
Fact Sheet:

The Impact of Restorative Justice

“What We Are Learning from Research”

Restorative justice represents a promising new practice theory that is receiving an increasing amount of attention in North America, Europe, Australia and New Zealand. It provides an entirely new framework for understanding and responding to crime and victimization within American society. Restorative justice emphasizes the importance of elevating the role of crime victims and community members through more active involvement in the justice process, holding offenders directly accountable to the people and communities they have violated, restoring the emotional and material losses of victims, and providing a range of opportunities for dialogue, negotiation, and problem solving, whenever possible, which can lead to a greater sense of community safety, social harmony, and peace for all involved.

What We Are Learning

1. Most restorative justice interventions, such as victim offender mediation and family group conferencing, operate in the juvenile justice system, even though such programs have also been found to be effective in the adult criminal justice system.
2. While there are a range of other interventions and policies (such as Reparative Probation Community Boards in Vermont or circle sentencing and talking circles in Native American and Canadian First Nation communities or victim offender dialogue groups in prisons) that are creatively broadening the application of restorative justice for both juveniles and adults, little empirical data is available. Focusing on the empirically grounded restorative justice impact of primarily victim offender mediation over many years, and the more recent experience of family group conferencing, is not meant to suggest that these are the only restorative justice interventions. They are simply the most developed and empirically documented expressions of the restorative justice movement at this point in time.
3. Restorative justice, as expressed through victim offender mediation and family group conferencing, offers a more demanding, active, and clear opportunity for offenders to be held directly accountable to the person(s) and communities they have harmed. Rather than being “soft on crime”, these interventions require far more responsible behavior through making amends to crime victims than most current correctional interventions. The direct human consequences of unlawful behavior are dealt with more directly through restorative justice. Offenders are far more likely to successfully complete their restitution obligation when participating in mediation.
4. Through a process of facilitated or mediated dialogue, these restorative interventions have been found to provide many benefits to those victims of primarily property crimes and minor assaults that choose to participate in them. Victims are able to receive information about the crime, express the impact of the offense to the person responsible for the crime, and gain a greater sense of closure, including some form of restitution in most cases. Crime victims are far more likely to have experienced the justice system as fair and helpful when they are able to participate in a restorative justice intervention such as victim offender mediation. Victim participation must, however, always be voluntary. These interventions are not meant for all crime victims and offenders, and highly victim sensitive procedures are required.
5. Preliminary data suggests that restorative justice holds a great deal of potential for diverting a large number of property offenses and minor assaults from the formal justice system, working effectively with offenders once they have entered the correctional system following conviction, reducing the frequency and severity of further criminal behavior (although this data is not yet conclusive), and ultimately redefining and restructuring our justice systems in order to more actively involve and serve crime victims, victimized communities and offenders.

Public Support for Restorative Justice

There is a growing body of evidence to suggest that the general public is far less vindictive than often portrayed and far more supportive of the basic principles of restorative justice than many might think, particularly when applied to property offenders. Studies in Alabama, Delaware, Maryland, Michigan, Minnesota, North Carolina, Oregon and Vermont have consistently found a public deeply concerned with holding offenders accountable while being quite supportive of community-based sanctions which allow for more restorative outcomes.

Victim Offender Mediation & Dialogue

The largest multi-site study of victim offender mediation conducted (Umbreit, 1994), with juvenile offenders in programs in four cities (Albuquerque; Austin, TX; Oakland, CA; and Minneapolis) led to the following findings. These findings are consistent with 14 other studies of VOM in Canada, England, and the U.S. with both juveniles and adult offenders.

1. A total of 3,142 cases were referred to the four programs during a two year period with 95% of the mediation sessions resulting in a successfully negotiated restitution agreement to restore the victim's losses.
2. Victims of crime who met with their offender, in the presence of a trained mediator, to discuss the impact of the crime on their lives and to develop a plan for restoring their losses were far more likely to be satisfied (79%) with the justice system response to their case than similar victims who go through the normal court process (57%).
3. After meeting the offender, victims were significantly less fearful of being revictimized.
4. Offenders who met their victim were far more likely to successfully complete their restitution obligation to the victim (81%), than similar offenders who did not participate in a victim offender mediation session (58%).
5. Considerably fewer and less serious crimes were committed by offenders who participated in victim offender mediation (18%) when compared to similar offenders who did not meet with their victim (27%).

Family Group Conferencing

Two studies have been conducted to assess the impact of family group conferencing with young offenders. The largest study was conducted by Maxwell and Morris (1993) to assess the impact of a new law in New Zealand that requires broad use of family group conferencing for young offenders. A second and very preliminary study was conducted by Wundersitz and Hetzel (1996). This study examined the initial impact of family group conferencing for young offenders in South Australia.

1. Far more frequent and active involvement of families in the justice process has occurred. Young offenders and victims, as well as their families and support people indicate that the conferencing process had been helpful.
2. As a result of the Children, Young Person and Their Families Act that was enacted in New Zealand in 1989 and which requires broad national use of family group conferencing, far fewer young offenders appeared in court and received convictions compared to before the Act was introduced. There were between 10,000 to 13,000 court cases each year compared to 2,587 in 1990. Commitments of young people to correctional institutions was cut by over 50% following the Act; in 1988, 262 young offenders were imprisoned compared to only 112 in 1990. This represents the largest systemic impact of a single restorative justice intervention anywhere in the world. While not leading yet to change in the entire criminal justice system, the broad use of family group conferencing in New Zealand bodes well for further system-wide restorative initiatives.
3. An 86% offender compliance rate with the decision of the family group conference was found in the Australian study (Wundersitz & Hetzel, 1996).
4. In the Australian study (Wundersitz & Hetzel, 1996), preliminary evidence indicates that 75-80% of those conferences in which a victim-based crime occurred had at least one victim present.

Circle Sentencing

Research by Judge Barry Stuart (1996) in Canada has found an 80% reduction in further criminal behavior by those offenders who participated in the circle sentencing process. Offenders involved in circle sentencing had lengthy prior criminal records.

This document was originally published by the Center for Restorative Justice & Mediation on 1/3/97. In January 2000, the Center for Restorative Justice & Mediation became:

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