

Alternative Actions that Work

*A review of the research on Police Warnings and
Alternative Action with children and young people.*



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Written by Kaye McLaren

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Disclaimer

The views expressed in this literature review are those of the author, Kaye McLaren, and do not necessarily reflect the views of the NZ Police.

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Foreword

I am pleased to release “Alternative Actions that Work: a review of research on Police Warnings and Alternative Action for children and young people”. The review draws on quality national and international research, but the emphasis is on the practical implications of this research. Those who work with child and youth offenders will gain a clear understanding of the research evidence that supports diversionary processes such as Alternative Actions and Warnings, and the practical actions and ideas will assist in applying ‘what works’.

The practice of diverting children and young people away from formal court proceedings is a goal in many Western youth justice systems. Within the international context, the specialist roles of Youth Aid Officers and Youth Development Officers within New Zealand Police are unique. They operate with considerable discretion and, since the introduction of the Children, Young Persons and their Families Act 1989, they have maintained some of the highest levels of diversion for child and youth offenders in the Western world.

The research findings in this review strongly affirm the value of the approach being used by New Zealand Police to provide early intervention and alternatives to formal processes through the court system for children and young people who offend. This emphasis on diversion has a sound evidence base. There is growing evidence that Police warnings and diversionary approaches work for all kinds of young people - even those with a high risk of re-offending. Our Alternative Action system enables staff to develop plans that are based on a good knowledge of the young person, that address the underlying causes of offending and provide consequences.

The use of Alternative Actions by Police Youth Aid is consistent with the ‘Policing Excellence’ focus on alternative resolutions to prosecution for adults. Across the organisation, there is a reinvigorated focus on alternative ways of dealing with offending.

The New Zealand Police has a commitment to ensuring staff have a strong foundation of ‘best practice’ knowledge, expertise and skills. This review will be informative and thought provoking - even for experienced practitioners within the Youth Justice sector. It will also be a useful and practical document that individuals and work groups can draw on to evaluate and assess their approach. It should generate improvement and innovation to ensure that we get the best possible outcomes for young people and the community.

A handwritten signature in black ink, appearing to read 'Mike Bush', with a long, sweeping horizontal stroke extending to the right.

Mike Bush MNZM

Deputy Commissioner: Operations

Executive Summary

Alternative Actions that Work:

a review of the research on Police Warnings and Alternative Action

'Alternative Actions that Work' is a review of research on 'what works' in Police Warnings and Alternative Actions with children and young people who offend. The emphasis of the review is on the practical implications for those in the field. 'Alternative Actions that Work' links high quality international research with each step of the Police youth Alternative Action and Warning processes in New Zealand.

The document is in two sections, beginning with an overview of Police youth diversion¹ systems in New Zealand and overseas. The second section draws on international and New Zealand research on Police diversion and restorative justice and describes 23 effectiveness principles, starting with overarching principles, followed by principles that relate to the various stages of the youth diversion process. These effectiveness principles have been distilled into 11 key findings that are outlined below.

1. Police diversion works to reduce youth offending

One of the key messages from the research is that diversion (Warnings and Alternative Action) can be effective in reducing crime and making a positive difference for children and young people who offend. Part of the reason for this is that approaches that work outside the formal Youth Court system appear most effective.

2. Diversion works for all kinds of children and young people

Police Warnings and Alternative Action are effective for all kinds of children and young people, including the most at risk. Police work is particularly effective with young women, lower risk cases and children under 13 years of age. Children and young people with a high risk of re-offending need Alternative Action meetings, but also comprehensive plans and a lot of support. Children, young people and victims also tend to be more satisfied with processes such as Alternative Action rather than when they have contact with the formal court system.

3. Good intel leads to good decisions

Good intelligence means knowing which children and young people are the most at risk, who is most likely to get in trouble again, and who needs the most support to change their behaviour. This helps to guide how intensive the intervention should be. To obtain this knowledge, Police need to apply a brief screening tool to assess their risk level so they know who is at high, medium or low risk of re-offending. It is also important to know what is leading this young person to offend. To find this out a good needs assessment process is required (although this is not needed for all children and young people). It is needed most for high risk children and young people; those at

1 The use of the term 'diversion' in this report is consistent with its use internationally and implies pre-charge or pre-court interventions for children and young people. It is not to be confused with the use of the term 'diversion' in the New Zealand policing context for adult post-charge action.

greatest risk of serious offending. Using assessment tools is not the only way to access good information - visits to homes and victims can also be useful, along with cultural assessments where relevant.

4. 'Less is more' for children and young people at low risk of re-offending

In the case of those who commit less serious and fewer crimes and have minimal or no needs, it appears that the best thing the Police can do is make them accountable. A Warning or an Alternative Action meeting with a very simple plan focusing on 'deeds' rather than 'needs' seems to be all they require. For some, just the shame of being brought home by the Police might be enough. What DOESN'T work for low risk children and young people is letting them progress too far through the formal youth justice system.

5. High risk children and young people need interventions and support

Children and youth at risk of long careers of chronic and persistent offending also do better when they are dealt with outside the formal court system as much as possible, but unlike the lower risk cases they need a LOT of input from Police and other

agencies. For these young people an Alternative Action meeting is vital, with a plan that addresses the issues/needs that contributed to the offending. Assessment of cultural needs is also encouraged for high risk young people to make sure that plans are tailored appropriately and therefore more likely to be complied with.

6. Get children and young people and their families on board for better results

Getting young people and their families on board with Police Alternative Action plans is important in making them work. While not essential, having family buy-in and cooperation from the young person seems to make the whole process more effective. One way of doing this is to visit families and encourage their involvement. Setting goals in partnership with families and young people can help engage them. Relating to families in ways that they feel comfortable with – including showing sensitivity about cultural matters – can also help get them on board.

7. Children and young people need to make amends for their wrong doing

Whatever their risk level, children and young people need to get a clear message that what they have done is not right and they must make up for it in some way. One thing that definitely works in reducing offending is making sure that young people do something to make up for the wrong they have done. Making amends is therefore an essential part of any plan although the activities will vary depending on the seriousness of the offence. For children and young people with a lower risk of re-offending, making amends may include doing community work or writing an apology. Care needs to be taken with community work that it does not provide opportunities for groups of young people to get together and influence each other towards further offending, which means either very careful supervision or arranging individual placements. Meeting the victim of the crime and apologising in person is part of making amends, but only where the victim feels able to cope with such a meeting. Paying reparation to the victim is also effective, although paying money to a charity does not seem to work as well.

8. Good Police plans are critical

When it comes to Police diversion, the heart of what works is a good Alternative Action plan. This should set out what the child and young person must do to address the consequences of their deeds – such as community work or reparation. For those who have a moderate to high risk of future offending, it also sets out how their needs will be addressed; which will usually be through referral to services of other agencies. The focus here is on the needs that directly contribute to offending. Unless these needs are addressed, there will only be a very modest reduction in offending, if any. The intensity of the plan should reflect the amount of input required to turn that child or young person around. If they are addressed the impact on crime is proven to be much greater.

Plans seem to work best when everyone involved (victim, child or young person, family, and Police) agree on what should be in it. They are also more likely to be effective when they set out consequences for actions. These include negative consequences for doing the wrong thing, or not doing what the youth agrees to. Including positive consequences for addressing needs is also important. If linking pocket money to school attendance makes going to school more likely, it is well worth doing. However, it would be inappropriate to include positive consequences for making amends, as this is something that the young person should do to make up for their wrong doing without being rewarded for it.

9. Give plans support to make sure they work

Someone needs to take responsibility for monitoring the plan to make sure the young person complies with it. The good news is that plans that are developed through restorative justice processes like Police Alternative Action seem to get higher compliance from children and young people than plans that come through more formal channels, such as Youth Court.

10. Staff do make a difference

Having good staff is important to having a positive influence on children and young people. Staff qualities most linked with reduced offending by youth are being firm but fair, skilful communicators, competent and good role models of positive, law-abiding values and behaviour. Good staff training does make a difference to impact on offending. This includes good initial training and regular follow-up training

11. Staff need back-up to be their best

Like plans, staff also need support. This includes regular supervision from competent people who are familiar with 'what works' in policing and who work outside the organisation. Such supervision has shown the potential to help staff keep doing the things that are known to work. Cultural supervision by someone who understands Police work and is expert in the culture of some of the youth and families that Police work with.

Youth Aid work with is also useful. Lastly, good manuals that give a clear and full picture of what is expected of staff and how to do their job are also useful for keeping staff on track with 'what works'.

Alternative Actions that Work:

A review of the research on Police Warnings and Alternative Action

“Mama ke te tohutohu tamariki, i te whakatika pakeke.”

“It’s better to train up a child than to try and repair a man.”

Introduction

‘Alternative Actions that Work’ is a review of research on ‘what works’ in Police Warnings and Alternative Actions (collectively referred to as diversion¹) for children and young people who offend. The emphasis of the review is on the practical implications for those in the field. ‘Alternative Actions that Work’ links high quality international research with each step of the Police youth Alternative Action and Warning processes in New Zealand.

The document is in two sections, starting with an overview of Police youth diversion systems in New Zealand and overseas. This first section describes what Police do in New Zealand to divert youth away from formal youth justice processing, particularly appearing in court. The aims and principles of Police youth Alternative Action and Warnings are explored, and their links with the Children, Young Persons and their Families Act 1989. Police youth diversion systems in a selection of other countries are described and then compared to practice in New Zealand.

The second section explores international and New Zealand research on Police diversion and restorative justice in depth. The findings are described in a series of ‘effectiveness principles’, starting with overarching principles, followed by principles that relate to the various stages of the youth diversion process. A brief summary of the research on which it is based follows each principle. Then a list of practical actions gives ideas on how to translate the evidence into practice in the field.

Lastly, there are four appendices. Appendix A contains a table comparing international diversion systems in more detail than the section in the main paper allows for. Appendix B lists suggestions for further reading for each of the principles of effectiveness. Appendix C provides two lists of offending-related needs, one for children and one for young people. Appendix D has the current version of the Youth Offending Risk Screening Tool (YORST). The appendices are followed by a glossary of terms and a reference list.

Method

This report was developed through a systematic review of research on many aspects of practice around Youth diversion. The following steps were undertaken:

- Two Youth Aid staff in the field were interviewed to find out more about the Alternative Action and

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Warning process, so that the steps in this document were accurate and in the right order.

- Research relevant to Police diversion was collected, with an emphasis on very high quality research.
- This research was reviewed in a series of spreadsheets that recorded the relevant details and noted how reliable each study was, in order to know how much weight to give it in the final analysis.
- Research on youth diversion practice internationally (Britain, Australia, Ireland, the US and New Zealand) was also collected and analysed.
- The spreadsheets were summarised under different aspects of diversion, for instance, restitution, and staff training.
- This summary spreadsheet was converted into a list of principles.
- The principles were matched with the steps in the process of diversion.
- That summary formed the backbone of this document. For each principle; research, practical actions and further reading were noted.

SECTION ONE: **Police Youth Diversion Systems**

An overview of Police youth diversion in New Zealand

Setting the scene – the introduction of the Children, Young Persons and their Families Act (1989)

Diversion of children and young people away from the formal justice system takes place in the context of youth justice legislation introduced in 1989. The Children, Young Persons and their Families Act (1989) (the Act) established an innovative system for responding to children and young people who come to Police notice for offending. The new Act encapsulated many principles of restorative justice, an approach in which children¹ and young people are made accountable for their behaviour/offending and expected to make amends to their victims.

Section 4(f) of the Act also highlights the importance of dealing with the child or young person in a way that addresses their needs in order to prevent further offending.

Section 4 The object of this Act is to promote the well-being of children, young persons, and their families and family groups by: (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 an opportunity to develop in responsible, beneficial and socially acceptable ways.*

The Act (1989) set down as a guiding principle that alternatives to formal court proceedings for dealing with offending by young people in the community should be used wherever practicable, provided this did not endanger public safety (208 (a) and (d)). In the words of the first principle of the Youth Justice Section of the Act (208(a)):

...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.

Other principles of the Act stress:

- Not using criminal proceedings solely to address welfare concerns (208(b))
- Using measures to deal with offending that strengthen the family, whanau, hapu, iwi and the family group, and foster their ability to deal with offending by their children and young people (208(c))
- The importance of young people being kept in the community wherever possible (208(d))
- The need to take into account age as a mitigating factor (208(e))
- Using the least restrictive sanction possible given the nature of the offending, and promoting the development of the child in the family (208(f))
- Taking into account the interests of the victim (208(g))

¹ For the purposes of the Act children are defined as being aged 10 to 13 years and young people as being 14 to 17 years.

- The need to acknowledge the vulnerability of children and young people and ensure they receive special protection during any investigation (208(h))

This Act moved the focus of youth justice in New Zealand to dealing with children and young people in the least restrictive manner possible without using custodial sanctions or court appearances provided doing so did not endanger the community. It is in this context that the development of current Police youth diversion practice needs to be considered, as it was not only dictated by the legislation, but an innovative response to these principles.

Police responses to youth offending

When a child or young person is apprehended for alleged offending the Police have a range of responses available to them under the Act. In comparison with many overseas youth justice systems, in New Zealand Youth Aid Officers have a high degree of autonomy in deciding what level of action will be taken when a child or young person is referred to them by frontline Police. This appears to translate into high levels of youth diversion by Police.

Researchers investigating Police youth diversion in New Zealand commented that:

The extent and nature of Police practice in diverting young offenders in New Zealand appears to be unparalleled in other jurisdictions. (Maxwell, Robertson and Anderson, 2002:2).

Figures are not available for all countries using diversion, but it appears that New Zealand has one of the highest levels of youth diversion in the English speaking world. This is discussed further in the section on International Police Youth Diversion and also in Appendix A which details levels of Police youth diversion in six countries, including New Zealand.

As previously noted, Police have a number of options for dealing with young people aged from 14 to 17 years who come to Police notice (listed from least to most severe).

- Issuing a warning to the young person, followed as soon as practicable by written notice of the warning.
- Giving a formal Police caution in the presence of the child or young person and their guardian(s), followed as soon as practicable by a written notice of the warning.
- Arranging an informal diversionary response known as Alternative Action, in consultation with victims, families and young people (this is not specifically set down by a section of the CYP&F Act but is congruent with the principles laid down in Section 208 of the Act).
- Referring the young person to Child Youth and Family Services for a Youth Justice Family Group Conference, with the option of then also laying charges in the Youth Court.
- Arresting and laying charges in the Youth Court.

For very serious offences, the Youth Court may transfer the young person to the adult court system. Where a young person is charged with murder or manslaughter they are dealt with initially in the Youth Court and then transferred to the High Court.

Since the Act was introduced in 1989 there have been changes in how frequently various options are used by Police Youth Aid. Table 1 table shows the break down of Police actions for the years 1995, 2001 and 2007. In understanding these statistics it is important to note that the data is vulnerable to changes in recording and reporting and the numbers represent offences not offenders.

Table 1 Percentage of Police apprehensions (offences not offenders) of children (10 to 13 year olds) and young people (14 to 16 year olds) for non-traffic offences by resolution type 1995-2007¹

Police Resolution	1995		2001		2007	
	10-13yrs	14-16yrs	10-13yrs	14-16yrs	10-13yrs	14-16yrs
Prosecution ²	0.5%	13.2%	0.8%	17.1%	2.1%	28.1%
Police referred FGC ³	3.1%	9.3%	1.8%	3.9%	5.5%	6.6%
Alternative Action	62%	54.9%	63.3%	54.8%	44.9%	37.1%
Warned/Cautioned	32.2%	19.5%	31.4%	20.9%	44.1%	24.8%
Other ⁴	2.2%	3.2%	2.7%	3.4%	3.5%	3.3%

Prosecutions

For both children and young people the rates of prosecution rose consistently between 1995 and 2007. There was an increase for children from 0.5% to 2.1%, and for young people the number of occurrences that resulted in prosecution more than doubled with an increase from 13.2% to 28.1%.

As previously noted, one of the principles of the Act (1989) is 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 for dealing with matter (Section 208(a)). When the Act was first introduced this principle resulted in the numbers of apprehensions (offences) for young people in court dropping dramatically from 10,000 to 13,000 in 1989, to 2,587 in 1990 (Hornick et al, 1996). However, Table 1 above shows that this trend has reversed, with court numbers increasing by more than 50%.

Police Referred Family Group Conferences

The proportion of offences for both children and young people being resolved by youth justice Family Group Conferences has fluctuated. For children there was a decrease from 1995 to 2001 but an increase to beyond the 1995 rate at 3.1% to 5.5% in 2007. For young people there was again a drop in 2001 and an increase in 2007 but this increase at 6.6% did not exceed the 9.4% rate in 1995.

Warnings and Alternative Actions

Between 1995 and 2001 there was a small decrease in the use of warnings for both children and young people. However, in the six years that followed the trend changed with an increase in warnings beyond the rates in 1995. For children the 2001 rates rose from 31.4% to 44.1% in 2007 and for young people a lesser increase from 20.9% in 2001 to 24.8% in 2007.

-
- 1 The data used to produce this table were sourced from New Zealand Police from the Police National Intelligence Application (NIA). The figures represent numbers of offences not distinct offenders.
 - 2 Only some of these prosecutions result in the charge being proven in the Youth Court or a conviction in the District Court.
 - 3 There are two types of youth justice Family Group Conferences: "Police referred FGC" initiated by Police and "Court referred FGC" arising from charges laid in the Youth Court once the young person admits they committed the offence or it has been proven.
 - 4 The resolution category of 'Other' indicates that the offence was resolved, but not by any of the specified resolution actions. This could be for a variety of reasons, such as death of the offender, the mental condition of the offender or the offender already being in custody.

The use of Alternative Actions by Police Youth Aid showed very little change between 1995 and 2001. While not depicted in Table 1, Police statistics show that since the Act was introduced in 1989, the rates for Alternative Action peaked in 2000, with 64.6% of offences for children and 57.4% of offences for young people being dealt with in this manner. These higher levels of Alternative Actions are reflected in the lower levels of warnings and Police referred Family Group Conferences at this time.

The 2007 rate of Alternative Actions showed a significant decrease from 2001. For offences committed by children, 44.9% received Alternative Action in 2007 compared with 63.3% in 2001 and similarly for offences by young people, the rate of 54.8% in 2001 was down to 37.1% in 2007.

Research to understand these changes to the actions being taken by Police in response to offending by children and young people has not been undertaken. It is, however, likely to be influenced by factors such as levels of resource in Police and Child, Youth and Family, increases in serious offending, and changes in the beliefs that drive Police decision making.

Police Warnings and Alternative Action

Warnings

Warnings are governed by sections 209, 210, 211, 212 and 213 of the Act (1989) and can be written or verbal. The legislation directs that a warning should be considered unless a warning is clearly inappropriate having regard to the seriousness of the offence and the nature and number of previous offences committed by the child or young person (Section 209). Minor and first-time offenders are most often dealt with by way of warning. The frontline Police Officer gives a verbal warning when the young person comes to notice. This is followed by a written warning to the child or young person and their caregiver once Youth Aid receive the file from frontline Police. The formal caution described in Section 211 is seldom used, perhaps because the Alternative Action process has provided what was intended by a formal caution.

Alternative Action

As previously noted, Police Alternative Action is not specifically covered in the Children, Young Persons and their Families Act (1989) in the way that Police Warnings and Cautions are, but is provided for in section 4(f) and 208(a). Alternative Action is a form of diversion and is derived from the term “alternative means” as specified in s208(a). It is an innovative Police response to youth offending that goes beyond the bare legal requirements and provides a reasonably complex response to youth offending. As researchers investigating Police Alternative Action commented:

Police have developed policies and practice that are consistent with the broad intentions of the legislation (Maxwell and Paulin, 2003: iii).

Alternative Action provides another option for diverting youth, which like the Family Group Conference, is restorative in nature and allows for referral to rehabilitative services where needed, but occurs earlier in the youth justice process.

The two essential requirements for Alternative Action being used are that the young person admits the offence in

question, and that a parent, guardian or adult nominated by the child or young person be present.¹ The Police Alternative Action process has evolved over time to take its present form and is today used fairly consistently across all Police Districts. In the words of the Principal Youth Court Judge:

...the best Police Youth Aid Officers spend considerable time and effort tailoring solutions that satisfy victims, prevent re-offending and re-integrate young people into their communities (Becroft, 2006).

Researchers investigating Police Alternative Action noted that:

It has been suggested that the effectiveness of the youth justice system in responding appropriately to offending by young people stems as much from the use of [Police] warnings and diversionary ([Alternative Action] plans as it does from the use of Family Group Conferences and courts. (Maxwell and Paulin, 2003: iii.)

It should be noted, however, that while there have been findings that suggest Police warnings and Alternative Actions are effective in reducing re-offending the research has not been fully conclusive. This is covered in more detail in a later section, 'Research on Police Warnings and Alternative Action in New Zealand'.

The Alternative Action process involves the Youth Aid Officer meeting with the child or young person and their parents or caregivers and together they develop a plan. In preparation for this meeting the Youth Aid Officer will collect relevant background information and review any existing Police information. A home visit will sometimes be carried out prior to the Alternative Action meeting to provide the Officer with a greater understanding of the child or young person's background and current circumstances. Such visits sometimes do not occur as often as they might, but are a useful source of information when they do (Atkinson, 2004; Maxwell, 2007).

The plan is monitored by Police Youth Aid staff. When a young person does not complete their plan within the given timeframe Police Youth Aid usually refer them to Child, Youth and Family for a Family Group Conference. For children another Alternative Action meeting is usually held, or they may be referred to Child, Youth and Family for a youth justice Family Group Conference.

Aims and Elements of Alternative Action Plans

Like Family Group Conference plans, an Alternative Action plan will often include elements that have a variety of aims, including making the young person accountable for his/her actions, making amends to the victim, and addressing needs that the young person may have that increase the risk of future offending.

Elements often found in Alternative Action plans include:

- A letter of apology to the victim
- Reparation or financial restitution to the victim
- A donation to a nominated charity
- Community work
- Attending a programme or counselling related to the perceived needs of the child or young person

.....
¹ Two requirements apply to formal cautioning by Police, which Alternative Action can be seen as part of.

- Re-enrolling in school or a training course
- Curfew or commitments not to associate with certain peers seen to be a negative influence or other restrictions (Maxwell and Paulin, 2003).

Risk and Needs Screening

One of the sources of information that Police Youth Aid use in developing an Alternative Action plan comes from screening the level of risk of re-offending that a child or young person presents. Risk screening helps identify those young people who are most likely to persist with their offending or anti-social behaviour over time. These young people will obviously need more input in Alternative Action plans. The use of risk factor screening is well established in international research (Anders, 2000; Andrews and Bonta, 2003; Coccozza et al, 2005; Hagell, 2002; McLaren, 2000; Wasserman, Miller, and Cothorn, 2000). As the gatekeepers of the youth justice system Police are well placed to carry out an initial risk screen to ensure that the highest risk young people receive referral to intensive rehabilitative services as a priority, and that these resources are not wasted on low risk young people.

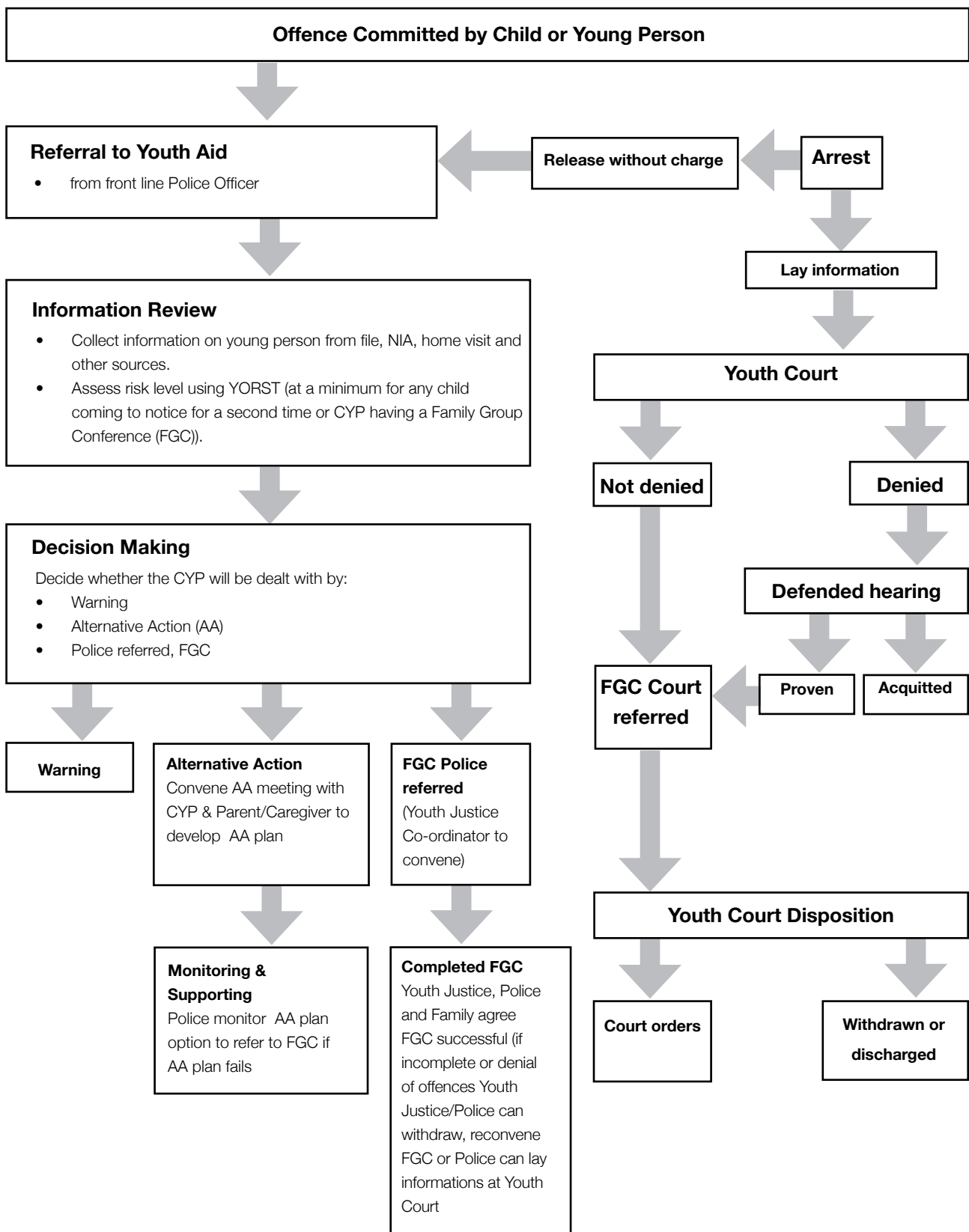
The development of a risk screening tool by Police in 2003 was in response to the recommendation in the Youth Offending Strategy (Ministry of Justice and Ministry of Social Development, 2002) for an assessment tool to be used at the informal end of the youth justice system. This tool was used variably around the country so in 2006 the risk screening process was formally reviewed and the tool modified and piloted in two Police Districts in 2007. Renamed the Youth Offending Risk Screening Tool (YORST) this tool was rolled out nationally in 2009.

Screening of offending-related needs for children and young people (that is, needs that are causally related to offending and, if addressed, will lead to reduced re-offending) is not routinely carried out by Police Youth Aid in New Zealand at present. Decisions on what needs to address in Alternative Action plans are usually made on the basis of professional opinion rather than objective, evidence-based assessment tools. The YORST can, however, assist Police staff in identifying some offending-related needs (mixing with anti-social peers, disengagement in education or employment, drug and alcohol abuse, socio-economic status of their community and other parenting and family factors) and these needs can be addressed in Alternative Action Plans.

Victim Involvement in Alternative Action Meetings

Alternative Action draws on a restorative justice approach to offending. This approach seeks the participation of the offender and their family, and focuses on repairing harm while holding offenders accountable for their actions (Bonta et al, 2006). However, unlike some other restorative justice processes (such as conferencing and victim-offender mediation), the victim is rarely involved in a face to face meeting with the child or young person as part of an Alternative Action. Police Youth Aid do, however, often call the victim prior to the meeting to consult about what outcomes they would like to see emerge.

Flowchart of the Stages of the Police Youth Warning and Alternative Action Process¹



Research on Police Warnings and Alternative Action in New Zealand

To date research on the impact of Alternative Action suggests that it has a positive impact on offending. Young people who were dealt with by Police warning or Alternative Action re-offend significantly less than those who attended a Family Group Conference or appeared in Court. The Police response accounted for more of the variance in offending (17%) than did the young person's previous record (3.7%), which is a rough proxy for offending risk (Maxwell and Paulin, 2003). However the possibility that level of risk of future re-offending would negate this finding if taken into account means that it is not a conclusive result. The design of the research and lack of a comparison group also mean that it cannot be conclusively stated that Police diversion reduces re-offending (Maxwell and Paulin, 2003).

