

RESTORATIVE POLICING EXPERIMENT

The Bethlehem Pennsylvania Police Family Group Conferencing Project*

SUMMARY

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Restorative justice is the latest trend in criminal justice practice that contains the seeds of a radically different paradigm on crime and justice than the traditional deterrence or desert-based approaches. This report is an evaluation of one restorative justice program operated by the police in Bethlehem, Pennsylvania, a mid-sized American city whose justice practices are typical of thousands of such communities across the country.

Although developed independently from the restorative justice movement, family group conferencing is considered an important new development in restorative justice practice as a means of dealing more effectively with young offenders by diverting them from court and involving their extended families and victims in addressing their wrongdoing. Originating in New Zealand in 1989, conferencing was substantially revised as a community policing technique in Wagga Wagga, New South Wales, Australia, in 1991. This was the first program to directly involve a justice official in conducting restorative justice, and has since broadened to include school officials, probation officers and others. The "Wagga model" was introduced to North America in 1995 by the Real Justice® organization, and more than 2,000 police, probation officers, educators and others in the United States and Canada have now been trained as conference facilitators.

Purpose

The Bethlehem Pennsylvania Police Family Group Conferencing Project was designed to answer six programmatic questions about police-based conferencing as it is being applied in the United States.

1. Can typical American police officers conduct conferences consistent with due process and restorative justice principles?
2. Does involvement in conferencing transform police attitudes, organizational culture and role perceptions?
3. Does conferencing produce conflict-reducing outcomes by helping to solve ongoing problems and reduce recidivism?
4. Will victims, offenders and the community accept a police-based restorative justice response?
5. Does the introduction of diversionary conferencing alter the case processing of juvenile offenders (e.g., net-widening)?
6. How does police-based conferencing compare to the existing system and to other restorative justice practices?

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Methods

In October 1995, 20 full-time police officers volunteered to be trained and conduct conferences. Over an 18-month period, first-time juvenile offenders arrested for selected misdemeanor and summary offenses were randomly assigned either to formal adjudication or to a diversionary restorative policing conference. Cases were blocked by crime type: crimes primarily directed against the person (violent offenses) and crimes primarily directed against property (property offenses).

The effect of the program was measured through surveys of victims, offenders and offenders' parents. Additional data was obtained from direct observations of conferences and review of official police and court records. Two department-wide surveys were conducted, prior to the first conference and again after 18 months of program operation. Officer attitudes on a wide range of questions about their work environment and the nature of policing were matched by officer for pre- and post-test comparisons.

During the course of the experiment, 215 criminal incidents involving the arrests of 292 juveniles qualified for the study, representing 23% of all juvenile offenders arrested in Bethlehem during the time period. These included 75 violent crimes and 140 property crimes. A store was the victim in 76% of the property cases and a school was the victim in 29% of the violent cases.

Participation in the program was voluntary, creating three groups of subjects: (1) statistical control group ($n=68$ property, 35 violent), (2) selected for conferencing and participating ($n=56$ property, 24 violent), and (3) selected for conferencing but not participating ($n=57$ property, 52 violent). Conferences for violent offenses were conducted in 32% of cases selected for the treatment group, and in 50% of property cases, for an overall raw participation rate of 42% (proportion of conferences to cases selected). Offenders were much more likely to decline in property offenses and victims more likely in violent offenses. Among crime seriousness, number of charges, age, race, and gender of offender, only gender was significantly related to participation rate, and only among violent offenders with females participating at twice the rate as their male counterparts.

In spite of the probable self-selection bias in the treatment group, the generalizability of the sample was maintained. However, for this experiment to demonstrate a recidivism reduction or an improvement over magistrate court cases, differences had to be strong enough to be measured across the entire treatment-selected group, even though less than half received the treatment. Questions about how police conducted conferences, whether this affected their culture, whether the community will accept the program, and how the program affected case processing do not require equivalent comparison groups and are unaffected by the threat to the internal validity of the experimental design.

Results

1. Can typical American police officers conduct conferences consistent with due process and restorative justice principles?

There was an initial tendency among some officers to lecture the offender or influence the agreement in conferences. While they easily picked up the mechanics of the scripted process, an additional in-service training was necessary early in the experiment to reinforce the reintegrative intention of conferences. Average grades for overall compliance with protocol improved significantly following the in-service training, from 80% to 89%.

