



RESTORATIVE JUSTICE

SUBMISSION TO THE COMMITTEE ON JUSTICE, DEFENCE AND EQUALITY

ON BEHALF OF:

THE ASSOCIATION FOR CRIMINAL JUSTICE, RESEARCH AND DEVELOPMENT

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EXECUTIVE SUMMARY

GENERAL RECOMMENDATIONS

This submission concentrates on Adult Reparation Programmes, but ACJRD supports the expansion of restorative justice across a range of models and at all stages of the criminal justice system, including at prosecution decision and post-sentence. Such restorative models can include victim offender mediation, victim impact panels and family group conferencing. It can also include innovative restorative approaches to sexual violence like those being currently researched by Dr Marie Keenan by way of a European Commission (*Daphne III*) funded project at University College Dublin.

ACJRD recommends the expansion of the application of formal restorative models for young people within the justice system, including those young people on probation, and also within the voluntary and community sector. This can help to create equality of access for young people, families and victims involved in the justice system. Appropriate models can be offered to each individual based on a continuum of offences which can target both the needs of the victim as well as those of the young offender, ultimately helping to redress any harm that has been caused and increase accountability.

As in accordance with the National Commission on Restorative Justice, ACJRD further recommends that the Probation Service should continue to be the lead agency in implementing any wider application of restorative justice for adults brought before the courts. It also believes that restorative justice should give effect to the recommendations of the National Commission, but should also embrace all categories of crime, subject to meeting best explicit practice standards in all instances.

Victim interests should be at the heart of restorative justice, but even where victims do not wish to be involved, restorative options should be available for offenders and affected communities that focus on reparative acts and the avoidance of future offending incidents.

Evidence should be gathered to ensure greater understanding and acceptance by criminal justice professionals and politicians, the media and the general public.

SPECIFIC RECOMMENDATIONS

1. Types of Crimes

Adult Reparation Panels should continue **to manage high tariff crimes and repeat offenders, as well as the minor crimes and first-time offenders** which have been more traditionally managed. Evidence from panel meetings and a research review of other jurisdictions has illustrated that restorative justice can work successfully with serious crime and can prove beneficial for victims and offenders alike.

2. Case Histories

Case sheets on attending offenders detailing the offence and other relevant factors such as medical issues and previous offending histories do not always contain all the information required for panellists to make informed decisions. The information relating to the offence and offender is vital in order for panellists to be able to understand who and what they are dealing with and how best to manage such cases. Therefore, it is important that it is **correctly detailed and contains all the relevant information required for a successful reparation meeting**. Care should be taken when detailing such case facts and it has to be ensured that all the relevant information is available for panellists to decide the case correctly and fairly.

3. Legislation

It might benefit the practices of reparation panels and the restorative principles employed within **if the schemes are provided for within a legislative framework**. Such statutory protection and guidance has been a regular feature of restorative justice practices within other European jurisdictions, as well as within countries such as New Zealand, Australia and the USA and has been previously recommended by the National Commission on Restorative Justice. Statutory guidance might help to increase the awareness of restorative practice, as well as provide a framework for recruitment and funding opportunities. However, **the schemes have been operating successfully in an ad hoc fashion since their inception**. They have been moulding restorative practice, including the managing of higher tariff cases, and employing restorative principles without formal rules and guidelines. Such rules might serve to

restrict certain restorative aims in favour of managerial targets. A statutory framework might enable best practice standards. However, the success of current informal procedures should also be recognised.

4. Resources

Funding levels should be increased in order to safeguard best practice standards. While both the panel models are successfully managing a wide range of crimes and offenders in a cost effective manner, problems have arisen due to stretched staffing and volunteer levels and limited training opportunities. Reparation panel practices and restorative justice in general, has illustrated that **major cost savings can be made** when compared to conventional criminal court processes and the practice of imprisonment for minor crimes over short periods. **The question of funding levels** is becoming more acute due to the proposed roll out of restorative justice nationwide.

5. Promotion

A major advertising campaign should be implemented detailing the work of the reparation panels and the benefits that can derive from such practices for all the stakeholders in the community. **Press coverage of the benefits** of reparation practice to victims, offenders and the community as a whole can help **to increase awareness of restorative justice for judges and criminal justice professionals**. It could also help to increase the number of volunteers and case workers willing to embrace the restorative ethos, as well as improve the victim participation rate within reparation meetings.

6. Current Practices

The present method of **case referral to reparation panel diversion** is not conducive to a **fair and equal justice for all policy**. Although more judges are becoming aware of the work of the panels and the opportunity to refer pre-sentence, and a greater proportion are beginning to refer adult cases for diversion, there remains the possibility that two offenders charged with the same crime may have their cases managed very differently depending on where the offence occurred and who the presiding judge has been. One offender could be prosecuted while the other

handed the opportunity to have that charge struck off the court books through the diversionary panel method. A more **consistent approach to referring appropriate crimes and offenders is necessary**. This may be achieved by way of a possible restorative protocol which might help to increase the awareness of judges and criminal justice professionals and ultimately increase the consistency of sentencing and achieve a fairer justice system for offenders and victims alike.

7. Harm Reduction

Reparation panels are **proving very successful at linking the harm caused by the various incidents of offending to the reparation contract demands**. Many of the adult offenders participating in the panels have had drink and drug dependency issues. Some have had medical concerns such as post-natal depression, bi-polar disorder and schizophrenia. The contract agreements strive to, in part, address these factors. Many agree to attend drink and drug rehabilitation centres and victim support services. Access is also available to community centres for advice on finance management and courses. **Offenders are also offered help in where to find the best treatment for their illnesses**. The Nenagh model has a relationship with the 'Tidy Towns' initiative wherein community service tasks can improve the surrounding area. These links with service providers and community centres are a valuable tool in enabling the panel process to repair the harm successfully and reduce recidivist tendencies. These relationships should be safeguarded and strengthened. As above, funding increases could better enable such a policy.

8. Social Care

As part of panel mediation practice, it has been noted that a 'social care ethos' appears to exist within discussions between offenders and panel members. While the focus is always on the nature of the offending, why it has occurred and the harm caused, there are also discussions on offenders' backgrounds and relationships. **Many of the participating offenders have committed crimes for a reason**. Relevant factors have included relationship breakdowns, loss of employment and trauma due to the deaths of close family relatives. Whilst the panel underlines that these factors are not excuses for the behaviour, nevertheless it is recognised that such events

have played a vital role in the offending actions. Asking questions relating to relationships, friendships and future hopes and concerns can help to get underneath the skin of the offence itself. Thus, **this social care approach**, in tandem with efforts at procuring accountability and symbolic and financial reparation, should be continued and embedded in future reparation practice. There should be greater training opportunities in this beneficial method of mediation for volunteers, case workers and criminal justice professionals.

