

Restoration or renovation? Evaluating restorative justice outcomes.

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ABSTRACT

Restorative justice seeks to 'restore' specific features of offenders and victims attributable to the criminal act, however, critics of restorative justice claim that its popularity is based on 'humanistic sentiment' and suggest that the process is incapable of actually 'restoring' victims and offenders. The current study sought to establish if restorative justice is capable of restoring victims and offenders in a meaningful manner, or if restorative justice simply results in a superficial 'renovation' of the impact of crime. 72 victims and offenders participated in a community group conference model of restorative justice and were compared on outcome variables with a control group of victims and offenders who underwent a conventional court process. Results demonstrate that the process is capable of impacting upon variables associated with the criminal act. Furthermore, it is argued that a reduction in offending behaviour and victimisation impact are realistic outcomes of restorative justice processes. Finally, regression analysis indicated that victims were satisfied with the restorative justice process as a result of their greater participation rather than their satisfaction with reparation or restitution.

Restorative justice theories represent a departure from the current criminal justice system; however, the principles and methods involved are by no means novel. Mediation, as a means of dealing with wrongdoing predates the Germanic model of the King's Peace, which effectively changed personal injury into a public wrong (Young, 2001). Although some apparently view this shift in a less than positive light (or example, Delgado's (2000) use of the term atavistic), Cohen (2001, p.209) argues that restorative justice's appeal is a direct result of "...deep dissatisfaction with the traditional criminal justice system...". Indeed, restorative justice models appear capable of addressing the three main deficits of the current criminal justice system. That is, firstly the current system is state-oriented and sees crime as a violation against the state, secondly the current system is punishment and offender oriented and neglects victims, and finally the current system neglects the need for offenders' reintegration into society (Dzur & Olson, 2004). Addressing these concerns is made possible by three overarching principles of restorative justice. Firstly, restorative justice models view crime as a conflict between the individuals involved and results in harm to victims and communities rather than the state. Secondly, the central goal of restorative justice is to reconcile and repair that harm, and finally, the process facilitates active participation by all parties involved (Latimer & Kleinknecht, 2000). Although the arguments underpinning the momentum behind the restorative justice movement seem sensible, advocates are not devoid of resistance.

Critics of restorative justice models express concern that they may be doing more harm than good and that their appeal lies in 'humanistic sentiment' rather than being based on objective empirical support (Levrant, Cullen, Fulton & Wozniak, 1999). Delgado (2000, p759) contends that restorative justice models deliver a "disservice to victims, offenders and society at large". Indeed, a major criticism of

restorative justice is that it fails to deliver what it claims; in that restorative justice does not 'restore' victims and offenders. However, Morris (2002, p 597) asserts that much of the criticisms aimed at restorative justice are a result of a "fundamental misunderstanding of what restorative justice seeks to achieve". Certainly we would be doing restorative justice a disservice were we to 'raise expectations of complete success' (Wright, 2002). It would be unrealistic to expect restorative justice to 'restore' victims and offenders to their pre-offence condition. One cannot undo the crime, but proponents of restorative justice do not make this claim. Rather, there are specific goals associated with restorative justice that make empirical evaluation of the process outcomes possible.

Restorative justice seeks to attain process outcomes specifically associated with victims of crime and those who perpetrate those crimes. These goals will be discussed in the following sections along with their theoretical importance in the reduction of recidivism, compliance with the principles of effective treatment, and their impact on the effects of victimisation.

Restoring Offenders

Possibly the most worrisome criticism in regards to restorative justice is that it fails to produce any real change in recidivism. Firstly it needs to be highlighted that a change in re-offending is not one of the primary goals of restorative justice (Morris, 2002), but nor is it a consideration for retributive or 'just deserts' theories of justice (Andrews & Bonta, 1998). Restorative justice differs from retributive theories of criminal justice, however, in that it is reasonable for changes in offending behaviour to be an expected outcome of the process.

The ability to refer offenders to appropriate treatment programs is as important for restorative justice models as it is in the application rehabilitative approaches. The

referral of offenders to treatment programs via restorative justice mediation undermines the argument that restorative justice is incompatible with the principles of effective treatment. Restorative justice can and should result in both reparative and rehabilitation outcomes (Morris). Where appropriate, offenders should be referred on to suitable treatment programs to address their criminogenic needs. Restorative justice, however, has an advantage over conventional justice procedures in that offenders are active participants in deciding what those reparative and rehabilitation outcomes should be. Evidence suggests that individuals who have participated in the decision making process are more likely to comply with its terms (Roche, 2003). For example, offenders are significantly more likely to comply with the restitution agreements resulting from restorative justice than offenders who are dealt with through court processes (Latimer, Dowden & Muise, 2001). It would, therefore, be reasonable to expect offenders to more readily comply with treatment referrals when they have had some input into rehabilitative outcome decisions.

Additionally, critics of restorative justice need to acknowledge that increasing incarceration rates have not lead to a decrease in crime (Petrucci, 2002). The question should not be whether restorative justice fails to produce changes in offending behaviour; the question should be whether it is less effective than the conventional justice system in effecting change. Latimer, Dowden and Muise (2001) conducted a meta-analysis to examine the recidivism rates associated with restorative justice mediation. These authors concluded that the average recidivism rates for restorative justice were lower than those for conventional justice approaches. More importantly, there does not appear to be any findings which demonstrate a higher recidivism rate for restorative justice methods when compared to conventional methods (Morris, 2002). Although Delgado (2000) contends that a few studies have shown increased

recidivism associated with restorative justice, he qualifies this statement by indicating that in at least one of these instances the finding was actually “small, insignificant reductions in recidivism” rather than significantly higher recidivism rates when compared to conventional justice procedures (p 767). In light of these findings, it would be reasonable to conclude that restorative justice methods, on average, impact upon re-offending to a greater extent than conventional justice methods.

