



# Restorative Justice Project 12-Month Program Evaluation

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Illustrations of the 'Equilibrium Motif' used in this report were painted by Gilimbaa

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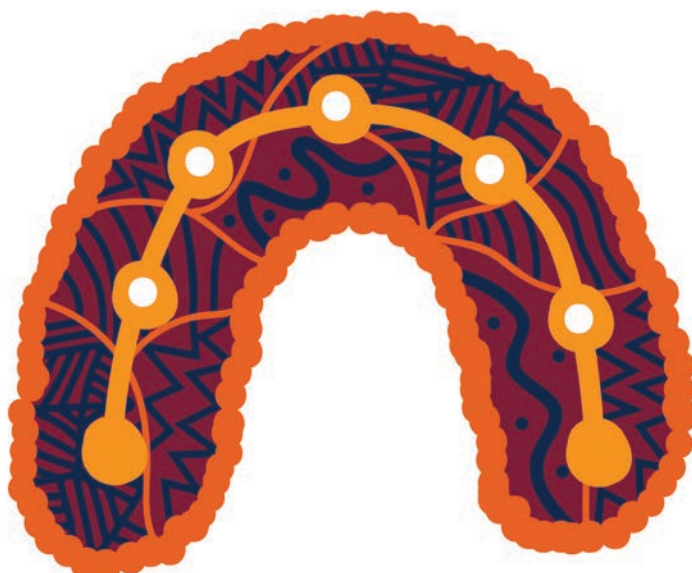
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# GLOSSARY

<b>ADP</b> .....	Alternative Diversion Program
<b>BNGC</b> .....	Brisbane North and Gold Coast
<b>CBRC</b> .....	Cabinet Budget Review Committee
<b>CQ</b> .....	Central Queensland
<b>CRIS-YJ</b> .....	Conferencing and Reporting System, Youth Justice
<b>DJAG</b> .....	Department of Justice and Attorney-General
<b>DCSYW</b> .....	Department of Child Safety, Youth and Women
<b>ICMS-YJ</b> .....	Integrated Client Management System, Youth Justice
<b>FNNQ</b> .....	Far North and North Queensland
<b>FTE</b> .....	Full-time equivalent
<b>M &amp; E</b> .....	Monitoring and Evaluation
<b>PCI</b> .....	Pre-conference Interview
<b>QPS</b> .....	Queensland Police Service
<b>RJ</b> .....	Restorative Justice
<b>SQ</b> .....	Southern Queensland
<b>YJA</b> .....	<i>Youth Justice Act 1992</i>
<b>YJPR</b> .....	Youth Justice Performance and Reporting Team
<b>YLS-CMI: SRV</b> .....	Youth Level of Service-Case Management Inventory: Screening Research Version
<b>YTD</b> .....	Year to date





# Executive summary

# EXECUTIVE SUMMARY

## Introduction

The Restorative Justice Project was established in 2015-16 after an election commitment to reinstate the capacity for courts to refer young offenders to restorative justice conferencing. The 2015-16 State Budget allocated \$23.6 million over four years (2015-16 to 2018-19) to reinstate court referrals and enhance the restorative justice model based on contemporary evidence. Amendments to the *Youth Justice Act 1992* commenced on 1 July 2016, reinstating court-referred restorative justice conferencing and introducing additional court referral pathways.

Key elements of the enhanced restorative justice model include:

- *Better targeting of specific cohorts* including serious offenders, serious offences and young people from older age groups.
- *Reintroducing court referral pathways* and introducing new sentence-based restorative justice interventions for young people subject to supervised orders (e.g. Restorative Justice Orders)
- *Enhancing alternative diversion and early intervention options*, through the introduction of the Alternative Diversion Program (ADP) and working with Queensland Police to support the increased use of cautions
- *Improving the cultural relevance of restorative justice processes* for Aboriginal Torres Strait Islander young people, their families and communities
- *Applying restorative justice principles in other areas* within Youth Justice, such as Youth Detention Centres and Supervised Bail Accommodation Services.

## Project objectives and outcomes

Key project objectives are to:

- increase the availability of restorative justice responses
- increase knowledge of restorative justice processes
- increase Aboriginal and Torres Strait Islander participation in restorative justice processes
- increase community and victim participation in the criminal justice process
- increase the number of restorative justice conferences involving serious offences or offenders.

A summary of expected outcomes is provided in Box 1.

### Box 1. Intended Outcomes

#### System outcomes

- increased diversion of young people from court processes at the earliest opportunity
- increased efficiency in court sentencing and reduced sentencing load for courts
- assisting the court in arriving at an appropriate sentence (s.150 *Youth Justice Act, 1992*)
- reduced cost to the criminal justice system
- reducing the over-representation of young Aboriginal and Torres Strait Islander young people in the criminal justice system

#### Criminogenic outcomes

- reductions in re-offending

#### Wellbeing and social outcomes: Young people, victims and families

- diverting young people to early intervention and support services that address the causes of offending
- healing of relationships and conflict resolution within local communities
- reparative benefits and material restoration
- reintegration of marginalised young people back into their community
- reductions in victim anger, fear of crime and post-traumatic stress.



## Program evaluation: scope and purpose

The purpose of the evaluation is to assess whether the project is on track towards achieving its intended objectives and outcomes. The report examines performance and early outcomes over the first 12 months of project implementation from 1 July 2016 to 30 June 2017. It identifies areas for improvement and outlines recommendations for enhancing the model and service delivery. The questions that guided the evaluation are shown below in Box 2.

### Box 2. Evaluation Questions

- What progress has been made towards achieving intended objectives and outcomes?
- What is the level of demand for restorative justice conferencing?
- Have the intended target group(s) been reached?
  - » Has Aboriginal and Torres Strait Islander participation in restorative justice conferencing increased?
  - » Has there been an increase in the number of restorative justice conferences involving serious offences or offenders?
  - » What are the levels of community and victim participation in restorative justice conferences?
- What outcomes have been achieved in the short-term (i.e. during the first year of implementation)?
- Are participants satisfied with restorative justice conferences?
- How can restorative justice be enhanced or improved?

The data sources that were used to answer the evaluation questions included:

- administrative data from the Conferencing Reporting and Information System (CRIS-YI), Integrated Client Management System (ICMS-YI) and corporate data sets for the first 12 months of project implementation from 1 July 2016 to 30 June 2017
- feedback surveys from 491 conference participants
- interviews with regional and central office staff (n = 14).

## Limitations of current evaluation

This report presents data on the early outcomes achieved during the first year of project implementation. At this stage it is not possible to draw strong causal inferences about outcomes (e.g. reductions in re-offending) without a 'counterfactual' or comparison group.<sup>1</sup> The final evaluation will use a quasi-experimental design and propensity score matching to establish a matched-comparison group (counterfactual). The counterfactual will involve a comparison between young people referred to a restorative justice conference matched to young people who are eligible for a conference but were formally charged and dealt with by the Childrens Court without a conference. The final evaluation will also examine the impact of other variables on re-offending, such as prior offending, age, gender, type of offence, cultural background, criminogenic risk ratings and the impact of other concurrent statutory and non-statutory interventions. This analysis will assist in developing a more nuanced understanding of 'what works for whom, under what circumstances'. Re-offending will also be assessed over a longer timeframe (i.e. one year).<sup>2</sup>

<sup>1</sup> When researchers evaluate the impact of new policies or programs they need to: (1) first determine 'whether something has happened (outcome)'; and (2) second determine 'whether the policy was responsible (attribution).' (HM Treasury, 2011, p. 98). To do this, researchers establish baseline measures and a comparison group (e.g. a 'treatment as usual' group) to provide an estimate of the 'counterfactual' (i.e. what would have happened if the program had not taken place). This involves comparing the outcomes of interest for participants who benefitted from a programme (program beneficiaries or treatment group) with those of a comparison group similar in all other respects to the treatment group.

<sup>2</sup> The Australian Institute of Criminology recommends that reoffending is measured over at least a 12 month period (Richards, 2011). Some researchers have questioned the logic of whether it is possible for short-term interventions, such as restorative justice, to produce large reductions in re-offending over a long period of time when young people may be exposed to other interventions or life events (Braithwaite, 2014).

## Key Findings

### Question 1: What is the level of demand for restorative justice conferencing?

- The re-introduction of court referrals increased demand for restorative justice conferencing (section 3.1.1). The number of referrals increased from 839 referrals (police referrals) in 2015-16 to 2110 referrals in 2016-17 (police and court referrals) – a 151% increase.
- Police and courts contributed equally to the level of demand with a 50:50 ratio of referrals.
- However, the number of state-wide referrals per month during 2016-17 (average = 176; range = 121 to 218) was below the forecast of 245 referrals per month. Regional staff identified several factors that impacted on regional capacity and referral numbers:
  - » There were significant delays in the recruitment, training and accreditation of new staff (54 FTEs) prior to the introduction of court referrals (section 3.1.2).
  - » The timeframe for training and accrediting new staff is generally a minimum of three months. However, the volume of new recruits in the second half of 2016 and the limited number of experienced staff available to accredit new staff meant that the timeframe took longer. As a result there was a shortage of accredited staff available to convene the high volume of referrals after 1 July 2016. This resulted in referral backlogs in some locations (e.g. Mt Isa, the Remote FNNQ Team, Toowoomba, and the Tablelands and Cassowary Coast). In some instances, regional staff had to approach local magistrates and police to request a temporary freeze in new referrals until backlogs were cleared.
  - » The temporary nature of employment contracts (54 FTEs) impacted on staff retention. Temporary conferencing staff applied for and won permanent positions elsewhere (e.g. the new positions created to support the transition of 17-year olds). As a result, there were staff vacancies in seven service centres during 2017 and early 2018, which impacted on program capacity. Recruitment of new staff can be difficult in remote areas.
  - » Service centres and regions that retained an experienced and accredited conferencing workforce after the abolishment of court referrals in 2013 were in a better position to manage the increased demand after 1 July 2016 (e.g. Brisbane North Gold Coast Region).
  - » The Brisbane North Gold Coast (BNGC) and Southern Queensland (SQ) Regions sent accredited convenors to other locations to assist in managing referral backlogs and accrediting new staff, which impacted on their own capacity during the project start-up phase.
  - » The current staff allocation model and business formula was developed in 2004-05 and does not reflect the increased complexity of referrals (section 3.1.6) and variations in remote versus non-remote service delivery. A new model needs to be developed to reflect the changing profile of young offenders being referred to conferencing (e.g. more serious offenders) (section 6.2).

### Question 2: Have the intended target groups been reached?

#### Has Aboriginal and Torres Strait Islander participation in restorative justice conferencing increased?

- Referrals for Aboriginal and Torres Strait Islander young people increased from one in three referrals over the past four years to one in two referrals (48%) during 2016-17.
- However, there were disparities in the type of restorative justice referrals that Aboriginal and Torres Strait Islander young people received (section 3.1.5). Compared to their non-Indigenous counterparts, Aboriginal and Torres Strait Islander young people were more likely to receive court-based referrals at later stages of the criminal justice process, including court diversion referrals (33% versus 24%) and sentence-based restorative justice orders (18% versus 7%). Further research is required to identify barriers which prevent young Aboriginal and Torres Strait Islander people from accessing early diversion options and to examine the impact of prior offending history, offence seriousness and previous cautions on diversionary rates.

### Has there been an increase in the number of restorative justice conferences involving serious offences or offenders?

- A total of 7092 distinct offences were referred to restorative justice conferencing during 2016-17. The most frequently referred offences (60%) were property offences (n = 4242 offences) (section 3.1.6).<sup>3</sup>
- More than a third of offences (41%) in 2016-17 involved 'high seriousness' offences.<sup>4</sup>
- There has been an increased trend in the seriousness of offences referred by police over the past five years, with the proportion of 'high seriousness' offences rising from 34% in 2012-13 to 45% in 2016-17. However, it is not possible to establish a trend for court referrals due to discontinuity in the data collection linked to the abolishment of court referrals on 1 January 2013. Thirty-six per cent of court-referred offences were ranked as 'high seriousness' offences in 2016-17 (section 3.1.6).

### What are the levels of community and victim participation in restorative justice conferences?

- Over half (55%) of the conferences in 2016-17 involved direct victim participation (section 3.3.4). If convenors were unable to arrange the direct participation of victims, other forms of representation were utilised, such as pre-recorded communication from victims, family representatives advocating on behalf of the victim or community representatives advocating on behalf of victims of crime (section 3.3.2).
- The majority of conferences involved family support for young people, including parents (78% of conferences), immediate family members (9%) and other family members (3%).

### What outcomes have been achieved in the short-term (i.e. during the first year of implementation)?

- Restorative justice resulted in a number of positive reparative benefits for victims and communities including apologies, restitution, completion of volunteer work and young people participating in therapeutic or educational programs. There was a high rate of compliance in the completion of agreements (section 3.4). Ninety-six per cent of all finalised agreements were completed during 2016-17.
- Restorative justice conferencing had a positive impact on re-offending rates:
  - » 59% of distinct young people (n=300) who completed a conference between 1 July 2016 to 31 December 2016 did *not* reoffend within six months of their conference (41% reoffending rate) (section 4.1)<sup>5</sup>
  - » 7% showed a *substantial decrease* in the magnitude<sup>6</sup> of their re-offending
  - » 11% showed a *slight decrease* in the magnitude of their re-offending
  - » In total, 77% of young people *either* did not reoffend or showed a decrease in the magnitude of their reoffending (section 4.1.2).
- Restorative justice contributed towards more efficient court processes (section 4.2). The referral pathways enabled young people to be (i) diverted away from the criminal court (656 diversions via police referrals); (ii) diverted during court proceedings (66 diversions via section 24A referrals); and (iii) diverted away from formal sentencing (312 diversions via court diversion referrals) (section 4.2.2). In the absence of an alternative process, such as restorative justice conferencing, these referrals would have been dealt with by traditional court processes and may have resulted in more costly and intensive court outcomes (e.g. supervised orders or detention orders). The outcome evaluation will examine diversion rates in more detail and calculate the financial benefits (cost-savings) associated with referring young offenders to restorative justice conferencing compared to court. It will also examine the sentencing outcomes associated with pre-sentence and sentence-based (RJO) referral pathways.

<sup>3</sup> Offence grouping is an artificial construct devised by Youth Justice Performance Reporting (YJPR). Offence groupings include 'Drug', 'Fraud', 'Property', 'Public Order', 'Sexual', 'Traffic and Motor Vehicle', 'Violent' and 'Other'. Offences categorised under the YJPR offence grouping may, in some cases, differ to the ASOC divisional description (e.g. Unlawful Take Away Goods (Maximum \$150) and Fare Evasion which are treated as 'Theft and other offences' under ASOC). Some of the terminology varies from the terms used in Queensland legislation.

<sup>4</sup> YJPR developed three categories of 'offence seriousness' based on the Australian Bureau of Statistics (ABS) National Offence Index (NOI). The categories include: high, medium and low.

<sup>5</sup> This measure is based on the degree of change in offending magnitude (pre- versus post-conference) for all distinct young people who participated in a conference where agreement was reached for all offences.

<sup>6</sup> 'Offending magnitude' is a new composite measure developed by Youth Justice Performance and Reporting (YJPR) that is based on the young person's offending frequency and offence seriousness for each measurement period (section 4.1).

## Are participants satisfied with restorative justice conferences?

- Young people and victims reported high levels of satisfaction with the conference process (section 5). The majority of respondents 'agreed' or 'strongly agreed' that they: 'were treated fairly at the conference' (young people = 93%; victims = 94%); 'felt safe at the conference' (young people = 92%; victims = 94%); and 'had a genuine say in what went into the agreement' (young people = 89%; victims = 93%); Most victims (89%) and young people (85%) also indicated they were 'satisfied with the outcome of the conference'.
- Young people identified positive learnings, such as an increased sense of empathy (i.e. understanding the impact of their actions on other people) and accountability.

## Areas for Improvement

This report makes the following suggestions in order to strengthen program design and service delivery.

Challenges or issues	Areas for improvement
<ul style="list-style-type: none"> <li>• The average number of state-wide referrals per month during 2016-17 was below the forecast number of referrals (245 referrals per month) provided in the 2015-16 budget submission.</li> </ul>	<ol style="list-style-type: none"> <li>1. That current regional strategies to address backlogs, boost local capacity and increase referrals are continued and strengthened. Any strategy to boost referrals needs to be targeted to appropriate referrals (i.e. referrals where victims and young people will benefit from restorative justice).</li> </ol>
<ul style="list-style-type: none"> <li>• There is a risk that the department will be unable to meet increases in demand associated with the transition of 17 year olds to the Youth Justice system. Given that restorative justice can be more effective for older offenders than young offenders (Strang et al., 2013), the volume of referrals for 17 year olds may be expected to increase over time.</li> <li>• The commencement of work by the Queensland Police Service (funded in the 2017-18 budget) to increase the use of options for police pre-court finalisation (including use of cautions and conferencing) is expected to further increase demand for restorative justice conferencing during 2018-19.</li> </ul>	<ol style="list-style-type: none"> <li>2. That the department utilise existing reporting frameworks to monitor restorative justice conferencing including: capacity, demand, risks and the potential impact of other initiatives and reforms (e.g. the transition of 17 year olds and work by the Queensland Police Service to increase pre-court finalisation).</li> </ol>

Challenges or issues	Areas for improvement
<ul style="list-style-type: none"> <li>• There were disparities in the type of restorative justice referrals that Aboriginal and Torres Strait Islander young people and non-Indigenous young people received during 2016-17. Aboriginal and Torres Strait Islander young people were more likely to receive sentence-based court referrals at a later stage of the criminal justice process.</li> <li>• There is also a disproportionate number of Aboriginal and Torres Strait Islander young people referred to conferencing between the ages of 10 to 13 years.</li> </ul>	<ol style="list-style-type: none"> <li>3. That the department strengthens consultation with Queensland Police and the Aboriginal and Torres Strait Islander Legal Service (ATSILS), particularly with respect to: <ul style="list-style-type: none"> <li>» increasing the number of police referrals for Aboriginal and Torres Strait Islander young people to conferencing (i.e. pre-court diversions)</li> <li>» promoting the uptake of diversionary options via ATSILS and the Youth Legal Advice Line<sup>a</sup></li> <li>» understanding the causes and implications of the disproportionate number of young children (10 to 13 years) from Aboriginal and Torres Strait Islander backgrounds who are referred to conferencing.</li> </ul> </li> <li>4. That the department work in partnership with Aboriginal and Torres Strait Islander communities to improve the cultural responsiveness of restorative justice processes.</li> <li>5. That consideration be given to undertaking a practice and training needs assessment to determine whether frontline conferencing staff require further practice resources and training to ensure: <ul style="list-style-type: none"> <li>(i) that restorative justice processes are appropriate in meeting the developmental needs of children (10 to 13 years); and (ii) that staff have the necessary capabilities to work in culturally safe and competent ways to meet the needs of Aboriginal and Torres Strait Islander young people and their families.</li> </ul> </li> </ol>
<ul style="list-style-type: none"> <li>• A high proportion (60%) of young people referred to restorative justice conferencing obtained moderate to high risk ratings on the Youth Level of Service/Case Management Inventory: Screening Research Version (YLS-CMI SV or Brief Screener).</li> </ul>	<ol style="list-style-type: none"> <li>6. That consideration be given to increasing the capacity of Restorative Justice Teams to identify the needs of 'at risk' young people and their families and provide assisted referrals to other early intervention, community support and government services.<sup>b</sup></li> </ol>
<ul style="list-style-type: none"> <li>• There has been a level of confusion about the purpose of the Alternative Diversion Program (ADPs). During 2016-17, only 69 ADPs were recorded across the state between 1 July 2016 and 31 March 2017.</li> </ul>	<ol style="list-style-type: none"> <li>7. The department should review the policy framework for ADPs to increase the usefulness of this diversion option and review the value of indirect victim representation (e.g. by community organisations with no direct link to a victim). Consideration could be given to reviewing the legislation to enhance the suitability of ADPs as a diversionary option for young people and referring agencies.</li> </ol>

Challenges or issues	Areas for improvement
<ul style="list-style-type: none"> <li>The quality of the restorative justice (CRIS-YJ) data is compromised in relation to the capture of ADPs, ‘conference participant types’ and ‘agreement status’ (i.e. whether agreements are open, completed or not completed).</li> </ul>	<p><b>8.</b> An ongoing data improvement strategy is needed to (i) improve data quality for performance reporting and evaluation and (ii) inform the development of the new system that will replace CRIS-YJ.</p>

*Notes:*

- a. Early anecdotal feedback suggests that uptake of restorative justice through the Youth Legal Advice Line is positive.
- b. It is not the role of restorative justice convenors to provide case management. This would compromise their independence during the conference process. However, convenors are required to screen young people for criminogenic risk and needs during pre-conference interviews and can assist ‘at risk’ young people and families through referrals to community services, Youth Justice Services (i.e. for young people under supervised or detention orders) and other government agencies.



# ONE Introduction

# 1. Introduction

At the 2015 election, the Queensland Government committed to reinstating the capacity for courts to refer young offenders to restorative justice conferencing. The 2015-16 State Budget allocated \$23.6 million over four years (2015-16 to 2018-19) to reintroduce court referrals and enhance the restorative justice model based on contemporary evidence. This report presents the findings of a 12-month evaluation of the Restorative Justice Project. The purpose of the evaluation is to assess whether the project is on track towards achieving its intended objectives and outcomes. The report examines performance over the first 12 months of implementation, early outcomes, key challenges and areas for further improvement. The report was prepared by the Restorative Justice Evaluation Team, Youth Justice, Department of Child Safety, Youth and Women.

## 1.1. What is Restorative Justice?

Restorative justice has been defined in various ways. Queensland Youth Justice utilises Marshall's (1999) definition:

*A process whereby parties with a stake in a specific offence collectively resolve how to deal with the aftermath of the offence and its implications for the future (p. 1).*

Restorative justice is now well established in international and national criminal justice systems. Restorative justice practices include conferencing, circle sentencing and victim-offender mediation (Larsen, 2014). Restorative processes are also used to resolve conflict in a range of other settings, such as schools, prisons, workplaces and in international criminal law (United Nations Office on Drugs and Crime, 2006). Restorative justice conferencing for young offenders is available in all states and territories in Australia (Larsen, 2014).

A *restorative justice conference* involves a meeting between a young person who has committed an offence, the victim(s) of the offence, a trained convenor and support people for both parties. Other participants may include the young person's parents or carers, family members, police officers, legal representatives, Elders, representatives from Community Justice Groups and respected members of the community. The conference provides a safe and neutral environment where the parties can discuss the offence and reach agreement on ways in which the harm can be repaired. The process aims to help young people to take responsibility for their offending and gain insights that will help to change their future behaviour. Restorative justice conferencing also provides victims with a voice and is beneficial in repairing harm, healing relationships, linking young people to a 'community of care' and helping marginalised young people to reintegrate back into their community.

