

Youth Justice Conferencing and Police Referrals: The Gate-keeping Role of Police in Queensland,
Australia

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Article prepared for submission to Journal of Criminal Justice

Word count (7137)

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Abstract

Youth justice conferencing in Queensland, Australia relies on the discretionary referral of young offenders by the police. The low rate of police referrals to conferencing is an ongoing concern for conference organizers. The research presented in this article explored Queensland police officers' training, experience, understandings of youth justice conferencing, and their individual discretionary policing style. The impact of these factors on officers' attitudes towards conferencing and their reported likelihood of referring to conference were examined. One hundred eighty-four Queensland police officers stationed in police regions where conferencing was available participated in the study. Of these officers, 15 percent had never heard of conferencing. Of officers who had heard of conferencing, 35 percent had received training, 21 percent had referred a young person to a conference, and 20 percent had attended a conference. Officers' understandings of conferencing were significantly related to their reported likelihood of referring a young person to a conference. The results indicated that to increase police referrals of young people to conferences, police need to be exposed (both through training and attendance) to the philosophy of and procedures involved in conferencing.

Introduction

Youth justice conferencing is a "... process which brings together those people in the community which have been most affected by a criminal offense the offender, the victim, and their supporters" (Families, Youth and Community Care Queensland, 1999, p. 3). The rationale behind conferencing is that by confronting the victim, the young offender will understand the harm they have caused, take responsibility for his or her behavior, and make amends to the victim. Furthermore, victims who have a minimal role in traditional criminal justice processes, have an opportunity to express their feelings about the offense and be involved in the decisions about the outcomes.

An amendment made in 1996 to the *Juvenile Justice Act 1992* provided the legislative foundation for youth justice conferencing in the state of Queensland, Australia. This amended legislation gave police the discretion to administer a formal caution, refer a matter to a youth justice conference, or proceed to a court trial. Preconditions for a conference referral included the young person's admission of guilt for the offense and the victim's consent¹. Additionally, because of concerns about net-widening, the legislation stated that only matters that would have otherwise been dealt with through the court could be referred to a conference. To emphasize the seriousness of the offense, the legislation also required that police attend conferences.

Since the introduction of conferencing, low rates of police referrals were identified as a critical issue undermining the successful implementation of conferencing (Department of Justice, 1998; Hayes, Prenzler & Wortley, 1998). A number of reasons contributing to the low rates of police referral were identified. These reasons included officers' lack of awareness of the availability of conferencing, lack of training in the necessary administration procedures, and the inability to attend conferences due to operational constraints. While these explanations all revolve around operational

issues, a competing explanation for officers' reluctance to refer to a conference is the inappropriate use of their discretionary powers (Prenzler & Hayes, 1999). The purpose of this research was to investigate the reasons for the low rate of referrals by examining police attitudes towards conferencing and their use of discretion.

Youth Justice Conferencing and Restorative Justice

New Zealand and Australia are world leaders in experimenting with conferencing as a response to juvenile offending. In 1989 New Zealand's *Children, Young Persons and their Families Act* came into effect providing a legislative base for family group conferencing (Morris & Maxwell, 1993). Since this time, in all Australian States and Territories except Victoria, variants of youth justice conferencing have become part of the juvenile justice repertoire. In all jurisdictions, the principles and practice of conferencing are guided by the principles of restorative justice. While there is some debate considering what should and should not be considered restorative justice (see Daly, 2000) when compared with traditional justice, three elements emerge. First, restorative justice places greater emphasis on the role and experience of the victims than traditional criminal justice processes. Second, restorative justice gives lay and legal participants decision-making authority and third, there are substantial opportunities for discussion among all parties involved in the offense (Daly & Hayes, 2001).

While across Australia there are substantial administrative variations in the implementation of conferencing, the primary aim of conferencing is to divert young people from formal processing through the courts. It has been argued that for young people, the court experience can be criminogenic and therefore counterproductive. By diverting the young person from the court process and involving them in a youth justice conference, the likelihood of reoffending is reduced. While there is little empirical evidence to support these arguments (Wundersitz, 1997), this has not

stopped the introduction of conferencing as a pre-court diversion across Australia. Wundersitz (2000) suggests that this is because conferencing has received support from both sides of politics. Supporters from the Left have embraced the restorative framework of conferencing. The political Right have supported the central role of the victim in the process.

Whereas restorative justice practices can occur at any stage of the criminal justice process, police are the primary gatekeepers for conferencing options for young offenders (Daly & Hayes 2001, O'Connor & Cameron, 2002; Strang, 2001). In a number of jurisdictions, conferencing can also be court referred, either as a diversion or as a sentencing option, however the majority of referrals come from police. Despite borrowing conferencing from New Zealand, all Australian jurisdictions chose not to introduce the same gatekeeping structures. In New Zealand the police role was limited by the legislation, leaving police officers with no discretionary power to refer offenders to conferencing. Instead, all youths who are not cautioned must be referred to a youth justice coordinator, who decides on the most appropriate form of action. These referrals are made either by the Police Youth Officers in the case of reported youths, or by the Youth Court in the case of arrested youths. Conference referrals in Australia are essentially at the discretion of the police. Police can divert young offenders from formal court processing either by a caution (formal or informal) or a referral to youth justice conferencing (Cunneen & White, 2002). Unfortunately, despite the pervasiveness of conferencing across Australia, operational police still appear to consider it a 'soft option' for young offenders and tend to think in dichotomous terms of either police cautioning (which they control) or referral to courts (where they have a formal prosecution role) (Wundersitz, 2000).

