

# ***DIFFERENCES IN HOW GIRLS AND BOYS RESPOND TO FAMILY GROUP CONFERENCE: PRELIMINARY RESEARCH RESULTS***

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## **Abstract**

This paper presents preliminary findings from an analysis of interviews and file data on a sample of young people who had youth justice family group conferences in New Zealand in 1998. The file data were available on 616 boys and 117 girls and interview data were available from 302 boys and 59 girls.

The file data describe the type of offending that occurred, responses to the offending and the reconviction history of the young people as adults. The interview data describe the young people's background and experiences while growing up, their life since the family group conference and, most importantly, their views of the family group conference. Data have been collected on the memorability of the conference, preparation for it, participation and involvement in it, and agreement with the conference decisions. The feelings of the young person about fairness, respect, remorse, shame, and whether or not they were forgiven and accepted as a person, were explored.

The data here suggest that girls were less responsive than boys to restorative aspects of family group conferences, despite their lesser involvement in criminal offending. Some possible reasons for this paradoxical finding are discussed.

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### **<sup>1</sup> Acknowledgements**

The research team would like to acknowledge the support of the Ministry of Social Policy, Ministry of Justice, Department of Child, Youth and Family Services, Ministry of Research Science and Technology, Crime Prevention Unit, Department for Courts, New Zealand Police, Department of Corrections, Ministry of Pacific Island Affairs and Department of Māori Development (Te Puni Kōkiri) in New Zealand, and Professor Lawrence Sherman of the University of Philadelphia.

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## INTRODUCTION

Research from New Zealand, Australia and elsewhere is beginning to demonstrate that family group conferences, particularly when they are well run and managed, have the potential to induce remorse in offenders, and to assist families and young people to jointly take responsibility for repairing harm to victims and taking steps to prevent reoffending. The conferences can produce outcomes that are seen as satisfactory by victims, offenders, families and a range of justice professionals. Young people who participate in conferences report that, compared to court, they find conferences fair, inclusive of them, involve them in decisions, and provide them with opportunities to repair harm and make a new start. Victims, also, are more likely to report that conferences, compared to courts, allow them to be included, involve them in decisions and assist them to put the offence behind them.

However, the fact that a relatively small number of girls offend has made it difficult for researchers to answer questions about whether or not there are important gender issues in relation to family group conferencing, and whether or not girls respond differently from boys when involved in a restorative process. In this paper we report on preliminary findings of a study which incorporates an oversampling of young women for the purpose of answering these questions.

The research we describe here is a large-scale, retrospective study of files on 1,000 family group conferences. We are currently interviewing as many of the young people involved in these conferences as can be traced and consent to participate. This paper presents preliminary findings from an analysis of some of the interview and file data collected by the end of July 2001 on this sample of young people who had family group conferences in New Zealand in 1998:

- Family group conference file data were available on 733 young people – 616 boys and 117 girls.
- Re-offending information in the adult courts was available for 700 young people – 590 boys and 110 girls.
- Interview data were available from 361 young people – 302 boys and 59 girls.

There are some records where complete information was not available so that the actual N in any particular table or for any particular item can fall short of the possible N of 733. In the tables, data highlighted in bold print are those where differences between boys and girls were significant at the 5% level using chi-squared tests.

## OFFENDING PATTERNS

Internationally, previous research has demonstrated that offending patterns are often very different for girls and boys, and so are the criminal justice responses to their offending (Anleu 1991, Chesney-Lind 1997, Heidensohn 1996). In this sample, too, we found that girls were more likely to have committed fewer and more minor offences, they were more likely to receive less severe outcomes and they were less likely to reoffend. These findings are detailed in Table 1 (except for reoffending, which appears in Table 4).

**Table 1 Comparing Boys and Girls: Type of Offence, Source of Family Group Conference (FGC) Referral, Seriousness of Most Serious Offence and Number of Offences**

	Girls % (n=116)	Boys % (n=601)	Total % (n=717)
Nature of offence %			
Burglary	16	34	31
Car theft	16	29	27
Shop theft & other dishonesty	40	32	33
Property damage and abuse	9	16	15
Violence minor	34	23	24
Violence – not minor	4	13	11
Drugs & anti-social	13	13	13
Other	29	27	27
Source of FGC referral %			
Police (direct referral)	50	37	39
Youth Court	50	63	61
Seriousness of most serious offence %			
Less serious	41	31	33
More serious	59	69	67
One offence only %	41	33	35
Mean number of FGC offences	3.04	3.65	3.55

The data in Table 1 show that the girls committed different types of offences from the boys. They were more likely to commit minor violent offences than boys. They were less likely to carry out more serious offences of violence, burglaries, car thefts, and property damage and abuse. On average, the girls were more likely than boys to be referred directly for a family group conference rather than being charged in court. All these differences were statistically significant at the 5% level. These findings are consistent with the other data in the table that show that the girls were more likely to have committed offences that were rated as less serious, and commit fewer offences, although neither of these findings reached the 5% level of significance.