## 1.2. Conferencing in Queensland

Conferencing was first piloted in Queensland in 1997 in three locations and provided a mix of diversionary and sentencing options. Police could divert young people from the court system by referring them to a conference, while the courts could divert young people, order a pre-sentence conference or make an indefinite referral when dealing with a charge (Larsen, 2014). The pilot was expanded to a number of additional locations across Queensland after a successful evaluation (Hayes, Prenzler & Wortley, 1998). Due to a significant increase in demand following legislative changes and resultant concerns regarding stakeholder confidence in the program in areas where demand exceeded the existing structure's capacity to comply, the program underwent further changes to its service delivery structure in 2006 to better support coverage across the state.

Court-referred conferencing ceased in 2013 as part of the then government's election commitment.<sup>7</sup> Following amendments to the *Youth Justice Act 1992* (commencing on 1 January 2013), young people could only be referred to a conference by a police officer.

<sup>7</sup> Restorative justice conference and diversionary courts (i.e. Murri Court, Special Circumstances Court and the Drug Court) were abolished in order to save the direct funding costs of the initiatives (Legal Affairs and Community Safety Committee, 2014).



### 1.3. Reinstatement of court-referred conferencing

At the 2015 election, the Queensland Government committed to reinstating diversionary processes, including court-referred restorative justice conferencing and Diversionary Courts (i.e. Murri Court, Special Circumstances Court and the Drug Court). Some of the key drivers for reinstating court-referred conferencing are highlighted below in Box 3.

#### Box 3. Key drivers for reinstating court-referred conferencing

- The Legal Affairs and Community Safety Committee (November 2014) raised concerns about the removal of court-ordered youth justice conferencing. The committee recommended that the Government at the time:
  - » *give consideration to reviewing the range of restorative justice and diversionary programs available, based on current evidence, to ensure the most effective options are implemented to achieve the best outcomes for Queenslanders*
  - » *recognise the benefits that can be obtained from a restorative justice approach and the potential savings to the criminal justice system that diversionary programs can deliver*
  - » *commit to robust evaluation of restorative justice and diversionary programs currently in operation to ensure programs are cost effective and deliver effective outcomes* (pp. xi-xii).
- The President of the Childrens Court of Queensland urged the government to reconsider the abolition of court-ordered conferencing due to the following impacts on the court system:
  - » an increase in the number of charges against young people being dealt with by the courts. The removal of court-referred conferencing was seen as one of the contributing factors.
  - » a short-term increase in low tariff sentencing options, which consisted of court imposed community based orders
  - » removing a mechanism used by courts to divert young people from the court system (Childrens Court of Queensland Annual Report 2013-14).
- The abolition of court-referred conferencing also removed the option for victims of serious offences to participate in restorative justice processes and limited the information available to the court to assist in determining appropriate sentencing options.

### 1.4. Restorative Justice Project

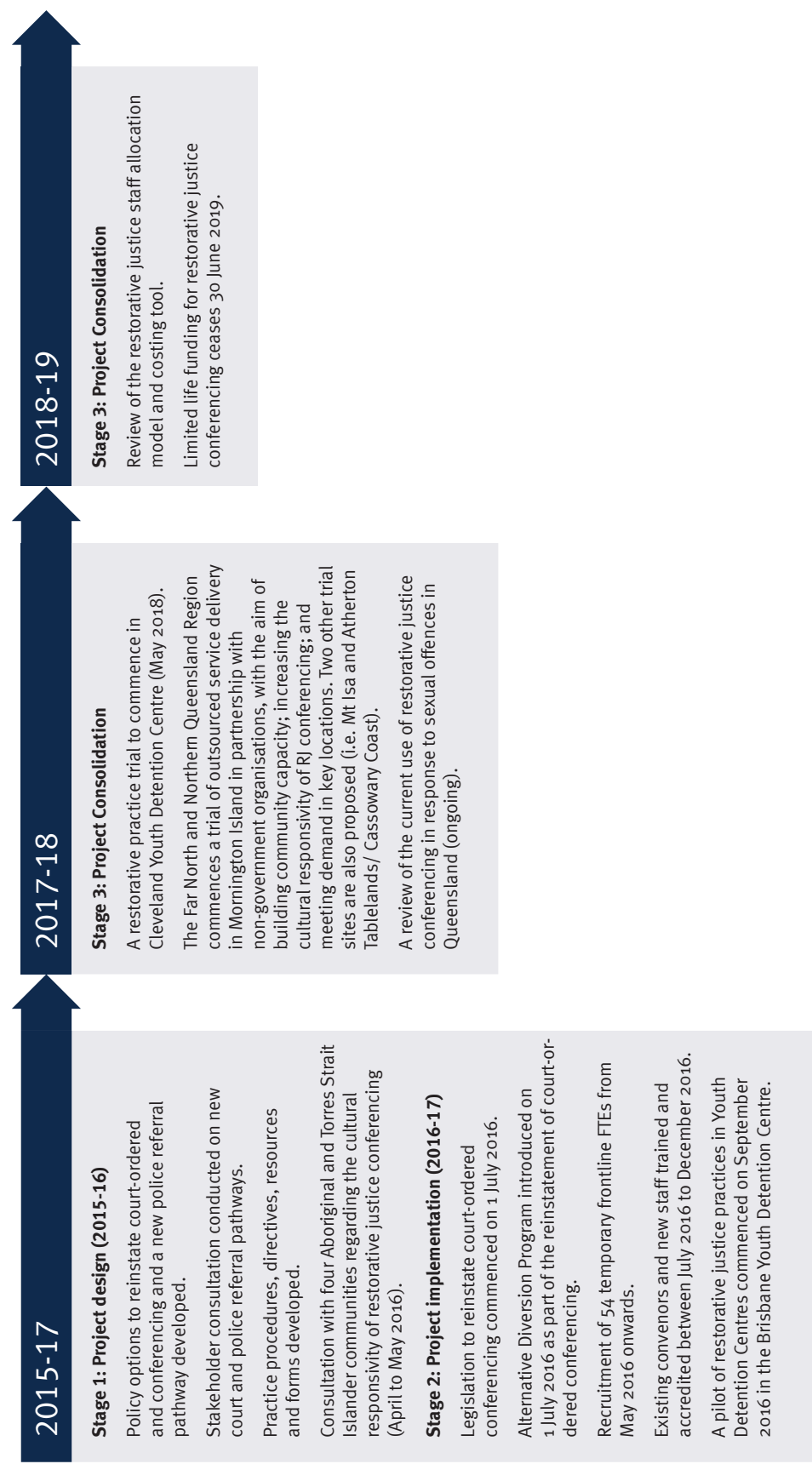
The State Budget 2015-16 allocated \$23.6 million over four years (2015-16 to 2018-19) to reinstate court referrals and enhance the restorative justice model based on contemporary evidence. Amendments to the *Youth Justice Act 1992* commenced on 1 July 2016. The amendments reinstated court-referred restorative justice conferencing and introduced additional court referral pathways.

Key elements of the enhanced restorative justice model include:

- *Better targeting of specific cohorts* including serious offenders, serious offences and young people from older age groups.
- *Reintroducing court referral pathways* and introducing new sentence-based restorative justice interventions for young people subject to supervised orders (e.g. Restorative Justice Orders)
- *Enhancing alternative diversion and early intervention options*, through the introduction of the Alternative Diversion Program (ADP) and working with Queensland Police to support the increased use of cautions
- *Improving the cultural relevance of restorative justice processes* for Aboriginal Torres Strait Islander young people, their families and communities
- *Applying restorative justice principles in other areas* within Youth Justice, such as Youth Detention Centres and Supervised Bail Accommodation Services.

The Restorative Justice Project is being implemented through a staged approach over a four year timeframe (2015-16 to 2018-19). Figure 1 outlines the key stages of the project.

Figure 1: Project Implementation



## 1.5. Project Objectives

The goal of the project is to reduce reoffending of young people by expanding and enhancing restorative justice processes in Queensland.

Key objectives are to:

- increase the availability of restorative justice responses
- increase knowledge of restorative justice processes
- increase Aboriginal and Torres Strait Islander participation in restorative justice processes
- increase community and victim participation in the criminal justice process
- increase the number of restorative justice conferences involving serious offences or offenders.

## 1.6. Expected outcomes

A summary of expected outcomes is provided in Box 4.

### Box 4. Intended Outcomes

#### System Outcomes

- increased diversion of young people from court processes at the earliest opportunity
- increased efficiency in court sentencing and reduced sentencing load for courts
- assisting the court in arriving at an appropriate sentence (s.150 *Youth Justice Act, 1992*)
- reduced cost to the criminal justice system
- reducing the over-representation of young Aboriginal and Torres Strait Islander young people in the criminal justice system

#### Criminogenic outcomes

- reductions in re-offending

#### Wellbeing and social outcomes: Young people, victims and families

- diverting young people to early intervention and support services that address the causes of offending
- healing of relationships and conflict resolution within local communities
- reparative benefits and material restoration
- reintegration of marginalised young people back into their community
- reductions in victim anger, fear of crime and post-traumatic stress.

## Reductions in re-offending

Evidence supporting the effectiveness of restorative justice conferencing in reducing reoffending remains ‘mixed’ (Larsen, 2014; Smith & Weatherburn, 2012; Livingstone, Macdonald & Carr, 2013).<sup>8</sup> A recent meta-analysis of 12 randomised controlled trials of restorative justice conferencing found that conferencing is associated with a ‘modest but highly cost-effective reduction’ in the frequency of re-offending (Sherman et al., 2015; see also Strang

<sup>8</sup> The mixed results may be partly due to methodological factors and research involving different target groups and restorative justice models. Some studies are limited by small sample sizes, selective attrition, limited controls for selection bias, ‘ambiguous comparison groups’ and limited power (Larsen, 2014; Braithwaite, 2014). A rigorous meta-analysis examining the impact of restorative justice conferencing on recidivism for the Campbell Collaboration by Strang et al. (2013) found that nine out of 10 randomised controlled trials resulted in a modest but statistically significant reduction in reoffending. These results are similar to a previous meta-analysis of over 30 studies by Latimer, Dowden and Muise (2001) and a meta-analysis by Bonta et al., (2006) which both found modest but significant reductions in reoffending. As noted by Braithwaite (2014), discrepancies in findings may have arisen because previous studies did not have the necessary statistical power to detect small to moderate effect sizes (i.e. due to small sample sizes). By contrast the meta-analyses, with their combined data sets have greater statistical power and are able to detect significant reductions in offending.

et al., 2013). However, effects vary according to different target groups and offences. Relative to control groups, conferencing usually fails to reduce reoffending for minor property crime, but consistently reduces reoffending for violent or personal crimes (Sherman et al., 2015). It has the biggest effects with high-frequency offenders, but less impact on young people with medium rates of offending (Sherman et al., 2015; Larsen, 2014). Restorative justice may also be more effective for older offenders than young offenders (Strang et al., 2013).

A growing body of evidence from longitudinal studies also shows that young people who are initially diverted through cautions or police-referred conferences are less likely to re-offend and have future re-contact with the criminal justice system compared to young people who are adjudicated through the courts (Allard et al., 2010; Cunningham, 2007; Jordan & Farrell, 2013, Ericson & Vinson, 2010). Hennessey and Daly (2004) likewise found that very young offenders (i.e. 10-12 years) with no prior offences who participate in a conference are less likely to reoffend compared to young people whose first intervention is a criminal justice intervention, suggesting that conferencing is ‘an effective intervention in helping young first-time offenders grow out of crime more quickly’ (p. 22).

### ***Social and Well-being Outcomes***

Much of the evidence about the effectiveness of conferencing is based on the assessment of criminogenic outcomes, such as reductions in reoffending. However, an exclusive focus on reoffending fails to capture other important benefits for victims, young people, families and communities, such as offenders taking responsibility for their actions, reparative benefits, the reintegration of marginalised young people back into their community and conflict resolution within local communities (Suzuki & Wood, 2017, p. 7; Larsen, 2014; Cunneen & Luke, 2007).

Restorative justice can promote healing and assist victims to recover from harm. Research demonstrates several positive victim outcomes associated with restorative justice, such as reductions in fear, post-traumatic stress symptoms, vengefulness and anger, as well as improved perceptions of safety and higher levels of satisfaction compared to conventional criminal justice processes (Beven et al., 2011; Strang et al., 2012; McGarrell & Hipple, 2007; Shapland et al, 2006).

Lastly, restorative justice can empower and strengthen families by allowing them to actively participate in the criminal justice process and be involved in the decision-making about their child’s offending behaviour. The involvement of Elders, family and community members can help to reduce feelings of isolation and shame, and provide families with an additional avenue of support after the conference (Richards, 2017; White, 2003).

A program logic is provided in Appendix 1 that maps the key outcomes of restorative justice conferencing for victims, young people and families. The logic has been used to guide the development of the evaluation framework for the outcome evaluation.



## TWO

# Purpose of the Evaluation

## 2. PURPOSE OF THE EVALUATION

### 2.1. Scope and purpose of the evaluation

The purpose of the twelve-month program evaluation is to assess whether the restorative justice initiative is on track towards achieving its intended objectives and outcomes. The report examines service delivery trends, performance and interim outcomes over the first 12 months of project implementation from 1 July 2016 to 30 June 2017.<sup>9</sup> It presents participant feedback about restorative justice conferencing and identifies areas for improvement.

Findings from the evaluation will be used to:

- build a robust evidence base to inform future policy and program enhancements
- monitor levels of demand and service delivery
- identify any emerging risks or issues
- support continuous improvement in service delivery
- identify data gaps and inform planning for the outcome evaluation.

### 2.2. Evaluation Questions

The questions that guided the evaluation are outlined below in Box 5.

#### Box 5. Key Evaluation Questions

##### **Headline question:**

- What progress has been made towards achieving intended objectives and outcomes?

##### **Key questions:**

- What is the level of demand for restorative justice conferencing?
- Have the intended target group(s) been reached?
  - » Has Aboriginal and Torres Strait Islander participation in restorative justice conferencing increased?
  - » Has there been an increase in the number of restorative justice conferences involving serious offences or offenders?
  - » What are the levels of community and victim participation in restorative justice conferences?
- What outcomes have been achieved in the short-term (i.e. during the first year of implementation)?
- Are participants satisfied with restorative justice conferences?
- How can data quality be improved?
- How can restorative justice be enhanced or improved?

### 2.3. Method and data sources

The data sources that were used to answer the evaluation questions are described below. The evaluation used a mixed-methods approach and gathered a mix of quantitative and qualitative data. Where possible, the different methods were triangulated to strengthen the findings and provide additional context for interpreting data trends.

<sup>9</sup> The final outcome evaluation will examine the cost-effectiveness of restorative justice conferencing during the second year of implementation (2017-18). By this stage, the program should be sufficiently mature to assess throughputs, costs, outcomes and financial benefits.

### 2.3.1. Administrative data

Administrative data provided information about service delivery trends, including:

- Conferencing Reporting and Information System (CRIS-YJ) and corporate data sets
- Integrated Client Management System (ICMS-YJ) and corporate data sets
- Restorative Justice Evaluation database.<sup>10</sup>

Data was extracted from CRIS-YJ and ICMS-YJ for the reference period from 1 July 2016 to 30 June 2017. Data was excluded if it was not entered into CRIS-YJ prior to the extraction date. Some data sets in CRIS-YJ have not previously been used for reporting purposes (e.g. agreement data) and therefore underwent extensive testing and validation prior to their use in this report.

### 2.3.2. Conference participant feedback surveys

Young people, victims and other conference participants (e.g. police, Elders or service providers) were invited to complete a Restorative Justice Exit Survey at the end of their conference. The surveys sought participant feedback regarding procedural fairness, changes in empathy, satisfaction with conference outcomes, and suggestions for improving restorative justice processes. The surveys were self-administered to ensure an unbiased response from participants. Convenors helped to administer surveys if requested or if literacy levels prevented self-completion. A total of 491 responses were received from 1 January 2017 to 30 June 2017.

### 2.3.3. Stakeholder interviews

Unstructured interviews were undertaken with departmental staff (n = 14) involved in the design and delivery of the project. The interviews were used to gather in-depth information regarding practice, project challenges and areas for improvement. The evaluators also sought additional contextual information from the Restorative Justice Evaluation Advisory Group<sup>11</sup> and the Restorative Justice Project Board<sup>12</sup> to help understand findings and trends that emerged from the quantitative data.

## 2.4. Limitations of the evaluation

There are a number of caveats that should be noted in relation to the evaluation findings:

- This report presents preliminary data on the early outcomes achieved by the Restorative Justice Project. At this stage it is not possible to draw strong causal inferences about these outcomes without a 'counterfactual'.<sup>13</sup> The final evaluation will use a quasi-experimental design and propensity score matching to establish a matched-comparison group (counterfactual). The counterfactual will involve a comparison between young people referred to a restorative justice conference matched to young people who are eligible for a conference but were formally charged and dealt with by the Childrens Court without a conference. The final evaluation will also examine the impact of other variables on program outcomes, such as prior offending, age, sex, type of offence, cultural background, criminogenic risk ratings and the impact of other concurrent statutory and non-statutory interventions. Outcomes will be assessed over a longer timeframe (i.e. one year).<sup>14</sup>

<sup>10</sup> The Restorative Justice Evaluation database was established in 2016 to record participant feedback surveys and data from the Youth Level of Service/Case Management Inventory: Screening Research Version (YLS-CMI: SRV) tool.

<sup>11</sup> The RJ Evaluation Advisory Group is comprised of regional staff and representatives from policy, program and training units in Youth Justice. The purpose of the group is to provide technical and subject matter advice on the design and implementation of the restorative justice evaluation.

<sup>12</sup> The Restorative Justice Project Board provides oversight for restorative justice conferencing and is comprised of the Youth Justice Assistant Director-General, Regional Directors and Senior Suppliers.

<sup>13</sup> When researchers evaluate the impact of new policies or programs they need to: (1) first determine 'whether something has happened (outcome)'; and (2) second determine 'whether the policy was responsible (attribution).' (HM Treasury, 2011, p. 98). To do this, researchers establish baseline measures and a comparison group (e.g. a 'treatment as usual' group) to provide an estimate of the 'counterfactual' (i.e. what would have happened if the program had not taken place). This involves comparing the outcomes of interest for participants who benefitted from a programme (program beneficiaries or treatment group) with those of a comparison group similar in all other respects to the treatment group.

<sup>14</sup> The Australian Institute of Criminology recommends that reoffending is measured over at least a 12 month period (Richards, 2011).

- The quality of the restorative justice (CRIS-YJ) data is compromised in relation to Alternative Diversion Programs (ADPs), 'conference participant types' and 'agreement status' (i.e. open, completed, not completed). A data improvement strategy is being developed and implemented to promote greater consistency in data entry practices, ensure clarity around data definitions and identify future system improvements needed to enhance the quality of restorative justice data.
- Data for some items are based on limited samples (e.g. Youth Level of Service/Case Management Inventory: Screening Research Version) and may not be fully representative of the full cohort of program beneficiaries. The final evaluation report will draw upon a larger sample size.
- There are limitations with the design of the participant survey. The survey questions changed across the first three quarters of 2016-17. As a result, it is not possible to aggregate data or to compare performance with previous years.





# THREE Trends in service delivery

## 3. TRENDS IN SERVICE DELIVERY

This chapter provides an overview of service delivery trends and performance over the first 12 months of project implementation from 1 July 2016 to 30 June 2017. It covers referral patterns, the key demographics of young people referred to restorative justice, throughputs and conference (agreement) outcomes.

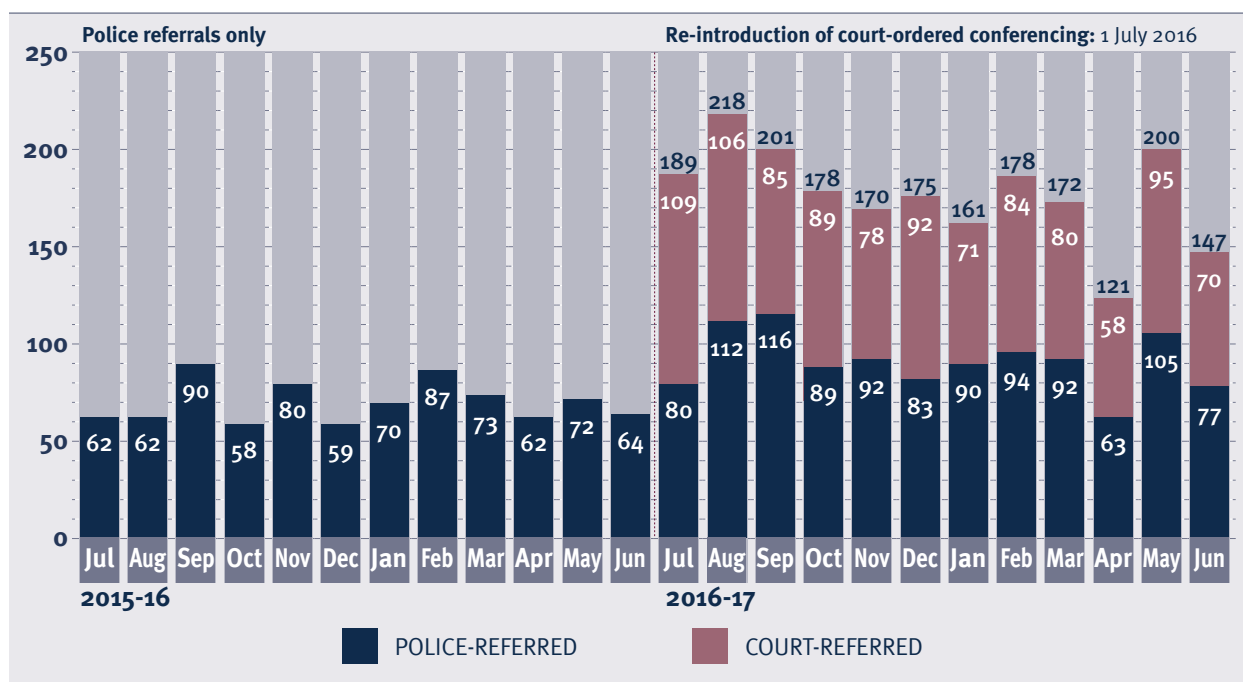
### 3.1. Referrals

**What is the level of demand for restorative justice conferencing?**

#### 3.1.1. Number of referrals

There was a substantial increase in the number of state-wide referrals after the reinstatement of court referrals on 1 July 2016, from 839 referrals (police only) in 2015-16 to 2,110 referrals (police and court) in 2016-17, representing a growth rate of 151%. As shown in Figure 2, the flow of referrals from the courts commenced immediately from July 2016 onwards. Referrals initially peaked during August (n = 218) and September (n = 201) before plateauing across most regions.