The police as gate keepers to youth justice conferencing

A number of serious concerns about the police gatekeeping role for conferencing were documented. Earlier evaluations of the implementation of conferencing in other Australian jurisdictions identified referral rates as lower than anticipated (South Australia – see Moore, 1996; Wundersitz, 1996 and in New South Wales – see Trimboli, 2000). Wundersitz (2000) identified that only 18 percent of apprehensions in South Australian were being diverted to a conference and 45 percent were going to court. In addition, possible police bias in referrals of indigenous young people by police officers was identified (Blagg, 1997; Cunneen, 1997; Lewis & O'Regan, 1993; Wundersitz, 1996), along with the concerns about net-widening with young people being referred for which a caution would have been a more appropriate response (Bargen, 1996; Blagg & Wilkie, 1995).

Despite the pivotal gatekeeping role of police officers, there was only limited empirical research examining the police officers' understandings of and attitudes towards conferencing. Of even more concern, this research has only investigated the attitudes of officers directly involved in conferencing (e.g. Moore, 1996; Strang, Barnes, Braithwaite & Sherman, 1999). Not surprisingly, this research indicated that police officers were enthusiastic supporters of conferencing (Wundersitz, 1996). The attitudes of police officers that have not referred a young person to a conference have not been studied.

Understanding why, or why not, police refer to diversionary youth conferences requires an understanding of police attitudes to conferences. Moreover, it also requires an understanding of police decision-making and police discretion. Arguably, police have the most discretion of all decision makers in the criminal justice system (Gottfredson & Gottfredson, 1990; Klockars, 1985; Pike, 1985). There are conflicting views on the role of this discretion. On one hand, it is argued that discretion allows officers to decide what is the best course of action in a particular situation

(Rohl, 1999). This flexibility enables the officer, who is in the best position to judge, to examine the contextual and mitigating factors when making a decision (de Lint, 1998). Furthermore, it was argued that automatic prosecution of all offenses would overextend the limited resources of the criminal justice system (Sarre, 1989). On the other hand, it was identified that officers' decisions might vary according to their attitudes and opinions (Pollock, 1998; Reiner, 1996). This can lead to disparity and discrimination in the way people are processed (Cunneen, 2001; Prenzler & Hayes, 1999).

Police discretion

While there was considerable research examining the psychological attributes of police in relation to police performance, there was little direct psychological examination of police decision-making. Wortley (2003) utilized Wilson's (1968) organizational styles to understand the motivations of individual police officers when exercising discretion. Wilson proposed that police organizations might adopt a *watchman style* of policing; believing the purpose of policing is defined as maintaining order rather than enforcing law. Many minor offenses are defined as private disputes and ignored and the non-enforcement of law is common. This style of policing does not come out of any coherent philosophical framework, but rather the motivation is one of 'not rocking the boat'. Organizations who adhere to the *legalistic style* of policing believe arrest is the preferred mode of dealing with all crime. Crime is defined in terms of the legislation and little consideration is given to the circumstances of the offender. Finally, organizations that operate out of a *service style* of policing rely heavily on informal, non-arrest alternatives to resolve minor matters. These organizations adhere to the principles of community policing and consider both the nature of the offense and the mitigating personal characteristics of the offender when making decisions.

RUNNING HEAD: Conferencing and police referrals

In a series of studies with New South Wales (Australian) police officers, Wortley (2003) identified two dimensions of police attitudes towards discretion and the enforcement of law: (1) the service-legalistic scale, and (2) the watchman scale. An officer's score on the service-legalistic scale reflected his or her position on the proper duty of a police officer. Officers who scored highly at the service-orientated end of the scale believed in individualized punishment and were flexible in their application of the law. Officers at the legalistic-orientated end of the scale believed in the principle of equality before the law. These officers were inflexible in their enforcement of the law. The watchman scale measured officers' positions on the second dimension related to the use of discretion to maintain control. Officers who scored highly on the watchman scale believed in ignoring crime in some circumstances and getting tough with offenders in others. This use of discretion related to a wider strategy of keeping "things running smoothly" and "maintaining police power". Interestingly, Wortley also noted that there was no relationship between scores on the watchman scale and social desirability. He concluded that these officers were either unaware that watchman style sentiments were undesirable or if they were aware, they did not care.

