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**Rodinné skupinové konference**

**Family Group Conferences**

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*Summary*

Family group conferences are measures based on the philosophy of restorative justice, which are particularly useful for juvenile offenders. Like mediation, conferences involve the direct participants (i.e. victim and offender) in dealing with the crime, but include also other people directly or indirectly affected by the case. This particularly concerns family members, supporters of the victim and offender, as well as important members of the community. The presence of family and friends should encourage and strengthen the victim, and the presence of parents is also expected to increase the offender's sense of responsibility for the offence and subsequent efforts to expiate the consequences. By meeting the victim and their loved ones, the offender's parents should also better understand what happened and feel more committed to settling the resulting conflict. In addition, we can also see the practical application of a whole family approach in family group conferences that emphasises the ability of families to understand their problems and find satisfactory solutions. The Probation and Mediation Service of the Czech Republic (PMS) was inspired by the favourable results of family group conferences abroad. It tested the possibility of their application in the project "On the Right Path!", which took place in 2012-2015.

The aim of the research, the results of which are summarised in this monograph, was to evaluate experience with the project. In addition to a summary of information from available literature on family group conferences and their use abroad, a secondary analysis of data from original evaluation questionnaires for direct participants of family conferences was conducted, together with an expert questionnaire survey of facilitators. An analysis of data from the Penal Register was also conducted to assess the effectiveness of conferences on a sample of all offenders who participated in conferences as part of this project.

New Zealand is considered the "cradle" of family group conferences. In an attempt to address the large percentage of indigenous juveniles among offenders, a law was adopted in 1989 to allow the use of so-called "Whanau conferences" as a standard way of dealing with minor cases. The New Zealand conference model then became the inspiration for other countries, including Australia, the USA, Northern Ireland, Belgium or Holland. In spite of the differences that arose in practice, which relate to the effort to adapt conferences to local

conditions, their basic principles remain the same. Above all, this is respect for family members, the ability of all participants to have their voice heard, sensitivity to cultural and family differences, and an emphasis on involving the victim in the decision on how to handle the case and reparation.

In criminological studies dealing with the effectiveness of family group conferences, different criteria or standards are used for their evaluation. Many are based on the objectives underlying restorative justice, including, inter alia, the degree of participants' involvement in the decision-making process, remedying the harm caused, and the reconciliation and rebuilding of disrupted relationships. In addition, reoffending has been a major issue in recent decades, although this criterion is accompanied by a number of methodological and other problems. While studies dealing with participants' experience with the course and outcome of conferences has generally yielded positive results, the results of those focusing on reoffending are mixed and ambiguous. The reason may be the relatively short time that this measure has been used, as well as the differences in how individual authors define reoffending and the type of data on which the results are based.

The use of family group conferences in the Czech Republic is facilitated by the fact that the principles of restorative justice are one of the foundations of the juvenile justice system in this country. Emphasis is not placed on punishing the offender, but rather on finding a way to enable him/her to live in accordance with the law, find their place in society, and at the same time avoid conflict situations related to the prosecuted crime. Methodological procedure for family group conferences was developed as part of the project "On the Right Path!". This was based on the premise that conferences could be used at any stage of criminal proceedings. Appropriate cases would be identified by a probation officer - specialist in working with youth, who was active in the case under the direction of the criminal justice authority. His/her task was to study available material, paying special attention to whether there was a specific victim in the case, and whether it had also affected other people (the community). If he/she concluded the organisation of a conference was appropriate, he/she moved in this direction with an initial consultation with potential participants. A facilitator plays a key role in the process of preparing and conducting the family conference. There are three possible outcomes of the conference, namely a joint statement by the participants, an agreement or a reparation plan. The facilitator subsequently prepares a report on the result of the conference, which represents the formal outcome confirming its conclusion. The probation officer then submits all outcomes of the conference to criminal justice authorities.

