

**GENDER AND THE YOUTH JUSTICE FAMILY**  
**GROUP CONFERENCE OUTCOME**

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## ABSTRACT

### GENDER AND THE YOUTH JUSTICE FAMILY GROUP CONFERENCE OUTCOME

Part 1 of this study examined family group conference (FGC) outcomes (a statutory mechanism of the Children, Young Persons and Their Families Act 1989) for young offenders. Part 2 examined the acceptability of FGC outcomes for young offenders.

Part 1: Data on 253 distinct youth offending cases for which an FGC was held during 1992-93 was gathered from New Zealand Children and Young Persons Service (NZCYPS) records in Christchurch. Gender of the young offender was shown not to be significantly related to FGC outcome severity. Seriousness of the offence, number of current offences, 'other' people (entitled under the legislation to attend only with the approval of the young offender's family), and greater numbers of the young offender's family attending the FGC were independently associated with a more severe outcome.

Part 2: The acceptability of five alternative FGC outcomes (formal warning, freedom restriction, reparation, community work, and a sentence of supervision) were compared. A total of 83 respondents from three sample groups in Christchurch (NZCYPS, police and the general public) rated the outcomes according to their allocation to one of four written descriptions which presented a male or female of 14 or 16 years committing an offence. The major findings were (1) A significant difference in the acceptability of each outcome. Reparation was the most acceptable outcome followed by community work, freedom restriction, supervision, and the warning. (2) Gender and age of the young offender and type of respondent did not significantly distinguish the acceptability of each outcome. (3) There was a significant interaction effect between the age of the respondent and outcome acceptability. (4) Factor analysis showed outcome acceptability was influenced by three factors. Factor 1 was interpreted as making amends to the victim, Factor 2 was interpreted as deterrence, and Factor 3 was interpreted as how humane the outcome was.

## 1 INTRODUCTION

### 1.1 THE FEMALE YOUNG OFFENDER

Most theoretical formulations about the aetiology, nature and extent of crime and delinquency refer to male criminal behaviour. This is no doubt related to the widespread finding within Western societies that official statistics show female offenders represent a small proportion of offenders and tend to commit less serious crimes.

Biological determinism dominated criminological theories in the 1800s for men and women. Lombroso and Ferrero's (1895 quoted in Pollock, 1978, and in Morris, 1987) basic theory was that the criminal was a biologic throwback to a primitive human breed, and that criminal types could be recognized by various atavistic degenerative body characteristics. The fact that the female offender is something of a rarity seems to have influenced attempts to explain the criminal behaviour of women from perspectives about the nature of women. Lombroso and Ferrero also proposed within the same theory the contradictory idea that the lower crime rate for women was due to the biological nature of women, namely that they were biologically more primitive and had evolved less than males.

While explanations for male crime have shifted towards sociological theories during this century, biological determinism has remained dominant in explanations of women's crime. Pollak (1961 quoted in Pollock, 1978) proposed that official statistics did not represent the true amount of female crime largely because offences committed within the family were not reported, that men within the justice system reacted with chivalry, and because deceit was an intrinsic part of the nature of women.

This biological perspective is also reflected on views about the young female offender. Felice and Offord (1972) suggested that female delinquency can be classified under three headings, one of which is 'psychiatric delinquency', and that female delinquency is a personality disturbance that results in conflict with society, and is expressed as a form of sexual deviancy. Some have viewed her as different from and worse than the male young offender. For example Cowie, Cowie and Slater (1968) supported the view which they

described as a "very wide consensus" that girl delinquents deviated from sociological and psychological norms much more than boy delinquents. They considered that pathological psychiatric deviations were more frequently seen in delinquent girls than boys and that "Delinquent girls are more often oversized, lumpish, uncouth and graceless, with a raised incidence of minor physical defects". (Cowie, Cowie and Slater. 1968, p.166).

From the 1970's onwards the influence of the women's movement in the literature regarding female crime is evident. Anderson (1976) examined the literature and found that it was widely accepted that women in the justice system received 'chivalrous' treatment at all stages; that they are less likely to be reported, arrested, or found guilty. Explanations were mostly that men operated the justice system and men are protective toward women and thus more reluctant to act in the case of the female offender. Anderson argued that there was little empirical evidence to support this view.

In the United States females juvenile offenders are concentrated in the status offence categories, while males are concentrated in the theft and mischief categories (Gibbons and Griswold, 1957; Chesney-Lind, 1974; Datesman and Scarpitti, 1977 quoted in Elliott, 1988). Similar findings, that girls are more likely to come into the juvenile justice system for status offences or moral danger offences, have emerged from research in Britain (Sarri, 1983 quoted in Morris, 1987).

A status offender in the US is commonly defined as "a minor who engages in conduct which would not result in a criminal charge if committed by an adult. Typical examples of such conduct are 'truancy', 'running away', 'using profanity', 'growing up in idleness', and 'incorrigibility' " (*sic*) (Grichting, 1977 p133-134). Such examples show that status offences include specific violations of authority as well as general shortcomings of character or personality and leaves broad room for interpretation by those administering the juvenile justice system.

Monahan (1970) analysed police records and data on juveniles in Philadelphia and found that girls were less likely to be arrested than boys when involved in cases of theft, burglary, robbery, minor assault, disorderly conduct, incorrigibility and vandalism; but were more often arrested for sex offences. The study by Horowitz and Pottieger (1991) in

Miami in the US of the handling of seriously delinquent youths showed black males were arrested on drug charges more often than black females or Whites involved in the same level of drug activity, and that females were more likely to be repeatedly arrested than males (largely for prostitution). The greatest difference in arrest rates occurred for major felony arrests (robbery, assault, burglary and motor vehicle theft), with males being much more likely to be arrested than females.

Of all juveniles who appeared in court in the US in 1984, females represented 45% of all status offender cases compared with only 19% of all delinquency cases (Snyder et al., 1987 quoted in Bergsman, 1989). In 1985 young women made up 14% of all youth in custody, but represented 52% of all status offenders in the US (Bureau of Justice Statistics, 1986 quoted in Bergsman, 1989).

Overseas official crime records have been shown by self-report surveys to represent only a relatively small proportion of committed offences. They are not a direct indicator of the offending behaviour of subjects but are also a function of law enforcement responses to suspected offenders (Hood and Sparks, 1970). Self-report surveys have received criticism of their validity because of differences in sample size, the wording of items, the types of acts surveyed, and the interview and research techniques employed (Bowker, 1978; Hood and Sparks, 1970). Research into their effectiveness has shown a good correspondence between admitted crimes and recorded crimes with samples of known offenders (Gibbons, Morrison and West, 1970) and are considered by some to be more accurate measures of delinquency in the population than official statistics (Elliott, 1988).

Self-report studies have shown that boys are as involved in status offences as girls in the US (Clark and Haurek, 1966; Figueira-McDonough et al., 1981), while their involvement in criminal behaviour is much greater than females (Feyerherm, 1981; Figueira-McDonough et al., 1981). Moffitt and Silva (1988) showed in their self-report study in NZ that boys were significantly more involved in delinquent activity than girls, except for smoking cannabis, taking hard drugs, getting drunk, hitting a parent, and graffiti. Elliott (1988) surveyed 11 (ten US and one UK) self-report studies from the previous 20 years. She considered the evidence supported the view that the pattern of male and female

delinquency is more similar than official statistics have suggested, but with regard to incidence, delinquency is still greater for males.

Once within the juvenile justice system the treatment of offenders has been reported to vary. Chesney-Lind (1973 quoted in Elliott, 1988) carried out a study of case records at the Honolulu Juvenile Court over a period of 35 years from 1929 to 1964 and found that three times as many females as males were institutionalised. A study of 11, 004 school children in Aberdeen found that although status offences were not disproportionately represented, court disposals tended to be more severe when concerning females (May, 1977 quoted in Elliott, 1988).

Elliott (1988) found that, of the young offenders in a study of juvenile court disposals in the UK, there were significantly more first offenders in the female sample. Although she found no overall significant differences in disposals this would have suggested that the females were treated more harshly.

Some studies have shown that males and females receive different disposals depending on the type of offence. Elliott's study also revealed that females charged with offences in the category "violence against the person" were dealt with more severely compared to males. Horowitz and Pottieger (1991) in Miami in the US found, that for petty property crimes, when a young offender had prior adjudications, males more often received incarceration dispositions than females, and for drug and prostitution crimes, when a young offender had prior adjudications females were more likely to receive more severe dispositions.

Studies in the US (Cohen and Kluegel, 1978) and in Canada (Kueneman et al., 1993) which have examined court dispositions for juvenile offenders have shown the strongest predictors of a more severe disposition to be offence-related, or legal variables, such as the type of offence, the seriousness of the offence and the prior record of the young person. However Kueneman et al. (1993) also found that in aboriginal and mixed communities younger offenders were given harsher sentences and in non-aboriginal communities females were given more lenient sentences.

In the UK, Morris and Wilkinson (1983) found that girls in residential care, in contrast to boys, were predominantly there for non criminal reasons. i.e. truancy, care orders, moral danger, beyond parental control, or on a voluntary basis, and that the secure unit was more likely to be used as a first rather than a last resort for female juvenile offenders but not male juvenile offenders. The reason for referral to secure care differed usually from the reason for the initial placement in care. The most frequent reason for referral to the secure unit was absconding. When staff were asked why they had sought the secure placement their responses most frequently were for the protection of the young offender rather than for the perceived danger to others.

In summary, the research into juvenile offending has demonstrated that there are differences in the treatment of male and female young offenders by the justice system. The chivalry theory proposes that the mainly male personnel of the justice system accounts for the lower apprehension rate and more lenient treatment of female offenders due to their chivalrous attitude toward females. This theory is contradicted by some of the research. In particular, girls are more likely to be apprehended for status offences, once institutionalised, they are more likely to be placed in secure care, and they are more likely to receive harsher sentences for violent offences or if they have a prior record.

Chesney-Lind (1974) suggests that the US judicial system supports a dual standard of morality and it is the paternalistic nature of the justice system that acts to treat girls and boys differently. "Paternalism" generally implies that girls who behave in ways that are congruent with traditional female roles of purity and submission receive preferential or lenient treatment, whereas girls who have transgressed sexually or defied parental authority are treated more harshly than boys who have committed the same offences.

Hiller and Hancock (1981) from Australia take a different line by suggesting that female juveniles have become the victim of the 'welfare' approach. The welfare approach or 'treatment' model tends to result in a stronger response to delinquency based on the idea of intervening with potential delinquents, and thus leading to early identification and labelling of young persons, and by encouraging the use of sentences of indeterminate length. The welfare orientation of the Children and Young Persons Act 1969 in the UK led to more young people receiving custodial sentences despite the intention of the Act to be a

more lenient approach (May, 1971). The Children and Young Persons Act 1974 in NZ has also been described as based on the 'welfare' approach, with the philosophies it has fostered being responsible for the accumulation of children in the custody of the state (Doolan, 1993; McElrea, 1993; Maxwell and Morris, 1993).

## 1.2 THE CHILDREN, YOUNG PERSONS AND THEIR FAMILIES ACT 1989

The development of the Children, Young Persons and Their Families Act<sup>1</sup> (hereafter referred to as the Act) was in part a response to the failure of the 'welfare model' which had predominated in the 1960s and 1970s in New Zealand. In the 1970s there were 28 institutions run by the Department of Social Welfare (DSW) (there are now four), and other institutions were run by the Education and Health Departments. Social research indicated that children in state care tended to drift between institutions and foster homes and their links with parents and family were commonly weakened and sometimes lost (Ludbrook, 1992).

The Act reflects a shift towards the principles underlying the 'justice model'. The 'justice model' and the 'welfare model' have often been presented as opposites. The justice model attributes offending to the full choice of the offender who must be held responsible for the offence. But the Act has been described as an attempt to see the principle of justice in a wider context, by its acknowledgement of the origins of crime as the result of a broader macro-economic and social context (Doolan, 1993). In an innovative move the Act explicitly states the principles to be followed in administering the Act. The general objects, principles and duties are set out at the beginning of the Act in Sections (S) 4, 5 and 6<sup>2</sup>.

Clauses dealing with the care and protection of children and young persons are listed in Part II, quite separate from those relating to youth justice in Part IV. Section 208 of the Act details the principles to be followed when any powers under Part IV of the Act are exercised. In summary, these state that whenever possible, young people should be kept in their community, that where practicable, the least restrictive sanction should be used, and

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<sup>1</sup> Any further referrals to legislation will be to this statute unless otherwise stated.

<sup>2</sup> See appendix 1.



that all sanctions should aim to promote the development of the child or young person within the family group.

One of the underlying principles of the Act as described by Doolan (1993), who was involved in the development of the Act in regard to youth justice, is equality:

"This principle seeks to limit the influence of personal, social, cultural or economic status factors in determining outcomes for individuals. Its expression in the new law is that the more coercive, controlling interventions and sanctions are limited to certain classes of *offence*, rather than classes of *offender*." (emphasis given by Doolan) (Doolan, 1993, p. 25)

Morris and Maxwell (1993) summarised the new system of youth justice brought about by the Act as reflecting a number of other innovative strategies: taking account of the rights and needs of indigenous peoples; keeping families central to all decision-making processes involving their children; young persons themselves having a say on how their offending should be dealt with; the involvement of victims in determining penalties for young offenders; and the advocating of group decision-making by consensus. The new system achieves these strategies by changing the procedures of the police, DSW, and the court, and through a new mechanism; the family group conference.

### 1.3 THE FAMILY GROUP CONFERENCE

There has been a limited amount of research on the youth justice family group conference (FGC). Relatively little is known about whether the FGC or the youth justice system as a whole is an equitable process for male and female young offenders. Much of the research has examined the FGC in the context of studying the implementation of the whole of the Children Young Person and Their Families Act 1989, but usually care and protection and youth justice FGCs have been looked at separately.

A FGC is a legally recognized forum that can be held under Part II; Care and Protection; or Part IV; Youth Justice of the Act. Care and protection and youth justice FGCs have similar processes but different purposes. Care and Protection FGCs are held when there are concerns for the welfare of a child or young person. Youth justice FGCs are held when a young person has committed an offence.

The FGC is a central part of youth justice procedures since its official creation. The Act defines the FGC in the context of youth justice as " a meeting convened or reconvened by a youth justice co-ordinator in accordance with Section 247 or Section 270 or Section 281 of the Act". These sections of the Act dictate the circumstances when a youth justice co-ordinator shall convene a FGC.

It is mandatory for a FGC to be held to consider the case whenever criminal proceedings are contemplated (non-arrest cases)<sup>3</sup> or brought (arrest cases)<sup>4</sup> concerning a young person. A young person is defined as aged 14 to 16 years<sup>5</sup>. The age of criminal responsibility is 10 in New Zealand, but children under the age of 14 cannot be prosecuted except for the offences of murder or manslaughter. If their offending is of concern to their well-being they can be dealt with through a FGC<sup>6</sup>.

When a young person is referred to the police youth aid section<sup>7</sup> a FGC must be held before a prosecution can be brought. When a young person is arrested and brought before the court for alleged offending (other than murder, manslaughter, or traffic offences not punishable by imprisonment) the court must adjourn the matter to allow a FGC to be held.

A FGC cannot proceed when an offence is denied. The youth aid officer may refer the matter to Youth Court for a defended hearing. If a matter is denied in court the matter must be proved in court before it can be referred to a FGC. When a young person is placed in custody pending a defended hearing a FGC must be held within seven days but solely to determine where the young person will be placed in custody.

The purpose of the FGC is to make the young person accountable for their offence taking into account the wishes of the victim of the offending. The FGC achieves this by formulating a plan for the young person or making recommendations to the youth court judge in the case of prosecution.

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<sup>3</sup> Section 245.

<sup>4</sup> Section 246.

<sup>5</sup> Section 2.

<sup>6</sup> Section 18 (3).

<sup>7</sup> Youth Aid is a specialised section of the police force established to deal with young offenders.

#### 1.4 RESEARCH INTO THE YOUTH JUSTICE FAMILY GROUP CONFERENCE

All the in-depth research projects that examine the FGC to date have been conducted on behalf of the Department of Social Welfare (DSW) or the Office of the Commissioner for Children. Some have been published as recently as 1993 but all relate to data from cases in 1990 or earlier. More recent research is not yet available.

DSW, Justice Department, and NZ Police statistics have been used as a basis for most studies. The lack of information on the implementation of the new Act was a concern to many of the researchers. Statistical information from DSW records on the implementation of the new Act is very limited (Maxwell and Robertson, 1991; Mason Report, 1992). Sometimes statistical information between the different government departments did not match up (Renouf et al., 1990; Maxwell and Morris, 1993). The Commissioner for Children, Ian Hassall is also concerned that he cannot perform his job adequately without scientific measurement of the implementation of the Act (Swain, 1992).

The Mason Report, 1992 (a Review of the Act requested by the Minister of Social Welfare, chaired by Ken Mason and published in February 1992) called for improved data collection in all the government departments involved in the implementation of the Act as well as independent longitudinal research to evaluate the outcomes of the Act for children, young persons and their families affected by it. The government indicated that it is already taking steps on improving statistical record keeping and is currently considering the possibility of a longitudinal study. (New Zealand Government, 1992).

Most recently the Weeks report (a study of financial management practices in the NZCYPS in fiscal year 1994 commissioned by the Department of Social Welfare) has recommended a completely new method of computerised data collection. It considered the existing in house computer system (CYPFis) was not worth any further expenditure in attempts to make it adequately meet the statistical needs of the Department.

Studies have generally examined both care and protection and youth justice FGCs as a series of three stages; preparation for the FGC, the FGC process, and the events that occur

following the FGC or post-FGC. I will describe the major findings of research at each of these stages for youth justice FGCs.

#### 1.4.1 FGC Preparation

##### 1.4.1.1 Referrals

Analysis of DSW statistics for the year ending June 1992 replicate those for the 1990 calendar year; 83% of referrals came from an enforcement agency and the remainder from the youth court (Maxwell and Morris, 1993; DSW Statistical Information Report, 1992).

Referrals by youth aid officers are made to youth justice co-ordinators by way of consultation. If other methods of dealing with the youth's behaviour are considered more appropriate then the referral for a FGC may not be accepted by the co-ordinator and the police deal informally with the matter. The 1991/92 statistics show a total of 8,475 referrals for FGCs were made but the number of FGCs actually held was 6,950 (Department of Social Welfare, 1992).

Alternatives to the FGC include the police arranging informal sanctions for the young person such as apologies, reparation to the victim or voluntary work in the community.

The Act has been achieving increased diversion from the youth justice system through changes in arrest procedures (Renouf et al., 1990; Angus, 1991; Hassall and Maxwell, 1991; Maxwell and Robertson, 1991). During 1990 only 5% of the total number of young offenders dealt with by police were arrested, although there were significant geographical variations (Maxwell and Morris, 1993). Morris and Young (1987) commented that in 1984 at least a third of a sample of cases taken from police records in selected districts had been arrested.

Police national statistics from 1st November 1989 to 30 April 1990 showed that 79% of the non-arrest cases were dealt with by the police. They were dealt with by alternative methods such as a warning from the investigation officer or the youth aid officer and/or an informal sanction such as reparation and / or community work organised by a youth aid

officer. The remaining 21% were referred to co-ordinators for a FGC. Hence a FGC referral is the outcome for a comparatively small number of young people who come into contact with the police.

Maxwell and Morris (1993) used quantitative analysis of the factors influencing the decisions made by youth aid officers. In general older offenders with histories of previous offending who had committed more serious offences tended to be referred for FGCs and young offenders with no previous offences who had committed minor offences tended to be warned.

Overall, 12% of referrals were for females but Maxwell and Morris (1993) found some regional variation. Girls made up only 4% of the FGC in Kapiti-Mana compared to nearly a quarter in Masterton and Lower Hutt. Girls were less likely than boys to have had previous offences (67% of girls compared to 81% of boys) or to have previously had an FGC (20% of girls compared to 36% of boys).

#### 1.4.1.2 Method

Considerable regional variation exists in almost every aspect of FGC process and practice including characteristics of the juveniles dealt with at FGCs, differences in arranging and setting up FGCs, differences in the composition of FGCs and differences in the outcomes reached (Renouf et al., 1990; Levine and Wyn, 1991; Maxwell and Morris, 1993).

Sometimes preliminary arrangements were done by the co-ordinator, sometimes by a specialist youth justice social worker, sometimes by a generic social worker, or various combinations of these. The impression of Maxwell and Morris (1993) was that setting up the FGC was least hampered by confusion when this was done by one individual within the framework of a specialist youth justice team.

#### 1.4.1.3 Time Frames

Time limits for convening youth justice FGCs are specified in the Act<sup>8</sup>. Where a young person is placed in custody a FGC must be held within 7 days. Other court referred

FGCs are to be held within 14 days and non-court referrals are to be convened within 21 days.

On average less than half of the FGCs in the sample of 211 studied by Maxwell and Morris (1993) were convened within the required time limit. Slightly more of the court referrals than non-court referrals met the time frames but this often depended in each district on how frequently the youth court was held. For example in one area where the youth court was held every 4 weeks 22% of court referred FGCs were held within the statutory time limit but by 4 weeks 77% had been held (Maxwell and Morris, 1993).

Reasons for not meeting FGC time limits are similar to those identified for care and protection FGCs - families and victims being difficult to contact, staff shortages, and workload pressures. An additional reason was the lesser priority given to youth justice work in generic social work offices (Renouf et al., 1990; Maxwell and Morris, 1993). Researchers also learned that statutory time limits often did not in practice provide sufficient time for adequate briefing of families and victims or for contacting whanau or extended family and that the priority given to meeting time frames varied between individuals (Maxwell and Morris, 1993).

The Mason Report was concerned that the need to meet tight deadlines sometimes resulted in poorly organised and managed conferences. It recommended that the wording in the Act be changed from "days" to "working days" to slightly increase the time limits for youth justice FGCs. This was not supported by the government in their response to the Mason Report (New Zealand Government, 1992).

#### 1.4.2 FGC Process

##### 1.4.2.1 Venue

The most common venue was DSW offices or facilities, such as former family homes (Maxwell and Morris 1993; Prchal, 1991). The offender's home was the next most common venue (Maxwell and Morris 1993; Prchal, 1991). Maxwell and Morris (1993)

reported that a slightly higher proportion of Maori FGC cases were held in the offender's home but marae were rarely used (3% of total FGC sample).

It has been recommended that victims be consulted on the venue of the FGC (Mason Report, 1992; Maxwell and Morris, 1993) and the government supported this recommendation (New Zealand Government, 1992). The Mason Report emphasized that a victim should not be revictimized by feeling alienated by the FGC venue or the conduct of the FGC itself. Although often formal and impersonal they saw that at times DSW facilities were a better choice than the offender's home because it was more neutral territory.

Maxwell and Morris (1993) dispute this premise since social welfare territory is likely to carry much significance for some and is unlikely to be considered culturally appropriate for any ethnic group. They also question the ease for families to feel empowered in such a setting. Their contact with families indicated that DSW facilities were commonly used because families were not offered other options.

Youth justice FGCs are more commonly held outside working hours than care and protection FGCs. About half are held before 4 p.m. on weekdays, a quarter are held after 6 p.m. and very few are held on weekends. Again clear differences between the research areas are apparent (Maxwell and Morris, 1993).

#### 1.4.2.2 Participants

A satisfactory FGC in regard to composition should have the young person, a family member, a co-ordinator, a victim (if they wish to attend) a representative of the enforcement agency, a youth advocate if the matter has been referred to the youth court, and a social worker representing DSW if the Director-General of Social Welfare has been given custody, guardianship, or supervision of the young person<sup>9</sup>. Maxwell and Morris (1993) found that the smallest number attending a youth justice FGC was two including the young person and non-family participants, and the largest number was 39, but that

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<sup>9</sup> Section 251.

between five and 10 people attended two thirds of FGCs. This is supported by other findings of six to seven as the average number (Renouf et al., 1990).

All these figures include non-family participants. It appears that on average a fewer number of family and whanau attend compared to the average of 6 family or whanau at care and protection FGCs found by Paterson and Harvey (1991). Overall, apart from victims (researchers did not have sufficient information to determine when victims had been invited or not), the majority of FGCs were found to have an adequate composition (Maxwell and Morris, 1993).

1.4.2.2.1 Family. In the main the young person and their family attended the FGC and where they did not the FGC was usually adjourned for them to attend. The main reason for non-attendance was a failure in communication by DSW (Maxwell and Morris, 1993). Less frequent reasons were a refusal by parents to become further involved with DSW or in matters concerning their child, as well as mundane events such as the break down of cars (Maxwell and Morris, 1993).

Maori and Polynesian families have greater numbers of family present than other ethnic groups (Prchal, 1991; Maxwell and Morris, 1993). On average there were 8 people at pakeha FGCs, 9 at Maori FGCs and 10 at Pacific Island FGCs (Maxwell and Morris, 1993). In pakeha cases 20% of FGCs had extended family present compared to 58% of Maori cases having whanau and 37% of Pacific Island families having aiga<sup>10</sup> present. These findings support the experience of practitioners of care and protection FGCs (Paterson and Harvey, 1991).

Whanau or extended family attendance at FGCs varied by area. The attitude of the co-ordinator to extended family involvement has been described as a major factor in determining their attendance (Renouf et al., 1990; Maxwell and Morris, 1993). As with care and protection FGCs the lack of extended family and whanau attending FGCs was often a concern expressed by DSW social workers (Mason Report, 1992). Whanau or extended family members were involved in just over a third of FGCs and they attended more frequently in cases of reoffending or when the FGC was court referred (Maxwell and

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<sup>10</sup> Pacific Island equivalent for "extended family".



Morris, 1993). Co-ordinators often tackle more strongly parent's resistance to involve more family if the young person reoffends and another FGC is called (Stewart, 1993).

Support people for the family who attended FGCs included siblings, family friends, teachers and youth club organisers. Maori and Pacific Island FGCs were more likely to include family supporters than pakeha FGCs (Maxwell and Morris, 1993).

1.4.2.2.2 Victims. A feature of the new youth justice system is providing a voice for victim concerns in determining an appropriate response to the offences committed against them. The attendance of the victim<sup>11</sup> is seen as positive for the FGC (Renouf et al., 1990; Angus, 1991; Stewart, 1993) and has been described as the key to the success of the FGC (McElrea, 1993).

Most of the literature indicates about half of FGCs are attended by at least one victim (Renouf et al., 1990; Angus, 1991; Prchal, 1991) and this is supported by research although considerable variation between districts exist (Maxwell and Morris, 1993). National figures for the year ending June 1992 show 35% of all FGCs held had one or more victims present (Department of Social Welfare, 1992).

Some victims prefer not to attend FGCs. Their reasons may include a lack of time, fear of meeting the offender, feeling they have nothing to contribute, and seeing no value for themselves in attending. Maxwell and Morris (1993) contacted victims following the FGC. Although the victim is an entitled member of the FGC, one third of victims who did not attend the FGC said they had not been invited, 28% said the time of the FGC was not suitable and 17% said they had insufficient notice of the FGC to make arrangements so they could attend. Failure to invite the victims was twice as common when the victim was an organisation such as a shop or school.

Such findings indicate that DSW does not give priority to attempting to secure the attendance of the victim at the FGC but it was also noted that police did not always provide adequate information for victims to be contacted. Researchers found that persistence was

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<sup>11</sup> Section 251 (f) states the victim is an entitled member of the FGC.

sometimes necessary when obtaining this information from them (Maxwell and Morris, 1993).

1.4.2.2.3 Enforcement officers. Only 6% of FGCs in the sample studied by Maxwell and Morris (1993) took place without an enforcement officer. The usual reasons were conflicting work commitments or shortage of staff. Where the enforcement officer did not attend difficulties in obtaining their agreement tended to arise (Maxwell and Morris, 1993).

Front-line police who had been involved in reporting the offence seldom attended the FGC (Renouf et al., 1990; Maxwell and Morris, 1993) but when they did some discussion of the summary of facts was possible. Maxwell and Morris (1993) found in their sample that when the reporting officer was the victim, as in cases of assault, he or she was never present at an FGC. Given that police advocate victim attendance at FGCs this is something of a contradiction (Maxwell and Morris, 1993).

1.4.2.2.4 Advocates. Most FGCs are from direct police referral so no legal counsel would be appointed for the young person. The government supported the recommendation made by the Mason Report that the youth advocates' role be extended to non-court cases when the co-ordinator considers it is necessary (New Zealand Government, 1992). The young person may need legal advice in non-court referred conferences, for example when police have inadmissible evidence or there is a dispute regarding reparation. The input of the youth advocate may in some cases help to bring proceedings to an end without the necessity for court intervention (Mason Report, 1992). The youth advocate<sup>12</sup> attended in less than two thirds of the court referred FGCs. Seldom did they ensure a colleague was adequately briefed to represent the client if they could not attend themselves (Maxwell and Morris, 1993).

The appointment of lay advocates<sup>13</sup> is very rare (Renouf et al., 1990; Mason Report, 1992; Maxwell and Morris, 1993). Lay advocates cannot be reimbursed by the Justice

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<sup>12</sup> Section 323 states when a young person appears before the youth court charged with an offence that a youth advocate be appointed by the court to represent the child or young person.

<sup>13</sup> Section 326. The functions of the lay advocate are to ensure the Court is made aware of all cultural matters that are relevant to the proceedings and to represent the interests of the young person's whānau, hapu, iwi or their equivalent in the culture of the young person.

Department (Renouf et al., 1990). The Mason Report recommended the government publicise the role of the lay advocate and the government supported this recommendation (New Zealand Government, 1992).

1.4.2.2.5 Social workers. Social workers are entitled to be present only in certain circumstances and this reflects the underlying philosophic shift in the legislation from the offender's welfare to their accountability. However in practice social workers attended many FGCs when these circumstances did not exist. Social workers attended on average 62% of FGCs but this ranged from 84% to 24% across districts. Social worker attendance was found not to be associated with who arranged the FGC (Maxwell and Morris, 1993).

Diverse reasons for the attendance of social workers were given including representing victims views when the victim had been contacted but was not attending, providing information on available programmes for the young person and because the social worker had to write a court report (Maxwell and Morris, 1993). Staff in a number of districts admitted there was confusion over the role of the social worker (Renouf et al., 1990; Maxwell and Morris, 1993).

#### 1.4.2.3 Procedure

Youth justice FGCs are shorter than care and protection FGCs. Most last one to two hours and require only one session (Maxwell and Morris, 1993). Co-ordinators seem to follow a common procedure rather than allow families to set their own procedure:

- ♦ A prayer or karakia and a welcome in English and / or Maori
- ♦ Each person introduces themselves
- ♦ The co-ordinator explains the procedure to be followed
- ♦ The enforcement officer reads the summary of facts and asks the young person whether they are accurate
- ♦ The co-ordinator asks the victim or their representative for their views which is usually followed by a general discussion of possible outcomes
- ♦ Family are given the opportunity to deliberate privately to formulate a plan
- ♦ The family return to seek agreement with their plan from the enforcement officer and the victims if they are present (Maxwell and Morris, 1993).

1.4.2.3.1 Information-giving. Common criticisms picked up by researchers mirrored those for care and protection FGCs. That little information about the process was given to the participants prior to the FGC (Hassall and Maxwell, 1991; Mason Report, 1992; Maxwell and Morris, 1993), and that families frequently felt inadequately briefed on what options were available (Maxwell and Morris, 1993; Mason Report, 1992). Maxwell and Morris (1993) found that victims were not fully briefed on the FGC process and sometimes had unrealistic expectations of the FGC, but young persons had a good understanding of the purpose of the FGC.

There is a fine balance between giving comprehensive information and being directive. Giving selective information can shape what decisions are made. Researchers who sat in on FGCs found some co-ordinators were reluctant to provide information even when families were asking for it for fear of influencing the families decision-making while others were quite directive (Maxwell and Morris, 1993).

1.4.2.3.2 Family / Whanau Private Deliberations. In practice professionals often did not withdraw from the family to allow them to deliberate privately<sup>14</sup>. On average Maxwell and Morris (1993) found professionals did not withdraw in 42% of FGC cases with a range across regions of 5% to 63%.

#### 1.4.2.4 Formulating The Plan

The new legislation intends to encourage families to come up with their own solution but most outcomes were conventional. There is a general shortage of services and programmes for families and young persons within the community, particularly Maori based services (Renouf et al., 1990; Morris and Maxwell, 1993; Mason Report, 1992). A lack of services restricts the available options. When families have few resources options are limited further (Renouf et al., 1990).

#### 1.4.2.5 Involvement Of Family And Young Persons

The level of perceived involvement of families in the youth justice process is far greater now than in the former system where many young persons would have been part of

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<sup>14</sup> Section 251 (2) gives families the right to deliberate privately in youth justice FGCs.

the court process. Most parents and some young persons described their involvement in FGCs in positive terms and said they were able to say what they wanted (Maxwell and Morris, 1993). Parents in particular identified themselves as having been involved in the decision in a significant proportion of cases. This is different from the previous justice system and from juvenile justice systems elsewhere where decision-making by courts or welfare panels is reported to provide little effective participation from parents (Asquith, 1983 quoted in Maxwell and Morris, 1993; Davis et al., 1989; Martin et al., 1981 quoted in Maxwell and Morris, 1993).

Ethnicity of the parents and young persons, and age and sex of the young person did not significantly affect parents' and young persons' feeling of involvement but geographical area did (Maxwell and Morris, 1993). A low feeling of involvement was correlated with districts where private deliberations occurred less frequently in the FGC (Maxwell and Morris, 1993).

The principles in the legislation advocate that the young person participate in decision-making<sup>15</sup> and be encouraged to take responsibility for their actions but their actual feeling of involvement was typically low (Maxwell and Morris, 1993). The most frequent response from young persons was that their family had decided the outcome (32%), with a further 25% declaring the professionals or the professionals together with their family had decided the outcome. There are varying beliefs among families as to how much say a young person should have and Maxwell and Morris (1993) propose active encouragement of the participation of the young person together with explanations in the public arena of the underlying philosophy and value of it.

The Maori, Samoan and Pakeha researchers in the study conducted by Maxwell and Morris (1993) were in considerable agreement that there were large deficiencies in practice in FGCs with regard to cultural appropriateness. The facilitator was not always fully conversant with the relevant culture and there seldom seemed to be any attempt to match the ethnicity of the co-ordinator with that of the family. The Maori researchers for Maxwell and Morris (1993) concluded that cultural advisors are essential for co-ordinators. They felt that when the FGC process was not culturally appropriate this was because

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<sup>15</sup> Section 5 (d) and (e).

practitioners were ignorant of the Act's emphasis on a culturally appropriate process rather than any inherent faults in the legislation itself. The Maori researchers stated that when the processes outlined in the Act were observed Maori families were indeed empowered (Morris and Maxwell, 1993; Maxwell and Morris, 1993). Many families from all ethnic groups expressed appreciation of the informality of FGCs (Maxwell and Morris, 1993). Maxwell and Morris (1993) see the FGC has the potential to be able to cope with cultural diversity more than other types of tribunals.

### 1.4.3 Post FGC

#### 1.4.3.1 Agreement

To the year ending June 1992 only 178, or 2.5%, of youth justice FGCs held did not reach agreement (Department of Social Welfare, 1992). This shows that one of the objectives of FGCs; reaching decisions by consensus; is being met. Interviews with front-line police showed that many of the favourable views of youth aid officers regarding FGCs were at odds with those of many front-line police officers. It was suggested that better feedback and liaison on specific cases between these two groups could change the generalised attitudes held by front-line police toward FGC outcomes (Maxwell and Morris, 1993).

#### 1.4.3.2 Plans

1.4.3.2.1 Accountability. FGCs are succeeding in achieving accountability, a major aim of the Act. Maxwell and Morris (1993) carefully analysed the types of FGC outcomes in their sample and found that in only 5% of FGC outcomes was there no clear accountability by way of an active penalty (a few examples include reparation, driving disqualification and supervision orders from the court) or an apology or reprimand (such as a warning or caution). In addition 80% of FGC decisions with active penalties also had apologies or reprimands.