The extent of the problem in Queensland

Following the 1996 amendment to the *Juvenile Justice Act 1992* legislating youth justice conference, three pilot projects, Palm Island, Ipswich (west of Brisbane) and Logan (south of Brisbane), were introduced in April 1997. After six months of operation, the pilots at Ipswich and Logan conducted thirty-six conferences involving fifty-four young people. All referrals had come from Juvenile Aid police officers. Even at this early stage, the gatekeeping role of police was recognized as critical for the success of conferencing (Department of Justice, 1998). Conferencing staff worked hard to develop positive working relationships with local police. Police involved in conferences indicated that making referrals to and attending a conference was, for them, less work than sending the matter to court. Despite this, police attitudes and willingness to 'try something

different' were identified as obstacles to the successful implementation of conferencing.

Furthermore, police referrals were vulnerable to changing police priorities or the absence of key police officers.

After fourteen months of operation, external consultants evaluated the three pilots (Hayes et al., 1998; Palk, Hayes & Prenzler, 1998). By this time seventy-six conferences, involving 116 young people, had been completed in the Logan and Ipswich areas. Interviews were carried out with sixty-three professionals - including four police officers - involved in conferencing. All interviewees were supportive of conferencing, but there was a general disappointment that police had not referred more young people to conferences. These interviewees again identified that while some police, especially those in the Juvenile Aid Bureau, were enthusiastic supporters of conferencing, many general duties police were unaware of conferencing, opposed to it as a 'soft option' for young offenders, and considered conferencing as a bureaucratic burden. The term 'pilot' was seen by some to have resulted in an unfortunate 'wait and see' approach by some professionals to conferencing (Hayes et al., 1998). While interviewees were positive about the information dissemination in the pilot areas, continuous follow-ups were needed to keep the police informed of the conference option and its advantages. When interviewees were questioned on the police discretionary powers, they felt that appropriate but clear guidelines were needed to assist in determining the suitability of matters for conferencing.

Following the successful evaluation of the pilots, the program was expanded early in 1999 to cover 40 percent of the Queensland population encompassing most South-eastern Queensland police regions and the Cairns region. In July 2000, when this research was conducted, the number of police referrals to conferencing was still problematic. In Queensland during the 1999/2000 financial year 4,568 young people appeared in court in relation to offending. One hundred and eight

young people were referred to a conference (Families, Youth and Community Care Queensland, 2000).

The research questions

The importance of the gatekeeping role of police to the success of conferencing cannot be understated. To understand the role, it is necessary to understand how officers perceive this role and understand how their attitudes towards discretion impact on their decision-making. The research presented here was designed to explore the relationships between police officers' attitudes towards discretion, their understandings of conferencing, and their reported likelihood of referring a young person to a conference. Specifically, the research was designed to address the following four questions.

Question 1. Does Queensland police officers' training in and experience with conferencing impact on their endorsement of conferencing or their reported likelihood of referring a young person to a conference?

Question 2. What are Queensland officers' understandings of conferencing and how are these influenced by their experience with and training in conferencing?

Question 3. What are the relationships between Queensland police officers' attitudes towards police discretion and their understandings of conferencing?

Question 4. Can Queensland officers' reported likelihood of referring a young person to a conference be predicted from their attitudes towards police discretion and their understandings of the process of conferencing?

Method

Data collection

In July 2000, questionnaires were mailed out to six hundred randomly selected operational police officers in the Metropolitan North, Metropolitan South, Southeastern and Southern (Ipswich) regions. Conferencing had been available in South Eastern and Southern (Ipswich) regions since April 1997 and for police in the Metropolitan regions since early 1999. The random sample represented approximately 20 percent of officers working in these regions.

The Queensland Police Service (QPS) conducted the random selection of the police officers and the questionnaire package was mailed through the QPS internal mailing system. The questionnaire package included a cover letter explaining the aims of the project and contact details for the investigators, the questionnaire, and a reply paid envelope addressed to Griffith University. This procedure ensured the anonymity of the respondents as the researchers at Griffith University were not aware of the identity of the randomly selected officers. No follow-up was attempted. Two hundred and five of the six hundred questionnaires were returned, a response rate of 34.2 percent. Examination of the responses led to 21 questionnaires being excluded from analyses because of missing or out-of-range data. Consequently, 184 questionnaires were available for analyses. The majority of the 184 police officers were male (81.5 percent) and had been employed by the QPS for between eighteen months and thirty-eight years ($M = 13.2$ years, $SD = 8.2$ years). Respondents included 27.2 percent constables, 38.6 percent senior constables, 21.7 percent sergeants, 8.2 percent senior sergeants and 4.5 percent inspectors. When compared with Queensland police officers within the selected police regions, the respondents were representative in gender, years of service, and rank (Queensland Police Service, 1999).

Questionnaire

The questionnaire was designed to address the research questions and consisted of three sections. The first section addressed the respondents' knowledge of and experience with conferencing, the second section examined the officers' understandings of the conferencing processes, and the third section examined the officer's attitudes towards police discretion.

