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restorative justice: the evidence

By Lawrence W Sherman and Heather Strang







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This report follows a modified UK Cabinet Office format of unpacking the content like a website: a one-page abstract, a three-page executive summary, and a detailed introductory section that summarises the findings of the full report. This format enables the users of the document to read – or circulate – either the abstract alone, the abstract plus the three-page executive summary, the abstract plus the introductory overview (section 1) of the full report, or the entire document. This format is designed to provide different levels of detail for different kinds of readers, and to support the different ways in which information is digested for different stages and levels of discussion and decision making.

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Preface

Wilf Stevenson, Director, Smith Institute

The Smith Institute is an independent think tank which has been set up to undertake research and education in issues that flow from the changing relationship between social values and economic imperatives. In recent years the institute has centred its work on the policy implications arising from the interactions of equality, enterprise and equity.

In 2004-05 the Smith Institute ran a highly successful series of seminars looking at case studies of the use of restorative justice techniques among criminals and their victims, in schools and within communities and neighbourhoods. Building on the impressive accounts of how powerful restorative justice techniques could be, as a way both of changing behaviour and of mitigating harm, this independent report was commissioned by the Smith Institute in association with the Esmée Fairbairn Foundation in order to examine the evidence on restorative justice (RJ) from Britain and around the world.

The aim of the project was to bring together the results of RJ trials in order to set out a definitive statement of what constitutes good-quality RJ, as well as to draw conclusions both as to its effectiveness with particular reference to reoffending and as to the role that RJ might play in the future of Britain's youth and criminal justice systems.

The Smith Institute thanks Sir Charles Pollard, Rob Allen and Professor Mike Hough for their hard work as members of the steering committee convened to commission and oversee the academic rigour of this report.

The Smith Institute gratefully acknowledges the support of the Esmée Fairbairn Foundation towards this publication.

Abstract

A review of research on restorative justice (RJ) in the UK and abroad shows that across 36 direct comparisons to conventional criminal justice (CJ), RJ has, in at least two tests each:

- substantially reduced repeat offending for some offenders, but not all;
- doubled (or more) the offences brought to justice as diversion from CJ:
- reduced crime victims' post-traumatic stress symptoms and related costs;
- provided both victims and offenders with more satisfaction with justice than CJ;
- reduced crime victims' desire for violent revenge against their offenders;
- reduced the costs of criminal justice, when used as diversion from CJ:
- reduced recidivism more than prison (adults) or as well as prison (youths).

These conclusions are based largely on two forms of restorative justice (RJ): face-to-face meetings among all parties connected to a crime, including victims, offenders, their families and friends, and court-ordered financial restitution. Most of the face-to-face evidence is based on consistent use of police officers trained in the same format for leading RJ discussions. These meetings have been tested in comparison with conventional criminal justice (CJ) without benefit of RJ, at several stages of CJ for violence and theft:

- as diversion from prosecution altogether (Australia and US);
- as a pre-sentencing, post-conviction add-on to the sentencing process;
- as a supplement to a community sentence (probation);
- as a preparation for release from long-term imprisonment to resettlement;
- as a form of final warning to young offenders.

Violent crimes

Six rigorous field tests found RJ reduced recidivism after adult or youth violence. Three of these were randomised controlled trials

(RCTs), conducted with youth under 30 in Canberra, females under 18 in Northumbria, and (mostly) males under 14 in Indianapolis. Reasonable comparisons also show effects for adult males in West Yorkshire and the West Midlands, as well as for violent families in Canada.

Property crimes

Five tests of RJ have found reductions in recidivism after property crime. Four were RCTs done with youth: in Northumbria, Georgia, Washington and Indianapolis. Diversion of property offenders to RJ, however, increased arrest rates among a small sample of Aboriginals in Canberra.

Victim benefits

Two RCTs in London show that RJ reduces post-traumatic stress; in four RCTs RJ reduces desire for violent revenge; in four RCTs victims prefer RJ over CJ.

RJ versus prison

In Idaho an RCT of RJ as court-ordered restitution did no worse than short jail sentences for youth. In Canada adults diverted from prison to RJ had lower reconviction rates than a matched sample of inmates.

Offences brought to justice

Five RCTs in New York and Canberra show diversion to RJ yields OBTJ (offences brought to justice) rates 100% to 400% higher than CJ, including for robbery and assault, when offenders take responsibility but need not sign full admission to crime.