A FGC may make several recommendations (Maxwell and Morris, 1993). The most frequent sanctions are community work, apologies and reparation (Renouf et al., 1990;

Prchal, 1991; Maxwell, 1991; Maxwell and Robertson, 1991; Maxwell and Morris, 1993; Department of Social Welfare, 1992). Figures for 1990 show two thirds of FGCs involved a recommendation of some sort of penalty and nearly one third a recommendation of reparation.

Outcomes for court referred FGCs were more likely to recommend penalties than non-court referred FGCs (Maxwell and Morris, 1993). Of those cases recommending penalties 5% were for prison sentence or a sentence of corrective training and 20% were for supervision orders.

1.4.3.2.2 Severity of Outcome. Maxwell and Morris (1993) looked at offence characteristics and outcome severity and discovered clear relationships between severity of FGC outcome and seriousness of offence, number of offences and previous offending history. When they added demographic factors to the regression they found that age was also significantly associated with outcome severity. Although these results showed that females were given a greater proportion of the least severe outcomes (71% compared to 61%) this was not statistically significant.

Severity of outcome did not greatly vary across regions after taking the above factors into account (Levine and Wyn, 1991; Maxwell and Morris, 1993). Other FGC outcomes did vary between districts, such as the use of curfews and drug assessments. Researchers concluded that the management of information by professionals in the FGC was causing these differences (Maxwell and Morris, 1993). Levine and Wyn (1991) also found that the attitudes of the co-ordinator, the police and the judge toward court orders affected the likelihood of a court order being given.

1.4.3.2.3 Other Outcomes. Of the 5% of FGC outcomes without some form of accountability, major life changes such as a change of residence were frequently an outcome. One quarter of FGC outcomes addressed work, educational or skill needs of the young person and one fifth advocated support or counselling (Maxwell and Morris, 1993).

Many fewer changes of caregiver occur in youth justice than care and protection FGCs. A change in caregiver was an outcome for 13% to 14% of youth justice FGC

outcomes (Maxwell, 1991; Maxwell and Robertson, 1991; Renouf et al., 1990). When a change did occur the extended family were most often the new caregiver (Maxwell, 1991; Maxwell and Robertson, 1991).

Only 4% of FGC outcomes addressed welfare concerns in the sample studied by Maxwell and Morris (1993). The researchers were concerned that care and protection issues were sometimes ignored and the failure of the department to act seemed to reflect internal problems in DSW about care and protection referrals in youth justice cases.

Problems occur frequently at the interface between care and protection and youth justice services (Paterson and Harvey 1991; Levine and Wyn, 1991; Mason Report, 1992; Maxwell and Morris, 1993). The Mason Report recommended a clear protocol on the interface be developed and this was supported by the Government (New Zealand Government, 1992).

#### 1.4.3.3 Satisfaction With Fgc Outcomes.

The research conducted by Maxwell and Morris (1993) is the only project to date which has investigated the experiences of children, young persons, family members and victims of youth justice FGCs, and in which researchers sat in on FGCs. They found the level of satisfaction with outcomes of young persons and families was generally high as did research on the previous system (Morris and Young, 1987). However there was a relationship between lower satisfaction and more severe penalties suggesting that what was really being measured was relief that the penalty was not more severe than anticipated (Maxwell and Morris, 1993).

In only about half of the FGCs did the victim express some satisfaction with the FGC outcome (Maxwell and Morris, 1993). Research into Victim / Offender Reconciliation Programmes (VORP) overseas show almost two thirds of victims or more were satisfied with their experience of these programmes (Coates and Gehm, 1989, referred to in Maxwell and Morris, 1993; Umbreit, 1989 and 1993). Umbreit (1993) conducted an evaluation of several mediation programmes overseas and found that victims and offenders who participated in mediation indicated high levels of satisfaction with both the process



and outcomes of mediation. Victims who were involved in mediation, particularly, were considerably more likely to indicate satisfaction with the manner in which the juvenile justice system handled their case than were those victims who were referred to mediation but did not participate or similar victims who were not referred to the programme. These mediation programmes focused on reparation.

Maxwell and Morris (1993) reported that those victims who were least satisfied were usually unhappy about the lack of follow up to ensure the offender fulfilled what they had agreed to and it was suspected that this factor may have led to victims' high dissatisfaction in their study.

Other suggested reasons for victims' dissatisfaction include choice of venue, the number of people attending the FGC, the amount of support for victims, a lack of reparation, and a failure to keep victims informed (Maxwell and Morris, 1993).

#### 1.4.3.4 Reviews And Monitoring.

The Ministry of Youth Affairs sent a submission to the Mason Report outlining the key factors for successful monitoring of youth justice FGCs:

- ♦ "How well deadlines for family group conferences are being met.
- ♦ Whether recommendations from Family Group Conferences have been carried out within a suitable period.
- ♦ Whether families feel adequately resourced to make good decisions for their children.
- ♦ Whether victims are satisfied with the process of how an offence against them has been dealt with.
- ♦ Whether current resources are adequately meeting the needs of young people.
- ♦ Whether the co-ordinators are carrying out their tasks appropriately."

A general lack of monitoring as with care and protection FGCs is a widely noted concern (Renouf et al., 1990; Hassall and Maxwell , 1991; Mason Report, 1992; Maxwell and Morris, 1993). A number of families mentioned a lack of support and follow-up from DSW on promises made at the FGC (Maxwell and Morris, 1993). Maxwell and Morris (1993) found that few victims had been informed of the eventual success or otherwise of the outcome of the FGC and this often detracted from their satisfaction with the justice

process felt at the time of the FGC. Despite this lack of monitoring after 3-4 months FGC tasks were completed in over half of the cases (59%) and partly completed in a further 28% (Maxwell and Morris, 1993).

A review conference is seldom part of the plan in youth justice. Maxwell and Morris (1993) found in their sample that 18% of FGCs were reconvened within 3-4 months for either a review, for non-completion of tasks agreed at the FGC or because of further offending by the young person.

The new model of youth justice has caused a dramatic decline in the number of court appearances, convictions and court orders for young offenders. Approximately 14% of all detected juvenile offenders now make an appearance in court (Maxwell and Morris, 1993). Morgan's study (quoted in Maxwell and Morris, 1993) showed that, in 1984, 45% of cases were referred to the Children and Young Persons Court.

Although at times judges have overridden FGC recommendations and given a court order there have been drops in the number of court orders and transfers to the District and High Courts<sup>16</sup> (Levine and Wyn, 1991). Only about 12.5% of non-court referred FGCs are subsequently referred to court (Renouf et al., 1990). About 6% of FGC outcomes result in a court order or transfer to a higher court (Maxwell and Morris, 1993) compared to an average of 9% of cases in the three years leading up to the Act (Levine and Wyn, 1991 from Maxwell and Morris, 1993).

The number of young offenders who received sentences of imprisonment or corrective training in 1990 was 112 (Maxwell and Morris, 1993), less than a third of the average number (374) in the three years leading up to the Act (Levine and Wyn, 1991 from Maxwell and Morris, 1993). These results are occurring despite police statistics showing no changes in the patterns of detected juvenile offending (Maxwell and Morris, 1991).

#### 1.4.4 Weakness' Of The FGC

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<sup>16</sup> Section 283 (o). Cases transferred to the District or High Court for sentence become eligible for the full range of penalties available for adult offenders.

The youth justice FGC does not guarantee that there will be an equity of tariffs between offenders (Hassall and Maxwell, 1991; Maxwell and Morris, 1993) although McElrea (1993), a district court judge, points out that disposals given by judges also vary.

A common complaint is that the Act does nothing for the small percentage of persistent offenders who have had multiple FGCs but continue to offend (Renouf et al., 1990; Angus, 1991; Prchal, 1991; Hassall and Maxwell 1991; Mason Report, 1992; Drummond, 1993). Persistent offenders were as much a problem in the previous youth justice system and it is somewhat naive to expect the new Act to immediately solve the problem of recidivism (Hassall and Maxwell, 1991).

The Mason Report recommended amendments to Section 248<sup>17</sup> of the legislation to broaden the circumstances allowing a co-ordinator to waive the holding of a FGC. The government supported these recommendations (New Zealand Government, 1992).

The separation of care and protection and youth justice issues implied in the Act sometimes cannot be easily achieved. Concerns that care and protection issues for young persons have been ignored during youth justice FGCs and vice versa have surfaced regularly (Paterson and Harvey, 1991; Maxwell and Morris, 1993). Some young persons who have both care and protection needs and involvement with the youth justice system have reportedly been referred between the two services with neither wanting to take up the case (Mason Report, 1992; Drummond, 1993). Whether such problems will be completely overcome by the development of a clear protocol for the interface of the two services is uncertain (Paterson and Harvey, 1991; Mason Report, 1992; Maxwell and Morris, 1993a).

#### 1.4.5 Summary

Overall, the concept of the FGC and its underlying philosophies have received favourable comment and considerable commitment from those working with it. The implementation consistent with the Act and the resourcing of the FGC process at different stages has received the most criticism. A need for further improvement and refinement has been identified.

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<sup>17</sup> Section 248 specifies the circumstances allowing a co-ordinator to waive the holding of a FGC.

## 1.5 THE ACCEPTABILITY OF FAMILY GROUP CONFERENCE OUTCOMES FOR YOUNG OFFENDERS

Given the political nature of the justice system, the social acceptability of FGG outcomes are important in terms of any amendments that may be made to the FGC and its long term prognosis, as well as the likelihood that the FGC decisions will be carried out. The majority of opinions on the FGC in the youth justice system which have appeared in the media and academic journals, although primarily favourable, have been given by professionals or people working in the area (Angus, 1991; Hilbron, 1991; Prchal, 1991; Swain, 1992; Ludbrook, 1992; Drummond, 1993; Maxwell and Morris, 1993; Morris and Maxwell, 1993a). The FGC outcome theoretically represents a negotiated consensus decision. Whether the frequency of various types of FGC outcomes matched the acceptability of these outcomes in the general population would show to some extent the influence the justice process has in shaping the decisions that families reach at FGCs. It is the public who represent the families and victims who become involved in the justice system.

Wolf (1978) highlighted the importance of distinguishing the social acceptability, or social validity, of behavioural treatments for children. He proposed that social validity was comprised of judgements about three features; namely the social significance of the goals, the social appropriateness of the procedures, and the social importance of the effects. Procedures that are similarly effective may not be equally acceptable. Examining acceptability may help identify ways in which the process can be made more acceptable, which in turn may increase the likelihood that the procedure will be followed.

Kazdin (1980) developed the Treatment Evaluation Inventory (TEI) and used it to evaluate the acceptability to a sample of university students of time-out and reinforcement procedures as applied to child deviant behaviour. Reinforcement of incompatible behaviour and nonexclusionary forms of time out (withdrawal of attention and contingent observation) were rated as more acceptable than isolation in a time-out room. A second experiment showed that isolation was markedly more acceptable when included in a

contingency contract and when used to back up another form of time-out than when used by itself.

Blampied and Kahan (1992) conducted a study in New Zealand on the acceptability of five alternative punishment techniques: time-out, response cost, overcorrection, social reprimands and physical punishment. This study was conducted just prior to the introduction of the Education Amendment Act 1989 which made corporal punishment in schools illegal. At the time of the study physical punishment of girls aged 12 or older was illegal at school but not at home, while no constraints on the punishment of boys at school or at home existed.

The respondents for this study were selected at random from the general population of the Christchurch area. Response cost and social reprimands were the most acceptable punishments and physical punishment was clearly the least acceptable. Two variables were examined in the study; the gender of the child, and the setting - whether the disruptive behaviour and consequent punishment took place at home or at school. The least acceptable punishments were more acceptable when administered at home than at school, especially for girls. Otherwise no differences in acceptability attributable to the gender of the child were apparent.

Stedman (1987) conducted a factor analysis of the results of this study and found that the most important factor determining the acceptability of each behaviour technique was whether respondents considered the technique was effective. Two other factors were found to account for the variance in responses to the TEI; the amount of physical discomfort caused to the child, and who was administering the technique.

A subsequent examination of the number of responses given that were completely positive about a particular punishment revealed that about one third of the sample endorsed response-cost and social reprimands as "very acceptable" but only 13% had the same highly positive view of corporal punishment (Blampied, 1993). This showed considerable support existed within the public for the abolition of corporal punishment in schools by the Education Amendment Act.

A number of overseas studies have surveyed attitudes to juvenile justice and have found that various beliefs, personality characteristics, and demographic factors of respondents influence perceptions of appropriate punishments. Ollenburger (1986) assessed the attitudes of a random sample of panel members from the Scottish juvenile justice programme. Children's hearings in Scotland are conducted by panels of community volunteers and their function is to make effective decisions concerning the appropriate care for each juvenile offender. Ollenburger investigated whether or not panel members held classical attitudes toward crime, which she described as placing a strong emphasis on the offender as a rational and intelligent person who makes a conscious choice to offend. The classical attitude strongly supports the deterrent aspect of punishment for crime.

Ollenburger found that educational achievement was the factor most correlated with attitudes to justice. Those without university degrees held the most classical attitudes; men held more classical attitudes than women and those holding professional positions held less classical attitudes than non-professionals.

A survey by Davis et al. (1993) of juvenile justice system personnel in 31 states in the US found that perceptions of specific crimes, including seriousness and offender treatability were the most influential variables on the severity of the sentence the respondents' thought appropriate. Other influential variables tended to be influential for specific types of offences. In the sentencing of serious crimes of a sexual nature the variance in responses were sensitive to the age, gender, the locus of control (whether this is perceived to be external or internal to individuals), attitudes toward women, attitudes to the causation of crime, and the amount of harm caused to the victim.

Surveys of the public in the US have found males to be more punitive than females in regard to juvenile justice (Opinion Research Corporation, 1982 quoted in Schwartz et al., 1993; Skovron et al. 1989 quoted in Schwartz et al. 1993). Schwartz et al. (1993) conducted a survey of public opinion in the US and found attitudes became increasingly more punitive around middle age. Parents held less punitive views, and African-Americans were less punitive than other ethnic groups except when they were parents. This last finding was suggested to be related to the fact that a greater proportion of

African-Americans surveyed lived in large cities, and a greater proportion were concerned about becoming the victim of serious crime compared to Whites.

## 1.6 AIMS OF THIS STUDY

The criminality of women has often been described as a neglected field of research particularly in comparison with that of the male young offender (Smart, 1977; Tjaden and Tjaden, 1981); Morris, 1987; Elliott, 1988) and so has the criminality of female juvenile offenders (Shelden, 1981; Gelsthorpe, 1986; Bergsman, 1989). This is particularly so of New Zealand and in regard to the new legislation that came into existence in 1989. I know of no other studies to date which have examined what factors affect the severity of dispositions for male and female young offenders in NZ, or the severity of FGC outcomes for young offenders apart from that conducted by Maxwell and Morris (1993).

This study sought to advance knowledge of the youth justice process in New Zealand in a number of areas:

- ♦ to determine whether the gender of the young offender predicted the severity of the FGC outcome for that young offender
- ♦ what predictor variables, including FGC characteristics, determined the severity of the FGC outcome.
- ♦ how acceptable NZCYPS staff, police staff, and the general public found a selection of five commonly occurring FGC outcomes.
- ♦ whether the acceptability ratings of an FGC outcome varied according to the gender and age of the young offender, or the type of respondent.
- ♦ what factors influenced how respondents rated each outcome and
- ♦ whether the most frequently occurring outcomes matched those outcomes found to be most acceptable.

In order to carry out the analyses it was necessary to classify the family group conference outcome on a scale of severity. The scale adopted was that devised by Maxwell and Morris (1993) so as to make the data comparable. This scale is based on the order of the tariffs listed in section 283 of the Children, Young Persons and Their Families Act 1989 in addition to a judgement of the relative severity of penalties such as financial payment, community work hours, supervision or restrictions. The scale used was as follows:

- 10 Prison or corrective training; remanded to District Court
- 09 Supervision with Residence
- 08 Supervision with Activity
- 07 Community work (150-200 hours) reparation / monetary penalty \$1,500 or more
- 06 Community work (100-150 hours) or reparation / monetary penalty \$1,000-\$1,500
- 05 Community work (50-100 hours) or reparation / monetary penalty \$500-\$1,000;  
supervision or disqualification order
- 04 Community work (10-50 hours) or reparation / monetary penalty \$100-\$500
- 03 Curfews and restrictions, <10 hours community work, reparation / monetary penalty  
<\$100, voluntary disqualification; suspended sentence order S. 283 (c).
- 02 Apologies, cautions and warnings only.
- 01 No further action



## 2 PART ONE METHOD

### 2.1 SUBJECTS

Data was gathered for 253 distinct cases from records held by the Youth Justice Field Service of the New Zealand Children and Young Persons Service (NZCYPS) in Christchurch. A distinct case was defined as a single family group conference resolution even though the conference may have dealt with several different offences on a number of different occasions from more than one referral for a conference. Of the 253 distinct cases, 219 were male and 34 were female.

The number of actual young persons in the sample was 228. A number of young persons had multiple referrals for a family group conference with a family group conference resolution being reached before the next referral was received. Thus they represented more than one distinct case.

Selection of cases for the sample was determined by time of the referral. All referrals to a youth justice co-ordinator for a family group conference in the Christchurch office received between 1st July 1992 and 31st Jan 1993 were included. Referrals were received from two sources: the youth aid section of the Police Department (139 or 55%) and the Youth Court, a division of the District Court of New Zealand (114 or 45%).

The Christchurch office receives referrals for young persons living within its boundaries. This is to the north at the Conway river, to the west along the main divide and to the south at the Rakaia river. A few referrals were received from other districts when the young offender moved into the Christchurch district and some conferences were held in other districts when the young person moved out of the Christchurch district. All referrals related to a child or young person who had committed an offence.

Some referrals for family group conferences received during this time period did not result in a family group conference. After consultation occurred between the youth aid section of the Police Department and the youth justice co-ordinators an alternative method

to deal with the case was occasionally agreed upon. These referrals were not included in the sample.

The majority of the cases, 146 (58%), were Caucasian with 83 (33%) Maori cases, 19 (7.5%) Pacific Island cases and 5 (2%) falling into "other". Ethnicity was largely determined by NZCYPS records. The remaining cases were determined by practitioners when they had personal knowledge of the young person and their family.

The age of the cases in the sample ranged from 12.9 to 16.9 years and was recorded as the age of the young person at the time of the earliest offence considered by the family group conference.

Further information was obtained regarding the other participants in the family group conference. Gender and ethnicity was obtained where possible for youth aid officers, youth justice co-ordinators, and youth advocates for each case. Primarily, this was obtained by asking the person directly. In a few cases this was obtained from NZCYPS records or from practitioners who had personal knowledge of other practitioners.

## 2.2 PROCEDURE

### 2.2.1 Confidentiality

A confidentiality agreement was first made with NZCYPS before conducting the research. Referrals for the sample were taken according to the dates recorded in the youth justice register at the Christchurch office. This is the first account kept in the office of each referral.

### 2.2.2 Access To Records

From this sample list the data sought was accessed on each case from the NZCYPS computer system (CYPFis). Complete information was not held on CYPFis for most cases and the remaining data was gathered from paper records held by the NZCYPS. This

included paper records in current use as well as those in storage. All the information sought for each case was not found for a large number of cases but most missing data related to a few particular variables. Data was missing in more than 10 cases for the following variables: the date of the first offence to come before a family group conference (this variable was not used); the time of day of the offence; the ethnicity of the youth aid police officers and youth advocates; and the occupation (school, job or unemployed) of the young person at the time of the offence.

### 2.2.3 Checking The Data

The data for each case was entered into a three page input form designed for the task<sup>18</sup>. All data was coded numerically into 114 different digits comprising 66 different pieces of information.

Once data gathering was completed data was input into a data file held on a VAX / VMS mainframe computer network. To check for possible errors arising from this stage a printed copy of the data was then compared with the original input forms to check that each digit matched. A number of errors were noted and corrected on the data file.

The analysis of the data file was carried out with SPSS Version 4.0 on the VAX / VMS computer. Initial manipulations were to check for odd or incorrect numbers which had been entered incorrectly into the input form and therefore also the data file. Each variable was checked by analysing the frequency of each of its different values or else for ratio level variables by checking the maximum and minimum values. Several errors were detected largely from using the incorrect missing value and were corrected on the input form and the data file.

Accuracy of the data is dependent on the accuracy of the data on the files held by NZCYPS, which is unknown.

## 2.3 METHOD OF ANALYSIS

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<sup>18</sup> See appendix 2

The primary aim of part one was to investigate whether the gender of the young person was related to family group conference outcome independently of other variables. It was therefore necessary to carry out a multivariate analysis with categorical variables.

Least-squares multiple regression is a statistical technique that shows the effect of each variable controlling for the effects of other variables. However, parametric techniques, such as least-squares multiple regression, are based on the assumption that certain characteristics of the population from which the sample is drawn are known. It has been argued that it is only appropriate to use parametric techniques when the level of measurement is equal interval or ratio, the distribution of the population scores is normal and the variances of the variables are equal (Farrington and Morris, 1983; Toothaker, 1986; Bryman and Cramer, 1990). Although ordinal data clearly does not fit these assumptions it is commonly used as well. It has been suggested that moderate deviations from normality do not bias the results greatly (Hedderson, 1987).

Other methods for multivariate analysis of categorical variables are logistic regression and log-linear modelling. Both models require far fewer assumptions. The disadvantages of logistic regression is that the dependent variable can have only two values (Farrington and Morris, 1983; Norusis, 1990). The disadvantages of log-linear modelling is that it is based on a single contingency table relating all variables, and so can only be carried out with a small number of variables which are measured in a small number of categories (Farrington and Morris, 1983; Hedderson, 1987). The chosen solution was to do as Farrington and Morris (1983) had done and use a combination of methods.

A secondary aim of part one was to describe and quantify the nature and severity of family group conference outcomes, and to examine what other variables were associated with the severity of the family group conference outcome for the sample as a whole, as well as for males and females separately.

The data was initially examined to discover if the offender's current and past history of offending was related to the severity of the family group conference outcome. Then through crosstabulation the association between each independent variable and the severity of the family group conference outcome was examined.

Least-squares multiple linear regression analysis and logistic regression analysis were performed with outcome severity coded as a dichotomous dependent variable. Then a further least-squares multiple linear regression was performed with a 10 point dependent variable. The results were then compared to a log-linear analysis. Finally the sample was divided according to gender and separate multiple linear regression analyses were performed.

### 3 PART ONE RESULTS

#### 3.1 SAMPLE CHARACTERISTICS

##### 3.1.1 Gender

The majority of young offenders in the research sample were male. Of 253 distinct cases there were 219 males and 34 females as shown in Figure 1.

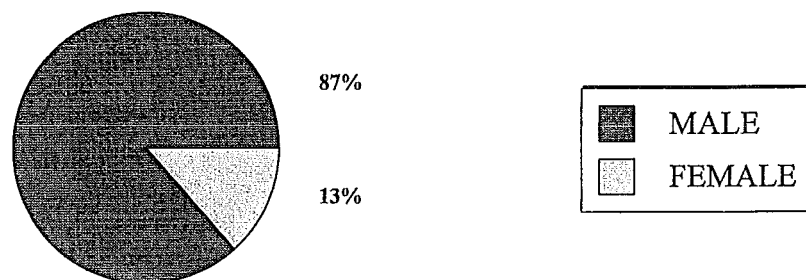


Figure 1. Gender Distribution in the Sample of the Young Offender.

The 1991 NZ census showed that of the population aged 15 to 19 years in the Christchurch city council district there were nearly equal numbers of males and females; 12,420 males and 12,432 females (Department of Statistics, 1992). Males have traditionally been over represented in offending statistics including youth offences. In 1988 only 18% of all offenders were female (Maxwell and Morris, 1990).

Microfiche printouts were provided by the National Headquarters of the Police Department for 1989, 1990, 1991, and 1992. They show that of the offenders aged 10 to 16 in 1992, 23% were female. This figure was similar for 1991 (19.5%), 1990 (20%), 1989 (22%) and in 1988 (20%) (New Zealand Police, 1989). Statistics for the Christchurch police district were also available. In the 10 to 16 age group of offenders, 22% were female in 1992, 23% in 1991, 27% in 1990 and 26% in 1989 (New Zealand Police, Microfiche printouts from 1989 to 1992).

Referrals for family group conferences show this pattern of male predominance is even more accentuated. In 1990 NZ juvenile offence statistics showed that, for the whole of NZ,

14% of juveniles referred for a family group conference were female (Maxwell and Morris, 1993). Maxwell (1991) found that during the first six months of the Children, Young Persons and Their Families Act, 1989 (CYPF Act), 13% of youth justice family group conferences held were for females. Maxwell and Morris (1993) found that of their total sample, 94 or 25.5% were female and of those who were referred for a family group conference, 22 or 12% were female.

### 3.1.2 Age

Figure 2 shows that the dominant age in the sample was 16 years (45%), with 29% aged 15 years and 22% aged 14 years. Only 4% of the sample was aged under 14 years. These findings are similar to those of Maxwell and Morris (1993). In their sample 38% were aged 16 years, 35% were aged 15 years and 27% were aged 14 years. Of those referred for a family group conference in their sample 74% were aged 14 to 16 years (Maxwell and Morris, 1993).

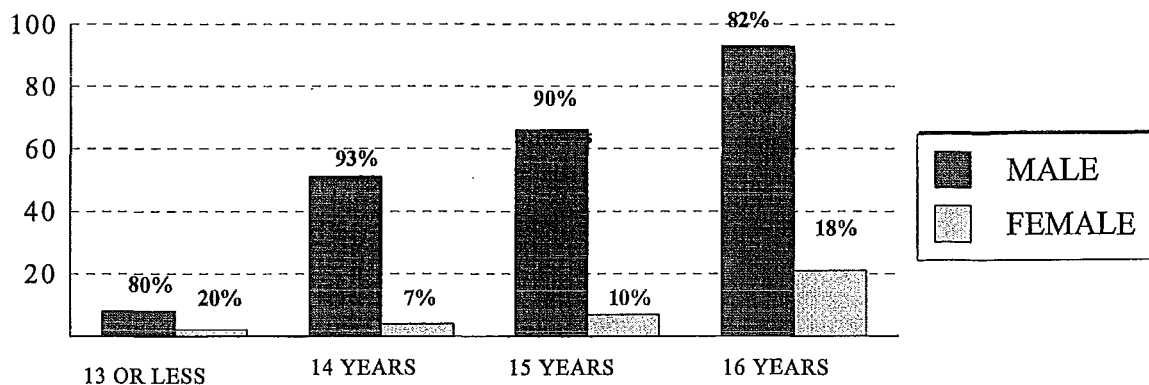


Figure 2. Actual Numbers of Young Offenders in the Sample by Age and Gender. (Percentage numbers represent the sample split by gender).

This trend in youth justice has also been shown to be long standing. In 1988-90 the number of boys aged 16 years brought before the Children and Young Person's Court represented 96 per 1,000 boys at this age, while the figures were 56 per 1,000 at age 15, and 25 per 1,000 at age 14. Similarly, for girls, 19 per 1,000 girls aged 16 were charged,

compared with 12 per 1,000 of those aged 15 years old and 6 per 1,000 aged 14 years old (Justice Statistics, 1990).

The pattern of predominately older adolescents in the sample appeared to an even greater extent in the female sample where 62% were aged 16 years, 20.5% were aged 15 years, 12% were aged 14 years and 6% were aged less than 14 years.

### 3.1.3 Ethnicity

The 1991 NZ census showed that in the Canterbury region there were 36,408 people aged 15 to 19 years and that of these 2,712 (7.5%) in this age group were Maori and 438 (1%) were Pacific Island (Department of Statistics, 1992). As shown in Figure 3 the majority of the cases (58%) in the research sample were Caucasian but a greater proportion of both Maori and Pacific Island young persons were included than the population statistics would suggest. Maori made up 33% and Pacific Island made up 7.5% of the sample. The remaining 1.5% falling into the 'other' category.

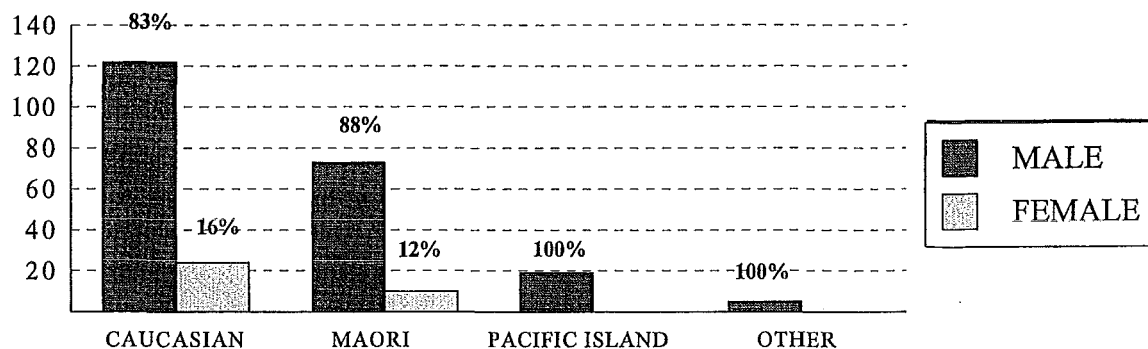


Figure 3. Actual Number of Young Offenders in the Sample by Ethnicity and Gender. (Percentage numbers represent the sample split by gender).

Of the males in the sample 58% were Caucasian, 33% were Maori, 9% were Pacific Island and 2% fell into the 'other' category. Of the females in the sample 71% were Caucasian and the remaining were Maori. There were no females falling into the Pacific Island or 'other' categories.



The over representation of Maori and Pacific Island young people in juvenile offending statistics has been in evidence for many years (NZ Police, 1989). Microfiche printouts provided by the National Head Quarters of the Police Department show that of all offenders aged from 10 to 16 in 1992 46% were Caucasian, 44.5% were Maori, 8% were Pacific Island, and 1.5% were from other ethnic groups. This distribution was very similar in 1991, 1990 and 1989.

Of the offenders in 1992 in the Christchurch police district in this age group, 65% were Caucasian, 22% were Maori, 6% were Pacific Island and .5% were from other ethnic groups. The percentage of Caucasian offenders in this age group is largely the same in the previous three years: 65% in 1991, 66.5% in 1990, and 65.5% in 1989. The percentage of Maori offenders has gradually declined: 31% in 1989, 29% 1990, and 28% in 1991; while the percentage of Pacific Island offenders has gradually increased: 3% in 1989, 4% in 1990, and 5% in 1991.

Maori and Pacific Island young people made up an even greater proportion of the sample studied by Maxwell and Morris (1993). Of those that were referred for a family group conference, 40% were pakeha, 45% were Maori and 15% were Pacific Island. No other ethnic groups were referred. But this was largely due to the higher populations of these ethnic groups living in the areas from which the sample was taken. Their sample covered 5 districts: Henderson, Kapiti-Mana, Lower Hutt, Masterton and Christchurch. The first four districts all have higher populations of Maori and Pacific Island young people than Christchurch. The distribution of the populations in the areas covered by their samples were Pakeha 74%, Maori 15%, Pacific Island 8% and other ethnic groups the remaining 3% (Maxwell and Morris, 1993).

### 3.2 TYPES OF OFFENCES COMMITTED

For both males and females the most serious offence was most frequently an offence against the person (violent offences including traffic offences causing serious injury) (23% of males and 21% of females). The second most frequent offence type for males was burglary (21%) while for females it was burglary, theft, traffic offences and other property

offences which were all 18%. The frequencies of each offence type as shown in Figure 4 do not include second, third or further offences which were considered at the same FGC.

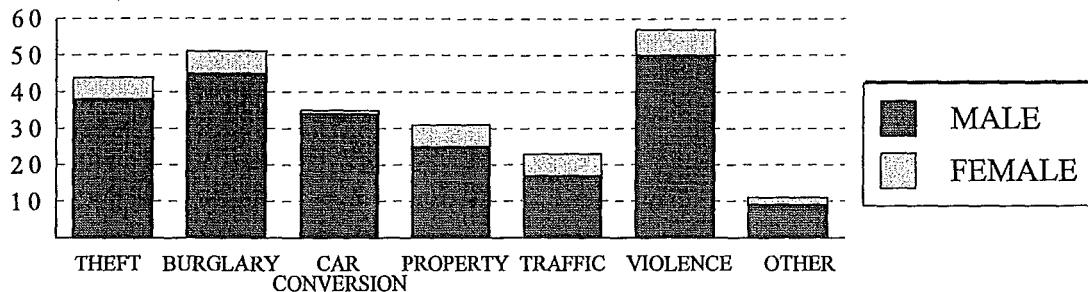


Figure 4. Most Serious Offence Type for Each Case by Gender of the Young Offender.

### 3.3 TYPES OF FAMILY GROUP CONFERENCE OUTCOMES

Most family group conference outcomes in the sample were made up of several separate decisions. The most severe decision from the family group conference was recorded as the outcome type for each young person in the sample. Community work was the most common family group conference decision (n = 138, or 144 if including Community Work Orders) for all ethnic groups and for both male and female young offenders. Sixty percent of the males and 47% of the females received community work as the most severe FGC decision. Caucasians, Maori and 'Others' who received community work were 59%, 56% and 54% respectively. The number of young offenders who received each type of outcome are shown in Figures 5 and 6.

The four most severe decisions for each FGC were noted. Reparation was most commonly the second most severe decision made by a FGC (n = 62). The third decision made by a FGC was most frequently an apology (n = 66) and the fourth decision most frequently fell into 'other' (n = 94, or if including counselling and change of caregiver n = 107). Forty percent of FGCs made fewer than four decisions.

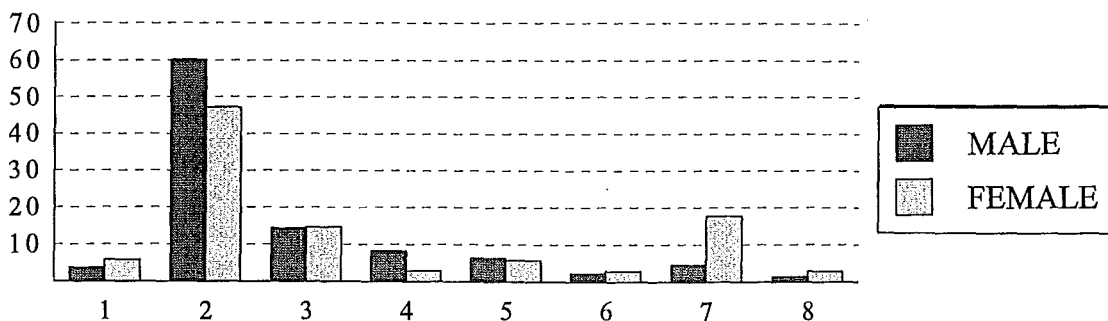


Figure 5. The Percentage of Each Type of Family Group Conference Outcome for Male and Female Young Offenders.

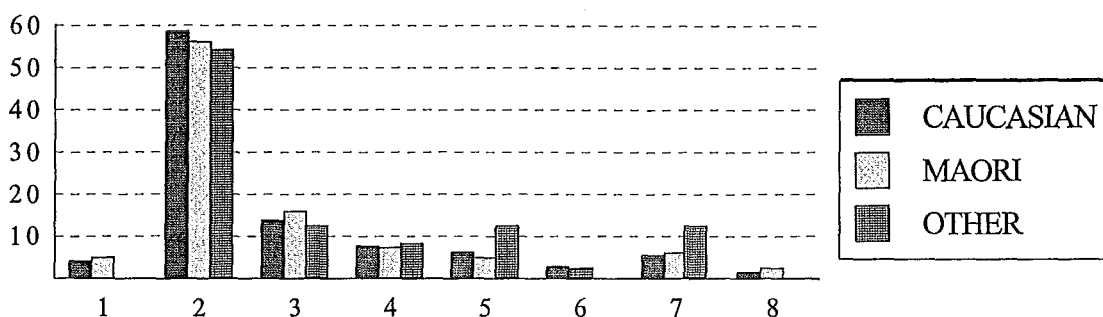


Figure 6. The Percentage of Each Type of Family Group Conference Outcome for Young Offenders of Each Ethnic Group.

