepare a pre sentence court report during the deferral period. If the deferral is to allow for a Group Conference, following the Conference, the Convenor provides a report to the court that contains the outcome plan for the Magistrate's consideration prior to sentencing.
Good Behaviour Bond	The Court may adjourn (postpone) proceedings for a period of up to one year, and order that the young person provide a bond of a nominal amount and comply with the conditions set. Conditions can include being of good behaviour and appearing before the court when asked. If a young person complies with the conditions set for the year, then the charge is dismissed.
Parole	This is the community-based component of a custodial sentence imposed by a court. Unlike other Community Based Orders, parole can only be granted by either the Youth Residential Board (for 10-14 year olds) or the Youth Parole Board (for 15-20 year olds).
Probation	This is the lowest tariff community-based Youth Justice order. Probation orders can only be given in the Children's Court and require that the young person be supervised by and report to Youth Justice for the duration of their order. The maximum period of a Probation Order is 12 months and the order cannot extend beyond the young person's 21st birthday.
Youth Attendance Order	This is an alternative to a custodial sentence. It is a sentencing option that gives consequences for offending behaviour through intensive supervision and community work activities up to 10 hours per week, without removing the young person from their home, school or work commitments. The maximum period of a Youth Attendance Order is 12 months and the order cannot extend beyond the young person's 21st birthday. To receive a YAO the young person must be at least 15 years of age.
Youth Justice Centre	Victoria has two Youth Justice centres, which are custodial facilities for young people sentenced by either the children's or adult courts to a Youth Justice Centre Order.
Youth Justice Centre Order	A Youth Justice Centre Order sentences a young person to a period of time in custody at a Youth Justice centre. It cannot be longer than three years.
Youth Supervision Order	This provides more intensive supervision and a greater range of Program components than a Probation order. The maximum period of a Youth Supervision Order is generally 12 months and the order cannot extend beyond the young person's 21st birthday, although may be up to 18 months if the offence is punishable by imprisonment for a term of more than 10 years.

1 Introduction to the review

1.1 Review aim

The aim of the review is to determine the effectiveness of the Youth Justice Group Conferencing (YJGC) Program in meeting its stated aims since operations commenced in 2003, as well as to provide recommendations to the Department of Human Services (DHS) to improve the operations of the Program.

The stated aims of the YJGC Program are to achieve the following outcomes:

- to provide effective diversion for young people from more intensive supervisory court outcomes
- effective reintegration of young people into the community following the Conference process
- reduced frequency and seriousness of re-offending of young people referred to the Program
- increased victim satisfaction with the criminal justice process
- reduced costs to the Youth Justice system.

1.2 Key review questions

Table 1: Review questions

Review Question	Question Sub-themes
1. To what extent has the YJGC Program achieved its objectives?	Provided effective diversion for young people from more intensive supervisory court outcomes.
	Provided appropriate linkages for young people into the community.
	Reduced the frequency and seriousness of re-offending.
	Increased victim satisfaction with the criminal justice process.
	Reduced costs to the Youth Justice system.
2. To what extent are the outcomes achieved by Group Conferencing related to:	The nature of offences committed
	The characteristics of the offender
	The participation of victims
	The participation of young people's family members
	The involvement of co-offenders in the Conference process
	The experience of the Convenor facilitating the Group Conference
	Other relevant variables
3. What is the level of satisfaction of stakeholders including young people, their families, victims, police, the legal fraternity and judiciary with the Group Conferencing Program?	
4. What are the unit costs of the Group Conferencing Program compared with Youth Justice custodial and Community Based Orders?	
5. What specific improvements can be made to the Group Conferencing Program?	The model (including comparison to other successful conferencing Program models operating in other jurisdictions)
	Integration with related services.

1.3 Review methodology and analyses

This review considered information obtained through five activities.

- A targeted literature review focusing on reviews of group conferencing and/or related restorative justice projects and relevant reports such as the Parliamentary Committee reports.
- Stakeholder consultations conducted with Group Conferencing service providers and Convenors, Youth Justice Unit managers, Victoria Police, the Children's Court of Victoria, the legal fraternity, victim representatives and other relevant key stakeholders. Interview schedules are available on request from the Department of Human Services.
- Telephone surveys with Group Conferencing participants, that is, young people, their families and victims of crime, who participated in a Conference between November 2009 and July 2010.
- Analyses of Youth Justice Group Conferencing Program service activity data.
- Analyses of outcome data for a sample of young people who participated in Youth Justice Group Conferences in Victoria² between April 2007 and June 2009 (n=372) and outcome data for a comparison group of young people who received a Probation or Youth Supervision Order in the same time period (n=129).
- Unit cost analysis.

This review used both quantitative and qualitative information. The analytical processes for both are described below.

Quantitative data for the review drew on service activity data and outcome data for a sample of young people who participated in the Youth Justice Group Conferencing Program and a comparison group of young people who received a Probation or Youth Supervision Order in the same time period. Quantitative information was also collected from closed and scaled questions in telephone surveys conducted with a sample of Conference participants. These data have been subject to descriptive and factor analyses.

Qualitative information was collected through semi-structured interviews and survey questions to explore elements and impacts of the Youth Justice Group Conferencing Program. These data were thematically analysed and deidentified quotes are presented to illustrate pertinent points. A variety of information was volunteered to assist the review process. This report describes the level of coherence between stakeholder views (e.g. all, many, some reported) but does not enumerate qualitative data.

² Data from the Grampians was not available for inclusion in this review.

1.4 Structure of this report

This report is structured to address each of the review questions in turn, and concludes with a summary of identified Program strengths, areas for improvement and recommendations for the future.

- **Chapter One** outlines the project aims, objectives, review questions and methodology and presents the structure of the report.
- **Chapter Two** reports on findings from a targeted review of literature, evidence and related reports in relation to the Australian policy context, the Victorian Youth Justice system, the Youth Justice Group Conferencing Program and restorative justice evidence.
- **Chapter Three** presents information about Youth Justice Group Conferencing participants and a comparison group of similar young people who received Probation or a Youth Supervision Order in the same time period.
- **Chapter Four** presents information about service activity during the review period.
- **Chapter Five** assesses the Youth Justice Group Conferencing Program against its objectives.
- **Chapter Six** reports on the level of stakeholder and participant satisfaction with the Program.
- **Chapter Seven** provides a cost benefit analysis on the Youth Justice Group Conferencing Program.
- **Chapter Eight** concludes with strengths, opportunities for improvement and recommendations for the future.

2 Context for Youth Justice Group Conferencing

This chapter contains the outcomes of a literature review examining the history and practice of restorative justice and outlines restorative justice principles and outcomes.

The Australian policy context is examined, particularly in relation to the Youth Justice interventions adopted in each jurisdiction. The chapter then explores the Victorian policy context, with a focus on the outcomes of the 2006 review of the Group Conferencing Program and the recommendations made by the Victorian Parliamentary Law Reform Committee's reports into High Volume Offending and Alternative Dispute Resolution and Restorative Justice.

2.1 Australian policy context

The number of young people in detention is increasing across Australia, and governments are looking for ways to minimise the contact that young people have with the criminal justice system.

The number of young people in detention on an average day in Australia (excluding NSW) increased 17 per cent between 2004-05 and 2007-08.³ In 2007-08, Victoria had the lowest rate of young people under supervision on an average day with 1.7 per 1,000.⁴ This compares with a rate of 4.0 per 1,000 in the Northern Territory. The average daily rate was lowest in Victoria for both males (2.4 per 1,000) and females (0.4 per 1,000).⁵

Victoria also had the lowest rate of young people in detention during 2007-08, with 0.1 per 1,000, while the Northern Territory had the highest rates with 1.3 per 1,000.⁶

Although only approximately 5 per cent of young Australians are Aboriginal or Torres Strait Islanders, 40 per cent of those under community or custodial supervision on an average day in 2007-08 identified as Aboriginal or Torres Strait Islander. Their over-representation was particularly prominent in detention, where over half of those in detention on an average day, and 60 per cent of those who were un-sentenced in detention, were Aboriginal or Torres Strait Islander young people.⁷ An Aboriginal or Torres Strait Islander young person aged 10–17 years in Western Australia was four times as likely to be in detention on an average day as in Victoria.⁸

The over-representation of Aboriginal young people under supervision is increasing across all jurisdictions. Over the eight years from 2000–01 to 2007-08, the proportion of Aboriginal young people under supervision on an average day (all ages) steadily increased from 32 per cent to 39 per cent.⁹

³ Australian Institute of Health and Welfare, *Juvenile Justice in Australia 2007-08* (2009), p. vii.

⁴ *Ibid* p 26.

⁵ *Ibid*.

⁶ *Ibid* p. 60.

⁷ *Ibid* p. vii.

⁸ *Ibid* p. 60.

⁹ *Ibid* p. 31.

2.1.1 Youth justice interventions

Youth justice is a state and territory responsibility and involves a number of agencies, including police, courts and specific Youth Justice agencies. Each of these agencies has a different focus with regard to young people involved in crime and is responsible for interventions at different points.

The range of services and interventions offered by these agencies varies from jurisdiction to jurisdiction. The Australian Institute of Health and Welfare (AIHW) has broken these interventions down into three groups: those requiring the young person to be supervised in the community or detained, those that do not require the young person to be supervised (such as fines), and those that divert the young person from further involvement with the juvenile justice system (such as cautions and conferencing).¹⁰

The following table provides a snapshot of the Youth Justice interventions available in each state and territory as at July 2009 and shows that a range of options are available in each jurisdiction to respond to offending behaviour.

Table 2: Juvenile justice services and outcomes, states and territories, July 2009¹¹

Juvenile justice services and outcomes	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
Diversionsary outcomes								
Informal caution/warning	✓	✓	✓	✓	✓	✓	✓	✓
Formal caution	✓	✓	✓	✓	✓	✓	✓	✓
Conferencing	✓	✓	✓	✓	✓	✓	✓	✓
Does not require supervision								
Discharge	✓	✓	✓	✓	✓	✓	✓	✓
Fine	✓	✓	✓	✓	✓	✓	✓	✓
Obligation without supervision	✓	✓	✓	✓	✓	✓	✓	✓
Requires supervision								
<i>Unsentenced</i>								
Supervised bail or similar	✓	✓	✓	✓	✓	—	✓	✓
Remand/unsentenced detention	✓	✓	✓	✓	✓	✓	✓	✓
<i>Sentenced</i>								
Good behaviour bond	✓	✓	✓	✓	—	✓	✓	✓
Probation or similar	✓	✓	✓	✓	✓	✓	✓	✓
Community service	✓	✓	✓	✓	✓	✓	✓	✓
Suspended detention	✓	—	✓	✓	✓	✓	—	✓
Home detention	—	—	—	—	✓	—	—	✓
Detention	✓	✓	✓	✓	✓	✓	✓	✓
Supervised release from detention (parole)	✓	✓	✓	✓	✓	✓	—	✓ ¹²

¹⁰ Australian Institute of Health and Welfare (2009) *Juvenile Justice in Australia 2007-08*, p. 7

¹¹ Ibid.

¹² In the Northern Territory, supervised release from detention includes Probation and parole.

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2.1.2 Group conferencing programs

Victim-offender conferencing is used in all Australian jurisdictions in order to reduce reoffending. These conferences typically involve both the victim and the young person, with participants from relevant government agencies and non-government organisations.¹³

Group Conferences aim to develop a negotiated response to the crime, which involves the needs of both the victim and young person being listened to and met, with the young person taking responsibility for the offence.¹⁴

Across Australian jurisdictions, Conferences are held at different stages of the Youth Justice process and are administered variously by the police, courts or juvenile justice agencies.¹⁵

2.2 Victorian policy context

The Victorian Youth Justice system has a focus on diversion, graduated sanctions for young people and community-based rehabilitation. There is a growing focus in Victoria's justice system aiming to meet some of the needs of victims.

As outlined above, Victoria's Youth Justice system is relatively successful in keeping young people out of custody. The Victorian system is underpinned by the *Children, Youth and Families Act 2005*, which provides the legal framework for application of the criminal law to children. The primary focus of the Youth Justice aspect of this legislation is diversion: this approach is supported by a number of other policy documents from a range of government areas, which are outlined below.

The Victorian system is described in *A Balanced Approach to Juvenile Justice [2000]* as a continuum of prevention, early intervention and graduated sanctions that aim to develop the life skills of young people, support their rehabilitation and link them with their communities.¹⁶ Community-based rehabilitation of offenders is the primary focus of the Victorian system, with detention being the last resort.¹⁷

Victoria maintains a 'dual track' sentencing option for young adult offenders. This enables young people aged 18 at the time of offending, but less than 21 at the time of sentencing, to serve their sentence in a Youth Justice Centre rather than an adult prison¹⁸ This can occur if it is considered that "there are ... reasonable prospects for the rehabilitation of the young offender" or "the young offender is particularly impressionable, immature or likely to be subjected to undesirable influences in an adult prison".¹⁹

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid p. 14

¹⁶ Department of Justice, *A Balanced Approach to Juvenile Justice* (2000), Ministerial Foreword.

¹⁷ Ibid p. 1.

¹⁸ Ibid p. 2.

¹⁹ *Sentencing Act (1991)* Vic, s32(1).

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It is recognised that a number of factors influence offending, including socio-economic disadvantage, abuse and neglect, sexual abuse and violence, poor economic attainment and a lack of family supports.²⁰

Policy statements released by the Victorian Government also indicate a growing emphasis on the interactions that victims have with the criminal justice system. *A Balanced Approach to Juvenile Justice* notes that victim issues are to be a focus in the rehabilitative programs for young people. Group Conferencing is referenced as a mechanism for recognising victims' needs.²¹

Reducing recidivism and increasing effective diversionary processes are two of the focus areas outlined in Victoria Police's *Youth Strategy 2009 to 2012*. Under the focus area of reducing recidivism, Victoria Police has committed to developing and implementing a range of initiatives focused on intervening early to prevent long-term harm for children and young people.²²

This is consistent with the approach outlined in the Victoria Police Strategic Plan, *The Way Ahead 2008-2013*. In this document, Victoria Police commits to working with young people at risk of becoming offenders or victims of crime. This will be supported by the ongoing use of diversion, cautioning and educational programs.²³

The *Attorney-General's Justice Statement 2* notes that, in general, restorative justice programs can have a positive influence on both offenders and victims by engaging the offender in a dialogue with the victim to highlight the impact of their actions.²⁴ The Statement also cites statistics that show that 70 per cent victims who have participated in Group Conferencing were satisfied with the way their case was dealt with compared with 42 per cent of those whose cases were dealt with conventionally in court.²⁵

2.3 The Victorian Youth Justice system

Victoria has a sound policy and legislative basis for the ongoing development and implementation of diversionary programs for young offenders.

In Victoria, Youth Justice sits within the Department of Human Services (DHS) and works with individuals aged between 10 and 20 years.²⁶ In accordance with the legislative framework, the Youth Justice system in Victoria takes primarily a strong diversionary approach to managing young people who come into contact with the criminal justice system.²⁷ The primary focus is one of prevention, diversion and rehabilitation: preventing low risk young people from entering the Youth Justice system; rehabilitating more serious young offenders; and supporting young offenders after release from custodial care to establish a non-offending lifestyle.²⁸

²⁰ Department of Justice op cit p.2.

²¹ Ibid p. 11.

²² Victoria Police, *Youth Strategy 2009 to 2013*, p 9.

²³ Victoria Police, *The Way Ahead 2008-2013*, p 14.

²⁴ Attorney-General's *Justice Statement 2*, (2008) p. 29.

²⁵ Ibid.

²⁶ Department of Human Services, <http://www.cyf.vic.gov.au/youth-justice/home> accessed January 2010.

²⁷ Op cit

²⁸ Minister for Community Services, *A Balanced approach to Juvenile Justice in Victoria*, 2000, http://cyf.vic.gov.au/_data/assets/pdf_file/0009/244737/abalancedapproach.pdf, accessed 22 March 2009.