9. Participation

While offender reparation as a restorative model is not strictly one wherein victim participation is emphasised, **the participation rate of victims does need to be improved within both schemes**. This includes both direct participation within panels themselves and indirectly by way, for example, of writing letters explaining the harm caused. This lack of victim participation is a common theme within other jurisdictions and restorative practices. However, victims are important stakeholders within the restorative justice ethos and efforts should be doubled at improving their voice within reparation practice. A nationwide advertising campaign (as above) **highlighting awareness of restorative justice and the benefits** that reparation panels can provide victims, and greater funding revenues aimed at increasing channels of communication with those harmed by crime, can increase victim ownership of the process.

10. Location

The location of particular restorative practices can be an **important factor in ensuring the successful exploration of restorative principles**, in particular when taking place in the formal environment of a criminal justice building. Irish reparation panels are closely attached to the formal criminal justice system. However, the restorative justice principles managed within are not merely concerned with diversion from prosecution. Panels strive to produce accountability, remorse, reparation and an understanding of the harm caused through in-depth discussion. It may be an option for restorative justice providers to broaden the list of venues in which panel meetings occur.

Restorative Justice and Adult Reparation Panels: Observations of Panel Practice and Recommendations for Future Best Practice Standards

Introduction: The Restorative Justice Concept:

Restorative principles have played a role within Irish justice systems for centuries.¹ Within early Celtic law practice there were elements of social restoration, while the native *Brehon* law also engaged with restorative principles such as community ownership, reparation and compensation.² Juvenile services, under the Juvenile Liaison Officer (JLO) Scheme, have been in operation since 1963³; however, this scheme operated purely as a diversionary mechanism until the late 1990's when the restorative element was introduced in anticipation of the Children Act 2001 provisions. Further, juvenile restorative principles can be evidenced within the *Le Chéile* project based in Limerick.⁴ This particular project has devised and implemented five restorative models of practice within its services. These include Reparation, Victim-Offender Mediation, Restorative Conference, Victim Impact Panel and a Victim Empathy Programme and has applied all in the context of the cases referred to the project from Young Persons Probation. This project allows for tailor-made restorative approaches to be provided to young people, families, victims and communities and is in line with best practise, with each model catering and allowing for a child centred approach.

Adult Restorative Justice Schemes:

The Garda Síochána implemented an Adult Cautioning Scheme which commenced in February 2006 on a non-statutory basis. This allows for diversion from prosecution of minor adult offenders whenever that prosecution would be viewed as unnecessary in the public

¹ Auld, J., Gormally, B., McEvoy, K. & Ritchie, M. 'Designing a System of Restorative Justice in Northern Ireland: A discussion document.' (1997) *The Blue Book*. Belfast.

² Leonard, L., and Kenny, P. 'Measuring the Effectiveness of Restorative Justice Practices in the Republic of Ireland Through a Meta- Analysis of Functionalist Exchange' (2011) *The Prison Journal* Volume 91 (1), 57-80, 59

³ Following Part 4 of the Children Act, 2001, the JLO Scheme was replaced by the Garda Diversion Programme to deal with juveniles under the age of 18 who commit offences

⁴ Details of the juvenile restorative project can be found at <http://www.lecheile.ie/what-we-do/restorative-justice>

interest.⁵ Further, adult restorative justice schemes have been in operation since 1999, operating both victim offender mediation (VOM) and offender reparation panel (ORP) programmes. These schemes emerged, in part, due to recommendations within a National Crime Forum Report that called for a ‘fundamental change of focus to make the prison the option of last resort, to be used sparingly and only when all other options have been tried or considered and ruled out for cogent reasons.’⁶ A number of influential reports then further helped to strengthen support for restorative justice principles within the adult criminal justice system, along with the implementation of a National Commission on Restorative Justice to oversee developments. These included a 2007 Report wherein the Joint Committee on Justice, Equality, Defence and Women’s Rights examined the potential of restorative justice and heard oral submissions from both projects as well as the Secretary General of the Department of Justice and senior management representatives of both the Probation Service and Garda Síochána.⁷

There are presently two reparation schemes operating with adult offenders in two separate locations. Restorative Justice Services (RJS) have operated a victim offender mediation scheme since 1999 and an offender reparation programme (the main subject of this submission) since 2004. This scheme is based in Tallaght in Dublin and also arranges panels within Dublin city centre. Cases are referred from court at the pre-sentence stage and the court remains in charge of the process at all times. Cases will be adjourned until a restorative agreement, drawn up between the panel members and agreed with the offender, can be finalised and ultimately completed. Any of the key stakeholders, the Probation Service, An Garda Síochána, legal representatives and victim support interests may all request the court to consider mediation or reparation in a particular case if it is thought appropriate to do so.⁸ The reparation panel consists of a Garda representative, probation officer, facilitator, case worker and the offender themselves. Case workers, made up of paid community representatives, are not legally trained as a solicitor or barrister

⁵ National Commission on Restorative Justice: *Final Report*, (Dublin: NCRJ, 2009) at 3.44. Available at http://www.restorativejustice.org.uk/resource/national_commission_for_restorative_justice_final_report_ireland/

⁶ National Crime Forum: *National Crime Forum Report* (Dublin: Institute of Public Administration, 1998), at 142.

⁷ Joint Committee on Justice, Equality, Defence and Human Rights: *Report on Restorative Justice* (Dublin: Houses of the Oireachtas, January 2007). Also see O’Donovan, D. ‘The National Commission on Restorative Justice: A Review and Plan for Development’ (2011) *Irish Probation Journal* Volume 8, 165-184, 166

⁸ National Commission *ob cit* n 5, at 3.35

would be, but are trained in restorative principles by the scheme itself. An offender's guilt has to be admitted or proven in court in order to participate. The circumstances surrounding the crime and the effects of the offending will be discussed and a reparation agreement drawn up which will typically include financial reparation to a recognised victim or charity, a journal to be written by the offender outlining the harm caused by the crime on victims and their significant others, as well as the harm caused to the offender themselves and their families. Letters of apology to various stakeholders may also be written, along with agreements not to reoffend in the future. Thus reparation can be seen to be both financial and symbolic. Ideally, the panel will successfully tease out accountability for any harm caused and help to prevent such offending behaviour in the future while providing opportunities for adequate reparation, remorse and forgiveness.

