

EXPERIMENTS IN RESTORATIVE POLICING:
FINAL REPORT
on the
Canberra Reintegrative Shaming Experiments (RISE)

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TABLE OF CONTENTS

Chapter 1:
Introduction

Chapter 2:
Research Design and Methods

Chapter 3:
The Four Experiments: Offenders and Victims

Chapter 4:
What Happened in Court and Conference: Observation and Records

Chapter 5:
Offender Reactions to Court and Conference

Chapter 6:
Long-Term Effects of Court and Conference

Chapter 7:
Victim Perspectives on Court and Conference

Chapter 8:
Police Attitudes Towards Court and Conference

CHAPTER 1

INTRODUCTION

We report here on the final data from the Reintegrative Shaming Experiments. The data were collected in the period 1995-2000 in a study that aimed to compare the effects of standard court processing with the effects of a diversionary conference for four kinds of offence categories:

- Drink driving (over .08 Blood Alcohol Content) at any age
- Juvenile property offending with personal victims (under 18 years)
- Juvenile shoplifting offences detected by shop security staff (under 18 years)
- Youth violent offences (under 30 years)

Cases taken into the drink driving experiment were completed in December 1997, but we continued to take cases into the other three experiments until early 2000. The first of three waves of interviewing of participants was carried out as soon as feasible after the case had been finalized by the justice system; the second wave was conducted two years later and is reported on in Chapter 6; the third, in which we speak to offenders and victims ten years later, is presently underway.

The hypotheses of the experiments that we report on are the following:

- Both offenders and victims will find conferences to be fairer than court
- Benefits to victims will be greater in conferences than in court
- There will be less repeat offending after a conference than after court

We are able to say that the complete data analysed for this report confirm the first and second of these hypotheses. This report does not contain data on the third hypothesis, which is reported separately (see

http://www.aic.gov.au/en/criminal_justice_system/rjustice/rise/recidivism.aspx).

This report follows the plan of earlier Progress Reports and the tables replicate with complete data the provisional data appearing in those documents.

As we had foreshadowed, the quality of the data collected in the RISE experiments has ensured that they yield reliable information concerning the effectiveness of conferencing compared with court, owing to the rigor of the research design. These results are an important contribution to the state of knowledge internationally on the value of restorative justice as an alternative to conventional criminal justice processing through the courts.

CHAPTER 2

Research Design and Methods

The tables in this Chapter provide a picture of the case flow, treatment integrity and completeness of data collection.

Drink Driving

Over 95 percent of the 450 cases assigned to court were ultimately treated as assigned, compared with 90 percent of the 450 cases assigned to a conference. About five percent of conference cases were finally treated in court but only one case assigned to court was treated by a conference.

The research team aimed to have an observer at every court and conference event. This was relatively straightforward in the drink driving experiment, which had only adult offenders. The court cases were open to the public and in no case did the offender, when asked for consent, object to the observer's presence in a conference. An observer was present at 92 percent of the court cases and 87 percent of conferences.

The response rate for both the first (Year 0) and second (Year 2) wave of interviewing of these offenders was relatively high. In the court cases 76 percent were interviewed initially and 66 percent two years later; 88 percent of the conference-assigned offenders were interviewed initially and 73 percent two years later.

Juvenile Personal Property

Significantly more court cases than conference cases were treated as assigned. Most of the court-assigned not treated in court were given some other treatment, usually a caution, while the conference-assigned not treated by conference were either sent to court or given another treatment, usually a caution.

In this experiment, and in the others where juvenile offenders were involved, the permission of the court had to be obtained for an observer to be present as the Children's Court in Canberra is closed to all except close family members of the defendant. In addition the permission of the defendant and his or her guardian had to be obtained as well for both the court and conference conditions. An observer was present in 83 percent of the court cases and 81 percent of the conferences.

In the court cases 73 percent of offenders were interviewed initially and 57 percent two years later; 72 percent of the conference-assigned offenders were interviewed initially and 65 percent two years later.

Juvenile Shoplifting

Almost 90 percent of court cases and 83 percent of conference cases were treated as assigned, with eight per cent of the latter going to court. The remainder in each group received another treatment, usually a caution. An observer was present for 77 percent of the court cases and 83 percent of the conferences.