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This is reflected in the *Children, Youth and Families Act 2005* and in the processes in place for dealing with children and young people from their initial point of contact with the police through to completion of any order imposed by the court.²⁹

This Act distinguishes the sentencing needs of children and young people as separate from adults' needs. The following considerations must be taken into account in determining a sentence:³⁰

- The need to strengthen and preserve the relationship between the young person and their family
- The desirability of allowing the young person to live at home
- The desirability of allowing the young person's education or employment to continue without interruption or disturbance
- The need to minimise the stigma of receiving a court order
- The suitability of the sentence to the young person
- The need to ensure that young people are aware and accountable for their behaviour for any unlawful action, and
- The need to protect the community or any person from the violent or other wrongful act of the young person.

2.4 Historical recidivism rates for Victorian Youth Justice clients

The *Recidivism Rates Among Victorian Juvenile Justice Clients 1997-2001* study reports on the recidivism rates for all young offenders who were clients of the then Victorian Juvenile Justice Program over a one-year period between 1 July 1997 and 30 June 1998.³¹ Following the conclusion of the first juvenile order received by a client during the 1997-98 period, subsequent orders received either through the children's or adult courts during the next two years were examined. Adult orders were included because some clients became too old to remain in the juvenile jurisdiction over the follow-up period. The most serious order received in the two years was recorded as an indicator of severity of offending and penetration into the criminal justice system³²

The total number of young people placed on initial orders between 1 July 1997 and 30 June 1998 was 1,527.³³ Of these, 955 (62.5 percent) were first-time clients of the Juvenile Justice Program and 572 (37.5 percent) were previous clients. Clients who did re-offend were three to

²⁹ Australian Institute of Health and Welfare (2009) *Juvenile Justice in Australia 2007-08*

³⁰ Children, Youth and Families Act 2005 Section 362(1)

³¹ Victorian Department of Human Services, *Recidivism Rates Among Victorian Juvenile Justice Clients 1997-2001* (2001) p.1.

³² Ibid.

³³ Ibid p.11.

four times more likely to re-offend within the first year than the second.³⁴ Overall, 48.6 per cent of the total sample re-offended.³⁵

Based on the number of young offenders per 100,000 of the population aged 10-17 years, males were 6.5 times more likely than females to offend and re-offend. However, in contrast to recidivism risk for males in the general population, recidivism risk was not markedly different for males and females in the Juvenile Justice population.³⁶ Whilst males comprised 86.8 per cent of the total population, males and females re-offended at similar rates (49.3 and 44.1 per cent, respectively).³⁷

A lower recidivism rate of 41.4 per cent was found among first-time clients, compared with a rate of 60.7 per cent among previous clients, whose recidivism had been established through their placement on further supervised orders.³⁸ Earlier age of onset of offending was also shown to be associated with higher recidivism risk, with very young offenders aged 11-13 years demonstrating the highest recidivism rates among age groups.³⁹

This report noted that higher recidivism rates associated with certain groups (previous clients, those on custodial orders, very young offenders and Aboriginal clients) provided empirical support for directing greater resources and attention to these client groups on the basis of their high risk of re-offending.⁴⁰ It was also noted that because the statistical data indicated that the highest risk recidivism period is the first year following completion of orders, there is a need to link young people to community supports to increase their reintegration potential post-order.⁴¹

2.5 Restorative justice principles

Restorative justice can enhance and support the traditional criminal justice system. It provides an alternative approach to responding to crime, focusing on healing and repairing harm rather than an adversarial, punishment-based approach. The restorative justice movement emerged as a modern form of conflict resolution as a result of a growing victims' rights movement, concern about the social and economic costs of incarceration and awareness that the traditional justice system did not address the underlying causes of crime and re-offending.⁴²

The principles of restorative justice are based on the idea that crimes can be prevented if the system allows for processes that encourage offenders to develop sympathy for their victims.⁴³ This is achieved by placing the victim with the offender at the centre of the criminal justice

³⁴ Ibid.

³⁵ Ibid p.12.

³⁶ Ibid p.11.

³⁷ Ibid.

³⁸ Ibid p.26.

³⁹ Ibid p.41.

⁴⁰ Ibid p.42.

⁴¹ Ibid.

⁴² Parliament of Victoria Law Reform Committee, *Inquiry into alternative dispute resolution and restorative justice* (2009), p. 188

⁴³ The Smith Institute, *Restorative justice: the evidence* (2007) p. 12.

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process⁴⁴ through active involvement of the parties affected by a crime or conflict in a safe dialogue.⁴⁵

In its submission to the Victorian Parliamentary Law Reform Committee *Inquiry into alternative dispute resolution and restorative justice*, the Victorian Association for Restorative Justice proposed that restorative justice be defined as "a process that seeks to heal the impact of offending and make this right for victims, offenders and their respective communities".⁴⁶

Restorative justice is not necessarily in opposition to the traditional criminal justice process. The Victorian Parliamentary Law Reform Committee noted that restorative justice can provide either an alternative to, or extension of, the traditional criminal justice system.⁴⁷

2.6 The Victorian Youth Justice Group Conferencing Program

In Victoria, young people, their family members and victims can participate in a restorative justice model, the Youth Justice Group Conferencing Program. The principles of restorative justice have informed the design and implementation of this Program. Youth Justice Group Conferencing is based on a restorative justice process that involves a young offender, their legal representative, a police informant and a Convenor with people who have been affected by their offending.

At the actual Conference everyone has a chance to discuss the event and how to make things better for everyone impacted by the crime. The Youth Justice Group Conferencing Program is underpinned by the need to develop and maintain natural support networks in order to reduce the likelihood of reoffending. This involves engaging parents, family members and other supports in the pre-Conference and Conference process, and encouraging these people to support the young person to complete their outcome plan.

Victoria's Youth Justice Group Conferencing Program commenced as a small pilot in 1995. In July 2001, the responsibility for the pilot Program was transferred to DHS. From 2002-2003, DHS provided additional funding to expand the Program to cover all metropolitan Children's Courts and two rural Programs in the Gippsland and Hume regions.

In accordance with the legislative basis provided by the *Children, Youth and Families Act 2005*, the Program expanded state-wide from October 2006. This Act outlines that the purpose of the Program is to facilitate a meeting between the child and other persons (including, if they wish to participate, the victim or their representative and members of the child's family and other persons of significance to the child) in order to:

- Increase the child's understanding of the effect of their offending on the victim and the community
- Reduce the likelihood of the child re-offending

⁴⁴ Victorian Association for Restorative Justice, <http://www.varj.asn.au/rp/rj/rjdefinition.htm> accessed January 2010.

⁴⁵ Department of Justice, <http://www.justice.vic.gov.au/wps/wcm/connect/DOJ+Internet/Home/The+Justice+System/Neighbourhood+Justice/JUSTICE++Restorative+Justice> accessed January 2010.

⁴⁶ Parliament of Victoria Law Reform Committee op cit p 191

⁴⁷ Ibid.

- Negotiate an outcome plan that is agreed to by the child.⁴⁸

The Program operates in the Criminal Division of the Children's Court and is a pre-sentence diversionary intervention that young people must voluntarily undertake. The Program is available for young people aged between 10 and 18 years at the time of the offence.⁴⁹

The stated aims of the Youth Justice Group Conferencing Program are to ensure:

- Effective reintegration of young people into the community following the Conference process
- Reduced frequency and seriousness of re-offending of young people referred to the Program as compared to young people on supervisory orders
- Increased victim satisfaction with the criminal justice process
- Reduced costs to the Youth Justice system as compared to statutory court orders including custody.⁵⁰

Although the Act does not specify which offences are able to be dealt with by Group Conference, DHS guidelines exclude homicide, manslaughter and sex offences.⁵¹ To be referred to the Program, the offender must have been found guilty or have pleaded guilty, the court must be considering imposing a sentence of Probation or a Youth Supervision Order, and the offender must agree to participate. Although the Group Conference must be attended by the young person, their legal practitioner, the informant or other member of the police force, and the Convenor, the participation of other relevant parties, such as the young person's family and support networks, as well as the victim, is encouraged.

The Group Conferencing process is designed to address issues that contribute to the young person's offending behaviour and to divert the young person from more intensive supervisory court outcomes. It also seeks to involve family members, significant others, community members, the police, and victims in the decision-making process, and thereby enhance their satisfaction with the justice process.

In order to ensure that the Conference process is effective, the DHS guidelines set out a number of activities the Convenor is expected to undertake prior to the Conference. These include preparing participants, outlining the Conference rules, ensuring that the Conference space is appropriate and well set up, and that there is a balance of participants.⁵²

The Group Conference Convenor has an important role in terms of negotiating the outcome plan. The guidelines provide that Convenors should focus on ensuring that all parties to the Conference are heard and have a fair say on the plan.⁵³ Although all participants have a role in

⁴⁸ Children, Youth and Families Act 2005 s 415(4).

⁴⁹ Parliament of Victoria Law Reform Committee.

⁵⁰ DHS, Youth Justice Group Conferencing Program Guidelines, p. 3.

⁵¹ Ibid p. 6.

⁵² Ibid p. 11.

⁵³ Ibid p. 19.

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the development of the outcome plan, it is ultimately the victim and the young person who must agree to its content.⁵⁴

The outcome plan must, as far as practical, strengthen the young person's family relationships, not interrupt their education, training or employment or home living arrangements, minimise any stigma to the young person, and not impose unrelated additional conditions.⁵⁵

2.7 The 2006 Review of the Juvenile Justice Pilot Group Conferencing Program

In 2006, DHS commissioned a Review of the then Juvenile Justice Group Conferencing Program. That review focused on:

- the impact of the Group Conferencing Program on diverting young people away from supervisory court orders and from further penetrating the criminal justice system
- the impact of the Group Conferencing Program on reducing the frequency and seriousness of re-offending
- whether service providers had been able to meet the established key performance indicators, and
- the potential ways to improve the Group Conferencing Program, including, but not restricted to consideration of (a) the target criteria for young people eligible for a Group Conference, (b) the key performance indicators, (c) the Program design.

The primary focus of that review of the Group Conferencing Program was on the analysis of Juvenile Justice data to examine outcomes and recidivism of three comparison groups of young people. Qualitative feedback was sought from service providers and other key stakeholders with regards to the Program and potential improvements.

The key findings from that review are outlined on the following page.

⁵⁴ Ibid.

⁵⁵ Ibid p. 21.

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- **Diversions Outcomes:** Eighty-six per cent of those in the Participants' Group received a Good Behaviour Bond following their Group Conference. This demonstrated a diversion from further penetrating the Juvenile Justice system for the vast majority of young people who had participated in a Group Conference and was a significant finding of that review.
- **Recidivism:** Within six months after a Group Conference, referral to a Group Conference or receiving a Probationary Order, only seven per cent of those in the Participants' Group had re-offended compared with 15 per cent of those in the Probationers' Group. Within twelve months, 16 per cent of those in the Participants' Group had re-offended while 40 per cent of those in the Probationers' Group re-offended in that time.
- **Frequency and Seriousness of Re-offending Behaviour:** Of the Group Conference Participants who had re-offended within 12 months, 55 per cent demonstrated a decrease in the frequency at which they re-offended over the twelve month period, compared to 41 per cent of those in the Probationers' Group. Of those Group Conferencing Participants who had re-offended within twelve months of their Group Conference, all (100 per cent) demonstrated a reduction in the seriousness of their re-offending behaviour. In comparison, 53 per cent of those in the Probationers' Group demonstrated a decrease in the seriousness of their re-offending behaviour.
- **Restorative Justice Outcomes:** Qualitative feedback from the service providers, Youth Justice Unit Managers and DHS Court Advice workers was strongly supportive of the Group Conferencing Program and its capacity to achieve restorative justice objectives.
- **Demographic Findings:** The majority of young people presenting in the Participants' and Probationers' Groups were male, consistent with the population of young offenders overall. The majority of young people presenting in both Groups were aged between 15 and 17 years old at the time of their court appearance. More than one in ten young people were from an Aboriginal Australian background (13 per cent of Participants). All of these young Participants were from the Gippsland and Hume regions. None were from metropolitan Melbourne. The proportion of the Group Conferencing cohort from a Culturally and Linguistically Diverse (CALD) background was smaller than the proportion of CALD young people in the community. The greater number of young people who participated in a Group Conference lived in Gippsland and the North and West metropolitan region.

2.8 Key Victorian Government evaluations and inquiries

This section examines the key Victorian Government reports relating to Youth Justice since the 2006 review of the pilot Youth Justice Group Conferencing Program.

2.8.1 Services to young offenders – Victorian Auditor-General’s report June 2008

The Victorian Auditor-General conducted an investigation into the extent to which diversionary and rehabilitation services provided by the DHS and the Magistrates’ Court of Victoria (MCV) maximised diversion of young offenders from the criminal justice system, reduced the risk of re-offending and improved rehabilitation and reintegration into the community.⁵⁶

The Auditor-General made a number of findings in relation to service planning, service coordination, needs identification, case management and service delivery, efficiency and effectiveness, and service improvement, but the report did not contain any specific recommendations about restorative justice or group conferencing.

2.8.2 Victorian Parliamentary Inquiry into alternative dispute resolution and restorative justice, May 2009

The Victorian Parliamentary Law Reform Committee’s (VPLRC) *Inquiry into alternative dispute resolution and restorative justice* considered the reach and use of alternative dispute resolution (ADR) mechanisms, including restorative justice.

The Inquiry identified that, although ADR and restorative justice have developed distinctly, there are parallels in their origin, philosophy and development. Areas of overlap include collaboration, procedural flexibility, interest accommodation, contextualisation, active participation and relationship preservation.⁵⁷

The VPLRC made a number of recommendations related to restorative justice and group conferencing. These are outlined in full at Appendix C. The Victorian Government accepted recommendations relating to the operation of the YJGC Program that covered the following areas:

- Evaluation of restorative justice programs
- Review of the YJGC Program’s demand
- Research on restorative justice responses to family violence
- Increasing community awareness and understanding of restorative justice.

The Victorian Government also accepted in principle recommendations in the following areas:

⁵⁶ Victorian Auditor-General, *Services to Young Offenders* (2008), p. 2.

⁵⁷ Melissa Lewis and Les McCrimmon, ALRC quoted in VPLRC

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- Research on the outcomes of restorative justice processes
- Educating Children's Court Magistrates about the YJGC Program
- Educating lawyers about the YJGC Program
- Participation of Aboriginal offenders and victims in restorative justice processes
- Participation of CALD offenders and victims in restorative justice processes
- Informing victims about the YJGC Program
- Training YJGC Program providers about victims' rights and needs
- Follow-up with victims after a YJGC Program Conference
- Information and training on the YJGC Program for police
- Monitoring YJGC Program Conference outcome plans
- Support for offenders to complete YJGC Program Conference outcome plans
- Identification of core skills and attributes of restorative justice practitioners
- Training for restorative justice practitioners
- Complaints about restorative justice services
- YJGC Program serious offences pilot
- Effect of participation in restorative justice on offender's sentence management, and
- Increasing community awareness and understanding of restorative justice.

The Victorian Government did not accept the VPLRC's recommendation relating to incorporating the YJGC Program Conference outcome plan into the offender's sentence.

2.8.3 Victorian Parliamentary Drugs and Crime Prevention Committee *Inquiry into Strategies to Prevent High Volume Offending by Young People*

The VPDCPC's *Inquiry into Strategies to Prevent High Volume Offending by Young People*⁵⁸ explains the evolution and underpinnings of the Victorian YJGC Program and contains evidence from a range of sources regarding the effectiveness of the Program.

This report also outlined a number of criticisms of the YJGC Program, including: the potential for the Program to operate in a discriminatory way towards young people from CALD and Aboriginal backgrounds, the possible intimidation of female victims and the relative cost of the Program.⁵⁹ This report also noted that further evaluation was required in order to determine the extent to which YJGC impacts on recidivism as this point had been widely debated by a range of commentators.⁶⁰

In its final report, the VPDCPC recommended that the Youth Justice Group Conferencing Program should be expanded to all areas of the State.