**Figure 2: Number of referrals received per month, 2015-16 and 2016-17.**



*Note:* Court referrals include court-diversion referrals, pre-sentence referrals, Restorative Justice Orders and S24A referrals.

*Source:* YJPR, DCSYW (Reference: Restorative Justice – Interim Outcome Evaluation).

#### 3.1.2. Referral forecasts

**Have project targets (referral forecasts) been reached?**

Youth Justice commissioned the development of a business formula in 2004-05 to assist in calculating staffing requirements. The formula calculates the required number of frontline full-time equivalent (FTE) positions and associated costs based on the number of conference referrals per month and was approved by Queensland Treasury. Under the model's assumptions, the number of referrals per convenor is calculated at six referrals per month. The 2015-16 restorative

justice funding submission forecast an average of 245 state-wide referrals per month <sup>15</sup> (2940 court and police referrals per annum) following the reintroduction of court-referred conferencing based on this formula and an establishment of 117 FTEs.<sup>16</sup>

The number of state-wide referrals per month during 2016-17 (average = 176; range = 121 to 218) was below the forecast of 245 referrals per month during 2016-17 (Table 1).

**Table 1: Number of distinct referrals received per month in 2016-17 by region**

Region <sup>a</sup>	Jul 16	Aug 16	Sep 16	Oct 16	Nov 16	Dec 16	Jan 17	Feb 17	Mar 17	Apr 17	May 17	Jun 17	Annual totals	Average (per month)	Forecasts <sup>a</sup> (number of referrals per month)
Brisbane North and Gold Coast	60	62	62	54	72	58	54	62	61	55	64	60	724	60	45
Far North and North Queensland	55	72	75	56	39	45	40	41	40	29	49	30	571	48	48
Southern Queensland	28	47	38	46	35	41	34	38	44	24	52	35	462	39	58
Central Queensland	46	37	26	22	24	31	33	37	27	13	35	22	353	29	42
State-wide totals per month	189	218	201	178	170	175	161	178	172	121	200	147	2110	176	245

**Notes:**

1. This measure is a count of the distinct number of referrals.

2. Data is for referrals received on or after 1 July 2016.

a. Regional forecasts were sourced from the 2015-16 business model used to calculate regional establishments. However, these forecasts varied from the Regional Restorative Justice Plans (2016-17) and targets provided by regions for the Interim Review of the Restorative Justice Project (BNGC = 42; FNNQ = 40; SQ = 40 and CQ = 33). When regional forecasts are aggregated (n = 193), they do not add up to the state-wide forecast (n = 245). The 2015-16 CBRC budget submission specified a state-wide forecast of an average of 245 referrals per month, but did not specify regional forecasts.

Source: YJPR (Reference: Restorative Justice – Interim Outcome Evaluation October 2017), DCSYW.

Regional and central office staff identified several factors that impacted on referral numbers and capacity to meet local demand (Box 6).

Appendix 3 (Table 23) provides recent referral data from 1 July 2017 to 31 March 2018. The average number of state-wide referrals per month has increased to 185. The average number of referrals per month to the Brisbane North and Gold Coast (BNGC) Region has increased to 80, with the volume increasingly sharply between November 2017 to March 2018 (ranging from 81 to 108 referrals per month). The average number of referrals per month for other regions has remained below forecasts (Central Queensland average referrals per month = 23; Far North and North Queensland = 43; Southern Queensland = 40). Regions implemented strategies to boost referral numbers in March 2018. The data from this period of time (1 July 2016 to 31 March 2017) would not capture the impact of these strategies.

<sup>15</sup> The forecasts were derived from 2011-12 referrals data when conferencing was operating at full organisational capacity. Data from 2011-12 is the last available data prior to court-referred conferencing being removed from the legislation.

<sup>16</sup> The business formula calculated the number of frontline FTEs required to support the reintroduction of court-referred conferencing. It increased the number of FTEs from 55 FTEs in 2015-16 to 117 FTEs in 2016-17. The 117 FTEs comprised 55 permanent conferencing staff employed prior to 1 July 2016 and 62 new temporary FTEs.

### Box 6. Factors that impacted on referrals and capacity during project implementation

Regional capacity to meet service demand was impacted by the following factors:

- There were significant delays in the recruitment, training and accreditation of new frontline staff (54 FTEs) prior to the introduction of the legislative amendments. Recruitment was originally scheduled to commence in February 2016. However, recruitment for new positions was not approved until May 2016 due to delays in the allocation of regional budgets, debate over the classification of convenors, and an embargo on advertising by the Union on April 2016 due to union members' concerns about the roles. Additionally, there was no consistent statewide recruitment tool. Regions that utilised a practical skills assessment to recruit staff were able to move staff through to accreditation much faster (e.g. BNGC model). Moving forwards a consistent model of recruitment needs to be developed to streamline this process that is in line with Restorative Justice accreditation skill set expectations.
- The timeframe for training and accrediting new staff is generally a minimum of three months, although the volume of new recruits in the second half of 2016 and the limited number of experienced staff available to accredit new staff meant that the timeframe took longer. As a result there was a shortage of accredited staff available to convene the high volume of referrals after 1 July 2016. This resulted in referral backlogs in some locations (e.g. Mt Isa, the Remote FNNQ Team, Toowoomba, and the Tablelands and Cassowary Coast). In some instances, regional staff had to approach local magistrates and police to request a temporary freeze in new referrals until backlogs were cleared. Further details about implementation challenges are provided in the *Interim Review of the Restorative Justice Project* (July 2017).
- Regional capacity varied across the state. Service centres that retained an experienced and accredited conferencing workforce (e.g. BNGC region) after the abolishment of court-referred conferencing in 2013 were in a better position to handle program demand. Appendix 2 provides an overview of staff establishment as at 1 July 2016.
- Eight new conferencing locations were established and required additional support to build their capacity and capability during their start-up phase.
- There was extensive cooperation within and across regions during 2016-17 to assist in filling staffing gaps. The BNGC and SQ regions sent accredited convenors to other conferencing locations (e.g. Mt Isa) to assist in managing referral backlogs and accrediting/mentoring new staff. This impacted on their own throughputs during this time (refer to the *Interim Review of the Restorative Justice Project, July 2017* for further information on backlogs).
- The temporary nature of the restorative justice contracts (n = 54 regional FTEs) has impacted on staff retention. Temporary conferencing staff applied for and won permanent positions elsewhere (e.g. the new positions created to support the transition of 17-year olds). As a result there were vacancies in seven service centres from September 2017 to early 2018, which further impacted on regional capacity to respond to restorative justice referrals.
- A new staffing allocation model needs to be developed to reflect the changing profile of young people referred to conferencing. Current methods of forecasting and measuring workload and outputs do not reflect the increasing complexity of referrals and variations in remote versus non-remote service delivery (see section 3.3.6 and section 6.2).
- The 2015-16 budget submission forecast an average of 245 referral per month based on the assumption of 62 frontline FTEs. Three FTEs were originally proposed to be central office positions. However, eight FTEs were retained for central office to undertake training, evaluation and practice support functions. Regions were allocated less new FTEs (54 FTEs) than originally proposed (62 FTEs). This reduced the capacity of frontline staff and their ability to address demand. State-wide forecasts (245 referrals per month) were not revised to reflect the change in regional staff establishment.
- Regional staff also identified other local factors that influenced referral volumes, including:
  - » the level of police confidence in the effectiveness of conferencing as an effective justice process\*
  - » the willingness of young people to make admissions or plead guilty to a charge (a requirement for eligibility)
  - » the court's understanding and preferences for diversionary processes
  - » the extent to which service centres promoted conferencing in their area.

\*Note: There was an increase in police referrals after the reintroduction of court referrals on 1 July 2016

### 3.1.3. Location of referrals

The Brisbane North and Gold Coast (BNGC) Region received the highest number of referrals during 2016-17 (724: 34%) and exceeded their monthly forecast (n = 45 referrals). The other regions were below monthly forecasts (Appendix 3), although the Far North and North Queensland (FNNQ) Region received high numbers of referrals in key locations (e.g. Mt Isa) and exceeded their monthly forecast (n = 48 referrals) during the period July 2016 to October 2016. The service centres with the highest volume of referrals were the Gold Coast (217 referrals per annum), Brisbane (191), Mt Isa (161), Sunshine Coast (183), Toowoomba (180), Caboolture (133) and Logan (132) (Appendix 3).

### 3.1.4. Referral types

Of the total state-wide referrals (n = 2110) received in 2016-17, 48% were court referrals, 46% were police referrals and 6% were Section 24A referrals (Table 2).

**Table 2: Number of distinct referrals received in 2016-17 by referral source and type**

Referral source, type	Number	Percentage
<b>Court</b>		
Court-Diversion	594	28%
Court-Presentence	166	8%
Court-Restorative Justice Order (RJO)	257	12%
Total	1,017	48%
<b>Police</b>		
Police	969	46%
<b>Police-s24A</b>		
Police-s24A	124	6%
<b>Total</b>	<b>2,110</b>	<b>100%</b>

*Note:* This measure is a count of the distinct number of referrals received in 2016-17 (not young people). If a young person is referred twice during the reference period, both referrals are included in the count.

*Source:* YJPR CRIS-YJ 2016-17, DCSYW (Reference: Restorative Justice – Interim Outcome Evaluation October 2017).

**Have the intended target groups been reached? Has Aboriginal and Torres Strait Islander participation in restorative justice increased?**

### 3.1.5. Aboriginal and Torres Strait Islander referrals

Research shows that young people from Aboriginal and Torres Strait Islander backgrounds typically experience higher rates of contact with the police and lower rates of diversion, which can result into higher rates of contact with the Childrens Court. This in turn contributes towards higher rates of detention (Kelly & Barac, 2011; Little et al., 2011; Jordan & Farrell, 2013). Restorative justice aims to the reduce over-representation of Aboriginal and Torres Strait Islander young people in the criminal justice system by promoting opportunities for increased use of diversionary options.

A key objective of the Restorative Justice Project is to increase the participation of Aboriginal and Torres Strait Islander young people, family and community members in restorative justice. In line with these objectives, there was a large increase in the number of restorative justice referrals for Aboriginal and Torres Strait young people from one in three referrals over the past five years (range = 27% to 38%) to one in two referrals (48%) during 2016-17 (Table 3).

**Table 3: Proportion of distinct referrals by Indigenous status, 2011-12 to 2016-17**

Indigenous status	2011-12		2012-13 <sup>a</sup>		2013-14		2014-15		2015-16		2016-17	
<b>Total</b>	<b>2937</b>		<b>1530</b>		<b>850</b>		<b>894</b>		<b>841</b>		<b>2,110</b>	
Aboriginal and Torres Strait Islander	1,110	38%	534	35%	290	34%	241	27%	308	37%	1,003	48%
Other <sup>b</sup>	1,827	62%	996	65%	560	66%	653	73%	533	63%	1,107	52%

**Notes:**

1. This measure is a count of the distinct number of referrals.

a. Court ordered referrals were abolished on 1 January 2013 following amendments to the *Youth Justice Act 1992*. Young people could only be referred to conferencing by police from 1 January 2013 to 30 June 2016.

b. 'Other' refers to young people who do not identify as Aboriginal and Torres Strait Islander or whose Aboriginal and Torres Strait Islander status is unknown or missing.

Source: Youth Justice annual summary statistics: 2011-12 to 2015-16; 2016-17 YJPR (Reference: Restorative Justice – Interim Outcome Evaluation October 2017).

However, there were disparities in the type of restorative justice referrals that Aboriginal and Torres Strait Islander young people received. Compared to their non-Indigenous counterparts, Aboriginal and Torres Strait Islander young people were:

- 0.7 times less likely to receive police diversionary referrals (36% versus 55%)
- 1.4 times more likely to receive court diversion referrals (33% versus 24%); and
- 2.6 times more likely to receive sentence-based restorative justice orders at later stages of the criminal justice process (18% versus 7%) (Table 4).<sup>17</sup>

This pattern of results is consistent with previous Queensland research by Allard et al. (2010) that found Aboriginal and Torres Strait Islander young people were more likely to be referred to court for their first offence and less likely to be diverted via formal cautioning or conferencing than non-Indigenous young people, even after controlling for the effects of age, sex, offending history and seriousness. Likewise, Snowball (2008) found disparities in the use of diversionary options (i.e. cautions and conferencing) between Aboriginal and Torres Strait Islander young people and their non-Indigenous counterparts in New South Wales, Western Australian and South Australia.

However, one limitation of the findings presented in this report is that they do not take into account the impact of contextual variables, such as prior offending history, offence seriousness and previous cautions. The outcome evaluation will explore the impact of these variables on diversionary pathways. It will seek to develop a better understanding about how diversionary options (e.g. conferencing) are currently being used to reduce the over-representation of Aboriginal and Torres Strait Islander young people in the criminal justice system, as well as the views of young people about their experiences with restorative justice conferencing and barriers to diversion.<sup>18</sup>

<sup>17</sup> This analysis does not control for the impact of prior offending history or the seriousness of offences on disparities in referral pathways.

<sup>18</sup> The Queensland Police Service is introducing a pre-court finalisation strategy during 2017-18. This initiative is expected to boost the number of cautions and police referrals to restorative justice conferencing and may also have a positive impact on Aboriginal and Torres Strait Islander over-representation.

**Table 4: Number of distinct referrals received in 2016-17 by referral source, referral type and Aboriginal and Torres Strait Islander status**

Referral source, type	Number		Percentage		Total
	Aboriginal and Torres Strait Islander	Other	Aboriginal and Torres Strait Islander	Other <sup>a</sup>	
<b>Court</b>	<b>594</b>	<b>423</b>	<b>59%</b>	<b>38%</b>	<b>1,017</b>
Court-Diversion	329	265	33%	24%	594
Court-Presentence	82	84	8%	8%	166
Court-RJO	183	74	18%	7%	257
<b>Police</b>	<b>409</b>	<b>684</b>	<b>41%</b>	<b>62%</b>	<b>1,093</b>
Police	359	610	36%	55%	969
Police-s24A	50	74	5%	7%	124
<b>Total</b>	<b>1,003</b>	<b>1,107</b>	<b>100%</b>	<b>100%</b>	<b>2,110</b>

*Notes:*

1. This measure is a count of the distinct number of referrals.

a. 'Other' refers to young people who do not identify as Aboriginal and Torres Strait Islander or whose Aboriginal and Torres Strait Islander status is unknown or missing.

Source: YJPR (Reference: Restorative Justice – Interim Outcome Evaluation October 2017).

### Box 7. Factors that may influence disparities in the use of early diversionary options

Several factors may impact on disparities in the use of early diversionary options:

- Research by Little et al. (2011) identified five factors that influence police decisions about diverting young people to cautions or conferences, including prior offending history, the seriousness of the offence, age and the demeanour of the child.<sup>a</sup>
- Aboriginal and Torres Strait Islander young people often have longer offending histories from an earlier age (Allard et al., 2010; Snowball, 2008; AIHW, 2017). The offending profiles of some of these young people may be such that diversionary options designed for first-time or non-serious offenders are not considered to be suitable options.
- Qualitative feedback from interviews with police, lawyers and Elders suggests that Aboriginal and Torres Strait Islander young people are often less willing to make admissions of guilt or to participate in police interviews and consequently are ineligible for cautions or early diversionary restorative justice referrals (Little et al, 2011; Allard et al, 2010).<sup>b</sup> An admission of guilt is a prerequisite for s.24A, police and court-diversion referrals to restorative justice.
- Anecdotal evidence suggests that Aboriginal and Torres Strait Islander young people may receive advice from lawyers not to plead guilty to offences, which means they miss out on opportunities to be cautioned or conferenced (Little et al., 2011).
- Some young people may be afraid of police and this may limit their participation in restorative justice processes. The *Bringing Them Home* report observed that restorative justice models sometimes 'fail to understand the complexities of Indigenous communities and ignore fundamentally the principle of self-determination and that the level of police involvement in most conferencing [may be] problematic for Indigenous communities' (Australian Human Rights Commission, 1997, p. 521-525). Subsequent reviews in other Australian jurisdictions continue to raise concerns about the cultural appropriateness and safety of conferencing (Kelly & Barac, 2011; Human Rights and Equal Opportunity Commission, 2005; Siggins Miller Consultants, 2003).
- Staff from the Youth Justice Cultural Unit undertook consultation in 2016 with Aboriginal and Torres Strait Islander young people, families, Elders and organisations involved with the Youth Justice system in Cairns, Townsville, Mossman and Palm Island to understand the drivers behind historically low participation rates by Aboriginal and Torres Strait Islander young people in restorative justice processes. Stakeholders who were consulted raised concerns about:

*the ability of restorative justice processes, when dealing only with an offence, to meet the life needs of Aboriginal and Torres Strait Islander young people in anyway deemed necessary for these young people to desist from offending. The same families and communities acknowledged the loss of control families experienced within the justice system regarding decision making on behalf of their young people. Notwithstanding the numerous benefits achieved by restorative justice conferences in Queensland, it is possible that current practice and legislation upholds an emphasis on accountability at the expense of recognising what must be right for young people to desist from offending. These findings signpost future directions for making not just restorative justice more culturally responsive but all Youth Justice interventions, across all stages, to achieve effective outcomes with Aboriginal and Torres Strait Islander young people (Youth Justice, 2017).*

#### Notes:

a. Under the *Youth Justice Act 1992*, police officers have a discretion to administer a caution, refer a matter to a conference or bring charges. Section 22 (4) states that the deciding factors for referring an offence include: '(a) the nature of the offence, (b) the harm suffered by anyone because of the offence and (c) whether the interest of the community and child would be served by having the offence dealt with under a restorative justice process'. The young person must also admit to committing an offence (s 22 (1)) and indicate a willingness to comply with the referral (s 22 (3) (a)).

b. Consideration could be given to using ADPs to provide a diversionary option for young people who do not admit guilt or who have a protected admissions process.



### 3.1.6. Offence types

When restorative justice (community conferencing) was first implemented in Queensland in 1997 it was primarily seen as an early diversionary option for younger offenders who had committed less serious offences. However, a growing body of research has shown that restorative justice can produce positive outcomes for more serious offences, such as personal violence, domestic and family violence and sexual offences in recent years (Strang et al., 2013; Dayley et al., 2013).

#### Has there been an increase in the number of restorative justice conferences involving serious offences?

A total of 7092 distinct offences were referred to restorative justice during 2016-17 (Appendix 3, Table 25).

- **The majority of referred offences sit at the extremes of the continuum of offence seriousness (high or low):** 41% of offences (n = 2873) were ranked as 'high seriousness' offences based on the ABS National Offence Index (NOI) classification system.<sup>19</sup> 'Low seriousness' offences constituted 46% (n = 3234) of offences and 14% (n = 985) were ranked as 'medium seriousness'.
- **The seriousness of offences referred by police has increased over time:** There has been an increased trend in the seriousness of offences referred by police over the past five years, with the proportion of 'high seriousness' offences rising from 34% in 2012-13 to 45% in 2016-17. It is not possible to establish a trend for court referrals due to discontinuity in the data collection linked to the abolishment of court referrals on 1 January 2013. Thirty-six per cent of court referred offences were ranked as 'high seriousness' offences in 2016-17. (Table 5).<sup>20</sup>
- **Two in every three referrals during 2016-17 involved multiple offences:** 61% of referrals contained more than one offence (Appendix 3, Table 26). The average number of offences per referral was 3.4 offences (range = 2 to 54 offences per referral).<sup>21</sup> Single offence referrals accounted for 39% of distinct referrals (n = 830) in 2016-17. Single offence referrals were most likely to be referred by police (56% of distinct referrals; n = 466), and half (50%) were classified as 'high seriousness' offences (50%, n = 418).
- **Property offences were the most frequently referred offence type:** More than half of all offences (60%, n = 4242) referred to restorative justice in 2016-17 were categorised under the 'property' offence grouping (Appendix 3, Table 25).<sup>22</sup> Examples of frequently referred offences categorised under the 'property' offence grouping include, but are not limited to: 'unlawful use of a motor vehicle', 'break and enter', 'wilful damage by graffiti', 'enter premises and commit indictable offence', 'receiving tainted property', 'unauthorised dealing with shop goods', 'trespass' and 'stealing'.<sup>23</sup>
- **Regina offences:** 18% of offences (n=1274) in 2016-17 were 'Regina' offences. Offences flagged as 'Regina' offences include, but are not limited to offensive behaviour, disorderly conduct, regulatory driving offences, possess illicit drugs, riot and array. Regina offences are typically referred alongside other offences<sup>24</sup> and it is possible conferencing is used as a mechanism to clear offences.

Additional data on the number and type of serious offences disaggregated by offence grouping and referral pathways is provided in Appendix 4.

<sup>19</sup> YJPR developed three categories of 'offence seriousness' based on the ABS National Offence Index (NOI) in consultation with Youth Justice Practice Support. The categories include high, medium and low.

<sup>20</sup> Caution is warranted when comparing offence seriousness between 2012-13 and 2016-17 due to financial years having court referrals operating for part of the year (2012-13), for the whole year (2016-17) and where court referrals were not available at all (2013-14 to 2015-16). Reliable data on offence seriousness is not available prior to 2012-13.

<sup>21</sup> There were three referrals identified as outliers containing 100+ offences.

<sup>22</sup> Offence grouping is an artificial construct devised by YJPR. Offence groupings include 'Drug', 'Property', 'Public Order', 'Sexual', 'Traffic and Motor Vehicle', 'Violent' and 'Other'. Offences categorised under the YJPR offence grouping may, in some cases, differ to the ASOC divisional description. For example, Unlawful Take Away Goods (Maximum \$150) and Fare Evasion which are treated as 'Theft and other offences' under ASOC.

<sup>23</sup> Offence descriptions are based on wording from police charges.

<sup>24</sup> Regina offences are defined as offences where the Crown is deemed to be the victim. Referrals where Regina offences constituted the only offence were very limited (1% of all referrals).

