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Group Conferencing as an Alternative to Criminal Proceedings

ABSTRACT *- Group conferencing described as a process in which any group of individuals connected and affected by some past action come together to discuss any issues that have arisen, in particular to allow for the harm suffered to be expressed with little guidance from the facilitator, is one of restorative justice practices. Although less popular than victim-offender mediation, it is developing systematically in the legal systems of Anglo-Saxon countries. Its variant called Family Group Conferences became the base of New Zealand juvenile justice system in 1989. In the states and territories of Australia and in South Africa dozens of experimental projects and then local small-scale programmes came to exist in the last twenty years. Group conferencing is reported to be an effective tool of the reduction of re-offending. The research shows the high degree of satisfaction of all participants as well as the high rate of agreements reached.*

There are various restorative justice practices, for example victim-offender mediation, group conferencing, peacemaking, sentencing and community circles as well as community boards and panels[1]. The most commonly used and examined form of restorative justice, especially in Europe, is victim-offender mediation. Group conferencing, although less popular, is becoming worthy of note. It is in the strongest position in the legal systems of Anglo-Saxon countries.

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1 See also: P. McCold, Primary Restorative Justice Practices, [in:] A. Morris, G. Maxwell (eds.), Restorative Justice for Juveniles. Conferencing, Mediation and Circles, Oxford – Portland 2001, p. 41; M. Schiff, Models, Challenges and The Promise of Restorative Conferencing Strategies, [in:] A. von Hirsch, J.V. Roberts, A. Bottoms, K. Roach, M. Schiff (eds.), Restorative Justice and Criminal Justice. Competing or Reconcilable Paradigms?, Oxford – Portland 2003, p. 317.

A general definition describes conferencing as a process in which any group of individuals connected and affected by some past action come together to discuss any issues that have arisen, in particular to allow for the harm suffered to be expressed with little guidance from the facilitator. Schemes of conferencing vary in the extent of the involvement of victims, victims' supporters and offenders' supporters (mainly family members and other community members). Another difference is the leader of the conference and participants entitled to suggest outcomes and approve the agreements[2].

Group conferencing differs from victim-offender mediation in some aspects. In traditional victim-offender mediation the community has a minimal role, unless that the mediator may be a local community member. The community is given a more direct role in group conferencing. While the emphasis in victim-offender mediation is on the victim's suffering and the offender's compensation, the conference allows the offender's family (especially in the case of younger people) to share the blame and directly witness the harm caused, and, most importantly, it allows an exploration not only of how the offender can atone, but also how he/she can keep out of trouble in the future. It is equivalent to a case conference, where the offender's social network replaces the formal agencies and takes responsibility for exploring what has gone wrong, what steps the offender can take to reform, and how others can support him/her in doing this. As a force for social reintegration of offenders, conferencing is potentially a more powerful tool than one-to-one mediation, because it allows social resources to ensure that the offender's change of heart is more likely to continue. While still addressing victims' needs, it also addresses the needs of the offender and society that would also benefit from his/her rehabilitation[3].

Table 1 provides a more detailed description of advantages and disadvantages of the above mentioned restorative justice forms.

The dominant type of conferencing is family group conferencing. One of its requirements is participation of a larger group of people, especially family members and victims' supporters. They can take collective responsibility for the offender's completion of the agreement. Unlike victim-offender mediation, family group conferencing leads to the offender's admission of guilt, accepting responsibility for his/her act, showing repentance and expressing his/her willingness to redress[4]. Conferencing is often organized and carried out by police officers, probation officers or

2 P. McCold, Primary Restorative Justice Practices, [in:] A. Morris, G. Maxwell (eds.), Restorative Justice for Juveniles. Conferencing, Mediation and Circles, Oxford – Portland 2001, p. 44.
3 T. F. Marshall, Restorative Justice: an Overview, London 1999, p. 14.
4 M. Płatek, Wstęp I, czyli o miejscu i roli sprawiedliwości naprawczej w systemie sprawiedliwości karnej, [in:] M. Płatek, M. Fajst (eds.), Sprawiedliwość naprawcza. Idea. Teoria. Praktyka, Warszawa 2005, p. 19.

