

**Youth Conferencing as Shame Management:  
Results of a Long-term Follow-Up Study**



**Submitted to the Youth Conference Service, Youth Justice Agency,  
by ARCS (UK) LTD**

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## EXECUTIVE SUMMARY

The Northern Ireland Youth Conferencing Service (YCS) was launched in December 2003 in response to recommendations made in the Belfast Agreement of 1998. The YCS conferencing process involves a meeting between the young person (between 10 and 18) who offended, the victim, and others who have been affected by the crime. The focus is on all parties resolving how the young person can both make amends for the crime, and also ensure that future offending is avoided. This report presents the findings from a qualitative, process evaluation of the long-term life outcomes for a small sample (N=26) of young people involved in this process due to the commission of a crime. Participants were interviewed at least one year after their initial involvement with the YCS in order to discern whether the conference has had any lasting impact on their lives and their self-understandings. Interviews were transcribed and coded for patterns in the participants' reflections on the conferencing process, their post-conference lives, and their involvement with criminality and risky behaviours.

### When Conferencing Works

Many of the post-conference "outcomes" in this research are positive. Most of the young people who had previously been in trouble felt as if their lives were on track, had avoided any subsequent criminal justice involvement and were now desisting from crime. Numerous interviewees said they first recognised that what they had done was wrong in the conference itself. This recognition of wrongdoing consistently led to an experience described by interviewees as a sense of "shame". Still, most desisting interviewees were able to hold on to a sense of a "good core self" inside of them despite the mistakes they had made.

Participant descriptions of the conferencing process were consistent across the interviewees. Successful conferences appeared to involve initial trepidation in the anticipation of the conference, followed by relief and a sense of resolution. A very consistent account across the various interviews was that the anticipation of the conference was routinely much more frightening than the actual conference experience. By far, the most memorable aspect of the conferencing experience for participants was meeting the victim of their crime "face to face" (for those who had this element in their conference). The initial fears in anticipating this confrontation are then quickly followed by a sense of relief upon giving one's own account and meeting the other conference participants as individuals. In general this is because the individual feels he was treated with respect and as a whole person in the conferencing proceedings. The final stage in the emotional process described by interviewees was one of "resolving" and indeed eradicating these initial feelings of shame. For many, this resolution (or "shame management") was a result of the reparative work involved in the YCS conference plans. As stated by one interviewee, it is only after one achieves some of the things required by the mutually agreed-upon plan to "make amends" to one's victims that the sense of shame and guilt begins to dissipate. For a small number of ideal-case scenarios, the conferencing experience extended even beyond this. In these relatively rare, best-case scenarios, reparative conference plans actually led to the discovery of a new talent or a new direction in a young person's life:

### When Conferencing Fails

A number of the conferencing outcomes were less than positive. Some of the young people with more prolific offending histories, in particular, have continued in this pattern after the conference experience, and in a few cases, young peoples' offending has accelerated post-conference. In some of these cases, the conferencing experience might have simply had no impact at all. In others, however, the young person's self-reported conferencing experiences were so negative that they might have exacerbated the young person's problems through either labelling or provoking defiance.

One potential factor in these cases involves the personalities or cognitive mindset of some of the young people. In particular, a consistent theme across the narratives of those young people who were persisting in crime was a sense that they were not able to communicate their perspectives at the conference itself. If these young people have problems in trying to communicate their thoughts and feelings, it is clear how these factors could lead to a sense of frustration in a conferencing situation.

Other factors involved the dynamics of the conferencing process however. In particular, several interviewees criticised what they perceived as "lecturing" or berating in the conference itself or in the interventions prescribed in the youth conference plan. The perception of being harangued and harassed can lead to a sense of defiance. Likewise, several interviewees (especially those who returned for repeat conferences) felt that they were being expected to accept complete blame and responsibility for the crime, even when they felt the event had numerous antecedents and shared blame. This insistence that the offender be held entirely responsible for criminal conflicts appears to further their sense of resentment and anger. For some, this was related to the police presence in the conference. Several of the young people reported long histories of being stigmatised by the police, and felt as if they did not have a chance to give their perspective in a conference with police involvement.

Finally, those conferences and conference action plans that were experienced as routine and impersonal, especially conferences with no actual victim involvement or conference plans involving forms of group counselling, were often dismissed as irrelevant and pointless. Among the most frustrating experiences described were those conferences that resulted in a conference plan that was later rejected by the courts. By undermining the decisions worked out in the restorative conference, the court in these situations, essentially undermined the legitimacy of not just the YCS, but indeed of the whole of reparation.

## Implications for Practice

On the basis of these qualitative findings, the following recommendations were made:

**Recruiting Ex-Participants as Supporters:** The findings suggested a crucial role for supporters at the conference. Young people who felt that there were others at the conference who could stand up for them and defend their reputation were most likely to find the experience positive and memorable. Moreover, when “shaming” was delivered by those whom the young person respected it was far more effective than the “lectures” delivered by persons the young people did not know or care about. It is crucial then, to seek to recruit and involve conference supporters who can be ‘champions’ of the young person in the conference. Ideally, this role can be played by family members to some extent as conferencing appeared to have the power to help repair damaged relationships within the family. In addition, there might also be a role for working with ex-participants of YCS conferences, drawn from the same neighbourhoods and same age groups as the young person referred to the conference. Such individuals could act as a mentor or guide through all stages of the conferencing process.

**Measuring and Catering for Conferencing Competencies:** Another clear pattern in the persisting offender narratives is that the experience of conferencing could be particularly frustrating for those who feel unable to articulate their reasons for their behaviours. Such difficulties, presumably, could be measured or intuited early on in the initial meetings with the young person in preparation of the conference. Once identified as a potential problem, it might be possible to tailor the conference proceedings to young people’s levels of competence in (1) listening and (2) articulating their point of view. Conference plans could also be influenced by such considerations.

**Increasing or Decreasing Police Involvement:** The involvement of police officers in the conference can have positive impacts on some young people, allowing them to meet members of the police “as people” for the first time. On the other hand, young people who self-report a long history of being “harassed” by police (in their view) can be put off by the presence of an officer in a conference. Overcoming this obstacle may require creative thinking about the role of police in a restorative process. If the purpose of a police presence in conferencing is to humanise members of the police or expose young people to their perspective, this might not be achievable for all participants in a 60-minute conference setting. Individuals who report more long-term, negative relationships with the police might need more substantial opportunities to modify these views. Some thought might be given to the development of conference plans whereby there is more consistent police interaction in a positive context, whereby officers are able to see the young person as a whole person and vice versa.

**Breaking the Cycle of Accusation and Defiance:** Most of the participants reported considerable anxiety prior to the conference itself and especially meeting the victims of their crime face to face. Yet, some victims and other conference participants appear to expect to meet defiant and unrepentant young people. As such, they may be more likely to express their anger forcefully to break through what they perceive to be defensive posturing. This in turn may exacerbate the defensiveness of the offender, and result in feelings of anger and hostility – undermining the process of reintegrative shaming. This vicious circle of mutual misunderstanding might be prevented by improved pre-conference coaching with conference participants about the predictable interpersonal dynamics involved in conferencing. In particular, the desire by some conference participants to force young people to accept full and

unmitigated blame for the offence without recourse to explanations involving extenuating circumstances appears to force the young person “in a corner”. It may be that a longer-term approach to accepting responsibility might be required for some young people. That is, issues of responsibility and excuse-making might in some cases be better addressed over the course of the conference plan rather than in the brief conference itself.

**Ending “with a Bang”:** Finally, one of the most consistent patterns to emerge from the data was that interviewees had strong memories of the beginning of their actual conference, yet they had more difficulty remembering their post-conference interactions with the YCS. It might be valuable to structure the conferencing experience in such a way that the conclusion is as dramatic and memorable as the beginning – ending “with a bang” so to speak. The “final review” might be more memorable and have a greater impact if it were conducted more like the original conference itself, even involving victims if they are willing. A second conference could also help to insure that a sense of closure is achieved, so that young person can put the crime behind them, and resume an identity as a non-offender.

## I. INTRODUCTION:

### RESEARCH AIMS AND OBJECTIVES

What follows is a narrative-based, process evaluation of the long-term impact of involvement with the Northern Ireland Youth Conferencing Service on young people referred to the service for criminal offences. The Northern Ireland Youth Conferencing Service (YCS) was launched in December 2003 in response to recommendations made in the Belfast Agreement of 1998. The YCS (described in detail in Section II of this report) is unique in the United Kingdom as it is a mainstream (rather than an alternative) disposal for the youth court. The conferencing process involves a meeting between the young person (between 10 and 18) who offended, the victim, and others who have been affected by the crime. The focus is on all parties resolving how the young person can both make amends for the crime, and also ensure that future offending is avoided. Thus the aim is to provide a better balance between the interests and needs of victims and those of the young people who offend.

Importantly, this is a study of the lives and perspectives of “offenders” (although an effort will be made to avoid the term “offender” whenever possible because the word itself can be stigmatising and dehumanising, see Richards & Jones, 2004). It is not a study of the experiences of “victims” in the YCS process. In fact, the only mentions of victims’ perspectives in the report that follows are in the context of the impact of such perspectives (or perceived perspectives) on the outcomes of young people referred to the YCS. This imbalance should not be interpreted as reflecting either the priorities of the YCS nor of the research team. Restorative justice seeks to bring the voice and interest of victims to the forefront of the justice process, and YCS is no different in this regard. Future research could fruitfully examine the long-term impact of conferencing on victims and other participants. Following the terms of reference for this research, however, this report will focus only on the outcomes and experiences of the young people referred to the YCS.

Additionally, it is important to emphasise that this is a process evaluation rather than an outcome evaluation. Unlike most justice interventions, restorative conferencing has been the subject of several, careful, well designed outcome evaluations in the United Kingdom (e.g., Miers et al, 2001) and elsewhere (e.g., McGarrell et al, 2000; Triggs, 2005). Most impressive of these are the various Reintegrative Shaming Experiments that are on-going in England and Canberra, Australia (see Sherman et al, 2006). These random-assignment controlled experiments can provide the best evidence of the effectiveness of restorative conferencing in reducing criminal behaviour or other outcomes (e.g., improving levels of victim satisfaction). The present study is not designed to be such a test of the effectiveness of the YCS.

As a process evaluation, the primary aim of this research is to understand the dynamics of change and resistance in the lives of young people undergoing the interventions (see Rice

& Greenberg, 1984; Toukmanian & Rennie, 1992). Instead of addressing the crucial question of “what works,” this research focuses on *how* or *why* specific practices work (or do not work) in the lives of treatment participants (Chen, 1990; Palmer, 1994; Pawson & Tilley, 1997). This is sometimes referred to as an effort to “open the black box” in intervention research. In an outcome evaluation, research seeks to measure pre-intervention behaviours, and post-intervention behaviours of an experimental group and a control group. Assuming the two groups are well-matched in background characteristics (ideally, randomly assigned), the research can attribute any differences between the two groups’ outcomes to the intervention. However, such designs are often unable to explain these differences. The processes or mechanisms through which some individuals change their lives are said to be locked in a rather mysterious black box.

For instance, Lovejoy and colleagues (1995) argue that the phenomenology of change is an “important yet undocumented” area in the treatment literature. In their review of the treatment literature, they recommend additional work in the following under-researched areas:

- 1) how clients perceive their movement through the different stages of change,
- 2) which specific interventions clients find most useful in motivating them to change at different stages in their recovery, and
- 3) the differences between the perceptions of drop-outs and those of treatment completers during the treatment experience (p. 281; see also Page, Mitchell & Morris, 1996; Toukmanian, 1992).

The ever-growing literature on restorative conferencing appears to be little different in this regard. For instance, in the most recent and most systematic review of restorative justice’s effectiveness to date, Lawrence Sherman and Heather Strang (2007) write:

One key question...is why RJ works when it does work. The short answer is that we cannot tell much from the available evidence. ... This situation is not uncommon in science, as in the case of antibiotics, which cure infections for reasons that are not fully understood. Yet, there is no doubt that understanding the reasons why RJ works – or doesn’t – could help improve predictions and policies about when to use it or not (p. 15).

The present research can be understood as a response to Sherman and Strang’s call for more research into the processes behind successes and failures in restorative conferencing. As such, this report will present the findings from the YCS interviews *in dialogue with theory*. This is not the usual format for an agency report, where a “literature review” is isolated from the presentation of “methods” and “findings”. In what follows, literature and findings will intermingle, with one enhancing the other. The reason for this is clear. The data generated by these interviews only make sense in the context of theory, and their primary contribution is in the development and enhancement of a theoretical literature that is too often abstract and idealistic (e.g., discussions of “mutual reconciliation,” or the “restoring of the whole person”). In the conclusions section of this report, we draw out some tentative suggestions for enhancing the theoretical understanding behind restorative conferences and some implications for restorative practices at the YCS and interventions like it.

## Working with Narrative

Researchers have identified numerous strategies for prying open the black box of evaluation research and exploring the process or dynamics of change. These typically involve the use of qualitative methodologies, such as observational and narrative research. Compared to outcome evaluations, then, the typical process analysis is “far more qualitative in nature, less precise in instrumentation, more often based on interpretation, and less likely to be aided by statistical analysis” (Scarpitti, Inciardi, & Pottieger, 1993, p. 78). This is certainly the case for the present research, and unapologetically so. Qualitative, interpretive research is crucial for the development of a science of intervention effects (so long as the findings are treated cautiously and sweeping generalisations are avoided).

In particular, this research begins from the perspective of narrative psychology or narrative theory (see esp. McAdams, 1985, 2006). Maruna (2001) has argued that, “When we pry open the ‘black box’ of correctional programming, we may find that it contains a complex web of discourse—organizational narratives, reformer narratives, personal narratives, and the interaction therein”. Certainly, the construction, deconstruction and re-construction of self-stories is at the very core of traditional correctional interventions. Thune (1977) and O’Reilly (1997) suggest that the power of regular storytelling may account for the success of twelve-step programs like Alcoholics Anonymous and Narcotics Anonymous. Similar examples of storytelling and self-story analysis in corrections can be found in psychoanalysis (Smith, 2006), group therapy (Scott, 1998), and cognitive self-change interventions (Bush, 1995). According to O’Reilly (1997):

Narrative is not a cure, but it is a method, a path toward redemption. Redemption lies in...a better understanding – an improved epistemology – including the development of a talent for recognizing counterfeit, seeing through duplicity, and resisting snares and seductions (p. 65).

Self-narratives, or the stories one tells about one’s life, are also central to the practice of restorative justice. Victim-offender mediation and other forms of conferencing involve a mutual re-telling of the events leading up to and including the immediate offence. All sides describe their interpretation of the event and how it made them feel. Referred to as “telling their stories” (Zehr, 1990, p. 161), this practice is intended to help to humanize victims, offenders and the family members of both.

It is appropriate, then, that the sole source of data in this process evaluation are the transcripts of narrative-based interviews with young people who participated in restorative conferences a year or more ago. Although the cross-sectional design of this study makes it impossible to measure change in these narratives over time or as a result of the conferences, the participants’ self-stories provide tentative evidence into the lasting relevance of the conferencing experience on their current worldviews and sense of identity.

## Conferencing and Long-term Narrative Change

The best developed theoretical tradition for understanding the dynamics of restorative conferencing -- reintegrative shaming theory (Braithwaite, 1989; 2005) -- involves internal changes at the level of self-narrative. In particular, according to Sherman and Strang (2007), restorative practices are supposed to engage individuals in a “moral discussion” centred on persuasion with the aim of “enhancing moral support for voluntary obedience of the law” (p. 15) and triggering “an emotional revelation of the moral truth that harming other people is wrong” (p. 33). Elsewhere, Sherman (2003, p. 14) argued that restorative justice processes could help “manufacture an epiphany” or a “sudden realisation of the emotional costs of offending and the benefits of compliance with the law”. Moreover, he argues that some experimental research could provide indirect evidence in favour of the hypothesis that “the emotional memory of an RJ conference is powerful and long-lasting” (p. 18).

Little research has explored the question of conferencing and “emotional memory” directly, however. Do individuals who experience a restorative conference have any memory of the conference at all after 6 months, 12 months or longer? If so, what do they remember? Do restorative interventions impact the way individuals think about themselves (e.g., self-narratives) in the months or years following the conference?

A criticism frequently lobbed at restorative interventions involves the relatively constricted nature of the intervention. How on earth can a problem as complex and intractable as long-term delinquency be impacted by a meeting that might last only an hour or so? Borrowing from the language of medicine, it is sometimes said that this level of “dosage” is inadequate to the task and that longer-term, more intensive and holistic interventions are necessary.

One of the primary goals of this research was to explore the possibility of a long-term impact or the prevalence of emotional “epiphanies” associated with restorative conferencing. Importantly, it is impossible to “test” or “disprove” these various black box processes thought to be involved in restorative conferencing. Yet, the interview-based data from this research provides an ideal opportunity to “get inside the heads” of young people involved with restorative conferencing and understand the experience from their perspectives.

## SECTION II: RESEARCH DESIGN AND METHODOLOGY

This section will provide an overview of the Northern Ireland Youth Conferencing Service followed by a description of the methodology used in this study. The sample and sampling strategy will be described in detail, including the behavioural outcomes of sample members. These outcomes are included in this “methodology” chapter because they should not be interpreted as “findings”. Due to the nature of the sampling for this research, these patterns cannot be generalised to the wider population. Finally, this section reviews the data collection and data analysis methods utilised in this research. Additional information in this regard can be found in the appendices to this report.

### **Northern Ireland Youth Conferencing Service**

#### *Background*

The “Good Friday” Belfast Agreement of 1998 called for a “wide ranging review of criminal justice”. The subsequent Review of the Criminal Justice System in Northern Ireland was published in March 2000. With its background work having included both an examination of the existing knowledge base on restorative justice, and a review of its potential for development in Northern Ireland, one of the Review’s proposals was for the development of a youth conferencing service. The Review group recommended that the system be based in statute, integrated into the formal justice system, and available for all young offenders (Criminal Justice Review Group, 2000, p. 205). It further recommended that the system should be based on principles that included:

- Meeting victims’ needs, including for reparation, compensation and apology;
- Rehabilitation and the prevention of re-offending;
- Proportionality, rather than pure retributive justice;
- Maximising the potential for offender re-integration;
- Repairing relationships that have been damaged by crime;
- Devolving power to conference participants and involving them in the outcome<sup>1</sup>;  
and
- Encouraging social support within the conference for both victims and offenders.