In summary, the recommendations made by the VPLRC and VPDCPC highlight the importance of having equitable access to Group Conferencing Programs, as well as providing information to participants in the process (victims, police, lawyers, offenders) and ensuring that Convenors are adequately trained and qualified.

2.9 International restorative justice practice

Canada and New Zealand, two countries with similar legal systems to Australia, also use restorative justice to supplement the adversarial criminal law process.

2.9.1 Canada

Restorative justice has been practised in Canada for approximately 25 years and although Programs vary from place to place, they share certain characteristics: they invite active participation of victims, offenders and community members in discussing what happened during the offence, what harm resulted, and what needs to be done to address that harm.⁶¹

The Canadian Department of Justice has outlined that restorative justice should only take place when:

- An offender admits guilt, accepts responsibility for his or her actions and agrees to participate in the Program

⁵⁸ Victorian Parliamentary Drug and Crime Prevention Committee, *Inquiry into Strategies to Prevent High Volume Offending by Young People* (2009).

⁵⁹ Ibid p. 194.

⁶⁰ Ibid, p 197.

⁶¹ Restorative Justice Online, Consultation Continues on Formation of a National Canadian Restorative Justice Organization, <http://www.restorativejustice.org/editions/2009/january-2009-edition/canadaconsortium> accessed January 2010.

- The victim of the crime freely agrees to participate in the Program, without feeling pressured to do so,
- Trained facilitators are available in the community and a restorative justice Program is in place.⁶²

2.9.2 New Zealand

Restorative justice was introduced in New Zealand in 1989 through the introduction of the *Children, Young Persons and their Families Act 1989* (NZ), which made major changes to the way juvenile justice and family welfare were addressed. This Act created a specialist Youth Court and introduced Family Group Conferences to involve the young offender, the victim and the offender's family in the decisions about how to respond to an offence.⁶³

Over the 1990s, similar principles and practices began to be applied on an ad hoc basis to cases involving adult offenders. However, it was not until the passage of the Sentencing Act 2002, Parole Act 2002, and the Victims' Rights Act 2002 that there was any statutory recognition of restorative justice processes in the formal criminal justice system.⁶⁴

Although restorative justice processes can operate at different stages in the criminal justice system, pre-sentencing conferencing in the District Court appears to be the most common restorative justice process operating in New Zealand.⁶⁵

2.10 International evidence on restorative justice

This section provides an overview of international evidence on restorative justice, drawing on research conducted for the Smith Institute in London. The research included a review of literature and evidence on restorative justice trials in a number of jurisdictions, including the United Kingdom, Australia and the United States.

2.10.1 Purpose of the research and sources drawn upon

This research aimed to provide a non-governmental assessment of the evidence in relation to restorative justice, including identifying good-quality restorative justice practice, and to reach conclusions on its effectiveness, with particular reference to re-offending.

Most of the evidence was based on one variety of restorative justice: face-to-face conferences involving offenders, victims and their supporters. A search of online databases, library catalogues, existing literature, bibliographies, publications and referrals by subject matter

⁶² Canada Department of Justice, Policy Centre for Victim Issues ,
<http://www.justice.gc.ca/eng/pi/pcvi-cpcv/res-rep.html> accessed January 2010.

⁶³ Parliament of Victoria Law Reform Committee, Inquiry into alternative dispute resolution and restorative justice (2009) p. 188.

⁶⁴ New Zealand Ministry of Justice,
<http://www.justice.govt.nz/publications/global-publications/r/restorative-justice-in-new-zealand-best-practice>
accessed January 2010.

⁶⁵ Ibid.

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experts was used to identify evaluations of the effectiveness of restorative justice at helping victims and reducing re-offending⁶⁶.

2.10.2 Impact on recidivism

In relation to violent crime, the research found that restorative justice reduced recidivism after adult or youth violence. This was based on the findings of rigorous field tests.

- Randomised controlled trials conducted with youth under 30 in Canberra found that the frequency of arrest for non-Aboriginal offenders who were assigned to restorative justice dropped by 84 per 100 offenders more than the control group. This result was not found amongst Aboriginal offenders, but it was considered that the sample size was too small to produce reliable results.⁶⁷
- Females under 18 in Northumbria randomly assigned to a Conference rather than a standard ‘talking-to’ by police had twice as great a reduction in arrests per 100 offenders (118 fewer compared with 47 fewer in the criminal justice group). When the same trial was conducted on young men in Northumbria, it was found that restorative justice did not impact on recidivism.
- In a group of predominantly male youths under 14 in Indianapolis, the restorative justice group was found to have a 28 per cent prevalence of rearrest at six months compared with 34 per cent for the control group.
- Reasonable comparisons also showed effects for adult males in West Yorkshire and West Midlands, as well as for violent families in Canada.

The research also found reductions in recidivism after property crime offences based on the evidence of five trials. Four of these were randomised controlled trials conducted with youth in Northumbria, Georgia, Washington and Indianapolis. This contrasted with a sample of a small number of Aboriginal offenders in Canberra, where diversion resulted in increased arrest rates.

2.10.3 Impact on victims

The research found that the effect of restorative justice on victims *who agreed to participate* was fairly consistent. Evaluation results almost always indicated a high level of satisfaction with the process, despite variable rigour in these tests. The evidence in relation to victims who *completed* restorative justice being more satisfied than victims who refused to participate was less compelling.⁶⁸

⁶⁶ A systematic search of the following databases from 1986 to 2005 using the search terms “restorative and justice or conference/e/ing with re-offending, recidivism and evaluation” was conducted in order to identify relevant information: C2-SPECTR, National Criminal Justice Reference Service (NCJRS), Criminal Justice Abstracts, Sociological Abstracts, Criminal Justice Periodical Abstracts, Dissertation Abstracts and Social Science Abstracts.

⁶⁷ Ibid p. 68.

⁶⁸ Ibid p. 62.

Differing levels of satisfaction were identified across a number of trials:

- The Canberra trial found that 70 per cent of victims who experienced a restorative justice conference were satisfied as compared with 42 per cent whose cases were dealt with in court.
- The results of the Bethlehem Restorative Justice Policing Experiment (Pennsylvania) showed that amongst restorative justice participants, there was 96 per cent victim satisfaction in cases randomly assigned to restorative justice, 79 per cent for cases assigned to court and 73 per cent for victims whose cases were referred to court after restorative justice was declined.
- The Indianapolis Juvenile Restorative Justice Experiment found that 97 per cent of victims felt involved with the way their cases were dealt with, compared with 39 per cent in the control group.
- The Justice Research Consortium's eight trials of restorative justice in London, Northumbria and Thames Valley found that 85 per cent of victims were satisfied with their experience.

The research also noted that promising victims restorative justice and not following through on this results in the worst outcomes in terms of victim satisfaction.⁶⁹

2.10.4 Impact on offences brought to justice

Randomised controlled tests examining diversion from court to restorative justice were examined during this research: one trial in Brooklyn, New York and four in Canberra.

The Brooklyn experiment found that almost three quarters of cases randomly assigned to prosecution were never brought to justice, mainly as a result of dismissal or absconding. In contrast 56 per cent of the offences in the restorative justice group completed the process.⁷⁰ Similar results were found in the four Canberra trials, particularly in relation to property crime either with a personal victim or in the form of theft from a department store.⁷¹

2.10.5 Best practice elements identified by the Smith Institute

The research identified three elements of 'best practice' that could assist in guiding investment in restorative justice:

- Restorative justice appeared to work best when it was focused on the kind of offences that had a personal victim who could, in principle, be invited to meet with the offender.
- Restorative justice seemed to work best when it was focused on violent crime, rather than property crime. The exceptions to this were reduced post-traumatic stress for victims of

⁶⁹ Ibid p. 63.

⁷⁰ Ibid p. 82.

⁷¹ Ibid.

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burglary and property offenders committing less (or at least not more) crimes in the future if they received restorative justice rather than prison.

- Restorative justice might be best able to reduce court and imprisonment costs, as well as crime and its medical and financial impact on victims, if it was used as a form of diversion from criminal justice.⁷²

2.10.6 Smith Institute recommendations relevant to Victoria

The Smith Institute made a number of recommendations to inform evidence-based policy in relation to restorative justice in the United Kingdom, some of which are relevant to the Victorian context, namely:

- Restorative justice could be rolled out in the UK with a high probability of substantial benefits to victims and crime reductions
- The approach could be used for many kinds of offenders
- Diversionary restorative justice programs could provide the basis for more general use of restorative justice
- There was the possibility of substantial crime reductions, less victim post-traumatic stress, and more offences brought to justice
- Restorative justice can have substantial crime reduction effects for young offenders given a formal verbal warning by police after they admit their guilt for a first or second offence, particularly in relation to girls charged with assault and boys with property crimes.

The Smith Institute also recommended establishment of a ‘Restorative Justice Board’ (RJB) or similar institution to provide guidance, set standards, monitor programs, and provide research and development for continuously improving best practice. It was contended that an RJB could develop restorative justice in an evidence-based way, on a continue-to-learn-as-you-go basis.⁷³

In summary, there is evidence to indicate that restorative justice is effective in terms of diversion, victim satisfaction and cost to government.

⁷² Ibid p. 24.

⁷³ Ibid p. 88.

3 Youth Justice Group Conferencing Program participants and comparison group

This chapter provides an overview of key demographics (age, gender, country of birth) of young people who participated in the Victorian Youth Justice Group Conferencing Program.

Young people are eligible to be referred for the Youth Justice Group Conferencing Program if the Magistrate considers them to be candidates for Probation or Youth Supervision Orders (YSO). Therefore, a sample of young people who received these orders was used as a comparison group.

Information for both groups is for participants in Victoria between April 2007 and June 2009, as described below:

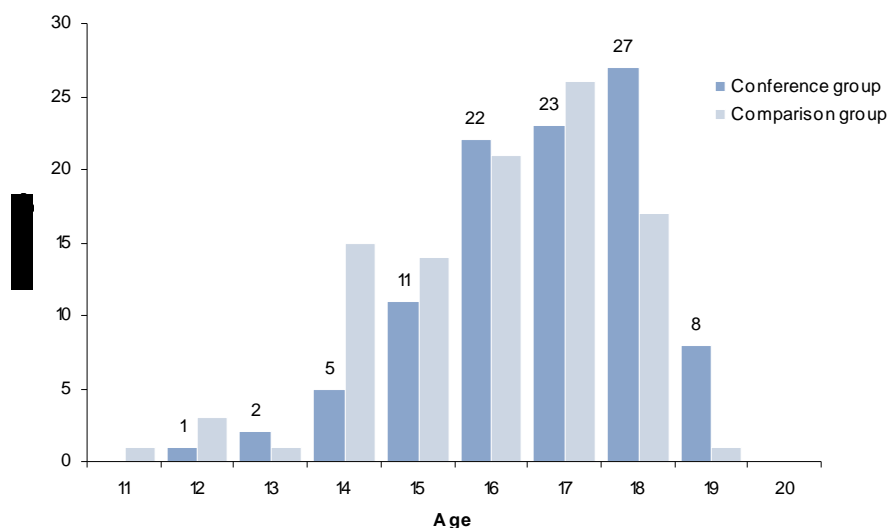
- **Group Conferencing participants:** data was provided for a sample of 375 young people referred for a Group Conference during this period⁷⁴. The data described below includes information for 372 (99 per cent) participants as three records were omitted from the analysis due to errors in the data.
- **Comparison group:** a sample of 129 young people, broadly matched on age, gender, indigenous status and DHS region, who received a Probation or Youth Supervision Order was provided by DHS to KPMG as a comparison group for the Youth Justice Group Conferencing participants.

3.1 Age at Conference

Nearly three-quarters (72 per cent) of Group Conference participants were aged 16-18 years, with 18 year olds the age group most often participating. The age group most often receiving a Probation or YSO were young people aged 17 years (see comparison group). Whilst 15 per cent of young people receiving a Probation order were aged 14 years, only five per cent of Group Conference participants were in that age group.

⁷⁴ This includes all Youth Justice Group Conferencing participants in this time period except for those young people in the DHS Grampians Region for whom data was not available at time of analyses.

Figure 1: Age of the Young People participating in Youth Justice Group Conferencing vs Comparison Group



Source: DHS Youth Services and Youth Justice Branch, KPMG analyses

3.2 Gender

In both the Youth Justice Group Conferencing and comparison groups, most participants were young men. Of the young people referred to a Group Conference, 87 per cent of participants were young men and 13 per cent were young women. In the comparison group, 81.5 per cent were young men and 18.5 per cent were young women.

3.3 Country of birth

The majority of participants in both groups who had their country of birth recorded were born in Australia; Youth Justice Group Conferencing Program⁷⁵ (89 per cent) and comparison group (83 per cent)⁷⁶.

3.4 Aboriginal participants

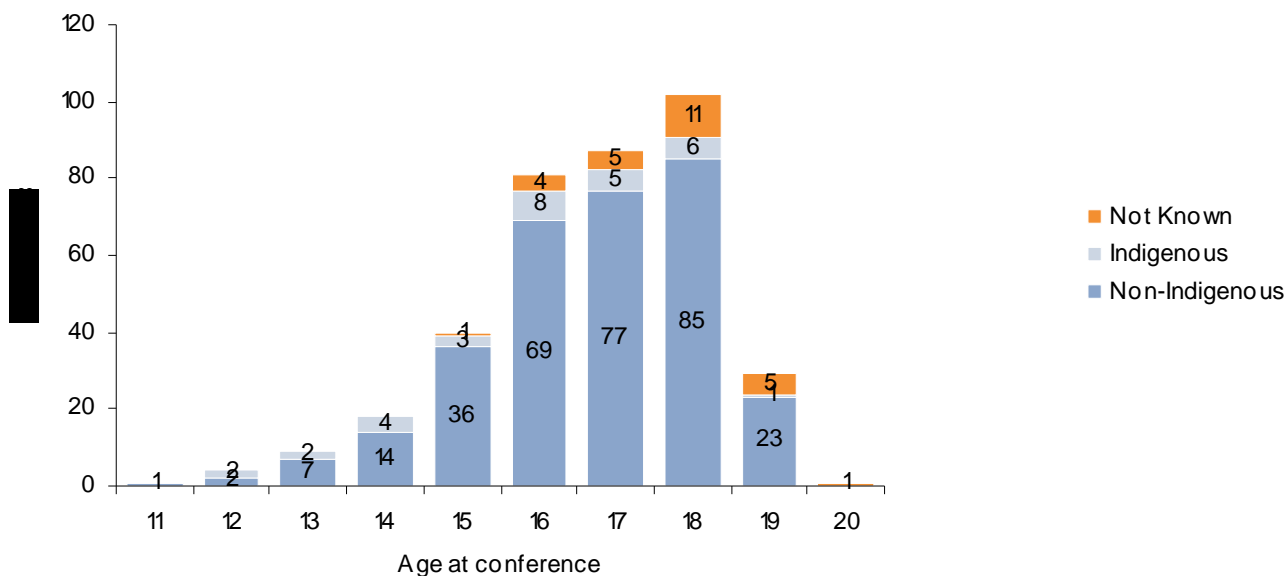
As shown in Figure 2, 10 per cent (31 young people) of the Youth Justice Group Conference Program participants were Aboriginal or Torres Strait Islander young people. The representation of Aboriginal young people appeared to increase with age. There were no Aboriginal participants aged under 15 years and the highest numbers were in the 18 years age group. The

⁷⁵ For 147 cases (39%) information on country of birth was missing or not declared.

⁷⁶ For 52 cases (36%) information on country of birth was missing or not declared.

comparison group had a similar proportion of Aboriginal or Torres Strait Islander young people (nine per cent; 13 young people).

Figure 2: Aboriginal status of young people participating in Group Conferencing by age



Source: DHS Youth Services and Youth Justice Branch, KPMG analyses

To note, the referral and participation of Aboriginal young people in the Youth Justice Group Conferencing Program may have been influenced by the option of participating in a Koori Children’s Court in metropolitan Melbourne. The Koori Children’s Court is a process specifically designed for Aboriginal children and has similar principles and focus to the Youth Justice Group Conferencing Program.