Table 1. Advantages and Disadvantages of One-on-One Mediation Versus Larger Group Conferencing

Approach	Potential Advantages	Potential Disadvantages
One-on-one mediation - Conversation is between the crime victim and the offender - One or more family members or other support people may be present but are not actively involved in the conversation	Setting is more private, reducing victim and offender anxiety	Offender is unlikely to understand the full impact of his or her behavior on other people affected by the crime
	Victim and offender are more likely to feel safe enough to be vulnerable and open	Participation of others who are part of the victim and offender's community of support, including family, is limited
	Victim and offender are more likely to speak frankly rather than be influenced by what others might think	Conflict that affects the entire community is moved behind closed doors
	Victim and offender are more likely to engage in genuine dialogue	Approach is less likely to engage a network of people who can offer follow-up support to the victim or offender
	There is a greater focus on the needs of the direct crime victim	Community is less involved in holding the offender accountable
	Offender is less likely to "clam up" or feel shamed by others	
Larger group conference - Conversation is among all present, although the victim and the offender are likely to begin by telling their stories - Meeting is likely to involve six to eight people and may occasionally involve twenty or more	Many other people affected by the crime are likely to be involved	Young offenders are likely to feel intimidated by so many adults present
	Community is more involved in the process of holding the offender accountable	Primary victim's needs may not receive as much attention as those of other family and community members
	Offender is more likely to understand the full impact of his or her behavior on both primary and secondary victims	Some victims are likely to prefer a less public forum
	Family members and others who can offer support to the victim and offender are more likely to be involved	Some offenders may not feel safe enough to talk openly and may even feel pressured by the group to respond in certain ways
	Network of people is available to offer follow-up support to victim and offender	One or more people may dominate the conversation, giving the victim and offender little time to talk with each other

Source: M. S. Umbreit, *The Handbook of Victim Offender Mediation: An Essential Guide to Practice and Research*, San Francisco 2001, p. 304-305.

other social workers entitled to influence the final agreement and express their opinions freely[5]. A bigger number of participants leads to greater dynamism of the meeting as more people can share their opinions how to resolve a conflict[6]. A wider range of opinions is helpful to deal with more complex cases. On the other hand, group conferencing is more time-consuming and its proceedings are more complicated as it is hard to gather all the parties at the same time. Additionally, finding a leader of group conferencing with good interpersonal skills and predispositions may pose a bigger, in comparison to victim-offender mediation, problem.

Community conferencing is a variation of the family group conferencing model that recognizes the community as a victim of the crime and empowers affected citizens to have a role in determining the outcome of incidents that impact the community at large. Community conferencing is based on the understanding that communities, as well as victims and offenders, are significantly affected by the crime, and should be a part of determining the outcomes of crimes that occur in their neighbourhoods. All members of the community who feel they were affected by the event are invited to participate in it. The essence of the participants' meeting and victim-offender mediation is similar and all participants contribute to the problem-solving process. Conferences are complete when the agreement is signed by all present[7].

All kinds of group conferencing are based on the following principles:

– voluntary (unforced) participation,
– mutual respect for parties,
– sensitivity to the victim and his/her interests,
– clarity of rules,
– security of the meeting,
– confidentiality,
– accepting the responsibility by the offender,
– participation of local community,
– the right of the facilitator to express his/her opinions[8].

5 L. Kurki, Evaluating Restorative Justice Practices, [in:] A. von Hirsch, J.V. Roberts, A. Bottoms, K. Roach, M. Schiff (eds.), Restorative Justice and Criminal Justice. Competing or Reconcilable Paradigms?, Oxford – Portland 2003, p. 297.