In the court cases 70 percent of offenders were interviewed initially and 65 percent two years later; 75 percent of the conference-assigned offenders were interviewed initially and 56 percent two years later.

Youth Violence

Over 90 per cent of court cases were treated as assigned compared with 79 per cent of conference cases, with eight per cent of the latter going to court. The remainder in each group received another treatment, usually a caution. Even though permission to observe these court cases was refused in nine percent of the court cases, the research team managed to have an observer present in 78 per cent of them and in 88 percent of the conferences.

In the court cases 63 percent of offenders were interviewed initially and 48 percent two years later; 73 percent of the conference-assigned offenders were interviewed initially and 61 percent two years later.

Table 2.1: Drink Driving, Case Flow by Police District, court vs. conference

<i>District</i>	<i>Court</i>		<i>Conference</i>		<i>Total</i>	
	<i>n</i>	<i>Value</i>	<i>n</i>	<i>Value</i>	<i>N</i>	<i>Value</i>
City	229	50.9%	250	55.6%	479	53.2%
Belconnen	61	13.6%	72	16.0%	133	14.8%
Woden	57	12.7%	41	9.1%	98	10.9%
Tuggeranong	67	14.9%	51	11.3%	118	13.1%
Traffic Operations	28	6.2%	30	6.7%	58	6.5%
Other	2	.4%	2	.4%	4	.4%
Unknown	6	1.3%	4	.9%	10	1.1%
Total	450	100.0%	450	100.0%	900	100.0%

p ≤ 0.313

Table 2.2: Juvenile Personal Property, Case Flow by Police District, court vs. conference

<i>District</i>	<i>Court</i>		<i>Conference</i>		<i>Total</i>	
	<i>n</i>	<i>Value</i>	<i>n</i>	<i>Value</i>	<i>n</i>	<i>Value</i>
City	28	23.0%	48	37.8%	76	30.5%
Belconnen	35	28.7%	27	21.3%	62	24.9%
Woden	26	21.3%	17	13.4%	43	17.3%
Tuggeranong	31	25.4%	34	26.8%	65	26.1%
Traffic Operations	2	1.6%	0	0.0%	2	.8%
Other	0	0.0%	1	.8%	1	.4%
Unknown	0	0.0%	0	0.0%	0	0.0%
Total	122	100.0%	127	100.0%	249	100.0%

p ≤ 0.047

Table 2.3: Juvenile Shoplifting, Case Flow by Police District, court vs. conference

<i>District</i>	<i>Court</i>		<i>Conference</i>		<i>Total</i>	
	<i>n</i>	<i>Value</i>	<i>n</i>	<i>Value</i>	<i>n</i>	<i>Value</i>

City	28	42.4%	39	50.6%	65	45.5%
Belconnen	9	13.6%	9	11.7%	18	12.6%
Woden	9	13.6%	13	16.9%	22	15.4%
Tuggeranong	20	30.3%	16	20.8%	36	25.2%
Traffic Operations	0	0.0%	0	0.0%	0	0.0%
Other	0	0.0%	0	0.0%	0	0.0%
Unknown	0	0.0%	0	0.0%	0	0.0%
Total	66	100.0%	77	100.0%	143	100.0%

p ≤ 0.528

Table 2.4: Youth Violence, Case Flow by Police District, court vs. conference

<i>District</i>	<i>Court</i>		<i>Conference</i>		<i>Total</i>	
	<i>n</i>	<i>Value</i>	<i>n</i>	<i>Value</i>	<i>n</i>	<i>Value</i>
City	26	44.1%	26	41.9%	50	41.3%
Belconnen	10	16.9%	19	30.6%	29	24.0%
Woden	5	8.5%	7	11.3%	12	9.9%
Tuggeranong	18	30.5%	10	16.1%	28	23.1%
Traffic Operations	0	0.0%	0	0.0%	0	0.0%
Other	0	0.0%	0	0.0%	0	0.0%
Unknown	0	0.0%	0	0.0%	0	0.0%
Total	59	100.0%	62	100.0%	121	100.0%

p ≤ 0.143

Table 2.5: Drink Driving, Treatment Integrity across Offenders, court vs. conference