One reason for these findings may be that restorative justice models have the ability to provide additional influence over re-offending that is absent from conventional criminal justice approaches. For example, one aim of restorative justice is to ‘restore’ responsibility to offenders (Morris, 2002). Conventional criminal justice procedures provide little opportunity for offenders to “develop an appreciation of the impact their actions have on the lives of victims” (Young, 2001). Restorative justice mediation, on the other hand, has the ability to directly address the offender’s criminal act and the impact that this act has had on the victim (Wright, 2002). Confronting the offending behaviour in this manner should impact upon offender’s use of neutralisation techniques. Neutralisation techniques are a set of verbalisations used by offenders to neutralise conventional moral values (Sykes and Matza, 1957) and serve to provide the offender with a sense of irresponsibility for their offending behaviour (Vold, Bernard & Snipes, 2002).

While, neutralisations are hypothesised to be one explanation for the failure of conventional values to inhibit offending behaviour (Blackburn, 1993), there is disagreement as to whether neutralisations are causally associated with committing the offence or whether they occur post hoc. Tests of the causality of neutralisations have provided inconsistent results (Minor, 1980), however, social learning and social

cognition theories suggest that they may be used prior to action, fulfilling a causal role (Andrews & Bonta, 1998).

Restorative justice procedures confront the offender with the harm caused by their offending behaviour (Wright, 2002) and by doing so directly undermine neutralisation techniques associated with denial of the victim and denial of harm. Additionally, restorative justice procedures should impact positively upon offenders' attitudes and 'restore' a belief that the system is fair and just (Morris, 2002). Providing the offender with an opportunity to participate equally in the process, and achieving greater offender satisfaction with outcomes, is likely to restore their faith in a just and fair system and undermine neutralisations associated with the condemnation of the condemner.

Restorative justice also seeks to 'restore' to offenders, a sense of control over their future behaviour (Morris, 2002). Recidivism rates have been linked to offender attitudes and perceptions of their ability to remain crime free. Maxwell and Morris (1999, cited in Morris, 2002) found that offender attitude was related to their ability to remain crime free at a 6-year follow up subsequent to restorative justice mediation. It stands to reason then that increasing an offenders perception that they are capable of remaining crime free is likely to further impact upon reoffending.

Restoring Victims

Although most victims appear capable of overcoming the trauma of victimisation without sustaining long term consequences, and few experience a striking decline in their general well-being (Winkel & Vrij, 1998), some will experience consequences of victimisation such as withdrawal, avoidance, fear, anxiety and helplessness (Boney-McCoy & Finkelhor, 1996).

Victimisation results in physical, financial and psychological costs (Craig-Henderson & Sloan, 2003). Psychological costs to victims of crime include the disturbance of commonly held beliefs such as the belief in personal invulnerability, a perception of the world as a meaningful place and the view of one's self in a positive light (Janoff-Bulman & Frieze, 1983). Individuals who report being victims of crime demonstrate a significantly lower level of belief that the world is just for themselves (Beven, Fortune, Jackson, Beaumont-Field, Allen & Pedersen, 2004) and may result in an experience of injustice that victims may seek to reduce by cognitive reactions that minimise the harm and loss experienced, as well as excusing and justifying the offender's behaviour (Montada, 1994).

Victimisation resulting from criminal incidents may also be compounded by a criminal justice system that appears to exacerbate victims' traumatic symptoms (Campbell & Raja, 1999). Contact with legal proceedings represents a significant emotional stressor with these proceedings in direct opposition to many of the needs associated with victim healing (Herman, 2003). Victims are likely to be most satisfied with legal proceedings, however, when they are actively involved in the process and perceive that process to be fair (Lind & Tyler, 1988, cited in Herman, 2003). Restorative justice, therefore, appears most suited to achieving victim satisfaction. While traditional justice processes tend to marginalise victims (Kilpatrick & Acierno, 2003; Zehr 1990), restorative justice procedures offer victims the opportunity to play a key role in proceedings (Bagaric & Amarasekara, 2001). Increasing the role of victims in criminal justice proceedings is likely to be readily accepted by those who have been victimised. Victims, who are given the opportunity to participate, appear eager to accept the offer leading to increased satisfaction with the criminal justice system (Herman, 2003).

Victim satisfaction with criminal proceedings should not be taken lightly. This is not merely an exercise in public relations given the link between satisfaction and positive mental health outcomes for victims of crime (Byrne, Kilpatrick, Beaty & Howley, 1996, cited in Herman, 2003). While, in theory, restorative justice procedures should result in greater satisfaction and better mental health outcomes for victims, Herman argues, "...no systematic, data-based studies have yet been conducted to document the mental health effects (healing or otherwise) of victims' participation in restorative justice programs." (2003, p 163). In a similar vein to the evaluation of restorative justices' ability to 'restore' offenders, there are three objectives associated with the 'restoration' of victims which lend themselves well to data-based evaluation.

Restorative justice seeks to 'restore' victims' sense of security (Morris, 2002). One of the advantages of criminal justice procedures, in general, appears to be their ability to result in an increase in victims' perceptions of greater safety and protection (Herman, 2003), which may help to diminish negative mental health consequences such as avoidance and social withdrawal (Boney-McCoy & Finkelhor, 1996). The question, of course, is whether restorative justice mediation results in a greater sense of security by victims than conventional criminal justice procedures.

The 'restoration' of victims' sense of self-respect and dignity is also seen as a goal of restorative justice procedures (Morris, 2002). Re-establishing one's self as a strong individual who doesn't tolerate unjust treatment may help to restore a victim's self-esteem (Miller, 2001). Additionally, the opportunity that is provided to victims during the restorative justice process to express themselves and outline the personal impact experienced as a result of victimisation, is the first step in regaining self-

esteem (Young, 2001) and is likely to enhance victims' sense of dignity since they are viewed as valued participants with opinions that matter.