The second reparation model, Nenagh Community Reparation Programme (NCRP), operates on a broadly similar basis to its Tallaght counterpart. The NCRP began as a pilot restorative project in 1999 and is modelled on a similar project, operating in Timaru, New Zealand, whereby offenders can make reparation to both victims and their community.⁹ It also offers a reparation diversion programme for offenders coming before a panel and referred at pre-sentence stage by a judge. The panel is somewhat different in composition however in that community representatives (usually two) also attend meetings, along with a Garda representative and the project co-ordinator who acts as a facilitator, as well as the offender. Direct victims are contacted and asked if they would be willing to attend the meeting.¹⁰

Reparation agreements include similar restorative principles and reparative tasks to those managed within the Tallaght model; however, within NCRP practice the reparative acts agreed can include community service elements, such as litter picking (as part of the Tidy Towns Group initiative) and restoring community-used buildings such as youth centres and sports halls. It can also incorporate sponsored walks for charitable purposes, discussions with the Refugee Council to gain a greater understanding of non-nationals living within the community and the giving up of annual leave entitlement in order to help with disabled

⁹ Nenagh Community Reparation Project (NCRP). *Presentation to the National Commission on Restorative Justice* (NCRP: July, 2007), at 3. Available at <http://www.nenaghreparation.com/report-2007.php>

¹⁰ Of 58 referrals in 2012, 31 had a direct victim – 12 directly participated, 13 cases had indirect participation and 6 cases had no response. Conversation with NCRP project co-ordinator Emily Sheary, July 2012

group activities.¹¹ After reparative agreements are completed within both schemes, a second panel meeting is organised so that the contract aims can be checked and ultimately signed off by the panellists. The case will then be returned to the referring judge. If the judge believes the restorative aims and reparative actions within the contract have been successful, then the case can be struck out of court resulting in no official criminal record for the offender.¹² Within the Tallaght based model, successful agreements can lead to a spent conviction under the Probation of Offenders Act, 1907.¹³ It should be noted that both outcomes are not guaranteed; however, judges will usually look favourably on offenders whose actions signify elements of remorse, apology, reparation and accountability for any harm caused.

Matters for Discussion:

The submission focuses on several areas in which adult reparation panels are seen to be operating successfully and utilising best practice standards. It will also outline areas wherein, it is submitted, there exists a need for reform of certain areas of the reparation programmes. A list of possible recommendations will be included, as will a review of how restorative principles and practices operate within other selected jurisdictions. Areas outlined include the management of serious crimes, the location of reparative meetings, the question of whether or not to embed practices within statutory guidelines, the method of case referral to the panels, the social care ethos observed within panel practice, the need for funding increases in order to safeguard best practice, the requirement of a policy of increased advertising and press coverage of the benefits of adult reparation panels for all stakeholders within the community in which the offending takes place, and the continuation and expansion of the policy of forging close links with community service providers, financial management and employment agencies and rehabilitation centres.

¹¹ NCRP Presentation *ob cit* n 9, at 9

¹² NCRP Presentation *ob cit* n 9, at 7

¹³ Section 1 (1)

Serious Crimes: Repeat Offenders

Courts initially referred relatively minor offences and first-time offenders to Irish reparation panels. Offences have traditionally included drunk and disorderly behaviour,¹⁴ and minor thefts.¹⁵ This category of crime continues to be referred to both panel providers. However, as the work of the panels has progressed over time, judges have been diverting offences of a more serious nature. This policy of managing higher tariff crimes was introduced by the Nenagh based scheme as early as January 2005.¹⁶ Further change for the Tallaght restorative model was introduced as a result of the National Commission on Restorative Justice Final Report which suggested that offences which could attract a custodial sentence of up to three years in prison should be referred for a restorative disposal.¹⁷ Following consultation and discussions between the Department of Justice, Probation Service and Panel providers, it was agreed that cases which could attract a custodial sentence of up to one year would be piloted over a specific period. The time frame effectively covers all offences coming before the District Court. Clients with specific criminal backgrounds, it was agreed, could also be referred (before this it would have been restricted to new entry offenders or those with limited previous convictions).¹⁸ Thus, offences now being managed within panels include serious assaults,¹⁹ drug related crimes,²⁰ high value monetary thefts and fraud, and soliciting for the purposes of prostitution.²¹ One assault case before a panel in Nenagh resulted in the victim having his jaw broken. Drug offences have included possession with intent to supply.²² One particular theft case referred to a panel involved the stealing of over 900 euro worth of clothes. Offences such as these can be said to occupy 'the deep end' of the criminal justice spectrum.²³ Within reparation panels, crimes of this nature are being successfully managed. Accountability is being teased out from offenders who have committed relatively serious offences. Those identifiable victims who have suffered serious injury as a result, are receiving both symbolic and financial reparation for the harm caused.

¹⁴ Criminal Law (Public Order) Act 1994

¹⁵ Criminal Justice (Theft and Fraud Offences) Act 2001

¹⁶ NCRP Presentation *op cit* n 9, at 8

¹⁷ National Commission on Restorative Justice *ob cit* n 5, at 7.48

¹⁸ Discussion with Peter Keeley, Restorative Justice Services (RJS) Manager: 26th August 2013

¹⁹ Non-Fatal Offences Against the Person Act 1997, s 3

²⁰ Misuse of Drugs Act 1977

²¹ Criminal Law Sexual Offences Act 1993, s 7

²² Misuse of Drugs Act 1977, s 15

²³ Cunneen, C. and Hoyle, C. *Debating Restorative Justice* (Oxford: Hart Publishing, 2010), at 72

As noted earlier, it is still the case that some first-time offenders are being offered the opportunity to appear before a reparation panel and make amends for their offending behaviour. What has also been evidenced, however, is an increase in participating offenders with multiple criminal records. Within one panel meeting it was discovered that a twenty three year old male had a total of forty six previous convictions. Another attendee, aged twenty, had over thirty previous convictions. Diverting such cases would appear to suggest an emerging policy amongst judges and panel facilitators who believe that the reparation process can help to limit the recidivist tendencies of such prolific offenders. Certainly, it would appear that the more conventional criminal justice process has not been very successful in curbing such tendencies. Recent statistics have found a recidivism rate of 62.3% within three years in this jurisdiction,²⁴ while over 80% were found to have reoffended within one year.²⁵ Further, the most common offences for which offenders were reconvicted were found to be those of a public order nature.²⁶ While it is submitted that recidivism rates should not be the only variable when evaluating restorative practices,²⁷ there are encouraging signs from both panel models that many of those offenders referred have shown a willingness not to reoffend. A 2007 Report noted a recidivism rate of only 18% amongst offenders participating in the Nenagh programme between 1999 and 2006.²⁸ This low rate of reoffending has remained constant up to the end of 2012.²⁹ However, it should be acknowledged here that this evidence is somewhat limited, due to a lack of any comparison with control groups of similar profile offenders who have been disposed of through the courts. Research from abroad, including Australia, has illustrated favourable comparisons between both groups (see footnote 34).