6 M. Wright, Przywracając szacunek sprawiedliwości, Warszawa 2005, p. 172.

7 M. Schiff, Models, Challenges and The Promise of Restorative Conferencing Strategies, [in:] A. von Hirsch, J.V. Roberts, A. Bottoms, K. Roach, M. Schiff (eds.), Restorative Justice and Criminal Justice. Competing or Reconcilable Paradigms?, Oxford – Portland 2003, p. 320. More on community conferencing see: P. McCold, Primary Restorative Justice Practices, [in:] A. Morris, G. Maxwell (eds.), Restorative Justice for Juveniles. Conferencing, Mediation and Circles, Oxford – Portland 2001, p. 47-48.

8 M. Płatek, Wstęp I, czyli o miejscu i roli sprawiedliwości naprawczej w systemie sprawiedliwości karnej, [in:] M. Płatek, M. Fajst (eds.), Sprawiedliwość naprawcza. Idea. Teoria. Praktyka, Warszawa 2005, p. 20.

The structure of restorative justice conferences consists of three parts: preparation, the conference itself and the follow-up. There are six phases of the preparation: 1) referral to the restorative justice programme by the prosecutor, the judge, the victim, the offender, a member of the victim's or offender's family or the other person; 2) assessment of suitability of the conference determined by the availability and willingness of key people to participate freely and by possible outcomes; 3) the appointment of the facilitator; 4) the indication of willingness to take responsibility by the offender; 5) organizing at least one pre-conference meeting with the victim to prepare realistic expectations and clarify the benefits for all; 6) organizing at least one pre-conference meeting with the offender to clarify process and expectations. The conference, which is the most important part of all proceedings, consists of following phases: 1) a welcome given by the facilitator and introductions either individually or by the facilitator, sometimes this part of the conference ends with reflection or a prayer; 2) a presentation of main rules of the meeting by the facilitator; 3) telling the stories by both parts of conflict and the presentation of the victim's and offender's points of view; 4) a break for the offender and his/her support people to discuss how they can repair harm (a parallel discussion of victim and support people is possible); 5) gaining the consensus and preparing an agreement on a plan of action which should be submitted to the court; 6) expressing thanks to all participants. A submission of the agreement to the court and control of its realization is the last part of group conferencing[9].

In the conferencing there are usually three kinds of participants: the parties (i.e. the victim and the offender), the facilitator (two persons of different sexes) and the other people involved in the case i.e. the victim's and the offender's family members and other people affected by the crime for example neighbours, acquaintances and local community members[10].

Group conferencing derives from Australia and New Zealand. They were the only countries that implemented conferencing to their legal systems so quickly and efficiently[11]. Juvenile conferencing has been used regularly in New Zealand since 1989. In 1991 this idea was introduced in the Australian state of New South Wales. It was put into practice as a pilot project in the city of Wagga Wagga. Till the end of

9 J. Consedine, Conducting a Restorative Justice Conference. Bringing Accountability, Healing and Responsibility to Criminal Justice Processes, [in:] M. Fajst, M. Płatek (eds.), W kręgu kryminologii romantycznej. Konferencja zorganizowana w pierwszą rocznicę śmierci prof. Lecha Falandysza 18 lutego 2004 r., Warszawa 2004, p. 200-201.

10 D. Jaworska, M. Niełaczna, W. Klaus, Sprawiedliwość naprawcza a mediacja – konkurentki czy sojuszniczki, Mediator 2004, nr 4, p. 26-27.

11 The explanation to this state of affairs can be read about in: K. Daly, Conferencing in Australia and New Zealand: Variations, Research Findings and Prospects, [in:] A. Morris, G. Maxwell (eds.), Restorative Justice for Juveniles. Conferencing, Mediation and Circles, Oxford – Portland 2001, p. 59-62.

the 20th century group conferences were common procedures in the legal systems of all the states of Australia except Victoria and the Australian Capital Territory where they were not statutory-based[12].

Depending on legal systems, conferences vary in terms of theoretical procedures, aims, bureaucratic regulations and offences where they can be used. Academic literature provides description of two models: a New Zealand one (applicable in New Zealand, Australia and South Africa) and a Wagga Wagga one. The latter, which eventually did not catch on in Australia (although in its vestigial form it is present in New South Wales, the Australian Capital Territory, the Northern Territory, Tasmania), inspired similar procedures in the USA, Canada, England and Wales[13]. Its dynamic development was observed in the USA (in the states of Minnesota, Pennsylvania, Montana, Vermont and Colorado), where 94 programmes of this type were reported in the half of 2001[14].