However, researchers have concluded that Alternative Action plans and processes emphasise both rehabilitation and reintegration, which other research shows is 'likely to prevent re-offending' (Maxwell and Paulin, 2002: 90). Dr Maxwell and Dr Paulin noted in their report that

...for the most part, decisions about outcomes seem appropriately related to offender and offence characteristics.' (Maxwell and Paulin, 2003: iii).

While their report could not draw definite conclusions about impact on re-offending they noted in their executive summary that:

New Zealand Police have developed methods of working that are seen both nationally and internationally as providing an example of effective responses to young people. (Maxwell and Paulin, 2003).

The review of international research on 'what works' in restorative justice practices in this literature review shows that while some aspects of Police diversionary practice, such as warning, cautioning and restorative meetings with low risk young people, are highly likely to be effective, current Police practices with high risk young people are less likely to be so (Bonta et al, 2006). The authors suggest that it could be because most restorative processes do not assess risk levels (which makes it harder to provide higher hours of treatment for higher risk cases) and do not refer high risk youth to treatment. When restorative processes do result in referrals to treatment, the treatment is often inappropriate. The authors note that as higher risk offenders have a high number of criminogenic needs and weak bonds to society, an approach that emphasises meeting with victims and community involvement at the expense of referral to effective treatment is unlikely to be effective with these cases (Bonta et al, 2006). This suggests that Alternative Action would be most effective when higher risk youth are identified and Alternative Action plans include referrals that address identified criminogenic needs.

Clearly, Police Alternative Action is a very promising approach that could be making a significant impact on offending, particularly by lower risk young people. It would be worth undertaking a rigorous evaluation of Alternative Action in particular to find out what impact it is having on re-offending by youth at different levels of risk.

International Police Youth Diversion

Introduction

The practice of diverting children and young people who come to Police notice away from formal court proceedings occurs in many Western justice systems (Bates, 2001; Chan et al, 2004b; Cocozza et al, 2005; Fox et al, 2006; Hornick et al, 1996; O'Mahoney and Dowd, 2004). Diversion of young people occurs in the context of various international agreements on the treatment of young people who come into conflict with the law. These provide a principle that young people should be dealt with outside the formal justice system wherever possible. For example, Article 11.1 of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice states that:

Consideration shall be given, wherever appropriate, to dealing with juvenile offenders without resorting to formal trial by competent authority....

This is very much in accord with the principles and intentions of the New Zealand youth justice legislation, along with other international legislation, such as the Young Offenders Act (1997) in New South Wales Australia and the Youth Criminal Justice Act (2003) in Canada.

Article 11.2 of the UN Minimum rules goes on to say that:

the Police, the prosecution or other agencies dealing with juvenile cases shall be empowered to dispose of such cases, at their discretion, without recourse to formal hearings, in accordance with the criteria laid down for that purpose in the respective legal system....

This principle of diversion from formal processing is also enshrined in the Convention on the Rights of the Child (to which New Zealand is a signatory). Article 40.3(b) recommends the promotion of:

Whenever appropriate and desirable, measures for dealing with such children [who are accused of, or recognised as having infringed the penal law] without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.

International Police Youth Diversion in the Context of New Zealand Practice

The following section looks at Police youth diversion practice in five countries – Australia, Northern Ireland, the United Kingdom, Canada and the United States. There is a brief description on practice in each country (or in one or more states of the country where it has multiple states), and practice is compared with that of Police in New Zealand.

Australia

The forms of diversion used with youth in Australia include Police warning, cautioning, juvenile conferencing and Police convened conferencing. Each state has different legislation and a slightly different system (Chan et al, 2004b; Wundersitz, 1997), however, seven of the eight jurisdictions have a legislative framework for youth diversion¹. Police cautioning is one of the most commonly used approaches with young people, and in South Australia can take the form of either an informal caution ('warn and release') or a written and recorded formal warning (Polk, 2003). This is much like a written warning in New Zealand. In South Australia conditions or 'undertaking's such as community work or restitution can be attached to a Police caution, making it similar to Alternative Action in New Zealand (Wundersitz, 1997).

A similar percentage of non-indigenous young people receive Police Alternative Action in New Zealand as receive formal cautions in South Australia (35% versus 34.8%) (Maxwell et al, 2002; Wundersitz, 1997). But more indigenous young people go through Alternative Action in New Zealand (27%) than receive a formal caution in South Australia (13.2%).

In New South Wales a formal Police caution is given in person. But unlike Alternative Action in New Zealand it cannot include conditions; a restriction that NSW Police find frustrating (Chan et al, 2004b). In New South Wales the only undertaking that can be attached to a caution is that of a written apology to the victim (Chan et al, 2004b). For further conditions to be attached, a conference must be convened with both Police and a conference administrator attending (Chan et al, 2004b).

Police convened conferences take place in the Northern Territory. These are like Alternative Action meetings in New Zealand, except that the victim usually attends. Like Alternative Action meetings they result in a plan with conditions (Bates, 2001). A much smaller percentage of young people participate in Police convened conferencing in the Northern Territory (6%) than takes part in Police Alternative Action in this country (32%) (Bates, 2001; Maxwell, Robertson and Anderson, 2002). However, in the Northern Territory 81% of all young people who come to notice to the Police are offered diversion, compared to 75% in New Zealand (Bates, 2001; Maxwell et al, 2002).

A greater percentage of young people attend Youth Court in Australia than in New Zealand – 42 to 61% of young people who come to notice in New South Wales (Chan et al, 2004b). While this is less than the 83% who appeared before the Court three years prior to the Young Offenders' Act, it is far more than the 28% of apprehensions that resulted in young people being charged in the Youth Court in New Zealand (Police National statistics for 2007).

Northern Ireland

As in many other countries Police youth diversion in Northern Ireland takes place prior to prosecution, although it is not clear whether diverted young people are arrested or not (O'Mahoney and Doak, 2004). Around one fifth (20%) of young people receive no further action from Police after coming to notice. Almost two thirds (60%) receive advice and a warning from Police, compared to 43% who are warned in New Zealand (Maxwell, Robertson and Anderson, 2002). Only 4% receive an official caution, and 3.5% attend a restorative caution or conference run by Police. This total of 7.5% who receive an official caution or restorative caution/conference is much less than 32% of young people who take part in the similar process of Alternative Action in New Zealand. Only 13% of the young people who come to notice actually proceed to prosecution, which is similar to New Zealand's figure of 17% (Maxwell, Robertson and Anderson, 2002).

The Northern Irish Police caution and conference are similar. Both differ from a Police Alternative Action meeting in New Zealand in that victims are often invited to attend. For this reason they are more like a Family Group

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1 With the exception of Victoria.

Conference except that Police convene them, either at the local Police station or a neutral venue. The young person attends, along with their parent(s). These conferences tend to be held in the case of quite minor offending (such as shoplifting) by young people who are likely to have a low risk of re-offending, in contrast to Alternative Action meetings which can be held for quite serious offences and with quite high risk young people (Maxwell and Paulin, 2003).

England and Wales

In 1998 the Crime and Disorder Act was passed (Fox, Dhami and Mantle, 2006: 129). It changed the way Police dealt with young people, limiting the repeated use of cautions for crimes considered serious enough to be dealt with by the Court. The Act replaced Police cautioning with reprimands and final warnings, depending on the seriousness of the crime (Fox et al, 2006). Police now have four options when a young person comes to notice:

1. take no further action,
2. reprimand,
3. give a final warning (accompanied by an automatic referral to a Youth Offending Team),
4. refer the case to court.

A first offence can be dealt with by a reprimand, final warning or criminal charge depending on how serious it is. The decision as to which course to take is made by the custody officer at the Police Station. If the first offence is dealt with by a reprimand, any further offence could be dealt with by a Police final warning or charge. If, however, the first offence is dealt with by a warning, then any further offence would result in charges being brought (Fox et al, 2006). This is very different from the situation in New Zealand, where Police have a high level of discretion to deal with first, and subsequent, offences via warnings and the Alternative Action process.

Second warnings can be given under limited circumstances, including where the new offence is not serious and more than two years have passed since the first warning (Fox et al, 2006). Again this differs from the New Zealand system, where multiple warnings can be given to the same young person. At the point of a final warning (which, confusingly, can be either the first or second warning) there is a statutory obligation under the Act to refer the young person to the Youth Offending Team (YOT)¹.

The YOT assesses the young person using Asset, a comprehensive questionnaire which analyses risk of re-offending and offending-related needs, and feeds into rehabilitative planning. Once the offending-related needs are identified YOTs develop an intervention plan and refer the young person to suitable local programmes. Any programme that a young person is then referred to must have a restorative element to make it more meaningful and effective, and hold the young person accountable (Fox et al, 2006). This can be a restorative interview with Police, the young person and their guardian, or a restorative conference in the case of a more serious offence. So there are still options open to Police to divert young people, but far less discretion to do so is available under the 1998 Act than was available previously, or is available to Police in New Zealand. This process is similar to an Alternative Action meeting, with its intention to address both 'needs' and 'deeds'. The main differences are that Alternative Action in New Zealand does not involve systematic assessment of offending-related needs so that they can be addressed in plans, and this process in the UK is carried out by specialist multi-agency YOT teams rather than Police.

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1 The UK YOTs differ significantly from the NZ YOTs. UK YOTs are made up of representatives from multiple agencies, namely Police, Probation Services, local social services, health, education, drugs and alcohol misuse and housing officers, with a manager to coordinate their work. Most members of teams are co-located and work together on a day to day basis. NZ YOTs include representatives from Police, Education, Health and Child, Youth and Family, and may also involve representatives from local government, iwi and local programme providers. Each member is located within their own agency. Their main purpose is leadership and coordination of the youth justice sector at a local level, not dealing with individual young people as a team.

Canada

Police youth diversion in Canada is guided by the Youth Criminal Justice Act (2003). The objectives of this Act are:

- To reduce the use of incarceration, reserving it for the most serious offences
- Increase the use of community-based and non-custodial alternatives
- Focus more on the rehabilitation of young people who come to notice.

These aims are similar to those encapsulated in the New Zealand Children, Young Persons and their Families Act (1989), which forms the basis for Police Alternative Action. However, there is more prescription in the Canadian legislation concerning what types of offences can and cannot be dealt with by Police diversion (www.justice.gc.ca/eng/pi/yj-jj/¹). While the New Zealand legislation gives some direction as to how more serious crimes will be dealt with, it leaves Police with considerable decision-making powers.

There are a number of diversionary options that can be applied by Police under the Canadian Act. In two provinces in Canada (British Columbia and Quebec) Police can consider one of the following options for any young person they believe has committed an offence²:

- No further action, where Police consider there are already sufficient consequences for the action via parents or some other source
- An informal, oral warning
- A caution, either a letter from Police to the parents and young person, or a meeting between the young person and guardians and Police
- Referral to a community programme or agency that will address offending
- A conference with the young person and a range of other people as considered necessary, convened by Police, to get advice on what extrajudicial (diversion) measures to use.

Criteria for referring youth to the diversion options listed above include being at the 'low end of the spectrum', with a non-violent offence, and having no prior record of offending or a prior record that is relatively old or for minor offending. Common assaults are sometimes diverted when the youth is quite young. The availability of specific programmes in the community can also affect the decision to divert.

This range of options gives Canadian Police considerable discretion for action outside the formal justice system. They are very similar to the options available to New Zealand Police under the CYPF Act (1989), via Police warnings and Alternative Action. The notes for Police on the electronic guide to the Youth Criminal Justice Act (2003) mention the high use of cautions in New Zealand and Australia, and the apparent effectiveness of Police cautions in reducing re-offending (www.justice.gc.ca/eng/pi/yj-jj/).

If none of these options are considered adequate, given the seriousness of the crime and/or the prior offending history, Police may:

- Refer the case to the Crown Counsel to deal with (either by giving a Crown caution or using an extra judicial sanction)

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1 This is a useful source of information, including flow charts, on the Canadian Act. Click on the name of the Act, then on 'Youth Criminal Justice Act explained', then on Modules, then on Extra-judicial measures, then on flow charts or another heading. The checklist option is a useful indicator of how the Act is put into practice.

2 In instructions to staff using the Act it is made clear that Police can use only one of these options.

- Refer the young person for an extrajudicial sanction (this is like 'diversion plus' for young people whose offending is serious, who have a history of offending, or whose offending has other aggravating characteristics)
- Charge the young person in Court (www.justice.gc.ca/eng/pi/yj-jj/).

It seems that all types of diversion, from informal warnings to Crown caution, are considered 'extrajudicial measures' as they are used outside the court system, but extrajudicial sanctions are at the high end of these measures. While Police can refer a young person for an extrajudicial sanction and make recommendations, the Crown Counsel makes the final decision. The response to offending required under an extrajudicial sanction must be both rehabilitative and restorative, offering meaningful consequences, effective intervention, and a chance to repair harm.

Another option is for the Crown to approve charges with the intention of diverting the youth after the charge has been laid. This is done to 'get the attention' of the young person, or teach them a lesson. In some cases the Crown waits for results of forensic or other assessments to decide whether to divert or not (www.justice.gc.ca/en/ps/yj/). Again this is a Crown counsel decision rather than a Police decision.

United States – Florida

Youth diversion in the United States takes many forms and happens at many points in processing a young person through the juvenile justice system (Lundman, 2001). For this reason it is difficult to describe a general 'youth diversion' process. The focus in this section is therefore on an exemplary Police youth diversion scheme in Florida that has received a rigorous preliminary evaluation. This diversion scheme is open only to those coming to notice for a non-violent or a misdemeanour (non-serious) first offence. Youth taking part in the process must be 17 or younger and their parent or guardian must come to the Assessment Centre at the Police station when the young person is first arrested (Cocozza, Veysey, Chapin, Dembo, Walters and Farina, 2005).

In the three years since it started, the Police assessment centre has processed 40,000 young people, and of these, only 13% have been referred to the diversion programme. This is in stark comparison to New Zealand, where 75% of young people who come to Police notice are diverted from formal processing (Maxwell et al, 2002). The diverted youth in Florida are highly likely to be male, from a minority ethnic group, and aged 15 to 17 years, with a variety of personal and family problems (Cocozza et al, 2005). These youth are very carefully selected and limited to non-serious first offences, whereas Police in New Zealand are permitted to use Warnings and Alternative Action with youth who have a far greater range of offending types and histories (Maxwell and Paulin, 2003). Referral to diversion is by Police after assessment at the Police station. However, the parent, young person, victim, arresting officer and State Attorney's office must all agree with the decision to divert. This gives less direct decision-making power to Police regarding diversion than Police Youth Aid in New Zealand have.

Responsibility for the scheme is shared by Police and the Department of Juvenile Justice. All diverted youth receive a youth justice sanction, usually involving restitution and community service, and have to sign a deferred prosecution agreement. Youth diversion in this system occurs post-charge, rather than pre-charge as it does in New Zealand, and the Court appears to impose sanctions (largely restorative) rather than these being developed in a consensual fashion as they are in an Alternative Action meeting (Cocozza et al, 2005; Maxwell and Paulin, 2003).

Staff screen all youth on a range of measures, including their mental health status, drug use, and a brief screen of risk of re-offending level, and offending-related (criminogenic) needs. Those with a moderate to high risk of re-offending then receive a full risk/needs assessment. The diversion programme then refers to services based on the 'risk principle' – that is, those youth with the highest assessed risk of re-offending receive the most services

while the lowest risk receive only the required justice sanction with no services (Cocozza et al, 2005). This system also differs from the current Police Alternative Action system in New Zealand in that it attempts to incorporate the three major principles of effective programmes – risk, need and responsivity – into its practice (Cocozza et al, 2005). At present some children and young people in New Zealand may miss out on services they need in order to stop offending as their criminogenic needs are not identified as part of the Alternative Action process (Maxwell and Paulin, 2002).

SECTION TWO:

Discussion of effectiveness principles & practical actions

Introduction

This section outlines the findings of New Zealand and international research on ‘what works’ in Police youth diversion (Warnings and Alternative Action).

How to Use this Guide

This section is in the following format:

1. A brief list of effectiveness principles appears at the start of the section as a quick reference point,
2. The section begins with six general principles. The next 17 principles are grouped under headings that reflect each step in the Alternative Action/Police warnings process,
3. Each principle begins with a brief summary of the relevant research,
4. Each principle also has a list of suggestions for practical actions that could be used to put these research findings into practice,
5. Ideas for further reading relevant to each of the principles are listed in Appendix B.

Brief Effectiveness Principles for Police Warnings and Alternative Actions

General Principles

1. **An effective alternative** – Police warnings, Alternative Action and conferencing work well with young people, particularly young women, children under 13 years, lower risk youth and those who come to notice for violent offences.
2. **Stay outside the system** – restorative approaches (i.e. restitution, apologies, victim-offender meetings, conferences) that take place outside the justice system have a much greater impact than restorative approaches that take place within the justice system.
3. **Better for crimes of violence** – restorative approaches (including Police Alternative Action) appear more effective than traditional justice processing for reducing offending by those who come to notice for crimes against the person as opposed to property crimes.
4. **Good for young women** – restorative justice approaches, including Police warnings and Alternative Action, seem to work particularly well with young women.
5. **Do more for high risk children and young people** – those at high risk of future offending show the greatest reductions in offending when they are referred to high hours in effective programmes and close supervision in the community as part of restorative processes such as Police Alternative Action.
6. **Satisfaction (almost) guaranteed** - both young people and victims tend to be more satisfied with restorative justice approaches than traditional justice processing through the courts.

A Information Gathering and Review

7. **Use good intel** – use information from as many sources as possible to screen for risk and develop effective Police Alternative Action plans.
8. **What's the risk?** – working out the risk of future offending for each young person is important so that you know who needs what in order to stop offending – intensive plans for high risk, moderate input for medium risk/adolescent onset and warnings or plans that address only deeds for low risk.

B Decision Making

9. **Less is more** – young people are least likely to re-offend when dealt with at the lowest level of the youth justice system possible taking into account the nature of their offending.

C Alternative Action Plans

Engagement

10. **Get engaged** – staff engage effectively with young people and their families by visiting them, acting as allies to parents and showing respect for their culture.

Making Plans

11. **Aim for agreement** – Police Alternative Action planning may be more effective when there is genuine consensus and choice about what goes in the plan.
12. **Build in consequences** – Police Alternative Action plans may be more effective when they include positive consequences for positive behaviours and negative consequences for non-compliance.

Making Amends

13. **Meet the victim** – victim-offender meetings are an effective approach that results in a modest reduction in re-offending for both mainstream and minority ethnic groups, and work particularly well for young women and possibly for those who come to notice for a violent crime.
14. **Say 'sorry'** – apologising to the victim(s) in person or by letter, while not effective in reducing offending in its own right, is an integral part of other effective approaches and may be particularly suited to young women.

- 15. **Pay for the damage** – restitution (reparation) is an effective response to offending, on its own or as part of a larger plan.
- 16. **Work it out** – community service/work contributes to reduced re-offending on its own or as part of a plan with multiple elements.

Making a Difference with Medium to High Risk Cases

- 17. **Do most for high risk children and young people** - to reduce re-offending by young people at high risk of re-offending, identify their needs that are directly related to offending and address them in Police Alternative Action plans.
- 18. **Do a moderate amount for medium risk/adolescent onset children and young people** – young people who first come to notice as adolescents do not need as much input as those who first came to notice as children, but they need more than youth with a low risk of future offending.

D Monitoring and Supporting

- 19. **Keep an eye on plans** – compliance with plans is higher in restorative justice approaches such as those used in Police Alternative Action than in other types of diversion or sanctions, and this may increase impact on re-offending.

E Staff Characteristics and Training

- 20. **Staff make a difference** – effective staff are firm but fair, skilful communicators, competent, and good role models.
- 21. **Staff training works** – Training specifically in restorative justice processes, such as Police Alternative Action, along with training in ‘what works’ to reduce youth offending is associated with more impact on offending, particularly when it is followed up with regular refresher training.
- 22. **Keep a close eye on staff standards** – staff who receive regular (monthly) supervision from experts that assesses how closely they are adhering to guidelines are more likely to reduce re-offending.
- 23. **Spell it out for staff** – to be optimally effective in reducing re-offending a well-structured approach to Police warnings and Alternative Action including a manual and well-developed formal routines are needed.

Effectiveness Principles for Police Warnings and Alternative Actions

A General Principles

Effectiveness Principle 1 – An effective alternative

Police Warnings, Alternative Action and conferencing work well for young people, particularly young women, children under 13 years, lower risk youth and those who come to notice for violent offences.

Research Background:

Police Alternative Action and Police-run conferences work well across age-groups in reducing re-offending (Bonta et al; 2006; Hayes, 2005; Maxwell and Paulin, 2003; McCold, 2003). Police-run conferences in the United States are similar to Family Group Conferences, but are run entirely by Police (McCold, 2003). Alternative Action is a New Zealand initiative run by Police Youth Aid which involves a meeting with the child or young person, their parent(s) and Police.

In the New Zealand context Alternative Action appears to work best for under 13 year olds (Maxwell and Paulin, 2003). Young women also seem to do better with Alternative Action than boys according to this research. Counter-intuitively, those young people who come to notice for more serious crimes such as sexual, violent and drug crimes seem to do better after Alternative Action or Police-run conferencing than those who come to notice for more minor offences such as theft, shoplifting and property damage (Hayes, 2005; Maxwell and Paulin, 2003; McCold, 2003). (See Principle 3 'Better for crimes of violence' for more on this.) Alternative Action provides a very good framework for dealing with high risk young people, provided their offending-related needs are assessed and addressed as part of the process. However, the research suggests that restorative approaches such as Alternative Action appear unlikely to have a major impact on offending by high-risk young people unless they include referral to high hours of effective services or programmes (Bonta et al, 2006). (See Principle 5 'Do more for high risk children and young people' for more on this and Appendix C for a list of offending-related needs with definitions.)

Research on restorative justice - that is, conferencing, victim offender meetings, restitution (reparation), community service/work and Police-run meetings - is also relevant. For two reasons it is very difficult to make conclusions on whether restorative justice is equally effective across different ethnic groups. The first is that not every study notes the ethnicity of the young people who were included. The second is that even those that do, do not necessarily analyse whether restorative justice was equally effective for each ethnic group involved.

Of the 22 studies reviewed for this principle, only four noted ethnicity for their samples and analysed whether ethnicity affected outcomes. These four studies largely found that restorative processes were effective for youth of different ethnicities, including black American, Māori and Aboriginal youth (Hayes and Daly, 2003; Maxwell and Paulin, 2003; McGarrell, 2001; Schneider, 1986). The Australian study found that re-offending after conferencing was worse for Aboriginal youth, both male and female, than non-Aboriginal.

However, the main trends of restorative justice being more effective than traditional processes still held (Hayes and Daly, 2003).

Conclusion:

Alternative Action works well for young women and lower risk young people using the standard restorative approaches of apology, restitution, etc. Restorative approaches appear to work better than traditional justice processes for crimes of violence. To be effective for young people at high risk of future offending, plans also need to refer them to effective services. Restorative justice processes appear to be effective with indigenous and ethnic minority young people as well as those from mainstream cultures.

Further reading:

for suggestions for further reading see Appendix B.

Practical actions:

- Whenever possible, use diversion for under 13 year olds and young women when warning/cautions are not sufficient.
- Alternative Action is an effective means of keeping indigenous and ethnic minority young people out of the court system where this is appropriate.
- Including victims or using victim impact reports as part of Police diversion may increase remorse and make Alternative Action more effective for those accused of violent offences.
- For any child or young person identified as being at high risk of re-offending, Police Alternative Action can be effectively used instead of a Family Group Conference provided offending-related needs are identified and addressed in the Alternative Action plan (see Appendix C for a list of offending-related needs with definitions).

Effectiveness Principle 2 – Stay outside the system

Restorative approaches that take place outside the justice system have a much greater impact than restorative approaches that take place within the justice system.

Research background:

There is some evidence that restorative justice – that is, conferencing, victim offender meetings, restitution (reparation), community service/work – can be up to ten times more effective when it takes place outside the criminal sanctioning process rather than within it (Bonta, Jesseman, Rugge and Cormier, 2006). This finding is based on a very rigorous meta-analysis which covers the results of 39 studies, most of them with young people (Bonta et al, 2006). The study does not state why re-offending is less when restorative

processes occur outside the formal system and it may well be that researchers do not know. It is not entirely clear from the research what 'the criminal sanctioning process' refers to – whether this relates only to sanctions imposed by the court, or to anything where justice staff (including Police) are involved. However, the key point appears to be that when restorative consequences such as restitution (reparation), community work or apologies are agreed to by the young person, the victim (where the victim is invited or chooses to attend) and other people who attend a meeting or conference there is more likely to be a reduction in offending. Where this occurs, re-offending is reduced by 10% as opposed to a 1% reduction in offending when restorative consequences are imposed by criminal justice staff (Bonta et al, 2006). In the context of the New Zealand youth justice system, Alternative Action is viewed as external to the criminal sanctioning process and this message is communicated to the young person and family. Given this, it is likely that restorative consequences agreed to in Alternative Action meetings run by Police can be seen as falling inside the formal system.

Conclusion:

Restorative justice processes that operate outside the formal sanctioning process and provide a true alternative, resulting in plans developed by consensus with input from the victim where possible, appear ten times as effective in reducing later offending as restorative processes imposed by justice staff.

Further reading:

for suggestions for further reading see Appendix B.

Practical actions:

- Use Alternative Action meetings to develop plans and set accountability items such as restitution and reparation wherever possible rather than having them court ordered.

Effectiveness Principle 3 – Better for crimes of violence

Restorative approaches (including Police Alternative Action) appear more effective than traditional justice processing for reducing offending by those who come to notice for crimes against the person as opposed to property crimes.

Research background:

Surprisingly, restorative justice approaches appear more effective for reducing violent crimes than traditional justice processing (Bonta et al, 2006; Maxwell and Paulin, 2003; McGarrell, 2001; Shelden, 1999). These restorative approaches include Police conferencing, Police Alternative Action and victim-offender meetings. Traditional processing refers to young people appearing in Court or being kept in custody prior to a court appearance. Police conferencing has been found to be effective in reducing later offending by both those who come to notice for property and those who come to notice for violent crimes. However, Police conferencing was more effective than court for reducing re-offending by those who have committed violent

crimes against the person. Court seemed in one study to be as effective as conferencing in reducing property crime (Hayes, 2005). An American study of diversion from pre-trial detention to community services and supervision found less violent offending among the diverted youth than those waiting trial in custody. This was true even for the young people who were at high risk of offending to start with (Shelden, 1999).

This is consistent with a New Zealand finding that Police Alternative Action for youth has the greatest impact on re-offending for those who come to notice for more serious crimes, such as violent, sexual or drug crimes (Maxwell and Paulin, 2003). Such young people showed less re-offending over the 18 months after their Alternative Action meeting than the group who admitted less serious crimes, such as shoplifting and property damage. Those who admitted theft, fraud, receiving and car theft had re-offending rates that fell somewhere between. A meta-analysis of 37 different studies confirms this, finding that restorative justice with people who came to notice for violent crimes was associated with 15% less offending afterwards than court-ordered reparation. This is more than twice the 7% average impact of restorative justice for all types of crimes taken together (Bonta et al, 2006). While tentative, this result suggests that restorative approaches such as Police Alternative Action are a very real alternative to traditional processing for those who come to notice for violent offences.

What we don't know at present is to what extent different types of offending is reduced after diversion – that is, whether violent or property offending is reduced more. The current research tells us only that people who come to notice for a violent offence commit fewer crimes overall after a restorative process – it does not tell us whether they commit less of a certain type of crime e.g. violent crime. There is not a lot of evidence for specialisation in violent offending anyway, other than that people who start offending early in life and with very difficult childhoods are more likely to commit serious violent crimes than those who start offending later in life and have fewer problems as children (Moffit, Caspi, Harrington and Milne, 2002). So the fact that someone comes to notice for a violent or property offence does not make them a 100% 'violent offender' or 'property offender'. A person who comes to notice for a serious crime against the person is more likely to be at high risk of future offending but they are unlikely to commit only violent offences. All that can be concluded is that restorative approaches tend to work best for people who come to notice for more serious types of crime.