Despite this lack of a control group, court disposed comparison, there is an argument that an alternative method of 'punishing' offenders is required. Reparation panels are

²⁴ Irish Prison Service, *Recidivism Study* (Ireland: Irish Prison Service, 2013) at 9. The report is based on a study of all prisoners released on completion of a sentence in 2007, using re-conviction data up to the end of 2010.

²⁵ *Ibid*, at 3

²⁶ *Ibid*, at 4

²⁷ For example, Hudson has argued that a reduction in crime is 'not the ground on which RJ should be selling itself'. See Hudson, B. 'Victims and Offenders' in A. von Hirsch., Roberts, J., Bottoms, A.E., Roach, K. and Schiff, M. (eds.) *Restorative Justice and Criminal Justice: Competing or Reconcilable Paradigms?* (Oxford: Hart Publishing, 2003)

²⁸ NCRP *op cit* n 9, at 10

²⁹ Emily Sheary (NCRP co-ordinator) has noted that as of 2012, 75-80% of offenders had not reoffended. See Emily Sheary: *An Update on the Probation Service Restorative Justice Projects* (Dublin: ACJRD Conference, 21 November 2012)

attempting to engage with offenders and ask difficult questions as to why the criminal behaviour occurs; they are seeking to repair the harm caused and increase opportunities for accountability, while emphasising the benefits of more constructive life choices. They are managing serious crimes and repeat offenders. However, the question should be asked as to whether or not a restorative justice process represents the appropriate platform on which to manage high tariff crimes such as those noted above.

It has been previously illustrated that restorative justice can benefit stakeholders involved in serious criminal justice events. For example, Sherman and Strang have argued that restorative justice can reduce instances of recidivism more consistently with violent offenders and violent crimes than with offences of a less serious nature.³⁰ The authors also found that restorative approaches can work more consistently with violent crimes rather than property crimes, and with those offences that involve direct victims.³¹ Shapland has further noted how randomised control trials of restorative justice (victim offender mediation and restorative justice conferencing) with serious offenders within England and Wales (robbery, burglary and violent offences) showed a reduction in the frequency of reoffending, as well as a high satisfaction rate for participating victims.³² Other serious crimes, including those involving child sexual offences³³ can, it has been further argued, also benefit from restorative principles and practices. Violent offenders managed within a restorative justice programme in Australia were found to be less likely to re-commit crimes

³⁰ Sherman, L. and Strang, H. *Restorative Justice: The Evidence* (London: The Smith Institute, 2007) at 8

³¹ *Ibid*, at 8

³² Shapland, J., Atkinson, A., Atkinson, H., Dignan, J., Edwards, L., Hibbert, J., Howes, M., Johnstone, J., Robinson, G. and Sorsby, A. *Does restorative justice affect reconviction? The fourth report from the evaluation of three schemes*. Ministry of Justice Research Series 10/08. (London: Ministry of Justice, 2008). Available at http://www.justice.gov.uk/docs/restorative-justice-report_06-08.pdf

³³ McAlinden, A.M. 'Managing Risk: From regulation to the reintegration of sexual offenders' (2006) *Criminology and Criminal Justice* Volume 6(2), 197-218. Also see Daly, K. 'Restorative Justice and Sexual Assault' (2006) *British Journal of Criminology* Volume 46(2), 334-356. For a rebuttal, see Cossins, A. 'Restorative Justice and Child Sex Offences: The Theory and the Practice' (2008) *British Journal of Criminology* Volume 48(3), 359-378

than a control group of similar offenders,³⁴ as was the case with a similar study of Pennsylvania based offenders managed within RJ programmes and juvenile court.³⁵

In other jurisdictions, restorative practices are regularly used in the management of more serious crimes. Within the Northern Ireland Youth Conferencing Scheme, 10-17 year old offenders can be diverted to a restorative conference either by way of court order (post-conviction) or by way of a Public Prosecution Service referral (pre-conviction, after guilt has been admitted; also known as a diversionary youth conference).³⁶ Crimes being referred to NI Youth Conference facilitators can include serious offences against the person or property.³⁷ Within Youth Offender Panels in the UK,³⁸ wherein juveniles can be diverted from prosecution by way of a Referral Order and the successful completion of a restorative contract managed by community volunteer panel members, referable crimes have included drug offences, burglary and robbery.³⁹ In Ireland itself, juvenile offenders can be diverted from prosecution under the Children's Act 2001, as amended by the Children's Act 2006, by way of informal and formal cautions and restorative justice conferencing. Crimes referred, of which can number several hundred per annum, have included serious assaults, arson, burglary and robbery.⁴⁰ There is also the provision, under section 78 of the Children's Act 2001, for family conferences under the aegis of the Probation Service. Although this is not used extensively there is the possibility for greater expansion of this conferencing model. In New Zealand, a jurisdiction that has routinely used restorative justice with serious offending, the Ministry of Justice has recently developed restorative standards for cases of

³⁴ Strang, H., Sherman, L., Barnes, G. and Braithwaite, J. *Experiments in restorative policing: A progress report to the National Police Research Unit on the Canberra Re-integrative Shaming Experiments (RISE)*. (Canberra: Centre for Restorative Justice: Australian National University, 1999). Available at <http://www.aic.gov.au/rjustice/raise/index.html>.