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<sup>1</sup> However, subsequent approval for the plan is required from the court (for cases which have been prosecuted) or from the PPS (for cases that have been diverted from prosecution).

The Government published its response to the Review Report in November 2001. It drafted legislation for those recommendations requiring statutory provision, and formulated an Implementation Plan. Youth conferencing was thus included in the draft Justice [Northern Ireland] Bill that received royal assent in July 2002. This 2002 Act defines the principle aim of the youth justice system as being ‘*to protect the public by preventing offending*’.

The Youth Conference Service commenced in Belfast on 18 December 2003 - as part of the Youth Justice Agency. It started rural pilots in Fermanagh and Tyrone on 5<sup>th</sup> April 2004. In June 2005 the Youth Conference Service rolled out in Armagh, Banbridge and Newry, and the system was extended to 17 year olds in September 2005. By summer 2006 the Youth Conference Service was operating in Belfast, Omagh, Strabane, Cookstown, Enniskillen Dungannon, Banbridge, Newry and Armagh Youth Courts. In October 2006 it was extended to North Down, South Down, Lisburn, Castlereagh and Ards areas, and, in December 2006, Coleraine and the Londonderry/Derry area were also covered.

### *The Youth Conference Model*

The model identified to deliver a restorative approach was the Youth Conference. A restorative conference is a meeting between the young person who offended, the victim, and others who have been affected by the crime. The Youth Conference Service is available to children and young people aged from 10 until their 18th birthday. The focus is on all parties resolving how the offender can both make amends for the crime, and also ensure that future offending is avoided. Thus the aim is to provide a better balance between the interests and needs of victims and those of the young people who offend. The Northern Ireland Youth Conference is unique in the United Kingdom as it is a mainstream (rather than an alternative) disposal for the youth court.

Key features of the Northern Ireland Youth Conference Service include that: conferences are facilitated by a Youth Conference Co-ordinator (responsible for monitoring any subsequent youth conference plan); and referrals may be made either by the Public Prosecution Service (as a diversion from prosecution) or by the Youth Court.

A) Diversory Conferences: Diversory conferences are available before a case goes to court - but only where the offender has admitted the offence. The decision whether to refer to a diversory conference is for the Director of Public Prosecutions who will only refer cases for conferencing where he would otherwise have instituted court proceedings. This is to guard against conferencing being used where other forms of diversion are currently being used, and would be more appropriate.

B) Court-Ordered Conferences: The court may order a conference after there has been a finding of guilt. Offenders can only be referred to a conference with their agreement, although the aim is that most young offenders will be referred to a conference<sup>2</sup>.

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<sup>2</sup> Exceptions to referral include all cases of murder, and those serious offences that the courts decide not to refer. In the latter cases, courts are expected to give their reasons. Where less serious offences exist alongside serious offences, the court’s discretion extends to all the associated offences. There is also an element of discretion where there is a history of failed conferences, or where a conference has already been ordered for another offence. In addition, the court may use the outcome of a diversory

### *The Conference Process*

Youth conferences involve as a minimum, the conference co-ordinator (as facilitator), the offender, an appropriate adult (often a parent or guardian), and representatives from the police. Others are encouraged to be present - including the victim of the offence or their representative. With the co-ordinator's consent, the victim can also be supported at the conference. The conference may also involve others if it is thought that they would make a useful contribution. For example: professionals such as social workers or probation staff, or significant people in the child's life such as family friends or teachers. Legal representatives of the offender may attend a conference (and there is provision in the legislation for legal aid) although the conference would not re-consider any questions of guilt or innocence.

A successful conference results in a conference plan. This consists of one or more of the following:

- An apology to the victim;
- Reparation to the victim or to the community;
- Payment to the victim in compensation;
- Supervision by an adult;
- Work or service for the community;
- Participation in activities – those addressing offending behaviour, offering training / education, or dealing with problems such as drugs or alcohol;
- Restrictions on conduct or whereabouts (for example curfews); or
- Treatment for mental problems or for alcohol or drug dependency.

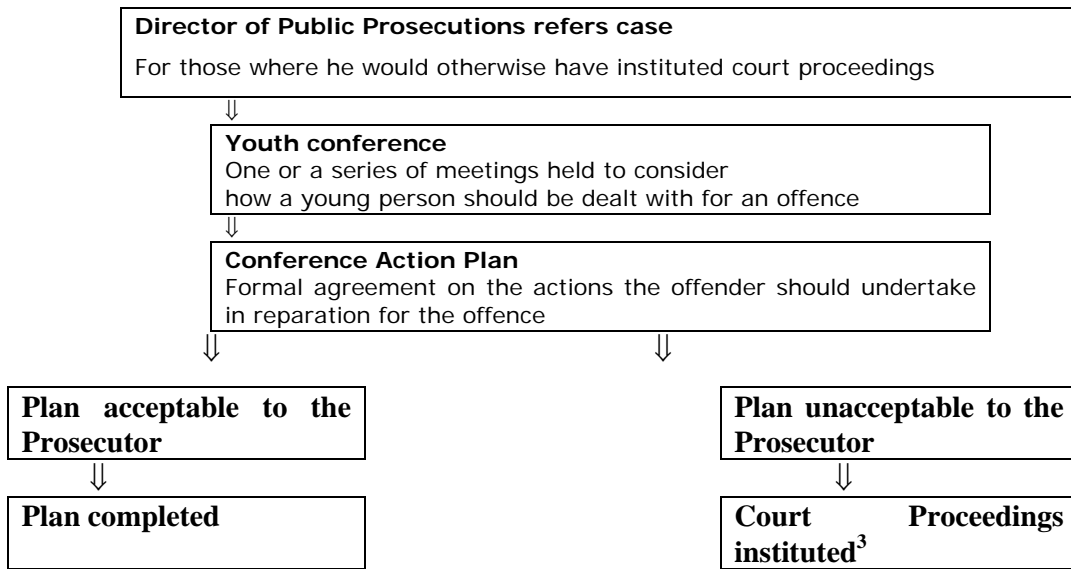
In theory, each plan should be tailored to the individual circumstances of the offence and the offender, whilst being consistent with the overall aims of the scheme. The Public Prosecution Service or the Court affirms the plan which then becomes a statutory order to be monitored by the Youth Conference Co-ordinator. Non-compliance may result in breach action. A Public Prosecution Plan is citable on a criminal record but is not classed as a conviction unlike the Youth Conference Court Order.

The following flow chart summarises the basic steps involved in the Youth Conferencing process:

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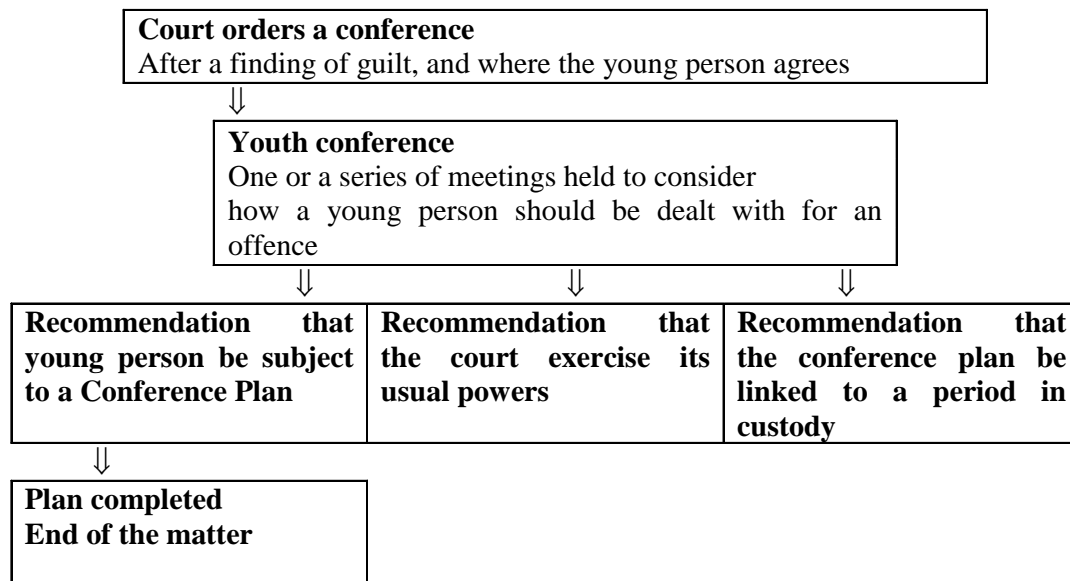
conference held in respect of the same offence – for example, in order to build on the outcome of a diversionary conference.

**A) Diversionary Conference**



If the young offender does not comply with the plan, the prosecutor may take the matter to court. There is an element of discretion because there is no intention that minor or unavoidable breaches should be taken to court. Small modifications may be made to a plan with agreement (particularly that of the young person) - for example, where actions could not be carried out because of ill-health. The plan may also contain sanctions within itself, for example the breach of a curfew might, as part of the plan, result in an extension of the curfew.

**B) Court-Ordered Conference**



<sup>3</sup> Court proceedings can also be required in circumstances where the conference had gone well but where there was a consensus that the case required a sanction only available to a court, for example a community service order or even custody. Where this is the case, the conference may include in its report its recommendation on how the court should act.

The court is not obliged to accept the recommendations of a conference that it has ordered (nor those of a diversionary conference that has recommended prosecution followed by specified court-ordered sanctions). It has the power to vary the conference plan with agreement or to reject the plan if it considers there is good reason. If the court order arising from a youth conference is breached, the court may either deal with the breach or decide to re-sentence for the original offence.

### *Existing evaluation of the Youth Conference Service*

An earlier evaluation by Queens University (Campbell et al. 2005) observed 185 conferences and undertook interviews with victims, offenders and other key stakeholders. It reported the following key findings:

#### *A) Referrals*

- Sixty-nine per cent of referrals emanated from Court, with 31% of referrals from the Public Prosecution Service.
- A range of offences were referred: 21% were minor matters, the majority (53%) related to intermediate offences against person or property, and serious offences accounted for 23% of all referrals.

#### *B) Offender characteristics*

- Most young people referred to a conference were male (86%) and aged 14-16 (77%).
- The majority or 89% of young people referred for a diversionary conference had no previous offences for which they were sentenced. The remainder had one (7%) or two (5%) previous sentences. Forty-four per cent of those referred by court had no previous sentences, 20% had one and 15% had two. The remainder had three (10%) and four or more (11%) previous offences for which they were sentenced.

#### *C) Offender attitudes to, and experience of the conference*

- Offenders rated their preparation prior to the conference highly - most felt well informed about the process and knew what to expect at a conference.
- Young people attended conferences to 'make up for what I had done' (85%), to be forgiven by the victim (79%), to help the victim (70%), and hear what they had to say (70%).
- Seventy-one per cent of young people displayed some degree of nervousness and avoidance or discomfort (in contrast to victims).
- They generally engaged well when discussing the offence, and had the opportunity to explain their perspective on it. The majority (98%) felt that they were listened to when (93%).
- The vast majority (97%) accepted responsibility for their actions either 'a lot (61%) or 'a bit' (36%).
- The vast majority of young people (93%) said that they found their supporters' presence 'helpful'.
- In the majority (87%) of conferences the offender apologised or agreed to apologise. The majority of conferences without an apology involved a victim representative and not a personal victim. Offenders were observed to display some level of shame (77%) and remorse (92%) in most conferences.

- The majority of conferences examined contributory factors to offending, most commonly identifying substance misuse, peer pressure and family difficulties.

#### *D) Conference Action Plan*

Ninety-five per cent of conferences studies reached agreement on a plan, and offender attitudes can be summarized as:

- 89% felt either 'a lot' or 'a bit' engaged when deciding the conference plan.
- 74% were 'happy to agree' to the plan.
- 93% believed the plan to be either 'very fair' or 'fair'.
- 71% were 'very satisfied' or 'satisfied' with the plan.
- 72% believed the plan to be 'neither too hard nor too soft'.

#### *E) Overall offender attitudes to the conference process*

- 91% preferred the conference over court.
- 81% felt better following the conference.
- 92% believed the conference had helped them realise the harm caused by the offence.
- 86% would recommend a conference to a person in a similar situation.

#### *The return of conference plans and orders*

Only a small minority (6%) of plans were subsequently revoked due to non-compliance.

The evaluation also raised the following key points:

- A) In a number of cases the young person disagreed with the facts as read, and it was suggested that participants should be helped to understand that there can be a difference between disputing the facts (a process that the conference process might legitimately facilitate), and disputing the legal elements which make up the offence, a more serious matter suggesting that the young person has not accepted responsibility for the offence.
- B) Within the minority of conferences (n=57) where it was identified that participants should have had more input into the conference plan, in two thirds of these cases (37 conferences) this was identified as the offender. It was therefore recommended that more attention be paid to enabling the offender to have a more substantial part in determining the plan.
- C) Observations identified a minority of conferences (n=24) where some participants should have had less say when devising the plan. In a very small number of these cases the police officer or co-ordinator was observed to address the young person in a scolding tone. It was recommended that this practice issue should be addressed through ongoing development and training.
- D) In a number of observations, there appeared to be a level of undue pressure to acknowledge that the court would require significant content in the plan before approving it. Further training was recommended for coordinators to ensure that external demands do not overly influence participants when devising the plan, as it is

considered that the value of the process may be undermined if it appears that the court is directing the plan.

- E) Certain interventions were used regularly within plans whilst others appeared more peripheral. Mentoring and offence-focused schemes appeared common, whereas anger management, education or training featured for a minority of all plans. It is recommended to evaluate further the level of diversity within plans, given that schemes such as ‘mentoring’ and ‘offence focused work’ can involve young people in a wide range of opportunities, including the establishment of links to education and / or training.
- F) It appeared from court observations that the value of a youth conference outcome was at times assessed according to the quantity or level of content within the plan. Therefore, a conference plan might be rejected on the grounds that ‘two points’ are insufficient to address a ‘serious’ offence. However, the worth of any conference plan is a complex measurement and may rest in the nature of the agreement rather than the number of elements appearing within the plan. As such, it may be useful to develop further training and educational materials in this regard.

#### *Areas for Future Research*

Finally, the research identified the following areas as being the most fruitful for future research:

- A) Monitoring of the impact of youth conferencing on participants and relevant stakeholders, and assessment of how it is received by the youth justice system in Northern Ireland.
- B) Exploring the perspectives of young people, victims, families and other participants in the period following the actual conference proceedings, in order to learn about the perceptions of, and impact upon participants following acceptance or refusal of the youth conference outcome and issues arising from fulfilment or breach of the final conference plan.
- C) Exploring further the completion of youth conference outcomes and the consequences of breach. Monitoring where youth conference orders are revoked, and establishing any trends in relation to final sentencing outcomes.
- D) Assessing the level of re-offending following engagement by young people with the youth conferencing service and assess what elements of the process appear to have the most beneficial results.

The present research addresses several of these recommended areas of inquiry, although the research is certainly not the “last word” on any of these issues. In particular, the present research has sought to sacrifice the scope and breadth of the previous research in favour of greater depth, with a much smaller sample and a tighter focus on understanding long-term impacts on young people’s sense of self-identity.

#### **Sampling Procedures**

This research utilised a non-random, all-volunteer sample. The population of eligible participants included all of the young people who participated in a youth conference at least one year prior to the time of the interview. In practice this meant, participants in conferences between 2004 and the end of 2005. Importantly, the relevant date for sampling was the date of the initial conference and not the completion of the youth conference plan that emerged from it, as the latter could take considerably longer. Also, a number of interviewees returned to the YCS for further conferences since their initial conference 12 or more months before. These subsequent experiences were also discussed and obviously could have also impacted both their current self-narrative and their assessment of the earlier conferencing experience.

Potential participants and their parents were approached, first via letter (see Appendices I & II), then later by phone. Because of the length of time between the conference and the research, a substantial proportion of the contact details provided for sample members were out of date and no longer valid. The final “hit rate” for the sampling was 26 participants out of 162 working addresses. A 15 percent response rate for a project such as this is not particularly low; in fact, it is about average for what one might expect for a “cold call” sampling strategy of this sort. There were fewer than 40 “proper” rejections (i.e. cases in which we were able to record a reason for non-participation). Most of these simply stated that they were “not interested”, and only a few parents and/or young people were irritated or angry at being contacted. The far more common experience involved “indirect rejections”. These are individuals who repeatedly asked to be phoned back (only to eventually stop answering), hang up on researchers, do not return repeated messages, or fail to show up to scheduled conferences. For obvious reasons these “indirect rejections” exhausted considerably more staff time than those individuals who directly refused to participate. Ten conferences were cancelled because of the young person’s failure to turn up (three were eventually re-scheduled).

### **Sample Characteristics and Selection Bias**

In their most basic characteristics, the sample for this research resembles the sample of participants in Campbell et al’s wider, more extensive research. See Table 1, below. For instance, 12 percent of the sample participants are female, compared to 14 percent in the Campbell study. About one-third of the sample participants are first-time offenders, compared to 41 percent in the Campbell sample.

**Table 1: Basic Sample Characteristics**

<b>Sub. #</b>	<b>Gender</b>	<b>Location</b>	<b>Age at Int.</b>
1	F	Belfast	17
2	M	Belfast	16
3	M	Belfast	18
4	F	Belfast	16
5	M	Belfast	19
6	M	Belfast	19
7	M	Belfast	16
8	M	Belfast	18
9	M	Belfast	16
10	M	Belfast	15
11	M	Belfast	15
12	M	Carrickfergus	17
13	F	Enniskillen	18
14	M	Newtownabbey	19
15	M	Carrickfergus	18
16	M	Newtownabbey	16
17	M	Omagh	16
18	M	Omagh	17
19	M	Belfast	18
20	M	Belfast	17
21	M	Belfast	19
22	M	Belfast	18
23	M	JJC	17
24	M	Belfast	18
25	M	Belfast	18
26	M	YOC	18

Nonetheless, the sample for this research should not be interpreted as being representative of the wider population of young people who have participated in YCS conferences. For one, it is likely that this sample is biased toward more “settled” participants

because it excluded those who could no longer be contacted at their address and phone number of one year prior.

