Ministry of JUSTICE

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## The fourth report from the evaluation of three schemes

**Joanna Shapland, Anne Atkinson, Helen Atkinson, James Dignan, Lucy Edwards, Jeremy Hibbert, Marie Howes, Jennifer Johnstone, Gwen Robinson and Angela Sorsby**

Ministry of Justice Research Series 10/08
June 2008

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First Published 2008

ISBN: 978-1-84099-200-7

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# Summary

## Introduction

This is the fourth report on the evaluation of three restorative justice schemes funded by the Home Office[1] under its Crime Reduction Programme from mid-2001: CONNECT, the Justice Research Consortium (JRC) and REMEDI. Restorative justice was defined as 'a process whereby parties with a stake in a specific offence collectively resolve how to deal with the aftermath of the offence and its implications for the future' (Marshall, 1999). Unlike most restorative justice schemes in England and Wales, the three schemes were designed to focus on adult offenders, some of whom were convicted of very serious offences. Earlier reports have examined how the schemes were implemented (Shapland *et al.*, 2004; 2006b), participants' expectations and take-up rates (Shapland *et al.*, 2006a; 2006b) and victims' and offenders' views on the process and outcomes (Shapland *et al.*, 2007).

This fourth report focuses on one of the key original aims of the Home Office funding, whether restorative justice 'works', in the sense of reducing the likelihood of re-offending and for whom it 'works' in this way. It also covers whether the schemes were value for money, measured as whether the cost of running the scheme was balanced or outweighed by the benefit of less re-offending.

Re-offending cannot be measured directly, because it is not possible to know exactly how many offences someone has actually committed in a particular period. The standard measure in England and Wales is the extent to which an offender has been reconvicted (or received another official disposal, such as a caution, reprimand or final warning) during a period of two years for an offence committed since sentence for the original offence. This is one measure the authors have used. Reconviction of the group of offenders who experienced restorative justice needs to be compared with reconviction of a control/comparison group, which should be as similar as possible to the restorative justice group, to minimise the effect of unrelated factors occurring during the period.

CONNECT provided indirect mediation (sometimes called shuttle mediation, where information is passed by the mediator between victim and offender), direct mediation (a meeting between victim and offender with one or more mediators present) and conferencing (a meeting with victim and offender supporters present as well). A matched control/comparison group was established by matching each individual offender in the restorative justice group on relevant variables which may affect offending, such as offence committed, age, gender etc.

JRC offered only conferencing, over three sites (London, Northumbria and Thames Valley) and at different stages of the criminal process. They used an experimental model in which cases were randomly allocated to either a conference or a control group (the latter meaning

1 From 2007, this area of policy comes under the new Ministry of Justice.

that the victim and offender were not able to participate in a conference) after victim and offender consent had been obtained. The experimental model meant the control group was established during the running of the scheme. Random allocation also means that there should be no other systematic differences between the conference and control groups, which provides greater confidence that any differences in outcomes between them are due solely to the experience of the restorative justice event.

REMEDI offered indirect mediation and direct mediation. A control group was established for REMEDI using the same method as for CONNECT.

None of the control groups had been matched on their previous criminal history, which affects the risk of reconviction. Comparisons using standard risk assessment instruments showed that there were no statistically significant differences.[2] There was considerable variation between the schemes and sites as to both their predicted likelihood of reconviction and their actual reconviction rates over the subsequent two years, showing that the schemes were dealing with adult and young offenders who posed very different risks of re-offending.

## To what extent was there re-offending after restorative justice?

There are several different measures of re-offending, all of which explore different aspects and can be useful for different types of offenders. The standard method in England and Wales is examining whether offenders in the restorative justice group **were reconvicted** in a two-year period (after receiving restorative justice or after a criminal justice decision, such as sentencing) to a significantly different extent to the control group. It is also important to look at whether there were any differences in receiving **other official disposals**, such as cautions, and to check whether similar results are obtained for offenders who have been **'at risk' in the community for at least a reasonable time period**, such as six months.

However, particularly with adult offenders, it is also important not just to look at whether someone has been convicted, but also to look at differences between the restorative justice and control groups in relation to:

- the frequency of convictions over the two-year period;
- the seriousness of convictions over the period; and
- the **cost of offending**, which combines elements of both seriousness and frequency into one monetary estimate of the cost of the offence, including the cost to the victim and criminal justice costs of processing the offence.

2 Statistical significance is a test of the likelihood that differences were not simply due to chance and, in this context, means that any measured differences between the restorative justice and control groups were not likely to have been caused by chance. Throughout the report, the use of the term 'significant' refers to statistical significance.