In general, officers did a sufficient but not exemplary job in adhering to principles of restorative justice and ensuring due process. In spite of this, more than 96% of participants said they were satisfied with how their cases were handled and perceived the process as fair, more than 94% would choose to do the conference again, and more than 92% would recommend conferences to others. These results, which are consistent with the earlier evaluation of police conferencing in Australia, lend support to the generalizability of the Australian findings to police-based conferencing in the United States.

2. Does conferencing transform police attitudes, organizational culture and role perceptions?

There were no significant changes in overall police attitudes, organizational culture or role perceptions. Paired t-tests of pre- and post-test scores failed to detect any department-wide changes in attitudes during the experimental period. Thus, conferencing cannot be said to have had a significant impact on changing overall police attitudes toward their activities or the role of police.

The officers who had conducted conferences did show a significant increase in their perceptions of community cooperation and a decrease in their orientation toward a crime control approach to policing. Thus the whole effect of conferencing was to cause a few officers who were positively disposed to community policing to become more supportive of such approaches.

3. Does conferencing produce conflict-reducing outcomes by helping to solve ongoing problems and reduce recidivism?

Reducing offender recidivism is one measure of the capacity of restorative approaches to address the important needs created by a criminal offense. A reduction in re-offending is not the primary purpose, as in deterrence theory, but is one of a number of goals for the restorative response to crime. It is assumed that holding offenders accountable to their victims to repair the harm caused should increase offender empathy and thereby lead to a reduction in offending behavior.

Results indicate that lower recidivism for those participating in the program was more a function of the offender's choice to participate than the effects of the conference, per se. Violent offenders participating in conferences had significantly lower 12-month rearrest rates (20%) than those who declined to participate (48%). However, the control group rearrest rate (35%) was almost exactly between the treatment-selected groups, indicating that there was little additional treatment effect beyond a self-selection effect. Recidivism rates for the property offenders suggests that any self-selection ef-

fect was transitory. There were significant differences for the decline and conference property offenders from 30 to 150 days, however, these differences in the rearrest rates were not significant by 12 months.

The universal ability of conference participants to come up with mutually acceptable agreements demonstrates that conferences are useful in facilitating a collective, community-based solution to these criminal problems. The 94% offender compliance with the terms of the agreements supports the conclusion that these cases were resolved in a manner satisfactory to all participants.

It appears that any reductions in recidivism are the result of the voluntary program diverting from formal processing those juveniles who are least likely to re-offend in the first place. Presumably this is the goal of any good diversion program and, in this regard, the program was successful.

4. Will victims, offenders and the community accept a police-based restorative justice response?

Victims participating in conferences said that they felt participating in the conference was their own choice (96%); they would recommend conferences to others (92%); they would choose a conference if they had to do it over again (94%); meeting with the offender was helpful (93%); the tone of the conference was basically friendly (94%); the offender apologized (96%); and conferences should be offered to all victims (81%).

Offenders who participated in conferences said that it was their own choice to participate (92%); they would recommend conferencing to others (92%); if they had to do it over again, they would choose to participate (94%); meeting with the victim was helpful (100%); and the tone of the conference was friendly (96%).

Nearly all parents of conferenced offenders said they would recommend conferencing to others (97%), would choose to participate in a conference if they had to do it over again (94%), thought that meeting the victim was helpful (97%), and that they had a positive or very positive attitude toward the conference (91%).

Victims, offenders and parents of offenders were consistently satisfied with the conferencing process and perceived the process and the outcomes as fair. Nearly all respondents indicated they would choose to participate in the program again and would recommend it to others facing similar trouble. While a majority of offenders declined to participate, a very high proportion of victims, offenders and offenders' parents who did participate accepted this police-based restorative justice process.

5. How does the introduction of conferencing alter the case processing of juvenile offenders?

There was no apparent change in overall arrest patterns for juvenile offenders during the experimental period. A gradual decline in juvenile arrests throughout the period began before the police started conducting diversionary conferences. The time series for the cases disposed of informally dur-

ing the study showed no disruption from the pattern prior to the experiment, and this is the pool of offenders who would have been affected by net-widening. Because offenders were selected for this study after they had already been arrested, there was no discretion on the part of officers to determine which cases would be referred. Thus, there really was no opportunity for net-widening.

