



## Restorative Justice (Diversion) Services Monitoring and Evaluation Report 2006/07

### Summary

The Sacro Restorative Justice (Diversion) Services operate from three offices (Services A, B & C) covering five of the 32 local authority areas in Scotland, as voluntary alternatives to prosecution for cases of minor crime. The services help facilitate communication between the person responsible for the offence (the accused) and the person harmed by the offence (the victim) in order for them to address the harm caused, reduce the likelihood of the re-occurrence of the offending behaviour, and move on from the offence. Previous research has shown that this type of intervention is generally found to be very satisfying for participants, particularly persons harmed by offending, and can help reduce the likelihood of re-offending. The services received 773 referrals in 2006/07, with one of the services exceeding its target and the other two falling short. There was a participation rate of 35%, which was below the 45-50% target, although within the general range established for international research. When both people agreed to participate, 82% of cases resulted in a satisfactory outcome, and success rates were highest when people actually met. There was a range of agreement outcomes, with most cases being dealt with without involving financial reparation, illustrating that the service is flexible and able to cater for the needs of service users. Demographic data shows that the appropriate priority groups are being targeted for this service. Systems have recently been introduced in order to collect data relating to restorative outcomes, such as feeling safer, the repair of relationships and moving on from the offence. Evaluating the impact on re-offending is very complex and this issue is discussed in detail. It is recommended that the services look at their practices for encouraging participation in the service, and the type and number of cases that are referred to the services, in order to increase efficiency, effectiveness and value for money. In concluding, the services offer an effective way of dealing with offences outwith the court process, there is a constituency that is willing to engage in a restorative process, success rates are very high when people agree to participate, and the services are flexible enough to meet the needs of many people harmed by crime.

### Table of Contents

Summary .....	1
1. Introduction .....	2
1.1 Purpose of report .....	2
1.2 Rationale .....	2
1.3 Policy.....	2
1.4 Service Aims and Objectives .....	2
1.5 Research.....	3
2. Inputs .....	3
2.1 Staffing .....	3
3. Outputs and Outcomes.....	4
3.1 Targets .....	4
3.2 Referrals.....	4
3.3 Participation rates .....	5
3.4 Timescales.....	6
3.5 Referral Outcomes .....	7
3.6 Persons Responsible .....	7
3.7 Persons Harmed .....	8
3.8 Restorative Outcomes .....	8
3.9 Impact on re-offending .....	9
4. Conclusions .....	10
4.1 Service performance.....	10
4.2 Areas of service delivery that need attention.....	10
4.3 Key Messages.....	10
5. References .....	10

## 1. Introduction

### 1.1 Purpose of report

This is the first internal monitoring and evaluation report on Sacro's Restorative Justice Diversion from Prosecution Services. The report aims to answer the following questions: how are the services performing; are there areas of service delivery that need attention; what are the key messages about these services? The report provides an outline of current policy and research, and draws on Sacro service statistics and a range of literature to answer these questions. Throughout this report, the phrase *person harmed* is used frequently for *victim*, and *person responsible* refers to the *accused*.

### 1.2 Rationale

Restorative justice is based on the rationale that it is beneficial for both the person harmed and the person responsible to communicate, either directly or indirectly, about the harm caused by crime. The purpose of the communication is to make matters arising from the crime as right as possible by putting the person harmed and the person responsible more at the centre of the process (Christie, 1977).

There are a number of definitions of restorative justice (Umbreit 1998; Marshall 1999; Zehr 2002 ). For the purpose of this report, the definition of the United Nations is used because it reflects a broad consensus of current international opinion:

*A restorative process is any process in which the victim and the offender and, where appropriate, any other individual or community members affected by a crime, participate together actively in the resolution of matters arising from the crime, generally with the help of a facilitator.*  
(United Nations, 2006, p. 6)

### 1.3 Policy

Scotland: Sacro's adult Restorative Justice Services, formerly known as Mediation and Reparation Services, form part of the Scottish Executive's provision for Local Authorities to offer Diversion from Prosecution services<sup>1</sup>.

Five Local Authorities in Scotland (Aberdeen City, North and South Lanarkshire, Edinburgh and Midlothian) use diversion funding to contract Sacro to operate Restorative Justice Services. These services are funded through the Local Authority Social Work Departments and take referrals from the local Procurator Fiscal's offices. Diversion from prosecution occurs at the discretion of the Procurator Fiscal. The Procurator Fiscal has authority to proceed with prosecution if diversion is unsuccessful. This model falls within the *integrated* provision cited by Miers and Willemsens (2004).

Europe: There are several recommendations of the Committee of Ministers to member states of the Council of Europe encouraging the promotion of mediation to resolve matters arising from the crime between a victim and offender (Council of Europe 1999 and 2006). There is a framework decision of the Council of the European Union on the standing of victims in criminal proceedings which requires each member state to promote mediation in appropriate criminal cases and that agreements arising from mediation are to be taken into account in the justice process (Council of the European Union 2001).

United Nations: The UN Economic and Social Council states important basic principles on the use of restorative justice programmes (United Nations 2002) in criminal matters. The United Nations has also produced a very useful handbook on restorative justice programmes which summarises its policy (United Nations 2006).

### 1.4 Service Aims and Objectives

Diversion schemes in general are intended to *provide an opportunity for persons accused normally of relatively minor offences and where it would otherwise not be in the public interest to prosecute, to be dealt with outwith the court system* (Scottish Executive, 2002: 1). In addition to this, Restorative Justice Services provide the opportunity for people responsible for crime to make amends for their actions to those harmed and offer a more immediate and effective means to prevent the re-occurrence of the alleged behaviour. This

<sup>1</sup> For further information on the provision of diversion from prosecution services in Scotland see: <http://www.scotland.gov.uk/Topics/Justice/criminal/16906/6827>

is achieved through the use of shuttle dialogue (communication without actually meeting each other), face-to-face meetings or through a Restorative Justice Conference (a face-to-face meeting where support people are also in attendance). The facilitators who work on referrals include local volunteers recruited from the community and trained and supported by Sacro staff.

