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Desistance and RJ

Mechanisms for desisting from crime
within restorative justice practices

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I. Desistance from Crime

Desistance from crime

- Staying crime free for a longer time after having lived a persistent criminal lifestyle
- A process; a journey; not a one off decision; individual; complex; active; ups-and-downs
- Avoidance of crime and pursuit of a positive life
- Spontaneous desistance vs guided desistance

II. ‘Mechanisms for Desistance from Crime within Restorative Justice Practices’

Lessons from a European research project

Criminal Justice 2011

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The team

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Research questions

- How does participation in RJ **influence** the desistance journey of people who have offended?
 - **Which factors** within RJ practices support positive changes that help initiate or maintain desistance from crime?
 - **How** were these factors helpful for desistance?
- Qualitative, narrative approach,
- not evaluation research, learn from success

General set up

- Three regions: Austria, Belgium, Northern Ireland
- A research and a practice organisation collaborate
 - Austria: IRKS and Neustart
 - Belgium: KU Leuven and Médiante
 - Northern Ireland: Queen's University and Youth Justice Agency
- Literature review and empirical research
- In total 80 interviews with desisters who participated in RJ

- Diversification: adults/minors, mediation/conferences, diversion/part of the judicial decision making/parallel to the criminal procedure
- Themes:
 - The past – the situation before participation in RJ
 - The experience of the mediation/conference
 - Life at present – changes?

Findings I

RJ – a trigger and a support for desistance

Always other factors played a role in the desistance process

- maturation
- partner, parenthood, strong family ties
- work
- get control over a substance abuse problem
- religion
- support of professionals (social worker, prison chaplain, ...)
- 'worn out life'
- deterrence by a prison sentence which can still become effective (probation or conditional release)
- a change in self-perception, identity

RJ can play an important / modest / very humble role.

- Sometimes a trigger, more often a support
- Effect quite unpredictable
- No effect, learning effect, leading to desistance

‘Most important in the mediation was that they established contact with those people (the victim). Hearing what they had been through, I told myself, ‘this shouldn’t happen ever again’. But these were only words and now, step by step, it has become more than just words, I think I am on the right track’. (participant 7) (trigger)

‘For mediation to work you need people like me, who really, really want to get out of this. Even after doing stupid things for 10, 15 or 20 years life doesn’t stop. It is possible to get back on the right track’ (participant 1) (support)

‘I don’t know whether I am happy I participated. I did it for the lady (the victim), to reassure her. Me, personally, I don’t care... It (the mediation) was just a small thing... It didn’t change anything for me.’ (participant 6) (no effect)

One man's mediation story started when he wanted to make clear to the victim how little he was involved in the robbery and ended in awareness of his responsibility. In this case, this unexpected impact did happen with a man who had a long criminal career during which he never really worried about the impact of his behaviour on victims. (Belgium, robbery)(effect unpredictable)

Findings 2

Factors and dynamics in RJ helpful for desistance

Setting the context

- The non-judgmental and open attitude of the mediator

An Austrian woman accused of aggravated assault – she stabbed a knife in her husband’s back – stated:

‘(She treated me) respectfully. There was no judgement. I was reproaching myself the most. And it did me really good – I mean nobody approved what has happened, of course. But when I explained the whole story to the mediator, she kind of understood how it could actually have happened. And this was so helpful. It was important that in the end I was able to forgive myself and to accept that I’ve made a mistake but that I’m not a monster.’ (Austria, female, partner violence)

‘(the mediator) it is a person, a lady who really listened to me, who tried to find solutions to my problems. It was not a psychologist who tried to teach me a moral lesson.’