Knowledge of and experience with conferencing were measured by asking officers if they had ever heard of conferencing, received training in conferencing, referred a young person to a conference, or attended a conference. In addition, officers were asked if they thought conferencing was a positive process for all involved and how likely they were to refer a young person to a conference for a range of offenses.

Officers' understandings of conferencing were explored by asking them to indicate their level of agreement (on a 5 point Likert scale from 1 - strongly disagree to 5 - strongly agree) to each of twenty statements. These statements were designed to address both officers' understandings of the philosophical bases of conferencing and procedural and legislative issues relating to the use of conferencing. Representatives from the QPS and the Department of Families were involved in designing these statements.

The officers' attitudes towards police discretion were examined by using the Wortley's Police Attitudes Towards Discretion Scale (PATDS) (Wortley, 2003). This twenty-two-item scale assessed the two dimensions of police discretion, service/legalistic, and watchman. The PATDS demonstrates internal reliabilities of .71 for the service/legalistic dimension and .62 for the watchman dimension. Furthermore, the PATDS has high construct validity when compared with

other scales conceptually related to exercising discretion (authoritarianism, ethnocentrism) and individual attributions of crime causation.

Results

Of the 184 police officers who completed the questionnaire, twenty-eight (15.2 percent) reported that they had never heard of conferencing. No differences in gender, rank, years of service, or region were found between officers who had heard of conferencing and those who had not heard of conferencing. As this research focused on officers' attitudes towards and understanding of conferencing, these officers were excluded from further analyses.

The 156 officers who had heard of conferencing were asked about their experiences with conferencing. Of these officers, 34.6 percent had participated in training related to youth justice conferencing. The majority of these officers had either attended in-service training or an information session run by a conferencing service. Again no differences in gender, rank, or years of service were found between officers who had received training and officers who had not received training. Officers from the southern and southeastern regions were more likely than officers in the northern or southern metropolitan regions to have received training. This finding is not surprising, as conferencing had been available longer in the southern and southeastern regions.

When asked about their direct experience with conferencing, 21.2 percent of officers had referred at least one young offender to a conference and 20.5 percent of officers had attended at least one conference. A high level of concordance between these figures was expected as the referring officer is expected to attend the conference. Surprisingly, 21 percent of officers who had referred a young person to a conference had not attended a conference, and 18 percent of officers who had attended a

conference had not referred a young person to a conference. The respondents had referred a total of 125 young people to conferences and attended ninety-nine conferences.

Significant differences were found between officers' experience with conferencing and their training in conferencing (Table 1). Officers who had received training in conferencing were likely to have referred to and attended at least one conference. Conversely, most officers who had not received training had not referred or attended a conference.

Insert table 1

Two measures were used to determine officers' attitudes towards conferencing. First, they were asked if they agreed with the statement that conferencing was a positive process for all involved. Fifty-six percent of officers either agreed or strongly agreed, 32.7 percent neither agreed nor disagreed, and 10.9 percent disagreed or strongly disagreed. Second, officers were asked how likely they were (on a five point scale) to refer a juvenile offender for 10 different offense types: (1) robbery, (2) shop steal, (3) break and enter, (4) property damage, (5) minor assault, (6) serious assault, (7) drug related offenses, (8) fraud and misappropriation, (9) motor vehicle offenses, and (10) sex offenses. These scores were summed across the ten offenses to provide a likelihood score that could range from 10 to 50. The minimum score a respondent received was 10 and the maximum score was 46 ($M = 27.22$, $SD = 7.48$).

Question 1. Does police officers' training in and experience with conferencing impact on their endorsement of conferencing or their reported likelihood of referring a young person to a conference?

The first research question examined whether officers' experiences with conferencing, including training, referring and attending, impacted on their endorsement of conferencing and their reported likelihood of referring. The results of a series of t-tests examining this question are presented in Table 2.

Insert table 2

Officers who received training in conferencing were no more likely than officers who received no training to indicate that they would refer a young person to a conference, but were significantly more positive about the process of conferencing. Referring a young person to a conference had no impact on officers' attitudes towards conferencing or their likelihood of referring to a conference. Nonetheless, officers who had attended conferences were more likely than officers who had not attended a conference to endorse conferencing as a positive process and stated that they would refer to a conference. It is difficult to interpret these figures, as not all officers in the sample would have had equal access to training and conferencing. While conferencing was available in all the regions surveyed, it had been available for a longer period in some of these regions. Also, police officers, especially junior officers, were transferred around workgroups and may not have worked in an area that brought them into contact with young offenders.

Question 2. What are officers' understandings of conferencing and how are these influenced by their experience with and training in conferencing?

Officers were asked indicate their level of agreement to twenty statements relating to their understandings of conferencing. To identify similar themes among these statements, a principal component analysis was performed. Initial analyses indicated that five factors had eigenvalues of greater than 1, but examination of the scree plot indicated that three factors would be adequate. Before rotation, these three extracted factors accounted for 44.84 percent of the total variance explained. A varimax rotation was performed and the loadings of the variables on the factors are presented in Table 3. In line with the cut-off point for inclusion reported by Comrey & Lee (1992), only items with loadings of .32 and above were interpreted in the factor solution. The majority of the variables all demonstrate high communalities, above .4, indicating that these variables share a large proportion of variance in the solution provided.