In consultation with the advisory committee, the research team sought to correct for emerging biases at several points during the research. For instance, when it appeared that, due to selection bias, the sample contained too many “success stories”, the researchers pursued numerous strategies (e.g., making contact with potential sample members who were currently in custody) to try to balance these stories with the experiences of young people whose offending accelerated post-conference. Importantly, though, the goal of these efforts was not to find a representative sample, but rather to find a diverse enough sample that could provide insight into a variety of different trajectories and interpretations.

### **Sample Behavioural Trajectories**

After an analysis of their self-narratives, research participants were categorised in terms of their behavioural trajectories before and after the conference (see Table 2 below). In particular, an assessment was made as to whether or not they are currently “desisting” from crime and risky behaviours based on self-reports of (at least 3 months of) crime-free behaviour and plans to remain so. At its most basic and literal level, desistance refers to any substantial lull or crime-free gap in the course of a delinquent “career”. For instance, Bottoms and colleagues (2004, p. 370) refer to the *Shorter Oxford English Dictionary* definition of the verb ‘to desist’ and note that alongside ‘to cease or stop’, it also includes ‘forbear, refrain, abstain’. They conclude, “We do no violence to ordinary language if we include significant crime-free gaps within the criminological concept of desistance”.

**Table 2: Categorisation of post-conference offending/desistance**

Interviewee	Pre-conference offending level	Post-conference offending level	Level of offending at time of interview
1	Low-level offending	Ceased shortly after	Desisting
2	First offence	Ceased shortly after	Desisting
3	Escalating offending	Continuing offending	Reducing
4	Low-level offending	Continued, then ceased	Desisting
5	Low-level offending	Very low offending	Desisting
6	Low-level offending	Ceased shortly after	Desisting
7	Low-level offending	Immediate Cessation	Desisting
8	Escalating offending	Reducing offending	Reducing
9	More serious offending	Continuing offending	Static
10	First offence	Very low offending	Desisting
11	First offence	Ceased shortly after	Desisting
12	First offence	Immediate Cessation	Desisting
13	First offence	Immediate Cessation	Desisting
14	Low-level offending	Very low offending	Desisting
15	Escalating offending	Very low offending	Desisting
16	First offence	Continuing offending	Continuing
17	Escalating offending	Escalating offending	Static
18	Low-level offending	Immediate Cessation	Desisting
19	Low-level offending	Very low offending	Desisting
20	Previous CJS intervention	Continuing offending	Static
21	Low-level offending	Immediate Cessation	Desisting
22	Low-level offending	Escalating offending	Escalating
23	Low-level offending	Resulted in custody	Escalating*
24	More serious offending	Continuing offending	Reducing
25	First offence	Immediate Cessation	Desisting
26	More serious offending	Resulted in custody	Escalating*

\* prior to custody

Because our sample is small and our data are rich (in terms of a complex description of current and recent risky and criminal behaviours), we have sought to make our designations in this regard more nuanced than the usual dichotomy of “desisting” versus “persisting” or “success” versus “failure” (for a more nuanced and detailed version of table 1, see Appendix V at the end of this report). For instance, because of the detail of our retrospective accounts of offending and the relatively long window of time since the conference, we are able to label some individuals as currently “desisting” who initially escalated their delinquent activities in

the months immediately following the conference. Under a cruder measure of “success/failure”, such individuals would be labelled as “persisting”, even though they were making focused efforts to go straight.

Nonetheless classifications such as these are always controversial and there is no agreed-upon standard for the labelling of behaviour as “desisting” or not (see Table One in Kazemian, 2007, for an exhaustive review of previous measures of desistance used in the published literature on the subject). Moreover, the designation of “desistance” here is no guarantee that this is a permanent change in behaviour. Judging only by statistical probability, a sizable proportion of those who are here categorised as “desisting” will likely be in trouble with the law again in the near future.

However, as this is not an outcome study, these classifications are not crucial, and are only used in order to provide a very rough, impressionistic picture of the overall sample. That is, under no circumstances, should a measurement such as that 17 of the 26 sample members are currently desisting be interpreted as being representative of the entire population of YCS clients, nor is it even meaningful to refer to a “success rate” in regards to this sample. This is a non-random, no-control group study of the experiences of self-selected YCS participants; it is not possible to judge the “success” of the intervention on such grounds.

Measures of pre-conference offending are also presented in Table 2, and may be even more important than the measures of post-conference outcomes. For instance, it is important to recognise that the sample’s level of pre-conference offending is notably low. Seven of the 26 cases involved young people who had never previously gotten in trouble with the law (and self-reported no prior delinquent behaviours of any seriousness). Considering the well-known fact that only a fraction of actual crimes end up as criminal convictions, these young people – shoplifting for the first-time or caught up in a fight between youth and police officers – are remarkably unlucky individuals. This is also no co-incidence. Their inexperience of criminal behaviour made them easy targets for the criminal justice system; they were careless and naïve. A further 11 sample members had only been involved in very low-level delinquent behaviour prior to their involvement with the youth conferencing service. Thus, only 8 sample members (or less than one-third) could be said to have been serious, persistent offenders prior to the conference.

When the behavioural patterns of this sample are considered in isolation from the rest of the sample (as in Table 3) below, the importance of pre-conferencing behaviour patterns becomes obvious. Only one of these participants met the criteria above for a classification as officially “desisting” at the time of the interview. Three other sample members were certainly reducing their criminal activities, but four of the eight self-reported persisting in criminal behaviours, compared to 7 of 26 for the wider sample.

**Table 3: Sub-group of more serious young offenders**

Interviewee	Pre-conference offending level	Post-conference offending level	Level of offending at time of interview
3	Escalating offending	Ceased shortly after	Reducing
8	Escalating offending	Continuing offending	Reducing
9	More serious offending	Continuing offending	Static
15	Escalating offending	Very low offending	Desisting
17	Escalating offending	Escalating offending	Static
20	Previous CJS intervention	Continuing offending	Static
24	More serious offending	Continuing offending	Reducing
26	More serious offending	Resulted in custody	Escalating*

\* prior to custody

Because only a relatively small number of cases have been processed through the YCS to date, it would be too easy to identify research participants were we to list their specific offence type along with their other characteristics. However, the overall profile of conference offences (in no particular order) includes the following:

breaking and entering (2)  
 arson (2)  
 taking without consent (4)  
 dangerous driving (2)  
 riotous behaviour (2)  
 bicycle theft  
 Shoplifting (3)  
 assault (5)  
 criminal damage (3)  
 drunk and disorderly behaviour (2)

Only interviewees who self-reported criminal behaviours such as the ones listed above were categorised as “persisting”. Individuals who reported involvement in illegal drug use, truancy from school, running away from home, and association with other active delinquents after the conference were categorised as engaging in “risky behaviours” for the purposes of this research.

### **Data Collection and Analysis**

The methodology for this research is straight-forward. After agreeing, in principle, to take part in the research a member of the ARCS research team arranged to meet the young person (in a private meeting room at either Queen’s University Belfast or at the Youth Conferencing Service main office. At this meeting, interviewees were explained the purposes of the research as well as their rights as research participants (see the consent form in Appendix III). The interview protocol utilised (see Appendix IV) was semi-structured involving questions about

the interviewee's pre-conference life history, the conferencing experience, the fulfilment of the conference plan, and the young person's subsequent life experiences. Interviews lasted between 45 minutes and two hours, and all but one were audio-recorded and professionally (and confidentially) transcribed.

These transcripts were then inductively coded, independently by two members of the research team using QSR N6 Software for Data Analysis. As opposed to the hypothesis-testing of deductive research, inductive research (sometimes referred to as "grounded analysis") is meant to generate new hypotheses for future research. Although this analysis is done in a dialogue with existing theory, inductive research should be seen as largely exploratory. The aim is to discover new nuances to existing understandings of various processes, in this case how restorative conferencing impacts individual self-narratives in the long-term.

### SECTION III:

#### WHEN CONFERENCING ‘WORKS’

Many of the post-conference “outcomes” in this research are positive. The young people who had previously been in trouble now felt as if their lives were on track, had avoided any subsequent criminal justice involvement and were now desisting from crime.

Importantly, because this research lacks a control or comparison sample, the successes in the participants’ life stories (or self-reported changes in their thinking or behaviour) cannot be attributed directly to participation in the YCS. Indeed, much of the desistance reported could probably be explained by other factors. For instance, one interviewee (Int. 24) described at length and in remarkable detail the threats he had received from a local paramilitary group aimed to convince him to discontinue his involvement in car crime. Although he was most certainly desisting from such behaviours at the time of his interview, this had little to do with the YCS and more to do with the fact that he had “two strikes against him” from a paramilitary group and very prominent limp. He said he “could care less” about the restorative conference he went through. He thought the experience was “ok, but rather meaningless”<sup>4</sup>. In fact, most of those who avoided offending entirely after the conference had not been involved in much serious delinquency prior to the conference itself, and many were first-time offenders. It could be argued that a good number of these would have desisted regardless of the conferencing experience.

Nonetheless, from the interviews with the young people, it is clear and undeniable that many of them felt the conferencing process was helpful, even occasionally crucial, in accounting for their current, positive, life circumstances 12 months or more later. This chapter seeks to understand what “went right” in these circumstances, highlighting those aspects of the conferencing experience that were most memorable and deemed most worthwhile by conferencing participants. Not all of these quotations are from the most obvious “success stories”. That is, some of the evidence reviewed here is drawn from the self-narratives of young people who have struggled to desist. Nonetheless, even some of these interviewees attribute benefits to the conferencing process that are worthy of understanding.

Before reviewing the findings, it is important first to put these in the context of the existing theoretical literature on the process of conferencing and how this should contribute, in principle, to changes in offending behaviour.

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<sup>4</sup> This is not a direct quote. For understandable reasons, this research participant chose to do the interview without the benefit of a voice recorder; he was the only interviewee who chose this option. All other quotations in this report, therefore, are direct, except where indicated with brackets: “[added text]”.

## Conferencing in Theory: From Shaming to Shame Management

The concepts of 'shame' and 'shaming' occupy a central, if controversial, position within the theoretical understanding of restorative conferencing, largely as a result of the formulation of reintegrative shaming theory (RST) (Braithwaite, 1989). Although restorative justice should in no way be understood as being synonymous with the theory of reintegrative shaming (Walgrave & Aertsen, 1996), the links between the two perspectives are undeniable. Braithwaite's RST has been widely used to explain the procedures used in restorative justice conferences and has been used in the development of conferencing techniques (see e.g., Hyndman, Thorsbourne, & Woods, 1996; McDonald, O'Connell, Moore, & Bransbury, 1994; Moore & Forsythe, 1995; O'Connell & Thorsbourne, 1995; Retzinger & Scheff, 1996; Van Ness & Strong, 1997).

### *Braithwaite's Original Reintegrative Shaming Theory*

The theory of reintegrative shaming argues that the importance of social disapproval has generally been underestimated by institutions of criminal justice as well as criminological theory. It argues that to understand crime rates we need to look at the degree to which offending is "shamed" and whether that shaming is reintegrative or stigmatic. Braithwaite (1989) defines "reintegrative shaming" as disapproval that is respectful of the person, is terminated by forgiveness, does not label the person as evil, nor allows condemnation to result in a master status trait. The theory predicts that the practice of reintegrative shaming will result in less offending. Conversely, stigmatizing shaming is not respectful of the person, is not terminated by forgiveness, labels the person as evil and allows them to attain a master status trait. RST predicts that this latter type of shaming results in greater levels of offending (Braithwaite, 1989; Makkai & Braithwaite 1994).

Although an important feature of the theory is that it integrates the predictions of several theoretical perspectives into a single framework, its focus upon shaming is probably its most distinctive contribution. The theory defines shaming as:

All societal processes of expressing social disapproval which have the intention or effect of invoking remorse in the person being shamed and/or condemnation by others who become aware of the shaming' (Braithwaite, 1989, 100).

This conception of shaming is distinctively broad, such that shaming is not necessarily public, humiliating or even defined as a special type of behaviour. It might, for example, involve a discussion between parents and a child of how an act impacted upon others. Equally, a fine handed down by a court might be evaluated on the extent to which it is shaming: the extent to which it is an expression of disapproval towards the offender's behaviour.

Use of the term 'shaming,' rather than simply 'disapproval,' implies the expectation that the process will result in a shame-related emotion and that this emotion is an important quality of the interaction. In arguing for the positive effects of reintegrative shaming, Braithwaite (1989; p. 69-75) highlights two mechanisms at work here. One of these is that reintegrative shaming is an effective deterrent, particularly when it comes from those who the individual is close to, because it poses a threat to relationships that are valued. Yet, reintegrative shaming is meant to transcend the rational actor model of deterrence. The second mechanism, which Braithwaite suggests is more important, is that reintegrative shaming communicates that certain behaviours are morally wrong and thus builds internalized controls or conscience. Braithwaite (1989, 72) argues:

Shaming is more pregnant with symbolic content than punishment. Punishment is a denial of confidence in the morality of the offender by reducing norm compliance to a crude cost-benefit calculation; shaming can be a reaffirmation of the morality of the offender by expressing personal disappointment that the offender should do something so out of character.

Both of these mechanisms, fear of disapproval and bad conscience, allude to shame-related emotions. The implication, which has not yet been empirically tested, is that the effect of disapproval on behaviour is mediated by the emotions that disapproval causes or what Braithwaite labels 'shame.'

### *Critiques of Reintegrative Shaming Theory*

Notions of shaming, along with the implication that offenders should feel shame, are not uncontroversial within the restorative justice community and there are several reasons for legitimate suspicion of utilizing this concept as an organizing framework. First and most obviously, the emotion of shame has been linked to numerous explanations for violent behaviour. The eminent prison psychologist James Gilligan (1996, 110) argues that the emotion of shame is "the primary or ultimate cause of all violence" and claims "I have yet to see a serious act of violence that was not provoked by the experience of feeling shamed and humiliated, disrespected and ridiculed." Likewise, Thomas Scheff (1996b) argues that the 'purpose' of violence is to diminish the intensity of personal shame by discharging it in the form of violence toward others. Both Gilligan and Scheff account for the appeal of leaders such as Hitler by their ability to transform the shame of a humiliated people into righteous indignation against a scapegoat 'other.' To promote shame and shaming, then, in the name of peace-making and violence reduction appears on the surface to be an absurdity.

In response to the growing use of shaming punishments in American criminal courts, Massaro (1997) urged greater caution in applying notions of shame and shaming to criminal justice because the emotion is a complex, context-dependent response that is potentially harmful to offenders and criminogenic. So-called 'shaming punishments' that became popular as alternative sanctions with some US judges in the 1990's included orders for offenders to carry signs or attach stickers to their cars that indicated their offence, or else engage in unpaid work during which they were publicly identified as offenders being punished. Massaro argues that this 'modern' kind of shaming is one that outcasts certain segments of society in a way that does not protect the individuals' dignity and ultimately undermines the dignity of the whole community. In addition to arguing against the decency of following this stigmatizing approach she argues that the complexity of shame emotions is such that courts are ill-equipped to handle the emotion and that effect of shaming on offenders will be difficult to predict.

While Massaro's critique is not directed at restorative justice, which most commentators think is inherently more capable than courts of handling the complex emotions provoked by an offence (Harris, Walgrave & Braithwaite, 2004), a number of scholars have also expressed concern at the use of shaming within restorative practices. Maxwell and Morris (2002; Morris, 2002) disagree with the idea that shaming (disapproval) within family group conferences is the mechanism that results in remorse. They argue that 'There is certainly nothing in the processes or practices of family group conferences in New Zealand that is explicitly geared towards expressing disapproval in order to invoke shame or remorse in the offender' (Maxwell & Morris, 2002: p. 279). Morris (2002) argues that shaming is a

dangerous proposition in restorative conferences because even with the best of intentions shaming might be interpreted by offenders as stigmatizing. This concern is shared by Van Stokkom (2002) who argues that planned shaming efforts may block communication with offenders and consequently risks generating counter disapproval rather than restoration.

In part, these concerns and criticisms of shaming reflect different understandings of what is meant by the word 'shaming'. Unlike Braithwaite, Gilligan (1996, 71) explicitly equates shaming with "mocking," "despising" and "scorning" and uses the term shame to refer to a deep-rooted sense of personal worthlessness. Likewise, the concerns voiced by Massaro (1997) and Maxwell and Morris (2002) are directed towards types of shaming (e.g., those advocated by Kahan, 1996, and others) that Braithwaite's (1989) theory would classify as highly stigmatizing and non-reintegrative. This is most clearly evident in Massaro's concern regarding the use of shaming punishments in American criminal court cases. Forcing offenders to publicly humiliate themselves by means such as holding placards which announce their crimes is directly opposite to what RST advocates. While completely rejecting the use of this type of shaming, RST suggests that disapproval which is reintegrative is constructive in reducing re-offending.

While it is easy to see the difference between these overtly stigmatizing forms of shaming and what Braithwaite proposes, Maxwell and Morris also express concern at shaming within restorative justice conferences. They argue that direct expressions of disapproval are not a common feature of family group conferences, which focus more clearly on emphasizing the consequences that an offence had on its victims (Maxwell & Morris, p. 278). Morris (2002) furthermore worries that even if direct disapproval is intended to reintegrate it may not be interpreted as such by the offender. The degree to which disapproval can be expressed directly and yet also be perceived as reintegrative (or non-stigmatizing) is an empirical question that is yet to be fully explored. However, this also highlights an important difference in how the term is understood. Whereas Maxwell and Morris understand shaming as the verbal expression of disapproval, Braithwaite argues that shaming includes all social processes which express disapproval. Simply convening a family group conference expresses the communities concern or disapproval of an offence, as does discussion of the consequences of an offence. Indeed Braithwaite and Braithwaite (2002, 33) argue that it is these indirect forms of shaming that are most likely to be reintegrative:

Finally, we hypothesize that the genius of well-constructed restorative justice processes is that they only confront wrongdoing indirectly, implicitly inviting the wrongdoer themselves to be the one who directly confronts it, apologizes and seeks to right the wrong. This indirectness is mostly accomplished by proceeding simply to invite the stakeholders affected by the crime, especially the victim, victim supporters and loved ones of the offender, to describe how the crime has affected them.

As Maxwell and Morris (2002) argue, these differences in how shaming is interpreted are not simply a semantic quibble, as they are critical to how the theory is understood and may represent a significant obstacle to its translation into restorative practices. The implication of this critique is that where restorative practice seeks to apply the implications of reintegrative shaming theory it needs to be done in such away a way that it is sensitive to the cultural sensitivities as to how disapproval can be indicated without it also being perceived as stigmatizing. In a recent revision of reintegrative shaming theory Braithwaite and Braithwaite (2001) acknowledge that additional shaming in contexts that are already highly shaming is unnecessary and may even be interpreted as stigmatizing.