It was found that:

- Summed over all three restorative justice schemes, those offenders who participated in restorative justice committed statistically significantly **fewer** offences (in terms of reconvictions) in the subsequent two years than offenders in the control group.
- Looking only at **likelihood of reconviction** over the next two years, though the overall result tended towards the positive direction (i.e. that restorative justice reduced re-offending), this result was not statistically significant (therefore, it could have been caused by chance).
- When considering the restorative justice schemes summed together in terms of **severity of reconviction** there were no significant differences between the restorative justice and the control groups.
- All JRC groups (summed together) showed a lower **cost of convictions** versus a control group. Results for REMEDI and CONNECT were not statistically significant. Costs of convictions included the costs to potential future victims and criminal justice costs.
- The individual restorative justice trials and groups in this study each had relatively small sample sizes and therefore would not, on their own, be expected to have a large enough impact on re-offending to be statistically significant (i.e. so that we would know that they were unlikely to have been caused by chance).
- The exception was the Northumbria JRC court property trial which showed such a large impact on the reduced likelihood and severity of re-offending (against a control group) that these results were statistically significant. The JRC Northumbria site as whole also showed statistically significantly fewer reconvictions in the subsequent two years than offenders in the control group.
- There were no statistically significant results pointing towards any criminogenic effects of restorative justice (making people worse) in any scheme.

## For whom does restorative justice 'work', in terms of reconviction?

The next question is for whom and for what kinds of cases restorative justice is most likely to 'work', in terms of decreasing subsequent reconviction. In analysing this, it has to be borne in mind that there are clear, and well-known, effects of some demographic and offence variables on the likelihood of reconviction, which are nothing to do with restorative justice. All these analyses were done on JRC conferencing cases. The authors found the following.

- There was no significant effect of any demographic or offence variable (age, ethnicity, gender, offence type) on whether restorative justice created differences in whether offenders were reconvicted or in the frequency of reconviction between JRC restorative

justice and control groups (though, as would be found in a general population of offenders, female offenders and violence offenders were less likely to be reconvicted, people with drug problems were more likely to be reconvicted, and, because of the particular youth sample in this evaluation, young offenders were less likely to be reconvicted). Hence there is no evidence from this study that restorative justice 'works' better or worse for any particular demographic group and so it is not possible to predict, on the basis of this research, that it may work for any particular group.

- Some apparent differences on the likelihood of reconviction – in relation to completing JRC outcome agreements, where conferences were held, and how long victims spoke for in conferences – were in fact due to differences between conferences involving young offenders and those involving adult offenders. These factors affected the small number of cases the authors had involving young offenders, but not the majority, which involved adult offenders.
- There were no differences in subsequent reconviction related to victim views about the conference, whether the victim and offender knew each other, whether victims accepted any apology the offender made, or whether victims thought the offender was sincere.
- However, looking at adult offenders alone, there were significant relationships between several measures of re-offending and offender views about the conference. The way in which the offender had experienced the conference did relate to decreased subsequent offending. In particular, the extent to which the offenders felt the conference had made them realise the harm done; whether the offender wanted to meet the victim; the extent to which the offender was observed to be actively involved in the conference; and how useful offenders felt the conference had been, were all significantly and positively related to decreased subsequent reconviction. The conference experience itself and the communication with the victim had affected the likelihood of offenders' subsequent reconviction. A possible theoretical interpretation of this relates to the value of restorative justice conferences in promoting desistance in adult offenders: where offenders have decided to try to stop offending, a conference can increase motivation to desist (because of what victims and offender supporters said) and provide the support offenders may need to help tackle problems relating to their offending.

## The costs and benefits of restorative justice

The costs of running the three schemes were calculated, for each site, by combining the direct costs of employing staff, operating premises and running mediation or conferencing, with the indirect costs to other criminal justice agencies of liaising with schemes. Costs were calculated separately for the start-up phase, in which schemes were developing their mode of operation, training facilitators and undertaking initial cases, and the running phase, when staff were used to undertaking restorative justice. All costs were calculated using scheme accounts and nationally agreed pay scales, with premises costs being estimated as necessary according to normal conventions.