In addition, it should not be concluded that restorative justice approaches such as Alternative Action will be enough to stop violent or sexual offending, particularly in a high risk or life course persistent young person. The evidence that restorative processes have little impact on offending by high risk youth suggests this will not be the case (Bonta et al, 2006). When young people come to notice for serious crime, referral to services specialising in dealing with violent or sexual offending would be advisable in order to protect the public from further risk of harm.

Conclusion:

Restorative justice approaches such as Police Alternative Action can be used for those who come to notice for violent offending, although referral to specialist violence or sexual offending prevention services is best included in plans to fully protect the public from harm.

Further reading:

for suggestions for further reading see Appendix B.

Practical actions:

- Use restorative justice approaches, including Police Alternative Action, for violent offences.
- Include victims wherever possible, and if appropriate, as the presence of a victim who can convey the impact the crime has had on them may be part of the reason why restorative processes work better for violent offences.
- Where it is not possible to include victims, reading out a victim impact report and discussing it might be useful.
- In Alternative Action plans for young people who have committed a serious crime against the person include referrals to specialist violence or sexual offending prevention programmes or anger management training, positive consequences for attending programmes and using new skills are also advisable.

Effectiveness Principle 4 – Good for young women

Restorative justice approaches, including Police Warnings and Alternative Action, seem to work particularly well with young women.

Research background:

Restorative justice – including cautioning, conferencing, victim offender meetings and Police Alternative Action – seems to work particularly well with young women (Dennison, Stewart and Hurren 2006; Hayes, 2005; Hayes and Daly, 2004; McGarrell, 2001; Maxwell and Morris, 2001; Maxwell and Paulin, 2003). In the New Zealand context, young women were significantly less likely to re-offend after experiencing Police youth diversion than young men (Maxwell and Paulin, 2003). It is not clear exactly why restorative justice processes work better with young women but it is useful to know that they do as it can sometimes be hard to identify effective options for young women, in part because of the lack of relevant services, and in part because of the lack of research on what works best for them.

Conclusion:

Restorative justice, including Police diversion, is a particularly effective option with young women.

Further reading:

for suggestions for further reading see Appendix B.

Practical actions:

- Use Warnings and Police Alternative Action with young women in preference to higher tariff interventions that involve the formal youth justice system wherever possible.

- Take into account risk of re-offending, and make sure that any girl who is identified by YORST as having a high risk of future offending is dealt with by a plan that addresses offending-related needs and refers her to the relevant services as well as including reparative and accountability elements (see Appendix C for a list of these needs with definitions).

Effectiveness Principle 5 – Do more for high risk children and young people

Young people at high risk of future offending have the greatest reduction in offending when they are referred to high hours of effective programmes and close supervision in the community as part of restorative processes such as Police Alternative Action.

Research background:

Restorative practices such as those used in Police Alternative Action are most effective with young people at lower risk of future offending. (These practices include meetings, restitution, apologies and community work.) When young people with a lower risk of future offending take part in restorative processes such as Police Alternative Action their offending drops by an average of 8% afterwards (Bonta et al, 2006). In contrast, when those with a higher risk of future offending take part in only restorative justice processes their offending is 1% higher afterwards than those who don't (Bonta et al, 2006). This is a worrying finding for any young person, but even more worrying when we consider that high risk young people commit the most crimes and the most serious, violent crimes. They start young – before puberty – and are also highly likely to keep offending into their early thirties (Moffit et al, 2002; Odgers et al, 2008). These are the young people who in the UK have been called 'million pound kids' because that is how much they each cost society overall.

But the news is not all bad. We already know that some things work for this high risk group, reducing offending by 10 to 23% (Bonta et al, 2006). These are effective programmes, characterised by providing high hours for high risk children and young people, addressing the problems and needs that actually cause offending, and using very active ways of teaching new skills and values. (See Appendix C for a list of offending-related needs with definitions.) When restorative justice practice is combined with effective programmes the result is very good. In the one instance that has been documented, a 31% reduction in re-offending was found for this very challenging group (Bonta et al, 2006). It suggests that referring high risk youth to effective programmes as part of Police Alternative Action plans is a more effective approach for high risk children and young people than having a plan that only addresses deeds and accountability.

Conclusion:

Restorative justice on its own is not enough to reduce offending by young people at high risk of future offending. To have an impact on crime by this group Police Alternative Action plans need to include referrals to effective services/programmes and other elements that address offending related needs in effective ways.

Further reading:

for suggestions for further reading see Appendix B.

Practical actions:

- Identify the risk of future offending using YORST for each young person coming into contact with Police.
- Use Police Alternative Action for young people with a high risk of re-offending but ensure plans address offending-related needs as well as needs and include referral to effective services and programmes (see Appendix C for a list of offending-related needs with definitions).
- Identify offending-related needs as part of the Alternative Action process and make sure these needs are addressed in plans by referral to programmes and elements that address needs in other ways (see Appendix C for a list of offending-related needs with definitions).
- Refer to a high level of programme hours and services for high risk young people (50 to 100 hours plus, over three months or more).

Effectiveness Principle 6 – Satisfaction (almost) guaranteed

Both young people and victims tend to be more satisfied with restorative justice approaches than traditional justice processing through the courts.

Research background:

Both victims and young people tend to feel more satisfied with restorative justice approaches than traditional youth justice processing through the courts. Restorative justice approaches include such things as apologies, restitution, community work, conferencing, victim offender meetings and Police Alternative Action (Latimer, Dowden and Musie, 2001; McCold, 2003). Traditional youth justice processing involves court appearances with the possibility of sanctions such as fines, probation or detention being handed down. One meta-analysis of multiple studies found that people tended to be more satisfied with victim offender mediation than conferencing (where victims do not necessarily attend) (Latimer et al, 2001). But in general restorative processes of all kinds tend to attract positive feedback from those involved. Satisfaction levels of up to 100% have been found and are often in the 80 to 90 percentile. For example, a Police conferencing model in the US found more than 90% of both victims and young people involved were satisfied with the process (McCold, 2003). A police conferencing programme in Hawai'i also found satisfaction rates of 83 to 88% among victims, young people and their supporters (Walker, 2002). Satisfaction levels are often surveyed soon after the meeting or conference, which could lead to a 'bubble' effect that fades over time (McCold, 1998, in Walker, 2002). However, one study examined this and found that the 'bubble' effect does not apply to satisfaction with conferencing (Palk, Hayes and Prenzler, 1998, in Walker, 2002).

Conclusion:

Satisfaction for victims and young people is higher when restorative justice approaches such as apologies, restitution, community work, conferencing, and victim offender meetings are used than when a young

person appears in court.

Further reading:

for suggestions for further reading see Appendix B.

Practical actions:

- Use Police Alternative Action meetings in preference to court appearances where possible to increase victim satisfaction.
- Involving victims in Alternative Action meetings may lead to higher levels of satisfaction for the victim(s) and young person as it gives them a chance to tell the young person how they feel and take part in determining restorative consequences.

B Information Gathering and Review

Effectiveness Principle 7 – Use good intel

Use information from as many sources as possible to screen for risk, aid compliance, and develop effective Police Alternative Action plans.

Research background:

Good information collection is a hallmark of diversion systems that reduce re-offending (Shelden, 1999). This means collecting information that is accurate from multiple sources. Such information helps inform good assessments of risk of future offending and needs that must be addressed in order to reduce offending. Collection of both types of information is relatively rare in restorative approaches, which reduces the impact on offending (Bonta et al, 2006).

Risk assessment is essential in order to refer young people with a high risk of future offending to high hours of programmes, something that has been shown to be effective in reducing offending by an average of 10% (Andrews and Bonta, 2003, in Bonta et al, 2006). It is also important for knowing which youth have a low risk of future offending and so can be safely dealt with by Police warnings and diversion (Alternative Action) plans that address only deeds or accountability.

Information gathering is also important for identifying needs to be addressed in Alternative Action plans (Bonta et al, 2006; Maxwell, 2007). (See Appendix C for a list of these needs and definitions.) Collecting information on the cultural knowledge and needs of young people and families who are not from the mainstream culture can make it easier to engage with them and increase their compliance with plans.

There are a number of ways of collecting vital information on risk levels, needs related to offending and cultural issues. One way of collecting information on risk level is by using a risk screening or assessment

tool such as YORST¹. A variety of needs assessment tools exist to guide collecting information on needs, such as Asset² and the Youth Levels of Service/Case Management Inventory³ (although using these might be beyond the scope of a Youth Aid officer's job). One New Zealand study found that using a youth worker to support the Alternative Action process (referred to as an Alternative Action coordinator)⁴ improved information collection (Atkinson, 2004). This in turn aids both risk and needs assessment, and could potentially provide information on cultural needs. Using a coordinator to collect information was also associated with more referrals to services and programmes. However, information collection is something that is an intrinsic part of Youth Aid work and does not need to be done by a youth worker.

Home visits are another good way of gathering information about young people (Atkinson, 2004; Maxwell, 2007; Shelden, 1999). New Zealand research shows that doing home visits as part of the Police Alternative Action process aided information gathering and engagement (Atkinson, 2004). Another New Zealand study of Police youth diversion found that referrals to programmes were more common after a Youth Aid Officer had visited the home and explored the needs of the young person and family (Maxwell, 2007). This research also found that some young people whose homes had not been visited had needs that were not identified, and suggested that home visits take place for every young person. In terms of priorities, home visits are more important for higher risk young people than those at lower risk of re-offending as more information is required to develop effective plans for higher risk young people so that they address both deeds and needs. Phoning homes and victims may be sufficient for the lower risk young person, thus saving limited staff time and resources to go into the children and young people most likely to keep offending.

Assessment of cultural needs is a more specialist area, and best done under supervision by someone who is knowledgeable about cultural matters. Alternately, it could be carried out under contract by a specialist assessor in cases where it is considered of crucial importance, or done in partnership with a community organisation with cultural expertise.⁵ Cultural assessment is helpful in knowing how best to engage with a young person and family/whanau/aiga so that they are most likely to engage and support the plan. It is also useful in terms of knowing what cultural content to put in plans.

Conclusion:

Collecting accurate information from as many sources as possible (including home visits) is useful to develop Alternative Action plans for young people at high risk of future offending who need a comprehensive plan that addresses both deeds and needs in order to reduce their offending. For young people with less likelihood of future offending it may be sufficient to gather information from a risk screen or assessment, file notes and a phone call to the home and victim.

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- 1 YORST (Youth Offending Risk Screening Tool) is a 14 item questionnaire. Further details are on page 15 and a copy of the YORST is in Appendix D.
 - 2 Asset is a comprehensive risk and needs assessment questionnaire used with youth offenders in the UK. An ASSET assessment covers 12 sections including family relationships, thinking behaviour, mental health, and substance misuse. This forms the basis of a continual assessment to evaluate progress being made in reducing the identified risk factors.
 - 3 The YLS/CMI (Hoge & Andrews, 2002) is a Canadian risk and needs assessment tool for youth offenders. The focus of the instrument is on: antisocial attitudes, antisocial associates, antisocial personality, and a history of antisocial and problematic behaviour at home, school, work, and leisure.
 - 4 In this case the Alternative Action Coordinator was a Youth Worker.
 - 5 Both the Whare Tapa Wha model developed by Dr Mason Durie of Massey Univeristy and the Meihana model developed by Suzanne Pitama at the University of Otago can be used for cultural assessment purposes, but are probably best used by someone who is familiar with them.

Further reading:

for suggestions for further reading see Appendix B.

Practical actions

- Youth Aid Officers need to collect information for YORST risk screening through file searches and other sources, which could include calls to families and victims, home visits, contact with schools or training organisations and any other sources.
- Make sure information is recorded on file at each contact with the child/young person to aid (or avoid) assessments at later dates.
- Where a young person is identified by YORST as having a high risk of future offending, then assessment of offending related needs is indicated in order to ensure that plans address these needs (see Appendix C for a list of these needs and definitions).
- For those who have come to notice more than once or are assessed as being at high risk of future offending, a home visit before the Alternative Action meeting is a useful source of information to guide what should go into plans.
- Partnering with a community organisation to provide Alternative Action support may be one way of enhancing information collection and increasing the rate of home visits.
- Where a home visit cannot take place or the young person is clearly low risk a phone call to the family prior to the Alternative Action meeting can be used.

Effectiveness Principle 8 – What's the risk?

Working out the risk of future offending for each young person is important so that you know who needs what in order to stop offending – intensive plans for high risk, moderate input for medium risk/adolescent onset and warnings or plans that address only deeds for low risk.

Research background:

Different young people have different levels of risk of future offending, depending on the number of risk factors in their lives. What works for each young person varies according to what their risk of re-offending is.

High Risk of Offending

Youth with a high risk of future offending need the most input in order to change for the better. These are young people who start coming to notice as children, offend at a high rate, and are most likely to commit violence offences (Moffitt et al, 2002). Recent research reports that they are still offending at a high rate, including up to half of all serious violence offences, as late as age 32 (Odgers et al, 2008). Obviously it is desirable to stop these high risk young people as soon as possible to reduce the amount of harm they do. To this end we need to know who they are. Unfortunately, restorative approaches generally tend not to include assessments which help identify who the high risk young people are (Bonta et al, 2006). Assessments such as YORST, which is available to Police Youth Aid, are excellent for picking out the high risk cases so they can receive the most attention.

Once these high risk, high cost young people are identified it is possible to make a real difference with them. Recent research shows they need more than restorative processes, which don't work well on their own (Bonta et al, 2006) but there is good evidence that their re-offending can be reduced by between 10% to 30% by referring them to high hours of effective support services as part of plans (Bonta et al, 2006). So it is well worth working out who they are.

The things that are a red flag that a young person is at risk include:

- multiple priors
- starting offending before age 13
- continuing offending after age 13
- a history of maltreatment at home as a child, including substantiated complaints to child welfare services about maltreatment by their families
- many family problems and difficulties during childhood
- a history of violence and/or impulsive behaviour from an early age, and
- having many friends who are also involved in criminal or antisocial behaviour (Dowden and Andrews, 1999b; Dennison et al, 2006; Howell, 2003; Lipsey and Derzon, 1998).

The more of these a young person shows, the higher their risk of future offending is.

Medium Risk of Offending

Another group revealed by New Zealand research as a concern is that of medium risk or adolescent onset young people. The signs that a young person falls into this category are that they start coming to Police notice after age 12 after having been 'good' children throughout their primary/intermediate school years (Moffit et al, 2002). At first it was thought that this group would stop offending once they reached their twenties, which is why they were first named 'adolescent limited'. But we now know that they keep going into their early thirties¹, committing over half of the property crimes for their age group, as well as a significant proportion of drug crimes (Moffit et al, 2002; Odgers et al, 2008). As they commit fewer violent crimes and less crime overall, they form the second priority for attention after high risk youth, but little is known about 'what works' with this 'adolescent onset' group. The 'risk principle' – which states that higher risk cases offend less when they receive more hours of effective programme input – suggests that this group will do best with plans that address needs as well as deeds, and refer them to a moderate level of services (Andrews and Bonta, 2003). It is worth identifying medium risk/adolescent onset youth so that they can receive more input via plans than low risk and less input than high risk.

Low Risk of Offending

Last and very much least, youth who are at low risk of future offending need very little input. A Police warning or plan that addresses deeds but not needs is sufficient for this group. These young people are worth identifying through risk screening with YORST so that limited resources are not used for them unnecessarily. Low risk youth are those who have come to notice for the first time, particularly as teenagers, and have very few personal and family problems.

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1 This finding is from a longitudinal study using a cohort who were most recently tested at age 32. Potentially as the cohort ages researchers may report that the identified offending behaviour continued beyond age 32.

Conclusion:

Details about young people collected during the information gathering phase play a vital role in working out risk of future offending. Risk level translates into how much limited time and resources Police Youth Aid need to put into each young person to make the critical difference. Overall it seems that youth with a high risk of future offending need intensive plans, medium risk/adolescent onset youth need a moderate amount of input and low risk youth need only warnings or plans that address deeds in order to desist.

Further reading:

for suggestions for further reading see Appendix B.

Practical actions

- Use YORST to assess risk with anyone who comes to notice under 13 and anyone who has come to notice previously.
- If someone comes to notice repeatedly from age 13 onwards but has not come to notice as a child offender consider using YORST to establish whether they fit the 'adolescent onset' pattern of offending, and have a medium risk level.
- Where a child or young person is assessed as being at medium risk of future offending, assess needs and aim to address them at a moderate level of intensity in the Alternative Action plan, especially if they have a history of multiple property and/or drug crimes (see Appendix C for a list of offending-related needs and definitions).
- Where the child or young person is identified as being at 'high risk of re-offending' assess offending-related needs and use an Alternative Action plan in order to address their offending-related needs and refer them to intensive levels of programmes/services (see Appendix C for a list of offending-related needs and definitions).
- High levels of family problems also indicate high risk, including a history of maltreatment as a child, parental criminality, lack of education or unemployment, and low family income. Asking the child/young person or family about these can help assess risk.

C Decision Making

Effectiveness Principle 9 – Less is more

Young people are least likely to re-offend when dealt with at the lowest level of the youth justice system possible taking into account the nature of their offending.

Research background:

Taking no further action

One of the most striking things from the research on diversion and restorative approaches is that 'less is more'. That is, young people seem to re-offend less when they are dealt with as low down the menu of youth justice tariffs as possible. The less a young person progresses through the formal justice system, the less subsequent offending they seem to do. One American study found that young people who came to notice and then received no further action whatsoever committed no more offences in the following 12 months than those who received either diversion or were processed through court in the normal way (Palmer, Bohnstedt and Lewis, 1978, in Lundman, 2001). Almost all the youth in this study had previously offended, so it was not a typically low risk group to start with. While this was only one study, other research has found that keeping responses to offending at the lowest tariff possible is most effective (Bonta, Wallace-Capretta and Rooney, 1998; Bonta et al, 2006; Dennison, Stewart and Hurren, 2006; Luke and Lind, 2007; Maxwell and Paulin, 2003; Sheldon, 1999).

This suggests that low risk youth (those with few or no priors who started offending after age 12) can be dealt with by taking no further action, which in the New Zealand context usually means giving them a warning. This does not mean that none of them will re-offend, simply that they will not offend any more than had they received a more time and labour intensive response. This also frees up Police time to have more input into the higher risk young people, who need so much more intervention.

Using the lowest tariff possible given the nature of offending

If giving a warning does not seem an adequate response to the offence, then the rule of thumb remains to deal with young people as low down the menu of tariffs as possible, taking into account the nature and seriousness of their offending. In the New Zealand system, re-offending is lowest after a warning, followed by Alternative Action (diversion), then Family Group Conferences (Maxwell and Paulin, 2003). However, it is possible that these results were influenced by level of risk of re-offending i.e. that young people at lower risk of future offending tended to get warnings rather than higher tariff responses and that is why re-offending was less after these sanctions.

Court appearances are associated with the highest levels of re-offending in New Zealand (Maxwell and Paulin, 2003). In Australia, researchers found 15 to 20% less re-offending when conferencing was used rather than appearing in court (Luke and Lind, 2002). Similar results were found in Australia for Police cautioning versus court (Dennison, Stewart and Hurren, 2006). Police cautioning was particularly effective for young women, although also effective for boys (Dennison et al, 2006). The finding that youth are less likely to re-offend after receiving a warning than after appearing in court cannot fully be accounted for by those who receive warnings having a lower risk of re-offending to start with than those who reach court. However, there is some evidence that lower risk youth respond better to lower tariffs than higher risk youth (Dennison et al, 2006; Maxwell and Paulin, 2003). This suggests that responding at the lowest tariff possible is effective across the range of risk of re-offending levels, although most effective for those with a lower risk of future offending.

The special case of high risk young people

'Less is more' refers to the level of penetration into the youth justice system, rather than the intensity of programmes. We know that young people with a high risk of future offending need high hours (100 to 150) of effective services/programmes to come right, at whatever level of the Youth Justice system they are dealt with. Whether they are subject to Police Alternative Action, Family Group Conferencing or a Court Order, high risk youth need to be referred to high intervention hours to change for the better.

Two studies illustrate how using the lowest level of formal intervention possible combined with high programme hours for high risk cases led to less re-offending than moving offenders further into the system. In San Francisco, youth who received intensive services and supervision in the community prior to appearing in court offended less afterwards than those who were remanded in custody (Shelden, 1999). The effect was so strong that the low risk youth kept in detention pre-trial re-offended more than high risk youth diverted to the community (Shelden, 1999). In Canada, adults who did restorative justice along with intensive programmes and supervision in the community re-offended less than similar adults who received probation or went to prison (Bonta, Rooney and Wallace-Capretta 1998). So 'less is more' does not mean doing less to address the offending-related needs of high risk youth. It simply means doing a lot for high risk cases at the lowest level of the youth justice system possible.

Conclusion:

Dealing with young people at the lowest tariff possible given their offence seriousness and offending history seems to be most effective, provided that children and young people at medium and high risk of re-offending are also referred to programmes/services that address their offending-related needs for a medium or high numbers of hours respectively.

Further reading:

for suggestions for further reading see Appendix B.

Practical actions

- Screen for risk level using YORST and with any young person who has a low risk of re-offending, or who had not previously come to notice, deal with them at the lowest level possible unless the offence is very serious.
- Alternative Action meetings and plans can be used multiple times with increasing levels of intervention for repeat offending to avoid processing through Court.

D Alternative Action Plans

Engagement

Effectiveness Principle 10 – Get engaged

Staff engage effectively with young people and their families by visiting them, acting as allies to parents and showing respect for their culture.

Research background:

While engaging with young people and families may sound like something that is more relevant to youth workers than Youth Aid, it is an important part of the Alternative Action process. Experience from both Alternative Action and youth justice programmes has shown that engaging well with families makes compliance more likely (Atkinson, 2004; Henggeler, Pickrel, Brondino and Couch, 1996; Newberry, Alexander and Turner, 1991).

In the New Zealand setting, having an Alternative Action coordinator who visited families and young people before Alternative Action meetings and also followed up with them afterwards in person or by phone was associated with positive results (Atkinson, 2004). Home visits allowed the coordinator to build a rapport with the young person and their whanau which made attendance at an Alternative Action meeting more likely. A home visit also meant the young person and parent(s) were more likely to take part in developing a plan and to stick to it. However, a home visit is not something that has to be done by a coordinator – it is an intrinsic part of the Youth Aid role. This finding is similar to one in the programme arena; where engaging with families is associated with higher levels of involvement and lower levels of drop out, as well as a more positive family response (Henggeler et al, 1996; Newberry et al, 1991).

Overseas research showed that seeing the family as a valuable resource and focusing on their strengths increased their involvement (Henggeler et al, 1996). Setting goals collaboratively with the family in terms of what they wanted to achieve with the young person, rather than telling them what they had to do in an authoritarian fashion, also increased engagement by making the process more relevant to families (Henggeler et al, 1996). When families felt a sense of supportiveness from staff it increased the family's positive response to the programme (Henggeler et al, 1996; Newberry et al, 1991). While Youth Aid staff are not generally running programmes, they can learn from this research and apply it to their work. These are all things that are worth building into the Alternative Action process to maximise its impact on offending through maximising compliance.

Attention to and respect for the young person and their family's culture appears to enhance engagement and can lead to more impact on offending (Nathan, Wilson and Hillman, 2003; Wehipeihana et al, 2003). However, not every young person or whanau is equally interested in their culture so it is possible to alienate them by assuming that saying 'kia ora' or 'talofa lava' is appropriate. This can sometimes make it hard for staff to know what to do to engage with clients. Some kind of cultural assessment can provide guidance to staff in this regard (see Principle 7, 'Use good intel', for more information on this). It is obviously not appropriate for everyone to receive a cultural assessment. So it is up to staff to pay attention to the cultural involvement and attitudes that young people and whanau show, and try to respond to them at this level. For example a Youth Aid officer could use a greeting such as 'kia ora', 'tena koutou' or 'talofa lava' and

watch to see whether the reaction was positive or hostile. When meeting with the family staff could ask if a family member would like to start the meeting or make introductions. This leaves it to the family to decide whether they want to say a prayer or use a language other than English. Having staff who are familiar with cultural protocols and assessment and can advise other staff is also useful.

Conclusion:

Police Youth Aid Officers (and people working in partnership with them) can increase the involvement of parents and compliance with Alternative Action plans by meeting with families and making an effort to engage with them in various ways.

Further reading:

for suggestions for further reading see Appendix B.

Practical actions

- Visit families at home, giving priority for home visits to young people suspected to be at high risk of future offending.
- Show respect and use a friendly approach while being firm about the need to acknowledge and address bad behaviour.
- Use cultural approaches, such as; taking shoes off when visiting the house, karakia or greetings in the person's language. Be aware of whether doing this seems to increase a client's engagement or not.
- At home visits or Alternative Action meetings, after introducing themselves the Youth Aid Officer could suggest that a family member start the meeting or do the introductions, in order to give them an opportunity to say a prayer or use a cultural greeting protocol.
- If the Police Youth Aid Officer involved in the case feels uncertain about using these greetings and protocols at an Alternative Action meeting, they could consult with an Iwi Liaison Officer or cultural supervisor for advice, or ask a colleague with more experience to take part in the meeting.
- Once the Youth Aid officer has ascertained what level of cultural content the young person and family are comfortable with through meeting with them at home, they can manage the Alternative Action meeting accordingly, using the greetings, introduction protocols etc that they know the whanau/aiga will respond best to.
- Avoid making judgmental comments to the parents about their parenting, but couch them as helpful suggestions.
- Make it clear that you are an ally to the parents and that you want to help them and their child(ren) as much as possible.

- Collaborate with parents about what they want to achieve for their child and how this can be addressed through Alternative Action e.g. school attendance or success, new group of friends, saying where they are going, obeying rules.
- Police can reduce barriers to whanau and victims taking part in Alternative Action meetings by; explaining how the process will work, providing aid with transport, scheduling meetings at times when parents can attend, using cultural approaches or showing respect for the culture of the family, and checking for and making allowance for disabilities such as deafness, intellectual disability, etc.

Making Plans

Effectiveness Principle 11 - Aim for agreement

Police Alternative Action planning may be more effective when there is genuine consensus and choice about what goes in the plan.

Research background:

Where there is genuine consensus and choice about what goes in the plan, it appears that there is less re-offending (Bonta et al, 2006; Hayes and Daly, 2003; Maxwell and Morris, 2001; Schneider, 1986). For example, Maxwell and Morris (2001) found that when young people who took part in Family Group Conferences in New Zealand agreed with the conference decisions on what should go in the FGC plan there was less re-offending than when they didn't agree. In Australia, Hayes and Daly (2003) also found that consensus decision making in conferences was associated with less subsequent offending. While neither of these studies found that achieving consensus had a huge impact on re-offending, it did come through as an important factor and one worth taking note of.

There is less support for the idea that giving young people a choice over what elements appear in their plans is associated with less re-offending. Although to a certain extent choice is implied by consensus – presumably by agreeing to the plan the young person exercises some kind of choice about it. Bonta et al (2006) found that consequences such as restitution and community work imposed by the court had less impact on offending than when they were agreed in the context of a conference or meeting with the victim. Overall, this is a tentative finding that needs to be researched more.

Conclusion:

Facilitating Alternative Action meetings in such a way that they result in genuine consensus by participants about the contents of plans and give young people some degree of choice about what goes in plans may make plans more effective but more research is needed on this.

Further reading:

for suggestions for further reading see Appendix B.

Practical actions

- In Alternative Action meetings aim for genuine consensus between participants about what goes in the plan.
- Avoid dictating the content of the Alternative Action plan, and encourage input and discussion about what is best included in it.
- Within reason give the young person some choice as to the element(s) they want included in the plan from a range considered suitable by the family, the victim (if consulted) and Police, although Police and the victim should be able to override the young person where their choices are considered inappropriate.
- The exception to this is for high risk young people, where Police will need to act as expert advisors on what to put in the plan given the lack of knowledge that other participants may bring to the table.
- Police should always exercise professional override if they consider that suggestions from other participants in the Alternative Action meeting are not appropriate or sufficient to reduce offending and increase accountability.

Effectiveness Principle 12 – Build in consequences

Police Alternative Action plans may be more effective when they include positive consequences for positive behaviours and negative consequences for non-compliance.

Research background:

Using positive and negative consequences to manage behaviour is one of the most effective approaches indicated by the research (Andrews and Bonta, 2003; Dowden and Andrews, 1999a, 1999b; Dowden and Andrews, 2004). One large study found that when behaviour was 'shaped' using rewards and punishments, re-offending was reduced by 23% (Andrews and Bonta, 2003). This is a large positive impact on re-offending compared to the more modest reduction of 7% for using restorative approaches such as restitution, victim offender meetings and conferencing (Bonta et al, 2006). This study looked at 77 different tests of impact on offending across numerous studies which makes it a very rigorous finding.