The Wagga Wagga model differs from the New Zealand model in two fundamental ways: it is facilitated by a police officer (while in the New Zealand model it is a third person, mainly a member of the community who plays the role of a facilitator), and it draws heavily on the theory of reintegrative shaming. Practitioners in jurisdictions with the New Zealand model are more likely to say that reintegrative shaming is one of several theories structuring their practice, or that it is restorative justice, not reintegrative shaming, that structures their practice[15].

The New Zealand model uses the experience of primeval practices of Maori[16]. New Zealand is a world leader in group conferencing. The method was introduced to the legal system in 1989 as the Children, Young Persons and Their Families Act. Then it extended to adult offenders as a result of pilot programmes and the use of discretionary power by the judges. The 1989 Act provides two ways of penal reaction towards juveniles aged between 14 and 17. One of them is a traditional trial in the Youth Court with all guarantees. For really serious offences a young person is tried in the adult court unless a Youth Court judge decides to allow him to remain in

12 See: K. Daly, Conferencing in Australia and New Zealand: Variations, Research Findings and Prospects, [in:] A. Morris, G. Maxwell (eds.), Restorative Justice for Juveniles. Conferencing, Mediation and Circles, Oxford – Portland 2001, p. 62-63.

13 See: K. Daly, Conferencing in Australia and New Zealand: Variations, Research Findings and Prospects, [in:] A. Morris, G. Maxwell (eds.), Restorative Justice for Juveniles. Conferencing, Mediation and Circles, Oxford – Portland 2001, p. 63-65.

14 M. Schiff, Models, Challenges and The Promise of Restorative Conferencing Strategies, [in:] A. von Hirsch, J. V. Roberts, A. Bottoms, K. Roach, M. Schiff (eds.), Restorative Justice and Criminal Justice. Competing or Reconcilable Paradigms?, Oxford – Portland 2003, p. 319.

15 K. Daly, Conferencing in Australia and New Zealand: Variations, Research Findings and Prospects, [in:] A. Morris, G. Maxwell (eds.), Restorative Justice for Juveniles. Conferencing, Mediation and Circles, Oxford – Portland 2001, p. 63-64.

16 See: J. Consedine, Sprawiedliwość naprawcza. Przywrócenie ładu społecznego, Warszawa 2004, p. 93-99.

the Youth Court. The second way of the penal reaction is family group conferencing which is an alternative to a criminal trial. In the case of filing the charge, the conference gathers in 14 days and if the offender has been arrested – in 7 days. Apart from the juvenile delinquent, the conference is attended by members of his/her family, the victim's supporters, a youth advocate if requested by the young person, a police officer (usually a member of the specialist Youth Aid division), a social worker (in certain cases only), and anyone else the family wishes to be present. It is an independent person, the Youth Justice co-ordinator, employed by the Department of Social Welfare who convenes and facilitates the conference. If the young person has not been arrested, the conference recommends whether he/she should be prosecuted and if not so recommended, how the matter should be dealt with, with a presumption in favour of diversion. If the young person has been arrested the court must refer all matters not denied by the young offender to a conference which recommends to the court how the matter should be dealt with. Occasionally a conference recommends a sanction to be imposed by the court. Usually it puts forward a plan of action. All members of a conference take part in the discussion and then make a decision on the final agreement which is reached in more than 80 per cent of cases. The plan is supervised by the person nominated in the conference including a family member. The Youth Court accepts such plans in more than 80 per cent of cases, however in serious cases the court can use a wide range of court-imposed sanctions. The most severe one is three-month residence in a social welfare institution followed by six-month supervision. If the plan is carried out as agreed, the proceedings are usually withdrawn. If not, the court can impose its own sanctions. No sentencing occurs without a family group conference having been held[17].

