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Restorative justice: the views of victims and offenders

The third report from the evaluation of three schemes

**Joanna Shapland, Anne Atkinson, Helen Atkinson,
Becca Chapman, James Dignan, Marie Howes,
Jennifer Johnstone, Gwen Robinson and Angela Sorsby**

**Centre for Criminological Research
University of Sheffield**

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Summary

Introduction

This is the third report on the evaluation of three restorative justice schemes funded by the Home Office under its Crime Reduction Programme from mid-2001: CONNECT, the Justice Research Consortium (JRC) and REMEDI. The three schemes were designed to focus on adult offenders, some of whom were convicted of very serious offences.

The definition of restorative justice adopted was: “Restorative justice is a process whereby parties with a stake in a specific offence collectively resolve how to deal with the aftermath of the offence and its implications for the future” (Marshall 1999). The experiences and views of participants, particularly victims and offenders, were hence a key element of the evaluation. Interviews (or, occasionally, the opportunity to complete a questionnaire) were offered to all victims and offenders who participated in restorative justice.

CONNECT provided indirect mediation (sometimes called shuttle mediation, where information is passed by the mediator between victim and offender), direct mediation (a meeting between victim and offender with one or more mediators present) and conferencing (a meeting with victim and offender supporters present as well). Interviews were conducted with four CONNECT offenders and 11 victims.

JRC offered only conferencing, using an experimental model in which cases were randomised to a conference or control group after victim and offender consent had been obtained. Views were obtained from offenders and victims just after the conference or, for the control group, randomisation, and also from participants in the early stages of the scheme’s operation just prior to participation. Both conference group participants (152 offenders and 216 victims) and control group participants (118 offenders and 166 victims) were also interviewed some eight to nine months after the conference.

REMEDI offered indirect mediation and direct mediation, with views being obtained from 24 offenders and 32 victims.

Approaching restorative justice

Offenders and victims were approached by the schemes to participate in restorative justice in several different ways, including personally at court, by letter or by telephone. All these ways were found satisfactory by respondents. As offenders and victims had only rarely heard of restorative justice prior to being contacted, the preparation process prior to asking for agreement to participate was vital. Both offenders and victims in all three schemes were very satisfied with the amount of information they were given about the restorative justice process itself, though schemes were less good at providing information about what might happen after a restorative justice event (such as whether there might be a conference agreement or how the criminal justice process might be affected) and at providing written information to all participants. Having a preparation meeting with the facilitator prior to a conference or direct mediation was found very helpful.

Despite the preparation, participants could still be nervous approaching a restorative justice event and this was particularly true of offenders. Many victims and offenders thought the event was primarily for the other party rather than themselves. Most offenders envisaged apologising to the victim, though victims were more doubtful that they would do so. Where participants thought they had problems related to the offence (such as victims wondering whether they had been personally targeted or offenders being aware of their substance abuse leading to offending), they envisaged restorative justice helping with these. Interviews, both prior to restorative justice (for JRC and REMEDI) and subsequent to restorative justice, looking back on it (quantitative data for JRC and REMEDI, qualitative for CONNECT), showed that participants usually had several reasons for taking part in restorative justice. They were looking for several different elements to take

place (communicating to the other party, helping with their own and the other party's problems, answering questions, etc.). Offenders and victims stressed communication as being particularly important. Offenders were keen to make reparation but this was not as important to victims.

Conferences and mediation

Victims and offenders who participated in conferencing or mediation were generally very positive about the experience. JRC conferences involved victim and offender supporters (generally family members) and most were held in institutional settings, such as prisons (because the offender was in prison) or police stations. However, both the location and the layout of the conference were seen as suitable by offenders and victims. Both offenders and victims were very positive about the conference itself, both in the follow-up interview a few weeks afterwards and in final interviews some eight to nine months afterwards. Communication with the other party was the most valued element of the conference and was rated highly by all those interviewed.

JRC facilitators were felt by participants to be appropriately in control of conferences, which were seen as safe experiences. How emotional they were varied, with those participants saying they were more nervous experiencing it as more emotional. Where there was any dissatisfaction with the conference, this tended to centre around disputes between victim and offender as to what had happened in relation to the offence or, occasionally, problems of communication. In the final interviews, 90 per cent of conference group victims said their offenders had apologised, whilst in the control group, which did not experience a conference, only 19 per cent of victims interviewed had had their offender apologise to them.

Overall, 85 per cent of victims and 80 per cent of offenders were very or quite satisfied with the JRC conference itself, with all the randomised trials showing at least three-quarters of victims very or quite satisfied. This is a key outcome measure in the evaluation. The outcome agreement was also seen as satisfactory – only 12 per cent of victims and 10 per cent of offenders expressed any doubts about it and almost all thought it was fair. Any dissatisfaction tended to be related to dissatisfaction with other aspects of the conference.

There was not always full follow-up by JRC after the conference or randomisation to the control group. As a result, some victims did not know whether the offender had completed the agreement, with some suspecting they had not done it. Most offenders thought participation had not affected criminal justice outcomes in the case, but victims' views were more varied. Those randomised into the control group were mostly disappointed that they would not be able to participate in a conference, though there were also elements of relief for some. Not all participants in control group cases fully understood what had happened and there was a need for further feedback.

Direct mediation carried out by REMEDI and CONNECT, for the small number of cases in which this occurred for these schemes, also produced high levels of satisfaction according to the victims and offenders interviewed. Communication was reported as important and the skills of mediators were rated highly. Mediation did not have the future-oriented dimension of conferences, nor, generally, were there outcome agreements – participants did not usually discuss what the offender might do in future to reduce the possibility of re-offending.

Indirect mediation by REMEDI and CONNECT was also described positively by victims and offenders, in relation to the process and the helpfulness of the mediators. It was reported as tending to involve far less communication than direct mediation. The amount of contact between mediator and participant varied considerably between different cases, as reported in interviews (only qualitative data have been reported for CONNECT and REMEDI, because of the small number of interviews). Communication was again seen as important by victims and offenders in both schemes. Indirect mediation, because it lacks the face-to-face

meeting of direct mediation or conferencing, could leave participants rather more unsure as to what was happening. Victims and offenders said they were not always very sure whether something was supposed to happen after the mediation or whether the case was closed. CONNECT mediators wrote reports to the court after the mediation and participants were not always sure what they contained or whether everything had been conveyed accurately.

Overall views and interactions with criminal justice

Offenders and victims entered the restorative justice process with a variety of expectations and needs, which means there can be no one measure of perceived 'success', as far as participants are concerned. The interviews covered many aspects, including how far victims' questions were answered, whether offenders had addressed the harm they had caused, whether there was a sense of closure, and whether offending-related problems had been addressed. On all of these, the majority of both victim and offender views were very positive. For example, over half of JRC victims said the process had provided them with a sense of closure, with another 20 per cent saying it had done so to some extent. Most victims interviewed said participating in restorative justice had lessened the negative effects of the offence, but few significant¹ differences emerged from the JRC interviews in which scales of the extent of reduction of effects were used. Offenders also felt obtaining a sense of closure was important and three-quarters of JRC offenders had done so. Just under four-fifths of JRC offenders also thought it would lessen their likelihood of reoffending.

For JRC, participants' ratings of the different parts of the process were also significantly inter-related, so that those who were satisfied with the conference tended to be satisfied with the outcome, to give high ratings in terms of how useful the process was for them, and to think restorative justice was a good way to deal with the offence (in these schemes, restorative justice processes were, of course, additional to criminal justice processes). The overall response was one of satisfaction. Not everyone was entirely satisfied, however, with 26 per cent of JRC offenders and 34 per cent of victims showing some element of dissatisfaction about one aspect – but there were only six offenders and six victims who were dissatisfied overall (out of 152 offenders and 216 victims interviewed). As many as 74 per cent of JRC offenders and 78 per cent of victims would definitely or probably recommend restorative justice to others for similar offences (11% of offenders and 9% of victims were not sure whether they would or not; 3% of offenders and 5% of victims would probably not). Very few had been put off by their experience (10% of JRC offenders and 10% of victims would probably or definitely not recommend it). Dissatisfaction revolved around disputes between victim and offender regarding the offence, or difficulties in communication.

Comparing participants' views on whether they found the process useful with the actual time between offence and JRC conference, there was a broad span of time over which participants felt restorative justice would be useful, with most seeing their conference (which was determined by criminal justice processes) as being held at the right time. Most JRC victims interviewed had had a considerable amount of interaction with the criminal justice system on their case, including giving statements to the police, though only 75 per cent of the conference group and 69 per cent of the control group had been informed of the result of the case by anyone by the time of the final interview. Conference group victims were significantly more likely than control group victims to think the sentence given was the right one, though the numerical difference is small (53% of conference group victims and 45% of control group victims thought it was the right sentence). Offenders were significantly more likely to think the sentence was correct than victims (71% of conference offenders and 67% of control offenders were satisfied with the sentence), with victims tending to think it was, if anything, too lenient. Conference victims and offenders were significantly more satisfied with what the criminal justice system had done with their case than control group participants, suggesting there is a positive effect of participating in restorative justice on confidence in criminal justice.

¹ Unless otherwise indicated all references to 'significant' differences relate to statistically significant results.

REMEDI and CONNECT participants were also satisfied with restorative justice. There was some evidence that direct mediation created more satisfaction than indirect mediation, though small numbers of cases were involved here. Offenders were more likely to think mediation useful than victims, though victims tended to feel that mediation had solved problems caused by the offence. Most REMEDI victims thought mediation was a good way to deal with the offence, but some thought it was a bad way. REMEDI cases were not intended by the scheme to lead directly to criminal justice decisions (mediation in cases with adult offenders occurred post-sentence) and participants' views on whether criminal justice outcomes had been affected varied. REMEDI offenders overwhelmingly would recommend mediation to others, as would most victims, but some indirect mediation victims had clearly been put off. CONNECT participants' reactions were very similar.

A key remaining question is whether participants found a direct meeting (conferencing or direct mediation) better than indirect mediation. This is a very difficult question to answer, because each of the three schemes was different in terms of its procedures and practices and each gave participants different choices. JRC only offered conferencing; there was no alternative. CONNECT and REMEDI offered both indirect and direct mediation, with indirect mediation being the most common choice. We cannot provide a full answer to the question of whether there should be several possibilities or just one possibility for restorative justice offered and if just one, which that should be. We can, however, offer a number of pointers. The first is participants' reactions to having a direct meeting: almost all of those who did experience a face-to-face meeting did not regret it. In contrast, those who experienced indirect mediation were more split, with some preferring a direct meeting, and indirect mediation tended to be associated with somewhat lower levels of satisfaction for victims than direct mediation. Finally, the process of indirect mediation makes it difficult to include future-oriented matters or have a signed outcome agreement. If, then, restorative justice is to achieve its full potential – particularly in relation to facilitating communication, the attendance of supporters enabling offenders to think about offending-related problems, and a focus towards the future – this seems more likely to be achieved to parties' satisfaction by a direct face-to-face meeting. In our view conferencing is likely to be the most helpful process. However, some will always not wish a direct meeting with the other party and solely offering conferencing will then prevent access to other forms of restorative justice for them.

1. Introduction

This third report on the evaluation of three schemes funded by the Home Office to undertake restorative justice focuses upon the views of victims and offenders. Restorative justice was defined by the schemes and funders to involve: “a process whereby parties with a stake in a specific offence collectively resolve how to deal with the aftermath of the offence and its implications for the future” (Marshall 1999). The key parties for all three schemes were victims and offenders and so their views are crucial in evaluating the schemes. Indeed, the original aims of the Home Office funding of the schemes, under the Crime Reduction Programme, were to reduce offending, but also to “retain a significant focus on the needs and rights of victims” (p. 43) and “better representing the interests of the parties involved than the conventional criminal justice process is thought to do” (Home Office, 2001: 39). We would argue that, in order to reduce re-offending within a restorative justice programme which stresses participation and collective decision-making, offenders must also be and feel involved. Hence both offender and victim views have been a central part of our evaluation.

The three schemes were CONNECT, REMEDI and the Justice Research Consortium (JRC). Their initial development is described in Shapland *et al.* (2004) and their further progress and the numbers of cases involved in Shapland *et al.* (2006a; 2006b).

CONNECT, run jointly by NACRO and the National Probation Service in London, was funded between mid-2001 and summer 2003. It was a small scheme, working with two magistrates’ courts in Inner London, taking cases involving adult offenders mainly between conviction and sentence, but with some referrals from victims and following some cases on to the Crown Court. It offered a wide range of restorative justice services, including indirect mediation, direct mediation and conferencing, over a wide range of offences involving personal victims. Indirect mediation (sometimes called shuttle mediation) involves information being passed by one or more mediators between the offender and victim. There is no face-to-face meeting between offender and victim. Direct mediation includes a face-to-face meeting between the offender and victim, with one or more mediators or facilitators also present. Conferencing also involves a face-to-face meeting between offender and victim, with facilitator(s), but one or more supporters of the victim and the offenders are also present (family, people affected by the offence, people who are important to the offender or victim). Over the funding period, CONNECT undertook 50 cases in which restorative justice was accomplished: 37 with indirect mediation, 11 with direct mediation and two with a conference.

JRC worked on three sites from mid-2001, using conferencing only, with the last cases on Home Office funding being taken by the end of March 2004. After an initial period (Phase 1), it moved to random assignment of cases between experimental and control groups at a point after both offender and victim had consented to a conference (Phase 2). This means that in Phase 2, approximately equal numbers of cases were randomly assigned either to a conference group, which proceeded to hold the conference, or to a control group, which had no further restorative input. The aim was to create two identical groups of cases so that the effects of holding the conference could be studied. Some 728 cases reached the point of randomisation, with 342 being assigned to a conference.

In London, there were two such randomised controlled trials (RCTs) with adult offenders, one involving offences of burglary of a dwelling (186 cases randomised, 92 to a conference), and one involving offences of street crime (robbery, attempted robbery, theft from the person: 106 cases randomised, 53 to a conference). Both took cases being tried at Crown Court centres in Greater London, with the restorative justice work taking place after a guilty plea and prior to sentence. In Northumbria, RCTs took cases involving an identifiable individual victim pre-sentence for adult offenders at the magistrates’ court, with restorative justice taking place between a guilty plea and sentence (105 cases randomised, 47 to a conference); or cases

with youth offenders given a final warning for property offences or violent offences involving an identifiable individual victim (165 cases randomised, 80 to a conference). A further group of cases were those for which an adult offender was given a caution for offences of violence, but these were mostly not randomised (45 conferences were held). In Thames Valley, there were two RCTs, both involving adult offenders and offences of violence, broadly defined. One involved cases where the offender was within twelve months of the planned date of release from a determinate sentence and where the restorative justice was intended to take place pre-release (103 cases randomised, 43 to a conference). The other involved offenders given a community sentence at the magistrates' court, with conferences taking place post-sentence (63 cases randomised, 27 to a conference).

REMEI, the third scheme, had been set up in Sheffield many years before the Home Office funding started, with the Home Office funding period running from mid-2001 to the end of March 2003. The funding enabled REMEDI to offer a county-wide service of indirect and direct mediation across South Yorkshire. Both adult and youth cases are included in this evaluation, from a very wide selection of criminal justice stages, including youth cases involving final warnings, referral orders and other youth justice sentences, and adult cases given a community sentence, during resettlement pre-release from prison or during a long prison sentence. Referrals were from offenders themselves, from the National Probation Service and from victims. Of the total number of cases during the funding period, 97 involved indirect mediation and 35 direct mediation.

Obtaining the views of victims and offenders

Though restorative justice is now a global phenomenon, with schemes operating in many countries,² few schemes have been comprehensively evaluated. Most evaluations of restorative justice have concentrated primarily upon obtaining measures of victim 'satisfaction', which normally includes questions about the adequacy of information given, the perceived fairness of the process and a global question on satisfaction. Few have sought to obtain the same data for offenders (though see Daly, 1998; McCold and Wachtel, 1998), but in the present evaluation, interview schedules have been drafted to include, as far as possible, the same questions for both victims and offenders.

Where possible, we shall provide some comparative data from other studies, but it is difficult to compare different restorative justice schemes (see McCold, 2003; Kurki, 2003; Linton, 2003), because of the great variability in schemes' contexts, remit and procedures. The three schemes described above, for example, worked within criminal justice and as an addition to standard criminal justice procedures. Many other schemes have been diversionary or primarily involved young offenders. The same problems arise when comparing the three schemes being evaluated in this study. The work of JRC and, to some extent, CONNECT, for example, had a far greater emphasis on the future and on preventing reoffending, whereas REMEDI sought primarily to resolve any issues between the victim and offender. Though we can make some limited comparisons between the three schemes, we would not seek to generalise to other restorative justice work.

We set out to offer an interview (or, in a minority of cases, the opportunity to respond to a questionnaire) to all victims and offenders who participated in restorative justice or who were randomised to the control group for JRC. This 'final interview', which took around 50 minutes, covered people's expectations of restorative

2 There is, for example, an 'apology website' where people can register public apologies and regrets for past deeds, as well as schemes in many countries involving very diverse forms of restorative justice (from indirect mediation to circles and community gatherings) in different contexts (including family disputes, housing and business difficulties, as well as within the context of criminal justice, as these schemes were). For up-to-date information on developments see www.restorativejustice.org. Dignan (2005), Johnstone (2002) and Weitekamp and Kerner (2003) provide useful examples and overviews. In the UK, restorative justice has primarily been developed within the context of youth justice, with referral orders and court disposals often involving apologies or direct reparation. Schemes involving adult offenders and more serious offences, such as the three being evaluated here, are, however, far rarer.

justice, preparation for it, the event itself, any outcome agreement reached, what had happened since the event, and people's views of the staff involved, restorative justice, criminal justice and criminal justice personnel. Because restorative justice intrinsically involves a process in which victims and offenders are active participants, the interviews needed to cover every part of the process, as well as outcomes.

These interviews/questionnaires were normally completed around eight to ten months after the restorative justice event. The details of time intervals and response rates are given in Appendix 1. Interviews were done with consenting victims and offenders for CONNECT, JRC and cases involving adult offenders for REMEDI. Victims and offenders were sent questionnaires for cases involving youth offenders for REMEDI.

Many JRC conferences involved serious offences committed by adult offenders. JRC facilitators or research staff hence conducted follow-up telephone interviews with victims and offenders around two to three weeks after the conference or randomisation to the control group, to ensure that participants were all right and to obtain some feedback on the conference. Some offenders in prison in London were sent or given questionnaires to be returned, rather than being interviewed, and some Thames Valley offenders were interviewed in prison in person (see Appendix 1). Some of these interviews with London victims were done by telephone from the US by Caroline Angel, a psychiatric nurse, and involved questions on the effects of crime suffered by victims (Angel, 2005).³

For CONNECT, REMEDI and the pre-randomisation phase in JRC, we were also able to obtain some views from victims and offenders after they had been approached by the scheme and prior to their participation in mediation or conferencing. These interviews, the main findings from which are described in Shapland *et al.* (2006b), covered the preparation phase for restorative justice and expectations of participants.

