

Evaluating restorative justice according to its aims: participants, referrers and governments

Paper to European Forum for Restorative Justice conference on 'Measuring, researching, narrating: discussing the (social) impact of restorative justice', 5 November 2021, virtually

Joanna Shapland



SHEFFIELD UNIVERSITY
CENTRE FOR
CRIMINOLOGICAL
RESEARCH

Practices of restorative justice



Restorative justice is an ‘umbrella concept’, with no one definition

Even when restricted to dealing with criminal offences, it embodies many different practices (direct and indirect mediation, conferencing, circles, panels, truth and reconciliation commissions etc.)

And that’s only restorative **justice**: i.e. for me, communication both ways between offenders and victims about the offence which links them – restorative **practices** are wider

Though there are some **core values**:

- Voluntary participation for participants (even if not referrers)
- Inclusive – at least both offender and victim involved, often supporters, sometimes those in the community
- A safe space with a neutral, trained facilitator/mediator
- But lots of stakeholders (scheme, lay participants, referrers, funders)



Evaluating restorative justice

All that makes evaluation difficult.

The core principle has to be that one evaluates according to the scheme's own aims, which may (or may not) include:



- Meeting the victim's needs
- Producing a procedurally just process
- Providing financial compensation to victims/restoration
- Reconciling victim and offender (particularly if they know each other)
- Preventing reoffending (reconviction)
- Reducing imprisonment
- Reducing the likelihood of the problem reoccurring/calls to police.



But different stakeholders can have different priorities -

‘expectations were varied -- the government was looking for a new method of dealing with some offenders that could possible achieve a punitive objective while also recompensing the victim in a practical way; the probation service's interest lay in reducing sentences, possibly providing an alternative to custody, and in offender learning; the mediation movement...was increasingly interested in mediation and reparation as a complete alternative to the formal justice system which had failed to resolve the personal nature of crime and its consequences for both parties’

(Ruddick, 1989: 96, re the Coventry Reparation Scheme)

So, tensions potentially between funders, referrers, facilitators, the expectations of participants

- vital to get them all on the same track



Monitoring and evaluation

Distinguish between:

Monitoring – Keeping proper records of cases, participants, contacts, outcomes, whether outcome agreements are fulfilled, brief feedback from participants



- a basic duty on all schemes and part of accountability to participants, referrers, funders

- needs good databases, similar ways of coding variables so one can compare – only some software yet available

Evaluation – needs more research skills and experience – often good to be independent

- to interview participants in more detail

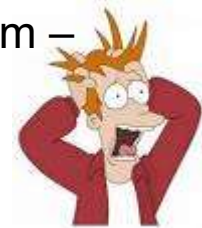
- to find out about recidivism

- usually needs funding



Why monitor and evaluate?

- To make sure that the restorative justice is helping and not causing harm – part of safeguarding
- To improve training and facilitator confidence – to build reflective practitioners
- To document what the process is – because the great unknown question is what kind of restorative justice is best for whom for which offences and effects – so a practice manual is a good thing – e.g. Restorative Justice Consortium's 'from soup to nuts'
- To be accountable
- To enable cost benefit analysis
- To take forward restorative justice as justice



So, what about those research methods?

There is no 'ideal' research method for evaluation

It depends on the aim to be measured (take time over that, consult with everyone)

and why that is an important aim (the theoretical model)

note in RJ, process is key – this is not a 'black box' exercise



Getting participants' views in the way most convenient for them is key (face to face, virtually, on the telephone (businesses))



RCTs are important – because of the selection effect – but randomise *after* everyone has agreed to the RJ and the research

and remember people talk (and control groups [necessary for any causal inferences] may be unhappy – or relieved)

Good implementation (excited facilitators, support from the top, enough time and money) is more important than perfect research methods

----- But evaluation is not optional -----

