

RESTORATIVE JUSTICE

What is it? A commonly accepted definition used internationally is:

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.

What is it for? The primary *objectives* of Restorative Justice are:

- to attend fully to *victims' needs* – material, financial, emotional and social (including those personally close to the victim who may be similarly affected)
- to prevent re-offending by *reintegrating offenders* into the community
- to enable offenders to assume active *responsibility* for their actions
- recreate a *working community* that supports the rehabilitation of offenders and victims and is active in preventing crime
- to provide a means of *avoiding escalation* of legal justice and the associated costs and delays.

Why is it called Restorative Justice? Restorative Justice is centrally concerned with *restoration*: restoration of the victim, restoration of the offender to a law - abiding life, restoration of the damage caused by crime to the community. Restoration is not solely backward-looking; it is equally, if not more, concerned with the construction of a better society in the present and the future.

Other terms have been used to refer to basically identical ideas: Relational Justice and Positive Justice. The term Restorative Justice is not inherently better than any of the alternatives, but it has the longest history, is the internationally accepted term, and is the most commonly known in this country.

Some people may conceive of Restorative Justice as applicable only to minor offences, which, if it were so, would be a major limitation. Again, practice has shown that there may be even more to gain by working in this way with serious crimes, especially in terms of victim benefits, but also in terms of prevention. Such practice would normally take place alongside criminal justice rather than as a replacement for it.

Examples of Restorative Justice practice. Victim - offender meetings are organised to give offenders a chance to take active steps to make voluntary reparation to their victims. Such reparation extends much further than financial compensation. It may include an apology and an explanation of how the crime came about, and the offender listens to the victim's own story. The exchange can be therapeutic for victims and usually has a visible impact upon the offenders, who have to face up to the reality of what they have done. Offenders can restore their own reputations, to some extent, through reparation, and can be better prepared for reintegration into mainstream society by having resolved their guilt in this way. Reparation may take the form of:

- financial payments
- work for the victim
- work for a community cause selected by the victim
- specific undertakings (e.g. to attend a counselling course), or
- a mixture of these.

The context of personal negotiation allows flexible adjustment of agreements to the parties' needs and capacities and a greater level of creativity than court processes. Some victims find it helpful to them to be able to offer forgiveness in return for the offender's atonement. Any unresolved difficulties between them can also be settled – e.g. how to behave should they meet one another in the street, any remaining bad feelings or fears, or continuing relationship problems (if, as often happens, they already knew each other). Such meetings deal with victims' emotional as much as material needs. After a successful meeting both parties can effectively draw a line under the experience. In many cases the victim also experiences satisfaction from influencing the offender away from crime – transforming a negative experience into something positive.

Benefits. The social benefits of victim-offender mediation are:

- victims' needs are more comprehensively served, including the need to be consulted
- victim and offender are able to see each other as persons rather than stereotypes (a learning experience for both), and
- offenders are more affected by the experience than by formal prosecution and punishment, while being given a positive motivation to reform and a feeling that society is ready to offer re-acceptance.

While any victim may derive something of value from meeting the offender, those who have suffered deeply, especially from the more serious offences (e.g. violence, sexual assaults, household burglary or damage) have more to gain, so that mediation should be prioritised for such victims. Some victims may also be traumatized initially and not immediately capable of taking part in mediation, so that mediation should be offered on a flexible schedule, taking place when the victim is ready. This means that mediation should not be closely tied to criminal justice timetables. In many serious cases mediation may not happen until after sentence, for instance while the offender is in custody.

While mediation may primarily be a service for victims, it has been shown to have a considerable impact on offenders, and it is thought to have a preventative effect which potentially could make it cost-effective. There is currently no firm evidence that mediation is more or less successful for any specific type of offence or any age group of offenders.

Whilst restorative justice has been used for many "lesser" problems – such as school bullying, it has also been used for more important crimes such as burglary. In Nov 2005 The Restorative Justice Consortium produced a paper entitled "Hearing the relatives of Murder and Manslaughter Victims." Whilst this paper mentions that Victim Impact statements may be a good thing, for some people restorative justice is a means of communicating with an offender and of making the offender realize the enormity of the crime. One thing that is a certainty is that without the agreement of the offender and the victim it won't happen.

Serious Crimes In Texas, which has used restorative justice since 1992, victims of violent crimes are asking for face-to-face meetings with offenders who have hurt them or their families in increasing numbers. Nearly 20 years ago, someone who was raped, beaten, repeatedly stabbed and left for dead by a drifter who broke into her home left her job and dedicated her life to victim services. She served as vice chair of the Texas Board of Criminal Justice, which oversees the massive criminal justice system for the State of Texas and is the first victim to have a prison unit named after her. "The No. 1 thing victims want is for what happened to them not to happen to anyone else," she said. "Through restorative justice programs, victims have discovered that their voices and their stories can change the lives of offenders from criminals to law-abiding members of our community. Can you imagine how that feels? It is the best example I know of the power of the victim's voice," she said. "No matter how great restorative justice is, it isn't for every victim," she said. "Some victims will never embrace this process, and we need to respect those who feel that way."

S.A.M.M. Restorative justice for relatives of Murder and Manslaughter has not been used yet in the UK but is being considered. Asking trustees demonstrated that there are strongly held views - some for and some against! S.A.M.M would like to know whether our members think this is a good idea or not so that we can give feedback to government on your views. Please respond either in writing or by e-mail to the office so that this can be done. Contact details for the office are elsewhere in this newsletter. We look forward to hearing your views. In your correspondence, we do not need details of the crime but would find it useful to know the year of the crime. For those who would like to participate in the Restorative Justice process, there is of course no reason to suppose that this will happen at all or in the near future, but it may! If it were to happen, then initially there would be a pilot study.

Avril Sanders Royle