In contrast to most other jurisdictions, family group conferences in New Zealand are used for all medium-serious and serious offences committed by young people, except murder and manslaughter. The conference only considers cases where the young offender does not deny the alleged offence. The conference proceedings take place wherever the family wishes, provided the victims agree to this. The final agreement should take into consideration not only the interests of the young offender but also the interests of the victim. That is why the outcome of conference should include apologies, reparation, community work, donations to charity, involvement in some kind of training programme, supervision by a social worker or community organization, a short-time residential placement and, occasionally, a period in custody[18].

17 F.W.M. McElrea, The New Zealand Model of Family Group Conferences, European Journal on Criminal Policy and Research, Vol. 6 (1998), No. 4, p. 528-536.

18 A. Morris, G. Maxwell, Restorative Justice in New Zealand, [in:] A. von Hirsch, J.V. Roberts, A. Bottoms, K. Roach, M. Schiff (eds.), Restorative Justice and Criminal Justice. Competing or Reconcilable Paradigms?, Oxford – Portland 2003, p. 257-259.

After the 1989 Children, Young Persons and Their Families Act came into force, the number of young people appearing in the Youth Court decreased by 75 per cent. The number of prosecution dropped from 8,193 cases in 1989 to 3,908 in 1996. Simultaneously there was a reduction in the number of orders for supervision with three-month residence (from 255 cases in 1989 to 138 in 1996) and in the number of sentences of penal institutions (from 173 persons in 1989 to 81 in 1996). An approximate number of juveniles in state institutions decreased from about 2,000 persons in 1988 to under 100 in 1996[19]. In the first three years of the binding force of the 1989 Act, family conferences were found very effective. About 95 per cent of juvenile offenders took responsibility for their acts. The most common sanctions were an apology, a fine, compensation, giving money for charity, community service, work for the victim, a ban on driving a car and a duty to stay at home at particular time[20]. The sanctions proved to be successful as about 85 per cent of juvenile offenders and their parents were satisfied with the results of the conferences[21].

The statistics and harmonious coexistence of criminal justice and restorative justice enforced by the 1989 Act indicate that the legislator managed to reach its goals – the number of court cases attended by juvenile offenders has substantially diminished[22]. The strength of the New Zealand model of restorative justice is that it is neither individual nor dual. Unlike victim-offender mediation, where there are only two parties – the victim and the offender, the New Zealand model involves a local community in its proceedings[23].

The attempts to implement consensualism and restorative justice in criminal process with adult offenders go less dynamically[24]. The Community Accountability Programme in Rotorua was established in 1995 as the first New Zealand pilot project for the adult offenders. It was described as most closely approximating restorative justice practice because decisions were made by victims and offenders themselves with the aid of paid facilitators. Four further pilot schemes – in Auckland, Waitakere, Hamilton and Dunedin – came into operation in 2001. They differ from family group conferences in several aspects. Firstly, restorative justice confer-

19 F.W.M. McElrea, The New Zealand Model of Family Group Conferences, European Journal on Criminal Policy and Research, Vol. 6 (1998), No. 4, p. 532-534.

20 G. M. Maxwell, The Children, Young Persons and Their Families Act – A Blueprint to be Applied to Adults?, Wellington 1993, p. 5-6.

21 See: J. Consedine, Wyrównanie szkód spowodowanych przestępstwem. Sprawiedliwość naprawcza i probacja, Mediator 2003, nr 4, p. 10.

22 See: F. W. M. McElrea, The New Zealand Model of Family Group Conferences, European Journal on Criminal Policy and Research, Vol. 6 (1998), No. 4, p. 539-540.

23 J. Consedine, Sprawiedliwość naprawcza. Przywrócenie ładu społecznego, Warszawa 2004, p. 116.

24 See: B. Galaway, The New Zealand Experience Implementing the Reparation Sentence, [in:] H. Messmer, H.-U. Otto (eds.), Restorative Justice on Trial. Pitfalls and Potentials of Victim - Offender Mediation. International Research Perpectives, Dordrecht - Boston - London 1992, p. 58-59, 62-65.

ences are voluntary and only take place if both the victim and offender agree to participate. Secondly, the police, a probation officer and the offender's lawyer are usually invited to attend the conference. In addition, the outcome of most conferences is an agreed plan of action and the facilitator provides the referring judge with a copy of such an agreement. Finally, the main purpose of conference is to provide information to the judge who will take the conference report into account along with any other reports and not to recommend a sentence. It is the judge who decides whether or not to incorporate all or part of any agreement into the sentence[25].

