

# Why me?

## **Evidence for Restorative Justice**

This is a briefing paper on the evidence that supports the use of Restorative Justice within the criminal justice system. This highlights the importance of Restorative Justice, and the positive impact it can have on victims and other stakeholders in the process.

Restorative Justice can benefit a wide range of groups within society. It has been shown to have a high victim satisfaction rate and reduce reoffending. Why me? continues to fight for all victims of crime to be able to access a restorative process, in a safe and controlled environment which meets their needs and wishes.

## **Summary**

- 1) Restorative Justice gives victims the chance to have their say about how the crime affected them, and ask questions to the perpetrator. That's why 85% of victims are satisfied with the process.
- 2) Just the offer of Restorative Justice increases victim's wellbeing, even if they don't accept it.
- 3) Restorative Justice reduces the risk of victim's developing PTSD, and alleviates symptoms of trauma.
- 4) Restorative Justice reduces repeat offending by 14%.
- 5) Restorative Justice can reduce costs to the criminal justice system, the NHS and other public services.
- 6) Restorative Justice improves public perceptions of the criminal justice system.

## **What is Restorative Justice?**

Restorative Justice empowers victims of crime to communicate with the offender. This gives victims the chance to talk about the impact of the crime and seek answers about why it happened. They often feel excluded, confused and revictimised by the criminal justice process. Restorative Justice brings them back to the heart of the discussion, and allows them to have their voices heard.

Restorative Justice can involve a face to face meeting, or indirect communication where appropriate. This can involve shuttle mediation (such as letter writing, or a video-taped message) or the use of a proxy (where someone else takes the place of one of the parties in a meeting).

## Who benefits from Restorative Justice?

Victims of crime, perpetrators and the friends and family of both parties can benefit from Restorative Justice. It has been used successfully for all types of crime, including fraud, institutional neglect, homicide, hate crime and sexual offences.<sup>1</sup> Restorative Justice offers answers and empowers all parties to have a stake in the outcome of their case. As victim ambassador Kate Morgan states: Restorative Justice put an end to the 'uncertainty and endless questions' that she had been left with following the incident.<sup>2</sup> Government figures estimate that 85% of victims of crime who engage in Restorative Justice are satisfied with the process.<sup>3</sup>

### 1) Victims of serious crime

Whilst practice has predominantly clustered around low-level and juvenile offences, due to the availability of the intervention for Police and Youth Offending Teams, evidence points in particular to the merit that Restorative Justice has in cases of serious, adult crime - with one study finding that reconviction in serious offences could drop by up to 27%.<sup>4</sup>

Victims who experience post-traumatic stress disorder can particularly benefit.<sup>5</sup> Restorative Justice has been shown to significantly reduce symptoms of trauma. Angel et al found 49% fewer cases of PTSS (possible PTSD) amongst those who had participated in Restorative Justice.<sup>6</sup>

### 2) Victims who want to be heard

Victim support found that nearly half of their clients were unhappy with the way their case progressed, either in the reporting or investigation phase.<sup>7</sup> Indeed victims risk secondary victimisation through the court process, as well as, conversely, through not having their stories heard.<sup>8</sup> In cases where victims have been heard, it has been found that many have felt restrained by legal convention, describing the feeling as 'I couldn't tell it in my own way, as it was.'<sup>9</sup>

Strang has found that a number of factors are significant for victim satisfaction within the criminal justice system, these include:

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<sup>1</sup>Shewan, G. ACC. A Business Case for Restorative Justice and Policing. ACPO Lead on Restorative and Community Justice. Greater Manchester Police.

<sup>2</sup> Why me? Website. Online. Available at: <https://why-me.org/ambassadors/>

<sup>3</sup> Shapland, J., Atkinson, A., Atkinson, H., Chapman, B., Dignan, J., Howes, M., Johnstone, J., Robinson, G. and Sorsby, A. 2007. *Restorative Justice: the views of victims and offenders*. Ministry of Justice Research Series 3/07. London: Ministry of Justice.

<sup>4</sup> Shapland et al. 2008. *Does Restorative Justice affect reconviction?* Sheffield: Centre for Criminological Research University of Sheffield.

APS Group Scotland. 2019. *Justice in Scotland, Rapid Evidence Review: Uses of Restorative Justice*. Edinburgh: Scottish Government.

Sherman, W and Strang, H. The morality of evidence: the second annual lecture for Restorative Justice: An International Journal. *Restorative Justice: An International Journal*. May 2015, pp. 1-22.

<sup>5</sup> Roberts, A. et al. 2011. Race/ethnic differences in exposure to traumatic events, development of post-traumatic stress disorder, and treatment-seeking for post-traumatic stress disorder in the United States. *Psychol Med*. **41**(1), pp. 71–83.

<sup>6</sup> Angel, C.M. et al. 2014. Short-term effects of Restorative Justice conferences on post-traumatic stress symptoms among robbery and burglary victims: a randomized controlled trial. *Journal of Experimental Criminology*. **10**, pp.291–307.

Sherman, L. and Strang, H. 2007. *Restorative Justice: The Evidence*. London: The Smith Institute.

<sup>7</sup> Rossetti, P., Mayes, A. and Moroz, A. 2017. *Victims of the System: The experiences, interests and rights of victims of crime in the criminal justice process*. London: Victim Support.

<sup>8</sup> Jones, I. and Sanders, J. 2007. Victim in Court. In: ed. Walklate, S. *Handbook of Victims and Victimology*, New York: Routledge, pp.282-308.

