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NEWSLETTER

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Restorative Justice with adult offenders, post-sentence is safe, reduces re-offending, cost less, saves money and delivers better outcomes

In June 2008, The Ministry of Justice published Professor Joanna Shapland's 4th and final reportⁱ on the evaluation of seven Cambridge University-led experiments undertaken by three British restorative justice schemes. The experiments were directed by the Wolfson Professor of Criminology at Cambridge, Lawrence Sherman, and his co-director Dr Heather Strang, who directs the Centre for Restorative Justice at the Australian National University. Earlier reports by Shapland of Sheffield University et al., focussed on implementation (2004; 2006b), expectations and take up rates (2006a; 2006b) and views on the process and outcomes (2007).

The experiments compared almost 400 cases with restorative justice conferences to some 400 similar cases without them. The calculations of the crime reduction effect are based on comparisons of the restorative justice and control group cases, which were randomly assigned. The three schemes were funded from mid 2001 by the Home Officeⁱⁱ under its Crime Reduction Programme. Designed to focus on adult offenders, some of whom were convicted of serious offences, the three schemes offered direct mediation, indirect mediation or conferencing at various stages in criminal justice proceedings, primarily in the community and occasionally in custody and often across multiple locations.

One of the restorative justice schemes evaluated is the Justice Research Consortium (JRC). Their Thames Valley based initiative included post-sentence victim-offender conferencing in custodial and community settings "involving any of a range of violent offences, from threat to murder through grievous and actual bodily harm,

possessing an offensive weapon and assault police, robbery, arson, public order offences, to common assault and drunk and disorderly."

The Thames Valley effort has the most similarity with the restorative justice work, which we have been undertaking in New South Wales since 1999.

The headline summary of the Shapland Report evidence in this Thames Valley Random Control Trials (RCT) context is:

- 1. RJ reduces the frequency and seriousness of further offending**
Significantly less, further offending or significantly less *serious* further offending resulted from post-sentence restorative justice than conventional criminal justice. Statistically significant patterns, ranging from 33% - 55% were identified, which surpass other criminal justice interventions with convicted offenders.
- 2. RJ is cost effective and provides value for money**
The report estimates that £9 of costs to victims and the criminal justice system was saved for every £1 spent on delivering these conferences.
- 3. RJ is popular with both victims and offenders**
Professor Shapland states that the findings of her final report: "are about reconviction and costs (and) need to be taken together with the findings of previous reports, which indicate very substantial satisfaction with the process and outcomes or restorative justice on the part of both victims and offenders participating in all three schemes".

4. RJ is shown to be a tipping point in the motivation of those offenders who are minded to desist from further offending

Offenders who were observed by researchers to be participating actively in the conference had a significantly lower cost of subsequent convictions than those who participated less actively. The findings suggest that the way in which offenders experience conferences is related to their progress towards desistance. This suggests that RJ events provide an opportunity for those who are intending to desist to increase motivation to do so (because of what victims and offenders supporters said) and to gain support for the decision.

5. It is safe to proceed

The first principle is to do no further harm and there was no evidence whatsoever of any negative effects in the Thames Valley. It is safe to offer restorative interventions in the knowledge that there is no evidence that it could make matters worse than if it were not offered.

Professor Shapland said: "While the experiments did not show that offenders receiving restorative justice were more likely to stop offending completely, we found that offenders committed less crime overall because they slowed down their rate of offending and reduced the overall cost of the crimes they committed."

Professor Sherman said: "These results now mean that 10 out of 12 tests of restorative justice have reduced the frequency of repeat offending in the UK, US and Australia. As the results from the Thames Valley Probation experiment show, restorative justice may be especially useful for violent offenders coming out of prison if they are willing to meet their victims . . . Our own evidence shows that restorative justice reduced victim desire for revenge in eight out of eight tests in Australia and the UK . . ."

The report, Restorative Justice, the Evidenceⁱⁱⁱ includes findings relating to the JRC scheme of which the Thames valley criminal justice agencies were consortium members, including:

- **Less feelings of violent revenge against the offender on the part of those victims who had participated in a RJ conference compared to those in the control group** (Sherman et al 2005)
- **Less post-traumatic stress symptoms for victims as a result of conferencing** (Angel 2005)
- **Less post crime impact on employment for victims as a result of RJ conferencing** (Angel 2005)

Research results relating to the UK initiatives are very positive and encouraging of the relevance of victim-offender conferencing of serious offences committed by adults. This certainly ties in closely with the positive local feedback from participants in New South Wales. In the ten years of operation of our program, 46% of RJ interventions have related to murder/manslaughter, 28% armed robbery and 12% dangerous driving occasioning death. Given the voluntary nature of participation in a victim-offender conference, we draw the conclusion that offence types which motivate all those affected to come together are often characterised by death, violence or threat of violence.

The UK results also encourage enthusiasm for placing RJ processes of this nature at the post-sentence stage. Certainly timing was significant to Brian, who met with the man who stabbed his daughter 10 years earlier: "When I was first approached by Corrective Services I was so angry! I thought it was (the offender) trying to get some time off his sentence. But I was reassured that couldn't happen. And then the more I thought about it, the more I wanted to tell him how he'd affected me and my family. And now, 6 months (after meeting with him) I feel like a new person. It's like a huge cloud has been taken away; a cloud I didn't even know was there until it had gone."

ⁱ **Shapland et al., June 2008, Ministry of Justice Research Series 10/08**
www.justice.gov.uk/publications/research.htm

ⁱⁱ **From 2007, this area of policy comes under the new Ministry for Justice**

ⁱⁱⁱ **Lawrence W. Sherman and Dr Heather Strang, Smith Institute February 07**
www.smith-institute.org.au