Positive consequences include privileges such as watching TV, going to watch special sports games, or going to town. Points can also be awarded to earn privileges or pocket money and can be used to reward positive behaviours such as attending school, doing well at school, staying out of fights, and staying away from delinquent friends. Obviously it is not appropriate to award positive consequences for following the 'deeds' part of the plan – young people should redress the harm they have done because it is the right thing to do, not because they are rewarded for it. Positive consequences are more appropriately used only

for the 'needs' part of the plan, such as actions to reduce personal problems, or for good behaviour while on the plan. (See Appendix C for a list of offending-related needs and definitions.) It is also appropriate that young people earn their privileges rather than having them handed to them on a plate. Negative consequences can be used to respond to poor behaviour or non-compliance with the plan. They include the loss of privileges such as grounding or loss of pocket money. These kinds of techniques are particularly effective for high risk young people (Andrews and Bonta, 2003).

For the most part Police do not have enough contact with young people to make much of an impact using positive and negative consequences such as praise and warmth during face to face contact. But one very effective way of building this effective approach into Police practice is by including positive and negative consequences in Police Alternative Action plans. They could either be written into the main plan or attached to the plan. Using a points system makes it easier to include positive consequences in plans. The benefit of this approach is that not only does it lead to increased positive behaviour and less undesirable behaviour, but parents, whanau, teachers and other significant people in the young person's life can be included in the process. They can either report on the young person's behaviour to Police Youth Aid, or manage the recording of behaviour and assigning of privileges themselves. These key players in the young person's natural environment can thus take responsibility for encouraging good behaviour and discouraging poor behaviour, learning more effective ways of dealing with young people in the process. The whole process is more effective when there are twice as many positive consequences as negative consequences.

Conclusion:

Including positive and negative consequences in Alternative Action plans has the potential to make them more effective in reducing re-offending, particularly for high risk young people. Positive consequences are most appropriately applied only to good behaviour and 'needs' aspects of the plans, not elements that address the 'deeds'.

Further reading:

for suggestions for further reading see Appendix B.

Practical actions:

- Include as part of the Police Alternative Action plan a system for earning privileges through good behaviour at home, school attendance, associating with positive peers etc, rather than receiving privileges irrespective of poor behaviour or failure to follow the plan. Do not use for accountability elements in the plan.
- Providing positive consequences for positive behaviours such as periods of staying away from Police notice (e.g. for a week) is effective and appropriate, especially for high risk young people. Attending school or doing well in school, mixing with pro-social peers or getting involved in positive after-school activities can also be linked to earning positive consequences.
- Involve parents (or teachers) in monitoring and implementing this system where they are interested and want to be involved.
- Positive consequences should not be excessive or unusual. When developing the Alternative Action plan, privileges and pocket money that the young person normally receives, can instead be earned by completing aspects of the plan or exhibiting certain behaviours.

- Include as part of the plan negative consequences for non-compliance with elements of the plan. These should be reasonable consequences and should not be included unless there are also positive consequences and they can be enforced.
- Aim to give twice as many positive consequences as negative consequences, as this makes the approach more effective. This will be constrained by what the young person actually does, but can be helped by making positive consequences and the behaviours needed to earn them quite small and easy to do, and the behaviours needed to earn negative consequences quite major ones that are likely to occur less frequently.

Making Amends

Effectiveness Principle 13 – Meet the victim

Victim-offender meetings are an effective approach that results in a modest reduction in re-offending for both mainstream and minority ethnic groups, and work particularly well for young women and possibly for those who come to notice for a violent crime.

Research background:

One of the activities central to the restorative justice process is arranging a meeting between victim and young person. This tends to happen more often in conferencing (whether run by Police or others) than in New Zealand Police Alternative Action meetings, but it is still useful to look at how effective it is. Overall, victim offender meetings have the same modest impact on re-offending as other aspects of restorative justice - around a 7-8% decrease in re-offending (Bonta et al, 2006; Bradshaw and Roseborough, 2005; Hayes, 2005; Latimer et al 2001; McCold and Wachtel, 1998; McGarrell, 2001; Nugent and Paddock, 1996). One meta-analysis found that including victim offender mediation has more impact on re-offending than conferencing, where victims do not always attend (Bradshaw and Roseborough, 2005). However, this was not replicated by other meta-analyses, which found the approaches were equally effective (Bonta et al, 2006; Latimer et al 2001). So victim meetings with young people are a proven effective component of restorative approaches, but not any more effective than restitution, community work or conferencing without a victim meeting.

This is true for young people of varying ethnicities, including indigenous and ethnic minority young people (Dennison, Stewart and Hurren, 2006; Luke and Lind, 2007; Maxwell and Morris, 2003; Maxwell and Paulin, 2003). Meeting with victims seems particularly effective for young women (Hayes, 2005; McGarrell, 2001). There is also some evidence that Police conferencing that includes meeting the victim is more effective for those who come to notice for a violent crime (Hayes, 2005; McCold and Wachtel, 1998). From a practical point of view, involving victims in meetings does seem to greatly increase the time required to organise a meeting (Chan, Doran et al, 2004). In terms of Police Alternative Action meetings it would be wise only to use victim attendance at the meeting for violent crimes where this was appropriate. In other cases Police could confer with the victim by phone to find out their wishes, as is often the practice. Victim offender meetings for violent crimes appear of value because there is usually an identifiable victim in these cases whose testimony can have quite an emotional impact and create remorse.

Conclusion:

Victim offender meetings can be included in Police Alternative Action and be effective, particularly for young women and those who come to notice for violent offences. However, plans can work well without them. Organising meetings with victims is so time consuming that it is probably best reserved for violent offences, with phone consultation with victims used as the norm.

Further reading:

for suggestions for further reading see Appendix B.

Practical actions

- Including victims in diversion meetings where there is a violent offence or an offence with an obvious victim may be useful to increase remorse and impact on offending, but is not necessary in order to reduce offending.
- Including victims may be particularly useful for crimes against the person committed by young women.
- Where it is not possible to involve the victim in the meeting, or it would take too long to organise, talking to the victim by phone and finding out what sort of outcomes they would like to see from the meeting is recommended.
- Notifying the victim of the outcome of the Alternative Action meeting is also recommended.
- Another option is to read out the victim impact statement at the diversion meeting to make sure the young person understands the impact of their offending on the victim and to give the young person more opportunity to feel remorse.

Effectiveness Principle 14 – Say ‘sorry’

Apologising to the victim(s) in person or by letter, while not effective in reducing offending on its own, is an integral part of other effective approaches and may be particularly suited to young women.

Research background:

Making an apology to the victim, whether in person or in writing, is often included in Alternative Action plans. Research does not indicate that apologising is effective in reducing re-offending on its own. New Zealand research found that offering an apology to a victim was predictive of less re-offending after Family Group Conferences (Maxwell and Morris, 2001). However, research on Police youth diversion in New Zealand concluded that there was no meaningful difference in offending between those who had an apology in their

plan and those that didn't (Maxwell and Paulin, 2003). The exception was for young women, who appeared to re-offend less than young men after a plan with just an apology in it (Maxwell and Paulin, 2003).

Two studies of conferencing have found that when young people report feeling remorse the offending outcomes are better (Maxwell and Morris, 2001; Hayes and Daly, 2003). It may be that feeling remorse is more of a factor in reducing offending than apologising but this has not been established. Given the repeated finding that high risk young people have multiple risk factors and needs, and do best with intensive programmes, it is unlikely that an apology alone will be sufficient to reduce their offending. Having the young person apologise without any other conditions is nonetheless a suitable approach for lower risk young people and is also a positive addition to a multi-element plan.

It is also worth noting that much of the restorative justice literature emphasises the importance of an apology for the victim. Victims want a sincere apology, which consists of offenders showing remorse for what they did, offering some form of reparation for damages, even if symbolic, taking full responsibility for their actions, and promising not to re-offend (Bennett and Dewberry 1994; Petrucci 2002).

Conclusion:

Including apologies in Alternative Action plans and encouraging remorse appears part of effective practice, but for single element plans more tried and true elements such as reparation are probably more indicated, particularly for males.

Further reading:

for suggestions for further reading see Appendix B.

Practical actions:

- Include apologies in plans but if some other element appears more crucial an apology can be replaced by that element without adverse effect.
- Find ways to increase remorse, for instance, meeting with the victim or hearing the victim impact statement read out.
- Encouraging the young person to put themselves in the victim's shoes and think about how they would feel if someone did to them what they had done to the victim may help increase remorse.
- For young women having an apology as the only element in an Alternative Action plan may be effective, particularly if the girl has a low risk of future offending.
- For children or young people identified by YORST as being high risk, an apology on its own is unlikely to be sufficient to change their offending behaviour. Other elements, particularly referral to high hours of effective programmes, need to be included in Alternative Action plans if offending is to be reduced.

Effectiveness Principle 15 – Pay for the damage

Restitution (reparation) is an effective response to offending, on its own or as part of a larger plan.

Research background:

Restitution (reparation)¹ is another commonly used element in Alternative Action plans. Research shows that restitution is effective in reducing re-offending, both on its own or when combined with probation (Schneider, 1986). This is true even controlling for factors that would indicate higher risk, such as prior offending, age and gender. A large meta-analysis of international research found that reparation was an effective approach, reducing re-offending by an average of 8% over 55 tests (Bonta et al, 2006). Interestingly these researchers found it was ten times more effective when agreed to as part of a conference or meeting plan, rather than when they took place as part of criminal justice sanctions.

However, research in Australia and New Zealand on conferencing and Alternative Action found that adding restitution or reparation to a plan did not always increase the plan's impact on offending (Hayes and Daly, 2004; Maxwell and Paulin, 2003). The cases where reparation did impact positively on reoffending was with young women. More than twice as many young women than boys re-offended when their Alternative Action plan did not include reparation (Maxwell and Paulin, 2003). The implication is that including reparation might reduce re-offending by young women, although this has not been firmly established. The greater impact of reparation on re-offending by young women may be due to a possibly lower risk level among young women, given that their re-offending rates are significantly less than the boys in the study (Maxwell and Paulin, 2003).

Not paying reparation was also associated with more re-offending by teens than by children under 13, although this may be because teens were more likely to be asked to pay reparation (Maxwell and Paulin, 2003). Māori and Pacific youth also showed higher re-offending levels than Pakeha youth when they did not pay reparation, which may indicate that reparation is also useful for this group (Maxwell and Paulin, 2003). However, these findings are tentative rather than conclusive given the lack of further analysis or replication by other researchers.

In something of a surprise result, New Zealand research on Police Alternative Action showed that making a donation to the community was associated with an increase in re-offending even though reparation for the victim was not (Maxwell and Paulin, 2003). This suggests that asking young people to give financial reparation directly to the victim may be more effective than asking them to make a donation to someone not directly connected to the offence.

Conclusion:

Reparation can be effective as a sole element of an Alternative Action plan and may be particularly useful with young women, but donation to someone other than the victim does not seem as effective.

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1 'Restitution' is the term used in most research to denote a payment to the victim to compensate them for loss and harm. New Zealand Police generally use the term 'reparation' to mean the same thing.

Further reading:

for suggestions for further reading see Appendix B.

Practical actions:

- When only one element is being included in a plan, reparation is a good element to include.
- For young women, reparation is a good choice for a single element plan, and reparation and apology is a good choice for a two element plan.
- For high risk young people reparation is a good choice for the restorative/accountability part of the plan, provided offending-related needs are also addressed in the plan.
- Use reparation directly to the victim in preference to a donation to the community.

Effectiveness Principle 16 – Work it out

Community service/work contributes to reduced re-offending on its own or as part of a plan with multiple elements.

Research background:

Community service/work is modestly effective, reducing re-offending by about 7% (Bonta et al, 2006). Like reparation it appears much more effective when decided on by the conference or meeting rather than imposed by justice staff, with up to ten times as much impact on re-offending (Bonta et al, 2006). New Zealand research on Police Alternative Action found that including more than 21 hours of community work as one element of a multi-element plan did not seem to make the plan any more or less effective than having less than 21 hours community work (Maxwell and Paulin, 2003); so modest hours of community work appear to be as effective as high hours of community work.

New Zealand research has found that an Alternative Action coordinator who is not a sworn Police officer but works as part of the Youth Aid team can be effective in supervising community work, thus making it more feasible to include in a plan (Atkinson, 2004). Supervision of community work can also be aided by partnering with a community organisation.

As consensus decisions about the content of plans have been associated with more impact on offending, it may pay to seek the young person's views on whether they think restitution or community work should go in the plan (Hayes and Daly, 2003; Maxwell and Morris, 2003). Of course the views of Police, parents and particularly the victim would override those of the young person. In addition, the approach to selecting and supervising community work needs to be a restorative one rather than one aimed at 'scaring straight'. Approaches that aim to increase fear of official punishment, for instance by shaming or humiliating young people, are proven ineffective in reducing re-offending. In fact they are associated with a slight increase in re-offending by young people (Dowden and Andrews, 1999a, b). For this reason the focus in assigning community work should be on the opportunity for the young person to redress the harm they have done,

and they should be treated in a respectful manner while doing the work.

Conclusion:

Community work appears effective as part of an Alternative Action plan whether on its own or together with other elements, and high hours of community work are not needed to make a positive impact on offending.

Further reading:

for suggestions for further reading see Appendix B.

Practical actions

- Community work can be included in a multiple element plan or used as a single element in an Alternative Action plan.
- Allowing the young person some say in whether they would prefer community work or reparation may make for better outcomes.
- Partnering with community organisations can mean the load of finding and supervising community work is shared and made more feasible.
- Community work could build on the strengths or interests of the young person and be used as work experience or as something that could lead to paid work.
- The type and/or purpose of the work could be related to the offence, for instance cleaning up the community as a response to graffiti.
- Community work needs to happen in the context of a restorative process, where the aim is to redress harm done to victims, rather than in a shaming or humiliating way, as this is a proven ineffective approach. Young people need to be treated respectfully while doing community work.
- Community work should make some contribution to the community rather than being work that is created simply for the sake of giving someone something to do or as punishment. For example, planting trees or cleaning up litter contributes more obviously to the community than stuffing envelopes or picking up rocks. Work that would directly recompense or benefit the victim also seems an appropriate choice, provided it did not cause discomfort or further harm to the victim.

Making a Difference with Medium to High Risk Cases

Effectiveness Principle 17 – Do most for high risk children and young people

To reduce re-offending by young people identified as being at high risk of re-offending, identify their needs that are directly related to offending and address them in Police Alternative Action plans.

Research background:

Research has shown that restorative approaches – such as conferencing, apologies, restitution and meeting with the victim – do not have much impact on offending by young people at high risk of future offending (Bonta et al 2006). In fact, offending by high risk youth has been found to increase by 1% after taking part in restorative justice approaches. This is poor compared to an 8% reduction in offending for lower risk young people (Bonta et al, 2006). Why restorative justice does not seem to work with high risk youth is not fully understood. One possibility is that lower risk young people still have ties with family, prosocial friends, schools and other social institutions that they can draw on to make positive changes. They also tend to have far fewer problems and needs of the kind associated with risk of offending. Thus they have more potential to ‘pull their socks up’ as a result of meeting their victim or being held accountable for their actions by an Alternative Action meeting (Bonta et al, 2006). But for higher risk young people, who are very divorced from positive social institutions, and whose families are hotbeds of problems and criminal influence, there are less resources available to help them change their ways even should they choose to.

As high risk youth are responsible for much more than their fair share of all offending, and up to half of serious violent crime, it is a high priority to do ‘what works’ with them (Moffitt et al, 2002). The fact that restorative justice does not work well for high risk youth does not mean that ‘nothing works’ for this group. Quite the contrary; one of the strongest findings in the ‘what works’ research is that it is possible to reduce the offending of high risk young people by anywhere from 10 to 30% if the right things are done. What is most effective is providing high hours of services to address their offending-related needs (Bonta et al, 2006). These are needs that result in less offending when they are addressed (and not every need does). Examples of these ‘x factor’ needs are: poor control of impulsive behaviour, poor anger management, and having few law-abiding friends. (Full lists of these needs for children and young people are included in Appendix C along with definitions.) When these needs are addressed in active, effective ways this group offends 19% less on average (Bonta et al, 2006; Dowden and Andrews, 1999a, b).

So, far from being ‘unsalvageable’, high risk youth are the most salvageable of all. It is just a matter of doing the right things with them for the right amount of time. Providing these effective services is generally beyond the limit of Police resources; but they can play a crucial role by identifying who these young people are, finding out what their key needs are, and addressing these needs in Alternative Action plans, usually by referral to programmes. The high risk group is not a large one – New Zealand research suggests 15% of the young people who Youth Aid deal with may be high risk – but dealing with them effectively can have a huge impact on public safety because their offending levels are so high and they commit so much violent crime (Maxwell, Robertson and Anderson, 2002, page 31; Moffitt et al, 2001).

Wilderness approaches are popular in New Zealand, but they have only a modest impact on offending and then only when they are combined with programmes that address needs (Wilson and Lipsey, 2000). Mentoring is another popular approach and this can be effective provided carefully selected and well-trained people are used, they use behavioural techniques to address offending-related needs, and relate to young people in supportive rather than critical or prescriptive ways (Fo and O’Donnell, 1975; Grossman and Gary, 1997; Tierney, Grossman and Resch, 1995). To be most effective, programmes for higher risk young

people need to be high intensity - which means at least 50 to 100 programme hours over three months or more. New Zealand research has found that using an Alternative Action coordinator to manage and monitor plans increases referrals to programmes and services (Atkinson, 2004).

There is also evidence that involvement in bicultural programmes¹ can have a greater impact on re-offending for Māori than involvement in programmes that are not relevant to their culture (Nathan et al, 2003). However, if the young person does not have a high level of interest in their culture or has an actively negative attitude to it, referral to such a programme may backfire and cause alienation. For this reason it is important to refer a high risk Māori youth for a cultural assessment that can advise what type of programme they are best to be referred to (see Principle 7 'Use good intel' for more on cultural assessment). Where this is not possible referral to a bicultural programme is probably the most effective course of action, unless the young person makes it clear that he or she is totally disinterested and does not want to attend a programme with a high cultural content.

What doesn't work with high risk youth is involvement in programmes that use harsh, punitive approaches such as boot camp and scared straight. These at best have no impact on offending, and at worst increase it (Andrews and Bonta, 2003). This is most likely because they don't address offending-related needs or use active, behavioural approaches of teaching. Residential programmes have half the impact on offending of those that let people live in the community, even when both are using the most effective approaches known (Andrews and Bonta, 2003, in Bonta et al, 2006). Group programmes are also less effective than those that work with individual young people and/or their families (Dishion et al, 1996, Patterson et al, 1999, Poulin et al, 1999, all in Dishion et al, 1999). However, programmes that use active, behavioural techniques for teaching and managing young people seem to offset the effects of peer influence (Feldman, 1992, in Dodge et al, 2006; Dishion et al, 1999; Poulin et al, 1999, in Dishion et al, 1999).

In contrast, programmes that use nondirective methods (such as general counselling for emotional problems) seem to be environments in which antisocial peer influence can flourish (Feldman, 1992, in Gottfredson, 1987c, in Dodge et al, 2006). The makeup of the group matters too. When most of the group are law abiding young people with positive lifestyles there is more impact on offending, even in skills based groups, than when the group is wholly made up of youth involved in offending (Ang and Hughes, 2002, in Dodge et al, 2006). This is probably why involvement of high risk youth in activities such as Scouts or YMCA has not been found to increase their offending in the way that attending summer camp with other high risk youth has (Dishion et al, 1999).

The take home message from all this research is that when referring high risk youth to programmes, it is best to look for programmes that use active, behavioural methods of teaching and work with individuals and/or their families. For group activities or programmes, referring to activities attended mainly by law abiding youth is most effective. Failing that, group programmes that use active, behavioural techniques of teaching to address offending-related needs are most effective. This includes residential programmes, although if a suitable programme can be found in the community it is twice as likely to be effective (Andrews and Bonta, 2003). Least preferred are group programmes where behavioural techniques are not used, especially those with a focus on harsh, punitive approaches or those that focus on vague personal problems with general counselling. Residential programmes of this nature are the least preferable of all and least likely to be effective in reducing offending.

Conclusion:

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1 A bicultural programme is an effective style of programme with a high level of Māori cultural content.

Police Alternative Action can make a difference with high risk young people by assessing and identifying their offending-related needs, and including ways of addressing these needs in Alternative Action plans in addition to addressing deeds, particularly through referral to high hours of effective programmes.

Further reading:

for suggestions for further reading see Appendix B.

Practical actions

Identifying Needs

- In order to know what type of programmes to refer young people to and what to include in Alternative Action plans, offending related needs are best identified before the plan is developed.
- Identification of offending-related needs is required only for children and young people who have been identified by YORST as being at high risk of re-offending and are not already being referred to a Family Group Conference. This is a fairly small group, likely to be less than 15% of all the cases Youth Aid deals with.
- The task of identifying offending-related needs can be carried out effectively by a Youth Aid officer, by Police Youth Development staff or some other person who is knowledgeable about needs assessment. Some of the relevant needs are covered in YORST but the remainder need to be assessed separately. There are a number of questionnaires that can be used to do this.¹
- Developing partnerships with community organisations may mean there are more resources to liaise with families and young people, carry out assessments and collect other necessary information.
- While it is important to include needs in Alternative Action plans for high risk youth, it is also important to address deeds through accountability elements such as apologies, reparation and community work to make it clear that wrong doing has occurred and amends must be made.

Referral to Programmes

- It would be useful to develop a kit for Youth Aid staff in each region to use in developing Alternative Action plans for young people which include; hand outs for parents and schools, lists of activities where young people can meet prosocial peers, lists of effective programme providers, and lists of actions that can be used to address each type of need.
- Include referral to effective services and programmes as a standard part of Alternative Action plans for children and young people identified by YORST as being at high risk of re-offending.

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1 Examples of needs assessment tools are the Youth Levels of Service/ Case Management Inventory (YLS/ CMI) and a British tool, ASSET, for adolescents.

- Wherever possible use programmes that have been evaluated and found effective in reducing offending or have been assessed for their use of 'what works' using an evidence-based system (e.g. Correctional Programme Assessment Inventory - Youth, YOSEC).
- Referrals to services/programmes that address needs directly related to offending (e.g. anger management) are best to take priority if offending is to be reduced, with referrals to address other needs taking second priority except in cases where these needs are clearly urgent (e.g. physical or mental health problems).
- Refer high risk youth to programmes that use behavioural techniques with individuals and/or families to address offending-related needs as a preference. Second best are group programmes with mainly pro-social peers. Third preference is group programmes of only high risk youth that use behavioural techniques.
- Refer to effective programmes in the community where they are available in preference to residential programmes, in order to reduce the risk of peer influence. Where a residential programme is the only option, give preference to those using behavioural, active methods of addressing offending-related needs (e.g. anger management, relapse prevention, learning to stop and think before acting).
- Referral to individual practitioners who specialise in dealing with youth can also form a valuable part of plans where these services exist locally.
- Do not refer children or young people to programmes that use deterrent approaches as these have little or no impact on offending and can make it worse.
- Do not refer to non-directive programmes that do not address offending-related needs or do not use behavioural approaches, including those that focus on vague personal problems or offer general counselling.
- If programmes referred to include wilderness elements, these should be combined with some kind of rehabilitative programme that addresses offending-related needs as wilderness approaches on their own are unlikely to reduce offending.
- Refer high risk young Māori to cultural assessment by identified experts (see Principle 7 for more on where to find these services). Where this is not possible, refer them to bicultural programmes except where they make it clear they are unwilling to attend.
- Ask Māori and Pacific young people about their attitude to cultural activities and programmes, and if they are motivated and want to learn more include cultural elements in Alternative Action plans. When they are not motivated or interested trying to force involvement may alienate them and make the plan less successful.
- Where motivation to be involved in cultural activities is high this can be used to leverage involvement in other programmes, by referring to bicultural programmes that address key needs and/or including both cultural and other programme elements in the plan.

Work Skills

- For youth who are seeking paid work this can be used to increase motivation to achieve other goals in their Alternative Action plans, as well as being effective in reducing offending. For example, staff could suggest the young person improves their anger management skills or reduces their substance abuse in order to help them succeed at work. In this case, referral to services that help to address anger management and substance abuse could be included as elements in the plan along with finding paid employment.
- Research has shown that developing work skills does not have any impact on offending unless the young person is already in paid work, therefore the first goal should be to find work. Work skills are best addressed either on the job or outside working hours once work is obtained.

Effectiveness Principle 18 – Do a moderate amount for medium risk/adolescent onset children and young people

Young people who first come to notice as adolescents do not need as much input as those who first came to notice as children, but they need more than youth with a low risk of future offending.

Research background:

We know from recent New Zealand research that the group of youth who start offending in adolescence after trouble-free childhoods do not necessarily stop offending once they reach adulthood, as was first predicted (Moffit et al, 2003; Odgers et al, 2008). Rather, they keep on offending until their early thirties. While they are not as big a problem as the high risk group – their offending levels are not as extreme and they commit far fewer violent offences – they are persistent enough to be a significant problem. They form a second priority for intervention after high risk youth. These medium risk and/or adolescent onset young people can be recognized by their tendency to repetitively come to notice at or after age 13 for mainly property and/or drug crimes, with little or no evidence of problems during childhood.

Unfortunately, not a lot of research has been done on what is effective with this group. Based on existing knowledge, the most effective response would appear to be the same approach as high risk cases, but just less of it. The risk principle indicates that the higher the risk of future offending, the more hours of effective programmes are needed to reduce offending (Andrews and Bonta, 2003; Bonta et al, 2006). So it makes sense that referring these moderate risk young people to a moderate intensity of programmes via the Alternative Action process will reduce their offending (Andrews and Bonta, 2003; Bonta et al, 2006; Dowden and Andrews, 1999a, b).

Assessing and targeting their needs that are directly related to offending is also likely to help them come right (Andrews and Bonta, 2003; Bonta et al, 2006; Dowden and Andrews, 1999a, b). However, they are likely to have fewer of these needs than high risk youth simply because they had fewer problems in childhood (Moffit et al, 2003). Key needs for medium risk, adolescent onset youth are likely to include parenting factors, antisocial peer contact and school attendance/achievement. The families of these youth are often quite functional, and improving parental skills such as having rules for where they can go, who they can see and vetting their friends can make a difference to offending (Dowden and Andrews, 1999a, b).

Many medium risk children and young people are still attending school, so this is a strength that can be built on. New Zealand research also shows that staying longer at school is protective against crime for young males (Henry et al, 1996). School activities could include involvement in extracurricular activities such as clubs and sports that allow them to develop friendships with youth who are not involved in law breaking. Mixing with antisocial peers is the number one risk factor in adolescence, and researchers think that this is one of the main reasons that these youth start coming to notice (Bartusch et al, 1997; Moffit et al, 2003). So anything that can reduce contact with antisocial peers and especially increase contact with teens with positive lifestyles is to be encouraged. In line with this they should not be put in groups, particularly with higher risk youth, for fear of antisocial influence leading to increased re-offending (Ang and Hughes, 2002, Dishion et al, 1996, Feldman, 1992, all in Dodge, Lansford and Dishion, 2006; Lipsey, 2006).

Dealing with medium risk and/or adolescent onset youth in the community as individuals, or with their family, is therefore likely to work best. New Zealand research shows they have a number of strengths that are best built on outside peer groups or residential settings (Moffit et al, 2003).

Conclusion:

Police Alternative Action can likely make a difference with adolescent onset or medium risk young people by assessing and identifying their offending-related needs, and addressing these needs in Alternative Action plans, particularly through referral to moderate hours of effective programmes. These young people are a lower priority than high risk youth for Police resources and referral to programmes as they commit fewer crimes, particularly violent crimes, but they still deserve attention because they offend well into adulthood.

Further reading:

for suggestions for further reading see Appendix B.