**KEY TO FIGURES 5 AND 6:**  
 1 No further action or apology or caution  
 2 Community work (including working for the victim and Community Work Orders)  
 3 Reparation or fine  
 4 Referral to youth court; Suspended sentence; Driving disqualification; Supervision Order.  
 5 Supervision with Activity or Supervision with Residence Orders  
 6 Referral to District Court  
 7 Other (includes counselling and change of caregiver)  
 8 No agreement reached

Over all the decisions that were recorded an 'other' decision was the most common (19%, or 30% if including counselling, a change of caregiver or social work support). Such decisions varied enormously and were often specific to the offender's situation. The second overall most frequent decision was community work (18% including working for the victim and community work orders from the Youth Court).

Maxwell and Morris' (1993) study found that an apology (70%) and work in the community (58%) were the two most common decisions made. Two factors may have accounted for the lower frequency of this decision in the present study. Verbal apologies given directly to the victim, if they had attended the FGC, may not always have been recorded on the FGC decision sheets, and secondly there were sometimes more than four FGC decisions formulating a plan.

### 3.4 MEASURING FAMILY GROUP CONFERENCE OUTCOME SEVERITY

According to the outcome severity scale devised by Maxwell and Morris (1993) a breakdown of the number of young offenders that received an outcome from each level of outcome severity, by gender and ethnicity of the young offender, are shown in Figures 7 and 8. Most conference outcomes were of medium severity; 49% of FGC outcomes for males and 55% of outcomes for females were from levels four, five or six on the severity scale. While for all ethnic groups 70% of outcomes were from levels four, five or six on the severity scale.

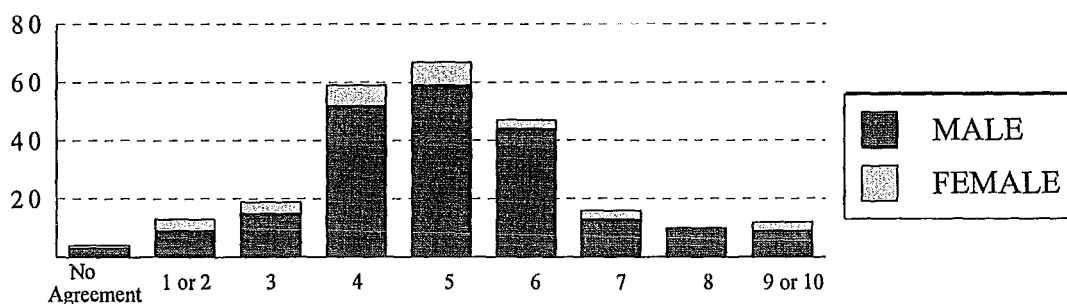


Figure 7. The Level of Severity of the Family Group Conference Outcome by the Gender of the Young Offender.

Outcome severity was collapsed into either lenient (levels 1 to 5) or severe (levels 6 to 10) and then compared between males and females for each offence type. The chi-square statistic calculated for each offence type showed no significant differences between males and females for any offence.

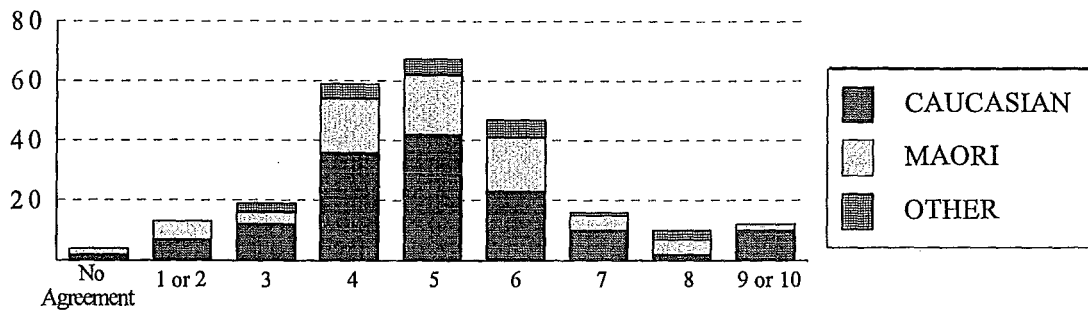


Figure 8. The Level of Severity of the Family Group Conference Outcome by the Ethnicity of the Young Offender.

Since the seriousness of an offence was considered likely to affect the severity of the family group conference outcome, offences were also classified using a scale. In most cases the police summary of the offences was held by the NZ Children and Young Person's Service (NZCYPS) and it was possible to specify the seriousness of the offence. When more than one offence was considered by the family group conference the most serious offence was used. The scale used was that adopted by Maxwell and Morris (1993).

*1/ Minimum* seriousness offences include:

- ◆ theft and shoplifting of goods valued at under \$100
- ◆ property damage and abuse valued at under \$100
- ◆ burglary where there was no damage or goods taken, trespass, and
- ◆ possession of cannabis

*2/ Minimum / medium* seriousness offences include:

- ◆ burglary with goods taken and/or damage valued at under \$100
- ◆ resisting the police or MOT officers and
- ◆ minor / common assaults; indecent exposure

*3/ Medium* seriousness offences include:

- ◆ theft of goods valued at \$100 to \$1,000
- ◆ burglary involving goods taken and/or damage valued at \$100 to \$1,000
- ◆ unlawful taking where damage was valued at less than \$1,000
- ◆ driving with excess breath alcohol
- ◆ minor / common assault causing injury
- ◆ cannabis cultivation
- ◆ obscene phone calls
- ◆ possession of a weapon; and

- ♦ careless driving; driving while disqualified

4/ *Medium / maximum* seriousness offences include:

- ♦ dangerous driving
- ♦ burglary involving goods taken and/or damage to the value of \$1,000 or more
- ♦ robbery or aggravated robbery with no injury
- ♦ unlawful taking with damage to the value of \$1,000 or more.

5/ *Maximum* seriousness offences include:

- ♦ murder, attempted murder and manslaughter
- ♦ robbery, aggravated robbery
- ♦ serious assaults, rape
- ♦ driving resulting in injury and
- ♦ arson where the value of the property ran into tens of thousands of dollars

The following offences also appeared in the sample but were not listed in the scale by Maxwell and Morris (1993). They have been classified in the following way:

2/ *Minimum / medium* seriousness offences include:

- ♦ unlawfully interfering with a motor vehicle; unlawfully getting into a motor vehicle with goods taken and/or damage valued at under \$100; and obscene, abusive, or threatening language

3/ *Medium* seriousness offences include:

- ♦ intentional damage valuing between \$100 and \$1000; aggravated assault causing no injury; abduction; and unlawful possession of a firearm

4/ *Medium / maximum* seriousness offences include:

- ♦ theft and intentional damage worth more than \$1000; assault / indecent assault causing minor injury ; injury with intent where there is minor injury; arson with damage valuing less than \$1000; and discharge of a firearm endangering property and people

5/ *Maximum* seriousness offences include:

- ♦ assault with intent to injure causing serious injury

In order to study family group conference outcome as a dependent variable it was necessary to also categorise the young offenders themselves into levels of offensiveness.

Farrington and Morris (1983), in their examination of gender and sentence severity for female adult offenders, used the number of previous convictions (three categories of none, one to three, or four or more) and the seriousness of the current offence (as a dichotomous variable) to classify the offensiveness of the offender.

The three independent variables: 1/ the number of previous offences 2/ the number of current offences and 3/ the seriousness of the current offence(s) were expected to have a major impact on the dependent variable severity of the family group conference outcome. Nonparametric correlations between these three independent variables and family group conference outcome severity were significant, suggesting they could be used to determine the offensiveness of an offender in coming before a family group conference.

#### NONPARAMETRIC CORRELATIONS WITH FAMILY GROUP CONFERENCE OUTCOME SEVERITY:

PREVIOUS OFFENCE NUMBER	$X^2=0.1745$	$p < .005$
NUMBER OF CURRENT OFFENCES	$X^2=0.4136$	$p < .000$
SERIOUSNESS OF OFFENCE	$X^2=0.4982$	$p < .000$

In table 1 the three independent variables are dichotomised and young persons are classified according to:

- 1 whether they did or did not have previous offences in the 12 months prior to the current offence and
- 2 whether they had either one to three, or else four or more current offences and
- 3 whether their most serious current offence was of minimal, minimal / medium or medium seriousness, or else of medium / maximum or maximum seriousness.

Since there were small numbers of young persons receiving the two least severe outcome levels which included no further action (n=8) and apologies and cautions only (n=5), these were grouped with the third outcome severity level; i.e. curfews and restrictions, less than 10 hours community work or \$100 reparation, voluntary disqualification or a suspended sentence. Similarly relatively small numbers of cases fell into the three most severe outcome levels; prison, corrective training or remand to District Court (n=6), supervision with residence (n=6), and supervision with activity (n=10). They

were grouped with level 7 in the outcome severity scale; i.e. community work of 150 to 200 hours or reparation of more than \$1500.

Table 1 shows the expected relationship between the classification of offenders into categories of offending behaviour and the severity of the family group conference outcome. For example, of those receiving the most minimal disposals, over half (56%) had no previous offences and had committed between one and three offences of minimal or medium seriousness, while only (3%) had previous offences and had committed four or more offences of which the most serious was of medium / maximum or maximum seriousness. At the other extreme of those receiving the most severe disposals, none had no previous offences and had committed between one and three offences of minimal or medium seriousness, while 18% had previous offences and had committed four or more offences of which the most serious was of medium / maximum or maximum seriousness.

The probability of the null hypothesis, that the dependent variable of outcome severity is independent of the offensiveness of the young offender, is very small (Pearson chi-square = 74.98  $p < 0.000$ ) and therefore can be rejected.



Table 1. Offensiveness Of Offender And Family Group Conference Outcome Severity.

FAMILY GROUP CONFERENCE OUTCOME	TOTAL (n)	OFFENDER OFFENSIVENESS			
		INOFFENSIVE	MILDLY OFFENSIVE	MODERATELY OFFENSIVE	SEVERELY OFFENSIVE
1/ No further action or 2/ Apologies, cautions and warnings only 3/ Curfews and restrictions, <10 hrs community work, reparation / monetary penalty <\$100, voluntary disqualification; suspended sentence order S. 283 (c).	32	56.3%	37.5%	3.1%	3.1%
<b>CUMULATIVE PERCENT:</b>		56.3%	93.8%	96.9%	100%
4/ Community work (10-50 hrs) or reparation / monetary penalty \$100-\$500	59	64.4%	25.4%	6.8%	3.4%
<b>CUMULATIVE PERCENT:</b>		64.4%	89.8%	96.6%	100%
5/ Community work (50-100 hrs) or reparation / monetary penalty \$500-\$1000; supervision or disqualification order	67	31.3%	47.8%	17.9%	3.0%
<b>CUMULATIVE PERCENT:</b>		31.3%	79.1%	97%	100%
6/ Community work (100-150 hrs) or reparation / monetary penalty \$1,000-\$1,500	47	29.8%	48.9%	17.0%	4.3%
<b>CUMULATIVE PERCENT:</b>		29.8%	78.7%	95.7%	100%
7/ Community work (150-200 hrs) reparation / monetary penalty \$1,500 or more or 8/ Supervision with Activity or 9/ Supervision with Residence or 10/ Prison or CT; remand to District Court	38	0	34.2%	47.4%	18.4%
<b>CUMULATIVE PERCENT:</b>		0	34.2%	81.6%	100%

## KEY TO OFFENSIVENESS SCALE:

	INOFFENSIVE	MILDLY OFFENSIVE	MODERATELY OFFENSIVE	SEVERELY OFFENSIVE
Number of previous offences	none	none	none	previous
Number of current offences	1 - 3	1 - 3	>4	>4
Seriousness of most serious offence	not serious	serious	serious	serious
Number of previous offences		none	previous	
Number of current offences		>4	1 - 3	
Seriousness of most serious offence		not serious	serious	
Number of previous offences		previous	previous	
Number of current offences		1 - 3	>4	
Seriousness of most serious offence		not serious	not serious	

### 3.5 FACTORS RELATED TO FAMILY GROUP CONFERENCE OUTCOME SEVERITY

Information was gathered on each case on a number of other matters. These included:

- ♦ Personal and social characteristics of the young offenders such as their gender, ethnicity, age, whether they were at school, had a job or were unemployed, if they were living with their family, and whether a FGC under Part II of the CYPF Act relating to the care and protection of children and young persons had been held in the 12 months prior to the current FGC.
- ♦ Details relating to the young person's offending history such as the date of the first offence committed by the young person who came before a FGC, the number and types of offences that had come before a FGC in the 12 months prior to the current offence, the number of family group conferences held in the 12 months prior to the current FGC, the type of most serious offences and level of severity of the most severe outcome for these previous offences.
- ♦ Details relating to the offence (s) such as the type of referral agent, the date of referral, the date of the offence (earliest if several), if there were co-offenders, the number of offences, the type of offences, the monetary value of the offences (if applicable), and what time of day the offence was committed.
- ♦ Details collected in relation to the composition of the family group conferences such as the number of family attending the FGC, the number of females and males attending each FGC, the gender and ethnicity of the youth advocate (if one had been appointed for the young person), the youth aid police officer and the youth justice co-ordinator attending the FGC, if a victim, victim representative, youth advocate, lay advocate, social worker, friend or support for the young person's family or 'other' person had attended the FGC.
- ♦ Other details collected in relation to the FGC included the number of family group conferences it took to reach a final resolution; the venue and date of the FGC; the four most severe outcomes from the FGC and if the police and youth court had agreed to the decisions made by the FGC..
- ♦ Details relating to the youth court if this had been involved included the date of the final court outcome and the type and level of severity of the court outcome.

Tables 2 to 5 show the percentage of young offenders in different categories who received severe FGC outcomes as opposed to lenient ones. Outcome severity has been dichotomised with the most severe decision from the FGC including community work of 100 hours or more, reparation of \$1000 or more, supervision with activity, supervision with residence, remand to District Court or prison.

Table 2. Gender and Family Group Conference Outcome Severity Vs. Offender Variables.

FACTOR	CATEGORIES	(N)	% FEMALE	% SEVERE CONFERENCE OUTCOME		
				ALL	MALES	FEMALES
GENDER	Male	219	_____	36.0	_____	_____
	Female	34	_____	28.1	_____	_____
				(not signif)		
ETHNICITY	Caucasian	146	16.4	31.7	31.9	30.4
	Maori	83	12.0	38.5	40.6	22.2
	Pacific Island Or Other	24	0	43.5	43.5	0
			(not signif)	(not signif)	(not signif)	(not signif)
AGE	14 Years Or Less	65	9.2	33.3	35.1	16.7
	15 Years	73	9.6	33.8	34.4	28.6
	16 Years	114	18.4	36.1	37.1	31.6
			(not signif)	(not signif)	(not signif)	(not signif)
OCCUPATION	School	145	11.0	33.1	34.1	25.0
	Job	17	17.6	46.7	46.2	50.0
	Unemployed	79	17.7	37.3	38.7	30.8
			(not signif)	(not signif)	(not signif)	(not signif)
LIVING CIRCUMSTANCES	Family	188	9.6	34.2	36.1	16.7
	Other	61	24.6	39.3	37.2	46.2
			(0.003) <sup>2</sup>	(not signif)	(not signif)	(not signif)
CARE AND PROTECTION FGC HELD IN PREVIOUS 12 MONTHS	Yes	32	18.8	46.7	48.0	40.0
	No	219	12.3	33.6	34.6	26.9
			(not signif)	(not signif)	(not signif)	(not signif)

<sup>2</sup> Figures in brackets represent the significance of Pearsons' Chi-square statistic in a crosstabulation.

The layout of each table is the same:

- ◆ Column 3 shows the total number of young offenders falling into each category.
- ◆ Column 4 show the percentage of females falling into each category.
- ◆ Column 5 shows the total percentage of young offenders receiving a severe FGC outcome for each category.
- ◆ Column 6 shows the percentage of males receiving a severe FGC outcome in each category.
- ◆ Column 7 shows the percentage of females receiving a severe FGC outcome in each category.

Numbers in brackets represent the significance of Pearsons' Chi-square statistic. If the significance of this statistic is less than .05 then the null hypothesis that the dependent variable, outcome severity, is independent of the independent variable can be rejected.

Cramer's V statistic, a test based on the chi-square statistic that compensates for small samples, was also used for the female sample but was found to be the same or very similar to the chi-square statistic for all tests.

Table 2 shows that the proportion of males that received a severe FGC outcome (36.0%) was not significantly different to the proportion of females receiving a severe FGC outcome (28%) ( $\chi^2 = .076$ , d.f.=1,  $p < .383$ ). None of the personal variables were closely associated with a severe FGC outcome, except that a significantly high proportion of females were living with people other than family.

Table 3 shows that, of the offender variables, the categories that were closely associated with a severe FGC outcome for the whole sample were one or more than one conference for previous offences held in the previous 12 months, a court order, or a highly severe outcome to previous offences. However, for the female sample only, a previous offence was also associated with a severe FGC outcome but a court order or a severe outcome to previous offences was not.

Table 4 shows that, of the offence variables, the categories that were closely associated with a severe FGC outcome for the whole sample were a referral from court, a high number of offences, when the most serious offence was a traffic offence, a more serious current offence and an current offence with high monetary value. For females, but not males, an offence with more than one co-offender was also closely associated with a severe FGC outcome but a referral from the court, a high number of offences, type of most serious offence, and monetary value of the offence were not.

Table 3. Gender And Family Group Conference Outcome Severity Vs. Previous Offending History Of The Young Person.

FACTOR	CATEGORIES	(N)	% FEMALE	% SEVERE CONFERENCE OUTCOME		
				ALL	MALES	FEMALES
NUMBER OF OFFENCES COMMITTED IN PREVIOUS 12 MONTHS	None	162	14.2	30.4	33.1	13.6
	One To Three	47	19.1	38.1	32.4	62.5
	Four Or More	40	5.0	46.2	45.9	50.0
			(not signif)	(not signif)	(not signif)	(0.024) <sup>2</sup>
NUMBER OF CONFERENCES HELD IN PREVIOUS 12 MONTHS	None	150	13.3	28.8	30.7	15.8
	One	54	20.4	43.1	40.0	54.5
	More Than One	47	6.4	45.5	47.6	0
			(not signif)	(0.047)	(not signif)	(0.050)
TYPE OF MOST SERIOUS OFFENCE COMMITTED IN PREVIOUS 12 MONTHS	No Previous Offence	162				
	Dishonesty Offences (Theft, Burglary And Car Conversion)	51	9.8	32.7	31.8	40.0
	Offences Against The Person	17	17.6	57.1	45.5	100.0
	Other (Includes Drugs, Property And Traffic Offences)	15	20.0	50.0	50.0	50.0
			(not signif)	(not signif)	(not signif)	(not signif)
TYPE OF SECOND MOST SERIOUS OFFENCE COMMITTED IN PREVIOUS 12 MONTHS	No Second Previous Offence	183				
	Dishonesty Offences (Theft, Burglary And Car Conversion)	45	8.9	37.2	35.9	50.0
	Offences Against The Person	2	0	0	0	0
	Other (Includes Drugs, Property And Traffic Offences)	16	25.0	33.3	33.3	33.3
			*	*	*	*
TYPE OF OUTCOME RECEIVED IN LAST 12 MONTHS FOR PREVIOUS OFFENCES	No Outcome Received In Previous 12 Months	154				
	Non Court Order	69	14.5	35.9	32.7	55.6
	Court Order	29	6.9	60.7	61.5	50.0
			(not signif)	(0.027)	(0.014)	(not signif)
SEVERITY OF OUTCOME RECEIVED IN LAST 12 MONTHS FOR PREVIOUS OFFENCES	No Outcome Received In Previous 12 Months	154				
	Minimal Severity	61	16.4	31.0	27.1	50.0
	Maximum Severity	34	5.9	67.7	66.7	100.0
			(not signif)	(0.001)	(0.001)	(not signif)

<sup>2</sup> Figures in brackets represent the significance of Pearsons' Chi-square statistic in a crosstabulation.  
\* N = 10 or less so percentage not meaningful, and significance of Pearsons' Chi-square invalid.

Table 4. Gender and Family Group Conference Outcome Severity Vs. Offence Variables.

FACTOR	CATEGORIES	(N)	% FEMALE	% SEVERE CONFERENCE OUTCOME		
				ALL	MALES	FEMALES
REFERRAL AGENT	Police	139	13.7	27.6	29.3	16.7
	Court	114	13.2	44.0	44.2	42.9
			(not signif)	(0.008) <sup>2</sup>	(0.025)	(not signif)
NUMBER OF CO-OFFENDERS	None	106	16.0	32.4	33.0	29.4
	One	74	16.2	30.9	36.8	0
	More Than One	68	7.4	41.5	37.7	100.0
			(not signif)	(not signif)	(not signif)	(0.001)
NUMBER OF OFFENCES	One	107	13.1	20.4	21.3	14.3
	Two Or Three	75	18.7	32.9	31.0	41.7
	More Than Three	71	8.5	58.6	60.9	33.3
			(not signif)	(0.000)	(0.000)	(not signif)
TYPE OF MOST SERIOUS OFFENCE	Theft	44	13.6	16.7	13.9	33.3
	Burglary	51	22.8	31.3	35.7	0
	Car Conversion	35	2.9	42.9	44.1	0
	Other Property Offence	31	19.4	33.3	29.2	50.0
	Traffic Offence	23	26.1	52.2	58.8	33.3
	Offences Against The Person	57	12.3	43.4	43.8	40.0
	Other (Includes Drug Offences)	11	18.2	18.2	22.2	0
			(not signif)	(0.035)	(0.020)	(not signif)
TYPE OF SECOND MOST SERIOUS OFFENCE	No Second Offence	107	13.1	20.4	21.3	14.3
	Theft	44	20.5	24.4	24.2	25.0
	Burglary	15	6.7	57.1	61.5	0
	Car Conversion	25	16.0	48.0	52.4	25.0
	Other Property Offence	20	10.0	55.0	55.6	50.0
	Traffic Offence	12	8.3	50.0	45.5	100.0
	Offences Against The Person	17	11.8	60.0	57.1	100.0
	Other (Includes Drug Offences)	12	8.3	58.3	54.5	100.0
			(not signif)	(not signif)	(not signif)	(not signif)
TIME OF DAY OF OFFENCE	6 am to 6 pm	70	14.3	22.7	23.2	20.0
	6 pm to 11 pm	68	8.8	38.8	41.0	16.7
	11 pm to 6 am	73	19.2	39.1	38.6	41.7
			(not signif)	(not signif)	(not signif)	(not signif)
SERIOUSNESS OF OFFENCE	Minimum	21	23.8	0	0	0
	Minimum / Medium	23	8.7	4.5	5.0	0
	Medium	130	11.5	31.7	31.5	33.3
	Medium / Maximum	59	11.9	53.6	60.0	0
	Maximum	18	27.8	76.5	69.2	100.0
			(not signif)	(0.000)	(0.000)	(0.004)

FACTOR	CATEGORIES	(N)	% SEVERE CONFERENCE OUTCOME			
			FEMALE	ALL	MALES	FEMALES
VALUE OF OFFENCE	Less Than \$100	41	17.1	12.8	11.8	20.0
IF APPLICABLE	\$100 To \$1000	84	11.9	29.1	30.4	20.0
	More Than \$1000	49	16.3	58.3	65.0	25.0
			(not signif)	(0.000)	(0.000)	(not signif)

<sup>2</sup> Figures in brackets represent the significance of Pearsons' Chi-square statistic in a crosstabulation.  
\* N = 10 or less so percentage not meaningful, and significance of Pearsons' Chi-square invalid.

Table 5 shows that, for the whole sample, several variables relating to the characteristics and composition of the FGC were associated with a severe FGC. These included an 'other' venue, more than three family at the conference or no family at the conference, a FGC of more than 12 participants, a Maori youth aid officer, a victim, or an 'other' person attending the FGC. 'Other' venues included church halls, community centres, Samoan community centres, family centres, Marae, DSW institutional facilities (including secure units), youth ministry community groups. 'Other' persons included care and protection co-ordinators and social workers, prison social workers, social workers from community and church groups, community group representatives, youth workers from community groups, non family caregivers and ex-caregivers, teachers, school principals, Maatua Whangai workers, community constables, a second youth aid or police officer and co-offenders or their family members.

The significance of the attendance of a Maori rather than Caucasian youth aid officer may have little meaning given the skewed distribution of this variable; 10 conferences were attended by Maori youth aid officers compared to 222 which were attended by Caucasian youth aid officers. Only two FGCs were attended by a female youth aid officer. All youth aid officers in the Christchurch district were male, the two females being from other districts. A small number of young persons in the sample moved before the FGC was held and the FGC was held in another district.

Table 5. Gender And Family Group Conference Outcome Severity Vs. Characteristics And Composition Of The Family Group Conference.

FACTOR	CATEGORIES	(N)	% FEMALE	% SEVERE CONFERENCE OUTCOME		
				ALL	MALES	FEMALES
NUMBER OF CONFERENCES TAKEN TO REACH A RESOLUTION	One	226	14.2	33.9	35.1	26.1
	More Than One	26	7.7	44.0	43.5	50
			(not signif)	(not signif)	(not signif)	(not signif)
VENUE OF CONFERENCE	Dsw Office Or Family Home	158	12.5	25.0	28.6	0
	Home Of The Offender's Family	8	12.7	29.4	29.3	30.0
	Other Venue	84	14.3	46.9	50.0	27.3
			(not signif)	(0.024) <sup>2</sup>	(0.013)	(not signif)
NUMBER OF FAMILY AT CONFERENCE	None	14	35.7	42.9	66.7	0
	One	53	13.2	38.8	38.1	42.9
	Two	76	17.1	20.3	19.4	25.0
	Three	49	8.2	33.3	31.8	50.0
	More Than Three	57	7.0	50.9	52.8	25.0
			(0.038)	(0.007)	(0.001)	(not signif)
SIZE OF CONFERENCE	One To Six	79	19.0	22.1	24.2	13.3
	Seven To Twelve	146	11.0	37.1	37.0	37.5
	Thirteen Or More	22	9.1	66.7	65.0	100.0
		(not signif)	(0.001)	(0.004)	(not signif)	
PERCENTAGE OF FEMALES AT CONFERENCE	Less Than 33.33%	77	0	28.0	28	0
	33.34% To 66.66%	160	20.4	39.8	41.5	33.3
	66.67% Or More	10	50	16.7	33.3	0
		(0.000)	(not signif)	(not signif)	(not signif)	
GENDER OF YOUTH ADVOCATE	Male	95	11.6	44.6	46.3	30.0
	Female	27	18.5	50.0	52.4	40.0
		(not signif)	(not signif)	(not signif)	(not signif)	
ETHNICITY OF YOUTH ADVOCATE	Caucasian	109	12.8	44.3	46.2	30.8
	Maori	0	0	0	0	0
	Pacific Island	0	0	0	0	0
	Other	6	33.3	66.7	75.0	50.0
		*	*	*	*	
GENDER OF YOUTH JUSTICE CO-ORDINATOR	Male	140	12.1	35.0	38.3	11.8
	Female	111	14.4	34.9	33.0	46.7
		(not signif)	(not signif)	(not signif)	(0.028)	
ETHNICITY OF YOUTH JUSTICE CO-ORDINATOR	Caucasian	59	13.6	42.9	43.8	37.5
	Maori	192	13.0	32.6	33.7	25.0
	Pacific Island	0	0	0	0	0
	Other	0	0	0	0	0
		(not signif)	(not signif)	(not signif)	(not signif)	



FACTOR	CATEGORIES	(N)	% FEMALE	% SEVERE CONFERENCE OUTCOME		
				ALL	MALES	FEMALES
GENDER OF YOUTH AID POLICE OFFICER	Male	241	13.7	35.2	36.3	28.1
	Female	2	0	50.0	50.0	0
			*	*	*	*
ETHNICITY OF YOUTH AID POLICE OFFICER	Caucasian	222	14.9	33.3	34.2	28.1
	Maori	10	0	66.7	66.7	0
	Pacific Island	0	0	0	0	0
	Other	0	0	0	0	0
			(not signif)	(0.040)	(0.048)	*
VICTIM ATTENDANCE	No Victim To The Offence	15				
	Attended	106	10.4	43.7	45.2	30.0
	Did Not Attend	128	15.6	26.8	26.9	26.3
			(not signif)	(0.008)	(0.008)	(not signif)
VICTIM REPRESENTATIVE ATTENDANCE	No Victim To The Offence	15				
	Attended	43	7.0	45.2	45.0	50.0
	Did Not Attend	191	14.7	32.1	33.1	25.9
			(not signif)	(not signif)	(not signif)	(not signif)
ATTENDANCE OF ALL VICTIMS	No Victim To The Offence	15				
	Attended	46	4.3	33.3	32.6	50.0
	Did Not Attend	188	15.4	34.8	36.4	25.9
			(0.047)	(not signif)	(not signif)	(not signif)
ATTENDANCE OF YOUTH AID OFFICER	Attended	243	13.6	35.3	36.5	28.1
	Did Not Attend	8	0	25.0	25.0	0
			*	*	*	*
ATTENDANCE OF YOUTH ADVOCATE	None Appointed	118				
	Attended	105	13.3	48.5	50.0	38.5
	Did Not Attend	26	3.8	32.0	29.2	100.0
			(not signif)	(not signif)	(not signif)	(not signif)
ATTENDANCE OF YOUTH JUSTICE SOCIAL WORKER	Attended	39	10.3	48.6	51.5	25.0
	Did Not Attend	209	13.9	32.4	33.0	28.6
			(not signif)	(not signif)	(0.041)	(not signif)
ATTENDANCE OF A FRIEND OR SUPPORT FOR THE OFFENDER'S FAMILY	Attended	60	6.7	32.2	32.7	25.0
	Did Not Attend	188	15.4	35.7	37.0	28.6
			(not signif)	(not signif)	(not signif)	(not signif)
ATTENDANCE OF AN 'OTHER' PERSON	Attended	89	14.6	47.1	49.3	33.3
	Did Not Attend	159	12.6	28.2	28.7	25.0
			(not signif)	(0.003)	(0.003)	(not signif)

<sup>2</sup> Figures in brackets represent the significance of Pearsons' Chi-square statistic in a crosstabulation.  
\* N = 10 or less so percentage not meaningful, and significance of Pearsons' Chi-square invalid.

For females, a FGC with a female youth justice co-ordinator was also associated with a severe outcome but the venue, number of family at the conference, size of the conference,

and attendance of the victim or an 'other' person at the conference were not. For males, but not the whole sample, a social worker attending the conference was associated with a severe outcome.

Analysis of the frequency of gender within each category showed female young offenders had significantly fewer family, a greater number of female participants, and were less likely to have all victims attend the conference.

### 3.6 REGRESSION ANALYSIS OF FAMILY GROUP CONFERENCE OUTCOMES

Regression analyses were carried out to investigate whether gender was related to FGC outcome severity, independently of other factors.

Multicollinearity between the independent variables is usually regarded as a problem in regression analysis because it leads to difficulties in separating out the effects of individual variables (Farrington and Morris, 1983; Schroeder et al., 1986; Norusis, 1990; Bryman and Cramer, 1990). In regression analysis correlated independent variables tend to have larger standard errors and smaller t-ratios. Thus it is more likely, when collinearity exists, that the regression coefficients will not be significant (Schroeder et al., 1986).

In order to minimise multicollinearity, some variables were eliminated from the analysis. When two or more variables were closely related the one retained in the analysis was the one considered by the experimenter to be the most important in predicting the severity of the FGC. The intention was to have one variable per concept.

Examination of crosstabulations revealed several variables did overlap. Of the 40 cases with four or more previous offences (variable POFFNUM), 31 (78%) were among the 43 (72%) with 2 or more FGCs in the previous 12 months (PFGCNUM). The number of previous offences was found to also overlap significantly whether the outcome to previous offences was a court order or non-court order (variable POUT), and the severity of the outcome to previous offences (variable POUTSEV). Number of previous offences was considered a more accurate measurement of extent of previous offending behaviour than the type or severity of the outcome to previous offences or the number of youth justice FGCs held in the previous 12 months.

Type of most serious offence and type of second most serious offence were found to be highly correlated; for example 68 of the 130 cases in which the most serious offence was a dishonesty offence (theft, burglary or car conversion) were among the 84 with a dishonesty offence as the 2nd most serious offence. The first offence type was included since 107 cases did not have a second offence and it was considered a more accurate representation of type of offending committed by the young person.

Similarly type of most serious previous offence was considered a more accurate representation of type of previous offending behaviour than type of second most serious previous offence. However only 83 cases (33%) had a previous offence. Crosstabulation with previous number of offences revealed a high correlation, since 51 (63%) of those with a previous offence had a dishonesty offence (theft, burglary or car conversion) as their most serious type of previous offence. On this basis previous offence type was omitted from the regression analyses.

Seriousness of the most serious offence and financial value of the offence were highly correlated. Financial value was excluded from the regression analysis since it did not relate to all offences.

The source of the referral for a conference, whether from court or directly from the police and the attendance of the youth advocate at the conference were highly correlated. Of 111 court referrals 89 were attended by a youth advocate. In contrast of 138 police referrals only 16 were attended by a youth advocate. It was decided to include only the source of the referral in the analysis, which had no missing values, rather than attendance of the youth advocate which had 4 cases with this value missing.

Time of the offence was often not recorded on the police summary. There were 42 cases missing this information and so this variable was not included in the analysis.

The information on victim attendance and victim representative attendance were combined to create a new variable; attendance of a victim and or a victim representative at the conference. This was included in the analysis rather than attendance of all victims at the conference since all victims attended in only 46 cases as opposed to the 114 cases where a victim or victim representative attended.

The attendance at the final conference of victims, victim representatives, youth advocates, lay advocates, social workers, friends of the young offenders' family and 'others' was recorded as well as their attendance at any conference held for the young offender if there were more than one. Only their attendance at the final conference was included in the

regression analysis since this was the conference in which the outcome severity was determined, there were fewer missing cases and only a small number had more than one conference (26).

Similarly the number of family at this conference was included rather than the average number of family over all the conferences for the young person if more than one was required. The final conference was considered more influential in determining the outcome severity, there were a small number of cases which required more than one conference and there were a smaller number of 'not known' cases (4 rather than 8).

The gender and ethnicity of the youth advocates were excluded from the analysis because youth advocates attended in fewer than half of the cases (105). This is because only young persons appearing before the youth court were appointed a youth advocate. The attendance of lay advocates were excluded because no lay advocates attended any FGC in the sample.

The gender of the youth aid police officer and their attendance at the conference were excluded from the analysis since after the cases with missing values on any variable in the analysis were deleted (listwise regression analysis) they retained only one value and were in effect constants. In all cases with no missing values a male youth aid police officer attended. Ethnicity of the youth aid police officer was excluded because of the skewed distribution of the ethnic groups. There were only 10 cases with a Maori youth aid officer but 222 cases with Caucasian officer. In the remaining 21 cases this information was missing or no officer attended.

This left the number of independent variables at 23. The number of categories for each variable was collapsed to two or three in order to meet the requirements of logistic regression and log-linear analyses. This also meant each variable was measured equally sensitively (or insensitively) (Farrington and Morris, 1983).

A matrix of Spearman's rank correlation coefficients for the 23 independent variables was generated with outcome severity as a dichotomous dependent variable. This revealed two relatively high correlations and led to elimination from the analysis of a further two

variables. The correlation between gender and ethnicity of the youth justice co-ordinator was 0.59. A crosstabulation showed that 138 of the 140 male youth justice co-ordinators were Maori, whereas 54 of the 111 female youth justice co-ordinators were Maori. Ethnicity of the youth justice co-ordinator was not considered as important in the study as gender and was eliminated from the analysis.