A way forward

The evidence on RJ is far more extensive, and positive, than it has been for many other policies that have been rolled out nationally. RJ is ready to be put to far broader use, perhaps under a "Restorative Justice Board" that would prime the pump and overcome procedural obstacles limiting victim access to RJ. Such a board could grow RJ rapidly as an evidence-based policy, testing the general deterrent impact of RJ on crime, and developing the potential benefits of "restorative communities" that try RJ first.

About the authors

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Dr Heather Strang is the Director of the Centre for Restorative Justice at the Australian National University, Lecturer in

Criminology at the University of Pennsylvania, Director of the Canberra RISE project (now in its 12th year), senior author of the Campbell Collaboration Systematic Review of Restorative Justice, Fellow of the Academy of Experimental Criminology and author of the 2002 Oxford Press book, *Repair or Revenge: Victims & Restorative Justice*.

For more information about the work of the authors on restorative justice, see:

http://www.aic.gov.au/rjustice/rise/ http://www.sas.upenn.edu/jerrylee/research/rj.htm

Foreword

Jerry Lee, President of the Jerry Lee Foundation

It is almost 10 years since the Attorney General of the US, Janet Reno, submitted an independent, scholarly report to the US Congress entitled *Preventing Crime: What Works, What Doesn't, What's Promising* (1997).² When I read that report shortly after it was published, I immediately sensed a sea change in the way democracies would talk about crime prevention. No longer would we focus just on ideology. Evidence would soon take a much larger role in the debate. Within a year, officials of at least 12 different nations would consider the report and its policy implications, from Seoul to Stockholm, from Wellington to London.

As a consumer of social science research in my business life for over four decades, I brought as sceptical an eye to that report as to any other. I came away extremely impressed with the rigour of the framework, its 1-to-5 scientific methods scale, and its comprehensive search for evidence on what works. The next day, I contacted the senior author of both that report and the current review of evidence on restorative justice, Lawrence Sherman.

Since then, the Jerry Lee Foundation has been pleased to support many reviews and evaluations of crime prevention programmes. By far the most comprehensive of these investments has been in the Jerry Lee Program of Randomized Controlled Trials in Restorative Justice, which began in 1995 with a multimillion-dollar investment by the Australian government. With its expansion into the UK with funding from the Home Office in 2001, the programme has now completed 12 rigorous tests of restorative justice in a wide range of settings and populations.

The programme's co-directors, Lawrence Sherman and Heather Strang, are also undertaking a wider review of the evidence on restorative justice for the International Campbell Collaboration, a peer-reviewed network for the systematic review of the effectiveness of public programmes.³ No one is better qualified than they are to prepare a crisp, readable assessment of the evidence on RJ.

The evidence clearly suggests that RJ is a promising strategy for addressing many of the current problems of the criminal justice system. More important, it is a strategy that has been subjected to rigorous testing, with more tests clearly implied by the results so far. The development of RJ in the UK over the past decade is a model in the evidence-based approach to innovations in public policy. Like the old story of the tortoise and the hare, the evidence on RJ cannot be gathered by rushing ahead. The evidence so far suggests that sure and steady wins the race.

The race for all of us is to reach a world of less crime and more justice. An endless increase in the prison population seems unlikely to achieve those goals. This report points out ways to bring more offences to justice, and perhaps reduce the cost of justice, while reducing the personal cost of crime to victims. No other policy I have seen would put the victim so clearly "at the centre" of a larger community in which we are all interdependent. How and when to use RJ most effectively is a matter that evidence can help decide. With this report, that evidence should now be more accessible to all.

² http://www.ncjrs.gov/works/ 3 http://www.campbellcollaboration.org/ and

http://www.campbellcollaboration.org/CCJG/index.asp

Acknowledgements

Lawrence W Sherman and Heather Strang

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Many people leading operating agencies in Australia, the UK and the US made possible the research summarised here. From the first RJ conference we saw in 1993, led by New South Wales Police Sergeant Terry O'Connell, to the early support of Metropolitan Police Commissioners John Stevens and Ian Blair in mid-2000, research and development in RJ has depended on innovative and visionary police professionals. These include Canberra Police Chief Peter Dawson of the Australian Federal