³⁵ De Beus, K. and Rodriguez, N. 'Restorative Justice Practice: An Examination of Programme Completion and Recidivism' (2007) *Journal of Criminal Justice* Volume 35, 337-347

³⁶ following the NI Criminal Justice Review (2000) statutory implementation of youth conferencing was allowed for under Part 4 of the Justice Act (NI) 2002

³⁷ Doak, J. and O'Mahony, D. 'The Vengeful Victim? Assessing the Attitudes of Victims Participating in Restorative Youth Conferencing' (2006) *International Review of Victimology* Volume 13, 157-177, at 162

³⁸ The Youth Justice and Criminal Evidence Act 1999 introduced a new primary sentencing disposal-the referral order-for 10-17 year olds pleading guilty and convicted for the first time by the courts. They are referred to Youth Offender Panels (YOPs) who manage the offender's case and possible diversion from prosecution

³⁹ Crawford, A. and Newburn, T. *Youth Offending and Restorative Justice: Implementing Reform in Youth Justice* (Cullompton: Willan, 2003) at 110

⁴⁰ An Garda Siochana Office for Children and Youth Affairs, *Annual Report of the Committee Appointed to Monitor the Effectiveness of the Diversion Programme* (Dublin: The Department of Equality, Justice and Defence, 2011) at 15

family violence⁴¹ and sexual offending,⁴² coming on top of previous ‘best practice’ principles originally introduced in 2004.

Irish reparation boards are successfully forging ahead and managing serious offences and repeat offenders within panel practices. They are also helping to tease out accountability for first-time offenders charged with minor crimes. Panel facilitators should continue this policy of managing a wide spectrum of crimes and offenders. Research and practices within other common law jurisdictions has shown that restorative justice can be successful when aimed at crimes of a higher tariff. Judges can improve accountability concerns and increase the opportunities for repairing the harm caused by criminal acts by referring more repeat offenders and high tariff cases such as assault causing harm, drug possession and high monetary thefts. A statutory list (see discussion below) of appropriate, referable crimes, including certain high tariff offences, may provide clarity and consistency. However, it should be remembered that RJ can be a resource intensive policy also, despite the reduction of costs as compared with the traditional justice system. Thus, it may be preferable to steer resources towards more serious offences, while re-offending could result in more intensive restorative intervention.

⁴¹ Ministry of Justice, *Restorative justice standards for family violence cases* (Wellington: Ministry of Justice, 2013). Available at <http://www.justice.govt.nz/publications/global-publications/r/restorative-justice-standards-for-family-violence-cases/publication>

⁴² Ministry of Justice, *Restorative justice standards for sexual offending cases* (Wellington: Ministry of Justice, 2013). Available at <http://www.justice.govt.nz/publications/global-publications/r/restorative-justice-standards-for-sexual-offending-cases/publication>

Possible Statutory Implementation of Restorative Practice

One of the major questions presently facing both reparation providers within this jurisdiction is whether or not statutory protection is required in order to reinforce restorative justice principles. The National Commission on Restorative Justice noted in 2009 that

*non-statutory programmes often have a useful flexibility and adaptability and, even without a legislative base, many programmes have been successful. However, a problem associated with non-legislative restorative programmes has been the difficulty in obtaining referrals from the courts on a consistent basis. Voluntary schemes are dependent on the goodwill of court authorities and, when personnel change or interest wanes, an effective scheme can wither.*⁴³

The panel providers have been managing victim-offender mediation and reparation panels on an ad-hoc basis since 1999. These schemes have been relatively successful and continue to manage referred offenders outside of a statutory framework. This success has been mainly due to the continued support of the Probation Service, Gardai, community volunteers and certain members of the judiciary, as well as the hard work of panel facilitators and justice professionals and volunteers within.

Restorative Practices and Statutory Implementation: Other Selective Jurisdictions

Vermont Reparative Boards (USA) is a similar model to the Irish schemes, wherein a volunteer community panel manage minor offenders and use restorative principles such as reparation and diversion. Restorative justice became the state policy of Vermont in May 2000. Foremost amongst the legislative changes is Title 28, section 2 (a) VSA⁴⁴ which states that

'principles of restorative justice (should) be included in shaping how the criminal justice system responds to persons charged with or convicted of criminal offenses, and how the state responds to persons who are in contempt of child support orders.

⁴³ National Commission *op cit* n 5, at 14 of Executive Summary

⁴⁴ The Vermont Statutes Online: Public Institutions and Corrections. Chapter 1, Title 28, s 2(a)

The policy goal is a community response to a person's wrongdoing at its earliest onset, and a type and intensity of sanction tailored to each instance of wrongdoing'.

In responding to this legislation, the Vermont Department of Corrections has further helped with the creation of Community Justice Centres, reparative boards and panels, and other smaller restorative justice programmes where needed.⁴⁵

Other European countries have embraced the statutory implementation of restorative justice. In Norway, previous restorative mediation pilot schemes suffered for many years with low referrals and financial problems. These problems led to the initial closing down of the pilot schemes, and it was not until these services were reinvented and placed on a statutory footing in 1991 that practices began to improve, with clearer guidelines and centralised funding.⁴⁶ More recently, Norway has been responsible for managing the highest number of mediation cases in Europe.⁴⁷ In Austria, victim offender mediation (VOM) was placed in statute for juveniles in 1988 and gradually extended to adult offenders where amendments were made to the Penal Code to ratify the schemes in 1999,⁴⁸ while in Finland legislation in 2006 extended the use of VOM throughout the country allowing every citizen to have access to mediation services.⁴⁹

In England and Wales, the Powers of the Criminal Courts (Sentencing) Act 2000,⁵⁰ as amended, provides for the Referral Order (noted above), a sentence for juvenile offenders pleading guilty.⁵¹ The offenders are referred to a Youth Offending Panel (YOP), made up of community volunteers and juvenile justice professionals. The offender and victim, as well as supporting adults, can attend the panel within which a restorative contract will be drawn up (usually between 3 and 12 months duration). On completion of agreed restorative and reparative tasks, a possible conviction can then be spent.⁵² Despite the opportunity to have

⁴⁵ State of Vermont, *Sentencing Options Manual* (State of Vermont: Department of Corrections, January 2013), at 11

⁴⁶ Hamilton, C. 'Restorative Justice in Ireland: A New Way Forward? (2004)' *Irish Law Times* Volume 22 (20), 315-320 at 320

⁴⁷ National Commission *op cit* n 5, at 5.24

⁴⁸ National Commission *op cit* n 5, at 5.7

⁴⁹ National Commission *op cit* n 5, at 5.18

⁵⁰ Sections 16-32, Schedule 1

⁵¹ First introduced under the Youth Justice and Criminal Evidence Act 1999. Further amendments are set out within the Legal Aid and Sentencing and Punishment of Offenders Act 2012 (Section 79) which removes restrictions on the repeated use of the order