Because schemes varied in size and had different referral practices, the authors calculated for the start-up and running phases, a cost per month, a cost per referred case, a cost per case in which the offender agreed to restorative justice, and a cost per completed case (where restorative justice was completed for REMEDI and CONNECT or the case randomised into the restorative justice and control groups, for JRC). Looking at costs for cases involving adult offenders in the running phase, the total cost per month varied from £12,636 (for REMEDI) to £60,511 (for JRC London). The cost per case referred varied from £248 (for REMEDI) to £1,458 (for CONNECT). The cost per case in which the offender had agreed, taking into account all cases in that period, varied from £887 (for REMEDI) to £2,333 (for CONNECT). The cost per mediated case in which mediation was completed was £3,261 for REMEDI and £4,666 for CONNECT, whilst the cost per randomised case for JRC was £2,088 in Northumbria, £3,120 in Thames Valley and £4,173 in London (giving an estimated cost per case for restorative justice group cases of £5,457 for JRC London).

The costs of running restorative justice were primarily determined by staffing, including both facilitators/mediators and administrators. The costs paid to lay participants for travel and those of running conferences were low for these schemes.

There was no clear relationship between the size of the scheme (the cost per month) and the cost per case, so larger schemes, dealing with more cases, were not necessarily more efficient. Equally, schemes covering larger geographical areas were not much more costly. Work involving adult offenders or serious offences was not intrinsically much more costly (for example, half of Thames Valley work was pre-prison release for serious offences, while Northumbria work was on less serious offences).

Indirect and direct mediation (CONNECT and REMEDI) were no cheaper than conferencing (JRC). Though conferencing involves bringing participants together, including the cost of meetings, and including supporters for both offender and victim, indirect mediation could involve more individual contacts between each lay participant and the mediator, as information is passed. Difficulties in contacting participants took up mediator time.

The ease of operating the process, particularly in elements which depend on relations with other criminal justice agencies (such as obtaining victim contact details), was an important determinant of cost in terms of completing restorative justice (or getting to the point of randomisation). The more integrated the scheme was with criminal justice, the easier these processes appeared to be. This has implications for the way in which future restorative justice schemes might be encouraged: if they are intended to be linked to criminal justice decisions or processes, then they need to be solidly integrated with other criminal justice agencies.

In terms of cost benefits, or value for money, the only benefit which could be measured in financial terms in this evaluation was benefit from any decreased reconviction in the two years following restorative justice. The authors were unable to put a monetary value on victim satisfaction or any improvements to victim health from taking part in restorative justice. Value for money was calculated by looking at the cost saving (or benefit) by subtracting the cost of convicted offending in the two years after the restorative justice from the two years prior to the restorative justice, and then comparing restorative justice and control groups. On this measure, JRC produced a net benefit in terms of reconviction (the sums saved in decreased reconviction were greater than the cost of running the scheme), whilst CONNECT and REMEDI produced a net cost. Hence JRC had produced value for money.

# 1. Introduction

Since 2001, we have been evaluating three schemes undertaking restorative justice, primarily with adult offenders, during their period of operation under Home Office funding between 2001 and 2004. The first report considered how the schemes were setting themselves up and their interaction with criminal justice (Shapland *et al.*, 2004). The second report analysed the progress of cases through the schemes, victims' and offenders' expectations of restorative justice and what happened during restorative justice events (Shapland *et al.*, 2006a; 2006b). The third report concentrated upon victims' and offenders' views of the process: victims' views of whether the schemes were in accordance with their interests was one of the key aims of the schemes (Shapland *et al.*, 2007). This fourth and final report deals with two important, but rather technical, aspects: the extent of reconviction after restorative justice, which was another key aim; and the financial costs of the schemes and their value for money.

Restorative justice was defined by the schemes and the Home Office funding to involve: "a process whereby parties with a stake in a specific offence collectively resolve how to deal with the aftermath of the offence and its implications for the future" (Marshall, 1999). The original aims of the Home Office funding of the schemes, under the Crime Reduction Programme, were to reduce offending, and also to "retain significant focus on the needs and rights of victims" (Home Office, p.43), so "better representing the interests of the parties involved than the conventional criminal justice process is thought to do" (Home Office, 2001, p.39). This report hence deals with one of the main aims: to reduce re-offending.

This report addresses the following questions.

- Does restorative justice 'work', in the sense of reducing re-offending? (Chapter 2).
- For whom does restorative justice 'work' in this way (what types of offenders, what kinds of offences and what elements of restorative justice led to less re-offending)? (Chapter 3).
- What was the cost of running the schemes? (Chapter 4).
- Were the schemes value for money, in the sense of the cost of running the scheme being balanced or outweighed by the benefit of less re-offending? (Chapter 4).

## The schemes

The three schemes were CONNECT, Justice Research Consortium (JRC) and REMEDI.