Finally, restorative justice seeks to 'restore' victims' sense of control (Morris, 2002). Victims who experience a decline in their fundamental assumption that bad things happen to bad people (Beven et al., 2004) may find themselves questioning what they could have done to deserve victimisation. Restorative justice procedures provide an opportunity for victims to seek answers to such question. "The victim may ask many practical questions. 'Why me? How did you get into my house? Were you stalking me for a number of months? Why did you have to destroy my kid's toys? Was there something I could have done to prevent you from coming in?'" (Umbreit, 1985, p 102, cited in Wright, 2002). Being given the opportunity to understand the offenders' motivations and circumstances may help to restore to victims a sense of control over future victimisation risk, and should restore their faith that the world is a meaningful place. This restoration of faith may be further enhanced by levels of satisfaction with process outcomes associated with compensation. Compensation that is perceived to be adequate in relation to the level of pain and suffering experienced by the victim may help to restore the balance of gains and losses which were affected by victimisation (Smith & Hillenbrand, 1997). Furthermore, adequate compensation appears more influential in the reduction of victims' feelings of revenge than does the level of punishment received by the offender (Denkers, 1996, cited in Winkel & Vrij, 1998).

Evaluating Offender and Victim 'Restoration'

The current study sought to evaluate the ability of a restorative justice process to adequately attain process outcomes associated with restorative justice goals. For offenders these goals are the 'restoration' of a sense of responsibility, a sense of

control over future behaviour, and a belief in a just and fair system. Offenders' endorsement of neutralisation techniques was assessed in order to establish the attainment of the first goal (responsibility). It was expected that offenders who underwent the restorative justice process would demonstrate lower levels of neutralisations than would offenders who were dealt with by the court system. Satisfaction with the outcome of the process would be used to evaluate the restoration in a belief in a just and fair system. It was expected that restorative justice procedures would result in offenders' perceiving the outcome to be less punitive than offenders dealt with by the court system. Finally, offenders' perception of their ability to remain crime free, along with their perceived support to remain crime free represented an outcome evaluation of the third goal (control over future behaviour). Again, it was expected that restorative justice would result in offenders having a greater expectation that they would remain crime free and that they had greater support to do so than offenders dealt with by conventional criminal justice procedures.

In addition to the evaluation of the goals associated with restorative justice, the current study also sought to establish if any selection bias was present which could provide an alternative explanation of results. Previous court experience, although not a direct measure of previous criminal behaviour, was taken to be a suitable indicator variable for estimating the number of first time offenders in each group. Additionally, offences would be compared between the restorative justice and the court groups to establish if any difference was present.

For victims, restorative justice claims three objectives, the 'restoration' of a sense of security, the 'restoration' of victims' self-respect and dignity, and the 'restoration' of a sense of control. The first objective (security) was to be evaluated via victims' self reported perceptions of safety and social involvement prior to the

offence and after the criminal justice process (either court or restorative). It was expected that the restorative justice process would result in higher perceptions of personal safety than the court process. Additionally, levels of social impairment ratings would help to establish if victims' perceptions of safety equated to a reduction in social avoidance. The 'restoration' of victims' self-respect and dignity appears to be related to the amount of input victims are afforded during the process. Therefore, victims' satisfaction ratings with their participation would be evaluated and expected to be higher in victims who had undergone the restorative justice process than those whose cases were dealt with by the courts. Finally, the 'restoration' of victims' sense of control would be evaluated through the theoretical link to establishing an understanding of why they were victimised. Victims' perceived understanding of the feelings and circumstances of the offender, therefore, were expected to be higher following the restorative justice process than the court process.

In addition to addressing the expressed goals of restorative justice, the relative impact of outcome variables on overall satisfaction was thought to constitute a theoretically and practically important area of enquiry. One of the fears associated with restorative justice processes is the possibility of victims being unjustifiably punitive, although advocates of restorative justice maintain that "being treated with dignity and respect is more important than seeing that the offender is punished as severely as legally possible" (Young, 2001, p.10). If this is correct, then the level of satisfaction that victims express should be predicted by their satisfaction with their level of participation in the process rather than their satisfaction with punitive outcomes.

METHOD

SUBJECTS

166 offenders and victims participated in the study, with 47 offenders and their victims undergoing the conventional court process and 36 offenders and their victims undergoing the restorative justice process. Offence codes by process group are presented in Table 1.

Insert Table 1 about here

MATERIALS

Neutralisations Scale – The neutralisations scale consisted of 7 items which reflected the five categories of neutralisations: Denial of Responsibility, Denial of Injury, Denial of the Victim, Condemnation of the Condemners, and Appeal to Higher Loyalties (Sykes & Matza 1957). Respondents scored items on a seven point Likert scale with higher scores indicating greater levels of neutralisation. The scale demonstrated good internal consistency ($\alpha = .82$).

Social Impairment Rating – The social impairment rating was calculated from two items. The first item asked participants how social they were prior to the offence, while the second asked participants how social they were after either the court or the Community Group Conference process. A score of 0 reflected no change in social activity, negative scores indicated that social activity had not returned to pre-offence levels, while positive scores indicated that social activity was higher than pre-offence levels.

Perceptions of Safety Rating – The perceptions of safety rating was calculated from two items. Participants rated how safe they felt prior to the offence on the first item and how safe they felt after either the court or the Community Group Conference process on the second item. A score of 0 reflected no change in perceptions of safety,

negative scores indicated that perceptions of safety had not returned to pre-offence levels, while positive scores indicated that perceptions of safety were higher than pre-offence levels.

Outcome Satisfaction Rating – The outcome satisfaction rating indicated participants' perceptions of the outcome of either the court or the Community Group Conference process. A rating of 0 indicated satisfaction with the outcome, negative scores indicated that the outcome was too lenient, while positive scores indicated that the outcome was too punitive.

General Satisfaction Rating – The general satisfaction rating indicated participants' satisfaction with the process in general. Items included satisfaction with the timing of the process, and whether the process was fair and just. The internal consistency of the scales were $\alpha = .91$ for the offender satisfaction and $\alpha = .93$ for the victim satisfaction.

General Outcome Variables – In addition to the above scales, several other items were included in the questionnaire. These items included asking offenders to rate their perceived ability to remain crime free and the level of support they felt they had to remain crime free. Additional victim items included ratings of their feelings toward the offender (negative – positive), and their level of understanding of the offenders' feelings and circumstances.