	<i>Court</i>		<i>Conference</i>		<i>Sig</i>
	<i>n</i>	<i>Value</i>	<i>n</i>	<i>Value</i>	
Percent treated as assigned at initial treatment	446	99.10%	409	90.90%	0.000
Percent with initial treatment at court	446	99.10%	20	4.40%	0.000
Percent with initial treatment at conference	0	0.00%	409	90.90%	0.000
Percent with some other initial treatment	4	0.90%	21	4.70%	0.000
Percent treated as assigned at final treatment	431	95.80%	402	89.50%	0.000
Percent with final treatment at court	431	95.80%	24	5.30%	0.000
Percent with final treatment at conference	1	0.20%	402	89.50%	0.000
Percent with some other final treatment	18	4.00%	23	5.10%	0.114

Table 2.6: Juvenile Personal Property, Treatment Integrity across Offenders, court vs. conference

	<i>Court</i>		<i>Conference</i>		<i>Sig</i>
	<i>n</i>	<i>Value</i>	<i>n</i>	<i>Value</i>	
Percent treated as assigned at initial treatment	105	86.10%	87	68.50%	0.000
Percent with initial treatment at court	105	86.10%	18	14.20%	0.000
Percent with initial treatment at conference	2	1.60%	87	68.50%	0.000
Percent with some other initial treatment	15	12.30%	22	17.30%	0.027
Percent treated as assigned at final treatment	105	86.10%	83	66.90%	0.000
Percent with final treatment at court	105	86.10%	16	12.90%	0.000
Percent with final treatment at conference	2	1.60%	83	66.90%	0.000
Percent with some other final treatment	15	12.30%	25	20.20%	0.001

Table 2.7: Juvenile Shoplifting, Treatment Integrity across Offenders, court vs. conference

	<i>Court</i>		<i>Conference</i>		<i>Sig</i>
	<i>n</i>	<i>Value</i>	<i>n</i>	<i>Value</i>	
Percent treated as assigned at initial treatment	60	90.90%	66	85.70%	0.055
Percent with initial treatment at court	60	90.90%	1	1.30%	0.000
Percent with initial treatment at conference	0	0.00%	66	85.70%	0.000
Percent with some other initial treatment	6	9.10%	10	13.00%	0.139
Percent treated as assigned at final treatment	59	89.40%	64	83.10%	0.030
Percent with final treatment at court	59	89.40%	5	6.50%	0.000
Percent with final treatment at conference	0	0.00%	64	83.10%	0.000
Percent with some other final treatment	7	10.60%	8	10.40%	0.938

Table 2.8: Youth Violence, Treatment Integrity across Offenders, court vs. conference

	<i>Court</i>		<i>Conference</i>		<i>Sig</i>
	<i>n</i>	<i>Value</i>	<i>n</i>	<i>Value</i>	
Percent treated as assigned at initial treatment	58	98.30%	53	85.50%	0.000
Percent with initial treatment at court	58	98.30%	3	4.80%	0.000
Percent with initial treatment at conference	0	0.00%	53	85.50%	0.000
Percent with some other initial treatment	1	1.70%	6	9.70%	0.000
Percent treated as assigned at final treatment	54	91.50%	49	79.00%	0.000
Percent with final treatment at court	54	91.50%	5	8.10%	0.000
Percent with final treatment at conference	0	0.00%	49	79.00%	0.000
Percent with some other final treatment	5	8.50%	8	12.80%	0.127

Table 2.9: Drink Driving, Data Collection at Offender Treatments, court vs. conference

	<i>Court</i>		<i>Conference</i>		<i>Total</i>	
	<i>n</i>	<i>Value</i>	<i>n</i>	<i>Value</i>	<i>n</i>	<i>Value</i>
Observed	420	61.5%	389	73.5%	809	66.7%
Attended, but nothing to observe	203	29.7%	66	12.5%	269	22.2%
Not observable (e.g., cautions)	2	.3%	0	0.0%	2	.2%
Missed	55	8.1%	51	9.6%	106	8.7%
Unknown	3	0.4%	23	.4%	26	.2%
Total	683	100.0%	529	100.0%	1212	100.0%

p ≤ 0.000

Table 2.10: Juvenile Personal Property, Data Collection at Offender Treatments, court vs. conference