**Table 5: Percent of offences referred to conferencing by referral source, offence seriousness and financial year, 2012-13 to 2016-17**

Offence Seriousness	Court				
	2012-13 <sup>a</sup>	2013-14 <sup>b</sup>	2014-15 <sup>b</sup>	2015-16 <sup>b</sup>	2016-17 <sup>c</sup>
Low	59%	NA	NA	NA	49%
Medium	12%	NA	NA	NA	15%
High	29%	NA	NA	NA	36%
<b>Total court offences referred</b>	<b>1,750</b>	<b>NA</b>	<b>NA</b>	<b>NA</b>	<b>3,356</b>

Offence Seriousness	Police				
	2012-13 <sup>a</sup>	2013-14 <sup>b</sup>	2014-15 <sup>b</sup>	2015-16 <sup>b</sup>	2016-17 <sup>c</sup>
Low	52%	48%	50%	45%	43%
Medium	14%	15%	12%	9%	12%
High	34%	37%	39%	46%	45%
<b>Total police offences referred</b>	<b>3,198</b>	<b>3,269</b>	<b>3,083</b>	<b>2,395</b>	<b>3,755</b>

*Notes:*

- Percentages may not sum to totals due to rounding.
- Caution is warranted when comparing offence seriousness between 2012-13 and 2016-17 due to financial years having court referrals operating for part of the year (2012-13), for the whole of the year (2016-17) and where court referrals were not available at all (2013-14 to 2015-16).
- Offence seriousness is based on National Offence Index (NOI) rankings. 'High' seriousness is based on a NOI between 1 and 59; 'medium' seriousness is based on a NOI between 60 and 83; 'low' seriousness is based on a NOI between 84 and 159. The following exceptions apply: if NOI=74 (theft from retail premises), re-assign as 'low' seriousness; if NOI=75 (fare evasion, theft (except motor vehicle), NEC) re-assign as 'low' seriousness; if NOI=77 (receiving stolen property) re-assign as 'low' seriousness.
- The total number of offences in Table 5 adds to 7111 rather than 7092. The data was drawn from a live system at a later date.
- Table 5 adds to a total of 7111 offences rather than 7092 offences. The data was drawn from the live system at a later date.
- a. Court-ordered conferencing was discontinued in January 2013. Therefore, the offence count for the 2012-13 financial period only includes six months of court referrals.
- b. Contains offences for police only referrals to conferencing.
- c. Court-ordered conferencing was re-established on 1 July 2016. Therefore, offence counts for both police and court referrals were available for the entire 2016-17 financial year.

Source: YJPR, DCYW

### 3.1.7. Suitability of referrals

- The majority of referrals (86%) and offences (87%) proceeded to conference.<sup>25</sup>
- Thirteen per cent of offences were returned to the referring authority at the pre-conference stage. The most common reasons for returns (Table 6) were as follows:
  - » It was assessed that an agreement would not be made (27% of offences returned)
  - » The referral was unsuitable for a conference (23%)
  - » Convenors were unable to contact the child (21%).
- The proportion of 'offences returned' was only marginally higher for Aboriginal and Torres Strait Islander young people (14%) compared to non-Indigenous young people (12%).

<sup>25</sup> The proportion of referrals and offences that proceed to conference may vary because each referral may contain multiple offences. Some of these offences may proceed to conference and other may not. A referral that contains some offences that proceed to conference and some offences that are returned at the referral stage is counted as proceeding to conference.

**Table 6: Number and percentage of offences returned in 2016-17 by offence return reason and Aboriginal and Torres Strait Islander status**

Offence return reason	Aboriginal and Torres Strait Islander		Other <sup>a</sup>		Grand Total	%
	Number	%	Number	%		
Agreement will not be made	113	26%	131	28%	244	27%
Child denies offence during PCI	14	3%	6	1%	20	2%
Failed to attend PCI	86	20%	70	15%	156	17%
Unable to contact	91	21%	96	21%	187	21%
Unsuitable for restorative justice	76	18%	132	28%	208	23%
Victim not participating	52	12%	33	7%	85	9%
<b>Total</b>	<b>432</b>	<b>100%</b>	<b>468</b>	<b>100%</b>	<b>900</b>	<b>100%</b>

Notes:

1. Data are a count of offences (not referrals or young people) that were received between 1/7/2016 and 30/6/2017 that were subsequently returned at the referral stage.

a. Other includes non-Indigenous and where the status was unknown or not specified.

Source: YJPR, DCWYW. Reference: Restorative Justice – Interim Outcome Evaluation October 2017.

### 3.1.8. Volume of referrals per distinct young people

There were 1667 distinct<sup>26</sup> young people referred to restorative justice during 2016-17. These young people received a total of 2110 referrals. The majority of young people (81%) received only one restorative justice referral during 2016-17 (Table 7). A higher proportion of Aboriginal and Torres Strait Islander young people received multiple referrals (25%) compared to non-Indigenous young people (15%).

**Table 7: Distinct young people by the number of referrals received in 2016-17 and Aboriginal and Torres Strait Islander status**

Referral count	Aboriginal and Torres Strait Islander		Other <sup>a</sup>		All	
	Number	Percent	Number	Percent	Number	Percent
One referral	546	75%	798	85%	1344	81%
Multiple referrals	185	25%	138	15%	323	19%
Two	131	18%	111	12%	242	15%
Three	34	5%	22	2%	56	3%
Four	13	2%	4	0%	17	1%
Five	3	0%	1	0%	4	0%
Six	2	0%	0	0%	2	0%
Seven	2	0%	0	0%	2	0%
<b>Total</b>	<b>731</b>	<b>100%</b>	<b>936</b>	<b>100%</b>	<b>1667</b>	<b>100%</b>

Notes:

1. This measure is a count of distinct young people with one or more restorative justice referrals during 2016-17. Referrals can be for the same or different referral types.

a. 'Other' refers to young people who do not identify as Aboriginal and Torres Strait Islander or whose Aboriginal and Torres Strait Islander status is unknown or missing.

Source: YJPR, DCSYW (Reference: Restorative Justice – Interim Outcome Evaluation October 2017).

<sup>26</sup> Each distinct young person who was referred to restorative justice in 2016-17 is counted once, even if they received multiple referrals.

## 3.2. Demographics

### 3.2.1. Age, Sex and Aboriginal and Torres Strait Islander Status

The key demographic characteristics of young people referred to restorative justice are described below. The unit of measurement is distinct young people.

- Nearly three-quarters of young people (73%, n = 1219) referred to restorative justice were males.
- Forty-four per cent (731) of young people identified as being of Aboriginal and Torres Strait Islander background.
- The majority (70%) of young people were aged between 14-16 years at the time of the referral (Table 8).<sup>27</sup>
- A higher proportion of Aboriginal and Torres Strait Islander young people were referred between the ages of 10-13 (34%, n = 252) compared to non-Indigenous young people (20%, n = 183). However, from the age of 14 years onwards this trend reversed and restorative justice referrals were more likely to involve non-Indigenous young people (80%, n = 753) than Aboriginal and Torres Strait islander young people (66%, n = 479) (Figure 3).

**Table 8: Number of distinct young people by age, 2016-17**

Age group	Number	Percent
10 years	26	2%
11 years	62	4%
12 years	132	8%
13 years	215	13%
14 years	366	22%
15 years	440	26%
16 years	361	22%
17 years	63	4%
18 years	2	0.1%
<b>Total</b>	<b>1667</b>	<b>100%</b>

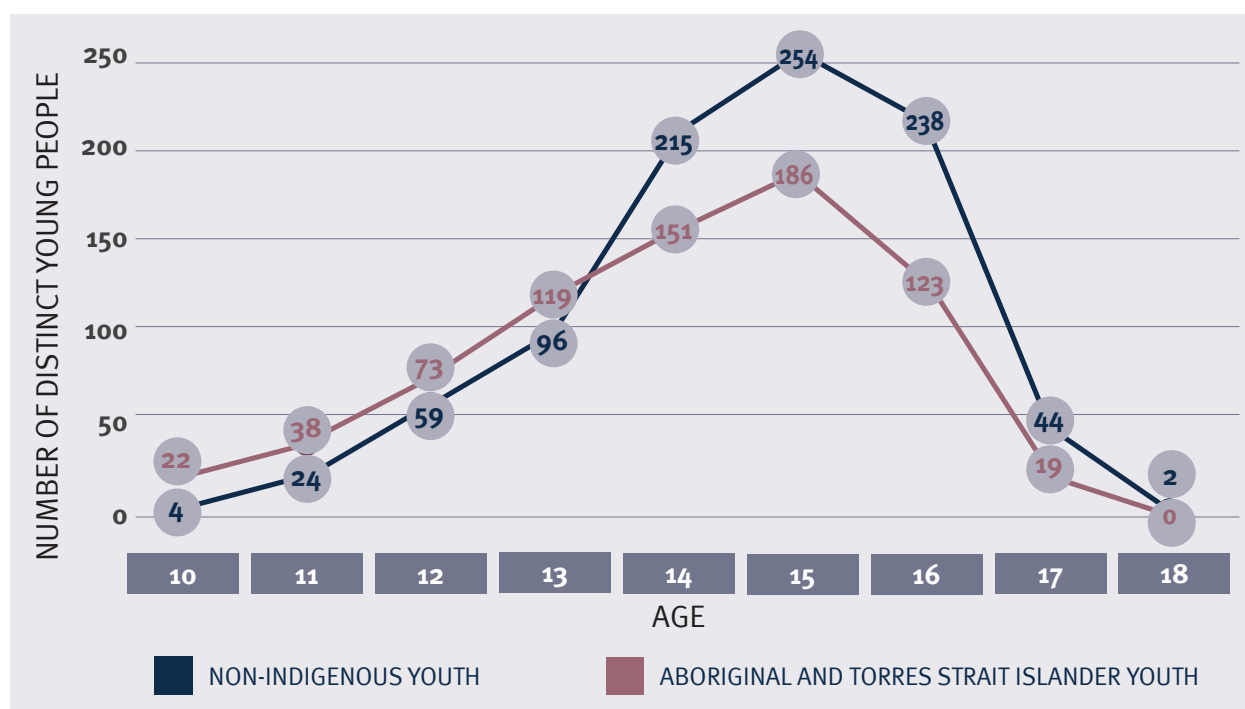
*Notes:*

1. This measure is a count of distinct young people (not referrals). A young people with more than one restorative justice referral (of any type) in 2016-17 will be counted once.
2. Age is counted as at the young person's earliest referral received date in 2016-17.

*Source:* YJPR, DCSYW (Reference: Restorative Justice – Interim Outcome Evaluation October 2017).

<sup>27</sup> This pattern reflects the distribution across age groupings for young people under youth justice supervision, with numbers peaking for young people aged 15-16 years. There is also a higher proportion of young people aged 15-16 on community-based orders.

**Figure 3: Number of distinct young people referred by age and Aboriginal and Torres Strait Islander status, 2016-17**



**Notes:**

1. This measure is a count of distinct young people (not referrals).
2. Age is counted as at the young person's earliest referral received date in 2016-17.
- a. Non-indigenous includes non-indigenous and those whose status is unknown.

Source: YJPR, DCSYW (Reference: Restorative Justice – Interim Outcome Evaluation October 2017).

### 3.2.2. Risk profile

The criminogenic risk profile of young people who participated in restorative justice conferences was assessed using the *Youth Level of Service/Case Management Inventory: Screening Research Version* (YLS/CMI: SRV). Convenors are required to administer the YLS/CMI: SRV during pre-conference interviews.<sup>28</sup> The YLS/CMI: SRV, also known as the brief screener, is designed to provide an initial screening of criminogenic risk and need levels in young offenders. It is an abbreviated version (8-item) of the YLS/CMI 2.0 (43 item), which is one of the most widely used structured risk and need assessment tool across national and international jurisdictions.<sup>29</sup> The YLS/CMI: SRV is used to identify young people who are at moderate to high risk of recidivism and who require a more thorough risk and need assessment and/or further support. However, in the restorative justice space it is primarily used to assist convenors to identify young people at risk of reoffending and determine the types of services that might be useful in reducing that risk.

The eight items of the SRV correspond to the eight risk/need domains of the YLS/CMI: including (a) *history of delinquency/conduct disorders*, (b) *current school or employment problems*, (c) *some criminal friends*, (d) *alcohol/drug problems*, (e) *leisure/recreation*, (f) *personality/behaviour*, (g) *family circumstances/parenting* and (h) *attitudes/orientation*. The final assessment scores from the brief screener range from 0 to 8 and fall into the following risk cut-off categories: 0 to 2 (*low*), 3 to 5 (*moderate*) and 6 to 8 (*high*).

### Sample

During 2016-17, convenors administered the YLS/CMI: SRV to 475 distinct young people.<sup>30</sup> This sample represents 39% of all young people referred to restorative justice.<sup>31</sup> Further demographic information about this sample is provided in Appendix 4. Several caveats should be observed in relation to these findings (Box 8).

### Risk Scores

- Overall, six in every 10 young people (60%) obtained moderate to high risk ratings (moderate = 41%; high = 19%) across *all referral pathways* (Table 9).<sup>32</sup>
- Two-thirds of young people (68%) referred *via court referrals* obtained moderate to high risk ratings (moderate = 45%; high = 23%).
- Just over half of the young people (52%) referred through *police referrals* were rated as moderate to high risk (moderate = 37%; high = 15%).

**Table 9: SRV scores by referral pathways, 2016-17**

Referral pathway	Court referrals		Police referrals		s. 24 referrals		Total referrals	
SRV score	N	%	N	%	N	%	N	%
High	56	23%	30	15%	3	10%	89	19%
Moderate	111	45%	74	37%	12	40%	197	41%
Low	77	32%	97	48%	15	50%	189	40%
<b>Total</b>	<b>244</b>	<b>100%</b>	<b>201</b>	<b>100%</b>	<b>30</b>	<b>100%</b>	<b>475</b>	<b>100%</b>

Source: Youth Justice RJ Evaluation Database, DCYW.

<sup>28</sup> Refer to the Youth Justice Practice Resource – *The YLS/CMI: SRV in Restorative Justice*.

<sup>29</sup> The YLS/CMI is a structured risk and need assessment tool currently used by Youth Justice for young people subject to departmental interventions.

<sup>30</sup> A total of 503 assessment forms were received by the Restorative Justice Evaluation Team. Twenty-eight young people were assessed on the YLS/CMI: SRV on more than one occasion. For the purposes of analysis, only the final scores from the first assessments were retained. There was no variation between the scores across the multiple assessment occasions.

<sup>31</sup> The Youth Justice Practice Team liaised with regional staff to promote and support the increased use of the YLS/CMI:SRV. Key barriers to using the screening tool included staff turnover and the additional length of time required to administer the screening tool during pre-conference interviews.

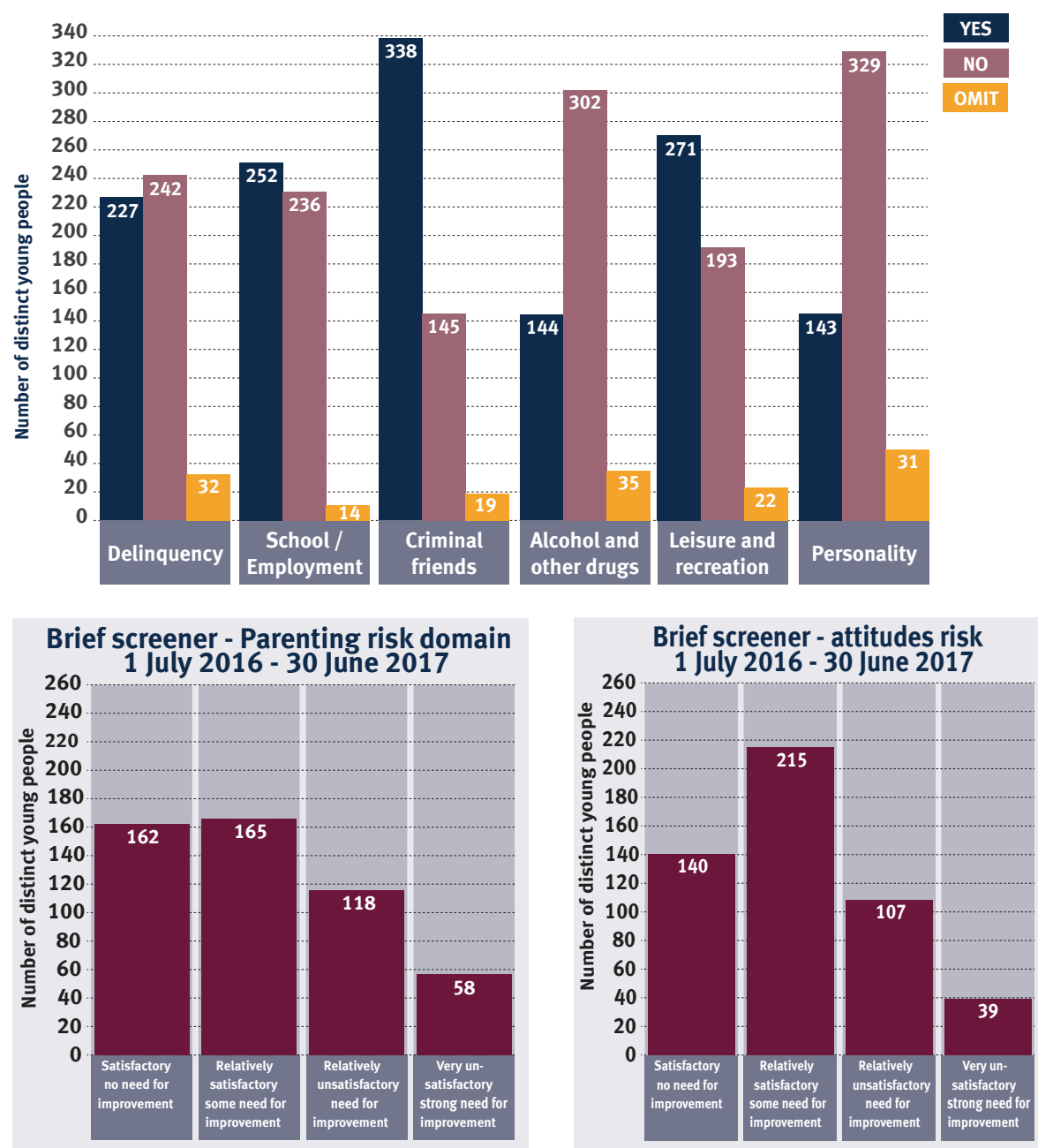
<sup>32</sup> These findings are based on a small sample (n=184) and may not be fully representative of the entire cohort of young people referred to restorative justice in 2016-17.

As shown in Figure 4, the most commonly identified risks were the presence of ‘criminal friends’ (71%, n = 338), followed by a lack of ‘leisure/recreation’ activities (57%, n = 271) and ‘school/employment problems’ (53%, n = 252). Approximately 12% of participants scored ‘very unsatisfactory’ for ‘family/circumstances/parenting’ indicating a very poor situation (e.g., abuse, frequent conflicts and inadequate supervision).

Although these findings need to be replicated with a larger, representative sample of participants, they highlight the potential role that restorative justice can play as an early point of contact (i.e. pre-court) for identifying ‘at risk’ young people and diverting them to non-statutory early intervention and support services before they become entrenched in the youth justice system.

Data is not currently available regarding the other statutory<sup>33</sup> and non-statutory interventions that young people are concurrently receiving *in addition* to conferencing. Patterns of service utilisation (and interactive effects on outcomes) will be examined in the next stage of the evaluation.

**Figure 4: YLS-CMI SV responses, 2016-17**



Source: Youth Justice Restorative Justice Evaluation Database, DCSYW.

<sup>33</sup> If young people are on supervised orders they will already be receiving case management services.

#### Box 8. Limitations of the brief screener (YLS/CMI: SRV) data

- **Limited sample:** The YLS/CMI: SRV data may not be fully representative of all young people who participated in a restorative justice process during 2016-17. There is a need to increase the uptake and use of the YLS/CMI: SRV by convenors in the field. Further consultation will be undertaken with regional staff to identify the type of support required to promote the consistent and reliable use of the screening tool.
- **Psychometric properties:** Studies have consistently found the YLS/CMI-SV to serve as a reliable and valid predictor of 2-year recidivism (Campbell et al., 2014; Chue et al., 2014). A study examining the predictive validity of the YLS/CMI-SV in Singapore, found the brief screener to be 'significantly predictive of general, violent, and nonviolent recidivism' for male youth offenders with mixed results for female youth offenders (Chu et al., 2014, p. 1437). However, more investigation is needed to determine the suitability of the screening tool for females and young people in Australia.
- **Cultural relevance:** Aboriginal and Torres Strait Islander young people are disproportionately represented in Youth Justice in Queensland. Approximately 48% of restorative justice referrals in Queensland relate to young people who identify as Aboriginal and/or Torres Strait Islander. While the tool has been internationally validated with African American and First Nation young people in Canada (Perrault, Vincent & Guy, 2017; Wormith, Hogg, & Guzzo, 2015), further research is required to validate the tool with Aboriginal and Torres Strait Islander young people and families. The literature highlights the importance of developing assessment procedures that 'reflect an understanding of Aboriginal and Torres Strait Islanders' culture, community values and parenting practices, as well as the disadvantaged social and material circumstances that characterise many Indigenous people's lives' (Bromfield et al., 2007, p. 3).
- **Holistic assessment of needs:** The YLS/CMI: SRV does not capture critical information regarding all areas of potential need for young people and their families. Emerging research suggests that food security, safe/secure housing and income support are amongst the frequently identified needs of young people who access community support services (Gwinner, Melrose & Moffatt, 2017). These domains are not captured on the YLS/CMI: SRV.
- **Data integrity:** The YLS/CMI: SRV is administered in Queensland across a range of youth justice interventions (e.g. restorative justice, Transition to Success and community supervision orders). There is no central data repository. Data is stored in Microsoft excel spreadsheets. There is no certainty that the data is recorded in a uniform manner across different programs and sites. Updates to the ICMS or CRIS-YJ databases have been postponed until a Board of Management decision is made regarding the longer term use of the YLS/CMI: SRV. This decision should be prioritised as soon as possible to support clarity for staff in relation to practice and to enable systems to be updated accordingly.
- **Missing data:** Essential demographic information (i.e. unique identifier/ICMS ID, Indigenous status and date of birth) was not captured for all participants. Improved demographic information would enable more accurate analysis of age groups and risk domains.



### 3.3. Conferences

#### 3.3.1. Volume and location of conferences

A total of 1191 conferences were convened across the state during 2016-17. Table 10 shows the number of conferences across service centres and regions.

**Table 10: Number and percentage of conferences held in 2016-17 by region and service centre**

Region and service centre	Number	Percent
<b>Brisbane North and Gold Coast Region</b>	<b>425</b>	<b>36%</b>
Brisbane	135	11%
Caboolture	73	6%
Gold Coast	112	9%
Sunshine Coast	105	9%
<b>Central Queensland Region</b>	<b>230</b>	<b>19%</b>
Bundaberg	25	2%
Cherbourg	30	3%
Hervey Bay	74	6%
Mackay	23	2%
Central Queensland <sup>a</sup>	78	7%
<b>Far North and North Queensland Region</b>	<b>316</b>	<b>27%</b>
Cairns	39	3%
NQ Rural - Mt Isa	119	10%
Remote	49	4%
Tablelands & Cassowary Coast	24	2%
Townsville <sup>b</sup>	85	7%
<b>Southern Queensland Region</b>	<b>220</b>	<b>18%</b>
Ipswich	49	4%
Logan	63	5%
Toowoomba	83	7%
Western Districts	25	2%
<b>QUEENSLAND</b>	<b>1,191</b>	<b>100%</b>

**Notes:**

1. This measure is a count of conferences held between 1 July 2016 and 30 June 2017, regardless of when the referral was received.

a. The Central Queensland Service Centre includes Emerald (n = 8 conferences), Woorabinda (8), Gladstone (24) and Rockhampton (38).

b. Townsville Service Centre includes NQ Rural – Townsville (25).