CONNECT, run jointly by NACRO and the National Probation Service in London, was funded between mid-2001 and summer 2003. It was a small scheme, working with two magistrates' courts in Inner London, taking cases involving adult offenders mainly between conviction and sentence, but with some referrals from victims and following some cases on to the Crown Court. It offered a wide range of restorative justice services, including indirect mediation, direct mediation and conferencing, over a wide range of offences involving personal victims.

Indirect mediation (sometimes called shuttle mediation) involves information being passed by one or more mediators between the offender and victim. There is no face-to-face meeting between offender and victim. Direct mediation includes a face-to-face meeting between the offender and victim, with one or more mediators or facilitators also present. Conferencing also involves a face-to-face meeting between offender and victim, with facilitator(s), but one or more supporters of the victim and the offenders are also present (family, people affected by the offence, people who are important to the offender or victim). Over the funding period, CONNECT undertook 50 cases in which restorative justice was accomplished: 37 with indirect mediation, 11 with direct mediation and two with a conference.

JRC worked on three sites from mid-2001, using conferencing only, with the last cases with Home Office funding being taken by the end of March 2004. After an initial period (Phase 1), it moved to random assignment of cases between experimental and control groups at a point after both offender and victim had consented to a conference (Phase 2). This means that in Phase 2, approximately equal numbers of cases were randomly assigned either to a conference group, which proceeded to hold the conference, or to a control group, which had no further restorative input. The aim was to create two very similar groups of cases so that the effects of holding the conference could be studied. Some 728 cases reached the point of randomisation, with 342 being assigned to a conference.

In London, there were two such randomised controlled trials (RCTs) with adult offenders, one involving offences of burglary of a dwelling (186 cases randomised, 92 to a conference), and one involving offences of street crime (robbery, attempted robbery, theft from the person: 106 cases randomised, 53 to a conference). Both took cases being tried at Crown Court centres in Greater London, with the restorative justice work taking place after a guilty plea and prior to sentence. In Northumbria, one RCT took cases involving an identifiable individual victim pre-sentence for adult offenders at the magistrates' court, with restorative justice taking place between a guilty plea and sentence (105 cases randomised, 47 to a conference). A second RCT took youth offenders given a final warning for property offences or violent offences involving an identifiable individual victim (165 cases randomised, 80 to a conference).[3] A further group of cases were those for which an adult offender was given a caution for offences of violence, but these were mostly not randomised and are not included in this report (45 conferences were held). In Thames Valley, there were two RCTs, both involving adult offenders and offences of violence, broadly defined. One involved cases where the offender was supposed to be within twelve months of the planned date of release from a determinate sentence and where the restorative justice took place pre-release (103 cases randomised, 43 to a conference).[4]

3 JRC have indicated that these cases were, after the first 50, run as separate assault and 'all other crimes' trials in terms of randomisation sequence. However, this was not clear in terms of the ways in which the facilitators worked or the data given to the evaluators and so all these cases were analysed together.

4 Although some offenders were contacted and took part in restorative justice considerably prior to the 12-month point before their planned release date.

The other involved offenders given a community sentence at the magistrates' court, with conferences taking place post-sentence (63 cases randomised, 27 to a conference).

REMEDI, the third scheme, had been set up in Sheffield many years before the Home Office funding started, with the Home Office funding period running from mid-2001 to the end of March 2003. The funding enabled REMEDI to offer a county-wide service of indirect and direct mediation across South Yorkshire. Both adult and youth cases are included in this evaluation, from a very wide selection of criminal justice stages, including youth cases involving final warnings, referral orders and other youth justice sentences, and adult cases given a community sentence, during resettlement pre-release from prison or during a long prison sentence. Referrals were from offenders themselves, from the National Probation Service and from victims. Of the total number of cases during the funding period, 97 involved indirect mediation and 35 direct mediation.

The results in this fourth report are the results obtained by these three schemes at that time. If similar schemes were to be set up in the future using the same procedures and offering the same forms of restorative justice at the same points in criminal justice, one would expect similar results. This is a large trial of restorative justice, much larger than many others (Miers *et al.*, 2001), involving three different sets of scheme managers and facilitators. There were no unusual criminal justice events during the running of the schemes. Though it is not possible to calculate the statistical generalisability of the findings (because the exact parameters of the population is not known), there is no reason to believe there would be major differences if the work was repeated in future.