Dispositions of offenders three years prior to the study were compared to those handled by court during the period of the study and there were no important differences evident. Offenders diverted tended to be less serious cases and were likely to have entered a guilty plea if the case had gone to court, thus slightly increasing the average seriousness of the cases remaining in the system. Overall case processing of juvenile offenders by police and the courts was largely unaffected by the existence of the program.

6. How does conferencing compare to the existing system and to other restorative justice practices?

Existing System

Victims, offenders and offenders' parents who participated in a conference were at least as satisfied with the way their case was handled and to have experienced fairness as those whose cases were processed through court (Exhibit S1). Victims and parents were more likely to feel that their opinion had been adequately considered. There were no significant differences between the control and treatment (decline and conference combined) victims for the satisfaction, fairness, accountability and opinion items. Among property crime victims, there was a significant difference: the treatment group was more likely to say the offender was adequately held accountable for the offense.

Sixty-three percent of conferenced offenders said they were very satisfied with the way their case was handled, compared to 34% of the control group and 24% of the decline group. Similarly, parents were also more likely to say they were very satisfied with the conference compared to the control or decline group parents. Parents of conferenced youth were more likely to report fairness in their child's case than those disposed by courts. Still, a majority of all parents in the survey experienced fairness with the handling of their child's case.

Conferenced parents were more likely to have felt their opinion had been adequately considered in their child's case than parents of court-disposed offenders: 92% of the conference group, 84% of the control group, and 55% of the decline group.

Police-based conferencing produced outcomes for offenders more specifically tailored to the individual's circumstances than the court process, especially for violent cases with personal victims. Outcomes from conferences were more likely to include community service as a reparative response and less likely to require monetary payments than outcomes from the courts.

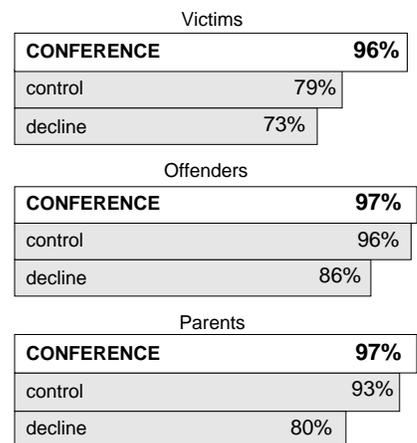


Exhibit S1. Satisfaction with handling of case

Restorative Justice Programs

Other than conferencing, the primary restorative justice program for which there is research is victim-offender mediation (VOM). Participant questionnaires for the present study were designed from those asked in a majority of the VOM evaluations. There are a number of differences between conferencing and mediation, though both utilize a voluntary collaborative model with the purpose of repairing the harm caused by the crime. Individual VOM programs also vary regarding the type of cases qualifying and the source of administration and case referral sources.

Police-based conferences in the present study produced participant results and program participation rates higher than any of the reported VOM programs (Exhibit S2). The agreement compliance rates in the Bethlehem study are comparable to those cited in other mediation and conferencing studies. In light of these findings, concerns raised by VOM advocates that victims and offenders would be less trusting of police than of impartial community volunteers seem unfounded.

Finally, crude cost comparisons suggest that police-based conferencing is no more expensive than any of the VOM programs compared. Because police conduct conferences as part of their routine community policing activities, there were no additional program costs to the department beyond initial training costs.

V O M s i t e s	Bethlehem conferencing 42%	
	Albuquerque	28%
	Minneapolis	40%
	Oakland	35%
	Austin	29%

Exhibit S2. Participation rate comparison with VOM

General Conclusions

In summary, the following general conclusions can be made:

- Typical American police officers are capable of conducting conferences consistent with due process and restorative justice principles, given adequate training and supervision.
- While conferencing did not transform police attitudes, organization culture or role perceptions, it did move those with the most exposure to conferencing toward a more community-oriented, problem-solving stance.
- Police-facilitated restorative conferences can produce conflict-reducing outcomes, most clearly in cases of interpersonal violence. Because of a strong self-selection bias, this study could not confirm a reduction in recidivism due to conferencing. Like other voluntary diversion programs, cooperative cases participated, uncooperative cases did not.
- Victims, offenders and parents who participated accepted this police-based restorative justice response, as indicated by high rates of satisfaction with the process and experiences of fairness.
- Police-facilitated restorative conferences produced participant satisfaction and perceptions of fairness at least as high as other restorative justice programs and the courts. Participation rates and compliance rates for conferences were also comparable to other restorative justice programs.