Source: YJPR, DCYW (Reference: Restorative Justice – Interim Outcome Evaluation October 2017).

### 3.3.2. Conference participants

#### Victim participation

Section 35(1) of the *Youth Justice Act 1992* specifies who must attend a conference. A conference may only be convened if the child and convenor attend the conference and there is a degree of victim participation in the conference through:

- the attendance of the victim or a representative of the victim; or
- the use of pre-recorded communication by the victim for use in the conference; or
- a representative of an organisation that advocates on behalf of victims of crime.

In line with restorative justice principles and practice directives, it is ‘preferable to have an *actual victim* (someone who has suffered harm and/or loss as a result of the offence) attend the conference in person’.<sup>34</sup> Over half of the conferences involved some form of direct victim participation. The most common types of participation included individual victims (32%) and staff members of businesses that experienced harm or loss (15%) (Table 11).

Where it was not possible for convenors to arrange the direct attendance of a victim, other forms of victim representation were utilised. One in five conferences involved pre-recorded communications (19%), where victims elected not to attend the conference but described the impact of the offence via written impact statements. Other common types of representation included:

- *Victim representatives*: professionals from therapeutic or educational services who the victim had engaged with and provided permission to represent them at a conference (12%)
- *Community representatives*: staff from community organisations that can advocate on behalf of victims of crime (16%)<sup>35</sup>
- *Family members* attending on behalf of the victim due to the victim’s age or vulnerability (4%) (Table 11).

Approximately 20% (n = 243) of conferences did not appear to involve any degree of victim participation. Exploration of this finding with regions indicated that it most likely reflects data omissions or inconsistencies with data entry due to confusion around differing interpretations of victim participation as permitted under section 35 of the *Youth Justice Act 1992*. Youth Justice has developed guidelines for determining participation in restorative justice processes, which should improve the reliability of data capture on victim participation and alternative diversionary programs (ADPs).

<sup>34</sup> *Youth Justice Practice Resource: Guidelines for Determining Victim Participation in Restorative Justice Processes* (p. 2).

<sup>35</sup> These community representatives had not necessarily engaged with the victims, but were able to speak to the general impacts of the offences being conferenced.

**Table 11: Victim participation in conferences held in 2016-17**

Conference Participant Type (Victims)	Number of conferences with one or more participants in attendance	Percentage
<b>Victims – Direct Participation</b>		
Victim – person (an individual who has suffered harm or loss)	382	32%
Victim – witness	17	1%
Victim - business/organisation - delegated staff member (non-Regina offences)	176	15%
Victim - business/organisation - owner/CEO (Non-Regina offences)	32	3%
<b>Victims – Direct Participation (Regina Offences)</b>		
Victim - Regina person	2	0%
Victim - Regina family member	1	0%
Victim - Regina business/organisation - delegated staff member	9	1%
Victim - Regina business owner	35	3%
<b>Victim Impact Statement</b>		
Written statement	223	19%
Audio statement	0	0%
Pre-recorded visual message	0	0%
<b>Victim Representatives</b>		
Victim - family member	50	4%
Victim representative (counsellors, therapists or staff of therapeutic services)	141	12%
<b>Representatives of Organisations that Advocate on Behalf of Victims of Crime</b>		
Community representative (community organisation) <sup>a</sup>	189	16%
Community representative of the State (government agency) <sup>b</sup>	11	1%

**Notes:**

1. This measure is a count of conferences held during 2016-17 where at least one of the above participant types attended. The categories are not mutually exclusive. Since more than one type of participant may attend the same conference, the sum of conferences where the different participant types attended will be greater than the total number of conferences held (n= 1191). If more than one participant type attended the same conference, they are counted once only.

a. A 'community representative' is defined as a person who has not necessarily engaged with the victim or young person. However, they are a member of a community agency or organisation relevant to the offences or circumstance of the offence.

b. A 'community representative of the State' – where the State is considered the victim (Regina) because the offence does not have a direct victim (e.g. drug possession). The person attending the conference represents the State and discusses information relevant to the offence or circumstances of the offence which may include the impacts of the offence on the community.

Source: YJPR, DCYW (Reference: Restorative Justice – Interim Outcome Evaluation October 2017).

## Alternative diversion program

Where no victim participation can be arranged after all reasonable efforts, section 31 of the *Youth Justice Act 1992*, requires the restorative justice process to be an alternative diversion program (ADP). During 2016-17 only 69 ADPs were recorded across the state between 1 July 2016 and 31 March 2017. However, it is difficult to provide an accurate count of ADPs due to data quality issues.<sup>36</sup>

### Box 9. What is an alternative diversion program?

ADPs involve the young person participating in remedial activities intended to strengthen their relationship with family and community or educational programs that address their behaviour. As outlined in section 38 of *Youth Justice Act 1992*, ADPs must be designed to 'help the child understand the harm caused by his or her behaviour; and allow the child an opportunity to take responsibility for the offence committed by the child'. The child is encouraged to make a Moving Forward Statement about the steps they will take to make amends for the offence and reduce the likelihood of committing further offences. The ADP is developed through a process similar to a conference, although there is no direct victim participation.

## Other conference participants

Research on best practice in restorative justice highlights the importance of including family or kinship members who can support the young person during the conference process (Maxwell et al., 2004). The restorative justice process should encourage families to actively participate in the conference, support their child to complete their agreement, develop a better understanding of the issues associated with their child's offending behaviour and identify ways to help their child avoid future offending. The majority of conferences involved family support, including parents (78%), immediate family members (9%) and other family members (3%) (Table 12).

Elders and community leaders attended 12% of conferences involving Aboriginal and Torres Strait young people. Representatives of Community Justice Groups attended 6%.<sup>37</sup> Qualitative feedback from Youth Justice staff (n = 16) identified several factors that may impact on the participation rates of Elders and respected community members in restorative justice (Box 10).

### Box 10. Factors influencing the participation of Elders and respected community members in restorative justice

- Staff had limited time to undertake community engagement during the implementation of the Restorative Justice Project. Some locations may need to develop or strengthen ongoing working relationships with Aboriginal and Torres Strait Islander stakeholders to increase awareness about restorative justice and promote the involvement of relevant community members.
- There may be a lack of trust and acceptance of restorative justice in some communities.
- Sometimes young people may have a support person who serve multiples roles during a conference (e.g. support person, Elder and police liaison officer). The current data system is unable to capture and report on multiple roles for one individual. The participation levels of Elders and respected community members may be undercounted when their primary role is recorded as a 'support person'.
- Not every victim or young person who identifies as Aboriginal or Torres Strait Islander may wish to have a cultural representative present at conference.
- Some staff may not be aware of the need to consider the involvement of cultural representatives at a conference.

To ensure best practice, it is important to identify Elders and respected members of the community who are of significance to the young person and family and who are maintainers and teachers of culture. Convenors should seek cultural advice from Community Justice Groups, Elders and family.

<sup>36</sup> This figure varies substantially from the number of ADPs (n = 103) reported in the *Restorative Justice Interim Review* (July 2017). This difference reflects confusion regarding victim definitions and errors in categorising the following types of conferences as ADPs: (a) Regina offences involving Regina victims; (b) conferences involving representatives of organisations that advocate on behalf of victims of crime; and (c) sexual offences where a therapist attends and is incorrectly categorised as a young person's support rather than a victim representative. The data in this report is based on a manual count of operational data. Data is not available between 1 April 2017 and 30 June 2017.

<sup>37</sup> Section 34 (3) of the *Youth Justice Act 1992* specifies that if 'a child is an Aboriginal or Torres Strait Islander from an Aboriginal and Torres Strait Islander community, the convenor must consider inviting to the conference either of the following: a respected person of the community or if there is a Community Justice Group in the community - a representative of a Community Justice Group'.

Police officers were present at more than half of the conferences (56%) despite legislative amendments removing the requirement of a police officer's presence at a restorative justice conference. However, it is acknowledged that police can play an important role during conferences and may be of some reassurance to some victims. They can also help to arbitrate and/or confirm the facts of an offence.

**Table 12: Other participants attending conferences in 2016-17**

Conference Participant Type (Victims)	Number of conferences with one or more participants in attendance	Percentage
<b>Respected cultural representative<sup>a</sup></b>		
Respected cultural community representative	33	3%
Respected Indigenous community person	68	6% <sup>b</sup>
Community Justice Group (CJG)	30	3% <sup>c</sup>
<b>Police officer</b>		
Police officer	665	56%
<b>Legal representatives</b>		
Legal representatives for young people	13	1%
Legal representatives for victims	0	0%
<b>Support persons</b>		
For victim	122	10%
<b>Young person supported by family</b>		
Parent flag	926	78%
Family member flag	113	9%
Other family member flag	34	3%
Other support <sup>d</sup>	131	11%

**Notes:**

1. This measure is a count of conferences held during 2016-17 where at least one of the above participant types attended. The categories are not mutually exclusive.

a. It is not possible to determine if a cultural representative is present for the victim or for the young offender.

b. This percentage is 12% when re-calculated based on the number of conferences involving Aboriginal and Torres Strait young people.

c. This percentage is 6% when re-calculated based on the number of conferences involving Aboriginal and Torres Strait young people.

d. 'Other support' may include friends/associates, cultural support, Child Safety services, Child Safety services guardianship or Youth Justice services.

Source: YJPR, DCYW (Reference: Restorative Justice – Interim Outcome Evaluation October 2017).

### 3.4. Agreements

A *conference agreement* is 'an agreement reached at the conference in which a child admits committing the offence; and in which the child undertakes to address the harm caused by the child committing the offence' (s 36 (1)). Agreement components may include apologies, financial reparation, voluntary work or a statement of intent about future behaviour. The agreement is a legally binding document. If a convenor ends a conference without an agreement being made or a young person fails to complete an agreement, the referral is returned to the referring authority.

### 3.4.1. Compliance with conference agreements

Overall, there was a high rate of compliance by young people in completing agreements. Of the 1253 agreements finalised in 2016-17, 96% of agreements were completed (Table 13). A total of 88 agreements remained open (in progress) as at 30 June 2017.<sup>38</sup>

**Table 13: Number and percentage of completed agreements in 2016-17**

Agreement Status	Number of agreements	Percentage / Compliance Rate
Agreement Completed	1,199	96%
Agreement Not completed	54	4%
<b>Total</b>	<b>1253</b>	<b>100%</b>

*Note:* A total of 1341 agreements were reached during 2016-17. Data in Table 10 are a count of 'agreement status' for all agreements that were finalised during 2016-17 (n=1253). The analysis omits any agreements that remained open (88).

*Source:* CRIS-YJ. Data was analysed by the RJ Evaluation Team and verified by YJPR (DCSYW).

### 3.4.2. Agreement outcomes: restitution and reparation

Restorative justice conferencing resulted in a number of positive reparative benefits for victims and communities. Of the 1,199 agreements that were completed in 2016-17, 81% resulted in a written or verbal apology to victims, 49% resulted in a statement of intent by young people regarding their future conduct (i.e. a commitment not to reoffend), 11% resulted in young people undertaking counselling, 10% involved young people completing educational programs, 8% involved voluntary work for victims or communities and 6% involved young people providing articles to victims (e.g. producing a sorry painting, poem or song) (Table 14).

<sup>38</sup> The number of agreements that remain open (88) may be an over-count. The Restorative Justice Evaluation Team reviewed half (44) of the open agreements in CRIS-YJ. The data review showed that some of these agreements had already been completed. These data discrepancies occurred because: (a) the 'agreement completion date' was set outside of the reference period or (b) staff finalised the 'agreement component status ID' but still needed to finalise the 'agreement status ID field'. Some agreements have components that may take several months to complete (e.g. completing educational programs or counselling sessions).

**Table 14: Number and proportion of completed agreement components by outcomes 2016-17**

Conference outcomes: agreement component types	Number of components	Percentage of conferences resulting in outcome type
Verbal or written apology	1096 <sup>a</sup>	82%
Statement of intent	651	49%
Counselling	143	11%
Educational program/activity	136	10%
Provide or produce article	80	6%
Voluntary work (Victims and Community)	103	8%
Social/Recreational Activities	20	1%
Financial restitution	16	1%
Curfew	13	1%
Departmental program/activity	10	1%

*Note:*

1. Data are a count of agreement outcomes for all finalised agreements (1251) during 2016-17,

2. Each agreement may contain more than one type of activity (or agreement component type) that needs to be completed. Therefore, percentages do not sum to 100%.

a. There was 544 verbal apologies and 552 written apologies.

Source: CRIS-YJ. Data was analysed by the RJ Evaluation Team and verified by YJPR (DCYW).

### 3.5. Summary of Key Findings.

The key points from this chapter are as follows:

- The re-introduction of court referrals increased demand for restorative justice conferencing. The number of referrals increased from 839 referrals (police referrals) in 2015-16 to 2110 referrals in 2016-17 (police and court referrals) – a 151% increase.
- Police and courts contributed equally to the level of demand with a 50:50 ratio of referrals.
- Referrals for Aboriginal and Torres Strait Islander young people increased from one in three referrals over the past four years to one in two referrals (48%) during 2016-17.
- A total of 7092 distinct offences were referred to restorative justice conferencing during 2016-17. The most frequently referred offences were property offences (60%).
- Forty-one per cent of offences were ranked as ‘high seriousness’ offences.
- Most referrals (86%) proceeded to conference and 96% of conferences resulted in an agreement for all offences.
- The majority of conferences involved family support for young people, including parents (78%), immediate family members (9%) and other family members (3%).
- Over half of the conferences involved direct victim participation (55%). Where it was not possible for victims to participate, other indirect forms of representation were used, such as pre-recorded communications or victim representatives.
- There was a high rate of compliance in the completion of agreements. Ninety-six per cent of all finalised agreements were completed during 2016-17.
- Restorative justice resulted in a number of positive reparative benefits for victims and communities including apologies, restitution, completion of volunteer work and young people participating in therapeutic or educational programs.
- Six in every 10 young people (60%) who were assessed on the YLS/CMI: SRV (n = 475) obtained moderate to high risk ratings (moderate = 41%; high = 19%).



# FOUR

## Early outcomes



## 4. EARLY OUTCOMES

What outcomes have been achieved in the first year of implementation?

### 4.1 Reductions in reoffending

#### 4.1.1. How is re-offending measured?

Reoffending rates were calculated for young people who participated in a restorative justice conference between 1 July 2016 and 31 December 2016.<sup>39</sup> The measure of re-offending used in this report is defined as the change in ‘offending magnitude’ in the six months following a conference compared to the 12 months prior to the conference. Offending magnitude is a composite measure that takes into account the young person’s offending frequency and offence seriousness (Box 11).

Reoffending results are based on police charges for new offences<sup>40</sup> that occurred within six months after the index conference date, including: charged offences lodged in the Childrens Court or an adult court; and/or offences referred by police to a restorative justice conference. The date used to calculate re-offending is the date of the offence.

<sup>39</sup> This timeframe (1 July 2016 and 31 December 2017) allowed a 6-month follow-up period prior to 30 June 2017.

<sup>40</sup> There is debate in the literature about the relative merits of different measures of re-offending. Relying on a ‘new police charge’ as a measure of reoffending results in an overestimation of re-offending levels (i.e. false positives) because not all young people apprehended by police are found guilty of their alleged offence(s) (Richards, 2011). However, Youth Justice administrative data indicates that only a relatively small proportion of young people charged by police in Queensland subsequently have their matter(s) dismissed. YJPR calculates that: (i) 92% of distinct (individual) young people with charges dealt with in 2016-17 pleaded or were found guilty; and (ii) 85% of charges dealt with in 2016-17 resulted in a plea or finding of guilt. An alternative approach is to measure re-offending on the basis of ‘offences proven in court’. However, given the length of time it can take to finalise matters in court, this measure risks underestimating the number of young people who reoffend within a 6-month timeframe.

### Box 11. Measure of reoffending magnitude

**'Offending magnitude'** is a new composite measure developed by Youth Justice Performance and Reporting (YJPR) that is based on the young person's offending frequency and offence seriousness for each measurement period (YJPR, 2018).

**Offending frequency** is measured as 'the number of charged offences occurring within the pre- or post-conference measurement period'.

- 'Frequency' is calculated as the number of charges per year (including all charged offences arising during the measurement period).
- The number of charges is pro-rated to the length of the measurement period, excluding any time spent in detention or prison.<sup>a</sup>
- Frequency is grouped into four categories:
  - » 'very low frequency' (up to 1 charge per year or 2 charges per year if measured over a 6 month period)
  - » 'low frequency' (up to 3 charges per year or 4 charges per year if measured over a 6 month period)
  - » 'moderate frequency' (up to 12 charges per year)
  - » 'high frequency' (more than 12 charges per year).

**Offence seriousness** is calculated as the 'most serious charged offence occurring within the pre- or post-conference measurement period.'

- The most serious offence is identified using a ranking of offences at the QASOC (Queensland extension of the Australian Standard Offence Classification) level. YJPR developed a custom-designed ranking of offence seriousness at the QASOC level because of limitations associated with the National Offence Index (NOI).<sup>b</sup>
- Offences are grouped into eight seriousness categories ranging from '1 = most serious' to '8 = least serious' (Appendix 6).

Young people are assigned to one of six pre- and post-conference offending magnitude categories based on their offending frequency and offence seriousness. The young person's post-conference offending magnitude is compared with their pre-conference offending magnitude. Young people who reoffend post-conference are reported as having a: (i) slight or substantial decrease in overall offending magnitude; (ii) equivalent overall offending magnitude; or (iii) a slight or substantial increase in overall offending magnitude, compared with their pre-conference offending.

Using a fine grained composite measure, such as 'offending magnitude' will help to ensure a greater level of sensitivity when examining the impact of restorative justice processes on re-offending rates pre- versus post-conference. It also enables a comparison between different target groups or cohorts taking into account pre-intervention offending profiles (YJPR, 2018). Further information about the merits of this approach is provided in Appendix 6.

#### Notes:

a. Different scales are applied for six month and 12 plus month measurement periods (i.e. different cut-off points for very low and low frequency categories).

b. The NOI provides a cruder measure at the Australian Standard Offence Classification (ASOC) level. It is not sufficiently sensitive to measure reductions in the magnitude of youth re-offending. It is 'adult-centric' and does not adequately reflect patterns of youth offending in Queensland (YJPR, 2017).

### 4.1.2. Reductions in the magnitude of re-offending

Table 15 presents data on the early impact of restorative justice conferencing on re-offending rates. Offending is compared pre- versus post-conference.

#### Re-offending by all distinct young people who completed a conference

- Restorative justice conferencing had a positive impact on short-term re-offending rates.
  - » 59% of all distinct young people (n = 300) did *not* reoffend within six months of their conference (41% reoffending rate) (Table 15)<sup>41</sup>
  - » 7% showed a *substantial decrease* in the magnitude of their re-offending
  - » 11% showed a *slight decrease* in the magnitude of their re-offending
  - » 8% showed an increase in the magnitude of their offending (slight increase = 6%; substantial increase = 2%).
- In total, 77% of young people *either* did not re-offend or showed a decrease in the magnitude of their offending.

<sup>41</sup> This measure is based on the degree of change in offending magnitude (pre- versus post-conference) for all distinct young people who participated in a conference where agreement was reached for all offences.

Further information about the distribution of offending frequency and seriousness pre- and post-conference is provided in Appendix 6.

**Table 15: Reoffending and degree of change in offending magnitude (6 months post-conference) for all distinct young people who participated in a conference between 1 July 2016 and 31 December 2016.**

Reoffending category and change in offending magnitude	N	%
<b>Did not reoffend</b>	<b>300</b>	<b>59%</b>
<b>Reoffended</b>	<b>210</b>	<b>41%</b>
<i>Substantial decrease in magnitude</i>	<i>38</i>	<i>7%</i>
<i>Slight decrease in magnitude</i>	<i>56</i>	<i>11%</i>
<i>Equivalent magnitude</i>	<i>72</i>	<i>14%</i>
<i>Slight increase in magnitude</i>	<i>33</i>	<i>6%</i>
<i>Substantial increase in magnitude</i>	<i>11</i>	<i>2%</i>
<b>Total</b>	<b>510</b>	<b>100%</b>

*Notes:*

1. Includes distinct young people who attended a youth justice conference, where the conference resulted in an agreement being made for all offences.
2. Young people are counted based on their first applicable conference during the reference period.
3. Re-offending results are based on charged offences lodged in the Childrens' Court or an adult court; and offences referred by police to a restorative justice conference.
4. Offending magnitude is a composite measure of offending that is based on offending frequency and peak offence seriousness during the reference period. Change in offending magnitude is based on a comparison of pre- and post-conference offending. Pre-conference offending takes into account the 12 months prior to the conference; post-conference offending takes into account the six months post-conference.
5. Results are based on conferences held and offences referred data as at 31 July 2017; youth charge lodgement and detention data as at 31 July 2017; adult charge lodgement data as at 16 August 2017; and adult custody data as at 22 August 2017.
7. Results reflect revisions in March 2018 to align with the final version of the offending magnitude measure of re-offending.

Source: YJPR (Request Reference: YJ\_1161), DCYW.

## Re-offending by different cohorts

Young people referred to restorative justice conferencing are a very diverse group. They span the continuum from young people with no previous criminal history to young people who are entrenched in the criminal justice system. Preliminary data on re-offending by different cohorts is provided in Appendix 6. Key results are as follows:

- Re-offending rates were lower (28%) for young people without extensive offending histories.<sup>42</sup>
- Re-offending rates were higher for:
  - » young people with a history of supervised orders (74%)
  - » young people who had participated in previous conferences, but had no previous history of supervised orders (52%).

The next stage of the evaluation will explore the relationship between offender characteristics, restorative justice processes and re-offending trajectories in more detail (see below).

### 4.1.3. Caveats

These results should be considered preliminary. The final outcome evaluation will measure reoffending rates at 12 months post-conference. The Australian Institute of Criminology recommends that juvenile reoffending is measured over a timeframe of at least 12 months (Richards, 2011). The evaluation will also examine: (i) the length of time to the first re-offence; and (i) changes in offending magnitude at quarterly intervals using a time-series approach. This analysis will provide a more sensitive measure of escalation or de-escalation in offending behaviour.

