



Vol. 6, No. 7
April 2003

On Good Authority is a periodic briefing on trends and issues in criminal justice research and program evaluation. This report was written by staff Research Analyst Timothy Lavery. It is a summary of an implementation evaluation of the Juvenile Justice Reform Provisions of 1998 conducted by the Authority for the Illinois Juvenile Justice Commission. Copies of the evaluation are available from the Authority's Research and Analysis Unit.

The **Illinois Criminal Justice Information Authority** is a state agency dedicated to improving the administration of criminal justice in Illinois. The basic functions of the Authority are criminal justice research, federal and state grants administration, and information systems development and support.

For more information, or for copies of this or other publications, contact the Authority at (312) 793-8550, or visit our Web site at www.icjia.state.il.us.

The evaluation was supported by contract #98JEFX0017 awarded to the Illinois Department of Human Services (IDHS) for the Illinois Juvenile Justice Commission (IJJC) by the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention (OJJDP), and by contract #011G0000257 awarded to the Authority by IDHS and IJJC. Points of view in this document do not necessarily represent the official position or policies of IDHS, IJJC, or OJJDP.

Printed by authority of the State of Illinois, April 2003. Printing order #03-217.

Rod R. Blagojevich
Governor

Candice M. Kane
Executive Director

Family group conferences offer promise for juvenile cases

By Timothy Lavery
Research Analyst

The Juvenile Justice Reform Provisions of 1998 added a purpose and policy statement to the Illinois Juvenile Court Act adopting Balanced and Restorative Justice (BARJ) as the juvenile justice system philosophy. The BARJ philosophy holds that the traditional justice system has been too offender-focused and has not sufficiently met the needs of crime victims or communities impacted by crime. According to the BARJ philosophy, these needs can be met more effectively by increasing victim and community involvement in juvenile justice processes.

Victims and the community have traditionally been excluded from juvenile court processes to protect juvenile offenders. BARJ proponents believe that more direct involvement in the juvenile justice system can aid in "restoring" victims and the community to pre-offense levels of well-being. Such involvement allows victims and community members to: 1) face juvenile offenders and make inquiries about the offense, and 2) state how they believe juvenile offenders can repair harm caused by their criminal behavior.

There are various BARJ-consistent program models that allow victims and community members to directly face juvenile offenders. Many of these models adopt a *conferecing* approach, in which involved parties meet to discuss a juvenile offense. One type of conferecing model is known as *family group conferecing*. Family group conferences include juvenile offenders,

victims, and key supporters of juvenile offenders and victims. Trained facilitators guide the discussion, enabling affected individuals to describe the harm caused by the crime and what the juvenile offender can do to repair the harm. At the end of the conference, participants sign an agreement describing what the juvenile offender is expected to do to repair the harm that he or she has caused. Family group conference programs are typically used to divert young offenders from the formal court system. A typical offender in a family group conference is a first-time offender who has committed a relatively minor offense.

Family group conference programs are becoming more common in Illinois. Recently, the Administrative Office of the Illinois Courts provided family group conference training and technical assistance at four Illinois pilot sites, which now operate programs.

The Authority recently completed an implementation evaluation examining the Juvenile Justice Reform Provisions of 1998. The evaluation included a case study report examining a family group conference program in Illinois. This *On Good Authority* describes information included in the family group conference case study report. In addition, the University of Minnesota School of Social Work's Center for Restorative Justice and Peacemaking recently published *The Impact of Restorative Justice Conferencing: A Review of 63 Empirical Studies in 5 Countries*. Throughout this *On Good Authority*, information included in the case study report is compared to previous empirical results, as described in the review.

Table 1

Descriptive statistics on the Case Study Family Group Conference Program, May 1999 to May 2001

Variable	Total
# of Conferences Held	
Since Program Inception	17
In 1999	7
In 2000	8
In 2001	2
# of Offenders Participating	
Since Program Inception	26
In 1999	13
In 2000	11
In 2001	2
Offender Gender	
Male	22
Female	4
Offender Age	
10	2
11	1
13	4
15	1
16	5
17	7
18	2
19	1
24	1
40	1
43	1
Offense (# of Offenders)	
Retail Theft (Less than \$150, No Prior Retail Theft Convictions)	10
<i>Criminal Damage to Property (Over \$300)^a</i>	5
Theft (Under \$300)	3
Domestic Battery	2
Aggravated Assault	1
Battery	1
Criminal Trespass to Property	1
Forgery	1
Telephone Harassment	1
Theft (Over \$300)	1
Underage Consumption of Alcohol	1
Conference Conditions (# of Offenders)	
Monetary Restitution	18
Apology (Verbal or Written)	15
Agree to Remain Crime Free and/or Not Commit Offense Again	11
Community Service	9
Act as Role Model for Friends, Others	8
Improve Academic Performance / Stay in School / Finish School	8
Complete Work and/or Chores at Home	4
Individual Counseling	4
Make Up With Victim and/or Maintain Friendly Relations With Victim	4
Alcoholics Anonymous	3
Avoid Victim and/or Place of Offense	3
Do Not Drink Alcohol, Submit to Drug/Alcohol Screens	3
Anger Management Counseling	2
Seek Support From Community	2
Write Report on Offense and/or Impact of Conference	2
Other	8

a: Offenses in italics are felony offenses. All other offenses are misdemeanor offenses.