In Australia there is a considerable conferencing variation in the level of the states and territories. The most important differences are the kinds of offences that may be conferenced, the person who is entitled to make an agreement and how the process of conferencing is organized. For example, Western Australia has a list of offence types that may not be conferenced while South Australia has no specifically prohibited offences. The outcome plan must be approved by the offender and victim in New South Wales, by the offender and police officer at a minimum in South Australia, and by the offender, victim and police officer in Queensland. In all jurisdictions, the outcome is a legally binding document, however they vary in the length of time to complete an outcome: this ranges from six weeks in Western Australia to six months in New South Wales (which can be extended) and twelve months in South Australia[26].

In Western Australia, the Juvenile Justice Teams were the first schemes set up on a pilot basis in Perth in 1991. The above model shares some features with the Wagga Wagga model, for example, it leaves significant discretion with the police. It differs from the last one in that conferencing system itself is managed by a multi-agency team comprising a police officer, youth justice worker, education officer and an Aboriginal community worker. Referrals to teams remain the prerogative of the arresting officer. Police control of the access to teams greatly restricts the scope for diversion. The practice shows that police referrals tend to be of a less serious nature than those from the courts. In 1994 referral rate for Aboriginal youth was only set at around 16 per cent of all referrals in the Perth region[27].

25 A. Morris, G. Maxwell, Restorative Justice in New Zealand, [in:] A. von Hirsch, J.V. Roberts, A. Bottoms, K. Roach, M. Schiff (eds.), Restorative Justice and Criminal Justice. Competing or Reconcilable Paradigms?, Oxford – Portland 2003, p. 260-261. See also: J. Consedine, Sprawiedliwość naprawcza. Przywrócenie ładu społecznego, Warszawa 2004, p. 219-220; J. Consedine, Sprawiedliwość naprawcza – kompensacyjna praktyka prawa karnego, Mediator 2005, nr 2, p. 19.

26 K. Daly, Conferencing in Australia and New Zealand: Variations, Research Findings and Prospects, [in:] A. Morris, G. Maxwell (eds.), Restorative Justice for Juveniles. Conferencing, Mediation and Circles, Oxford – Portland 2001, p. 66-67.

27 H. Blagg, A Just Measure of Shame? Aboriginal Youth and Conferencing in Australia, The British Journal of Criminology, Vol. 37 (1997), No. 4, p. 494-496. See also: H. Blagg, Aboriginal Youth and Restorative Justice:

In South Australia, conferencing is used statewide as a component of the juvenile justice system. In Wagga Wagga and New South Wales conferences were originally a part of the police diversion programme which was implemented then in the Australian Capital Territory[28]. The principles of the Wagga Wagga Project were modified and then the project spread to other territories of New South Wales. There were, however, certain offences that were excluded from family group conferences, for example sexual, drug, serial or road offences, offences with deadly effect and abuse of rights. The exclusion of the above mentioned offences may consequently lead to lesser effectiveness of this restorative method[29].

The total number of family group conferences in three jurisdictions (New South Wales, South Australia and Western Australia) is estimated at 4,500 to 4,800 per year. In the Australian Capital Territory and Queensland about 180 to 250 conferences are run in each jurisdiction per year. For the three remaining jurisdictions (the Northern Territory, Tasmania and Victoria), the numbers are considerably smaller. The annual number of offenders who have participated in conferences is about 5,300 to 5,800 [30].

The New Zealand conferencing model inspired the first pilot conferencing projects in South Africa[31]. They combine the idea of solving conflicts and diversion approach. The following projects are regarded as the most important: the project in Wynberg[32], the Family Group Conferencing Pilot Project of the Inter-Ministerial Committee on Young People at Risk in Pretoria[33] and the Victim Offender Conferencing Project in Alexandra, West Rand/Dobsonville and Westbury[34].

