

Effectiveness of restorative justice practices

An overview of empirical research on restorative justice practices in Europe

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Researchers have frequently studied the effectiveness of restorative justice practices. They examined how and when the different parties participate, how they experience the process and what the outcomes of the process are. This article intends to give an overview of empirical research done on the benefits of restorative justice practices. It will mainly focus on restorative justice in comparison to the traditional criminal justice system and will offer a closer look on some of the most interesting benefits of restorative justice. What does research tell us about the effectiveness of restorative justice?

1. Participating in restorative justice

Victims and offenders can have a variety of reasons for participating in restorative justice (RJ). Victims may take part because they want to meet the offender, have questions or are looking for a form of reparations for the harm caused. In many cases victims had questions concerning the crime and were in need of answers from the offender.¹ These questions can concern what happened during the offense, the reason why the offender had harmed them and whether he or she had taken responsibility for it.² A study on the motivation of victim-participants in Belgium and England showed that they expected that expressing their emotions and gaining insight in the crime would advance their healing.³ In some cases victims were concerned with the (criminal) future of the offender.⁴ They wanted or hoped that their dialogue would dissuade reoffending, which would lead to a safer society.⁵ Receiving compensation is also an important factor for victims to participate in RJ. Yet most victims emphasized that this is not because of their wish for money, but because it symbolises that they have been hurt and that the offender has recognized this.⁶ Victims tend to be more motivated to meet a young offender than an adult.⁷ A few measures can be taken to increase the likelihood of victims participating, such as letting a trained professional explain how the RJ process works and letting the victim decide the date and time of the meeting.⁸

¹ Shapland, J., Robinson, G., & Sorsby, A. (2011). *Restorative Justice in Practice: Evaluating what works for victims and offenders*. Abingdon, Oxon: Routledge.

² Vanfraechem, I., Aertsen, I., & Willemsens, J. (2010). *Restorative Justice Realities. Empirical Research in a European Context*. The Hague: Eleven International Publishing.

³ Van Camp, T. (2017). Understanding victim participation in restorative practices: Looking for justice for oneself as well as for others. *European Journal of Criminology*, 14(6), 679-696.

⁴ Vanfraechem, I., Aertsen, I., & Willemsens, J. (2010). *Restorative Justice Realities. Empirical Research in a European Context*. The Hague: Eleven International Publishing.

⁵ Van Camp, T. (2017). Understanding victim participation in restorative practices: Looking for justice for oneself as well as for others. *European Journal of Criminology*, 14(6), 679-696.

⁶ Shapland, J., Robinson, G., & Sorsby, A. (2011). *Restorative Justice in Practice: Evaluating what works for victims and offenders*. Abingdon, Oxon: Routledge.

⁷ Sherman, L. W., & Strang, H. (2007). *Restorative Justice: the Evidence*. London: The Adam Institute.

⁸ Idem.; Wilcox, A., & Coyle, C. (2004). *National Evaluation of the Youth Justice Board's Restorative Justice Projects*. London: YJB; Holdaway, S., Davidson, N., Dignan, J., Hammersley, R., Hine, J., & Marsh, P. (2001). *New Strategies to Address Youth Offending: The National Evaluation of the Pilot Youth Offending Teams. Research, Development and Statistics Directorate Paper No. 69*. London: Home Office.

The motivations for offenders to join RJ practices vary as well. Most offenders want to take part in RJ because they want to offer to repay the harm that they have caused.⁹ Others are motivated by a wish to express their responsibility or remorse.¹⁰ In diversion cases, where RJ occurs next to regular court proceedings, RJ offers the criminal justice system the possibility to take a mediated agreement into account in further proceedings. In these cases the offender may be motivated by an intention to avoid appearance in court or to avoid prosecution.¹¹

The community can also play an important role in restorative justice practices. The concept of community can be interpreted as: a community of care (direct stakeholders such as family members or friends of the victim or the offender), a local community (indirect stakeholders such as neighbours or schools), a wider community (the public) etc. There are several reasons why these communities should be involved in RJ practices. First of all, following Christie's argumentation that conflicts are property of the community, RJ helps to return 'stolen' conflict to their owners.¹² The community is directly affected by offences and is thus a rightful participant of the RJ process. Secondly, participating in RJ will empower the community. By letting the community deal with its own conflict, it will grow stronger and more self-sufficient.¹³ Thirdly, laypeople may have a better notion of the context of the conflict within the community, which can result in a better ability to deal with reintegration of offenders and communicating sympathy for victims.¹⁴ Lastly, the offender's community of care may be better equipped to persuade the offender to take responsibility.¹⁵