Practical actions:

- It may be useful to use YORST to confirm the risk level of anyone who first came to notice as an adolescent and has a pattern of largely property and drug offending.
- Where resources allow, some form of offending-related needs assessment would be useful in order to identify needs that are best addressed in Alternative Action plans in order to make inroads into their offending while they are still adolescents.
- While a moderate amount of attention to needs will likely be effective with this group, plans also need to address deeds and include elements that hold young people accountable for their wrongdoing and direct them to make amends.
- Alternative Action plans for these young people would be best to refer them and their family to moderate hours of programmes that address the three key need areas of this group, that is;
 - i) parenting skills, particularly having and enforcing rules for where their child or young person can go, who they can see and when they must be home,
 - ii) reducing contact with antisocial associates and increasing contact with youth involved in positive activities; and

- iii) increasing school attendance/ achievement including involvement in extra curricular activities at school.
- While parenting skills programmes may be useful for the parents of adolescent onset youth, it may be enough simply to suggest to them that they institute firm rules and better supervision with the young person.
- Where possible avoid referring adolescent onset/medium risk young people to residential programmes or those that work with young people in groups – rather, refer them to services that build on their strengths on an individual and/or family basis (such as parenting skills, family therapy, mentoring or after school tutoring).
- Referral to peer groups where the majority of youth have positive values and lifestyles is also recommended, such as extracurricular activities at school or recreation in the community.
- New Zealand research shows that many of these young people are still at school and this is a protective factor. Anything that can be done to improve school attendance and achievement is useful (e.g. tutoring, homework clubs, involvement in subjects and activities they find interesting at school).

E Monitoring and Supporting

Effectiveness Principle 19 – Keep an eye on plans

Compliance with plans is higher in restorative justice approaches such as those used in Police Alternative Action than in other types of diversion or sanctions, and this may increase impact on re-offending.

Research background:

It's not enough just to have a good plan – obviously they need to be completed to have an impact. The good news is that restorative approaches such as Alternative Action and Family Group Conferences are far more likely to result in compliance with plans than other types of diversion or sanctions handed down by the court (Latimer, Dowden and Musie, 2001; McGarrell, 2001). In one study where compliance rates for traditional Police diversion could not be ascertained due to lack of records, compliance with police conferencing plans was around 90% (Walker, 2002). One meta-analysis found that there was up to 33% more compliance with plans developed via a restorative process than with traditional justice system sanctions, such as probation (Latimer et al, 2001). New Zealand research found that compliance with Family Group Conference plans by young people predicted less re-offending to a slight degree (Maxwell and Morris, 2001). In other words, when young people complied with plans they were slightly less likely to come back to notice, which makes sense.

Obviously the plans have to be good to start with – increasing compliance with plans that have elements that don't work is not going to make them any more effective. Other New Zealand research has found

that having an Alternative Action coordinator who is a youth worker not a sworn officer, but is attached to the Youth Aid team, makes it more likely that Alternative Action plans will be completed (Atkinson, 2004). This is because this person can follow up plans as part of his/her role and work with the young person to make sure they are completed. However, monitoring compliance with plans is a key Youth Aid role and needs to be undertaken regardless of whether a coordinator is employed or not. Where workloads are high, partnering with local community organisations may increase resources for monitoring plans.

Conclusion:

Police need to develop good plans to start with, then be creative about finding ways to maximise compliance so plans can have their full impact on reducing offending.

Further reading:

for suggestions for further reading see Appendix B.

Practical actions

- Use restorative approaches including Police Alternative Action meetings and make sure the elements of plans are agreed to by all parties involved so that they are more likely to be complied with.
- Make sure that plans are well suited to the risk level of the child or young person and their needs (i.e. more elements and referral to programmes for higher risk), and include elements that are likely to work in reducing offending.
- Where workloads are high, investigate ways of partnering with local organisations to increase the resources available to monitor plans.
- Build positive consequences for completing the non 'deeds' parts of plans.
- At the meeting be clear about (and record) who is going to monitor the various aspects of the plan.
- Monitor the completion of the plan through phone calls, texts, and home visits. Gauge the amount of monitoring required by the risk level of the young person and the extent of family support available.
- If the plan has a mix of restorative elements and rehabilitative elements, consider setting staggered timeframes. Elements such as apology letters, reparation and community work could be required to be completed in a shorter timeframe than elements such as counselling or improved attendance at school.

F Staff Characteristics and Training

Effectiveness Principle 20 – Staff make a difference

Effective staff are firm but fair, skilful communicators, competent and good role models.

Research background:

Some ways of working with young people are more likely to have an impact on future offending than others (Dowden and Andrews, 2004). This is likely to be true for Police as much as any other professional group. Research in the UK and in New Zealand shows that young people have both positive and negative experiences with Police (Maxwell and Paulin, 2003; Painter, 1993). There is some research with adults that suggests that Police who act with respect towards the people they deal with receive more cooperation, and there is less repeat domestic violence (Goldblatt and Lewis, 1998; Sherman et al, 1998). In a study on Police youth diversion one New Zealand young person made the perceptive remark that Police were treated with so little respect themselves that they became prone to treating the public with scant respect in turn (Maxwell and Paulin, 2003, p.48). Another said 'I wouldn't like the Police's job and have to deal with people like me every day'.

One of the most important characteristics of effective staff is effective use of authority (Dowden and Andrews, 2004). This involves making the rules and boundaries clear, along with consequences for breaking them. It also means applying the consequences without partiality, neither bullying nor favouring. Effective use of authority also involves using positive consequences to encourage young people to keep to the rules, rather than just relying on punishment.

Another key skill is communication, with a focus on solving problems rather than blaming (Dowden and Andrews, 2004). Blaming in this context is different from holding young people accountable for their actions, which is a key part of Police Warnings and Alternative Action. Blaming implies a more negative, 'put down' attitude to youth, where holding accountable can be done with respect and even warmth and humour by a skilful practitioner. Skilful communication also involves responding positively – with warmth and approval – to positive attitudes and behaviour in young people, and less positively – with disapproval and distance – to negative attitudes and behaviour (Dowden and Andrews, 2004). This is part of being a good role model. Obviously Police have limited opportunities to do this face to face with young people, but it is worth taking those opportunities that occur as it is a very powerful approach.

Lastly, the most effective practitioners are those who are very competent in using an approach (in this case Police warnings and Alternative Action) in the way it is meant to be used without deviating, or adding in things that are not meant to be there or that are not evidence-based. Research on staff delivering programmes reports that staff with cultural skills and knowledge are likely to be more effective in working with Māori, both in terms of increased engagement and greater impact on offending (Nathan et al, 2003). Nonetheless, a good level of cultural knowledge and skills is likely to aid Youth Aid staff in engaging effectively with young people from different cultures, particularly Māori, as well as with their families. This can be a tricky area given the different level of knowledge youth and their families may have of their own culture. Their attitudes towards their culture(s) may vary widely, from passion to disinterest to shame that they know so little about it (Nathan et al, 2003; Wehipeihana et al, 2003). Therefore a greater level of cultural knowledge will make it easier for Police Youth Aid to work well with young Māori without alienating them.

Conclusion:

Effective staff have more impact on re-offending than ineffective staff. To have maximum impact Youth Aid Officers should treat young people with respect, be firm but fair, respond positively to positive behaviour and sanction negative behaviour, focus on solving problems and stay very close to designated guidelines for youth diversion. Cultural knowledge and skills are also important.

Further reading:

for suggestions for further reading see Appendix B.

Practical actions:

- Use consequences and enforce limits in a 'firm but fair' way rather than being biased towards favouritism or heavy handedness. This means clearly explaining the rules and the consequences for breaking them, having fair consequences for breaking rules, and enforcing the rules consistently at all times and with all young people.
- Respond to young people with positive consequences such as praise for good behaviours and attitudes and use less positive responses such as disapproval for undesirable behaviours and attitudes. Positive responses should outweigh negative responses in order to be most effective.
- Use skilful communication with young people. This involves taking a problem solving approach with a focus on brainstorming and choosing practical solutions. It also involves trying to solve problems in a way that holds young people accountable in respectful ways rather than a focus on blaming them and 'put downs'.
- Learn and use cultural skills in work with young Māori and people from other cultures and their families.

Effectiveness Principle 21 – Staff training works

Training specifically in restorative justice processes, such as Police Alternative Action, along with training in 'what works' to reduce youth offending is associated with more impact on offending, particularly when it is followed up with regular refresher training.

Research background:

Good training is associated with more impact on offending. Little – if any - research has been carried out on what kind of training makes Police Youth Aid staff more effective. However there is some research that suggests that staff who are trained specifically in the techniques of restorative justice are more effective in reducing re-offending than those who are not (Bonta, Jesseman, Rugge and Cormier, 2006). The study that found this was a meta-analysis of 39 separate studies, most of them concerning young people in trouble with the law. Additional evidence comes from Australia, where conferencing has been found more effective in reducing offending than court appearances (Luke and Lind, 2007). Police and Department of

Juvenile Justice staff who take part in diversion and conferencing in New South Wales all receive specialist training (Chan et al, 2004b). There is also evidence that training in the specific approach being used by staff increases impact on offending (Andrews and Dowden, 2005).

In order to be most effective staff also need training in the things that 'work'. The first component of 'what works' is staff skills that have a positive impact on offending. These were covered in Principle 19, and include things like assisting problem solving, being a good role model, effective use of authority and responding positively to desirable attitudes and behaviour (Dowden and Andrews, 2004).

The other component of 'what works' concerns staff knowledge and practice in respect to the three cornerstones of effective practice known as 'risk, need and responsivity': (1) Risk: providing more input for higher risk cases; (2) Need: addressing problems and needs that are causally related to offending; and (3) Responsivity: using approaches that the person being worked with is most likely to respond to, particularly behavioural approaches (Andrews and Bonta, 2003). As these are the best proven approaches for reducing re-offending, training in them is likely to make staff more effective.

Another area where staff training is indicated is that of cultural knowledge and skills, in order to be able to relate effectively to young people, particularly Māori (Nathan et al, 2003; Te Puni Kokiri, 2000; Wehipeihana et al, 2003). This is likely to aid development of and compliance with Alternative Action plans for many Māori youth, thus leading to better outcomes.

Even the best induction training gets old over time. There may be law changes or new policies or new techniques that will make practice more effective. For this reason, doing refresher training at regular intervals is effective in increasing impact on offending (Henggeler, 2002). After the introduction of the Young Offenders Act 1997 in New South Wales, Police who received specialist training in restorative and diversion approaches with youth needed extra training some months after conferencing was introduced in order to become completely familiar with the process (Chan et al, 2004).

Conclusion:

Training in effective restorative approaches is likely to increase Police effectiveness, as is training in key skills and knowledge indicated by the 'what works' research and in cultural skills and knowledge. Refresher training in knowledge and skills relevant to Youth Aid, youth diversion and Alternative Action has the potential to make staff even more effective and should be provided whenever possible.

Further reading:

for suggestions for further reading see Appendix B.

Practical actions:

- Train staff in good Alternative Action practice as well as in effective approaches for reducing offending by high risk young people.
- Base training on a written manual or guideline which sets out staff processes for warnings and Alternative Actions.
- Make sure that training provides information on what the key skills are and why

they are important.

- Give staff opportunities to practice new skills during training so they can get sense of mastery and confidence. This will make it more likely that they will feel comfortable using the skills on the job. Just telling staff about the skills they need is unlikely to result in them learning very much.
- Include training in key skills and knowledge indicated by the 'what works' research in induction and refresher (ongoing) training.
- Provide training in cultural assessment, and cultural skills and knowledge relevant to working with other cultures, particularly Māori.
- Training in how to assess when it is appropriate to use cultural approaches or refer to cultural programmes, and when it would lead to worse outcomes to do so, would also be useful.
- Providing 'booster' training or ongoing training every three to four months has the potential to increase staff effectiveness.
- Refresher training can usefully focus on any areas of the diversion process staff are having difficulty with and brainstorm how to deal with situations that staff are finding challenging.
- Providing new knowledge and information, particularly about effective ways of dealing with high risk young people, as it becomes available will make sure staff knowledge isn't outdated.
- Training could usefully include identification of appropriate community-based programmes and services for referral of children and young people.

Effectiveness Principle 22 - Keep a close eye on staff standards

Staff who receive regular supervision from experts that assesses how closely they are adhering to agreed guidelines are more likely to reduce re-offending.

Research background:

Staff are most effective when they carry out processes in the way they are meant to be done, provided that the processes are effective to start with (Andrews and Dowden, 2005). One way of making sure that staff do things in the most effective way is to check on staff practice through regular supervision. Regular supervision by someone who is expert in the approach being used is associated with increased impact on re-offending (Andrews and Dowden, 2005). Good supervisors are familiar with the environment in which staff work and knowledgeable about the most effective approaches. They help staff avoid 'drift' away from the most effective ways of doing things towards practices that they may personally be keen on, but which aren't proven to work. This keeps standards high and reduces the risk of staff adding in elements that are

unproven or even known to be ineffective.

Good supervision should involve some kind of assessment of how closely Police are meeting standards and adhering to guidelines. This could be through discussion, through staff filling in a standard questionnaire about their performance on the job, auditing files, or by seeking feedback from colleagues, their manager or the young people and families they deal with. If these approaches are used in regular supervision sessions, it is more likely that staff will keep to guidelines for good practice and have a positive impact on re-offending (Henggeler, 2002).

Another type of supervision that is important for helping staff work effectively with Māori youth and those from other cultures is cultural supervision. This is supervision with a colleague, manager or outside expert who is particularly knowledgeable about the culture in question. Someone who is also familiar with Police practice would be preferable. Supervision might usefully focus on how to work effectively with Māori or other young people, what cultural approaches to use, and when to use them. Cultural supervision could potentially provide feedback on ways of working effectively with Māori children, young people and whānau, and possibly those from other cultures where this is an issue.

Conclusion:

Regular supervision by someone expert in Police warnings and Alternative Action and effective ways of dealing with high risk young people, including those from non-mainstream cultures, could increase the impact of Youth Aid staff on re-offending.

Further reading:

for suggestions for further reading see Appendix B.

Practical actions

- Different types of supervision are possible, from independent supervision by someone outside the service to supervision by a superior officer to peer supervision. Most recommended is supervision by someone who is expert in the process of Police youth diversion and knowledgeable about 'what works' generally, preferably someone who is independent of the office or area concerned.
- Identify skilled and experienced experts on Police youth diversion and effective ways of dealing with high risk young people who could provide an hour of supervision fortnightly or monthly, preferably people who do not work directly in Youth Aid.
- Supervision is another way of developing institutional knowledge. Where possible, provide supervision in effective ways of dealing with high risk young people in the context of Police Alternative Action. This is a key area where Police can increase impact.
- Supervision that occurs at least monthly appears most effective.
- Staff could meet with each other monthly to discuss their Alternative Action cases and have an experienced staff member give feedback on the way they are dealing with them.

- Cultural supervision is also recommended to make sure that appropriate cultural practice is being used. To do this staff could identify local experts in good bicultural practice or tikanga Māori who can provide cultural supervision, whether from inside or outside Police. Experts in other cultures can be called on as needed.
- Partnering with a local organisation with cultural expertise may be one way to find expert cultural supervision.
- Another option is to develop checklists of key activities/behaviour that staff need to implement (e.g. 'use YORST to identify high risk young people', 'do a home visit with a high risk young person') that they can fill in before or during supervision. These make it easier for supervisors to focus on whether the staff member is carrying out good practice, as well as forming a good record of staff practice.
- Check on how closely staff adhere with best practice during periodic audits and annual performance reviews.
- Have supervisors and senior staff regularly check on staff adherence to standards and guidelines for Police youth diversion.
- Aim for a high level of competence in running the Police warnings and Alternative Action process the way it is meant to be run, without skipping steps, adding new things in or making unscheduled changes.

Effectiveness Principle 23 – Spell it out for staff

To be optimally effective in reducing re-offending, a well-structured approach to Police warnings and Alternative Action including a manual and well-developed formal routines are needed.

Research background:

Research indicates that 'playing it by ear' is not as effective as 'going by the book' when it comes to apologies, conferences, diversion meetings, restitution, and other aspects of restorative justice (Bonta et al, 2006). This study draws on 39 separate studies, which makes it a particularly strong finding. It is relevant to Police Alternative Action as this is largely a restorative process, with an emphasis on accountability from the young person and making up for harm done to the victim. While professional judgement and experience remain important, this research makes it clear that once a good process has been established the best way to make it work is to consistently apply it.

The other implication of this finding is that it is useful to have manuals that specify how to do each step of the youth Alternative Action process, as well as clear routines for each stage of the process. So, there might be a routine for doing home visits or conducting a YORST which is specified in the manual. Another pay off for doing things in this detailed way is that it provides a clear blueprint for good practice that staff can be assessed against. It also means that everyone is working from a shared understanding of what is expected of them, which means less room for mistakes.

A good manual would also have information to help Police Youth Aid Officers to make decisions on matters such as when to use YORST to assess risk, when to do an offending-related needs or a cultural assessment, and what elements would best be included in an Alternative Action plan (e.g. accountability elements to address deeds, actions to address offending-related needs or other needs, cultural elements).

Conclusion:

Developing clear routines based on best practice for each part of Police Warnings and Alternative Actions and a manual that reflects these processes will increase staff effectiveness.

Further reading:

for suggestions for further reading see Appendix B.

Practical actions:

- Have clear, well-developed routines that are used consistently by staff throughout the country and are based on a good evidence base of 'what works' as well as staff knowledge and experience of what is most effective.
- Set these routines down in writing in a manual or set of guidelines that give staff clear directions about what to do in each stage of Police warnings and Alternative Action.
- Develop an intranet version of the manual with easy access to documents and research resources that support it.
- Include information in the manual on professional supervision, as well as forms for assessing adherence with guidelines for cultural and other practice.

Appendix A

Comparison of Police Youth Diversion systems in New Zealand and other countries

Table 2: Police Youth Diversion in New Zealand

New Zealand		
Agency responsible	Police	
Source	Source: Maxwell, Robertson & Anderson, 2002	
Aim of system	<p>1/ Ensure children and young people who commit offences are held accountable and encouraged to take responsibility for their behaviour</p> <p>2/ deal with them in a way that acknowledges their needs</p> <p>3/ use alternatives to criminal proceedings wherever possible</p> <p>4/ deal with young people in ways that gives them the opportunity to develop in responsible and socially beneficial ways</p> <p>5/ keep children and young people in the community as far as possible</p> <p>6/ use sanctions that will promote the development of the child or young person within their family, whanau, hapu or iwi</p> <p>7/ use sanctions that are the least restrictive possible in the circumstances</p> <p>8/ give consideration to the wishes of the child or young person as appropriate.</p>	
% of young people receiving Police-led Diversion	Nature of young person Diverted	Stage of system/ consents/ referral
89% of all child and 62% of all youth offending is dealt with either by front line Police or Youth Aid (2007).	<p>Based on Maxwell et al's 2002 research a representative group of young people on Police youth diversion is:</p> <p>Two thirds 14 years or more, one third 10 -13 inclusive,</p> <p>4% under 10 years</p> <p>75% boys</p> <p>Nearly half Pakeha</p> <p>Nearly half Māori</p> <p>Less than 10% Pacific</p> <p>54% had no known background risk/need factors</p> <p>31% had one to four</p> <p>15% had five or more</p> <p>63% never previously come to notice</p> <p>13% come to notice once</p> <p>15% 2-4 times</p> <p>6% 5-9 times</p> <p>4% 10 or more</p>	<p>After coming to notice of Police for offending.</p> <p>Usually pre-arrest and Court appearance.</p> <p>Referred by front line Police to Youth Aid</p> <p>No consents needed</p>

Table 3: Police Youth Diversion in Australia

AUSTRALIA: Northern Territory			
Agency responsible	Police		
Source	Bates (2001)		
Aim of system	<p>1/ Divert young people away from criminal justice system and use courts for more serious offending or when diversion has failed</p> <p>2/ treat young person fairly</p> <p>3/ support and involve victims</p> <p>4/ take account of impact of crime on victims</p> <p>5/ reduce youth crime</p> <p>6/ encourage parental responsibility</p> <p>7/ foster closer police/ community interaction</p> <p>8/ foster positive social change.</p>		
% of young people receiving diversion	Nature of young person Diverted	Stage of system/ consents/referral	
<p>81% of all youth dealt with by Police offered diversion</p> <p>Of these:</p> <p>46% verbal warnings</p> <p>26% written warnings</p> <p>23% formal caution/FGC</p> <p>6% Victim/offender conference</p> <p>27% of all but verbal warnings also had conditions</p> <p>(2001)</p>	<p>77% serious offences</p> <p>20% minor property offences</p> <p>Very serious offences are excluded</p>	<p>Pre court appearance</p> <p>Once prima facie case has been established</p> <p>Parents must consent</p> <p>Senior sergeant or officer in charge must consent to case going through to court</p> <p>Police conferences similar to FGCs, attended by young person, family, Police and victim (not compulsory). Agree on set of outcomes and timeframe for them to be completed within. Potential elements similar to those for FGC and AA plans.</p>	

AUSTRALIA: New South Wales		
Agency responsible	Police Dept of Juvenile Justice Director of Public Prosecutions	
Source	Chan, Doran et al (2004)	
Aim of system	To divert young people from appearing in court using restorative conferencing and use courts as the last resort.	
% of young people receiving diversion	Nature of young person Diverted	Stage of system/ consents/ referral
Varies by region Up to 64% diverted by Police 14-29% warned 14 to 35% cautioned 2 to 6% conferences 42 to 61% court appearance (down from 83% 3 years before Young Offenders Act 1997 introduced) Can only attach apology to caution, not other conditions	Young women more likely to be cautioned or warned Young men more likely to go to court or conference Mean age 15.5 years Warnings: 14.5yrs Caution/conf 15.3yrs Court 16.1yrs	Pre court When child or young person comes to notice Post arrest for everyone except those receiving warning Must plead guilty to get caution or conference Court has referred 50% of those having conferences

Table 4 Police Youth Diversion in Northern Ireland

NORTHERN IRELAND		
Agency responsible	Police	
Source	O'Mahoney and Doak (2004)	
Aim of system	To use a restorative approach to divert young people away from prosecution.	
% of young people receiving diversion	Nature of young person Diverted	Stage of system/ consents/referral
86.5% diverted by Police 19% No further Police action 60% Advice and warning 4% official caution 3.5% restorative caution or conference run by Police 13% prosecution	77%male 13-15 years old 5-9 yrs = 16% 10-13 yrs = 36% 14-16 = 58% 50% had not previously come to notice Of those that had 60% had been dealt with by 'advice and warning' 15% had previous criminal record Generally use restorative caution/ conference for less serious cases with young teens rather than alternative to prosecution	Prior to prosecution Not clear whether they were arrested

Table 5 Police Youth Diversion in England and Wales

ENGLAND & WALES		
Agency responsible	Police Youth Offending Teams	
Source	Fox, Dhami and Mantle (2006) Hornick, Caputo, Hastings, Knoll, Bertrand, Paestsch, Stroeder and Maguire (1996)	
Aim of system	The aims of the Crime and Disorder Act (1998) are: 1/ Reduce police discretion 2/ Reduce use of warnings and cautions 3/ Fast track young people to court after second or more offence	
% of young people receiving Diversion	Nature of young person Diverted	Stage of system/consents/referral
<p>From 1980 to 1987 the cautioning rate for 14-16 rose from 58% to 82% for young women and 32% to 58% for boys (Pitt, 2003)</p> <p>By 1993 (prior to introduction of Crime and Disorder Act 1998) 90% of males under 14 were cautioned, 97% of females under 14 were cautioned, 69% of males 14 -16 were cautioned, 87% of females 14-16 were cautioned (Hornick and Rodal, 1995).</p> <p>Only 11% of those who were cautioned were convicted of another offence within two years (Allen, 1995).</p> <p>From 1980 to 1987 numbers of young people 14-16 sentenced by juvenile court in England and Wales dropped 52%. N.B. the slight discrepancy in cautioning figures is likely due to using data from different time periods and sources.</p>	No information found	<p>Post arrest.</p> <p>Police refer to YOT team.</p> <p>Young person must consent but if s/ he does not it can count against them later in court.</p> <p>At final warning stage referral is made to Youth Offending Team who conduct an assessment using Asset and develop and intervention plan. Statutory obligation to ensure that programme of rehabilitation occurs at this stage, including restorative element.</p> <p>Cautioning can be accompanied by mediation, in/direct community or individual reparation, or family group conferencing.</p> <p>Less serious offences often dealt with by interview between police officer, young person and their guardian, possibly similar to NZ AA meeting.</p> <p>Police can also convene multi-disciplinary conferences similar to FGCs.</p>

Table 6 Police Youth Diversion in Canada

CANADA			
Agency responsible	Police Attorney General's office		
Source	Hornick, Caputo, Hastings, Knoll, Bertrand, Paestsch, Stroeder and Maguire (1996)		
Aim of system	<p>Under the Youth Criminal Justice Act (2003):</p> <ol style="list-style-type: none"> 1/ reduce the use of incarceration with youth 2/ use incarceration only for most serious offences 3/ use community-based and non-custodial alternatives 4/ focus on the rehabilitation of young people who come to notice. <p>Under the Young Offender's Act 1984:</p> <ol style="list-style-type: none"> 1/ Distinguish between neglected and delinquent youth 2/ Focus on protection of society's rights, responsibilities of young person and due process <p>Change from the Juvenile Delinquent's Act which it replaced, which placed more emphasis on the best interests of the child</p>		
% of young people receiving Diversion	Nature of young person Diverted	Stage of system/ consents/ referral	
<p>Under the Youth Criminal Justice Act (2003):</p> <p>Number of young people sentenced to incarceration has dropped by 50%</p> <p>Numbers held on remand dropped by 8%</p> <p>Numbers on probations supervision dropped by 20%.</p> <p>In the 12 to 17 year age group under the Young Offenders Act (1984): 16.8% of youth coming to notice resulted in post-charge alternative measures programme (diversion)</p> <p>16% of youth overall who come to Police notice are formally diverted either pre- or post- charge. Varies across parts of Canada, from 13% to 28%.</p> <p>Conviction where charges are laid and diversion does not occur are 65%</p> <p>30% of convictions result in custodial placement</p>	<p>Aged 12 -17</p> <p>Those who are sent to extrajudicial sanction (EJS) rather than having charges approved under the Youth Criminal Justice Act:</p> <p>Likely to be younger than those who are charged</p> <p>More likely to be female</p> <p>More likely to be living with a parent</p> <p>Likely to be going to school or working</p> <p>Less likely to be Aboriginal</p> <p>Fewer current offences</p> <p>More likely to be charged with property offences</p> <p>Less likely to have had prior findings of guilt</p> <p>Similar to profile of young people diverted under Young Offenders Act i.e. lower risk.</p>	<p>Can occur pre- or post-charge.</p> <p>Police can warn, caution or refer to Crown counsel for diversion/ extrajudicial measures.</p> <p>Crown counsel makes decision either prior to charging or after charging.</p> <p>Prosecutor can warn, caution, take no further action, or refer to EJS programme.</p> <p>Under old Youth Offending Act: Provincial Attorney General's office has a system for the Crown prosecutor to refer or authorise referral of young people to alternative measures programme (form of pre-charge diversion).</p> <p>Police rarely refer directly.</p>	

Table 7 Description of a Police Youth Diversion Programme in Florida

UNITED STATES: Florida		
Agency responsible	Police Department of Juvenile Justice	
Source	Cocozz, Veysey, Chapin et al (2005)	
Aim of system	<ol style="list-style-type: none"> 1. Identify risk factors and treatment needs 2. Reduce depth of involvement with juvenile justice system 3. Reduce load on justice and court systems 4. Apply research and national best practice at earliest point of contact with system 5. Identify early indicators of later offending 	
% of young people receiving Diversion	Nature of young person Diverted	Stage of system/ consents/ referral
<p>Diversion from Assessment Centre where young people are processed after arrest</p> <p>40,000 young people 17 or under in 3 years</p> <p>13% referred to diversion</p> <p>Diversion includes risk screen and substance abuse/mental health/suicide screen with all. Then full assessment of risk factors and offending-related needs for moderate to high risk young people. Young people do a justice sanction, usually restitution and community service.</p> <p>Also get referral to appropriate service and interventions.</p> <p>More intensive services for higher risk/needs youth.</p>	<p>65% male</p> <p>40-55% Latino</p> <p>7-19% white</p> <p>18-29% African American</p> <p>7% Haitian</p> <p>4-6% = 7-11 yrs</p> <p>32-43% = 12-14 yrs</p> <p>51-64% = 15-17 yrs</p> <p>Most had low family income</p> <p>20% substance abuse</p> <p>28% family problems</p> <p>38% peer problems</p> <p>49% academic probs</p>	<p>Post arrest</p> <p>Pre court appearance</p> <p>Parent or guardian must come to get them when they are first arrested</p> <p>Parent, young person, State Attorney's office, victim and arresting officer must all agree</p> <p>Referred by Police</p>

The following section provides additional detail to the summary of international practice around youth diversion in Section 1 of the literature review.