## PREVIOUS HISTORY

Boys and girls also differed in their backgrounds. Table 2 shows differences in the proportions of girls and boys who had a previous history with the care and protection and youth justice systems.

**Table 2 Comparing Boys and Girls: Previous History of Contact with Care and Protection (C&P) or Youth Justice (YJ) Systems**

	Girls % (n=116)	Boys % (n=601)	Total % (n=733)
Previously notified for C&P	58	41	44
Previously referred for YJ FGC	47	56	56
Previously appeared in Youth Court	28	32	32

The data in Table 2 show that girls were more likely than the boys to have been previously notified to the Department of Child, Youth and Family Services as being in need of care and protection (58% of the girls, compared to 41% of the boys). On the other hand, it was the boys who were more likely to have been referred previously for a youth justice family group conference or to answer charges in the Youth Court (although the latter was not statistically significant).

## FAMILY GROUP CONFERENCE RECORDS

The records show that for 92% of the conferences a victim of an offence was identified and that a victim was present for 42% of the conferences. At least one family member was present at 97% of family group conferences and 90% of the conferences achieved agreement on the decisions. Recommendations and plans almost always (95%) included some type of accountability, most commonly an apology, work in the community or work for the victim, and reparation or a donation. Recommendations for court orders that involved supervision (6%) or transfer to the District or High Court (2%) were uncommon. In close to half the conferences there were some recommendations specifically designed to prevent reoffending by providing for a rehabilitative programme or for education or training.

**Table 3 Records of Family Group Conference Attendance by Family, Agreements and Outcomes**

	Girls % (n=84)	Boys % (n=380)	Total % (n=464)
A victim was identified	87	93	92
At least one victim present	43	42	42
At least one family member* present	96	97	97
FGC agreed	86	91	90
Outcomes			
Accountability of any kind	97	95	95
Apology	85	77	78
Change of residence	16	10	11
Work for community or victim	60	67	66
Reparation/donation	55	58	58
<b>Any minor restriction of liberty</b>	<b>25</b>	<b>39</b>	<b>37</b>
Supervision	3	7	6
Supervision with activity	2	2	2
Supervision with residence	1	2	2
Transfer to District or High Court	0	3	2
Other provisions to prevent reoffending	48	49	48
Any rehabilitative programme	23	24	24
Education or training	19	23	22

\* Family members included parents, caregivers, siblings, grandparents, uncles, aunts and other members of the extended family.

Comparing boys and girls, the data in Table 3 show that girls were less likely than boys to have a victim identified for their offending; this difference was almost significant. However, boys and girls were equally likely to have a victim present and at least one member of their family present.

With respect to the outcomes of the conferences, some differences can be observed. There was a tendency for conferences for girls to be somewhat less likely to reach agreement. Their recommended outcomes were more likely to involve apologies and a change of residence, but less likely to involve work for the community or victim, or restrictions of liberty of any kind, including custodial penalties of supervision with residence or transfer to District or High Court for consideration of a prison sentence. Only the difference in restrictions of liberty reached significance. These findings about the lesser severity of recommended outcomes are consistent with the findings reported earlier that girls' offences were less serious and fewer in number. Rehabilitative programmes were equally likely to be recommended for both boys and girls, but girls were slightly, although not significantly, less likely to have recommendations for educational and training programmes.

## RECONVICTIONS IN ADULT COURTS

It was possible to obtain information on reconviction in the adult courts during the year following their 17th birthday for 700 of the sample. Data were also available for 585 of the sample for reconvictions over the 18 months after their 17th birthday.

**Table 4 Reconviictions in the Adult Courts at 12 Months and 18 Months after the 17th Birthday, Showing Percentages of Girls and Boys Who Were Reconvicted of any Offence**

	Girls	Boys	Total
After one year	35% (n=110)	55% (n=590)	52% (n=700)
After 18 months	43%	66%	62% (n=585)

The data showed that, overall, 52% of the sample were recorded as having at least one conviction in the year following the date on which they turned 17 years of age, and 62% recorded at least one conviction in the 18 months following that date. These overall reconviction rates seem somewhat high, but a number of factors account for this: the young people were those whose conference had been for relatively serious offences rather than young people who had committed minor offences, and the reconvictions included a range of traffic offences.

When girls and boys are compared, it is clear that the reoffending rates were significantly lower for girls at both 12 months (35% of the girls were reconvicted compared to 55% of the boys) and 18 months (43% of the girls compared to 66% of the boys).

## COMPARING GIRLS' AND BOYS' RESPONSES TO THE FGC

The most interesting and potentially useful findings in this study are to be found by comparing the responses of girls and boys to family group conferences.