The numbers of victims and offenders interviewed or who responded to questionnaires are shown in Table 1.1. We are able, therefore, to look at victim and offender views of restorative justice and criminal justice for JRC at two different times since randomisation and, for the conference group, participation in the restorative justice conference. Numbers of respondents for CONNECT and REMEDI were low, so only qualitative data can be presented on these schemes. For REMEDI and JRC, we are also able to compare perceptions of the schemes and of restorative justice prior to the event (some of which were reported in Shapland *et al.*, 2006a; 2006b) with views of victims and offenders looking back after the event.

The report

Participants' expectations of restorative justice and their views on how effectively they were prepared for it, are considered in Chapter 2, which deals with all the processes prior to the restorative justice event itself, including, for JRC, people's perceptions of the randomisation process.

Chapter 3 focuses upon the restorative justice event itself, looking at: what were seen to be helpful and less helpful elements; the extent of procedural justice shown (everyone being able to participate without anyone dominating proceedings; the fairness and helpfulness of facilitators and other staff, etc.); and the content of their restorative justice experience.

Chapter 4 covers outcomes of restorative justice – were there apologies? Was there an outcome agreement? What has happened since the restorative justice event? Was there any follow-up by the scheme? Has restorative justice helped to provide any sense of closure, to address problems, to answer questions, to reduce the effects of the offence – and has it had any negative consequences? Did participants think the restorative justice process affected the criminal justice process? Has it affected their view of criminal justice agencies or personnel? Would they recommend others to take part in restorative justice?

³ We are very grateful to JRC for making all these data available to us.

Finally, in Chapter 5, we draw together victims' and offenders' views of restorative justice and criminal justice and compare and contrast conferencing with direct and indirect mediation, considering what seem to be important factors in determining satisfaction for participants and whether there are potential pitfalls to avoid.

Table 1.1: Numbers of victims and offenders interviewed or responding to questionnaires⁴

| Scheme | Pre-restorative justice interview/questionnaire (figures relate to all respondents, not to victims and offenders separately) | Follow-up interview/ questionnaire | Final interview/ questionnaire |
|--|--|--|--------------------------------------|
| CONNECT: Questionnaire | | | |
| victims | | - | 11 |
| offenders | 3 (total) | - | 4 |
| JRC London: Pre-randomisation, Phase 1 | | | |
| Victims (restorative justice) | | 126 | 76 |
| Victims (control group) | 21 victims | 122 | 54 |
| Offenders (restorative justice) | | 66 | 46 |
| Offenders (control group) | 23 offenders | 33 | 30 |
| JRC Northumbria Pre-randomisation, Phase 1 | | | |
| Victims (restorative justice) | | 105 | 104 |
| Victims (control group) | 16 victims | 98 | 79 |
| Offenders (restorative justice) | | 107 | 83 |
| Offenders (control group) | 20 offenders | 92 | 60 |
| JRC Thames Valley Pre-randomisation, Phase 1 | | | |
| Victims (restorative justice) | | 111 | 36 |
| Victims (control group) | 17 victims | 32 | 33 |
| Offenders (restorative justice) | | 109 | 23 |
| Offenders (control group) | 19 offenders | 0 | 28 |
| REMEDI adult offender cases Questionnaire, all outcomes | | | |
| Victims indirect mediation | | - | 15 |
| Victims direct mediation | 24 victims | - | 8 |
| Offenders indirect mediation | | - | 17 |
| Offenders direct mediation | 59 offenders | - | 4 |
| REMEDI youth offender cases Questionnaire, all outcomes | | | |
| Victims | 15 victims | - | 9 |
| Offenders | 77 offenders | - | 3 |

Note: some victims and offenders returning REMEDI pre-restorative justice questionnaires, which were completed after the first meeting with the mediators, did not go on to a restorative justice event. Northumbria JRC adult caution cases did not have follow-up interviews. Thames Valley JRC also interviewed others attending conferences, including 59 victim supporters, 87 offender supporters and 53 professionals, but tended not to interview those in the control group. The unit in this table and for all results in Chapters 2 to 5 is the interviewee (victim or offender).

⁴ Percentages given throughout the report are actual percentages (i.e. missing data are included in the denominator), except where otherwise stated. Too few victims and offenders were able to be interviewed in CONNECT cases (largely because of staffing difficulties) or responded to questionnaires in REMEDI youth offender cases, to provide quantitative results, so for these cases the results given in this report will be qualitative.

2. Approaching restorative justice

Few victims and offenders in the evaluation had been aware of restorative justice, or what it would entail, before they were asked to participate. Though there was some media publicity during the operation of the schemes and forms of restorative justice are now commonplace within youth justice,⁵ restorative justice cannot be said to be a household term. Hence the ways in which victims and offenders were approached by the schemes and the process of preparation before the restorative justice event itself were very important. As one victim said when asked about her initial response to being approached to take part in mediation: 'I didn't know what to expect: I had never heard of CONNECT'. Potential participants needed sufficient information about the possibilities open to them so that they could make informed choices about whether to participate, why they might wish to do so and what the consequences might be. In this chapter, we explore participants' views on the process of preparing them to take part in restorative justice, the reasons why they decided to participate, and their expectations. Because JRC only randomised cases after both offender and victim agreed to participate, both conference and control groups experienced the initial preparation stage. Percentages in this chapter and subsequent chapters are of those who responded to the question in interviews.

Approaching offenders and victims

All three schemes had to work out the best way to approach potential participants at particular criminal justice stages – JRC and CONNECT because they were new schemes and REMEDI because they expanded to cover new areas and different stages of criminal justice. The interviews with JRC victims and offenders prior to the conference (in the pre-randomisation phase) and those with REMEDI victims and offenders prior to mediation found that they were approached in a number of different ways: by letter, in a telephone call, at court, and through Victim Support or the National Probation Service (Shapland *et al.*, 2006a; 2006b). Participants seemed to be quite happy whichever way was used, though a personal visit or face-to-face meeting at some point during preparation seemed essential.

All schemes normally started by trying to contact the offender, attempting to contact the victim only after the offender agreed. JRC offenders tended to recollect either being telephoned by JRC facilitators (34% of offenders subsequently randomised to a conference, 10% of control group offenders) or approached in person (36% of conference group, 52% of control group).⁶ Most REMEDI offenders said they were first sent a letter, though some indicated they heard about REMEDI first from their probation officer. CONNECT offenders said they were approached at court, telephoned or sent a letter (if the victim initiated mediation). The vast majority from all schemes thought the way they were approached, whichever way that was, was the right way: 90 per cent of JRC conference offenders, 81 per cent of JRC control group offenders and all REMEDI offenders interviewed. The few offenders who would have preferred something else would have liked to have received a letter first.

Victims also remembered being approached in a variety of ways: 70 per cent of JRC conference victims and 49 per cent of control victims by telephone; 15 per cent of JRC conference victims and 30 per cent of control victims in person; REMEDI victims either through a letter or by telephone. The greater use of telephone calls and personal approaches by JRC reflects the time scales within which they were working, which were dictated by criminal justice processes, with restorative justice often having to be completed by the time of

5 Young offenders are likely, for their first disposal at court, to be made subject to a referral order. This is highly likely to include apologies to victims or, occasionally, face-to-face meetings. Final warnings may also include elements of restorative justice such as written apologies or meetings with victims. However, because they have only recently been introduced, none of the adult offenders in the evaluation will have experienced these. Direct victim participation in youth restorative justice has been very low until the last few years (Holdaway *et al.*, 2001; Crawford and Newburn, 2003).

6 All percentages in this chapter and in subsequent chapters are actual percentages of those who were interviewed and to whom the question might be applicable, i.e. they include data missing because the person did not answer the question, in the denominator.

sentence. None the less, again victims were happy about the approach, whichever way was used. So, 95 per cent of JRC conference victims and 91 per cent of control victims thought they were approached in the right way. Similar views were given by CONNECT and REMEDI victims.

After the initial approach, participants felt it was very important that they then had the opportunity to meet up with scheme staff and talk through what restorative justice might entail and any concerns they had. JRC victims normally had one meeting with the facilitator before the conference (what we have called the 'preparation meeting' – see below). REMEDI and CONNECT victims could have several meetings for both indirect and direct mediation and certainly it was common for several meetings to occur before a direct mediation took place, particularly where it was a very serious offence. Victims were appreciative that scheme staff were prepared to visit them at home and take the time to talk through their concerns and answer their questions.

Did victims and offenders feel they had sufficient information about restorative justice?

Participating in restorative justice was voluntary in all three schemes.⁷ It is important that all parties felt they had sufficient information to make up their minds whether or not to participate. The final interviews are a good test of the adequacy of the schemes' preparation, because by then participants knew whether what they had expected had occurred or whether they had been surprised. Participants were very much impressed with the preparation. Participants were asked if they felt they had enough information about what would happen during the restorative justice event before they had to decide whether to take part. Over 75 per cent of JRC offenders and 86 per cent or more of JRC victims in each trial said they definitely or probably had enough information (Table 2.1).⁸ There was a significant difference between JRC conference and control participants with the control group less likely to say they had enough information.⁹ This may have been due to the lesser importance of the intervention for control group participants, because it was not followed by a conference. On reflection, few JRC or REMEDI victims and offenders said they wanted more information. Where they did identify further needs, these were mainly to do with specific queries about the restorative justice event, individual to that respondent. CONNECT and REMEDI victims and offenders were equally complimentary about the amount of information they received.

Though participants were happy about the amount of information about the restorative justice event itself, fewer felt they had sufficient information about what might happen afterwards, or about the outcomes. So, only 69 per cent of JRC conference offenders and 71 per cent of conference victims said they had been given any information about what would happen as a result of restorative justice (Table 2.1). Percentages for control group participants were much lower (offenders 59%, victims 62%). JRC intended all conferences to result in outcome agreements, so we also specifically asked participants whether they had had information about this. Only 67 per cent of conference offenders, 64 per cent of conference victims, 48 per cent of control group offenders and 42 per cent of control group victims said this had definitely been mentioned. These are low figures, given that talking about the future and a possible conference outcome agreement was the key third stage of all JRC conferences. REMEDI offenders and victims were also not always sure what might happen as a result of restorative justice. Only some CONNECT participants said that CONNECT had mentioned that they would be writing a report to the court.

Talking about outcomes and consequences during preparation seemed to be a difficult area for all schemes. It may be that JRC facilitators found it problematic to talk about how the criminal justice system might deal with the case (for pre-sentence or pre-release cases).

7 Once an offender in the JRC Thames Valley community trial agreed to consider restorative justice pre-sentence, it was then part of their sentence to take part in the preparation meeting and the conference (see Shapland *et al.*, 2004).

8 The JRC figures are for the conference group at each site.

9 Offenders: likelihood ratio=16.4, df=4, p=0.002; victims: likelihood ratio=10.1, df=4, p=0.039.

Table 2.1: Did JRC participants have enough information? (percentages from final interviews)

| | JRC offenders | | JRC victims | |
|--|------------------|---------------|------------------|---------------|
| | Conference group | Control group | Conference group | Control group |
| Do you feel that you had enough information about what would happen during the conference/mediation before you had to decide to take part? | | | | |
| Definitely enough | 72 | 62 | 81 | 70 |
| Probably enough | 15 | 14 | 13 | 16 |
| Not really enough | 9 | 8 | 3 | 8 |
| Definitely not enough | 3 | 7 | 1 | 2 |
| Don't know/can't remember | 1 | 9 | 1 | 2 |
| (n) | (152) | (118) | (216) | (166) |
| Were you given any information about what would happen as a result of the conference/mediation? | | | | |
| Yes | 69 | 59 | 71 | 62 |
| Don't think so | 11 | 9 | 7 | 13 |
| Definitely not | 11 | 12 | 12 | 11 |
| Don't know/can't remember | 9 | 21 | 8 | 13 |
| (n) | (152) | (118) | (216) | (166) |
| So did anyone tell you there might be a conference agreement at the end of the conference? | | | | |
| Yes | 67 | 48 | 64 | 42 |
| Don't think so | 8 | 7 | 8 | 16 |
| No | 8 | 15 | 13 | 21 |
| Don't know/can't remember | 18 | 30 | 14 | 20 |
| (n) | (144) | (111) | (199) | (166) |
| Did you feel you needed any further information before taking part? | | | | |
| Yes | 13 | 20 | 11 | 14 |
| No | 84 | 75 | 88 | 82 |
| Don't know/can't remember | 3 | 5 | 1 | 4 |
| (n) | (152) | (118) | (216) | (166) |
| Were you given any written information? | | | | |
| Yes | 57 | 42 | 38 | 33 |
| No | 28 | 44 | 41 | 55 |
| Don't know/can't remember | 16 | 14 | 19 | 12 |
| (n) | (152) | (118) | (216) | (166) |
| Was it made clear it was up to you whether you wanted to take part? | | | | |
| Yes | | | | |
| To some extent | 90 | 95 | 96 | 96 |
| Not really | 5 | 1 | 2 | 1 |
| No | 3 | 2 | 1 | 0 |
| Don't know/can't remember | 1 | 1 | 1 | 1 |
| (n) | 0 | 0 | 0 | 0 |
| | (152) | (118) | (216) | (166) |

| | | | | |
|---|-------|-------|-------|-------|
| Did you feel you were given enough time to think about your decision? | | | | |
| Yes | 87 | 82 | 91 | 82 |
| To some extent | 3 | 1 | 4 | 7 |
| Not really | 7 | 7 | 3 | 5 |
| No | 3 | 8 | 2 | 5 |
| Don't know/can't remember | 0 | 0 | 0 | 0 |
| (n) | (152) | (118) | (216) | (166) |
| How nervous or concerned were you about the conference/mediation? | | | | |
| Not at all nervous | 17 | 25 | 32 | 40 |
| Not really nervous | 14 | 14 | 13 | 15 |
| Somewhat nervous | 37 | 33 | 33 | 33 |
| Very nervous | 32 | 23 | 20 | 10 |
| Don't know/can't remember | 0 | 5 | 1 | 3 |
| (n) | (152) | (118) | (216) | (166) |

It may be that facilitators just did not have sufficient experience as to whether offenders would complete agreed goals from conference outcome agreements (see Shapland *et al.*, 2006a for the proportion of outcome agreements which were completed). REMEDI's position was slightly different in relation to outcomes: they did not believe mediations should usually end in outcome agreements (nor did most in practice: Shapland *et al.*, 2006a) and saw mediation as separate from criminal justice. They did, however, write reports to the offender's probation officer if the referral was from the National Probation Service, so the intervention may well have had some repercussions. For all schemes, fixed term pilot funding made it difficult to predict the consequences in individual cases, as there was no previous experience to draw upon. None the less, we think it is important that schemes work out what outcomes are likely and that facilitators lay this out clearly to potential participants. It is particularly important that schemes ensure that, if outcome agreements are potentially part of the restorative justice event, these are mentioned to participants during preparation so that they can be thinking about this area and it does not come as a surprise during the restorative justice event.

Another gap seemed to be in the provision of written information. Though participants were clearly happy about the amount of information they had in general, it is good practice in other professional fields to provide people undertaking significant events with a leaflet or other written information so that they can study it at their leisure (for example, in relation to medical procedures or being a witness at court). Some participants reported that they had not received written information (though some may have forgotten about it). For JRC, 28 per cent of conference offenders and 41 per cent of conference victims said they had not been given written information (Table 2.1), and this was also a problem at REMEDI.

Overall, however, in all three schemes, offenders and victims were clear about the voluntary nature of participation and felt they had sufficient time to consider whether to take part, with three per cent or less of JRC participants feeling they were not clear (Table 2.1). Participants reported that no facilitator or mediator had said that any participant must really take part – though occasionally a family member or professional worker with offenders said this.

The preparation meeting before JRC conferencing

If participants agreed to meet face to face, it was normal practice for facilitators to arrange a meeting with each party specifically to discuss the conference or direct mediation.¹⁰ Eighty-six per cent of offenders said the practical arrangements for the conference had been discussed, though 13 per cent, primarily from the

¹⁰ This occurred in all schemes, though only JRC referred specifically to a 'preparation meeting'.

prison groups, said they had not been consulted about the precise time of the conference. Difficulties in relation to the timing of conferences cannot be put down solely to JRC, because many London and Thames Valley conferences were held in prison and there were significant difficulties in obtaining appropriate venues and times for conferences in some prisons, though others were very helpful. Eighty-seven per cent of JRC victims had a preparation meeting and, overall, 92 per cent discussed practical arrangements. Only five per cent said they were not consulted over timing. Almost all victims and offenders said they had the opportunity to talk through any concerns they might have (only 10% of offenders and 7% of victims did not feel there was sufficient opportunity).

Feelings and expectations prior to restorative justice

Both victims and offenders clearly thought the preparation was very good. Still, however, many were nervous about the restorative justice event itself. The best measure here is from the pre-restorative justice interviews done with JRC offenders and victims in the pre-randomisation stage, and the pre-mediation questionnaires done with REMEDI offenders and victims, reported in Shapland *et al.* (2006a; 2006b). These results are not affected by whatever transpired with randomisation (for JRC) and in the restorative justice event. However, they were small samples, so also presented here are people's ratings, looking back after restorative justice as to how nervous they felt beforehand. In fact, there was no significant difference between the two sets of ratings.

In the final interviews, more offenders than victims said they were nervous (Table 2.1), a finding perhaps contrary to general views, but similar to that of the evaluation of youth conferencing in Northern Ireland (Campbell *et al.*, 2006). Thirty-two per cent of JRC conference offenders and 23 per cent of control offenders said they were very nervous before the conference, compared to 20 per cent of conference victims and ten per cent of control victims.¹¹ Some REMEDI offenders and victims also said they were very nervous. There was no difference in nervousness between those who attended a direct mediation involving meeting the other party and those who took part in indirect mediation. CONNECT offenders were also nervous: as one put it: 'scary emotions – I wanted to know it couldn't get out of hand'. CONNECT victims had clearly been reassured by the preparation and the facilitators. Even for very serious offences, their responses were in the range from being not at all nervous to somewhat nervous.

Participants were asked who they thought the restorative justice event in which they were going to participate was for: themselves, the other party and/or the community. Most JRC offenders said they thought it was mainly for the victim and most victims said it was mainly for the offender or for the community – in other words, each party thought it was primarily for others (Table 2.2). CONNECT participants expressed similar ideas: "It's to help the victim see why it happened, to help them understand that it wasn't targeted at them" (burglary offender); "It's for the community – to send out a message" (victim of threatening and abusive behaviour at work).

Offenders were normally approached first by schemes, with victims being approached if offenders had already agreed to participate. The figures in Table 2.2 showing whether each party thought the other would participate need to be seen in this light. In addition, as can be seen in Chapter 4, JRC control group participants, because of a lack of feedback about what had actually happened, tended to think that the other had pulled out and so that was why the conference had not happened. Offenders tended to be more pessimistic than victims, with offenders from the more serious JRC groups (London robbery and burglary, Thames Valley prison group) being significantly more likely to doubt the victim would participate¹² than

11 There is a significant difference between offender and victim ratings in both the conference group and control group (conference group: likelihood ratio=15.8, df=4, p=0.003; Mann-Whitney U=12755, p<0.001; control group: likelihood ratio=12.7, df=4, p=0.013; Mann-Whitney U=7069, p=0.001). There is also a very significant effect of being assigned to the conference or control group on people's recollections, with the control group saying they were less nervous. The difference at REMEDI between offenders and victims was in the same direction, but just not significant.

