

173725

BETHLEHEM POLICE
FAMILY GROUP CONFERENCING PROJECT

Paper presented to the
American Society of Criminology
Annual Meeting, Chicago, November 20-23, 1996

by

Paul McCold, Ph.D.

Community Service Foundation, Pipersville PA

and

Lt. John Stahr

Bethlehem Police Department, Bethlehem PA

This project was supported under award number 95-IJ-CX-0042 from the National Institute of Justice, Office of Justice Programs, U.S. Department of Justice. Points of view in this document are those of the author(s) and do not necessarily represent the official position of the U.S. Department of Justice.

PROPERTY OF

National Criminal Justice Reference Service (NCJRS)
Box 6000
Rockville, MD 20849-6000

CONTENTS

Introduction.....1

Family group conferencing.....2

The Bethlehem Police Project.....4

Preliminary results.....7

The case for police-based restorative justice programs..... 10

Conclusion.....15

References..... 16

BETHLEHEM POLICE FAMILY GROUP CONFERENCING PROJECT

by Paul McCold and John Stahr

Two seventh grade girls argued in study hall. They went their separate ways for their remaining classes, but at the end of school, the chiding of friends became too much for them and they met in an alley a few blocks from the middle school. The two girls argued again and a third girl entered into the dispute. Tempers flared and the confrontation turned into a two-on-one assault. The victim, upon arriving home, notified the police. After an investigation into the identity of the two girls, they were charged with harassment, a summary level assault.

Normally the two 14-year olds would have appeared before a district magistrate and have been assessed a fine, costs and possibly some community service. If the girls had pleaded guilty, the victim would not have been involved in the process at all, nor would the continuing resentments between the girls have been extinguished. However, as an alternative to the court, the three girls agreed to take part in a "family group conference" facilitated by an officer from Bethlehem Police Department (Wachtel, 1995).

The two offenders were uneasy when the conference began. They were asked to explain their part in the offense, to discuss what they were thinking and feeling at the time. They said that they didn't think about what was going to happen and that they didn't mean to really hurt the victim. When the victim and others told how they had been affected by the incident, the offenders realized how upset everyone was and they saw how many people, including their own families, had been affected. By the end of the conference, the victim felt reassured that there would be no further conflict and the girls promised they would all avoid violence in the future. The conference outcome involved the two girls formally apologizing and agreeing to 15 hours of community service at a local youth club. Both girls completed the required hours. Neither has had further involvement with the criminal justice, and both girls continue to work as volunteers at the club.

This paper reports on a two year National Institute of Justice funded experimental program to evaluate the effectiveness of a police-based intervention program for juvenile offenders using Family Group Conferencing (FGCs). The development of police-based FGCs is reviewed and the current project is described. Preliminary findings from the Bethlehem Police Project are presented and some important implications for both policing and restorative justice reform movements are considered. Questions are then raised about the relative advantages and disadvantages of police-based restorative justice efforts generally, and FGCs for juvenile diversion specifically, and our capacity to empirically address these concerns.

Family Group Conferencing

Family Group Conferencing (or "community conferencing") is an innovative police approach that actively involves members of local communities to provide integrative solutions to moderately serious juvenile crime. Community conferencing was first introduced in Wagga Wagga, New South Wales, Australia in 1991 and has received wide spread support from front-line police personnel and local community members (Graham 1993, Moore 1995b 1993 1992, Moore & McDonald 1995, Moore & O'Connell 1994). The initial evaluation of the approach demonstrated that juveniles were able to be diverted from formal court processing without increasing the rate of recidivism. Crime victims found overwhelming satisfaction by being actively involved in the process and families were supported in their efforts to deal with the misbehavior of their children.

Community conferencing provides a forum for the police to bring together juvenile offenders and their family and significant supporters with the crime victim and their family and supporters. The communities of local citizens who are directly affected by the crime collectively seek resolution of the injuries, including reparation to the victim and reacceptance of the offender. In Australia, victim participation has exceeded 90%, restitution agreements are mutually arrived at in 95% of the cases conferenced, and offenders have complied with these agreements in excess of 95% of the cases. The