3.5 Summary

In summary, the current review followed 372 young people who participated in the Youth Justice Group Conferencing Program between April 2007 and June 2009. Compared with the comparison sample of young people who received Probation or Youth Supervision Orders, Youth Justice Group Conferencing participants were broadly the same age, slightly more likely to be male with similar levels of Aboriginal and Torres Strait Islander participants.

4 Service activity

This chapter provides an overview of the Program model in operation during the review period. This includes the Courts that young people were referred from, uptake of these referrals, the volume of Conferences conducted (by agency and against targets) and level of participation by victims and other participants.

4.1 Referring court

There were a total of 35 Children's Courts that referred young people in this sample to participate in a Youth Justice Group Conference during the review period. The two courts with the highest rate of referral were the Melbourne Children's Court (9.7 per cent) and the Morwell Children's Court (9.1 per cent). The 11 courts that most frequently referred to Group Conferencing accounted for 65 per cent of all referrals (see Appendix A). Please note, as data from the Grampians region is not included, the involvement of Courts in this area is under reported.

4.2 Uptake of referrals to Youth Justice Group Conferencing

There was very high participation in Group Conferencing by the young people referred to the Program. More than 95 per cent of young people who were referred to a Group Conference during the review period participated in a Conference. Only three of the 372 young people in the sample that were referred to Group Conferencing were recorded as failing to reach the Group Conference.

4.3 Service provision

Six service providers provide the Youth Justice Group Conferencing Program.

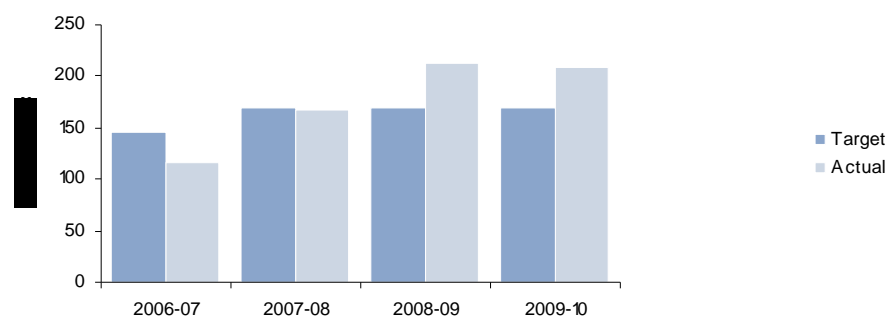
- Jesuit Social Services,; three DHS Metropolitan regions (Southern Metropolitan Region, Eastern Metropolitan Region and North-Western Metropolitan Region)
- Centacare Bendigo (Loddon Mallee Region)
- Centacare Ballarat (Grampians Region)
- Brayton Family and Youth (Hume Region)
- Barwon Youth (Barwon South West Region)
- Anglicare (Gippsland Region).

Figure 3 shows the total number of Conferences completed by service providers for a three-year period against the total target Programs. Please note that three of the services (Barwon Youth, (Barwon Region), Centacare (Grampians Region) and Centacare (Loddon-Mallee Region))

commenced in late 2006, three years after the other services commenced as pilot Programs, and did not have a full year to meet their targets.

DHS provided some additional one-off contributions to individual providers to meet their increased demand in 2008-09 and 2009-10.

Figure 3: Total number of Conferences provided against targets



Source: DHS Youth Services and Youth Justice Branch, KPMG analyses

Key finding 1: Statewide demand has increased significantly for the Program over the past five years, with the Program outperforming targets in 2008/09 and 2009/10.

4.4 Victim participation

Victims or their representatives participated in most of the Conferences during the review period. Of all the Group Conferences conducted, approximately 90 per cent included some form of victim participation. In 50 per cent (189) of Conferences, the victim attended the Conference in person. Victim representatives, such as Victims Assistance and Counselling Program (VACP) workers, the police and other representatives attended 119 (32 per cent) of Conferences on behalf of victims.

Table 3: Reported victim participation in the Youth Justice Group Conference

Victim form of participation in the Group Conference	Frequency	Percentage	Valid Percentage
Victim participation			
In Person	189	50.8%	52.21%
Victim Representative	105	28.2%	29.01%
Victims Assistance and Counselling Program worker	8	2.2%	2.21%
Letter	5	1.3%	1.38%
Victim awareness	4	1.1%	1.10%
Police [on behalf of victim]	1	0.3%	0.28%
Participation subtotal	312	83.9%	86.2%
No victim participation			
No Victim involvement	40	10.8%	11.1%
No victim participation subtotal	40	10.8%	11.1%
Other/missing data			
Other	10	2.7%	2.76%
Missing data	10	2.7%	-
Other/missing data subtotal	20	5.4%	2.7%
Grand Total	372	100	100

Source: DHS Youth Services and Youth Justice Branch, KPMG analyses

4.5 Other Conference participants

Section 415(6) and s415(7) of the *Children Youth and Families Act 2005* stipulate who must and may attend a Group Conference. As stated in this legislation:

- Individuals who **must** attend the Conference include the child, the child's legal practitioner, the informant or other member of the police force and the Convenor.
- Others who **may** attend include members of the child's family and persons of significance to the child, the victim of the offence or the victim's representative and any other person permitted to attend by the Convenor⁷⁷.

Police informants and legal representatives were recorded in the majority of cases. Although these parties are required to attend the Group Conference, the consultation process revealed that

⁷⁷ Youth Justice Group Conferencing factsheet, DHS

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these participants are sometimes unable to attend as a result of conflicting commitments. Despite police and/or legal representatives not being noted as attending about 15 per cent of the conferences in this review, group conferences took place in their absence. In these cases the convenor makes a decision whether to proceed, taking into consideration the availability and commitment of key participants.

Family members were recorded at more than half of the Conferences (with approximately one in ten only having extended family attend). The 'Other' category included other participants such as Youth Justice Worker, Drug and Alcohol worker, Koori Liaison Worker, Disability Support Workers, Job Placement Employment and Training worker and Outreach Support Services. For many of the Conferences, there were participants from a variety of categories.

Table 4: Other participants at the Conference

Other participants	Number of Conferences in which the participants were reported to be present	Percentage of the total (372)	Valid per cent (364)
Required participants			
Police informant or delegate	314	84.4%	86.2%
Legal Representatives	307	82.5%	84.3%
Other participants			
Young Persons Family (immediate)	165	44.4%	45.3%
Other	125	33.6%	34.3%
Victim Support Agency Representative	63	16.9%	17.3%
Co-offenders	49	13.2%	13.5%
Young Persons Family (extended)	32	8.6%	8.8%
DHS Youth Justice Member	32	8.6%	8.8%
Victim representative or support	23	6.2%	7.1%
Interpreter	6	1.6%	1.6%
Not reported/data missing			
Not reported/data missing	8	2.1%	

Source: DHS Youth Services and Youth Justice Branch, KPMG analyses

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Key finding 2: In most cases during the review period, Conferences were attended by victims (or their representatives) as well as Police informants and legal representatives. However, inconsistent with the requirements of the legislation, Group Conferences did not always include participation by Police or a legal representative.

5 Assessment against Program objectives

This chapter considers the extent to which the Youth Justice Group Conferencing Program achieved its objectives during the review period, including:

- providing effective diversion for young people from more intensive supervisory court outcomes
- providing appropriate linkages for young people into the community
- reducing the frequency and seriousness of re-offending, including factors that impact on the achievement of these objectives
- increasing victim satisfaction with the criminal justice system

This chapter also addresses the second question of this review. That is, to what extent are the outcomes achieved by Group Conferencing related to the nature of offences committed, the characteristics of the offender, the participation of victims, family members and co-offenders in the Conference process and the experience of the Convenor facilitating the Group Conference.

5.1 Impact on diverting participants from more intensive supervisory court outcomes

5.1.1 Sentencing outcomes for Youth Justice Group Conferencing participants

Table 5: Sentence type for initial offence for Youth Justice Group Conferencing participants

Sentence imposed	n	%
Non-supervisory orders		
Good Behaviour Bond	261	70%
Accountable undertaking	13	3.5%
Fine/Discharge	2	1%
Did not proceed	2	1%
Deferred Sentence	1	0%
Total % non-supervisory orders		75.5%
Supervisory orders		
Probation	83	22%
Youth Supervision Order	9	2.5%
Total % Supervisory Orders		24.5%
Grand Total	372	100%

Source: DHS Youth Services and Youth Justice Branch, KPMG analyses

As shown in Table 5, three quarters (75.5%) of young people who participated in Youth Justice Group Conferencing received a non-supervisory order on their return to court for sentencing and were diverted from further progression into the Youth Justice system.

To note, during consultations, some stakeholders reported a perception that some Magistrates still applied some type of supervised order to ensure that the young person had access to the services required to support their rehabilitation, for example, drug and alcohol services, and to guarantee some form of ongoing supervision.

Key finding 3: Three quarters of Youth Justice Group Conferencing participants received non-supervisory orders on their return to court for sentencing and were diverted from further progression into the Youth Justice system.

5.2 Providing appropriate linkages for young people into the community

In order to ensure that young people are supported with the completion of their outcome plan, a “key support person” is identified during the pre Conference preparation period to carry out the task of supporting the young person to complete their outcome plan. This person might be a relative, friend, community member or a worker. To note, under the current model, Convenors are not required or resourced to support a young person complete their outcome plan.

Stakeholders highlighted that linkages created between the young person and the community were a positive outcome of the Group Conferencing process. The Convenor group noted that the Conferencing process helped to create investment in the young person because it often drew attention to their background and upbringing. Community linkages could also be useful to identify mentors for the young person, as well as employment opportunities or to facilitate reconnection with the education system.

Although the creation of linkages was viewed as an important part of the Group Conferencing process, the majority (70%) of young people surveyed about their involvement in the Program reported that no-one had helped them complete the activities in their outcome plan. It was not possible to assess whether this was a real or perceived lack of assistance (e.g. young people may have perceived they had completed a task without support, without recognising parental involvement such as driving them to/from activities).

In order to ensure that young people are supported to complete their outcome plans, further provision should be made for follow up and support. This may involve resourcing Convenors to follow up with young people in relation to their outcome plans.

5.3 Reducing the frequency and seriousness of re-offending

5.3.1 Impact on overall recidivism

Recidivism rates were calculated for young people who had attended a Conference one and two years after a Conference. The definition of recidivism used in this review is that provided by the Youth Justice Study: *Recidivism Among Victorian Juvenile Justice clients 1997-2001*, that is, conviction of the first offence that occurs after a Group Conference. The date used to calculate recidivism is the date of the offence.

As shown in Table 6, young people who participated in Youth Justice Group Conferencing were much less likely to have reoffended within 12 or 24 months than young people who received initial sentences of Probation or Youth Supervision Order:

- Within 12 months of completing a Group Conference, 18.6 per cent of participants had reoffended, compared to 27.6 per cent of young people who had been placed on Probation or on a Youth Supervision Order.
- Within 24 months of completing a Group Conference, 19.2 per cent of participants had reoffended, compared to 42.9 per cent of young people who had been placed on Probation or on a Youth Supervision Order.

Table 6: Recidivism for Youth Justice Group Conferencing participants

	Reoffended	Did not reoffend	Total	Proportion
<i>Youth Justice Group Conferencing</i>				
Reoffending within 12 months	52	228	280	18.6%
Reoffending within 24 months	20	84	104	19.2%
<i>Comparison group</i>				
Reoffending within 12 months	27	71	98	27.6%
Reoffending within 24 months	18	24	42	42.9%

Source: DHS Youth Services and Youth Justice Branch, KPMG analyses

The impact of Group Conferencing on recidivism rates was widely discussed throughout the consultation process. The potential to reduce recidivism was attributed to the young person being required to deal with the consequences of their offending behaviour for not only themselves, but also their victim, family and the rest of the community. All groups interviewed noted that recidivism rates are likely to have increased since the last evaluation as a result of the legislative framework and the increasing complexity of cases being referred to Group Conferencing.

Key finding 4: Young people who participated in Youth Justice Group Conferencing were much less likely to have reoffended within 12 or 24 months than young people who received initial sentences of Probation or Youth Supervision Order.

5.3.2 Impact on recidivism by other characteristics

Analyses were also conducted to assess whether any impact on recidivism by gender, age, Aboriginal and Torres Strait Islander heritage could be determined. However, due to very small sample sizes, it was not possible to identify any definitive trends.

The Youth Justice Group Conferencing Program appears to have an impact on the likelihood of reoffending. Although the sample size is small for young women and young Aboriginal people, all groups showed a reduction in reoffending.

Key finding 5: Due to small sample sizes the review can not definitively determine any impact of personal characteristics such as age, gender or Aboriginal status on recidivism.

5.3.3 Impact on the severity of subsequent offending

The severity of offence is recorded for the most serious offence that leads to participation in the Youth Justice Group Conferencing Program and the first offence committed after a Group Conference. These data, provided to KPMG by DHS, show there were 44 different offence types recorded for the young people that were referred to Group Conferences⁷⁸. The following offence types led to a Group Conference for three quarters of participants.

Table 7: Most common offences that led to a Youth Justice Group Conference

Offence type	Number of young people	Percentage of the total
Burglary	104	28.0%
Recklessly Cause Injury	32	8.6%
Unlawful Assault	30	8.1%
Criminal damage	24	6.5%
Intentionally cause injury	22	5.9%
Armed robbery	20	5.4%
Theft of a Motor Vehicle	20	5.4%
Theft	11	3.0%
Affray	9	2.4%
Recklessly Cause Serious Injury	8	2.2%

Source: DHS Youth Services and Youth Justice Branch, KPMG analyses

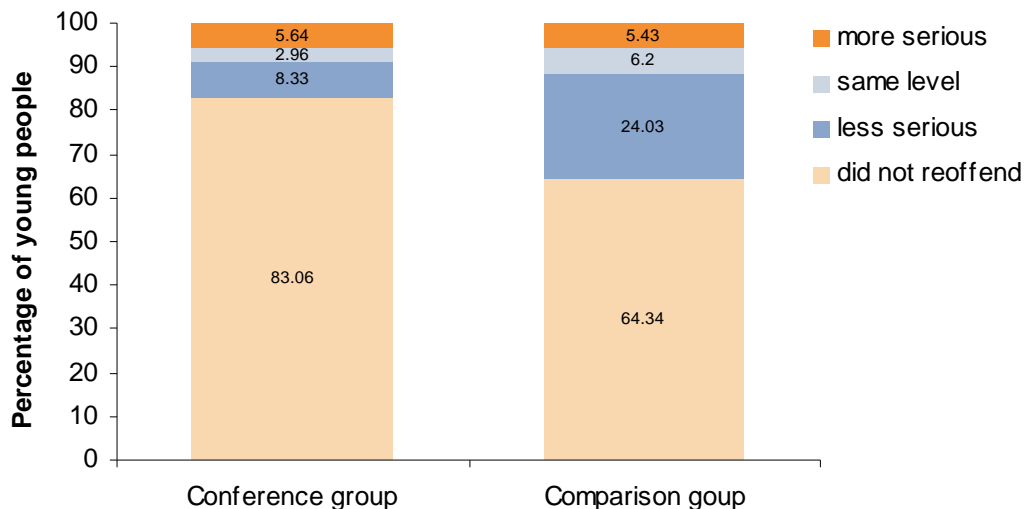
Key finding 6: The most common offences committed that led to a Youth Justice Group Conference were burglary, recklessly cause injury, unlawful assault, criminal damage, intentionally cause injury, armed robbery, theft of a motor vehicle, theft, affray and recklessly cause serious injury.

⁷⁸ Refer Appendix DN for the complete list.