The correlation between the number of the offender's family attending the FGC and the total number of participants attending the FGC was 0.50. Crosstabulation showed that as the number of family increased so the total number of participants tended to increase. Ten of the 13 cases with no family at the conference had fewer than seven participants in total at the conference, while only nine of the 106 cases with more than three family present had less than seven participants. The total size of the conference was regarded as a less crucial factor than the number of family members at the conference. Other variables, such as the attendance of the offender's family as well as of victims, social workers, friends of the offender's family and others at the conference make up the variable conference size. Total size of the conference was excluded from the regression analyses.

Table 6 shows each variable, its categories, the number of cases in each category, and the number of cases with missing values for that variable. Spearman's rank correlation coefficients for the variables that were included in the regression analyses are displayed in Table 7. These correlation coefficients are more appropriate for ordinal data than Pearson's product-moment correlations and display the linear relationship between the ranks of two values (Norusis, 1990).

Spearman correlation coefficients for each independent variable with the dependent variable, outcome severity, are also displayed in Table 7. The size of the correlations with outcome severity reached significance, or were likely to occur less than 5% of the time for several variables. These variables included seriousness of the offence, the number of current and previous offences, the attendance of 'others', a victim or a social worker at the conference, the referral agent, the venue of the conference, and the number of family at the conference.

Table 6. List Of Variables Used In Regression Analyses

VARIABLE NAME	VARIABLE LABEL	VALUES	VALUE LABELS	(N)	NO. MISSING
1 SEX	Gender	1	Male	219	0
		2	Female	34	
2 ETHNIC	Ethnicity	1	Caucasian	146	0
		2	Maori, Pacific Island Or Other	107	
3 YEARS	Age	14	14 Years Or Less	65	1
		15	15 Years	73	
		16	16 Years	114	
4 OCCUP	Occupation At Time Of Offence	1	Unemployed	162	12
		2	School Or Job	79	
5 LIVING	Living Circumstances At Time Of Offence	1	Family	188	4
		2	Other	61	
6 PFGCCP	Was A Care And Protection Fgc Held In Prior 12 Months?	1	Yes	32	2
		2	No	219	
7 POFFNUM	Previous Offending Behaviour	0	None	162	4
		1	One To Three	47	
		2	Four Or More	40	
8 RAGENT	Referral Agent	1	Police	139	0
		2	Court	114	
9 COOFF	Were There Co-Offenders At The Most Serious Offence?	1	Alone	106	5
		2	1 Co-Offender	74	
		3	>1 Co-Offender	68	
10 OFFNUM	Number Of Current Offences	1	One	107	0
		2	Two Or Three	75	
		3	More Than Three	71	
11 OFFTYPE	Most Serious Offence Type Is Dishonesty	1	Dishonesty Offences (Theft, Burglary And Car Conversion)	130	1
		2	Offence Against The Person	57	
		3	Drug, Property, Traffic And Other Offences	65	
12 SERIOUS	Seriousness Of Most Serious Offence	1	Minimum Or Minimum / Medium	44	2
		2	Medium	130	
		3	Medium / Maximum Or Maximum	77	

	VARIABLE NAME	VARIABLE LABEL	VALUES	VALUE LABELS	(N)	NO. MISSING
13	FGCNUM	Number Of Conferences Held To Reach A Decision	1	One	226	1
			2	More Than One	26	
14	VENUE	Venue Of Deciding Fgc	1	Home Of Young Person's Family or Other	92	3
			2	Dsw Office Or Family Home	158	
15	FAMILY	Number Of Family / Whanau At Deciding Fgc	0	none	14	4
			1	One Or Two	129	
			2	Three Or More	106	
16	FRATIO	Percentage Of Females At The Conference	1	Less Than 33%	77	6
			2	34% To 66%	160	
			3	67% Or More	10	
17	YJCSEX	Gender Of Youth Justice Co-Ordinator	1	Male	140	2
			2	Female	111	
18	VICVREP	Victim Attendance At Fgc	1	Attended	106	0
			2	Did Not Attend	143	
19	DFGCSW	Social Worker Attendance At Conference	1	Attended	39	5
			2	Did Not Attend	209	
20	DFGCFRND	Attendance Of Support Person For Offender's Family At Conference	1	Attended	60	5
			2	Did Not Attend	188	
21	DFGCOTH	Attendance Of 'Other' Person At Conference	1	Attended	89	5
			2	Did Not Attend	159	

The positive or negative correlations indicated that a more severe outcome was associated with a more serious offence, a greater number of current or previous offences, when an 'other' person, a victim or a social worker attended the conference, when the referral was from the youth court, when the venue was at a DSW office or family home, and when greater number of the offender's family attended the conference.



Table 7. Spearman Correlation Coefficients Between the 21 Independent Variables, and With the Dependent Variable, Outcome Severity as a Dichotomous Variable.

CORRELATIONS BETWEEN ALL 21 INDEPENDENT VARIABLES:

ETHNIC	-.1027					
YEARS	.1229	-.1458				
OCCUP	-.0846	.1280	-.3175			
LIVING	.1905	-.0183	.0473	-.1334		
PFGCCP	-.0634	.0396	.2248	.0239	-.2654	
POFFNUM	-.0467	.1705	.1049	-.2416	.0969	-.2307
RAGENT	-.0075	.0930	.2516	-.1612	.1842	-.0832
COOFF	-.0926	.1552	.0154	-.0351	-.0666	.0800
OFFNUM	-.0380	-.0593	-.0319	-.0690	.0725	-.2033
OFFTYPE	.1300	-.0803	.1189	.0264	-.0225	-.0175
SERIOUS	.0127	.0123	.0188	.0207	-.0131	-.0165
FGCNUM	-.0576	.1338	-.0523	.0042	.0610	-.1440
VENUE	-.0210	-.0627	-.0290	-.0240	.0137	.0664
FAMILY	-.1741	.0638	-.0661	.1704	-.1769	.1977
FRATIO	.2103	-.0200	.0134	.0540	-.0361	-.0714
YJCSEX	.0334	.0092	-.0484	.0606	.0567	-.0778
VICVREP	.1128	.0947	.0608	-.1170	.1014	.0229
DFGCSW	.0388	-.0855	.0679	.1410	-.2177	.3484
DFGCFRND	.1104	-.1162	.0047	.0279	.0390	-.0092
DFGCOTH	-.0286	-.1371	.0955	.0612	-.1465	.2623
	SEX	ETHNIC	YEARS	OCCUP	LIVING	PFGCCP
RAGENT	.1673					
COOFF	.1261	.1113				
OFFNUM	.1764	.1569	.0230			
OFFTYPE	-.0592	-.0198	-.3001	-.1757		
SERIOUS	.0488	.0274	.2276	.2542	.0222	
FGCNUM	.1221	.0325	.0110	.2102	-.0054	.0821
VENUE	.0456	-.1132	.1138	-.1091	.0000	-.1348
FAMILY	-.1365	-.0735	.1223	-.0098	.0101	.0536
FRATIO	-.0692	.0666	-.0055	.0666	.0334	.0155
YJCSEX	-.0453	.1133	.0416	.0511	.1541	.0180
VICVREP	.0526	.1142	-.0017	-.0319	-.0738	-.2562
DFGCSW	-.2834	-.1903	-.0440	-.2050	.0750	-.1706
DFGCFRND	-.0017	.0919	-.0419	-.0233	.0873	.0782
DFGCOTH	-.1220	-.0873	-.0422	-.0402	.0724	-.0507
	POFFNUM	RAGENT	COOFF	OFFNUM	OFFTYPE	SERIOUS
VENUE	.1425					
FAMILY	-.0495	-.0459				
FRATIO	.0078	-.0171	.0457			
YJCSEX	-.0644	.0475	.0434	.3547		
VICVREP	-.0766	-.0342	-.0379	.0382	.0190	
DFGCSW	-.0393	.0644	.1328	-.0168	.0718	.0016
DFGCFRND	-.0610	-.0365	-.1688	.0040	-.0099	.1024
DFGCOTH	-.0287	.1745	.1101	-.1097	-.1220	-.0154
	FGCNUM	VENUE	FAMILY	FRATIO	YJCSEX	VICVREP
DFGCFRND	.0146					
DFGCOTH	.1386	-.0693				
	DFGCSW	DFGCFRND				

CORRELATIONS BETWEEN EACH INDEPENDENT VARIABLE AND THE DEPENDENT VARIABLE:

	SEX	ETHNIC	YEARS	OCCUP	LIVING	PFGCCP
OUTSEV	-.0560	.0818	.0258	-.0330	.0446	-.0899
	SIG .193	SIG .102	SIG .345	SIG .304	SIG .246	SIG .082
	POFFNUM	RAGENT	COOFF	OFFNUM	OFFTYPE	SERIOUS
OUTSEV	.1233	.1713	.0682	.3228	.0916	.3988
	SIG .029	SIG .004	SIG .147	SIG .000	SIG .078	SIG .000
	FGCNUM	VENUE	FAMILY	FRATIO	YJCSEX	VICVREP
OUTSEV	.0641	-.1569	.1189	.0567	-.0014	-.1466
	SIG .160	SIG .007	SIG .032	SIG .190	SIG .492	SIG .011
	DFGCSW	DFGCFRND	DFGCOTH			
OUTSEV	-.1233	.0317	-.1891			
	SIG .028	SIG .312	SIG .002			

All 21 independent variables were included in a least-squares multiple regression analysis. The dependent variable, FGC outcome severity, was recoded as a dichotomous variable and all independent variables were entered into the analysis simultaneously. Type of offence was the only variable that was entered as two separate dummy variables since it was a categorical variable with three categories.

Table 8 shows that the analysis resulted in four variables with a probability of the F value of less than 0.05: seriousness of the offence, the number of offences, the attendance of 'others' at the conference and the number of family at the conference. These variables could be considered to be independently related to sentence severity.

The regression coefficients for each variable were positive except for the attendance of 'others' at the conference since attendance was coded as one and non-attendance was coded as 2. Therefore a more severe conference outcome was associated with a more serious offence, a greater number of offences, the attendance of 'other' people at the conference and a greater number of family at the conference.

Seriousness of the offence, with the greatest Beta value (0.284), appeared to be the most significant factor in determining the conference outcome severity. For a one unit change in the independent variable SERIOUS (from minimum or minimum / medium to a medium seriousness offence) there was a 0.284 change in the FGC outcome severity. The Beta values for the other significant variables were (0.216) for the number of current offences, (-0.179) for the attendance of others at the conference and (0.144) for the attendance of family at the conference. Gender had a small Beta value (0.009) and was not related to sentence severity.

For the sample as a whole the outcome severity for previous offending was associated with outcome severity according to the chi-square statistic whereas previous number of offences was not. The regression analysis was run again with most severe outcome received in the previous 12 months for previous offending replacing number of previous offences. The severity levels were collapsed into three large categories: no outcomes received in the previous 12 months, a lenient outcome (levels 1 to 5) or a severe outcome (levels 6 to 10).

Table 8. Multiple Least-Squares Linear Regression with Outcome Severity as a Dichotomous Variable.

OUTCOME SEVERITY AS A DICHOTOMOUS DEPENDENT VARIABLE		
FACTOR	MULTIPLE LEAST-SQUARES LINEAR REGRESSION	
	Beta	signif. (F change)
1 GENDER	0.009	(not signif)
2 ETHNICITY : Caucasian or other ethnic group	0.070	(not signif)
3 AGE	0.009	(not signif)
4 OCCUPATION: unemployed or other	0.025	(not signif)
5 LIVING CIRCUMSTANCES	0.028	(not signif)
6 CARE AND PROTECTION CONFERENCE PREVIOUSLY HELD	-0.029	(not signif)
7 NUMBER OF PREVIOUS OFFENCES	0.019	(not signif)
8 REFERRAL AGENT	0.118	(not signif)
9 NUMBER OF CO-OFFENDERS	0.029	(not signif)
10 NUMBER OF OFFENCES	<b>0.216</b>	<b>0.002</b>
11 TYPE OF OFFENCE: - dishonesty or other	0.160	(not signif)
- violence or other	0.037	(not signif)
12 SERIOUSNESS OF OFFENCE	<b>0.284</b>	<b>0.000</b>
13 NUMBER OF CONFERENCES TO REACH A DECISION	-0.004	(not signif)
14 VENUE: DSW office or family home or other	-0.046	(not signif)
15 NUMBER OF CONFERENCES TO REACH A DECISION	<b>0.144</b>	<b>0.031</b>
16 PERCENTAGE OF FEMALES AT THE CONFERENCE	-0.013	(not signif)
17 SEX OF THE CO-ORDINATOR	-0.086	(not signif)
18 A VICTIM OR THEIR REPRESENTATIVE ATTENDED	-0.074	(not signif)
19 A SOCIAL WORKER ATTENDED	0.053	(not signif)
20 A FRIEND OR SUPPORT FOR THE FAMILY OF THE OFFENDER ATTENDED	0.010	(not signif)
21 'OTHER' PEOPLE ATTENDED	<b>-0.179</b>	<b>0.007</b>

p < .05

The analysis produced six variables that were independently associated with the dependent variable including the four variables in the first analysis. The severity of outcome for previous offending also reached significance (Beta = 0.159, p = 0.025) demonstrating that prior offending history was associated with a more severe FGC

outcome. In addition the influence of one of the two dummy variables for offence type reached significance; dishonesty offences versus other offence types (Beta = 0.163,  $p = 0.048$ ). A positive Beta value indicated that offence types other than dishonesty were associated with a more severe outcome. Such offences included property, traffic and drug offences, offences against the person, and 'other' offences.

The regression analysis was run a third time with the addition of the variable FGC size. This was the last variable to be eliminated from the analysis due to a high correlation with the number of family attending the conference. As expected, this cancelled out the significance of the Beta value for the family variable (Beta = 0.113,  $p = 0.172$ ). The Beta values of seriousness of the offence, number of offences and the attendance of others remained significant. As with the previous analysis dishonesty offences were again negatively associated with a severe outcome. Gender of the young offender remained unrelated to outcome severity for both these additional analyses.

A simultaneous logistic regression analysis was then performed with gender and the four independently significant variables. The dependent variable remained dichotomous and those variables with more than two categories (seriousness of the offence, the number of current offences and the number of family at the conference) were entered into the analysis as dummy variables.

Table 9 shows that the original four variables were again important in the logistic regression. Thus for an offence of minimum or minimum / medium seriousness (SERIOUS1) the odds of a severe conference outcome are increased by a factor of 0.1, but for an offence of medium seriousness (SERIOUS2) the odds of a severe conference outcome are increased by a factor of nearly 2. The coefficient for an offence of medium / maximum or maximum seriousness is not displayed since it is zero and is the reference for the other two categories.

Similarly OFFNUM1 represents one current offence and OFFNUM2 two or three current offences, FAMILY1 represents no family attended the conference, and FAMILY2 represents one or two family attending the conference. Gender remained unrelated to outcome severity independently of the other variables.

Table 9. Logistic Regression with the Four Independent Variables found to be Significant in the Linear Regression Analysis and Gender.

OUTCOME SEVERITY AS A DICHOTOMOUS DEPENDENT VARIABLE		
	LOGISTIC REGRESSION	
	Exp(B)	signif. (Wald)
SERIOUSNESS OF OFFENCE		0.001
-SERIOUS (1)	0.103	
-SERIOUS (2)	1.958	
NUMBER OF OFFENCES		0.008
-OFFNUM (1)	0.556	
-OFFNUM (2)	0.948	
ATTENDANCE OF OTHERS AT THE CONFERENCE	1.636	0.004
NUMBER OF FAMILY AT CONFERENCE		0.039
-FAMILY (1)	0.756	
-FAMILY (2)	0.756	
GENDER	1.122	0.647
p < .05		

Table 10. Results of Multiple Linear Regression Analysis with Outcome Severity as a Ten Point Dependent Variable.

OUTCOME SEVERITY AS A TEN POINT DEPENDENT VARIABLE		
	MULTIPLE LEAST-SQUARES REGRESSION	
	Beta	signif. (F change)
SERIOUSNESS OF OFFENCE	0.851	0.000
NUMBER OF OFFENCES	0.623	0.000
REFERRAL AGENT	0.468	0.032
NUMBER OF FAMILY AT CONFERENCE	0.359	0.048
GENDER	0.085	0.772
p < .05		

Further analyses were carried out to investigate if the effects of gender had been reduced by dichotomising outcome severity. A multiple regression analysis was performed with the original ten-point scale of outcome severity as the dependent variable and all 21 independent variables. The method of analysis was again simultaneous entry into the equation.

Three of the variables that were important in the regression analyses with outcome severity as a dichotomous variable were again found to be important. These were seriousness of the offence, the number of current offences and the number of family at the conference. The F value of the attendance of others at the conference was no longer significant (Beta = -0.278, sig. = 0.207). As shown in Table 10 the referral agent had instead become a fourth significant variable. This indicates that a referral from the youth court instead of a direct referral from the police was independently related to a more severe outcome. Gender was again without a significant effect.

Log-linear analysis was carried out using a four-point scale of outcome severity to check if the gender of the young offender had had no effect on the dependent variable because it had been dichotomised. Outcome severity was categorised based on the original ten point scale as follows:

- 1 Levels 1,2 and 3: no further action; apologies, cautions or warnings only; or curfews and restrictions, less than ten hours community work, reparation or monetary penalty of less than \$100, voluntary disqualification or suspended sentence order S.283(c).
- 2 Levels 4 and 5: community work of 10 to 100 hours, reparation or monetary penalty of \$100 to \$1000, or supervision order S.283(k) or disqualification order S.283(i).
- 3 Levels 6 and 7: community work of 100 to 200 hours, reparation or monetary penalty of more than \$1000.

Levels 8, 9 and 10: supervision with activity order S.283(m); supervision with residence order S.283(n); remanded to District Court S.283(o), corrective training or prison.

The analysis was carried out with the two variables shown so far to be most associated with outcome severity; seriousness of the offence and the number of offences as well as

with gender and the dependent variable outcome severity. The results showed that gender was not related to outcome severity independently of the seriousness of offence or independently of the number of offences. ( Partial chi-square = 3.950, 3 d.f.,  $p = 0.2670$ ). Therefore it cannot be deduced that gender only appeared to have no effect because of dichotomising.

The multiple regression analyses have so far been primarily focused on the relationship between gender and outcome severity. Table 11 displays the results of least-squares multiple regression carried out separately for males and females with a dichotomous dependent variable. These results show the relationship between other factors and outcome severity independently of gender.

The results for the male sample resembled those for the whole sample. The three factors found to be important for males were seriousness of the offence, the attendance of 'others' at the conference and the number of offences. This consistency is to be expected given that males make up about 87% of the sample.

The other factors that had been found significant for the whole sample; i.e. the number of family attending the conference and the source of referral; were no longer important after the exclusion of females from the sample. For the female sample two factors were found to be important; previous number of offences and occupation at the time of the offence. The Beta value for both variables was positive indicating that a higher number of previous offences and attending school or a job were associated with a more severe outcome for female young offenders.

The relationship between previous offence number and outcome severity had been found to be significant for females but not for males in crosstabulation (Table 3). Only 13.6% of the females with no previous offence had received a severe outcome compared to 33.1% of the males with no previous offence. Similarly, 50% of the female sample with more than three previous offences had received a severe outcome compared to 46% of the males with more than three previous offences. Occupation had not appeared related to outcome severity for either male or female young offenders in the crosstabulation exercise.

Table 11. Separate Least-Squares Linear Regression Analyses for Males and Females.

MULTIPLE LEAST-SQUARES REGRESSION WITH 20 INDEPENDENT VARIABLES AND OUTCOME SEVERITY AS A DICHOTOMOUS VARIABLE				
	MALE		FEMALE	
	Beta	signif. (F change)	Beta	signif. (F change)
SERIOUSNESS OF OFFENCE	0.223	0.000	-0.085	(not signif)
NUMBER OF OFFENCES	0.134	0.001	0.027	(not signif)
ATTENDANCE OF 'OTHERS' AT CONFERENCE	-0.211	0.003	-0.395	(not signif)
NUMBER OF PREVIOUS OFFENCES	-0.013	(not signif)	0.575	0.009
OCCUPATION (unemployed vs. school or job)	-0.034	(not signif)	0.815	0.032

MULTIPLE LEAST-SQUARES REGRESSION WITH 6 INDEPENDENT VARIABLES AND OUTCOME SEVERITY AS A DICHOTOMOUS VARIABLE				
	MALE		FEMALE	
	Beta	signif. (F change)	Beta	signif. (F change)
SERIOUSNESS OF OFFENCE	0.340	0.000	0.197	(not signif)
NUMBER OF OFFENCES	0.218	0.001	-0.073	(not signif)
ATTENDANCE OF 'OTHERS' AT CONFERENCE	-0.216	0.001	-0.021	(not signif)
NUMBER OF PREVIOUS OFFENCES	0.007	(not signif)	0.514	0.016
NUMBER OF FAMILY AT THE CONFERENCE	0.118	(not signif)	0.321	(not signif)
OCCUPATION AT THE TIME OF THE OFFENCE	-0.045	(not signif)	0.139	(not signif)

p < .05

Spearman correlation coefficients between all the independent variables were calculated for the male and female samples separately. This revealed that for females a reasonably large correlation existed between attendance at school or a job at the time of the offence and both being younger ( $\rho = -0.541$ ,  $p = 0.000$ ), and having fewer previous offences ( $\rho = -0.461$ ,  $p = 0.003$ ). In crosstabulation the effect of occupation may have been cancelled out by previous number of offences.

A reasonably high correlation between seriousness of offence and number of offences was also apparent ( $\rho = 0.411$ ,  $p = 0.008$ ). This may explain why seriousness of offence



and number of offences did not show as independently important in the regression analysis for the female sample. Those female offenders that committed a serious offence also tended to commit more offences.

None of the variables that were shown to have a significant linear association with outcome severity for the whole sample were shown to be significant for the female sample. Only seriousness of the offence had been shown in crosstabulations to have significant associations with outcome severity for females (Table 4). However the strength of this association in a linear regression with a dichotomous dependent variable had not been sufficient for seriousness of the offence to reach significance. This may in part be due to the small number of subjects in the female sample.

Performing a regression analysis with 20 variables in such a small sample is not likely to provide meaningful results. The regression analyses for the separate samples were repeated with the six variables which had initially been identified as important; the seriousness of the offence, the number of current offences, the number of family attending the conference, the attendance of others at the conference, the number of previous offences and the occupation of the young offender at the time of the offence. These results are also shown in Table 11.

For the male sample the variables that were important in this analysis were no different from the analysis with 20 variables; seriousness of the offence, the number of current offences and the attendance of others at the conference. For the female sample the number of previous offences was the only significant variable. None of the other variables, including occupation, were statistically significant.

## 4 PART TWO METHOD

### 4.1 SUBJECTS

Eighty three respondents completed and returned the evaluation of FGC outcomes questionnaire<sup>19</sup> (FGCOQ) out of 104 questionnaires distributed, a return rate of 80%. The FGCOQs were distributed to three sample groups:

- 1 the general population of the seven Christchurch electorates
- 2 NZCYPS staff
- 3 Police staff

The first seven questions in the FGCOQ asked for details about the respondent: their gender, age group, ethnicity, how many children they had, whether they had attended a FGC, in what role they attended the conference and their level of education.

### 4.2 PROCEDURE

#### 4.2.1 Public Sample

For the general population, 40 addresses were selected randomly from the seven Christchurch electorates; Avon, Christchurch Central, Christchurch North, Fendalton, St Albans, Sydenham and Yaldhurst. Six respondents were distributed within each electorate apart from the two smallest electorates; Christchurch Central (19,585) and Avon (21, 662) in which 5 FGCOQs were distributed. The remaining electorates ranged in size from 22,102 (Fendalton) to 24,873 (Yaldhurst).

Random numbers were used to select page and line numbers from each electoral roll for the required number of respondents from each electorate.

The corresponding address was visited. If no respondent could be found at this address then where possible the next highest street number on the same side of the street

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<sup>19</sup> See appendices 4 and 5.

was visited. This was continued until a respondent was found within the street. Visits to the selected addresses occurred on weekdays between 10 am - 12 noon and 1pm - 5pm.

A standard phrase of introduction was used:

" Hello. I am from the Psychology Department of Canterbury University. I wonder if you would mind answering a questionnaire on alternative FGC decisions for young offenders."

Those interested were given a brief standard explanation of how the FGCOQ was concerned with their opinions of the decisions. The FGCOQ was left with respondents to complete by themselves. The respondent was asked to complete the FGCOQ by the following day and an arrangement was made to collect it during that day or at a later date if that was more convenient. On two occasions the respondent preferred to return the FGCOQ by post and an envelope was provided.

A total of 39 completed FGCOQs were successfully collected from the public sample (a return rate of 97.5%).

#### 4.2.2 NZCYPS Sample

For the NZCYPS sample, 20 FGCOQs were distributed to staff members desks at the offices of the Christchurch Youth Justice Field Service staff, and 12 FGCOQs were distributed to Christchurch Youth Justice Residential staff through their supervisors. A sealed box with a slot was left at the Youth Justice services reception area for staff to place their FGCOQs in once completed. A total of 30 completed FGCOQs were successfully collected from the NZCYPS sample (a return rate of 94%).

#### 4.2.3 Police Sample

For the Police Department, 32 FGCOQs were distributed via the Youth Aid Senior Sergeant for the Christchurch region. Approximately 12 FGCOQs were distributed to Youth Aid staff within the Christchurch region, including a number of outlying offices. A

further 20 were distributed to generic operations staff within offices. A total of 14 completed FGCOQs were returned to the Youth Aid Senior Sergeant (a return rate of 44%).

#### 4.2.4 The Questionnaire

The first page of the FGCOQ gave instructions for completing the questionnaire. The second page contained seven questions asking for personal details about the respondent. On the third page was a description of a young person committing an offence and the legal consequences which followed for the young person<sup>20</sup>.

The case descriptions were all the same apart for two details; the age and gender of the young person. There were four case descriptions:

- 1 Jane aged 14 years
- 2 David aged 14 years
- 3 Jane aged 16 years
- 4 David aged 16 years

In an attempt to ensure equal numbers of each case and that respondents randomly received their case the four cases were rotated in the order given. Thus the persons who completed the FGCOQs numbered 1, 5, 9, 13, 17, 21, 25, 29, etc. received case description 1. Those who completed FGCOQs numbered 2, 6, 10, 14, 18, 22, 26, 30 etc. received case description 2 and so on.

Of the completed FGCOQs the numbers received for each case were:

- 1 20
- 2 19
- 3 21
- 4 23

Details of five different possible FGC outcomes were then given. Following each outcome were 18 questions. These asked for responses to the FGC outcome which had just been described.

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<sup>20</sup> see appendix 4.

In an attempt to eliminate order effects the order in which the five outcomes appeared in each FGCOQ was random. This was achieved by using a computer to generate all possible order combinations of the five outcomes. The total number of different combinations was 120. Then each possible combination was given a random number between 0 and 1 (to 15 decimal places) by the computer. These numbers were then sorted into an ascending order, from the smallest to the largest. Respondent 1 received the combination attached to the smallest random number, respondent 2 received the combination attached to the second smallest random number, respondent 3 received the combination attached to the third smallest random number and so on. The order of combinations and case descriptions is given in appendix 3.

The questions which related to each outcome were adapted from the Treatment Evaluation Inventory designed by Kazdin (1980). Kazdin's inventory used the Likert method of summated ratings to evaluate the acceptability of time out and reinforcement procedures as applied to deviant child behaviour. It was comprised of 15 items rated on a 1 to 7 point scale of acceptability. Thirteen of these 15 items were adapted to fit the four case descriptions and an additional five questions brought the number of questions to 18. The two questions not included from the Kazdin inventory related to possible side effects from the treatment and to any discomfort the child would feel as a result of the treatment.

The five additional questions (questions 13 through to 17) related to whether the FGC outcome would elicit shame in the young person, would deter the young person from further crime, would deter other young persons from committing crime, would be fair to the victims, and would satisfy the victims.

#### 4.2.5 Confidentiality

This was addressed on the first page of the FGCOQ. It was stated that the questionnaire was voluntary and that returning a completed questionnaire would be interpreted as agreement to having the respondents' answers recorded and analysed. The

FGCOQ also stated that all responses would remain anonymous and respondents were asked not to write their name on the questionnaire.

#### 4.2.6 Checking The Data

Once the completed FGCOQs were collected they were scored. Every page of each FGCOQ was numbered with the respondent number. The five sets of questions were then placed in the same order for each FGCOQ to allow easy entry into a computer data file.

To check for possible errors arising from the transfer of the data a printed copy of the data was then compared with the original input forms to check that each digit matched. A number of errors were noted then corrected on the data file.

The analysis of the data file was carried out with SPSS Version 4.0. Initial manipulations were made to check for unexpected or incorrect numbers which had been entered incorrectly into the data file. Each variable was checked by either analysing the frequency of each of its different values or else for ratio level variables by checking the maximum and minimum values.

### 4.3 METHOD OF ANALYSIS

The primary aim of part two was to investigate whether the gender and age of the young person in the case description affected the acceptability ratings that were given to each type of FGC outcome and this was done through an analysis of variance. A secondary aim of part two was to examine what factors accounted for any variation in the acceptability ratings. A principal components analysis and varimax rotation was considered the most appropriate method to achieve this.

## 5 PART TWO RESULTS

### 5.1 RESPONDENT CHARACTERISTICS

#### 5.1.1 Gender

Nearly equal numbers of male and female respondents answered the questionnaire; 42 males and 41 females. This ratio is little different from the 1991 national census which showed that for the population aged over 14 years there were slightly greater numbers of females (52%) than males in the seven Christchurch electorates (Department of Statistics, 1992). The NZCYPS sample had a greater proportion of female respondents (60%) than the public (54%) and particularly the police respondents of which only two (14%) of the 14 respondents were female.

#### 5.1.2 Age

The age distribution of the sample in comparison to the population of the seven Christchurch electorates at the time of the 1991 national census is shown in Figure 9. The sample had a greater proportion of respondents aged between 30 and 50 years. A high proportion of the NZCYPS and police samples were shown to fall into this age bracket; 76% of the NZCYPS sample and 79% of the police sample compared to 39% of the public sample. This pattern is likely to be due to staff recruitment preferences in these organisations, with persons with the appropriate qualifications and experience falling into these age categories. The comparison of the youngest age group is not valid. The youngest age group in the questionnaire was 17 to twenty years whereas that in the census was from 15 to twenty years.

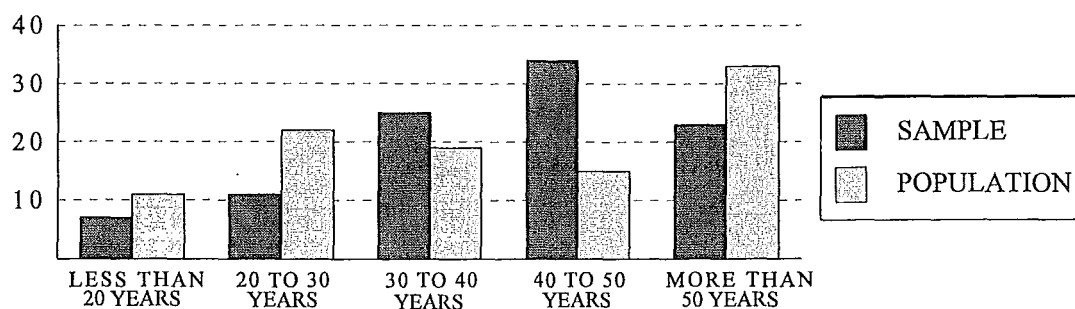


Figure 9. The Age Distribution of the Sample in Comparison to the Population of the seven Christchurch electorates of Avon, Christchurch Central, Christchurch North, Fendalton, St Albans, Sydenham and Yaldhurst (Department of Statistics, 1992).

### 5.1.3 Ethnicity

The majority of the respondents were Caucasian (69), 11 classed themselves as Maori or a mix of Maori and Caucasian and the one remaining case was Pacific Island. This ethnic distribution is has a slightly greater proportion of Maori respondents than the Christchurch population as shown in Figure 10.

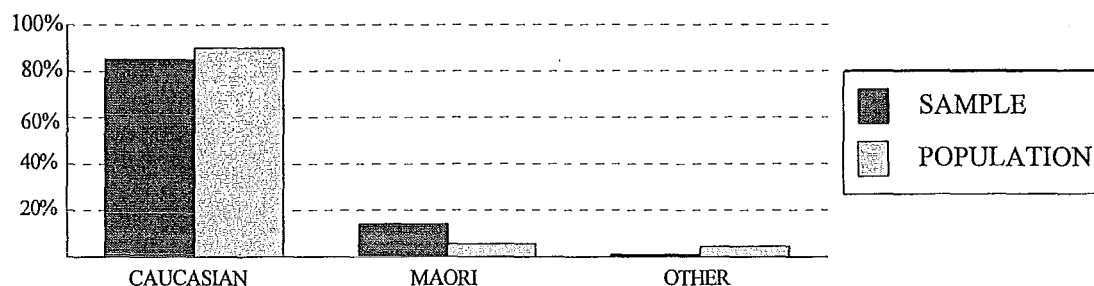


Figure 10. The Ethnic Distribution of the Respondents in Comparison to the Population of the seven Christchurch electorates of Avon, Christchurch Central, Christchurch North, Fendalton, St Albans, Sydenham and Yaldhurst (Department of Statistics, 1992).

### 5.1.4 Children

Most, (77%), of the respondents had children, 35 (55%) out of the 64 respondents with children had more than two. The 1991 national census specified what proportion of



families had children. For census purposes, a family was described as one parent with one or more children, two parents with one or more children, or a couple with no children. The statistics showed that in the seven Christchurch electorates 63% of families had children and that of those families with children 21% had more than two children. (Department of Statistics, 1992). The apparently high proportion of respondents with children in the sample may be due the relatively greater number of respondents in the 30 to 50 year age bracket and the time of day when respondents were contacted.

#### 5.1.5 Family Group Conference Attendance

Figure 11 shows the types of roles in which respondents had attended FGCs. Nearly half of the sample had attended a FGC (36). Of those who had, most attended as social workers (18%). Nearly all of the respondents who had previously attended a FGC were from the NZCYPS or police samples; 23 and 10 respectively. Only three (8%) of the respondents in the public sample had previously attended a conference. Two had attended as parents and the third categorised themselves as 'other'.

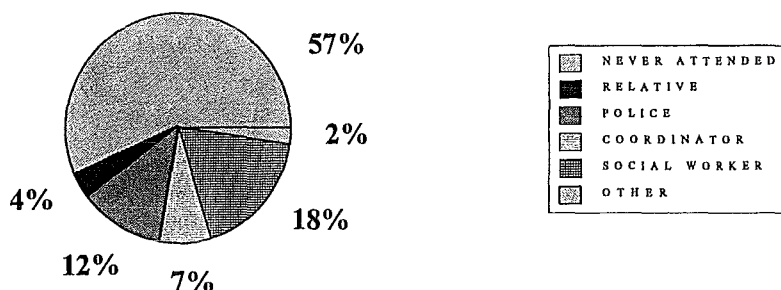


Figure 11. Previous Attendance of the Respondent at a Family Group Conference.

Six respondents had attended in different roles at different conferences. When a respondent had attended in both a professional and a non-professional role their professional role was recorded. In one case a respondent had attended conferences as either a co-ordinator or a social worker and they were recorded in the analysis as a co-ordinator. No respondents were recorded as victims although two of the respondents who had attended as social workers also reported they had attended conferences as victims.

### 5.1.6 Level Of Education

Respondents were asked to state the highest qualification they had gained. Nearly half the sample (40) had gained tertiary level qualifications while only 10 (12%) had received less than 3 years secondary education.

Figure 12 shows a breakdown of the response according to the level of education received in comparison to the Christchurch population at the time of the 1991 national census. The sample has a higher proportion of people with tertiary qualifications than the general population. Breakdown of the sample into the three sample groups showed that the NZCYPS had a very high number of staff with tertiary qualifications. Only 17% of the NZCYPS sample did not have a tertiary qualification compared to 71% of the public sample and 72% of the police sample.

