

## TWO-PRONGED APPROACH TO INCREASE ARJC REFERRALS

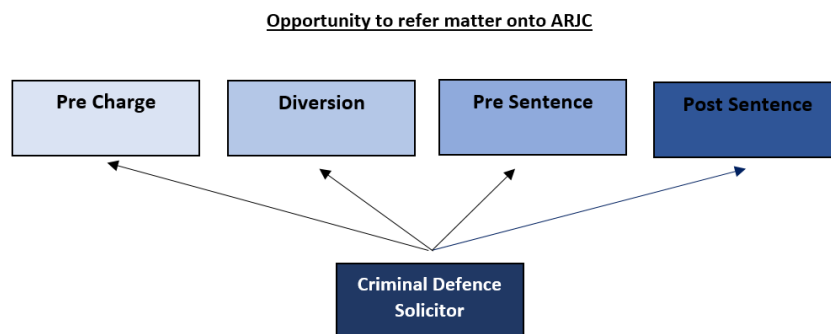
### The proposal:

Adult Restorative Justice Conferencing (ARJC) is an excellent, yet underutilised, way to divert people from the criminal justice system and decrease recidivism. However, the rate of referral has significantly decreased since 2009. We aim to use behavioural science to 'nudge' criminal defence solicitors to request more referrals to ARJC for eligible individuals, leading to an increased overall referral rate.

We propose a two-pronged approach, identifying two low referring regions and targeting solicitors in those regions with a peer comparison when they renew their practising certificate, as well as referring them to an educational online lecture worth 1 Continuing Professional Development (CPD) point that aims to inform and breakdown social norms.

### Target Audience:

This initiative will target criminal defence solicitors, encouraging them to request referrals to ARJC at every point of opportunity during an individuals' interaction with the justice system. Police prosecutors are responsible for 68% of referrals to ARJC, and defence solicitors request most of those prosecutor referrals. As such, influencing defence solicitors is likely to have the biggest impact on the number of referrals.



Our proposal will target criminal defence solicitors in an identified region with low referral rates. If successful, the initiative could be scaled to all regions.

### Implementation:

An underperforming area will be identified through state-wide referral rate statistics. Every legal practitioner registered in the area will be targeted, with their details obtained through the Queensland Law Society. Legal practitioners must renew their practising certificate every year, and those in the identified area will receive an email that accompanies their practising certificate (or a letter if the practitioner requested a hardcopy). Example text is below:

Did you know?

**Cairns only referred [insert small percentage] of all cases referred to ARJC across the state.**

ARJC is an extremely effective alternative to offenders receiving a conviction in the criminal justice system. In 2018-19, there were 160 conferences with 98% of them reaching an agreement. Conferences have 98% compliance with the agreements, and a 92% satisfaction rate of victims, supporters, and offenders.

To learn more about what ARJC is and how it can benefit your client, login to myQLS to enrol in the free Restorative Justice webinar, worth 1 CPD point.

This last line of the letter refers to the second prong of our approach, the webinar. All legal practitioners must achieve 10 CPD points per year in order to comply with practising certificate requirements. The webinar will be made in partnership with QLS, worth 1 CDP point, and will be free of charge to incentivise practitioners to complete it. The webinar will be presented in simple, easy to understand language that focuses on the key messages. The language used will also be framed positively to influence defence solicitors to request more ARJC referrals in the future.

**Key reasons:**

Access at key points

Defence solicitors have access to offenders at multiple stages of the process and are able to request ARJC whenever they feel it is suitable. As a result, there is more time to spend with the offender and identify when it could be requested and the offender's suitability.

Increase education and awareness to change norms within the profession

Using awareness raising educational tools will help influence erroneous norms within the profession. The webinar training session will break down pre-conceived notions about ARJC and provide truths about disincentives to refer to ARJC.

Incentive to complete the webinar

In order to renew and retain a practising certificate, solicitors must obtain 10 CPD points each year by attending lectures, conferences, seminars among other development courses. These courses are often expensive. A online webinar will be easily accessible by solicitors through the Queensland Law Society's myQLS website. Making the webinar free of cost will further incentivise use of this educational tool. In addition to providing general education about the ARJC pathway, the module will include persuasive statistics and framing of language in order to 'nudge' behaviour.

**Application of behavioural economic principles:**

This proposal uses peer comparison to 'nudge' the behaviour of defence solicitors. Peer comparison feedback encourages people to do what most other people do and is often targeted at outliers. By showing individuals how they compare to their peers, they are often motivated to change their behaviour towards what is 'normal' for their peer group. We intend to send letters to solicitors in two identified areas with poor referral rates when they renew their practising certificates, comparing their area with areas of high referral.

The webinar will exist to educate practitioners on the ARJC system, breakdown preconceived notions and social norms, and delve into the benefits for offenders, victims, and the practitioners themselves, supported by influential statistics. The language in the webinar will also be framed in a positive way that primes the mindset of defence solicitors to modify behaviours. The language and content will use simplicity for effectiveness, making it easier for defence solicitors to understand the information and take action.

**Evaluation:**

Referral rates in the identified areas would be monitored over a 2-year period, with the Department of Justice and Attorney-General collecting referral data each 6 months. In addition, QLS would provide data on how many practitioners in each area completed the webinar at the same intervals.