## 1.5 Research

1.5.1 Evaluation on Sacro's early pilot reparation and mediation projects and more recent research on diversion from prosecution schemes have been favourable to this type of provision (Warner 1992; Barry & McIvor, 1999).

1.5.2 Research by Beven, Hall, Froyland, Steels and Goulding (2005) on a pre-sentencing restorative justice intervention (Community Group Conferencing) in Australia found that, when comparing those who used the service with those going through the standard court process, both people responsible and people harmed had higher satisfaction with the process and they saw it as being more fair. Also, people responsible had a greater sense of taking responsibility for their harmful actions and they felt that they had more ability and support to live crime free. Furthermore, people harmed felt safer, had a greater sense of input into the justice process, had more understanding of the feelings and circumstances of the person responsible and more positive feelings towards the person responsible than did those who underwent the court process only. The satisfaction of people harmed with their participation in the process was the only significant predictor of overall satisfaction, suggesting that the process is more important than the outcome.

1.5.3 A meta-analysis of published and unpublished research on RJ interventions found that, when compared to a control group, RJ interventions increased satisfaction among people harmed and people responsible, and people responsible were more likely to complete their restitution agreements and less likely to re-offend (Latimer, Dowden & Muise, 2005).

1.5.4 Using a broad definition of RJ across a range of settings, including Diversion from Prosecution, and applying widely accepted rigorous assessment methods, a recent review of research on restorative practices concludes that, when compared to the conventional criminal justice system, RJ has:

- *Substantially reduced repeat offending for some offenders, but not all;*
- *Doubled (or more) the offences brought to justice as diversion from CJ;*
- *Reduced crime victims' post-traumatic stress symptoms and related costs;*
- *Provided both victims and offenders with more satisfaction with justice than CJ;*
- *Reduced victims' desire for violent revenge against their offenders;*
- *Reduced the costs of criminal justice, when used as diversion from CJ;*
- *Reduced recidivism more than prison (adults) or as well as prison (youths).*

(Sherman & Strang, 2007, p. 4)

The review above states that most available evidence for large scale delivery of RJ is associated with specially trained Police officers. Significantly, Sacro's model is quite different and is already producing interesting results as this paper will illustrate.

## 2. Inputs

### 2.1 Staffing

Table 1. *Staffing levels by service for 2006/07.*

Service	Service Team Leader	RJ Facilitators	Volunteers
Service A	22.8hrs	35hrs	3 (in training)
Service B	17.5hrs	21hrs	16
Service C	17.5hrs	70hrs	2
<b>Total</b>	<b>57.8hrs</b>	<b>126hrs</b>	<b>21</b>

Table 1 contains information on staffing levels for 2006/07. Please note that each service also employs a part-time service manager and support services. Service C also used sessional staff in 2006/07.

### 3. Outputs and Outcomes

#### 3.1 Targets

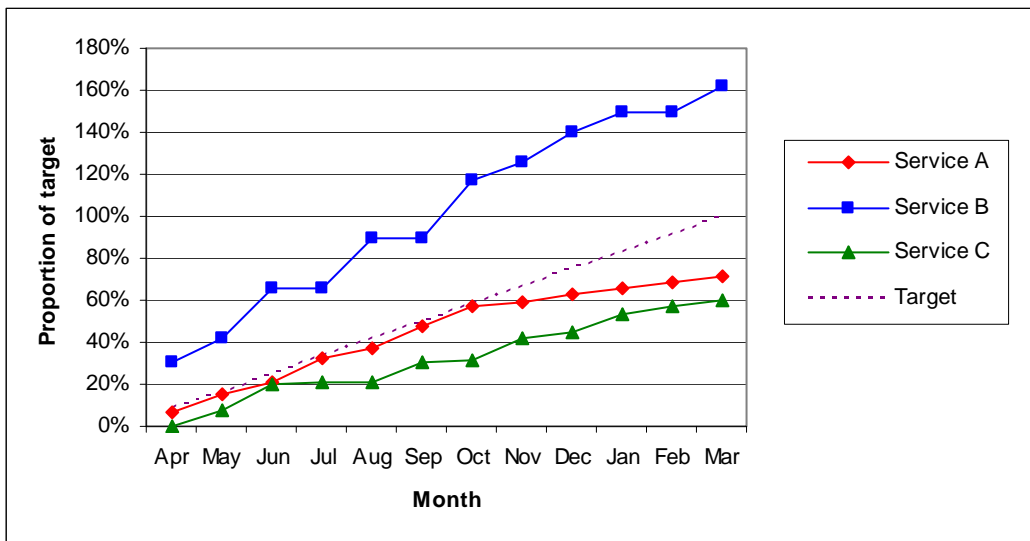
Table 2. Service annual targets for 2006/07.

Service	Referral target	Target participation rate	Agreement target
Service A	200	50%	100
Service B	196	50% formal / 45% informal	None
Service C	520	None	None

Table 2 presents the service annual targets with regard to person responsible referrals and participation rates - that is, the proportion of referrals where both the person responsible and the person harmed agreed to enter into a restorative process - and number of cases resulting in agreements.