12 Conference group: chi-squared=13.1, df=3, p=0.012; control group: chi-squared=10.9, df=3, p=0.012.

offenders from the other trials. For all sites, there were still, prior to the restorative justice event, at least a quarter of victims and offenders who were not really sure the other person would turn up.

People's feelings about meeting the other party were also mixed before the conference in JRC cases (Table 2.2): around half of both offenders and victims were clear they did want to meet the other party, but about a quarter were not keen. JRC only provided one form of restorative justice event – conferencing – in which the parties had to meet. So, by this point, though participants had agreed to meet, some still had doubts. CONNECT and REMEDI offered participants either direct mediation (where parties would meet) or indirect mediation (parties passing information via the mediator). Within REMEDI, where both offender and victim had agreed to direct mediation almost all participants were positive in their final interviews that they had wanted to meet the other party. Some offenders and victims who had experienced indirect mediation said, by the time of the interview, they had wanted to meet the other party. We cannot know at what point they decided this. There is some evidence that, on occasion, indirect mediation led to this feeling. "I didn't want to meet them before, but after getting a letter from the victim I would have liked to meet her" (Remedi offender). There is also some evidence that REMEDI mediators wanted to proceed cautiously in some cases and may not initially have emphasised the possibility of a direct meeting.

We specifically asked, in addition, whether participants thought the offender would apologise, though we did not ask whether receiving an apology was an expectation of participants prior to restorative justice. Overall, most offenders thought they would apologise to victims during the restorative justice process. Eighty-four per cent of JRC offenders envisaged they would apologise. Victims were not so sure this would happen. Of the conference group, 41 per cent of victims thought the offender would definitely apologise, 19 per cent thought it might possibly happen and 29 per cent thought the offender would not apologise.

Some of the JRC restorative justice took place pre-sentence (London, Northumbria court, approaches to participants in Thames Valley community cases¹³) or pre-release (Thames Valley prison). Though JRC had arranged that control group offenders would not be disadvantaged on sentence or release from being in the control group,¹⁴ courts and release authorities could well consider participation as mitigatory. To what extent did offenders and victims think, before the restorative justice event, that it might affect their case?¹⁵ Around a quarter of offenders in the conference group and 15 per cent in the control group thought it would help, with about a quarter of victims taking the same view. For conference offenders, there was a significant difference between RCT groups to which this was applicable, with London robbery offenders being the most likely to think their case would be affected, followed by Northumbria court offenders, London burglary offenders and then Thames Valley community offenders.¹⁶ There was no difference within the control group.

REMEDI staff did not see mediation as being linked to the outcome of criminal justice events. Their participants, however, did not always share these views. Victims, particularly, thought offenders might

13 The restorative justice work for Thames Valley community cases took place after the offender had been sentenced to a community sentence.

14 JRC had held a number of discussions with senior members of the judiciary and prison authorities during the initial phase of the project and had been assured that control group offenders would not suffer detriment from being randomised out of the possibility of attending a conference. The subsequent decision of the Court of Appeal in *Collins (R v Collins (David Guy))*, Court of Appeal (Criminal Division), 18 March 2003, [2003] EWCA Crim 1687, *The Times* 14 April 2003) confirmed that being prepared to attend a restorative justice conference could be considered a mitigating factor in sentence.

15 In the middle of JRC's randomised trials, the Court of Appeal ruled that agreeing to participate in restorative justice was itself mitigatory, irrespective of whether a conference took place (this was a JRC control case: see Shapland *et al.*, 2006b for details). It is likely that aspects of outcome agreements would be seen as mitigatory (such as apologising, paying compensation, undertaking programmes). CONNECT wrote reports to the court designed to provide information from both offender and victim in relation to sentence and so it would be expected that there might be consequences from participation in such a scheme. Pre-release schemes (JRC Thames Valley, REMEDI, CONNECT) might well produce information which might impact on conditions of release, though it was not possible to obtain direct evidence on whether this occurred.

16 Anova $F=31.6$, $df=12$, $p=0.002$. There may be some link here with whether restorative justice is run pre-sentence or post-sentence, but the lack of difference within the control group suggests it is not a major effect.

benefit.¹⁷ REMEDI did not always make it clear to victims what was likely to happen after mediation. This lack of clarity may have led victims to presume that mediation would help offenders in relation to criminal justice outcomes and, possibly, to think that that might be why offenders had agreed to participate.

Table 2.2: Expectations of the restorative justice event (percentages from the final interviews)

| | JRC offenders | | JRC victims | |
|--|------------------|---------------|------------------|---------------|
| | Conference group | Control group | Conference group | Control group |
| Who is the restorative justice event for? | | | | |
| Myself | 55 | - | 49 | - |
| The other party | 71 | | 73 | |
| The community | 11 | | 20 | |
| Don't know | 3 | | 6 | |
| (n) ¹⁸ | (152) | | (216) | |
| Did you think the other party would participate? | | | | |
| Yes | 66 | 47 | 71 | 65 |
| Possibly | 11 | 23 | 14 | 16 |
| No | 15 | 16 | 11 | 9 |
| Don't know | 8 | 14 | 4 | 10 |
| (n) | (152) | (118) | (216) | (166) |
| Did you want to meet the other party? | | | | |
| Yes | 61 | 53 | 60 | 52 |
| Possibly | 13 | 15 | 18 | 19 |
| No | 24 | 23 | 16 | 24 |
| Don't know | 3 | 7 | 4 | 4 |
| (n) | (152) | (118) | (216) | (166) |
| Did you think it would help with the court case, sentence or release date? (as applicable): | | | | |
| Yes | | | | |
| Possibly | 24 | 15 | 24 | 23 |
| No | 21 | 12 | 14 | 15 |
| Don't know | 16 | 26 | 24 | 21 |
| Not applicable | 14 | 15 | 12 | 21 |
| (n) | 25 | 32 | 27 | 0 |
| | (136) | (111) | (187) | (157) |
| Did you think it would help with any problems you may have? | | | | |
| Yes | 32 | 30 | 35 | 26 |
| Possibly | 18 | 21 | 22 | 18 |
| No | 22 | 27 | 22 | 39 |
| Do not have problems related to the offence | 20 | 16 | 15 | 11 |
| Don't know | 6 | 6 | 5 | 7 |
| (n) | (152) | (118) | (216) | (166) |

For offenders and victims who thought they had problems related to the offence – and most did – participants tended to expect restorative justice would help with those problems (Table 2.2). So, in the JRC conference group, only 22 per cent of offenders and victims thought the conference would not help with the problems.

17 Likelihood ratio=12.0, df=4, p=0.017; Mann-Whitney U=118, p=0.006. The effect was most pronounced in relation to indirect, rather than direct, mediation.

18 More than one response could be given, so percentages will not add up to 100. For all other questions, where percentages do not add up to 100, the remaining small amount of data are missing. Some questions were not asked of the control group and this is indicated by '-'.¹⁹

The control group were more pessimistic about the potential of restorative justice to help with offence-related problems, possibly as a reaction to being randomised out and so not having the opportunity to take part in a conference. REMEDI victims and offenders showed similar reactions to those for JRC.

Reasons for taking part in restorative justice

In the final interviews, we asked specifically what participants' reasons were for taking part in restorative justice. We had previously done this prior to the restorative justice event for a small number of JRC participants in the pre-randomisation phase and for REMEDI participants, the results being reported in Shapland *et al.* (2006a; 2006b). The results as participants looked back after the conference were very similar, showing that the experience had not affected their motivations.

In developing restorative justice schemes, it is important to recognise that offenders and victims can have more than one reason for participation and are looking for several different elements in restorative justice. Offenders and victims, in both the pre-conference and final interviews said several reasons were important for them (Shapland *et al.*, 2006a; 2006b; see Table 2.3 re final interviews). All the reasons given in Table 2.3 were clearly important to many victims and offenders (except being told to take part – pressure from relatives etc. was only rarely a factor). As in the pre-restorative justice interviews, expecting reparation was only rarely important to victims – but reparation to victims was important for offenders.

We undertook a principal components analysis to see more clearly the structure of the reasons participants were giving (Appendix 2).¹⁹ The results show whether there are independent factors/components and which reasons relate to these components. For offenders, as with the pre-restorative justice interviews and confirming those findings, the first and most major factor is a general factor, primarily driven by the wish to communicate with the other party and wanting to help them, with some wish to affect what would happen in the case.

The other factors are much more minor. The second is a more instrumental factor, associated with young offenders and with groups with less serious offences, linking being told to take part and believing taking part would affect what would happen to their case. The third is again about communication, this time linking being able to have some questions about the offence answered with having a say with how the problem was resolved. The fourth purely concerns differences between the conference and control group. The small size of this last factor reflects the commonality of reasons for agreeing to participate between both conference and control offenders, even though only one group actually experienced a conference.

JRC victims' reasons for participating were rather more affected by their experience of being randomised into the conference or control groups (see Appendix 2 for the detailed structure of which reasons were associated with each factor). The first, most important factor is primarily associated with the conference group and is, like that for offenders, a general factor, stressing communication, helping the other party, and feeling some form of duty to take part once asked. Other, more minor factors tended to be associated with control group victims (who did not have the opportunity to meet the offender at a conference), though there was some relevance to the conference group. They are far more instrumental and, perhaps not surprisingly, given that control group victims had little information about the offender, reflect victims' own needs. They emphasise being repaid, having questions about the offence answered and wanting to express feelings about the offence to the other party.

¹⁹ A principal components analysis allows us to look at the intercorrelations or statistical relationships between reasons, without making any presumption about what they might be. All interviews were entered, using the reasons why the participant was there, plus the JRC site, whether the person was an adult or youth, whether this was the conference or control group, and whether this was a JRC group with more serious offences. Factors were isolated for eigenvalues greater than 1. Variables are listed which related at correlations of 0.3 or above with the factor. It was not possible to conduct further analyses by demographic factors, given the numbers of respondents.

Table 2.3: Participants' reasons for participating in JRC conferences

| | Not at all important/ not very important | Quite important/ very important |
|---|---|------------------------------------|
| You wanted to express your feelings and speak directly to the other person: | | |
| victims | 21 | 77 |
| offenders | 15 | 80 |
| You wanted to help the other person: | | |
| victims | 46 | 50 |
| offenders | 24 | 70 |
| You were told to take part: | | |
| victims | 68 | 5 |
| offenders | 57 | 10 |
| You felt a duty to take part: | | |
| victims | 37 | 59 |
| offenders | 31 | 62 |
| You wanted to have a say in how the problem was resolved: | | |
| victims | 32 | 66 |
| offenders | 18 | 76 |
| You wanted to have some questions about the offence answered: | | |
| victims | 21 | 78 |
| offenders | 37 | 54 |
| You wanted to repay the harm (offs) or be repaid for the harm you had experienced (Vs): | | |
| victims | 53 | 44 |
| offenders | 15 | 81 |
| Taking part might affect what would happen as a result of your case: | | |
| victims | 44 | 45 |
| offenders | 35 | 55 |

Note: Percentages derived from the final interviews with or questionnaires completed by 382 JRC victims and 270 JRC offenders.
 a Those not answering this question felt, in the interviewers' opinion, that the question was not relevant to them. All percentages are actual percentages.

The equivalent analysis for REMEDI participants could only be done combining victims and offenders, because of the smaller numbers of respondents. The results for offenders are very similar to those for JRC (Appendix 2), with a main general factor combining wishing to repay the harm done, helping the other person and being able to participate. Victim-related factors stress either the need to have questions answered/ expressing feelings (as well as affecting the case) or purely wishing to affect the case. Again, we see the lack of realisation of victims that the scheme was not intending to affect the outcome of that case within the criminal justice process. Few elements differentiated victims taking part in direct mediation from those taking part in indirect mediation. Case-specific factors and what victims were asked to do by mediators seemed to be the main elements affecting whether the outcome was direct or indirect mediation. Given the low numbers of respondents, it was not possible to conduct analyses by demographic variables, such as age or gender. It was not possible specifically to ask victims about their choice of direct or indirect mediation at this point in the process.

Key points

Some of the key points from this chapter are as follows.

- Both offenders and victims were pleased with the preparation for restorative justice given by facilitators in all three schemes. They felt they had sufficient information about the restorative justice process itself, but sometimes not enough information about what might happen after mediation or conferencing (for example, about outcome agreements).
- Participation was clearly felt to be voluntary in all three schemes.
- JRC and REMEDI participants had a number of reasons why they wanted to participate, with very similar reasons being cited in both schemes. Many participants thought the restorative justice event was primarily for the other party, rather than themselves.
- A key element in JRC and REMEDI offenders and victims agreeing to take part in restorative justice was the opportunity for communication with the other person – to say what they felt about the offence and its effects, to solve problems and to answer questions.
- Offenders and many victims wanted to address any problems behind the offending.
- Offenders tended to be keen to make reparation to victims, but this was not as important to victims.
- Around half of JRC offenders and victims took part because they thought it might influence the criminal justice case.

3. Conferences and mediation

JRC conferences

JRC victims and offenders clearly anticipated the conference would be the key element in restorative justice for them. What were their experiences of the conference? The conference group was contacted by JRC staff for the follow-up interviews an average of two to three weeks after the conference and then again by ourselves for final interviews some eight to ten months after the conference (see details in Appendix 1). Participation in all interviews was voluntary and dependent on us being able to contact the person, so we were not always able to interview both the victim and the offender in the same case.

Conferences: who came and where they were

Final interviews were carried out with 147 offenders and 201 victims who had attended a conference. Facilitators arranged to have all the active participants at conferences sitting on chairs arranged in a circle, with any observers sitting outside this circle. Of the offenders, 78 per cent said they had their own supporters present and 59 per cent said the other party's supporters were there as well.²⁰ Victims said they had their own supporter(s) there in nearly three-quarters of conferences (73%) and remembered offender supporters in 78 per cent. These conferences were more than just the victim and offender talking with a facilitator. For both offenders and victims, supporters were generally relatives (parents: for 50% of offenders, 23% of victims; siblings: 16% of offenders, 6% of victims; other relatives: 15% of offenders, 23% of victims) or friends/colleagues (15% of offenders, 28% of victims). Partners were only rarely there for offenders (3%) or victims (5%). Professional workers (probation officers or social workers) were there for four per cent of offenders and two per cent of victims.

This was then a small cast of people. Some 17 per cent of offenders and eight per cent of victims said they would have liked to have brought more people, primarily relatives, who could not get there at that time or, for offenders, who they had not seen for some time and were difficult to contact. There was no mention of other community contacts – and generally conferencing was a family matter, sometimes with friends or work colleagues replacing or supplementing family.

These conferences often concerned serious offences and, in London and for court cases in Northumbria, were held pre-sentence. In Thames Valley, they were done during sentence, for the prison RCT, pre-release. Not surprisingly, many were held in prison, either because the offender was there on remand or because they were serving a prison sentence (conferences were held in prison for 35 per cent of the offender final interview interviewees, 42% of victims). Most of the others were held in police stations, as London and Northumbria facilitators were police officers and had available to them rooms in police stations, in London including specially prepared conference rooms. So, overall, 52 per cent of offenders and 49 per cent of victims interviewed had their conference in police station premises. Conferences were institutionally based: only eight per cent of offenders and six per cent of victims interviewed had attended a conference at a community venue. None the less, both offenders and victims considered the location suitable: 51 per cent of offenders and 60 per cent of victims thought it was very suitable, and only 14 per cent of offenders and 13 per cent of victims thought it was not very suitable or not at all suitable. There was no significant difference in perceptions of suitability for the different venues. Similarly the layout of chairs for the actual conference was also thought to be good, whatever the kind of venue.

²⁰ In a minority of conferences, offenders also remembered an observer (40%), likely to be one of the researchers, and in a small minority a probation officer (7%) or a prison officer (5%), sitting outside the circle. Victims remembered a researcher/observer in 58 per cent, a probation officer in eight per cent, a prison officer in 11 per cent and Victim Support in three per cent.

Some participants did incur costs in travelling to the conference. We calculated the overall cost at the public transport cost (40p per mile for any car journey involved²¹). The average cost to offenders (leaving out those in prison who did not have to travel) was £2.94 (SD £4.84, maximum £30.00). It was much higher in London, with the mean being £10.93 for offenders in the burglary group and £4.56 for offenders in the robbery group. Costs for victims tended to be higher than those incurred by offenders, though 93 per cent said they had no difficulties in getting to the conference. So the average cost to victims overall was £7.47 (SD £14.68, maximum £100.00). The cost was significantly higher for victims who had to travel to prison conferences.²² Many of these expenses were met by schemes from their grants and many facilitators transported victims and supporters to more remote locations, particularly prisons, but it is important that future restorative justice schemes, particularly those aiming to work with adult offenders, more serious offences or within criminal justice, make provision for participants' costs. It would be counter to the participatory nature of restorative justice if victims, offenders or their supporters were deterred by travel costs, particularly since this is a minor financial element compared to the salary costs of facilitators or even fitting out or hiring rooms for conferences.²³

The best thing and the worst thing about conferences

Before turning to more specific questions, offenders and victims were asked in the follow-up interviews how well they thought the conference had gone. In the final interviews they were asked what was the best thing about the conference and what was the worst.

In follow-up interviews soon after the conference, both offenders and victims were generally very positive about it: 93 per cent of London participants and 85 per cent of Northumbria participants thought the conference went well or very well.²⁴ Sometimes they then qualified it with concern as to how much it had impacted on the offender and his/her problems.

It was really quite amazing. It couldn't have been better.

I was really pleased with what the offender said. He was sincere. There were some tools taken and I discovered where they were. He owned up to it.

I felt the conference was quite productive, he signed an agreement about drug awareness, he's going to write to me of his progress, and by April he's agreed to pay back the money he stole. I'm glad I didn't hit him, I took pity on him really, when I walked into the room and saw his mother and girlfriend crying. I am pleased with the outcome provided he doesn't renege on it.

We need to remember that all the London cases were serious offences. Some victims felt it quite difficult to express their true feelings towards the offender.

I felt like it went well but the proof will be afterwards. It was a very difficult situation – the offender was extremely upset during the conference. It was touching. But if I were to have expressed my true resentment it would have been a touch cruel. I wanted to see an offender who could take my anger – I felt like I was kicking him when he was down. I liked him. He was a good person who had done bad things. He undertook to repair the damage done. I will feel satisfied if those things are undertaken.

21 40p per mile is the rate nationally recognised by the Inland Revenue for expenses incurred during business and is used by most government departments.

22 T-test $t=5.0$, $df=117$, $p<0.001$.

23 Detailed cost data will be given in our final report.

24 Thames Valley results were similar, but there was a considerable amount of missing data on the questionnaires (which were completed by JRC staff). So, for example, 69 per cent of Thames Valley prison trial participants felt the conference went well or very well, with 27 per cent of interviews having missing data, whilst the figures for the community trial were 62 per cent well/very well and 34 per cent missing.

Where victims felt the conference had not gone well, it was sometimes because they were sceptical of what the offender was saying.

I was a little sceptical; I wondered if he was saying what I wanted to hear. I'm still sceptical. It was a bit nerve wracking, but after a while I gained confidence, told him how I felt and what I wanted.

Offenders were similarly of the opinion that the conference had helped them.