5.3.3.1 The impact of severity on recidivism

As previously discussed, young people who participated in Youth Justice Group Conferencing reoffended much less often than young people in the comparison group. However, when the most serious offence leading to participation in the Youth Justice Group Conferencing Program was compared to the most serious offence after the Conference⁷⁹, there were approximately 5.5 per cent of young people in both groups who committed more serious offences. To note, this differs from the previous evaluation findings where all young people who reoffended committed less severe offences, albeit this was in a shorter time period. This is consistent with feedback from consultations that young people participating in the Youth Justice Group Conferencing Program have more complex presentations.

Figure 4: Rates of recidivism and severity of re-offence (based on NOI scores)



Source: DHS Youth Services and Youth Justice Branch, KPMG analyses

5.3.3.2 Participants who commit more serious offences

Whilst the number of Youth Justice Group Conferencing participants who reoffended and committed a more serious crime was relatively small (21 young people, of whom 19 were young men and 2 were young women), analyses were conducted to investigate any potential trends for future investigation. In relation to offences committed that led to a Conference and a subsequent more serious offence, there were no clear trends in the initial and subsequent offence for the 21 young people (presented in Appendix B, Table 4).

The review also examined who attended a Group Conference to identify if there were any differences for young people in the following three categories: those who committed more

⁷⁹ Severity of the most serious offences as recorded using the National Offence Index and provided to KPMG by DHS.

serious subsequent offences, those who committed offences of the same or lesser severity, and those who did not reoffend.

As shown in Table 8, the group of young people who reoffended and committed a more serious offence may already have been at higher risk of recidivism as they:

- were much more likely to have a DHS Youth Justice worker in attendance (four times as likely as non-reoffenders), which suggests more involvement in the Youth Justice system prior to their participation in the Youth Justice Group Conferencing Program
- were less likely to have immediate family in attendance (33%) compared with nearly half (45%) of non-reoffenders, which may suggest they had fewer family supports
- were more likely to have a co-offender present (23.8%) compared with 12.6% of non-reoffenders.

Young people who did not reoffend were more likely to have immediate family present but not a Youth Justice worker.

Table 8: Percentage of Group Conferences attended by various representatives

Group Conference representatives	Group Conferences for more serious re-offenders (%)	Group Conferences for less or same serious re-offenders (%)	Group Conferences for non re-offenders (%)
Police informant	85.7%	88.9%	83.5%
Legal representative	81.0%	84.1%	82.2%
Other	42.9%	36.5%	33.0%
Family – immediate	33.3%	38.1%	45.6%
Youth Justice worker	28.6%	17.5%	6.8%
Co-offender	23.8%	15.9%	12.6%
Victim	9.5%	6.4%	8.1%
Victim Support Agency	9.5%	11.1%	18.1%
Family - extended	9.5%	11.1%	8.1%
Victim support	9.5%	9.5%	5.5%
Interpreter	0.0%	0.0%	1.9%
Not reported	4.8%	1.6%	2.3%

Source: DHS Youth Services and Youth Justice Branch, KPMG analyses

Key finding 7: Approximately 5.5 per cent of young people in both groups committed more serious offences. Youth Justice Group Conferencing participants who subsequently committed more serious offences were four times more likely to have a DHS Youth Justice worker than young people who did not reoffend and were less likely to have immediate family members attending their Conference than other participants.

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Stakeholders consulted had varying opinions on the offences best suited to Group Conferencing. Although there was consensus that Group Conferencing could achieve positive outcomes in relation to both property and offences against the person, opinion was divided on the severity of the offences which could be dealt with effectively through the Conference process. Whilst some stakeholders believed that the model would not work with more serious offences, others felt that it could be used with more serious offences, if there was additional training and support provided. None of the stakeholders indicated that the model should be extended to include sex offences.

5.4 Impact on victim satisfaction with the criminal justice process

Victim participation in the Conference was observed by stakeholders to increase victim satisfaction by helping victims to resolve unanswered questions, including why they were targeted by the offender. Having the young person apologise directly to the victim for their behaviour was seen as one of the most important parts of the Conferencing process for victims. Allowing victims to have a say in the young person's outcome plan was also viewed by most people interviewed as improving the victim's satisfaction with the process, as it enabled the victim to take some ownership of the resolution.

Convenors interviewed highlighted strongly that attending a Group Conference could have a positive impact on the victim. This is often the *"first time they feel like they are being heard"*. The Group Conferencing process was seen as having *"huge advantages"* for victims over the traditional police/court processes where they may provide a victim impact statement and may not hear of the outcome from police or receive any restitution. Victims may also benefit from developing insight into the young person's history and circumstances.

These benefits can occur where a victim does not attend in person as the Convenor or informant can tell them the outcome. Although Conferences can work without the victim being present, the consensus was that it is usually more powerful if they attend. The use of a victims' advocate was viewed by most stakeholders as a good alternative if the victim did not attend.

These benefits are dependent on the Conference running smoothly and the young person accepting responsibility for their actions. In the small number of situations where the young person either does not show up or does not properly participate, those interviewed reported that victims often did not have the same experience or sense of 'closure'.

Information gathered through surveys suggests that victims who participated in the Group Conferencing Process were generally satisfied with their experience. Of particular note, all victims surveyed agreed or strongly agreed that "Overall, I was satisfied with my involvement with the whole Group Conferencing Process". The findings of these surveys are outlined in further detail in Chapter 6.

5.5 Convenor expertise

As previously stated, the Youth Justice Group Conferencing Program is based on restorative justice philosophy and practices.

The central role/importance of the Convenor in applying this philosophy and practices to the Conferencing process was recognised across all groups interviewed. The strength of the Program was largely attributed to the dedication and skill-level of the Convenors, including their flexibility and ability to communicate and facilitate effectively.

A sound understanding of child and adolescent behaviour and development, an understanding of risk and protective factors for offending and contemporary knowledge of youth offending were seen as important. Many of those interviewed considered that a skills and competencies framework was necessary to ensure that all Convenors achieve a standard skill-level.

The training of Convenors was viewed as a particularly important factor. There is a specific skill set required for Convenors and in-depth training and ongoing development are required. DHS provides regular training and development activities by a recognised restorative justice specialist to achieve this. Particular areas of training include effective facilitation, Conference preparation and knowing how to read the reactions of participants.

The relationship between Program success and the expertise of the Convenor makes it important to ensure that increasing turnover does not get too high and that new Convenors are adequately supported and trained. Perceptions of high turnover was linked to Convenors being relatively poorly paid for the level of responsibility associated with their role, out of hours work and the potential for burnout as a result of the limited resources available for the Program to meet increasing demand.

Key finding 8: Highly skilled and competent Convenors who are able to implement the Youth Justice Group Conferencing model are central to the Program.

6 Stakeholder and participant feedback on the Group Conferencing Program

This chapter provides an outline of the feedback provided by key stakeholders on the Group Conferencing Program.

The first group of stakeholders covered includes Victoria Police, the judiciary and the legal fraternity. The role of each of these stakeholder groups is outlined, followed by a summary of the feedback received from that group in relation to the Group Conferencing Program.

This chapter then outlines the feedback provided by offenders, victims and family members who had attended a Group Conference. This feedback is divided into the participant's assessment of the pre-Conference preparation, the Group Conference, and what happened following the Conference.

6.1 Police

6.1.1 The role of Victoria Police in the Group Conferencing process

The role of police within the Conferencing process was an issue raised at all consultations. Whilst there is commitment to the Program at a policy level, feedback consistently indicated that the requirement for police to make first contact with the victims can impact on their participation in the process.

Victoria Police noted that many officers are not familiar with the Program, but are expected to be quickly involved and initiate contact with the victim. In order to encourage involvement in the Program and willingness to seek victim involvement, Senior Victoria Police officers recommended the provision of further training and information.

Under the current model, the Victoria Police Prosecutor is able to suggest or comment on a young person's suitability to be referred to a Group Conference. During consultations, Victoria Police indicated that some operational officers would like to be better engaged in the referral process. It was suggested that Victoria Police (Youth Resource Officer and/or the arresting officer) be asked to provide input into the suitability of candidates for the Program.

6.1.2 Feedback from Victoria Police on the Group Conferencing process

Senior Victoria Police Officers made the following comments on the Group Conferencing Program:

- It is a mechanism for making the offender accountable in front of their family members and the victim. The officers considered that this had a greater impact than what would be experienced in a courtroom because the young person has to face and speak in front of others about their offending.

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- The Program could have a positive impact on victims where they were able to personalise the offender and feel less threatened or concerned about being a victim of crime in the future. However, it was also noted that in some cases, including where the victim was young or the offender did not show remorse, the Conference could further traumatise the victim.
- The presence of family members and, where appropriate, Aboriginal elders, assists the process as it helps the offender to see that the consequences of their actions go beyond the actual victim and the Conference.

6.2 Legal fraternity

6.2.1 The role of lawyers in the Group Conferencing process

The role of lawyers in the Group Conferencing process also attracted considerable comment during consultations, particularly from Youth Justice Managers and Convenors. Lawyers are often relied upon to fill the role of support person for young people who do not have any family or friends who are willing or able to attend the Conference.

The inclusion of a legal representative was reported as critical to ensure that nothing occurred during the Group Conference that would have negative legal impact on the young person outside of the scope or intention of the Conference. For example, it is important for a legal representative to be present to ensure that the Conference outcome plan is not more onerous than would have been expected under a community based supervisory order, or that a line of questioning that might lead a young person to incriminate themselves about another offence is not followed.

The Conferencing process was also viewed as being difficult for lawyers due to concerns their clients may be put through a level of emotional pressure that does not occur in the courtroom. Despite this, many participants noted that lawyers who had participated in Conferences tended to develop a level of support for the process and the Program as a result of the outcomes it achieved.

Legal Aid lawyers receive time in lieu for their attendance at a Group Conference but funding is not available to remunerate them for the additional time spent at Conferences. This was suggested by some stakeholders as potentially impacting on their support for the Program.

6.2.2 Feedback from Victorian Legal Aid on the Group Conferencing process

When consulted about the Group Conferencing Program, Victoria Legal Aid (VLA) made the following observations:

- Delays in the process mean that Group Conferences often takes place a long time after the offence has been committed. This was seen to lessen the impact of the Conference and have a negative impact on offenders.

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- Group Conference outcomes are not always better for the young person. VLA noted that participation in a Group Conference and receipt of a Probationary order for the same offence may be a poor outcome for a young offender.
- Variability in the skills and capability of Convenors has resulted in VLA being reluctant to refer young people to a Conference unless the Convenor is known and trusted.

6.3 Judiciary

6.3.1 The role of the judiciary in the Group Conferencing process

The judiciary plays an important role in the Group Conferencing process as they provide referrals to the Program as a pre-sentence intervention.

The variation in rates of referrals from different courts was discussed in consultations with Convenors, Youth Justice Managers and a member of the legal fraternity. It was reported that some Magistrates may be sceptical about new Programs and wait until they are well established before they use them. It was noted that the Magistrate's awareness and use of the Program was influenced by the capacity of Convenors and other Youth Justice staff to provide information and promote the Program to Magistrates.

It was also noted by the Children's Court of Victoria that the volume of referrals was also influenced by the delay between a referral being made and the Group Conference, and the variable quality of outcomes plans.

6.3.2 Feedback on the Group Conferencing process

When interviewed, the Children's Court of Victoria commented on the following aspects of the Group Conferencing Program:

- The model has a strong rehabilitative and diversionary focus.
- The Program is well placed in the sentencing process. Its current position allows it to be applied only to cases where there is potential for improvement and flexibility regarding sentencing outcomes are available. The placement also ensures that the Program is offered only to appropriate cases according to severity, type and the characteristics of the young person.
- Group Conferencing is very intensive and confronting for all and should only be used for relatively serious offences.
- Although the Program is well supported, support has been impacted by the fact that resourcing issues have led to long delays in accessing the Program. In order to enhance buy-in from the judiciary, the Children's Court of Victoria recommended that there needs to be a reduction in the amount of time from when an offender is referred to when the Group Conference takes place.

6.4 Other issues raised by professional stakeholders

Stakeholders also discussed Conferences with two or more offenders and outcome plans.

Co-offender participation in Group Conferences was widely discussed throughout the consultation process. It was broadly agreed that co-offender participation was positive, primarily because it creates an incentive for the young people involved to tell the truth as there is less scope for blame-shifting. It was also viewed as being better for victims or witnesses as it removes the potential for them to be asked to go through the same process multiple times.

Each offender participating in a Group Conference has the opportunity to have “private time” where they meet in private with their support people, (family, significant others, lawyer), to develop an outcome plan that addresses their own support needs. However, the presence of a co-offender was raised as an issue for some young people. Some stakeholders were concerned that the process did not adequately address the individual needs of offenders, particularly in relation to their offending histories and different levels of support.

Large Group Conferences involving multiple offenders were also considered to raise particular issues. The difficulties in getting large groups of offenders to listen and take the Group Conference seriously were raised. Convenors noted that with careful and detailed planning with all potential participants, large Conferences could work effectively and achieve positive outcomes for participants.

Quality of outcome plans. Benefits were reported by some stakeholders to be closely linked to the extent to which the outcome plans are “*comprehensive, robust and able to address drivers and causal factors for the offending behaviour*”.

6.5 Young people

6.5.1 The role of young people in the Group Conferencing process

The Youth Justice Group Conferencing Program is perceived as an opportunity for young offenders to develop empathy for the victim and empower the young person to “*make it right*” and feel as though they have influenced the resolution of the issue.

6.5.2 Survey responses

Telephone surveys were conducted with 11 young offenders (eight young men, three young women) who had participated in a Group Conference. All of the young people surveyed were born in Australia. One young person was Aboriginal. The majority of young offenders surveyed had their Conference in a regional location (7) rather than a metropolitan area (3)⁸⁰. More than half of the young offenders surveyed had waited between 6 and 12 months between the offence and the Group Conference.

⁸⁰ Missing data for one survey

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The offences leading to a Group Conference for the young people surveyed included theft (4), robbery (3), assault (3), property damage (1), criminal damage (1) and recklessly endangering life (1). All offenders agreed or strongly agreed that: 'I understood the importance of the Group Conference'.

Most of the young people (7) had attended their Conference between one and three months before the interview, with a few attending less than a month before the interview (3) or more than three months ago (1).

6.5.2.1 Before the Conference

When asked about the lead up to the Group Conference:

- All offenders agreed or strongly agreed that "Before attending the Group Conference I felt well informed about the whole Conference process".
- The majority (90%) agreed or strongly agreed that "Before attending the Group Conference I felt well prepared about the whole Conference process".
- The majority (90%) agreed or strongly agreed that "I knew who would attend the Group Conference".
- All offenders agreed or strongly agreed that "I understood why I was participating in the Group Conference".

6.5.2.2 During the Conference

In terms of assessing their Group Conference experience, young people surveyed provided the following responses:

- All offenders agreed or strongly agreed that "I think that the Conference Convenor managed the Conference fairly".
- All offenders agreed or strongly agreed that "I felt supported during the Group Conference".
- All offenders agreed or strongly agreed that "I felt able to contribute in the Group Conference".
- All offenders agreed or strongly agreed that "I felt safe at all times, including arriving and leaving the venue".
- All offenders agreed or strongly agreed that "Overall, I was satisfied with the process and conduct of the Conference".

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- Just over half the offenders (55%) agreed or strongly agreed that “Talking to the victim helped me make the Conference Agreement”⁸¹.
- The majority (90%) agreed or strongly agreed “I understood how to achieve the goals in the Agreement”.
- Nearly two thirds (63%) agreed or strongly agreed that “Support from family and friends helped me make the Conference Agreement”.
- The majority (81%) agreed or strongly agreed that “The Conference Convenor helped me make the Conference Agreement”.
- The majority (90%) agreed or strongly agreed that “The Agreement or outcome plan set realistic goals for me”.
- The majority (90%) agreed or strongly agreed that “The Agreement made in the Group Conference gave me something to aim for”.

6.5.2.3 After the Conference

In relation to the outcome plan, all young people surveyed said the outcome plan was fair and most of the young people reported that ‘I have commenced my outcome plan and intend to complete it’. One young person had already completed the plan when surveyed.