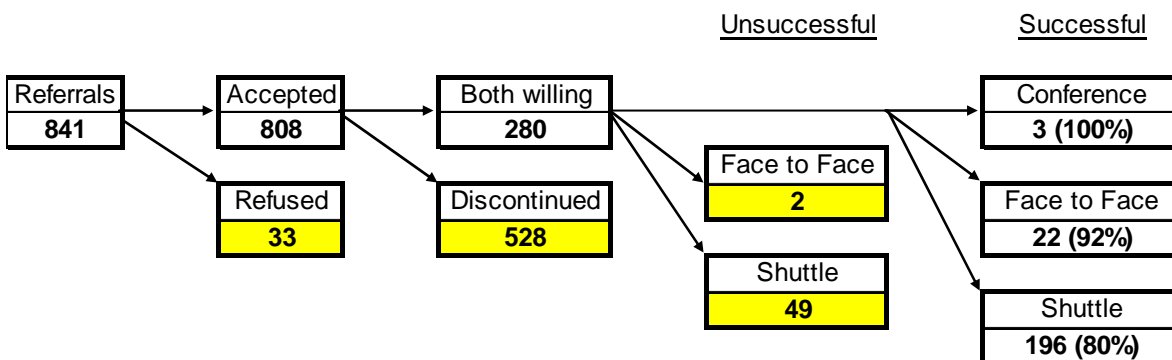
#### 3.2 Referrals

Figure 1. Accumulative referrals as a proportion of annual target by service for 2006/07.



3.2.1 Regarding referrals to the services, as shown in figure 1, Service B exceeded its target of 196 referrals, receiving 318 referrals (162%); in contrast, Service A received 142 of its target of 200 (71%) and Service C received 313 of its target of 520 (60%). It should be noted that the original target for Service B was 275, this was then reduced to 240, and then more recently reduced to 196, and the actual rate of referrals is closer to the original targets.

Figure 2. Flowchart for referrals closed in 2006/07.<sup>2</sup>



3.2.2 Figure 2 illustrates the process from referral through to case closure. This shows the consistent outcome of a high success rate when both parties are willing to use the service (82% overall). The high

<sup>2</sup> Please note that four of the referrals where both parties were willing to participate involved an "other" type of intervention, all of which were successful, and for a further four referrals where both parties were willing to participate the intervention type and outcome were not recorded.

success rate of face-to-face meetings and restorative justice conferences is reflected in international research findings (McCold, 2003, cited in Mirsky, 2004). It is clear that shuttle dialogue is the most commonly used intervention, although a satisfactory outcome is more likely when people meet together. Although few restorative justice conferences have been conducted so far, it appears that this is a particularly effective way of reaching agreement.

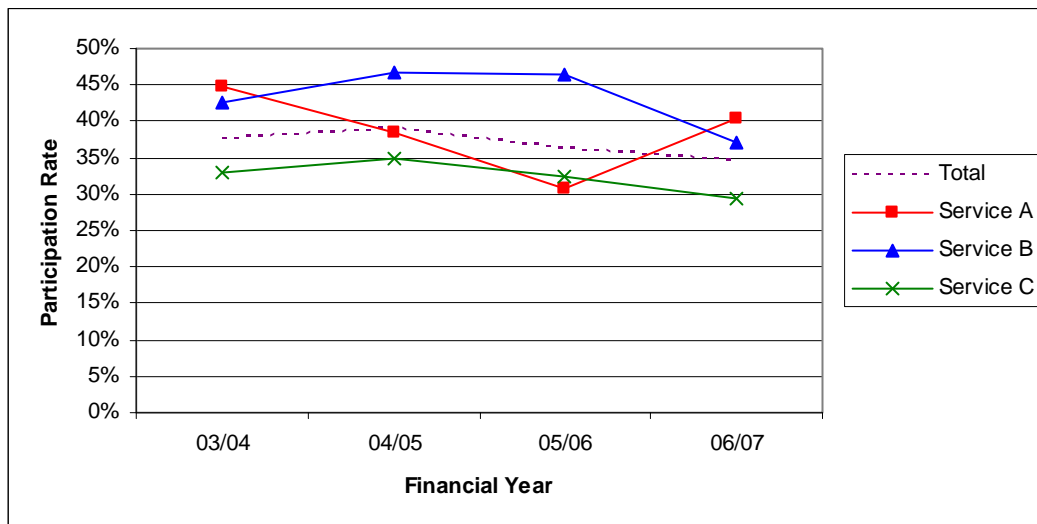
3.2.3 Of the refused referrals, the main reason for refusal was that they did not meet the criteria for the service (66%). For Service B, eight referrals were refused because there was a lack of resources and three were refused because there was insufficient capacity to work with them; as shown in figure 1, this service exceeded its capacity for referrals.

3.2.4 Diversion is only used in cases of minor crime, although it is worth noting that the impact on people harmed even in these instances can be great. Regarding the type of alleged offence, the majority were for offences that fall within the category of 'assault / breach of the peace / drunkenness' (452; 56%); 213 (26%) were for vandalism or fire-raising, 116 (14%) were for crimes of dishonesty. There were also three referrals for vehicle offences, two for drug-related offences, two for violent offences, and the remaining 19 (2%) were for alleged offences falling into the category of "other".

3.2.5 Scottish Executive (2007) data show that 1,198 diversion from prosecution cases commenced in Scotland in 2005/06 with 768 cases completed successfully. Sacro received 755 referrals in this period, amounting to 63% of all diversion cases, and there were 231 successful completions, amounting to 30% of Scotland's total. (It is important to note that it is not appropriate to compare successful completion rates between general diversion and RJ diversion as the former does not require participation by people harmed, which is a pre-requisite for RJ). This suggests that these services, based in only five (16%) of the 32 local authority areas, are dealing with a notable proportion of all diversion from prosecution cases in Scotland. Given that in 2004/05 there were 42,830 people with proven charges for shoplifting, vandalism, common assault or breach of the peace alone (Scottish Executive, 2006a), there is still a large potential for minor crime to be dealt with through this route.