A more substantial criticism of shaming is the challenge to whether shame is a ‘good’ emotion for offender to feel at all. Indeed Morris (2002) argues that the reintegrative shaming perspective is mistaken in placing an emphasis on the emotion of shame. She argues that the more important mechanisms in restorative justice are the eliciting of remorse in offenders as a result of empathy. Empathy, she argues, results from discussing the consequences that an offence has for the victims.

Taylor (2002) also views shame as a dangerous emotion to invoke in offenders because it is a threat to the offender’s sense of self worth and is hence potentially destructive. Such concerns are provided some support by research which suggests that the propensity to feel shame, rather than guilt, as a result of transgressions is associated with less constructive responses, such as feeling of anger and hostility (Tangney, 1991). Remorse is described by Taylor as a better central concept than shame, or guilt, because it is directed towards the behaviour, as opposed to the self, and does not involve any negative self-directed feelings. Maxwell and Morris (1999) have found some support for the importance of remorse in a study that examined recidivism among a sample of offenders who had attended a restorative conference ten years previously. This research found that, among other variables, not being made to feel bad about oneself during the conference (which can be interpreted as a measure of not being stigmatized) and feelings of remorse, as measured through offender self-reports, predicted lower recidivism.

While accepting the importance of remorse, Harris, Walgrave and Braithwaite (2004) have since argued that it may not be possible to quarantine offenders from feelings of shame. This is because feelings of shame or guilt will often occur following apprehension for an offence due to the inevitable social strains caused by that event regardless of what criminal justice interventions do. Perceptions of having done the wrong thing, of having disappointed others and fear that one will be rejected are likely in the aftermath of being caught. Furthermore, it is argued that any kind of social censure for the offence, such as a restorative conference, which causes offenders to feel remorse is likely to spill over into feelings of shame. It does not seem likely that the moral emotion that offenders feel can be chosen in the way implied by Taylor (2002), particularly in those contexts where a community wants to show that it does not support a particular type of behaviour.

### *The Theory of Shame Management*

Braithwaite and Braithwaite (2001) have argued that theory should be dynamic, evolving organically in reaction to criticisms like those above, new empirical evidence, and theoretical developments in related areas of research. As such, the author of RST has proposed numerous revisions to the original RST formulation building in particular on Lawrence Sherman’s (1993) “defiance theory”, Tom Tyler’s (1990) research on conformity, and the findings emerging from the RISE research.

These developments have led Braithwaite and Braithwaite (2001) to argue that the focus of RST should shift from ‘shaming’ to ‘shame management.’ This revision of reintegrative shaming theory does not alter the theory’s primary prediction that reintegrative shaming reduces offending (while stigmatic shaming increases offending). Instead, it proposes that the reason for this is because individuals are more likely to manage any feelings of shame that occur more constructively if they are reintegrated rather than stigmatized. Questions about the individual’s identity and their relationship to others, raised by the offence, are more easily

managed if it is communicated to them that they are basically a good person and that they are accepted by those they care about (see Maruna, 2001; Maruna and Copes, 2005).

Previously RST suggested that shaming, and specifically reintegrative shaming, results in feelings of shame and that this emotion is significant in the reduction of offending. Recent research by Ahmed and colleagues (2001; see also Harris, 2001) suggests what is important about conferencing is not whether it produces shame but the effect it has on how individuals respond to that shame. Whereas the experience of shame can involve the acknowledgment of wrongdoing and is associated with empathy for those hurt, some forms of shame (i.e. unresolved or unacknowledged shame) seems instead to result in an inability to resolve issues arising from the event and feelings of hostility towards others.

This suggests that what may be important about the types of shaming proposed in RST is the degree to which they encourage or discourage these different forms of shame management. Reintegrative shaming may produce a positive effect by assisting individuals to cope with feeling of shame in more constructive ways, whereas the risk of stigmatisation (or even no shaming at all) may be that it prevents individuals from resolving important issues and results in ongoing feelings of unresolved shame. Shaming may be important for reducing offending not because it results in shame, but because it provides a mechanism that assists offenders to *manage* their feeling of shame in more constructive ways (see Ahmed, Harris, Braithwaite & Braithwaite, 2001).

### **Ideal Outcomes: Recognition, Shame and Self-Esteem**

The reintegrative shaming literature reviewed above provides clear guidance on the ideal, short-term cognitive and emotional dynamics that the conferencing process is supposed to generate: Young people leaving a conference should walk away having accepted responsibility for what they have done and internalising a sense of shame or guilt for this behaviour, but at the same time maintaining a positive, overall sense of self and hope for a better future. All of these themes can be found in narratives of research participants interviewed in this study (although it should be pointed out that they do not always lead to a complete cessation in offending).

First, numerous interviewees said they first realised -- and admitted to themselves -- that what they had done was wrong in the conference itself or in the conferencing process:

Really the hardest thing to do was admittin' that I was wrong. ... 'Cos no one likes to be proven wrong (Int. 21, desisting).

Interviewees described their surprise upon first recognising the consequences of their offending:

Well it was a wake-up call kind of thing. 'Cos before it I actually you know done it and things. We [co-offenders and I] hadn't actually been thinking about, you know, who it was gonna affect and things like that. And from [the conference] you know, you realise that it just doesn't affect you, if affects a lot of people (Int. 13, female, desisting)

Among the most powerful variants on this theme were those offences involving interpersonal violence:

*I Because you said that when you went into the conference you, you weren't going to apologise?*<sup>5</sup>

R No.

*I So what made you change your mind?*

R Just hearing her [the victim]. I don't know. It was just her saying that she didn't want to come out [of her house after the incident] and she was scared to come out. And. Just felt bad.

*I And looking back what do you think?*

R It was out of order, like, what [the victim] said to me [on the day of the assault]. Looking back, it was. Because I didn't know her. She just looked at me and she said [an insult about my family]. And I was just 'What?!?' But I shouldn't have hit her. I was in the wrong like for hitting her. ... As far as I was concerned [going into the conference] it was just, just a wee fight. And that was it. I mean I didn't think anymore of it. ... Then [at the conference], she was sitting there and she was all, you know, scared, [and said she was] scared to come out of the house and that [as a result of the fight]. You know. Her mum was saying she had really quietened down [as a result of the assault]. She was really quiet now and that was it. I didn't know so much could come from [a fight]. I never did like thought of the girl for it. She was younger than me as well (Int. 4, female).

Even those who had committed property offences, however, in some cases were able to see that the actions they had considered to be “victimless” or at least relatively harmless pranks could have more substantial ramifications. The following quote is from a young person who broke into a school after hours with a group of friends:

*I Do you remember what was said?*

R I remember the caretaker talking and, er, basically how he felt because he was in school at the same time [as the break-in]. And he didn't know anything about -- he didn't know we were like sixteen year olds farting about. He thought -- he felt we could have been anyone. And he could have had a heart attack or something. Well, you know what I mean?

*I Right.*

R He was very scared! And didn't know what to do. And that was all pretty traumatic for him and you know. Because of the conference, [we] could understand, you know, the ramifications. Rather than do this go to jail. Maybe we'll understand that you do this you hurt certain people. And that's more important, if you know what I mean, than punishment. It's more the after-effects and how that makes you feel as a person, you know, compassion. Stuff like that there. ... There was something happening and because of the alarm going off he couldn't go. That wasn't very fair.

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<sup>5</sup> In all of the following excerpts of dialogue, the letter “I” refers to the Interviewer (whose questions are italicised), the letter “R” refers to the Respondent.

I *The caretaker couldn't?*

R Yeah. He had to go up to hospital for his mum or something, and he couldn't go. So there was a bit of a story there [that we only learned at the conference]. (Int. 15, desisting).

The interviewee above clearly saw the incident from an entirely new vantage point. Although in his view, the crime was nothing more than “sixteen year olds farting about”, he now empathises with the caretaker as a fellow human and recognises his perspective on the situation as being equally valid.

This recognition of wrongdoing consistently led to an experience described by interviewees as a sense of “shame” that was more difficult than the conference itself or other obligations:

I'll admit like I was totally ashamed of myself after it happened kind of thing. So it was just coming to terms with that you know. But it wasn't the conference you know that was difficult. It was just getting to grips with it kind of thing (Int. 13, female, desisting).

The experience of shame is never a pleasant one, and, indeed interviewees described this as difficult. Yet, in theory, shame could lead to a sense of remorse rather than the hostile projection of the shame to others. Unfortunately, in some cases, even a sense of guilt can be associated with persistent offending:

I *And so what is the most difficult thing about the whole conferences?*

R Having to listen to that person's story. How they were affected. Probably for me. You know. Not nice. But it's asking them how they feel and you have to listen to it.

I *Not nice? Like when you say not nice, do you mean like it made you angry?*

R No. Sad really. Like I'm upset with what I've done and wish you could take it back. Wish I could change time (Int. 17, persisting).

Still, most desisting interviewees were still able to hold on to a sense of a “good core self” inside of them despite the mistakes they had made (see Maruna, 2001). As is hoped with “reintegrative shaming”, such interviewees were able to characterise themselves as a good person deep down who did something out of character. Most commonly, interviewees understood what they had done not as a horrendous or unforgivable act of evil, but rather as a regrettable mistake. One interviewee reframed the discussion about her offence as a discussion of “the accident”: “That's what I want everyone to call it” (Int. 13, female, desisting). By far, though, the most frequently used phrase for describing one's “crime” among interviewees was as a “stupid thing”:

I told [the victim] it was stupid. And I knew it was stupid. And it was just -- I just did it with all my mates around shouting, you know, ‘Do it! Do it!’, and I did it (Int. 16, male, persisting).

Finally, some interviewees suggested that it was only through the conferencing process that they were able to recognise this level of responsibility. The following interviewee, for instance, argues that had he gone through the court system, he would have instead been tempted to “deny everything” and plead his essential innocence:

Well, I'm glad [the conference is] over, like. But it was actually better than you know if I'd went to court and all. Then, it would have been, the way I look at it, I'd have probably just thought ‘It wasn't my fault and all’. But, like, I know it was my fault and all. And like the whole family were saying it. But you know what I mean? It helped me how to [be able to admit] that like. So it did (Int. 14, desisting).

Citing Gibson's (2004) research on the South African Truth and Reconciliation Commission, Braithwaite (2005) characterises this as the process of amnesty leading to truth, leading to reconciliation. That is, without the possibility of absolution and forgiveness, there is not likely to be a confession, and without confession, conflict resolution is near impossible. In a highly punitive context, Braithwaite argues, individuals will be resistant to recognising their responsibility or recognising the harms they have committed. Such admissions are only possible where individuals feel such acknowledgement will be appreciated and rewarded.

### **Achieving Ideal Outcomes**

It is one thing to outline the emotional outcomes that conferences should achieve, it is another thing altogether to explain how to get there. One of the aims of a process evaluation such as this one is to provide insight into how the emotional outcomes described above are achieved. As this research is based on retrospective accounts, one should interpret the chronology of events being described cautiously. However, very clear and consistent patterns emerged in descriptions of the sequencing of emotional dynamics involved in the conferencing experience, suggesting some validity.

This is particularly true of descriptions of the dynamics involved in conferences themselves. To a one, successful conferences appeared to involve initial trepidation in the anticipation of the conference, followed by relief and a sense of resolution. As concisely summarised by one of the participants:

I *What was your overall impression [of the conference]?*

R It was hard at the start but it got easier (Int. 7, desisting).

In fact, a very consistent account across the various interviews was that the anticipation of the conference was routinely much more frightening than the actual conference experience:

R It was scary. Even the second [conference] was scary.

I *Why do you think it felt scary?*

R Because you don't know what they're going to do, if they're going to be angry or, you know, sad or whatever.

F *So you were afraid of the victims' reaction?*

I Yeah.

F *And after the conference what did you think about it then, what were the victims' reactions like in the conferences?*

I They were alright, calm and even nice like (Int. 2, desisting).

As such, the opening moments of the conference, consistently described as the most tense, were the most memorable to interviewees, one year later:

But then it was the girl I [victimised]. Her mum and dad and her wee brother. And it was me. My mum and my dad and the [YCS staff]. And the fellah who was there used to be a policeman. And I just went in. And the tension in the room when I walked in: It was hectic (Int. 4, female, desisting).

Partially, interviewees said that they were nervous out of a sense of guilt for what they had done:

I was scared like to talk to the people like you know at the [conference]. Cos I didn't know what [the victim] was like. I'd never seen him before. I didn't know how he'd react. ... I went into his house. Trespassing in his house. ... I felt like a bit scared like to go in. And like when I did it was alright. It was okay (Int. 10, desisting).

Others attributed their concerns and fears to their previous interactions with the criminal justice system. That is, they had come to expect being treated in a certain way by justice officials and expected the conference would likely be more of the same:

I *Can you remember what you were thinking before you went into the conference? Like your expectations and...*

R I thought it was gonna be a lot worse than it actually was.

I *What did you think it was gonna be like then?*

R Interrogation. You know and just kind of, I don't know, just all these questions like [what] happened before when we were in the police station actually. A lot of the police you know were saying we're 'a disgrace' and all this. And I thought that was what it was gonna be like. So ... I didn't like going obviously. But when I got in there it wasn't too bad, you know (Int. 13, desisting)

### **Face to Face with Shame**

By far, the most memorable aspect of the conferencing experience for participants was meeting the victim of their crime "face to face" (for those who had this element in their conference).

I don't know, it was mad having to come down here like. Because the person was sitting right across from me. And I had to face up to it and all. I was like. ... There was like a

woman. ... She was on there and she was just like sitting across from me. And ... she asked me why I was doing it and I had to give her a reason and all. ... It was hard like. It's hard enough to do it like. ... She just turned around and asked me why I did it and then like I had to find out why I did it and all. It was just like. I don't know it was mad (Int. 16, desisting).

The hardest part? Er. I would have to say the hardest part was to sit with the [victim]. Because I actually did something wrong against him, didn't I? [And now I] was like sitting with him (Int. 21).

The following interviewee describes the lasting impact of the memory of the victims' face that is recorded in his brain:

R No, I actually feel pretty bad about, you know, doing all that stuff, but I just say to myself that it's over and done with.

I *Do you think that, that the fact that you feel that way has anything to do with being in the conferences?*

R Yeah, and actually meeting the people.

I *Do you think you would feel the same if you had never had met them?*

R No, I probably would have felt different if I wouldn't have met them.

I *Why is that?*

R It would probably be far better because I wouldn't have that record in my mind: their face and all (Int. 2, desisting).

This discussion of seeing the "face" of the other, so common across the narratives, is significant considering the role of eyes, exposure and the face to the concept of shame itself. The word 'shame' derives from Old Germanic roots meaning to hide or cover oneself. Inherent to the notion of shame is the experience of exposure -- as in the proverb "shame dwells in the eyes" (Gilligan, 1996: 65). This could be seen clearly in the interview data for this research:

I had to learn to look people in the eye whenever I'm speaking to them. Whenever I speak to them. Instead of looking all round them. I just feel awkward around. I feel awkward whenever I was looking at people straight in the eye. Just you know (Int. 12, desisting).

The "face to face" meeting was not only shaming, however, it was also humanising for the young persons involved. That is, although they had difficulty looking their victims in the eye, they also left the meeting feeling a sense of comfort and pride. The fact that they could do this, sit face-to-face with their victims in a circle, in a sense of equal footing, implied that, delinquent or not, they were not such bad people after all. Indeed, interviewees frequently expressed a sense of almost amazement that they were able to have a civilised, face-to-face chat with the person they had harmed.

I was just sittin' around and you know. With the person who got [victimized] and just sittin' in front of them! (Int.22, persisting).

You were all in a circle. It was better than being in the court because you know in court you're sittin' up at the front. In front of everybody. You don't know who is sittin' behind you. All these [officials] around the table and all. When you're a kid that scares you. Doesn't it? (Int. 6, desisting).

### **Shaming 'with Respect' -- from Respected Others**

The initial fears in anticipating the conference outcomes are then quickly followed by a sense of relief upon giving one's own account and meeting the other conference participants as individuals. In general this is because the individual feels he was treated with respect and as a whole person in the conferencing proceedings.

In his research on why people obey the law, Tom Tyler (1990, p. 40) describes such feelings as central to perceptions of legal legitimacy. Tyler makes an important distinction between instrumental and normative perspectives. An instrumental perspective states that the assessment of law by the recipient is outcome based; therefore, incentives and penalties influence whether or not people obey the law. The normative perspective, however, states that measurements of law depend not only on the outcome but also on whether or not the law and/or its enforcement agent are perceived as legitimate. In this sense, people are concerned with the normative aspects of their experience, which includes the following:

- Neutrality
- Lack of bias
- Honesty
- Efforts to be fair
- Politeness
- Respect for citizen's rights

Likewise, young people with positive experiences of conferencing in this sample emphasised that they were treated with respect and dignity:

I *So what did you think of the support you got from the youth conference service?*

R I think it was brilliant.

I *And what did you think was really good about it?*

R They don't look down on you. You know. They don' look at you as you are a criminal kind of thing. They just treat you as an individual (Int. 13, female, desisting).

Many emphasised that the experience of being treated as a full-fledged human being and not patronised or stigmatised was a new or unique occurrence in their lives.

Another crucial strength of conferences for interviewees was that they were perceived to be authentic experiences where "real people" who were harmed confronted them with real issues they were facing. Interviewees liked the sense that the conferences were concrete or

grounded in this way. Several interviewees compared this to the abstract moralising of professional counselling, which they viewed with more disdain:

R. I thought [working with the YCS] was alright. It was better.

I *Better than what? Going to the beach?*

R. Like probation.

I. *It was better because?*

R Well probation is: sit and talk to the one person all the time. Whereas a conference you agree something. I mean for example [my reparation work]. You do that for the, like, the victims and stuff, so it was (Int. 11, desisting).

Interviewees liked that conferences worked on the grounds of consensus and produced tangible results as opposed to talk therapy. Also, even though there was a lot of “talk” at conferences, at least the questions were meaningful:

R I remember just -- it's not that I don't remember a lot it's just -- I just remember that it [the conference] was better than probation. You know. They just talk to you a lot about all the things that mattered. They never asked you stupid questions sort of. I thought it was good and it was a lot better than the probation anyway.