2. Restorative justice processes

Research shows that RJ processes allow for more feelings of involvement and empowerment for both parties than in the traditional justice system.¹⁶ They offer the opportunity for victim's needs and interests to be expressed and accounted for. In many cases the interest in achieving symbolic reparation is considered to be more important than any kind of material compensation.¹⁷ Offenders mention that they felt treated more fairly and that they experienced more satisfaction from RJ than through traditional justice.¹⁸ Another study showed that both parties associated restorative justice with fair treatment and conflict resolution.¹⁹ Furthermore, research in Belgium found that professionals (for example, police, lawyers and care providers)

⁹ Shapland, J., Robinson, G., & Sorsby, A. (2011). *Restorative Justice in Practice: Evaluating what works for victims and offenders*. Abingdon, Oxon: Routledge

¹⁰ Vanfraechem, I., Aertsen, I., & Willemsens, J. (2010). *Restorative Justice Realities. Empirical Research in a European Context*. The Hague: Eleven International Publishing; Sherman, L. W., & Strang, H. (2007). *Restorative Justice: the Evidence*. London: The Adam Institute.

¹¹ Vanfraechem, I., Aertsen, I., & Willemsens, J. (2010). *Restorative Justice Realities. Empirical Research in a European Context*. The Hague: Eleven International Publishing.

¹² Rosenblatt, F. F. (2015). *The Role of Community in Restorative Justice*. London: Routledge.

¹³ Idem.

¹⁴ Idem.

¹⁵ Idem.

¹⁶ Laxminarayan, M. (2011). *Accessibility and Initiation of Restorative Justice*. Final Report of Project JUST/2011/JPEN/2968. European Forum for Restorative Justice.

¹⁷ Vanfraechem, I., Aertsen, I., & Willemsens, J. (2010). *Restorative Justice Realities. Empirical Research in a European Context*. The Hague: Eleven International Publishing.

¹⁸ Strang, H., Barnes, G. C., Braithwaite, J., & Sherman, L. (1999). *Experiments in Restorative Policing: A Progress Report on the Canberra Reintegrative Shaming Experiments (RISE)*. Canberra: Australian National University.

¹⁹ Latimer, J., Dowden, C., & Muise, D. (2005). The Effectiveness of Restorative Justice Practices: A Meta-Analysis. *Prison Journal*, 85(2), 127-144; Umbreit, M. S., Coates, R. B., & Vos, B. (2001). The impact of victim-offender mediation: Two decades of research. *Federal Probation*, 65(3), 29-35.

have a positive attitude towards the idea of mediation.²⁰ A bigger role for RJ can also help to reduce the caseload of courts.

There is evidence that RJ is in many ways financially attractive. RJ produces lower costs of reconviction and is in that way economically preferable to the regular criminal justice system.²¹ Answering to the phrase that ‘time is money’, an American study showed that VOM cases only took a third of the time that was needed for non-mediated cases.²² The cost saving function of RJ is even more significant when the health benefits (no more trips to counselling, therapists and post-trauma stress services) are considered as well.²³ For example, meeting with the offender has shown to reduce post-traumatic stress symptoms (PTSS).²⁴ Moreover, it can have therapeutic benefits for family members of homicide victims.²⁵ Such long-term health benefits can reduce health costs paid by taxpayers.²⁶

3. Outcomes of restorative justice practices

A meta-analysis found that restorative justice was more successful in improving victim and offender satisfaction, decreasing recidivism of offenders and increasing offender compliance with restitution when compared to more traditional criminal justice programmes.²⁷ Victims and offenders are more satisfied through RJ than through conventional justice proceedings.²⁸ Although a self-selection bias should be taken into account here, research does show that RJ delivers satisfaction even when participants were offered little or no choice.²⁹ Studies consistently state that RJ practices achieve at least 85% satisfaction among victims.³⁰ They also mention that after the RJ process they felt less afraid that the offender would cause further harm

²⁰ Vanfraechem, I., Aertsen, I., & Willemsens, J. (2010). *Restorative Justice Realities. Empirical Research in a European Context*. The Hague: Eleven International Publishing, p. 77.