Insert table 3

The seven variables loading on Factor 1 appeared to be related to the officers' belief in the efficacy of conferencing. All variables loaded above .60 and this factor accounted for 25.3 percent of the total variance. Variables loading positively on this factor included offenders becoming aware of the impact of their behavior on others, victim satisfaction, offenders participating in decision making, offenders' remorse, and offenders getting a second chance. Negatively loading variables included conferencing as a 'soft option' for offenders and conferencing competing with cautioning.

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The second factor appeared to be related to the time and effort spent by the officers in sending a young person to a conference. This factor consisted of eight variables and accounted for 10.49 percent of the variance. This second factor was complex with three variables loading onto more than one factor. Only the highest loadings were interpreted. All variables loaded positively on this factor and included problems attending conferences because of shift work, delays involved in conferencing, the high levels of paperwork, time involved in attending conference, the need for an admission of guilt, and consent of the victim.

The final factor was labeled as a procedural factor and accounted for 9 percent of the variance in the overall solution. Factors negatively loading on this factor included familiarity with the procedures and understanding of which matters should be referred to a conference. Factors loading positively included the concept that conferencing was a trial project; conferencing was not encouraged because it was not counted towards the clear-up rate and the need to get the consent of the victims.

Officers' scores on each of the three factors were obtained by summing across the relevant variables (reversing negatively loading items). Cronbach alpha for Factor 1 was .81, for Factor 2 was .79, and for Factor 3 was .52 indicating that each factor had reasonable levels of internal consistency (Murphy & Davidshofer, 1998). Factor 1 was negatively correlated to both Factor 2 ($r = -.42, p < .001$) and Factor 3 ($r = -.23, p < .01$). Factors 2 and Factor 3 were positively correlated ($r = .19, p < .05$).

A significant relationship was found between the officers' gender and the time and effort factor ($t(152) = 2.21, p < .05$). Female officers were less likely ($M = 21.65, SD = 3.37$) than male officers ($M = 23.62, SD = 4.69$) to see conferencing as a resource intensive procedure. The relationship between length of service and each of the three factors was examined controlling for gender. The

longer male officers had been in the service of the QPS, the more ($r = .31, p < .001$) likely they were to see conferencing as an effective process.

Three multivariate analyses of variance (MANOVA) were performed with the three variables relating to the officers' experience with conferencing (training, referral and attendance) as the independent variables. For each analysis the dependent variables were the officers' scores on each of the three factors (efficacy, time and effort and procedural). All three independent variables were significantly related to officers' understandings of conferencing (training ($F(3,152) = 9.20, p < .001$), referral ($F(3,152) = 13.65, p < .001$), attendance ($F(3,152) = 12.64, p < .001$)). The means and standard deviations for these three analyses are presented in Table 4.

Insert Table 4

Officers trained in conferencing were more likely to agree with statements relating to the efficacy of conferencing, considered conferencing to be worth the time and effort, and were more familiar with the procedures involved in conferencing than officers who had not received training. Similar patterns were observed when examining officers who had referred a young person to a conference and officers who had attended a conference. Not surprisingly, it appears that the officers training and experience with conferencing increased belief in the efficacy of conferencing, increased their confidence and understanding of the procedures associated with conferencing, and reduced the perceived time and effort involved in being involved in conferencing.

Question 3. What are the relationships between police officers' attitudes towards police discretion and their understandings of conferencing?

The Service/Legalistic scale and Watchman scale of Wortley's Police Attitudes Towards Discretion Scale (PATDS) (Wortley, 2003) demonstrated satisfactory reliability ($\alpha = 0.73$ and $\alpha = 0.77$ respectively) (Murphy & Davidshofer, 1998). These reliability coefficients were slightly higher than those originally found by Wortley. The mean of the Service/Legalistic scales was 37.77 ($SD = 5.26$) and the mean of the Watchman scales was 31.62 ($SD = 6.24$). These two scales were significantly negatively correlated ($r = -.42, p < .01$). Again these results are similar to those obtained by Wortley.

No significant differences were found between male and female police officers on the Service Legalistic scale or the Watchman scale, however, for males length of service was negatively correlated with the Watchman scale ($r = -.21, p < .01$). The longer a male officer had been in the QPS, the less likely they were operating out of a Watchman style of policing. Officers' attitudes towards police discretion were not significantly related to officers' training in or experience with conferencing.

Bivariate correlations were performed examining the relationships between the officers' attitudes towards discretion and their understandings of conferencing partialing out the effects of gender and length of service (Table 5). Officers who scored highly on the service/legalistic scale indicating a strong service orientation also scored high on the efficacy factor. Officers who scored high on the watchman style scored low on the efficacy factor and high on the time and effort factor. Neither style of policing was related to the officers' procedural factor.