A total of 40 family group conferences were held as part of the "On the Right Path!" project, attended by a total of 50 offenders. Most were male (86%), more often juveniles (61%) than

children under the age of fifteen. The majority of conferences took place as part of pre-trial proceedings. An integral part of the project was its ongoing evaluation. Offenders and victims participating in conferences filled in questionnaires before and after the conference; a questionnaire was also completed by the facilitator in each case. Questionnaires, completed in the required form, were obtained from 36 conferences (i.e. 90%), in which 40 victims and 44 offenders described their experience.

Most of the victims said they considered the crime a very negative experience. More than two-thirds suffered psychologically, 53% were more afraid for themselves and their loved ones. On the other hand, only 30% of the victims felt anger towards the offender. The majority felt it was crucial that the offender received fair punishment. As expected, negative emotions were less evident in individuals representing a particular organisation or institution damaged by the offender's actions. In terms of motives for participation, the least important was surprisingly the desire for compensation - this was of no significance for one quarter of the victims, and only a partial reason for one half. It appears a much more important motive for participation was the desire to hear a sincere apology from the offender, to contribute to his/her reform, and to avoid a lengthy hearing of the case in court. Although all the victims said the principles of the conference had been properly explained to them, approximately one third had doubts regarding the sense of the meeting, and more than half felt uncertain about what would happen during the conference. In addition, one third admitted they were afraid of meeting with the offender. At the same time, 75% of the victims believed in the sincerity of the offender's motives to participate in the conference. The presence of a family member or close friend was only important for about half of the victims, but its significance grew in cases of violent offences or if the victim was afraid of the offender.

For most offenders, the strongest reason for participation was a desire to personally apologise to the victim and agree on how to repair the damage. At the same time, almost 80% admitted that they were also motivated by the chance of getting a lenient sentence, and two-thirds said they wanted to do what their parents or others wanted. Only about half the offenders stated that a very important motive was the opportunity to explain the circumstances that led them to do what they had done to the victim, while this aspect had no meaning at all for approximately one tenth of offenders. All offenders stated that the principles and meaning of the conference had been properly explained to them and agreed that this was a more favourable way of hearing their case than a classic "court case". Like the victims, the offenders were worried about the conference - 60% felt uncertain about what was going to happen, 42% were hesitant to participate, and 33% were unsure that an agreement could be reached. More than half were afraid of meeting the victim (75% if they did not know the

victim before the crime), 90% felt the need to have a family member or close friend at the conference.

The majority of victims were satisfied with the course and outcome of the conference. With only one exception, all the victims took the opportunity to tell the offender what effect his/her behaviour had on them, and felt they could have an input in the resolution of the case. 97% of the victims received an apology, which was "very important" for 57% of the victims, and had no meaning for one respondent. According to 95% of the victims, the offender was ashamed of his/her actions, but at the same time 23% said their main motive for participation was to avoid more severe punishment. This was particularly the case for victims who felt angry towards the offender, had doubts about their own participation and were not certain of an agreement. According to 97% of the victims, the offender's family wanted to see them reform, 94% of the victims changed their opinion of the offender for the better and 92% believed in the rehabilitative effect of the conference. 91% of the victims perceived the atmosphere as friendly, and 94% felt better about the whole case than before. All the victims would recommend the conference to people who had been victims of a similar act, 97% did not regret their participation. An agreement was reached according to 86% of the victims, in which case all victims were satisfied with its wording and, except in one case, believed the offender would abide by the agreement. With the exception of one victim, all reported that the conference was conducted in an excellent and professional manner.

As for the offenders, 93% rated the atmosphere of the conference as more or less friendly, the rest as "neutral." Except for one respondent, everyone apologised for their actions, according to 52% of them, the apology was "definitely accepted". All offenders agreed that the FGC was conducted in an excellent and professional manner. The majority said they were given the opportunity to explain their behaviour and have their say on how to deal with the committed offence. In the majority of cases, they were accompanied at the conference by people they wished to have at the meeting. More than 90% of the offenders reported experiencing embarrassment or shame on meeting the victim, which was most true of the individuals for whom apologising to the victim and desire to explain the circumstances of the crime were a strong motive for participation, Eight out of ten offenders felt that the victim was not just interested in financial compensation. Only one fifth of offenders mentioned that the victim's supporters were hostile and suggested absurd solutions. No agreement could be reached in only two cases according to the offenders, in all others the offenders were satisfied and convinced they would abide by their agreement.