ABSTRACT

This paper reports on an ongoing experimental research program to evaluate the implementation, operation and effects on participants and the police of police-based Family Group Conferences in a mid-sized American city (71,428). Both violent and property offending juveniles are being randomly assigned to conferencing or traditional court referral. Cases being conferenced will be compared with those referred to court regarding restitution compliance and offender recidivism rates. Surveys of participants' perceptions and satisfaction of both groups are being collected. Changes in police attitude and culture are being measured using a matched-cases pre- and post-implementation design. Observational evaluations of conference conveners' styles are being gathered to assess the capacity of individual officers to interact with offenders and victims in a non-directive manner. Analysis of juvenile case processing two years before implementation and for the two years of program operation is also being conducted to measure any net-widening or downstream processing effects. Results of this study will help provide police and policy makers with an understanding of the most appropriate types of cases for conferencing, the characteristics of officers who are good conference facilitators, the capacity of the police-community interaction to provide problem solving solutions, the effects of a new police-community forum to effect attitude changes in the police, and the efficacy of conferencing to control juvenile crime in a typical American city. A total of 222 juveniles was included during the first year of the project. Half of the cases assigned to be conferenced have declined participation, with offender declines outnumbering victim declines by 2 to 1. Early results from those participating in the conference suggest high participant satisfaction with the process.



active involvement of the community in resolving juvenile crime has altered both the view of police toward the community and young people, and the community's view of the police (Moore 1995a).

These positive outcomes were documented in the only empirical evaluation of the effects of police-based community conferencing to date. Moore's study of the process in Wagga Wagga, Australia utilized a before/after design. He concluded that implementation of conferencing for juvenile offenders had decreased the number of cases being dealt with by formal processing in the court without increasing the overall recidivism rate. The introduction of FGC provided the police with an additional informal process beyond counsel and release, and changed the manner that police disposed of youthful offenders. The rate of referral to court was reduced from 51% to 28% following the introduction of conferencing. The results also suggested that the introduction of FGC was truly diversionary, without producing a net-widening effect.

Moore's study had a number of inherent weaknesses. Due to the lack of a randomized design, the group of offenders processed before the introduction of FGC were not strictly comparable to those processed after its introduction. Rates of reapprehension were somewhat higher for those processed by the courts following introduction of FGC, and appeared to have remained unchanged for those processed informally by the police (warning versus conferencing). This suggests that re-offending was more a function of choice of processing than the effects of the conferencing, per se.

The few qualitative studies of the Wagga Wagga program have suggested that one of the most significant effects of conferencing was on the attitude that the police department had toward itself. These studies suggest that involvement by the police in conferencing produced a cultural shift from a punitive legalistic approach to a more problem-solving, restorative approach. Additionally, "...when police are involved with this more complex model [conferencing], they find it far more satisfying than the traditional alternative." (Moore, 1995a, p. 212).

John Braithwaite, Lawrence Sherman, and Heather Strang are currently collaborating in the Reintegrative Shaming Experiment (RISE)

in Canberra Australia. The RISE project is randomly assigning juvenile offenders and adult "drink driving" offenders to police-run community accountability conferences or to traditional court. They are conducting in-depth evaluations of participants' perceptions, victim and offender background information, and systematically observing both the conferences and the court processes. The results of RISE will be an important supplement to the Bethlehem Project and allow for a cross-national comparison of police based FGCs. (see Sherman & Strang's papers presented at this conference).

The Bethlehem Police Project

The City of Bethlehem is located in the southeastern section of Pennsylvania, in an area referred to as the Greater Lehigh Valley. The City is part of a three city metropolitan area, consisting of Allentown, Bethlehem and Easton. The three city area is surrounded by approximately 25 townships and boroughs of varying sizes. Bethlehem is a two hour drive west from New York City and a one-and-a-half hour drive north from Philadelphia.

Bethlehem is geographically located in the middle of a three city metropolitan area and is the second largest city in population after Allentown. The city has a population of approximately 72,000 and an area of slightly over 19 square miles. There are two colleges/universities located within the city limits with a student population of 7,300 living both on and off campus. The Bethlehem Area School District has one high school, four middle schools and seven elementary schools within the city limits.

The Bethlehem Police Department has one hundred thirty six sworn police officers and is actively involved in addressing the needs of the city residents. The Department has ongoing Crime Prevention and Community Policing Programs as well as advanced technology improvements which include four permanent substations, a mobile substation, bicycle patrols and four full time officers assigned to the middle schools.

In the summer of 1995, the Bethlehem Police Department and the Community Service Foundation (a private not-for-profit organization)

began planning a two-year research partnership to study the effectiveness of police-based family group conferencing. Sponsored by the National Institute of Justice, the study began on November 1, 1995 after a three day REAL JUSTICE™ training for 18 BPD officers, conducted by three Australian pioneers in family group conferencing.