<sup>42</sup> This group comprised young people who participated in their first ever conference with no previous history of supervised orders.

The outcome evaluation will also include matched comparison groups (counterfactual) to control for the influence of other variables. As noted above, young people who are referred to restorative justice are a very diverse (heterogeneous) group in relation to their prior offending histories. Participants may also be at different stages of cognitive, language, moral and social-emotional development, ranging from middle childhood (10-12 years) to adolescence (13-18 years). The evaluation will examine the impact of these moderating variables (e.g. age, cultural background, prior offending, type of offences, risk/need rating and other concurrent statutory and non-statutory interventions) on reoffending rates to control for confounds and provide a more robust assessment of the effectiveness of restorative justice conferencing relative to other options (i.e. adjudication by the court). Rather than simply focusing on the question of whether restorative justice is effective (i.e. *'does it work?'*), the evaluation will seek to develop a more nuanced understanding of *'what works for whom and under what circumstances'* (Larsen, 2014; Legal Affairs and Community Safety Committee, 2014). This approach will provide additional evidence to assist practitioners in developing more tailored approaches to restorative justice (i.e. based on level of risk, age and culture).

## **4.2. Diversionary benefits**

Restorative justice conferencing provides police and courts with an effective diversionary option for young people who commit offences. Through diversion, the community can avoid the potential harms to young people arising from police arrest and prosecution, such as deviant labelling, isolation from peer networks and 'trapping young people with [previously] unblemished records in the juvenile justice system' (Senate Standing Committee on Community Affairs, 2005, p. 11). The stigma attached to juvenile offending can stay with young people for the rest of their lives and impact on future employment opportunities, relationships and community reintegration (Jordan & Farrell, 2013, p. 419; Wong et al, 2016). Restorative justice conferencing is a process that holds a young offender accountable for their actions, but minimises or eliminates this stigma. Successful completion of the conferencing process means the charge is dismissed with no criminal record (i.e. for police, S24A and court diversion referrals) and young people have an opportunity to move forward with their lives.

The use of diversionary processes can also prevent the potential 'over-servicing' of minor offences (Siggins Miller Consultants, 2003, p. 32; Morrison & Burdon, 2000). A growing body of evidence shows that young people who proceed to the formal criminal justice system are significantly more likely to reoffend than young people who are initially diverted from the system (Allard et al, 2010; Chen et al, 2005; Dennison, 2006). Last, conferencing may contribute towards more efficient use of system resources and reduced costs by reducing the sentencing load of courts (i.e. reducing the number of court appearances), increasing sentencing efficiency and reducing the workload of legal services, police officers and prosecutors.

### **4.2.1. Restorative justice referral pathways**

Under the 2016 legislative amendments, a young person can be referred to restorative justice at different stages of the criminal justice process. The restorative justice referral pathways allow young people to be diverted away from the criminal court, diverted during court proceedings from formal sentencing or can assist the court in arriving at the appropriate sentence. This continuum of referral pathways ensures that restorative justice responses are available to meet the needs and circumstances of young people at different stages of involvement in the criminal justice process. An overview of the different referral pathways is provided in Figure 5.

**Figure 5: Overview of restorative justice referral pathways**

Criminal justice stage	Referral pathways		Diversions outcomes
<div> <div> <div></div> <div>Diversions Pre-court</div> </div> </div>	<b>Police referral</b> <i>Section 22</i>	A police referral diverts a young person away from formal contact with judicial system. Police do not commence any formal proceedings against a young person and their offence/s are completely dealt with by a restorative justice process.	Diversions away from the criminal court
<div> <div> <div></div> <div>Court diversion</div> </div> </div>	<b>Section 24A referral</b>	A S24A referral allows the court to dismiss a charge if it considers it should have been referred to a restorative justice process by the police. A S24A referral may be appropriate if (i) the original reason for the referral related to a lack of admission by the young person or (ii) the young person originally refused a restorative justice process, but indicates (pre-court) they are now willing to participate and the court considers the police officer could have done more to facilitate a referral.	Court dismisses charge Diversions from formal sentence orders
	<b>Court diversion referral</b> <i>Section 163</i>	The court makes a referral to a restorative justice process instead of sentencing the young person. The young person's finding of guilt does not form part of the young person's criminal history and court proceedings against a young person cease upon receipt of a court diversion referral.	Diversions from formal sentence orders
<div> <div> <div></div> <div>Pre-sentence</div> </div> </div>	<b>Pre-sentence referral</b> <i>Section 163</i>	This provision permits a restorative justice process to occur during an adjournment period prior to sentence. The purpose of this referral pathway is to assist the court in determining an appropriate sentence order. The young person's participation may mitigate against the sentence imposed. This pathway is similar to the previous 'conference before sentence' referral which was removed from legislation in 2013.	Potential mitigation of sentencing outcomes
<div> <div> <div></div> <div>Sentence-based pathway</div> </div> </div>	<b>Restorative Justice Orders (RJO)</b> <i>Section 163</i>	RJOs can be made in combination with other community based or detention orders. The RJO ends upon completion of the agreement. RJOs avoid the need for unnecessary adjournment if court if a court has determined a restorative justice process to be appropriate.	Potential mitigation of sentencing outcomes

#### 4.2.2. How many young people were successfully diverted away from court and/or formal sentencing?

Analysis was undertaken to determine the number of diversions from court and/or formal sentencing during 2016-17.<sup>43</sup>

Figure 6 shows the number of diversions at different stages of the referral continuum. A more detailed breakdown of the data is provided in Table 16. In order to meet the criteria for diversion, young people had to: (i) participate in a conference; (ii) reach agreement for all offences; and (iii) complete their agreement during the reference period.

**Figure 6: Number of diversions from court or formal sentencing during 2016-17.**

<b>Police referrals</b> (Section 22)	<ul style="list-style-type: none"><li>656 young people had their offences dealt with outside a traditional court setting via conferencing</li></ul>
<b>Section 24A referrals</b>	<ul style="list-style-type: none"><li>66 young people had preliminary contact with a court process (i.e. attended a mention), but had no record of this contact added to their history and their offences were dealt with via a restorative justice conference</li></ul>
<b>Court diversion referrals</b> (Section 163)	<ul style="list-style-type: none"><li>312 young people were diverted away from formal sentencing where supervised or detention orders may have been imposed (i.e. probation orders, conditional release orders, bail, remand and/or detention orders).</li></ul>

In the absence of an alternative process such as restorative justice conferencing, these referrals would have been dealt with by traditional court processes and may have resulted in more costly and intensive court outcomes (e.g. supervised orders or detention orders). In summary, restorative justice conferencing can contribute towards more efficient court processes by relieving demands on the court system (i.e. reducing the number of court appearances) and providing an alternative option for diverting young people away from contact with the criminal justice system and/or mitigating against sentencing outcomes.

The outcome evaluation will examine diversion rates in more detail and calculate the immediate financial benefits associated with referring young offenders to restorative justice conferencing compared to court and the associated cost-offsets linked to these diversions. It will also examine the sentencing outcomes associated with pre-sentence and sentence-based (RJO) referral pathways.

<sup>43</sup> This measure provides a count of the number of occasions on which young people are diverted. It is not a count of the number of *distinct* young people who are diverted. If a young people completes more than one agreement during the reference period, they will be counted on each occasion.

**Table 16: Number and proportion of young people with a completed conference where all offences reach agreement by agreement status and referral type, 2016-17**

	Police Referral	Police-s24A Referral	Court Diversion Referral	Total
Agreement Completed (successful diversions)	656	66	312	1,034
Agreement not completed	30	3	16	49
Agreement Open <sup>a</sup>	11	2	7	20
Total Agreements <sup>b</sup>	686	69	328	1,083
Proportion of agreements completed <sup>c</sup>	95.6%	95.7%	95.1%	95.5%

*Notes:*

1. Data is a count of young people with a conference held during 2016-17 (regardless of referral received date) where all offences at the conference reached agreement, disaggregated by agreement status (i.e. completed or not completed).

2. This is not a count of distinct young people. Some young people may have participated in more than one conference and completed more than one agreement during 2016-17.

a. Agreement status of "open" is not included in the count of "Total Agreements". It is for information only.

b. 'Total Agreements' is the sum of 'Agreements completed' and 'Agreements not completed'.

c. Proportion of agreements completed is "Agreement Completed" divided by "Total Agreements".

Source: YJPR, DCYW (Request Reference: RJ Evaluation – Additional Analysis January 2018).



FIVE

# **Participant Views about Restorative Justice Conferencing**



## 5. PARTICIPANT VIEWS ABOUT RESTORATIVE JUSTICE CONFERENCING

### Are participants satisfied with restorative justice conferences?

#### 5.1. Survey instrument and data sources

This section of the report describes the perceptions and experiences of young offenders and victims who participated in a restorative justice conference. Feedback was obtained using a structured, self-administered survey that was completed at the end of each conference (exit survey).<sup>44</sup> The survey sought feedback about various aspects of the conference process, such as pre-conference preparation, consistency, fairness, respect and satisfaction with conference outcomes. Respondents were asked to provide satisfaction ratings on a 5-point Likert scale, ranging from 'strongly agree' to 'strongly disagree'. The survey also included two open-ended questions, which asked 'What did you like about the restorative justice conference?' and 'What didn't you like about the restorative justice conference?' A total of 300 young people and 191 victims completed the survey between 1 January 2017 and 30 June 2017.<sup>45</sup>

#### 5.2. Participant satisfaction with restorative justice conferencing

Overall, young people and victims reported high levels of satisfaction with the conference process (Table 17).<sup>46</sup> They provided very positive feedback about the way their conference was conducted, the way they were treated during the conference and the conference outcomes. The majority of respondents 'agreed' or 'strongly agreed' that they: 'were treated fairly at the conference' (young people = 93%; victims = 94%); 'felt safe at the conference' (young people = 92%; victims = 94%) 'had a genuine say in what went into the agreement' (young people = 89%; victims = 93%); and 'thought the agreement was fair' (young people = 93%; victims = 92%). Most victims (89%) and young people (85%) also indicated they were 'satisfied with the outcome of the conference'.

<sup>44</sup> Administering surveys immediately after a conference has been cited in research as producing favourable satisfaction levels. However, four months after a conference, the level of victim satisfaction with 'most aspects' of the conference process generally remains high. Victims usually only reported dissatisfaction if they did not receive feedback about the completion of agreements (Wagland, Blanch & Moore, 2013).

<sup>45</sup> There were a number of changes to survey questions between 1 July 2016 to 31 December 2016. Because of the limited comparability of survey responses, this report only presents data from 1 January 2017 to 30 June 2017. It was not possible to aggregate satisfaction data for the full financial year. The response rate for young people was approximately 31% (based on 979 referrals to restorative justice between 1 January to 30 June 2017).

<sup>46</sup> Restorative justice conferencing has maintained a very high satisfaction rating of over 90% since its inception in Queensland. The SDS target is 99% of participants (including victims) reporting they are satisfied with the conference outcome. However, there is no direct comparison between the current results and previous satisfaction results due to changes in the participant survey in 2016-17.

**Table 17: Participant responses to satisfaction surveys, Quarters 3 and 4, 2016-17**

	Young people (N = 300)		Victims (N = 191)	
	N	%	N	%
<b>Conference process</b>				
I was <b>treated fairly</b> at the conference	279	93%	180	94%
I <b>felt safe</b> at conference	276	92%	179	94%
I <b>understand what I agreed</b> to at the conference	273	91%	180	94%
I am <b>satisfied with the agreement</b>	276	92%	175	92%
I <b>had a genuine say</b> in what went into the agreement	268	89%	177	93%
I think the <b>agreement was fair</b>	278	93%	175	92%
<b>Conference outcomes</b>				
I am <b>satisfied with the outcome</b> of the conference	256	85%	169	89%

**Notes:**

1. Counts include responses of 'strongly agree' and 'agree' collapsed into a single count.
2. Appendix 6 provides data for the full set of responses (i.e. strongly agree, agree, neither, disagree, strongly agree and not answered).
3. There may be additional surveys completed during the reference period not received or entered into the administrative database at the time of analysis.

Source: Restorative Justice Evaluation Survey Database.

### 5.3. Least satisfaction

The one aspect of the conferencing proceedings where young people reported the least satisfaction was in relation to communication (Table 18). One survey question asked young people and victims if they were 'able to talk to the victim or offender about what happened'. Ninety-three per cent of victims provided a positive responses for this question, whereas the response was much lower for young people (63%). A restorative justice conference can be perceived as a confronting experience for young people. Notably, 80% of victims agreed with the statement that 'a restorative justice conference is a confronting experience for a young person'.

**Table 18: Listening and talking to others**

	Young people (N = 300)		Victims (N = 191)	
	N	%	N	%
<b>I listened to what the victim/offender had to say</b>				
Positive response	222	74%	175	92%
<b>I was able to talk to the victim/offender about what happened</b>				
Positive response	185	62%	177	93%
<b>The Convenor listened to me</b>				
Positive response	269	90%	183	96%
<b>Proportion of agreements completed</b>	<b>300</b>	<b>100%</b>	<b>191</b>	<b>100%</b>

Note: Positive responses count those respondents who answered 'agreed' or 'strongly agreed'.

Source: Restorative Justice Evaluation Survey Database.

### 5.4. Impact of crime on victims

Crime can result in significant harm and trauma for victims. Victims of physical assault and violent crime can experience a range of negative impacts, including physical injuries, financial loss and psychological consequences, such as stress, anger, depression, post-traumatic stress syndrome (PTSS), feelings of shame or guilt and feelings of being unsafe (Fuller, 2015; Shapland & Hall, 2007). More than half (57%) of the victim survey respondents reported

experiencing ‘difficulties immediately following the crime’. The majority of victim respondents indicated that ‘telling the offender about the effects of crime’ (78% of victim respondents), ‘seeing remorse in the offender’ (76%) and ‘having my say in the agreement’ would assist them to manage the effects of crime.<sup>47</sup>

## 5.5. Young persons’ sense of accountability

Young people were asked to rate the extent to which they disagreed with the following statements:

- *What I did hurt someone*
- *I take responsibility for what I did*
- *I am willing to stay out of trouble*
- *I am less likely to offend like this again*
- *Going to a conference has changed the way I think about what I do.*

As shown in Table 19, 77% of young offenders who completed the survey acknowledged that ‘what they did hurt someone’, 89% took ‘responsibility for what I did’ and 84% felt that they were ‘less likely to offend like this again’ in the future. These responses suggest that the restorative justice process contributed towards an increased sense of responsibility and accountability by young offenders. Similar findings have been reported in other studies (People & Trimboli, 2007).

**Table 19: Young persons’ understanding of harm and sense of accountability**

	Strongly agree or agree	Neither	Strongly disagree or disagree	Missing values	Total
What I did hurt someone	77%	7%	5%	11%	100%
I take responsibility for what I did	89%	1%	1%	10%	100%
I am willing to stay out of trouble	86%	2%	2%	10%	100%
I am less likely to offend like this again	84%	4%	3%	10%	100%
Going to a conference changed the way I think about what I do	84%	44%	2%	10%	100%

*Note:* Positive responses count those respondents who answered ‘agreed’ or ‘strongly agreed’ with the question. Negative responses count those respondents who answered ‘disagreed’ or ‘strongly disagreed’.

*Source:* Restorative Justice Evaluation Survey Database.

One of the things that young people ‘liked about the conference’ was the understanding they gained through the restorative justice process. Comments included:

- *I thought that this was a learning experience that will benefit me in the future*
- *I learnt more about what I did*
- *I was able to learn about the implications on myself, but also the victim involved*
- *It was good to learn what happened to the victims and get me thinking positive*
- *I like how I learnt what other people were going through at the time*
- *It helped me with learning my lesson...*

<sup>47</sup> The exit survey is administered at the end of each conference. The survey asks victims of crime to rate the extent to which different aspects of the restorative justice process will ‘assist you to manage the effects of crime’. This measure is not as robust as longitudinal studies that have demonstrated reductions in post-traumatic stress symptoms using validated assessment tools, such as the Impact of Event Scale-Revised (IES-R) (Angel et al., 2014).

## 5.6. Other qualitative feedback

### Absence of key participants

Some young people and victims raised concerns about key participants not being present at the conference.<sup>48</sup> Comments included:

- *Not being able to have all involved at the conference face to face (Victim)*
- *The victim didn't come so I could not apologise to him (Young person)*
- *That only one of the offenders had to face me (Victim)*
- *That only one offender turned up (Victim).*

Conversely, in instances where key people were present the survey respondents provided positive feedback about young people having the opportunity to apologise. Examples included:

- *I was able to apologise which is something I wanted to do" (Young person)*
- *How I got everything out and I got to apologise for what I did and also that I took responsibility for what I did (Young person)*
- *Chance to explain what happened. Chance to hear what happened. Chance to hear an apology (Victim)*
- *The offender apologised for his actions (Victim).*

## 5.7. Summary of findings

Results show that the majority of victims and offenders who completed the surveys were highly satisfied with the conference process and outcomes. Most respondents believed they were treated fairly at the conference, that their rights were respected and that they were treated with respect. They also felt they had a genuine say in what went into the agreement. Last, young people identified positive learnings, such as an increased sense of empathy (i.e. understanding the impact of their actions on other people) and accountability.

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<sup>48</sup> Qualitative findings are exploratory only and need to be further replicated with a broader sample of participants.



SIX  
**Conclusion**

## 6. CONCLUSION: STRENGTHS AND OPPORTUNITIES FOR IMPROVEMENT

This chapter provides a summary of the key achievements and strengths of restorative justice conferencing, as well as challenges and opportunities for further improvement. It outlines a set of recommendations for enhancing the restorative justice model and service delivery.

### 6.1. Achievements and Strengths of Restorative Justice

The Restorative Justice Project has demonstrated progress towards the achievement of intended objectives and outcomes (Box 12) during the first year of implementation

#### Box 12. Intended Project Objectives and Outcomes

##### Key Project Objectives

- Increase the availability of restorative justice responses by:
  - » reinstating court-referred conferencing and introducing additional court referral pathways
  - » enhancing alternative diversion and early intervention options (e.g. ADPs)
- Increase Aboriginal and Torres Strait Islander participation in restorative justice processes
- Increase community and victim participation in criminal justice processes
- Increase the number of restorative justice conferences involving serious offences and serious offenders.

##### Outcomes

- Reduce reoffending of young people
- Reduce the over-representation of young Aboriginal and Torres Strait Islander people in the criminal justice system
- Increase diversion of young people from court processes at the earliest opportunity
- Reduce system demand and cost to the criminal justice system
- Improve the social and wellbeing of young people, victims or crime, and families

#### Achievements and early outcomes

- Amendments to the *Youth Justice Act 1992* (taking effect on 1 July 2016) reinstated the power of the Childrens Court to refer offences to restorative justice conferencing and provided additional sentencing efficiency and flexibility for courts to deal with more serious offences and repeat offenders. Restorative justice provides courts (and police) with an alternative option for diverting young offenders away from the formal criminal justice system and/or reducing the extent to which they are engaged with the justice system. The interim findings presented in this report show that restorative justice has potential to improve court efficiency and reduce system demand in relation to both early offenders and young people who are entrenched in the criminal justice system (section 4.2.2).
- There was a substantial increase in the number of referrals to restorative justice conferencing after the reinstatement of court referrals on 1 July 2016, from 830 state-wide referrals (police only) in 2015-16 to 2,110 referrals (police and court) in 2016-17 (an increase of 151%).
- Restorative justice conferencing had a positive impact on reoffending rates:
  - » 59% of all distinct young people who completed a conference between 1 July to 31 December 2017 did not reoffend within six months of their conference (41% reoffending rate) (section 4.1.2)
  - » 7% showed a substantial decrease in the magnitude of their reoffending
  - » 11% showed a slight decrease in the magnitude of their reoffending
  - » In total, 77% of young people *either* did not reoffend or showed a decrease in the magnitude of their reoffending.

## Have the intended target groups been reached?

- In line with project objectives, restorative justice referrals for Aboriginal and Torres Strait Islander young people increased from one in three referrals over the preceding five years (2011-12 to 2015-16) to one in two referrals (48%) during 2016-17 (section 3.1.5). However, this participation rate is not reflective of the proportion of Aboriginal and Torres Strait Islander young people in the Youth Justice system. More work needs to be done to increase the involvement of Aboriginal and Torres Strait Islander young people in restorative justice conferencing.
- More than a third of offences (41%) in 2016-17 involved 'high seriousness' offences (aggregated across police and court referrals). There has been an increased trend in the seriousness of offences referred by police, with the proportion of 'high seriousness' offences rising from 34% in 2012-13 to 45% in 2016-17. It is not possible to establish a trend for court referrals due to discontinuity in the data collection (section 3.1.6).

## Strengths

- **Reparative outcomes:** Restorative justice conferencing provides a safe forum for negotiating reparative and restorative solutions. Victims and young people can jointly determine mutually acceptable responses to assist in repairing the material, social or psychological harms caused by offending behaviour. Reparative actions can play an important role in helping to heal relationships and resolve conflict. During 2016-17, conferencing resulted in a number of positive reparative outcomes for victims and communities, including apologies (82% of agreements), volunteer work for victims or communities (8%), young people producing items for victims (6%) and statements of intent by young people regarding their future behaviour (49%).<sup>49</sup> There was a high rate of compliance by young people (96%) in the completion of their conference agreements (section 3.4).
- **Victim and community engagement:** Restorative justice aims to promote victim recognition and engagement. It provides victims with an opportunity to be part of the process of dealing with criminal offences. Victims, family and community members, as well as offenders, play a 'central role' in resolving issues of harm, rather than being 'peripheral to the processes of criminal justice' (White, 2003, p. 145). A number of academics and legal practitioners have previously raised concerns that the 'criminal justice system fails to meet the needs of victims'. (Neave, 2004, p. 3; Chua & Foley, 2015; Van Camp & Wemmers, 2016). These needs include being treated fairly and respectfully, experiencing acknowledgement of the wrong they have suffered, and having an opportunity to tell their story. Restorative justice provides an alternative to the criminal justice system that is more responsive to the needs of victims. One of the objectives of the Restorative Justice Project is to increase victim and community participation in criminal justice processes. Over half (55%) of the conferences during 2016-17 involved direct victim participation (section 3.3.2). Where convenors were unable to arrange the direct attendance of victims, other forms of victim representation were utilised, such as pre-recorded communications (e.g. written impact statements prepared by victims), family representatives attending on behalf of victims or representatives from community organisations advocating on behalf of victims of crime.
- **High levels of participant satisfaction:** Conference participants, including victims and young people, reported high levels of satisfaction with the conference process and outcomes during 2016-17 (section 5).
- **Accountability:** Restorative justice holds young people accountable for their offending behaviour by providing an opportunity for them to accept responsibility (*admit the offence*); understand the consequences of their offending behaviour (*listening to the victim's story and hearing about the harm caused*) and make amends (*apology or restitution*). The majority of young offenders accepted responsibility for their offending and provided written or verbal apologies to their victims (82% of agreements) (section 3.4.2). A young person's admission and apology can 'serve as an important public validation of the harm suffered by the victim' (Daley et al., 2003) and can be an important symbolic gesture. Its significance for the victim should not be underestimated.
- **Therapeutic/rehabilitative outcomes:** Restorative justice practitioners and academics are beginning to highlight the potential benefits of combining restorative justice with early intervention or rehabilitative programs to provide a more holistic response to the underlying risks factors that contribute towards offending behaviour (Wilson & Hoge, 2012; Foley, 2013). For example, Braithwaite (2014) has suggested that:

<sup>49</sup> Some of these figures appear low (e.g. volunteer work). However, high levels of victim satisfaction suggest they do not represent a deficiency in practice. The appropriateness of including a particular reparative outcome in a conference agreement in any specific case depends on a range of factors specific to the circumstances of the offence, the offender and the victim, and is determined solely by the participants in the conference.