PROCEDURE

In this study a locally developed communitarian model of restorative *and* transformative justice (R&TJ) was used. The R&TJ procedure took place prior to sentencing and offenders always returned to court to be sentenced. The process took place under the control of the Courts of Petty Sessions in Perth and Fremantle in Western Australia. The first step in the process involved offenders pleading guilty to

specified crimes. The aim was to identify offenders who were on the “cusp” of imprisonment rather than working with offenders who had committed minor offences or those for whom imprisonment appeared to be a certainty. After pleading guilty offenders were referred to the project team by the Magistrates whose courts were involved in the research. Participants were those offenders who were willing to meet with their victims in a community group conference setting. The transformative component also required offenders to involve their support groups of family and/or close friends in a process designed to identify the underlying issues which led to the offence or offending lifestyles. This component also required offenders to identify a plan by which they would address the factors contributing to their offending behaviour. Once the offenders had agreed to participate, the victims were contacted, the process explained to them and they were then asked if they would like to participate. Participation for all parties involved was strictly voluntary.

A conference was then held at a time and venue convenient to the victim. During the conference both parties were able to tell their stories, with the victim being offered the choice of speaking first. Apology was given by the victim and any reparation was agreed upon. The victim might also choose to suggest to the offender an appropriate intervention program. At the conclusion of the conference, the facilitators would prepare a report for the referring Magistrate, who would take this into account when sentencing the offender.

The facilitators developed the Communitarian Model of Restorative and Transformative Justice used in this study. They were responsible for setting up the R&TJ process in the two Magistrate’s Courts. While neither of the facilitators have any formal training in restorative justice, both have significant experience in

restorative justice and continue to further develop of Restorative & Transformative Justice processes. That is, they were both experienced practitioners with very high levels of commitment to the process.

One of the facilitators has a doctorate in sociology. The second has a background in social psychology and is currently a PhD candidate in Sociology. Both are mature age and have considerable experience in a range of situations with both offenders and victims. Furthermore, the facilitators have an extensive history in prison reform and associated advocacy.

RESULTS

A 2 (process) X 2 (victim/offender) univariate analysis of variance was used to investigate the overall satisfaction levels of the participants. There was no statistically significant difference between the satisfaction rating of victims and offenders ($F(1,120) = 1.71; p = .19$), nor was there any interaction between process and victim/offender status ($F(1,120) = 0.16; p = .69$). There was, however, a significant main effect for process ($F(1,120) = 313.23; p < .001$), with restorative justice participants being significantly more satisfied with the process than courts process participants, regardless of their victim/offender status.

RESTORING OFFENDERS

Responsibility

Independent sample t-test analysis was conducted to ascertain if the restorative justice process resulted in a restoration of offenders' sense of responsibility.

Offenders who participated in the conference process reported significantly lower levels of neutralisations ($\bar{X} 11.72$ Std 4.88) than offenders who underwent the court process ($\bar{X} 27.44$ Std 6.94: $t(27.20) = 8.44; p < .001$), indicating that offenders who

underwent the mediation process experienced a greater sense of responsibility for their offending behaviour.

Just and Fair Process

A 2 (process) X 2 (offender/victim) univariate analysis of variance was conducted to examine outcome satisfaction ratings. There was a significant main effect for process with participants rating the Community Group Conference process outcomes as more satisfactory than the court process outcomes ($F(1,130) = 5.38; p = .02$). However there was a stronger main effect for offender/victim with victims' ratings indicating the outcome was too lenient while offenders tended to rate outcomes as too punitive ($F(1,130) = 56.46; p < .001$). More importantly, there was a significant interaction between offender/victim and process ($F(1,130) = 26.04; p < .001$), which indicated that outcome satisfaction change was most pronounced for offenders. Offenders who underwent the court process viewed the outcome as acutely punitive while offenders who underwent the Community Group Conference process viewing the outcome as mildly lenient. Victims perceived the outcome to be lenient, regardless of the process, however those who had undergone the Community Group Conference process perceived the outcome to be less lenient than those who had undergone the court process (See Figure 1).

Insert Figure 1 about here

Control

Offenders who underwent the Community Group Conference process rated their ability to remain crime free significantly higher than did offenders who had undergone the conventional court process ($t(67) = -4.04; p < .001$; see Figure 2).

Insert Figure 2 about here

Conference group offenders also perceived themselves as having significantly more support to remain crime free than did the court group offenders ($t(69) = -4.44$; $p < .001$; see Figure 3).

Insert Figure 3 about here

Offender selection bias

Chi square analysis was conducted to determine if there was any selection bias present between the two process groups. The category of crime was independent of process group ($\chi^2(1) = 0.01$; $p = .91$) indicating that the crime category was consistent across groups. Reported previous experience with the court system was also independent of process group ($\chi^2(1) = 0.97$; $p = .32$).

Insert Table 2 about here

VICTIM OUTCOMES

Restoring a sense of safety

Victims who had undergone the Community Group Conference process reported perceived safety ratings that were higher than their pre-offence levels. Victims who had undergone the court process reported perceived safety ratings that were lower than their pre-offence levels (see Figure 4). The difference between the two processes on perceived safety ratings was significant ($t(50) = -4.57$; $p < .001$).

Insert Figure 4 about here

A 2 (process) X 2 (crime category) univariate analysis of variance failed to produce a significant main effect for process ($F(1,42) = 1.32; p = .26$), or a significant main effect of crime category ($F(1,42) = .89; p = .35$). However, there was a significant interaction between crime category and process ($F(1,42) = 4.28; p = .04$). While both groups reported negligible changes in social behaviour for offences against the person, victims who had experienced a property crime and underwent the court process actually reported increased social activity when compared to pre-offence levels. Victims from the restorative justice group who had been the victim of property crime reported little change in their social behaviour (See Figure 5).

Insert Figure 5 about here

Restoring a sense of self-respect and dignity

Victims who underwent the Community Group Conference process reported significantly greater satisfaction with the amount of input they had during the process than did victims who underwent the court process ($t(56) = -13.27; p < .001$: see Figure 6).