It went surprisingly well to be honest – did not think that it would actually be like this. Actually he (the victim) was pretty OK with me considering what I did.

Nervous about taking part, quite panicky, but after I started to relax I felt really good to be there and see the person I troubled. I felt we had achieved something – both myself and the victim.

In Northumbria, positive views were particularly noticeable in the youth final warning cases for both victims (90%) and offenders (92%): “Fine. Really good. Got everything sorted and out in the open. Cleared the air”. However, a few victims or offenders noticed that their supporters didn’t necessarily get a chance to have their say: “xxxx should have had a say in what was said. PC X didn’t ask xxxx what happened”. Some victims felt that they were not able to say what they wanted because there was a suggestion that they were too angry with the offender (though this tended to reflect a previous long relationship between victim and offender).

For both offenders and victims different things about the conference experience were important to different people.²⁵ When asked in the final interviews what was the best thing about the conference, for victims this was being able to explain the effects of the offence (17%); actually meeting the offender face-to-face (16%) – though this could also be the most scary part; and finding out information about the offence and obtaining answers to questions (12%). For offenders, the best thing was being able to apologise in person (20%), explaining about the offence (14%) and facing or meeting the victim (10%). The ‘essence’ of a conference cannot be reduced to any one of these elements. The whole conference experience seemed to matter – it would not be possible to devise an effective shorter procedure.

Only 73 per cent of offenders could think, when asked, of any ‘worst thing’ about the conference, but of those who could, the main difficulty was being in the same room as or meeting or facing the victim (15%) and the apprehension or fear before the conference (10%). This mirrors offenders’ nervousness before the conference (Chapter 2). A third of victims could not think of any ‘worst thing’. Of those who could, the most common difficulties were practical arrangements/the venue (10%), meeting the offender (10%) and the offender’s response or behaviour (9%).

What happened at the conference: communication

In the final interviews, victims and offenders were asked a number of questions covering elements of communication. Communication has featured in most restorative justice evaluations, though often previous studies have only been interested in victim views. We thought it was important to put very similar questions to both offenders and victims (Table 3.1).

There are very few ‘don’t know/can’t remember’ answers to these questions about communication, indicating that the conference was a significant event for both offenders and victims, one they remembered some eight to nine months afterwards. The first set of questions covers what has often been called ‘procedural justice’: whether all participants felt they were able to speak freely and cover all relevant aspects of the offence and what might happen afterwards; were listened to, without anyone dominating the proceedings; and were

²⁵ Some people gave more than one answer.

treated with respect. Table 3.1 indicates that both victims and offenders were highly satisfied with these aspects of the JRC conferences, with very few saying 'Not really' or 'No' to questions about whether they were listened to carefully, had the opportunity to express their point of view, had the opportunity to explain the consequences of the offence, were treated with respect and dignity, had their concerns and questions treated seriously, and that all sides had a fair chance to bring out what happened. These positive reactions occurred in all sites and trials.

They were mirrored in a similar question in the follow-up interviews a few weeks after the conference, at which point 100 per cent of offenders in the London robbery trial, 94 per cent in the London burglary trial, 82 per cent in the Northumbria court trial and 91 per cent in the youth final warning trial said they felt they had been able to say what they wanted in the conference.²⁶ Victims had a similarly positive reaction: 87 per cent of London robbery victims, 92 per cent of London burglary victims, 88 per cent of Northumbria court victims and 90 per cent of youth final warning victims said they had been able to say what they wanted. These very similar results over two quite separate interviews and time periods make the results more reliable from a methodological perspective.

Communication, in most cases, was also seen to be two way. Around three-quarters felt they could definitely understand what the other party was saying. Rather more scepticism appears, particularly amongst victims, when they were asked whether they thought the other person was sincere in what he/she said (although 45 per cent of victims said that yes they did feel that the offender was sincere, 21 per cent did not) (Table 3.1) – and this was not related to whether they knew the other person previously. We cannot know from the interviews exactly to what the victims who were more doubtful of the sincerity of offenders were referring. It might have been offenders' explanations about the offence (the question comes immediately after talking about what happened during the offence); or it might have been offenders' expressions of remorse about the offence; or it might have been offenders' plans to reform themselves in the future, since victims were clearly quite aware of the difficulties of turning away from offending.

However, in the vast majority of cases, offenders said they had apologised (91%) – and victims agreed they had (90% of victims said the offender had apologised to them). As Sherman *et al.* (2005) have commented, looking at these same London data and also some Canberra data, the frequency with which victims said they had received an apology in a restorative justice context is very different from that in 'traditional' criminal justice. Sherman *et al.* see this as demonstrating successful 'interaction rituals'. Looking at all the JRC data from all three sites, we also found there was a very significant difference between the conference group (who participated in a conference and in criminal justice processes) and the control group (who only participated in restorative justice up to victim agreement, so there was no opportunity to meet face-to-face at a conference).²⁷ In the control group, only 19 per cent of victims said that the offender had apologised at some point to them and most of these came from the Northumbria magistrates' court and youth final warning trials (26 out of the 31 victims receiving apologies). Some 41 per cent of control group offenders said they had apologised, again concentrated in the Northumbria groups and particularly in the youth group (25 out of the 48 who apologised).

This major difference between the experiences of the conference and control groups clearly arises from the opportunity provided by restorative justice. The JRC script does not ask offenders for an apology, but there is a scripted pause at a relevant place. Offenders, as we discussed in the analysis of our observations in our second report (Shapland *et al.*, 2006b), did apologise at this point, but often had already apologised previously. Questions on expectations and wishes for conferences in Chapter 2 showed that 84 per cent of

²⁶ Unfortunately, this question was not asked in the Thames Valley follow-up interviews.

²⁷ For victims, likelihood ratio=214.4, df=2, p<.001. For offenders, likelihood ratio=90.7, df=2, p<.001. Some youth offenders may have written letters of apology to victims which were not sent or not able to be sent to the victim (see Shapland *et al.*, 2004). One possible explanation might have been that offenders and victims in the conference group might have been more likely to know each other – so having more opportunity or possibly more spur to apologise – but there was no significant difference in either group on this.

Table 3.1: Communication at the JRC conference (actual percentages)

| | Off. % | Vict. % | | Off. % | Vict. % |
|---|-----------|------------|---|-----------|------------|
| At the conference, did you think you were listened to carefully? | | | Did you think all sides had a fair chance to bring out what happened? | | |
| Yes | 85 | 81 | Yes | 80 | 90 |
| To some extent | 4 | 13 | To some extent | 8 | 4 |
| Not really | 4 | 2 | Not really | 3 | 2 |
| No | 4 | 5 | No | 3 | 3 |
| Don't know/can't remember | 1 | 0 | Don't know/can't remember | 3 | 0 |
| (n) | (147) | (201) | (n) | (147) | (201) |
| Did you feel you had the opportunity to express your point of view? | | | Could you understand what the other party was saying? | | |
| Yes | 84 | 93 | Yes | 77 | 75 |
| To some extent | 8 | 4 | To some extent | 9 | 16 |
| Not really | 1 | 1 | Not really | 5 | 3 |
| No | 5 | 3 | No | 3 | 4 |
| Don't know/can't remember | 0 | 0 | Don't know/can't remember | 3 | 1 |
| (n) | (147) | (201) | (n) | (147) | (201) |
| Did you think you had the opportunity to explain the consequences of the offence? | | | Did you feel the other party was sincere? | | |
| Yes | 82 | 89 | Yes | 65 | 45 |
| To some extent | 5 | 5 | To some extent | 13 | 23 |
| Not really | 3 | 2 | Not really | 5 | 7 |
| No | 5 | 3 | No | 8 | 21 |
| Don't know/can't remember | 2 | 1 | Don't know/can't remember | 5 | 4 |
| (n) | (147) | (201) | (n) | (147) | (201) |
| Did you think you were treated with respect and dignity? | | | Did you apologise to the victim/ Did the offender apologise to you? | | |
| Yes | 82 | 87 | Yes | 91 | 90 |
| To some extent | 12 | 9 | No | 4 | 8 |
| Not really | 3 | 1 | Don't know/can't remember | 2 | 1 |
| No | 2 | 2 | (n) | (147) | (201) |
| Don't know/can't remember | 0 | 1 | | | |
| (n) | (147) | (201) | | | |
| Did you think your concerns and questions were treated seriously? | | | Did the victim indicate that he/she had accepted your apology/forgiven you? Did you accept the apology? | | |
| Yes | 76 | 83 | Yes | 90 | 91 |
| To some extent | 12 | 10 | No | 6 | 8 |
| Not really | 4 | 3 | Don't know/can't remember | 4 | 1 |
| No | 4 | 3 | (n) | (137) | (180) |
| Don't know/can't remember | 3 | 1 | | | |
| (n) | (147) | (201) | | | |

JRC offenders envisaged they would apologise, though victims were not so sure they would. We did not ask victims directly whether they wanted or had wanted an apology from the offender. We do not know whether this is a particularly important part of the process for victims, though it was clear, from both observations (Shapland *et al.*, 2006b) and interviews, that offenders denying responsibility for the offence (the converse of an apology) were seen very adversely by victims: "Apologies tended to be questioned or rejected where the

offender continued to hide information about a co-offender” (Shapland *et al.*, 2006b: 56). Other evaluations of restorative justice have stressed the importance of apology (for example, Campbell *et al.*'s evaluation of youth conferencing in Northern Ireland).

Though whether there has been an apology is frequently considered in evaluations of restorative justice (e.g. Daly *et al.*, 1998; Strang 2000), somewhat less attention has been paid to whether the victim does accept the apology – or whether the offender perceives the victim has accepted the apology. We have argued that apologies are intrinsically dyadic – that an apology has to be offered and accepted, or at least acknowledged, for effective communication (Shapland *et al.*, 2006c). It was clearly happening in these JRC conferences. Where offenders had apologised,²⁸ 91 per cent of victims, asked in the interview ‘Did you accept the apology?’, said ‘yes’. In the interviews, asked, if they had apologised, ‘Did the victim indicate that they accepted your apology?’, 90 per cent of offenders said ‘yes’. These are extremely high figures, particularly given that many of these were very serious offences. Victims were as likely to say they had accepted the apology in the more serious offence trials (84% of burglary victims; 100% of robbery victims; 86% of Thames Valley prison trial victims) as in the other trials.

In our second report, which analysed our observations of conferences, we said that we found it quite difficult to tell whether, from their non-verbal behaviour, victims were accepting apologies (Shapland *et al.*, 2006b). Offenders’ interviews indicate that they themselves, immersed in the interaction, felt the victim had accepted it. However, accepting an apology is very different from forgiving the offender, particularly for serious offences (Shapland *et al.*, 2006c). Though the observations showed a few victims did clearly indicate forgiveness as well as acceptance, most did not show this.

In the final interviews, around 80 per cent of victims and offenders remembered outcome agreements being made in the last part of the conference (81% of victims, 78% of offenders), though some could not remember this part. Our observations of 217 conferences found 98 per cent of conferences ended in such an agreement, though written agreements might sometimes be sent to participants later (Shapland *et al.*, 2006b). Very few offenders or victims felt people did not take account of what they said in deciding on the outcome (9% of offenders, 13% of victims). Procedural justice seemed to have occurred in this aspect of the conference as well, and clearly victims were involved in participating in this rather more offender-focused stage.

The role of the facilitator

The skills of the facilitator are very important in creating these opportunities for communication. Facilitators need to be impartial, not dominate the session, be appropriately in control (rather than too little or too much in control) and ensure participants feel safe. JRC facilitators met these criteria in almost all conferences, as far as offenders and victims were concerned (Table 3.2). We looked particularly at our observations of the only cases (three) in which victims said they did not feel safe. In two, there was a disagreement between offender and victim over what had happened at the time of the offence (and in one the conference was in fact terminated). In the last there was no obvious reason from the observation, but the victim had been very nervous beforehand – though did say the conference had helped getting over the offence. It is important that facilitators take action if, rarely, conferences do start to become unsafe, and clearly these facilitators had done so. In fact, what is striking about the results in the table is how similar the perceptions of offenders and victims were about the fairness and impartiality of facilitators.

²⁸ One hundred and eighty-four of the victims interviewed said the offender had apologised, whilst 137 offenders interviewed said they had apologised.

Table 3.2: The role of the facilitator (actual percentages)

| | Off. % | Vict. % | | Off. % | Vict. % |
|--|-----------|------------|--|-----------|------------|
| Did the facilitator let everyone have their say? | | | At the conference, did you feel safe? | | |
| Yes | 88 | 93 | Very safe | 84 | 85 |
| To some extent | 4 | 3 | Fairly safe | 8 | 11 |
| Not really | 1 | 1 | OK | 4 | 3 |
| No | 1 | 2 | Not safe | 2 | 1 |
| Don't know/can't remember | 2 | 1 | Not at all safe | 1 | 1 |
| (n) | (147) | (201) | Don't know/can't remember | 0 | 0 |
| | | | (n) | (147) | (201) |
| How impartial was the facilitator at the conference? | | | How helpful did you find the restorative justice staff at the meeting? | | |
| Very impartial | 70 | 69 | Very helpful | 47 | 59 |
| Quite impartial | 15 | 23 | Helpful | 25 | 22 |
| Not very impartial | 5 | 2 | OK | 19 | 13 |
| Not at all impartial | 3 | 2 | Not very helpful | 3 | 2 |
| Don't know/can't remember | 3 | 2 | Very unhelpful | 1 | 0 |
| (n) | (147) | (210) | Don't know/can't remember | 3 | 2 |
| | | | (n) | (147) | (201) |
| Did you feel the facilitator was in control of the conference? | | | | | |
| Too much in control | 5 | 2 | | | |
| In control | 84 | 88 | | | |
| Only partially in control | 3 | 7 | | | |
| Not in control | 3 | 3 | | | |
| Don't know/can't remember | 2 | 1 | | | |
| (n) | (147) | (201) | | | |

Satisfaction with the conference

We asked offenders and victims a number of questions probing their satisfaction with the conference (Table 3.3), which we can consider as key indicators for people's overall views of the conferencing process. The first asked for ratings of satisfaction on the conference itself. Both victims and offenders were highly satisfied in general, with 85 per cent of victims and 80 per cent of offenders saying they were very or quite satisfied. Victim satisfaction is one of the main outcome measures for these restorative justice schemes, and, overall, can be considered to have been fulfilled by these figures – for all of the JRC trials. No randomised trial dropped below 75 per cent of victims saying they were very or quite satisfied. It is also important, given the participatory nature of restorative justice and the potential for affecting reoffending, that offenders are satisfied with the conference – a seriously dissatisfied offender is not likely to respond well following any justice procedure (Tyler and Huo, 2002; Sherman, 1993). That criterion was also met for JRC.

Similarly, both victims and offenders were satisfied in general with any outcome agreement made (78% of offenders and 75% of victims were completely satisfied: Table 3.3). They also felt that, overall, the process was fair, with 67 per cent of offenders and 71 per cent of victims seeing it as very fair, and only seven per cent of offenders and eight per cent of victims as in any way unfair. There was no difference by site on whether people were satisfied with the outcome agreement or conference, so differences in satisfaction were not due to facilitator methods or the stage of the criminal justice process at which the conference occurred.

People’s emotional experiences of conferencing varied considerably (Table 3.3). Though 64 per cent of offenders and 66 per cent of victims found it very or fairly emotional, 33 per cent of offenders and 32 per cent of victims found it not at all or not really emotional. This variability in the emotional affect of the conference mirrors the variability in how nervous participants were before the conference. In fact, there is a significant correlation between them (Spearman’s correlation of 0.47 ($p < 0.001$) for offenders; 0.41 ($p < 0.001$) for victims), with participants who were very nervous finding the conference a very emotional experience.

There were, however, a small number of both victims and offenders who were not satisfied or who felt the process was unfair. Though the numbers of dissatisfied victims were smaller than in other evaluations of restorative justice (Daly, 2001; Maxwell and Morris, 1993), it is still important to find out whether there were common denominators between them so that dangers or difficulties may be able to be avoided by future facilitators.

Table 3.3: Satisfaction with the conference (actual percentages)

| | Off. % | Vict. % | | Off. % | Vict. % |
|--|-----------|------------|---|-----------|------------|
| Thinking about what happened at the conference itself, would you say you were: | | | Overall, how fair did you think the conference was? Would you say it was: | | |
| Very satisfied | 40 | 45 | Very unfair | 3 | 4 |
| Quite satisfied | 40 | 40 | Somewhat unfair | 4 | 4 |
| Not really satisfied | 10 | 10 | Somewhat fair | 22 | 20 |
| Not at all satisfied | 6 | 6 | Very fair | 67 | 71 |
| Don’t know/can’t remember | 2 | 0 | Don’t know/can’t remember | 1 | 1 |
| (n) | (147) | (201) | (n) | (147) | (201) |
| If there was a conference agreement, were you satisfied with it? | | | Did you find the conference an emotional experience? Was it: | | |
| Yes | 78 | 75 | Very emotional | 34 | 30 |
| To some extent | 12 | 11 | Fairly emotional | 30 | 36 |
| Not really | 6 | 5 | Not really emotional | 18 | 17 |
| No | 4 | 7 | Not at all emotional | 15 | 15 |
| Don’t know/can’t remember | 0 | 3 | Don’t know/can’t remember | 1 | 1 |
| (n) | (115) | (162) | (n) | (147) | (201) |

One factor we identified from the interviews as causing dissatisfaction among offenders was whether the victim was present at the conference or not (133 conferences had one or more victims present and 11 had no victims present.) Offenders at victim present conferences showed significantly more satisfaction than at victim absent conferences.²⁹

Mostly, the few who were dissatisfied in any way were dissatisfied about one particular aspect of the conference rather than about everything. This includes those dissatisfied with the outcome agreement, which is an important part of the process. In most of these dissatisfied cases no outcome agreement was agreed and signed at the time by all participants. However, there were six victims who were dissatisfied on several measures (five in Northumbria, one in Thames Valley). In the five of these conferences observed, there were signs that the conference was not going well. In the Thames Valley case, all parties thought it was not suitable for restorative justice (a first-time offender, who was drunk at the time of the offence and couldn’t remember much). One of the Northumbria cases was the only one we observed where there were verbal

29 Mann-Whitney U=396.5, $p=0.008$.

threats; one included an argument as to what had happened during the offence, and in another the victim did not believe the offender could not remember the incident (because of drink). In another case, the disability of the offender, which affected communication, annoyed the victim. The final case was a big community case, which had provoked strong feelings and serious differences of opinion. If there is any common denominator here, it is that cases with a dispute between offender and victim as to the facts, particularly if the offender was drunk and could not remember much, may prove problematic. However, dissatisfaction seems to arise only if there is a dispute between victim and offender – not necessarily a dispute with the ‘official’ version of the case (Shapland *et al.*, 2006b).

After JRC conferences

The process of restorative justice does not necessarily stop after a conference or direct mediation. If there is an outcome agreement it will need monitoring and participants, particularly victims, should be informed whether the agreement is completed. It is possible that the process might have caused problems for participants (such as intimidation) or a need for support. Both follow-up and final interviews, therefore, covered what had happened after the restorative justice event. Final interviews also looked at participants’ overall views of restorative justice and its outcomes, their views about the criminal justice process in their own case, and any effect participating in restorative justice might have on their attitudes to criminal justice in general.