	<i>Court</i>		<i>Conference</i>		<i>Total</i>	
	<i>n</i>	<i>Value</i>	<i>n</i>	<i>Value</i>	<i>n</i>	<i>Value</i>
Observed	90	41.9%	85	54.1%	175	47.0%
Attended, but nothing to observe	84	39.1%	39	24.8%	123	33.1%
Not observable (e.g., cautions)	7	3.3%	4	2.5%	11	3.0%
Missed	31	14.4%	13	8.3%	44	11.8%
Unknown	3	1.4%	16	10.1%	19	5.1%
Total	215	100.0%	157	100.0%	372	100.0%

p ≤ 0.000

Table 2.11: Juvenile Shoplifting, Data Collection at Offender Treatments, court vs. conference

	<i>Court</i>		<i>Conference</i>		<i>Total</i>	
	<i>n</i>	<i>Value</i>	<i>n</i>	<i>Value</i>	<i>n</i>	<i>Value</i>
Observed	49	57.6%	58	67.4%	107	62.6%
Attended, but nothing to observe	15	17.6%	12	14.0%	27	15.8%
Not observable (e.g., cautions)	2	2.4%	3	3.5%	5	2.9%
Missed	16	18.8%	8	9.3%	24	14.0%
Unknown	3	3.5%	5	5.8%	8	4.7%
Total	85	100.0%	86	100.0%	171	100.0%

p ≤ 0.348

Table 2.12: Youth Violence, Data Collection at Offender Treatments, court vs. conference

	<i>Court</i>		<i>Conference</i>		<i>Total</i>	
	<i>n</i>	<i>Value</i>	<i>n</i>	<i>Value</i>	<i>n</i>	<i>Value</i>
Observed	46	33.3%	53	68.8%	99	46.0%
Attended, but nothing to observe	55	39.9%	15	19.5%	70	32.6%
Not observable (e.g., cautions)	2	1.4%	3	3.9%	5	2.3%
Missed	34	24.6%	4	5.2%	38	17.7%
Unknown	1	.7%	2	2.6%	3	1.4%
Total	138	100.0%	77	100.0%	215	100.0%

p ≤ 0.000

Table 2.13: Drink Driving, Reasons for Offender treatments not reaching completion, court vs. conference

	<i>Court</i>		<i>Conference</i>		<i>Total</i>	
	<i>n</i>	<i>Value</i>	<i>n</i>	<i>Value</i>	<i>n</i>	<i>Value</i>
Offender Absent	45	19.3%	20	21.3%	60	18.3%
Victim Absent	0	0.0%	0	0.0%	0	0.0%
Offender Intoxicated	0	0.0%	1	1.1%	1	.3%
Supporters Intoxicated	0	0.0%	0	0.0%	0	0.0%
Insufficient number of supporters	0	0.0%	15	16.0%	15	4.6%
Halted by Facilitator	0	0.0%	1	1.1%	1	.3%
Administrative problems	19	8.2%	6	6.4%	25	7.6%
Adjourned	154	66.1%	16	17.0%	170	52.0%
Change of plea	3	1.3%	0	0.0%	3	1.0%
Postponed	0	0.0%	0	0.0%	0	0.0%
No return on summons	4	1.7%	2	2.2%	6	1.8%
Other	3	1.3%	7	7.4%	10	3.1%
Unknown	5	2.1%	26	27.7%	31	9.5%
Total	233	100.0%	94	100.0%	327	100.0%

p ≤ 0.000

Table 2.14: Juvenile Personal Property, Reasons for Offender treatments not reaching completion, court vs. conference

	<i>Court</i>		<i>Conference</i>		<i>Total</i>	
	<i>n</i>	<i>Value</i>	<i>n</i>	<i>Value</i>	<i>n</i>	<i>Value</i>
Offender Absent	14	13.9%	20	34.5%	34	21.4%
Victim Absent	0	0.0%	3	5.2%	3	3.1%
Offender Intoxicated	0	0.0%	0	0.0%	0	0.0%
Supporters Intoxicated	0	0.0%	0	0.0%	0	0.0%
Insufficient number of supporters	1	1.0%	1	1.7%	2	1.3%
Halted by Facilitator	0	0.0%	0	0.0%	0	0.0%
Administrative problems	4	4.0%	8	13.8%	12	7.5%
Adjourned	72	71.3%	8	13.8%	80	50.3%
Change of plea	3	3.0%	0	0.0%	3	3.1%
Postponed	0	0.0%	1	1.7%	1	.6%
No return on summons	0	0.0%	0	0.0%	0	0.0%
Other	4	4.0%	0	0.0%	4	2.5%
Unknown	3	3.0%	17	29.3%	20	12.6%
Total	101	100.0%	58	100.0%	159	100.0%

p ≤ 0.000

Table 2.15: Juvenile Shoplifting, Reasons for Offender treatments not reaching completion, court vs. conference