*The greatest strength of restorative justice is as a superior delivery vehicle for rehabilitation programs that work... by far the largest effect size of restorative justice is not on reoffending but on completion of whatever is agreed by the restorative justice conference' (p. 20). The likely reason for this result is that families are more effective in enforcing voluntary agreements they sign than police are in enforcing orders that judges sign.*

- Victims and /or family members may also request that young people participate in counselling or drug rehabilitation programs as part of their conference agreement. Approximately 21% of agreements in Queensland during 2016-17 involved young people completing counselling or educational programs (section 3.4.2). A growing body of literature has shown that early intervention and therapeutic programs can be very effective in achieving significant reductions in crime (Gill, 2016; Manning, Homel & Smith, 2010; Homel, 2005). Given that restorative justice is associated with high levels of compliance in the completion of agreements, orders and other programs (Larsen, 2014), it offers an excellent opportunity to promote 'therapeutic justice' and more sophisticated and holistic responses<sup>50</sup> to offending for young people with multiple, complex needs (Neave, 2004; Bonta et al., 2006).<sup>51</sup> The higher proportion of Aboriginal and Torres Strait Islander people with repeat referrals (section 3.1.8) underscores the importance of offering targeted and holistic support, particularly for young people at risk of chronic offending (see also Allard et al., 2010). However, it is also recognised that convenors need to ensure that agreement components are: (i) generated by the participants; and (ii) meaningful to all parties who are signatories to the agreement, in line with departmental procedures (i.e. agreement development principles) and restorative justice principles.
- **Family Responsibility:** Restorative justice conferencing can provide a positive and empowering experience for the families of offenders. It can help parents or caregivers to deal with the impact of the young person's offences and to understand what has occurred. The process allows family members to play an active role in the process of deciding on: (i) appropriate responses to the young person's offending behaviour, (ii) strategies that can be put in place to prevent future offending and (iii) rehabilitation options. Restorative justice can play an important role in providing an opportunity for families to take more responsibility for their children and shifting the mechanisms of decision making from government or courts back to family and community (Richards, 2017; Metze et al., 2013). The majority of conferences during 2016-17 involved family support for young offenders, including parents (78%), immediate family members (9%) and other family members (3%)<sup>52</sup> (section 3.4.2).

## 6.2. Key challenges

The key challenges for restorative justice conferencing are summarised below.

### Workforce Issues

- The 2015-16 restorative justice budget submission forecast an average of 245 state-wide referrals per month following the reintroduction of court-referred conferencing. The number of state-wide referrals per month (average = 176; range = 121 to 218) was below this forecast during the first year of implementation (section 3.1.2).
- There was a substantial delay in commencing the recruitment, training and accreditation of frontline staff (54 new FTEs) prior to the implementation of the legislative amendments, which impacted on regional capacity during the start-up phase of the project. Service centres that retained an experienced and accredited conferencing workforce after the abolishment of court referrals in 2013 (e.g. Brisbane North Gold Coast Region) were in a better position to manage the increase in demand.

<sup>50</sup> Some policy considerations in relation to this approach include (i) the voluntary nature of community support services versus the statutory requirement to complete conference agreements; (ii) the option of providing assisted referrals for 'at risk' young people versus including therapeutic interventions as part of a conference agreement; and (iii) the capacity of the service system to meet the needs of young people. The Youth Justice Supply Analysis (June 2016) found gaps in the service system, including a lack of tailored services that are able to meet the needs of the Youth Justice Cohort. Some services also have a limited geographic spread across the state.

<sup>51</sup> The Queensland model is increasingly targeting serious (high-risk) offenders who may be experiencing multiple, complex needs (e.g. substance misuse, disengagement from education or training, employment difficulties, lack of income, neuro-developmental delays, homelessness and social exclusion).

<sup>52</sup> These figures exceed 100% because a young person may have more than one support person at a conference.



- Regional staff have raised concerns about the temporary nature of restorative justice positions and the continuing risk of staff turnover. Temporary conferencing staff have applied for and won permanent positions elsewhere (e.g. the new positions created to support the transition of 17 year-olds). As a result there were vacancies in seven service centres from September 2017 to early 2018, which further impacted on regional capacity. The restorative justice workforce is a highly trained workforce with specialist skills. It is costly to train and accredit new staff and they cannot be rapidly replaced.
- It can be especially challenging to accredit new staff when vacancies arise in small conferencing teams and/or remote locations because of: (i) the lack of experienced convenors to mentor new staff and assist with the accreditation process; and (ii) the lack of opportunities for staff to observe pre-conference preparation and convene conferences due to geographical distance and remoteness.

### Forecasting need, demand and staff allocation

- Youth Justice commissioned a business formula in 2004-05 to assist in calculating staffing requirements that was approved by Queensland Treasury. The model forecast an expected average of 245 referrals per month on a state-wide basis (2940 court and police referrals per annum). The number of referrals per convenor was forecast to be six referrals per month. This formula was based on the number of referrals to youth justice conferencing during 2011-12.<sup>53</sup>
- Restorative justice conferencing is now targeting more serious offenders. The current methods of measuring workload and throughputs are not robust enough to capture the increasing complexity of referrals, enhancements to the restorative justice model and variations in remote versus non-remote service delivery.
- A new *predictive optimum caseload model* needs to be developed to support workforce planning that reflects the changing profile of young offenders being referred to conferencing. The model should incorporate a measure of complexity (e.g. a case-mix approach that distinguishes between resourcing variations for complex versus non-complex referrals). The new model needs to take account of the costs and time required for:
  - » the number of offences and victims per referral
  - » the seriousness of offences
  - » travel to remote areas
  - » engaging with family and community members in culturally relevant ways
  - » engaging with referral partners and other agencies, professionals or community members who participate in conferences (e.g. forensic clinical psychologists, police, schools, Community Justice Groups, Elders and/or respected members of the community)
  - » conference preparation and the time required to link 'at risk' young people, families and victims to support services<sup>54</sup>
  - » any future additions to the service model, such as the administration of screening tools (e.g. YLS/CMI: SRV) to identify 'at risk' young people who require further support.
- The model could also incorporate measure(s) of population need, in addition to current measures of demand (i.e. volume of referrals). This would provide a measure of 'latent demand' (i.e. referrals that could potentially be made by police or courts if capacity existed to service all referrals) to inform workforce planning and targeted engagement strategies. Needs-based modelling could be based on data such as demographic population data (e.g. age, Indigenous status and Socio-Economic Indexes for Areas), the volume of proven charges and/or the number of court-based referrals as a proportion of court defendants (i.e. a measure of potential growth with respect to court referrals) by different locations.<sup>55</sup>

<sup>53</sup> Data from 2011-12 is the last available data prior to court-referred conferencing being removed from the legislation.

<sup>54</sup> A key consideration is the voluntary nature of community support services. If young people require counselling as part of their agreement, it must be a voluntary (not compulsory) service.

<sup>55</sup> The actual level of demand and/or need is not known because some service centres have asked police and courts to stop or slow referrals due to lack of capacity. In other locations, police and courts have stopped or slowed referrals because of the backlogs and the time taken to complete conferences.

## Performance benchmarks

- New performance benchmarks need to be developed for referral targets, caseloads (i.e. number of referrals per convenor), conference targets, the time required to complete conferences and staffing allocations to regions based on the new model.

## 6.3. Areas for Improvement

This evaluation report makes the following suggestions in order to strengthen program design and service delivery.

Challenges or issues	Areas for improvement
<ul style="list-style-type: none"><li>• The average number of state-wide referrals per month during 2016-17 was below the forecast number of referrals (245 referrals per month) provided in the 2015-16 budget submission.</li></ul>	<ol style="list-style-type: none"><li>1. That current regional strategies to address backlogs, boost local capacity and increase referrals are continued and strengthened. Any strategy to boost referrals needs to be targeted to appropriate referrals (i.e. referrals where victims and young people will benefit from restorative justice).</li></ol>
<ul style="list-style-type: none"><li>• There is a risk that the department will be unable to meet increases in demand associated with the transition of 17 year olds to the Youth Justice system. Given that restorative justice can be more effective for older offenders than young offenders (Strang et al., 2013), the volume of referrals for 17 year olds may be expected to increase over time.</li><li>• The commencement of work by the Queensland Police Service (funded in the 2017-18 budget) to increase the use of options for police pre-court finalisation (including use of cautions and conferencing) is expected to further increase demand for restorative justice conferencing during 2018-19.</li></ul>	<ol style="list-style-type: none"><li>2. That the department utilise existing reporting frameworks to monitor restorative justice conferencing including: capacity, demand, risks and the potential impact of other initiatives and reforms (e.g. the transition of 17 year olds and work by the Queensland Police Service to increase pre-court finalisation).</li></ol>

Challenges or issues	Areas for improvement
<ul style="list-style-type: none"> <li>• There were disparities in the type of restorative justice referrals that Aboriginal and Torres Strait Islander young people and non-Indigenous young people received during 2016-17. Aboriginal and Torres Strait Islander young people were more likely to receive sentence-based court referrals at a later stage of the criminal justice process.</li> <li>• There is also a disproportionate number of Aboriginal and Torres Strait Islander young people referred to conferencing between the ages of 10 to 13 years.</li> </ul>	<ol style="list-style-type: none"> <li>3. That the department strengthens consultation with Queensland Police and the Aboriginal and Torres Strait Islander Legal Service (ATSILS), particularly with respect to: <ul style="list-style-type: none"> <li>» increasing the number of police referrals for Aboriginal and Torres Strait Islander young people to conferencing (i.e. pre-court diversions)</li> <li>» promoting the uptake of diversionary options via ATSILS and the Youth Legal Advice Line<sup>a</sup></li> <li>» understanding the causes and implications of the disproportionate number of young children (10 to 13 years) from Aboriginal and Torres Strait Islander backgrounds who are referred to conferencing.</li> </ul> </li> <li>4. That the department work in partnership with Aboriginal and Torres Strait Islander communities to improve the cultural responsiveness of restorative justice processes.</li> <li>5. That consideration be given to undertaking a practice and training needs assessment to determine whether frontline conferencing staff require further practice resources and training to ensure: (i) that restorative justice processes are appropriate in meeting the developmental needs of children (10 to 13 years); and (ii) that staff have the necessary capabilities to work in culturally safe and competent ways to meet the needs of Aboriginal and Torres Strait Islander young people and their families.</li> </ol>

Challenges or issues	Areas for improvement
<ul style="list-style-type: none"> <li>• A high proportion (60%) of young people referred to restorative justice conferencing obtained moderate to high risk ratings on the YLS/CMI: SV (Brief Screener). The YLS/CMI: SV is administered during pre-conference interviews to identify ‘at risk’ young people and families who may require referrals to support services. Some young people in this cohort may already be on supervised orders and accessing statutory and/or non-statutory support. However, other young people may not be part of the statutory system. For this latter cohort, restorative justice can play a pivotal role in being an early point of contact (i.e. pre-court) where ‘at risk’ young people are identified and diverted to non-statutory, early intervention services before they become entrenched in the Youth Justice system.</li> <li>• Other young people referred to restorative justice conferencing (via pre-sentence or RJO referrals) may already be entrenched in the Youth Justice system. They may have longer offending histories and may be experiencing multiple risk factors that impact on their behaviour and wellbeing (e.g., homelessness, drug and alcohol misuse, disengagement from school and work, a lack of support network and social exclusion/marginalisation from communities) (Cunneen &amp; Luke, 2007; White, 2003; Kidd, 2003). For this latter group, diversionary practice principles become less ‘clear-cut’, especially if young people are already on other statutory orders and/or receiving case management support from Youth Justice (Kidd, 2003). This raises practice questions about whether support should be targeted towards reintegration into community and helping to build a local ‘community of support’ for the young person and their family, as well as working with other key staff to ensure a coordinated response to identified needs and criminogenic risk factors.</li> </ul>	<ol style="list-style-type: none"> <li>6. That consideration be given to increasing the capacity of Restorative Justice Teams to identify the needs of ‘at risk’ young people and their families and provide assisted referrals to other early intervention, community support and government services.</li> </ol>
<ul style="list-style-type: none"> <li>• There has been a level of confusion about the purpose of the ADPs. During 2016-17, only 69 ADPs were recorded across the state between 1 July 2016 and 31 March 2017.</li> </ul>	<ol style="list-style-type: none"> <li>7. The department should review the policy framework for ADPs to increase the usefulness of this diversion option and review the value of indirect victim representation (e.g. by community organisations with no direct link to a victim). Consideration could be given to reviewing the legislation to enhance the suitability of ADPs as a diversionary option for young people and referring agencies.</li> </ol>

Challenges or issues	Areas for improvement
<ul style="list-style-type: none"> <li>The quality of the restorative justice (CRIS-YJ) data is compromised in relation to the capture of Alternative Diversion Programs (ADPs), ‘conference participant types’ and ‘agreement status’ (i.e. whether agreements are open, completed or not completed).</li> <li>There are a very large number of options available for defining the different categories of ‘victims’ and ‘victim representatives’ (i.e. ‘Conference Person Participation Type ID’). These categories need to be reviewed so they are in line with legislation and policy directives.</li> <li>A policy position is also required in relation to conference participants who have multiple roles at a conference (e.g. a biological relative who also acts as an Elder in a conference) and how the participants’ roles are best defined. This data field could also be modified so that multiple responses can be flagged. This would improve the consistency of data capture on the participation of Elders and/or respected community members at conferences.</li> </ul>	<p>8. An ongoing data improvement strategy is needed to (i) improve data quality for performance reporting and evaluation and (ii) inform the development of the new system that will replace CRIS-YJ.</p>

*Notes:*

- a. Early feedback suggests that uptake of restorative justice through the Youth Legal Advice Line is positive.



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# Appendices

## Appendix 1: Program Logic



## Appendix 2: Staff Establishment

**Table 20: Permanent staff establishment - number of full-time equivalent (FTE) positions, 1 July 2016**

Position Title	Level	BNGC Region	CQ Region	FNNQ Region	SQ Region	Total
Conference Convenor	A04	10	4.25	5	8.46	27.71
RJ Caseworker	PO2/03	0	0	0	0	0
Resource Officer	A04	2.5	0	2	2	6.5
Administration Officer	A03/02	3	1.5	1	2	7.5
Service/Team Leader	A06/PO4	3	2	2	2	9
Principal Project Officer	A07	0	0	0	0	0
Conference Support Officer	A03	0	1	1	0.5	2.5
<b>Total</b>		<b>18.5</b>	<b>8.75</b>	<b>11</b>	<b>14.96</b>	<b>53.21</b>

*Note:* The 2015-16 budget submission forecast an average of 245 statewide referrals per month based on the assumption of an existing permanent establishment of 52.21 FTEs (BNGC = 18.5 FTEs; CQ = 8.75 FTEs; FNNQ = 12 FTEs; SQ = 12.96 FTEs)

**Table 21: Temporary Restorative Justice FTE allocation, 1 July 2016**

Position Title	Level	BNGC Region	CQ Region	FNNQ Region	SQ Region	CBD	Total
Conference Convenor	A04		3.3	2.2	2		7.5
RJ Caseworker	PO2/PO3/A04	8.4	3	6	3		20.4
Resource Officer	A04	1.5		2	2		5.5
Administration Officer	A03/A02	1.5	1	3.1	2	1	8.6
Service/Team Leader	A06/PO4	1	1	1	2		5
Principal Project Officer	A07/PO4				2	4	6
Team/Court Coordinator	PO3	1	2.5				3.5
Senior Project Officer	A06			0.5		1	1.5
Senior Training Officer	A06					1	1
Project Officer	A04	1					1
Manager	A08		1			1	2
<b>Total</b>		<b>14.4</b>	<b>11.8</b>	<b>14.8</b>	<b>13</b>	<b>8</b>	<b>62</b>

*Note:* The 2015-16 budget submission forecast an average of 245 statewide referrals per month based on the assumption of 62 temporary frontline FTEs. However, regions were allocated 54 FTEs for frontline service delivery in 2016-17. Eight FTEs were retained for central office for training, evaluation and practice support functions.

## Appendix 3: Number of Referrals by Service Centres

**Table 22: Number of distinct referrals received per month by region and conferencing centre, 2016-17**

Region, conferencing centre	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total	%
<b>Brisbane North and Gold Coast</b>	<b>60</b>	<b>62</b>	<b>62</b>	<b>54</b>	<b>72</b>	<b>58</b>	<b>54</b>	<b>62</b>	<b>61</b>	<b>55</b>	<b>64</b>	<b>60</b>	<b>724</b>	<b>34%</b>
Brisbane YJC	23	20	17	18	22	11	11	17	15	16	12	9	191	9%
Caboolture YJC	6	12	10	4	11	14	14	13	7	9	21	12	133	6%
Gold Coast YJC	20	13	24	24	20	17	9	20	19	17	12	22	217	10%
Sunshine Coast YJC	11	17	11	8	19	16	20	12	20	13	19	17	183	9%
<b>Central Queensland</b>	<b>46</b>	<b>37</b>	<b>26</b>	<b>22</b>	<b>24</b>	<b>31</b>	<b>33</b>	<b>37</b>	<b>27</b>	<b>13</b>	<b>35</b>	<b>22</b>	<b>353</b>	<b>17%</b>
Bundaberg YJC	4	1	0	1	4	4	5	6	2	2	6	5	40	2%
Cherbourg YJC	2	1	0	2	3	4	8	10	5	3	4	0	42	2%
Emerald YJC	1	0	0	3	2	6	1	1	1	0	1	5	21	1%
Gladstone YJC	5	5	1	1	2	5	7	6	5	2	4	2	45	2%
Hervey Bay YJC	18	17	10	6	4	5	5	7	5	5	7	3	92	4%
Mackay YJC	4	5	5	7	6	3	1	2	2	0	3	2	40	2%
Rockhampton YJC	8	7	5	2	2	3	4	5	5	1	9	2	53	3%
Woorabinda YJC	4	1	5	0	1	1	2	0	2	0	1	3	20	1%
<b>Far North and North Queensland</b>	<b>55</b>	<b>72</b>	<b>75</b>	<b>56</b>	<b>39</b>	<b>45</b>	<b>40</b>	<b>41</b>	<b>40</b>	<b>29</b>	<b>49</b>	<b>30</b>	<b>571</b>	<b>27%</b>
Cairns YJC	2	14	10	9	9	8	2	13	3	7	5	8	90	4%
NQ Rural - Mt Isa YJC	11	19	25	20	14	8	18	8	16	8	13	1	161	8%
Remote YJC	5	10	11	4	1	17	12	7	5	4	24	8	108	5%
Tablelands & Cassowary Coast YJC	6	7	8	5	9	4	0	9	3	1	3	4	59	3%
Townsville YJC <sup>a</sup>	31	22	21	18	6	8	8	4	13	9	4	9	153	7%
<b>Southern Queensland</b>	<b>28</b>	<b>47</b>	<b>38</b>	<b>46</b>	<b>35</b>	<b>41</b>	<b>34</b>	<b>38</b>	<b>44</b>	<b>24</b>	<b>52</b>	<b>35</b>	<b>462</b>	<b>22%</b>
Ipswich YJC	4	8	10	7	12	14	9	3	9	7	2	3	88	4%
Logan YJC	9	14	11	17	7	10	1	13	15	6	17	12	132	6%
Toowoomba YJC	15	23	9	14	12	9	23	14	12	10	25	14	180	9%
Western Districts YJC	0	2	8	8	4	8	1	8	8	1	8	6	62	3%
<b>QUEENSLAND</b>	<b>189</b>	<b>218</b>	<b>201</b>	<b>178</b>	<b>170</b>	<b>175</b>	<b>161</b>	<b>178</b>	<b>172</b>	<b>121</b>	<b>200</b>	<b>147</b>	<b>2,110</b>	<b>100%</b>

*Notes:*

1. This measure is a count of the distinct number of referrals received in 2016-17 (not young people). If a young person is referred twice during the reference period, both referrals are included in the count.

a. Townsville YJC includes referrals from NQ Rural - Townsville YJC

Source: YJPR, DCSYW (Request reference: Restorative Justice - Interim Outcome Evaluation Oct 2017).