Critical Notes from the Australian Frontier, [in:] A. Morris, G. Maxwell (eds.), Restorative Justice for Juveniles. Conferencing, Mediation and Circles, Oxford – Portland 2001, p. 236-238.

28 L. Kurki, Evaluating Restorative Justice Practices, [in:] A. von Hirsch, J.V. Roberts, A. Bottoms, K. Roach, M. Schiff (eds.), Restorative Justice and Criminal Justice. Competing or Reconcilable Paradigms?, Oxford – Portland 2003, p. 297-298.

29 J. Consedine, Sprawiedliwość naprawcza. Przywrócenie ładu społecznego, Warszawa 2004, p. 55.

30 K. Daly, Conferencing in Australia and New Zealand: Variations, Research Findings and Prospects, [in:] A. Morris, G. Maxwell (eds.), Restorative Justice for Juveniles. Conferencing, Mediation and Circles, Oxford – Portland 2001, p. 62-63.

31 More on the history of restorative justice in South Africa can be read about in: A. Skelton, C. Frank, Conferencing in South Africa: Returning to Our Future, [in:] A. Morris, G. Maxwell (eds.), Restorative Justice for Juveniles. Conferencing, Mediation and Circles, Oxford – Portland 2001, p. 104-107.

32 See: A. Skelton, C. Frank, Conferencing in South Africa: Returning to Our Future, [in:] A. Morris, G. Maxwell (eds.), Restorative Justice for Juveniles. Conferencing, Mediation and Circles, Oxford – Portland 2001, p. 109-110.

33 See: A. Dissel, Restoring the Harmony: A Report on a Victim Offender Conferencing Pilot Project, Johannesburg 2000, p. 13-14; A. Skelton, C. Frank, Conferencing in South Africa: Returning to Our Future, [in:] A. Morris, G. Maxwell (eds.), Restorative Justice for Juveniles. Conferencing, Mediation and Circles, Oxford – Portland 2001, p. 110-113; A. Skelton, Restorative Justice as a Framework for Juvenile Justice Reform. A South African Perspective, The British Journal of Criminology, Vol. 42 (2002), No. 3, p. 501; A. Skelton, The Child Justice Bill from a Restorative Justice Perspective, [in:] T. Maepa (ed.), Beyond Retribution. Prospects for Restorative Justice in South Africa, Pretoria 2005, p. 128-129.

34 See: A. Dissel, Restoring the Harmony: A Report on a Victim Offender Conferencing Pilot Project, Johannesburg 2000, p. 15-23.

The research on effectiveness of pilot conferencing schemes shows that the degree of satisfaction of all members is high. In New Zealand, 51 per cent of victims who participated in conferences were pleased with the process and agreement, one-third felt better after conferencing, one-third felt worse, 34 per cent of juveniles felt involved in the conferencing process and only 9 per cent thought they were able to influence outcomes. Yet over 80 per cent of juveniles and their parents were satisfied with the outcomes. Even better results are reported in the Wagga Wagga programme where the victim participation rate exceeded 90 per cent, an agreement was reached in 95 per cent of conferences and then completed in 95 per cent of cases. On the other hand, in four Queensland schemes more than 97 per cent of participants were pleased with conference agreements and felt that they had had a voice in the conference. Similar results were reached in New South Wales and Western Australia[35]. The more advanced research projects carried out at the end of the 20th century confirm the above mentioned trend[36]. The results of the research on reoffending of the juvenile offenders who took part in family group conferences in New Zealand are cautiously optimistic. It is reported that 29 per cent of young people aged 14 and under 17 at time of offences leading to a family group conference were not reconvicted over approximately six and a half years. Critical factors that influence the reduction of young people reoffending are having a conference that is memorable, not being made to feel a bad person, feeling involved in the conference decision-making process, agreeing with the conference outcome, completing the tasks agreed to, feeling sorry for what they had done, meeting the victim and apologizing to him/her, and feeling that they had repaired the damage[37].