²¹ Shapland, J., Atkinson, A., Atkinson, H., Dignan, J., Edwards, L., Hibbert, J., Howes, M., Johnstone, J., Robinson, G., & Sorsby, A. (2008). *Does restorative justice affect reconviction? The fourth report from the evaluation of three schemes*. Ministry of Justice Research Series 10/08, p. 69; Umbreit, M. S., Coates, R. B., & Vos, B. (2001). The impact of victim-offender mediation: Two decades of research. *Federal Probation*, 65(3), 29-35.

²² Stone, Helms, and Edgeworth, 1998, in Umbreit, M. S., Coates, R. B., & Vos, B. (2001). The impact of victim-offender mediation: Two decades of research. *Federal Probation*, 65(3), 29-35.

²³ House of Commons Justice Committee. (2016). *Restorative justice*. Fourth report of Session 2016-2017.

²⁴ Sherman, L. W., & Strang, H. (2007). *Restorative Justice: the Evidence*. London: The Adam Institute.

²⁵ Idem.

²⁶ Idem.

²⁷ Latimer, J., Dowden, C., & Muise, D. (2005). The Effectiveness of Restorative Justice Practices: A Meta-Analysis. *Prison Journal*, 85(2), 127-144.

²⁸ Umbreit, M., & Coates, R. (1993). Cross-site analysis of victim offender mediation in four states. *Crime and Delinquency*, 39(4), 565-585; Strang, H., & Sherman, L. (2003) Repairing the harm: Victims and restorative justice. *Utah Law Review* 15(1), 15-42; Van Camp, T. (2017). Understanding victim participation in restorative practices: Looking for justice for oneself as well as for others. *European Journal of Criminology*, 14(6), 679-696.

²⁹ Sherman, L. W., & Strang, H. (2007). *Restorative Justice: the Evidence*. London: The Adam Institute.

³⁰ Shapland, J., Robinson, G., & Sorsby, A. (2011). *Restorative Justice in Practice: Evaluating what works for victims and offenders*. Abingdon, Oxon: Routledge; Jacobson, J., & Gibbs, P. (2009). *Out of Trouble. Making Amends: restorative youth justice in Northern Ireland*. London: Prison; Beckett, H., Campbell, C., O’Mahony, D., Jackson, J., & Doak, J. (2004). *Interim evaluation of the Northern Ireland Youth Conferencing Scheme: Research and statistical bulletin 1/2005*. Belfast: Northern Ireland Statistics and Research Agency; Strang, H. (2002). Repair of Revenge: Victims and Restorative Justice. *The British Journal of Criminology*, 44(2), 290-292; Strang, H., Sherman, L., Angel, C. M., Woods, D. J., Bennett, S., Newbury-Birch, D., & Inkpen, N. (2006). Victim evaluations of face-to-face restorative justice experiences: A quasi-experimental analysis. *Journal of Social Issues*, 62, 281-306; Umbreit, M., & Coates, R. (1993). Cross-site analysis of victim offender mediation in four states. *Crime and Delinquency*, 39(4), 565-585; Umbreit, M. S., Coates, R. B., & Vos, B. (2001). The impact of victim-offender mediation: Two decades of research. *Federal Probation*, 65(3), 29-35.

to them.³¹ If victims are not satisfied by the process, this can be linked to a lack of attention to their needs in the preparation of the RJ process.³² It can also be that more attention is given to offenders.³³

Restorative justice practices are also satisfactory for offenders. Offenders appreciate the opportunity to meet the victim, to actively participate and to express remorse.³⁴ They are also said to have a more positive attitude towards police and law after RJ processes than those who were convicted through the traditional justice system.³⁵ Moreover, research shows that conferencing often helped to strengthen the bonds between offenders and their friends or relatives.³⁶ This reinforcement of social bonds can lead to an encouragement of desistance processes.³⁷

A New Zealand study of 108 young people confirmed that restorative justice seems to stimulate desistance more than the criminal justice system.³⁸ The researchers found that some conference-specific factors were relevant to reconviction, such as: feelings of remorse on the part of the offender; not being made to feel a bad person; feeling involved in decision making; agreeing with the outcome; and meeting and apologizing to the victim.³⁹ This is confirmed by another Belgian study that found that RJ's opportunity of confirming the desisters' pro-social identity influences the process of desistance.⁴⁰ In fact, multiple researchers state that RJ practices can play a role in reducing offender recidivism.⁴¹ An Austrian study investigated the recidivism rate in 361 VOM cases and 7,952 court cases. They found that for offenders without prior conviction, there was a recidivism rate of 14% for the VOM cases and 33% for cases that resulted in a fine.⁴² Another study showed that offenders in RJ programmes are less likely to

³¹ Morris, A., & Maxwell, G. (2001). *Restorative Justice for Juveniles*. Oxford: Hart Publishing.

