



YOUTH JUSTICE CONFERENCING FOR YOUTH MISUSE OF FIRE: A CASE STUDY OF COLLABORATION

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Kamarah Pooley

Queensland University of Technology
Bushfire and Natural Hazards CRC

Corresponding author: kamarah.pooley@hdr.qut.edu.au





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TABLE OF CONTENTS

ABSTRACT	3
BACKGROUND	4
METHOD	5
RESULTS AND DISCUSSION	6
What works?	6
What Is missing?	7
CONCLUSION	10
ACKNOWLEDGEMENTS	11
REFERENCES	12



ABSTRACT

Youth misuse of fire (YMF) refers to any illegitimate use of fire or incendiary materials by a person under the age of 18 years (Pooley & Ferguson, 2017). Existing literature exposes YMF as a multifaceted and complex behaviour (Martin, Bergen, Richardson, Roeger, & Allison, 2004) that presents a significant risk to life and property (Pooley, 2015). To address this concern, programs have been specifically designed to target and reduce misuse of fire by young people. One such program is Youth Justice Conferencing for YMF. This program involves firefighter participation in Youth Justice Conferencing convened for young people who commit fire-related offences. The role of firefighters is to provide education on the consequences of misusing fire and to suggest fire safety related tasks for a young person to complete as a means of making reparation for harm caused by their behaviour (NSW Government, 2016). These mechanisms aim to stimulate cognitive and behavioural change in young people, reducing the risk of recidivism.

Despite formally operating in New South Wales (NSW) since 2006, this program had not undergone independent empirical inquiry. To partially fill this void, a research-oriented evaluation was conducted. This evaluation revealed that the efficacy of the program relies heavily on successful collaboration between urban fire and juvenile justice services, government and non-government entities, and young people and adults. However, the evaluation also highlighted areas in need of improvement. For best practice to be attained, collaboration is also required with the rural fire service, between practitioners and researchers, and between proponents of restorative justice, fire prevention, and child-centred disaster risk reduction. Such findings have implications for enhancing the efficacy of the program, and reflect a useful case study of collaboration.



BACKGROUND

Youth Justice Conferencing for YMF is an extension of Youth Justice Conferencing; a juvenile justice mechanism that aims to divert young offenders away from intrusive state intervention and future criminal behaviour (Braithwaite, 1992; NSW Government, 2014). Youth Justice Conferencing is informed by restorative justice. The most widely supported definition of restorative justice is “a process whereby all the parties with a stake in a particular offence come together to resolve collectively how to deal with the aftermath of the offence and its implications for the future” (Marshall, 1996, p. 37). Youth Justice Conferencing brings together the young offender and their support group, the victim(s) or their representative(s) and their support group, a conference convenor, Youth Liaison Officer, and other members of the community who hold a stake in the offence (s47 *Young Offenders Act 1997* (NSW)). Conferencing provides an avenue through which these stakeholders collectively determine an outcome plan for the young person to complete (s34(2) *Young Offenders Act 1997* (NSW)). This outcome plan should hold the young person accountable and encourage the acceptance of responsibility, while empowering the victims and families, and making reparation for the offence (s34(3) *Young Offenders Act 1997* (NSW)).

Youth Justice Conferencing for YMF is differentiated from Youth Justice Conferencing generally by inclusions which tailor the intervention to fire-related offenders. When the offence involves fire, the conference should include a firefighter for the provision of fire safety education (NSW Government, 2016). Further, a young person’s outcome plan must provide for fire-specific components such as: attendance at a program, or at the screening of a film or video, designed to provide education as to the harmful effects of fire; assistance in clean-up operations and in the treatment of injured animals; and payment of compensation (s8 *Young Offenders Regulation 2016* (NSW)). These mechanisms tailor Youth Justice Conferencing to YMF.

This program has formally been in operation in NSW since 2006, when Juvenile Justice NSW (JJNSW) and Fire and Rescue NSW (FRNSW) signed a Memorandum of Understanding to facilitate firefighter involvement in Youth Justice Conferencing convened for young people who commit fire-related offences. Despite being used for over a decade, this program had not undergone independent empirical investigation. This void is problematic for a number of reasons: an evidence base is required to ensure the highest quality, most reliable, and most effective services are available at any given time (Sexton, Gilman, & Johnson-Erickson, 2005); research should form the foundation upon which juvenile justice planning and policy is formulated (s30 Beijing Rules, United Nations, 1985); Youth Justice Conferencing should be carefully tested in particular contexts before being deemed effective or even appropriate (Sherman & Strang, 2007); and because there is an urgent need, in the context of climate change, for research into misuse of fire prevention (Stanley, March, Read, & Ogloff, 2016). The aim of this study was to contribute to the literature on these grounds.