It is possibile to avoid the disadvantages of particular projects if a multimethod approach is used to resolve conflicts. Such practice is becoming increasingly common in North America and Europe. The new programmes are the result of the evolu-

35 L. Kurki, Evaluating Restorative Justice Practices, [in:] A. von Hirsch, J.V. Roberts, A. Bottoms, K. Roach, M. Schiff (eds.), Restorative Justice and Criminal Justice. Competing or Reconcilable Paradigms?, Oxford – Portland 2003, p. 298. See also: K. Daly, Conferencing in Australia and New Zealand: Variations, Research Findings and Prospects, [in:] A. Morris, G. Maxwell (eds.), Restorative Justice for Juveniles. Conferencing, Mediation and Circles, Oxford – Portland 2001, p. 70-72.

36 See: L. Kurki, Evaluating Restorative Justice Practices, [in:] A. von Hirsch, J.V. Roberts, A. Bottoms, K. Roach, M. Schiff (eds.), Restorative Justice and Criminal Justice. Competing or Reconcilable Paradigms?, Oxford – Portland 2003, p. 298-303; H. Strang, Justice for Victims of Young Offenders: The Centrality of Emotional Harm and Restoration, [in:] A. Morris, G. Maxwell (eds.), Restorative Justice for Juveniles. Conferencing, Mediation and Circles, Oxford – Portland 2001, p. 183-193; M. Schiff, Models, Challenges and The Promise of Restorative Conferencing Strategies, [in:] A. von Hirsch, J.V. Roberts, A. Bottoms, K. Roach, M. Schiff (eds.), Restorative Justice and Criminal Justice. Competing or Reconcilable Paradigms?, Oxford – Portland 2003, p. 321; L.W. Sherman, H. Strang, D.J. Woods, Recidivism patterns in the Canberra Reintegrative Shaming Experiments (RISE), Canberra 2000; K. Daly, M. Venables, M. McKenna, L. Mumford, J. Christie-Johnston, South Australia Juvenile Justice (SAJJ) Research on Conferencing, Technical Report No. 1: Project Overview and Research Instruments, Brisbane 1998; K. Daly, South Australia Juvenile Justice (SAJJ) Research on Conferencing, Technical Report No. 2: Research Instruments in Year 2 (1999) and Background Notes, Brisbane 2001.

37 See: G. Maxwell, A. Morris, Family Group Conferencing and Reoffending, [in:] A. Morris, G. Maxwell (eds.), Restorative Justice for Juveniles. Conferencing, Mediation and Circles, Oxford – Portland 2001, p. 243-263.

tion from the typical victim-offender mediation scheme to the undertaking victim-offender conferencing or restorative justice conferencing. There are two programmes in Minnesota, USA that now use a multimethod approach and can serve as examples. They are the Victim Offender Conferencing Program in Washington county and Restorative Conferencing Program in Dakota county[38].

Although there are several models that implement restorative justice practices (the most popular is the victim-offender mediation), it is the group conferencing that is developing dynamically. The mediation differs from the conferences in the scope of crime-oriented problems tackled by it and the number of people involved in restorative process. The victim-offender mediation, which is individual, secret and strongly compensation-oriented, does not intervene in the interpersonal relations among local residents who were affected by the crime. It excludes from its procedures both the victim's and offender's support members, and local community members. Additionally, it is less time-consuming and complicated than the group conferences. These forms of restorative justice have, however, two things in common. They employ a neutral and powerless mediator or facilitator, and take similar actions.

It is fairly reasonable to claim that the victim-offender mediation is a form of restorative justice that consensually finishes criminal proceedings, while the group conferencing fills in the niche that can not be occupied by the main model. Group conferencing complements the mediation, which results from the goals that the group conferences should realize. They are also deeply rooted in the primeval tradition of overseas tribes.

38 See: M. S. Umbreit, The Handbook of Victim Offender Mediation: An Essential Guide to Practice and Research, San Francisco 2001, p. 309-311.