Police, British Chief Constables Crispian Strachan, Peter Neyroud and Michael Craik, Chief Inspector Jane Simmons and Inspector Brian Dowling, and the many dedicated RJ facilitators they recruited and led. The judiciary provided equal support from Lord Chief Justice Woolf, Lord Justice John Kay, and Judges Shaun Lyons and Shirley Anwyl, who helped recruit many of their colleagues to the Crown Court experiments. Eithne Wallis and Ray Fishbourne led the National Probation Service in support of RJ tests across England, Phil Wheatley led HM Prison Service in its support of RJ under even the most demanding conditions, Lord Norman Warner and Professor Rod Morgan provided steadfast Youth Justice Board support, and Dru Sharpling led London's valiant test of conditional cautioning.

The Smith Institute's steering group for this report led by Sir Charles Pollard, with members Rob Allen, Professor Mike Hough and Peter Micklewright, provided clear and timely guidance. Professor Paul Wiles and his colleagues at the Research Development & Statistics Directorate provided invaluable advice and support at many stages of this work, as did Professor Joanna Shapland and her team at Sheffield, and Professor David Farrington and Loraine Gelsthorpe at Cambridge. Finally, the global evidence on RJ would not be where it is today without the normative and scientific scholarship of our very special colleague, Professor John Braithwaite.

Executive summary

Purpose and scope

This is a non-governmental assessment of the evidence on restorative justice in the UK and internationally, carried out by the Jerry Lee Center of Criminology at the University of Pennsylvania for the Smith Institute in London, with funding from the Esmée Fairbairn Foundation. The purpose of this review is to examine what constitutes good-quality restorative justice practice, and to reach conclusions on its effectiveness, with particular reference to reoffending.⁴

Varieties of restorative justice

The review employs a broad definition of restorative justice (RJ), including victim-offender mediation, indirect communication through third parties, and restitution or reparation payments ordered by courts or referral panels. Much of the available and reasonably unbiased evidence of RJ effects on repeat offending comes from tests of face-to-face conferences of victims, offenders and others affected by a crime, most of them organised and led by a police officer; other tests cited involve court-ordered restitution and direct or indirect mediation.

What we found

Repeat offending

The most important conclusion is that RJ works differently on different kinds of people. It can work very well as a general policy, if a growing body of evidence on "what works for whom" can become the basis for specifying when and when not to use it. As tables 1 to 3 show, rigorous tests of RJ in diverse samples have found substantial reductions in repeat offending for both violence and property crime. Other tests have failed to find such effects, but with different populations, interventions or comparisons. In one rare circumstance, a small sample of Aboriginals in Australia, an offer of face-to-face RJ (and its partial completion) appears to have caused higher rates of repeat offending than CJ. This very limited evidence of backfiring can be balanced against the potential RJ may have as a full or partial alternative to incarceration for young adult offenders, who had much lower two-year reconviction rates (11%) in one Canadian study (N =138) than a matched sample (37% reconviction) who served their sentence in prison.

In general, *RJ* seems to reduce crime more effectively with more, rather than less, serious crimes. The results below (tables 1 to 3) suggest RJ works better with crimes involving personal victims than for crimes without them. They also suggest that it works with violent crimes more consistently than with property crimes, the latter having the only evidence of crime increases. These findings run counter to conventional wisdom, and could become the basis for substantial inroads in demarcating when it is "in the public interest" to seek RJ rather than CJ.

Victim effects

The evidence consistently suggests that victims benefit, on

average, from face-to-face RJ conferences. The evidence is less clear about other forms of RJ, with no unbiased estimates of the effects of indirect forms of RJ on victims. But when victims willingly meet offenders face to face, they obtain short-term benefits for their mental health by reduced post-traumatic stress symptoms (PTSS). This may, in turn, reduce their lifetime risks of coronary disease (which PTSS causes in military veterans), as well as reducing health costs paid by taxpayers.

Offences brought to justice

When RJ has been offered to arrestees before charging in New York and Canberra, RJ has always brought at least twice as many offences to justice – and up to four times as many. Whether such effects could be even greater with widespread take-up of RJ across a community is a major question to be answered.

