

# Evidence briefing

About the process of repairing harm caused by criminal behaviour, including its effectiveness and how it can be used by police

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## Key findings

- Restorative justice (RJ) can be used at all stages of the criminal justice process.
- RJ has been shown to be effective in reducing reoffending and enhancing victim satisfaction with the criminal justice system.
- Victims who participated in RJ conferencing also reported a reduction in post-traumatic stress.
- In terms of reoffending, research on the effectiveness of indirect RJ – where victims and offenders do not meet – is less conclusive than for RJ conferencing, which involves both the victim and offender. However, victim satisfaction remains high for both forms of RJ.
- RJ has been shown to be cost-effective, with the reduction in the costs of reoffending outweighing the cost of the RJ intervention.

## What is restorative justice?

Conventional criminal justice involves the state taking ownership of a conflict between an offender and victim and determining the appropriate course of action. The approach limits the victim's opportunity to engage in the criminal justice process and can also deny the offender the right to make amends for the harm caused by the offence (Christie, 1977).

RJ aims to return a level of control over the outcome of proceedings to the victim (Sherman and Strang, 2012). RJ includes specifically defined interactions between the offender and victim, which can bring justice to victims and encourage offenders to take responsibility for their actions (Strang and others, 2013).

The approach allows for the harm to be mitigated rather than just punishing the offender (Sherman and Strang, 2012), and can help repair the dignity and loss that the victim has experienced (Young and Hoyle, 2013).

Furthermore, the RJ process can empower victims to gain some control over their situation, and can also help offenders to be reintegrated back into society and prevent them from reoffending (Braddock, 2011).

RJ is commonly defined as 'a process whereby parties with a stake in a specific offence collectively resolve how to deal with the aftermath of an offence and its implications for the future' (Marshall, 1999). RJ was first used in the UK in 1980. Currently, the UK has a victim-led approach to RJ, whereby victims can request a restorative intervention at any stage during the criminal justice process (Restorative Justice Council, 2016a).

The Ministry of Justice have developed a Code of Practice for Victims of Crime (HM Government, 2018) and a victim strategy (Ministry of Justice, 2015), which includes victim's entitlements to support, including RJ.

Funding for RJ is available to all police and crime commissioners and they should provide, develop or commission an RJ service in their area for all victims to access.

## How does restorative justice work?

Restorative justice (RJ) can reduce reoffending by making the offender accountable for their offending behaviour and giving them the opportunity to understand the impact that this behaviour has on others. The behaviour of the offender is discussed, while maintaining a level of respect for the individual.

If this process is felt to be fair by the offender, it can lead to the offender being more likely to comply with the law in future.

Further details on the theoretical mechanisms that underpin RJ can be found in [Appendix A](#).

## How can the police use restorative justice?

According to the Restorative Justice Council, RJ can be used for any crime, at any time in the criminal justice process. This includes RJ as a diversion from prosecution, or at the pre- or post-sentence stages (Restorative Justice Council, 2014).

The National Police Chiefs' Council (formerly the Association of Chief Police Officers) outlines the following three levels of RJ used in policing and the criminal justice process (Association of Chief Police Officers, 2011).

- Level one – informal RJ, which often occurs as it happens (usually on the street), whereby police officers or PCSOs resolve low-level crime and anti-social behaviour. This can take the form of a community resolution, which includes the facilitation of street negotiations to diffuse a situation immediately after a crime has occurred. The offender can apologise and no further action taken.
- Level two – RJ can be used instead of, or as an addition to, the formal criminal justice process. It can be organised by police officers or staff for either a situation where a level one resolution could not take place, or for more serious offences.
- Level three – will usually occur post-sentence but can also be used pre-sentence and can take place in prison. This may be for complex and sensitive cases where the offenders are prolific and must be monitored. All levels require facilitators that are experienced in RJ.

## Forms of restorative justice

RJ can take a number of different forms. It can involve a face-to-face meeting between the victim and offender or other forms of communication, such as letters, video recordings or communication through a facilitator.

The process must involve two-way communication between the victim and offender, either directly or indirectly.