⁵² See sections 3.24-3.29 of the 2000 Act for detailed information on spent convictions

a spent conviction, some critics have argued that the 'restorative' nature of referral orders is somewhat 'questionable' due to, among other concerns, a lack of victim involvement in the proceedings.⁵³ Moreover, recent legislative implementation of restorative justice measures has been broadened to include pre-sentence adult offending. The UK Crime and Courts Bill received Royal Assent on 25th of April 2013. It explicitly requires courts to defer sentencing through their existing powers in order to allow for restorative justice activity to occur. The judiciary and Magistrates Association have both welcomed the opportunity for additional information on which sentencing decisions can be based, while the Restorative Justice Council (the Council) has also noted the importance of this provision.⁵⁴ The Council has described the soon to be implemented legislation as 'a significant milestone and an important step towards ensuring that high quality and consistent restorative justice is embedded nationally, and made available for victims at all stages of the criminal justice system'.⁵⁵

Adult cautions have also been implemented in England and Wales as a means of diversion from prosecution. They have included both non-statutory 'simple cautions' administered by the police themselves and 'conditional cautions', introduced in England and Wales by the Criminal Justice Act 2003,⁵⁶ wherein conditions (such as possible reparation) can be attached by the Crown Prosecution Service (CPS).⁵⁷ Cautions will usually be administered for first-time offenders and low level offences. If these conditions are not complied with, the offender can then be prosecuted. There have been further concerns, in line with referral orders, that cautions of this type are not fully restorative despite their diversionary elements.⁵⁸

In Northern Ireland, as noted above, Part 4 of the Justice (NI) Act 2002 embedded the restorative youth conferencing model within that jurisdiction's criminal justice system and is said to have placed restorative justice principles 'at the heart' of the juvenile justice

⁵³ Doak, J. and O'Mahony, D. 'In search of legitimacy: restorative youth conferencing in Northern Ireland' (2011) *Legal Studies* Volume 31 (2) 305-325, 313

⁵⁴ Restorative Justice Council, *Legislation for Restorative Justice* (25 April 2013). Available at http://www.restorativejustice.org.uk/news/important_milestone_for_rj/

⁵⁵ Ibid

⁵⁶ Part 3, Sections 22-27

⁵⁷ O'Mahony, D. and Doak, J. (2009) 'Restorative Justice and Police-Led Cautioning Practice' in Gunther Moor, L., Peters, T., Ponsaers, P., Shapland, J. and van Stokkom, B.(eds.) *Restorative Policing* Journal of Police Studies volume 2009-2/Cahier Politiestudies Cahier no. 11. Antwerp: Maklu, 139-159, 148

⁵⁸ Ibid

system.⁵⁹ Courts have a mandatory duty to refer juveniles to a restorative justice conference.⁶⁰ Conferences can be diversionary, wherein juveniles are referred prior to conviction and court-ordered, a post-conviction referral method. The Youth Conferencing Service has been found to be working well, with one evaluation finding that the Service was making a highly positive contribution to the delivery of juvenile justice outcomes, with victims especially (89%) being seen to be satisfied with the process and outcomes.⁶¹ Adult conditional cautions, including reparation elements, in Northern Ireland are also legislated for within section 71 of the Justice Act (NI) 2011.

Australia has widely legislated for restorative practices throughout state law, while New Zealand has embedded a raft of restorative justice principles within legislation. The New Zealand Children, Young Persons and their Families Act 1989 introduced the restorative family group conference diversionary approach for juveniles, while legislation such as the Victims' Rights Act 2002, the Sentencing Act 2002 and the Parole Act 2002 brought the rights of victims to the centre of the justice process as well as ensuring that 'offences better fit the nature of the crime and the offender'.⁶² The Sentencing Act 2002⁶³ requires the court to take into account any outcomes of restorative processes that have occurred, or that the court is satisfied are likely to occur, in relation to the particular case. Judges have to take into account any remorse shown by offenders as a mitigating factor,⁶⁴ while the court must also give weight to a number of factors, including any agreements between the offender and victim on how to make right the sense of wrong, loss or damage; any offer or agreement to make amends made by the offender to the victim and the response of the offender or their family to the offending. Attempts at apologising or offers of compensation have also to be considered.⁶⁵

It might benefit reparation panels if their practices and principles are provided for within a legislative framework. This would be in line with earlier National Commission

⁵⁹ Doak, J. and O'Mahony, D. *op cit* n 53, at 313

⁶⁰ Part 4, section 57

⁶¹ Jacobson, J. and Gibbs, P. *Making Amends: Restorative Youth Justice in Northern Ireland* (London: Prison Reform Trust, 2009), at 4 and 5 of Executive Summary

⁶² Hon Goff, P. Hansard (*Sentencing and Parole Reform Bill, First Reading*, Tuesday 14 August 2001 as quoted in His Hon Judge Carruthers, D. *Restorative Justice: A Judicial Perspective* An Address to the Annual SACRO Conference, (Edinburgh: SACRO Conference, 2005) at 15

⁶³ Sentencing Act 2002, S 8(J)

⁶⁴ Sentencing Act 2002, S 9(2)

⁶⁵ Sentencing Act 2002, S 10

recommendations, which considered that ‘the grounding of restorative justice in legislation will confer legitimacy on the process. Legislation may enable a continuity of operation and consistency of application that is not available from ad hoc arrangements’.⁶⁶ It would also tie in with other jurisdictions and their policy of providing for restorative justice within statutory guidelines. However, it should also be noted that legislation is not necessarily a panacea for the perceived weaknesses of restorative justice generally, and the panels specifically. Both reparation schemes have successfully operated restorative practices informally from 1999. They have successfully managed a wide range of crimes and offenders and have done so on a cost effective basis without the need for statutory rules and regulations. It has been argued that a greater sense of official oversight might cause justice models generally to forego certain principles. For example, such managerial oversight might include such things as financial auditing and the cost effective management of risks within a results based culture being prioritised over restorative principles.⁶⁷ Legislative frameworks might help to improve certain elements of panel practice such as clarifying procedures, increasing funding and staffing opportunities and increasing awareness in scheme methods for criminal justice professionals and community members alike. There is also, however, the possibility that more rules and regulations might dilute the restorative process for participating stakeholders.