METHOD

A research-oriented evaluation of Youth Justice Conferencing for YMF was conducted to provide an evidence base for program verification and modification. A theory approach logic model provided an empirically sound foundation for the evaluation (de Carvalho, 2013), which consisted of two parts. The retrospective research design involved quantitative (univariate, bivariate, covariate) analyses of ten years' (2006-2016) worth of Youth Justice Conferencing for YMF record and recidivism data to identify the factors, activities, outputs, and outcomes of the program. The prospective research design comprised qualitative (content) analysis of semi-structured telephone interviews conducted with program practitioners to explore the theory, factors, activities, outputs, outcomes, and impact of the program. The use of strategic (retrospective/prospective) and methodological (quantitative/qualitative) triangulation, coupled with intra-judge reliability (conducting all analyses on two separate occasions), triangulated empirically-derived findings to inform program verification and modification. The results highlighted the presence of three forms of collaboration, and the absence of three forms of collaboration, all of which have implications for enhancing the efficacy of Youth Justice Conferencing for YMF.



RESULTS AND DISCUSSION

WHAT WORKS?

Quantitative analyses of record and recidivism data, alongside qualitative analysis of interviews with program practitioners, revealed that the efficacy of Youth Justice Conferencing for YMF relies heavily on successful collaboration between urban fire and juvenile justice services, government and non-government entities, and young people and adults.

Collaboration between urban fire and juvenile justice services

Youth Justice Conferencing for YMF is governed by an interagency agreement between JJNSW and FRNSW. This memorandum of understanding (MoU) was first signed in 2006 to administer firefighter involvement, the provision of fire safety education, and the inclusion of fire safety related outcome plan tasks within conferencing convened for young people who have misused fire. The MoU provides a framework through which FRNSW engage with practitioners involved in an existing JJNSW mechanism to tailor this mechanism towards YMF.

Interviews conducted with program practitioners revealed that collaboration between JJNSW and FRNSW was one of the main strengths of the program. One interview participant stated that the MoU arose from the need for a whole-of-government approach to YMF prevention. This participant said that FRNSW had a lot of contact with JJNSW and that the idea for firefighter participation in conferencing emerged from collaboration between the agencies. When describing the MoU, another participant stated that,

...an understanding between the services is paramount... So, we've got an understanding from a framework which can be developed, which overarches all agencies in attendance...

Interagency collaboration is also important because both JJNSW and FRNSW have legislative obligations to prevent misuse of fire by young people. JJNSW, as the combat agency for youth delinquency and crime in NSW, aims to prevent and reduce crime and recidivism (NSW Government, 2015). FRNSW, as a combat agency for fire in NSW, must take all reasonable measures for the prevention and suppression of fire (s6 Fire Brigades Act 1989 (NSW)). Both JJNSW and FRNSW are thus legislatively bound to prevent YMF.

Formal collaboration between JJNSW and FRNSW is pertinent to the efficacy of the program because it particularises Youth Justice Conferencing to YMF and, in doing so, furthers each respective agency's mandate.

Collaboration between government and non-government entities

One of the purposes of Youth Justice Conferencing is to bring stakeholders of an offence together. The stakeholders of YMF include government representatives from JJNSW and FRNSW, alongside members of the community such as the young offender, their support group, the victim(s) or their representative(s) and their support group, and any other party affected by the offence (s47 Young Offenders Act 1997 (NSW)).

Interviews conducted with program practitioners highlighted the importance of this government-community collaboration. Participants stated that when firefighters attended conferencing they could provide fire safety education to at-risk groups within the community, namely young people who misused fire and the people around them. As one program practitioner explained,



It's an opportunity to engage with the young person and their family, who you normally wouldn't be engaging with. Thinking that, if they [a young person] are lighting fires, you could potentially lose that family in a fire. I think that is the focus. Some would argue, are we really making a difference? If that's the least we achieve out of it, we've got this captive audience we wouldn't normally engage with, that's fine by me.