<sup>9</sup> Shapland, J., Willmore, J. and Duff, P. 1985. *Victims in the Criminal Justice System*. Gower: Aldershot.

- More comprehensive information
- Participation in their case
- Equality of service
- Emotional reconciliation.<sup>10</sup>

Data gathered around victim experience supports the use of Restorative Justice in criminal justice settings. An independent Government review found that a majority of victims opted for the opportunity to meet their offender face to face, when offered this by a trained facilitator.<sup>11</sup> The European Forum for Restorative Justice has also found that most victims are satisfied with their experiences of the offer of mediation, the process and its outcome.<sup>12</sup> Significantly, many studies have found that victims feel better for having the option of Restorative Justice, whether they choose to take this up or not.<sup>13</sup>

### 3) Reducing Reoffending

Reducing reoffending is important as it reduces crime, and holds particular importance for many victims who do not want to see others victimised in the same way.<sup>14</sup> An independent evaluation of the Government's Shapland reports found that Restorative Justice reduces reoffending by 14%,<sup>15</sup> a finding mirrored internationally. The Ministry of Justice for New Zealand found that 23% fewer offences were committed over the 12 months following a Restorative Justice conference, in a study from 2008-2011.<sup>16</sup>

### 4) The Criminal Justice System

A Home Office review identified Restorative Justice as one of four key ways to increase confidence in the police. In his 'Business case for Restorative Justice', Shewan highlights the impact Restorative justice has on increasing public confidence, due to the participation of parties within their own cases.<sup>17</sup> Shapland et al found that feelings towards the criminal justice system were improved by 34% after a Restorative Justice intervention.<sup>18</sup>

In addition, the UK Government has found that for every £1 spent on Restorative Justice, £9 is saved.<sup>19</sup> Sherman and Strang also argue that the attendant health costs, which accompany conditions such as post-traumatic stress disorder are significantly reduced by

<sup>10</sup> Strang, H. 2002. *Repair or Revenge: Victims & Restorative Justice*. Oxford: Oxford University Press.

<sup>11</sup> Restorative Justice Council Website. Online. Available at: <https://restorativejustice.org.uk/resources/ministry-justice-evaluation-implementing-restorative-justice-schemes-crime-reduction-3>

<sup>12</sup> Bolivar, D., Aertsen, I., Vanfraechem, I. 2009. *Victims and Restorative Justice: Country Reports*. European Forum For Restorative Justice.

<sup>13</sup> Bolívar, D., 2012. Victim-offender mediation and victim's restoration. A victimological study in the context of Restorative Justice. PhD diss., Leuven: KU Leuven.

Vanfraechem, I., 2007. *Herstelgericht groepsoverleg voor ernstige jeugdgedelinquentie*. Bruges: die Keure.

Wemmers, J. and Van Camp, T., 2011. *The Offer of Restorative Justice to Victims of Violent Crimes: Should it be Protective or Proactive?* Montréal: CiCC, Université de Montréal.

<sup>14</sup> Shewan, G. ACC. A Business Case for Restorative Justice and Policing. ACPO Lead on Restorative and Community Justice. Greater Manchester Police.

<sup>15</sup> Ministry of Justice (2010) Green paper evidence report: 'Breaking the cycle: Effective punishment, rehabilitation and sentencing of offenders'. Available at:

<https://restorativejustice.org.uk/sites/default/files/resources/files/Green%20paper%20evidence%20report.pdf>

<sup>16</sup> New Zealand Ministry of Justice. 2011. *Reoffending Analysis for Restorative Justice Cases: 2008 and 2009*. Wellington: Ministry of Justice.

<sup>17</sup> Shewan, G. ACC. A Business Case for Restorative Justice and Policing. ACPO Lead on Restorative and Community Justice. Greater Manchester Police.

<sup>18</sup> Shapland, J., Atkinson, A., Atkinson, H., Chapman, B., Dignan, J., Howes, M., Johnstone, J., Robinson, G. and Sorsby, A. 2007. *Restorative Justice: the views of victims and offenders*. Ministry of Justice Research Series 3/07. London: Ministry of Justice.

<sup>19</sup> Restorative Justice Council, 2011. "What does the Ministry of Justice RJ research tell us?" Available at:

<https://restorativejustice.org.uk/sites/default/files/resources/files/Ministry%20of%20Justice%20evaluation%20of%20restorative%20justice.pdf>. Accessed 20 May 2020.

Restorative Justice, resulting in savings for the National Health Service.<sup>20</sup> An indicative framework by the Criminal Justice Alliance gives a conservative estimate of £30.5m to administer Restorative Justice for appropriate offences across England and Wales annually.<sup>21</sup>

### **About Why me?**

Why me? is the only national charity fighting for victims to have access to Restorative Justice. We do this by running campaigns and research, lobbying Government, and helping organisations which deliver Restorative Justice. We also run our own accredited Restorative Justice service. We were formed after a repeated offender Peter Woolf met one of his victims, Will Riley, in a Restorative Justice meeting in prison. This meeting transformed Will's recovery, and turned Peter away from a life of crime. Will set up Why me? to help other victims gain the benefits of Restorative Justice which he had experienced himself.

If you are interested in Restorative Justice, or have further questions about its use – please contact us on [info@why-me.org](mailto:info@why-me.org)

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<sup>20</sup> Sherman, L. and Strang, H. 2007. *Restorative Justice: The Evidence*. London: The Smith Institute.

<sup>21</sup> Criminal Justice Alliance Briefing. 2017. *The Cost of an Entitlement to Restorative Justice*. London: Criminal Justice Alliance.

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