Program description

The case study program was with a probation department in rural Illinois. Table 1 shows descriptive statistics on the case study program from the program's inception in May 1999 to approximately May 2001.

Table 1 shows that the probation department did not limit the program exclusively to juvenile offenders, and that four offenders over age 17 had participated in a conference. The program, however, is typically reserved for young offenders. The box on page 3 describes four dimensions of the conference program.

Informal program assessment

A commonly used indicator of success for conferencing programs is whether victims and other participants are satisfied with conference processes and outcomes. As part of the case study report, almost every participant in one family group conference was interviewed, including the offender's guardian, the victim, a community member, and the arresting juvenile police officer. These participants were asked a number of questions assessing their satisfaction with the conference process, conference outcomes, and their role in the conference.

The participants were uniformly satisfied with all aspects of the conference, stating that: 1) the outcome was fair to the offender, 2) the outcome made the offender accountable for his actions, and 3) they were pleased that they opted to participate in the conference. In addition, program staff distribute post-conference surveys to participants, including victims and offenders' guardians. Although program staff had not received a large

number of surveys, nearly all of the responses indicated satisfaction with conference outcomes and processes. Collectively, interview and survey responses suggest that participants appreciate the opportunity to participate in conferences and are satisfied with the fairness and appropriateness of conference outcomes. In the results described in the University of Minnesota review, participants also tended to find family group conferences to be a fair way to resolve juvenile cases, and they tended to be satisfied with conference processes and outcomes.

Widening the net?

Examining the case study program in detail also enabled us to consider the merits of criticisms that have been levied against conferencing programs. One such criticism is that conferencing programs "widen the net" of the juvenile justice system by incorporating minors into the system who, without the program, would either not become involved in the system at all or who would not become as deeply involved in the system. Those who raise this criticism point out that the conferences are typically used to resolve cases involving first-time offenders who commit relatively minor offenses. For many of these offenders, critics argue, the negative experience of being taken into police custody, being informally reprimanded by police and asked to provide victim reparations, as well as being punished by parents, is enough to ensure that the minor will not re-offend.

Case study program staff acknowledged that they prefer to use conferences to handle cases involving first time offenders who commit minor offenses, as opposed to having the case handled outside of the juvenile justice system. In this respect, the family group conference program may widen the net or entrench some minors deeper into the system. Program staff pointed out, however, that few juvenile cases in the county were dismissed or resolved informally prior to the inception of the program. Instead, because their county is small and has relatively small juvenile caseloads, the prosecutor and judge preferred to handle most juvenile cases in court. This suggests that net widening may be more

of an issue in larger jurisdictions that have a more overburdened juvenile justice system, where minors who may otherwise have their cases dismissed would become involved in the court system through conferencing. In such jurisdictions, it may be difficult to avoid widening the net.

Regardless of jurisdiction size, net widening may be less of an issue if it can be established that the benefits to youthful offenders of participating in a conference sufficiently exceed the costs. Family group conferences are partly based on a concept known as “reintegrative shaming,” which focuses on rebuking criminal behavior, while at the same time supporting the individual who committed the behavior in an attempt to reintegrate the individual back into the community. In theory, if reintegrative shaming is successful, then minors will feel as if they are part of the community, and, as a result, will be less likely to engage in criminal behavior in the future. Such benefits would suggest that widening the net by involving more juveniles in family group conferences is not as problematic as critics might believe. It may be that more research is necessary to disentangle the benefits of the conference process from the benefits that could potentially be achieved through simpler, more informal means.

Offender reintegration

Three conferences, during which the participants engaged in reintegrative shaming, were observed for the case study report. No statements were made condemning the offender personally, and negative statements were sometimes prefaced with clauses such as “He seems like a good kid, but...” During the offender guardian interview, the guardian reported that the minor was very embarrassed during the conference, yet was satisfied with the conference process and outcome, and in particular with how he was treated during the conference. Consistent with this, the University of Minnesota research review described two studies that reported offender satisfaction levels of 90 percent or higher. The review also described several studies that found high levels of offenders reporting that they were treated fairly during confer-

Description of the Case Study Family Group Conference Program on four dimensions

Case Selection. When a law enforcement agency arrests a young person (approximately age 19 or younger) and refers the person to court, the probation department and state’s attorney’s office both receive copies of the arrest report. The probation department makes a recommendation to the state’s attorney’s office as to whether the case is appropriate for a family group conference, which the state’s attorney’s office can accept or reject. At the time the case study report was being written, the state’s attorney’s office had supported every probation department recommendation. Probation department staff reported that they attempt to recommend as many cases for family group conferences as possible. The probation department has a set of broad, general requirements for offender participation in conferences that enable them to recommend conferences for a wide variety of cases.