Since the city of Bethlehem is located in two counties, the program had to achieve the cooperation of two sets of juvenile court judges, district attorneys and juvenile probation chiefs and the city's five district magistrates. Protocol was established and approved for the types of cases that would be diverted through the program.

The department began a vigorous marketing effort to gain the community's support for the diversion program, including presentations to service organizations, merchant's associations, school administrators and church groups. Several articles appeared in the local newspapers. During the last year, the Bethlehem Area School District has used this program to hold FGCs at the high school, middle school and elementary school levels addressing disruptive and violent behaviors. Most conferences have been held at the police station or at schools during school hours.

The eighteen police officers participating in the program have quarterly meetings to go over the progress of the program, identify and resolve problems and be appraised of current research statistics. The group operates as a self-directed work team with a senior officer as liaison between the department, courts, probation and schools. The group formulated the name, "Operation P.R.O.J.E.C.T. (Program for Redirection of Offending Juveniles through Empathy building and Conferencing Techniques). They also developed a mission statement and goals for the program. The mission statement reads:

The Bethlehem Police Department's 'Operation P.R.O.J.E.C.T.' is an alternative justice program for juvenile offenders and their victims. By providing a forum for victims to express feeling and take part in the repair of harm, the offenders must own and evaluate their behavior and how it affects other people.

The goals are victim satisfaction, reparation of harm/damage, reeducation of juvenile offenders, offenders 'owning' their behavior, lower recidivism rates, providing an alternative to punishment,

increasing community satisfaction, and reduction of court system workload.

The Bethlehem Police Department adopted the following policy for eligibility in the juvenile diversion program:

only juveniles arrested by the Bethlehem Police Department will be eligible.¹

only first time offenders will be eligible (see definition below)

no felony level crimes will be conferenced unless specifically agreed by the Chief of Juvenile Probation.

no drug/alcohol crimes (possession or delivery) will be conferenced.

no sex offenses will be conferenced.

only assaults where the following conditions are met:

a) graded as simple assaults (or threatening/harassment) where:

1) there is no serious bodily injury

2) no weapons were used

3) juvenile assaults a juvenile < 5 year age gap

b) graded as a summary violation

thefts of a misdemeanor or summary level.

property crimes of a misdemeanor or summary level.

The above policy and guidelines were established after conferring with the two county's juvenile court judges, district attorneys, and chief juvenile probation officers. For the purpose of this research project a first time offender is defined as a juvenile who has not been through the juvenile probation system. A limited number of prior summary arrests does not disqualify the juvenile from the diversionary program. This does allow for some discretion on the part of the Program Liaison Officer, in collaboration with the Director of Research. For example, cases where the victim is a police officer are not included (so-called "contempt of cop" cases).

The Police Liaison Officer reviews arrest records submitted by officers regularly, pulling out cases that appear to qualify for the study. Criminal history information is then checked to confirm eligibility. The Director of Research is then phoned for case submission. Based upon computerized random assignment, one third of

* In addition, the Borough of Hellertown has trained an officer in Family Group Conferencing and agreed to participate in the project for the final the year

¹ As of October 1996, this requirement was amended with the Hellertown Police Department joining the Project. Hellertown is a smaller jurisdiction adjacent to Bethlehem.

qualifying cases are designated as "control" group and these cases are allowed to be processed without diversion.

Two thirds of cases are designated as "treatment" cases. The Police Liaison Officer then makes initial contact with the offender and parents to explain the FGC process and solicit their participation. If they tentatively agree to participate, the victim is then contacted, and the process is again explained and participation solicited. Only when both offender and victim tentatively agree to participate is the case assigned to one of the trained officers to further explain the process to participants, to coordinate a date/time for the conference, and convene the conference.

All such eligible juveniles arrested by the Bethlehem Police Department are selected as subjects in the study. The decision regarding inclusion is made on the basis of the above criteria after officers arrests reports have already been filed with the department. Since the arrest decision has already been made, there should be no net widening. The eligible subjects are a select part of the police to court offender flow. While the universe of such cases during the time period of the study are included, the study sample cannot be said to represent the "average" juvenile arrest in Bethlehem, but a specific subset of such arrests. Non-eligible juvenile offender arrests will be tracked using police and court data bases, and compared to all offenders (eligible and non-eligible) for the two years prior to the study, and compared with the dispositions of their matched groups for the two years of the Bethlehem Police Project. This should allow for the detection of any "down-stream" affects of the project.