Around a third of offenders (36%) and nearly half the victims (44%) interviewed in JRC’s conference group had experienced something relevant to the restorative justice process since the conference. For the 54 offenders, most of this was related to the outcome agreement, such as participating in programmes to address offending-related problems, or writing a letter of apology, whilst a few talked about follow-up by the scheme, or about their re-offending or lack of re-offending. The 94 victims said they had been informed by the police about the sentence or the case, had been in contact with the offender (without problems), had had a progress report about the outcome agreement, had received compensation, or been contacted by the scheme.

On the negative side, three offenders and four victims from the conference group (all in Northumbria) believed they had been revictimised or been harassed by the other party or their friends. We had observed the conference in two of the four victims’ cases, both of which involved people who knew each other well. In one, the offenders’ friends had been calling the victim names, though the offender had said he would try to get them to leave the victim alone. In the other, there was concern from both sides at the potential for future contact and conflict – this conference was one of the rare ones where no outcome agreement was made. We observed two of the three in which offenders subsequently said they had been victimised: both clearly showed difficulties at the conference (one offender was drunk and there was a history of previous trouble; one young offender was already under close supervision as he had a history of using knives). These incidents need to be set in the context of 60 offenders (40% of those interviewed) and 78 victims (36% of those interviewed) saying they had seen the other party since the conference. Seeing the other party afterwards was usually in the context of an existing relationship prior to the offence – only nine per cent of offenders and 12 per cent of victims interviewed who did not know the other party previously had seen them afterwards.³⁰

Offenders were asked whether they felt they had done what the outcome agreement said and 87 per cent said they had completed it, or some of it (Table 3.4). Only eight per cent of those interviewed said they had not done any of it. JRC’s own monitoring of outcome agreements at the beginning of the funding period was rather sketchy, but became more routine as the funding period progressed. Their records are compatible

³⁰ There were significant differences in the likelihood of contact afterwards depending upon whether the parties had known each other previously, both for the conference group (victims: likelihood ratio=100.2, df=1, p<0.001; offenders: likelihood ratio=45.6, df=1, p<0/001) and the control group (victims: likelihood ratio=95.9, df=1, p<0.001; offenders: likelihood ratio=43.9, df=1, p<0.001).

with these estimates by offenders. They show that 36 per cent of outcome agreements were completed fully, 52 per cent partially and 11 per cent were definitely not completed (Shapland *et al.*, 2006a; 2006b). Partial completion was not necessarily the 'fault' of offenders, as programmes and other resources were not always able to be provided to offenders by criminal justice institutions during their sentence.

Table 3.4: Looking back at conferencing (actual percentages)

| | Off. % | Vict. % | | Off. % | Vict. % |
|--|-----------|------------|--|-----------|------------|
| If there was an outcome agreement, have (O) you/ (V) the offender done what the agreement said? | | | (O) Has the conference affected what's happened in your case?/ (V) Do you know if the conference has affected the offender's sentence/case? | | |
| Yes – all of it | 61 | 32 | Yes, it has affected sentence/case | 26 | 21 |
| Yes – some of it | 26 | 10 | No, it hasn't affected sentence/case | 53 | 26 |
| No | 8 | 19 | Don't know | 16 | 47 |
| Don't know | 4 | 38 | Did not attend conference | 3 | 2 |
| (n) | (115) | (165) | (n) | (152) | (216) |
| Do you think the outcome of the conference was fair or not in terms of the amount the offender had to do, compared to the harm caused? | | | | | |
| Not at all fair | 5 | 11 | | | |
| Not really fair | 5 | 9 | | | |
| OK | 22 | 21 | | | |
| Reasonably fair | 17 | 20 | | | |
| Very fair | 41 | 25 | | | |
| Not that kind of outcome | 3 | 7 | | | |
| (n) | (152) | (216) | | | |

Follow-up by JRC, as we have noted previously, was not routine. Some 41 per cent of offenders interviewed said they had been recontacted by JRC, but 56 per cent said they had not. Though 66 per cent were clear or fairly clear about what was supposed to happen after the conference,³¹ 22 per cent were not clear. Similarly, 56 per cent of victims interviewed said they had been recontacted by JRC staff, but 38 per cent had not. There was a significant difference by site and trial, with JRC being more likely to recontact victims in the more serious groups of cases.³² About two-thirds of victims across the sites were clear or fairly clear what was supposed to happen after the conference (65%) but 23 per cent were not.

Without follow-up, victims were unlikely to know what had happened in relation to offenders completing outcome agreements. Indeed, only 27 per cent of victims surveyed said they had been informed as to what had happened regarding the outcome agreement (n=165). Victims' views on whether they thought the offender had completed the outcome agreement show a very different picture to offenders' views or JRC's own figures on completion, with 38 per cent of victims interviewed not knowing what had happened and 19

31 Given that offenders are not always clear immediately afterwards about the sentence pronounced verbally at court (which is why they are now given a written record) and the general nervousness of offenders at conferences (see Chapter 2), we feel this is actually quite high. All participants were normally given a written copy of any outcome agreement.

32 London victims were more likely to be contacted, followed by Thames Valley, followed by Northumbria (likelihood ratio=26.3, df=4, p<0.001). The more serious groups of cases (London burglary and robbery, Thames Valley prison cases) showed more follow-up (likelihood ratio=20.1, df=2, p<0.001). There was a very poor follow-up rate for control group participants (only 20% of victims overall), with again a significant difference by site (London best, then Northumbria, then Thames Valley, likelihood ratio=39.7, df=4, p<0.001).

per cent believing the offender had not done it (Table 3.4). Though some victims were aware of offenders having difficulty in undertaking outcome agreements (26%), mostly those who were not recontacted tended to suspect that offenders had not completed the agreement – which is likely to have affected their overall view of the programme.

A related question is whether the conference agreement is seen as fair or not, in terms of the amount of work the offender had to do, compared to the harm caused by the offence (Table 3.4). Both victim and offender had to agree on the items in the conference agreement during the conference, before it could be finalised. The question tests whether, looking back some eight to nine months later, either party thought they had made the wrong decision or now regretted it, though it does not say whether people thought the agreement was too lenient or too severe. As can be seen from Table 3.4, 58 per cent of offenders and 45 per cent of victims thought the outcome agreement was very fair or reasonably fair, with a much smaller number thinking the agreement was not really fair or not at all fair – ten per cent of offenders and 20 per cent of victims.

Another element is whether offenders and victims thought participating in restorative justice had affected the case or the sentence the offender was given. This is only relevant where a criminal justice decision was going to occur after the conference. JRC had tried to ensure that the cases of control group participants were not affected by randomisation out of the trial (see Chapter 2) – but criminal justice decisions may have been affected for the conference group in different ways, depending on for example, what happened in the conference, the outcome agreement and whether this was considered relevant by the sentencer in relation to the offence – indeed, Court of Appeal decisions have regarded participation in restorative justice as mitigatory. (Shapland *et al.*, 2006b).

Offenders, overall, thought their case had not been affected: 53 per cent thought it had not been affected, whilst 26 per cent thought it had been (Table 3.4). However, offenders in pre-sentence trials were significantly more likely to think there had been an effect, with 41 per cent thinking the case had been affected.³³ Where offenders thought there had been an effect, 90 per cent thought it had helped them. Victims found it much harder to judge whether the case had been affected, partly because they were not always kept informed (see below) and partly because they were less familiar with the criminal justice system. Only half the victims in the conference group who were interviewed could say whether the case had been affected (Table 4.1). Of those who thought there had been an effect, 84 per cent thought the effect had been greater leniency.

The effect of being randomised into the control group

JRC was operating randomised controlled trials in which around half the participants were randomly assigned to the control group. The control group might receive a follow-up interview, but preparation for the conference ceased at the point of randomisation and they would not receive any other contact from JRC thereafter, their case returning to the relevant point in the criminal justice process. There is now considerable interest in using RCTs to evaluate initiatives in criminal justice. RCTs in criminal justice in the UK are rare and this evaluation is one of the very few to interview control group members as to their reactions to being randomised out, so these findings may be of interest to future evaluators.

Those randomised out of restorative justice could potentially feel deprived (of the experience, to which they had agreed, or of the potential to do something to affect their own or others' future lives), or relieved (particularly if they were nervous), or indeed both. What was clear from the final interviews with control group offenders was that they were not always aware why they had been randomised out: the feedback and understanding of the process were not good. Essentially they thought that the other party had refused – and 13 per cent said they had not been told that it was not going ahead. Overall, 45 per cent said they were very or somewhat disappointed and 37 per cent that they were very or somewhat relieved (with 13 per cent saying both).

³³ Between pre-sentence and non-pre-sentence trials, likelihood ratio=13.4, df=2, p=0.001.

Very disappointed, because [victim] was the first person that I felt guilty about because [I] got clean a week after theft. Very, very disappointed haven't had chance to meet [v] and tell her I'm sorry, feel this would help me to move on with my life, can't move on. (Northumbria offender)

More control group victims, similarly, tended to feel disappointed, though 22 per cent felt both disappointment and relief.

Bit of both. Relief that didn't have to worry about meeting the offender and what he would be like. But more disappointed because I wanted to meet him to see what he was like and ask him why he'd done it. (Northumbria victim)

The preparation itself had helped some, reminding us that restorative justice is not simply the conference, but the whole process of preparation, conference, feedback and outcomes.

Before [facilitator] talked to me I was stuck in fear, but he inspired me – I felt better just after talking to him, it let me move on a bit and pushed me to a new level in moving on from the crime. (London victim)

Many control group victims we interviewed also seemed to be rather bemused about the randomisation process, though randomisation took place immediately after victim assent and normally with them present (so only 3% said they had not been told). Though 37 per cent of victims interviewed said they understood the conference might not go ahead, 32 per cent were unclear why it had not. Though victims mostly did receive follow-up interviews, many offenders did not (the numbers with such interviews were only 13 for the London robbery trial, 20 for the burglary trial). Though it is difficult operationally to recontact offenders who are in prison and it consumes resources, which are at a premium in pre-sentence work, it is important to ensure that control group offenders are properly debriefed.

Overall, it can be seen that participants randomised into the control group tended to feel disappointed. Some found it difficult to understand why they could not participate. All these views may have affected their perceptions of the restorative justice process and of what happened in criminal justice terms to their case. In future criminal justice RCTs, it will be important to explore the perceptions of control group participants, as well as experimental group participants, as outcomes, such as completing programmes, can be affected by participants' motivation and expectations.

Direct mediation: REMEDI and CONNECT

Few cases during the evaluation period at CONNECT and REMEDI resulted in direct mediation, in which offender and victim met together with one or two mediators. We have four final interviews with offenders and eight with victims for REMEDI and three with offenders and six with victims for CONNECT (two of which were technically conferences). With these numbers and given the variability of the offences (which ranged from criminal damage to murder), only a flavour of participants' experiences can be provided.

Meetings between victims and offenders at REMEDI always had two mediators present. The best thing, according to offenders, was being able to apologise to the victim and to explain about the circumstances of the offence. For victims, it was finding out this information, getting answers to questions and finding some closure or peace of mind. As with JRC, many meetings were in prison, which, similarly, respondents thought was suitable. However, these meetings all took place after sentence and often shortly before release. They were later in the criminal justice process than JRC conferences. Several preparation meetings normally preceded them.

In terms of procedural justice, REMEDI respondents were generally very satisfied. All the victims interviewed felt they were treated with respect and dignity and all could understand what the other party was saying. Almost all offenders apologised and all the victims who had received apologies said they accepted them, and this was conveyed to the offenders. All participants interviewed said they felt very safe and it is clear that the mediators commanded the confidence of the participants, being generally seen as impartial and letting everyone have their say. The exception to the general run of comments about mediation was one very dissatisfied victim (all the others were very or quite satisfied). The offence in this case was committed by a family member. The victim expected an apology from him, but he did not offer one. The victim also felt she was not able to say what she wanted (but in the interview the offender said he felt the victim was dominating the conversation and he had intended to apologise, but just didn't manage to get to it).

Mediation for REMEDI was not necessarily intended to have a future-oriented outcome phase because it was governed by the agendas of victim and offender. It tended to consist of the questions victim and offender had for each other, primarily about the offence and the consequences of the offence. None the less, apart from the one case, none of the participants interviewed were dissatisfied with the outcome and overall, all were very satisfied or satisfied with the process and saw the mediation process as very or somewhat fair, which they ascribed to the skills of the mediators.

The CONNECT direct mediation process, which could be either pre-sentence or post-sentence, was also seen as very positive by most participants interviewed. CONNECT mediators (normally there would be two at a direct mediation) were seen as good at chairing the mediation session and very fair and impartial whilst not being dominant: "we did most of the talking" (victim). Victims interviewed felt the mediation went as they expected it to, though sometimes the offender was restless or could/would not answer all the questions the victim had. In one case there was a dispute as to the exact circumstances of the offence and the victim felt the facilitator should have stepped in earlier. Offenders apologised in all the cases where the victim saw this as appropriate, and all the victims who received an apology accepted it. In post-sentence cases, there was generally no outcome agreement made and the participants interviewed were happy that this should be so.

Indirect mediation: REMEDI and CONNECT

Indirect mediation was the more common option chosen by REMEDI and CONNECT victims and offenders (interviews were conducted with 17 offenders and 15 victims for REMEDI, one offender and five victims for CONNECT: see Appendix 1 for response rates). Indirect mediation involves the passing of information between victim and offender, via the mediator. For REMEDI, most of the offenders and victims interviewed wanted information to be passed from themselves to the other party. The most common way in which this information was passed from offenders was a letter of apology. REMEDI encouraged offenders to write letters of apology to victims, though this might already have occurred before REMEDI's involvement. Victims also sometimes had information sent to offenders about the consequences of the offence, or questions they wished to ask. Some of this passing of information occurred during a process aiming to lead towards direct mediation, though the direct mediation meeting did not happen, occasionally because the parties no longer felt they needed to meet. The variability of the content of indirect mediation is mirrored by variability in contact with REMEDI. So, some participants said in the interviews they never met REMEDI staff, whilst others had up to five visits, most having two. Half said they had no telephone contact with REMEDI, others up to ten calls. For some offenders and victims, the content of the indirect mediation focused solely on the writing and receiving of a letter of apology, with no additional elements.

Indirect mediation hence tended to involve far less communication than direct mediation or a conference. The 'best thing' was, for REMEDI offenders, making the apology, making the other party feel better, and communicating with the other party. For victims, it was talking about the offence or the apology, but some found there to be no best thing, possibly suggesting some overall dissatisfaction. The 'worst thing' for

offenders was waiting for information and for victims reliving the offence. Almost all offenders interviewed apologised and most victims said they accepted the apology. There was a significant difference between direct and indirect mediation cases as to whether victims said in interviews with them that they accepted the apology,³⁴ with the likelihood of accepting it greater in direct mediation.

Participants interviewed were in general not very sure what would happen after mediation. None of their expectations related to programmes or other possibilities for offenders to address their offending.³⁵ There were no formal outcome agreements arising from indirect mediation; any informal outcome agreements were rare and normally did not specify any time frame for completion (Shapland *et al.*, 2006b). Hence it was not possible for participants to know whether they had been completed. Interviewees said there was very little contact between parties after mediation.

It can be very difficult to know when an indirect mediation case is closed or should close and REMEDI had no set timetable for reviewing cases or closing them. So, for example, though REMEDI always wrote a letter to participants after direct mediation, thanking them, this was not always the case for indirect mediation. A few interviewed participants said they were waiting for something to happen, but they did not hear anything further. Though some interviewed offenders thought a report was being written by REMEDI to criminal justice personnel, the majority did not know if there had been or would be such a report. Victims were no clearer. We think this is an area where practice needs to improve: participants need to be sure when the scheme has closed the case and what communication there has been.

Generally, participants rated REMEDI staff and the process highly, with almost all offenders and victims considering they were listened to carefully; had the opportunity to express their point of view; and the mediators were the right kind of people. All said they were treated with respect and dignity. Almost all offenders and a majority of victims said all sides had a fair chance to bring out what happened. The small number of instances in which dissatisfaction was expressed stemmed from a number of factors during the process of the particular case. For victims, one was uncertainty whether the offender finally would apologise; another whether they received information they were expecting: "I feel in limbo. I don't know what's happened, nothing about him, what sentence he got or anything". Victims who did not receive sufficient information or where communication broke down started to have doubts about the impartiality of mediators and whether the offender would get more out of it: "it was a good mark for his parole – a good Brownie point". Offenders who were left a bit in the dark, or who were told that victims could not answer their questions, also sometimes doubted mediators' partiality: "I felt they were holding something back".

We think this stems from the nature of indirect mediation. Participants who were interviewed at both REMEDI and CONNECT said they found it difficult to judge whether information was being passed to the other party exactly in the way they intended, or whether it was being finessed by the mediators. These doubts from some participants came out in the responses to the question "how impartial did you feel mediators were?". Most offenders and victims thought mediators were very or fairly impartial, but a few not very or not at all impartial. In these instances, it was not that the mediators were unhelpful, but that there were doubts intrinsic to the process of indirect mediation as to whether important information was being passed correctly. McCold (2003), referring to research in Coventry and Leeds, similarly reports greater satisfaction from participants who experienced direct mediation than those receiving indirect mediation.

CONNECT indirect mediation participants expressed similar views, though there were only a small number of interviews. CONNECT mediators were very helpful, the process good: "They were very sympathetic,

34 Likelihood ratio=4.8, df=1, p=0.028.

35 Only one REMEDI indirect mediation offender said that the restorative justice had set something up to address problems relating to his offending. Using drugs and alcohol was talked about during the mediation, but positive action to address this was not part of the mediation framework.

extremely nice people. They explained things, they were quite open” (victim). Victims and offenders found it very helpful that CONNECT provided information and explanation about the criminal justice process, often information that victims and offenders had no other easy means of obtaining. But some information passing was rather one-sided, with one party saying he/she had not obtained much information about the other (particularly victims not hearing much back from the offender).

Some participants said they did not know whether CONNECT was writing reports to criminal justice bodies (if CONNECT was working pre-sentence, they normally wrote a report which was given to the sentencer): “they made a report, but I’m not sure where for, they were making notes” (victim). Participants were not usually shown reports, because CONNECT felt that all parties needed to agree a report before it could be shown and time pressures did not always allow further contact after the report had been written and prior to the court hearing. CONNECT staff were not always in court, because of time pressures, and participants were not always able to obtain reports from them there. CONNECT saw the report as a professional matter, which they needed to write in confidence. We do not doubt the accuracy of what was written. A few interviewees said that they were worried that their views and points might have been misrepresented by CONNECT workers – they had no evidence that this had happened, but they worried, afterwards, as to what was said, particularly if they heard nothing further. Indirect mediation, though overall being rated as helpful and satisfactory, contains the potential for miscommunication which the face-to-face meetings of direct mediation and conferences tend to dispel – though, of course, it is the choice of participants to undertake indirect mediation. We feel that, given the participatory nature of restorative justice and to avoid any suspicion, reports should be shown to participants. Good practice may be that all post-restorative justice reports should, if possible, be signed by participants. In any event, reports which are given to sentencers, such as pre-sentence reports, need to be shown to the defence/offender in advance.