### 3.3 Participation rates

Figure 3. Participation rates for accepted referrals by service and financial year 2003/04 to 2006/07.



3.3.1 In 35% of cases that were received as suitable for the service, both people responsible and people harmed were willing to participate. This indicates that there is a significant constituency that are willing to use an alternative to prosecution. Target participation rates were set at 50% for Services A and B (Service C has no set target), although Service B has an informal target of 45%. As shown in figure 3, the annual conversion rates have varied between 30% and 47% across services and years, and were below the 45%-50% targets for 2006/07.

3.3.2 It is difficult to compare these rates against that of other services, as many other services exist as an add-on to the court process, whereas the Sacro services function as a direct alternative to court. For a Youth Justice Service in Glasgow, of the 255 referrals that were intended to entail a restorative process involving a person harmed, 96 (38%) actually engaged a person harmed in the process (Dutton & Whyte, 2006). In evaluating restorative youth justice projects in England and Wales, Wilcox and Hoyle (2004) found

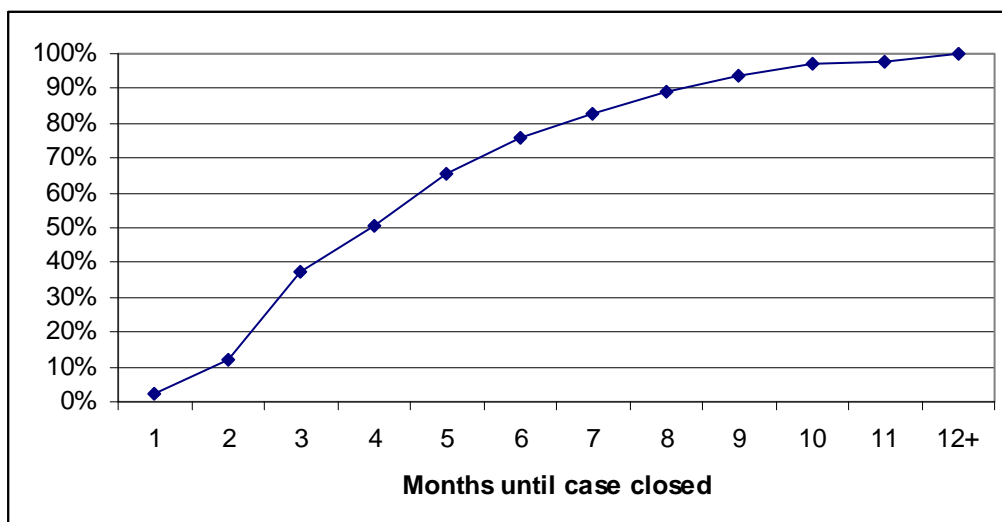
participant rates for people harmed ranged from 0% to 100% across the 32 projects under evaluation, although the meaning of participation ranged from attendance at a face-to-face meeting, to engagement in shuttle dialogue, agreement to receive a letter of apology, and agreement to the person responsible carrying out work in the community. Of the 3,702 identifiable people harmed, 2,920 (79%) were contacted, and of these 1,949 (67%) agreed to participate; this meant that 53% of the identifiable people harmed agreed to participate. In an evaluation of court referred restorative justice conferences in New Zealand, 36% of the 577 referrals proceeded to a conference (Crime and Justice Research Centre & Triggs, 2005). Research on restorative justice provisions in Ireland (Houses of the Oireachtas, 2007) has shown person harmed participation rates of 76% for the Garda Juvenile Diversion Programme and 61% for Court-Referred Family Conferences for Juvenile Offenders (although this second figure includes "surrogates" who represent the community or people harmed where the people directly harmed chose not to participate). Research by Shapland et al. (2006) on three restorative justice schemes in England where adults were charged with crimes, found that victim participation generally ranged from 36% to 56%, and that in general the proportion of suitable cases reaching some kind of restorative justice intervention ranged from 18% to 43%. Research from Sacro's Youth Justice Services shows that for 61% of referrals the person harmed was willing to take part, and the person harmed was actually involved in a restorative justice process for 42% of referrals (Nicol, Kirkwood & MacFarlane, 2006). Research on a victim statement scheme pilot in Scotland found a participation rate of only 15% among people affected by crime who were offered the opportunity to provide the court with a statement on the crime's impact (Leverick, Chalmers and Duff, 2007).

3.3.3 Again, it is very hard to judge the participation rates of these services against international examples of RJ; the available information suggests that the services are generally within the accepted range, although the evidence implies that participation rates of 35% or below are unusual.

3.3.4 As has been found with similar schemes (Dutton & Whyte, 2006; Wemmers & Canuto, 2002), the main reasons for referrals being discontinued were that the person harmed was not willing to participate (235; 44%) or that there was no response from the person harmed (122; 23%). Recent research suggests that the reason for some people harmed choosing not to participate might be that they do not feel like "victims" or they do not feel that the impact of the offence was serious enough to warrant their engagement (Leverick, Chalmers & Duff, 2007). Other reasons included that there was no response from the person responsible (73; 14%), they denied the offence (32; 6%), they were not willing to participate (23; 4%), they had moved away (8; 2%), or the person harmed had moved away (6; 1%). In some instances the case was withdrawn by the Procurator Fiscal (30; 6%).

### 3.4 Timescales

Figure 4. Length of time from referral until case closed where service users agreed to participate for referrals closed 2006/07.