Insert Figure 6 about here

Restoring a sense of control

Victims reported significantly better understanding of the circumstances ($t(54) = -8.12; p < .001$), and feelings ($t(55) = -9.53; p < .001$) of the offenders after the Community Group Conference than victims who underwent the court process (see Figure 7).

Insert Figure 7 about here

Victims also reported significantly more positive feelings towards the offender when they had undergone the Community Group Conference ($\bar{X} = 1.23$, $\hat{S} = 1.33$) than when they had undergone the court process ($\bar{X} = -2.23$, $\hat{S} = 1.48$: $t(55) = -9.15$; $p < .001$).

Predicting Victim Satisfaction

A multiple regression was conducted in order to better understand the relative impact of variables associated with restorative justice procedures on overall victim satisfaction. Table 3 provides a summary of the regression results, indicating that the only significant predictor of overall victim satisfaction was their satisfaction with the level of participation they had during the process. That is, the more satisfied victims were with their own level of participation in the conference procedure the more satisfied they were overall. It was surprising to note that the victims' level of satisfaction with the outcome of the process (punitive/lenient) was not related to overall satisfaction. The model accounted for 90% of the variance in overall satisfaction of victims. However, although the correlation between participation and overall satisfaction rating was strong and the association accounted for 56% of the variance in overall satisfaction, this was not sufficient to indicate problems associated with multicollinearity. Additionally, the association between overall satisfaction and victims' level of understanding of the offenders' feelings accounted for almost 20% of the variance in overall satisfaction. The non significant but moderate relationship between participation satisfaction and level of understanding of offenders' feelings ($t(33) = .31$; $p = .067$) was likely to be responsible for the understanding of offenders' feelings not being a significant predictor on the basis of unique variance.

Insert Table 3 about here

DISCUSSION

The current study sought to validate the claims made by proponents of restorative justice models for dealing with criminal offences using an empirical data-based approach. The goals of restorative justice associated with offenders are, the 'restoration' of a sense of responsibility, the 'restoration' of a sense of control over future behaviour, and the 'restoration' of a belief in a just and fair system. For victims, those goals are, the 'restoration' of a sense of security, the 'restoration' of a sense of self-respect and dignity, and the 'restoration' of a sense of control (Morris, 2002). The results of the study as they relate to these objectives will be discussed in the following sections.

Restoring Offenders

Restorative justice seeks to restore to offenders a sense of responsibility for their offending behaviour (Morris, 2002), and is therefore in direct opposition of offenders' use of neutralisation techniques employed to instil a sense of irresponsibility (Vold, Bernard & Snipes, 2002). It was, therefore, predicted that offenders who underwent restorative justice would display lower levels of neutralisation techniques than offenders who underwent a conventional court process. The results of the present study supported that proposition. Restorative justice group offenders did not endorse neutralisation statements to the same extent as court group offenders. This finding is particularly encouraging as the use of neutralisation techniques is believed to play a causal role in the criminal act (Andrews & Bonta, 1998). If this is the case, then it may go some way toward identifying the outcome factors associated with restorative justice that appear to lead to decreased recidivism rates (Morris, 2002).

As predicted, restorative justice group offenders reported feeling more able to remain crime free than did court group offenders. Restorative justice group offenders also perceived themselves to have more support to enable them to remain crime free. These findings support the second goal of restorative justice, to restore to offenders a sense of control over their future behaviour (Morris, 2002). Perceptions of ability to remain crime free appear to have some predictive credibility in the estimation of likely recidivism, as highlighted by Morris. In combination with the above stated results, these findings appear to support the notion that a reduction in recidivism may not be a primary goal of restorative justice but does appear to be a realistic outcome of the process.

Finally, restorative justice seeks to restore to offenders a belief in a just and fair system (Morris, 2002). Young (2001) contends that, while restorative justice has led to greater satisfaction for victims the same cannot be said for offenders. The findings of this study undermine that position. Offenders' satisfaction levels were significantly higher in the restorative justice group than the court group; however, satisfaction ratings of offenders and victims did not differ from each other in either group. Additionally, the restorative justice group offenders' perceived the outcome of this process to be less punitive (and in some cases too lenient) when compared to the court group offenders. The perception of outcomes which are fair and just are most likely to underpin findings of increased levels of compliance in offenders who have undergone restorative justice processes.

It appears, therefore, from the results of this study that restorative justice does deliver on its claims in regard to the 'restoration' of offenders. It should be noted, however, that self selection bias will always be of concern to empirical studies of restorative justice processes. As Latimer et al. (2001) points out, obligatory

restorative justice would undermine the very essence of the process. There was no evidence in the present study of categorical selection bias, however, offender motivation for participation in restorative justice mediation was not assessed. It remains to be seen if there are motivational differences between offenders who agree to participate in restorative justice and those who do not. What the present findings do indicate, however, the restorative model of criminal justice is effective and productive for offenders and their victims who are agreeable to restorative justice mediation.

Restoring Victims

The restorative goals for victims relate directly to many of the effects of victimisation. An increase in fear and anxiety for example should be mediated by the expected ability of restorative justice to restore to victims a sense of security (Morris, 2002). Victims, in this study, who had undergone the restorative justice process, reported significantly greater levels of perceived security than victims whose case was dealt with by a conventional court process. Additionally, on average restorative justice lead to perceptions of safety that were actually higher than pre-offence levels. It was interesting to note that this finding was inconsistent with self-reported levels of social impairment by victims. Although restorative justice group victims reported social activity levels to be close to pre-offence levels, court group victims differed in their social impairment ratings according to offence type. For offences against the person, court group victims reported little impact on social activity, however, property crime victims reported an increase in social activity. This finding appears incongruent with self-reported perceptions of safety. Two possible explanations come to mind. Firstly, it may simply be that the measure was inadequate to accurately assess social impairment levels, or was overly reliant on retrospection. Alternatively,

and perhaps more interestingly, this result may reflect community/social support mechanisms. Increases in social activity may be independent of perceived safety levels where friends and family encourage the victim to participate in social activity as a means of providing support. It is curious, however, why this finding was not consistent across offence type or process group. Certainly a problem with the measure was that it did not specify if social activity occurred outside of the victims' home. This difficulty prevented the exploration of perceived safety ratings relationship with avoidance of external social activity. Future research could determine rates of external social activity as well as internal and/or social support activities that occur post victimisation.