A way forward

There is far more evidence on RJ, with more positive results, than there has been for most innovations in criminal justice that have ever been rolled out across the country. The evidence now seems more than adequate to support such a roll-out for RJ, especially if that is done on a continue-to-learn-as-you-go basis. Such an approach could be well supported by a "Restorative Justice Board" (RJB), modelled on the Youth Justice Board but on a smaller scale. An RJB could prime the pump for RJ, proposing new statutes and funding new solutions to the obstacles that now limit victim access to RJ. An RJB could monitor RJ practices, design tests of new RJ strategies, and continue to recommend systemic changes needed to make RJ as effective as possible. It could, in effect, take RJ from the drawing board to its widespread construction, while also remaining at the drawing board for on-going improvements in design based on new evidence.

How we found it

Searching for evidence

The search process for this review built on the literature search protocol approved by the International Campbell Collaboration for the authors' registered and on-going review of the effects of face-to-face restorative justice for personal victim crimes.⁵ The search has been expanded for this review to encompass other forms of restorative justice and other kinds of crimes.

The following search strategies were used to identify evaluations of the effectiveness of RJ at helping victims and reducing reoffending:

- searches of online databases:
- searches of online library catalogues;

⁴ All opinions and conclusions in this document are those of the authors and not of any governmental or private agencies that have funded any of the research the document reviews.

⁵ http://www.campbellcollaboration.org/doc-pdf/strang_restorative_prot.pdf

- searches of existing reviews of the literature on the effectiveness of RJ;
- searches of bibliographies of publications;
- examination of publications already in our possession;
- referrals by experts in the field.

Both published and unpublished reports were considered in these searches. The searches were international in scope, but were limited to studies written in English.

Weighing the evidence

For all questions of the causal effect of RJ on such outcomes as victim mental health and repeat offending, we restricted our review to reasonably unbiased estimates of the difference that RJ made in comparison to some form of CJ. We followed the methods used by the National Institute of Health and Clinical Excellence (NICE) to assess evidence on the effectiveness of medical treatments. These methods (NICE, 2006) require us to use the "PICO" principle (population, intervention, comparison and outcome), asking, with every study examined, for exactly what population the RJ intervention, in contrast to what comparison group, produced what outcomes.

In assessing the strength of the evidence in each study that offered a reasonably unbiased PICO analysis, we were able to apply the Home Office (2004) standards for reconviction studies. These standards are based in part on the Maryland scientific methods scale (Sherman et al, 1997), which set a minimum threshold of level 3 for the Maryland report to the US Congress, *Preventing Crime*. Level 3 requires that the outcomes of at least two relatively similar P and C (population and comparison) groups are compared with (P) and without (C) the intervention. This review adopts that threshold, so that all statements about what works to reduce repeat offending or improve victim outcomes are based on a comparison between reasonably similar cases receiving RJ or not receiving RJ. For questions of implementation and description, the report incorporates both qualitative and before/after quantitative research designs.

Studies selected

The search process and eligibility criteria resulted in the identification of 36 tests eligible for inclusion in our quantitative review of the impact of RJ. These consisted of 25 reasonably unbiased estimates of the impact of RJ on repeat offending, six reasonably unbiased estimates of the effects of RJ on victims, and five estimates of the effects of diversion from prosecution to RJ on offences brought to justice. These studies and point estimates are listed in tables 1 to 5 in the "Summary" section below.

Synthesising the evidence

As the NICE (2006) manual for developing guidelines for practice indicates, it is important to avoid over-mixing of results from substantially heterogeneous populations, interventions, comparisons or outcomes ("PICOs"). Equations that lump together studies into "meta-analyses" with great differences on these dimensions may yield an overall estimate of "effect", but remain unclear as to the effect of what variety of intervention on which outcome for which population. A more conservative approach is to limit combinations of studies into "average" effects only when they share similar "PICOs". Given the diverse nature of the studies identified for this review, it is usually necessary to treat each study as the only point estimate of its particular PICO characteristics.

The review makes cautious exceptions to that rule on a limited basis. We report the findings on repeat offending grouped separately by property and violent crime, so that the reader may look for patterns in relation to this basic distinction in the kind of harm (physical or non-violent) that offenders do to victims. What we do not do is "vote count" the studies, declaring a verdict about whether RJ "works" or does not "work", either in general or in relation to specific characteristics of populations or interventions. The reason for that rule is that the available tests are by no means a fair "vote" from all possible tests. We do total the numbers of findings in different directions within broad domains, but this is merely for the convenience of the reader, who will want to do it anyway. We provide it only to emphasise the caution that is needed in interpreting the numbers.