## Measuring re-offending

Re-offending cannot, in itself, be measured. It is not possible to know exactly how many offences of all types someone has committed in a particular period. Moreover, one can only really say that a crime has occurred if it has been officially judged as such by the state, through the offender receiving a conviction or another official disposal (caution, reprimand or final warning). In this report, re-offending will be looked at in the context of reconviction or further offending resulting in an official disposal. The methods used to judge the extent of reconviction or further official disposals are described in Chapter 2.

If an offender receives a prison sentence, then the potential for re-offending in the community can only occur when he or she is released from prison. Because of early release and parole possibilities, particularly because the schemes were dealing with serious offences, it was not possible for the authors to assume that offenders would be released from prison after a set fraction of their sentence had been served. They have, therefore, with help from the Home Office (now the Ministry of Justice) Research Development and Statistics staff, attempted to ascertain from the centrally held prison database the date when each offender was released from prison in relation to the instant offence (the offence for which they were undertaking restorative justice or one sentenced at the same time) and any subsequent prison sentences over the next two years. This

proved a difficult undertaking, because the database had not been designed to acquire such data quickly, and it was not possible to find dates for all those who had been sentenced to prison.[5] Where data from the prison database were unavailable and where it could not be ascertained that the person was still in prison at the end of the two years (from the Prisoner Location Service), the date of release from prison has been estimated.[6]

## Control (comparison) groups

Purely tracking whether or not someone has been reconvicted (or given another official disposal) over a period of time does not allow one to say to what extent an intervention 'works'. There might have been other changes during that time (to levels of employment or in the overall crime rate, for example), which themselves may affect likely levels of re-offending. Hence it is necessary to compare measures of offending between the experimental (or restorative justice) group and a control/comparison group.

JRC conducted an experimental trial in which offenders and victims were warned that, if they agreed to take part in restorative justice, their case would then be randomised at the point where both had agreed. They would be randomised into either an experimental group which would proceed to the conference (the restorative justice group), or a control group, for whose participants the process would stop, with the only remaining contact with JRC being a follow-up interview or questionnaire (and contact with the team of researchers to see what their views were of the whole process). This is a randomised controlled trial method, with trials (RCTs) occurring at each site (London, Thames Valley and Northumbria). The JRC process hence produced its own control group. This is considered methodologically as the best method to control for any extraneous or selection factors which might affect the possibility of re-offending and is level 5 on the Scientific Methods Scale (the Maryland Scale, with level 5 sometimes being known as the 'gold standard') (Sherman *et al.*, 1998).

Nonetheless, it is necessary to check whether the control groups turned out to be equivalent to the restorative justice groups in terms of demographic details of participants etc.[7] In the

5 The prison database is intended for use by prisons and management and so is concerned primarily with whether an offender is and should be in prison, or not. It was important to sort out the different prison terms for offenders who had been given different custodial sentences on the same conviction occasion (court appearance at which they had been sentenced for one or more offences) or on different occasions which were close in time.

6 In order to make this estimation as accurate as possible, the proportion of sentence served for all those for whom prison release data for each scheme and each site were available was calculated. Separating sentences into those of less than four years and those of four years or more, it was found that there was no significant difference between sites or different types of offence as to the proportion of the sentence served. There was, however, a significant difference for sentences of less than four years and those of four years or more. Where prison release data were not available, the mean proportions of 0.4457 (for less than four years) and 0.5174 (for four years or more) of sentence length from the date of sentence were used to provide prison release dates.

7 Control groups for all three schemes could only be checked in relation to what are called 'static' factors, such as age, gender, type of offence, sentence etc. (factors which the offender cannot change). These are the only data that are routinely collected for all offenders by the criminal justice system databases and which were available to the schemes. They are also the data which would be available to any future restorative justice scheme from criminal justice records. Some evaluations of interventions have stressed the role of 'dynamic' factors (which the offender can change: such as employment, accommodation, attitudes). The authors could not check for these but have no reason to believe that they would be different between experimental and control groups for either the randomised control or the individually matched control groups.

second report, the authors found that there were no significant differences[8] on the main offence within the RCT, the offender's age, bail status, type of sentence, length of custody, type of community sentence, or the victim's age, gender and ethnic group between the restorative justice and control groups for each RCT, except that:

- London street crime restorative justice group offenders were significantly more likely to have been given a community sentence or other sentence, whilst control group offenders were more likely to have been sent to prison ($p<0.01$; Shapland *et al.*, 2006b, Appendix 2); and
- Northumbria final warning offenders in the restorative justice group had a different offence profile (more theft/fraud, less criminal damage) than the control group and were significantly more likely to have victims who were female than the control group ($p<0.01$ and $p<0.05$ respectively; idem.).