Being given the opportunity to express the personal impact of victimisation is considered the first step for victims to rebuild their sense of self-esteem (Young, 2001), while feeling as though their views are important and valid is likely to restore to victims a sense of self-respect and dignity. The restoration of self-respect and dignity is the second major goal of restorative justice for victims (Morris, 2002) and highlights the importance of being heard for victims. Victims who had undergone the restorative justice process reported higher levels of satisfaction with their participation than did victims who had their cases dealt with by the conventional criminal justice system. Having input into the reparative and rehabilitative outcomes should also help to restore the balance of gains and losses perceived by the victim and restore some of the basic assumptions undermined by victimisation (Janoff-Bulman & Frieze, 1983).

The level of participation in decision making is also important for the third and final goal of a restorative justice process, the restoration of a sense of control for victims (Morris, 2002). As Wright (2002) highlights, victims find it important to have the opportunity to ask questions of offenders regarding their victimisation. This

knowledge is likely to instil in victims a sense of control of the factors associated with their future victimisation risk. Victims, who participated in this study, reported a greater understanding of offenders' feelings and circumstances when they had undergone the restorative justice process than when they had undergone the conventional court process. Restorative justice group victims also reported feeling more positively toward the offender than did court group victims.

In addition to examining the claims made by restorative justice advocates, the current study also sought to establish which outcome variables were predictive of overall satisfaction by victims with restorative justice processes. Delgado's vision of restorative justice, where "... a vengeful victim and a middle-class mediator will gang up on a young, minority offender, exact the expected apology, and negotiate an agreement to pay back what she has taken from the victim by deducting portions of her earnings from her minimum-wage job" (p. 757) was certainly not supported by the findings of the present study. Far from being vengeful, our restorative justice group victims simply wanted the opportunity to have a chance to participate in the criminal justice process. The level of participation satisfaction that victims felt was the only predictor of overall satisfaction with their experience of the process. Victims' level of satisfaction with the outcome of the process, either punitive or lenient, was unrelated to their overall satisfaction levels. This finding certainly supports the notion that victims are primarily concerned with their treatment and participation during the process rather than seeking severe penalties for offenders (Young, 2001).

Concluding Comments

Victim rights have been forwarded through moral, penological and practical arguments (Young, 2001), however, the best way to achieve or at least begin the healing process for those who have been victimised remains an area requiring much

research. It should be noted that stakeholders in the criminal justice and political arenas have used the rights and needs of victims speciously. “A corollary assumption in this commonsense discourse on the need for harsher penalties is that the welfare of victims depends on the harshness of the criminal justice system.” (Hogg & Brown, 1998, p.39). The findings outlined by the current paper directly falsify the argument that the punitiveness of offender sanctions is related to the satisfaction of victims. Simply being given the opportunity to participate and be heard satisfied victims. An equally compelling finding was that offenders who underwent restorative justice mediation were similarly satisfied with the process. Restorative justice appears to represent the ultimate win-win situation; satisfied victims, satisfied offenders, and a reduction in reoffending. Far from jumping in with both feet however, more research is required which expands our understanding of why restorative justice models appear to function so well. Self selection bias, and in particular offender motivation to participate, needs attention (Latimer et al. 2001). Additionally, the current study outlined mediator characteristics that may be helpful in future meta-analysis of restorative justice outcomes.

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Table 1

Offence codes for cases handled by the court process and the Community Group

Conference (CGC) process.

	Stealing	Burglary	Assault	Fraud	Disorderly Conduct	DUI	Theft	Total
Court	21	8	12	3	1	0	1	46
CGC	21	3	9	2	0	1	0	36

Figure 1

Satisfaction with outcome by offenders and victims from both the court and Community Group Conference (CGC) process groups. Negative scores indicate outcome perceived as lenient, while positive scores indicate outcome was punitive.

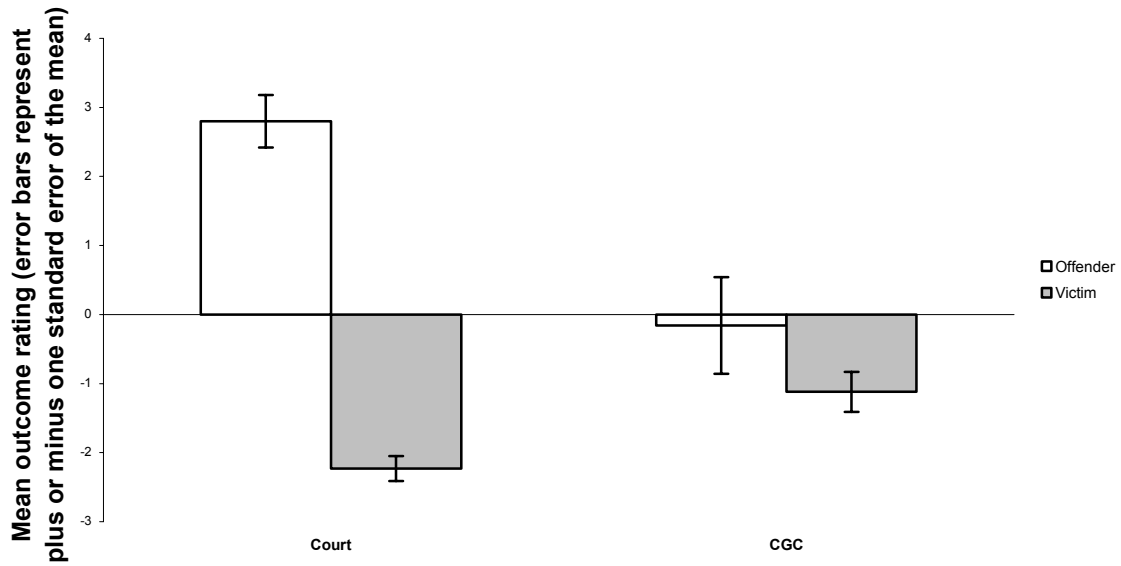


Figure 2

Mean estimated ability to remain crime free for offenders who underwent the court process and for offenders who underwent the Community Group Conference (CGC) process.