I *And it was better than probation because why?*

The people there were nice and the questions meant something like. Probation, I didn't really like the people at Probation (Int. 18, desisting).

Interestingly, another participant had almost opposite views – he enjoyed probation, but did not enjoy the restorative conference – but his reasoning was almost identical.

I *Do you think it's like equal to the offence?*

R Oh they are equal to the offence like but I prefer to do something else.

I *Such as?*

R Probation or somethin'.

I *Oh OK.*

R Which you have to go to once a week for sort of a year.

I *Something more long-term?*

R Aye.

I *Uhuh. And if you had probation what would happen then? What does that involve?*

R You have to go and see someone every week.

I *And?*

R The probation officer. And he just talks. Talks to you about it. All this stuff. Like keeping an eye on your problems and all this here.

I *And when you had that before you enjoyed it?*

R Aye it was all right because the probation officer just lived at the bottom of my street (Int. 20, persisting).

In both cases, the intervention that was preferred was the one in which the questions were being asked by someone who felt like a neighbour – like a respected friend from just down the street. This supports the argument among restorative justice theorists that reintegrative shaming will be most effective when the shaming is done by individuals who have the respect of the “offender” (see e.g., Braithwaite & Braithwaite, 2002; Harris, 2002). This theme is nicely illustrated in the following extract. A young person arrested for dangerous driving on his motorcycle described the impact of having two motorcycle-riding officers talk to him about his recklessness:

Through constant persistence and threats of losing my licence, I eventually admitted that [I was in the wrong]. Especially after the two police officers drummed it into me. And one thing they done which was quite tactical and I didn't like that much [was to use motorcycle officers to convey this message]. Because in fact there's a...camaraderie sort of feeling amongst motorcyclists and if you see two motorcyclists out, they'll nod [to each other]. If you know what I mean? Like taxi drivers and bus drivers and all that. So, they had two motorcycle police who, you know, they do this as a career! They ride motorcycles as a career and it kind of embarrassed me a little bit. ... Like this child messing about. You know what I mean? (Int. 19, desisting).

The choice of “shaming agent” here was absolutely crucial. Only a respected, fellow cyclist could convince this young person of the wrongness of his behaviour. The same message delivered by a different messenger would fall on deaf ears.

This finding also applies to the use of “community representatives” brought in to conferences to articulate the feelings of non-direct victims. In the most successful cases, these were individuals whom the young person knew and respected, who could support and vouch for the young person whilst also shaming his or her particular behaviours (“loving the sinner, but hating the sin”). This is well represented in the following exchange:

R You see the fellah they brought from the community, I know him well. He used to do me a load of favours in school and that. He used to bring me chips and that. But I didn't know he was going to be there. And I walked in and saw him there I was surprised so. Me and him were sittin' there havin' a laugh. Bit of crack. He didn't give a fuck about the rest of 'em. We sat there havin' a laugh!

I *Oh right. So you weren't nervous or...?*

R Seein' him, I wasn't nervous. It just. Oh fuck. I didn't know what was happenin' with the craic and all. He was going 'You're a stupid wee bastard getting yourself in a scare and all'. And he was singin' my praises and all for me. Getting the best of it for me like.

I *Yeah?*

R So I was feeling better because I knew him anyway. So he was singin' my praises and turning out to be the best for me. Kind of worked so it did. Worked a bit. [And] it made me feel comfortable because I knew him (Int. 6, desisting).

Of course, this role of supporter/shamer is typically played by members of the young person's family. Reintegrative shaming is based on a "family model" of justice, and the conferences were clearly most effective when these strong family ties existed. Participants described the feeling of having "let down" their families as being essential to their feelings of shame:

I *What was the difficulty here? Him telling you, you were wrong? Or was it difficult to talk to your mum or the police or?*

R I hated my mum having to hear it. Hear what happened (Int. 22, persisting)

Routinely, interviewees said their greatest hurt was not for themselves, but rather for members of their family.

But it was more just you know kind of feeling guilty for what I put my family through kind of thing. So it wasn't actually feeling sorry for myself. But you know for my mum and that (Int. 13, female, desisting).

The ideal reaction for family members was one of shock and disappointment. They were amazed that their child would do something so wrong:

I *Fair enough. So your mum your dad and your gran went to the conference? What was their response? Do you remember?*

R Well they couldn't believe it. They said they were really upset. You know. Because they kept saying. They kept thinking they've got the wrong person. You know [our son] wouldn't do this. You know? And that hurt me because they lost trust in me. You know. They could trust me. And they could tell me. You know. Their wee boy who knows right from wrong. Things like that there and that hurt a lot because you know I've hurt them. Because they thought they knew me and they didn't. You see what I mean? And that hurt them. So it hurts me because it hurt them and er. There was obviously a big discussion when I went up there for the weekend (Int. 15, desisting, but persisting in risky behaviours).

Although in some cases, this could lead to a dangerous situation in which the young person is abandoned by his or her primary supporters, for the most parts, this hurt led to a change in the young person's behaviours:

R Tryin' to keep my nose clean.

I *Why?*

R Because I don't put my mummy and daddy into. Especially my mummy as she wasn't well at the time [of the last conference]. So I don't want to put her through it. That made me feel bad (Int. 21, desisting).

Some of the power of conferencing, therefore, depends on family relationships that are already established (or not!) prior to the conferencing experience itself. That is, the conference may be ineffective for those for whom parental expectations and support is different than it is in the ideal situations described above. Importantly, however, there was some evidence that the conferences themselves were able to strengthen family relations that had become strained over time:

I *What are some good things going on right now for you?*

R Well at least I've got a good relationship with the family and all now like. If it hadn't been for that conference and I hadn't went to court and all, I probably wouldn't have it. If I hadn't had a talk, you know, I probably wouldn't have the relationship I have now. If you know what I mean? It cleared the air if you know what I mean? It cleared -- it made everything, you know it made everything better (Int. 14, desisting).

In particular, conferences can strengthen family bonds by allowing young people in trouble to "prove themselves" to their family and redeem their reputations:

I *So do you think that [YCS experience] has had any impact on your life afterwards?*

R Yeah. Definitely. I have a lot more respect [from] my family like. You know since I've went through the conference and carried out the action plan. They, like, they were treating me more of an adult sort of things (Int. 13, desisting).

The above interviewee's argument that his conference work led to his being treated as a mature, fully grown up citizen by his parents is particularly interesting, suggesting that, if handled well by the young person, a conferencing experience can be something of a rite of passage into adulthood.

On the downside, conferences that ended with an agreement for financial restitution sometimes led to strained family relationships as this essentially spread a punishment from a young person to his or her family – who have more of a chance of paying off such fees:

I *And did you feel better about things?*

R Aye, I felt a lot better but [the victim] made me angry as well: all that money. I just caused my ma to spend out, hundred pound each time. Like three hundred pound. My mum's spending that there on [restitution] like.

I: *So do you feel bad about that?*

R: Aye, I felt bad about the money like so I did about what my mum had to pay (Int. 26, in custody).

## Wiping the Slate Clean

The final stage in the emotional process described by interviewees was one of “resolving” and indeed eradicating these initial feelings of shame. For many, this resolution (or “shame management”) was a result of the reparative work involved in the YCS conference plans. As stated by the following interviewee, it is only after one achieves some of the things required by the mutually agreed-upon plan to “make amends” to one’s victims that the sense of shame and guilt begins to dissipate:

You feel ashamed. You feel shit when they say [how hurt they were]. You realise that you're just sitting there. And they're like, they're telling you what you've done and they're sitting there and your standing. It's just like shit. What have I done wrong? You feel dead guilty after and all. You don't even get rid of your guilt for like two days after. Until you've actually done things to your plan. And like you know that. Because you've done all that to show that you're not gonna do it again (Int.16, persisted post-conference, but moving towards desistance).

When successful, conference plans are understood, at least by the young people referred to the conference, as “wiping the slate clean” and essentially eradicating the shame of the offence, if not indeed the offence itself:

*I So knowing that you'd made compensation, how do you feel?*

R That chapter's closed. Yeah? It is. Just closes it out really. The sessions with S\_\_\_\_\_ probably closed it. I've done my bit and I've learned the lesson and it's all been tied up. Any of the [remaining issues] they could have brought up during the conference (Int. 15, desisting, but risky behaviours persist).

Sometimes interviewees suggested that the slate was wiped clean, at least emotionally, at the conference itself even before carrying out the conference plan. For instance, the interviewee below eloquently describes a process of catharsis following the confessional aspects of restorative conferencing:

*I And did you feel better about things after you completed everything with the youth conference service?*

R Yeah. You kind of, you know, throughout the conferences and that, you like got everything off your chest. Whereas like, before, you didn't say anything about it. So, yeah. You got it out and you wrote it down on paper. So, it's just like clearing your head kind of thing (Int.13, desisting).

This same theme – that by talking issues through, they essentially go away – was echoed across numerous interviews:

To be honest with you I don't really remember much of what was said. But it was so long ago like. But I remembered that helped like. You know, getting it off your chest and all. And get it off everyone else's chest. It cleared the air if you know what I mean? It cleared. It made everything, you know, it made everything better (Int.14, desisting but risky behaviours persisting).

This theme of a “closed chapter” emerged time and again across the narratives and always in a positive way, implying that their offending behaviours have been both forgiven and forgotten:

But I mean everyone's forgot about it after the conference so they have. At the time it is as if nothing's really happened if you know what I mean? And that's a good thing like. We just got on with things (Int. 11, desisting).

The risk of erasing a particularly painful or embarrassing aspect out of one's biography is that not only is the crime “forgotten”, but conferences too quickly seem to fade fairly quickly as memories.

*I The conference and everything, I mean, what do you think about when you think about that?*

R Oh. I'm glad it's over with.

I Yeah?

R Get it out of the way and forget about it. I actually had forgotten about it until you 'phoned. Simple as that (Int. 5, desisting).

It is as if the individual returns to a pre-conferencing “square one”. This is only problematic if the impact of the conference is intended to be a conscious one: A memorable “lesson learned”. For participants like Interviewee 5, above, who had a negligible delinquency “career” prior to the conference, however, no such lesson may be needed. The best thing the conference might do in such a case is to insure that the offence and the criminal justice reaction is indeed forgotten and the slate wiped clean. This is certainly the implication of much of labelling theory (e.g., Schurr, 1973; Lemert, 1951), which suggests that the worst thing the criminal justice system can do is to over-react to early experimentation with delinquent behaviour.

### **Moving Beyond Reparation**

For most interviewees, then, the YCS experience helped the young person admit their shame, accept responsibility, and then wipe the slate clean and return to a non-deviant status. However, for a small number of ideal-case scenarios, the conferencing experience extended even beyond this. In these relatively rare best-case scenarios, reparative conference plans actually led to the discovery of a new talent or a new direction in a young person's life:

The following account from a highly persistent young offender whose youth conference plan included some vocational training for him is a perfect example of this sort of ideal:

R [For my conference plan] I had to build a table. Like with [a woodwork course]. I started going like when I was fourteen. I'm still there. I was there [as part of my conference plan] and I stayed on there 'cos I liked it. I stayed on. ... I did woodwork and I built the table. And that was wood staining and all. ... And obviously just like I stayed on. I built two plant pots. A dartboard. A table and that kind of thing.

I *Where did that go? All those things you made.*

R I gave the two plant pots to my ma. The dartboard case for me. And the table, I donated it to [named] charity. And like so that's why. Where I'm like getting the joinery from because I like staining the wood then sort of helped with me as well. With job [skills] like. Because that's what I want to do now. I really wanna do joinery now. So it was useful.

Later on in the interview, the participant (like all interviewees) was asked what some of the "best things" happening in his life at the moment are. He surprised the interviewer by again talking about the woodwork training, but the response was informative:

I *So you actually think that like your conference plan is one of your high points in your life?*

R Mmm.

I *Well that's good?*

R There's nothing really else to do in my life. Because obviously where I live there's nothing to do. Apart from the weekends and you go out and raise hell and drink. But it's not really a high point like. That's just something, something that you'd do. All this action plan stuff it's giving me something [else] to do like. Because every Tuesday I have to go down and see [the workshop]. And like. So it's like something to do. It's like giving me something to do. ... [and now] I know. I know what I'm gonna do: joinery. I'm dead set on now doing joinery like. And I wouldn't even have thought of doing joinery before the thing [conference plan]. Before I started building the table and all. Because it's, it's interesting like where you start with something and then you just make it into a table. And it's like stuff that I've done like there's some cracking stuff I've made out of it like. It's good (Int. 16, persisting).

Another interviewee told a similar account about doing a work experience at a major company in the city centre. The exposure to the white-collar corporate world was clearly an eye-opening one for him opening his horizons to different life possibilities:

I went through [the conference] and they gave me -- I don't want to call it a punishment. But -- a programme of happy events. ... [I was] working on a project over at [a company] which was just fantastic, so it was. ... I really really liked it. I got close to all the people. Not all five hundred like but it was just a really fun experience seeing how this company works and. My God! Some of the things those people do. And I mean it got me involved. I mean I was really accepted here. ... It was different [for me], because it was really clean. It's just a nice big office with constant free tea from this machine. And I took my fair share. You know. Oh yeah! (Int. 19, desisting).

To feel universally accepted in the "clean" world of free tea certainly appears to be more of a "happy event" than a punishment. (Although, depending on how much free tea was consumed, there may be evidence in the testimony above of a switch into low-level white collar offending!)

Usually the experiences that opened up new ways of thinking for participants were, like the above situations, more rehabilitative than reparative. That is, in both of the scenarios above the element of the conference plan was intentionally designed to be one of self-improvement – some intervention meant to turn the young person’s life around in some way. In this sense, the conference plans appeared to work in the above cases. However, except in the most abstract sense, it is difficult to interpret the above experiences (woodwork training or an office apprenticeship) as particularly reparative.

Yet, the interviews did reveal at least one service-oriented conference plan that had a similar impact on a young person’s life. In the following account,

R Well, me and the youth worker woman, we were talking about you know what I could do, you know, for community service or whatever. And well I had an idea of you know what I could do and stuff like that. There’s a thing in [area] called [name]. It’s a club for disabled kids. And I [volunteered that I could] help out there and that. And ended up being able to.

I *Oh great. Oh that’s good.*

R And I’m still helping out there. I was meant to do it for I don’t know twenty sessions or something. It was twenty weeks.

I *Twenty weeks and then one day a week.*

R Yeah. Once every Saturday. Yeah [but] I’m still helping out there now (Int. 12, desisting).

This last example, although fairly unique in the sample, appears to best meet the theoretical ideal of volunteerism being rehabilitative in nature (see e.g., Maruna & LeBel, 2003; Uggen & Janikula, 1999). This line of theoretical argument suggests that volunteer work can help to ‘turn on’ individuals (even committed delinquents) to prosocial behaviours through involvement with activities that utilise their strengths and promote their individual dignity. In the words of de Tocqueville (1835/1956:197), ‘By dint of working for one’s fellow-citizens, the habit and the taste for serving them is at length acquired.’ In addition, as part of a helping collective, the community volunteer is thought to obtain ‘a sense of belonging and an esprit de corps’ (Pearl and Riessman, 1965:83). The evidence for such a process in the lives of YCS clients agreeing to do community work is certainly limited, but the potential does seem to exist.

### **From Passive to Active Responsibility**

In general, however, the conferences tended to be better at instilling a sense of “passive responsibility” rather than “active responsibility” in participants. In his book, *The Quest for Responsibility*, Mark Bovens (1998) differentiates between these two types responsibility. Whereas passive responsibility means holding someone responsible for something they have done in the past, he says, active responsibility means the virtue of taking responsibility for putting things right for the future. Active responsibility is future-oriented and forward thinking, focusing on what needs to be done in order to “make good” or “make amends” or “make it right” (see Maruna and LeBel, 2003). With passive responsibility: “One is called to account after the event and either held responsible or not. It is a question of who bears the

responsibility for a given state of affairs. The central question is ‘Why did you do it?’” Whereas with active responsibility: “The emphasis lies much more on action in the present, on the prevention of unwanted situations and events. ...The central question here is ‘What is to be done?’”

One of the interviewees in this project actually explained this dual focus of restorative justice spontaneously in a response:

*I Did you feel like you were able to make good on what had happened?*

*R It was. There was like two parts to it. There was the community service which is like direct compensation. You know. You damaged this and such and so you have to fix [it]. ... There's the physical compensation of you know doing the community service. Which is like I broke this. It cost twenty quid. I'll do twenty quid's worth of work. ... That was direct. But the conference kind of put that in context if you know what I mean? ‘This is why you're doing it’. ... It's like not only have you damaged this table but you damaged the person that had to clean it up and to see the sight of, you know, your mess. And you know. Emotional compensation if you know what I mean? ... The trauma of comin’ in and seein’ this mess. And goin’ in there [to the conference]. And the shock of tidying up and that's emotional stress. ... If they can put a face to it and if they can. You know. Close that chapter for them as well. If you know what I mean? (Int. 15, desisting).*

In this young person’s words, active responsibility or reparation work is “direct compensation”; whereas “passive responsibility” -- or facing up to what one has done in the past -- is described as a more “indirect” form of emotional compensation.

Numerous participants described the centrality of passive responsibility in their memories of restorative conferencing. Unlike the traditional courtroom experience, restorative conferences require a person to be accountable for his or her behaviour and this can be extremely difficult:

*The [victim]'s only like sitting from me to you really. And you have to sit there and just explain to them. Like they ask you why you did it? And you feel like ‘why did I do it’? Because it makes you think. It's like when you get took to court and it's just like a fine. I don't pay for it my Mum pays for it. And then you just walk out of there. And here you've to go ‘shit there's that person sitting beside me. Shit. What am I gonna say. What am I gonna say at the time’ (Int.16).*

On the other hand, descriptions and discussions of active responsibility – how individuals were able to make amends or “make right” for what they had done – were unfortunately lacking in the interviews. Some participants did see their conference dialogue as being future-oriented, in the sense that they were helping victims better protect themselves from similar offending in the future:

*I just explained it [at the conference]. I mean, they [the victims] probably wanted to understand the mentality behind that kind of thing. And I told them like everything. In case like they could stop it from happening again. Like we got in by doing such and such. They would know like to put a fence there, kind of thing as well. ... They wanted to see who I am and why am I doing this. So they would probably stop it from happening again (Int. 15).*

Others talked about changing their lives (e.g., desisting from crime) as a positive step they could take in the future.