From the Police National Computer (PNC) data, it is possible now also to say that there was no significant difference on offender gender or ethnicity, according to those records, for any JRC RCT, except that London street crime restorative justice group offenders differed slightly from the control group on ethnicity (restorative justice group had more Asian offenders, control group more African-Caribbean offenders[9]) on one test.[10]

CONNECT and REMEDI did not run an experimental model, so the authors needed to create control groups of offenders who had not participated in restorative justice and who were as similar as possible to the restorative justice groups. There are two possibilities. The first is individual matching, where each control group offender and case is individually identical, or as similar as possible, to a restorative justice group offender and case. The second is to match cases such that, overall, the restorative justice group is no different to the control group on the relevant variables, even though individuals may differ. The first is the more powerful method, particularly if little information is available on what kinds of variables may affect responses, as is the case for restorative justice. The authors have used this individual matching method. Having matched control groups scores 4 (the point below the top) on the Scientific Methods Scale.

For CONNECT, the authors looked through the magistrates' court register to find cases from the two relevant magistrates' courts, but which were sentenced just prior to CONNECT starting in that court. They attempted to match cases individually on, in order, gender (male/

8 In this report, the term 'significant difference' is used to identify a statistically significant difference, at the 5% level, which means that the result is only likely to be obtained by chance once in 20 times. This is the standard measure used in social science to indicate that there is unlikely to be a random effect, and that it can be considered robust enough to draw conclusions from it.

9 This was the categorisation term used by the police at the time (see Shapland *et al.*, 2004b).

10 Likelihood test: $p=0.026$, likelihood ratio=12.76, df=5, but not significant on Pearson chi-squared test.

female), type of offence (violence/property/motoring), exact main offence, and age group.[11] Of the 49 restorative justice group cases for which the authors had consent to acquire personal data, 47 offenders were found on the PNC. From these 33 pairs perfectly matched on these variables could be obtained, with another 13 pairs with slight differences in age group, two on offence and one on gender, making a total of 47 matched pairs. There was no significant difference for CONNECT between restorative justice and control groups on any of the variables mentioned above for JRC, including the sentencing variables.

The same method was not possible for REMEDI, because offenders had been sentenced in all the courts in South Yorkshire, had come to local prisons from different courts and the young offenders had been given final warnings by different police stations. The best method was to search the PNC for possible matches, checking that these people were not involved with REMEDI. The Home Office (now Ministry of Justice) PNC section provided a set of anonymous cases from the relevant postcodes and time periods, on the same offences, from which adult offenders were individually matched on, in order: case type (conviction/reprimand/final warning), Home Office offence code for main offence, gender, type of disposal (prison/community sentence/other), nearest prison release date,[12] age group, duration of prison sentence, age in years at time of offence. For REMEDI adult offenders, 32 perfectly matched pairs were obtained, 18 who differed slightly in duration of prison sentences and two who differed slightly in age band. For young offenders, the order for matching was: case type, Home Office offence code, gender, type of disposal, age in years at time of offence, duration of disposal. It was possible to find 49 exact individual matches on these criteria, one differing in gender, five in type of disposal, 12 in exact age and one, slightly, on type of offence.

## Risk prediction

Since the restorative justice and control groups were not matched on previous convictions, it is also important to see whether they did have similar offence histories, as far as this affects the likelihood of subsequent re-offending. Two risk prediction instruments are available (OGRS2 and PSA), both of which have been used nationally in England and Wales, and which primarily use previous offending histories and demographic variables to predict subsequent offending. The older one is OGRS2, which uses the nature of the instant offence, gender, age at conviction, length of criminal career, age at first conviction, number of custodial sentences under 21, and whether the offender has been convicted of a breach or burglary.[13] The more recent is the PSA

11 The age groups used were 18-24, 25-29, 30-39, 40-49, 50-59. These are the only variables reliably present in court registers. Where offenders were sent to the Crown Court for sentence or trial, the authors obtained results of convictions and sentence either from the Crown Court data returned to the magistrates' court, or from the PNC. Given the rarity of a few offences involved, the authors were fortunate to have been able to obtain good individual matches.