	<i>Court</i>		<i>Conference</i>		<i>Total</i>	
	<i>n</i>	<i>Value</i>	<i>n</i>	<i>Value</i>	<i>n</i>	<i>Value</i>
Offender Absent	1	4.8%	9	52.9%	10	26.3%
Victim Absent	1	4.8%	0	0.0%	1	2.6%
Offender Intoxicated	0	0.0%	0	0.0%	0	0.0%
Supporters Intoxicated	0	0.0%	0	0.0%	0	0.0%
Insufficient number of supporters	0	0.0%	0	0.0%	0	0.0%

Halted by Facilitator	0	0.0%	0	0.0%	0	0.0%
Administrative problems	1	4.8%	0	0.0%	1	2.6%
Adjourned	15	71.4%	0	0.0%	15	39.5%
Change of plea	0	0.0%	0	0.0%	0	0.0%
Postponed	0	0.0%	1	5.9%	1	2.6%
No return on summons	0	0.0%	0	0.0%	0	0.0%
Other	1	4.8%	2	11.8%	3	7.9%
Unknown	2	9.5%	5	29.4%	7	18.4%
Total	21	100.0%	17	100.0%	38	100.0%

p ≤ 0.000

Table 2.16: Youth Violence, Reasons for Offender treatments not reaching completion, court vs. conference

	<i>Court</i>		<i>Conference</i>		<i>Total</i>	
	<i>n</i>	<i>Value</i>	<i>n</i>	<i>Value</i>	<i>n</i>	<i>Value</i>
Offender Absent	9	14.7%	4	19.0%	13	14.9%
Victim Absent	0	0.0%	2	9.5%	2	2.3%
Offender Intoxicated	0	0.0%	0	0.0%	0	0.0%
Supporters Intoxicated	0	0.0%	0	0.0%	0	0.0%
Insufficient number of supporters	0	0.0%	2	9.5%	2	2.3%
Halted by Facilitator	0	0.0%	2	9.5%	2	2.3%
Administrative problems	4	6.3%	1	4.8%	5	5.7%
Adjourned	50	75.8%	5	23.8%	55	63.2%
Change of plea	1	1.5%	0	0.0%	1	1.1%
Postponed	0	0.0%	0	0.0%	0	0.0%
No return on summons	0	0.0%	1	4.8%	1	1.1%
Other	1	1.5%	2	9.5%	3	3.4%
Unknown	1	1.5%	2	9.5%	3	3.4%
Total	66	100.0%	21	100.0%	87	100.0%

p ≤ 0.000

Table 2.17: Drink Driving, Observer Presence at Treatment Events, court vs. conference

	<i>Court</i>		<i>Conference</i>		<i>Total</i>	
	<i>n</i>	<i>Value</i>	<i>n</i>	<i>Value</i>	<i>n</i>	<i>Value</i>
Rise Observer present	623	91.9%	455	86.8%	1078	89.7%
Missed – Non-observable	2	.3%	0	0.0%	2	.2%
Missed – RISE Error	16	2.4%	4	.7%	20	1.7%
Missed – Permission Refused	0	0.0%	0	0.0%	0	0.0%
Missed – Not notified beforehand	12	1.8%	31	5.9%	43	3.6%
Missed – Other reason	8	1.2%	4	.7%	12	1.0%
Missed – Unknown reason	14	2.1%	7	1.3%	21	1.7%
Unknown if observer present	3	.4%	23	4.4%	26	2.2%
Total	678	100.0%	524	100.0%	1202	100.0%

$p \leq 0.000$

Table 2.18: Juvenile Personal Property, Observer Presence at Treatment Events, court vs. conference