RJ can only take place if both the offender and victim are willing (Restorative Justice Council, 2016b), and if the offender accepts responsibility for the harm caused (Restorative Justice Council, 2015a). It must be noted that there is no requirement for the offender to show remorse or apologise in order for an RJ intervention to occur (Rossner, 2017).

Typical RJ interventions include one of the following approaches (Restorative Justice Council, 2015a).

### Victim offender conferences

Involving a face-to-face meeting between victim and offender led by a trained facilitator. Supporters for both parties can attend, usually family members.

## Community conferencing

Similar to a victim offender conference but including members of the community affected by the crime.

## Indirect communication

Sometimes referred to as 'shuttle restorative justice', this involves messages being passed between victim and offender by a trained facilitator. The participants do not meet and messages are passed via letter, video or audio.

[Read more about the evidence of the effectiveness of these approaches.](#)

## Restorative justice for youth offenders

The Youth Justice Board and Youth Offending Teams promote and practise RJ for youth offenders. Alongside the three forms of RJ listed above, RJ can be used for youth offenders at the following stages (Wilcox and Hoyle, 2004; Restorative Justice Council, 2015b; Sentencing Council, n.d.).

## Community resolution

In some areas of the UK, police are trained to use community resolutions, which include facilitating street negotiations to diffuse a situation immediately after a crime has occurred. The offender can apologise and no further action is taken (Strang and others, 2013).

## Youth conditional caution

A formal out-of-court disposal (O OCD) that comes with a compulsory assessment and intervention in the form of a condition. These conditions can be reparative, rehabilitative or punitive. RJ interventions can form one of the conditions of the caution. If the offender fails to adhere to the condition, they can be prosecuted for the original offence.

## Referral order

Young offenders who plead guilty are referred to a panel of community volunteers and a Youth Offending Team. Either the victim attends or someone attends on their behalf. A contract lasting between three months and a year is agreed (which can involve a commitment to RJ), to resolve the

harm caused by the offender and address their behaviour.

## Youth rehabilitation order

A community sentence including one or more requirements (there are 18 possible requirements in total) that they must abide by for up to three years. RJ is included as one of these possible requirements. Other examples of requirements include curfews, voluntary unpaid work, drug or mental health treatment and education requirements.

## During or after a custodial sentence

RJ can also be delivered with young offenders within a youth offending institution or after their release from custody.

## Early intervention

RJ can also be used for early intervention, targeting young people that are vulnerable to committing crimes in the future. RJ can work in schools, in residential units and in the community, to enable young people to resolve conflict in a positive way to improve their own lives and save police resources (Littlechild and Sender, 2010).

## Restorative justice for adults

With regard to adult offenders, RJ is currently most likely to be used as part of a community resolution or conditional caution (Littlechild and Sender, 2010). The Crime and Sentencing Bill (2021) will reform the OOCDF framework to reduce the number of types of OOCDFs, but RJ will remain as a possible option (Home Office, 2021).

In addition, Part 2 of Schedule 16 to the Crime and Courts Act 2013 inserted a new section into the Powers of Criminal Courts (Sentencing) Act 2000, which allows courts to defer a sentence post-conviction to allow for an RJ activity to take place (Crown Prosecution Service, 2019).

As with youth offenders, RJ can also be used during or after a custodial sentence (Restorative Justice Council, 2016c).

## Does it work?

The Campbell Systematic Review of RJ interventions concludes that victims who have been through face-to-face RJ conferencing were found to be significantly more satisfied than those who go through the traditional criminal justice process alone (Strang and others, 2013). Furthermore:

- post-traumatic stress symptoms in victims were reduced, compared to those victims whose cases were only dealt with in court
- apologies were more important to victims than material restoration
- repeat offending was generally reduced in seriousness and frequency
- costs from the criminal justice system are reduced through diversion and reduced reoffending
- lower recidivism rates were found compared to imprisonment alone, for both youth and adult offenders (Research Excellence Framework, 2014)

Twelve randomised trials of mainly police-led face-to-face RJ conferencing (Research Excellence Framework, 2014) found that RJ benefits most victims in terms of a reduction of stress, and benefits most offenders in terms of a reduction in recidivism over the following two years.