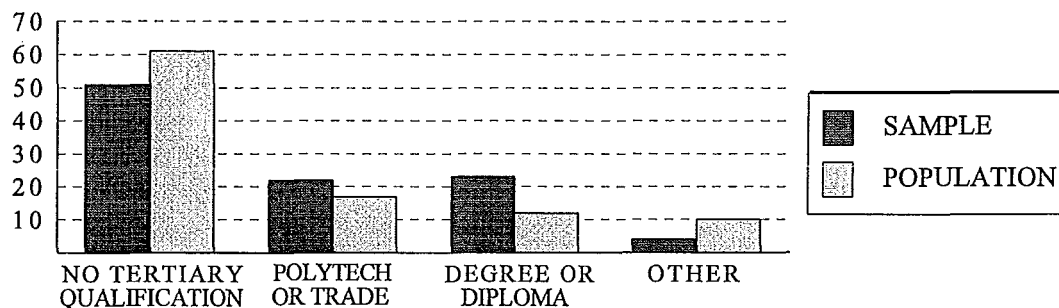


Figure 12. Highest Level of Education of the Respondent in Comparison to the Canterbury City Population at the time of the 1991 National Census (Department of Statistics, 1992).

## 5.2 ANALYSIS OF VARIANCE

The ratings given to each item was summed for each outcome type for all the completed FGCOQs to produce a total acceptability score. The minimum possible score was 18 and the maximum possible score was 126.

All missing values in the FGCOQs were scored as 4, the intermediate or neutral value on each question. Examination of the FGCOQs revealed that two respondents had a large number of questions which were unanswered. These respondents had skipped a page on several occasions, leaving 25 and 26 questions unanswered respectively. The two different weights of the paper within the FGCOQs as returned by the printing service may have contributed to this problem. Consequently these two cases were not included in the analysis. One belonged to the NZCYPS sample, and one belonged to the general public sample.

The grouping factors in this study were the age (14 or 16 years) and gender of the young person in the case description, and the sample of the respondent. The within-subjects factor was the 5 different conference outcomes. Each respondent was observed at all levels of the within-subjects factor but only at one level of each grouping factor.

The means and standard deviations for each outcome type for each grouping factor are given in tables 12a, 12b, 12c and 13. The minimum and maximum scores for each outcome are shown in Table 14. A complete average score, in which a neutral rating was given to every question would equal 72. Minimal and maximum possible scores are 18 and 126 respectively.

### 5.2.1 Between-Subjects Effects

Tables 12a, 12b and 12c show that the combined mean score for each sample was 76 for the NZCYPS and the police samples and 77 for the public sample. As shown in table 13 the combined mean score for gender over all outcome types was 78 for males and 75 for

females. The combined mean score for age over all outcome types was 76 for age 14 and 77 for age 16.

Despite the similar mean scores there was a considerable range of scores. These are shown in Table 14. The maximum possible acceptability rating, 126, was given in all sample groups. This occurred for the reparation outcome in the NZCYPS and public samples, and for the community work outcome in the police sample. The minimum possible score of 18 did not occur for any outcome type. The lowest score (24) was given in the public sample for the formal warning outcome.

The conviction outcome received the lowest score in the NZCYPS sample (25), the freedom restriction outcome received the lowest score in the police sample (31).

Over all outcome types the maximum score given for the case description with the male young offender occurred for the reparation outcome (126) whereas the minimum score occurred for the formal warning (24). For the respondents who received the case description with the female young offender both the reparation and community work outcomes received the maximum score of 126, while the conviction and sentence of supervision received a minimum score of 24.

For the case description with the young offender aged 14 years reparation again received the highest score of 126 and the lowest score was given to the conviction and sentence of supervision (25). The description with the young offender aged 16 years received the maximum possible scores for both the reparation and community work orders and the formal warning outcome received the lowest score (24).

Analysis of variance was used to test mean differences between case gender (girl or boy), age (14 or 16 years), sample (public, police or NZCYPS) and outcome (repeated measures). Table 15 shows the gender and age of the young person in the case description did not significantly affect the acceptability ratings overall.

Tables 12a. Mean Acceptability Ratings and Standard Deviations for Each of the Five Family Group Conference Outcomes by Gender and Age of the Young Person in the Case Descriptions for NZCYPS Sample.

SAMPLE 1: NZCYPS:	OUTCOME 1: WARNING	OUTCOME 2: RESTRICTION	OUTCOME 3: REPARATION	OUTCOME 4: WORK	OUTCOME 5: CONVICTION	CASE
MALE (14)	71.0	67.8	94.2	91.4	76.2	80.1
(SD)	(18.9)	(16.1)	(18.4)	(11.3)	(16.9)	(9.5)
MALE (16)	68.1	69.9	87.0	88.4	68.0	76.3
(SD)	(19.0)	(21.9)	(22.0)	(18.0)	(21.6)	(13.9)
FEMALE (14)	75.9	70.4	80.9	76.4	52.4	71.2
(SD)	(10.0)	(17.2)	(30.9)	(16.0)	(19.7)	(11.4)
FEMALE (16)	71.1	68.9	94.9	84.4	65.0	76.9
(SD)	(17.9)	(15.1)	(15.7)	(10.9)	(14.5)	(6.1)
OUTCOME TOTAL:	71.6	69.4	88.7	84.5	64.3	75.7
(SD)	(16.0)	(17.0)	(22.5)	(15.0)	(19.4)	(10.6)
GENDER TOTAL:						
MALE:	69.2	69.1	89.8	89.5	71.2	
(SD)	(18.2)	(19.2)	(20.2)	(15.3)	(19.6)	
FEMALE:	73.5	69.7	87.9	80.4	58.7	
(SD)	(14.2)	(15.6)	(24.8)	(13.9)	(18.0)	
AGE TOTAL:						
14 YEARS:	74.0	69.4	86.0	82.2	61.5	
(SD)	(13.5)	(16.1)	(26.8)	(15.8)	(21.6)	
16 YEARS:	69.6	69.4	90.9	86.4	66.5	
(SD)	(17.9)	(18.2)	(18.9)	(14.5)	(17.8)	
OVERALL GENDER:		MALE:	77.8	FEMALE:	74.0	
			(12.1)		(9.3)	
OVERALL AGE:		14 YEARS:	74.6	16 YEARS:	76.6	
			(11.2)		(10.4)	

Table 12b. Mean Acceptability Ratings and Standard Deviations for Each of the Five Family Group Conference Outcomes by Gender and Age of the Young Person in the Case Descriptions for Police Sample.

<b>SAMPLE 2 POLICE:</b>	<b>OUTCOME 1: WARNING</b>	<b>OUTCOME 2: RESTRICTION</b>	<b>OUTCOME 3: REPARATION</b>	<b>OUTCOME 4: WORK</b>	<b>OUTCOME 5: CONVICTION</b>	<b>CASE</b>
<b>MALE (14)</b>	71.0	67.0	73.3	76.0	69.3	71.3
<b>(SD)</b>	(18.7)	(23.9)	(9.5)	(16.4)	(25.5)	(18.1)
<b>MALE (16)</b>	76.8	65.0	94.6	83.6	79.0	79.8
<b>(SD)</b>	(13.0)	(15.4)	(10.1)	(7.4)	(16.9)	(7.4)
<b>FEMALE (14)</b>	59.0	84.0	87.7	92.7	79.7	80.6
<b>(SD)</b>	(15.7)	(20.8)	(14.0)	(5.5)	(22.2)	(10.3)
<b>FEMALE (16)</b>	54.7	50.3	78.0	87.7	76.7	69.5
<b>(SD)</b>	(23.1)	(23.2)	(6.1)	(34.3)	(32.4)	(10.7)
<b>OUTCOME TOTAL:</b>	67.0	66.4	85.0	84.8	76.6	75.9
	(17.8)	(21.0)	(12.7)	(16.7)	(21.0)	(11.3)
<b>GENDER TOTAL:</b>						
<b>MALE:</b>	74.6	65.8	86.6	80.8	75.4	
	(14.3)	(17.3)	(14.3)	(11.1)	(19.3)	
<b>FEMALE:</b>	56.8	67.2	82.8	90.2	78.2	
	(17.8)	(27.0)	(11.0)	(22.1)	(24.9)	
<b>AGE TOTAL:</b>						
<b>14 YEARS:</b>	65.0	75.5	80.5	84.3	74.5	
	(16.8)	(22.1)	(13.3)	(14.2)	(22.1)	
<b>16 YEARS:</b>	68.5	59.5	88.4	85.1	78.1	
	(19.5)	(18.6)	(11.9)	(19.3)	(21.5)	
<b>OVERALL GENDER:</b>		<b>MALE:</b>	76.6	<b>FEMALE:</b>	75.0	
			(12.0)		(11.2)	
<b>OVERALL AGE:</b>		<b>14 YEARS:</b>	76.0	<b>16 YEARS:</b>	75.9	
			(14.1)		(9.6)	

Tables 12c. Mean Acceptability Ratings and Standard Deviations for Each of the Five Family Group Conference Outcomes by Gender and Age of the Young Person in the Case Descriptions for Public Sample.

<b>SAMPLE 3. PUBLIC</b>	<b>OUTCOME 1: WARNING</b>	<b>OUTCOME 2: RESTRICTION</b>	<b>OUTCOME 3: REPARATION</b>	<b>OUTCOME 4: WORK</b>	<b>OUTCOME 5: CONVICTION</b>	<b>CASE</b>
<b>MALE (14)</b>	67.4	78.4	90.3	84.9	73.8	79.0
<b>(SD)</b>	(22.1)	(30.3)	(22.2)	(15.1)	(22.3)	(18.9)
<b>MALE (16)</b>	67.5	73.3	88.9	85.9	67.7	76.7
<b>(SD)</b>	(28.7)	(25.1)	(20.5)	(18.0)	(29.0)	(18.6)
<b>FEMALE (14)</b>	55.6	68.4	89.2	82.8	72.0	73.6
<b>(SD)</b>	(14.2)	(17.3)	(13.8)	(16.5)	(21.4)	(10.6)
<b>FEMALE (16)</b>	67.6	78.2	81.7	81.6	78.9	77.6
<b>(SD)</b>	(22.0)	(10.9)	(24.0)	(19.7)	(14.8)	(13.3)
<b>OUTCOME TOTAL:</b>	64.7	74.7	87.6	83.9	73.0	76.8
	(22.2)	(22.0)	(20.0)	(16.7)	(22.1)	(15.4)
<b>GENDER TOTAL:</b>						
<b>MALE:</b>	67.5	75.9	89.6	85.4	70.8	
	(24.9)	(27.2)	(20.8)	(16.2)	(25.3)	
<b>FEMALE:</b>	61.6	73.3	85.4	82.2	75.4	
	(19.0)	(14.9)	(19.4)	(17.6)	(18.2)	
<b>AGE TOTAL:</b>						
<b>14 YEARS:</b>	61.8	73.7	89.8	83.9	73.0	
	(19.3)	(24.9)	(18.2)	(15.4)	(21.3)	
<b>16 YEARS:</b>	67.5	75.6	85.5	83.8	73.0	
	(25.1)	(19.3)	(21.9)	(18.4)	(23.4)	
<b>OVERALL GENDER:</b>		<b>MALE:</b>	77.8	<b>FEMALE:</b>	75.6	
			(18.3)		(11.8)	
<b>OVERALL AGE:</b>		<b>14 YEARS:</b>	76.4	<b>16 YEARS:</b>	77.1	
			(15.4)		(15.9)	

Table 13. Mean Acceptability Ratings and Standard Deviations for Each of the Five Family Group Conference Outcomes by Gender and Age of the Young Person in the Case Description for the Entire Sample.

	OUTCOME 1: WARNING	OUTCOME 2: RESTRICTION	OUTCOME 3: REPARATION	OUTCOME 4: WORK	OUTCOME 5: CONVICTION	CASE
<b>MALE (14)</b>	69.0	73.6	88.6	85.2	73.7	78.0
<b>(SD)</b>	(19.7)	(25.4)	(20.1)	(14.5)	(20.2)	(16.1)
<b>MALE (16)</b>	69.7	70.3	89.5	86.3	70.3	77.2
<b>(SD)</b>	(22.3)	(21.5)	(18.8)	(15.8)	(23.8)	(14.7)
<b>FEMALE (14)</b>	64.2	71.6	85.7	81.7	65.3	73.7
<b>(SD)</b>	(15.6)	(17.6)	(21.7)	(15.6)	(22.6)	(10.8)
<b>FEMALE (16)</b>	67.1	70.3	86.4	83.6	73.0	76.1
<b>(SD)</b>	(20.3)	(16.8)	(19.8)	(18.3)	(18.0)	(10.4)
<b>OUTCOME TOTAL:</b>	67.5	71.3	87.5	84.3	70.5	76.2
	(19.5)	(20.2)	(19.7)	(15.9)	(21.3)	(13.0)
<b>TOTAL GENDER:</b>						
<b>MALE:</b>	69.4	71.7	89.1	85.8	71.8	
	(20.9)	(23.1)	(19.1)	(15.0)	(22.1)	
<b>FEMALE:</b>	65.6	70.9	86	82.7	69.2	
	(17.9)	(17.0)	(20.5)	(16.8)	(20.6)	
<b>TOTAL AGE:</b>						
<b>14 YEARS:</b>	66.5	72.5	87.0	83.4	69.3	
	(17.6)	(21.4)	(20.7)	(15.0)	(21.7)	
<b>16 YEARS:</b>	68.5	70.3	88.1	85.0	71.5	
	(21.2)	(19.3)	(19.1)	(16.9)	(21.1)	
<b>OVERALL GENDER:</b>		<b>MALE:</b>	77.6	<b>FEMALE:</b>	74.9	
			(15.1)		(10.5)	
<b>OVERALL AGE:</b>		<b>14 YEARS:</b>	75.7	<b>16 YEARS:</b>	76.7	
			(13.5)		(13.0)	



Table 14. Minimum and Maximum Acceptability Ratings for Each Outcome.

WHOLE SAMPLE		TOTALA	TOTALF	TOTALR	TOTALW	TOTALS
	MINIMUM	24	31	29	48	25
	MAXIMUM	110	120	126	126	114
BY SAMPLE: NZCYPS	MINIMUM	45	36	29	58	25
	MAXIMUM	105	106	126	113	109
POLICE	MINIMUM	33	31	64	60	40
	MAXIMUM	95	97	106	126	114
PUBLIC	MINIMUM	24	42	39	48	30
	MAXIMUM	110	120	126	114	111
BY GENDER IN CASE: MALE	MINIMUM	24	36	48	51	32
	MAXIMUM	110	120	126	114	111
FEMALE	MINIMUM	30	31	29	48	25
	MAXIMUM	105	99	126	126	114
BY AGE IN CASE: 14 YEARS	MINIMUM	32	42	29	58	25
	MAXIMUM	107	120	126	112	102
16 YEARS	MINIMUM	24	31	39	48	32
	MAXIMUM	110	109	126	126	114

### 5.2.2 Within-Subjects Effects

The Wilk's Lambda test for within-subjects effects is also shown in Table 15. Type of outcome significantly affected the acceptability ratings given to each outcome ( $F = 17.839$ ;  $D.F. = 4.0$ ;  $\text{sig. of } F = 0.000$ ). The combined mean scores for each outcome are shown in Table 13. From the least acceptable to the most acceptable outcome the combined mean scores were 67.5 for the written apology and warning, 70.5 for the conviction with supervision, 71 for the freedom restriction, 84 for the community work and 87.5 for the monetary reparation.

### 5.2.3 Interaction Effects

The repeated-measures multivariate analysis of variance showed no significant effects of interactions between the three grouping factors; age and gender of the young person in the case description and the sample group of the respondent; and acceptability ratings for each outcome type. These results are shown in Table 16. The interaction effect of sample and outcome nearly reached significance ( $F = 1.868$ ;  $D.F. = 8.0$ ;  $p < 0.070$ ) as shown by Wilk's lambda test.

Table 15. Results of Between-Subjects Effects and Within-Subjects Effects from Repeated-Measures Multivariate Analysis.

**Tests of Between-Subjects Effects.**

Source of Variation	SS	DF	MS	F	Sig of F
WITHIN CELLS	64127.07	69	929.38		
CASEAGE	1.61	1	1.61	.00	.967
CASESEX	438.33	1	438.33	.47	.495
SAMPLE	101.36	2	50.68	.05	.947
CASEAGE BY CASESEX	32.90	1	32.90	.04	.851
CASEAGE BY SAMPLE	67.45	2	33.72	.04	.964
CASESEX BY SAMPLE	165.29	2	82.65	.09	.915
CASEAGE BY CASESEX BY SAMPLE	2624.98	2	1312.49	1.41	.251

**EFFECT .. OUTCOME**  
 Multivariate Tests of Significance (S = 1, M = 1, N = 32)

Test Name	Value	Exact F Hypoth.	DF	Error DF	Sig. of F
Pillais	.51950	17.83942	4.00	66.00	.000
Hotellings	1.08118	17.83942	4.00	66.00	.000
Wilks	.48050	17.83942	4.00	66.00	.000
Roys	.51950				

Note.. F statistics are exact.

The mean acceptability ratings for each type of outcome given by each respondent group are shown in Figure 13. The greatest differences in ratings between each group occurred for outcome 5; the conviction and sentence of supervision. The mean acceptability score for the NZCYPS sample for conviction was 64, the least acceptable outcome from the NZCYPS sample. The mean acceptability score for the supervision outcome for the police sample was 77. A t-test comparing these two means was carried out. The difference was not shown to be significant (F = 1.17 d.f. = 41, P=0.065) The public sample mean acceptability score (73) was between these two means.

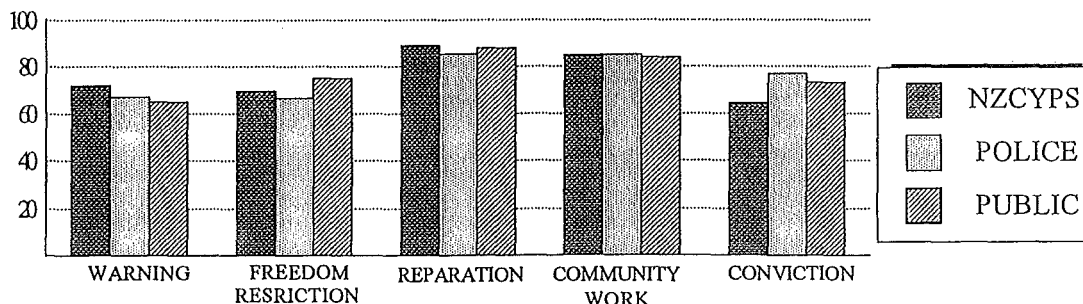


Figure 13. Acceptability Scores for Each Outcome for Each Sample Group.

Table 16. Results of Interaction Effects from Repeated-Measures Multivariate Analysis.

**EFFECT .. CASEAGE BY CASESEX BY SAMPLE BY OUTCOME**

Multivariate Tests of Significance (S = 2, M = 1/2, N = 32 )

Test Name	Value	Approx. F	Hypoth. DF	Error DF	Sig. of F
Pillais	.08503	.74374	8.00	134.00	.653
Hotellings	.08940	.72638	8.00	130.00	.668
Wilks	.91652	.73510	8.00	132.00	.660
Roys	.05869				

Note.. F statistic for WILK'S Lambda is exact.

**EFFECT .. CASESEX BY SAMPLE BY OUTCOME**

Multivariate Tests of Significance (S = 2, M = 1/2, N = 32 )

Test Name	Value	Approx. F	Hypoth. DF	Error DF	Sig. of F
Pillais	.17178	1.57381	8.00	134.00	.138
Hotellings	.19666	1.59789	8.00	130.00	.131
Wilks	.83227	1.58636	8.00	132.00	.135
Roys	.14357				

Note.. F statistic for WILK'S Lambda is exact.

**EFFECT .. CASEAGE BY SAMPLE BY OUTCOME**

Multivariate Tests of Significance (S = 2, M = 1/2, N = 32 )

Test Name	Value	Approx. F	Hypoth. DF	Error DF	Sig. of F
Pillais	.10574	.93505	8.00	134.00	.490
Hotellings	.11236	.91291	8.00	130.00	.508
Wilks	.89675	.92402	8.00	132.00	.499
Roys	.07024				

Note.. F statistic for WILK'S Lambda is exact.

**EFFECT .. CASEAGE BY CASESEX BY OUTCOME**

Multivariate Tests of Significance (S = 1, M = 1, N = 32 )

Test Name	Value	Exact F	Hypoth. DF	Error DF	Sig. of F
Pillais	.02326	.39289	4.00	66.00	.813
Hotellings	.02381	.39289	4.00	66.00	.813
Wilks	.97674	.39289	4.00	66.00	.813
Roys	.02326				

Note.. F statistics are exact.

**EFFECT .. SAMPLE BY OUTCOME**

Multivariate Tests of Significance (S = 2, M = 1/2, N = 32 )

Test Name	Value	Approx. F	Hypoth. DF	Error DF	Sig. of F
Pillais	.19958	1.85678	8.00	134.00	.072
Hotellings	.23104	1.87718	8.00	130.00	.069
Wilks	.80699	1.86752	8.00	132.00	.070
Roys	.15801				

Note.. F statistic for WILK'S Lambda is exact.

**EFFECT .. CASESEX BY OUTCOME**

Multivariate Tests of Significance (S = 1, M = 1, N = 32 )

Test Name	Value	Exact F	Hypoth. DF	Error DF	Sig. of F
Pillais	.03882	.66642	4.00	66.00	.618
Hotellings	.04039	.66642	4.00	66.00	.618
Wilks	.96118	.66642	4.00	66.00	.618
Roys	.03882				

Note.. F statistics are exact.

**EFFECT .. CASEAGE BY OUTCOME**

Multivariate Tests of Significance (S = 1, M = 1, N = 32 )

Test Name	Value	Exact F	Hypoth. DF	Error DF	Sig. of F
Pillais	.03970	.68219	4.00	66.00	.607
Hotellings	.04134	.68219	4.00	66.00	.607
Wilks	.96030	.68219	4.00	66.00	.607
Roys	.03970				

Note.. F statistics are exact.

There was also a relatively large difference in how the different respondents rated the freedom restriction score. The highest score was given by the public sample (75) and the lowest score was given by the police sample (66). This was the lowest mean score of the five outcomes given by the police sample.

In summary, reparation was the most acceptable outcome for all three respondent groups. The least acceptable outcome for each sample varied. Outcome 5, conviction with supervision, was the least acceptable outcome for the NZCYPS sample; outcome 2, freedom restriction was the least acceptable outcome for the police sample, and outcome 1, formal warning was the least acceptable outcome for the public sample.

A primary aim of the study was to look at the effect of the gender of the young offender on acceptability ratings for each outcome type. Planned-comparison t-tests were carried out for each outcome type between those who received a case description with a male young offender and those who received a case description with a female young offender. No significant differences were found.

The data file was then also partitioned according to the sample group of the respondent. Planned comparison t-tests were carried out between those who received a case description with a male young offender and those who received a case description with a female young offender. This detected a significant difference between the public and NZCYPS samples, and between the police and NZCYPS samples in their acceptability ratings of outcome 1, i.e., formal warning.

The public respondents rated the formal warning outcome as less acceptable than the NZCYPS respondents when the young offender was a female. The difference between these two samples was not as great when the young offender was male. Similarly the police respondents rated the formal warning outcome as even less acceptable in regard to the female young offender. However they rated this outcome the most favourably of the three samples in regard to the male young offender.

### OUTCOME 1. FORMAL WARNING:

	FEMALE YOUNG OFFENDER		MALE YOUNG OFFENDER	
	mean	std. dev.	mean	std.dev.
Public sample	62	19	67.5	25
NZCYPS sample	73.5	14	69	18
	(t = -2.05, d.f.= 32, p = 0.048)		(t= -0.22, d.f. = 31, = 0.826)	

	FEMALE YOUNG OFFENDER		MALE YOUNG OFFENDER	
	mean	std. dev.	mean	std.dev.
Police sample	57	18	75	14
NZCYPS sample	73.5	14	69	18
	(t = 2.29, d.f. = 20, p = 0.033)		(t = -0.71, d.f. = 19, p = 0.486)	

A significant difference was shown between the public and NZCYPS respondents in how outcome 5, i.e., conviction and sentence of supervision, was rated for the female young offender. In contrast to the formal warning the public respondents rated the conviction and sentence of supervision as more acceptable than the NZCYPS respondents for the female young offender. In regard to the male young offender the mean acceptability rating was the same for the public and NZCYPS samples.

### OUTCOME 5. CONVICTION AND SENTENCE OF SUPERVISION:

	FEMALE YOUNG OFFENDER		MALE YOUNG OFFENDER	
	mean	std. dev.	mean	std.dev.
Public sample	75	18	71	25
NZCYPS sample	59	18	71	20
	(t = 2.7, d.f. = 32, p = 0.011)		(t = -0.05, d.f. = 31, p = .961)	

	FEMALE YOUNG OFFENDER		MALE YOUNG OFFENDER	
	mean	std. dev.	mean	std.dev.
Police sample	78	25	75	19
NZCYPS sample	59	18	71	20
	(t = -2.0, d.f. = 20, p = 0.054)		(t = -0.48, d.f. = 19, p = .635)	

### 5.3 DEMOGRAPHIC FACTORS

A number of analyses of variance were carried out with respondents partitioned into categories of gender, age, ethnicity, whether they had children, whether they had previously attended a FGC, in what role they had attended the conference and their educational attainment. Categories were collapsed into a total of either two or three groups where necessary to allow sufficient numbers in each category.

In a series of analyses of variance with these factors only the age of the respondent and the ethnicity of the respondent were found to have significant effects. Both these variables did not significantly affect the overall acceptability ratings but the interactions of each factor on the acceptability ratings for each outcome were significant. These results are shown in Table 17.

#### 5.3.1 Age

Age was collapsed into two groups; those under 40 years of age and those over 40 years of age, to give roughly equal proportions of respondents in each category. The mean acceptability ratings for each outcome type according to the age of the respondent are displayed in Figure 14.

The respondents in the younger age group found outcome 3, reparation, to be the most acceptable outcome (mean = 91) and outcome 1, formal warning, to be the least acceptable outcome (mean = 64). The older respondents favoured the community work outcome (mean = 85.5) marginally more than reparation (85), and slightly more than the younger respondents rated community work (83). The older group rated the conviction and sentence of supervision as the least acceptable outcome (mean = 68). The range of mean scores was much greater in the younger group.

To investigate how the age of the respondent affected the acceptability scores for each outcome type, planned-comparison t-tests were carried out. None of the differences between the two respondent age groups were found to be significant for any outcome type.

Table 17. Results of Repeated-Measures Multivariate Analysis with the Independent Variables Age and Ethnicity of the Respondent.

EFFECT .. AGE BY OUTCOME					
Multivariate Tests of Significance (S = 1, M = 1, N = 37 )					
Test Name	Value	Exact F	Hypoth. DF	Error DF	Sig. of F
Pillais	.13636	2.99997	4.00	76.00	.024
Hotellings	.15789	2.99997	4.00	76.00	.024
Wilks	.86364	2.99997	4.00	76.00	.024
Roys	.13636				
Note.. F statistics are exact.					
EFFECT .. ETHNIC BY OUTCOME					
Multivariate Tests of Significance (S = 1, M = 1, N = 36 )					
Test Name	Value	Exact F	Hypoth. DF	Error DF	Sig. of F
Pillais	.21988	5.21427	4.00	74.00	.001
Hotellings	.28185	5.21427	4.00	74.00	.001
Wilks	.78012	5.21427	4.00	74.00	.001
Roys	.21988				
Note.. F statistics are exact.					

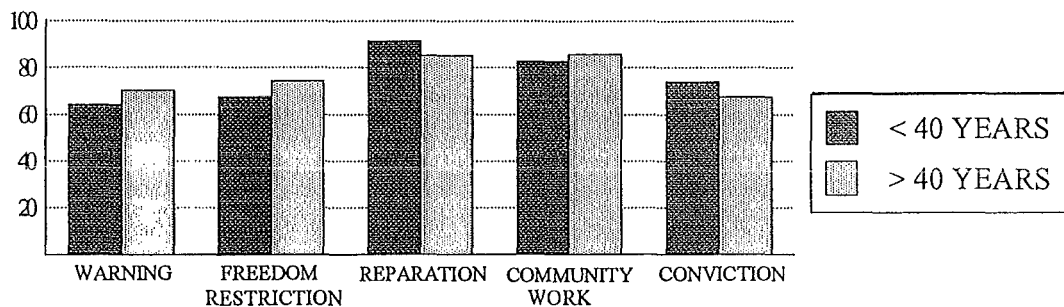


Figure 14. Acceptability Scores for Each Outcome and Age of the Respondent.

5.3.2 Ethnicity

The categories for ethnic group of the respondent were collapsed into two; the Pacific Island and Maori categories were grouped together. However the distribution was still skewed with 69 respondents belonging to the Caucasian category and 12 respondents belonging to Maori and Pacific Island category.

The distribution of the mean acceptability ratings for each outcome type given the ethnic group of the respondent are graphed in Figure 15. The greatest difference in ratings

was clearly for outcome 5, conviction and supervision. This was rated much more highly for the Caucasian respondents (mean = 72), where as it was the outcome receiving the lowest score for the Maori and Pacific Island respondents (mean = 55). A planned comparison t-test was performed to compare these two means and showed a significant difference between them ( $t = 2.56$ ,  $d.f. = 77$ ,  $p = 0.013$ ).

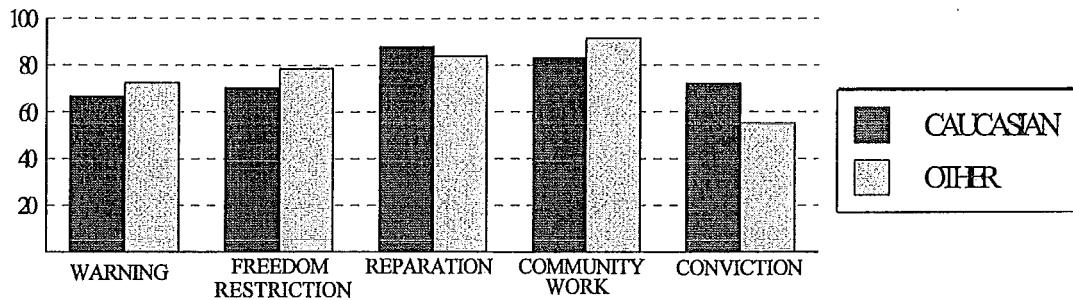


Figure 15. Acceptability Scores for Each Outcome and Ethnicity of the Respondent



## 5.4 FACTOR ANALYSIS

The five acceptability ratings for each FGCOQ is the sum of the 18 questions that followed each family group conference outcome. Scores for each question varied and the means and standard deviations of the scores for each question are given in Table 17.

Table 18. Mean Scores for the 18 Questions over all the Family Group Conference Outcomes.

QUESTION	MEAN	STD. DEV.
Q1 How acceptable do you find this plan for the young person's behaviour?	4.30	1.03
Q2 If you attended the FGC how willing would you be to monitor the decisions in the plan?	4.28	1.59
Q3 How suitable is this plan for a young person who might have committed other offences?	3.65	1.07
Q4 If a young person had to carry out a plan without their consent how bad would it be to impose this plan on them?	4.40	1.71
Q5 How cruel or unfair do you find this plan?	5.97	1.02
Q6 Would it be acceptable to apply this plan to institutionalised young persons, the mentally retarded or individuals who are not given an opportunity to help devise a plan for themselves?	3.13	1.41
Q7 How consistent is this plan with common sense or everyday notions about what decisions should be made for young offenders?	4.31	0.97
Q8 To what extent does this procedure treat the young person humanely?	5.71	1.01
Q9 To what extent do you think there might be risks in carrying out this plan?	4.40	1.03
Q10 How much do you like the decisions that make up this plan?	4.51	1.12
Q11 How effective is this plan likely to be?	4.09	1.07
Q12 How likely is this plan to make permanent improvements to the young person?	4.04	1.23
Q13 How much shame or guilt is the young person likely to experience while carrying out the plan?	4.15	0.93
Q14 How likely is this plan to deter the young person from committing further crime?	4.02	1.05
Q15 How likely is this plan to deter other young persons from committing offences?	3.39	1.24
Q16 How fair to the victims is this plan?	4.03	1.19
Q17 How satisfied do you think the victims would be with this plan?	3.84	1.13
Q18 Overall what is your general reaction to this plan?	4.28	1.07

The question with the highest mean score was number five, which related to how cruel or unfair the respondent found the outcome to be. A high score indicated the outcome was not cruel at all. The question with the lowest mean score was question 6, which related to imposing the outcome on institutionalised young persons, the mentally retarded or other

individuals without their consent. A high score indicated it would be very acceptable to impose the outcome. This question had the largest standard deviation score indicating that there was considerable variation in the responses to this question. The difference between these means was 2.8.

Factor analysis is concerned with describing the common variance of a set of variables. The first step in factor analysis is to find out the strength of the correlations between each of the variables. SPSS computes this during factor extraction, the first phase of the factor analysis. None of the variables had all correlations with the other variables below 0.4 suggesting that they may constitute one or more factors. If the variables were all unrelated we could not expect them to form one or more factors (Hedderston, 1987; Bryman and Cramer, 1990).

Principal-components extraction was used to reduce the data to a small number of factors. This is a commonly used method of factor extraction which works by performing a regression analysis on the variables, initially finding the line which best fits all the data points. This first line is the first principal component. Then a second regression is performed on the residuals (the differences between scores on each variable and the nearest point on the regression line). This forms the second principal component. This procedure is repeated until there are as many principal components as there are variables (West, 1991).

In principal-components analysis all of the variance of a variable is analysed, including its unique variance. Unique variance is distinct from common variance. It can be explained as the combination of the specific variance, the variance that is specific or unique to a variable, with the error variance, the amount of variance caused by random fluctuations which occur when measuring something. Principal-components analysis assumes that there is no error in the test used to assess the variable (Bryman and Cramer, 1990).

SPSS extracted 3 factors with eigenvalues greater than 1, the criteria used for a meaningful variable, which together explained 68.2% of the variance in the variables. The factors were then rotated so that each variable tends to load highly on only one factor.

During factor extraction each factor was calculated to maximise the total amount of variance it could explain. Rotation is a process designed to decrease the distortion this produces and accommodate some of the variance of variables that are not really part of each factor. The strength of the strongest relationships between variables and factors are maximised and more easily interpreted (Hedderston, 1987; West, 1991).

Varimax rotation, an orthogonal rotation was performed, since it was assumed that the underlying factors would be unrelated. An orthogonal rotation does not change the communalities (the proportion of variance in the variable explained by all the factors) of the variables or eigenvalues. Each factor explains the same proportion of variance as it did before the rotation. The amount of correlation between the factors also remains unchanged at 0.0 (Hedderston, 1987; West, 1991).

Table 19 displays the rotated factor matrix; the correlation coefficients between each variable and each factor. Question 1 has a factor loading (correlation) of .709 on Factor 1. This means that  $(0.709)^2 = 0.503$ , or 50.3% the variance in this variable is accounted for by Factor 1. The squared correlation coefficients are shown in Table 20. If the squares of the factor matrix table entries over any row sum to 1.0 (100%) then the factors determining people's responses and their variation to that question have been completely identified.

There are two methods of examining the nature of the factors. Firstly, looking at the amount of variation in response to a question which is accounted for by each factor. Question 16 has a large component of its variance accounted for by Factor 1: 0.714 or 71%, whereas the factor loading of Factors 2 and 3 are relatively small (0.064 and 0.030 which represent 6% and 3% of the variance respectively).

Six questions have high loadings for Factor 1; questions 1, 7, 10, 16, 17 and 18. Factor 2 loads highly on questions 11 through to 15, and Factor 3 has high loadings with questions 4, 5, 6, 8 and 9. Some of the variables load highly on more than one factor such as question 1. The amount of variance in question 1 attributable to Factor 1 is 50% whereas 27% of the variance in question 1 can be attributable to Factor 2.