⁶⁶ National Commission *op cit* n 5, at 3.18

⁶⁷ McLaughlin, E, Muncie, J, and Hughes, G, ‘The Permanent Revolution: New Labour, New Public Management and the Modernization of Criminal Justice’ [2001] *Criminology and Criminal Justice* 301-318 at 302/303. Also see Crawford, A, and Newburn, T, ‘Recent developments in restorative justice for young people in England and Wales’ [2002] *British Journal of Criminology* 476-495

Method of Referral

Referrals to both the Tallaght based model and that based in Nenagh and surrounding areas have been extended recently. The Tallaght scheme now takes referrals from the District Courts in the Criminal Courts of Justice complex and Bray and Dun Laoghaire District Courts, as well as from the District Court in Tallaght.⁶⁸ The Nenagh model has extended its reach to District Courts in Offaly and Tipperary.⁶⁹ Referrals have also increased in Nenagh. For example, between 2001 and 2007, 98 cases were managed in total (with an 89% completion rate).⁷⁰ In 2012 alone, a total of 58 cases were managed.⁷¹ Within the Tallaght based model, reparation panel referrals are also increasing, from a total of 89 cases in 2007 (75 of which were completed successfully)⁷² to 168 cases managed in 2012.⁷³

However, despite this increase in referrals it remains a matter of individual judicial discretion whether or not an offender will get the opportunity to attend the reparation process and have a possible conviction struck out. Judges should continue to use restorative justice as a sentencing option and should continue to refer certain adult offenders and criminal offences to the adult reparation schemes. Not all crimes are equal in severity and in the harm that is caused. Thus, not all offenders can be referred to the reparation process. However, judges can use their considerable experience and knowledge to refer appropriate crimes on a consistent basis. Such regular practice may help to limit perceived problems within this and other jurisdictions of inconsistency.⁷⁴ It may be argued that the present method of case referral evidenced within some aspects of Irish sentencing practice, with similar crimes being disposed of in different ways, in different geographical locations, might not represent a 'fair justice for all' approach to managing offenders.

⁶⁸ James Hayden, 'Restorative justice scheme to be rolled out in two counties' *Irish Examiner* (12 January 2011)

⁶⁹ *Ibid*

⁷⁰ National Commission *op cit* n 5, at page 10 of Executive Summary (s 13)

⁷¹ Discussion with NCRP facilitator Emily Sheary, July 2012

⁷² National Commission *op cit* n 5, at page 10 of Executive Summary (s 16)

⁷³ The Probation Service: *Report on Pilot Expansion of Probation Funded Adult Restorative Justice Projects* (July 2012), at 16. Forthcoming

⁷⁴ National Commission *op cit* n 5, at 8.22

Funding

Many of the recommendations posited within this submission will require an increase in funding provision for both panel models. This will be the case for such proposals as maintaining a pool of permanent panel representatives, increasing training and recruitment, and managing a more efficient system of increased referrals. Presently the Irish Probation Service, through the Department of Justice and Equality, funds both reparation panel schemes. This funding has been vital for the continued successful operation of both models. Funding levels for the city based programme in 2012 amounted to €277,000. This worked out at a cost of approximately €1,649 per case referred (168 cases referred in 2012)⁷⁵ and has been a significant cost reduction on the previous estimated costs to the scheme by the National Commission in 2009 of €3,250.⁷⁶ Funding levels for the NCRP in 2012 have been put at €1,725 per case referral. As 58 referrals were managed throughout 2012, the funding level can be estimated at €100,000. This compares very favourably to National Commission (2009) estimates of €6,464.⁷⁷ Thus, it would appear that the panels are managing current funding levels in a cost effective manner. However, it is submitted that the steady increase in case referrals year on year is putting a strain on reparation providers with regard to resources and staffing levels. Moreover, there have been proposals to roll out restorative justice principles nationally in line with the gradual expansion of both programmes.⁷⁸ It has been recently stated, for example that

*it is the Minister's intention to develop and extend restorative justice practices to the greatest extent possible and provide them as a nationwide non-custodial option within the criminal justice system. The provision of restorative justice practices is a priority for the Probation Service. This will only increase the strain for providers without a substantial funding increase.*⁷⁹

⁷⁵ The Probation Service: *Report on Pilot Expansion of Probation Funded Adult Restorative Justice Projects* *op cit* n 73, at 16. Forthcoming

⁷⁶ National Commission *op cit* n 5, at 9.13

⁷⁷ The Probation Service Report *op cit* n 73 at 16

⁷⁸ Restorative Justice Motion: Speech by Minister of State, Ms Kathleen Lynch T.D. Seanad Eireann – Wed 20th March 2013. Available at <http://www.justice.ie/en/JELR/Pages/SP13000101>. The National Commission had also recommended a national roll out

⁷⁹ *Ibid*

Through observations of panel cases, it is clear that funding increases are required for a number of reasons. Extra funding could help to increase training programmes in restorative practice and principles for participating volunteers and criminal justice professionals alike. It could also help to provide expenses for a larger number of volunteers and case workers to work within the panels. Presently, large caseloads of referrals in both schemes are being successfully managed by a small select band of core staff members. Research has illustrated that core volunteers, or 'super-volunteers' can suffer from 'burnout' within certain restorative practices due to increased workloads and a lack of support.⁸⁰ Increased funding could enable a larger pool of volunteers, case workers, facilitators and specialised professionals to become engaged with the reparation process, increase the knowledge and experience base and ultimately increase the opportunities for improving best practice standards; problems such as a lack of panel representatives on the day of the meeting and inexperienced panellists (see above) may be negated.

Increased funding might also enable a media advertising campaign on the benefits of reparation practice for all stakeholders within the community. Presently there is a lack of victim participation within some panels. A country-wide and prolonged advertising campaign could help illuminate how the process works and the benefits that can accrue for victims and their supporters, community members and volunteers, as well as offenders. It could also encourage more community members to enrol and train as facilitators and case workers. Increased funding could also strengthen the links between the reparation providers and the rehabilitative programmes and community service providers (see below) whose services are used within reparative contract agreements.

