



***“Addressing Conflict Outside the
Court System: Some Reflections
on Alternatives”***

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and Youth Justice**

- **Ambition?**
- in which the **victim, offender and/or any other individuals or community members** affected by a crime
- **participate actively together** in the **resolution of matters arising from the crime,**
- often with the help of a fair and impartial third party.
 - UN Handbook of Restorative Justice Programmes (2006)

- **What are the intended ‘purposes’ of restorative practices?**

- **who should it be used for and with, and when?**
 - **adults, young people, individual victims**
 - **harm, direct contact or indirect,**
 - **direct victim involvement in process or simply a victim perspective**
 - **at cautioning stage, diversion, pre-conviction or post conviction, in the community or in custody**
-
- **Any consensus?**

- **What kind of offences/ harms are appropriate?**
 - **minor or serious,**
 - **violent or non violent?**

should expected outcomes relate only to victims' needs or to offenders? or always to both - mutuality?

Who should deliver restorative practices?

**professionals within justice,
in voluntary organisations,
trained volunteers,
the private sector**

Independent – impartial

- Research Findings
- Restorative Cautions

insufficient evidence to suggest that restorative cautioning was more effective than traditional cautioning in terms of reducing re-sanctioning rates.

no evidence to suggest that restorative cautions or conferences had any positive or negative impact on re-sanctioning compared to traditional cautions.

Wilcox, Young and Hoyle 2004

()

little evidence to suggest restorative interventions have a greater impact on reducing youth offending than other forms of diversion or non-intervention for very minor and first offences

(68% (comparison) vs 71% R Cautions

(68% (comparison) vs 59% R Conferencing

(68% (comparison) vs 57% (attend) vs 65% (non attend) R programme

(Dutton and Whyte 2006)

Research Findings Restorative Conferencing

Works well for ***Crime***
(reduction in frequency (no of crimes) on average 27%)

BUT

Not quite as well for ***Criminals***
(no apparent reduction prevalence (number of criminals))

Works best for most frequent offenders:
Works better for violence than property
Wasted on minor offences—orthodoxy

Strang and Sherman 2010

- **Best evidence**

- Post-traumatic Stress Symptoms
- Helps women victims ***More*** than men
- Impact of Events Scale (IES)
- Robbery, burglary victims
- Implications for alliance between therapeutic services and restorative practices?

Support for Restorative Practice widespread across western jurisdictions –but is it Restorative Justice ?

**no evidence of (a new paradigm) different kind of
justice**

Is the term RJ discredited?
by scripted commodification,
focus on minor offences;
limited provision for victims
practice disconnected from wider services

What should the intended 'purpose' of restorative practices be?

Peacemaking

Assythment –

'satisfaction'; avoiding blood feud

satisfaction .. demandable by the family of a person slain
but now superseded by damages recoverable by an
action

the recompense or redress made for wrongs or damage
committed

Restorative Practice: A Social Movement Full of Opportunities and pitfalls

(Umbreit et al 2012)

practices not inherently benign or incapable of doing harm.
pitfalls derive from the inherent difficulty of
attempting to balance ..valid needs: of victims, of offenders, of
the community, and ultimately of the state
small programs ..may be less prone to such errors than large
institutions and governments,

A Single case study – towards a practice model

Victim Support, Sacro, Police, UoE (funded by SG)

Car Fatality-

Friends/Acquaintances from same town

One young man dead

One young man (with no previous) convicted &
imprisoned

Two Families damaged – one irreparably

Community of interest vengeful

The Justice system has run its course?



**outreach and contact
engagement
timing
preparation
communities of interest
objectives
outcomes
practice model
skills set
strategic context**





What Next?

**Restoration In Serious Crime
RISC**

A practice model