Because this is a strictly voluntary program, both the victim and offender must agree to participate in the conference. The contract created out of the conference must be fulfilled in order for the case to be disposed of completely by the conference. If, at any time during the conference either of the parties involved, the victim or offender, withdraws from the conference, the case will be returned to the justice system to be handled in the normal process.

Preliminary Results

The Bethlehem Police Project has completed one of the two years of the research study. A total of 222 first-time juvenile offenders has qualified for the study, 36% (79) were charged with a crime against a person, and 64% (143) were charged with a crime against property. The largest categories of offenses were retail theft 45% (100), disorderly conduct 16% (36), harassment 15% (34), and criminal mischief 9% (21) (see Figure 1).

PROPERTY	143	False alarm	1
Retail Theft	100	Instit.vandalism	1
Criminal Mischief	21	UnauthUseMV	1
Receiving SP	7	PERSON	79
Trespass	4	Disorderly	36
Disorderly	3	Harassment	34
Theft	3	Assault	7
Park after hrs	2	Terroristic threat	2

Figure 1

Random assignment has so far produced 36% (79) of the subjects assigned as the control group. Among the 143 juveniles selected for a FGC, 21 are still awaiting a conference, 56 have actually been conferenced, and 66 have declined to participate, as shown in Figure 2.

	Total	Control	Treatment	Not		
				Conferenced	Conferenced	Pending
Total	222	79	143	56	66	21
Person	79	26	53	18	21	14
Property	143	53	90	38	45	7

Figure 2

Among the completed cases, only 46% (56/122) have been successfully "brought to the table" for a conference, that is, where both offender and victim agreed to a conference as shown in Figure 3. Offenders declining to participate outnumbered victims declining by 2:1. However, since victims are not asked when the offender declines, this may be a biased representation. In nearly half (10) of the victim declines, Liberty High School was the "victim" and they failed to schedule the conference. After repeated efforts, these cases were eventually released to the magistrate's jurisdiction. Among the 45 offenders declining to participate, half either denied the charge or preferred court dispositions.

Reasons for failing to conference	
Offender declined	45
contests charges	10
prefer court	14
settled prior to contact	8
unable to contact/FTS	7
reoffend prior to contact	6
Victim declined	21
school	10
person	8
retailer	3
Total	66

Figure 3

All three groups of subjects and their victims are mailed a questionnaire approximately two weeks after the case is disposed by either a FGC, or court (magistrate or juvenile probation department). Preliminary results demonstrate that FGCs as conducted by the Bethlehem Police Department produce participant satisfaction at least as high as that produced by the court process.

Likert Scales (Satisfied to Dissatisfied)		FGC		Court		Total
		% Satisfied very	N	% Satisfied very	N	N
How satisfied were you with the way your case was handled?	offender	95% (63%)	40	95% (35%)	40	80
	victim	97% (49%)	37	81% (35%)	26	63

Figure 4

As shown in Figure 4, offenders were equally satisfied with court or conferencing, with 95% expressing some satisfaction. However, conferencing had higher ratings among crime victims, with 97% satisfaction, compared to 81% satisfaction with the court process. Victims and offenders both felt that they experienced fairness and that

offenders were adequately held accountable by either court or FGCs, as shown in Figure 5.

Yes/No answers		FGC			Court			Total
		%yes	#no	N	%yes	#no	N	N
Given your understanding of fairness, did you experience fairness in your case?	offender	95%	2	39	98%	1	41	80
	victim	97%	1	37	84%	4	25	62
Do you believe you were adequately held accountable for the offense?	offender	87%	5	39	83%	7	41	80
Do you believe the offender was adequately held accountable for the offense?	victim	92%	3	38	79%	5	24	62

Figure 5

Some caution is warranted in interpreting these data at this preliminary stage. First, because of the relatively small number of cases to date, differences between subsets of subjects should be interpreted with limited confidence. Second, the performance of officer/conveners appears to improve dramatically between their second and third conferences. This and other yet unforeseen changes between the first year and the second year of this project could change overall results somewhat in the final report.

This first year of the project has afforded the opportunity for every BPD officer who was trained² to conduct at least two FGCs. Training and evaluation efforts will continue. In the second year of the project, data will continue to be collected on the capacity of officers to follow training protocol, as well as efforts to estimate their learning curve. There will be a matched-cases post survey of police officers' attitudes toward police work that will measure changes occurring in the department and the relationship of that change (if any) to involvement in FGCs.