12 Where prison release data were not available, sentence length and approximate date of sentence were used.

13 OGRS2 was developed from a study of 30,000 offenders sentenced to community sentences or discharged from prison in 1995 and uses entirely static factors to predict re-offending. The formula used was for use on either adults or young offenders. For an analysis of OGRS2 strengths and weaknesses, see Stephens and Brown (2001). See also Robinson (2003) for a critique of actuarial methods.

formula, which uses similar elements, but in different combinations (Cunliffe and Shepherd, 2007). Youth PSA scores predict offending over a one-year period, whilst OGRS2 and adult PSA scores predict offending over a two-year period, so youth and adult scores are not directly comparable. The OGRS2 and PSA scores were calculated using formulae provided by the Home Office and the results for the sites are shown below in Table 1.1. The table shows the percentage of offenders in the group who would be expected to be reconvicted in the two years following the instant offence (one year for youths on the PSA score).

There were no significant differences between the restorative justice and control groups on risk of re-offending, whether calculated using OGRS2 or the PSA risk score. This means that sentencers were not sentencing the experimental and control groups differently because the experimental group had received restorative justice.

What is also apparent from Table 1.1 is the diversity of likelihood of re-offending between sites, as shown by these risk prediction indices. If the groups were to behave like the national samples on which the risk prediction instruments have been calibrated, then at least three quarters of the JRC London burglars would be reconvicted in the two years, whilst this would be true of less than half of the JRC Northumbria court assault group and the Thames Valley community group. The likelihood of reconviction may also not follow what are seen as traditional offending patterns and this is important to be aware of when considering the actual reconviction results. One might think that young offenders are less likely to be reconvicted, but, on OGRS2, half those given final warnings in Northumbria and referral orders or final warnings for REMEDI would be expected to be reconvicted over two years. More serious offences (for example, street crime in London or those released from prison in Thames Valley) do not necessarily mean a greater likelihood of reconviction for any offence, compared, for example, to the London burglars or the Northumbria court property offenders.

## *Table 1.1: Risk prediction scores for the restorative justice and control groups*

| Scheme and site | Type of control group | Mean % expected to be reconvicted | | Any difference? | Mean % expected to be reconvicted | | Any difference? |
|---|---|---|---|---|---|---|---|
| | | RJ group OGRS2 | Control group OGRS2 | | RJ group PSA | Control group PSA | |
| CONNECT direct mediation | Indiv. match | 40.8 | 60.4 | ns | 51.0 | 68.7 | ns |
| CONNECT indirect mediation | Indiv. match | 43.1 | 50.8 | ns | 50.2 | 58.5 | ns |
| Total CONNECT – all cases | Indiv. match | 42.6 | 53.1 | ns | 50.3 | 61.0 | ns |
| JRC London street crime | RCT | 54.9 | 46.4 | ns | 64.1 | 54.6 | ns |
| JRC London burglary | RCT | 71.7 | 70.8 | ns | 78.7 | 77.9 | ns |
| JRC London total | Comb. RCT | 66.1 | 62.0 | ns | 73.9 | 69.5 | ns |
| JRC Northumbria final warning | RCT | 51.1 | 49.8 | ns | 32.68* | 33.75* | ns |
| JRC Northumbria court property cases | RCT | 69.7 | 71.4 | ns | 79.2 | 78.5 | ns |
| JRC Northumbria court assault cases | RCT | 46.8 | 46.1 | ns | 62.8 | 56.4 | ns |
| JRC Northumbria total | Comb. RCT | 54.0 | 53.8 | ns | - | - | - |
| JRC Thames Valley prison | RCT | 51.1 | 54.6 | ns | 59.8 | 62.7 | ns |
| JRC Thames Valley community | RCT | 39.2 | 39.5 | ns | 50.4 | 50.0 | ns |
| JRC Thames Valley total | Comb. RCT | 46.7 | 47.8 | ns | 56.4 | 57.0 | ns |
| Total JRC – all sites | Comb. RCT | 56.6 | 55.4 | ns | - | - | - |
| REMEDI adult direct mediation | Indiv. match | 53.4 | 56.7 | ns | 65.2 | 63.1 | ns |
| REMEDI adult indirect mediation | Indiv. match | 54.1 | 57.1 | ns | 65.0 | 70.3 | ns |
| REMEDI adult total | Indiv. match | 54.0 | 57.0 | ns | 65.0 | 68.9 | ns |
| REMEDI youth direct mediation | Indiv. match | 63.7 | 67.4 | ns | 49.57* | 50.12* | ns |
| REMEDI youth indirect mediation | Indiv. match | 56.3 | 60.5 | ns | 40.98* | 45.69* | ns |
| REMEDI youth total | Indiv. match | 58.4 | 62.4 | ns | 43.40* | 46.94* | ns |
| Total REMEDI – all cases | Indiv. match | 56.8 | 60.1 | ns | - | - | - |

Note: 'ns' means no significant difference at the $p<0.05$ level in an independent samples t-test. All figures are over the RJ period (see Chapter 2). Because the PSA scores are over one year for youths, but two years for adults, it is not possible to combine figures for sites with both adults and youths.