The best part of it was the relief of it. Knowing that I could make a change and er. Do somethin' right instead of carrying on doin' that. You know. Like well that's it! Makin' a change ... startin' to change (Int. 21, desisting).

Yet, both of these stretch the definition of “active responsibility” and reparation somewhat.

Numerous interviewees did mention that they made restitution of some sorts to a victim. A small number of these involved the young person doing some sort of work on behalf of the victim as compensation. Sometimes, as in the case below, this led to additional work beyond simply repairing or repaying for the direct loss resulting from the crime:

I *Alright. And did you have anything else as part of the conference plan?*

R *Aye. I had to like fix the [thing] that I'd broke. And I just did a few things around the house for my mum. Whatever else could I do to help. I had to fix the [thing] and just you know like fix up the back garden and all. It wasn't too bad like. It was right I had to fix the [thing] like. It was my fault. So I'm doing the back garden too, like, 'cos it's not really that hard like (Int. 14, desisting with risky behaviours).*

In many cases, however, these reparative efforts were described in matter-of-fact ways conveying little detail, enthusiasm or evidence of emotional investment:

F *Did you feel like you made up for what you did?*

I *Yeah, because I wrote them an apology, paid some money back and made them [a gift of reparation]. Think that was good enough.*

F *Did you feel better because of what you did?*

I *Yeah (Int. 2, desisting)*

Some interviewees, in fact, saw no connection at all between the community service work they did and the crime they committed:

I *Do you remember what the community service work involved? What did you have to do?*

R *Go round with the youth worker and go plant trees and all that.*

I *And did you do that?*

R *Yeah.*

I *Yeah? What is it fun?*

R *No.*

I *OK. So why did you have to plant trees? Did you get to choose what you wanted to do or did they tell you what to do?*

R No. Just had to do stuff for the community. Just do so many hours.

I *But did they give you an option? You can do this or you can do this? Or?*

R Well they probably said 'Do you mind if you go and plant trees? It'll take your hours up'.

I *Fair enough. Do you think the plan was appropriate for the offence at all? Do you think it was too...*

R I can't even remember.

I *...harsh or too little.*

R I didn't mind. Really I didn't.

I *Did you prefer planting trees to going back to [custody]?*

R No. I was already in for doing stuff so when I got out I had to do it.

I Yep. Erm. But now that you've done it, how did you feel about doing something good for the community – with the planting trees?

R Waste of time really (Int. 22, persisting)

In fact, most of those who received community service work or reparative orders viewed this either as an "easy way out" (Int. 5, risky behaviours continuing) or else as a punitive sentence:

I felt like just you know disappointed you know like. That I had to get up early every Saturday morning you know. And I just didn't really like it. I wasn't really pleased that it was gonna happen to me (Int. 10, risky behaviours persisting).

Some of those who were desisting framed this in terms of deterrence or as a rationale for desisting from crime:

For example I'd community service and everything. Working every day for nothing just. It gets sort of to you, it do. So it does. It's like punishment -- and working. So there's so many different things I did. It punishes you and teaches you to wise up or you're going [to jail] (Int. 18, desisting)

Nonetheless, the conflation of "working" and "like punishment" in the account above might undermine the development of a positive attitude toward work in the future. Moreover, the supposed deterrent effect of self-perceived "dirty work" is undermined somewhat by the fact that those young people who are persisting with crime also viewed their community service work as punitive:

You see, with the community service, you see, I had to clean [location] yesterday. I mean the place was stinking! You see, after one day it would put you off ever getting lifted (Int. 16, persisting).

Notice the way this was phrased: The young person was deterred from “ever getting lifted”, not from re-offending! It is a subtle difference, but an important one as the young person self-reported on-going involvement with a variety of illegal activities despite several conferences.

Moreover, very few interviewees described things they were doing now – volunteer work, contributing to their community or family – that could “balance the moral ledger” (Maruna & Copes, 2005) or compensate in an abstract way for the harm they had caused. This is both surprising and disappointing as this ideal is central to the concept of restorative justice (e.g., Bazemore, 1999; Wright, 1982; Zehr, 1990). Although the conferences clearly achieved the goal of holding young people passively responsible, efforts to encourage active responsibility appear less successful.

## SECTION IV:

### WHEN CONFERENCING GOES WRONG

Not all of the research participants emerged out of the conference process in less trouble than they entered it. A sizable proportion of the sample (providing this as an exact percentage would not be meaningful and could be misleading) participated in additional conferences, others were given probation or community service orders, and still others found themselves in custody in the wake of their conferencing experience. Again, like the more positive outcomes, these trajectories cannot be blamed on the conferencing experience. However, like with the positive outcomes reviewed in the previous section, there were some consistent patterns in the negative reactions that interviewees had to their conferencing experiences that are worth understanding as possible factors in their return to criminal or risky behaviours.

Before reviewing these findings, it is important to situate them in the existing literature on negative sanctioning effects. In particular, we will review the basics of the “labelling theory” perspective on deviant behaviour, as well as Sherman’s more nuanced “defiance” theory.

#### **Why Shaming Fails: Theoretical Perspectives**

Considerable empirical research has demonstrated that sanctioning offenders can sometimes have the opposite effect than what was, presumably intended. Careful longitudinal research and controlled experimental research suggest it is as possible to exacerbate offending problems through interventions as it is to deter future offending (see e.g., Farrington, 1977; McCord, 2005; Moffitt, 1993; Sampson & Laub, 1993). There are numerous explanations for what leads to these negative and counter-intuitive outcomes, but the best known of these is labelling theory.

The labelling perspective (Becker, 1963; Lemert, 1972; Scheff, 1966) attributes the cause of crime to societal reactions to deviance rather than to any trait or characteristics of the individual. Deviance is perpetuated by the adverse societal reactions toward persons who, by breaching socially created rules, have acquired a deviant label (Becker, 1963, p. 9). An extreme version of labelling would suggest that the main cause of offending is the formal categorisation by a person as deviant or criminal (Becker, 1963; Scheff, 1966). The negative reaction to a deviant label, such as public disapproval, loss of status in employment and with friends, has a crucial impact on self-image and has the potential to convert prior ambivalence into a commitment toward deviance (Becker, 1966, p. 32).

A more recent addition, theoretical explanation for the criminogenic impact of justice sanctions has been developed by Lawrence Sherman in recent years. Sherman’s (1993) defiance theory was developed out of the finding that “similar criminal sanctions have opposite or different effects in different social settings, on different kinds of offenders and offences and at different levels of analysis” (1993, p. 449). Traditional punishments based

upon deterrence doctrine and labelling rely upon the idea that sanctions have consistent outcomes but Sherman argued that punishments exert conflicting effects. A criminal sanction can have a deterrent, an irrelevant or even an emboldening impact. In order to understand this phenomenon, he argued, research on sanctions must look beyond the measurement of the main re-offending outcomes and consider the more intricate interactions of punishment with factors such as personality, employment, age and legitimacy.

First, Sherman argues that sanctions are more likely to increase crime or to fail to deter crime among ‘out groups’, that is, among persons who are not well bonded to the sanctioning agent or to the community in whose name the sanction is exercised. Sherman’s second unifying theme is that any violation of expectations of fairness helps predict when a sanction will cause an escalation in crime (Sherman, 1993, p. 456). That is, individuals who perceive that they have been treated unfairly by the justice system will be most likely to re-offend. Moreover, Sherman argues that these perceptions of unfairness may be cumulative. This view may interact and emerge from a history of disrespect experienced personally or vicariously by official and/or informal sanctioning agents:

The fact is that young males, especially the poor and minorities, are much more exposed than lower crime groups to police disrespect and brutality, both vicariously and in person, *prior* [emphasis in original] to their peak years of first arrest and initial involvements in crime. This temporal order suggests a powerful role of police disrespect in sanction effects (Sherman, 1993, p. 464).

These types of perceptions build on Tom Tyler’s research on legal legitimacy (Tyler, 1990). Tyler suggests conformity to the rule of law is often based on factors such as the perceived neutrality, respectfulness, honesty and fairness of sanctioning agents.

All of these theoretical explanations for “defiance” or delinquency amplification can be seen to greater or lesser extent in the life stories of the persistent recidivist offenders in this sample. In addition, however, the research has uncovered additional factors that might encourage (or at least sustain) a defiant attitude toward sanctioning.

### **Self-Concept, Cognitive Abilities and Conferencing**

Some of the problems experienced by members of this sample seemed related to their personality or self-concepts prior to the conferencing process itself. Some of these issues might be useful in understanding the dynamics of defiance.

For instance, a number of the less successful outcomes appeared to be associated with an internalised sense of randomness in the universe. The self-narratives of recidivist offenders in this sample were consistently characterised by a low sense of agency or control over one’s destiny driven by a discounting of the future and a perceived likelihood of mortality. This sense of the randomness or precariousness of life is eloquently articulated by one of the young people interviewed for this project:

I *Where do you see yourself in like five or ten years?*

R I don’t think that far ahead. I take most days as they come.

I *Okay. And can you tell me like why you...think like that? Like I mean everybody does to certain degree. But...*

R Because you can die. The things that we do -- things that I used to do a lot -- I could have died easily, so I could. I know people who's been killed in cars, you know, stolen cars and all. I used to [joy ride stolen cars] all the time, so I could have been dead now (Interviewee 9, escalating).

It is not hard to imagine how an individual with this sort of perspective might fail to be deterred by criminal sanctioning. Yet, more than this, sanctions themselves may play into a defeatist mindset that can enhance or escalate criminal participation.

A related theme across the narratives of those young people persisting in crime is a sense that they were not able to communicate their positions/stories/selves at the conference itself.

R Because the questions they were asking me was -- I just don't -- I just didn't have any answers for it. And I didn't know what way to put it.

I *Questions like why do you think you have the problems with the police?*

R Aye.

I *Did the conference make sense to you? As something that you would have to do?*

R No I don't like them at all. Because they're too difficult.

I *Too difficult? The conferences?*

R The questions you're getting asked like. It's just far too hard like. ... Youth conference don't help me out or nothin'.

I *OK.*

R The questions we're gettin' asked like. It's just they're that hard. You don't have an answer for them. And you try and explain that to them and they just ask you another question. It's just more or less the same. ... The questions you were being asked, you can't answer. It's just -- just that you don't know how to answer it like.

I *Anything specific?*

R Aye. The questions you were being asked. Which you can't answer. It's just. Just that you don't know how to answer it like. The questions they ask you are like really difficult. And you just don't have an answer for it. So you're sittin' there. The police officer he's sittin' there thinkin' like 'oh well you must doing all this stuff' and all. Because the questions he's asking, I just can't answer them. I just. As soon as he asks me it I just go blank. Can't say anything about it. I mean he's asking you questions...

I *Do you think it's because he's a police officer? Or is it just because of what the questions are like?*

R I think it's because of the questions he's asking me.

I *So they're asking you these questions and then what was going through your head sort of during the questions that they were asking you?*

R My head was sort of blank. Just. I didn't know what to say. It just more or less went blank (Int.20, persisting).

Frequently, this problem is characterised as not being “lost for words”, but rather “lost for answers”. The individuals felt unable to understand or at least account for their own actions:

I *What do you find the hardest?*

R Probably having to face the person and like tell the person. Like if she asks you a question you can't just stand there and go 'oh, I don't know'. Because it's not an answer. 'I don't know' is not an answer. So you've to tell them the reason and all like. You actually have to think of the reason and they're just sitting there. Sometimes you don't know what to say (Int.16, persisting)

Of course, humans do not always have access to explanations for the things we do, yet at the same time the problem in accounts such as these might be one of verbal fluency as much as epistemological confusion. Moffitt (1993) has argued, on the basis of considerable empirical research, that long-term, persistent offenders are characterised by a number of sub-clinical, neuropsychological difficulties. Among these are the usual patterns of low self-control and hyperactivity/attention deficits. Yet, perhaps the most interesting of the neuropsychological differences Moffitt has found between persistent offenders and others, involve verbal and communication skills.

If highly persistent offenders have difficulty controlling their behaviours, but also have additional problems in trying to communicate their thoughts and feelings, it is clear how these factors could lead to a sense of frustration – *maybe especially in a conferencing situation*. If a conference participant cannot account for something shameful they have done, and part of the core process of restorative conferencing depends on the sharing of accounts, restorative encounters might increase anger and resentment rather than relieve it. This finding is an important counterpoint to previously reviewed findings of closure, the power of shared storytelling, and the frequently mentioned value of “getting things off your chest”. These clichés sound “easy” – and to some individuals they are. Yet, this simplicity masks a complex narrative process involving apology, atonement, forgiveness, and so forth. This process cannot be taken for granted for all young people, especially those who are developmentally delayed for various reasons. In such situations, the opportunity to “tell one's story” can feel like an impossible interrogation:

Just they were asking me questions about like you've done. It was a bit awkward like because you didn't know. You didn't really have an answer for them if you know what I mean? But you had to. You know like you had to try and all and like think of something. You know it was a bit (Int. 14, persisting with risky behaviours)

Another group of young people who may find the process challenging are those outwardly confident young people who think that their high intelligence will get them out of most ‘scrapes’. These individuals with strong personalities may have a strong sense of ownership over proceedings – to the extent that they can almost sabotage the conference by challenging everything being said. While high levels of self-confidence and articulation make for a good candidate for a conference, these characteristics may also place the young person at risk of undermining the work that is being attempted:

I *What was the hardest part of the conference for you?*

R Having to listen to all the people and all going on and on and on. I’m not a very good, like, listener (Int. 23, incarcerated).

### **Lecturing and Berating**

Some of the difficulties in conferencing, then, may result from factors the young people bring with them to the conference itself – e.g., basic personality traits and attention deficit issues – as articulated by this young person in custody:

However, some of the problems described above can be attributed to the dynamics of the conferencing itself. In particular, several interviewees criticised what they perceived as “lecturing” or berating in the conference itself or in the interventions prescribed in the youth conference plan:

R. And I had to go down to the victims' awareness meetings after that.

I *So what was that like?*

R Didn't like it. I hated it.

I *Why?*

R 'Cos. It was all: ‘How you’d feel if this happened to you’? And I was like, ‘Yes I know. I get the point’. For an hour maybe every week. It was just talk crap in me ear. ... You know. It took an hour of my week. I think I had to go on a Friday. You know. I love my Friday! (Int. 4, escalated then desists).

The perception of being harangued and harassed can be “carried around in the offender’s head for some months or years” according to Sherman and Strang (2007, p. 75). That, in turn, may cause “an increased propensity to ‘get back’ at an illegitimate accuser through defiance of such people as representatives of the wider community” (ibid.). Sherman and Strang (2007) identify similar dynamics in the findings emerging out of the RISE research, and argue that these patterns are consistent with the core predictions of defiance theory: “Some people who are told they have behaved immorally by other people they neither trust nor like will become more criminal in the future, rather than less. ... The stinging words of a stranger may evoke anger on a bus or in a playground, let alone in front of a police officer and close friends”.

### **The Burden of Complete Blame**

Related to the above finding, several interviewees (especially those who returned for repeat conferences) felt that they were being expected to accept complete blame and responsibility for the crime, even when they felt the event had numerous antecedents and shared blame.

R I don't know. They [conference participants] just talk too much too. To make me say I was gonna like, you know, like 'I done it'. They wouldn't talk to the victim really. They talk to you too much if you know what I mean? They ask too many questions. Just like one person's asking the question and then it's like a person would say, 'I'm gonna go to ask him questions' (Int. 9, persisting).

This insistence that the offender be held entirely responsible for criminal conflicts led some interviewees to “play the game” or “fake it to make it” even when they do not feel they should shoulder all the blame:

I *Did you agree with a lot of the things they said?*

R Well you could say I agreed with them to keep them happy like. But stuff like that (Int. 11, desisting).

Much more problematically, though, for some interviewees this expectation appears to further their sense of defiance, resentment and anger as in the following, long excerpt of dialogue:

I *Did you have any idea what was going to happen? What did they tell you before...?*

R Just told me to sit there and talk to them

I *And how did you feel about that?*

R I didn't think I had to go on and say it was all my fault. Because it wasn't.

I *OK...*

R But *he* did. So...

I *So who -- Tell me what happened [at the conference]? Who else took part? Do you remember?*

R My mum and my sister. Like the youth conference worker. Then [the victim's] mum. And him. And the police officer.

I *Did you know [the victim] from before? Before the fight happened?*

R I saw him about. Yeah. He's two years older than me.

I *OK. So what happened? What did -- what did you say when you were there?*

R I gave my side of the story and they said, 'It was one-sided'. But like we were both just scrappin' in the street.

I *Mhm.*

R And then the police started sayin' he didn't do anything to me. Oh yeah? How do they know? So I just talked about that and his dad started shoutin' at me.

I *OK. And then what happened?*

R I just said, 'Don't shout at me. You don't know what happened you weren't there', you know. And the youth co-ordinator had to go. 'Just need a break and all' but, [the father] just went 'No!' Just started shoutin' at me and that was it.

I *What was the most difficult part about the whole conference?*

R Havin' to just look at her and just stand there. Take all that his dad and him were sayin'.

I *Yeah. Because you feel you weren't in the wrong at all basically?*

R I weren't. It wasn't all in the wrong like.

I *Uhuh.*

R He was. He was. He was involved as well.

I *Was he charged with anything at all or was he just there as a victim kind of thing?*

R Because I had. I had no marks on me. He just. He did.

I *Yeah. OK.*

R He had a [bruise].

I *Fair enough. Um. What was the best part of the conference? If you had one?*

R Leavin' it.

I *Leaving it? That's fair enough. What was the difficulty here? Him telling you were wrong?*

R I hated my mum having to hear it. Hear what happened (Int. 22, persisting).

Sometimes this pattern of blame and resentment appears to be driven from a belief on the part of some conference participants that offenders should not be allowed to contextualise their offending in any way. Indeed, there is some controversy in this regard in the restorative justice literature and indeed in the wider literature on cognition and desistance (see esp. Maruna & Mann, 2006). For instance, Scheff (1998, p. 100) writes:

One of the great advantages of mediation is that in the confrontation between offender and victim, the offender who confesses his or her crime, is likely to recognize its

consequences for the victim, and therefore is able to accept responsibility for his actions.