As the second year of the project begins, 12 month rearrest data is being collected on all three groups of offenders: controls, conferences, and declines. Comparisons between groups will determine

* In addition, the Borough of Hellertown has trained an officer in Family Group Conferencing and agreed to participate in the project for the final the year

² One of 19 officers trained in Oct. '95 has been on extended medical leave and is excluded in this count. One officer has declined to conduct a second conference after receiving feedback on his first. Another officer trained in Mar. '95 began facilitating conferences for the project in Oct. '96.

the capacity of police-based FGCs to gain the participation of a specific subset of juvenile offenders. Furthermore, follow-up of the conferenced cases will determine conference agreement compliance rates for comparison with other similar studies. Early indications suggest that offenders declining to participate in the program have a much higher recidivism rate than those conferenced or the control group. This would indicate a serious self selection bias in the types of cases being conferenced. If this finding holds out for the second year of the study, there could be serious implications raised in the calculation of participation rates and recidivism rates reported in other programs where offender participation is voluntary.

The case for police-based restorative justice programs

Restorative justice practices in the United States during the last 25 years has been primarily limited to the victim-offender reconciliation program (VORP) model. The VORP model generally uses trained volunteer mediators recruited from the "community". The participants of each VORP session were originally limited to the victim and offender, with the trained volunteer mediator. In recent years, VORPs have expanded that participation to include parents of the offender, and later, family and supporters of the victim and offender. The VORP model has operated primarily under the auspices of private not-for-profit (often church-based) organizations or under court probation supervision utilizing volunteer mediators (Umbreit, 1994). As VORPs become more inclusive to widen participation to members of the personal communities of care of victim and offender, they have become much less distinguishable from FGCs.

The New Zealand FGCs uses a model that relies on trained professional coordinators and includes a number of relevant professional social and court service participants along with the victim and offender and their respective communities of care. Since the FGC model has been legislatively defined in New Zealand, it includes most of the traditional criminal justice players, youth services, juvenile courts, social welfare workers, and arresting police officer. FGCs have had a tendency to become overly offender-focused, at times

to the neglect of the victim (Maxwell & Morris 1996 1995 1994a 1994b 1993a 1993b 1993c, Zehr 1995b, Hassall Maxwell et al. 1991)

Not until the Australians developed their version of family group conferences did the process provide a significant role for police in the restorative process. The model of FGCs developed in Wagga Wagga, New South Wales, Australia was intended as a police diversion program. The Wagga model uses trained police officers to conduct community conferences that includes as participants only those members of the community who have a direct stake in the particular offense. This includes victim and offender, and the personal community of care of both victim and offender and, occasionally, the arresting police officer or affected school or other public official.

In spite of the recent spending frenzy in this country on prisons and prison-related programs, a majority of the criminal justice budgets across the country is for police and related programs. Half of all justice related expenditures are for law enforcement and two-thirds of all justice system personnel are police., constituting an estimated 20,000 agencies, most at the municipal level. Restorative justice programs must, at a minimum, cooperate with the police. If any criminal justice officials are going to be directly involved in providing restorative services, then it makes sense to include the police. The police act as the traditional gate-keepers to the criminal justice system. Their discretion on which behaviors to pursue with an arrest charge, and what the initial charge will be, is the first of many critical decision points in the formal justice process (Laster 1970, Heslop 1991).

If the police decide to pursue formal arrest charges, they simply pass along to other justice officials the decision regarding disposition. Further disposition decisions are then deferred to later formal justice processes. At this point more agencies become involved, more resources are expended disposing of the case and the case takes longer to be disposed. The fewer formal processes that young persons are subjected to, the less the likelihood of "stigmatizing shaming", labeling them with a "master status trait" (Braithwaite, 1990).

Since it is the police who first exercise discretion on behalf of the justice system, they already have the authority to divert cases

where they can get the voluntary cooperation of complainants and offenders to repair the harm (Greenstone & Leviton, 1986). This should be sufficient disposition for a large proportion of the arrestable behaviors the police encounter nearly every day. Many jurisdictions, however, limit by statute, police discretion for specific types of serious cases. None-the-less, these statutory limitations affect only a proportion of the police workload. In other cases, common sense and relationships with judges and prosecutors will dictate other local political limitations on the types of cases that could be diverted through restorative processes.