The young people were asked about their memory of the conference, the extent to which they were prepared for it and consulted about it, and their participation and involvement during the conference. They were also asked about their responses to the victims and to their own offending, the responses of others to them and for their views on the outcomes. These results, comparing the replies of boys and girls, are presented in Table 5.

**Table 5 Boys' and Girls' Agreement\* with Statements about their Involvement in and Views about the Family Group Conference; Percentages from Young Peoples' Interviews (n=361)\*\***

Statements	Girls% (n=59)	Boys% (n=302)	Total% (n=361)
Memorability			
I remember a lot about it	41	53	51
Preparation			
I was told what would happen	75	77	76
I was told what others might expect of me	63	70	69
I was told about possible outcomes	75	76	76
<b>I was consulted about who should come</b>	<b>71</b>	<b>84</b>	<b>82</b>
Participation and involvement			
I felt involved in making decisions	43	55	53
I understood what was going on	74	83	81
<b>I felt I had the opportunity to say what I wanted</b>	<b>52</b>	<b>73</b>	<b>69</b>
<b>I felt too intimidated to say what I wanted</b>	<b>55</b>	<b>40</b>	<b>42</b>
Responses to victims and the offence			
Was a victim present?	47	59	57
I could understand how the victim felt	51	75	71
I felt really sorry about my offending	58	61	60
I showed the victim I was really sorry	52	66	63
I think the victim accepted my apology	59	60	59
I could see the victim's point of view	67	79	77
<b>I was able to make up for what I did</b>	<b>68</b>	<b>81</b>	<b>79</b>
<b>In the FGC I felt what I did was wrong</b>	<b>71</b>	<b>56</b>	<b>59</b>
I felt ashamed of myself	53	51	51
Responses to them			
People were there who cared about & supported me	90	94	93
In general people were looking out for my best interests	72	65	67
People spoke up on my behalf	79	80	80
People showed they cared about me regardless of what I had done	76	83	81
I was treated with respect	57	70	68
<b>I was treated fairly</b>	<b>63</b>	<b>77</b>	<b>75</b>
People talked about what they liked about me	43	57	55
<b>People treated me like a trustworthy person</b>	<b>31</b>	<b>50</b>	<b>47</b>
The way I was dealt with made me feel I was a bad person	53	52	52
I was treated as though I was a criminal	54	52	53
After the FGC people showed me I was forgiven	49	61	59

People gave me another chance	60	83	79
People made it clear I can put the whole thing behind me	63	78	76
People didn't let me forget what I had done	41	38	38
Views on outcomes			
I understood what was decided	88	95	94
I really agreed with the decisions	64	66	65
The decision was better than I expected	57	63	62
I decided to keep out of trouble in future	80	76	77
I now feel what I did was wrong	78	86	85

\* Agreement has been defined as responses of 4 or 5 on a five-point scale: 1 = Disagree and 5 = Agree.

\*\* The number of respondents to the particular questions varies – not each person answered every item.

The data in Table 5 indicate that, on the whole, the young people responded positively concerning their family group conference experience. Over half remembered a lot about the family group conference and only 8% indicated that they had little or no memory of it. The differences between boys and girls were not significant. In terms of preparation, over two-thirds said that they had been prepared on all issues. Boys more often reported that they were consulted about who should attend and this is the only difference between boys and girls that was significant in this group of items.

At the conference, about 80% felt that they understood what was happening and just under half reported that they did not feel they had been involved in the decisions. These differences between boys and girls were not significant. However, about three-quarters of the boys said that they were able to say what they wanted while only about half the girls reported this. In addition, over half the girls said that they felt too intimidated to say what they wanted to, although this was reported by only 40% of the boys; both these differences were significant.

For half of the sample, the victim was present at the family group conference. For this group, about three-quarters of the young people reported understanding how the victim felt and seeing the victim's point of view. Three-quarters of the boys said that they understood how the victim felt, but only half the girls reported this – a significant difference.

About three-fifths to two-thirds reported feeling really sorry for offending, showing that they felt sorry, and that they thought that the victim had accepted their apology. Boys were more likely to say these things than girls, although the differences were not significant. About 80% felt that they were able to make up for what they did and, again, these were more likely to be the boys, and this difference was significant.



About half of both the boys and the girls reported feeling ashamed of themselves. However, significantly more of the girls said that in the family group conference they felt that what they did (their offending) was wrong (71% of girls compared to 56% of boys).

A large number of questions were asked that focused on the way the young person felt others responded to them in the family group conference. Generally, at least 80% reported that there had been support for them in the conference and three-quarters reported that people had made it possible for them to put things behind them. Two-thirds and three-quarters, respectively, reported being treated with respect and treated fairly. However, about half reported being made to feel like a bad person and that they had been treated as though they were a criminal, and over a third said that people did not let them forget what they had done.