Scheff proceeds to argue that one of the primary goals of conferencing should be “making sure that all of the shame connected with the crime is accepted by the offender ... acknowledging his or her complete responsibility for the crime” (p. 100). Braithwaite (2005) on the other hand, argues that one of the great advantages of conferencing is that once an offender admits to his responsibility and remorse for a crime, there is a tendency for other conference participants (first, the young person’s family, but later community representatives, teachers, and even perhaps victims) to acknowledge their own degree of shared responsibility for the acts (see also Braithwaite and Braithwaite, 2002).

A similar debate can be found in the wider psychological literature on “cognitive distortions” and “thinking errors” supposedly associated with criminal behaviour. Chief among these alleged cognitive errors are the excuses and justifications offenders habitually use to account for their behaviours. Therapists across numerous traditions seek to prohibit treatment clients from relying on such accounts, and therefore encourage individuals to tell self-narratives in which they internalise the responsibility and blame for their offending behaviour: “There is no one to blame but me. I did it because I wanted to”. Maruna and Mann (2006) have argued that this therapeutic assumption itself might be a “fundamental attribution error” and try to demonstrate that the practice violates both existing research evidence and psychological theory. In the wider psychological literature, so-called excuses for one’s negative actions are seen as both natural and healthy, whereas individuals who internalise a sense of blame for all of their short-comings are prone to depression, resentment and (according to some research) persistent offending.

This certainly appeared to be the case in the self-narratives of recidivist offenders collected as part of this research. Even participants who were desisting from crime retained strong feelings of anger, up to a year later, resulting from this presumption that any contextualising of a criminal event was somehow a “lie” or a distortion of the truth:

R Yeah. And it was actually quite scary. You know because. You know you’re just sitting like this far away from that chair to me. You know that far away from the unintended victim of a youthful indiscretion. I wanted to...

I *Can you say that again?*

R The unintended victim of a youthful indiscretion?

I *Right. That’s an interesting phrase. So what, can you remember what people said and things like that?*

R Well they said things like peer pressure and stuff. And [one of the victims’ representatives] was just like, ‘No, I won’t accept peer pressure! No! No!’ And we were just sitting there you know edging slowly away.

I *Did you find that scary?*

R It was actually quite scary. You know. He was absolutely livid sitting there.

I *And what about like your parents?*

R Well my mam was putting on the waterworks. Yeah. My dad was a bit like, you know, ‘What is going on here’? Just a bit random.

I *So what was it like for you to have like this guy shouting at you. And your mum crying. It must been quite kind of...*

R Well the way he was shouting. I really just wanted to actually do the same thing again [original violent act] but with [the victims’ representative] head against the wall! [joking]. But...

I *So it didn’t really make you feel guilty? It was just, just made you more angry maybe?*

R Well guilty and angry (Int. 12, desisting).

The last line in the above dialogue captures perfectly the fine line being walked in restorative conferences. Ideally, if the “shaming” involved in conferencing work is “reintegrative”, it can provoke a sense of guilt for what one has done, while at the same time allowing a young person to maintain a sense of self-respect and dignity as a person. However, shaming that allows the individual no room to breathe – that is, no opportunity to establish him or herself as a good person who made an honest mistake – can easily slip into stigmatisation and disrespect. Such treatment might generate not guilt but rather anger and possibly (as above) the desire to smash people’s heads against the wall!

Perhaps, just as dangerous, labelling theory would suggest that young people who do internalise complete blame for their past offending may become resigned to the idea that badness is simply in their nature. Indeed, there was some evidence of this in the interviews. When asked whether any of his friends had been involved in Youth Conferencing, one respondent answered “No, I’m the bad one” (Int. 17, persisting). Another said:

[I’ve] got me self a bad name. If you know I mean? Everyone thinks I’m scum now. Well half of them anyway (Int.6, desisting)

Young people in the sample frequently described the uphill battle they face in trying to convince others that they are not entirely bad and still have some redeeming features:

But see, all them drugs and doing crime just gives you a bad influence with people. People don’t want to know you. ... Stuff like that. I just want to forget all the past and start a new life and future ‘cos hopefully when I get out here like I want to say to people that I am a totally different person now that I done time in jail. And I’m... It’s not all bad in there [points to his chest]. It’s like two sides of me. I know there’s two sides to me ‘cos there’s ten seconds of [aggression] and then ten seconds of being all nice to them and all that there. I want to show people that ... it’s not all bad in me like (Int. 26, in custody).

## **Police and Stigmatisation**

In particular, young people in the conferences report long histories of being stigmatised and picked on by the police:

R All the young people from our area. They just don't like them [police]. They know what they're like. The same with even younger people. They're only about thirteen fourteen. [The police] do the same thing to them. They don't let them do nothing.

I *Don't let them sort of hang out?*

R Aye. ... They've nothing to do. They're always stopping them. If they're not stopping them they're stopping us (Int. 20, persisting)

These experiences have led to long-standing, deep-seated resentment toward law enforcement officers:

You see the area I live in. You see the only thing to do up ours is like the damage stuff and do [crime]. Cos like there is nothing for the kids to do up there like. What are you supposed to do like? You get lifted for drinking. You get lifted for [anything] like. You can't do nothing else apart from that up there like. So that's where, that's where most of my troubles got from. Just from sheer boredom. Nothing to do in my area as well. What do they want us to do? Stand about and do nothing. So it's just gone on from there like (Interviewee 16, persisting).

The frustrations of police maltreatment appear particularly acute when the person is trying to desist from crime and can undermine this process (see also Maruna, 2001).

I *Do you think that things would be different like now with the police [post-conference]?*

R I don't know. I think the police just take their own. Whatever they think of you they don't have to listen. Most of the police know me. They know me inside and out. I don't think they'd have to come down to my [conference] to hear what happened. They know what happened. I don't think it would help me if they were there.

I *It wouldn't change anything?*

R I don't think it would.... I hate that the police know me.

I *You hate that they know you?*

R Yeah. And I don't want to be known.

I *So like when you're walking round you feel like people have their eyes on you?*

R They call the DS. The drug squad. If they ever see me they pull me over and they search me.

I *They do? Without any reason to do so? Other than the fact that you're you?*

R I'm known to them. They just get their wee note pad out and they search you. And they search you. And they can do that. Sometimes they search you and then get their wee pad out. ... They're not very nice people. They'd be like, I think that some were a bit twisted. They would try and plant stuff on you like. That's what I think. You hear stories about what they've done before (Int. 17, persisting)

Around half of the interviewees had never been in serious trouble with the criminal justice system before and these young people, for the most part, had successful outcomes in the restorative conferencing, mostly desisting from future crimes. A smaller, sub-sample of interviewees, however, had considerably greater exposure to the criminal justice system, often from a very early age, as in the following interviewee:

I *Was that the first time you ever had been in trouble with the law?*

R No it has been all me life.

I *Sorry?*

R Been in trouble with the law all me life.

I *Okay. Do you remember when the first time was? Or how old you were?*

R Probably nine or ten (Int. 8, persisting, but reducing somewhat).

As predicted by defiance theory (and, again, it is impossible to generalise from such findings due to the nature of the sampling procedures for this research), these young people were far less likely to have successful, post-conference outcomes.

Perhaps more relevantly, interviewees who held these long-term views regarding the police were most likely to hold negative views about the YCS in general. Some interviewees questioned why there was a police presence at their conference at all:

But I can't remember who else was there. I think there was a -- I remember a police officer. I don't remember why. Why was a police officer there? (Int. 15, persisting with risky behaviour).

Anti-police attitudes are common to working class young people around the world, but may be particularly important in Northern Ireland with the controversial history of policing here. As one interviewee stated:

And our police! Our police are designed to look like something straight out of the military and I'm sorry I've never seen anything more intimidating than one of our cops with all the gear on. And they do look scary! ... And then you come over to England and you're just laughing at them while they chase you with sticks (Int. 19, very minor risky behaviours).

Indeed, often the young people emphasised that even their families agreed with their assessments of police mistreatment:

R Mum and dad know it themselves, what the police are like.

I *They do?*

R Uh-huh. Because every time they come round to the door I tell [my parents] the story of what happened. And if I get arrested they come round to the door and just completely different story to tell [as to] what happened.

I *The police?*

R Aye. They come. The police start it and then, as soon as the police go into what happened, they just say 'Well, the young ones started it. Started on us, first, so we had a fight with them'. Didn't happen like that though (Int.20, persisting).

On the positive side, several interviewees mentioned the opportunity to meet members of the police as "normal people" outside of the usual criminal justice context was a strange and welcome experience for them:

They sort of gave me a lighter punishment you could say 'cos showing that... showing that I was sorry basically for what I'd done and I eventually met the two police officers [involved in the incident] through the Youth Conference and we discussed it and I thought that was very good. Shook hands with the officers and everything. So it was all good. ... I never really spoke to a policeman before and that was my first time like. But it was dead on. They told their version of events and I told mine and just where it went wrong and stuff, know what I mean? Seen the other point of view, so I did (Int. 25, desisting).

Later, the same interviewee above stated that meeting the police in this way was the most memorable aspect of the conference for him.

I *What do you remember most about the conference? What stands out for you?*

R Probably meeting the police officers. I never thought I'd see them again but the... Meeting the police officers was a bit of a shock. I never knew that could happen. Without the uniforms it was. Know what I mean. Seeing them like people. Letting me see what the police thought. Seeing their side of the story and seeing where they're coming from and seeing them as people not as officers 'cos I seen them in non-uniform.

I *In their own plain clothes.*

R In their own clothes. Aye.

I *Yeah. And that's something that was new for you?*

R Aye. (Int. 25, desisting).

Importantly, however, the ideal case-scenario exchange above was from a first-time offender rather than someone with more frequent involvement in the criminal justice system. More persistent offenders were less impressed by the opportunities to hear from the police's side of the story:

I *When you had that conversation with the police officer. Like the big guy that sort of helped you out do you feel differently now about the police?*

R No.

I *No? Just because he was, like, one particular officer or...?*

R Aye. Just.

I *Did he give you a better idea of what it's like for him?*

R Just sayin' like the police have to do their job. But they shouldn't be like hasslin' us like that every week.

I *At the conference, did the police talk at all about their point of view?*

R Oh aye.

I *Do you remember what they said?*

R She just said, 'Well, that's the police's job like. They have to protect the community and they say they got 'phone calls' [from angry neighbours] about us like. [But,] I don't think they did get any phone calls because we weren't doin' nothing. There was no one about. And the police do the phone calls [themselves], you know what I'm saying? It just makes up excuses like for them to be comin' to us. Comin' to us for nothing so they know someone is going to do somethin'. So then they can arrest them. Take them down to the cop station (Int. 20, persisting).

Police officers, clearly, face a much more substantial challenge in convincing young people with long histories of police interactions of their own version of events.

### **Implementation Issues in the Conferencing Process**

Some of the lingering anger regarding conferencing could be attributed to administrative or structural problems in the conferencing policy or implementation. Conferences that were deemed unjust, inefficient or incompetent left a lingering bad impression for participants.

One emerging pattern in outcome evaluations of restorative conferencing is that reintegrative shaming appears to work best when there is an actual victim to a crime, rather than a hypothetical or stand-in victim. For instances, conferences around acts of interpersonal violence appear to have a more substantial shaming effect (and success rate) than conferences involving shoplifting from department stores or being caught driving over the legal limit of alcohol intake (see Sherman & Strang, 2006).

This pattern could also be found in the long-term outcomes in this research. That is, those who participated in conferences for what they perceived to be minor or "harmless" offences were the most likely to retain a sense of resentment and anger about the conference. One participant, for instance, arrested for an seemingly minor driving offence (not involving

alcohol), described his initial fury at being treated as if he had committed a crime of greater seriousness than what he had actually done:

But this whole thing went in my head. Like I'm here with muggers and criminals and everything else and I didn't think that mine was as serious enough to render this. If you know what I mean? So I was really objectionable towards it for about a month. I mean really. I was more than willing to take the fine and the points. I really didn't want [a conference though. But,] I bit my tongue and said well if you don't, you won't be able to do what you want to do [future career] so I went for it. And I think right up until the last fifteen minutes I was still getting objectionable towards it. It was like, 'come on!' ... When I was in the conference I still kept kind of objecting to the seriousness of how they were [treating this]. Oh the worst bit was on the form: 'How did you make the victim feel?' I just went, 'Oh God!' I couldn't write nothing on it. Cos *what* victim? (Int. 19, desisting).

These reactions differed dramatically from those of individuals who faced actual victims in the conference.

The following, difficult discussion with an 18 year old male, who is persisting with offending behaviours post-conference is an example of a conferencing experience that was completely unmemorable for obvious reasons related to service delivery:

I *Was the victim [at the conference] as well?*

R I don't know.

I *You don't know? So they weren't there probably because--*

R There was like a wee man. I was underneath him. I think he just sits behind and looks through the glass.

I *Oh it was through the window like. Okay. So you didn't actually speak to the victim during the conference? And like do you remember anything about what was said during the conference? [No response]. Or what you felt like? [No response]. Like were you nervous or...?*

R No I was just bored.

I *Bored. Why?*

R Why?

I *Yeah? What went on? Can you remember anything about what was said?*

R Not really. They all talked to me about it like and all the right people I was saying like I'm sorry and that. ...

I *Okay. So what did you think? Can you remember anything about like? [No response]. Because your mum was there right? What did she think about it? Did she say anything during the conference?*

R I don't remember. ...

I *Okay. And can you remember what conference plan you got?*

R Well I had to come around here and apologise to the victim. But I don't think he turned up.

I *Okay. In the end, did you write a letter to apologise?*

R The social worker did it on the computer for me. And just asked me not to say anything that he done it (Int. 8, persisting, but reducing)

Not only did the individual above not have to face the victim of his crime (on two occasions), but he has interpreted his social worker's assistance in word processing an apology as avoiding saying sorry altogether. It is little surprise in such circumstances that the conferencing process was experienced as a boring and basically forgettable experience for this individual.

In several cases, interviewees could not recall the content of their youth conference plan or whether they had even completed it:

I *What was agreed in total?*

R Writing a letter and buying them a box of chocolates.

I *What did you think of that?*

R Brilliant.

I *Did you complete it?*

R I don't think I ever got round to writing a letter. I'm not sure (Int. 23, in custody).

This suggests both that some conference plans lacked value, but that more attention needed to be given to the oversight and seeing through of the plans.

Additionally, individuals who experienced conferences that were routinised or seemingly impersonal. In addition, participants can become hardened or immune to the conferences after experiencing more than one:

I *So overall when you think of the conferences -- and obviously you've got another one coming up -- would you find them frustrating? Interesting? Helpful?*

R Don't make any difference to me like. Just talk to people and get it over and done with.

I *Uhuh. OK. How long do they last?*

R Fifteen to twenty minutes (Int. 20, persisting)

Finally, it is no surprise (but worth emphasising) that the conferencing experience was not only worthless, but probably even damaging, for young persons when the decision reached at the conference itself was later rejected by the courts. This problem occurred frequently in the early years of the YCS, but has ceased to be a major issue. The bitterness and frustration that can result is well described in the interview below:

R Well it's a waste of time. 'Cos I've done two or three of them. And you go, you come here in that room over there and you sit and talk a load of crap. It's not a load of crap, but you just sit and talk for ages. And then you go to court and then the judge goes 'No, that's not near enough' or 'That's too hard' or something. You see I've never, I've never actually done anything from what was discussed after meetings. ... Waste of time. About an hour [in the conference] and [you promise] like you'd do stuff and all. ... And then you go to court and the judge says 'No that's not. That's not hard enough or something'. It's stupid. Even my Nan' says there no point in doing it like. She wasn't coming down here now.

I *What was the conference plan that they decided? That you guys had decided.*

R I can't remember what the thing was I was gonna do. ... I know, I was gonna pay half the money back for the criminal damage I done. I was gonna pay half of the money back. But I was just given a probation order. ... There's no point doing them like. ... Like if the court's are just gonna, just gonna go to court and say 'probation' or something. Do you know what I mean? It's stupid! (Int. 9, persisting).

By undermining the decisions worked out in the restorative conference, in the case above, the court essentially undermined the legitimacy of not just the YCS, but indeed of the whole restorative notion of reparation and making amends. By deeming the decision the conference participants reached inadequate and replacing it with a probation order, the courts taught this young person a clear lesson about the meaninglessness of apology, sincerity and justice.

## SECTION V:

### CONCLUSIONS AND IMPLICATIONS FOR PRACTICE

A process evaluation does not answer the question of “what works”, but rather can help us understand why interventions fail with some individuals and succeed with others. Research of this sort is important not for testing theory or evaluating practice, therefore, but rather for enhancing our understanding of the processes involved in restorative conferencing. This research project was able to confirm many of the propositions of theorists like John Braithwaite, Tom Tyler and Lawrence Sherman, whilst at the same time enhancing our theoretical understanding of reintegrative shaming in numerous, small ways.

One should be cautious of generalising from the findings of a single study such as this one, and our conclusions are therefore necessarily modest and tentative. However, a number of themes were recurrent enough in the interviews to merit some consideration for changes to future practices and policies. Four such themes are reviewed below. Each of these suggestions emerged directly from the findings reviewed above.

#### **Recruiting Ex-Participants as Supporters**

The findings suggested a crucial role for supporters at the conference. Young people who felt that there were others at the conference who could stand up for them and defend their reputation were most likely to find the experience positive and memorable. Those without such supporters harboured resentments and negative memories. Additionally, when shaming was delivered by those whom the young person respected it was far more effective than the “lectures” delivered by persons the young people did not know or care about.

It is crucial then, to seek to recruit and involve conference supporters who can be ‘champions’ of the young person in the conference. Ideally, this role can be played by family members to some extent as conferencing appeared to have the power to help repair damaged relationships within the family.

Yet, there might also be a role for working with ex-participants of YCS conferences, drawn from the same neighbourhoods and same age groups as the young person referred to the conference. Such individuals could act as a mentor or guide through all stages of the conferencing process. (At least one participant, Int.21, briefly mentions having attended his brothers’ conference). Such participants would have to be carefully chosen and prepared to avoid colluding in attitudes towards offending or risk taking. However, it is conceivable that their involvement would substantially increase the perceived legitimacy of an intervention that can appear very middle-class, very professional and very “adult” despite being more informal and comfortable than the traditional court system.