Another advantage in police-based restorative justice programs is that it merges the paradigm shifts discussed in both the restorative justice and the community policing literature (Meadows 1995, Findlay 1994, Marshall & Merry 1990, Pepinsky 1989). The police need concrete tools and procedures to actively engage the "community" in ongoing problem solving. Police based community conferencing is the first step toward empowering communities to solve their own crime related problems. Having the police actually conduct conferences places responsibility with highly trained, full-time professionals (see Walter & Wagner 1996), and brings an air of seriousness to the conferences. Victims should feel safe and supported by a police officer (usually in uniform), police departments are conveniently located in most jurisdictions, and usually have the space to conduct conferences. It also gives police the opportunity to satisfy the victim, offender and community with a peacemaking approach, that is compatible with community policing and will help foster this reform effort.

Restorative justice approaches provide some concrete mechanisms for the police to actively engage the community in responding to crime. While there is much to be gained for the police and community participants in this approach, might there also be a number of dangers in police facilitated conferences (rather than a trained volunteer community mediator) (Carroll 1994, Sandor 1994, White 1994, Umbreit & Zehr 1996, Umbreit & Stacey 1995, Zehr 1995a; but also see Braithwaite 1994, Graef 1992).

It has been suggested that conference facilitators should be trained in mediation and conflict resolution skills, trained in an

understanding of the experience and needs of crime victims and offenders, and trained in cultural and ethnic issues before, they are allowed to facilitate FGC's. In fact, most police are trained in these things already, and have more experience at coping peacefully with stressful situations than any other group of professionals in the country.

The Wagga model, now the REAL JUSTICE model has been called by one critic, the police "shame and reintegration" model (Polk 1994). Critics have raised important considerations of FGCs on two levels of concern: 1) it's theoretical foundations, and 2) its procedures and outcomes. It is suggested that Braithwaite's theory (1989) fails to recognize the realities of unequal power distribution in contemporary society. Failure to explain and address social factors such as poverty, racism, sexism and lack of access to community resources is evident by the focus on reform of individuals. Finally, it is suggested that FGCs supports a blaming of the victims of social injustice by defining their misbehavior in moral terms. Concerns are also expressed about the administration, the nature of the intervention and the possible outcomes of FGCs. Perhaps the first question to be answered is, "can police remain neutral?"

The final report of this project will attempt to shed some empirical light on some of these issues. Specifically, we intend to evaluate the effects of:

- 1) power imbalances in conferences — are FGCs dominated by police or other adults? can police maintain neutrality? is there evidence of race-sex discrimination?
- 2) conferences as punishment — are FGCs used for stigmatizing and blaming/scolding offenders? do offenders receive harsh or disproportionate penalties?
- 3) net-widening — are FGCs another vehicle for the formal system to gain legal jurisdiction over a greater number of cases? are offenders diverted from judicial processing?
- 4) victim insensitivity — do the police hold conferences in a place and time agreeable to the victim? do police pressure crime victims to participate? do victims feel safe?

5) police authority - are FGCs sensitive to due process safeguards? is the voluntariness of offender participation maintained?

Other concerns raised by the critics will not be answered by this research project. Issues regarding the extension of police powers to include what could be interpreted as the realm of sentencing and corrections cannot, of course, be addressed by a program evaluation and ultimately remain a political decision.

There are other questions about police-based FGCs that can be addressed in this research. Can police take FGCs seriously? Will FGCs been seen as "real" police work? Will patrolmen be given the time resources needed to set up and facilitate FGCs? Can diversionary conferences work to meet the demands of justice? Empirical studies will eventually resolve the question of whether bad FGCs are more frequent than bad court hearings or bad other alternatives. Finally, it is suggested that only with empirical experience, such as the Bethlehem Police Project and R.I.S.E., can the dangers and promises of police-based FGCs be known and addressed. (Braithwaite, 1994).

Conclusion

To some degree, it seems curious that criticisms of FGCs have been largely coming from others involved in justice reform efforts. The police-based nature of the Wagga model, and the system initiated FGCs of REAL JUSTICE raise valid concerns about program co-optation, since this has been the fate of so many prior justice reform efforts. It seems even more curious that thus far, there has been no opposition from traditional "law and order" advocates as they experienced in Australia (Moore 1992).