Insert Table 5

Question 4. Can officers' reported likelihood of referring a young person to a conference be predicted from their attitudes towards police discretion and their understandings of the process of conferencing?

To examine the final research question, a partial and full regression analysis was conducted. The dependent variable was police officers' reported likelihood of referring a young person to a conference. Gender and length of service were entered first to control for the impact of these variables. The five independent variables were entered in a second block and included the two attitudes towards discretion scales, service/legalistic and watchman, and the three understanding factors of efficacy, time and effort, and procedural.

Partial Model

After step 1, with gender and length of service in the equation, $R^2 = .06$ ($F(2,146) = 4.78, p < .01$), only length of service contributed to the significant finding ($t = 3.09, p < .01$). The longer an officer had been in the police service the more likely they were to report referring to a conference.

Full Model

After step 2, with the attitudes towards discretion scales, service/legalistic and watchman, and the three understanding factors of efficacy, time and effort, and procedural entered $\Delta R^2 = .43$, ($F(5,144) = 24.51, p < .001$). The five independent variables as a block contributed significantly to the officers' reported likelihood of referring to a conferencing. When all the variables were included in the analysis $R^2 = .49$ ($F(7,144) = 19.95, p < .001$)

With all variables in the regression model, three of the independent variables contributed significantly to reported likelihood of referring (Table 6). These were the police officers' score on the service/legalistic scale (3 percent of the unique variance), their endorsement of the efficacy factor (27 percent of the unique variance), and their understanding of the procedures involved in conferencing (3 percent of the unique variance). Officers scoring high on the service end of the service/legalistic scale and officers who endorsed the efficacy factor reported being more likely to refer a young person to a conference. Police officers who were confused about the procedures involved in referring a young person to conferencing reported being less likely to refer than officers who were confident with the procedures. The seven variables in combination contributed another 16 percent in shared variability. Altogether 49 percent (47 percent adjusted) of the variability in referrals to conferencing was predicted by knowing the officers' gender, length of service, and their scores on the five independent variables.

Insert Table 6

Discussion

It was surprising to find that a substantial proportion of police officers surveyed reported having never heard of conferencing. This is despite the legislative imperative for conferencing as an option for young offenders, efforts of the Department of Families to promote conferencing, and the pilot projects efforts to provide training to officers both through recruit and in-service training. Furthermore, of the surveyed officers who had heard of conferencing, the majority had received no

training in relation to conferencing. These findings support the Hayes et al. (1998) observations that many general duty police officers were unfamiliar with conferencing.

Overall, surveyed officers who had heard of conferencing considered it to be a positive process. Furthermore, officers who had received training in conferencing were more likely than officers who had not received training to endorse conferencing as a positive process. Accordingly, despite the high turnover of general duties staff, it is important to ensure all officers in regions where conferencing is available are aware of and have received some training in conferencing. This process would be facilitated by conferencing being available statewide. Since this research was conducted, the Queensland Government finally endorsed the expansion of conferencing throughout Queensland (seven years after the initial legislative amendments were made). Furthermore, all conferencing is now coordinated centrally through the Department of Families. These two developments in youth justice conferencing should ensure that Queensland police officers are aware of their legislative options.

The experience of attending a conference appears to have a greater impact on officers' attitudes towards conferencing and their reported likelihood of referring to a conference than either training in conferencing or the experience of referring a young person to a conference. Officers who had attended, but not necessarily referred a young person to, a conference were more positive about conferencing and reported being more likely to refer than officers who had not received training or attended a conference. These findings support Wundersitz (1996) observations that attending conferences had a positive impact on police officers' attitudes towards conferencing.

When officers' understandings of conferencing were explored, three underlying factors described their understandings. The first factor explored officers' understandings of the efficacy of

conferencing, including the impact of the conference on the young offenders' behavior and the victims' experience of conferencing. The second factor examined officers' perceptions of the time and effort involved in their participation in the conferencing process. The third factor examined the officers' understandings of the procedures involved in conferencing. Police officers who had received training in and had experience with conferencing (both by referring and attending) saw conferencing as an efficacious process, did not consider conferencing to be resource intensive, and felt more confident with the procedures involved in conferencing when compared with officers who had no experience with conferencing.

The Police Attitudes Towards Discretion Scale (Wortley, 2003) showed similar levels of reliability to those reported by Wortley supporting the integrity of the scale. Wortley's scale was developed using recruits and first year constables. The current study employed a cross-section of all police officers that were older and more experienced. In contrast with Wortley's findings that female officers scored lower than male officers on the watchman scale, this study found no overall gender differences on the two scales. Moreover, for male officers, a negative relationship was found between length of service and their score on the watchman scale. The less experienced male officers had higher watchman scores. As Wortley's sample only included less experienced officers, this might explain why this research found no gender differences.