³² Umbreit, M. S., Vos, B., Coates, R. B., & Lightfoot, E. (2005). Restorative Justice in the Twenty-first Century: A Social Movement Full of Opportunities and Pitfalls. *Marquette Law Review*, 89(2), 251-304.

³³ Hoyle, C., Young, R., & Hill, R. (2002). *Proceed with Caution: An Evaluation of the Thames Valley Police Initiative in Restorative Cautioning*. York: Joseph Rowntree Foundation; Strang, H. (2002). Repair of Revenge: Victims and Restorative Justice. *The British Journal of Criminology*, 44(2), 290-292.

³⁴ Shapland, J., Robinson, G., & Sorsby, A. (2011). *Restorative Justice in Practice: Evaluating what works for victims and offenders*. Abingdon, Oxon: Routledge; Morris, A., & Maxwell, G. (2001). *Restorative Justice for Juveniles*. Oxford: Hart Publishing.

³⁵ McGarrell, E. E., Olivares, K., Crawford, K., & Kroovand, N. (2000). *Returning Justice to the Community: The Indianapolis Juvenile Restorative Justice Experiment*. Hudson Institute.

³⁶ Shapland et al. (2012). *Quality, probation and desistance from crime*, 39.

³⁷ Lauwaert, K., & Aertsen, I. (2015). *Desistance and restorative justice. Mechanisms for desisting from crime within restorative justice practices*. European Forum of Restorative Justice; Robinson, G., & Shapland, J. (2008). Reducing Recidivism. A Task for Restorative Justice? *British Journal of Criminology*, 48, 337-358.

³⁸ Morris, A., & Maxwell, G. (2001). *Restorative Justice for Juveniles: Conferencing, Mediation and Circles*. Oxford: Hart Publishing.

³⁹ Robinson, G., & Shapland, J. (2008). Reducing Recidivism. A Task for Restorative Justice? *British Journal of Criminology*, 48, 337-358.

⁴⁰ Lauwaert, K., & Aertsen, I. (2015). *Desistance and restorative justice. Mechanisms for desisting from crime within restorative justice practices*. European Forum of Restorative Justice

⁴¹ Shapland, J., Atkinson, A., Atkinson, H., Dignan, J., Edwards, L., Hibbert, J., Howes, M., Johnstone, J., Robinson, G., & Sorsby, A. (2008). *Does restorative justice affect reconviction? The fourth report from the evaluation of three schemes*. Ministry of Justice Research Series 10/08, p. 66; Sherman, L., Strang, H., & Woods, D. (2000). Recidivism Patterns in the Canberra Reintegrative Shaming Experiments (RISE). (Canberra: Centre for Restorative Justice, Research School of Social Sciences, Australian National University.

⁴² Schütz, H. (1999). Die Rückfallshäufigkeit nach einem Außergerichtlichen Tausgleich bei Erwachsenen. *Österreichische Richterzeitung*, 77, 166-169. It should be noted here that this difference in recidivism may be caused by a selection effect, namely that state prosecutors select cases for referral on the basis of their likelihood to reoffend.

reoffend compared to a control group.⁴³ This is a positive potential result for both parties, as victims expressed in multiple studies that they view desistance from crime as a form of reparations.⁴⁴

Researchers who evaluated two decades of RJ research state that 90% of RJ practices result in restitution agreements.⁴⁵ When victims and offenders come to an agreement, this can result, among others, in a financial reparation, an explanation or excuses, written apologies to the victim, a promise not to reoffend or reparation in the form of services. In 80-90% of the cases, the agreements were executed accordingly.⁴⁶ A comparative study found that 81% of youth participating in VOM completed their agreements, as opposed to 57% of youth who were not in the VOM program.⁴⁷