The Bethlehem Police Project was designed to answer some basic questions about police-based family group conferences. As of this writing, one year has elapsed in the two-year research project. The number of subjects is expected to double and the number of survey responses to triple by the end of the project. Until then, the preliminary data provided should be interpreted descriptively and not inferentially. It does seem clear, though, that family group conferencing as conducted by the Bethlehem police produces victim and offender satisfaction ratings at least as high as traditional magistrates courts. This should put to rest some of the concerns raised by those who feel that police are unable to successfully facilitate a non-directive restorative process. Once the officers have had more experience, the data will be able to distinguish which officers are better than others in producing participant satisfaction.

Of course, the statistics that are of most direct interest to those evaluating the efficacy of a new justice program are recidivism rates. Since offender rearrest data will be followed for 12 months after conference or court, recidivism data will have to wait. The available data does demonstrate that the police are able to successfully conduct FGCs for a wide variety of crimes committed by juveniles.

References

- Braithwaite, J. (1994). Thinking harder about democratising social control. In C. Alder & J. Wundersitz (eds.). *Family Conferencing and Juvenile Justice: The Way Forward or Misplaced Optimism?* Canberra, ACT: Australian Institute of Criminology, p199-216.
- Braithwaite, J. (1989). *Crime, Shame and Reintegration*. New York, Cambridge University Press, 226p.
- Carroll, M. (1994). Implementation issues: Considering the conferencing options for Victoria. In C. Alder & J. Wundersitz (eds.). *Family Conferencing and Juvenile Justice: The Way Forward or Misplaced Optimism?* Canberra, ACT: Australian Institute of Criminology, p167-180.
- Findlay, M. (1994). Police authority, respect and shaming. *Current Issues in Criminal Justice* 5(1): 29-41.
- Graham, I. (1993). Juvenile Justice in New South Wales. In L. Atkinson and S-A. Gerull (eds.). *New Directions In National Conference on Juvenile Justice Conference Proceedings No. 22*, Canberra, Australia: Australian Institute of Criminology, p 149-166.
- Graef, R. (1992). Reflections on the role of the media in the English criminal justice system. In H. Messmer & H.-U. Otto (eds.). *Restorative Justice on Trial: Pitfalls and Potentials of Victim-Offender Mediation—International Research Perspectives*. Netherlands: Kluwer Academic Publishers, p327-332.
- Greenstone, J L. & Leviton, S C. (1986). Mediation - The Police Officer's Alternative to Litigation In J. Reese & H.A. Goldstein (eds.). *Psychological Services for Law Enforcement*. Washington, DC: US Department of Justice, pp. 173-178.
- Hassall, I., Maxwell, G. & Robertson, J., et al. (1991). A briefing paper: an appraisal of the first year of the Children, Young Persons and Their Families Act 1989. Wellington, NZ: New Zealand Office for the Commissioner of Children, 31p.
- Heslop, J. (1991). Diverting Young Offenders from the Formal Justice System In J. Vernon, S. McKillop (eds.). *Preventing Juvenile Crime Conference Proceedings No. 9*. Canberra, Australia: Australian Institute of Criminology, p81-87.
- Laster, R E. (1970). Criminal restitution: a survey of its past history and an analysis of its present usefulness. *University of Richmond Law Review Richmond Va.* 5(1):71-98.
- Marshall, T F. & Merry, S E. (1990). *Crime and Accountability—Victim/Offender Mediation in Practice*. Home Office, HMSO, London, 271p.
- Maxwell, G. & Morris, A. (1996). Research on family group conferences with young offenders in New Zealand. In J. Hudson, et al. (eds.). *Family Group Conferences: Perspectives on Policy and Practice*. Monsey, NY: Criminal Justice Press, p88-110.
- Maxwell, G. & Morris, A. (1995). Family group conferences and re-offending. *Criminology Aotearoa/New Zealand*. 3: 12-13.
- Maxwell, G. & Morris, A. (1994a). *Rethinking Youth Justice: For Better or Worse*. Occasional Papers in Criminology New Series: No.3. Wellington, New Zealand: Victoria University of Wellington, Institute of Criminology, 17p.
- Maxwell, G. & Morris, A. (1994b). The New Zealand model of family group conferences. In C. Alder & J. Wundersitz (eds.). *Family Conferencing and Juvenile Justice: The Way Forward or Misplaced Optimism?* Canberra, ACT: Australian Institute of Criminology, p15-44.