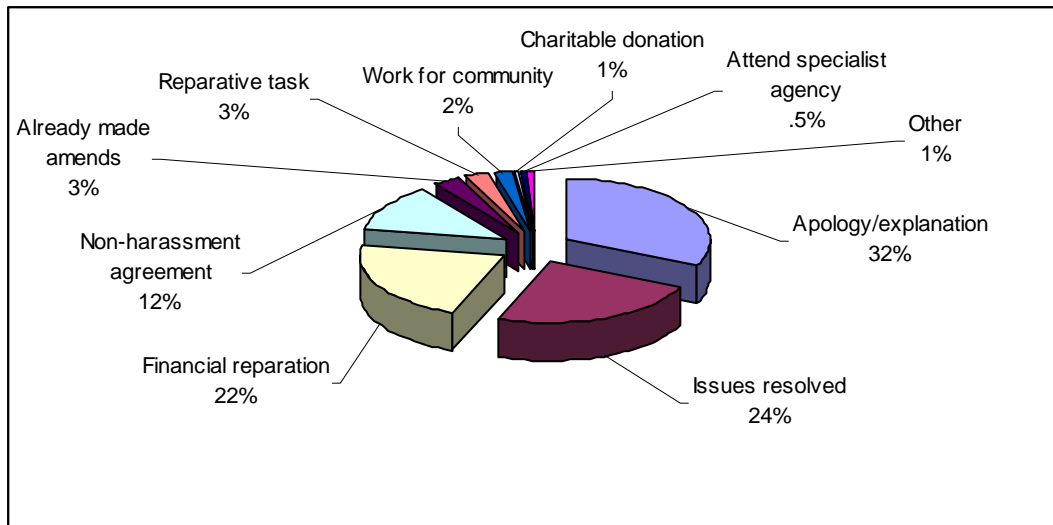


3.4.1 Figure 4 shows the length of time from referral until case closed for cases in which the service users agreed to participate. As shown, 37% of cases were closed within three months, 51% were closed within four months and 76% were closed within six months. Service B documentation indicates that cases should normally be dealt with within three months of referral, but that some financial agreements require the cases to be held open for longer. Overall, the median number of days the cases were open for was 121

(approximately four months); the median number of days for which discontinued referrals were open was 54 days.

### 3.5 Referral Outcomes

Figure 5. Satisfactory outcomes for referrals closed 2006/07.



3.5.1 As shown in figure 5, the most common satisfactory outcome involved the person responsible apologising to the person harmed, and possibly also supplying further information regarding the incident. The next most common satisfactory outcome was cases in which the person responsible and person harmed both agreed that the issue had been resolved between them, either prior to, or as a result of, contact with the service, and that they wished no further legal action to take place. As shown, in over three-quarters of successful cases the participants' needs were met without any money changing hands. The range of satisfactory outcomes suggests that the service is able to cater for the individual needs and wishes of the service users and that incidents can be dealt with through discussion and mutually agreed arrangements that would be unlikely to result through standard adversarial courts. This is supported by recent research in Scotland that found that, for many people harmed by crime, engagement in the justice process is not motivated by the prospect of financial compensation, and "victims may attach more significance to the emotional effects of crime - as compared to physical or financial effects - than is commonly assumed" (Leverick, Chalmers and Duff, 2007, p. 91). This is also in line with the research findings that suggest that individuals at low risk of re-offending should receive low or minimal interventions (see McGuire & Priestly, 1995).

3.5.2 The majority of unsatisfactory outcomes had to do with breakdowns in completing agreements (31%) and instances where there was no common ground between the person harmed and the person responsible (20%); in 18% of unsuccessful cases the person harmed withdrew, in 18% the person responsible withdrew, and in 14% they were unable to come to an agreement.

3.5.3 Where an agreement was reached, agreements were successfully completed in 91% of cases (note that a case is only considered satisfactory if the agreement is completed). This compares favourably with research showing that in Scotland full payment is received for 82% of all court fines, 83% of compensation orders given through the district courts and 77% of compensation orders given through the sheriff court (Sentencing Commission for Scotland, 2006).

### 3.6 Persons Responsible

3.6.1 Local Authorities request that Sacro Restorative Justice Services prioritise young people and women who offend. Although the Procurators Fiscal are aware of this targeting, Sacro services have no control over which cases get referred. Of the people responsible referred in this period, 15% (118) were young people between 16 and 17 years of age and 37% (299) were women. When looking at the demographics of all people charged with crimes and offences in Scotland, approximately 5% were 16 or 17 years old and 16% were women (Scottish Executive, 2006a). This suggests that these groups are being targeted for referral to the service; the overall Scottish data suggests that women and those aged 16 or 17 are generally targeted for diversion from prosecution (Scottish Executive, 2007).

Table 2. *Ethnicity of persons responsible for accepted referrals closed 2006/07.*

<b>Ethnicity</b>	<b>No.</b>	<b>% of total</b>	<b>% of known</b>
White	366	45.3%	97.1%
Asian, Asian Scottish, Asian British	6	0.7%	1.6%
Black, Black Scottish, Black British	2	0.2%	0.5%
Other Ethnic Background	3	0.4%	0.8%
Not known	431	53.3%	-
<b>Total</b>	<b>808</b>	<b>100.0%</b>	<b>100.0%</b>

3.6.2 The ethnicity data for persons responsible who were accepted by the services are shown in table 2. As shown, ethnicity is unknown for over half of the people referred. Of people whose ethnicity is known, seven (2.8%) belong to minority ethnic groups. Census data shows that 2.4% of people in the service areas are members of minority ethnic groups (Scottish Executive, 2004), suggesting that the service is engaging with a representative proportion of this demographic group. The Sacro data would need to be more complete before more detailed analysis could be carried out, and this would also require comparing the demographics of people referred with an appropriate comparison group, such as people charged with crimes or offences; this information is not readily available from the annual statistical bulletins (see Scottish Executive, 2006a).