The young people were also questioned about how the Conference had influenced their understanding of the impact of their crime and their outlook in terms of reoffending:

- In relation to the outcome plan, most of the young people reported that “I have commenced my outcome plan and intend to complete it’ (70%) or ‘I have already completed all the goals in the Agreement” (10%).⁸²
- The majority of young people said that no-one had helped them complete the activities in their Agreement (70%).
- More than half (60%) agreed or strongly agreed that “The Conference helped me understand the effect of my offending on my friends”.⁸³
- The majority (90%) agreed or strongly agreed that “The Conference helped me understand the effect of my offending on the victim”.

⁸¹ Two young people did not provide a response to this question. The percentage is therefore based on valid percentages, not overall percentages.

⁸² One young person did not provide a response to this question. The percentage is therefore based on valid percentages, not overall percentages.

⁸³ One young person did not provide a response to this question. The percentage is therefore based on valid percentages, not overall percentages.

- The majority (90%) agreed or strongly agreed that “The Conference helped me to understand the effect of my offending on my family”.
- The majority (72%) agreed or strongly agreed that “The Conference helped me see how I could get back on track after this”.
- The majority (81%) agreed or strongly agreed that “The Group Conferencing process has made it easier for me not to reoffend”
- All young people said that they would recommend the Program to someone else.⁸⁴

Nearly all offenders, in response to the question ‘If you could change anything about the Youth Justice Group Conferencing Program, what would it be’, said that they would not change anything. One young person said she would have liked more input into the Conference format before it commenced.

6.6 Family members

6.6.1 The role of family members in the Group Conferencing process

The importance of family participation in Group Conferencing was acknowledged by Convenors. If family members could not attend, they considered that other networks should be identified to ensure that the young person has someone in attendance to provide support. Having people there to support the young person was seen as important, not only to aid their participation in the Conference, but also to help them to follow through on their plans. Participation of family and friends in the process can also help to show the young person that they are supported and that their actions have an impact on the people around them. One of the stakeholders noted that there can be cultural differences in who is best placed to attend, observing that “*for white Anglo kids, mum or dad are best but with Indigenous kids, it could also be an aunty or uncle*”.

Benefits for the family were also reported. This is often the first time the family has heard the entire story of the offence and obtains insights about their child. One stakeholder noted that “*when run well, this can be empowering for the parents and enable them to find supports and services to help themselves and their child...it makes an impact on their coping strategies*”.

6.6.2 Survey results

Telephone surveys were conducted with family members (n=19) of participants who were almost exclusively male (18). Family members were typically mothers of the participants (12). The majority of family members surveyed were Australian-born (16/19). Family members surveyed attended Conferences in metropolitan areas (10) or regional areas (9).

⁸⁴ One young person did not provide a response to this question. The percentage is therefore based on valid percentages, not overall percentages.

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Offences that had led to the Group Conference included theft (5), assault (3), property damage (3), robbery (2), group armed robbery (1), affray (1), domestic violence towards parents (1) and a drink driving incident which injured a pedestrian (1).

6.6.2.1 Before the Conference

Family members provided positive feedback regarding the information and preparation they received prior to the Group Conference:

- All family members strongly agreed or agreed that “Before attending the Group Conference I felt well informed about the whole Conference process”.
- 78% strongly agreed or agreed that “Before attending the Group Conference I felt well prepared about the whole Conference process”.
- All family members strongly agreed or agreed that “I knew who would attend the Conference”.
- All family members strongly agreed or agreed that “I understood the importance of the Group Conference”.
- All family members strongly agreed or agreed that “I understood why I was participating in the Group Conference”.
- 95% of family members agreed or strongly agreed that “I was able to speak openly with the Conference Convenor (prior to the Group Conference) about my feelings about the Group Conference”.

6.6.2.2 During the Conference

The family members surveyed provided an overwhelmingly positive response about their attendance at a Group Conference:

- 95% of family members agreed or strongly agreed that “I think that the Conference Convenor managed the Conference fairly”.
- 89% of family members agreed or strongly agreed that “I felt supported during the Group Conference”.
- 95% of family members agreed or strongly agreed that “I felt able to contribute in the Group Conference”.
- 89% of family members agreed or strongly agreed that “The Conference gave me an opportunity to participate in the young person's decision making and planning processes”.

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- 63% of family members agreed or strongly agreed that “The Group Conference has helped me build a stronger relationship with the young person”.
- 84% of family members agreed or strongly agreed that “I felt safe at all times, including arriving and leaving the venue”.
- 95% of family members agreed or strongly agreed that “Overall I was satisfied with the process and conduct of the Conference”.
- 95% of family members agreed or strongly agreed that “The Conference helped me to understand the role I can play in helping the young person avoid re-offending”.
- 95% of family members agreed or strongly agreed that “The Conference helped the young person see how they could get back on track after this”.

6.6.2.3 After the Conference

The family members surveyed also provided positive responses in relation to the impact of the Conference on the young person:

- Family members were positive about the young person completing their outcome plan, with most saying “they have completed the goals in the Agreement” (37%) or “they have started, and I think will complete it” (32%). Only one family member indicated that “They haven't started and I don't think they intend on completing it”.
- 89% of family members indicated that they agreed or strongly agreed when asked “Do you think the Group Conferencing Program has improved the person's behaviour?”
- 84% of family members agreed or strongly agreed that “I think the Group Conferencing Program has reduced their offending”.
- 95% of family members agreed or strongly agreed that “The Conference helped me to understand the role I can play in helping the young person avoid re-offending”.

More than half of the family members surveyed, in response to the question ‘If you could change anything about the Youth Justice Group Conferencing Program, what would it be’, reported that they would not change anything. Some family members recommended improvements to the Program. These related to:

- Reducing the time between offence to Conference
- Increase availability of the Program

- Providing follow-up after the Conference
- Focusing more on the repercussions of the offence in order to reduce the likelihood of reoffending⁸⁵.

6.7 Victims

6.7.1 The role of victims in the Group Conference process

The consultation process also identified the importance of having individuals directly impacted by the offence present at the Conference, in addition to the victim and the offender's family. This can include witnesses, the victim's family and community leaders if specific communities are affected. It was noted by Convenors and DHS Program staff that if the right people are present, these individuals will share their positive experiences with the rest of the community, which will strengthen the overall impact of the Conference.

All groups considered that victim participation contributed to a better Conferencing outcome. In terms of the offender, the victim's presence was seen to help the young people empathise and understand the consequences of their actions.

For victims, participation could help them to recover from the offence and get closure. Whilst in person was seen to be the most effective option, for victims who were unable to attend, the process was still seen as useful if they were told about the Conference and outcome.

The consultation process identified that, although there is anecdotal evidence to suggest that victim satisfaction with the Group Conference process is high, there is no formal mechanism built into the Group Conferencing Program to systematically gather this feedback.

The Victim Support Agency (VSA) identified that the following factors impact on victim satisfaction with the Group Conference process:

- Increased engagement of the young person: The VSA noted that the greater the level of engagement from the young person, the greater the satisfaction of victims.
- Police attitudes: The VSA highlighted that where Victoria Police are engaged and appear to support the process, victims are more likely to participate and find the process positive.
- Prior preparation: VSA noted that victims tend to feel more comfortable with the Conference process when they are properly informed.
- Presence of a DHS Youth Justice worker: The VSA also indicated that having a Youth Justice worker present at the Conference was key to engaging young people and enhancing the experience of victims.

⁸⁵ To note, at the start of each Conference, the Youth Justice Group Conferencing model provides everyone with the opportunity to discuss the impact the offence had on them.

6.7.2 Survey results

Ten victims were surveyed (5 men, 5 women), of whom the majority (9) spoke English at home. There were no Aboriginal and Torres Strait Islander victims. The majority of victims had attended a rural Conference (9) and had not had any involvement with a victims' support agency (8).

Those surveyed were victims of theft (4), assault (3), property damage (3), burglary/break and enter (2), dangerous acts endangering others (1) and robbery (1). The majority were participating as primary victims (6), two as secondary victims and two to support family members.

6.7.2.1 Before the Conference

When asked about the process prior to the Conference:

- All victims surveyed agreed or strongly agreed with the statement "I felt safe at all times, including arriving and leaving the venue".
- Two-thirds of victims (66%) agreed or strongly agreed "My expectations of what I would get out of the Group Conference were met". One victim was 'not sure' and two disagreed with the statement.
- All victims surveyed agreed or strongly agreed with the statement "I was able to speak openly with the Conference Convenor (prior to the Group Conference) about my feelings about the Group Conference".
- The majority (80%) agreed or strongly agreed with the statement "I think that the Conference Convenor managed the Conference fairly".
- All victims surveyed agreed or strongly agreed with the statement "I felt supported during the Group Conference".
- The majority (90%) agreed or strongly agreed with the statement "I felt able to contribute in the Group Conference".
- All victims surveyed agreed or strongly agreed that "I was able to speak about the impact the offence had on me".
- The majority (80%) agreed or strongly agreed with the statement "I understood the importance for my participation in the Group Conference for myself".
- All victims surveyed agreed or strongly agreed with the statement "I understood the importance for my participation in the Group Conference for the young offender".
- The majority (80%) agreed or strongly agreed with the statement "Before attending the Group Conference I felt well informed about the whole Conference process".

- The majority (90%) agreed or strongly agreed with the statement “I knew who would attend the Conference”.

6.7.2.2 During the Conference

When surveyed about the Conference process:

- The majority (80%) agreed or strongly agreed with the statement “I felt heard during the Conference”.
- The majority (90%) agreed or strongly agreed with the statement “I think the young person took responsibility for their offence”.
- The majority (80%) agreed or strongly agreed with the statement “I was able to provide suggestions about how the offender could resolve any damage”.
- The majority (80%) agreed or strongly agreed with the statement “I was satisfied with the agreed outcome plan”.
- The majority (80%) agreed that “I felt the apology provided was sincere”. Two victims were ‘not sure’⁸⁶.
- The majority (90%) agreed or strongly agreed with the statement: “Overall, I thought the Conference was fair”.
- All victims surveyed agreed or strongly agreed that “Overall, I was satisfied with my involvement with the whole Group Conferencing Process”.

6.7.2.3 After the Conference

When surveyed regarding the impact of the Conference:

- Half of the victims agreed or strongly agreed with the statement “The Group Conference helped repair the damage caused by the offence” However, four victims disagreed or strongly disagreed (40%). One victim indicated they were not sure.
- The majority (90%) agreed or strongly agreed with the statement “Overall, I was satisfied with the process and conduct of the Group Conference”.
- More than half (60%) indicated they thought the offender would complete the outcome plan.
- The majority (90%) agreed or strongly agreed that the offender would improve their behaviour in the short term.

⁸⁶ Two victims did not provide a response to this question. The percentage is therefore based on valid percentages, not overall percentages.

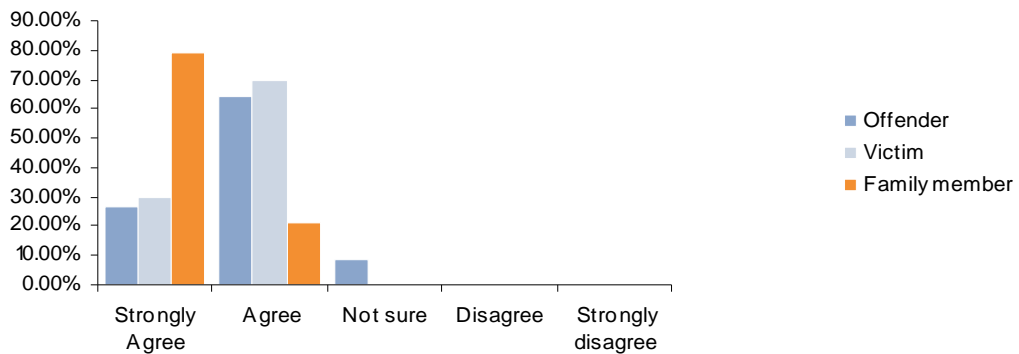
- The majority (80%) indicated that they believed the offender would be less likely to reoffend in the future as a result of attending this Conference.

6.7.3 Summary of survey information from offenders, family members and victims who had participated in a Group Conference

Figure 5 below shows that all of the victims and family members (100%) surveyed strongly agreed or agreed with the statement ‘Overall, I was satisfied with my involvement with the whole Group Conferencing Process’.

The majority of young offenders (91%) surveyed strongly agreed or agreed with the statement ‘Overall, I was satisfied with my involvement with the whole Group Conferencing Process’ (the remainder said they were ‘not sure’).

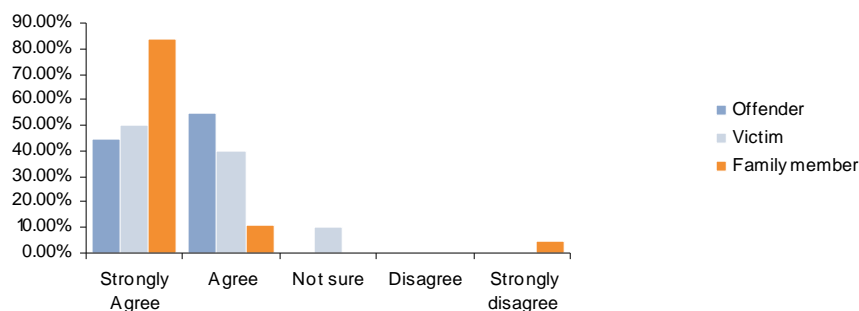
Figure 5: Overall, I was satisfied with my involvement with the whole Group Conferencing Process



Source: DHS Youth Services and Youth Justice Branch, KPMG analyses

All surveyed offenders reported that they ‘strongly agreed’ or ‘agreed’ that they were satisfied with the process and conduct of the Conference. Most family members and victims also indicated that they ‘strongly agreed’ or ‘agreed’.

Figure 6: Overall I was satisfied with the process and conduct of the Conference Source



Source: DHS Youth Services and Youth Justice Branch, KPMG analyses

Finally, all of the young people, family members and victims surveyed agreed that “I would recommend the Program to someone else if they were eligible”.

Key finding 9: All of the victims and family members, and the majority of young offenders (91%) surveyed strongly agreed or agreed that “Overall, I was satisfied with my involvement with the whole Group Conferencing Process”. All participants surveyed agreed that “I would recommend the Program to someone else if they were eligible”.

7 Impact on costs to the Youth Justice system

This chapter presents the findings of a high-level cost benefit analysis of the Youth Justice Group Conferencing Program. The costs considered were the financial costs to DHS of the Program offset by savings in costs to other programs, and the benefits related to financial savings resulting from sending offenders to Group Conferences rather than issuing them with Community Based Orders.

The data used in constructing the cost benefit analysis includes the total number of participants in the Program, the average cost of a Group Conference per individual, and the average cost of a 6 month supervisory order per individual.

Finally, potential lifetime savings are also described but are not quantified for the purposes of these analyses.

7.1 Cost benefit analysis methodology

The output of the model is a benefit cost ratio which presents the economic benefits of a Program as a ratio of the costs, i.e. the savings achieved for every dollar spent on the Program.

In determining the savings arising from the Program, both immediate and short-term savings were considered; if the Youth Justice Group Conferencing Program were not available, these young people would instead be placed on Community Based Order, such as Probation or a Therefore, in determining the immediate benefits of the Program, it was necessary to examine the cost savings arising from sending young people to Group Conferences rather than issuing them with Community Based Orders. In the short term (over a twelve month period), benefits arise from the reduction in recidivism that occurs as a result of participants attending Group Conferences – the reduction in reoffending leads to future reductions in policing and court administration costs for example.

The cost benefit analysis was therefore constructed by considering both the immediate and the short-term benefits arising from the YJGC Program, and quantifying these benefits in a one year ‘snapshot’ in order to compare them with the costs of administering the Program.

7.2 Cost benefit analysis

7.2.1 Assumptions

In conducting the cost benefit analysis, the following assumptions are made⁸⁷:

- Total expenditure on the Program by DHS in 2008/9 of \$979,320.
- 195 young offenders participating in Youth Justice Group Conferencing in the 2008/9 financial year, resulting in a cost per Conference (per individual) of \$5,022.