When the relationships between the PATDS scales and the police understandings of conferencing factors were examined, several clear relationships emerged. Officers with a service style of policing, indicating that they were flexible and interested in tailoring their responses to deal with the situation, endorsed the efficacy of conferencing. On the other hand, both officers with a legalistic style of policing and officers scoring high on the watchman style of policing both considered conferencing an ineffective process. Officers with a legalistic style of policing opposed

conferencing because they considered it might compromise the principle of equality before the law. On the other hand, officers with a watchman style of policing use discretion as a tool to maintain control. As conferencing required the transfer of decision making to another non-police authority, these officers might consider conferencing as a threat to their control. Unlike officers scoring highly on the legalistic end of the scale, officers scoring high on the watchman style also saw conferencing as resource intensive.

Although these relationships were interesting, the more functional question concerns how these variables relate to police officers' reported likelihood of referring a young person to a conference. While officers with a service style of policing reported being more likely to refer a young person than officers with a legalistic style, officers' belief in the efficacy of conferencing and their understanding of the procedures also contributed to their reported likelihood of referring. Officers with a strong belief in the efficacy of conferencing and officers who had an understanding of the procedures involved in referring reported being very likely to refer a young person to a conference. These results suggest that to increase referrals to conferencing, it was necessary to increase officers' beliefs in the efficacy of conferencing and their understandings of the procedures involved in conferencing. Both these factors appeared to be amenable to training and influenced by officers attending conferencing. Consequently it is important to ensure all officers receive training in conferencing and, if possible, have opportunities to attend conferences (perhaps as part of the training).

The research presented in this study suffered from a number of limitations. First, the results would have been strengthened if actual referral behavior rather than an officer's reported likelihood of referral could have been used as the dependent measure in this study. Unfortunately, not all officers in the sample had an equal opportunity to access conferencing. While conferencing was available

in all the regions surveyed, it had been available for a longer period in some of the regions. Also, police officers, especially junior officers are transferred around workgroups and may not have worked in an area that brought them into contact with young offenders.

Second, the low response rate from police officers may compromise the generalizability of these results. The method of questionnaire distribution ensured officers' anonymity at the expense of a follow-up that may have increased the response rate, however, indications were that the sample was representative of police officers in age, gender, and length of experience.

There is a need to substantially increase the police referral rates to make conferencing in Queensland not only successful, but indeed viable. Police officers are the gatekeepers to the conferencing process and it is important to understand how they make discretionary decisions to refer young offenders to conferences. Without training and exposure to conferencing, it appears that police officers' discretionary style will be significant in predicting their reported likelihood of referring to a conference. Officers who believe in individualized punishment and are prepared to share power are likely to see conferencing as an appropriate process for dealing with young offenders. On the other hand, those who do not see conferencing as an appropriate process may come out of two quite different frameworks. They may either consider conferencing as compromising the principle of equality before the law or see conferencing as being a reduction of police powers.

The pilot nature of the conferencing project and the high movement of staff in and out of the region make it difficult to ensure all officers are trained in conferencing. Nevertheless, exposure to conferencing increases officers' belief in the efficacy of conferencing and ensures they are familiar with the procedures involved in conferencing. Regardless of the officers' attitudes towards

discretion, these two factors are important in increasing officers' reported likelihood of referring a young person to a conference.

Acknowledgments

The authors wish to thank both the Queensland Police Service and the Department of Families for their co-operation and assistance with this research.

Notes

¹ The *Juvenile Justice Amendment Act 2002* removed the need for victim consent for the conference to proceed. At the time of data collection for this research, this amended legislation was not in place.

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RUNNING HEAD: Conferencing and police referrals

Table 1: Police officers' experiences with conferencing by training in conferencing

	Training in Conferencing			
	No		Yes	
	n	%	n	%
Neither attended or referred to a conference	88	86.3	29	53.6
Attended but not referred to a conference	3	2.9	3	5.6
Referred but not attended a conference	4	3.9	3	5.6
Referred and attended a conference	7	6.9	19	35.2
	102	100	54	100

$\chi^2 (N = 156, df = 3) = 22.82, p < .001$.

RUNNING HEAD: Conferencing and police referrals

Table 2: Relationships between police officers' experiences with conferencing and their attitudes towards conferencing.

<i>Attitude toward conferencing</i>	Experience with conferencing				<i>t(df = 154)</i>
	Training in conferencing				
	Yes (n = 54)		No (n = 102)		
	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>	
Endorsement of conferencing	3.85	1.03	3.46	0.84	2.55*
Reported likelihood of referring to a conference	28.64	7.59	26.60	7.15	1.64
	Referral to a conference				
	Yes (n = 33)		No (no = 123)		<i>t(df = 154)</i>
	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>	
Endorsement of conferencing	3.85	1.06	3.53	0.88	-1.77
Reported likelihood of referring to a conference	29.26	6.79	26.78	7.41	-1.73
	Attendance at a conference				
	Yes (n = 32)		No (no = 124)		<i>t(df = 154)</i>
	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>	
Endorsement of conferencing	4.16	0.92	3.45	0.88	-4.01**
Reported likelihood of referring to a conference	29.67	6.50	26.69	7.42	-2.07*

* $p < .05$.