This research programme found that RJ appears to be more effective for violent crime compared with property crimes – and perhaps for more serious than less serious crime generally – and for high-frequency offenders compared with offenders with medium rates of offending.

Shapland and others (2018) evaluated a number of experiments (many of which were included in the study mentioned above) in the UK. Offenders and victims were randomly assigned into an experimental group or control group. All offenders were taken through the criminal justice process that they would have received normally (usually disposal in court) but the experimental group also participated in RJ.

In all, 80% of victims in the experimental RJ groups were satisfied with the process and the outcomes, and were more satisfied than victims in the control groups. Overall, offenders who participated in RJ committed statistically significantly fewer offences in the subsequent two years than those in the control group. In three of the study areas, a significant relationship was found between the offender's experience of the conference and the measure of reoffending.

In addition to this, Shapland and others (2018) reviewed the characteristics of offenders who were assigned to participate in RJ. The findings suggest that if the offender was willing to meet the victim, was aware of the harm caused, was actively involved in the process and thought it was

useful, there was a significant and positive effect on reconviction rates.

Additional research has looked at the use of RJ as part of the cautioning process. Restorative cautions in Thames Valley were compared with traditional cautions in two other forces. Restorative cautions involved the delivery of a script to encourage the offender to take responsibility for their actions. Victims were permitted to attend the session, but if they were absent, their views were put to the offender by the police. Victims only attended in approximately 13% of cases.

The study found that, after controlling for offender characteristics, resanctioning rates for individuals receiving the restorative caution was significantly lower than for those receiving the traditional caution (Wilcox, Young and Hoyle, 2004). Offenders are treated as resanctioned if, for a subsequent offence falling within the follow-up period, they receive either a conviction or police disposal (caution, final warning or reprimand).

However, it was not possible to say how much of this difference was due to the restorative element of the caution. It must also be noted that there was no increase in resanctioning found during the study, and observation of restorative cautioning sessions showed a number of other positive outcomes for both offender and victim. These included helping the offender to understand the effects of the offence, inducing a sense of shame, apologies being offered and expressions of genuine remorse.

Over half of the participants reported gaining a sense of resolution and felt better as a result of the session (Hoyle, Young and Hill, 2002).

While the majority of identified studies explore the effectiveness of face-to-face conferencing, some of the studies conducted by Shapland and others (see above) also included indirect RJ, where the parties never met. These studies found that for the indirect schemes, there was no statistically significant difference in reoffending between the group receiving the indirect RJ and those within the control group.

In terms of victim satisfaction with indirect RJ, although the process was viewed positively overall, victims tended to be less satisfied with the process than those who received RJ conferencing (Shapland and others, 2007).

## How much does it cost?

Shapland and others (2008) found that, for the three randomised controlled trials conducted, RJ was more cost-effective than the traditional court process due to a reduction in rates of reoffending. This paper covered a number of separate projects, some involving a randomised approach and others using other methods. Reoffending costs would be significantly more than the cost of running the schemes, with £9 of savings being made for every £1 spent.

This is also supported by Strang and others (2013), who found that, depending on the kind of offender and the point in the criminal justice system where RJ was administered, for every £1 spent, between £1.20 and £14 was saved.

Additionally, RJ can have a beneficial effect on the health and social welfare costs implicated in the criminal justice process, reducing demand for GPs, social workers, councillors, mental health services and welfare systems by assisting the recovery of the victim (Strang and others, 2013).

## How can restorative justice be implemented?

Implementation of RJ in policing is covered in the [Authorised Professional Practice \(APP\) for prosecution and case management](#), which provides tools and processes for policing and other partners and agencies.

It includes disposals available to deal with offenders for an effective justice outcome and provides alternative outcomes to the formal justice system.

### Related resources

- [Victims' Code for policing](#)
- [APP – Prosecution and case management](#)

### Tags

Neighbourhood policing   Criminal justice   Vulnerable people