Table 19. The Loadings of Each Variable on Each Factor after Varimax Rotation.

ROTATED FACTOR MATRIX:		FACTOR 1	FACTOR 2	FACTOR 3
QUESTION 1	ACCEPT	.70940	.52129	.18429
QUESTION 2	MON	.52538	.25778	.30976
QUESTION 3	OTHOFF	.49094	.50619	-.08204
QUESTION 4	IMPOSE	-.00559	.07167	.66691
QUESTION 5	CRUEL	.25728	-.17317	.82109
QUESTION 6	INST	-.06289	.02528	.69375
QUESTION 7	COMMON	.66731	.29790	.36987
QUESTION 8	HUMANE	.26578	-.08827	.81964
QUESTION 9	RISKS	-.13266	.25892	.58919
QUESTION 10	LIKE	.62885	.52826	.18012
QUESTION 11	EFFECT	.43706	.77452	.22329
QUESTION 12	IMPROV	.52289	.75714	.11058
QUESTION 13	SHAME	.15935	.79453	-.08463
QUESTION 14	DETER	.29831	.82393	.02875
QUESTION 15	DETOTH	.30837	.78402	.01990
QUESTION 16	FAIR	.83435	.22196	-.11513
QUESTION 17	SATIS	.84518	.25307	-.17429

Table 20. The Squared Factor Loadings Indicating the Amount of Variance in Each Question due to Each Factor.

SQUARED CORRELATION COEFFICIENTS BETWEEN THE VARIABLES AND FACTORS:					
VARIANCE		FACTOR 1	FACTOR 2	FACTOR 3	TOTAL
QUESTION 1	ACCEPT	.503	.272	.034	.809
QUESTION 2	MON	.276	.067	.096	.439
QUESTION 3	OTHOFF	.241	.256	.007	.504
QUESTION 4	IMPOSE	.000	.005	.445	.450
QUESTION 5	CRUEL	.066	.030	.674	.770
QUESTION 6	INST	.004	.001	.481	.486
QUESTION 7	COMMON	.445	.089	.137	.671
QUESTION 8	HUMANE	.071	.008	.672	.751
QUESTION 9	RISKS	.018	.067	.347	.432
QUESTION 10	LIKE	.396	.279	.032	.707
QUESTION 11	EFFECT	.191	.600	.050	.841
QUESTION 12	IMPROV	.273	.573	.012	.858
QUESTION 13	SHAME	.025	.631	.007	.663
QUESTION 14	DETER	.089	.679	.001	.769
QUESTION 15	DETOTH	.095	.615	.000	.710
QUESTION 16	FAIR	.696	.049	.013	.758

Two questions do not have high factor loadings with any of the three factors. The amount of variance in question 2 accounted for by the three factors is 28%, 7% and 10% from Factors 1, 2 and 3 respectively. Question 3 correlates equally highly with Factors 1 and 2 with 24% and 26% respectively accounting for the variance in this question.

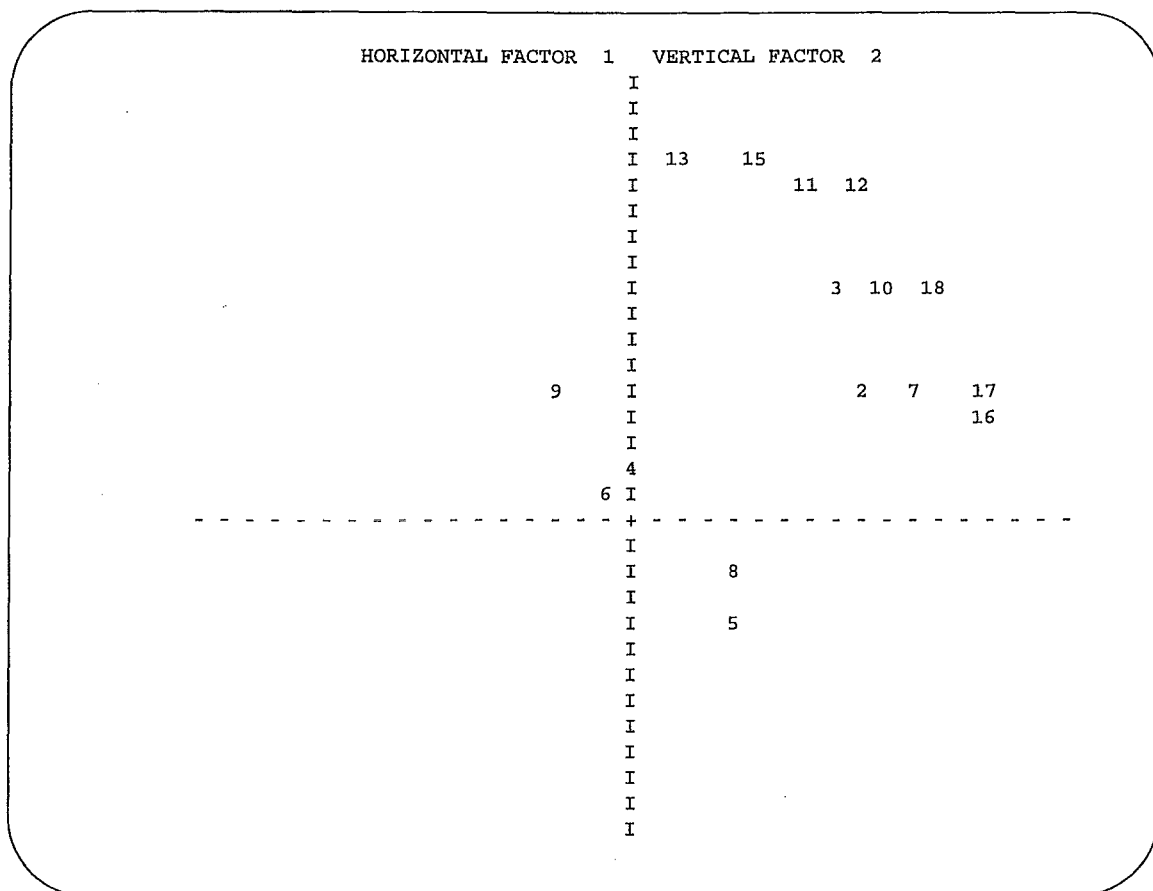
The second method of examining the nature of the factors is to plot the variables using the factor values as coordinates. Variables at the end of an axis are those that have high loadings on only that factor. Variables that are not near the axes are explained by both factors. Variables near the origin have small loadings on both factors.

Since three factors have been identified as meaningful, three plots are needed to present the data: a plot of Factor 1 with Factor 2, a plot of Factor 1 with Factor 3 and lastly of Factor 2 with Factor 3. These three graphs are presented in Figures 16, 17 and 18. Figure 16 shows all the variables plotted according to their factor loadings with Factors 1 and 2. Question 1 is not shown because it is obscured by question 18 which has similar coordinates. Likewise question 14 is obscured by question 15.

Questions 2, 7, 16, and 17 are bunched close to the end of the horizontal axis indicating that they are most influenced by Factor 1. Factor 2 is represented by the bunch of questions at the end of the vertical axis: questions 11, 12, 13, 14, and 15. Questions 4, 5, 6, 8 and 9 are close to the origin so have small loadings on both Factor 1 and 2, and are therefore likely to be associated with Factor 3. The remaining questions, 1, 3, 10, and 18 have relatively high loadings for both Factors 1 and 2.

In Figure 17, question 5 is obscured by question 8, and question 14 is obscured by question 15. This plot shows that questions 2, 7, 16 and 17 again cluster at the end of the axis representing Factor 1 together with questions 1, 3, 10, and 18, which in the first plot were positioned half way between Factor 1 and 2. Question 12 is also in this cluster although slightly closer to the origin which is consistent with the first plot in which it was positioned at the end of the axis representing Factor 2. Factor 3 is represented by questions 4, 5, 6, 8, and 9 which were positioned close to the origin, or unrelated to Factors 1 and 2, in the first plot. The remaining questions; 11, 13, 14, and 15 are closer to the origin and as shown in the first plot are related to Factor 2.

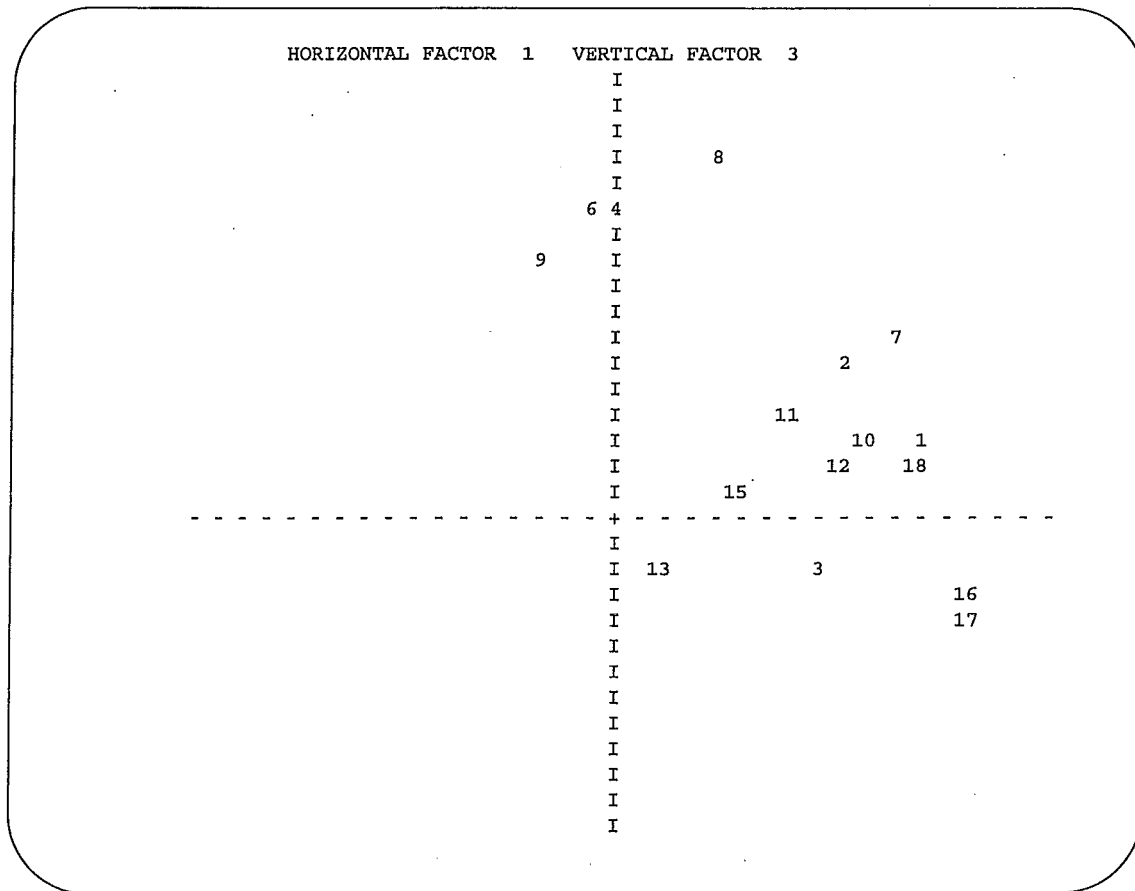
Figure 16. A plot of Factor Loadings for Factors 1 and 2 for All Questions.



In Figure 18 question 1 is obscured by question 10. This plot reflects the first two plots in many ways. Factor 2 is again represented by questions 11, 12, 13, 14 and 15: Factor 3 is again represented by question 4, 5, 6, 8 and 9, and Factor 1 is again represented by questions 2, 7, 16 and 17. Questions 1, 3, 10 and 18 cluster closer to the origin on the axis representing Factor 2 again showing they are influenced by both Factors 1 and 2.

In summary, questions which consistently clustered near the Factor 1 axes were questions 2, 7, 16, and 17; those that consistently clustered near the Factor 2 axes were questions 11, 13, 14, and 15; and those that consistently clustered near the Factor 3 axes were questions 4, 5, 6, 8 and 9. Questions 1, 3, 10, 12 and 18 fluctuated between Factors 1 and 2.

Figure 17. A plot of Factor Loadings for Factors 1 and 3 for All Questions.



This shows that though a question may have a higher correlation with one factor, other factors still influence it. Those questions that are least influenced by other factors help identify what the factor is. Questions 16 and 17 were consistently positioned closest to the Factor 1 axes. The amount of variance in responses to them which can be attributed to Factor 1 is 70% and 71% respectively as shown in Table 20. Factors 2 and 3 contributed minimally to their variance, together contributing 6% of the variance in responses to question 16, and 9% of the variance in responses to question 17. These questions related to the plan being fair to the victims and the plan satisfying the victims, a factor which could be interpreted as making amends.





questions asked for responses on how bad it would be to impose the plan without consent; how cruel or unfair the plan was; how acceptable it was to apply the plan to the institutionalised, the mentally retarded or those not able to help devise a plan; the extent to which the plan treated the young person humanely; and how much risk the plan involved. This factor could be interpreted as how humane the plan was.

## 5.5 FACTOR SCORES AND OUTCOME TYPE

These key factors, isolated through factor analysis, can be used to investigate what factors were important to respondents in their assessment of each different family group conference outcome. The scores given on the questions that are closely related to Factor 1, taking responsibility to make amends, would indicate how the respondent rated the outcome in terms of the young person making amends for their behaviour.

The questions used in this analysis included questions 16 and 17 as indicators for Factor 1, questions 13, 14 and 15 as indicators for Factor 2, and questions 4, 5, 6, 8, and 9 as indicators for Factor 3. The mean score for each group of questions which represented a factor were compared.

Reparation was clearly the outcome with the highest mean score for Factor 1 (5.6), the factor concerned with making amends, and the formal warning and written apology received the lowest mean score (2.9). Reparation and community work were the two outcomes that received the highest mean score (4.3) for Factor 2; the deterrent value of the outcome. The outcome receiving the lowest mean score for Factor 2 was the warning. The mean scores for Factor 3 varied little between each outcome type and all were above 4, the neutral rating. The warning was seen as the most humane outcome (5.0), and conviction and sentence of supervision was seen as the least humane outcome (4.3). These results are shown in Table 21.

Table 21. Mean Scores for Each Factor for Each Outcome Type.

	OUTCOME 1: WARNING	OUTCOME 2: RESTRICTION	OUTCOME 3: REPARATION	OUTCOME 4: WORK	OUTCOME 5: CONVICTION	ALL OUTCOMES:
<b>FACTOR 1 (MAKING AMENDS) (SD)</b>	2.9 (1.8)	3.4 (2.0)	5.6 (1.4)	4.3 (1.5)	3.5 (1.9)	3.9 (1.1)
<b>FACTOR 2 (DETERRENCE) (SD)</b>	3.2 (1.4)	3.6 (1.5)	4.3 (1.3)	4.3 (1.1)	3.9 (1.3)	3.9 (1.0)
<b>FACTOR 3 (HUMANE) (SD)</b>	5.0 (1.0)	4.8 (1.2)	4.8 (1.2)	4.8 (1.0)	4.3 (1.5)	4.7 (0.9)

It seems likely that reparation was seen as the most acceptable alternative by the respondents due to it being perceived as the best method for the young offender to make amends for their behaviour and one of the two best methods of deterring the young offender from further offending. The relatively low score for the warning outcome may have largely been due to the respondents perception that it was a relatively poor method for the young offender to make amends for their behaviour, and had relatively little deterrent value despite it being seen as the most humane of the five outcomes.

The mean values for each outcome between the three grouping variables; gender and age of the young offender in the case description, and sample of the respondent; were also compared for each outcome type. Table 22 shows the mean scores given for each Factor for each outcome type according to the gender and age of the young person in the case description, and Table 23 shows the mean scores given for each Factor for each outcome type according to the sample group of the respondent.

Reparation received the highest mean score for making amends (Factor 1) for males and females (5.6) and the warning received the lowest mean score, 3.0 for males and 2.8 for females. Making amends received higher scores for the males than the females in all outcomes apart from reparation and conviction. Respondents may have perceived that female respondents could best make amends for their behaviour through the reparation and conviction outcomes.

Table 22. Mean Scores for Each Factor for Each Outcome Type By Gender and Age of the Young Offender in the Case Description.

	OUTCOME 1: WARNING	OUTCOME 2: RESTRICTION	OUTCOME 3: REPARATION	OUTCOME 4: WORK	OUTCOME 5: CONVICTION	TOTAL:
<b>GENDER=MALE</b>						
<b>F1. MAKING AMENDS (SD)</b>	3.0 (1.9)	3.7 (2.2)	5.6 (1.5)	4.6 (1.5)	3.4 (2.0)	4.1 (1.3)
<b>F2. DETERRENCE (SD)</b>	3.3 (1.5)	3.4 (1.6)	4.4 (1.4)	4.2 (1.1)	4.0 (1.3)	3.9 (1.1)
<b>F3. HUMANE (SD)</b>	5.2 (1.0)	5.0 (1.1)	5.0 (1.1)	5.0 (0.8)	4.4 (1.5)	4.9 (0.9)
<b>GENDER=FEMALE</b>						
<b>F1. MAKING AMENDS (SD)</b>	2.8 (1.6)	3.2 (1.7)	5.6 (1.3)	4.0 (1.5)	3.6 (1.8)	3.8 (0.9)
<b>F2. DETERRENCE (SD)</b>	3.1 (1.2)	3.7 (1.4)	4.3 (1.3)	4.4 (1.2)	3.8 (1.2)	3.9 (0.8)
<b>F3. HUMANE (SD)</b>	4.9 (1.0)	4.6 (1.1)	4.6 (1.3)	4.6 (1.1)	4.1 (1.6)	4.6 (0.9)
<b>AGE=14 YEARS</b>						
<b>F1. MAKING AMENDS (SD)</b>	2.6 (1.6)	3.3 (2.1)	5.5 (1.5)	3.9 (1.6)	3.3 (1.6)	3.7 (1.1)
<b>F2. DETERRENCE (SD)</b>	3.2 (1.3)	3.6 (1.6)	4.2 (1.4)	4.2 (1.1)	3.8 (1.3)	3.8 (0.9)
<b>F3. HUMANE (SD)</b>	5.1 (0.9)	5.0 (1.2)	4.8 (1.3)	4.8 (1.0)	4.2 (1.5)	4.8 (0.9)
<b>AGE=16 YEARS</b>						
<b>F1. MAKING AMENDS (SD)</b>	3.1 (1.9)	3.5 (1.9)	5.6 (1.3)	4.6 (1.4)	3.7 (2.1)	4.1 (1.2)
<b>F2. DETERRENCE (SD)</b>	3.3 (1.4)	3.6 (1.4)	4.4 (1.2)	4.4 (1.2)	3.9 (1.3)	3.9 (1.0)
<b>F3. HUMANE (SD)</b>	5.0 (1.1)	4.6 (1.1)	4.7 (1.2)	4.7 (1.2)	4.3 (1.5)	4.7 (0.9)

Deterrence (Factor 2) was given the highest scores in the reparation outcome (4.4) for the males, but was given the highest scores in the community work outcome for the

females (4.4). The warning outcome showed the lowest score for deterrence for both genders; 3.3 for the males and 3.1 for the females.

The outcomes that received the most humane scores (Factor 3) were the same for each gender. The warning received the highest; 5.2 for the males and 4.9 for the females; and conviction received the lowest; 4.4 for the males and 4.1 for the females. The females were consistently given lower scores in the humane factor in every outcome type suggesting that respondents perceived all outcomes to be less humane for female young offenders than male young offenders.

The mean scores for making amends for all outcomes were marginally higher for the 16 year old than the 14 year old young offender but otherwise very similar. Reparation received the highest mean score; 5.5 for the younger offender and 5.6 for the older offender, and the warning the lowest mean score; 2.6 for the younger offender and 3.1 for the older offender. Very little difference existed between the mean scores for making amends and deterrence for the two different ages in the case description.

Reparation quite definitely received the highest mean score for making amends for all sample groups. This was 5.7 for the NZCYPS sample, 5.3 for the police sample, and 5.6 for the public sample. The warning outcome received the lowest mean score for making amends for the police and public sample groups; 2.8 and 2.6 respectively. The warning and the conviction outcomes together received the lowest score for making amends for the NZCYPS sample, a minimum mean score that was not as low as the minimum mean score for the other sample groups (3.3).

The deterrence factor had the highest mean value (4.3) for the reparation and community work outcomes in the NZCYPS and public samples. The police sample also rated reparation as highly and rated community work even more highly (4.5). The outcome receiving the lowest mean score in deterrence was the warning, which received 3.4, 3.2, and 3.1 for the NZCYPS, police and public samples respectively. Overall there was little difference between the sample groups in the perceived deterrent value of each outcome except for conviction, in which the NZCYPS respondents gave much lower ratings.

Table 23. Mean Scores for Each Factor for Each Outcome Type By the Sample Group of the Respondent

	OUTCOME 1: WARNING	OUTCOME 2: RESTRICTION	OUTCOME 3: REPARATION	OUTCOME 4: WORK	OUTCOME 5: CONVICTION	ALL OUTCOMES:
<b>SAMPLE=NZCYPS</b>						
<b>F1. MAKING AMENDS (SD)</b>	3.3 (1.6)	3.3 (1.9)	5.7 (1.4)	4.4 (1.3)	3.3 (1.7)	4.0 (1.0)
<b>F2. DETERRENCE (SD)</b>	3.4 (1.1)	3.5 (1.2)	4.3 (1.2)	4.3 (0.8)	3.5 (1.0)	3.8 (0.7)
<b>F3. HUMANE (SD)</b>	4.9 (1.0)	4.5 (1.2)	4.7 (1.4)	4.7 (1.1)	3.8 (1.5)	4.5 (1.0)
<b>SAMPLE=POLICE</b>						
<b>F1. MAKING AMENDS (SD)</b>	2.8 (1.8)	3.2 (2.1)	5.3 (1.3)	4.3 (1.4)	3.5 (2.0)	3.8 (1.0)
<b>F2. DETERRENCE (SD)</b>	3.2 (1.2)	3.4 (1.5)	4.3 (0.9)	4.5 (1.0)	4.2 (0.9)	3.9 (0.5)
<b>F3. HUMANE (SD)</b>	5.1 (0.8)	4.7 (1.0)	5.0 (0.8)	5.0 (0.9)	4.8 (1.5)	4.9 (0.6)
<b>SAMPLE=PUBLIC</b>						
<b>F1. MAKING AMENDS (SD)</b>	2.6 (1.9)	3.6 (2.0)	5.6 (1.4)	4.2 (1.7)	3.6 (2.0)	3.9 (1.2)
<b>F2. DETERRENCE (SD)</b>	3.1 (1.6)	3.7 (1.7)	4.3 (1.6)	4.3 (1.3)	4.0 (1.5)	3.9 (1.2)
<b>F3. HUMANE (SD)</b>	5.1 (1.1)	5.0 (1.2)	4.8 (1.2)	4.8 (0.9)	4.4 (1.5)	4.8 (0.9)

The humane factor again had the highest mean score in the warning outcome, and this occurred for all samples. There was a considerable difference between sample groups in the outcome that received the lowest mean score for this factor. Conviction received the lowest in the NZCYPS and public samples; 3.8 and 4.4 respectively. The police sample respondents gave outcome 2, freedom restriction, the lowest mean score for the humane factor (4.7).

The respondents from the NZCYPS sample consistently rated all outcomes lower in the humane factor than the other 2 samples, indicating they felt less comfortable with how humane all the outcomes were.

## 5.6 EXTREME FACTOR RATINGS

Another way of looking at the data is to investigate how many respondents gave extremely high scores on the questions representing each factor for each outcome. This would show the percentage of respondents which rated each outcome as a very effective or very ineffective method for the young offender to make amends for their offending behaviour (Factor 1), the percentage which rated each outcome as a very effective or very ineffective deterrent (Factor 2), and the percentage which rated each outcome as completely humane or completely inhumane (Factor 3).

Table 24 compares the extreme scores rated for all respondents on each factor for each outcome. These results show more clearly the differences between the outcomes. Reparation was rated extremely high on making amends, by 39% of all respondents, many more respondents than any other outcome. Only 1% rated reparation extremely poorly on making amends. Over a third of the sample rated the warning extremely low on making amends; the most number of respondents for any outcome, while only 4.5% rated it extremely highly on this factor.

The outcome that received the greatest proportion of respondents rating deterrence extremely highly was for reparation (14%). This percentage is much lower than that for making amends indicating that respondents may be more confident on the ability of the reparation outcome to make amends for the young offender's behaviour than its ability to deter the young offender from committing further crime.

Very few respondents rated deterrence very highly for the warning (4%), and it was rated very low on deterrence by the most number of respondents of any outcome (23%). The outcome that received the fewest number of respondents rating deterrence extremely low was community work (5%).

Table 24. The Percentage of Respondents who Rated Each Factor as Extremely High or Extremely Low for Each Outcome Type.

	OUTCOME 1: WARNING	OUTCOME 2: RESTRICTION	OUTCOME 3: REPARATION	OUTCOME 4: WORK	OUTCOME 5: CONVICTION	ALL OUTCOMES
<b>F1. MAKING AMENDS</b>	36.4%	25.3%	1.2%	5.6%	21.0%	17.9%
<b>LOW</b>	4.5%	13.0%	38.9%	14.2%	9.9%	16.1%
<b>HIGH</b>						
<b>F2. DETERRENCE</b>	22.6%	17.3%	7.0%	4.6%	12.0%	12.7%
<b>LOW</b>	4.1%	5.8%	13.6%	7.4%	7.8%	7.7%
<b>HIGH</b>						
<b>F3. HUMANE</b>	9.9%	9.9%	10.9%	7.2%	16.1%	10.8%
<b>LOW</b>	36.5%	32.8%	28.9%	26.9%	24.2%	29.9%
<b>HIGH</b>						

All outcomes were rated as extremely humane by a large percentage of respondents, the greatest number belonging to the warning (36.5%). Community work received the smallest percentage of respondents rating it as extremely inhumane (7%). Thirty percent of all respondents gave extremely high ratings over all outcomes compared to 11% that gave extremely low ratings. An indication that all outcomes were seen as extremely humane by many more respondents than those who saw them as completely inhumane.

The percentage of respondents that gave extreme ratings according to the gender and age of the case description they received are shown in Table 25. A greater number of respondents rated making amends extremely highly for every outcome type for the male young offender, particularly in the freedom restriction and the community work outcomes. This may indicate that respondents were more certain the male young offender could make amends for his behaviour through these alternative outcomes than the female young offender could.

In every outcome type deterrence was also rated extremely high by a greater number of respondents for the male young offender. An indication that more respondents were certain an outcome would be a deterrent when it concerned a male than when it concerned a female. The differences between the genders were not so great in the number of respondents that rated an outcome as extremely low on deterrence.

Table 25. The Percentage of Respondents who Rated Each Factor as Extremely High or Extremely Low for Each Outcome Type for the Gender of the Case Description and the Age of the Case Description.

	OUTCOME 1: WARNING	OUTCOME 2: RESTRICTION	OUTCOME 3: REPARATION	OUTCOME 4: WORK	OUTCOME 5: CONVICTION	ALL OUTCOMES
<b>F1. MAKING AMENDS</b>						
<b>MALE</b>	35.4%	25.6%	0	1.2%	25.6%	17.6%
LOW	7.3%	23.2%	43.9%	22.0%	12.2%	21.7%
HIGH						
<b>FEMALE</b>						
LOW	37.5%	25.0%	2.5%	10.0%	16.3%	18.3%
HIGH	2.5%	2.5%	33.8%	6.3%	7.5%	10.5%
<b>F2. DETERRENCE</b>						
<b>MALE</b>						
LOW	20.2%	18.7%	5.6%	5.7%	13.0%	12.7%
HIGH	6.5%	9.8%	17.9%	9.8%	11.4%	11.1%
<b>FEMALE</b>						
LOW	25.0%	15.8%	8.3%	3.3%	10.8%	12.7%
HIGH	1.7%	3.3%	9.3%	5.0%	4.2%	4.7%
<b>F3. HUMANE</b>						
<b>MALE</b>						
LOW	17.9%	8.8%	9.8%	5.9%	14.2%	9.9%
HIGH	40.0%	38.1%	35.1%	31.7%	25.9%	34.2%
<b>FEMALE</b>						
LOW	9.0%	11.0%	12.0%	8.5%	18.0%	11.7%
HIGH	33.0%	27.5%	22.5%	22.0%	22.5%	25.5%
<b>F1. MAKING AMENDS</b>						
<b>14 YEARS</b>						
LOW	38.2%	26.3%	2.6%	9.2%	19.7%	19.2%
HIGH	4.0%	15.8%	11.8%	9.2%	4.0%	14.2%
<b>16 YEARS</b>						
LOW	34.9%	24.4%	0%	2.3%	22.1%	16.7%
HIGH	7.0%	10.5%	39.5%	18.6%	15.1%	18.1%
<b>F2. DETERRENCE</b>						
<b>14 YEARS</b>						
LOW	21.1%	17.5%	7.0%	4.4%	14.0%	12.8%
HIGH	4.4%	7.0%	14.0%	4.4%	7.0%	7.4%
<b>16 YEARS</b>						
LOW	36.1%	17.1%	7.0%	4.7%	10.1%	12.6%
HIGH	4.0%	4.7%	13.2%	10.1%	8.5%	8.1%



	OUTCOME 1: WARNING	OUTCOME 2: RESTRICTION	OUTCOME 3: REPARATION	OUTCOME 4: WORK	OUTCOME 5: CONVICTION	ALL OUTCOMES:
<b>F3. HUMANE</b>						
<b>14 YEARS</b>						
LOW	7.4%	6.3%	9.5%	6.8%	14.7%	9.0%
HIGH	36.3%	34.2%	25.8%	27.9%	21.1%	29.1%
<b>16 YEARS</b>						
LOW	12.1%	13.0%	12.6%	7.4%	17.2%	12.5%
HIGH	36.7%	31.6%	31.6%	26.1%	27.0%	30.6%

Likewise, the humane factor received a greater number of very high ratings for every outcome type for the male case description. Respondents were more certain with male young offenders that an outcome was very humane than they were with female young offenders. The number of respondents that gave extremely inhumane ratings did not differ greatly between the outcomes and was 10% over all outcome types for the male case description, and 12% for the female case description.

Reparation was rated extremely highly on making amends by 40% of respondents for the case description with the 16 year old young offender, the greatest proportion for any outcome and compared to the 14 year old young offender (12%). Freedom restriction was rated extremely highly for making amends by the most number of respondents (16%) for the younger offender. Freedom restriction was the only outcome type which more respondents rated extremely highly for the younger offender than the older offender. The warning received the least number of respondents rating extremely highly for making amends for both ages.

The number of respondents rating deterrence extremely highly was similar between the case descriptions of the two different ages for all outcome types, as was the number rating deterrence extremely low. The humane factor was also rated similarly between the two different ages apart from the reparation and conviction outcomes. Nearly a third of respondents rated reparation as very humane compared to 26% of respondents for the younger offender, and 27% of respondents rated conviction as very humane for the older offender as opposed to 21% for the 14 year old. Conversely all outcome types were rated as very inhumane by more respondents in regard to the 16 year old; 12.5% compared to the

younger offender; 9%. It seems that respondents were more certain that reparation and conviction were humane or inhumane activities when it concerned a 16 year old rather than a 14 year old.

Table 26 shows the proportion of respondents that gave extreme ratings for each factor according to their sample group. For all groups reparation received the highest proportion and the warning received the smallest proportion of respondents that gave an extremely high rating for making amends. A greater proportion of police gave very low ratings on this factor for all outcomes (20%) than the proportion that gave very high ratings (5%), an indication that more police were very confident that an outcome would not result in the young offender making amends for their behaviour than the number who were very confident an outcome would.

Reparation was rated very highly on deterrence by the greatest proportion of respondents in the NZCYPS (25%) and public samples (31%), but by none of the police. Community work was rated very highly on deterrence by the most number of police (7%). Over all outcome types the public sample had the greatest proportion of respondents which gave very high ratings for deterrence (12.5%). This suggests that more of the general public were confident that any outcome would be a deterrent than the police (2%) or NZCYPS staff (4%). For all sample groups the warning received the greatest proportion of respondents who rated it extremely low on deterrence, although as many in the police sample rated freedom restriction similarly.

The humane factor 3 was rated very highly for the warning by the most respondents in all sample groups. Over all outcome types few NZCYPS respondents gave extremely high ratings in Factor 3 (25%) compared to the police (33%) and public samples (33%); suggesting that the NZCYPS staff were less certain an outcome was humane than the police or public.

Conviction was rated as extremely humane by many fewer NZCYPS staff (16%) than police (34%) or public (27%), and rated as extremely inhumane by a lot more NZCYPS staff (22%) than police (6%) or public (15%). A relatively greater proportion of NZCYPS respondents did not feel comfortable with the how humane the conviction outcome was.

Table 26. The Percentage of Respondents who Rated Each Factor as Extremely High or Extremely Low for Each Outcome Type for Each Sample Group.

	OUTCOME 1: WARNING	OUTCOME 2: RESTRICTION	OUTCOME 3: REPARATION	OUTCOME 4: WORK	OUTCOME 5: CONVICTION	ALL OUTCOMES:
<b>F1. MAKING AMENDS</b>						
NZCYPS	19.0%	20.7%	3.5%	6.9%	22.4%	14.5%
LOW	3.5%	8.6%	41.4%	10.3%	6.9%	14.1%
HIGH						
POLICE						
LOW	35.7%	42.9%	0%	3.6%	16.9%	20.0%
HIGH	0%	20.7%	25.0%	10.7%	7.1%	4.7%
PUBLIC						
LOW	50.0%	22.4%	0%	5.3%	21.1%	19.7%
HIGH	6.6%	17.1%	42.1%	18.4%	13.2%	19.5%
<b>F2. DETERRENCE</b>						
NZCYPS						
LOW	16.2%	11.5%	6.9%	4.6%	11.5%	10.3%
HIGH	1.1%	0%	12.6%	3.5%	3.5%	4.1%
POLICE						
LOW	16.7%	16.7%	2.4%	0%	2.4%	7.6%
HIGH	0%	0%	0%	7%	4.8%	2.4%
PUBLIC						
LOW	29.0%	21.9%	8.7%	6.1%	7.9%	14.7%
HIGH	7.9%	12.3%	19.3%	10.5%	12.3%	12.5%
<b>F3. HUMANE</b>						
NZCYPS						
LOW	7.6%	11.0%	15.9%	11.0%	22.1%	13.5%
HIGH	31.7%	26.2%	26.9%	22.1%	15.9%	24.6%
POLICE						
LOW	5.7%	7.1%	1.4%	1.4%	5.7%	4.3%
HIGH	35.7%	28.6%	31.4%	32.9%	34.3%	32.6%
PUBLIC						
LOW	13.2%	10.0%	10.5%	6.3%	15.3%	11.1%
HIGH	40.5%	39.5%	29.5%	28.4%	26.8%	33.0%

## 6 DISCUSSION

### 6.1 PART ONE FINDINGS

#### 6.1.1 Predictors Of Outcome Severity

In the study of 253 youth justice cases in the Christchurch District, the gender of the young person did not have any direct influence on the severity of the FGC decisions. Although a slightly smaller proportion of female young offenders received a severe outcome (28%) than the proportion of male young offenders (36%) this difference was not statistically significant even when controlling for offence type. In all the regression analyses performed with the data, the variable gender did not reach statistical significance. This is consistent with the findings of Maxwell and Morris (1993), the only other study to have investigated the relationship between FGC outcome severity and gender.

The factor that affected outcome severity the greatest was the seriousness of the offence. Of all the variables used it had the highest correlation with outcome severity, and had the largest Beta value in the linear and logistic regression analyses. In a simple linear regression, with seriousness of the offence as the only independent variable, it accounted for 21% of the variance in outcome severity.

The number of current offences had the next greatest influence on outcome severity. It was not surprising to find therefore, that the offensiveness of the offender, as calculated by the seriousness of the offence, the number of current offences and the number of previous offences, was significantly associated with outcome severity.