⁸⁷ Source: Data supplied to KPMG by DHS

- Average cost of a Community Based Order in 2008/09 of \$9,495 per individual.
- Average cost of a three month period in custody per individual of \$48,221.
- 75.5% diversion rate for YJGC.
- 42.9% recidivism rate for individuals who receive a CBO.
- 19.2% recidivism rate for individuals who participate in YJGC.
- Individuals who participate in YJGC and reoffend are given a CBO on return to court.

7.2.2 Financial costs

As outlined in the assumptions above, over the period of 2008-09, the total cost to DHS of delivering the Youth Justice Group Conferencing Program was \$979,320 (direct Program funding of \$855,512 plus DHS corporate overhead costs of \$123,808). During this period, there were 195 Conferences held. Actual expenditure per individual will vary according to the level of intervention required: however this represents an average expenditure per Conference of \$5,022.

7.2.3 Immediate financial benefits

The immediate financial benefits arising from the YJGC Program take the form of the reduction in the cost of service provision through referring offenders to Group Conferencing rather than issuing Community Based Orders. The average cost of a Community Based Order per client is \$9,495, while the average cost of a group Conference is \$5,022. Therefore the average cost of a group Conference of \$5,022 is 52% of the average cost of a community based service order per individual. The net benefit of the Youth Justice Group Conferencing Program in terms of its lower costs is \$4,473 per offender.⁸⁸

In 2008/09, YJGC achieved a 75.5% diversion rate, i.e. 75.5% of the 195 participants (147 individuals) did not receive a supervisory order (for the purposes of this exercise, this is defined as a Community Based Order on return to court).

The immediate financial benefit in 2008/9 of YJGC in terms of its lower costs compared to Community Based Orders was $147 \times \$4,473 = \$657,531$ immediate savings.

7.2.4 Financial benefits arising within the short-term

In addition to the immediate financial benefits arising from the lower costs of the YJGC Program compared to Community Based Orders, the reduction in the recidivism rate brings with it additional benefits in the form of reductions in policing and court costs as a result in the lower number of participants reoffending.

⁸⁸ This modelling assumes young people who attend a Group Conference and subsequently re-offend will not have further Group Conferences.

Using data from the 2010 Report on Government Services⁸⁹, it is possible to provide an indication of the size of the benefits that arise in terms of reductions in policing and court administration costs. The report provides the following average costs per individual:

- **Policing Costs:** \$363 per person
- **Court Administration Costs:** \$1,279 per person⁹⁰

As outlined in table 6, the proportion of participants in the Youth Justice Group Conferencing Program who reoffended after 24 months was 19.2% compared to 42.9% for the comparison group. This means that, of the 195 YJGC participants in 2008/9, 37 reoffended compared to 84 of the 195 who were placed on CBOs. That is, 47 fewer young people reoffended after participating in the Youth Justice Group Conferencing Program, resulting in savings on the costs of policing, court administration and subsequently issuing them with CBOs.

Making the assumption that each of the YJGC participants who reoffended were given a CBO on their return to court, the additional financial benefits can be calculated as follows:

- \$363 (police contact) + \$1,279 (court costs) + \$9,495 (CBO) = \$11,137 x 47 individuals = **\$523,439 additional savings within 2 years.**

The timing of these additional savings will inevitably lag behind the immediate savings arising as a result of the lower cost of YJGC compared to CBOs, since they result from the reduction in reoffending brought about by the Program. However, if the Program is run on a recurring basis, these additional savings will be accrued on a year-on year basis after the first year. That is, after the first year of the Program, there will be savings every year resulting from the reduction in recidivism brought about by the Youth Justice Group Conferencing Program. Therefore, for the purposes of this analysis, the benefits arising from the reduction in recidivism are incorporated into the analysis against the 2008/09 costs and assumed to have been realised in the first year.

7.2.5 Longer term financial benefits

In addition to the benefits outlined above, there exist a range of wider savings that will arise from the Program as a result of the reduction in reoffending it brings about. The principal example of these benefits is the cost of custody. Of the group of young people who desist from offending following a Group Conference, it is possible that some would have 'progressed' beyond a CBO to a custodial sentence if they had not participated in the YJGC Program. Based on the average cost per individual of a three month custodial order, a saving of **\$48,221** is made for each individual diverted from a custodial sentence in this way.

Furthermore, it is reasonable to assume that crimes avoided by the reduction in recidivism brought about by the Youth Justice Group Conferencing Program will bring about additional savings in the form of avoided costs to the victims of crime and wider society, for example the

⁸⁹ Source: <http://www.pc.gov.au/gsp/reports/rogs/2010>

⁹⁰ Court Expenditure per person of \$1,279 is calculated as the \$1.1 billion total court administration recurrent expenditure across Australia (as outlined in the 2010 report on Government Services) in 2008/09 divided by the 867,800 total cases that were lodged in 2008/09)

cost of lost output, medical costs for victims and the costs of property stolen/damaged as a result of crime.

It has also been found that there are longer term financial benefits to Government associated with diverting young people away from the criminal justice system and other Government pathways. In 2006, a report, *Transitions from Care: Avoidable costs to governments of alternative pathways of young people exiting the formal child protection care system in Australia*⁹¹, identified evidence to suggest that there would be significant economic and social benefits if more young people were better supported, post care, in ways which reduced the likelihood of their progression into prolonged use of high cost services.

That report aimed to establish the estimated costs and benefits to governments of the alternate pathways available to young people who leave the formal child protection care system across Australia. The report found that there was an evidentiary basis for the suggestion that policies directed at reducing the overall costs to government should be based on a two-pronged approach – reducing the numbers of young people on the most expensive pathways and reducing the length of time they spend on these pathways. As a result, it was found that moving young people into lower level usage pathways could represent significant savings to government, as well as increasing the life opportunities for young people.

Although this study did not focus on diversion from the Youth Justice system, it does provide some guidance as to the potential social and financial impact of helping young people to avoid expensive pathways. Given the high cost of further progression into the Youth Justice system, the findings of this report have some application.

In the case of the Youth Justice Group Conferencing Program, the above benefits are not explicitly included in the cost benefits analysis, since it is not possible to quantify how many offenders would have received a custodial sentence had they not participated in YJGC, or the types of offences they would have committed. It is however important to bear in mind that considerable additional financial benefits arise from YJGC over and above those included in the analysis, and hence the cost benefit analysis calculations here present a ‘conservative’ view of the benefits arising from the Youth Justice Group Conferencing Program.

7.2.6 Summary

Under the assumptions outlined above therefore, the total benefits arising from Youth Justice Group Conferencing in 2008/9 are the sum of the immediate savings arising from the lower cost of YJGC compared to CBOs (\$657,531) and the savings arising from the reduction in recidivism brought about by YJGC (\$523,439), which total **\$1,180,970**. Considering that the total expenditure by DHS on the Youth Justice Group Conferencing Program in 2008/9 was \$979,320, this means that for every \$1 invested by DHS on the Program, at least **\$1.21** is saved in the immediate and short term.

⁹¹ Morgan Disney & Associates Pty Ltd and Applied Economics Pty Ltd for the Community Services Ministerial Advisory Council (CSMAC) Youth Working Group *Transitions from Care: Avoidable costs to governments of alternative pathways of young people exiting the formal child protection care system in Australia* (2006).

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The cost-benefit analysis therefore indicates that there is a net benefit to running Youth Justice Group Conferencing of **21 cents** per dollar spent.

In reality, this net benefit is likely to be even greater given the wider ‘unquantifiable’ benefits arising from the Program such as diversion away from custody and the wider benefits to society.

Key finding 10: For every \$1 invested by DHS in the Youth Justice Group Conferencing Program, at least \$1.21 is saved in the immediate and short term. These savings are likely to underestimate the actual saving to Government for each young person over the course of their lifetime.

8 Strengths and opportunities for improvement

This chapter provides an overview of the key strengths and opportunities for development. It also provides a set of recommendations for consideration and maps these against the recommendations of the Victorian Parliamentary Law Reform Committee and the Victorian Parliamentary Committee on Drug and Crime Prevention.

8.1 Strengths of the Youth Justice Group Conferencing Program

The Youth Justice Group Conferencing Program:

- diverts young people from progressing into the criminal justice system
- reduces recidivism
- appears to be well targeted in the sentencing hierarchy
- is based on restorative justice philosophy and practices
- allows young people to develop empathy for their victim, take responsibility for their actions and link in with support services
- can have a positive impact on victims in terms of helping them deal with the harm caused by the offence
- can be positive for families of offenders as it helped them to deal with the impact of the young person's offence, understand what had occurred and can encourage families to play an active role in the young person's rehabilitation and achievement of their outcome plan

8.2 Opportunities for improvement

There are also some challenges for the model:

- The delay between the offence occurring and the Group Conference was raised by many of the interviewees. This is primarily due to the delay in offences coming to court, for a variety of reasons. It was considered that conferencing would achieve better outcomes if it occurred in a more timely fashion than is currently the case. The program guidelines state that the young person should have "been referred to the group conferencing program within twelve months of the offence/s or under exceptional circumstances at the discretion of the court". However, some interviewees noted that it can take up to two years between the offence and the Conference and that this is a considerable time in the context of a young person's life.
- Increased resources are needed to maintain and improve quality and expand the program. Managers and Convenors observed that workload was an issue and that, particularly in regional areas, there were not enough Convenors to effectively cover the geographical area.

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Interviewees also noted that the Program could be marketed more effectively in areas of low uptake if there were more Convenors.

- The mechanism for inviting victims to participate in the conferencing process could be re-examined as there may be a more effective model than the current process which is reliant on police making the initial contact with the victim.
- Including a formal follow up into the model would provide a mechanism to ensure that young people are on track with their plans and are continuing to access the recommended Programs and support networks.
- The increased severity of Youth Justice Group Conferencing cases may require further consideration.
- There is opportunity and broad support for the development of a skills and competencies framework for Convenors to ensure a consistent skill-set and to enable Convenors to be evaluated against set criteria, potentially through the introduction of an accreditation process for Convenors.

In conclusion, this Review found the Youth Justice Group Conferencing Program to be broadly effective in meeting its stated objectives.

8.3 Recommendations for future development

This review makes the following recommendations in order to strengthen the Program.

These recommendations are also considered in light of the recent Victorian Parliamentary Law Reform Committee's (VPLRC) *Inquiry into alternative dispute resolution and restorative justice* and the Victorian Parliamentary Drugs and Crime Prevention Committee (VPDCPC) *Inquiry into Strategies to Prevent High Volume Offending by Young People*, as indicated below in italics. The relevant VPLRC and VPDCPC recommendations are provided at Appendix C.

It is recommended that the Department of Human Services:

1. based on the positive findings of this review, that the Program is effective, cost-efficient and well-supported by stakeholders and participants, continue to fund and support the Youth Justice Group Conferencing Program.
2. review the level of resourcing of the Youth Justice Group Conferencing Program in order to:
 - 2.1. meet existing demand and strengthen/expand the Program
 - 2.2. ensure that suitably trained and experienced Convenors are attracted to and retained in this field
 - 2.3. accommodate post-Conference follow-up by the Convenor to monitor and/or assist the young person with the completion of their outcome plan.

This is consistent with the VPLRC recommendations in relation to:

- 61: “Monitoring Youth Justice Group Conferencing Program Conference outcome plans.”

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- 62: “Support the offenders to complete YJGC Program outcome plans.”
3. accommodate post-Conference follow-up by the Convenor or a designated agency regarding the victim’s satisfaction and well being and, where appropriate, allow for further victim support.
This is consistent with the VPLRC recommendation in relation to:
 - 58: “Follow-up with victims after a Youth Justice Group Conferencing Program Conference.”
 4. promote the Youth Justice Group Conferencing Program and evidence regarding its effectiveness by:
 - 4.1. communicating the strong and positive findings from this review to key stakeholders including: Children’s Courts, Victoria Police, Victoria Legal Aid, Victim Support Agencies and key youth focussed community based services.
 - 4.2. providing ongoing education and information about the Program to key stakeholders centrally and in regions.
Recommendations 4.1 and 4.2 are consistent with VPLRC recommendations in relation to:
 - 51: “Educating Children’s Court magistrates about the Youth Justice Group Conferencing Program
 - 52: “Educating lawyers about the Youth Justice Group Conferencing Program”
 - 59.1: “Information and training on the Youth Justice Group Conferencing Program for police.”
 5. support an accreditation process for Youth Justice Group Conferencing Convenors in order to ensure that they have a consistent and assessable skill set.
This recommendation is consistent with VPLRC recommendation in relation to:
 - 66: “Restorative justice practitioner training.”
 6. continue to provide professional development activities and forums for all Group Conference Convenors to maintain and build on the level of expertise and the high standard of Group Conferences.

This recommendation is consistent with the VPLRC recommendations in relation to:
 - 65: “Training for restorative justice practitioners.”
 - 57: “Training YJGC providers about victims’ rights and needs.”
 7. give consideration to expanding the use of restorative justice approaches to other groups of young offenders and at other points in the sentencing process. The Program appears to be well placed for the target group. To reduce the risk of ‘net-widening’, it is recommended that restorative justice approaches target young people who are, at minimum, eligible for a sentence of Probation in the Victorian sentencing hierarchy.
 8. ask the existing ‘State-wide Group Conferencing Advisory Group’, or representatives thereof, to consider the recommendations in this report.
 9. seek advice from the ‘State-wide Group Conferencing Advisory Group’, or representatives thereof, with regard to:

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- 9.1. the 'development of a practice model' for post-Conference follow up with the young person and the victim where appropriate
- 9.2. an effective process for information sharing with, and educating of, key stakeholders and the broader community about the Youth Justice Group Conferencing Program
- 9.3. commissioning a cohort study to identify the characteristics and risk profile of young people for whom the Youth Justice Group Conferencing Program is most effective
- 9.4. considering whether specific strategies need to be identified and implemented in order to promote more involvement of young people who are Aboriginal or Torres Strait Islanders, and/or young people from culturally and linguistically diverse backgrounds in the Youth Justice Group Conferencing Program.

This is consistent with the VPLRC recommendations in relation to:

- 53: "Participation of Indigenous offenders and victims in the restorative justice processes."
- 54: "Participation of CALD offenders and victims in the restorative justice processes."

10. consider the role of Victoria Police in relation to:

- 10.1. potential mechanisms for operational police officers to provide input into referral processes
- 10.2. the police role of making initial contact with the victim and how this process could support an increased presence of victims at Group Conferences.

11. consider incorporating outcome and participant satisfaction measures into routine data collection for evaluation, monitoring and reporting purposes.

This is consistent with the VPLRC recommendation in relation to:

- 47: *Collecting and reporting data about restorative justice*

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A Referring courts

Table A - 1: List of Children's Courts that referred to Youth Justice Group Conferencing during between April 2007 and June 2009 (excluding Grampians Region).