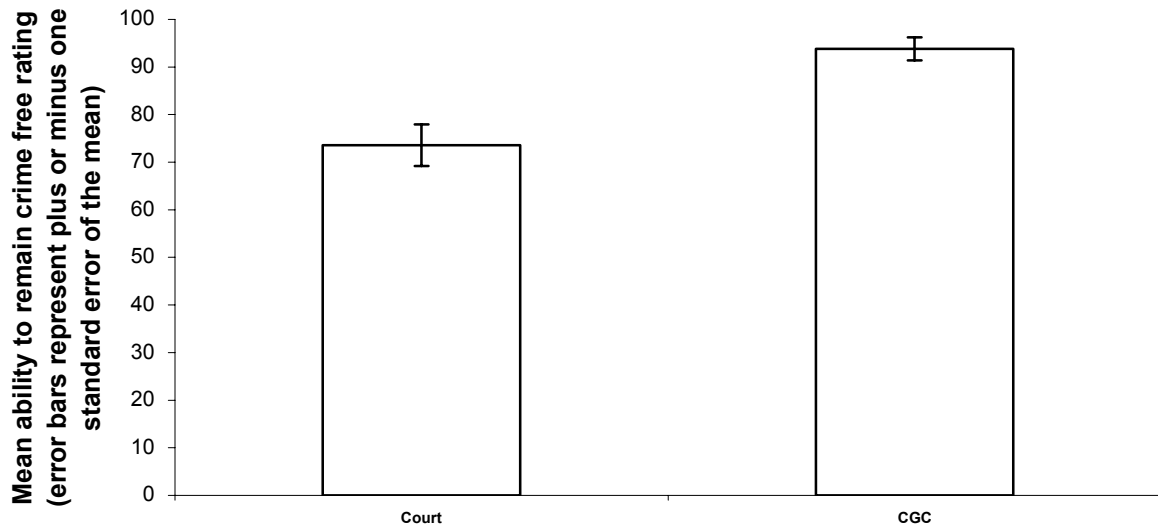


Figure 3

Perceived support to remain crime free for offenders who underwent the court process and offenders who underwent the Community Group Conference (CGC) process.

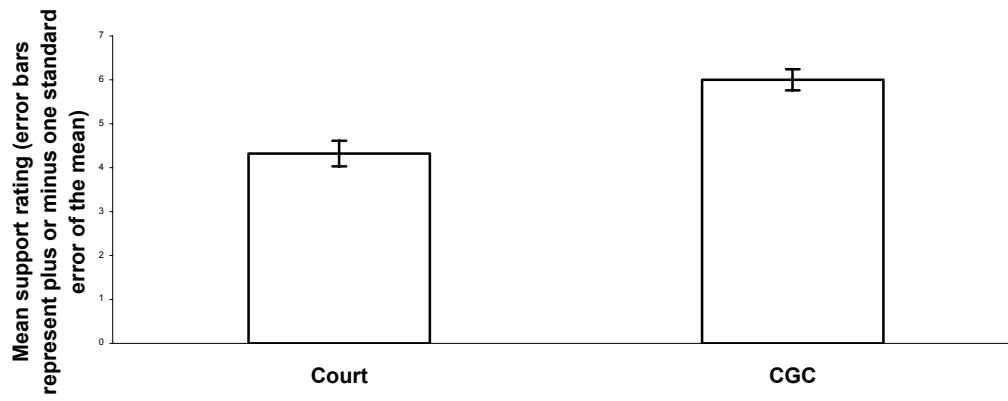


Table 2

Characteristics of offenders who underwent the court process and those who underwent the Community Group Conference (CGC) process.

	Previous court experience	Crime category
Court process	Yes $\underline{n} = 16$	Against the person $\underline{n} = 12$
	No $\underline{n} = 18$	Property crime $\underline{n} = 34$
CGC	Yes $\underline{n} = 12$	Against the person $\underline{n} = 9$
	No $\underline{n} = 22$	Property crime $\underline{n} = 27$

Figure 4

Safety improvement levels for victims after the court or Community Group

Conference (CGC) process.

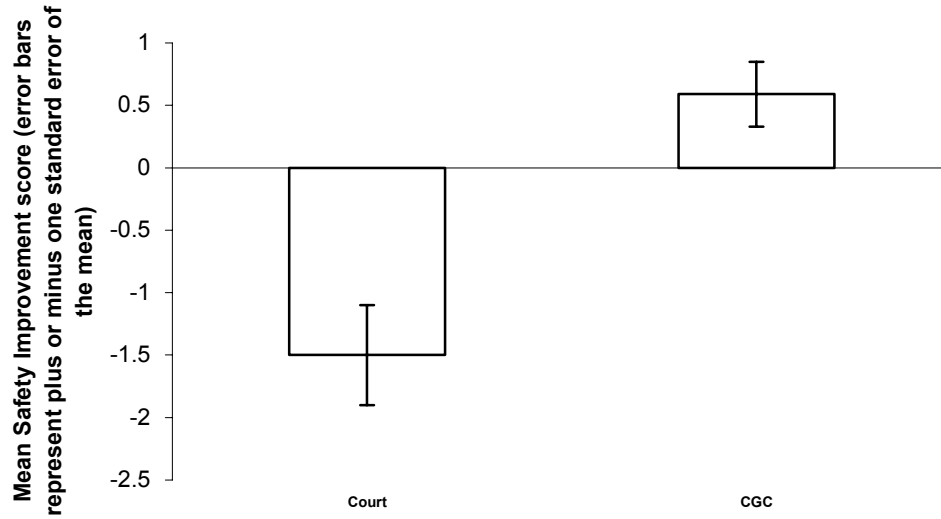


Figure 5

Levels in social impairment improvement for victims who underwent the court or the Community Group Conference (CGC) process.