The seriousness of the offence followed by the number of offences were the two factors found by Maxwell and Morris (1993) in their study of 203 youth justice cases in which an FGC was held, to have the greatest influence on outcome severity. They found seriousness of the offence accounted for 18% of the variance in the dependent variable.

In my analysis, two other factors were found to be independently related to outcome severity; the presence of 'others' at the FGC and the number of family or whanau at the

FGC. That a greater numbers of participants at the FGC was associated with a severe outcome is not unexpected. Given that the total number of participants is likely to indicate the degree of concern held for the young offender's behaviour; and greater concern is likely to lead to more severe decisions being made in respect of the young offender.

The presence of others at the FGC remained an important variable even after the total number of participants at the FGC was included in the regression analysis, an indication that it was the nature of the participants, not only the number, which was associated with outcome severity. 'Others' included co-ordinators and social workers from the care and protection branch of NZCYPS; Maatua Whangai workers; social workers or representatives from community groups, church groups, and prisons; non family caregivers and ex-caregivers; teachers; school principals; community constables; a second youth aid or police officer and co-offenders or their family members.

An 'other' person attended in just over a third of the FGCs (89). They are not an entitled member of the FGC unless they meet criteria laid out in the Act<sup>21</sup>. Inviting persons not entitled to attend the FGC unless approved of by the offenders' family suggests that the co-ordinator and the family held sufficient concern regarding the behaviour of the young offender to see value in including this person.

Of interest is whether the presence of others at the FGC was still associated with a more severe outcome when family held private deliberations during the FGC. One of the five main areas of concern which Maxwell and Morris (1993) identified after their in depth analysis of the functioning of the youth justice provisions of the Act was the tendency for professionals to take over thereby distorting and undermining the FGC process. The presence of others such as school principals, teachers or counsellors, church and community group representatives, or additional police representatives, may have led to the family or young offender feeling less comfortable about participating during the FGC. The holding of private deliberations during the FGC is not noted in NZCYPS records and this

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<sup>21</sup> Section 251. Those entitled to attend include the child or young person for whom the FGC is held; parents, guardians, family or whanau members; the Youth Justice Co-ordinator; the informant or their representative; the victim to the offence; a social worker from the Department of Social Welfare under specific circumstances; an agency representative who has guardianship or custody of the young person; the supervisor or agency representative when a young person is subject to a community based sentence, a community work order, a supervision order, a community care order, a support order; an agent of the High Court if the child or young person is placed under the guardianship of the High Court; or any other person whose attendance at the FGC is in accordance with the wishes of the family, whanau, or family group of the child or young person as expressed under Section 250 of the Act.

information was not included in the study. Such information may help shed light on the relationship between others attending the FGC and a more severe outcome.

The Spearman correlation coefficients in this study showed that the attendance of an other person had a moderate correlation with a care and protection FGC having been held for the young offender in the previous 12 months ( $\rho = 0.262$ ). This is not surprising because care and protection co-ordinators and social workers were included in the category 'other' person. But whether or not a care and protection FGC had been held was not correlated with outcome severity suggesting that care and protection concerns alone, unless a care and protection FGC had not yet been held, were not related to a more severe FGC outcome. More specific analysis of who were the others that attended and for what reasons, and whether certain types of 'others' were more closely associated with a more severe outcome should clarify this finding.

The number of family or whanau was an important predictor variable for outcome severity. After adding the total number of participants at the FGC to the regression analysis family no longer remained independently associated with outcome severity due to the high correlation between the two variables. Both of these variables had significant relationships with outcome severity as shown in the crosstabulations.

On average there were found to be fewer family or whanau at the FGC than non family participants. A total of eight participants was the average FGC size and the median was seven. The average number of family or whanau was much less; two to three; and the median was two. Maxwell and Morris (1993) found the average number of participants at the FGC was nine but did not specify the average number of family and whanau at the FGC. Paterson and Harvey (1991) found in their study of care and protection FGCs that the average number of family or whanau at the FGC was six to seven, many more than the current study. Given that, on average, only two or three family or whanau members attended the FGC, the current study would suggest that representatives from the extended family or whanau were seldom present at the FGC.

The current study supported previous research findings that more extended family attended FGCs when the young person was Maori or Polynesian. Young offenders

belonging to a Pacific Island ethnic group were more likely to have more than two family of aiga at the FGC (58%), while 45% of Maori and 40% of Caucasians had more than two family or whanau members present at the FGC.

Maxwell and Morris (1993) found family more frequently attended FGCs when the FGC was court-referred, and it has been said that co-ordinators put greater effort into encouraging family and whanau to attend a FGC when the FGC is court referred (Stewart, 1993). These findings were not supported in the current study. Of the police referrals 3% had no family and 44.5% of cases had three or more family at the FGC. Of the court referrals 9% had no family and 40% had three or more family at the FGC. The shorter time frame in which FGC court referrals are to be held (14 days) in comparison to direct referrals from the police (21 days) may contribute to this difference. The current study had many more court referrals (45%) in comparison to DSW statistics for the year ending June 1992 (17%) which would have led to less time, on average, to arrange for family to attend.

Cases of reoffending have also been associated with greater numbers of family at the FGC (Maxwell and Morris, 1993). In the present study the correlation between the number of family and the previous number of offences is small but negative, indicating that a greater number of previous offences was correlated with fewer family at the FGC. The limitations of recording only the number of offences in the prior 12 months may have distorted the true relationship between family attendance at the FGC and prior offending history. But it is possible that this signals some form of burnout within the family.

The largest correlation between family and the other independent variables was with whether a care and protection FGC had been held for the young offender in the prior 12 months ( $\rho = 0.198$ )<sup>22</sup>, as had been the case with others attending the FGC. The correlation showed that fewer numbers of family at the FGC were associated with a previous care and protection FGC having been held. Therefore it was unlikely, unless a care and protection FGC was yet to be held, that care and protection concerns led to more family attending the FGC. This finding is also supports the notion that some form of burnout within the family has occurred. It would be interesting to investigate the number of family attending FGCs

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<sup>22</sup> A previous care and protection FGC was coded as 1, no previous care and protection FGC was coded as 2. This correlation is negative but due to coding appears positive.

over time to see whether number began to decline after a certain number of FGC had been held for a young person. In this sample, on average, only two to three family or whanau members attended the conferences. Involvement of greater numbers of the wider family or whanau may retard burnout by the sharing of the responsibility.

The association between the number of family at the FGC and outcome severity may show that families tend to favour more severe outcomes than the professionals, and so when more family attend, the professionals' view has less influence. It is possible that the presence of more family and of others, or simply a large FGC, may lead to a more formal FGC process which in turn may produce a more severe outcome, or that the actual presence of many family or participants at a FGC increases participants' perceptions of the seriousness of the situation and results in more severe decisions being reached. A further possibility is that the number of family or whanau members present at the FGC indicates the seriousness of the 'crisis' that this event represents for the family. Those families for whom an FGC is very much a crisis may more readily attend, and may see a stronger response to the offence is needed, than families who do not give the event such importance.

When outcome severity for prior offending was included in the analysis instead of previous number of offences, it's Beta value reached significance. Outcome severity for prior offending, whether the young offender had received a court or non-court order for prior offending, and the number of youth justice FGCs held in the previous 12 months were the three variables measuring prior offending history in crosstabulations that were associated with outcome severity for male young offenders. The outcome must have been given in the 12 months prior to the current FGC for it to have been recorded.

The recording of previous offences was limited to the 12 months prior to the earliest offence considered by the FGC due to the unsystematic and erratic nature of the records held by the NZCYPS in Christchurch soon after the introduction of the Act. Even though the Spearman correlation coefficient between the number of previous offences and outcome severity was significant for the whole sample the true effect of this independent variable may have been reduced sufficiently to render it insignificant in the regression



analysis, particularly for the males. The majority of young offenders who had committed four or more offences were male.

The severity of the outcome for previous offending may have reflected more accurately the degree of offending behaviour for those with a lengthy history, and therefore males, since the outcome would have related to offending occurring more than 12 months before the current FGC.

In the research conducted by Maxwell and Morris (1993) the number of previous offences was found to be a significant variable until the addition of offender characteristics to the regression analysis. Age then replaced number of previous offences as the third independent predictor variable. It would seem reasonable to assume that older offenders were more likely to have a greater number of previous offences than younger offenders, given that they would have had more time within the youth offending age bracket to commit offences. In this study, age did not appear to have a relationship with outcome severity.

Type of offence reached significance when the severity of the outcome for previous offending was used in the regression analysis instead of number of previous offences. Dishonesty offences, which included theft, burglary and car conversion, were independently related to a less severe outcome. Dishonesty offences were the most serious offence committed by the young person in just over half of the cases (52%). An offence against the person was the most common of all other offence types (27%).

#### 6.1.2 Gender And Outcome Severity

A separate regression analysis for the female sample showed that neither seriousness of offence or number of offences were independently related to outcome severity. In the crosstabulation analysis seriousness of offence was related to a more severe outcome for the female young offender, but the number of offences was not. Offence number might not have proved important for female young offenders because few of them committed more than three offences (18%) compared to the males (30%). Female young offenders who

committed a more serious offence tended to commit several offences. The collinearity between these two variables may have meant that neither reached significance in the regression analysis.

For the female young offenders the number of previous offences and occupation at the time of the offence were the only variables to be significantly important in predicting outcome severity. Number of previous offences was shown to be significant in crosstabulations as was the previous number of FGCs held in the 12 months prior to the current FGC for the female young offenders. Neither of these two variables were significant for the males probably due to the limitations in recording prior offending history as mentioned earlier.

Attending school or a job as opposed to being unemployed was the second variable found to be independently related to outcome severity for female young offenders in the separate regression analyses. But it did not remain significant, and its Beta value dropped greatly, when only six variables were used in the regression. Of the 19 female young offenders attending school or a job 16 were attending school. It was not surprising to find therefore, that membership of this group was correlated with being younger and with having fewer previous offences than those that were classed as unemployed. The relationship between this variable and outcome severity in the crosstabulation table was probably obscured by the fact that females attending school or a job tended to commit fewer offences.

A closer look at the female sample through crosstabulations showed that 30% of the female young offenders attending school or a job had committed an 'offence against the person' as their most serious offence, compared to only 7% of the unemployed female young offenders. The distribution of other offence types between these two groups was more even. The high number of female young offenders at school or a job that committed violent offences may in part explain why they received more severe outcomes.

Why girls who were at school or in employment were more likely to be referred for a FGC in regard to a violent offence, could be worthy of further study, particularly in regard to the setting of the offence and how the police were notified of the offence. Offending

behaviour may be seen as more unacceptable or more 'deviant' for girls at school, or in employment, than for unemployed girls. Girls who are attending school or are employed are more likely to be first offenders and to be younger. Finding that their transgressions are dealt with more formally or more harshly, lends some weight to the idea proposed by Hiller and Hancock (1981); that girls are more likely to be the focus of the 'welfare' approach of early intervention in the belief that this will prevent further delinquency.

Two other factors that were not independently related to outcome severity for the female sample but were shown to be important in crosstabulations included committing a crime with co-offenders, and a FGC run by a female youth justice co-ordinator. These two variables were reasonably correlated with each other ( $\rho = 0.365$ ,  $p = 0.018$ ), as was having a female youth justice co-ordinator with a higher number of current offences ( $\rho = 0.330$ ,  $p = 0.030$ ). This multicollinearity within the female sample may be why these variables were not independently important in a regression analysis.

More confidence could be held in results in a study with a larger number of female subjects. Farrington and Morris (1983) in a study of 408 adults, including 110 women, sentenced in the Cambridge City Magistrates Court found that women, but not men, convicted with one or more other offenders were more likely to receive severe sentences than those convicted alone. They found a tendency for women sentenced by a majority of women magistrates to be dealt with more severely. Female offenders receiving more severe outcomes from female practitioners in the justice system is in agreement with the 'chivalry' theory mentioned previously.

Living with family or others was not associated with a more severe outcome but it was shown that a larger number of females than males in the sample were not living with family at the time of the offence. A study that closely assesses the social and personal background of each young offender may show if there is a gender bias in the criteria for a FGC referral, and if concerns regarding the 'welfare' of a female young offender lends more weight to the decision to make a referral to a youth justice co-ordinator for a FGC than a male young offender. .

No bias was found in the study with regard to previous offending behaviour whereas Maxwell and Morris (1993) found girls referred for an FGC were much more likely to be first offenders and not to have had a previous FGC. This study found similar numbers of males and females had not had an offence come before an FGC before (65% of males and 68% of females) although males were more likely to have more than 3 previous offences (19% of males and 6% of females). Equal numbers had not had a FGC in the previous 12 months (59% of both males and females) and the police had chosen very similar numbers to refer directly to Youth Court (45% of males and 44% of females were court referrals).

This study has only concerned young persons who have committed criminal offences. Under the Act children and young persons who are classified as status offenders in the US and UK would be referred to the care and protection services under part II of the Act if concerns were held for their safety or well-being. Only if they had committed a criminal offence could they be dealt with by the youth justice sections of the Act or referred to Youth Court. The separation of care and protection issues, although not without procedural problems for practitioners, must contribute to a more equitable treatment of female young offenders in matters of justice. No conclusions can be drawn from these results as to whether gender bias exists in the treatment of young persons under the care and protection parts of the Act.

### 6.1.3 Other Findings

Of some note is that the regression analyses showed the presence of a victim or victim representative at the FGC was not independently associated with a more severe outcome. The fact that the attendance of a victim or victim representative occurred more often for serious offences probably cancelled out the apparent relationship between this variable and a more severe outcome in the crosstabulation tables. It is likely that more effort was taken to invite victims of serious offences, or that victims had greater motivation to attend when the offence was more serious.

Of the FGCs which made the final decision a victim attended in 45%, a victim representative attended in 18%, and one or both attended in 48%, a rate that is comparable

with findings in most of the literature. That victim attendance was not associated with a harsher decision supports the inclusion of victims in the decision-making process.

## 6.2 PART TWO FINDINGS

### 6.2.1 Acceptability Of Each Outcome

The FGCOQ demonstrated an ability to distinguish between the acceptability of the five alternative FGC outcomes. Monetary reparation was considered the most acceptable outcome, followed closely by community work. Freedom restriction was the next most acceptable outcome. Being convicted and sentenced to a supervision order from the Youth Court was slightly less acceptable and the least acceptable outcome was the formal warning and written apology.

Interaction effects between both the age and ethnicity of the respondent and outcome type were shown. Younger respondents were more extreme in their views and considered reparation to be much more acceptable than any other outcome, and much more acceptable than the older respondents did. The older respondents considered both reparation and community work the most acceptable outcomes and almost equally acceptable. Older respondents gave conviction the lowest acceptability score and the younger respondents gave the warning and freedom restriction outcomes even lower scores.

A significant difference existed between the Caucasian respondents and the Maori and Pacific Island respondents in regard to the conviction outcome. The Maori and Pacific Island respondents rated conviction substantially less acceptable than any other outcome, and much less acceptable than the Caucasian respondents did. Given the skewed distribution of the ethnicity of respondents within the sample it is difficult to draw conclusions, particularly since nine of the 12 Maori and Pacific Island respondents were NZCYPS respondents, making them almost a subgroup of the NZCYPS group.

Examination of the acceptability scores for conviction for only the NZCYPS respondents showed a disparity between the ratings given by the Maori and Caucasian respondents still existed. The mean acceptability score for the Maori and Pacific Island

respondents was 57, while for the Caucasian respondents it was 66. Whether this disapproval of the conviction outcome by Maori and Pacific Island respondents extended to other types of outcomes involving conviction is of interest, because it would point to Maori and Pacific Island respondents, despite their participation within the youth justice system, finding the New Zealand Youth Court process much less acceptable than their Caucasian colleagues.

Given that in the Part one study, the most severe type of decision a FGC made about a young person was by far most frequently community work (57%), it may appear surprising that reparation was rated the most acceptable outcome until one considers that most young offenders in the sample were at school or unemployed (93%). When damages caused by the offence are many hundreds of dollars their ability to pay this back is limited. In the sample of young offenders in Part one 28% of the most serious offences considered at the FGC could not be directly valued in financial terms. It is likely that community work was often seen as an alternative to reparation when the full cost of the damages could not be paid for by the young offender, or could not be valued in financial terms.

#### 6.2.2 Gender And Age Of The Young Offender And Respondent Type

The FGCOQ did not distinguish any main effects according to the gender or age of the young person described in the case description, or the sample group of the respondent although it did uncover a pattern in which in general, outcomes for male young offenders received higher acceptability scores than females.

No significant interaction effects with gender and age were detected but differences between the respondent groups in the acceptability of two outcomes; namely conviction and sentence of supervision, and the formal warning, were discovered. The NZCYPS respondents rated conviction as much less acceptable for the female young offender than for the male young offender. In contrast, both the police and the public rated conviction as slightly more acceptable for the female than the male young offender.

The public and particularly the police, rated the warning as significantly less acceptable for the female young offender than NZCYPS respondents. The differences between the respondent groups were not large in regard to the male young offender, but contrary to the others the NZCYPS respondents rated the warning as more acceptable for female young offenders. The plan for the formal warning was described as being given to the young offender by a Senior police officer in the presence of the young offenders' parents.

The warning, according to the FGC outcome severity scale, is at level two, the least severe of the five alternative outcomes. The supervision order, the only outcome which escalates the young offender through the justice system to the Youth Court, together with community work, is placed on level five on the severity scale, making them the two most severe of the five alternative outcomes. With respect to the warning and the supervision order the responses from the NZCYPS respondents were more lenient, or 'chivalrous', and the public and the police respondents were more severe, or 'paternalistic', for the female offender.

It is interesting to note that in Part one, fewer females (3%) received a supervision order under Section 283 (k) of the Act compared to the males (7%), and more females (6%) received a warning or apology as the only outcome compared to the males (3%).

### 6.2.3 Factor Analysis

Factor analysis allowed some insight into the variations in the acceptability of each outcome type. The variance in responses to the FGCOQ was reduced to three factors. The first factor was associated with the greatest amount of variation in all questions but was represented most clearly by questions 16 and 17. These questions concerned how fair the outcome was for the victims of the offence and how satisfied the victims would be with the outcome. Factor 1 was interpreted as the ability to make amends to the victim for the offence.

The finding that making amends to the victim was a major component of the acceptability of an outcome is noteworthy considering the growth of mediation programmes overseas (Umbreit, 1986, 1993) and recent moves to involve victims more fully in the criminal justice system in New Zealand. This has most obviously been demonstrated with the introduction of the Victims of Offences Act 1987, and the explicit encouragement of the involvement of the victim in the Children, Young Persons and Their Families Act 1989<sup>23</sup>. The emphasis this has been given is apparent from the description by the Chief Youth Court judge of the ability of the victim to have input at the FGC as one of the most significant virtues of the youth justice procedures (Brown and McElrea, 1993).

The actual involvement of the victim in reaching decisions at the FGC can be interpreted as the first step in making amends to the victim. Umbreit (1993) reported that in mediation programmes in the US, although crime victims were not less upset about the crime, after mediation, they were far less fearful of being revictimized.

Factor 2 was interpreted as the deterrent value of an outcome. It was reflected most clearly by questions 13, 14 and 15 which concerned how much shame the outcome induced in the young offender, whether the plan was likely to deter the young person from committing further crime, and whether it was likely to deter other people from committing offences.

Braithwaite (1993) suggests that shame is the soul of the criminal process. That societies that shame effectively are the societies that deliver lower crime rates and gives Japan as such an example. He proposes that the Western adversarial criminal justice system neglects shame. The ability of the FGC itself to induce shame in the young offender has been expressed by many (Prchal, 1991; Braithwaite, 1993; Stewart, 1993). The development of the FGC was in part based on the Maori tradition of collective responsibility where the shame of one person brought shame on the whole whanau or iwi. Redress was due not just to any victim but to the victim's family. The major aim of settling disputes was to restore the harmony between parties, rather than to apportion blame, and to reconcile the wrongdoer back into the whanau and iwi (Braithwaite, 1993; Maxwell and

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<sup>23</sup> Section 208 (g) which states that due regard to the interests of any victims of the offending should be taken when dealing with children or young persons, and Section 251 (2) (f) which lists the victim as an entitled member of the FGC.



Morris, 1993). Finding that questions that concerned the ability of the plan to deter the offender and to shame the offender are closely represented in the same Factor support the perception of shame as a deterrent.

Lewis (1993) proposes that compared with embarrassment, which can be mild and transient, and compared to guilt, which relates to a specific behaviour, shame is always intense. In Lewis' model shame is produced by an individual's evaluation of oneself in relation to a set of internalised rules and goals. He suggests the intensity of this emotion, because it relates to the whole self rather than a specific behaviour, leads to the individual attempting to rid themselves of this emotion as quickly as possible, and may convey the motivation necessary for change or correction more so than guilt.

Factor 3 was most clearly represented by five questions; questions 4, 5, 6, 8 and 9. All these questions concerned the safety and well-being of the young offender. This factor was interpreted as measuring respondents' perceptions of how humane each outcome was. It is perhaps surprising that this factor was of less importance than making amends to the victim of the offence. It has traditionally been a driving principle in the dealing with young offenders in New Zealand. Despite the Acts' move away from the 'welfare' model of the Children and Young Persons Act 1974, taking account of the welfare of the young person underlies all aspects of the Act, and is stated explicitly in the General Objects, Principles and Duties<sup>24</sup>, and in Section 6 which determines that where any conflict of principles or interests arise in administering the Act, the welfare and interests of the child or young person shall be the deciding Factor.

#### 6.2.3.1 Factors And Outcome Type

The finding that reparation received the highest score for Factor 1, making amends, and highest equal score with community work for Factor 2, deterrence, is consistent with it being rated as overall the most acceptable outcome. Over a third of respondents considered it to be excellent for making amends. The proportion that rated it as an excellent deterrent was less than half that number. Respondents seemed more confident in the ability of reparation to make amends for the young offender's behaviour than it's ability to be a

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<sup>24</sup> Section 4.

deterrent. While community work was seen to have similar deterrence and be just as humane it was not perceived to match reparation in making amends.

Compared to community work, almost as many respondents rated freedom restriction as excellent at making amends, but nearly five times as many respondents rated it very poor at making amends. Respondents were less confident in the ability of freedom restriction to be a deterrent than all other outcomes except the warning.

Conviction received slightly fewer extremely high and extremely low scores for making amends than did the freedom restriction. Whereas in regard to deterrence conviction received as many excellent scores as community work, it received nearly three times as many very poor scores as community work, pointing to some disagreement between respondents on its ability to deter further offending.

Overall, respondents saw the written apology and formal warning as particularly inadequate in making amends to the victim and as a deterrent. Over a third of the sample gave this outcome the lowest possible score for making amends and over one fifth gave it the lowest possible score as a deterrent. This is consistent with the finding that the warning was rated the least acceptable of the five alternative outcomes.

The fact that all of the outcomes received consistently high scores for the humane factor with very little variation between them, indicates that for the majority of respondents none of the outcomes were unsuitable on humanitarian grounds. In all but conviction over a quarter of respondents rated each outcome as very humane, more than twice as many as the number that rated it as not humane at all.

The freedom restriction, reparation and community work outcomes were seen as equally humane, the warning the most humane, and conviction the least humane of the outcomes. Conviction received relatively large numbers rating it extremely humane and relatively large numbers rating it as not humane at all, pointing to some degree of polarisation between respondents on the effect of this outcome on the well-being of the young offender.

### 6.2.3.2 Factors And The Gender And Age Of The Young Offender

Making amends. Reparation was considered the best and the warning the worst of the five alternative outcomes at making amends to the victim, irrespective of the age or gender of the young offender or the respondent type.

In general all outcomes were considered to be better at making amends when they concerned males except reparation (for which the mean score was the same for both genders) and conviction. In every outcome greater numbers of respondents gave extremely high scores in regard to male young offenders, even for conviction, although nearly twice as many rated this outcome extremely low for the male young offender. Freedom restriction and community work outcomes received a particularly high number of extremely high scores. Such differences point to respondents believing that freedom restriction and community work were better at making amends to the victim when they were carried out by a male, and that conviction was better at making amends to the victim when it concerned a female.

All mean scores for making amends were marginally higher when considering young offenders aged 16 years rather than 14 years. This trend was reflected in the number of extreme ratings given except in regard to the freedom restriction. For this outcome the younger offender received a higher proportion of extremely high ratings for making amends than the older offender. Respondents were more certain an outcome would make amends if it were experienced by a 16 year old rather than a 14 year old, except perhaps for the freedom restriction.

Deterrence. There was little difference in the deterrence scores with respect to the age of the young offender, but a greater number of respondents were certain that each of the five outcomes would be more of a deterrent for male young offenders than female young offenders. This occurred despite the finding that the mean deterrent scores for community work and freedom restriction were higher when it related to females. The distribution of the extremely low deterrence scores showed that males received them more frequently for community work and freedom restriction. These results suggest that respondents were

more definite in regard to male than female young offenders whether an outcome would or would not be a deterrent.

Humane. The warning was seen as the most humane outcome and conviction was seen as the least humane outcome for males and females and both age groups. All outcomes were rated as more humane for males than females, probably contributing to the overall higher acceptability scores given to males across all of the five outcome types. Little difference resulted between the two age groups of the young offender in the mean scores for each outcome, but more extremely high and extremely low scores were given when the young offender was aged 16 years. Respondents were more certain if an outcome was humane or not when it concerned a 16 year old rather than a 14 year old.

In summary, the distribution of scores according to the three factors seem to point to more ambiguity and uncertainty in respect of the female young offender. In general, respondents felt all outcomes were better at making amends and more humane, and they were more certain if an outcome would be a deterrent, when concerning male young offenders. This supports the notion that the female young offender is seen as a peculiarity. Reaching appropriate decisions appears to be not so straight forward as for the male young offenders.

#### 6.2.3.3 Factors And The Respondent Group

A large proportion of the public respondents had strong views on the capability of each outcome to make amends to the victim judging by the proportion who gave extreme views for this factor. While few of the police respondents gave extremely high ratings for this factor a considerable number gave extremely low ratings. The police and public respondents saw the warning as a particularly poor method to make amends. Over a third of the police and 50% of the public respondents gave making amends the lowest possible score in respect of this outcome.

Given that the formal warning in outcome 1 was performed by a Senior Police Officer, it may well be that police scepticism with this outcome is based on experience. A large proportion of the police respondents were youth aid officers. It is possible that they would

consider that a referral for a FGC signalled that a warning had already been tried and that something more than a warning was now required for that young offender.

Across all outcomes the public respondents were more extreme in rating the deterrent value of each outcome in comparison to other respondents. However little difference existed between each sample group in how they rated the deterrent value of each outcome except for conviction. The NZCYPS respondents saw this as much less of a deterrent than other respondents did. NZCYPS social workers and co-ordinators are often likely to be given the task of monitoring a FGC plan and their experience of this may have contributed to the low ratings of the NZCYPS respondents to the deterrent value of supervision. The NZCYPS and public respondents saw reparation and community work as having equal deterrent value whereas the police regarded community work as having a slightly higher deterrent value.

The NZCYPS respondents considered each outcome as less humane than other respondents, particularly for conviction. This was the only outcome which showed a major difference between respondents' perceptions on this factor and was the only outcome involving the court system. One of the major emphases of the Act is diversion. To keep young offenders out of contact with the justice system as much as possible and so prevent promoting them into associations or situations which may confirm the development of delinquent careers, and to prevent escalating the young offender up the tariff scale. The low rating by the NZCYPS respondents of conviction in regard to deterrence value and how humane it was may reflect the strength of the NZCYPS staff adherence to this philosophy. Why they would feel more strongly on these matters in regard to female young offenders is unknown.

The research by Ollenburger (1986) in the UK showed educational achievement was most correlated with classical attitudes to punishment. The finding that the NZCYPS respondents found conviction the least acceptable outcome supports this research if one considers it to be the most severe punishment of the five outcomes. The NZCYPS were much more likely to have tertiary qualifications than the other respondents in the sample.

Gender of the respondent is another variable which has been linked to more punitive attitudes toward juvenile justice (Opinion Research Corporation, 1982 quoted in Schwartz et al., 1993; Ollenburger, 1986; Skovron et al. 1989 quoted in Schwartz et al. 1993, Davis et al., 1993; Schwartz et al. 1993). The NZCYPS sample had the greatest proportion of female respondents (60%) compared to the police (14%) and the public (54%). More lenient attitudes of the female respondents to punishment may have contributed to the lower acceptability score of the NZCYPS respondents to the conviction and sentence of supervision.

### 6.3 LIMITATIONS OF THE FGCOQ

Further refinement is needed of the FGCOQ to qualify it as a valid tool. A substantial amount of variance was unaccounted for in responses to several questions. Questions 2, 4, 6 and 9 all had less than half of their variance accounted for by the three factors defined in the principal-components analysis. Elimination of those questions found not to correlate strongly with the total acceptability score after a series of trials is needed to develop the validity and reliability of the FGCOQ.

The FGCOQ was used in relation to a case description of burglary. Different findings may result from a case description with a different type of offence, such as assault, drug or traffic offences, or a more serious offence. It would be most interesting for young offenders or young persons aged 14 to 16 years to complete the FGCOQ. This may shed light on the what factors would encourage young offenders to participate more in the FGC, and what tasks young offenders would be more likely to complete.

In analysing Kazdin's TEI questionnaire Stedman (1986) pointed out that a number of assumptions are made. The FGCOQ is based on the TEI and such assumptions are equally applicable here:

- 1 That all questions are of equal weight.
- 2 That none of the questions are ambiguous. This was likely to have been the case with question 4: if a young person had to carry out a plan without their consent how bad would it be to impose this plan on them? The ambiguity lies with the fact that the agreement of the young person to the plan was needed on the FGC to reach the decision.

- 3 That all questions are interpreted on a negative-positive scale. For example question 7: How consistent is this plan with common sense or everyday notions about what decisions should be made for young offenders? Being inconsistent with everyday notions of common sense is not necessarily negative.
- 4 Analysis of variance assumes an interval relationship where the difference between any two consecutive ratings on the scale is the same. There is no means to determine if this assumption is correct. Most multiple-item measures created by researchers are treated by them as if they were interval variables because they permit a large number of categories to be stipulated. The use of ordinal data in statistical manipulations which assume interval level variables is common particularly when the variable has a large number of categories (Bryman and Cramer, 1990).

## 7 CONCLUSION

In this study of FGC decisions the gender of the young person did not have any direct influence on the severity of the outcome. Slightly more females appeared to receive less severe outcomes but this could have been because they had committed fewer previous offences, and fewer current offences. Any relationship between gender and FGC outcome severity could only be indirect, as a consequence of the effect of gender on number of previous or current offences. That females had fewer previous offences and current offences is consistent with previous research findings on female criminality.

Only one factor, prior offending history, had an important influence on both males and females. Although different measures of this proved important for each gender, this was probably because of limitations in the collection of this data. Other variables were more important for only one gender. Occupation at the time of the offence was important only for female young offenders. Exactly how attending school or a job has an effect on the formulation of FGC plans remains to be determined by further research.

The results in relation to the sample as a whole are relatively consistent with other research which has shown that for criminal offences offence-related variables are more important than other variables in predicting outcomes for the young offender. Seriousness of the offence and the number of offences were the two strongest predictors.

Two factors relating to the composition of FGCs were the next most important predictor variables: the attendance of 'others' at the FGC who were not explicitly entitled to attend unless approved of by the family of the young offender, and greater numbers of the young offenders' family. The total number of participants at the FGC appears to be a contributing factor in why greater numbers of family were related to outcome severity. The number of family at the FGC and the severity of the decisions made, possibly indicates how much of a crisis the offending behaviour of their young person and the subsequent FGC was perceived to be by the family. More research is needed to explore why the composition of FGCs should predict a more severe FGC outcome.



Type of offence had some minor predictive qualities. Dishonesty offences received less serious outcomes than other offences.

No gender bias could be detected from youth justice FGC referrals within the Christchurch area. How far these results can be generalised, to other areas is unknown. Maxwell and Morris (1993) found considerable variation between districts in the percentage of FGC referrals for female young offenders. Christchurch had no female youth aid officers during the time of the study. FGCs with female youth aid officers may lead to different outcomes for females.

The results of the research are limited by the accuracy and availability of the data in the records. Other variables are no doubt important in determining the type of outcome and its severity such as the demeanour of the young person at the FGC, the relationship between the youth justice co-ordinator and youth aid officers, and the length of time between the offence and the FGC.

Conducting research with a variety of methods, including interviews with participants and observation is desirable. Given the confidential nature of the youth justice process, and especially the FGC, it is difficult to achieve. Part two of the study was an attempt to complement Part one with an analysis of attitudes about FGC outcomes in relation to the gender of the young offender.

The FGCOQ distinguished between the acceptability of each outcome. Reparation was considered the most acceptable outcome and community work was a close second. The freedom restriction was rated more acceptable than conviction and a sentence of supervision, and the warning and written apology was rated the least acceptable outcome.

Respondents saw that the ability of a plan to make amends to the victim of the offence was its most important feature, of which reparation was seen as the most capable. The ability of a plan to deter further offending was the second most important feature, of which both reparation and community work were seen as the most capable. The third most important feature was interpreted as how humane each respondent rated the outcomes.

There was little variation in how humane respondents saw each outcome, except in relation to supervision, over which there was a polarisation of views.

There were divergent views on the ability of supervision to deter further offending and as to how humane this outcome was. Overall it was seen as the least humane outcome. Freedom restriction was considered a poor deterrent but not as poor as the warning. The warning was considered to be lacking as a method of making amends, as a deterrent, and was seen as marginally more humane than the other outcomes.

The gender of the young offender did not significantly affect the acceptability of each of the outcomes in the FGCOQ, but a trend was noted for outcomes to be seen as less acceptable and more ambiguous when concerning females. Respondents saw that all outcomes were inferior at making amends, apart from conviction, inferior deterrents, apart from community work, and less humane, for female rather than male young offenders. These factors suggest that respondents are less certain and less easily pleased when it comes to an appropriate outcome for a female young offender.

NZCYPS respondents and Maori and Pacific Island respondents saw conviction as less acceptable. NZCYPS respondents appeared to perceive this outcome to be less humane and less of a deterrent for female young offenders. The police and public respondents considered the warning as very unacceptable. This may have been due to a perception of it as an especially poor way for female young offenders to make amends. Age of the young offender and type of respondent did not significantly distinguish the acceptability of each outcome but younger respondents were more extreme in their views on the acceptability of each outcome, and were particularly taken with reparation.

The acceptability scores given in part two for reparation and community work are in accordance with the frequency of these outcomes in part one. Reparation was a far more frequent outcome than community work but if one considers that in many cases reparation was not possible due to the young person having a limited income this is not surprising.

About half of all the main offences in part one could be directly compared to the case description in the FGCOQ since they were dishonesty offences; either theft, burglary or car

conversion. The acceptability scores of reparation and community work were well above a neutral rating of 72 on the FGCOQ. It is likely few of the respondents would have found the FGC plans in respect of the young offenders in part one who had committed dishonesty offences were unacceptable. A key feature of the acceptability of these outcomes being the capability of making some amends to the victim.

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## 9 REFERENCES

Anderson, E.A. (1976) The chivalrous treatment of the female offender in the arms of the criminal justice system: A review of the literature. Social Problems, 23, 350-7.

Angus, J.H. (1991) The Act: One year on. Perspectives on the Children, Young Persons and Their Families Act 1989. Social Work Review, 3(4) 5-6.

Bergsman, I.R. (1989) The forgotten few: Juvenile female offenders. Federal Probation, 53(1) 73-78.

Blampied, N.M. (1993) Corporal punishment. NZ Science Monthly, 3(4) 11.

Blampied, N.M. and Kahan, E. (1992) Acceptability of alternative punishments. Behaviour Modification, 16(3) 400-413.

Bowker, L.H. (1978) Women, crime, and the criminal justice system. Massachusetts, Lexington Books. 286p.