Key points

Key points arising from the views of victims and offenders about conferences and mediation, as expressed in the final interviews are listed below.

JRC conferences

- Conferences normally included supporters of the victim and offender, primarily relatives or friends/colleagues. Partners and professional workers were rarely present. There was no mention of bringing wider community contacts.
- Repayment of travel expenses is an element future schemes will need to consider.
- For both offenders and victims, what was seen as the best thing about the conference varied. The most common factors, for victims were: being able to express the effects of the offence; meeting the offender; or obtaining answers to questions. For offenders, they were being able to apologise to the victim; and explaining about the offence. The whole of the conference experience mattered.
- Almost all offenders and victims were highly satisfied with the extent to which they were able to say what they wanted at conferences and that conferences had covered all relevant aspects.
- In almost all conferences, the offender apologised and in almost all cases, the victim agreed they had. There was a highly significant difference between the frequency of apologies in conferences, compared to that experienced in the control group in the criminal justice process alone.

- Over a range of measures of satisfaction with different aspects of the conference, a very high proportion of both victims and offenders said they were very or quite satisfied. These measures included the conference process itself and the outcome agreement. There were a few dissatisfied victims and offenders. These conferences tended either not to have victims present, or to show disputes between victim and offender over what had happened during the offence.
- Most offenders said they had completed the outcome agreement fully or partially. Victims were often not kept informed about the progress of implementing outcome agreements, so many victims suspected the offender might not have completed it.

Direct mediation

- There were few CONNECT and REMEDI cases resulting in direct mediation, compared to the number resulting in indirect mediation. However, both REMEDI and CONNECT victims and offenders who did participate in direct mediation were generally very satisfied with the process.
- Direct mediation was not intended by the schemes to have a strong future orientation or formal outcome agreement, but participants were generally also satisfied with the outcome.

Indirect mediation

- Indirect mediation was a more limited process than conferences or direct mediation. For most REMEDI participants, it involved information being passed by mediators between the parties, with participants receiving on average two visits. However, for some victims and offenders the mediation only involved REMEDI facilitating the offender writing a letter of apology which was then passed to the victim.
- Almost all offenders apologised, but there was a significant difference between direct and indirect mediation as to whether victims said they accepted the apology.
- REMEDI participants were, in general, not always sure whether the case had been closed or whether anything was supposed to happen after the mediation. There were no formal outcome agreements.
- Generally, CONNECT and REMEDI participants rated the process and the staff highly, though there was occasionally some slight doubt about the impartiality of mediators. This stemmed from the nature of indirect mediation, which led to participants' concerns as to whether information which was important to them was being correctly conveyed to the other party or, in the case of CONNECT, to the court.

4. Overall views of restorative justice and interactions with criminal justice

Overall reactions to JRC restorative justice

There is no single question which can provide, by itself, the best indicator of the ‘success’ of restorative justice, as far as victims and offenders are concerned. People’s reasons for participating are diverse and their expectations are multiple (Chapter 2). Theories of restorative justice have stressed different aspects, including answering victims’ questions, making offenders address the harm they have done, healing conflicts, helping to solve offending-related problems and ‘reintegrative shaming’ (Shapland *et al.*, 2006c). As a result, a considerable number of questions for victims and offenders were included in the final interviews, each aiming to tap into different potential measures of ‘success’.

First, we asked some general questions: how useful the process was for the offender or victim themselves; how useful they thought it was for the other party; how fair they thought the process was; how satisfied they felt with the outcome of the JRC conference (Table 4.1). For all these, reactions of both offenders and victims were overall very positive. Around three-quarters of both victims and offenders thought the process was useful for them and were satisfied with the outcome. Conferencing was perceived as significantly more useful by groups with more serious offences.³⁶ Though many did not feel they could say how it was for the other party, those who could give a rating felt it was positive for them as well. Previous studies have suggested that memories of restorative justice fade and become slightly more negative over time (Ministry of Justice, 2005). A significant difference was found between ratings of satisfaction about the conference in the follow-up interviews some three to four weeks after the offence and in the final interviews, for the two sites where it was possible to make this comparison.³⁷ Satisfaction weeks after the conference was at levels of 80-90 per cent, whilst several months after the conference it was at levels of 70-80 per cent (Table 4.1).

Participants’ reactions to the conference were significantly interrelated. Victims and offenders who were satisfied with the conference were likely also to be satisfied with its outcome³⁸ and to give high ratings in terms of how useful the process was for them, as well as whether they thought the conference was a good way to deal with the offence (even though these questions were asked at very different points in the interview and so were methodologically distinct). For both offenders and victims, principal components analysis of these questions, which explores whether individual questions are interrelated and whether there are any independent elements, produced just one general factor, which explained as much as 70 per cent of the variance for offenders and 63 per cent for victims. All four questions related to this factor at levels of 0.76 or above for both offenders and victims – a very high degree of interlinking.

Not everyone, however, was entirely satisfied. Overall, some 40 offenders and 74 victims who attended a conference were not really satisfied or not at all satisfied on one or more of these four questions. Most of these were unhappy about only one aspect of the conference. Only six offenders and six victims were slightly or very dissatisfied on all of the questions. All the six substantially dissatisfied offenders were from Northumbria, all but one being young offenders. We observed three of these six conferences and all produced outcome agreements. They seemed quite different. One involved an offender with attention deficit and hyperactivity disorder; one had a dispute throughout the conference about how much the offender had stolen; and one seemed to show no apparent problems during the conference. We observed five of the six conferences where there were dissatisfied victims (all but one being from Northumbria, mostly adult court cases, the other being a Thames Valley community case) and these were discussed in Chapter 3. Conferencing seems to work for both victims and offenders – or there are only minor elements which

36 On seriousness, likelihood ratio re offenders was 1.7, $df=4$, $p=0.020$; and re victims 14.0, $df=4$, $p=0.007$.

37 London and Northumbria: for offenders, likelihood ratio=16.5, $df=1$, $p<0.001$; for victims, likelihood ratio=8.8, $df=1$, $p=0.003$.

38 To give an example of the degree of intercorrelation, the Spearman’s (non-parametric) correlation between satisfaction with the conference and satisfaction now with its outcome was for offenders 0.60 and for victims 0.55 (both $p<0.001$).

Table 4.1: Overall reactions to JRC restorative justice from the conference group (actual percentages)

| | Off. % | Vict. % | | Off. % | Vict. % |
|---|-----------|------------|--|-----------|------------|
| Overall, how useful did you feel the process was for you? | | | To what extent, if at all, do you think they'll affect whether the offender offends again? | | |
| Very useful | 53 | 43 | Very much so | 63 | 14 |
| Somewhat useful | 24 | 30 | To some extent | 16 | 26 |
| Not very useful | 8 | 10 | They'll have no effect | 10 | 28 |
| Not at all useful | 8 | 9 | They're likely to increase offending | 1 | 1 |
| Don't know | 3 | 3 | Don't know | 6 | 27 |
| (n) | (152) | (216) | (n) | (152) | (216) |
| And how useful did you feel it was for the other party? | | | Has the conference and the process provided you with any sense of closure in relation to the offence? ^a | | |
| Very useful | 41 | 30 | Yes | 56 | 52 |
| Somewhat useful | 20 | 25 | To some extent | 19 | 20 |
| Not very useful | 3 | 4 | Not really | 7 | 7 |
| Not at all useful | 5 | 7 | No | 10 | 15 |
| Don't know | 22 | 24 | Don't know | 4 | 1 |
| (n) | (152) | (216) | Did not attend conference | 4 | 2 |
| | | | (n) | (152) | (216) |
| Overall, how fair did you feel the process was? | | | Do you think the conference was held at the right time after the offence? | | |
| Very unfair | 7 | 7 | Too long after | 17 | 22 |
| Somewhat unfair | 11 | 7 | About the right length of time | 76 | 72 |
| Somewhat fair | 16 | 24 | Too soon after | 1 | 3 |
| Very fair | 58 | 57 | Don't know/can't remember | 5 | 3 |
| Don't know | 4 | 3 | (n) | (147) | (201) |
| (n) | (152) | (216) | | | |
| How satisfied or not are you now with the outcome of the conference? | | | To what extent do you think you now understand more about how the offence came about? | | |
| Very satisfied | 45 | 36 | Very much so | 56 | 37 |
| Fairly satisfied | 34 | 40 | To some extent | 24 | 32 |
| Not very satisfied | 11 | 11 | Not at all | 8 | 19 |
| Not at all satisfied | 5 | 7 | Don't know | 9 | 8 |
| Don't know/can't remember | 1 | 0 | (n) | (152) | (216) |
| (n) | (152) | (216) | | | |
| To what extent do you think the process and the conference have made you/the offender realise the harm done by the offence? | | | To what extent has it helped the victim to feel more secure? | | |
| Very much so | 57 | 34 | Very much so | 29 | 11 |
| To some extent | 26 | 26 | To some extent | 27 | 28 |
| They've had no effect | 7 | 22 | It's had no effect | 7 | 46 |
| Don't know | 6 | 15 | The victim feels less secure | 3 | 9 |
| (n) | (152) | (216) | Don't know | 30 | 2 |
| | | | (n) | (152) | (216) |

| | | | | | |
|--|-------|-------|--|-------|-------|
| To what extent has it solved any problems caused by the offence? | | | To what extent have you found it difficult or painful to go through the process? | | |
| Very much so | 24 | 13 | Very much so | 28 | 14 |
| To some extent | 27 | 23 | To some extent | 22 | 17 |
| They had no effect | 18 | 28 | It was 'OK' | 34 | 41 |
| They've made the problems worse | 2 | 4 | It was easy | 7 | 15 |
| No problems caused by the offence | 16 | 14 | It was very easy | 3 | 10 |
| Don't know | 9 | 14 | Don't know | 1 | 0 |
| (n) | (152) | (216) | (n) | (152) | (216) |
| To what extent, if at all, do you think the process and the conference have made the offender address any problems behind the offending? | | | Do you think that having the conference is a good way to deal with the offence you committed/ was committed against you? | | |
| Very much so | 39 | 10 | A very good way | 47 | 36 |
| To some extent | 22 | 29 | A good way | 26 | 28 |
| They've had no effect | 13 | 23 | It is OK | 14 | 21 |
| They've had a harmful effect | 1 | 1 | A bad way | 3 | 7 |
| No problems behind the offending | 18 | 4 | A very bad way | 1 | 2 |
| Don't know | 3 | 28 | Don't know | 4 | 2 |
| (n) | (152) | (216) | (n) | (152) | (216) |

Note: a this question was not included in some interview schedules.

dissatisfy them – except where communication at the conference is difficult, or where there is a continuing dispute about the offence between victim and offender.

We then tried to test directly some of the more detailed claims made for restorative justice (Table 4.1). The first is that restorative justice allows victims and their supporters personally to express the harm done by the offence, which might make the offender realise the extent of harm done. Eighty-three per cent of offenders and 60 per cent of victims thought the process had made the offender realise the harm caused by the offence, either very much so or to some extent. However, 22 per cent of victims thought it had had no effect in their case.

The second claim is that restorative justice can allow all parties to work together to attempt to solve problems caused by the offence. Fifty-one per cent of offenders and 38 per cent of victims thought that the process had solved problems caused by the offence, either very much so, or to some extent (in 16% and 14% of cases, respectively, no problems were thought to have been caused by the offence).³⁹ Very few offenders or victims thought the process had made any problems worse. Given the seriousness of many of the offences concerned, complete resolution of problems caused by the offence is unlikely and we see this as a positive result. A perhaps more ambitious aim is that the process can help the offender to address problems behind the offending. Though victims were not always able to say whether this was occurring⁴⁰ (not surprisingly, given the lack of feedback to victims about the progress of outcome agreements), offenders themselves felt the process had made them address these problems in 61 per cent of cases.

Victims and offenders were asked to say whether they thought the process would affect offenders' reoffending. Offenders themselves, in 79 per cent of cases, thought it would lessen the chance of them reoffending. We know that offenders can be optimistic in deciding to 'go straight', or can find that the social context of their lives drags them back into offending (Farrall 2002; Bottoms *et al.*, 2004). But reducing reoffending is highly likely to need offenders to feel they can stop or lessen the frequency of their offending,

39 For victims, it was significantly related to whether an important reason for participating was whether problems might be solved (Spearman's $r=0.31$, $p<0.01$), but this was not so for offenders.

40 Victims from more serious offence groups were significantly more likely to think that offenders were now addressing their problems (Mann-Whitney $U=2633$, $p=0.015$).

and that there are people who are trying to help them to do so (Bottoms *et al.*, 2004). In that context, these results are important, particularly because they were expressed some months after the conference and after sentence. The memory of the restorative justice process had survived that passage of time and was still, quite clearly, significant to participants. What is also important is that very few offenders or victims thought that the process might increase offending.⁴¹ The reconviction analysis we are carrying out following this report will show whether offenders' expectations of a reduced likelihood of reoffending became a reality.

A different aim of restorative justice is to provide a sense of closure to the offence and to any conflict created by the offence. Part of this is seen by some theorists as relevant to healing and reconciliation. Part, more prosaic but we think more important for victims, is to answer questions victims may have about whether they themselves personally were targeted by offenders or could have prevented the offence in some way. Victims often feel a sense of guilt about the offence, even when they in no way could have stopped it occurring. It is difficult to ask questions about these aspects. Participants were asked whether they now understood more about how the offence came about. For offenders, this was about them having a better understanding of themselves and the factors behind their offending – and 80 per cent of those surveyed said they did. For victims, it could be about answered questions,⁴² or about solving problems stemming from the offence,⁴³ or whether they understood why the offender was offending. Sixty-nine per cent of victims interviewed said they did now understand more about how the offence had come about, whilst 19 per cent said they did not understand at all. Although 46 per cent of victims said the process had had no effect on them, 39 per cent of victims said that they now felt more secure, at least to some extent, but nine per cent felt less secure.⁴⁴

We asked directly about a sense of closure. Over half the victims said the JRC process had provided them with a sense of closure, with an additional 20 per cent saying it had done so to some extent. This is high – given the seriousness of most of these offences. We asked the same question about closure for offenders. Seventy-five per cent of offenders said that the restorative justice process had provided them with at least some sense of closure and they could now move on. Only reconviction analysis will show whether or not this means the restorative justice process helped prevent further offending. In the interviews offenders commonly referred to their need both to apologise to the victim (see Chapter 3) and for closure about the offence. It would appear that this was a very important aspect to offenders. There is little research on adult offenders to compare with; given that the processes of desistance may involve coming to terms with offending and deciding to change past behaviour, this is a surprising omission.

For both offenders and victims, there is also the question as to whether the restorative justice process had occurred at the right time after the offence. Most offenders and victims felt that the period of time was about right (Table 4.1), but some thought it was too long. The conference process was determined by criminal justice parameters: when the offender had been caught and/or convicted and, in the prison group, when he was about to be released. This created great variability in the number of weeks or years since the offence. The answers to the question indicate, however, that there is quite a broad time span in which restorative justice is felt to be helpful. Perhaps another proof of this is that the emotional scars from the offence had not, for most, healed completely by the time of the conference. Half the offenders and 31 per cent of victims found it very (or to some extent) difficult or painful to go through the process.

41 Theoretically, meetings between victim and offender could be criminogenic, because they might intensify disputes or create grudges if people felt ignored, overruled or that the outcome agreement was unfair. Only one per cent of offenders and victims thought the process might have increased offending.

42 Victims from more serious offence groups were significantly more likely to say that they now understood more about how the offence had come about (Mann-Whitney $U=3444$, $p=0.006$).

43 The extent of closure for victims was significantly related to whether victims felt problems had been solved (likelihood ratio=31.7, $df=16$, $p=0.011$).

44 Feeling less secure could be about that offender, or reliving that offence, or realising the prevalence of offending in general.

Summing up, 73 per cent of offenders and 64 per cent of victims thought that having the conference was a good way to deal with the offence. All these schemes were set up so that the restorative justice was additional to criminal justice processes. The question is therefore not about diversion, but whether the restorative justice process was helpful to them in dealing with the offence and its effects. Given that few offenders and victims had any previous knowledge of restorative justice and this work had no statutory basis, these are quite high figures in terms of confidence in the process and what it had done for them. Importantly, few thought it was a bad way to deal with the offence: four per cent of offenders and nine per cent of victims.

Does restorative justice affect perceptions of the effects of the offence?

Did restorative justice directly affect people's recovery from the effects of the offence, for example, by making victims feel less depressed or less angry or vindictive? This is a very difficult question to answer, because we know that the effects of the offence tend to lessen over time naturally, so the question is really whether a restorative justice process speeds up this natural progression – and there are few recent longitudinal studies which provide relevant data (Shapland and Hall, 2007). One possibility to see if restorative justice affects perceptions of the effects of the offence is to use the randomised trial aspect of JRC's conferences as to whether conference group participants are more likely to say they are suffering fewer or less effects than control group participants. Strang *et al.* (2006) report that victims in the London conference group were significantly less worried about why they had been victimised than those in the control group. Sherman *et al.* (2005) found that victim desire for violent revenge was significantly lower in the conference group, looking at the London data and their previous Canberra data together. Our own analysis of the data collected by Caroline Angel (2005) during the follow-up interviews a few weeks after the offence suggests that although victims in the conference group were less likely at that point to wish to retaliate against the offender, there were few significant differences between the conference and control groups. There seemed to be no difference on most psychological measures or measures of social functioning.⁴⁵ The only areas where there were differences related to thinking about or talking about the offence (rather than depression, anxiety etc.).⁴⁶

These may seem rather negative results. However, we need to bear in mind that control group victims had had the same experiences as conference group victims up to the point of randomisation. So they had talked about the offence with facilitators, possibly heard something about the other party, and heard that the offender was willing to meet them. In other words, JRC control group participants had already received some of the potential benefits of restorative justice.

What did offenders and victims themselves say about the effects of the offence and whether restorative justice had helped? Victims were asked if it had made them feel better in any way: 62 per cent said it had, whilst 30 per cent said it had had no effect and two per cent said they felt worse. Some 39 per cent of victims also said it had made them more secure, nine per cent said they felt less secure and 46 per cent said there was no effect.⁴⁷ So, in common with other studies, most victims say it has helped, but there are a few who have not been helped (see Strang *et al.*, 2006).

Offenders said that conferences had given them the opportunity to talk about and think what they might do about drug and alcohol problems. At the time of the offence, 15 per cent of offenders interviewed said they had been using drugs, 22 per cent alcohol and 14 per cent both. Of the 81 offenders using drugs or alcohol, 68 per cent said it had been addressed at the conference. Offenders also felt the conference had affected

⁴⁵ Using scales measuring symptoms of post-traumatic stress disorder and the Impact of Effects Scale Revised.

⁴⁶ Burglary conference victims were significantly less likely to say they were thinking about the offence when they did not mean to ($t=2.50$, $df=129.6$, $p=0.014$, not assuming equal variance). Robbery conference victims scored less negatively in relation to other things making you think about it ($t=2.10$, $df=64$, $p=0.040$, assuming equal variance); staying away from reminders of the offence ($t=2.12$, $df=51.8$, $p=0.039$, not assuming equal variance); and trying not to talk about the offence ($t=2.44$, $df=51.5$, $p=0.018$, not assuming equal variance).