### 3.7 Persons Harmed

3.7.1 The previous sections consider the data from the perspective of the person responsible for the offence; this section looks at the data from the perspective of the people harmed. For the 808 accepted referrals closed during 2006/07, there were 1,046 identifiable people harmed (that is, for some referrals more than one person was harmed). Of these, the vast majority were adult individuals (836; 80%); 124 (12%) were businesses, 31 (3%) were children under 16 years of age, 21 (2%) were public services, for 9 (1%) the offence was deemed to be against the community, and for one it was against another agency; for 24 (2%) the type of person harmed was not recorded.

3.7.2 Of the identifiable people harmed, 844 (85%) were offered the opportunity of using the service - in the remaining instances the referral was discontinued before the person harmed was contacted, either because the case was withdrawn by the Procurator Fiscal or the person responsible was approached first and could not be contacted or did not want to use the service. Of the persons harmed offered a service, for 349 (41%) the person harmed and the person responsible were both willing to participate. This reflects previous research showing that a substantial proportion of people harmed by crime are willing to use restorative processes as an alternative to court (United Nations, 2006).

3.7.3 Of the 312 people harmed who participated in shuttle dialogue, for 250 (80%) a satisfactory agreement was reached; of the 30 people harmed who participated in a face-to-face meeting, for 28 (93%) a satisfactory agreement was reached. For all three people harmed participating in a restorative justice conference, and all three participating in "other" restorative process, a satisfactory outcome was achieved. In total, of the 349 people harmed who participated, for 284 (81%) there was a satisfactory outcome. This reinforces the findings above that, from the perspective of persons harmed, the interventions are highly successful when people choose to participate, and the success rate is highest when people actually meet.

### 3.8 Restorative Outcomes

3.8.1 Brookes (2000) explained that reconciliation, reparation and transformation are essential to restorative justice processes, and that despite this, service evaluation tends to focus on the number of agreements reached, material or monetary compensation, re-offending and user satisfaction rates. He stated that this is because this type of information is relatively easy to collect, demonstrates the work done by the service, and therefore appeals to funders wanting to know the cost-efficiency of services. However, he explained that this type of data does not tell us whether the processes are actually meeting the intended objectives, particularly in terms of reconciliation and transformation.

3.8.2 Presser and Van Hoorhis (2002) set out some of the ways in which key processes and outcomes could be measured. They suggested that process evaluation should look at the extent and balance of dialogue, the extent of relationship building, and the extent of the communication of moral values. In relation to outcome evaluation, they suggested that it should focus on restoration, in terms of both reparation received in relation to what they were wanting or expected and psychological healing, and in terms of social well-being. In terms of reparation, this could include measures of whether the person harmed has received appropriate compensation, whether the crime still affects them, whether the harm to relationships has been repaired, whether they have decreased worry about being victimised and possibly also whether the person

harmed forgives the person responsible. They suggested that a crude proxy measure of some of these outcomes could be done in terms of participant satisfaction with the process and the outcomes. In terms of social well-being, they suggest measuring the feelings of the person harmed towards the person responsible (e.g., "The offender seems like a regular kid to me" p. 175) including feelings of sympathy, as well as their feelings about the quality of their community life. In terms of changes within the person responsible, they suggest measuring empathy, feelings of moral responsibility, and reduced adherence to criminal values, along with self-reported and official instances of re-offending.

3.8.3 Sacro has recently introduced a system for collecting and managing service user feedback and outcome data so as to evaluate the effectiveness of the RJ Services in terms of achieving these restorative outcomes. This is designed to collect information on the extent to which the services have helped the service users to participate in the justice process, repair damaged relationships, have their views heard, move on from the incident and feel safer; it will also gauge the extent to which the participants' feelings have changed towards each other, whether the person responsible has gained a better understanding of the harm they caused and whether they are less likely to cause similar harm in the future.

### 3.9 Impact on re-offending

3.9.1 Ideally, it would be useful to gather information on re-offending so as to evaluate the impact these services have had in terms of encouraging people to desist from offending behaviour. However, in order to draw conclusions about the effect of the RJ intervention using re-offence data, it is necessary to have a comparison group that is appropriately matched, so that other variables can be controlled for, and any difference could be said to be due to the RJ intervention itself (Wilcox, Hoyle & Young, 2005). Randomised Control Trials (RCTs), whereby people are assigned either to an "experimental" condition (e.g., an RJ intervention) or to a control condition (e.g., court), are generally considered to be the most rigorous method for evaluating the impact of an intervention on future offending behaviour (Harper & Chitty, 2005).

3.9.2 However, there are particular problems with using the RCT method for the evaluation of RJ Services. As these services require voluntary engagement, this method is severely affected by the issue of *attrition*; that is, 65% of cases referred to the service did not actually receive an RJ intervention, largely because the person harmed and / or the person responsible could not be contacted or chose not to participate. To control for *selection effects* - that is, the extent to which people who choose to participate in RJ are more motivated to address their offending behaviour and are therefore more likely to desist from offending behaviour independent of the intervention - any comparison would have to be between *all* of those referred to the RJ Service, regardless of whether they actually participated or not, and a control group who went through the standard court processes and were not offered RJ. The drawback of this method is that, in trying to reduce the chances of drawing a false conclusion that RJ reduces offending behaviour, any changes in offending behaviour among those who actually participated in an RJ intervention would potentially be masked by any lack of change among those who were referred to the RJ Service but did not actually participate in an intervention. Researchers have suggested that an attrition rate over 33% would have a major effect on the results (Sherman & Strang, 2003, cited in Wilcox, Hoyle & Young, 2005); the attrition rate for the Sacro RJ Services was approximately twice this size. Latimer, Dowden and Muise (2005) suggested that research could attempt control for these self-selection effects by measuring motivation of all persons responsible, in both the RJ and the comparison group, in advance of engagement with the intervention, and control for this factor when analysing changes in re-offending. Even if the issues of attrition and self-selection could be controlled for, the fact that a person would avoid receiving a criminal conviction by participating in the RJ intervention could have an effect on re-offending in itself, in that their likelihood of re-offending may be lessened simply because they have not been officially labelled as "an offender" (Wilcox, Hoyle & Young, 2005); and further, this may influence what happens next time they are charged with an offence - for example, the prosecution may be less likely to divert or abandon the case - therefore increasing their likelihood of being reconvicted.