‘I felt abandoned in prison and knowing there is still someone listening to you... It felt like she just wanted to help be to get back on the right track... she was not there to judge me’

(participant 1)

‘When meeting with the mediator I felt treated like a person (‘humanised’), because in the system you are only an number’

(participant 2)

‘Participating in the interview was the least I could do in return for the mediator’

- Fair and respectful treatment

- Open communication

‘A place where you have the right to speak, where you can play ‘cards on the table’, bring up your own truth, the one only you know and which is different from the judicial truth’ (Belgium)

- A process tailored to the participants’ needs

The confrontation with the victim and his/her narratives

‘It was really hard. You need lots of courage. It is really hard because it’s like confronting one’s reflection. It is a bit like looking into the mirror. And to see the victim and to be confronted with that again, and sometimes it is for something that happened years ago, and bringing all that up again.’ (Belgium, sexually inappropriate behaviour and stealing)

‘I was just cutting a tree (to stop the cops). I did not feel responsible for what happened to him (amputation of a leg).

‘I did plenty of stuff, but I didn’t think about that (the impact on the victim).’

‘here for the first time I realized (the consequences of my behaviour)... It is still with me know... he gave me some pictures (of his leg)... I keep them in my house... every time I open that drawer, it is in my head...

‘if I hadn’t done the mediation, he would have been dead.’

(participant 9 – armed robbery)

The relation with the social worker who guides implementation of the reparation plan

‘Acceptance, a big thing for young people who commit crime is they feel neglected, of being not worthy of a chat or peoples friendship. I went into that door and nobody looked at me for the offences that I committed, everyone looked at me as a child that needed help...The problems that I was dealing with throughout my life was to do with what was inside, it was to do with my guilt and my violence, and to do with understanding who I was. Part of the youth conference plans was meeting the worker, that was the first part of change for me. I had seeds planted in my head and watered through the years that the person knew me.’ (Northern Ireland)

Reparation plans – financial reparation

A young, chronic cocaine user explained how his state of mind deteriorated to such an extent that he was forced to accept the help that was on offer to him through the Youth Justice Agency. His participation in counseling and drug education through his reparation plans provided the opportunity to reduce and eventually cease his drug use and to build structured routines that permitted the rebuilding of physical and mental health. (Northern Ireland)

Findings 3

How are these dynamics and factors helpful?

- Dealing with emotions of shame, blame, guilt and culpability

‘I felt really bad about what happened... it was like a heavy weight on me... I wanted to meet the victim to express my regrets...you apologise in court, but having the person in front of you is totally different’

‘(at the start of the encounter) I was so stressed... but the victim mad me feel at ease... really, that was impressive... from that moment I could explain what I felt...’

‘this has been an enormous relief...it has really helped me later on.’

(participant 3, victim became blind)

- Instilling hope
- Finding closure

‘On the long term, it contributed a lot. It allowed me to turn the page, a small page. I had also a feeling of satisfaction...I was happy and proud of having done this. Really, I was happy and proud because I felt I had been courageous, responsible... I was happy that I did it.’ (Belgium)

- Confirming the desister's pro-social identity

One man had been convicted for extortion. When he was in serious financial trouble, he had obliged a person whom he acquainted first, to provide money. He wanted to explain in the mediation in which difficult situation he had been at the time of the offence and how he had changed since. He wanted the victim to know that he had stopped offending and he brought pictures of his family to show his new life. Also during the interview he insisted on the pro-social aspects of his life: the normal school career, the fact that he had worked most of the time and the family life he built. That is what he wanted to be seen. (Belgium)

‘it (the mediation) has been a relief as I was accused of theft and I could explain (to the victim) what really happened. I am not a thief.’
(Belgium)

- Repairing relationships

One man had a history of alcohol abuse and when he was drunk he committed domestic violence. He stopped drinking before the mediation started, and no further escalation of conflicts occurred. The victim-offender mediation helped him to start repairing the damaged relationship with his wife. It had reanimated the relationship very slowly and empowered the wife to draw a firm line. The mediation organisation had also helped him to find a psychiatrist who then helped him to deal with the addiction. This man was convinced that going to court would have destroyed what he had achieved so far. The mediation supported his staying straight. (Austria, domestic violence)

- Preventing a criminal record
- Supporting a decision for a leave or a conditional release from prison

Findings 4

What may work against RJ influencing desistance?

- Victimless conferences
- Drug addicted offenders

Thank you for your attention!

For more information visit

www.euforumrj.org

or

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