Australia

'Diversion' became a term used in Australia during the mid-1960's as a result of the President's Crime Commission (Polk, 2003). However, diversion was practiced in Australia before that, in the establishment of the children's courts in the late 1800's to divert children from the adult court system, and the formalisation of Police cautioning in 1959 in Victoria, and 1963 in Queensland (Challinger, 1985, in Polk, 2003). Diversion is defined as:

Programmes and practices which are employed for young people who have initial contact with the Police, but are diverted from the traditional juvenile justice processes before children's court adjudication (Polk, 2003: 2).

A greater percentage of young people attend Youth Court in Australia than in New Zealand – 42 to 61% of young people who come to notice in New South Wales (Chan et al, 2004b). While this is less than the 83% who appeared before the Court three years prior to the Young Offenders' Act, it is far more than the 17% of young people who are charged in the Youth Court in New Zealand (Maxwell, Robertson and Anderson, 2002).

Polk (2003:2) discovered in a series of site visits that 'diversion is widely used throughout each of the eight Australian jurisdictions'. Police cautioning and Family Group Conferences (usually called 'conferencing') are particularly common in Australia. All of the jurisdictions other than Victoria have a legislative framework for youth diversion, whether a specific act concerning youth offending, or a policing act ([www/aoc/gpv/au/research/jjustice/options.html](http://www.aoc/gpv/au/research/jjustice/options.html)).

The forms of diversion used with youth in Australia include Police cautioning, juvenile conferencing and Police-convened conferencing.

Police cautioning – this originated in Victoria and Queensland in the late 50's/early 60's and spread across Australia until it became one of the most commonly used approaches with young people. Each state has its own legislation, so practice varies from state to state. In South Australia two levels of caution are commonly used – the first is an informal caution where, much like New Zealand, the young person is warned with no further action. In New South Wales warnings can be given by Police with no conditions attached (Chan et al, 2004b). The second type of caution in South Australia is a formal caution which is recorded, much like a written warning in New Zealand (Wundersitz, 1997). This caution consists of an interview with the young person, usually at the local Police station, conducted by a senior Police officer, with parents, guardians or other nominated adult representing the young person (Wundersitz, 1997). The warning can be given alone with no conditions, or the young person can be referred to some kind of programme. Lastly, unlike New Zealand, Police in South Australia can require undertakings of the young person who has been warned, such as a fine, community service or attending a programme (Polk, 2003). This is similar to what, in New Zealand, happens at the Police Alternative Action meeting.

In New South Wales the only condition that can be attached to a caution is for a written apology to the victim, a situation that Police appear to find frustrating (Chan et al, 2004b). The next step up from a caution in New South Wales is a conference, similar to a Family Group Conference in New Zealand (Chan et al, 2004b). So the option of an Alternative Action meeting and plan with conditions does not exist in New South Wales in the same way as it does in New Zealand.

In New South Wales 14 to 29% of young people who come to Police notice are warned, compared with 43% in New Zealand (Chan et al, 2004; Maxwell, Robertson and Anderson, 2002). 14 to 35% are cautioned in NSW, while 32% in New Zealand go through the Police Alternative Action process. In South Australia, 13.2% of

Aboriginal young people are formally cautioned by Police compared with 32% who go through Alternative Action in New Zealand. 34.8% of non-Aboriginal young people are cautioned, a more comparable number (Maxwell et al, 2002; Wundersitz, 1997).

It seems that there is a greater discrepancy in the way that diversion is used with indigenous versus non-indigenous youth in Australia, whereas in New Zealand the treatment of both groups is more aligned (35% European versus 27% Māori are diverted in this country) (Maxwell, Robertson and Anderson, 2002). Police in New Zealand also appear to have more discretion than those in New South Wales, although the South Australian Police appear to have more discretion available to them than other areas in Australia.

Juvenile conferencing: This is a recent development in Australia and has been widely taken up since the 1990's. It is now used in all states and territories (Polk, 2003). As in New Zealand, conferencing involves deeper penetration into the youth justice system than cautioning. The process is very similar to the Family Group Conference used in New Zealand, with a convenor/coordinator, young person, their supporters, the victim, his/her supporters and a Police Officer attending. Participants discuss the offending and come up with a plan, that includes the same kinds of options or elements as both Police Alternative Action and Family Group Conference plans in this country (Daly, 2001, in Polk, 2003). In New South Wales, 2 to 6% of youth coming to notice attend a conference, compared to 8% in New Zealand (Chan et al, 2004b; Maxwell et al, 2002).

Police-convened Conferences: In addition to Family Group Conferences (called simply 'conferencing' in Australia) there are also Police-convened conferences in the Northern Territory, as outlined in Table 3 in Appendix A. These are similar to Family Group Conferences in New Zealand, they are coordinated by the Police and involve the family, the young person and the victim (Bates, 2001). Police conferences can require the young person to meet certain conditions, including work for the victim, restoration of damage, apology, part or whole restitution, non-association with peers and agreed family conditions.

Northern Ireland

Police youth diversion in Northern Ireland takes place prior to prosecution, although it is not clear whether young people are arrested or not (O'Mahoney and Doak, 2004). The aim of the system is to divert young people away from prosecution. Around one fifth (20%) of young people receive no further action from Police after coming to notice. Almost two thirds (60%) receive advice and a warning from Police, compared to 43% in New Zealand. Only 4% receive an official caution, and 3.5% attend a restorative caution or conference run by Police. This combines to make a figure of 7.5%, which is much less than the 32% of youth who receive diversion through the New Zealand Police Alternative Action process (Maxwell et al, 2002). Only 13% of the young people who come to notice actually proceed to prosecution, which is fairly similar to the 17% in New Zealand (O'Mahoney and Doak, 2004; Maxwell et al, 2002).

Both the caution and conference are similar and closer in nature to a Police Alternative Action meeting in New Zealand than a Family Group Conference. Police convene them either at the local Police station or a neutral

venue. The young person attends, along with their parent(s) and victims are often invited to attend. In this they differ from Police Alternative Action meetings in New Zealand which victims rarely attend, although they may be consulted by phone (Maxwell and Paulin, 2003). These conferences tend to be held in the case of quite petty offending (such as shoplifting) by young people who are likely to have a low risk of re-offending. It is possible that these young people could be as well dealt with by advice and a warning (O'Mahoney and Doak, 2004). This is in distinct contrast to New Zealand where Alternative Action is used for some quite serious offences and young people at high risk of future offending (Maxwell and Paulin, 2003).

England and Wales

Until recently Police in the UK diverted huge numbers of young people by use of cautions. By 1993 90% of males under 14 were cautioned, 97% of females under 14, 69% of males aged 14 to 16 and 87% of females aged 14 to 16 (Hornick and Rodal, 1995, in Hornick et al, 1996). This exceeded even the 43% of New Zealand young people warned by Police in 1999 (Maxwell et al, 2002). Such high levels of cautioning did not seem to lead to rampant re-offending. Of all young offenders less than 14 years who were cautioned in 1985, only 11% were convicted of another offence within two years (Allen, 1995, in Hornick et al, 1996).

Despite the seeming success of this Police diversion practice, in 1998 the Crime and Disorder Act was passed, severely limiting Police discretion to divert children and young people from court processing. The Act aimed to make the youth justice system more likely to reduce youth offending by requiring local authorities to create a unified approach to youth crime, via the establishment of Youth Offending Teams¹ (Fox, Dhami and Mantle, 2006: 129). It changed the way Police dealt with young people, limiting the repeated use of cautions for crimes considered serious enough to be dealt with by the Court. The Act replaced Police cautioning with reprimands and final warnings, depending on the seriousness of the crime (Fox et al, 2006). Police now have four options when a young person comes to notice; take no further action, reprimand, give a final warning (accompanied by an automatic referral to a Youth Offending Team), or refer the case to court.

A first offence can be dealt with by a reprimand, final warning or criminal charge depending on how serious it is. The decision as to which course to take is made by the custody officer at the Police Station, using a 'gravity' scale¹ to assess offence seriousness and taking into account prior Police action. If the first offence is dealt with by a reprimand, any further offence could be dealt with by a Police final warning or charge. If however the first offence is dealt with by a warning, then any further offence would result in charges being brought (Fox et al, 2006). This is very different from the situation in New Zealand, where Police have a great deal of discretion to deal with first, and subsequent, offences via warnings and the Alternative Action process.

Second warnings can be given under limited circumstances, including if the new crime is not serious and more than two years have passed since the first warning (Fox et al, 2006). Again this differs from the New Zealand system, where multiple warnings can be given to the same young person. At the point of a final warning (which, confusingly, can be either the first or second warning) there is a statutory obligation under the Act to refer the young person to the Youth Offending Team (YOT). The YOT assesses them using Asset, a comprehensive questionnaire which analyses risk of re-offending and offending-related needs, and feeds into rehabilitative planning. Any programme

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1 The UK YOTs differ significantly from the NZ YOTs. UK YOTs are made up of representatives from multiple agencies, namely Police, Probation Services, local social services, health, education, drugs and alcohol misuse and housing officers, with a manager to coordinate their work. Most members of teams are co-located and work together on a day to day basis. NZ YOTs include representatives from Police, Education, Health and Child, Youth and Family, and may also involve representatives from local government, iwi and local programme providers. Each member is located within their own agency. Their main purpose is leadership and coordination of the youth justice sector at a local level, not dealing with individual young people as a team.

that a young person is then referred to is required to have a restorative element to make it more meaningful and effective, to hold the young person accountable, and also a rehabilitative element (Fox et al, 2006). The young person must consent to do the programme but if they don't it may be held against them at a later court hearing. This process is also similar to an Alternative Action meeting, with its intention to address both 'needs' and 'deeds'. The main differences are that Alternative Action in New Zealand does not involve systematic assessment of offending-related needs so that they can be addressed in plans, and this assessment process in the UK is carried out by specialist YOT teams rather than Police.

At the 'final warning' stage for more serious offences a restorative conference or intervention can be considered in addition to a rehabilitative programme. This can be a meeting to address the offending and its consequences, or a meeting with the victim and other participants. This is similar to an Alternative Action meeting in New Zealand. So there are still options open to Police to divert young people, but far less discretion to do so is available under the 1998 Act than was available previously, or is available to Police in New Zealand. Less serious offences can be dealt with by a Police restorative interview with the young person and their guardian. For minor offences this meeting is to sign the final paperwork, rather than develop a plan for making amends and making personal changes (Fox et al, 2006).

Canada

Prior to the introduction of the Youth Criminal Justice Act in 2003, the Canadian youth diversion system involved an informal warning by Police, or referral to what was called a 'pre-charge alternative measures programme' under section 4 of the Young Offenders Act (1984). This occurred at the time of initial contact with Police, although diversion could also occur post-charge.

Under the Young Offender's Act (1984) around 16 to 20% of youth were diverted out of traditional processing, although this varied across Canada from 13% to 28%. Where charges were laid and diversion did not occur conviction rates were around 65% and 30% of those convicted ended up in a custodial placement (Hornick et al, 1996). The Young Offenders Act (1984) distinguished between neglected and delinquent youth, and had a focus on protecting society's rights, on the responsibility of the young person, and on due process.

The legislation that replaced the Young Offender's Act (1984), called the Youth Criminal Justice Act (2003) has a different emphasis¹ and was introduced as part of a broader effort to reform the youth justice system in Canada². This reform initiative, which began in 1998, recognised the limitations of the Young Offenders Act (1984) and provided greater federal funding to provinces and territories, along with promoting the development of new community programme and infrastructures. The focus of the initiative was on the rehabilitation and reintegration of young people into the community (www.canadiancjc.com/articles/STATSCAN).

The objectives of the Youth Criminal Justice Act are:

- To reduce the use of incarceration, reserving it for the most serious offences
- Increase the use of community-based and non-custodial alternatives
- Focus more on the rehabilitation of young people who come to notice.

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1 (www.canadiancjc.com/articles/STATSCAN_Youth_Crime)

2 An excellent flow chart outlining the Canadian youth diversion system can be found at www.gc.ca/en/ps/yj/repository/3modules/. This has click through links and drop down boxes which explain the detail of each stage of the system and relate it back to the principles of the Youth Criminal Justice Act (2003).

These aims are similar to those encapsulated in the Act (1989), which forms the basis for Police Alternative Action. However, there is more prescription in the Canadian legislation regarding what kinds of offences can and cannot be dealt with by diversion, with a focus on non-serious offences, those with little or no history of priors, or youth with a long gap since their last offence. While the New Zealand legislation gives some direction as to how more serious crimes will be dealt with, there is a great deal of latitude for diverting children and youth. Police Officers in Canada still retain significant discretion under the new Act but not quite as much as Police in New Zealand.

Since the introduction of the Canadian Youth Criminal Justice Act (2003) the number of young people aged 12 to 17 sentenced to custody has decreased by around 50%. Fewer young people are being held on remand or supervised on probation (8% less for remands, 20% less for probation). Instead of being sentenced to or remanded on custody, or receiving probation, young people are now more likely to receive one of a number of new sentences, including; Deferred Custody, Supervision, or ISSP (Intensive Support and Supervision Programmes).

Before a young person reaches the point of appearing in Court and being sentenced, there are a number of diversionary options that can be applied, many of them by Police. Under the new Act Police in two provinces in Canada (British Columbia and Quebec) can consider one of the following options for any young person they believe has committed an offence:

- No further action, where Police consider there are already sufficient consequences for the action via parents or some other source
- An informal, oral warning
- A caution, either a letter from Police to the parents and young person, or a meeting between the young person and guardians and Police
- Referral to a community programme or agency that will address offending
- A conference with the young person and a range of other people as considered necessary, convened by Police, to get advice on what extrajudicial (diversion) measures to use.

Criteria for referring youth to the diversion options listed above include being at the 'low end of the spectrum', with a non-violent offence, and having no prior record of offending or a prior record that is quite old or for minor offences. Common assaults are sometimes diverted if the offender is quite young. The availability of specific programmes in the community can also affect the Crown decision to divert.

This range of options gives the Police considerable discretion for action outside the formal justice system without referring the case on to a Crown counsel. They are very similar to the options available to New Zealand Police under the CYPF Act (1989), via Police Warnings and Alternative Action. The notes for Canadian Police on the electronic guide to the Youth Criminal Justice Act (2003) mention the high use of cautions in New Zealand and Australia, and the apparent effectiveness of Police cautions in reducing re-offending¹.

If none of the options listed on the previous page are considered adequate for the seriousness of the crime concerned (or given the prior offending history of the young person) Police may:

- Refer the case to the Crown Counsel to deal with (either by giving a Crown Caution or using an Extra Judicial Sanction)

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1 (www.justice.gc.ca/en/ps/yj/repository/3modules/).

- Refer the young person for an Extrajudicial Sanction (this like ‘diversion plus’ for young people whose offending is serious, who have a history of offending, or whose offending has other aggravating characteristics)
- Charge the young person (www.justice.gc.ca/en/ps/yj/repository/3modules/).

A Canadian study found that the provision for referral to ‘Extrajudicial Sanctions’ (EJS) prior to the youth being charged was rarely used in British Columbia (www.justice.gc.ca/en/ps/rs/rep/2004/). It seems that all types of diversion, from informal warnings to Crown caution, are considered ‘extrajudicial measures’ as they are used outside the court system, but Extrajudicial Sanctions are at the high end of these measures. While Police can refer a young person for an Extrajudicial Sanction and make recommendations, they do not make the final decision. This is the responsibility of the Crown Counsel to whom it is referred. An EJS can be used more than once with the same person, even after a previous finding of guilt. Youth workers and social workers can be involved where there is a concern about the well-being of the young person but in general it is Police and the Crown who are involved.

An Extrajudicial Sanction allow for more serious or repetitive offending to be dealt with outside the court system at one level up from Police diversion, thus keeping to the intention of the Act to deal with young people outside the court wherever possible. The response to offending required under an Extrajudicial Sanction must be both rehabilitative and restorative, offering meaningful consequences, effective intervention, and a chance to repair harm.

Another option is for the Crown to approve charges with the intention of diverting the youth after the charge has been laid. This is done to ‘get the attention’ of the young person, or teach them a lesson. In some cases the Crown waits for results of forensic or other assessments to decide whether to divert or not (www.justice.gc.ca/en/ps/rs/rep/2004/). However, this is a Crown Counsel decision rather than a Police decision.

United States – Florida

It is difficult to generalise about Police youth diversion for the United States, given that legislation and practices vary from state to state. Therefore the focus in this section is on one Police youth diversion scheme in Florida. This scheme is open only to those coming to notice for a first offence, where that offence is non-violent or a misdemeanour (non-serious). Youth taking part in the process must be 17 or younger and their parent or guardian must come to the Assessment Centre at the Police station where the scheme operates when the young person is first arrested and processed (Cocozza, Veysey, Chapin, Dembo, Walters & Farina, 2005).

In the three years since it started the assessment centre has processed 40,000 young people, and of these, only 13% have been referred to the diversion programme. This is in stark comparison to New Zealand, where 75% of young people who come to Police notice are diverted from formal processing (Maxwell et al, 2002). The diverted youth in Florida are highly likely to be; male, from a minority ethnic group, and aged 15 to 17 years, with a variety of personal and family problems (Cocozza et al, 2005). These youth are very highly selected and limited to first offence and non-violent, non-serious offences, whereas Police in New Zealand have a lot more discretion to use written warnings and alternative action with a greater range of offending types and histories (Maxwell and Paulin, 2003). Referral to diversion is by Police after assessment at the Police station. However, the parent, young person, victim, arresting officer and State Attorney’s office must all agree with the decision to divert. This gives less direct decision-making power to Police regarding diversion than New Zealand Police Youth Aid have.

Responsibility for the scheme is shared by Police and the Department of Juvenile Justice, although it is not clear where the staff who work at the assessment centre actually come from. The aim of the diversion process is to identify risk factors and treatment needs (offending-related needs), reduce the depth of involvement of young people with the formal youth justice system, and reduce the load on the justice and court systems (Cocozza et al, 2005). The scheme also aims to apply research and national 'best practice' at the earliest point of contact with the youth justice system. When diversion is successfully completed, arrest records are eliminated.

All youth who go through this diversion process receive a youth justice sanction, usually involving restitution and community service, and have to sign a deferred prosecution agreement. Staff screen all youth on a range of measures, including their mental health status, drug use, and a brief screen of risk of re-offending level and offending-related (criminogenic) needs. Those with a moderate to high risk of re-offending then receive a risk/needs assessment using the YLS/CMI (Youth Levels of Service/Case Management Inventory, developed in Canada).

The diversion programme then refers to services based on the 'risk principle' – that is, those youth with the highest assessed risk of re-offending receive the most services (such as functional family therapy or multi-systemic therapy), those with moderate needs receive less intensive services (such as Turn Around Police Academy or counselling), while the lowest risk receive only the required justice sanction with no services (Cocozza et al, 2005). So youth diversion in this system occurs post-charge, rather than pre-charge as it does in New Zealand, and the Court appears to impose sanctions (largely restorative) rather than these being developed in a consensual fashion as they are in an Alternative Action meeting (Cocozza et al, 2005; Maxwell and Paulin, 2003). This system also differs from the current Police Alternative Action system in New Zealand in that it attempts to incorporate the three major principles of effective programmes – risk, need and responsivity – into its practice (Cocozza et al, 2005). At present some children and young people in New Zealand may miss out on services they need in order to stop offending as their needs are not identified as part of the Alternative Action process (Maxwell and Paulin, 2002). The present New Zealand Police youth diversion system is based more on restorative processes and elements in plans, although some referral to services to address needs does take place (Maxwell and Paulin, 2002).

Appendix B

Further Reading for Effectiveness Principles

General Principles

1. **An effective alternative** – Police warnings, Alternative Action and conferencing work well with young people, particularly young women, children under 13 years, lower risk youth and those who come to notice for violent offences.

Hayes, H. (2005). Assessing Re-offending in Restorative Justice Conferences. *The Australian and New Zealand Journal of Criminology*, 38(1): 77-101.

This study uses survival analysis to reanalyse data from the Pennsylvania Restorative Policing Experiment. It compares outcomes for youth in conferencing versus court, including variation analysis of differences in offending within conference and court groups. Youth with violent offending histories were less likely to offend after Police conferences than court. No differences were found for property offenders. Females were less likely to offend after conferences than males. No gender differences were apparent for the court appearance group.

Maxwell, G., & Paulin, J. (2003). *The Impact of Police Responses to Young Offenders with a Particular Focus on Diversion*. Crime and Justice Research Centre, Victoria University of Wellington.

A summary of research on Police diversion for youth in New Zealand. This includes information about re-offending levels after different types of intervention, as well as interviews with young people about their experiences of Police diversion. Pages 31, 35 and 36 show evidence that intervening at a lower level in the system leads to less re-offending, particularly for those with a low risk of re-offending.

2. **Stay outside the system** – restorative approaches (i.e. restitution, apologies, victim-offender meetings, conferences) that take place outside the justice system have a much greater impact than restorative approaches that take place inside the justice system.

Bonta, J., Jesseman., R, Rugge, T., & Cormier, R. (2006). Restorative Justice and Recidivism: Promises Made, Promises Kept? In D Sullivan and L Tiff (Eds.) *Handbook of Restorative Justice: A Global Perspective*, (pp. 108-120). New York, NY: Routledge.

An analysis of multiple international studies which shows that restorative approaches (including restitution) have a modest impact on reducing offending (7% average). It also shows that restorative approaches work best for lower risk cases, and tentatively concludes that they are largely ineffective with those at greater risk of offending unless they are combined with effective programmes. The authors found that restorative justice that took place outside the formal system had ten times the impact of those that took place inside the system (e.g. court ordered) – 10% reduction in offending versus a 1% increase. The meta-analysis covered 39 studies, mainly with juveniles. The introductory section also includes a brief but extremely useful review of research on ‘what works’ generally, including punitive approaches and residential versus non-residential approaches. An informative and highly recommended chapter.

3. Better for crimes of violence – restorative approaches (including Police Alternative Action) are more effective than traditional justice processing for reducing offending by those who come to notice for crimes against the person as opposed to property crimes.

Bonta, J., Jessemann, R., Rugge, T., & Cormier, R. (2006) Restorative Justice and Recidivism: Promises Made, Promises Kept? In D Sullivan & L Tift (Eds.). *Handbook of Restorative Justice: A Global Perspective*, (pp. 108-120). New York, NY: Routledge.

This meta-analysis covered 39 studies, most of restorative justice with young people. It found that restorative approaches had more impact on violent re-offending than general re-offending, although only a small group of studies were available to examine.

Hayes, H. (2005). Assessing Re-offending in Restorative Justice Conferences. *The Australian and New Zealand Journal of Criminology*. 38(1), 77-101.

This Australian study compared outcomes for youth in conferencing versus appearing in court. Youth with a violent offending history were less likely to offend after conferences than court. There were no differences for property offenders.

McCold, P., & Wachtel, B. (1998). *Restorative Policing Experiment: The Bethlehem Pennsylvania Police Family Group Conferencing Project*. Pipersville, PA: Community Services Foundation. www.jrsa.org/jjec/programs/barj/evaluations.html

(NB. This is a very good website for evaluations of restorative approaches – look under Balanced and restorative justice in the menu)

This is an evaluation of an American Police-run conferencing pilot which included victims. It is very similar to alternative action meetings in New Zealand aside from the inclusion of victims. They found significantly lower re-arrest rates for young people who had come to notice for a violent offence and attended a conference with their victim.

Shelden, R. G. (1999). Detention Diversion Advocacy: An Evaluation, National Criminal Justice Reference Service. NCJRS Abstracts Database. www.ncjrs.gov/pdffiles1/171155.pdf

An evaluation of a diversion programme where lay people act on behalf of young people at disposition hearings pre-trial. The aim of the programme is to divert young people accused of crimes from detention while awaiting a court appearance. Those diverted receive appropriate community services, such as tutoring, drug counselling, and family counselling, along with intensive supervision. Their families also receive some support, for instance with child care or employment. Youth live at home or in an approved location. 9% of the diversion group returned to court for violent offences compared to 25% of those who were kept in detention.

4. Good for young women – restorative justice approaches, including Police warnings and Alternative Action, seem to work particularly well with young women.

Hayes, H. (2005). Assessing Re-offending in Restorative Justice Conferences. *The Australian and New Zealand Journal of Criminology*, 38(1), 77-101.

This study compared outcomes for youth in conferencing versus court. The study found that conferencing worked particularly well for young women.

Maxwell, G., & Paulin, J. (2003). *The Impact of Police Responses to Young Offenders with a Particular Focus on Diversion*. Crime and Justice Research Centre, Victoria University of Wellington.

A summary of research on Police youth diversion in New Zealand. This includes information about re-offending levels after different types of intervention, as well as interviews with young people about their experiences of Police diversion. The authors found less offending for young women than boys after Police youth diversion. The offending data is quite academic but the interviews with young people are very accessible.

McGarrell, E. (2001). *Restorative Justice Conferences as an Early Response to Young Offenders*. Juvenile Justice Bulletin, US Department of Justice, Washington. www.ncjrs.gov/html/ojdp/jbul2001_8_2/contents.html

McGarrell looked at restorative conferencing for youth offending for first time offenders who were aged less than 14 years, accused of a non-serious, non-violent offence, had no other pending charges, and admitted responsibility for the offence. The author found that conferencing worked particularly well with young women. This is an interesting article that includes case studies.

5. Do more for high risk children and young people – young people at high risk of future offending have the greatest reductions in offending when they are referred to high hours in effective programmes and close supervision in the community as part of restorative processes such as Police Alternative Action.

Bonta, J., Jesseman, R., Rugge, T., & Cormier, R. (2006). Restorative Justice and Recidivism: Promises Made, Promises Kept? In D Sullivan and L Tiftt (Eds.). *Handbook of Restorative Justice: A Global Perspective*, (pp. 108-120). New York, NY: Routledge.

This meta-analysis covered 39 studies, most of restorative justice with young people. It found that restorative approaches had more impact on re-offending by low risk young people (8% decrease) than high risk young people (1% increase). It also found some evidence that combining effective programmes with restorative justice had 31 times more impact on re-offending by high risk youth than restorative justice processes on their own.

Howell, J. C. (2003). *Preventing and Reducing Juvenile Delinquency: A Comprehensive Framework*. California: SAGE.

An excellent resource, well-written and easy to read, which gives a balanced and informed discussion of 'what works' for high risk youth. Howell covers a wide range of research in a rigorous yet accessible manner. Highly recommended.

Odgers, C. L., Moffit, T. E., Broadbent, J. M., Dickson, N., Hancox, R. J., Harrington, H., Poulton, R., Sears, M. R., Thomson, W. M., & Caspi, A. (2008). Female and male antisocial trajectories: From childhood Origins to Adult Outcomes. *Development and Psychopathology*, 20, 673-716.

A study from the Dunedin longitudinal study that updates findings from Moffit, Caspi, Harrington and Milne (2002) on trajectories of offending among males from birth to age 26. This paper updates the findings to age 32 and includes data on females. The authors found that contrary to predictions the group of males who started offending in adolescence and did not have a history of childhood adversity continued offending into their 30's. However, females with this pattern desisted from offending. Both males and females who had started offending as children and had multiple adversities in childhood and continued offending in adolescence were still offending at high levels in their 30's, particularly serious offending.

- 6. Satisfaction (almost) guaranteed** - both young people and victims tend to be more satisfied with restorative justice approaches than traditional justice processing through the courts.

Latimer, J., Dowden, C., & Musie, D. (2001). *The Effectiveness of Restorative Justice Practices: A Meta-analysis*. Department of Justice Canada. www.justice.gc.ca/en/pas/rs/

This meta-analysis looked at a group of studies and found a higher level of satisfaction with restorative justice than other approaches, more so for victim offender mediation than conferencing.

McCold, P. (2003). An Experiment in Police-based Restorative Justice: The Bethlehem (PA) Project. *Police Practice and Research*, 4(4), 379-390. www.jrsa.org/ijec/programs/barj/evaluations.html

This is a very good website for evaluations of restorative approaches – look under Balanced and Restorative Justice in the menu.

An evaluation of an experiment with family group conferencing facilitated by Police in the US. It did not look at impact on offending, but found that Police were well able to run such conferences and there was high participation and satisfaction from other parties involved.

A: Information Gathering and Review

- 7. Use good intel** – use information from as many sources as possible to screen for risk and develop effective Police Alternative Action plans.

Atkinson, M. (2004). *Hamilton Alternative Action Project: Evaluation Summary*. Unpublished.