It has been argued previously that restorative justice processes generally can successfully reduce financial costs when compared to the costs of imprisoning offenders for similar crimes.⁸¹ The Irish Prison Service has estimated that the average annual cost of a staffed prison space is €65,404.⁸² The potential cost savings that restorative justice can bring are in

⁸⁰ This was evidenced within restorative circle sentencing programmes in Canada. See Crawford, A. (2004) 'Reaction Essay: Involving Lay People in Criminal Justice'. *Criminology and Public Policy*. Volume 3(4) 101-111, at 108

⁸¹ Sherman, L. and Strang, H. *op cit* n 30, at 86

⁸² As there are 4,298 offenders currently in prison, annual costs can be estimated at over 28 million euro. See Irish Prison Service: *Annual Report 2012*. Available at <http://www.irishprisons.ie/images/pdf/annualreport2012web.pdf>

addition to the health treatment and support service savings which can arise for victims, family members and offenders alike. Despite the economic climate currently facing the country, it is submitted that an increase in funds for restorative practices would prove a legitimate policy over a period of time when the possible reductions in criminal justice policy elsewhere are taken into consideration.

Further analysis of the economic benefits that juvenile restorative justice diversion schemes can provide the UK has revealed that it would likely lead to a net benefit of over £1 billion over a period of ten years.⁸³ Diverting young offenders from community orders to pre-court restorative justice conferencing schemes would, it has been argued, produce a lifetime saving to society of almost £275 million (£7,050 per offender). Substantial savings are being made within reparation panel practices when compared to conventional criminal justice costs and, as noted earlier, these cost savings could legitimise a considerable funding increase to improve best practice standards, an increase that can benefit all stakeholders within the community amongst whom the offending has taken place.

An increased level of funding will be required to further develop adult reparative panel practices in order to provide sufficient staffing and volunteer levels, provide greater access to training and educational programmes, safeguard and improve business links with rehabilitative and community service providers and help provide a nationwide advertising programme on the benefits and cost savings of panel practices. This, in turn, can help improve stakeholder access to, and knowledge and confidence in, the restorative justice process and criminal justice system overall.

⁸³ Matrix Evidence, *Economic Analysis of Interventions for Young Offenders* (Barrow Cadbury Trust: November 2009), at 18. Available at <http://www.restorativejustice.org/RJOB/economic-analysis-of-interventions-for-young-adult-offenders/?searchterm=barrow%20cadbury%20trust%20report>

Social Care Ethos and Service Providers

It has been claimed that rehabilitative options included within restorative justice practices can help to lessen recidivist rates for participating offenders of up to 12% in total.⁸⁴ These options can include drink and drug treatment centres, as well as visits to Victim Support Services to hear at first-hand how crime can affect victims within the community. Both the Nenagh and Tallaght based models employ the use of rehabilitative services such as these to great effect. Many of the referred cases and offending behaviour have included elements of drink and drug reliance. Offenders can agree to attend rehabilitation centres, with close links to the panels, which can advise on ways of combating such dependencies. Mental health problems such as depression and schizophrenia are also managed within reparation panel practice. One case involved an offender with bi-polar disorder. The community volunteer, with a background in mental health practice, was able to arrange for a meeting between the offender and the relevant medical practitioners. Community centres in places such as Ballymun, Dublin 9, are also linked in with panel practice. Here financial, debt and career advice is freely available for participating offenders. Victim Support Services can explain to offenders the level of harm caused by the offending, thus increasing the opportunities for accountability and remorse. Visits such as these are especially important due to the reluctance of some direct victims to attend panels (as well as the fact that some offences are victimless, or the victim is unknown).

It is submitted that a 'social care ethos' is readily observable within the management of referred offenders. Clients are treated as a person first and foremost and as an offender second. Career, hopes, family relationships and social activities are all explored within panel meetings, as well as the offence itself and reasons for offending. Panel members have been very successful at teasing out the deeper reasons for the offending behaviour. The panels are moving away from the more conventional criminal justice game play of offender versus police, 'us versus them', and the shifting of blame and the denial of guilt and accountability. There is, in evidence, more examples of a 'humanistic dialogue' present within panel

⁸⁴ O'Mahony, D. and Doak, J. *Restorative Justice and Criminal Justice: International Developments in Theory and Practice* (Dublin: DJELR, 2008)

discussions.⁸⁵ Garda officers will, on occasion, not wear their uniform to meetings, thus adopting a softer and less intimidating tone to offenders for whom the reparation process can be an intimidating process. One panel case of burglary involved the Garda representative detailing his own experience to the offender and other panellists of how his home was burgled when he was a child and the fear that had gripped his whole family. Again, this type of dialogue ‘humanises’ the policeman in the eyes of the offender. Such dialogues can help to break down barriers between offenders and panel members and increase the opportunities for remorse and true accountability. The Nenagh model, as an example, classifies victims as ‘persons affected by the crime’, getting away from more conventional labels.⁸⁶ It has been argued that problems can attach to conventional labels such as ‘offender’ and ‘victim’. For example, Woolford has noted how many offenders have themselves been victims of crime in the past. Also for victims, ‘trauma narratives’ can empower the state and ‘reinforce structures of inequality’. Certain narratives can engender a sense of public fear, thus legitimising increased government surveillance and control. For Woolford, it is about ‘broadening our sense of what we mean when we use these terms’.⁸⁷

Offenders within reparation panels represent a wide and varied sub-section of the community. Within observations of over forty panels, for the purposes of doctoral research, it has been noted that a fifth of participating offenders have been women while other nationalities such as European and African nationals have all been managed within reparation practices. The reasons for offending are rich and varied. Substance abuse, mental health disorders, debt concerns, previous relationship breakdowns and the deaths of loved ones have all been cited by certain offenders as factors in their offending. This illustrates that close links with service suppliers is vital and should be strengthened and widened to include as many relevant service industries and community centres as possible. While the harm caused, the necessity for reparation and remorse, as well as the need to negate future recidivist tendencies is always strongly reiterated by panel members, the social care ethos of managing offenders is also a very important ingredient within panel practices. This

⁸⁵ See Umbreit, M.S. and Armour, M.P. *Restorative Justice Dialogue: An Essential Guide for Research and Practice* (New York: Springer Publishing, 2011) at 21 for a discussion on ‘humanistic mediation’ within restorative justice which is said to ‘rest on client empowerment, recognition of each other’s humanity despite the conflict, and the building of a deeper, mutually respectful relationship’

⁸⁶ Discussion with NCRP facilitator Emily Sheary, July 2012

⁸⁷ Woolford, A. *The Politics of Restorative Justice. A Critical Introduction*. (Halifax and Winnipeg: Fernwood Publishing, 2009) at 112. See especially Chapter 5

approach should be continued and explored further within future training programmes for volunteers, case workers and criminal justice professionals.