	<i>Court</i>		<i>Conference</i>		<i>Total</i>	
	<i>n</i>	<i>Value</i>	<i>n</i>	<i>Value</i>	<i>n</i>	<i>Value</i>
Rise Observer present	174	83.3%	124	81.0%	298	82.3%
Missed – Non-observable	7	3.3%	4	2.6%	11	3.0%
Missed – RISE Error	4	1.9%	0	0.0%	4	1.1%
Missed – Permission Refused	6	2.9%	0	0.0%	6	1.7%
Missed – Not notified beforehand	7	3.3%	6	3.9%	13	3.6%
Missed – Other reason	7	3.3%	1	.7%	8	2.2%
Missed – Unknown reason	1	.5%	2	1.3%	3	.8%
Unknown if observer present	3	1.4%	16	10.5%	19	5.2%
Total	209	100.0%	153	100.0%	362	100.0%

$p \leq 0.001$

Table 2.19: Juvenile Shoplifting, Observer Presence at Treatment Events, court vs. conference

	<i>Court</i>		<i>Conference</i>		<i>Total</i>	
	<i>n</i>	<i>Value</i>	<i>n</i>	<i>Value</i>	<i>n</i>	<i>Value</i>
Rise Observer present	64	77.1%	70	83.3%	134	80.2%
Missed – Non-observable	2	2.4%	3	3.6%	5	3.0%
Missed – RISE Error	3	3.6%	3	3.6%	6	3.6%
Missed – Permission Refused	2	2.4%	0	0.0%	2	1.2%
Missed – Not notified beforehand	7	8.4%	2	2.4%	9	5.4%
Missed – Other reason	1	1.2%	0	0.0%	1	0.6%
Missed – Unknown reason	1	1.2%	1	1.2%	2	1.2%
Unknown if observer present	3	3.6%	5	6.0%	8	4.8%
Total	83	100.0%	84	100.0%	167	100.0%

$p \leq 0.456$

Table 2.20: Youth Violence, Observer Presence at Treatment Events, court vs. conference

	<i>Court</i>		<i>Conference</i>		<i>Total</i>	
	<i>n</i>	<i>Value</i>	<i>n</i>	<i>Value</i>	<i>n</i>	<i>Value</i>
Rise Observer present	101	77.7%	68	88.3%	169	81.6%
Missed – Non-observable	2	1.5%	3	3.9%	5	2.4%
Missed – RISE Error	3	2.3%	1	1.3%	4	1.9%
Missed – Permission Refused	11	8.5%	1	1.3%	12	5.8%
Missed – Not notified beforehand	2	1.5%	2	2.6%	4	1.9%
Missed – Other reason	8	6.2%	0	0.0%	8	3.9%
Missed – Unknown reason	2	1.5%	0	0.0%	2	1.0%
Unknown if observer present	1	0.8%	2	2.6%	3	1.4%
Total	130	100.0%	77	100.0%	207	100.0%

$p \leq 0.058$

Table 2.21: Drink Driving, Year 0 Interview result, court vs. conference

	<i>Court</i>		<i>Conference</i>		<i>Sig</i>
	<i>n</i>	<i>Value</i>	<i>n</i>	<i>Value</i>	
Percent of offenders interviewed at Year 0	343	76.2%	396	88.0%	.000
Percent of offenders interviewed at Year 2	299	66.4%	330	73.3%	.000

Table 2.22: Juvenile Personal Property, Interview response rates, court vs. conference

	<i>Court</i>		<i>Conference</i>		<i>Sig</i>
	<i>n</i>	<i>Value</i>	<i>n</i>	<i>Value</i>	
Percent of offenders interviewed at Year 0	89	73.0%	91	71.7%	.647
Percent of offenders interviewed at Year 2	69	56.6%	83	65.4%	.002

Table 2.23: Juvenile Shoplifting, Interview response rates, court vs. conference

	<i>Court</i>		<i>Conference</i>		<i>Sig</i>
	<i>n</i>	<i>Value</i>	<i>n</i>	<i>Value</i>	
Percent of offenders interviewed at Year 0	46	69.7%	58	75.3%	.133
Percent of offenders interviewed at Year 2	43	65.2%	43	55.8%	.022

Table 2.24: Youth Violence, Interview response rates, court vs. conference

	<i>Court</i>		<i>Conference</i>		<i>Sig</i>
	<i>n</i>	<i>Value</i>	<i>n</i>	<i>Value</i>	
Percent of offenders interviewed at Year 0	37	62.7%	45	72.6%	.020
Percent of offenders interviewed at Year 2	28	47.5%	38	61.3%	.002