** $p < .001$.

RUNNING HEAD: Conferencing and police referrals

Table 3: Rotated component matrix of police officers' understandings of conferencing

	<i>h2</i>	Factor 1	Factor 2	Factor 3
By attending a community conference, a juvenile is less likely to re-offend because they realize how their crime affected others.	.60	.76		
Police already have the option of cautioning young offenders. Therefore, conferencing is unnecessary.	.58	-.65		
Victims are more satisfied with community conferencing outcomes, compared to having the matter settled in court.	.64	.65		
Allowing a juvenile offender to be involved in deciding appropriate restitution for their crime is more meaningful than a sentence given by a court.	.51	.65		
Young people express genuine remorse in a conference.	.64	.65		
In comparison to going to court, community conferencing is a 'soft option' for juvenile offenders.	.64	-.63		
Community conferencing gives deserving young people a chance.	.39	.62		
It is hard to attend conferences because I am on shift work.	.66		.79	
Community conferencing is too time consuming to be a practical diversionary process.	.73	-.37	.72	
Taking a matter to community conferencing delays an otherwise straightforward case.	.56		.67	
There is so much paperwork involved in community conferencing, it is not worth the effort.	.62		.65	
I would refer more offenders to community conferencing if I did not have to attend the conference.	.56		.60	.40
The requirement that a young person must admit to an offense reduces the number of young people referred to community conferencing.	.27		.50	
Police attendance at a community conference is a waste of time because our role in the conference is minimal.	.43	-.40	.48	
I find gaining the consent of victims for a community conference difficult.	.55		.45	
I am unfamiliar with the procedures for referring an offender to community conferencing.	.70			-.66
I would refer more offenders to a community conference if the consent of victims was not required.	.75			.60
It is clear to me which matters should be referred to conferences and which matters should be dealt with in court.	.55			-.54
Conferencing is only a trial program and is therefore an 'optional extra' for police.	.37			.51
Police officers are not encouraged to use community conferencing as a diversionary process because it is not counted towards one's clear-up rate.	.63			.47

Factor 1: efficacy factor.

Factor 2: time and effort factor.

Factor 3: procedural factor.

Table 4: Relationships between police officers' experiences with conferencing and their understandings of conferencing.

<i>Understandings of conferencing</i>	Experience with conferencing				<i>F</i> (1,154)
	Training in conferencing				
	Yes (n = 54)		No (n = 102)		
	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>	
Factor 1: efficacy factor	24.91	4.49	22.42	4.27	11.59***
Factor 2: time and effort factor	22.07	5.75	23.76	3.65	5.01*
Factor 3: procedural factor	12.11	2.96	14.25	2.77	20.12***
	Referral to a conference				<i>F</i> (1,154)
	Yes (n = 33)		No (no = 123)		
	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>	
Factor 1: efficacy factor	24.88	4.47	22.85	4.41	5.46*
Factor 2: time and effort factor	20.58	4.87	23.88	4.21	14.97***
Factor 3: procedural factor	11.18	2.39	14.13	2.85	29.83***
	Attendance at a conference				<i>F</i> (1,154)
	Yes (n = 32)		No (no = 124)		
	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>	
Factor 1: efficacy factor	25.22	4.10	22.78	4.47	7.83**
Factor 2: time and effort factor	20.72	4.96	23.81	4.22	12.70***
Factor 3: procedural factor	11.19	2.43	14.11	2.85	28.28***

* $p < .05$.

** $p < .01$.

*** $p < .001$.

RUNNING HEAD: Conferencing and police referrals

Table 5: Partial correlations among the officers' understandings of conferencing and their attitudes towards discretion controlling for length of service and gender.

	Watchman	Factor 1	Factor 2	Factor 3
Service legalistic	-.42**	.27**	-.12	-.03
Watchman		-.34**	.28**	-.09
Factor 1: efficacy factor			-.45**	.22*
Factor 2: time and effort factor				.16*
Factor 3: procedural factor				

* $p < .05$.

** $p < .01$.

RUNNING HEAD: Conferencing and police referrals

Table 6: Summary of hierarchical regression analysis for variables predicting police officer reported likelihood of referring to a conference.

<i>Variable</i>	<i>r</i>	<i>B</i>	<i>SE B</i>	<i>B</i>	<i>t</i>	<i>sr2</i>
Length of service	.24	.00	.01	.13	1.97	
Gender	.01	.01	1.18	.01	.01	
Service/legalistic	.34	.20	.10	.14	2.11*	.03
Watchman	-.39	-.00	.08	-.07	-1.49	
Efficacy factor	.64	.88	.12	.53	7.30***	.27
Time and effort factor	-.36	-.19	.11	-.11	-1.65	
Procedural factor	.01	.34	.34	.14	2.20*	.03

Note: $R_2 = .43^{***}$.

* $p < .05$.

*** $p < .001$.