**Table 23: Number of distinct referrals received per month by region and conferencing centre, 1 July 2017 to 31 March 2018**

Region, YJC service centre	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total	Average (per month)
<b>Brisbane North and Gold Coast</b>	<b>65</b>	<b>73</b>	<b>57</b>	<b>57</b>	<b>81</b>	<b>88</b>	<b>89</b>	<b>108</b>	<b>98</b>	<b>716</b>	<b>80</b>
Brisbane YJC	16	17	14	19	17	19	29	30	28	189	21
Caboolture YJC	13	9	4	12	15	27	13	21	14	128	14
Gold Coast YJC	24	15	16	16	35	38	26	41	43	254	28
Sunshine Coast YJC	12	32	23	10	14	4	21	16	13	145	16
<b>Central Queensland</b>	<b>22</b>	<b>22</b>	<b>26</b>	<b>24</b>	<b>20</b>	<b>21</b>	<b>23</b>	<b>20</b>	<b>27</b>	<b>205</b>	<b>23</b>
Bundaberg YJC	3	5	5	6	3	1	1	2	0	26	3
Cherbourg YJC	4	1	5	7	6	10	6	2	7	48	5
Emerald YJC	0	1	0	1	0	0	2	0	1	5	1
Gladstone YJC	6	4	3	2	0	2	3	2	0	22	2
Hervey Bay YJC	3	0	0	1	0	3	4	6	10	27	3
Mackay YJC	2	3	4	3	7	1	5	4	4	33	4
Rockhampton YJC	4	5	4	4	4	4	2	4	3	34	4
Woorabinda YJC	0	3	5	0	0	0	0	0	2	10	1
<b>Far North and North Queensland</b>	<b>43</b>	<b>40</b>	<b>39</b>	<b>43</b>	<b>30</b>	<b>40</b>	<b>56</b>	<b>38</b>	<b>57</b>	<b>386</b>	<b>43</b>
Cairns YJC	2	9	7	6	3	4	8	3	8	50	6
NQ Rural - Mt Isa YJC	7	2	4	11	12	9	11	7	14	77	9
Remote YJC	17	11	5	3	6	16	18	7	17	100	11
Tablelands & Cassowary Coast YJC	5	8	5	8	4	7	2	10	7	56	6
Townsville YJC <sup>a</sup>	12	10	18	15	5	4	17	11	11	103	11
<b>Southern Queensland</b>	<b>45</b>	<b>27</b>	<b>30</b>	<b>36</b>	<b>37</b>	<b>27</b>	<b>44</b>	<b>55</b>	<b>56</b>	<b>357</b>	<b>40</b>
Ipswich YJC	12	9	6	14	8	7	15	13	11	95	11
Logan YJC	13	9	7	10	15	13	8	13	21	109	12
Toowoomba YJC	16	7	15	4	10	3	14	20	14	103	11
Western Districts YJC	4	2	2	8	4	4	7	9	10	50	6
<b>QUEENSLAND</b>	<b>175</b>	<b>162</b>	<b>152</b>	<b>160</b>	<b>168</b>	<b>176</b>	<b>212</b>	<b>221</b>	<b>238</b>	<b>1,664</b>	<b>185</b>

*Notes:*

1. This measure is a count of the distinct number of referrals (not young people) received between 1 July 2017 and 31 March. It includes police and court-ordered referrals.

a. Townsville YJC includes referrals from NQ Rural - Townsville YJC.

Source: YJPR, DCSYW (Request reference: Projects\Restorative Justice\Evaluation\Data\May2018)

## Appendix 4: Offences

**Table 24: High NOI offences by offence groupings and referral source, 5 year trend.**

Referral source, type	2012-2013		2013-2014		2014-2015		2015-2016		2016-2017	
	<i>N</i>	%	<i>N</i>	%	<i>N</i>	%	<i>N</i>	%	<i>N</i>	%
<b>Court Referrals</b>	<b>507</b>								<b>1195</b>	<b>42%</b>
Drug	6	0%							18	1%
Other	30	2%							46	2%
Property	332	21%							781	27%
Public order	2	0%							4	0%
Sexual	10	1%							8	0%
Traffic and motor vehicle	10	1%							23	1%
Violent	117	7%							315	11%
<b>Police Referrals</b>	<b>1086</b>	<b>32%</b>	<b>1195</b>	<b>100%</b>	<b>1193</b>	<b>100%</b>	<b>1099</b>	<b>100%</b>	<b>1678</b>	<b>58%</b>
Drug	49	3%	104	9%	61	5%	54	5%	159	6%
Other	36	2%	27	2%	45	4%	60	5%	149	5%
Property	564	35%	582	49%	448	38%	361	33%	664	23%
Public order	5	0%	8	1%	13	1%	9	1%	11	0%
Sexual	208	13%	288	24%	400	34%	374	34%	371	13%
Traffic and motor vehicle	13	1%	6	1%	15	1%	9	1%	13	0%
Violent	211	13%	180	15%	211	18%	232	21%	311	11%
<b>All offences referred with high NOI</b>	<b>1593</b>		<b>1195</b>		<b>1193</b>		<b>1099</b>		<b>2873</b>	

*Notes:*

1. Data are a count of offences categorised 'high NOI' that were referred to restorative justice and received in each financial year.
2. Proportion represents proportion of total high NOI offences for the financial year.
3. Court referral data is only available for half of 2012-13. Court referred conferencing ceased on 1 January 2013 and was reinstated on 1 July 2016.

Source: YJC\_OR dataset, YJPR Corporate Dataset, DCSYW.

**Table 25: Offences referred by 'Offence Grouping', 2016-17**

YJPR Offence Groupings	2016-2017	
	<i>N</i>	%
Drug	373	5%
Fraud	508	7%
Other	457	6%
Property	4242	60%
Public order	217	3%
Sexual	379	5%
Traffic and motor vehicle	288	4%
Violent	628	9%
<b>All offences referred</b>	<b>7092</b>	<b>100%</b>

Notes:

1. Data are a count of offences referred to restorative justice and received in each financial year.
2. Proportion represents proportion of total offences referred for the financial year.

Source: YJC\_OR dataset, YJPR Corporate Dataset, DCSYW.

**Table 26: Number of offences per distinct referral, 2016-17**

Offence count category	<i>N</i>	%
1 offence	830	39%
2 to 10 offences	1196	57%
11 to 29 offences	75	4%
30 to 99 offences	7	0.3%
100+ offences	3	0.1%
Total	2,111	100%
<b>Average offences per referral</b>	<b>3.4</b>	

Note: This measure is a count of referrals (not young people) referred to restorative justice in 2016-17.

Source: YJC\_OR dataset, YJPR Corporate Dataset, DCSYW.

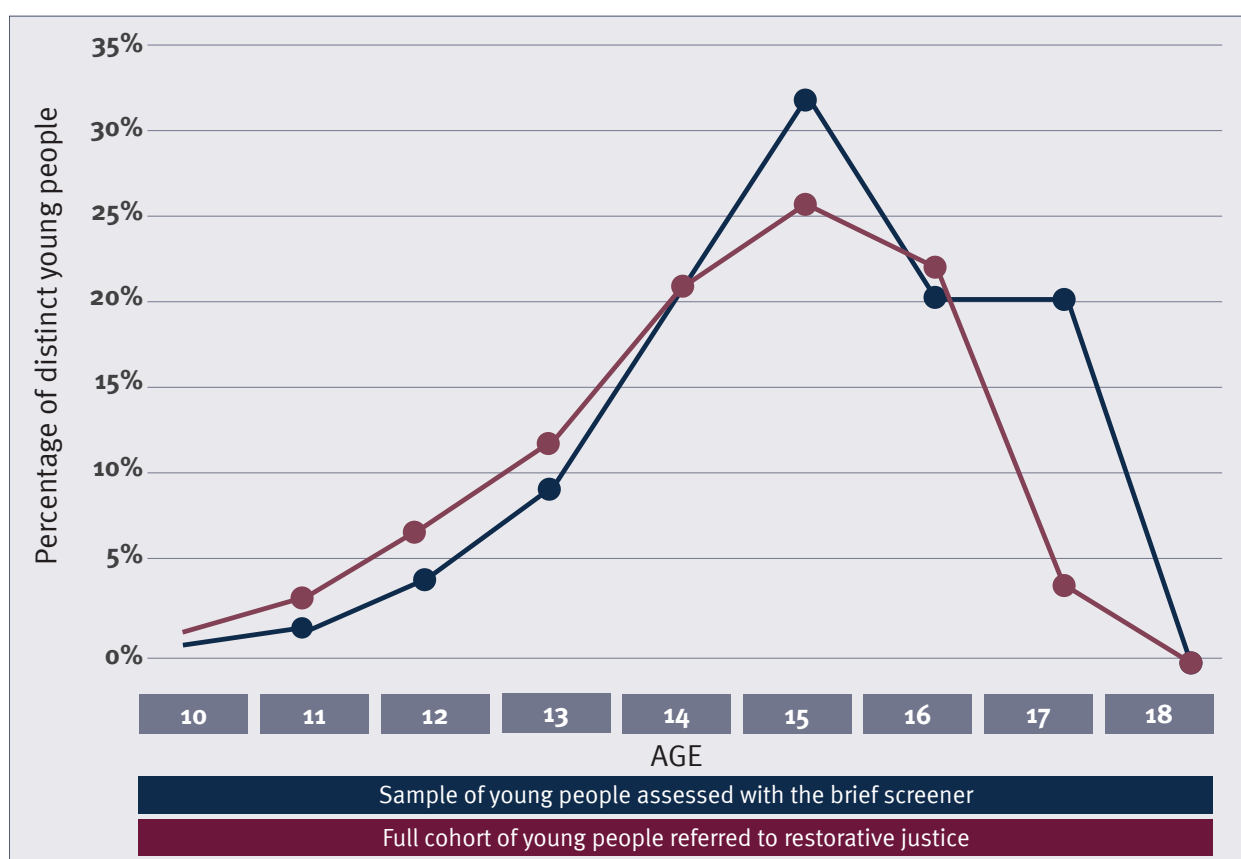


## Appendix 5: Demographic Characteristics of Young People who were administered the YLS/CMI: SRV.

### Sample Characteristics

During 2016-17, convenors administered the YLS/CMI: SRV to 475 distinct young people.<sup>a</sup> This sample represents 39% of all young people referred to restorative justice. Two-thirds of the sample were male (69%). The age profile was broadly similar to the full cohort of young people referred to restorative justice, although there was a higher proportion of young people aged 17-18 in the YLS/CMI: SRV sample (20% YLS/CMI: SRV sample; 4% full cohort) (Figure A). More than half (52%) of the young people assessed on the YLS/CMI: SRV received court-based referrals. Key findings are highlighted below. However, several caveats should be observed given that findings are based on a limited sample of restorative justice participants (Box 8).

**Figure 8: Age profile of young people administered the brief screener compared to all young people referred to restorative justice, 2016-17**



#### Notes:

a. A total of 503 assessment forms were received by the Evaluation Team and analysed. Twenty-eight young people were assessed on the YLS/CMI: SRV on more than one occasion. For the purposes of analysis, only the final scores from the first assessments were retained. There was no variation between the scores across the multiple assessment occasions.

Source: Youth Justice RJ Evaluation Database.

## Appendix 6: Reoffending Magnitude

Reoffending rates were calculated for young people who participated in a restorative justice conference between 1 July 2016 and 31 December 2016<sup>a</sup>. The measure of re-offending used in this report is defined as the change in ‘offending magnitude’ in the six months following a conference compared to the 12 months prior to the conference.

### Box A. Measure of Offending Magnitude

**Offending magnitude** is a new composite measure developed by Youth Justice Performance and Reporting (YJPR) that is based on the young person’s offending frequency and offence seriousness for each measurement period (YJPR, 2018).

**Offending frequency** is measured as ‘the number of charged offences occurring within the pre- or post-conference measurement period’.

- ‘Frequency’ is calculated as the number of charges per year (including all charged offences arising during the measurement period).
- The number of charges is pro-rated to the length of the measurement period, excluding any time spent in detention or prison.<sup>b</sup>
- Frequency is grouped into four categories:
  - » ‘very low frequency’ (up to 1 charge per year or 2 charges per year if measured over a 6 month period)
  - » ‘low frequency’ (up to 3 charges per year or 4 charges per year if measured over a 6 month period)
  - » ‘moderate frequency’ (up to 12 charges per year)
  - » ‘high frequency’ (more than 12 charges per year).

**Offence seriousness** is calculated as the ‘most serious charged offence occurring within the pre- or post-conference measurement period.’

- The most serious offence is identified using a ranking of offences at the QASOC (Queensland extension of the Australian Standard Offence Classification) level. YJPR developed a custom-designed ranking of offence seriousness at the QASOC level because of limitations associated with the National Office Index (NOI).<sup>c</sup>
- Offences are grouped into eight seriousness categories ranging from ‘1 = most serious’ to ‘8 = least serious’ (Box B).

Young people are assigned to one of six pre- and post-conference offending magnitude categories based on their offending frequency and offence seriousness. The young person’s post-conference offending magnitude is compared with their pre-conference offending magnitude. Young people who reoffend post-conference are reported as having a: (i) slight or substantial decrease in overall offending magnitude; (ii) equivalent overall offending magnitude; or (iii) a slight or substantial increase in overall offending magnitude, compared with their pre-conference offending.

### Advantages of this approach

Reoffending can be measured using binary (dichotomous) or continuous indicators. Binary indicators simply assess whether reoffending has occurred (e.g. reconvictions). They provide a very crude measure of reoffending and are associated with several limitations. First, they are overly sensitive to minor offences (e.g. fare evasion or traffic infringements). While these offences may ‘constitute recidivism in the strictest sense’, they do not necessarily reflect ‘genuine recidivism’ and may inflate re-offending rates (Richards 2011, p. 7). Second, binary measures are unable to measure ‘escalation or de-escalation’ of recidivism over time, which limits their sensitivity and usefulness for evaluation and performance measurement (YJPR 2018).

By comparison, continuous indicators provide a more sensitive measure of recidivism and typically examine the frequency of reoffending, the length of time until a young person reoffends and the seriousness of the new offences (Richards 2011). Continuous indicators allow comparisons to be made between ‘early and late recidivism’ (Richards 2011) and between those who ‘reoffend on multiple occasions and those who commit offences of varying degrees of severity’ (Presider, Payne & Homel 2009, p. 27). They are especially useful for tracking the offending profiles of high risk target groups where some level of recidivism is expected to occur, but where an intervention is hypothesised to reduce the frequency or severity of re-offending (Tresidder, Payne & Homel 2009). Using a fine grained composite measure, such as ‘offending magnitude’ will help to ensure a greater level of sensitivity when examining the impact of restorative justice processes on re-offending rates pre- versus post-conference. It also enables a comparison between different target groups or cohorts taking into account pre-intervention offending profiles (YJPR, 2018).

### Notes:

- This timeframe (1 July 2016 and 31 December 2017) allowed a 6-month follow-up period prior to 30 June 2017.
- Different scales are applied for six month and 12 plus month measurement periods (i.e. different cut-off points for very low and low frequency categories).
- The NOI provides a cruder measure at the Australian Standard Offence Classification (ASOC) level. It is not sufficiently sensitive to measure reductions in the magnitude of youth re-offending. It is ‘adult-centric’ and does not adequately reflect patterns of youth offending in Queensland (YJPR, 2017).

### Box B. Summary of offence types in each seriousness band

#### Group 1 offences

Homicide including dangerous driving causing death

#### Group 2 offences

Assaultive sexual offences

Non-assaultive sexual offences involving children

Very serious violent offences

#### Group 3 offences

Non-assaultive sexual offences not involving children

Serious violent offences

Robbery, blackmail and extortion

Cruelty to animals and related offences

Arson

Weapons/explosives supply offences

Illicit drug supply offences

Dangerous driving causing serious harm

#### Group 4 offences

Breach of non-violence orders

Escape custody and related offences

Unlawful entry with intent/burglary/break and enter, with violence or threats

Theft from a person not including robbery

Theft of motor vehicles and related offences

Dangerous driving not causing serious harm

#### Group 5 offences

Common assault and threatening behaviour

Neglect of persons under care

Drink and drug driving offences

Negligent and dangerous acts involving vehicles

Going armed to cause fear

Embezzlement and theft from employers

Offences against judicial processes

Breach of bail by failure to appear

#### Group 6 offences

Graffiti and minor property damage offences

Minor theft and related offences

Minor weapons offences

Moderate fraud offences

Betting and gambling offences

#### Group 7 offences

Moderate regulatory driving offences

Drug use and possession offences

Minor fraud offences

Moderate offences against government processes and regulations

Moderate public order offences

#### Group 8 offences

Fare evasion

Shoplifting

Minor regulatory driving offences

Pollution offences

Minor offences against government processes and regulations

Minor public order offences

#### Excluded offences (young people cannot be charged for these offences)

Breach of bail not including failure to appear

Breach of supervised youth justice order

Source: Youth Justice Performance and Reporting, Department of Child Safety, Youth and Women

**Reoffending and degree of change in offending magnitude (6 months post-conference) for all distinct young people who participated in a conference between 1 July 2016 and 31 December 2016, where agreement was reached for all offences.**

**Table 27: Distinct young people at their first lifetime conference who have no supervised order history.**

Reoffending category and change in offending magnitude	N	%
<b>Did not reoffend</b>	<b>257</b>	<b>72%</b>
<b>Reoffended</b>	<b>102</b>	<b>28%</b>
<i>Substantial decrease in magnitude</i>	<i>18</i>	<i>5%</i>
<i>Slight decrease in magnitude</i>	<i>24</i>	<i>7%</i>
<i>Equivalent magnitude</i>	<i>28</i>	<i>8%</i>
<i>Slight increase in magnitude</i>	<i>21</i>	<i>6%</i>
<i>Substantial increase in magnitude</i>	<i>11</i>	<i>3%</i>
<b>Total</b>	<b>359</b>	<b>100%</b>

**Table 28: Distinct young people at a conference who have participated in a previous conference in their lifetime but have no supervised order history.**

Reoffending category and change in offending magnitude	N	%
<b>Did not reoffend</b>	<b>16</b>	<b>48%</b>
<b>Reoffended</b>	<b>17</b>	<b>52%</b>
<i>Substantial decrease in magnitude</i>	<i>5</i>	<i>15%</i>
<i>Slight decrease in magnitude</i>	<i>8</i>	<i>24%</i>
<i>Equivalent magnitude</i>	<i>4</i>	<i>12%</i>
<i>Slight increase in magnitude</i>	<i>0</i>	<i>0%</i>
<i>Substantial increase in magnitude</i>	<i>0</i>	<i>0%</i>
<b>Total</b>	<b>33</b>	<b>100%</b>

**Table 29: Distinct young people at conference who have a supervised order history**

Reoffending category and change in offending magnitude	N	%
<b>Did not reoffend</b>	<b>34</b>	<b>26%</b>
<b>Reoffended</b>	<b>98</b>	<b>74%</b>
<i>Substantial decrease in magnitude</i>	<i>18</i>	<i>14%</i>
<i>Slight decrease in magnitude</i>	<i>26</i>	<i>20%</i>
<i>Equivalent magnitude</i>	<i>42</i>	<i>32%</i>
<i>Slight increase in magnitude</i>	<i>12</i>	<i>9%</i>
<i>Substantial increase in magnitude</i>	<i>0</i>	<i>0%</i>
<b>Total</b>	<b>132</b>	<b>100%</b>

**Notes:**

1. Includes distinct young people who attended a youth justice conference, where the conference resulted in an agreement being made for all offences.
2. Young people are counted based on their first applicable conference during the reference period.
3. Re-offending results are based on charged offences lodged in the Childrens Court or an adult court; and offences referred by police to a restorative justice conference.
4. Offending magnitude is a composite measure of offending that is based on offending frequency and peak offence seriousness during the reference period. Change in offending magnitude is based on a comparison of pre- and post-conference offending. Pre-conference offending takes into account the 12 months prior to the conference; post-conference offending takes into account the six months post-conference.
5. Results are based on conferences held and offences referred data as at 31 July 2017; youth charge lodgement and detention data as at 31 July 2017; adult charge lodgement data as at 16 August 2017; and adult custody data as at 22 August 2017.
7. Results reflect revisions in March 2018 to align with the final version of the offending magnitude measure of re-offending.

Source: YJPR (Request Reference: YJ\_1161).

Comparison of pre- and post-conference offending magnitude of all distinct (individual) young people who participated in a restorative justice conference between 1 July 2016 to 31 December 2016, where agreement was reached for all offences.

**Table 30: Number of participants: degree of change of offending magnitude for distinct young people**

Pre-conference offending magnitude of individuals	Post-conference offending magnitude of individuals							Total
	Nil Offending	Very Low	Low	Moderate /Low	Moderate /High	High	Very High	
Very low	73	3	1	1	0	7	1	86
Low	36	1	0	2	4	1	0	44
Moderate/low	33	5	2	3	4	4	2	53
Moderate/high	44	3	2	3	2	5	0	59
High	92	20	5	22	5	56	12	212
Very high	22	4	1	5	4	12	8	56
<b>Total</b>	<b>300</b>	<b>36</b>	<b>11</b>	<b>36</b>	<b>19</b>	<b>85</b>	<b>23</b>	<b>510</b>

**Table 31: Percent of participants: degree of change of offending magnitude for distinct young people**

Pre-conference offending magnitude of individuals	Post-conference offending magnitude of individuals							Total
	Nil Offending	Very Low	Low	Moderate /Low	Moderate /High	High	Very High	
Very low	85%	3%	1%	1%	0%	8%	1%	100%
Low	82%	2%	0%	5%	9%	2%	0%	100%
Moderate/low	62%	9%	4%	6%	8%	8%	4%	100%
Moderate/high	75%	5%	3%	5%	3%	8%	0%	100%
High	43%	9%	2%	10%	2%	26%	6%	100%
Very high	39%	7%	2%	9%	7%	21%	14%	100%
<b>Total</b>	<b>59%</b>	<b>7%</b>	<b>2%</b>	<b>7%</b>	<b>4%</b>	<b>17%</b>	<b>5%</b>	<b>100%</b>

Change in offending magnitude	
	Nil offending
	Substantial decrease
	Slight decrease
	Equivalent offending magnitude
	Slight increase
	Substantial increase

**Notes:**

1. Includes distinct young people who completed a conference, where the conference resulted in an agreement for all offences.
2. Young people who had more than one applicable conference during the reference period are reported once only, based on their first applicable conference during the reference period.
3. Offending and re-offending results are based on charged offences lodged in the Childrens Court or an adult court; and offences referred by police to a restorative justice conference.
4. Offending magnitude is a composite measure of offending that is based on offending frequency and peak offence seriousness during the reference period. Change in offending magnitude is based on a comparison between pre- and post-conference offending. Pre-conference offending takes into account the 12 months prior to the conference; post-conference offending takes into account the six months post-conference.
5. Results are based on conference held and offences referred data as at 31 July 2017; youth charge lodgement and detention data as at 31 July 2017; adult charge lodgement data as at 16 August 2017; and adult custody data as at 22 August 2017.

Source: YJPR (Request Reference: YJ\_1161).

# THE *EQUILIBRIUM* MOTIF

At the heart of healing is giving an individual, who may be victim or perpetrator, a voice, and hearing their story.

Listening to each other, to the words spoken and witnessing actions unspoken, can create a movement away from disempowerment to empowerment, accountability and healing broken connections.

By shifting our lens away from isolating individuals and towards coming together in a safe and holistic environment, young people and victims of crime have the support networks to tell their story.

With this redirection of power and influence, young people and victims of crime can develop self-determined solutions and rebuild connections within the family, community and each other.

## The Equilibrium colours are positive and optimistic:

- The orange/yellow represents the shared sun that rises every day.
- The earthy tones represent a connection to culture and encourage the individual to remain grounded.
- The blue is inspired by Torres Strait Islander deep blue sea.

## Symbology



Individual



Stakeholders



Community 1



Community 2



Community 3



Community 4



Community 5



Community 6



Accountability,  
empowerment  
and opportunities



Restorative  
justice





**EQUILIBRIUM**



Queensland  
Government