This paper summarises a project to intervene early with young people, encourage compliance with Police Alternative Action plans and increase use of risk/needs screening and home visits. Some of the data showed that when an Alternative Action coordinator was used compliance with Police diversion plans increased, Family Group Conferences decreased, and use of risk/needs screening and family visits increased compared to earlier years when there was no AA coordinator.

Shelden, R. G. (1999). Detention Diversion Advocacy: An Evaluation, National Criminal Justice Reference Service, NCJRS Abstracts Database. www.ncjrs.gov/pdffiles1/171155.pdf

An evaluation of a diversion programme where lay people act on behalf of young people at disposition hearings pre-trial. The aim of the programme is to divert young people accused of crimes from detention while awaiting a court appearance. Those diverted receive appropriate community services, such as tutoring, drug counselling, and family counselling, along with intensive supervision. Their families also receive some support, for instance with child care or employment. Youth live at home or in an approved location. 9% of the diversion group returned to court for violent offences compared to 25% of those who were kept in detention.

- 8 What's the risk?** – working out how much risk of future offending each young person is at is important so that you know who needs what in order to stop offending – intensive plans for high risk, moderate input for medium risk/adolescent onset and warnings or plans that address only needs for low risk.

Atkinson, M. (2004). *Hamilton Alternative Action Project: Evaluation Summary*.

This paper summarises a project to intervene early, encourage compliance with Police alternative action plans and increase use of risk/needs screening and home visits. Some of the data showed that with use of an Alternative Action coordinator compliance with plans increased, Family Group Conferences decreased, and use of risk/needs screening and family visits increased compared to earlier years when there was no AA coordinator.

Howell, J. C. (2003). *Preventing and Reducing Juvenile Delinquency: A Comprehensive Framework*. California: SAGE.

An excellent, well-written and easy to read resource, that gives a balanced and informed discussion of risk factors, as well as of strengths and protective factors. Howell covers a wide range of research in a rigorous yet accessible manner. Highly recommended.

Lipsey, M. W., & Derzon, J. H. (1998). Predictors of Violent or Serious Delinquency in Adolescence and Early Adulthood: A Synthesis of Longitudinal Research. In R Loeber and D P Farrington (Eds.). *Serious and Violent Juvenile Offenders: Risk Factors and Successful Interventions*, (pp. 86-105). California: SAGE.

American research that shows that using a group of proven risk factors is enough to identify most of the young people who later offend and avoid falsely identifying the majority of young people who will not offend again.

Van Voorhis, P., Braswell, M., & Lester, D. (2004). *Correctional Counseling and Rehabilitation (5th ed)*. Cincinnati, OH: Anderson Publishing.

This is one of the few books available which gives practical information that is directly relevant to how to implement the 'what works' research. While it is not written specifically with youth in mind, most or all of the material in this book will be relevant to youth justice programmes. Chapter 5 in particular looks at the risk principle, and various types of risk assessment systems, including the LSI (Levels of Supervision Inventory). Highly recommended.

www.csc-scc.gc.ca/text/rsrch/compendium/2000/chap_2_e.shtml#top

See especially Principle 8 – Assessing risk and dynamic factor. This is a brief and easy to read explanation of why it is so important to target higher risk children/young people and give them more services.

B Decision Making

9 Less is more – young people are least likely to re-offend when dealt with at the lowest level of the youth justice system possible taking into account the nature of their offending.

Bonta, J., Jesseman, R., Rugge, T., & Cormier, R. (2006). Restorative Justice and Recidivism: Promises Made, Promises Kept? In D Sullivan and L Tifft (Eds.). *Handbook of Restorative Justice: A Global Perspective*, (pp. 108-120). New York, NY: Routledge.

This meta-analysis covered 39 studies, most of restorative justice with young people. It found that restorative approaches had more impact on re-offending by low risk young people (8% less offending) than high risk young people (1% increase in offending).

Bradshaw, W., & Roseborough, D. (2005). Restorative Justice Dialogue: The Impact of Mediation and Conferencing on Juvenile Recidivism. *Federal Probation*, 69(2), 15-21.

This meta-analysis found that restorative elements had a positive impact, reducing offending by 26%. Effect sizes were greater for victim offender mediation than for family group conferencing, to a statistically significant degree. This meta-analysis finds a much greater effect for restorative justice than the other three meta-analyses.

Dennison, S., Stewart, A., & Hurren, E. (2006). Police Cautioning in Queensland: The Impact on Juvenile Offending Pathways. *Trends and Issues in Crime and Criminal Justice*, no 306. Australian Institute of Criminology, www.aic.gov.au/publications/tandi2/tandi206.html

A rigorous study of the impact of Police cautioning on youth offending up to age 17, with some controls for risk level (in the form of prior maltreatment). Finds a positive preventive effect of Police cautioning compared to court appearances.

Latimer, J., Dowden, C., & Musie, D. (2001). *The Effectiveness of Restorative Justice Practices: A Meta-analysis*. Department of Justice, Canada.

This meta-analysis found an average 7% reduction for restorative justice approaches, and did not find any one restorative justice approach (e.g. victim offender mediation, conferencing) was more or less effective.

Luke, G., & Lind, B. (2002). *B69- Reducing Juvenile Crime: Conferencing versus Court*, Bureau of Crime Statistics and Research, <http://www.lawlink.nsw.gov.au/bocsar1.nsf/pages/cjb69text>

A good study of the impact on youth offending of conferencing versus court appearance using multiple measures. The authors found 15 to 20% less offending for those who had conferencing compared to those who appeared in court, reliable across several measures.

Lundman, R. J. (2001). Diversion. In *Prevention and Control of Juvenile Delinquency*, (pp. 125-148). New York, NY: Oxford University Press.

This chapter reviews several American diversion programmes and their impact. Study 3, the National Evaluation of Diversion Projects, found that young people released with no service (i.e. with no further action taken) did no worse in terms of re-offending than those who received diversion.

Maxwell, G., & Paulin, J. (2003). *The Impact of Police Responses to Young Offenders with a Particular Focus on Diversion*. Crime and Justice Research Centre, Victoria University of Wellington.

A summary of research on Police diversion in New Zealand. This includes information about re-offending levels after different types of intervention, as well as interviews with young people about their experiences of Police diversion. Pages 31, 35 and 36 show evidence that intervening lower in the system leads to less re-offending, particularly for those with a low risk of re-offending. See pages 36 to 37 for information on the impact of diversion on young people with different levels of prior offences.

Shelden, R. G. (1999). Detention Diversion Advocacy: An Evaluation, National Criminal Justice Reference Service, NCJRS Abstracts Database. www.ncjrs.gov/pdffiles1/171155.pdf

An evaluation of a diversion programme where lay people act on behalf of young people at disposition hearings pre-trial. The aim of the programme is to divert young people accused of crimes from detention while awaiting a court appearance. Those diverted receive appropriate community services, such as tutoring, drug counselling, and family counselling, along with intensive supervision. Their families also receive some support, for instance with childcare or employment. Youth live at home or in an approved location. Diverted youth had recidivism rates nearly 50% less than those detained in custody pre-trial. This was particularly marked for low risk youth detained in custody, who offended more than high risk youth in the diversion condition, and committed significantly more serious crimes than the high risk youth did.

C Alternative Action Plan

Engagement

- 10 Get engaged** – staff engage effectively with young people and their families by visiting them, acting as allies to parents and showing respect for their culture.

Henggeler, S. W., Pickrel, S. G., Brondino, M. J., & Crouch, J. L. (1996). Eliminating (Almost) Treatment Dropout of Substance Abusing or Dependent Delinquents through Home-based Multisystemic Therapy. *American Journal of Psychiatry*, 153(3), 427- 428.

Gives some insights as to how one programme had a remarkably low drop-out rate with very difficult clients, largely through fostering good engagement between staff and clients.

Nathan, L., Wilson, N. J., & Hillman, D. (2003) *Te Whakakotahitanga: An Evaluation of the Te Piriti Special Treatment Programme for child sex offenders in New Zealand*. Psychological Service, Department of Corrections, www.corrections.govt.nz

Shows that using cultural approaches makes staff more effective in engaging clients and reducing re-offending.

www.csc-scc.gc.ca/text/rsrch/compendium/2000/chap_2_e.shtml#top

See especially Principle 10 – Specific responsivity and strengths. This is a brief and easy to read explanation of how tailoring approaches to clients can increase motivation.

Making plans

- 11 Aim for agreement** – Police Alternative Action planning may be more effective when there is genuine consensus and choice about what goes in the plan.

Hayes, H., & Dal'y K. (2003). Youth Justice Conferencing and Re-offending. *Justice Quarterly*, 20(4), 725 764.

The authors gathered data from conferencing observations and police records to see how much conference and youth characteristics predicted re-offending. Youth whose outcomes were reached by consensus were less likely to re-offend. Consensus decision making together with remorse explained 8% of variance in re-offending.

Maxwell, G., & Morris, A. (2001). Family Group Conferences and Re-offending. In A Morris & G Maxwell (Eds.). *Restorative Justice for Juveniles: Conferencing, Mediation and Circles* (pp. 243-263). Oxford, England: Hart.

A study of Family Group Conferences in New Zealand which found that the young person participating actively in the conference and the plan being reached by consensus predicted less subsequent offending to a mild degree.

- 12. Build in consequences** – Police Alternative Action plans may be more effective when they include positive consequences for positive behaviours and negative consequences for non-compliance.

Andrews, D. A., & Bonta, J. (2003). *The Psychology of Criminal Conduct*, 3rd edition. Cincinnati, OH: Anderson Publishing.

Possibly the most important book ever written about how to reduce re-offending. Don Andrews is the godfather

of 'what works' research and has come up with many ground breaking concepts and discoveries, all of which are included in this book. The book looks at the impact on offending of behavioural techniques (an average of 23% less offending when they are used). These techniques include increasing certain behaviours by following them with positive consequences, and decreasing behaviour by either ignoring it or following it occasionally with negative consequences. Highly recommended.

Dowden, C., & Andrews, D. A. (2004). The Importance of Staff Practice in Delivering Effective Correctional Treatment: A Meta-analytic Review of Core Correctional Practice. *International Journal of Offender Therapy and Comparative Criminology*, 48(2), 203-214.

This is the only large scale study of what staff practices have a proven impact on offending. It provides evidence that staff who use positive and negative consequences in response to desirable and undesirable behaviours have more of an impact on re-offending than staff who don't.

Van Voorhis, P., Braswell, M., & Lester, D. (2004). *Correctional Counseling and Rehabilitation*, (5th ed). Cincinnati, OH: Anderson Publishing.

This is one of the few books available which gives practical information that is directly relevant to how to implement the 'what works' research. While it is not written specifically with youth in mind, most or all of the material in this book will be relevant to youth justice staff. Chapter 3 looks at various aspects of effective staff practice including use of positive and negative consequences for behaviour. Highly recommended.

Weisz, J. R. (2004). *Psychotherapy for Children and Adolescents: Evidence-based Treatments and Case Examples*. Cambridge, UK: Cambridge University Press.

An excellent resource, this book has chapters that look at research and effective practice to reduce child offending. The authors use the example of a young boy to describe what each programme does as well as examining the evidence for the effectiveness of each approach. The book gives a very good overview of behavioural techniques in Chapter 9. A practical and easy to read introduction to effective programmes for children – highly recommended.

Making amends

- 13. Meet the victim** – victim-offender meetings are an effective approach that results in a modest reduction in re-offending for both mainstream and minority ethnic groups, and work particularly well for young women and possibly for those who come to notice for a violent crime.

Bradshaw, W., & Roseborough, D. (2005). Restorative Justice Dialogue: The Impact of Mediation and Conferencing on Juvenile Recidivism. *Federal Probation*, 69(2), 15-21. www.uscourts/fedprob/December?2005/restorative.html

This article looks at victim offender mediation, family group conferencing and peacemaking circles. It has a good literature review of outcomes studies. The main study is a meta-analysis with a focus on recidivism, which includes only the more rigorous studies with experimental and comparison groups. Across all studies the authors found that restorative elements had a positive impact in reducing offending by 26%. This is greater than Bonta et al meta-analysis (7%). Effect sizes were greater for victim offender mediation than for family group conferencing, to a statistically significant degree.

McCold, P., & Wachtel, B. (1998). *Restorative Policing Experiment: The Bethlehem Pennsylvania Police Family Group Conferencing Project*. Pipersville, PA: Community Services Foundation. Retrieved from www.jrsa.org/jjec/programs/barj/evaluations.html

(This is a very good website for evaluations of restorative approaches – look under Balanced and Restorative Justice in the menu)

This is an evaluation of a Police-run conferencing pilot in the US. It was very similar to Alternative Action meetings in New Zealand aside from the inclusion of victims. They found significantly lower rearrest rates for young people who had come to notice for a violent offence for Police conferencing including the victim than for the more traditional justice approach.

McGarrell, E. (2001). *Restorative Justice Conferences as an Early Response to Young Offenders*. Juvenile Justice Bulletin, US Department of Justice, Washington. Retrieved from www.ncjrs.govt/html/ojjdp/jjbul2001_8_2/contents.html

(or search under juvenile justice bulletin, mcgarrell, restorative justice).

This paper examines restorative conferencing for youth coming to notice for the first time, who were under 14 years, charged with a non-serious, non-violent offence for which they admitted responsibility, who had no other pending charges. At 12 months there was 29% less offending for conferencing group than for the more traditional justice response, a statistically significant result. This is an interesting article that includes case studies.

- 14. Say 'sorry' –** apologising to the victim(s) in person or by letter, while not effective in reducing offending in its own right, is an integral part of other effective approaches and may be particularly suited to young women.

Hayes, H., & Daly, K. (2003). Youth Justice Conferencing and Re-offending. *Justice Quarterly*, 20(4), 725-764.

These authors gathered data from conferencing observations and police records to see what effect conference and youth characteristics had in predicting re-offending. They found that youth who were remorseful were less likely to re-offend after a conference. Those whose plans were reached by consensus were also less likely to re-offend.

Maxwell, G., & Morris, A. (2001). Family Group Conferences and Re-offending. In A Morris & G Maxwell (Eds.). *Restorative Justice for Juveniles: Conferencing, Mediation and Circles*, (pp. 243-263). Oxford, England: Hart.

A study of Family Group Conferences in New Zealand which found that the young person feeling remorse and apologising to the victim predicted less subsequent re-offending to a mild degree.

Walker, L. (2002). Conferencing – A New Approach for Juvenile Justice in Honolulu. *Federal Probation*, 66(1), 38-43.

This paper describes the introduction of conferencing in Honolulu. The authors look at young person satisfaction and compliance with conferencing plans. They compare recidivism (both violent and non-violent) over the six months following both conferencing and traditional police diversion processes. The version of conferencing studied used high levels of apologies. Overall the study found no significant differences between outcomes for the two processes except that young people were less likely to commit violent offences after conferences than following traditional police diversion. The implication is that police diversion can be used as safely as conferencing.

- 15. Pay for the damage –** restitution (reparation) is an effective response to offending, on its own or as part of a larger plan.

Bonta, J., Jesseman, R., Rugge, T., & Cormier, R. (2006). Restorative Justice and Recidivism: Promises Made, Promises Kept? In D Sullivan and L Tiftt (Eds.). *Handbook of Restorative Justice: A Global Perspective*, (pp. 108-120). New York, NY: Routledge.

This large meta-analysis of international research found that reparation was an effective approach, reducing re-offending by an average of 8% over 55 tests). Interestingly these researchers found it was ten times more effective when agreed to as part of a conference or meeting plan, rather than when they took place as part of criminal justice sanctions.

Maxwell, G., & Paulin, J. (2003). *The Impact of Police Responses to Young Offenders with a Particular Focus on Diversion*. Crime and Justice Research Centre, Victoria University of Wellington.

Research in New Zealand on alternative action found that adding restitution or reparation to a plan did not always increase the plan's impact on offending. The exception was for young women. When their alternative action plan included reparation their offending levels were much lower, whereas this pattern did not hold true for males.

Schneider, A. L. (1986). Restitution and Recidivism Rates of Juvenile Offenders: Results from Four Experimental Studies. *Criminology*, 24(3), 533-552.

The researcher compared restitution (payment of some amount to victim) with a wide variety of other approaches with young people: short-term detention; probation, counselling; restitution combined with counselling, restitution and probation, or any other sanction imposed by a judge. Paying restitution seemed to have a positive impact on offending, although it was small and it did not occur in two of the four sites.

16. Work it out – community service/work contributes to reduced re-offending on its own or as part of a plan with multiple elements.

Bonta, J., Jesseman, R., Rugge, T., & Cormier, R. (2006). Restorative Justice and Recidivism: Promises Made, Promises Kept? In D Sullivan & L Tiftt (Eds.). *Handbook of Restorative Justice: A Global Perspective*, (pp. 108-120). New York, NY: Routledge.

An analysis of multiple international studies that shows restorative approaches (including community service) have a modest impact on reducing offending (7% average). The meta-analysis covered 39 studies, mainly with juveniles. It found that restorative justice that took place outside the formal system had more than ten times the impact of those that took place inside the system (e.g. court ordered) – 10% reduction in offending versus a 1% increase.

Maxwell, G., & Paulin, J. (2003). *The Impact of Police Responses to Young Offenders with a Particular Focus on Diversion*. Crime and Justice Research Centre, Victoria University of Wellington.

A summary of research on Police diversion for young people in New Zealand. This includes information about re-offending levels after different types of intervention, as well as interviews with young people about their experiences of Police diversion. See pages 38 for data on the impact of different elements in plans including community work. Offending was lower for those whose plans included community work than for those whose plans did not. However this result did not reach statistical significance – that is, the possibility that the lower levels of offending were due to chance rather than community work could not be ruled out.

Making a difference with medium to high risk cases

17 Do most for high risk children and young people – to reduce re-offending by young people

identified as being at high risk of re-offending identify their needs that are directly related to offending and address them in Police Alternative Action plans.

Andrews, D. A., & Bonta, J. (2003). *The Psychology of Criminal Conduct*, 3rd edition, Cincinnati, OH: Anderson Publishing.

Possibly the most important book ever written about how to reduce re-offending. Don Andrews is the godfather of 'what works' research and has come up with many ground breaking concepts and discoveries, all of which are included in this book. The book has a lot of content on how to reduce offending by individuals who have a high predicted risk of future offending. Highly recommended.

Bonta, J., Jesseman, R., Rugge, T., & Cormier, R. (2006). Restorative Justice and Recidivism: Promises Made, Promises Kept? In D Sullivan and L Tiftt (Eds.). *Handbook of Restorative Justice: A Global Perspective*, (pp. 108-120). New York, NY: Routledge.

This analysis of multiple international studies shows that restorative approaches (including Police conferencing) have a modest impact on reducing offending (7% average). The authors found that using restorative justice processes without referral to effective programmes resulted in a 1% increase in offending by those at high risk of future offending. In contrast, they found a 31% reduction in re-offending when effective programmes were combined with restorative justice. As this finding was based on only one study it is only tentative at this stage, but it fits with well established findings on 'what works' for high risk cases. The meta-analysis covered 39 studies, mainly with juveniles. It found restorative justice equally effective with both juveniles and adults.

Dowden, C., & Andrews, D. A. (1999a). What Works in Young Offender Treatment: A Meta-Analysis. *Forum on Corrections Research*, 11, 21-24.

An important study which shows that offending by young men who are at high risk of future offending can be reduced by giving them more hours of programmes that use behavioural techniques and focus on addressing key needs. It also shows that addressing more needs leads to a greater reduction in re-offending. This is quite an academic paper that rewards a careful reading.

Dowden, C., & Andrews, D. A. (1999b). What Works for Female Offenders: A Meta-analytic Review. *Crime and Delinquency*, 45(4), 438-452.

This paper is essentially a repeat of the one on young males, but this time focusing on young women. It shows that programmes have more impact on young women who are at high risk of future offending than those with a lower risk of offending. The paper includes information about the importance of assessing risk for young women. It also gives information about what programmes need to address in order to reduce re-offending by for young women. The findings on key needs are similar to those for young men. The authors show that addressing more needs leads to greater reduction of offending. They also find that increasing contact with prosocial peers is more effective in reducing offending levels for teenage young women than simply reducing contact with antisocial friends. As with the one on males this is quite an academic paper that rewards a careful reading.

Howell, J. C. (2003). *Preventing and Reducing Juvenile Delinquency: A Comprehensive Framework*. California: SAGE.

An excellent resource, well-written and easy to read, which gives a balanced and informed discussion of what is effective and not effective in dealing with high risk youth, including needs assessment, peer influence, gangs, the importance of programmes involving families, residential versus non-residential programmes and harsh, punitive approaches. Howell covers a wide range of research in a rigorous yet accessible manner. Highly recommended.

Moffit, T. E., Caspi, A., Harrington, H., & Milne, B. J. (2002). Males on the life-course persistent and adolescence-limited pathways: Follow-up at age 26. *Development and Psychopathology*, 14, 179 - 207.

This longitudinal study based in Dunedin, New Zealand, followed a birth cohort of around 1000 children. At age 26 the 47% of the cohort who were male showed several distinct trajectories of offending. The 'life course persistent' group came from very disadvantaged homes, and started offending before puberty. They offended at high levels during teen years and their early twenties, including high levels of serious violent crimes against strangers and associates. While quite academic in tone this is an interesting paper for those who want to learn more about the backgrounds and trajectories of high risk youth in New Zealand.

Van Voorhis, P., Braswell, M., & Lester, D. (2004). *Correctional Counseling and Rehabilitation* (5th ed). Cincinnati, OH: Anderson Publishing.

This is one of the few books available which gives practical information that is directly relevant to how to implement the 'what works' research. While it is not written specifically with youth in mind, most or all of the material in this book will be relevant to youth justice programmes. Chapter 5 in particular looks at the needs principle, and various types of needs assessment systems, detailed needs assessments for special populations and a case study. Assessing offending-related needs is crucial in dealing with high risk youth in order to make sure that their plans are effective. Highly recommended.

www.csc-scc.gc.ca/text/rsrch/compendium/2000/chap_2_e.shtml#top

See especially Principle 6 – target criminogenic need. This is a brief explanation of why it is so important to target certain problems for change and not others, and which problems those are.

Also see Principle 8 – Assessing risk and dynamic factors. This looks at why it is important to use assessment tools. These are relevant to high risk cases because assessing and addressing these offending-related needs is a key part of reducing their offending.

18 Do a moderate amount for medium risk/adolescent onset children and young people –
young people who first come to notice as adolescents do not need as much input as those who first came to notice as children, but need more than youth with a low risk of future offending.

Andrews, D. A., & Bonta, J. (2003). *The Psychology of Criminal Conduct*, 3rd edition. Cincinnati, OH: Anderson Publishing.

Possibly the most important book ever written about how to reduce re-offending. Don Andrews is the godfather of 'what works' research and has come up with many ground breaking concepts and discoveries, all of which are included in this book. The book has a lot of content on how to reduce offending by individuals who have a high predicted risk of future offending. The general principle of matching the intensity of intervention with the risk level of the individual also likely applies to moderate risk/adolescent onset youth, who need moderate levels of effective intervention.

Dishion, T. J., McCord, J. & Poulin, F. (1999). When Interventions Harm: Peer Groups and Problem Behaviour. *American Psychologist*, 54(9), 755-764.

An interesting analysis of two programmes which concludes that while the parenting component was effective, antisocial peer influence on the young people part of the programme led to the programmes being ineffective overall. Also looks at longitudinal research on antisocial peer influence and 'deviant training' by peers from the Oregon Youth Study and at the Cambridge-Somerville Youth Study Evaluation. They conclude that antisocial peer influence can undermine the impact of programmes and cause harm when youth are in contact with each other too much.

Dodge, K. A., Dishion, T. J., & Lansford, J. E. (2006). *Deviant Peer Influences in Programs for Youth: Problems and Solutions*. New York: Guilford Press.

An important and ground breaking book on how antisocial peer influence in programmes – whether youth justice, mental health, education or other community programmes – can undermine their effectiveness. The book also includes a chapter on gangs, and information on how to offset antisocial peer influence in programmes. There is some discussion of who is most affected by antisocial peer influence, and it seems that high risk young people are most immune.

Howell, J. C. (2003). *Preventing and Reducing Juvenile Delinquency: A Comprehensive Framework*, California: SAGE.

An excellent resource, well-written and easy to read, which gives a balanced and informed discussion of many aspects of ‘what works’ including the risk principle that the amount of programme hours should be based on the level of risk. Howell covers a wide range of research in a rigorous yet accessible manner. Highly recommended.

Moffitt, T. E., Caspi, A., Harrington, H., & Milne, B. J. (2002). Males on the life-course persistent and adolescence-limited pathways: Follow-up at age 26. *Development and Psychopathology*, 14, 179 - 207

This longitudinal study based in Dunedin, New Zealand, followed a birth cohort of around 1000 children. At age 26 the 47% of the cohort who were male and showed several distinct trajectories of offending. The ‘life course persistent’ group and the ‘recovery-low level chronic’ group came from very disadvantaged homes, and started offending before puberty. The life course persistent group offended at high levels during teen years and their early twenties, including high levels of serious violent crimes against strangers and associates. The ‘recovery-low level chronic’ group reduced offending levels in teen years but kept offending at a low level as adults, while displaying high levels of neurosis and social isolation. The ‘abstainers’ came from families with few or no problems, and went through life to age 26 with few or no problems themselves, including offending, and doing well at school and work, and forming stable relationships. The ‘adolescent limited – onset’ group came from unremarkable families and did not start offending until after puberty, thereafter committing high levels of property and drug crimes. Against expectations they kept offending into their twenties at high levels. Lastly the ‘unclassified’ group did some low level, normative offending as teenagers but appeared well adjusted as adults.

Odgers, C. L., Moffitt, T. E., Broadbent, J. M., Dickson, N., Hancox, R. J., Harrington, H., Poulton, R., Sears, M. R., Thomson, W. M., & Caspi, A. (2008). Female and male antisocial trajectories: From childhood Origins to Adult Outcomes. *Development and Psychopathology*, 20, 673-716.

A study from the Dunedin longitudinal study that updates findings from Moffitt, Caspi, Harrington and Milne (2002) on trajectories of offending among males from birth to age 26. This paper updates the findings to age 32 and includes data on females. The authors found that contrary to predictions the group of males who started offending in adolescence and did not have a history of childhood adversity continued offending into their 30's. However, females with this pattern desisted from offending. Both males and females who had started offending as children and had multiple adversities in childhood and continued offending in adolescence were still offending at high levels in their 30's, particularly serious offending.

D Monitoring and Supporting

- 19 Keep an eye on plans** – compliance with plans is higher in restorative justice approaches such as those used in Police Alternative Action than in other types of diversion or sanctions, and this may increase impact on re-offending.

Latimer, J., Dowden, C., & Musie, D. (2001). *The Effectiveness of Restorative Justice Practices: A Meta-analysis*. Department of Justice, Canada. www.justice.gc.ca/en/pas/rs/ (click on 2001 then the title of this report will appear – click on the pdf button to download)

This meta-analysis of multiple evaluations of restorative justice initiatives found that there was up to 33% more compliance with plans developed via a restorative process than with traditional justice system sanctions, such as probation.

Maxwell, G., & Morris, A. (2001). Family Group Conferences and Re-offending. In A Morris & G Maxwell. (Eds.). *Restorative Justice for Juveniles: Conferencing, Mediation and Circles* (pp. 243-263). Oxford, England: Hart.

A study of Family Group Conferences in New Zealand which found that compliance with Family Group Conference plans predicted a slightly greater impact on re-offending than non-compliance with plans. In other words, when young people complied with plans they were slightly less likely to come back to notice.

McGarrell, E. (2001). *Restorative Justice Conferences as an Early Response to Young Offenders*. Juvenile Justice Bulletin, US Department of Justice, Washington. www.ncjrs.govt/html/ojdp/jjbul2001_8_2/contents.html (or search under juvenile justice bulletin, mcgarrell, restorative justice).

This paper examines restorative conferencing for youth coming to notice for the first time, who were under 14 years, charged with a non-serious, non-violent offence for which they admitted responsibility, and had no other pending charges. Youth who came to notice were randomly assigned to either diversion with conferencing or one of 23 other standard diversion programmes. All diversion programmes involved diversion from court and no filing of charges unless the diversion programme was not finished. The experimental (conferencing) group had significantly higher completion rates than the control group (i.e. other diversion programmes). They showed 40% less offending at 6 months follow-up. At 12 months there was 29% less offending for the conferencing group than for the more traditional justice response, a statistically significant result. This is an interesting article that includes case studies.

Walker, L. (2002). Conferencing – A New Approach for Juvenile Justice in Honolulu. *Federal Probation*, 66(1), 38-43.