⁴⁷ In comparison, 33 per cent of control group victims said the criminal justice system made them feel more secure, 45 per cent said it had no effect and 20 per cent said they felt less secure.

their supporters who had attended. Supporters had in general remained supportive since the offence, but 39 per cent of offenders felt that, in addition, them agreeing to participate and go through the conference had impressed their supporters further and made them more positive and prepared to reinforce outcomes. It was common for offender supporters to agree to monitor items in JRC outcome agreements.

JRC: the interaction with criminal justice

JRC victims and offenders had a considerable amount of interaction with the criminal justice system in relation to the offence. Ninety-five per cent of victims in the conference group had contact with the police and 89 per cent had made a statement to the police – though only 15 per cent had had any contact with a court.⁴⁸ The figures for the control group were very similar, with slightly more interaction with the court (26% of control group victims had contact with the court).

Given the seriousness of many of these offences, it is surprising that quite a number of victims had not learned what the court outcome of the case was by the time of the final interview (though this is a general problem in criminal justice: Allen *et al.*, 2005). For offences leading to court cases,⁴⁹ only 75 per cent of the conference victims and 69 per cent of the control group victims knew the result – most of these from the police (40% in the conference group), some from the court (16%) but some only from JRC staff (25%), the media (6%), friends (6%) or even the offender (5%). The extent of interaction of the control group with JRC is emphasised by the fact that eight per cent of the control victims had been told the sentence by JRC staff – so the control group here is not a straight ‘only criminal justice system interaction’ group. Where victims did not know, they were told by researchers at the final interview.

Victims and offenders were asked if they thought the right sentence was given (Table 4.2). There was a significant difference between victims and offenders in both the conference and control groups,⁵⁰ with victims being less likely to think the right sentence was given. When asked whether it was too lenient or too severe, perhaps, not surprisingly, victims tended to think that, if anything, it was too lenient, whereas offenders thought it was too severe. Though a majority of respondents in both the conference and control groups thought the right sentence was given, conference victims were significantly more likely to think the right sentence had been given – 53 per cent of conference group victims felt it was the right sentence, compared to 45 per cent of control group victims.⁵¹

When participants were asked how satisfied they were with what the criminal justice system had done overall about the offence, 71 per cent of offenders in the conference group and 59 per cent of offenders in the control group said they were very or quite satisfied (Table 4.2). There is very little research on offenders’ views of the criminal justice system or sentencing, perhaps surprisingly, given the link between perceived justice and legitimacy (Tyler and Huo, 2002), and this is an important result. Their experiences in this case had tended to make both conference group and control group offenders feel more positive towards the criminal justice system. There was no difference between conference and control group offenders in terms of their perceptions of the sentence, but offenders who attended a conference were significantly more satisfied with what the criminal justice system had done generally in their case than were control group offenders.⁵²

On overall satisfaction with what the criminal justice system had done with the case, there was a significant difference between conference and control victims, with conference victims being more satisfied (72% of conference group victims were very or fairly satisfied, compared to 60% of control group victims).⁵³

48 This could include receiving letters or compensation: only six per cent said they had given evidence. Given these were normally offenders who had pleaded guilty, these low figures for interaction with courts are not surprising.v

49 N=141 for the conference group; n=114 for the control group.

50 Conference group: likelihood ratio=12.1, df=2, p=0.002; control group: likelihood ratio=29.7, df=1, p<0.001.

51 Likelihood ratio=7.8, df=2, p=0.020.

52 Mann-Whitney U=6389, p=0.01.

53 Likelihood ratio=10.6, df=4, p=0.032.

Conference victims also gave significantly higher ratings than did control group victims on how fair the criminal justice process was (73% of conference group victims thought it was very or somewhat fair, compared to 61% of control group victims).⁵⁴

Table 4.2: JRC: reactions to criminal justice (actual percentages)

| | Conference group | | Control group | | | Conference group | | Control group | |
|---|------------------|------|---------------|------|--|------------------|------|---------------|------|
| | Off | Vict | Off | Vict | | Off | Vict | Off | Vict |
| Do you think the sentence the offender received was the right one? | | | | | Overall, how fair did you feel the criminal justice process was? | | | | |
| Yes | 71 | 53 | 67 | 45 | Very unfair | 9 | 10 | 16 | 13 |
| No | 24 | 28 | 32 | 25 | Somewhat unfair | 16 | 10 | 14 | 16 |
| Don't know/can't remember | 3 | 16 | 1 | 29 | Somewhat fair | 30 | 34 | 36 | 36 |
| | | | | | Very fair | 40 | 39 | 31 | 25 |
| | | | | | Don't know | 3 | 5 | 4 | 10 |
| So do you think it was: | | | | | As a result of participating in restorative justice (conf) or in relation to this offence (control), has your view of the criminal justice system changed? | | | | |
| Much too lenient | 1 | 10 | 0 | 13 | Much less positive | 5 | 4 | 11 | 8 |
| Too lenient | 8 | 17 | 4 | 19 | A little less positive | 4 | 7 | 8 | 8 |
| About right | 61 | 48 | 60 | 47 | Not changed | 45 | 48 | 51 | 51 |
| Too severe | 15 | 5 | 19 | 4 | A little more positive | 20 | 28 | 13 | 21 |
| Much too severe | 10 | 1 | 14 | 0 | A lot more positive | 14 | 6 | 4 | 7 |
| Don't know/can't remember | 3 | 16 | 3 | 17 | Don't know | 9 | 6 | 14 | 4 |
| How satisfied are you with what the criminal justice system did about this offence? | | | | | Would you recommend restorative justice to others? | | | | |
| Very satisfied | 30 | 35 | 21 | 24 | Definitely | 58 | 57 | - | - |
| Quite satisfied | 41 | 37 | 38 | 36 | Probably | 16 | 21 | | |
| Not really satisfied | 14 | 13 | 15 | 19 | Not sure | 11 | 9 | | |
| Not at all satisfied | 10 | 9 | 20 | 13 | Probably not | 3 | 5 | | |
| Don't know | 3 | 4 | 4 | 8 | Definitely not | 7 | 5 | | |

Note: the number of cases was conference group: offenders 152 (89 for sentence questions); victims 216 (141 for sentence questions); control group: offenders 118 (72 for sentence questions); victims 166 (114 for sentence questions).

Conference participants were then asked whether their view of criminal justice had changed as a result of participating in restorative justice. Conference group victims had, overall, become rather more positive (34% had become more positive, compared to 11% who had become less positive: Table 4.2), as indeed had offenders (34% had become more positive, compared to 9% who had become less positive), though around a half of all groups, victims and offenders, said that their views had not changed.⁵⁵ We asked whether their view of individual criminal justice agencies had changed, and this slightly greater confidence was more apparent for the police (facilitators were police officers in London and Northumbria), than for the courts, probation service, prison service or defence solicitors. Overall, it looks as though participating in restorative

⁵⁴ Likelihood ratio=12.3, df=4, p=0.015.

⁵⁵ It is not possible to compare the reactions of conference and control group participants on these questions as they were asked different questions (see Table 4.2).

justice which is set within a close criminal justice framework (as with JRC), brings in its wake slightly greater confidence in criminal justice, manifested in the significant differences between the views of conference and control group victims on satisfaction with what the criminal justice system had done with the case and perceptions of its fairness, though most participants said that their views had not changed.

Finally, we asked whether conference group participants would recommend restorative justice to others for similar offences⁵⁶ (Table 4.2). As many as 74 per cent of offenders and 78 per cent of victims would definitely or probably (depending on the offence) recommend it to others. People stressed particularly the communicative aspects: being able to meet the other party, to put questions and to put across their view. Very few had been put off by their experience (10% of offenders and 10% of victims would probably or definitely not recommend it). This is, overall, a ringing endorsement of restorative justice.

Overall reactions to REMEDI and CONNECT direct and indirect mediation

REMEDI participants overall tended to be satisfied with mediation, looking back at the process at the final interviews – though offenders were clearly more enthusiastic than victims and some victims had negative experiences. The same questions were asked about the usefulness of mediation and about satisfaction with the overall mediation process as for JRC.

Offenders clearly found the process useful, with none saying it was not very useful or not at all useful. The majority of victims also felt it was useful, but some had doubts, which was significantly different from offenders' views.⁵⁷ Similar perceptions occurred on overall satisfaction with the mediation process (only asked of indirect mediation participants). Offenders generally felt that mediation had made them realise the harm done by the offence and address problems behind the offending. No offenders reported any harmful effects of mediation. Many offenders also thought mediation would affect their reoffending, though victims were more dubious about this. We need to bear in mind that the majority of these mediations were indirect mediations and that the extent of contact between the parties – and so opportunities to judge the effects of mediation – was far smaller than for direct mediation or conferencing.

Some victims said that mediation had solved problems caused by the offence and many also felt that they now understood more about how the offence had come about. Overall reactions from victims varied: most thought mediation was a good way to deal with the offence, but some thought it was a bad way. The reasons behind these ratings for the victims who were dissatisfied stemmed from the progress of the mediation itself, as discussed in Chapter 3. Dissatisfaction was not with REMEDI or its staff, but with difficulties, particularly in indirect mediation, about receiving sufficient information from the other party and some general dissatisfaction with their offenders' response. The dissatisfaction may derive in part at least, we judge, from the lack of opportunity to convey their views or any dissatisfaction directly or see how it had been received by the offender.

REMEDI cases did not lead directly to criminal justice decisions, but mediation was carried out under a criminal justice umbrella (of final warnings for young people, community sentences for adults, or resettlement for offenders in prison). It is not known what offenders or victims gathered about links between REMEDI and criminal justice processes. Certainly there was little indirect effect on views of criminal justice. Though offenders became slightly more positive towards criminal justice, victims' reactions varied.

The key final question is whether participants would recommend mediation to others. Offenders, in line with their other answers, overwhelmingly would recommend it. Most victims would recommend restorative justice but some victims, all of whom had experienced indirect mediation, had clearly been put off.⁵⁸

⁵⁶ The question often used in other evaluations of whether participants would take part again in a conference is rather less useful, because some offenders were determined not to reoffend – and so did not see themselves as being in that position again.

⁵⁷ Mann-Whitney U=116, p=0.005.

⁵⁸ There was a significant difference between offenders' and victims' responses: Mann-Whitney U=77.5, p=0.029. There was also a significant difference between victims experiencing direct and indirect mediation, with direct mediation giving more positive results

If we consider all the overall measures of satisfaction together for REMEDI, using principal components analysis, two factors appear (accounting for 62% of the variance). One is a general one, indicating that all the satisfaction measures are linked, as they were for JRC.⁵⁹ The second, linked primarily to choosing indirect mediation, shows that not being willing to meet the other party was associated with doubts about mediation and was independent of the experience of the process itself. Choosing indirect mediation over direct mediation seems to be an early reaction, which then constrains future choices.

How did CONNECT offenders and victims view direct and indirect mediation? From the qualitative data available, direct mediation was generally found to be very helpful by offenders.

It was a good thing and fair. I really valued the opportunity to meet the victim and check he was OK.

Insightful – it deepened understanding of effects on a wider network of people. Our families live in close proximity and I wanted to ensure there was no animosity.

Ratings for both forms of mediation were high (all offenders saw it as very or somewhat useful), with most offenders interviewed seeing the process having had some effect in making them realise the harm caused and solving offending-related problems or problems caused by the offence. A few had doubts about CONNECT workers' impartiality and, for indirect mediation, disliked the lack of follow-up (Chapter 3).

Victims' experiences varied. Victims responding about direct mediation rated it highly (all as very or somewhat useful), saying they felt a little more secure or better, even for very serious offences.

It helps to stop bottling things up, you can speak about it, so you're not upset, frightened, angry a year later. Apologies make people feel better.

It's an opportunity to express yourself and to listen to the other side. Psychologically I felt better.

It can't be the same for everyone, but the way it was set up for me, I had nothing to lose, I could pull out any time, so I would recommend anyone consider it.

Indirect mediation victims were slightly more guarded (all interviewed rated mediation as somewhat useful), but still found the process helpful to understanding what was going on. Any difficulties mirrored those of offenders, particularly any lack of follow-up or not receiving enough information about the offender.

Key points

Key points relevant to overall satisfaction, as expressed in the final interviews with offenders and victims, include the following.

JRC conferences

- The overall reactions of both victims and offenders to JRC conferences were very positive and memories of the process, even after many months, were still fresh. Most participants felt the process had occurred at around the right time, suggesting there is quite a broad time span in which restorative justice is felt to be helpful.
- Around three-quarters of victims and offenders interviewed said the process was useful for them and were satisfied with the outcome. Participants with more serious offences

(Mann-Whitney U=28.0, p=0.040).

59 Satisfaction measures included were feeling the process was useful for you (loading 0.91 on the first factor), whether it was useful overall (0.86), recommending restorative justice to others (0.76), how fair the process was (0.72), whether you would take part in mediation again (0.71), whether mediation is a good way to deal with the offence (0.67) and associated with being a victim (0.47).

were statistically significantly more likely to say it was useful.

- Three-quarters of both victims and offenders would definitely or probably recommend restorative justice to others for similar offences. Participants stressed the communicative aspects of meeting the other party, asking questions and being able to put their view.
- Ratings of different aspects of the process were interrelated. Victims and offenders who were satisfied with the conference were likely also to be satisfied with the outcome, to say the process was useful to them, and to feel the conference was a good way to deal with the offence.
- Some victims and offenders were not entirely happy about all aspects, but only six offenders and six victims (out of 152 offenders and 216 victims interviewed) were not really satisfied or not at all satisfied about all aspects. These cases were very different from each other. Any problems there were seemed to lie either in difficulties in communication between victim and offender, or there being a continuing dispute between them.
- Looking at some of the different claims made for restorative justice, there was evidence that victims and their supporters were able to express the harm done by the offence such that offenders realised the extent of this. Victims and offenders felt that it helped to solve problems caused by the offence and offenders felt it helped with problems lying behind their offending. A majority of victims said the process had provided a sense of closure and offenders indicated closure was important to them as well.
- Comparing the conference and control group, conferencing did not seem to affect victims' process of recovery from the effects of the offence, though there was some evidence that victims were less likely to want to retaliate against the offender soon after the offence. Most victims themselves, however, said at the final interview that the process had made them feel better.
- In relation to subsequent criminal justice system outcomes, a majority of respondents in both the pre-sentence conference and control groups thought the right sentence had been given, but victims in the conference group were statistically significantly more likely to say this. Conference group victims overall were statistically significantly more likely than control group victims to be satisfied with what the criminal justice system had done in their case and more likely to say the criminal justice process was fair, though most participants said that their views had not changed.

REMEDI and CONNECT direct and indirect mediation

- Overall, both REMEDI offenders and victims said they found the mediation process useful, though offenders were more likely to find this than victims. No offenders reported any negative effects of mediation. Most victims were also satisfied, but a number were not. Any dissatisfaction stemmed with difficulties, particularly in indirect mediation (which is a more limited form of contact) about receiving sufficient information from the offender and about their offender's response.
- Offenders would recommend mediation to others in a similar position, as would a majority of victims, but a few victims who had experienced indirect mediation had been put off.
- Qualitative data from CONNECT similarly showed that offenders found mediation very helpful, as did victims experiencing direct mediation, who said they felt a little more secure or better. The responses of victims experiencing indirect mediation were slightly more guarded, though they found the process helpful to understanding what was going on.

5. Conclusion

The views of victims and offenders: general satisfaction

Overall, the findings suggest that victims and offenders participating in the three restorative justice schemes were very happy with how the schemes operated and with their experiences of restorative justice. Though few victims and offenders had heard of either restorative justice or the scheme itself before they were approached, we saw in Chapter 2 that they found the preparation helpful and that it provided answers to most of the queries and requests for information they had. The only slightly unclear area was what might happen at the end of the restorative justice meeting (such as an outcome agreement) or what would happen after the process (for example, follow-up of agreements or how the results of restorative justice would be presented to criminal justice practitioners). Participants had a number of different reasons for participating and were looking for different things from the process.

Were those aspirations met by the process? Some of the aims stressed communication and the way in which the restorative justice process or meeting was run: that both sides should be able to present their views and to ask questions; that the process should be safe; that the facilitators should allow this exchange to occur, but not be too dominant themselves. In order for those expectations to be met, there are requirements not only on the facilitators and the schemes (which set the framework), but also on the other party – that the other party should be willing to take part and to talk, that their contribution should be within an expected role (for example, that offenders should apologise and victims, although expressing hurt, should not browbeat the offender). Meeting those expectations is an achievement not only of the scheme and of the individual facilitator, but also of all those participating.

In the vast majority of cases, as we saw in Chapters 3 and 4, the expectations were met. There was communication, questions were put and answered, both offenders and victims were helpful to each other, and, where relevant, outcome agreements were formulated and agreed. Satisfaction a few weeks after JRC conferences was at levels of 80-90 per cent (Chapter 4). Some eight to nine months after the conference, over three-quarters of both victims and offenders were still satisfied with the conference itself and with its outcome. Many of these are offences involving adult offenders, often serious offences. In fact, there was some evidence that satisfaction was even higher for trials involving more serious offences. Views in relation to REMEDI and CONNECT were similar.

Moreover, a number of different aims highlighted in the restorative justice literature were met for most victims and offenders – though we cannot know whether these were the most important aims for all these victims and offenders (Chapter 3). Many victims and offenders who had experienced problems relating to the offence said JRC conferences were helpful to them. Both victims and offenders felt a greater sense of closure. Where there were offending-related problems (such as drug or alcohol abuse, or anger issues), offenders said JRC conferences had tried to address these and to put useful requirements in outcome agreements. Offenders, in the overwhelming majority of cases, apologised. Victims agreed they had apologised and said, in the majority of cases, that they had accepted that apology. REMEDI mediations were not so future-oriented, so outcome agreements were fewer and mediation meetings rarely addressed the future or offending behaviour – though they did include apologies and tried to address problems connected with the offence. CONNECT provided reports to the court, but the mediation itself again tended to focus on apologies and addressing questions concerning the offence.

Occasions when there was some dissatisfaction

However, not every conference or mediation created complete satisfaction – that would be an entirely unrealistic expectation, particularly given that restorative justice itself arises from a disturbing and unhappy experience: the offence. A minority of JRC victims (34% of those interviewed) and offenders (26%)

expressed some form of minor dissatisfaction with some aspect of the process, though only six victims (3%) and six offenders (4%) were clearly dissatisfied with their experience overall (Chapter 4). Wherever dissatisfaction was expressed, even in some very minor way, we have explored carefully what seemed to go wrong, looking back at our own observations and notes on the case, as well as at what the victim and offender said. A number of aspects stood out as tending to lead to a greater likelihood of restorative justice not meeting people's expectations. We are definitely not suggesting that restorative justice should not take place if one of these elements has occurred or may occur – there were many successful conferences and mediations where such indications were present. They are summarised here so that future restorative justice practitioners can be aware that more preparatory work may be necessary in certain cases, or schemes may need to pay particular attention to these aspects. The factors which tended to lead to dissatisfaction are shown below.