Brown, M.J.A. and McElrea, F.W.M. (1993) (Eds.) The Youth Court in New Zealand: A new model of justice. Legal Research Foundation. 49p. (Publication No. 34)

Bryman, A. and Cramer, D. (1990) Quantitative data analysis for social scientists. London, Routledge. 290p.

Braithwaite, J. (1993) What is to be done about criminal justice? In Brown, B. J. and McElrea, F. W. M. (Eds.) The Youth Court in New Zealand: A new model of justice. Legal Research Foundation. (Publication No. 34) p.31-40.

Chesney-Lind, M. (1974) Juvenile delinquency: the sexualisation of female crime. Psychology Today, 8, 43-6.

Clark, J.P. and Haurek, E. (1966) Age and sex roles of adolescents and their involvement in misconduct: a re-appraisal. Sociology and Social Research, 50, 496-508.

Cohen, L.E. and Kluegel, J.R. (1978) Determinants of Juvenile Court dispositions: Ascriptive and achieved factors in two metropolitan courts. American Sociological Review, 43, 162-276.

Cowie, J., Cowie, V. and Slater, E. (1968) Delinquency in Girls. London, Heinemann. 220p.

Davis, G., Boucherat, J., Watson, D. (1989) Pre-court decision-making in juvenile justice. British Journal of Criminology, 29(3) 219-235.

Davis, T.L., Severy, L.J., Kraus, S.J. and Whitaker, J.M. (1993) Predictors of sentencing decisions: The beliefs, personality variables, and demographic factors of juvenile justice personnel. Journal of Applied Social Psychology, 23(6) 452-477.

Department of Social Welfare (1992) Statistical information report. Wellington, Department of Social Welfare.

Department of Statistics (1992) 1991 Census, Canterbury region. NZ, Department of Statistics. 157p.

Department of Statistics (1992) 1991 Census, electoral profile (1992 Boundaries). NZ, Department of Statistics. 97p.

Department of Statistics (1992) 1991 Census, NZ Maori population and dwellings. NZ, Department of Statistics. 79p.

Department of Statistics (1992) 1991 Census, New Zealand's population structure. NZ, Department of Statistics. 70p.

Department of Statistics (1992) 1991 Census, Pacific Island population and dwellings. NZ, Department of Statistics. 134p.

Doolan, M. P. (1993) Youth justice - legislation & practice. In Brown, B. J. and McElrea, F. W. M. (Eds.) The Youth Court in New Zealand: A new model of justice. Legal Research Foundation. (Publication No. 34) p.15-29.

Drummond, W.D. (1993) Children, Young Persons and Their Families Act 1989, - a police youth aid perspective. Social Work Review, December, 6(2) 9-13.

Elliott, D. (1988) Gender, delinquency and society. Aldershot: Gower Publishing Company Ltd. 151p.

Farrington, D.P. and Morris, A. (1983) Sex, sentencing and reconviction. British Journal of Criminology, 3(3) 229-248.

Felice, M. and Offord, D. (1972) Three developmental pathways to delinquency in girls. British Journal of Criminology, 12, 375-89.

Feyerherm, W. (1981) Measuring gender differences in delinquency: Self-reports versus police contact. In Warren, M.Q. (Ed) Comparing female and male offenders. London, Sage. p.46-54.

Figueira-McDonough, J., Barton, W.H. and Sarri, R.C. (1981) Normal deviance: Gender similarities in adolescent subcultures. In Warren, M.Q. (Ed) Comparing female and male offenders. London, Sage. p.17-45.

Gelsthorpe, L. (1986) Towards a sceptical look at sexism. International Journal of the Sociology of Law, 14, 125-152.

Gibbons, D. and Griswold, M. (1957) Sex differences among juvenile court referrals. Sociology and Social Research, 5, 42, 106-10.

Gibbons, H.B., Morrison, J. and West, J. (1970) The confessions of known offenders in response to a self-reported delinquency schedule. British Journal of Criminology, 22, 51-65.

Grichting, W.L. (1977) On the state and fate of status offenders. ANZ Journal of Criminology, 10, 133-151.

Hassall, I. B. and Maxwell, G. M. (1991) The family group conference. In Maxwell, G. M. (ed.) An appraisal of the first year of the Children, Young Persons and Their Families Act 1989. Wellington, Office of The Commissioner For Children.

Hedderson, J. (1987) SPSS<sup>x</sup> made simple. Belmont, California, Wadsworth Inc. 253p.

Hilbron, R. (1991) Family support fosters youth rehabilitation. Dominion, 29 November p12.

Hiller, A.E. and Hancock, L. (1981) The processing of female juveniles in Victoria. In Mukherjee, S.K. and Scutt, J.A. (Eds) Women and crime. London, Allen & Unwin / Australian Institute of Criminology. p 92-126.

Hood, R. and Sparks, R. (1970) Key issues in criminology. London, Weidenfeld & Nicholson. 256p.

Horowitz, R. and Pottieger, A.E. (1991) Gender bias in juvenile justice handling of seriously crime-involved youths. Journal of Research in Crime and Delinquency, 28(1) 75-100.

Kazdin, A.E. (1980) Acceptability of time out from reinforcement procedures for disruptive child behaviour. Behaviour Therapy, 11, 329-344.

Kazdin, A.E. (1981) Acceptability of child treatment techniques: The influence of child treatment efficacy and adverse side effects. Behaviour Therapy, 12, 493-506.



Keuneman, R., Linden, R., and Kosmick, R. (1992) Juvenile justice in rural and northern Manitoba. Canadian Journal of Criminology, 34(3-4) 435-460.

Levine, M. and Wyn, H. (1991) Orders of the Youth Court and the work of the youth justice co-ordinators. Wellington, Department of Social Welfare. 85p.

Lewis, M. (1993) Self conscious emotions. In Lewis, M. and Haviland, J.M. (Eds.) Handbook of Emotions. New York, The Guilford Press. p 563-573.

Ludbrook, R. (1992) Juvenile justice - New Zealand's family oriented approach. Children Australia, 17(4) 7-10.

McElrea, F. W. M. (1993) A new model of justice. In Brown, B. J. and McElrea, F. W. M. (Eds.) The Youth Court in New Zealand: A new model of justice. Legal Research Foundation. (Publication No. 34) p1-14.

Maxwell, G. M. (1991) The first six months: Some statistics on the Children, Young Persons and Their Families Act 1989. Wellington, Office of The Commissioner for Children.

Maxwell, G. M. and Morris, A. (1990) A statistical overview of juvenile offending before and since the Children, Young Persons and Their Families Act 1989. Wellington, NZ.

Maxwell, G. M. and Morris, A. (1992) The family group conference: A new paradigm for making decisions about children and young people. Children Australia, 17(4) 11-15.

Maxwell, G.M. and Morris, A. (1993) Families, victims and culture: Youth justice in New Zealand. Wellington, Social Policy Agency and Institute of Criminology, Victoria University of Wellington. 228p.

Maxwell, G.M. and Morris, A. (1993a) Policy issues from "Family, victims and culture: Youth justice in New Zealand". Social Policy Journal of New Zealand, Issue 1, November, 88-93.

Maxwell, G. M. and Robertson, J. P. (1991). Statistics on the first year. In Maxwell, G. M. (Ed.) An appraisal of the first year of the Children, Young Persons and Their Families Act 1989. Wellington, Office of The Commissioner For Children.

May, D. (1971) Delinquency control and the treatment model: Some implications of recent legislation. British Journal of Criminology, 11, 4, 359.

Ministerial Review Team to the Minister of Social Welfare (1992). Report of the ministerial review team to the Minister of Social Welfare the Hon. Jenny Shipley. Review of the Children, Young Persons and Their Families Act 1989. (Mason Report) February 1992. Vol. 1.

Moffitt, T.E. and Silva P.A. (1988) Self-reported delinquency: Results from an instrument for New Zealand. ANZ Journal of Criminology, 21, December, 227-240.

Monahan, T.P. (1970) Police dispositions of juvenile offenders: The problem of measurement and a study of Philadelphia data. Phylon, XXI, 138, 128-141.

Morris, A. (1987) Women, crime and criminal Justice. Oxford, Basil Blackwell Ltd. 270p.

Morris, A. and Maxwell, G. (1993) Juvenile justice in New Zealand: A new paradigm. ANZ Journal of Criminology, 26(1) 72-90.

Morris, A. and Wilkinson, C. (1983) Secure care: Just an easy answer? Community Care, 8 December, 22-24.

Morris, A. and Young, W. (1987) Juvenile justice in New Zealand: Policy and practice. Wellington, Institute of Criminology Victoria University of Wellington. (Study Series 1) 138p.

New Zealand Department of Justice (1990) Justice statistics. Wellington, NZ Department of Justice.

New Zealand Government (1992) Report of the ministerial review team to the Minister of Social Welfare the Hon. Jenny Shipley. Review of the Children, Young Persons and Their Families Act 1989. February. Vol. 2. Wellington. (Response to the Mason Report).

New Zealand Government (1994). Report of the departmental study team to the Director General of Social Welfare Margaret Bazley. A study of financial management practices on the Children and Young Persons Service in fiscal 1994. January 1992. Wellington, 72p. (Weeks Report)

New Zealand Police (1989) Digest of statistics. Wellington, NZ Police.

New Zealand Police. Microfiche printouts of statistics of juvenile offending from 1989 to 1992. Wellington, NZ Police National Head Quarters.

Norusis, M.J./SPSS Inc, (1990) SPSS Advanced statistics users' guide. V4.0. Chicago: SPSS Inc. 285p.

Norusis, M.J./SPSS Inc, (1990) SPSS Base system users' guide. V4.0. Chicago: SPSS Inc. 520p.

Ollenburger, J.C. (1986) Panel members' attitudes towards justice. British Journal of Criminology, 26(4) 372-384.

Paterson, K. and Harvey, M. (1991) Organisation and operation of care and protection family group conferences. Wellington, Evaluation Unit, Department of Social Welfare. 87p.

Pollock, J. (1978) Early theories of criminality. In Bowker, L.H. Women, crime, and the criminal justice system. Massachusetts, Lexington Books. p.25-55.

Prchal, P. (1991) Profile of the first 50 youth justice referrals at Takapuna District Office. Social Work Review, 3(4) 12-13.

Renouf, J., Robb, G. and Wells, P. (1990) Children, Young Persons and Their Families Act 1989. Report on it's first year of operation. November. Wellington, Department of Social Welfare.

Sarri, R.C. (1976) Juvenile law: How it penalises females. In Crites, L. (Ed) The female offender. Lexington, Mass., D.C. Heath.

Schroeder, L.D., Sjoquist, D.L., Stephan, P.E. (1986) Understanding regression analysis: An introductory guide. Sage University Paper series on Quantitative Applications in the Social Sciences, 07-057. Beverly Hills, Sage Publications, Inc. 95p.

Schwartz, I.M., Guo, S. and Kerbs, J.J. (1993) The impact of demographic variables on public opinion regarding juvenile justice: Implications for public policy. Crime and Delinquency, 39(1) 5-28.

Shelden, R.G. (1981) Sex discrimination in the juvenile justice system. In Warren, M.Q. (Ed) Comparing female and male offenders. London, Sage. p.55-72.

Smart, C. (1977) Criminology theory: Its ideology and implications concerning women. British Journal of Sociology, 28, 89-100.

Stedman, E.J. (1987) Acceptability of punishment for children: A public survey. Christchurch, University of Canterbury, 1987. ( 130p. Thesis: MA: Psychology)

Stewart, T. (1993) The youth justice co-ordinator's role - A personal perspective of the new legislation in action. In Brown, B. J. and McElrea, F. W. M. (Eds.) The Youth Court in New Zealand: A new model of justice. Legal Research Foundation. (Publication No. 34) p.41-49.

Swain, P. (1992) State and the family in a delicate balance. Dominion, 12 March. p.10.

Tjaden, P.G. and Tjaden, C.D. (1981) Differential treatment of the female felon. In Warren, M.Q. (Ed) Comparing female and male offenders. Beverly Hills, Sage Publications, Inc. p.73-88.

Toothaker, L.E. (1986) Introductory statistics for the behavioural sciences. New York, McGraw-Hill. 606p.

Umbreit, M.S. (1986) Victim offender mediation: A national survey. Federal Probation, 50(4), 53-36.

Umbreit, M.S. (1989) Crime victims seeking fairness, not revenge: Toward restorative justice. Federal Probation, 93(3) 52-57.

Umbreit, M.S. (1993) Juvenile offenders meet their victims: The impact of mediation in Albuquerque, New Mexico. Family and Conciliation Courts Review, 31(1) 90-100.

Wolf, M.M. (1978) Social validity: The case for subjective measurement or how applied behaviour analysis is finding it's heart. Journal of Applied Behaviour Analysis, 11, 203-214.

## 10 APPENDICES

### APPENDIX 1

## OBJECTIVES AND PRINCIPLES OF THE CHILDREN, YOUNG PERSONS AND THEIR FAMILIES ACT 1989

### PART I

#### GENERAL OBJECTS, PRINCIPLES, AND DUTIES

##### *General Objects*

- 4. Objects-** The object of this Act is to promote the well-being of children, young persons, and their families and family groups by-
- (a) Establishing and promoting, and assisting in the establishment and promotion, of services and facilities within the community that will advance the well-being of children, young persons, and their families and family groups and that are-
    - (i) Appropriate having regard to the needs, values, and beliefs of particular cultural and ethnic groups; and
    - (ii) Accessible to and understood by children and young persons and their families and family groups; and
    - (iii) Provided by persons and organisations sensitive to the cultural perspectives and aspirations of different racial groups in the community:
  - (b) Assisting parents, families, whanau, hapu, iwi, and family groups to discharge their responsibilities to prevent their children and young persons suffering harm, ill-treatment, abuse, neglect, or deprivation:
  - (c) Assisting children and young persons and their parents, family, whanau, hapu, iwi, and family group where the relationship between a child or young person and his or her parents, family, whanau, hapu, iwi, or family group is disrupted:
  - (d) Assisting children and young persons in order to prevent them from suffering harm, ill-treatment, abuse, neglect, and deprivation:
  - (e) Providing for the protection of children and young persons from harm, ill-treatment, abuse, neglect, and deprivation:
  - (f) Ensuring that where children or young persons commit offences,-
    - (i) They are held accountable, and encouraged to accept responsibility, for their behaviour; and
    - (ii) They are dealt with in a way that acknowledges their needs and that will give them the opportunity to develop in responsible, beneficial, and socially acceptable ways.
  - (g) Encouraging and promoting co-operation between organisations engaged in providing services for the benefit of children and young persons and their families and family groups.

Cf. 1974, No. 72, s. 3

*General Principles*

**5. Principles to be applied in exercise of powers conferred by this Act-** Subject to section 6 of this Act, any Court which, or person who, exercises any power conferred by or under this Act shall be guided by the following principles:

- (a) The principle that, wherever possible, a child's or young person's family, whanau, hapu, iwi, and family group should participate in the making of decisions affecting that child or young person, and accordingly that, wherever possible, regard should be had to the views of that family, whanau, hapu, iwi, and family group:
- (b) The principle that, wherever possible, the relationship between a child or young person and his or her family, whanau, hapu, iwi, and family group should be maintained and strengthened:
- (c) The principle that consideration must always be given to how a decision affecting a child or young person will affect-
  - (i) The welfare of that child or young person; and
  - (ii) The stability of that child's or young person's family, whanau, hapu, iwi, and family group:
- (d) The principle that consideration should be given to the wishes of the child or young person, so far as those wishes can reasonably be ascertained, and that those wishes should be given such weight as is appropriate in the circumstances, having regard to the age, maturity, and culture of the child or young person:
- (e) The principle that endeavours should be made to obtain the support of -
  - (i) The parents or guardians or other persons having the care of a child or young person; and
  - (ii) The child or young person himself or herself- to the exercise or proposed exercise, in relation to that child or young person, or any power conferred by or under this Act:
- (f) The principle that decisions affecting a child or young person should, wherever practicable, be made and implemented within, a time-frame appropriate to the child's or young person's sense of time.

Cf. 1974, No. 72, ss.4a-4c; 1983, No. 129, s. 3

**6. Welfare and interests of child or young person deciding factor-** Where, in the administration or application of this Part or Part II or Part III or Part VI (other than sections 351 to 360) or Part VII or Part VIII of this Act, any conflict of principles or interests arises, the welfare and interests of the child or young person shall be the deciding factor.

Cf. 1974, No. 72, s. 4

## PART IV

## YOUTH JUSTICE

*Principles*

**208. Principles-** Subject to section 5 of this Act, any Court which, or person who, exercises any powers conferred by or under this Part or Part V or sections 351 to 360 of this Act shall be guided by the following principles:

- (a) The principle that, unless the public interest requires otherwise, criminal proceedings should not be instituted against a child or young person if there is an alternative means of dealing with the matter:
- (b) The principle that criminal proceedings should not be instituted against a child or young person solely in order to provide any assistance or services needed to advance that welfare of the child or young person, or his or her family, whanau, or family group:
- (c) The principle that any measures for dealing with offending by children or young persons should be designed-
  - (i) To strengthen the family, whanau, hapu, iwi, and family group of the child or young person concerned; and
  - (ii) To foster the ability of families, whanau, hapu, iwi, and family groups to develop their own means of dealing with offending by their children and young persons:
- (d) The principle that a child or young person who commits an offence should be kept in the community so far as that is practicable and consonant with the need to ensure the safety of the public:
- (e) The principle that a child's or young person's age is a mitigating factor in determining-
  - (i) Whether or not to impose sanctions in respect of offending by a child or young person; and
  - (ii) the nature of any such sanctions:
- (f) The principle that any sanctions imposed on a child or young person who commits an offence should-
  - (i) Take the form most likely to maintain and promote the development of the child or young person within his or her family, whanau, hapu, and family group; and
  - (ii) Take the least restrictive form that is appropriate in the circumstances:
- (g) The principle that any measures for dealing with offending by children or young persons should have due regard to the interests of any victims of that offending:
- (h) The principle that the vulnerability of children and young persons entitles a child or young person to special protection during any investigation relating to the commission or possible commission of an offence by that child or young person.



APPENDIX 2

**STATISTICAL DATA FORM FOR PART ONE RESEARCH:**

**GENDER AND FGC OUTCOMES**

1 CODE & NUMBER:

--	--	--	--	--	--	--	--	--	--

COLUMNS 1 - 41

--	--	--	--

2 SEX:

1. M	2. F
------	------

--

3 ETHNICITY:

1. CAUCAS.	2. MAORI	3. P.I.	4. OTHER
------------	----------	---------	----------

--

4 AGE AT TIME OF OFFENCE :

--	--	--	--

5 SCHOOL ATTENDANCE:

1. SCHOOL	2. JOB	3. UNEMP.
-----------	--------	-----------

--

6 WITH WHOM LIVING:

1 FAMILY	2 OTHER
----------	---------

--

**OFFENCE DETAILS**

7 REFERRAL AGENT:

1. POLICE	2. COURT	3. DSW	4. OTHER
-----------	----------	--------	----------

--

8 REFERRAL DATE (DD,MM,YY) :

--	--	--	--	--	--

9 OFFENCE DATE (DD,MM,YY)(use earliest if several):

--	--	--	--	--	--

10 CO-OFFENDERS:

1. ALONE	2. 1 CO-OFFENDER	3. >1 CO-OFFENDER
----------	------------------	-------------------

--

11 NUMBER OF CURRENT OFFENCES:

--	--

12 TYPE OF MOST SERIOUS OFFENCE (See number 1. on instruction sheet)

--

13 TIME OF MOST SERIOUS OFFENCE:

1. 6AM-6PM	2. 6PM-11PM	3. 11PM-6AM
------------	-------------	-------------

--

14 TYPE OF SECONDARY OFFENCE (IF APPLICABLE) (See number 1. on instruction sheet).

--

15 SERIOUSNESS OF OFFENCE: (See number 2. on instruction sheet).

1. Min	2. Min/Med	3. Med	4. Med/Max	5. Max
--------	------------	--------	------------	--------

--

16 MONETARY VALUE OF OFFENCE:

1 <\$100	2. \$100-\$1000	3. >\$1000
----------	-----------------	------------

--

**OFFENDING HISTORY**

--	--	--	--	--	--

17 DATE FIRST OFFENDED (DD,MM,YY):

18 NUMBER OF PREVIOUS OFFENCES THAT HAVE COME BEFORE A FGC (missing = 99):

--	--

NUMBER: 

--	--	--	--

COLUMN 42 - 63

19 MOST SERIOUS PREVIOUS OFFENCE (See number 1. on instruction sheet):

--

20 SECONDARY PREVIOUS OFFENCE (See number 1. on instruction sheet):

--

21 NUMBER OF FGCS (YOUTH JUSTICE) HELD DURING 12 MONTHS PRIOR TO CURRENT FGC (missing = 99):

--	--

22 CARE AND PROTECTION FGC PREVIOUSLY HELD?

1 Y	2 N
-----	-----

--

23 OUTCOME TYPE FOR PREVIOUS OFFENCES ( See number 5. in instruction sheet):

--	--

24 SEVERITY OF OUTCOME FOR PREVIOUS OFFENDING (See number 6. on instruction sheet):

--	--

**FGC DETAILS**

25 NUMBER OF FGCS HELD TO REACH DECISION:

--	--

26 NUMBER OF FAMILY MEMBERS/WHANAU AT FGC WHICH MAKES FINAL DECISION (missing)

--	--

27 AVERAGE NUMBER OF FAMILY MEMBERS/WHANAU AT FGC(S) (missing = 99):

	DATE	NUMBER
1ST FGC		
2ND FGC		
3RD FGC		
4TH FGC		
5TH FGC		
6TH FGC		
AVE:		

--	--

28 VENUE OF FGC WHICH MAKES FINAL DECISIONS:

1. Y. Person's Home	2. DSW Office	3. DSW Family Home	4. Other
---------------------	---------------	--------------------	----------

--

29 NUMBER OF FEMALES AT THE FGC WHICH MAKES FINAL DECISIONS (missing = 99):

--	--

30 NUMBER OF MALES AT THE FGC WHICH MAKES FINAL DECISIONS (missing = 99):

--	--

**AT THE DECIDING FGC WHAT WAS THE...**

31 SEX OF THE YOUTH ADVOCATE

1 M	2 F
-----	-----

--

32 ETHNICITY OF YOUTH ADVOCATE

1 C	2 M	3 PI	4 O
-----	-----	------	-----

--

NUMBER

COLUMNS 64-67

33 SEX OF YOUTH AID OFFICER

1. M      2. F

34 ETHNICITY OF YOUTH AID OFFICER

1 C    2 M    3 PI    4 O

35 SEX OF YOUTH JUSTICE CO-ORDINATOR

1. M      2. F

36 ETHNICITY OF YOUTH JUSTICE CO-ORDINATOR

1 C    2 M    3 PI    4 O

LINE 2:

COLUMNS 1-47

RESPONDENT NUMBER:

WHO ATTENDED THE FGCs? (1 = attendance, 2 = non-attendance)

- 37 A VICTIM .....
- 38 VICTIM REPRESENTATIVE .....
- 39 YOUTH ADVOCATE .....
- 40 LAY ADVOCATE .....
- 41 SOCIAL WORKER .....
- 42 FRIEND / NEIGHBOUR / SUPPORT (of offender's family) .....
- 43 OTHER .....
- 44 ALL VICTIMS WERE PRESENT.....

Deciding FGC	Any FGC

45 DATE FGC OUTCOME REACHED (DD,MM,YY):

OUTCOMES (See number 5. on instruction sheet)

FGC

- 46 1ST DECISION
- 47 2ND DECISION
- 48 3RD DECISION
- 49 4TH DECISION

50 SEVERITY OF OUTCOME (See number 6. on instruction sheet):

51 DATE COURT OUTCOME REACHED (DD,MM,YY):

THE FGC DECISIONS?

WHO AGREED WITH

52 POLICE

1. Y    2. N

COURT

1. Y    2. N

53 COURT OUTCOME IF DIFFERENT FROM FGC OUTCOME

(See number 5. of instruction sheet):

54 SEVERITY OF COURT OUTCOME (See number 7. on instruction sheet):

*APPENDIX 3*

**GUIDE SHEET FOR PART 1 DATA FORM**

**NOTE: 0 = MISSING DATA UNLESS STATED OTHERWISE**

**9 = FIELD NOT APPLICABLE** (for Q no.s: 14, 16, 19, 20, 23, 24, 31, 32, 37, 38, 39, 44, 47, 48, 49, 51, 53, 54, 55)

**1. Offence Type**

- 1 Theft
- 2 Burglary [unl on premises]
- 3 Car conversion (U.G.I.M.V)
- 4 Other property offences(includes fraud & forgery) [U.I.W.M.V;arson]
- 5 Traffic
- 6 Offences against the person (includes traffic offences involving serious bodily injury)
- 7 Drugs
- 8 Other (includes poss. of off. weapon) [poss. of instr.s; poss. of firearm; discharge firearm to endanger property and people indecent exposure;]

**2. Categories used for rating the seriousness of offences:**

***Minimum*** seriousness offences include:

- ◆ theft and shoplifting of goods valued at under \$100
- ◆ property damage and abuse valued at under \$100
- ◆ burglary where there was no damage or goods taken, trespass, and
- ◆ possession of cannabis.

***Minimum / medium*** seriousness offences include:

- ◆ burglary with goods taken and/or damage valued at under \$100; UIWMV or UGIMV with goods taken and/or damage valued at under \$100
- ◆ resisting the police or MOT officers and
- ◆ minor/common assaults; indecent exposure; obscene/ abusive/ threatening language

***Medium*** seriousness offences include:

- ◆ theft of goods valued at \$100 to \$1,000; intentional damage between \$100 and \$1000
- ◆ burglary involving goods taken and/or damage valued at \$100 to \$1,000
- ◆ unlawful taking where damage was valued at less than \$1,000
- ◆ driving with excess breath alcohol
- ◆ minor/common assault causing injury; aggravated assault causing no injury; abduction)
- ◆ cannabis cultivation
- ◆ obscene phone calls
- ◆ possession of a weapon; unl poss. of firearm and

- ♦ careless driving; driving while disqualified

*Medium / maximum* seriousness offences include:

- ♦ dangerous driving
- ♦ burglary involving goods taken and/or damage to the value of \$1,000 or more
- ♦ theft of goods to the value of \$1,000 or more; intentional damage to the value of \$1,000 or more
- ♦ robbery or aggravated robbery with no injury; assault/indecent assault causing minor injury; injury with intent where there is minor injury
- ♦ unlawful taking with damage to the value of \$1,000 or more.
- ♦ arson with damage less than \$1,000; discharge firearm to endanger property and people

*Maximum* seriousness offences include:

- ♦ murder, attempted murder and manslaughter
- ♦ robbery, aggravated robbery
- ♦ serious assaults, rape, assault with intent to injure causing serious injury
- ♦ driving resulting in injury and
- ♦ arson where the value of the property ran into tens of thousands of dollars.

### 3. Type of Outcomes

- |    |   |
|----|---|
| 01 | NFA or diverted back to police  |
| 02 | Apology or formal police caution                                      |
| 03 | Work for victim   |
| 04 | Community work  |
| 05 | Reparation  |
| 06 | D & A assessment or counselling for YP                                |
| 07 | Counselling for parents &/or family or social work support for family |
| 08 | Change of caregiver of extended care agreement                        |
| 09 | Referral to youth court   |
| 11 | Suspended sentence  |
| 12 | Disqualification from driving or obtaining licence                    |
| 13 | Fine  |
| 14 | Supervision order   |
| 15 | Community work order  |
| 16 | Supervision with activity order                                       |
| 17 | Supervision with residence order                                      |
| 18 | Referral to District Court  |
| 19 | Referral to High Court  |
| 20 | Other   |

### 4. Severity of FGC outcome

- |    |   |
|----|---|
| 10 | Prison or corrective training; remanded to District Court |
| 09 | Supervision with Residence                                |

- 08 Supervision with Activity
- 07 Community work(150-200 hours) reparation / monetary penalty \$1,500 or more
- 06 Community work(100-150 hours) or reparation / monetary penalty \$1,000-\$1,500
- 05 Community work(50-100 hours) or reparation / monetary penalty \$500-\$1,000;  
supervision or disqualification order
- 04 Community work(10-50 hours) or reparation / monetary penalty \$100-\$500
- 03 Curfews and restrictions, <10 hours community work, reparation / monetary  
penalty <\$100, voluntary disqualification; suspended sentence order S. 283 (c).
- 02 Apologies, cautions and warnings only.
- 01 No further action

#### **5. Severity of court outcome:**

- 8 Prison
- 7 Corrective Training and remanded to District Court
- 6 Supervision with Residence
- 5 Supervision with Activity
- 4 Community work 100-200 hours or financial / reparation or \$1000 or more
- 3 Community work under 100 hours, supervision, disqualification, reparation or  
monetary penalty under \$1,000
- 2 Discharge under Section 283 (a); suspended sentence S 283 (c).
- 1 No order.

#### **KEY POINTS**

- NO. 3 Maori / European classification = Maori  
Other includes Vietnamese, part Chinese, French/Indian
- NO. 5 School includes Access courses
- NO. 6 Family includes extended family
- NO. 8 Referral date = intake date in YJ register
- NO. 18 Number of previous offences that have come before a FGC in the 12 months prior  
to current offence.
- NO. 19 Most serious previous offence that has come before a FGC in the 12 months prior  
to the earliest current offence.
- NO. 20 Second most serious previous offence that has come before a FGC in the 12  
months prior to the earliest current offence.
- NO. 22 Care and protection FGC held in 12 months prior to current deciding FGC
- NO. 24 Most severe decision

- NO. 26 &27 Does not include the young person
- NO. 28 Other venues include church halls, community centres, Samoan community centres, Marae, DSW institutional facilities (including secure units), Family centres, youth ministry community groups.
- No. 37 Insurance companies considered as a victim
- NO. 38 Victim representatives included parents of victims, members of victim support groups, and children of victims (for elderly victims). Youth aid officers not classed as victim representatives.
- NO. 41 Only youth justice and field and residential social workers categorised as social workers
- NO. 43 Others include: care and protection coordinators; care and protection social workers; social workers from community and church groups; prison social workers; community group representatives; youth workers from community groups; non-family caregivers and ex-caregivers; teachers; school principals; Maatua Whangai workers; Waiora Trust; Te Rito Arahi; community constables; a second youth aid or police officer; co-offender; co-offender's family.  
Does not include the youth aid officer; youth or lay advocates; young person; family or whanau or their friends, support or neighbours; victims or their representatives; or YJ coordinators or social workers.
- NO. 46 -49 Decisions listed in order of severity from most to least severe decision.
- NO. 50 Based on the 1st decision only ( i.e. most severe decision)
- NO. 55 Based on the most severe court decision, if there are several.

*APPENDIX 4***THE FGCOQ****EVALUATION OF DIFFERENT YOUTH JUSTICE OUTCOMES**

Thank you for taking the time to fill out this questionnaire. You are helping me carry out a research project which looks at people's perceptions of appropriate penalties for young offenders.

Doing this questionnaire is voluntary. By completing and returning the questionnaire you agree to have your answers recorded and analysed. If you do not want your opinions recorded simply do not return the questionnaire.

Please do not write your name on the questionnaire. All responses will remain anonymous. After you have finished please hand you questionnaire back to me or post to me in the envelope provided.

Since I want to know your own personal opinion please do not talk with anyone else about the items while doing the questionnaire.

This package includes:

- ♦ a description of an offence committed by a young person.
- ♦ descriptions of 5 different possible results from a Family Group Conference.
- ♦ one set of questionnaires to evaluate each outcome

You are requested to:

- 1 Read the case description.
- 2 Read the description of the first Family Group Conference outcome.
- 3 Complete the 18 questions relating to the Family Group Conference outcome you have just read.
- 4 Repeat this procedure for the second, third, fourth and fifth outcomes.

The case description and 5 outcomes are fictitious.

There are no wrong or right answers.

The aim of this questionnaire is to find out your opinion on each of the five outcomes.

Thank you again for your time and thoughts.

**PLEASE DO NOT LOOK BACK OR AHEAD TO PREVIOUS RESPONSES**  
**WHEN COMPLETING THE QUESTIONNAIRE.**





### CASE DESCRIPTION

Jane is a normal 14 year old girl with no previous record of offending. While alone on a Saturday night at about 8pm Jane broke into a house damaging a window in the process. She took \$80 cash, several items of jewellery, a compact disc player and several compact discs.

Jane was seen by a neighbour who called the police. The police recovered all the items apart from the \$80 cash. The replacement cost of the window is \$120. Jane attends school and does not receive any income apart from \$10 pocket money per week.

Legal procedure:

The Youth Aid branch of the local police wished to prosecute Jane. The law requires the police to first refer the matter to a Youth Justice Co-ordinator at the Department of Social Welfare for a Family Group Conference. This was done and the Youth Justice Co-ordinator invited all those entitled to attend the conference. This included Jane, her mother and father, her mother's parents, her elder brother, the victims of the offence which in this case were a young couple, and also the youth aid officer from the police.

The purpose of the Family Group Conference is to consider the offence and anything directly related to it and to reach agreement on how Jane should be dealt with. When all those present at the Conference are agreed on what should happen these decisions are binding and can only be changed by the Conference meeting again or by a Youth Court Judge.

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**WRITTEN APOLOGY AND WARNING**

Jane will:

- ♦verbally apologise to the victims of the offence.
- ♦give a written apology to the victims.
- ♦receive a formal warning from a Senior Police Officer in the presence of her parents.
- ♦If Jane completes these tasks the charges will be dropped.

TREATMENT EVALUATION INVENTORY

Please complete the items listed below. Place a tick in the box  that best shows how you feel about the outcome. You may use any one of the seven boxes for each question. Please read the items carefully to ensure you tick the box which reflects your opinion.

<b>Office use only.</b>			
Outcome.....			
Columns .....			

1. How acceptable do you find this plan for the young person's behaviour?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Not at all acceptable			Moderately acceptable			Very acceptable	

2. If you attended the FGC how willing would you be to monitor the decisions in the plan?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Not at all willing			Moderately willing			Very willing	

3. How suitable is this plan for a young person who might have committed other offences?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Not at all suitable			Moderately suitable			Very suitable	

4. If a young person had to carry out a plan without their consent how bad would it be to impose this plan on them?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Very bad			Moderately bad			Not bad at all	

5. How cruel or unfair do you find this plan?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Very cruel		Moderately cruel				Not cruel at all	





## *APPENDIX 5*

### **THE FIVE ALTERNATIVE FGC OUTCOMES**

Corresponding outcomes were given for the male case descriptions; the name 'David' instead of 'Jane' and the word 'his' instead of 'her' were used.

#### **1. Formal Warning And Written Apology**

Jane will:

- ♦ verbally apologise to the victims of the offence.
- ♦ give a written apology to the victims.
- ♦ receive a formal warning from a Senior Police Officer in the presence of her parents.
- ♦ If Jane completes these tasks the charges will be dropped.

#### **2. Freedom Restriction**

Jane will:

- ♦ verbally apologise to the victims of the offence.
- ♦ be placed on a curfew from 7pm to 7am for three months.
- ♦ If Jane completes these tasks the charges will be dropped.

#### **3. Monetary Reparation**

Jane will:

- ♦ verbally apologise to the victims of the offence.
- ♦ Jane pays reparation of \$200 at \$10.00 per week from her pocket money to the police who will forward this on to the victims.
- ♦ If Jane completes these tasks the charges will be dropped.

#### **4. Community Work**

Jane will:

- ♦ verbally apologise to the victims of the offence.
- ♦ do 50 hours voluntary work (e.g., five hours every Saturday for 10 weeks) in the community such as at a rest home or IHC, or for the victims (e.g., cleaning windows) if the victims wish.
- ♦ If Jane completes these tasks the charges will be dropped.

#### **5. Conviction With Supervision**

Jane will:

- ♦ verbally apologise to the victims of the offence.
- ♦ Jane is referred to youth court, is convicted, and is given a three month supervision order by the judge. This requires Jane to report regularly (e.g. twice a week) to a social worker from the Department of Social Welfare, or some other designated person, who must know at all times of Jane's current address.