Facilitators also evaluated individual conferences positively after their conclusion. With only one exception, they described the atmosphere as friendly. The offenders at only two

conferences did not seem to feel ashamed of the committed crime or to make a sincere effort to repair what they had caused. Only two victims and two offenders were rather passive at the conference; in one case the offender's companion did not appear interested in his reform. Facilitators felt that all the offenders and almost all of the victims seemed satisfied with the outcome at the end of the conference, the facilitators themselves were not satisfied in just one case.

We also addressed the facilitators as part of the study in the form of an expert questionnaire survey in 2018. The questions focused on their overall experience with conferences, including recommendations on how to further develop them under conditions of the Czech Republic. 11 respondents sent us properly completed questionnaires (55% of the total number of facilitators who participated in the "On the Right Path!" project). All agreed that the most time-consuming and organisationally demanding part of the conference was its preparation. The facilitator must pay particular attention to the motivation of the participants and their familiarisation with the principles of the conference; it is often difficult to reconcile the dates to suit everyone. Some respondents pointed to insufficient PMS capacity, both in terms of staff and suitable premises. In the majority of cases, the actual realisation of conferences took place without any major problems. In general, facilitators saw conferences as beneficial, both for the victims and offenders. Victims are given the opportunity to address their needs and allow them to personally engage in resolving the case, as well as to address and discuss the impact of the crime on their lives. Sometimes victims see the conference as a much greater chance of compensation. For some it is crucial to find out what the offender's attitude is to the case and to hear an apology. In terms of offenders, facilitators see the rehabilitative potential as one of the strengths of conferences, where the victim's testimony and the views of other participants can force the offender to greater self-reflection. The active involvement of the offender in the solution is also important, what's more the conference can support the positive aspects of his/her personality, thus reducing the risk of "labelling" as a result of hearing a case. For the further development of conferences, facilitators would particularly recommend the specialisation of staff in this activity, together with the creation of adequate conditions for their realisation at PMS centres.

The research also included an assessment of the effectiveness of family group conferences according to the subsequent rate of reoffending. We judged this according to records of any further conviction in the Criminal Register in 2019 (i.e. 3-4 years after the conference itself). Data on 47 offenders was evaluated. It turned out that a new record could be found in the Criminal Register for 29.8% of offenders. Six had more than one new record, with 21 new convictions for the entire sample. In the majority of cases the new offence was of different

kind than the previous one; the highest level of reoffending reached by perpetrators of property crime. A consideration for assessing the effectiveness of conferences may also be whether re-offenders committed a more serious or less serious offence than was dealt with during the conference. A more serious offence (according to the potential sentence for the commit offence) was committed by 6 offenders, a less serious offence by 5 offenders and an act with the same sentence by 3 offenders. Reoffending was more frequent for men (30.8% of cases) than women (25%); in terms of age at the time of the conference, juvenile offenders were somewhat more frequent (30.8%) than children (28.6%).

Overall, the research showed that family group conferences can be seen as an appropriate alternative to existing juvenile justice measures. It is therefore a positive sign that the PMS has decided to follow up on the "On the Right Path!" project, with the aim of extending the possibility of applying it to all Service centres. Direct participants rated the course and outcome of conferences very favourably, and a positive impression prevailed among facilitators as well. The rate of reoffending was satisfactory, especially when compared with the results of similar studies dealing with juvenile offenders. At the same time, however, it must be emphasised that family group conferences are an extremely challenging measure, both in terms of organisation and time for facilitators, and from an emotional perspective for their direct participants. Cases where the use of family group conferences is appropriate must always be carefully considered, while placing particular emphasis on creating adequate conditions.

Translated by: Presto