Conference Organization. After a case is selected for a family group conference, the probation department contacts the offender and, if applicable, his or her guardians, to request their participation. Participation is voluntary, however the offender and his or her guardians are told that the case will be referred to court if they choose not to participate in a conference. Once the offender and the offender’s guardian(s) agree to participate, then the victim is asked to participate. The probation department reported that, at the time the case study report was being written, there had been only two instances when an offender, guardian, or victim was given the opportunity to participate in a conference, but preferred not to.

Other conference participants include offender support group members, victim support group members, the arresting juvenile police officer, and at least one community representative. Community representatives have the responsibility of describing to the minor the impact that the offense had on the community at large.

Conference Process. Participants are seated in a circle, with offenders and their representatives seated directly across from victims and their representatives. A trained facilitator uses a script to guide the conference process and to allocate speaking turns. The script first allows those who have been impacted by the offense to state the impact of the offense, then to state what the offender can do to repair the harm caused by the offense. Offenders and their representatives are provided with the opportunity to respond to these impact and reparation statements. The facilitator incorporates the reparation statements into a conference plan, which includes conditions that the offender is required to complete in order to make reparations to those impacted by the offense, as well as the timelines by which the conditions must be completed.

Conference Outcomes. If the offender fails to abide by the conference conditions, then the case is referred to court. The juvenile court judge determines whether the minor is guilty of committing the offense. If the minor is found guilty, then the minor will have a criminal history record and potentially faces more severe consequences than those imposed in the conference plan.

ences. Although these results do not directly address whether offenders who participate in conferences feel more connected to the community, they do provide positive preliminary indications that reintegrative shaming can be successful.

Re-offending

If reintegrative shaming is successful, then offenders who participate in conferences should be relatively unlikely to re-offend. Case study program staff reported that, from May 1999 to May 2001, only two of 26 offenders who had participated in a conference had their cases referred back to court. In both cases, the offenders re-offended, yet still subsequently completed their conference agreement. Consistent with this, the University of Minnesota review reported that multiple studies have compared

recidivism rates for comparable samples of young offenders who either participated in the traditional court system or in a family group conference and found appreciably lower recidivism rates for conference participants. However, critics of conferencing programs may argue that a more appropriate research comparison group for minors who participate in a family group conference might be minors who committed similar offenses, but whose cases were handled more informally. Critics may argue that minors who have their cases handled more informally would be just as unlikely to re-offend as those who participate in family group conferences.

Challenges for practitioners

The case study report revealed several challenges that practitioners may face as they attempt to implement family group

conference programs in their communities. One challenge was that successful family group conference programs require collaboration between multiple juvenile justice system agencies. The case study report showed that to successfully implement the program, it was necessary for the probation department to obtain support from the county state's attorney's office, the county juvenile court judge, local community members, and local law enforcement agencies. When developing the program, program staff worked hard to gain the support of these groups. Their efforts and the integral role that these agencies or individuals play in the program underscore the possibility that resistance or lack of investment can hinder family group conference programs.

Another challenge was that successful family group conference programs must balance the goal of meeting victim needs with the goal of having the desired impact on offenders. This can be a difficult balance to strike, because for

conferences to be successful all participants must be allowed to speak their minds. Case study program staff tended to spend a great deal of time prior to conferences talking to offenders, offenders' guardians, and victims. These pre-conference conversations were partly intended to "plant seeds," which may increase the likelihood that victims would suggest conference conditions that are restorative, victims would not personally rebuke offenders, and offenders would apologize to the victim. This level of attention given to each conference was possible because the program operates in a county that has a relatively small juvenile caseload. It may be more difficult for larger counties to devote as much attention to each conference. Without pre-conference priming, however, conferences may be less likely to achieve desired ends.

Conclusion

The case study report suggests that family group conference programs can be

challenging to implement, but that successful programs offer a promising approach for addressing juvenile crime. The case study program was able to circumvent or address challenges and has, on the whole, been successful. Conference participants report satisfaction with conference processes and outcomes. Conference participants seem to be effectively engaging in "reintegrative shaming," thereby potentially reducing the likelihood that offenders will become isolated from the community. Few minors have had their cases referred back to court, and those that did still completed their conference plans. These results are consistent with a recent review of prior research that examined family group conferences.

On the other hand, it may be useful for future research to examine whether the benefits of family group conferences warrant the formality of the conference process, or whether similar benefits can be achieved by handling these types of cases in a more informal manner. ■