- Above all, where there was an unresolved and significant dispute between victim and offender about what happened during the offence itself. This might be that the offender would not take any responsibility for the offence (which we would see as potentially fatal for restorative justice); that the offender or co-offenders only took some responsibility (could be difficult, but not always); that the offender made light of the offence; that the offender would not apologise (not always fatal to restorative justice – some offences have a complicated history) or that the offender blamed the victim. Note that problematic disputes are those between offender and victim. In some instances, there might be a dispute on some aspect between the participants and official criminal justice versions of the offence, but this did not necessarily cause difficulties for restorative justice.
- In rare cases, facilitators were either more dominant than participants felt was needed or, conversely, did not intervene when things became too heated or one-sided. Other evaluations have reported considerable unease at the dominance of facilitators in their schemes (Hoyle *et al.*, 2002; Daly, 2003). This was not the case in the three schemes we have evaluated: in almost all cases, facilitators were strongly praised for striking exactly the right balance. Facilitators may find it more difficult if participants (usually offenders) are under the influence of drink or drugs (which may be a reason for postponing a meeting), or have problems with communicating because of disabilities/disorders (where the other party may need to be prepared for this). It is important to guard against both dominance by facilitators and any manipulation or attempts to manipulate the process: the importance of restorative justice is that it provides an opportunity for the participants themselves to communicate what they need and want to communicate.
- If the victim or offender were unaware of the content of any reports that the scheme produced for criminal justice practitioners or were not shown such reports. These circumstances tended to cause suspicion about the scheme's objectives and some distrust of scheme personnel. The schemes need to be more transparent, informing participants if they intend to present a report or feedback to criminal justice authorities. Where matters were open like this, participants did not find it problematic. Where a report or outcome agreement is sent to others, it needs to be shown to participants first. We would see this as intrinsic to the communicative and participative nature of restorative justice.
- If the scheme did not complete the work it said it would do, did not follow up outcome agreements or did not notify victims whether outcome agreements had been completed. Where victims or offenders were expecting something else to occur after the mediation/

conference and then heard nothing, they could assume that the other party had not done what was expected – and judged them accordingly (potentially unfairly). Restorative justice does not necessarily stop with an initial exchange of information or with a face-to-face meeting. Particularly if it is set within a framework provided by criminal justice, participants need to know whether the offender has tried to complete elements of the outcome agreement and what happened at sentence (if the meeting was pre-sentence). The continuing failures of criminal justice personnel to notify victims of the outcome of cases do not help in this (as seen in Chapter 3, but far more widespread than occurring just in the areas in which the schemes were working).

To meet or not to meet?

A key remaining question is whether participants find a direct meeting (conferencing or mediation) better than indirect mediation. This is a very difficult question to answer, because each of the three schemes was different in terms of its procedures and practices and each gave participants different choices. JRC only offered conferencing, which was intended to involve several supporters for both victim and offender. There was no alternative, though the process of preparation for conferencing (which the control group also experienced) will have provided participants with the opportunity to talk to facilitators about the offence and its consequences and, on occasions, may have provided some information about the other party (for example, that they were prepared to meet) or the criminal justice outcome (such as the sentence). However, there was not the exchange of information between the parties (passing messages) which indirect mediation necessarily includes. CONNECT and REMEDI offered both indirect and direct mediation (and CONNECT offered conferences as well in some cases). For CONNECT and REMEDI, indirect mediation, the most common choice of participants, tended to occur during a process of preparation (often involving more meetings than with JRC) aimed at the possibility of direct mediation, the latter option being discarded when one party refused.

We cannot provide a full answer to the question of whether there should be several possibilities or just one possibility for restorative justice offered and if just one, which that should be. We can, however, offer a number of pointers. The first is participants' reactions to having a direct meeting. All those who had gone to a conference or direct mediation were asked whether they thought meeting the other party directly was better than someone passing messages between them. Of JRC offenders, 71 per cent of respondents thought it was very much better to meet, 13 per cent thought it was to some extent, three per cent thought it was worse and one per cent much worse.⁶⁰ The figures for JRC victims were 78 per cent much better to meet, 13 per cent to some extent better to meet, one per cent worse and one per cent much worse. These are people who had the choice between conferencing and no restorative justice. Having experienced a direct meeting, almost all of them thought this was the best way. REMEDI participants had the choice. All the offenders and victims who experienced a direct mediation thought this was the best option, either very much so, or to some extent.⁶¹ Similarly, all the CONNECT offenders and victims who experienced direct mediation thought it was better.⁶² So those who decided to meet tended not to regret it.

Secondly, we can look at the experiences of those who only experienced indirect mediation, though this is a small sample and we also need to note that, had they not had indirect mediation, there would have been no other possibility for restorative justice. They were more split on the question as to whether to meet: nine of the 17 REMEDI offenders and eight of the 15 REMEDI victims interviewed would actually have preferred to have met the other party directly, whilst six offenders and seven victims thought it would have been worse to have had a meeting. Maybe some were regretting the decision only to have indirect mediation. For CONNECT, all the victims interviewed thought it would be worse to meet, but the offender interviewed would

60 For JRC offenders, eight per cent did not know and for victims, four per cent.

61 In fact, all except one victim thought it was very much the best way.

62 Though there were very few interviews with CONNECT participants.

have liked to meet with the victim. We can also note that our statistical analysis of people's reactions showed that indirect mediation was linked to an early aversion to meeting the other party, which was not associated with major reasons for participating in restorative justice or experiencing particular benefits (Chapter 4). Indirect mediation tended to be associated with somewhat lower levels of satisfaction than direct mediation (Chapter 4). It is not as complete an event.

Thirdly, we need to note that the process of indirect mediation makes it difficult to include future-oriented matters, such as setting up programmes to address offending-related problems. We would go so far as to suggest that indirect mediation makes it difficult to have outcome agreements (which address the future), because the amount and kind of interaction that is necessary to have an agreed set of items cannot practically be done by passing information through a third party. Equally, face-to-face interaction and getting to know what the other party is like, and what their situation and problems are, facilitates thinking how to improve things in the future. Meeting essentially makes it easier to communicate.

Conferencing, with supporters present, we suggest makes outcome agreements easier to achieve, partly because offenders may be supported by their families or friends at the conference, partly because supporters take on the responsibility for helping to support and/or monitor the outcome agreement. We need to note that restorative justice outcome agreements are not able by themselves to compel offenders to take action, nor do they have the weight of state decisions in criminal justice (for example, a sentence). Restorative justice in these three schemes was in addition to criminal justice processes. However, restorative justice processes (and victims) may encourage offenders to address offending-related problems, particularly when, as in conferences, supporters are there to encourage them or help them afterwards.

If, then, restorative justice is to achieve its full potential, that of providing "a process whereby parties with a stake in a specific offence collectively resolve how to deal with the aftermath of the offence and its implications for the future" (Marshall 1999), then this seems to us, from the results of this evaluation, more likely to be achieved to parties' satisfaction by direct mediation or, preferably, conferencing. However, there is likely always to be a proportion of participants who are unhappy with the prospect of a direct meeting. The question is whether they should be then offered indirect mediation or not be able to access restorative justice.

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Appendix 1. Technical details of the interviews and questionnaires

Technical details of the interviews and questionnaire prior to the restorative justice event or randomisation are given in Shapland *et al.*, (2006b).

The JRC follow-up interviews and questionnaires

JRC follow-up telephone interviews were carried out by JRC facilitators or research staff and were intended to be a brief telephone conversation with victims and offenders, concentrating on whether there were any difficulties following the conference/randomisation and initial reactions to the process (to improve practice). We would strongly recommend such a procedure for restorative justice involving serious offences or adult offenders. We designed the Thames Valley interview schedule in consultation with Thames Valley JRC during the pre-randomisation phase, and the schedules subsequently produced for London and Northumbria by JRC are similar, but not identical, so that not all questions can be compared directly. Greater emphasis was put by JRC on undertaking these follow-ups for conference cases, rather than control cases, so the response rates vary and dates at which interviews were done were not always recorded. There are practical difficulties doing follow-up interviews with offenders in prison. Staff from the London site started to leave questionnaires for offenders after the conference and to mail them to control offenders after randomisation (hence times at which respondents filled them in were not recorded). Staff from the Thames Valley site booked visits for follow-up interviews face-to-face with offenders. Lengths of interviews also varied considerably, with London interviews (with victims) taking an average of 22 minutes, Northumbria interviews eight minutes and Thames Valley interviews 15 minutes.

The response rates and time intervals since the conference/randomisation are shown below.

Table A1.1: Response rates and times for randomised JRC follow-up interviews/ questionnaires

| Site | Number of cases in each group | Percentage of cases with interviews achieved | Mean time in days since the conference/randomisation (for control group) |
|----------------------------|-------------------------------|--|--|
| London: | | | |
| Victims conference group | 124 | 82 | 21.4 (n=120) |
| Victims control group | 122 | 87 | 22.8 (n=97) |
| Offenders conference group | 65 | 43 | - |
| Offenders control group | 33 | 23 | - |
| Northumbria: | | | |
| Victims conference group | 104 | 77 | 30.6 (n=31) |
| Victims control group | 98 | 73 | - |
| Offenders conference group | 107 | 79 | 26.1 (n=35) |
| Offenders control group | 92 | 68 | - |
| Thames Valley: | | | |
| Victims conference group | 68 | 84 | 12.6 (n=65) |
| Victims control group | 32 | 38 | - |
| Offenders conference group | 72 | 89 | 14.1 (n=59) |
| Offenders control group | 0 | 0 | - |

Note: In addition, one conference victim supporter was interviewed in London, one conference victim supporter and one offender supporter in Northumbria, and 48 victim supporters, 63 offender supporters, 39 professionals and two others in Thames Valley.

Follow-up interviews were hence generally carried out around two to three weeks after the conference for the conference group.

Final interviews and questionnaires

Final interviews were carried out by ourselves (for CONNECT, JRC and REMEDI) or by trained interviewers from NFO System 3 Research (now TNS Research) (for JRC). NFO interviewers used an interview schedule derived from our own first interviews, but with fewer open questions. All interviews were face to face, except for REMEDI cases involving youth offenders, where both victims and offenders were sent questionnaires. Face-to-face interviews took about 50 minutes, with offender interviews being slightly shorter than those with victims.

Table A1.2: Response rates for final interviews/questionnaires for restorative justice and (for JRC) control groups

| Site | Number of cases in each group where person could be approached | Uncontactable (cases) | Refused (cases) | Unknown, not interviewed | Interviewed (individuals) | Response rate (cases) |
|--|--|-----------------------|-----------------|--------------------------|---------------------------|-----------------------|
| CONNECT: | | | | | | |
| Victims | 19 | 2 | 6 | 1 | 11 | 53% |
| Offenders | 14 | 5 | 3 | 2 | 4 | 29% |
| JRC London: | | | | | | |
| Victims conference group | 119 | 34 | 22 | 4 | 76 | 59% |
| Victims control group | 125 | 39 | 37 | 1 | 54 | 42% |
| Offenders conference group | 96 | 18 | 27 | 5 | 46 | 48% |
| Offenders control group | 80 | 14 | 30 | 6 | 30 | 38% |
| JRC Northumbria: | | | | | | |
| Victims conference group | 146 | 18 | 35 | 1 | 104 | 69% |
| Victims control group | 120 | 13 | 31 | 0 | 79 | 64% |
| Offenders conference group | 126 | 12 | 51 | 1 | 83 | 56% |
| Offenders control group | 106 | 14 | 42 | 2 | 60 | 54% |
| JRC Thames Valley: | | | | | | |
| Victims conference group | 59 | 17 | 7 | 6 | 36 | 58% |
| Victims control group | 72 | 29 | 12 | 1 | 33 | 44% |
| Offenders conference group | 59 | 15 | 11 | 11 | 23 | 37% |
| Offenders control group | 63 | 12 | 21 | 5 | 28 | 44% |
| REMEDI direct med (adult Os): | | | | | | |
| Victims | 10 | 0 | 2 | 0 | 8 | 80% |
| Offenders | 10 | 3 | 3 | 0 | 4 | 40% |
| REMEDI indirect med (adult Os): | | | | | | |
| Victims | 40 | 11 | 14 | 0 | 15 | 38% |
| Offenders | 40 | 19 | 4 | 0 | 17 | 43% |
| REMEDI questionnaires (youth Os): | | | | | | |
| Victims | 74 | - | - | - | 9 | 12% |
| Offenders | 74 | - | - | - | 3 | 4% |

Notes: Cases in which the person could be approached were those in which contact details were received from the scheme, the property still existed and we had no direct information that the person had moved, without leaving a forwarding address. It is not possible to know how many postal questionnaires for REMEDI cases involving youth offenders were received at the correct address.

Final interviewees for JRC cases and REMEDI adult cases were compared with those who were not able to be interviewed but who had undertaken restorative justice (or were randomised into the JRC control group) for victims and offenders separately on age, gender, type of offence, ethnic origin and whether JRC conferences had been with or without the victim present (the variables for which data were available to us for sufficient numbers of participants). For JRC offenders, statistically significant differences were found between those interviewed and those not interviewed on offender age (mean interviewed 24 years, not interviewed 26 years, $t=2.83$, $df=826$, $p=0.005$, equal variances assumed) and victim age (mean interviewed 32 years, not interviewed 35 years, $t=2.31$, $df=607$, $p=0.021$, equal variances assumed). Given the small differences in age, we do not think this will have had any major effect on offender perceptions. For JRC victims, there was, not surprisingly, a significantly smaller number of interviews for conferences without victims present (only nine of the 39 victims with victim absent conferences were interviewed), but no other significant differences. Our results for victim absent conferences should be regarded as tentative. The only significant difference found for REMEDI was on gender (none of the interviewees were female, 24 per cent of non-interviewees were female: Fishers exact chi square=6.046, $df=1$, $p=0.020$). Clearly the results for REMEDI cannot be generalised to cases with female offenders.

The numbers of interviews done with CONNECT victims and offenders, and the numbers of and interviews done and questionnaires returned for REMEDI cases are small, so only qualitative data from these are presented in this report. The results from these schemes cannot necessarily be taken as representative of all participants.

Table A1.3: Time in days between final interview and, for JRC, the date of the conference or, for CONNECT and REMEDI, closure of the case

| Site | Mean time in days | SD |
|--|-------------------|-----|
| CONNECT: | | |
| Victims | 246 (n=10) | 125 |
| Offenders | 175 (n=4) | 98 |
| London: | | |
| Victims conference group | 281 (n=75) | 143 |
| Offenders conference group | 289 (n=44) | 140 |
| Northumbria: | | |
| Victims conference group | 288 (n=103) | 111 |
| Offenders conference group | 311 (n=82) | 116 |
| Thames Valley: | | |
| Victims conference group | 328 (n=34) | 158 |
| Offenders conference group | 266 (n=23) | 152 |
| REMEDI direct med (adult offenders): | | |
| Victims | 248 | 122 |
| Offenders | 281 | 54 |
| REMEDI indirect med (adult offenders): | | |
| Victims | 256 | 119 |
| Offenders | 254 | 74 |

Note: It is not possible to calculate a relevant time to interview for control cases, because approaching people for interviews had to be done after sentence and after randomisation. The unit is the individual interviewed.

Final interviews hence were carried out around eight to ten months after the restorative justice event (slightly longer for JRC Thames Valley victims at 11 months and shorter for CONNECT offenders at six months). This amount of time was necessary in order to wait for any criminal justice processes to be completed, to check on the outcomes of those processes (such as the sentence given), and to contact participants and arrange a convenient time for them to be interviewed (including finding a suitable time in conjunction with the prison authorities for interviews with offenders in prison).

Appendix 2. Additional tables

Principal components analysis

Table A2.1: Principal components structure of the reasons why participants wanted to take part in restorative justice

(a) JRC final interviews with offenders

| | |
|------------------------------|---|
| Factor 1 (36.8% of variance) | wanted to express feelings (0.84) wanted to help the other party (0.79) wanted to try to repay the harm you'd caused (0.71) asked to take part (0.66) felt a duty to take part (0.54) taking part might affect what would happen to the case (0.47) wanted to have say in how problem was resolved (0.42) being a serious offence (0.43) |
| Factor 2 (16.8% of variance) | being a youth (0.74) not being a serious offence (0.72) being told to take part (0.64) taking part might affect what would happen to the case (0.56) |
| Factor 3 (13.3% of variance) | having some questions about the offence answered (0.84) not important that asked to take part (0.61) having a say in how the problem was resolved (0.58) |
| Factor 4 (8.4% of variance) | being in the control group (0.97) |

(b) JRC final interviews with victims

| | |
|------------------------------|--|
| Factor 1 (32.2% of variance) | being in the conference group (0.82) wanted to have say in how problem was resolved (0.72) wanted to help the other party (0.68) the case having an adult offender (0.68) asked to take part (0.67) being a less serious offence (0.59) taking part might affect what would happen to the case (0.53) felt a duty to take part (0.48) wanted to express feelings about the offence to the other party (0.47) being told to take part (0.43) |
| Factor 2 (18.0% of variance) | having some questions about the offence answered (0.72) wanted to be repaid for the harm experienced (0.64) the case having a young offender (0.57) wanted to express feelings about the offence to the other party (0.47) wanted to have say in how problem was resolved (0.47) being a more serious offence (0.44) not important that wanted to help the other person (0.34) taking part might affect what would happen to the case (0.33) |

- Factor 3 (11.8% of variance) not important that asked to take part (0.56)
being a less serious offence (0.49)
not important that felt a duty to take part (0.48)
wanted to express feelings about the offence to the other party (0.40)
wanted to be repaid for the harm experienced (0.38)
being told to take part (0.33)
being a case with an adult offender (0.31)
- Factor 4 (9.3% of variance) taking part might affect what would happen to the case (0.53)
wanted to be repaid for the harm experienced (0.52)
not important that wanted to express feelings about the offence to the other party (0.45)
not important that wanted to have some questions about the offence answered (0.45)

(c) REMEDI final interviews with victims and offenders (combined)

- Factor 1 (25.8% of variance) wanted to try to repay the harm you'd caused (0.79)
being an offender (0.75)
wanted to help the other person (0.72)
wanted to have say in how problem was resolved (0.51)
taking part might affect what would happen to the case (0.51)
wanted to express feelings about the offence to the other party (0.49)
felt a duty to take part (0.44)
told to take part (0.37)
- Factor 2 (19.2% of variance) having some questions about the offence answered (0.85)
wanted to have say in how problem was resolved (0.66)
wanted to express feelings about the offence to the other party (0.65)
not important feeling a duty to take part (0.40)
not important told to take part (0.31)
tends to be a victim
- Factor 3 (12.3% of variance) taking part might affect what would happen to the case (0.69)
told to take part (0.62)
not important wanting to help the other person (0.41)
not important being asked to take part (0.33)
tends to be a victim
- Factor 4 (11.4% of variance) asked to take part (0.71)
felt a duty to take part (0.56)
not important for the harm to be repaid (0.38)
told to take part (0.36)
tends to be direct mediation
- Factor 5 (9.8% of variance) indirect mediation (0.77)
asked to take part (0.49)

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This is the third report from the study of three Restorative Justice (RJ) schemes. The three schemes were predominantly for adults and were funded under the Home Office Crime Reduction Programme launched in 1999. From 2001-2004, the schemes (the Justice Research Consortium, REMEDI and CONNECT) ran RJ services at different points in the criminal justice system and involved a range of offences. This report explores the views of victims and offenders taking part in restorative justice of the process.