4. Recommendations for restorative justice practices

Restorative justice offers another way of dealing with crime that takes the needs of victims, offenders and their communities into account.⁴⁸ It is crucial though that RJ professionals continuously work towards a high quality practice. This includes providing a safe, neutral and confidential setting and attention for the wellbeing of all participants.⁴⁹ Practitioners should be well trained and qualified for the job. They should also provide clear and honest information that allows involve parties to make an informed choice about participation.⁵⁰ Moreover, the needs of those who have been harmed by criminal behaviour should be a priority whenever conducting RJ. Good RJ practices should allow victims to use their victimization to a constructive end, thus finding meaning in adversity.⁵¹ If standards are held high, restorative justice offer a more humane way in dealing with crime by putting the recovery of victims and the desistance of offenders first. It is also important to ensure that the justice system does not 'recuperate' the mediation.⁵²

There is no evidence that certain types of offences or offenders are more or less suitable for restorative justice.⁵³ Factors such as age, gender and ethnicity showed no difference in terms of

⁴³ De Beus, K., & Rodgriguez, N. (2007). Restorative justice practice: An examination of program completion and recidivism. *Journal of Criminal Justice*, 35(3), 337-347; Bradshaw, B., & Roseborough, D. (2005). Restorative justice dialogue: The impact of mediation and conferencing on juvenile recidivism. *Federal Probation*, 69(2), 15-21; Latimer, J., Dowden, C., & Muise, D. (2005). The Effectiveness of Restorative Justice Practices: A Meta-Analysis. *Prison Journal*, 85(2), 127-144; Shapland, J., Robinson, G., & Sorsby, A. (2011). *Restorative Justice in Practice: Evaluating what works for victims and offenders*. Abingdon, Oxon: Routledge.

⁴⁴ Lauwaert, K., & Aertsen, I. (2015). *Desistance and restorative justice. Mechanisms for desisting from crime within restorative justice practices*. European Forum of Restorative Justice; Robinson, G., & Shapland, J. (2008). Reducing Recidivism. A Task for Restorative Justice? *British Journal of Criminology*, 48, 337-358.

⁴⁵ Umbreit, M. S., Coates, R. B., & Vos, B. (2001). The impact of victim-offender mediation: Two decades of research. *Federal Probation*, 65(3), 29-35.

⁴⁶ Idem.

⁴⁷ Idem.

⁴⁸ Walgrave, L., Aertsen, I., Parmentier, S., Vanfraechem, I., & Zinsstag, E. (2013). Why restorative justice matters for criminology. *Restorative Justice*, 1(2), 159-167.

⁴⁹ Van Camp, T. (2017). Understanding victim participation in restorative practices: Looking for justice for oneself as well as for others. *European Journal of Criminology*, 14(6), 679-696.

⁵⁰ Idem.

⁵¹ Idem.

⁵² Vanfraechem, I., Aertsen, I., & Willemsens, J. (2010). *Restorative Justice Realities. Empirical Research in a European Context*. The Hague: Eleven International Publishing, p. 78.

⁵³ Shapland, J., Robinson, G., & Sorsby, A. (2011). *Restorative Justice in Practice: Evaluating what works for victims and offenders*. Abingdon, Oxon: Routledge.

the benefits RJ can bring.⁵⁴ There may however be certain cases that seem to be unfit for RJ practices because of the possibility of further harming the victim. This argument is often used to state that RJ is not fit for cases of sexual violence. The same goes for cases of domestic violence, in which there is often a power imbalance between the victim and the offender. Even if these cases are considered to be sensitive, it would still be valuable to offer RJ in these cases. The aim of RJ is to offer the victim a chance to confront the offender and to offer the offender a chance to make amends. Whether they choose to engage in RJ is completely up to them, but it is important to keep the options open whenever possible. Again, the most important thing here is for RJ practitioners to be aware of the specificity of the case and to maintain a high standard of quality in the process.

Notes

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⁵⁴ Shapland, J., Atkinson, A., Atkinson, H., Dignan, J., Edwards, L., Hibbert, J., Howes, M., Johnstone, J., Robinson, G., & Sorsby, A. (2008). *Does restorative justice affect reconviction? The fourth report from the evaluation of three schemes*. Ministry of Justice Research Series 10/08.

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