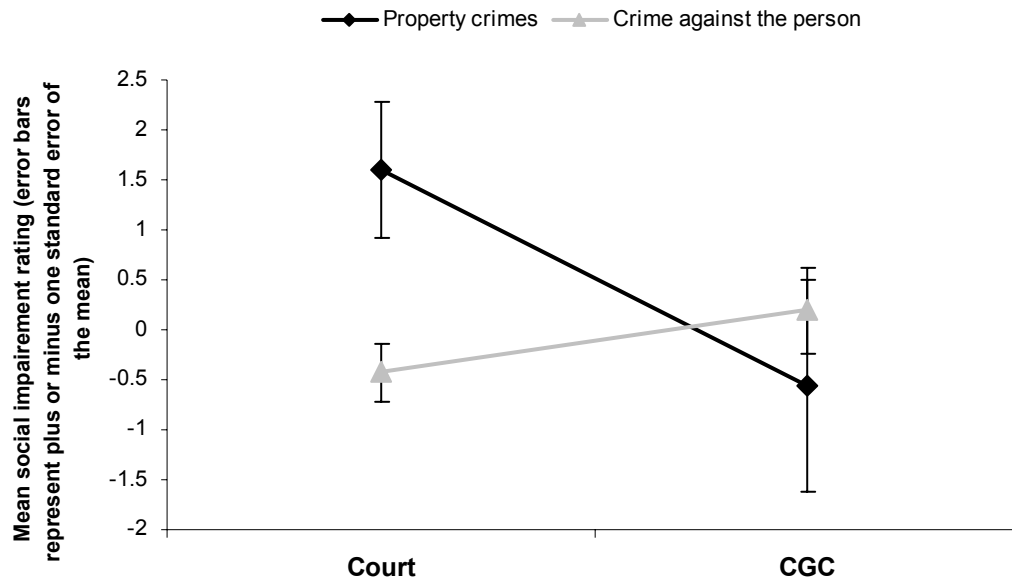


Figure 6

Reported satisfaction with input ratings by victims who underwent the court or Community Group Conference (CGC) process.

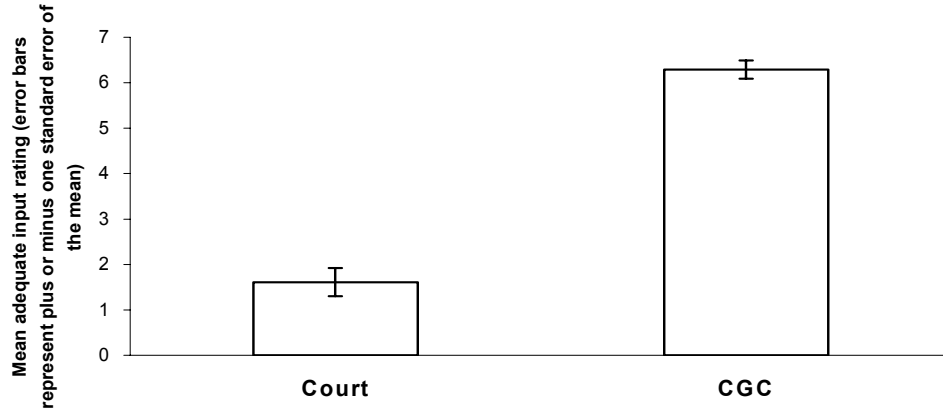


Figure 7

Bar graph demonstrating level of understanding of offenders, that victims reported after the court or the Community Group Conference (CGC) process.

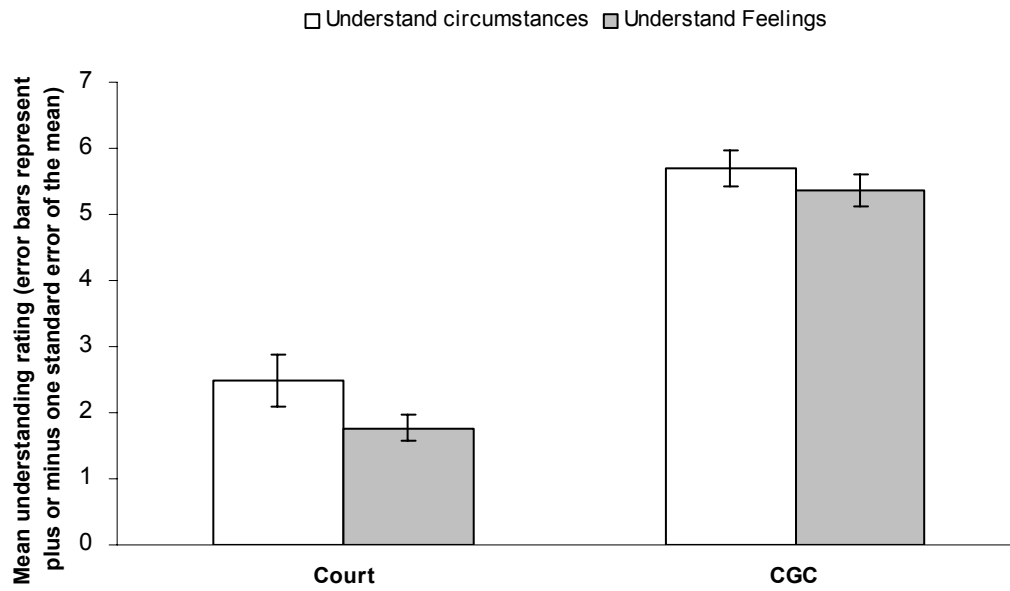


Table 3

Multiple regression analysis predicting overall satisfaction ratings for victims who underwent the Community Group Conference process.

Variable	r	β	R ²
Crime against the person ^a	-.20 ^b	-.13	
Level of social impairment	.02	-.05	
Outcome satisfaction	.01	-.07	
Feelings of safety	.14	-.07	
Feelings toward offender	.28	-.01	
Understand offenders' feelings	.44 *	.18	
Participation satisfaction	.75 **	.87 **	.90 **

Note: β Standardised beta weights; ^a Coded yes/no; ^b Spearman's Correlation Coefficient

* $p < .01$; ** $p < .001$