Again, gender differences emerged on several of these items. Generally it was the boys rather than the girls who were more likely to report being treated with respect, being treated fairly and being given another chance. Significant differences emerged on the items about being treated fairly, being treated as trustworthy, being given another chance and people making it clear that the young person could put everything behind them.

The last group of items in Table 5 describe the young person's views of the outcomes. Nearly all (94%) said that they understood what was decided and two-thirds agreed with the decisions. Nearly two-thirds said that they thought the outcome was better than they had expected. Over three-quarters said that they had decided to keep out of trouble in future. Looking back, 85% said that they now felt that what they had done was wrong. There were no differences between girls and boys on these items.

#### COMPARING GIRLS' AND BOYS' OPINIONS OF THE IMPACT OF THE FAMILY GROUP CONFERENCE

The young people were asked if the impact of what had happened at the family group conference had helped them stop, or reduce, their offending; 358 young people, 59 girls and 299 boys, responded to this question.

A third (33%) of those interviewed reported that having a family group conference had helped them to stop or reduce their offending. Girls were only half as likely as boys to report this (19% compared to 35%) and this difference was significant. This finding seems consistent with the findings reported in the section above, which suggested that girls were less likely to be touched by the family group conference than were the boys.

## SUMMARY AND CONCLUSIONS

Preliminary data from the Achieving Effective Outcomes study currently underway in New Zealand show that, in general, young people are more likely than not to feel positive about their family group conference experiences. The large majority reported being prepared for what might happen, understanding what happened, being able to have their say, that people were there who cared about them and looked after their interests, and that they were given another chance. Most reported feeling sorry about their offending and seeing the victim's viewpoint. They generally understood the outcomes, decided to keep out of trouble in future and, now, two years later, felt that what they did (their offending) was wrong.

However, nearly half reported some experiences that were less than satisfactory. These were young people who did not feel involved in decisions, felt too intimidated to say what they wanted to, did not feel what they did was wrong and were not ashamed of themselves. About half reported that they were not treated as trustworthy, were made to feel a bad person or as though they were a criminal, and did not really agree with the decision.

In general, girls reported more negative experiences of their family group conference than did the boys. On most items, differences were not significant, but some were. More often it was the girls who did not feel that they had an opportunity to say what they wanted, felt too intimidated to say what they wanted to, and felt that people did not give them another chance and let them put things behind them. Furthermore, only about half the girls reported understanding how their victim felt and only two-thirds reported being able to make up for what they did. Fewer than two-thirds of the girls reported being treated fairly and fewer than a third said people treated them as trustworthy. The girls were more likely to report experiencing only one of the outcomes that were, arguably, more positive from a restorative viewpoint: they were more likely to report that, during the family group conference, they felt that what they did (their offending) was wrong. Finally, the girls were much less likely than the boys to report that attending the conference had helped stop or reduce their offending.

The results reported here appear paradoxical. Why should the girls in this sample be more likely to report that they experienced the family group conference process in ways that were less likely to be restorative? Their pattern of offending suggests that most committed relatively less serious offences. They were about as likely as the boys to have had a victim present and to have had family support. However, relatively more of them were referred directly to their family group conference and relatively fewer had appeared in the Youth Court. Furthermore, fewer of the girls compared to the boys reoffended after their family group conference.

There are a number of possible reasons for these findings. One is that responses to a family group conference differ depending on one of the several factors on which the girls and boys tended to differ: for example, the type of offences they committed, the relative seriousness of their offending and their history of previous victimisation are three possibilities. The Rise study (Sherman et al. 2000) found that, compared to control groups, reduced reoffending was observed after conferences for offences of violence but not for property offences. In the sample described here, although the girls were less likely to have a previous history of offending, they may have come from families with more adverse backgrounds, as more of the girls had previously been notified to the Department of Child Youth and Family Services as being in need of care and protection. This history of greater possible victimisation may be an explanatory factor.

Girls also differ from boys in the ways in which they respond to social situations: the way they presented in the family group conference when confronted with their offending may have affected the responses of others towards them, which, in turn, may have influenced the way they experienced the conference. Previous research suggests that female offending is generally responded to differently from male offending: sometimes more leniently and sometimes more negatively (Daly 1994, Hedderman and Gelsthorpe 1997) and this could suggest that they were treated differently during the family group conference. Further analysis and data collection, including observations currently being carried out on 100 family group conferences, may provide some indication of which, if any, of these hypotheses can explain the differences discussed in this paper.

Whatever the reasons for the gender differences reported here, these data indicate that we cannot assume that a family group conference will provide a similar experience for everyone. Differences may lie in the nature and type of offences committed. They may lie in how young people are treated in the family group conference. They may lie in how young people interpret and react to events in the conference. They may lie in the history and backgrounds of the young people. One thing is certain – in some important respects girls and boys are responding differently.

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