3.9.3 If no suitable comparison group is available, it may still be worth analysing conviction data on people responsible who have participated in RJ interventions to gain an idea of the extent to which these people have further involvement with the criminal justice system. However, as this service is predominantly used for alleged offences committed by people with little criminal history, it would be very difficult to interpret the results from a "before and after" comparison in a meaningful way (that is, if the participants have no previous convictions, their reconviction rates can only increase or stay the same). Furthermore, of those receiving a community sentence or coming out of prison in Scotland in 2002/03 who had no previous convictions, only 20% were reconvicted within two years (Scottish Executive, 2006b), suggesting that the baseline for re-offending among potential service users is already very low, meaning that any analysis of reconviction rates would have to be undertaken with great caution. In sum, without an appropriate comparison group, re-offending data in itself could not be used to judge the extent to which the RJ Services are effective in encouraging

people to desist from offending behaviour; it has been suggested that the most appropriate evaluation methodology involves RCT, self-report outcome information from participants, and qualitative data on the practice, quality and impact of the service (Wilcox, Hoyle & Young, 2005).

## 4. Conclusions

### 4.1 Service performance

- In terms of referrals, one service is exceeding the target and two are not.
- Regarding participation, the services are performing within a satisfactory range when compared to other RJ services internationally.
- Success rates are high, especially when participants meet face-to-face.
- The services are targeting young people and women who offend.

### 4.2 Areas of service delivery that need attention

- To be more efficient, the services would need to either increase the intake of referrals or the participation rates or both.
- Some services are more effective than others in gaining participation from service users. Effective strategies in this regard could be discussed among the services with a view to increasing participation rates and thereby yielding more value for money across the board.
- Further research is needed on the types of cases that result in full participation and successful outcomes. The information resulting from the research can then be brought to reviews with the various stakeholders so that resources are targeted appropriately.
- User feedback needs to be collated using restorative outcome headings as well as other relevant measures.

### 4.3 Key messages

- There is still a large potential for minor crime to be dealt with through this route.
- There is a constituency that want to engage with these services.
- Where both the person harmed and the person responsible engage in a process like this there is high likelihood of a successful outcome.
- There is a flexibility in achieving outcomes which caters for the needs of participants; this illustrates a key principle in restorative justice, namely: that the victim and offender are placed at the centre of the process (Christie 1977).
- The majority of agreed outcomes are resolved through dialogue and only a small proportion through financial reparation or community work, thus suggesting that persons harmed are less punitive than might be assumed.
- The voluntary nature of participation yields slightly higher rates of completion when compared to compulsory court measures. This means that low level crime can be dealt with at least as effectively through voluntary methods as court processes.
- Attempts to measure the services' impact on re-offending in a meaningful way need to be treated with caution.

Niall Kearney, Steve Kirkwood and Lucinda MacFarlane  
19 June 2007

Revised for external publication 31 July 2009

## 5. References

- Barry, M. & McIvor, G. (1999). *Diversion from prosecution to social work and other service agencies: Evaluation of the 100% funding pilot programmes*. Downloaded from <http://www.scotland.gov.uk/cru/resfnds/crf37-00.asp> on 23 May 2007.
- Beven, J. P., Hall, G., Froyland, I., Steels, B., & Goulding, D. (2005). Restoration or renovation? Evaluating restorative justice outcomes. *Psychiatry, psychology and law*, 12, 194-206.
- Brookes, D. (2000). *Evaluating restorative justice programs*. Downloaded from <http://www.restorativejustice.org/resources/docs/brookes> on 24 April 2007.
- Christie, N. (1977). Conflict as property. *British Journal of Criminology*, 17, 1-15.