This paper describes the introduction of conferencing in Honolulu. While compliance with plans was high (around 90% of youth complied) the author was not able to compare this to standard Police diversion with young people as the local authorities did not collect this data.

E Staff Characteristics and Training

20 Staff make a difference – effective staff are firm but fair, skilful communicators, competent and good role models.

Dowden, C., & Andrews, D. A., (2004). The Importance of Staff Practice in Delivering Effective Correctional Treatment: A Meta-analytic Review of Core Correctional Practice. *International Journal of Offender Therapy and Comparative Criminology*, 48(2), 203-214.

A very rigorous and thorough analysis of multiple international studies that gives information on what aspects of staff characteristics and skills are associated with reduced re-offending. This is a very informative guide to the characteristics of effective staff, and a very rigorous and ground-breaking study of exactly what aspects of staff practice make the most difference (see pages 204-5 and 208 in particular for this information). The study finds that staff referring clients to community services is not significantly associated with reductions in offending (see

page 208, point 4 in particular). The authors give a good explanation of what behavioural techniques are most effective in reducing youth offending (see especially pages 204-5 and 208). Gives some good explanations of the effective use of positive and negative consequences. See especially page 208.

Lipsey, M., W. & Wilson, D.B. (1998). Effective Intervention for Serious Juvenile Offenders: A Synthesis of Research. In R Loeber and D P Farrington (Eds.). *Serious and Violent Juvenile Offenders: Risk Factors and Successful Interventions*, (pp. 313 -345), California: SAGE.

A readable summary of research including characteristics of effective staff, although it does not have a lot of information on the topic.

McCold, P. (2003). An Experiment in Police-based Restorative Justice: The Bethlehem (PA) Project. *Police Practice and Research*, 4(4), 379-390. www.jrsa.org/jjec/programs/barj/evaluations.html

(This is a very good website for evaluations of restorative approaches – look under Balanced and restorative justice in the menu)

This evaluation of an experiment with family group conferencing facilitated by Police in the US found that Police were well able to run such conferences and there was high participation and satisfaction from other parties involved.

21 Staff training works – Training specifically in restorative justice processes, such as Police Alternative Action, along with training in ‘what works’ to reduce youth offending is associated with more impact on offending, particularly when it is followed up with regular refresher training.

Andrews, D. A. & Dowden, C. (2005). Managing Correctional Treatment for Reduced Recidivism: A Meta-Analytic Review of Program Integrity. *Legal and Criminological Psychology*, 10(2), 173-187.

Found that when staff are trained in the delivery of the specific approach the impact of that approach on offending is greater.

Bonta, J., Jesseman, R., Rugge, T. & Cormier, R. (2006). Restorative Justice and Recidivism: Promises Made, Promises Kept? In D Sullivan & L Tift (Eds.). *Handbook of Restorative Justice: A Global Perspective*, (pp. 108-120). New York, NY: Routledge.

A meta-analysis that covered 39 studies, most of restorative justice with young people, and found that staff who have training in restorative justice have more impact on offending.

Chan, J., Doran, S., Maloney, E. & Petkoska, N. (2004b). *Reshaping Juvenile Justice: A Study of the NSW Young Offenders Act 1997, Final Report*. School of Social Science and Policy, University of New South Wales: New South Wales, Australia. www.law.usyd.edu.au/~criminology/reports/YOA_report_pt1

This paper looks at the development and implementation of the New South Young Offenders Act 1997 and its impact. An interesting insight into a parallel system to New Zealand with some scant information about training of Police involved in conferencing, including finding that booster training was needed.

Te Puni Kokiri. (2000). *Whanake Rangatahi: Programmes and Services to Address Māori Youth Offending*. Social Development Directorate, Te Puni Kokiri: Wellington, NZ.

Interviews with young Māori showed that they valued staff with cultural knowledge and skills and also those with good general skills for relating to others and teaching.

22 Keep a close eye on staff standards – staff who receive regular (monthly) supervision from experts that assesses how closely they are adhering to guidelines are more likely to reduce re-offending.

Andrews, D. A., & Dowden, C. (2005). Managing Correctional Treatment for Reduced Recidivism: A Meta-Analytic Review of Program Integrity. *Legal and Criminological Psychology*, 10(2), 173-187.

This analysis of multiple studies found that when staff received supervision from someone expert the impact on offending was increased.

www.csc-scc.gc.ca/text/rsrch/compendium/2000/chap_2_e.shtml#top

See especially Principle 15 – Integrity in program implementation and delivery. This is a brief and easy to read explanation of why programme integrity (which supervision is part of) is so important and how to achieve it.

23 Spell it out for staff – to be optimally effective in reducing re-offending a well-structured approach to Police warnings and Alternative Action including a manual and well-developed, formal routines are indicated.

Andrews, D. A., & Dowden, C. (2005). Managing Correctional Treatment for Reduced Recidivism: A Meta-Analytic Review of Program Integrity. *Legal and Criminological Psychology*, 10(2), 173-187.

This analysis of multiple studies found that use of printed or taped training or skills manuals was not significantly associated with reduced offending.

Bonta, J., Jesseman, R., Rugge, T., & Cormier, R. (2006). Restorative Justice and Recidivism: Promises Made, Promises Kept? In D Sullivan and L Tift (Eds.). *Handbook of Restorative Justice: A Global Perspective*, (pp. 108-120). New York, NY: Routledge.

This meta-analysis covered 39 studies, most of restorative justice with young people. It found that restorative justice programmes with evaluations published after 1996 had more impact on offending in part because the later programmes were more highly structured.

Palmer, T. (1996). Programmatic and Nonprogrammatic Aspects of Successful Intervention. In A T Harland (Ed.). *Choosing Correctional Options that Work: Defining the Demand and Evaluating the Supply*, (pp. 131-182). California: SAGE.

Palmer found that use of manuals was associated with greater effectiveness. This is a very dense work with not a lot of detail on this topic.

www.csc-scc.gc.ca/text/rsrch/compendium/2000/chap_2_e.shtml#top

See especially Principle 15 – Integrity in program implementation and delivery. This is a brief and easy to read explanation of why programme integrity (which programme manuals are part of) is so important and how to achieve it.

Appendix C

List of offending-related needs for children and young people that can be addressed in Alternative Action plans

Introduction

Offending-related needs are the 'x factors' that have a direct impact on whether a child or young person keeps offending or stops. Children and young people who come to notice often have multiple needs, but not all of them are directly connected to their offending. When the needs listed here are successfully addressed the child or young person offends less. For example, a child who is very impulsive and tends to rush into doing things without thinking of the consequences is likely to offend less when he or she learns how to stop and think before acting.

Addressing offending-related needs has been proven to reduce offending by an average of 19% (Andrews and Bonta, 2003, in Bonta et al, 2006)¹. Some other needs – such as physical fitness or mental health – have not been shown to have the same positive impact on offending when they are boosted. Obviously fitness and mental health are important needs and should not be ignored, but to affect offending levels it is crucial to incorporate some of the key needs that have a direct impact on offending into Alternative Action plans.

The list below has been drawn from research in New Zealand and internationally (Eddy, Reid and Fetrow, 2000; Kazdin, Siegal and Bass, 1992; Nathan et al, 2003; Wehipeihana et al, 2003; Weisz, 2004).

A. Offending-related needs for children under 13 years

Individual needs

1/ Lack of empathy for others – children who lack empathy find it difficult to see things from another's point of view or sympathetically imagine what another person may be feeling. They may find it difficult to notice and interpret other's emotions even at the level of 'she is angry' or 'he is in pain'. But empathy goes beyond this to putting oneself in another's shoes, actually imagining what the other person may be feeling (possibly by imagining oneself in a similar situation), or remembering feeling similar emotions in the past. This is obviously helpful in encouraging feelings of consideration and remorse. Children with low empathy tend to focus on their own feelings and what they want and may be surprised when they find out that someone is sad or angry. This is something they can become better at by learning empathy skills (sometimes known as 'social perspective taking skills').

2/ Lack of skills for controlling their own behaviour – a child with this problem tends to behave impulsively, showing a poor ability to stop and think before acting. Such children find it difficult to imagine the consequences of their actions beforehand, and are often surprised when predictable negative consequences occur. They also find it difficult to say 'no' to themselves when they think of doing something that is likely to cause trouble. Often they do not know to take time out or walk away when they feel angry or violent.

3/ Lack of skills for controlling and reducing their own negative emotions – this means that when the child gets angry, anxious, suspicious or stressed, they have a poor ability to soothe themselves and feel calmer. Thus their feelings may escalate and lead to antisocial behaviour such as violence, or they may try to manage them in destructive ways, such as excessive drinking or drug taking.

¹ This finding is very reliable, being based on 169 tests taken from studies from a range of countries.

4/ High level of antisocial attitudes - the child has and expresses some less than positive beliefs, such as: there is nothing wrong with crime; it has benefits; crime doesn't really hurt anyone; violence is effective in getting what you want; lying and stealing are acceptable or even admirable behaviours; gang membership is a worthwhile ambition; or that school and work are not valuable activities.

5/ Low level of skills for solving problems - the child has difficulty knowing that he or she has a problem (based on his/her own feelings, circumstances or the behaviour of others), so they often escalate. He or she also lacks skills for effectively solving problems, including: defining the problem; brainstorming solutions; choosing an appropriate solution; planning actions to implement the solution and taking action to put the solution in place. The child may try to solve problems using ineffective means such as violence or theft.

6/ Lack of social skills – this means having little idea how to relate effectively to others, make conversation, or interact in groups. The child may have difficulty knowing how to join in games or share with others, and may use bullying or hostility to cope with social situations. They will also struggle to cope with rejection or criticism, and may even lash out in response to these.

7/ Poor ability to set goals – this need is characterised by the child having difficulty in saying (or writing down) what they want to achieve, and poor skills in planning step by step how to achieve goals once they are set. This makes the child rather aimless in their behaviour, and means that even when they state that they would like to achieve something they have difficulty in working out how to do so.

Family/Whanau/Aiga

8/ Parents/guardians lack skills in setting limits with child – the parents have not set reasonable rules for how they expect the child to behave (e.g. to do as they are told, tell the truth, go to school, not steal). There may be few or no rules, or the rules may change from day to day. Consequences for rule breaking are not made clear, or may not be applied consistently in a firm but fair manner. That is, parents/guardians may enforce rules inconsistently from one day to the next, or use very harsh or extremely lenient consequences (or even both at different times). Parents are not familiar with the use of time outs (e.g. on a chair or step) to respond to rule breaking, and may use unnecessarily harsh punishment instead. They may also not understand how to use incentives to manage behaviour, and may allow privileges and treats (e.g. watching TV, sweets, money) irrespective of how the child has behaved.

9/ Low levels of family affection – members of the family do not show a great deal of positive affection towards each other. In particular parent(s) or guardian(s) show little warmth to the child who has come to notice, such as hugs, positive comments, encouragement, and friendly teasing (not put downs). Instead, parent/guardian behaviour towards the child could be characterised by distance, disinterest, coldness, punitiveness, harshness, put downs and/or criticism.

10/ Lack of support for child from parent(s) or guardian(s) – there is a lack of someone at home to listen to any problems the child is having and coach them about constructive ways to deal with them. There may be a lack of interest in or help with school work, or even a lack of concern about whether the child attends school. Adults are not readily available to help with transport to sports or hobbies, or come to appointments with them. Parents may be extremely busy, disinterested, or have problems that make them less available.

11/ Low level of parental/guardian skills for recognising and rewarding socially desirable behaviour – in this case the adult(s) at home seem not to notice those times when the child behaves well, for instance, shows empathy, kindness, honesty, attends or does well at school or makes a law abiding friend. When these

events take place parents do not reward them with praise, pocket money, or privileges so the child does not receive encouragement to act like this in the future. In some cases, parents may recognise and reward negative, antisocial behaviours such as smoking, drinking, swearing, gang-related behaviour, fighting or stealing by paying attention, laughing or praising the child.

12/ High level of negative communication in the family – negative communication includes shouting, put downs, the ‘silent treatment’, coercion, threats, criticism and arguments.

13/ Low level of recognition and rewards for problem-solving behaviour by their child – this is a separate item from #11 because problem solving skills have been shown to be extremely important to reducing offending and antisocial behaviour by children. A definition of problem solving is given in #5. When parents or guardians do not recognise that their child is using these skills and praise or otherwise reward them, offending is more likely. This would require more intervention than simply teaching the child problem solving skills, as parents would need to be told why this is important and encouraged to look for and respond positively to these behaviours.

School

14/ Low frequency of attendance at school – the child regularly or frequently misses classes or whole days of school. (This can be taken from YORST.)

15/ Low level of academic achievement – the child has regularly failed or missed tests or exams, failed to complete homework or done poorly, and may be having difficulties with basic reading, writing and maths skills.

Barriers to programme involvement

16/ Barriers to attending programmes/services – the family may lack transport or money for transport to go to specialist appointments or programme activities. They may live far from the programme, be homeless, or in accommodation that makes attending programmes or services difficult. The programme or services may happen during parental work hours so that no one is available to provide transport or meet with providers. Motivation to attend programmes or services may well be low. Lastly, the family and/or child may be disinterested in the programme because of cultural issues, whether they would prefer staff or a programme with a strong cultural focus, or they have been referred to staff or a programme with a cultural focus that they are not comfortable with. The existence of barriers to attending programmes or becoming engaged with staff has been found to increase the risk of offending, presumably because it means that the child and/or family attends fewer programme/ service hours, and/or is less influenced by the programme because of feeling alienated or disengaged.

Cultural needs

17/ Low level of knowledge of and connection with culture – there is some evidence that offending is reduced more for Māori when a programme includes a reasonably high level of cultural content (e.g. tracing genealogy, attendance at traditional cultural events, contact with whanau/hapu/iwi, involvement in traditional cultural activities, use of language and protocols). This may also be true for other cultures but research has not yet been done to establish this. The finding suggests that increasing knowledge of and connections with Māori culture will reduce the risk of offending. However the key here seems to be referring to programmes that not

only have a strong cultural component but also accord with 'what works'. Referral to programmes that focus on cultural matters only without addressing offending-related needs and using active, behavioural teaching methods has not been found to have the same impact on offending.

B. Offending-related needs for young people 13 years and over

Individual needs

1/ Lack of relapse prevention skills – once a young person has come right, certain skills are needed to make sure that they don't succumb to the temptation to offend again. These relapse prevention skills include things such as being able to identify situations where they are at risk of offending – such as pressure from friends or being under the influence - and knowing how to cope with those situations without committing a crime.

2/ A lack of empathy for others – young people who lack empathy find it difficult to see things from another's point of view or sympathetically imagine what another person may be feeling. They may find it difficult to notice and interpret other's emotions even at the level of 'she is angry' or 'he is in pain'. But empathy goes beyond this to putting oneself in another's shoes, actually imagining what the other person may be feeling (possibly by imagining oneself in a similar situation), or remembering feeling similar emotions in the past. This is obviously helpful in encouraging feelings of consideration and remorse. Young people with low empathy tend to focus on their own feelings and what they want and may be surprised when they find out that someone is sad or angry. This is something they can become better at by learning empathy skills (sometimes known as 'social perspective taking skills').

3/ A lack of skills for controlling their own behaviour – a young person with this problem tends to behave impulsively, showing a poor ability to stop and think before acting. Such youth find it difficult to imagine the consequences of their actions beforehand, and are often surprised when predictable negative consequences occur. They also find it difficult to say 'no' to themselves when they think of doing something that is likely to cause trouble. Often they do not know to take time out or walk away when they feel angry or violent.

4/ A lack of skills for controlling and reducing their own negative emotions – this means that when the young person gets angry, anxious, suspicious or stressed, they have a poor ability to soothe themselves and feel calmer. Thus their feelings may escalate and lead to antisocial behaviour such as violence, or they may try to manage them in destructive ways, such as excessive drinking or drug taking.

Family/ Whanau/ Aiga

5/ Lack of parental/guardian monitoring and supervision of the young person – this is a need when parents regularly or often do not know where the young person is, who they are with, or what they are doing. Another sign of poor monitoring and supervision is that they have not met their child's friends and set limits on which ones they can mix with. There is often a lack of rules and consequences about where young person can go, for how long and with whom (see #6 on limit setting for more on this last point). (This can be taken from YORST.)

6/ Parents/guardians lack skills in setting limits with the young person – the parents have not set reasonable rules for how they expect the young person to behave (e.g. be home by a certain time, tell the truth, go to school, help around the house). There may be few or no rules or the rules may change from day to day. Consequences for rule breaking are not made clear, or may not be applied consistently in a firm but fair manner. That is, parents/

guardians may enforce rules inconsistently from one day to the next, or use very harsh or extremely lenient consequences (or even both at different times). Parents are not familiar with the use of loss of privileges (e.g. watching TV or meeting up with friends in town) to respond to rule breaking, and may use unnecessarily harsh punishment instead. They also may not understand how to use incentives to encourage good behaviour, and may allow privileges and treats (e.g. staying out late, allowance) whether the young person has behaved badly or well.

7/ Low levels of family/whanau/aiga affection – members of the family do not show a great deal of positive affection towards each other. In particular parent(s) or guardian(s) show little warmth, such as hugs, positive comments, encouragement, and friendly teasing (not put downs) to the young person. Instead, parent/guardian behaviour could be characterised by distance, disinterest, coldness, punitiveness, harshness, put downs and/or criticism.

8/ Lack of support for the young person from parent(s) or guardian(s) – there is a lack of someone at home to listen to any problems the young person is having and coach them about constructive ways to deal with them. There may be a lack of interest in or help with school work, or even a lack of concern about whether the young person attends school. Adults are not readily available to help with transport to sports or hobbies, or come to appointments with them. Parents may be extremely busy, or disinterested, or have problems that make them less available.

9/ Low level of parental/ guardian skills for recognising and rewarding socially desirable behaviour – in this case the adult(s) at home seem not to notice those times when the young person behaves well, for instance, shows empathy, kindness, honesty, attends or does well at school or spends time with a law abiding friend. When these events take place parents or guardians do not reward them with praise, pocket money, or privileges. As a result the young person does not receive encouragement to act like this in the future. In some cases, parents may recognise and reward negative, antisocial behaviours such as smoking, drinking, swearing, gang-related behaviour, fighting or stealing by paying attention, laughing or praising the young person.

Peers

10/ High level of contact with antisocial peers – mixing with peers who are involved in crime, drug/use selling, violence, truancy etc is the greatest risk factor for adolescents. However it appears to be less of an offending-related need, in that reducing contact with such peers has only a slight impact on offending levels. It is best done in conjunction with increasing contact with law-abiding peers, as this seems to have a greater impact on offending. (This can be taken from YORST.)

11/ Lack of contact with pro-social peers and positive role models – mixing more with young people who are not involved in offending, drug use or violence has the potential to reduce offending. A lack of such people in a young person's life denotes a significant offending-related need. Pro-social peers are involved in positive activities such as attending school work and/or church regularly, and tend to be more honest, empathetic and able to control their emotions and behaviour than antisocial youth. They provide good role models and a positive peer pressure to conform to socially appropriate standards of behaviour.

School/ work

12/ Low frequency of attendance at school – the young person regularly or frequently misses classes or whole days of school. (This can be taken from YORST.)

13/ Low level of academic achievement – the young person has regularly failed or missed tests or exams, failed to complete homework or done poorly, and may be having difficulties with basic reading, writing and maths skills.

14/ Low level of paid employment – the young person is not at school and either completely unemployed or in work that is unreliable or does not provide a steady income that he or she can live on (e.g. low hours of part-time, seasonal, or sporadic). (This can be taken from YORST.)

15/ Low level of vocational skills – for young people who are in some kind of paid work, even unreliable or part-time, learning work skills such as interview skills, turning up on time, dressing appropriately, relating effectively to colleagues and the public or any job-related training can have an impact on offending. Where this is not taking place for someone who has paid work it is an offending-related need. This is only relevant if the young person is in paid work of some kind, as increasing work skills with someone who is not actually working has been found to have no impact on offending. It is not clear why this is but it may be because such learning is wasted unless the young person is in a position to immediately apply it in a work situation so that it is remembered

Barriers to programme involvement

16/ Barriers to attending programmes/services – the family may lack transport or money for transport to go to specialist appointments or programme activities. They may live far from the programme, be homeless, or in accommodation that makes attending programmes or services difficult. The programme or services may happen during parental work hours so that no one is available to provide transport or meet with providers. Motivation to attend programmes or services may well be low. Lastly, the family and/or young person may be disinterested in the programme because of cultural issues, whether they would prefer staff or a programme with a strong cultural focus, or they have been referred to staff or a programme with a cultural focus that they are not comfortable with. The existence of barriers to attending programmes or becoming engaged with staff has been found to increase the risk of offending, presumably because it means that the young person and/or family attends fewer programme/service hours, and/or is less influenced by the programme because of feeling alienated or disengaged.

Cultural needs

17/ Low level of knowledge of and connection with culture – there is some evidence that offending is reduced more for Māori when a programme includes a reasonably high level of cultural content (e.g. tracing genealogy, attendance at traditional cultural events, contact with whanau/hapu/iwi, involvement in traditional cultural activities, use of language and protocols). This may also be true for other cultures but research has not yet been done to establish this. The finding suggests that increasing knowledge of and connections with Māori culture will reduce the risk of offending. However the key here seems to be referring to programmes that not only have a strong cultural component but also accord with ‘what works’. Referral to programmes that focus on cultural matters only without addressing offending-related needs and using active, behavioural teaching methods has not been found to have the same impact on offending.

Appendix D

Youth Offending Risk Screening Tool (YORST)



YOUTH OFFENDING RISK SCREENING TOOL

NAME		NIA Person ID No:			
(Child/YP):	Surname	First name(s)			
DOB	Age	Gender	Male	Female	File no:
	European	Pacific	Asian	Other	Date RST Completed
	Maori	Iwi	Hapu		
Incident / Offence Code	Incident / Offence Description				

Part (A) Offending Factors

Time since last came to Police notice for their offending?					
1	No previous	Over 2 yrs	1 to 2 yrs	Less than 1 yr	1 to 6 mths
	0	1	2	3	4
Time since last came to Police notice for incidents (e.g. 1J, 2M, 1T) relating to them and/or serious behaviour incident at school?					
2	No previous	Over 2 yrs	1 to 2 yrs	Less than 1 yr	1 to 6 mths
	0	1	2	3	4
Highest level of previous intervention? (final outcome)					
3	No previous	Noting	Warning	Alt. Action	FGC
	0	1	2	3	4
At what age was offending first reported to Police (if first offence use current age)?					
4	No offences	15+	14	13	10 to 12
	0	1	2	3	4
Rate the seriousness of the current primary offence using the youth offence rating tool (see A4 list).					
5	Minimum	Minimum / Medium	Medium	Medium / Maximum	Maximum
	1	2	3	4	5
Is the nature (MO) of current or previous offending of a concerning nature?					
6	Very Low	Low	Medium	High	Extreme
	1	2	3	4	5
Comments re Question 6:					

Part (B) Peer Group Factors

Influential peers known to Police?					
7	None	Very few known	Some known	Many known	All known repeat offenders
	0	1	3	4	5

Part (C) Education / Employment Factors (contact the school, but not the employer)

Current school / education / course or employment status						
8	Full time well engaged	Full time some issues	Mostly attends	Irregular attendance	Stood down / suspended	Not attending (school / job)
	0	1	2	3	4	5

Part (D) Care & Protection History

Has a notification been made to CYF for this family or child / young person?				
9	No	Notification concerning another sibling	Notification concerning this child / young person	Some form of intervention provided by Child, Youth & Family
	0	2	3	4

Part (E) Alcohol and/or Drug Use

Is their use of alcohol or drugs causing concern? (consider the long term effects of the type of drugs used).					
10	No concern	Slight	Moderate	Serious	Very Serious
	0	1	2	4	5

Part (F) Family Factors					
If there are FAMILY VIOLENCE records in NIA for this family / address, what is the highest FV score?					
11	Zero Records	Records, but no score	Score from 1 - 8	Score from 9 - 16	Score 17 or over
	0	2	3	4	5
Where do they live? (socio economic area decile rating of local state primary school)					
12	8 - 10	4 - 7	2 - 3	1	Transient / Motor Camp
	0	2	3	4	5
Are there concerns in the living situation? e.g. parent / caregiver support and supervision of child / young person, parental mental health problems, drug and alcohol use, suspected child abuse and / or unrecorded family violence					
13	None	Very minor concerns	Some concerns	Major concerns	Some major concerns
	0	1	2	3	4
					Young Person Transient
					Unknown
	0	1	2	3	4
					5
					0
Detail Concerns:					
Family members have offending history?					
14	None	Parent(s) with minor history	Parent/s with major history (imprisonment)	Parent(s) have offended within past 12 months	Sibling(s) have offended within last 12 months
	0	2	3	4	5
					0
Any General Comments:					
Information Sources					
	Child / young person	Parent / caregiver	School / course provider / MOE	Child Youth & Family	Other agency
This time					
Previously					
Not At All					
Scoring Instructions				Risk Screening	
Questions		Answers		YORST Score	
No. of Questions	Max	Sum of the Scores (Above)	=		
Not Answered:	Answered:	x 5	Max. Total for Answered Questions	=	
				x 100 =	%
Dynamic Risk Factors					
Static Factor Results				Dynamic YORST Score	
Sum of Dynamic Factors					
Maximum Possible Total for Dynamic Factors				45	
				x 100 =	%
Youth Aid Response					
Warning	AA	FGC	Youth Court	Police Youth Development	Other

Glossary

Alternative Action – Police Alternative Action is not specifically covered in the Act (1989) in the way that Police warnings and cautions are, but is provided for in Section 208. The Alternative Action process involves the Youth Aid Officer meeting with the child or young person and their parents or caregivers when an offence, alleged or admitted, has been committed by a child or young person. Together they develop a plan which includes restorative elements that aim to redress the harm done and make amends to the victim. The plan can also include rehabilitative elements in order to reduce re-offending. A timeframe is set at the meeting within which the plan should be completed. If the plan is not completed the matter will be referred by the Police to Child, Youth and Family for a Family Group Conference.

Child – someone aged 10 up to and including 13 years (CYP&F Act, 1989).

Diversion – While the term ‘diversion’ is not referred to in the CYP&F Act (1989), in the context of this document diversion refers to action taken by the Police in response to an alleged offence by a child or young person that does not involve referring to a Family Group Conference or appearing in Youth Court i.e. warning and alternative action. Generally speaking, a Family Group Conference which is not court ordered but is in response to a Police referral (also known as an Intention to Charge FGC) can also be described as diversion as the young person is diverted from Court, however, it is excluded in this document due to the focus on Police-led diversion processes.

Hapu – sub-group of an iwi (Māori tribe), larger than a whanau (extended family) group but smaller than an iwi

Iwi – Māori tribal group, usually associated with a waka (canoe), maunga (mountain) and awa (river)

Kapa haka group – group that performs haka, Māori dances and waiata (songs)

Kaupapa - an approach/ way of doing things or way of being that encapsulates a Māori world view.

Maunga – mountain

NIA - National Intelligence Application - the national Police database.

Rangatahi - young person

Reparation – a monetary payment from the young person to the victim(s), also known as ‘restitution’

Restitution – see ‘reparation’

Restorative Justice – process of dealing with a crime which focuses on redressing harm done by the offender and making amends to the victim by use of apologies, reparation, restitution, community work and so forth, and can involve the victim directly in the process via a meeting with the offender

Te Reo Māori – Māori language

Warning – A Police Officer, when an offence alleged or admitted to have been committed by a child or young person, can decide it is sufficient to warn that child or young person. The Officer may conduct the warning or arrange for any other person to conduct it.

Waka – canoe, often refers to very large canoes said to have brought Māori to New Zealand from Hawai’iki, of which there is one associated with each iwi

Whakapapa – genealogy, often going back to the original waka of the iwi

Whanau – extended family, through to grandparents and great grandparents, aunts, uncles and cousins, including adoptive (whangai) family members

Whangai – to adopt a child, often within the wider family

YORST – Youth Offending Risk Screening Tool contains 14 questions which enquire about the prevalence of risk factors in the following areas of the child or young person's life: offending, peers, education/employment, drugs and alcohol, care and protection history and family factors. The YORST identifies both dynamic and static risk factors and so can be used in both a diagnostic and prognostic way. The total score is intended to be predictive of the likelihood of future re-offending and the information captured by the questions about dynamic risk factors help identify the child or young person's offending related needs and the focus for further assessment and intervention.

Young person – means a person 14 years or over up to the age 17 years; but does not include any person who is or has been married (CYP&F Act, 1989).

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