#### **Measuring and Catering for Conferencing Competencies**

Another clear pattern in the persisting offender narratives is that the experience of conferencing could be particularly frustrating for those who feel unable to articulate their reasons for their behaviours. Such difficulties, presumably, could be measured or intuited early on in the initial meetings with the young person in preparation of the conference. Once identified as a potential problem, it might be possible to tailor the conference proceedings to young people's levels of competence in (1) listening and (2) articulating their point of view. Conference plans could also be influenced by such considerations. Some individuals may respond better to actions or gestures of reparation/atonement than, say, writing letters of apology or attending seminars on anger management.

### **Increasing or Decreasing Police Involvement**

The involvement of police officers in the conference can have positive impacts on some young people, allowing them to meet members of the police "as people" for the first time. On the other hand, young people who self-report a long history of being "harassed" by police (in their view) can be put off by the presence of an officer in a conference. These differential reactions are predicted by Sherman's defiance theory, whereby deterrence works best for 'in group' members who see the state as legitimate. Overcoming this obstacle may require creative thinking about the role of police in a restorative process.

For instance, there may be issues of "dosage" to consider. That is, if the purpose of a police presence in conferencing is to humanise members of the police or expose young people to their perspective, this might not be achievable for all participants in a 60-minute conference setting. Individuals who report more long-term, negative relationships with the police might need more substantial opportunities to modify these views. Some thought might be given to the development of conference plans whereby there is more consistent police interaction in a positive context, whereby officers are able to see the young person as a whole person and vice versa. A suggestion of this sort may be too radical in the Northern Ireland context, however, in which case the conferencing process might be improved by reducing the role of members of the police in the conference itself – especially in cases in which the young person expresses these reservations.

### **Breaking the Cycle of Accusation and Defiance**

Contrary to many stereotypes about 'hardened young people who don't care about anything', many of the interviewees reported feeling considerable anxiety about meeting the victim of their crime face to face. However, when victims and other conference participants (e.g., police officers or victim supporters) expect to meet defiant young people, they may be more likely to express their anger forcefully to break through what they perceive to be defensive posturing. This in turn may exacerbate the defensiveness of the offender, and result in feelings of anger and hostility – undermining the process of reintegrative shaming.

This vicious circle of mutual misunderstanding might be prevented by improved pre-conference coaching with conference participants about the predictable interpersonal dynamics involved in conferencing. In particular, the desire by some conference participants to force young people to accept full and unmitigated blame for the offence without recourse to

explanations involving extenuating circumstances appears to force the young person “in a corner”. This leads to frustration and problematic dynamics, and might usefully be avoided.

For most of the interviewees, admitting blame, or recognising the potential seriousness of their offence was difficult. In some cases this was overcome during the course of the conference, but for others a more long-term focus was required. It may be that where a longer-term approach is required, this should be addressed over the course of the conference plan (rather than in the brief conference itself).

### **Ending with a Bang**

Finally, one of the most consistent patterns to emerge from the data was that interviewees had strong memories of the beginning of their actual conference. They could remember, in vivid detail, the “tension in the room” when they walked in, who was sitting where and even sometimes what was said. Interviewees had more difficulty remembering their post-conference interactions with the YCS. In particular, the enactment of youth conference plans were consistently described in a blasé, matter-of-fact manner, and the completion of these plans often left no significant memory.

Considerable psychological research on recall, memory, and affect in psychology suggests that retrospective evaluations are driven almost entirely by two factors -- the moment at which affect was most extreme and the final moment of the experience (see e.g., Diener, Wirtz & Oishi, 1999). Retrospective accounts show little or no sensitivity to duration and appear to be biased strongly to the “ending” of whatever activity is experienced. So, a film with a weak ending will be remembered as weak even if the beginning was interesting. A three-day holiday that ends with a magic final evening will be treasured more than a six-week holiday that ends on a down note.

The same might be the case for restorative conferencing. As such, it might be valuable to structure the conferencing experience in such a way that the conclusion is as dramatic and memorable as the beginning – ending “with a bang” as it were. Currently “final reviews” of the conference plan work are conducted at the homes of the young person with his or her family present when possible. The “final review” might be more memorable and have a greater impact if it were conducted more like the original conference itself, even involving victims if they are willing. A follow-up conference of this sort would also allow for the separation of reintegration processes (e.g., congratulations, acknowledgement of accomplishment) from the initial shaming of the criminal event at the first conference (see Maruna, 2001). Additionally, a second conference could help to insure that a sense of closure is achieved, so that young person can put the crime behind them, and resume an identity as a non-offender.

## APPENDICES

### List of Appendices

- I. Letter to Parents
- II. Letter to Participants
- III. Signed Consent Form
- IV. Interview Protocol
- V. Detailed Description of Sample Outcomes

APPENDIX I: LETTER TO PARENTS

4 October 2006

Dear

*Please help us with our research*

Queen's University Belfast and the researchers at ARCS\* are carrying out an independent study on the Youth Conference Service that your child took part in during the summer of 2004. Basically, we want to find out what conference participants think of the project and whether or not it has had any impact on their lives. Ultimately, the goal is to help improve youth conferencing and youth justice work in Northern Ireland.

To help us do this, we would like to ask your child a few questions. The questions cover their experiences with the Youth Conference Service, what they thought of it, and their thoughts on improving the project. Participants will be provided with appropriate travel expenses and a participation fee.

Your child's identity will be **anonymous** and answers will be kept **completely confidential** by the research team. Your child will not have to answer any questions that he or she would rather not.

If you are happy for us to talk to your child, you don't need to do anything. If you **do not** want your child to take part in the research, please contact the research team at **077 588 36850**.

We do hope that you will help us with this research – your child's views are very important.

Many thanks on behalf of ARCS Research team,

Dr. Shadd Maruna

Queen's University Belfast & ARCS

(ARCS is an independent research organization created to try and find better ways of helping young people and preventing crime.)

## APPENDIX II: LETTER TO PARTICIPANTS

4 October 2006

Dear

***HAVE YOUR SAY***

A group of academic researchers at Queen's University Belfast and ARCS\* are carrying out an independent study on the Youth Conference Service that you took part in during the summer of 2004. We are doing a study of the effectiveness of the Youth Conference Service and your views will help us to understand what works well and what could be improved.

Specifically, we would like to ask you some questions about yourself, about your experience with the Youth Conference Service, what you thought of your experience, and whether it has helped you in any way.

If you do agree to talk to us...

- *there are no right or wrong answers*
- *you don't have to talk about anything that you do not want to discuss*
- *your answers will be confidential and anonymous – which means that no one else will know what you've said except the researchers*
- *you will be compensated for your time with a £20 voucher at HMV*
- *travel expenses will also be reimbursed within reason*

Please phone our research team at 077 588 36850 to hear more about the study. If we don't hear from you, we may try to contact you by phone in the next week.

We do hope that you will help us with this research – your views are very important.

Many thanks on behalf of QUB/ARCS Research team,

Dr. Shadd Maruna  
Queen's University Belfast & ARCS

(ARCS is an independent research organization created to try and find better ways of helping young people and preventing crime.)

## INFORMED CONSENT FORM

### Evaluation of the Youth Conference Service

***This consent form explains the research study you are being asked to join. Please read this form carefully and ask any questions about the study before you agree to join in.***

The purpose of this study is to understand how your participation in the Youth Conference Service has affected your life. A research team led by Queen's University Belfast and ARCS (an independent research organisation) will be conducting about 40 interviews of past participants in restorative conferences. Participation will involve a confidential, tape-recorded interview with a member of the research staff, lasting about an hour. Because little is known about the lives of participants after restorative conferences, your input will be very valuable in improving services.

- **Participation in this interview is completely voluntary.** The use of recording devices is optional. You may refuse to answer any questions during the interview or end the interview at any time.
- **Your identity will be strictly confidential.** No one outside of the research team (including the Youth Justice Agency) will have access to your responses. Any reports or publications resulting from this research will also protect your anonymity.
- **The questions will enquire about your life leading up to the Conference and what has happened in your life since.** We will ask your opinions about the Conference, your plans, successes, challenges, relationships, behaviours and your feelings about these experiences.
- Most individuals find they enjoy the process of reconstructing their life stories and consider it a rewarding and interesting experience. However, sometimes talking about these things can be stressful for some people. Our researchers are not trained counsellors. Their role is merely to help you remember events in your life since the Conference and give you an opportunity to share your views and experiences. The researcher will ask you if you'd like to speak with a counsellor after the interview. If so, this will be arranged.
- For your safety and the safety of others, we are required to report situations of ongoing physical or sexual abuse or thoughts of suicide. If these issues arise in the interview, the interviewer may be required to report these to a social worker.
- The interview will also include questions about criminal or risky behaviour before and after the Conference. We ask that you be as honest as possible in answering. At the same time, please do not provide us with any details regarding specifics about such behaviours. Please leave out exact dates, times, locations or the names of other individuals involved.
- Participants will be compensated with £20 voucher from HMV for your time and completion of this interview. Reimbursement of reasonable travel expenses will be made available to you.

By signing this, the researcher agrees to uphold the terms of this agreement. Your signature below will indicate that you have read and understood the information as outlined above and agreed to its terms. We will give you a copy of this contract as our guarantee of these protections.

## APPENDIX IV: INTERVIEW PROTOCOL

## I. General information

*Interviewer states that we want to get some general information about the participant's life*

- When were you born?
- Where did you grow up, what neighbourhood?
- Where are you living now? (If not living in family home have you recently moved?)
- Do you go to school? (If not in school ... when did you last attend?)
- Working toward any further education? (If so, where, what type of training?)
- Are you in a job right now? What do you do? How long have you been there? (If not in a job, have they ever worked?)
- Are you in a relationship?
- Any children?

## II. Conference Offence Reconstruction

1. Do you mind explaining to me how you came to be involved with the Youth Conference Service back in 2004?  
(prompt: What offence were you charged with? When did it happen?)
2. Can you remember the story of that day (of the offence)?  
(prompt: What was the situation? Were you alone? With friends? *Reminder to please not use any full names of associates.*)

## III. Context/Events Leading up to Offence

3. Was this the first time you had been in trouble with the law?  
(prompt: If more than one, then can you tell me about the first time you were in trouble?)
4. How did you get involved with this sort of thing?  
(prompt: Was it something your friends were doing?)
5. Were you drinking then or using any drugs?  
(prompt: What kinds if any? How old were you when this started? Was this every day? Once in a while?)
6. Can you remember what sort of things were going on at home during this time?  
(prompt: Do any particular memories stand out for you? Were you living with your parents? Was your family getting along OK? Were you getting on with your family? What was an average day like at home?)
7. How were you getting on in school at the time?  
(prompt: Did you attend school regularly? Get on with schoolmates, teachers? Do you remember any particular stories from your times at school around this time? What was an average day like at school?)

8. How were things with friends?  
 (prompt: Do you remember any particular stories from this time? What was an average day like with your mates? Did you have the same friends you always had? Were you making new friends? Did you have a girlfriend/boyfriend? What were your future goals? Where did you see your life going at the time?)

#### IV. The Conference

9. What did you think before going in to the Conference?  
 (prompt: How was the conference arranged? What made you agree to do it? What did you expect people to say or do? How did you feel going in? Were you nervous, angry? )
10. Can you remember the story of that day?  
 (prompt: What did they say? What did you say? What do you remember most about that conference? What was the hardest part of it for you? What was the best part?)
11. What Conference plan was agreed?  
 (prompt: What did you think of the agreement?)

#### V. The Conference Plan

12. Did you complete the youth conference plan?  
 (prompt: Why or why not? What support did you get from \_\_\_\_\_, your coordinator? What was the hardest part of it for you? What was the best part?)
13. Did you think the youth conference plan was appropriate to the offence or did you think it was too much, too little? (prompt: What did you think originally? What do you think now, in hindsight?)
14. Were you able to “make it right?”  
 (prompt: Why or why not? Did you feel better about things after completing the youth conference plan? Did you feel like things were resolved? Do you think the victim thinks the matter is resolved?)

#### VI. Life Post-Conference

*Explain that now we would like to hear about your life after the completion of the youth conference plan.*

15. Can you tell me about some of the best things going on for you right now? (prompts: What have been one or two of the high-points in your life since the time of the conference?)
16. How about the not-so-good things?  
 (prompts: Would you give me an example of one or two of the low points in your life in the period after the conference?)
17. Have you run into any trouble with the law since the Conference in 2004?  
 (prompt: If not, why not? If so, what sort of trouble? When? What has happened to lead up to that? How was this different from the offence that led up to the conference?)  
 Further offences?  
 Conference Dates?  
 (prompt: What do you remember about the conference? Who was there?)  
 (prompt: What was the youth conference plan?)

(prompt: Would you mind describing how this conference was different?)

18. What about the sorts of behaviours you described in the period before the conference -- Are you still involved in these sorts of things?  
(prompts: IF NO: To what do you attribute your move away from those activities? Were there any specific triggers or turning points for you? Any particular support systems in place: family, friends, etc? What is different in your life now? IF YES: Have you changed the way you think about these activities as a result of the conference at all? If not, why not? Any change in your level or frequency of involvement?)
19. Are you involved with any other activities that might get you into trouble?  
(prompts: How did you get involved?)
20. Are you drinking or using any drugs currently?  
(prompt: What kinds if any? Did you stop/start? When? Was this every day? Once in a while? IF A CHANGE IN FREQUENCY: To what do you attribute this increase/decrease? Were there any specific triggers or turning points for you? What is different in your life now (role of family, friends, school/work?)
21. What sort of things are going on at home?  
(prompt: Still living with your parents? Are you getting on with your family? Any changes from before? Any particular events stand out? What is an average day at home like now?)
22. So you are now (IN/OUT) of school. Any plans for more schooling or training in the future?  
(prompt: Why or why not? Any particular recent events at school stand out? What is an average day at school like now?)
23. What about your job? OR Do you have any plans to seek a job?  
(prompt: How is it going Why or why not? Any changes from before? Any particular events at work stand out as interesting recently? What is an average day at work for you like?)
24. How are things with friends?  
(prompt: Do you have the same friends you had before? Are you making new friends? Do you have a relationship? What sorts of things do you do with friends now? Any changes from before? Any particular events stand out?)
25. What are your plans for the future? Where do you see yourself in 5 years time? (prompts: 3 or 4 short-term goals?)
26. How about longer term – say 10 or 20 years from now, where would you ultimately like to see your life going? (prompts: 3 or 4 long-term goals? Ultimate dreams?)
27. **OPTIONAL:** Can you please describe to me, the single greatest challenge that you have faced or are facing in your life so far. Can you explain how you have faced, handled, or dealt with this challenge? Have other people assisted you in dealing with this challenge? How has this challenge had an impact on your life?
28. Is there anything else I should know to better understand you or your experience with the Youth Conference Service?

## APPENDIX V

**Detailed Descriptions of Sample Outcomes**

Int	Pre-conference offending level	Post-conference level of offending	Offending pathway	Multiple conf?	Summary of post-conference offending / desistance
1	Low-level offending	Ceased shortly after	Delayed cessation	Yes	Was continuing to commit same offence, but has now ceased. Did run away from home post conference.
2	First offence	Ceased shortly after	Delayed cessation	Yes	Ran away from home, although this has ceased. Has had at least one subsequent conference.
3	Escalating offending	Continued offending	Reducing	Yes	Generally reduced level of offending, although there was a period of committing theft which has now ended.
4	Low-level offending	Ceased shortly after	Escalated, then stopped	Yes	One vehicle theft post-conference, then stopped due to risk of juvenile incarceration as 7 other potential charges exist.
5	Low-level offending	Very low offending	Risky behaviour	No	No offending self-reported although a mistaken arrest led to being charged with assaulting a police officer.
6	Low-level offending	Ceased shortly after	Escalated, then stopped	No	Offending got worse after conference, but then ceased.
7	Low-level offending	Immediate Cessation	Totally ceased	No	No further offending.
8	Escalating offending	Continuing offending	Reducing	No	Been arrested a couple of times for fighting and

					carrying alcohol. Ongoing substance misuse.
9	More serious offending	Continuing offending	Continuing offences	Yes	2 subsequent conferences for assault and criminal damage. More charges pending. Currently stopped offending - court case pending.
10	First offence	Very low offending	Risky behaviour	Yes	One very minor new offence that he had not known was an offence
11	First offence	Ceased shortly after	Delayed cessation	No	Charged with assault. Offending stopped upon foster placement.
12	First offence	Immediate Cessation	Totally ceased	No	One police warning for breach of the peace, and an undetected trespass. Now desisting.
13	First offence	Immediate Cessation	Totally ceased	No	No further offending.
14	Low-level offending	Very low offending	Risky behaviour	No	Misdemeanour – court case pending. However, remains aware of the risks of heavy drinking.
15	Escalating offending	Very low offending	Risky behaviour	No	Has ceased offending, but is currently involved in minor vandalism.
16	First offence	Continuing offending	Continuing diverse offences	Yes	Persisted with a variety of offending post-conference, but now wants to make a change in his life - has moved to a new area and is seeking a job

Int.	Pre-conference level of offending	Post-conference level of offending	Offending	Multiple conf?	Summary of post-conference
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			pathway		offending / desistance
17	Escalating offending	Escalating offending	Static	Yes	Multiple offences post conference, although more readily accepts potential risks.
18	Low-level offending	Immediate Cessation	Totally ceased	No	Interviewee recall poor, but does not think any further offences were committed post conference.
19	Low-level offending	Very low offending	Desisting, but low level risky behaviour	No	Now recognises potential risks in dangerous driving – although he has had further crashes. Wary of losing his licence.
20	Previous CJS intervention	Continuing offending	Continuing similar offences	Yes	More low-level trouble with the police, resulting in a meeting with a senior police officer to examine 'hassle' he was receiving from the police.
21	Low-level offending	Immediate Cessation	Totally ceased	No	No further offending post-conference. Conference as a specific point of making a change and moving on.
22	Low-level offending	Escalating offending	Escalating	Yes	Multiple post-conference offending, although self-

					reports giving up stealing.
23	Low-level offending	Resulted in custody	Rapidly escalating	Yes	Continued stealing post-conference, now in custody.
24	More serious offending	Continuing offending	Risky behaviour	missing	Desisting from car theft because of serious threats from paramilitaries ("2nd strike"). Still using drugs regularly.
25	First offence	Immediate Cessation	Totally ceased	No	No further offending.
26	More serious offending	Resulted in custody	Escalated to violence	No	Committed GBH post-conference, now in custody.