- Council of Europe (1999), 'Recommendation No. R (99) 19 of the Committee of Ministers to member States concerning mediation in penal matters.' (Adopted by the Committee of Ministers on 15 September 1999 at the 679th meeting of the Ministers=92 Deputies)
- Council of Europe (2006) 'Recommendation 8 of the Committee of Ministers to member states on the assistance to crime victims.' (Adopted by the Committee of Ministers on 14 June 2006 at the 967<sup>th</sup> meeting of the Ministers' Deputies).
- Council of the European Union (2001), *Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings*, Brussels
- Crime and Justice Research Centre & Triggs, S. (2005). *A summary of: New Zealand court referred restorative justice pilot: Evaluation*. Downloaded from <http://www.justice.govt.nz/pubs/reports/2005/nz-court-referred-restorative-justice-pilot-evaluation/nz-court-referred-restorative-justice-pilot-evaluation-just-published.pdf> on 26 March 2007.
- Dutton, K. & Whyte, B. (2006). *CJSW briefing no. 8: Implementing restorative justice within an integrated welfare system: The evaluation of Glasgow's restorative justice service, summary report*. Edinburgh: CJSW Development Centre for Scotland.
- Harper, G. & Chitty, C. (2005). *The impact of corrections on re-offending: A review of 'What works'*. Downloaded from <http://www.homeoffice.gov.uk/rds/pdfs04/hors291.pdf> on 17 May 2007.
- Houses of the Oireachtas (2007). *Joint committee on justice, equality, defence and women's rights: Report on restorative justice*. Downloaded from <http://www.oireachtas.ie/documents/committees29thdail/committeereports2007/Restorative-Justice.pdf> on 17 May 2007.
- ICM (2006). *Victims of crime survey December / January 2005/06*. Downloaded from <http://www.icmresearch.co.uk/reviews/2006/Smart%20Justice%20-%20Crime%20survey%20-%20Jan%2006/Smart%20Justice%20-%20Crime%20survey.asp> on 05 January 2007.
- Kearney, N., Kirkwood, S. & MacFarlane, L. (2006). Restorative justice in Scotland: An overview. *British Journal of Community Justice*, Vol 4, No 3, Winter 2006
- Latimer, J., Dowden, D. & Muise, D. (2005). The effectiveness of restorative justice practices: A meta-analysis. *The Prison Journal*, 85, 127-144.
- Leverick, F, Chalmers, J., & Duff, P. (2007). *An evaluation of the pilot victim statement schemes in Scotland*. Downloaded from <http://www.scotland.gov.uk/Publications/2007/03/27152727/0> on 17 April 2007.
- Marshall T, (1999) *Restorative Justice, An Overview*, Home Office, London
- McGuire, J. & Priestly, P. (1995). 'Reviewing "what works": Past, present and future' in J. McGuire (ed.) *Reducing Reoffending*. Chichester: Wiley & Sons.
- Miers D & Willemsens J (eds.)(2004) *Mapping Restorative Justice, Developments in 25 European Countries*, European Forum for Restorative Justice, Leuven, Belgium.
- Mirsky, L. (2004). *A Summary of "A Survey of Assessment Research on Mediation and Restorative Justice" by Paul McCold*. Restorative practices e-forum. Downloaded from <http://fp.enter.net/restorativepractices/rjsurvey.pdf> on 06 June 2006.
- Nicol, W. J., Kirkwood, S. & MacFarlane, L. (2006). *Youth Justice Services Evaluation Report: April 2004 - March 2005*. Downloaded from <http://www.sacro.org.uk/publications/yjeval0405.pdf> on 17 May 2007.
- Presser, L., & Van Hoorhis, P. (2002). Values and evaluation: Assessing processes and outcomes of restorative justice programs. *Crime and delinquency*, 48, 162-188.
- Scottish Executive (2004). *Analysis of ethnicity in the 2001 census: Summary report*. Downloaded from <http://www.scotland.gov.uk/Publications/2004/02/18876/32937> on 17 May 2007.
- Scottish Executive (2006a). *Statistical bulletin, criminal justice series, CrJ/2006/3, criminal proceedings in Scottish courts, 2004/05*. Edinburgh: Scottish Executive.
- Scottish Executive (2006b). *Reconvictions of offenders discharged from custody or given non-custodial sentences in 2002/03, Scotland*. Downloaded from <http://www.scotland.gov.uk/Publications/2006/10/30144610/0> on 17 May 2007.
- Scottish Executive (2007). *Statistical bulletin, criminal justice series, CrJ/2007/02, criminal justice social work statistics, 2005/06*. Edinburgh: Scottish Executive.
- Sentencing Commission for Scotland (2006). *Basis on which fines are determined*. Downloaded from <http://www.scottishsentencingcommission.gov.uk/docs/fines/basis%20-%20fines.pdf> on 16 May 2007.
- Shapland, J., Atkinson, A., Atkinson, H., Chapman, B., Colledge, E., Dignan, J., Howes, M., Johnstone, J., Robinson, G., and Sorsby, A. (2006). *Restorative justice in practice: Findings from the second phase of the evaluation of three schemes*. Downloaded from <http://www.homeoffice.gov.uk/rds/pdfs06/r274.pdf> on 15 March 2007.
- Sherman, L. W., & Strang, H. (2007). *Restorative justice: The evidence*. Downloaded from [http://www.smith-institute.org.uk/pdfs/RJ\\_full\\_report.pdf](http://www.smith-institute.org.uk/pdfs/RJ_full_report.pdf) on 17 April 2007.
- Umbreit, Mark S. (1998). "Restorative Justice Through Victim-Offender Mediation: A Multi-Site Assessment." *Western Criminology Review* 1(1). [Online]. Available: <http://wcr.sonoma.edu/v1n1/umbreit.html>

- United Nations (2002) UN Economic and Social Council: Resolutions and decisions adopted by the Economic and Social Council at its substantive session of 2002 (1 – 22 July 2002) 2002/12, *Basic principles on the use of restorative justice programmes in criminal matters*.
- United Nations (2006). *Handbook on restorative justice programmes*. Downloaded from [http://www.unodc.org/pdf/criminal\\_justice/06-56290\\_Ebook.pdf](http://www.unodc.org/pdf/criminal_justice/06-56290_Ebook.pdf) on 8 February 2007.
- Warner, S. (1992). *Making amends: Justice for victim and offenders, an evaluation of the SACRO reparation and mediation project*. Aldershot, England: Avebury.
- Wemmers, J.-A. & Canuto, M. (2002). *Victims' experiences with, expectations and perceptions of restorative justice: A critical review of the literature*. Montréal: Research and Statistics Division, Policy Centre for Victim Issues, Department of Justice.
- Wilcox, A. & Hoyle, C. (2004). *The national evaluation of the youth justice board's restorative justice projects*. Downloaded from [http://www.restorativejustice.org.uk/Resources/pdf/RJProjects\\_YJB\\_Evaluation\\_04.pdf](http://www.restorativejustice.org.uk/Resources/pdf/RJProjects_YJB_Evaluation_04.pdf) on 17 May 2007.
- Wilcox, A., Hoyle, C. & Young, R. (2005). Are randomised controlled trials really the 'gold standard' in restorative justice research? *British Journal of Community Justice*, 3, 39-49.
- Zehr, H. (2002). *The Little Book of Restorative Justice*. Goodbooks: PA.