- Maxwell, G. & Morris, A. (1993a). *Family Participation, Cultural Diversity and Victim Involvement in Youth Justice: A New Zealand Experiment*. Wellington: Victoria University, 228p.
- Maxwell, G. & Morris, A. (1993b). *Family Participation, Cultural Diversity and Victim Involvement in Youth Justice: A New Zealand Experiment*. Wellington, NZ: Victoria University, 228p.
- Maxwell, G. & Morris, A. (1993c). Juvenile justice in New Zealand: a new paradigm. *Australian and New Zealand Journal of Criminology*. 26(1):72-90.
- Meadows, H. (1995). The police, the lawyer, his client and her family: The Juvenile Justice Pilot Project on Group Conferencing. *Law Institute Journal* Sept.: 857-858.
- Moore, D B. (1995a). *A New Approach to Juvenile Justice: An evaluation of family conferencing in Wagga Wagga*. A Report to the Criminology Research Council. Wagga Wagga, NSW: Centre for Rural Social Research, Charles Sturt University-Riverina, 318p.
- Moore, D B. (1995b). New Directions in Australasian criminal justice. in R. Moore and C. Fields (eds). *Comparative Criminal Justice: Traditional and Non-Traditional Systems of Law and Control*. Cincinnati: Anderson.
- Moore, D B. (1993). Shame, forgiveness, and juvenile justice. *Criminal Justice Ethics* 12(1), 3-25.
- Moore, D B. (1992). Criminal justice and conservative government in New South Wales 1988-1992: The significance of police reform. *Police Studies*. 15(2): 41-54.
- Moore, D B. & McDonald, J. (1995). Achieving the 'good community': a local police initiative and its wider ramifications. In K. Hazlehurst (ed.). *Perceptions of Justice: Issues in Indigenous and Community Empowerment*. (Justice and Reform, vol. 2). Aldershot: Avebury.
- Moore, D B. & O'Connell, T. (1994). Family conferencing in Wagga Wagga: a communitarian model of justice. In C. Alder & J. Wundersitz (eds.). *Family Conferencing and Juvenile Justice: The Way Forward or Misplaced Optimism?* Canberra, ACT: Australian Institute of Criminology, p45-86.
- Pepinsky, H. (1989). Issues of citizen involvement in policing. *Crime and Delinquency*. 35(3): 458-470.
- Polk, K. (1994). Family conferencing: theoretical and evaluative questions. In C. Alder & J. Wundersitz (eds.). *Family Conferencing and Juvenile Justice: The Way Forward or Misplaced Optimism?* Canberra, ACT: Australian Institute of Criminology, p123-140.
- Sandor, D. (1994). The thickening blue wedge in juvenile justice. In C. Alder & J. Wundersitz (eds.). *Family Conferencing and Juvenile Justice: The Way Forward or Misplaced Optimism?* Canberra, ACT: Australian Institute of Criminology, p153-166.
- Umbreit, M. & Zehr, H. (1996). Family group conferences: a challenge to victim offender mediation? The Center for Restorative Justice & Mediation. St. Paul, MN: University of Minnesota, 7p.
- Umbreit, M. & Stacey, S. (1995). *Family group conferencing comes to the U.S.: A comparison with victim offender mediation*. The Center for Restorative Justice & Mediation. St. Paul, MN: University of Minnesota, 15p.
- Wachtel, T. (1995). Family group conferencing: restorative justice in practice. *Juvenile Justice Update*. 1(4):1-2, 13-14.

- Walter, M. & Wagner, A. (1996). How police officers manage difficult situations: The predominance of soothing and smoothing strategies. In B. Galaway & J. Hudson (eds.). *Restorative Justice: International Perspectives*. Monsey, NY: Criminal Justice Press, p271-282.
- Warner, K. (1994). The rights of the offender in family conferences. In C. Alder & J. Wundersitz (eds.). *Family Conferencing and Juvenile Justice: The Way Forward or Misplaced Optimism?* Canberra, ACT: Australian Institute of Criminology, p141-152.
- White, R. (1994). Shaming and reintegrative strategies: Individuals, state power and social interests. In C. Alder & J. Wundersitz (eds.). *Family Conferencing and Juvenile Justice: The Way Forward or Misplaced Optimism?* Canberra, ACT: Australian Institute of Criminology, p181-196.
- Zehr, H. (1995a). Justice paradigm shift? Values and visions in the reform process. *Mediation Quarterly*. 12(3):207-216.
- Zehr, H. (1995b). Reflections on family group conferencing, New Zealand style. *Restorative Justice in the Third Decade: Retrospective and Prospective*. *Accord*. 14(1):2-2.

PROPERTY OF

National Criminal Justice Reference Service (NCJRS)
Box 6000
Rockville, MD 20849-6000