Court	Number of young people referred to Group Conferencing	Percentage
Bairnsdale Children's Court	3	0.8%
Benalla Children's Court	11	3.0%
Bendigo Children's Court	18	4.8%
Broadmeadows	22	5.9%
Cobram Children's Court	1	0.3%
Colac Children's Court	5	1.3%
Dandenong	26	7.0%
Echuca Children's Court	1	0.3%
Frankston	3	0.8%
Geelong Children's Court	19	5.1%
Hamilton Children's Court	4	1.1%
Heidelberg	22	5.9%
Korumburra	4	1.1%
Latrobe	9	2.4%
Mansfield Children's Court	6	1.6%
Maryborough Children's Court	4	1.1%
Melbourne	36	9.7%
Mildura Children's Court	4	1.1%
Moorabbin	2	0.5%
Morwell Children's Court	34	9.1%
Myrtleford Children's Court	1	0.3%
Neighbourhood JC	1	0.3%
Orbost Children's Court	3	0.8%
Portland Children's Court	8	2.2%
Ringwood	18	4.8%
Robinvale Children's Court	1	0.3%
Sale Children's Court	17	4.6%
Seymour Children's Court	17	4.6%

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Court	Number of young people referred to Group Conferencing	Percentage
Shepparton Children's Court	10	2.7%
Sunshine	15	4.0%
Swan Hill Children's Court	4	1.1%
Wangaratta Children's Court	6	1.6%
Warrnambool Children's Court	16	4.3%
Wodonga Children's Court	18	4.8%
Wonthaggi Children's Court	3	0.8%
Total	372	

Source: DHS Youth Services and Youth Justice Branch, KPMG analyses

B Offence types

Table B - 1: The most serious offences committed by young people that participated in Group Conferencing

Offence type	Number of young people	Percentage of the total
Affray	9	2.4%
Aggravated Burglary	2	0.5%
Armed robbery	20	5.4%
Assault	5	1.3%
Assault by kicking	2	0.5%
Assault in Company	3	0.8%
Assault Police	6	1.6%
Assault with Weapon	3	0.8%
Attempted Burglary	2	0.5%
Attempted robbery	1	0.3%
Behave in riotous manner in public place	3	0.8%
Burglary	104	28.0%
Careless Driving	2	0.5%
Carry A Dangerous Article	1	0.3%
Criminal damage	24	6.5%
Criminal Damage (Intent Damage/Destroy)	2	0.5%
Criminal damage by fire (Arson)	7	1.9%
Deal Property Suspected Proceed Of Crime	1	0.3%
Drive In A Manner Dangerous	1	0.3%
Fraudulently alter/use identification	1	0.3%
Handle/Receive/Retention Stolen Goods	3	0.8%
Intentionally cause injury	22	5.9%
Intentionally Cause Serious Injury	6	1.6%
Negligently cause serious injury	1	0.3%
Obstruct/Resist Police (Crimes Act)	2	0.5%
Possess Cannabis	1	0.3%
Possess Controlled Weapon	7	1.9%
Possess Prescribed Weapon	5	1.3%

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Offence type	Number of young people	Percentage of the total
Reckless Conduct Endanger Life	3	0.8%
Reckless conduct endanger serious injury	1	0.3%
Recklessly Cause Injury	32	8.6%
Recklessly Cause Serious Injury	8	2.2%
Robbery	7	1.9%
Tamper With Motor Vehicle	1	0.3%
Theft	11	3.0%
Theft of a Motor Vehicle	20	5.4%
Unlawful Assault	30	8.1%
Unlawful Assembly	4	1.1%
Unlicensed Driving	3	0.8%
Use False documents	1	0.3%
Use Indecent Language In Public Place	1	0.3%
Wilful Damage	1	0.3%
Wilfully Give False Fire Alarm	1	0.3%
Wo Auth/Excuse Enter Private Place	2	0.5%
Grand Total	372	

Source: DHS Youth Services and Youth Justice Branch, KPMG analyses

Table B - 2: The top 6 most frequent offences mapped to National Offence Index (NOI) committed by young people participating in Group Conferencing

National Offence Index (NOI)	Australian Standard Offence Classification sub-category description	Number of Young People in this category	Percentage
23	Aggravated Robbery	27	7.3%
24	Aggravated Assault	73	19.6%
30	Non-Aggravated Assault	35	9.4%
59	Unlawful Entry with Intent/Burglary, Break and Enter	108	29.0%
75	Theft of a Motor Vehicle	20	5.4%
94	"Property Damage, nec"	28	7.5%

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National Offence Index (NOI)	Australian Standard Offence Classification sub-category description	Number of Young People in this category	Percentage
Total		291	78.2%

Source: DHS Youth Services and Youth Justice Branch, KPMG analyses

Table B - 3: Country of birth of Young People referred for Youth Justice Group Conferencing

Birth Country	Number	Percentage	Valid percentage
Australia	201	54.03%	89.3%
Vietnam	9	2.42%	4.0%
New Zealand	6	1.61%	2.7%
Australian Antarctic Territory	1	0.27%	0.4%
Cook Islands	1	0.27%	0.4%
Indian	1	0.27%	0.4%
Iraq	1	0.27%	0.4%
Kenya	1	0.27%	0.4%
Malaysia	1	0.27%	0.4%
Portugal	1	0.27%	0.4%
South Africa	1	0.27%	0.4%
Turkey	1	0.27%	0.4%
Missing data	145	38.98%	-
Not declared	2	0.54%	-
Total with relevant data	225		
Grand Total	372		

Source: DHS Youth Services and Youth Justice Branch, KPMG analyses

Table B - 4: Comparison of initial offence and more serious re-offence by Group Conferencing participants who reoffended post-Conference

Participant	Initial offence	More serious second offence
1	Recklessly Cause Injury	Trafficking Ecstasy
2	Recklessly Cause Injury	Armed Robbery
3	Unlawful Assault	Sexual Penetration Of A Child Under 16 Years
4	Unlawful Assault	Recklessly Cause Serious Injury
5	Possess Prescribed Weapon	Trafficking Amphetamine
6	Burglary	Indecent Assault
7	Attempted Burglary	Recklessly Cause Injury
8	Burglary	Intentionally Cause Injury
9	Burglary	Recklessly Cause Injury
10	Burglary	Intentionally Cause Serious Injury
11	Burglary	Unlawful assault
12	Burglary	Criminal Damage By Fire (Arson)
13	Burglary	Possession of a Controlled Weapon Without Excuse
14	Theft of a Motor Vehicle	Unlawful Assault
15	Theft of a Motor Vehicle	Reckless conduct endanger serious injury
16	Theft of a Motor Vehicle	Criminal Damage by Fire (Arson)
17	Theft	Recklessly cause injury
18	Criminal Damage (Intent Damage/Destroy)	Intentionally cause injury
19	Tamper With Motor Vehicle	Burglary
20	Unlawful Assembly (Common Law)	Possession of a Prohibited Weapon without Exemption/Approval

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Participant	Initial offence	More serious second offence
21	Wilfully Give False Fire Alarm	Attempt Theft

Source: DHS Youth Services and Youth Justice Branch, KPMG analyses

C Victorian Parliamentary Law Reform Committee – Recommendations in relation to restorative justice

Recommendations made by the VPLRC relevant to this review are presented below.

Recommendation 45: Research on the outcomes of restorative justice processes

The Victorian Government should commission research to identify and measure the outcomes of restorative justice processes. This should include research on:

- the comparative outcomes of different restorative justice processes and interventions at different stages of the criminal justice process the features of restorative justice processes that contribute to their success
- the features of restorative justice processes that impact on re-offending the elements of restorative justice processes that affect participant satisfaction levels
- the outcomes of restorative justice processes for disadvantaged individuals and groups and, in particular, the impact of gender and ethnicity on restorative justice processes and outcomes for both victims and offenders, including on satisfaction levels
- the cost-effectiveness of restorative justice interventions, compared to other interventions.

Recommendation 46: Consistent performance indicators and data collection methodologies for restorative justice program

The Victorian Government should develop consistent performance indicators and data collection methodologies to apply to all government-funded restorative justice programs in Victoria.

Recommendation 47: Collecting and reporting data about restorative justice

The Victorian Government should collect and report on an annual basis a wide range of data about restorative justice processes and outcomes in Victoria in relation to both adults and young people. This should include data on user demographics, participant satisfaction, recidivism rates and the reason for participation or nonparticipation in restorative justice programs.

Recommendation 48: National framework for collecting and reporting data on restorative justice

The Victorian Government should work with other Australian jurisdictions and NADRAC to develop a national framework for collecting and reporting data on restorative justice Programs.

Recommendation 49: Evaluation of restorative justice Programs

The Victorian Government should regularly evaluate all government-funded restorative justice Programs.

Recommendation 50: Restorative justice framework

The Victorian Government should develop a whole-of-government restorative justice framework that:

- sets out the overarching objectives and principles of restorative justice in Victoria
- provides a blueprint for the consistent practice of restorative justice in Victoria, including providing common approaches to data collection, evaluation and research; practitioner training and collaboration; required standards of practice; and engaging victims and offenders from particular groups (for example Indigenous and CALD)
- sets out a strategy for promoting restorative justice to key stakeholders and the general community

- establishes a mechanism for sharing information and knowledge about restorative justice generally between those involved in administering and delivering restorative justice Programs.

Recommendation 51: Educating Children’s Court magistrates about the YJGC Program

The Judicial College of Victoria should consider providing, in collaboration with the Department of Human Services, information and training for Children’s Court magistrates about the YJGC Program, including its aims, underlying philosophy, the benefits of participation, the process and the suitability criteria.

Recommendation 52: Educating lawyers about the YJGC Program

The Victorian Government should work with professional bodies to provide regular training and information for lawyers about the YJGC Program, including its aims, its underlying philosophy, the benefits of participation, the process and the suitability criteria.

Recommendation 53: Participation of Indigenous offenders and victims in restorative justice processes

53.1 The Victorian Government should establish a mechanism for the participation of Indigenous elders and other community representatives in appropriate YJGC Program Conferences.

53.2 The Victorian Government should undertake research on the engagement of Indigenous victims and offenders in restorative justice processes. This research should be conducted in a manner that actively engages with Indigenous stakeholders to harness Indigenous culture and expertise.

Recommendation 54: Participation of CALD offenders and victims in restorative justice processes

54.1 The Department of Human Services should introduce a key performance indicator of the YJGC Program that relates to the participation of offenders from CALD backgrounds in the Program.

54.2 The Victorian Government should undertake research on the engagement of CALD victims and offenders in restorative justice processes. This research should be conducted in a manner that actively engages with CALD stakeholders to harness CALD culture and expertise.

Recommendation 55: Review of YJGC Program demand

The Victorian Government should undertake a review to identify the likely demand for the YJGC Program throughout Victoria over the next five years.

Recommendation 56: Informing victims about the YJGC Program

The Victorian Government should develop and implement a system which allows for Conference Convenors to contact victims directly to inform them about the opportunity to participate in a YJGC Program Conference.

Recommendation 57: Training YJGC Program providers about victims’ rights and needs

The Victorian Government should, in consultation with victims’ groups, develop and provide training for YJGC Program providers about victims’ experiences, concerns, rights and needs.

Recommendation 58: Follow-up with victims after a YJGC Program Conference

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The Department of Human Services should amend the *Youth Justice Group Conferencing Program guidelines* to require service providers to:

- contact the victim following the Conference to identify and address any concerns or needs
- notify the victim of the completion or non-completion of an outcome plan
- notify the victim of the court outcome
- seek feedback from victims about their experiences participating in the Program, in particular in relation to their satisfaction with the process.

Recommendation 59: Information and training on the YJGC Program for police

59.1 The Victorian Government should provide training and information for police about the YJGC Program, including its aims, underlying philosophy, the benefits of participation, the process, the suitability criteria and the role of police in Conferences.

59.2 Victoria Police should amend the *Victoria police manual* to provide information about the YJGC Program and the role of police in group Conferences.

Recommendation 60: Incorporating the YJGC Program Conference outcome plan into the offender's sentence

The Victorian Government should amend the *Children, Youth and Families Act 2005 (Vic)* to specify that the court may include all or any of the terms of the YJGC Program Conference outcome plan in or as part of the sentence order.

Recommendation 61: Monitoring YJGC Program Conference outcome plans.

The Department of Human Services should amend the *Youth Justice Group Conferencing Program guidelines* to:

- require service providers to monitor the completion of outcome plans
- set out a mechanism for a graded response to non-compliance with outcome plans
- require service providers to report to DHS and the Children's Court on the completion or non-completion of an outcome plan.

Recommendation 62: Support for offenders to complete YJGC Program Conference outcome plans

The Department of Human Services should amend the *Youth Justice Group Conferencing Program guidelines* to provide that service providers should provide support to young people where necessary to ensure that the young person completes their outcome plan. This may include reconvening a Conference and amending the plan if any aspect of the plan is unworkable.

Recommendation 63: Educating lawyers about dispute resolution Conferences

The Victorian Government should work with professional bodies to provide regular training and information for lawyers about dispute resolution Conferences in the Family Division of the Children's Court of Victoria. This should include information about the purpose of the Conferences and the role of the lawyer in the Conference, with a particular emphasis on the need to adopt a cooperative, non-adversarial approach.

Recommendation 64: Identification of core skills and attributes of restorative justice practitioners

The Victorian Government, in consultation with practitioners and the Victorian Association for Restorative Justice, should develop a list of core skills and attributes required by restorative justice practitioners.

Recommendation 65: Training for restorative justice practitioners

The Victorian Government should provide a comprehensive training Program for all restorative justice practitioners employed by contracted service providers. This training Program should include initial training for all new practitioners, a period of mentoring and regular ongoing training.

Recommendation 66: Restorative justice practitioner accreditation

The Victorian Government should implement an accreditation system for restorative justice practitioners working for contracted service providers. This should include initial and periodic assessment of practitioners' practical skills and be linked to an ongoing training Program.

Recommendation 67: Restorative justice practice standards

The Victorian Government should implement practice standards which clearly articulate the key practice requirements for contracted restorative justice service providers and their staff, and require service providers and their staff to comply with these standards as a condition of their contract.

Recommendation 68: Complaints about restorative justice services

The Victorian Government should ensure that all restorative justice Programs implemented in Victoria have a clearly articulated complaints policy and complaints handling system.

Recommendation 69: Restorative justice for adult offenders

Subject to the findings of the evaluation of the YARJGC Program, the Victorian Government should implement a staged rollout of a group conferencing Program based on the YARJGC Program model for all suitable adult offenders, initially at two Magistrates' Court locations. This Program should have a legislative basis.

Recommendation 70: YJGC Program serious offences pilot

The Victorian Government should implement a pilot for more serious offences within the YJGC Program. The pilot should include serious crimes of violence, but exclude family violence and sexual offences. The Victorian Government should develop clear eligibility guidelines for participation in the pilot and provide comprehensive specialist training for Conference Convenors. The pilot should be conducted for a sufficient period of time to allow it to be comprehensively evaluated.

Recommendation 71: Adult restorative justice serious offences pilot

The Victorian Government should conduct a pilot for more serious offences as part of the adult restorative justice Program recommended in recommendation 69. The pilot should include serious crimes of violence, but exclude family violence and sexual offences. The Victorian Government should develop clear eligibility guidelines for participation in the pilot and provide comprehensive specialist training for Conference Convenors. The pilot should be conducted for a sufficient period of time to allow it to be comprehensively evaluated.

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Recommendation 72: Restorative justice responses to sexual offences

The Victorian Government should undertake further research into whether, and if so, how, restorative justice processes might be effectively and appropriately applied to sexual offences in Victoria.

Recommendation 73: Restorative justice responses to family violence

The Victorian Government should undertake further research into whether, and if so, how, restorative justice processes might be effectively and appropriately applied to family violence offences in Victoria, including in relation to family violence in the Indigenous community.

Recommendation 74: Post-sentence restorative justice

Subject to the findings of the evaluation of the YARJGC Program, the Victorian Government should implement a trial group conferencing Program for adult and young offenders at the post-sentence stage, based on the YARJGC model. The trial should be conducted for a sufficient period of time to allow it to be comprehensively evaluated.

Recommendation 75: Effect of participation in restorative justice on offender's sentence management

The Victorian Government should specify in the Program guidelines for the post sentence restorative justice Program in recommendation 74 that participation in the Program may be taken into account in the offender's sentence management.

Recommendation 76: Restorative justice in problem-solving courts

The Victorian Government should consider whether there are suitable ways to allow for victims and for the offender's community of care to be more fully involved in proceedings in the Koori and Drug Courts.

Recommendation 77: Increasing community awareness and understanding of restorative justice

The Victorian Government should develop and implement a campaign to increase community awareness of restorative justice, including its underlying philosophy, the process and its outcomes. This should include using real examples and stories to promote restorative justice at a community level and widespread reporting of data and information about the outcomes of restorative justice Programs.

Recommendation 78: Increasing information sharing and collaboration

The Victorian Government should propose to the Standing Committee of Attorneys- General the establishment of a national network to share information about restorative justice in Australia.