Youth Justice Conferencing for YMF thus provides an avenue through which juvenile justice professionals and firefighters engage with members of the community to reduce the risks and consequences associated with a young person's misuse of fire.

Collaboration between young people and adults

Conferencing for YMF is initiated by an adult, such as a police officer or Magistrate, after a young person has committed a fire-related offence (s40 *Young Offenders Act 1997* (NSW)). The program is then led by an adult, a conference convenor, who organises the meeting and mediates discussion between all participants (s60 *Young Offenders Act 1997* (NSW)). Although conferencing for YMF is an adult-initiated and mediated program, decision-making is shared with young people. In fact, young people must consent to the holding of the conference (s36(c) *Young Offenders Act 1997* (NSW)). Further, young people make suggestions as to the type of tasks they can complete to make reparation for their behaviour (s52 *Young Offenders Act 1997* (NSW)). While other conference participants also engage in this process, the young person maintains the right to veto components or the entirety of the plan (s52(4) *Young Offenders Act 1997* (NSW)). If vetoed, the outcome plan may be re-negotiated until agreement is reached. This collaborative process empowers young people with the right to express their opinion, make decisions, and determine the outcomes of the conference, whilst being assisted and supported by adults (Pooley, 2017b).

WHAT IS MISSING?

While highlighting three forms of effective collaboration, this evaluation also revealed three areas where collaboration is currently missing yet is required to enhance the efficacy of the program. These areas include collaboration with the rural fire service, between practitioners and researchers, and between proponents of restorative justice, fire prevention, and child-centred disaster risk reduction.

Collaboration with the rural fire service

The MoU between FRNSW and JJNSW facilitates FRNSW firefighter involvement in Youth Justice Conferencing. However, as per the NSW State Emergency Management Plan (NSW Government, 2012), FRNSW only maintain jurisdiction for fire in NSW fire districts. Fire districts are local government areas or reserved areas (national parks, conservation areas) placed under the jurisdiction of FRNSW (*Fire Brigades Act 1989* (NSW); *Local Government Act 1993* (NSW)). When a fire occurs outside of a fire district, in a rural fire district, NSW Rural Fire Service (NSWRFS) maintain jurisdiction (NSW Government, 2012; *Rural Fires Act 1997* (NSW)). When YMF occurs outside of a fire district, in a rural fire district, and the young person responsible is referred to conferencing, either FRNSW firefighters participate in a conference convened for a fire they did not attend, NSWRFS firefighters participate without governance or guidance, or firefighters do not participate in the conference at all.



Quantitative analysis of ten years' worth of Youth Justice Conferencing records revealed that firefighters attended 61.7% of conferences convened for YMF in a major city, yet only 45.5% of conferences convened in an inner regional area, and 41.7% of conferences convened in an outer regional area.

Quantitative analysis also indicated that firefighter involvement in conferencing significantly increased the time between referral of a young person to a conference and the facilitation of that conference. Interviews conducted with program practitioners revealed that this may have occurred because the administration of firefighter involvement prolonged the planning and preparation stages of conferencing. As one participant explained,

We had to wait for this particular person [firefighter]. So, in terms of resourcing, I think that's a problem. Because we wanted to look at other dates and all that, but we were quite limited because of the personnel involved. I asked, 'Is there any other personnel than yourself?', and he said 'No'. I thought, 'Wow. That's a big job'.

According to these findings, firefighter involvement occurred disproportionately more often in metropolitan, or fire district, areas, in which limited firefighter availability prolonged the administration phase of conferencing.

A MoU between FRNSW and NSWRFSS adopted in 2005 recognised the operational jurisdiction and responsibilities of each service, stating that the two agencies complemented each other in meeting community needs (Fire Services Joint Standing Committee, 2005). This interagency collaboration should be extended to include NSWRFSS within the JJNSW/FRNSW MoU, and thus Youth Justice Conferencing for YMF. The inclusion of NSWRFSS will provide:

- All young people who are referred to conferencing for YMF the opportunity to participate with a firefighter, regardless of the geographical area in which the conference is held,
- All firefighters the opportunity to participate in conferencing as a stakeholder of a fire-related offence, regardless of the agency for which they work, and
- All conference convenors with a larger pool of firefighters from which to draw.

Collaboration between practitioners and researchers

There is a large body of literature pertaining to what works best for reducing recidivism in young offenders (Murphy, McGinness, Balmaks, McDermott, & Corriea, 2010). Within this body of evidence, there is growing consensus that restorative alternatives to state intervention, such as Youth Justice Conferencing, have the potential to instigate an ongoing process of cognitive and behavioural change in young people (Braithwaite, 1992). What makes Youth Justice Conferencing so effective is its commitment to restorative standards, such as non-domination, empowerment, respectful listening, equal concern for all stakeholders, accountability and appealability, honouring legally specific upper limits on sanctions, and respect for international conventions and human rights (Braithwaite, 2002). As Richards and Lee (2013) highlighted, restorative justice is more about how the criminal justice system responds to a young person than the expected outcomes.

When a firefighter participates in conferencing, it is therefore vitally important that they are aware of the principles and purposes of conferencing to ensure they contribute to, rather than impede, restorativeness. However, interviews conducted with program practitioners revealed cultural resistance to the progressive concepts which inform Youth Justice Conferencing. As one participant explained,



It's [FRNSW] been a very blokey organisation for so long and, sort of cultural issues associated with all that. So, I was trying to bring some firies [firefighters] into the modern times, which was a little bit of a challenge.

Cultural resistance to an understanding of restorativeness was compounded by a lack of adequate training prior to participation in conferencing. As one practitioner stated,

There was a tendency for them [firefighters] to revert back to the big stick, punish someone, scare them. Scare them about the consequences of fire and that sort of thing.

According to these findings, firefighter participation in conferencing had the potential to impede program efficacy.

Collaboration between practitioners and researchers, specifically firefighters and Youth Justice Conferencing experts, is therefore required to ensure firefighters have access to training and resources that enhance their understanding of the principles and purposes of conferencing. In addition, better collaboration between practitioners and researchers will provide researchers with the opportunity to gather practice-based evidence to ensure the program is continually monitored and evaluated to attain best practice.

Collaboration between proponents of restorative justice, fire prevention, and child-centred disaster risk reduction

Youth Justice Conferencing has traditionally been defined as a restorative justice mechanism. Existing literature focusses primarily on the program's capacity to attain restorative processes and outcomes. Although Youth Justice Conferencing for YMF piggybacks an existing restorative justice mechanism, and thus falls along the continuum of restorativeness, the program intends a broader scope.

From a fire prevention perspective, conferencing for YMF is a specific endeavor, a unique mechanism that facilitates the prevention of YMF by educating young people, and the people around them, on the consequences of misusing fire (Pooley, 2017a). Further, conferencing for YMF exists as a child-centred disaster risk reduction mechanism that improves young people's understanding of the risks posed by fire and the impact fire can have on their communities (Pooley, 2017b).

This unique program logic justifies an evaluation of Youth Justice Conferencing for YMF which accounts for its distinctiveness. Program evaluation and modification thus requires collaboration between the proponents of restorative justice, fire prevention, and child-centred disaster risk reduction.



CONCLUSION

Taken together, the findings derived from this study indicate that effective collaboration, and the lack thereof, have implications for the efficacy of Youth Justice Conferencing for YMF. The findings suggest that effective collaboration between JJNSW and FRNSW, government and community entities, and young people and adults, successfully enhances program efficacy. Allocation of resources to ensure the continuation of these forms of collaboration is recommended. However, this effectiveness is reduced by an absence of collaboration with the rural fire service, between practitioners and researchers, and between the proponents of restorative justice, fire prevention, and child-centred disaster risk reduction. Resource allocation to these areas is recommended to enhance the capacity of Youth Justice Conferencing for YMF to target and reduce misuse of fire by young people. In addition to these main findings and their implications, some important supplementary findings include that, in addition to seeking formal mechanisms of collaboration (between urban fire, rural fire, and juvenile justice agencies), there is a need to investigate, develop, implement, and evaluate informal collaborative approaches (between researchers and practitioners, and diverse proponents) to deliver effective services to the community. Resources should thus be allocated to strengthening these informal forms of collaboration.

Overall, the findings derived from this research have implications for enhancing the efficacy of Youth Justice Conferencing for YMF, and reflect a useful case study of collaboration. However, this study was limited to an evaluation of the program based on Youth Justice Conferencing record and recidivism data, and interviews conducted with program practitioners. Future research would benefit from conducting interviews with young people and other conference participants, such as victims, to gain deeper insight into the perspectives and experiences of the end users of the program.



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