* means youth group: reconviction % over one year only.

## To what extent would one expect to find significant differences in reconviction, given the size of the schemes?

Before turning to the results, it is important to be aware of the possibilities for showing significant results on reconviction, given the size of the groups with which the schemes worked. Generally, if group sizes are small, one needs to have a larger effect in order to find a significant difference through a particular intervention. It is extremely rare for interventions in criminal justice to produce an effect greater than, say, a 10% drop in the likelihood of reconviction. If the group sizes are such that a 20% or 30% effect would be needed to show a significant difference, then this would be out of the normal run of successful criminal justice interventions (particularly interventions which occur at one point in time, but are then expected to show effects over a two year reconviction period).

It is possible to calculate how many people would need to be included in the experimental and control groups for JRC, CONNECT and REMEDI, in order for a 10% difference in reconviction between the restorative justice and control groups to become significant. This 'power calculation' should ideally be done during the planning of a scheme, so that schemes can be developed to reach the necessary numbers. However, the calculation also shows whether one could expect the numbers the schemes did achieve to produce significant differences. The numbers required for the groups vary slightly, depending on the base level at which the restorative justice group was reconvicted in the following two years (Table 2.1). For JRC as a whole, taking the standard parameters of 80% power and a 5% significance level, it would require 390 offenders in each of the experimental group and the control group (780 in total) to show significant differences if restorative justice were creating a 10% difference in reconviction rates. For CONNECT, it would require 386 in each group (772 in total). For REMEDI, it would require 385 in each group (770 in total). Quite clearly, these numbers of cases required are far higher than those achieved in both CONNECT and REMEDI – CONNECT only completed 50 cases and REMEDI 132. In JRC, the trial with the lowest number of cases needed, the Northumbria court property trial, still would require 158 offenders in each group (316 in total) to show a 10% difference in reconviction between experimental and control groups. It had only 31 in the restorative justice group and 32 in the control group (Table 2.1). None of the JRC individual trials meet the numbers criteria to show a 10% effect. It is only if one sums all the JRC trials together that the required numbers are nearly met (there were 374 in the restorative justice group and 354 in the control group for JRC as a whole, as against the requirement for 390 in each group). Showing a significant effect in terms of reconviction will be a stiff test for restorative justice in relation to these three schemes.

# 2. To what extent have participants re-offended after restorative justice?

## Assessing reconviction rates

### Reconviction or rearrest?

The generally accepted method in England and Wales for assessing the extent to which offenders have re-offended after an intervention is to measure whether or not they have been reconvicted in the two years following the intervention, as compared with a control group which has not received the intervention (Harper and Chitty, 2005). Home Office data on re-offending by offenders given different sentences showed 58% of adult offenders (aged 18 or over at date of sentence or release from prison) were found to have been reconvicted in the subsequent two years after sentence or release (Shepherd and Whiting, 2006).[14] However, re-offending varied considerably by age, type of offence and type of sentence, so that, for example, 66%of those sentenced to prison re-offended, compared to 53% of those given a community sentence.

Other countries have used different standards for measuring re-offending. Re-offending studies in the US, for example, have tended to look at re-arrest rates by the police, rather than reconvictions by courts, partly because of the extent of plea bargaining. Youth studies have often used one-year follow-up periods, because of the steep rise in the age-crime curve in mid to late adolescence (Laub and Sampson, 2003), which makes before/after comparisons over longer time periods difficult. Sherman and Strang (2007), for example, quote offender rearrest rates per year over a two-year period for their Australian RISE study involving both adult and youth offenders, but one-year arrest rates for the JRC Northumbria youth conferencing, which is part of this evaluation. However, arrest rates can only be proxies for reconviction, and are less reliable where offenders can be rearrested for the same offence (as in England and Wales). There is also evidence that arrests reflect policing practices and not simply offending, which casts further doubt on their reliability as a proxy for re-offending (see, for Scotland, McAra and McVie, 2005). In this study, with adult offenders in England and Wales, two criteria have been used: (a) reconviction during the relevant period; and (b) a new official disposal (conviction, caution, reprimand or final warning) during the relevant period.

To do this analysis, records were obtained from the PNC for all the offenders who agreed that the authors could obtain personal details and who completed restorative justice within the CONNECT and REMEDI schemes during the period of the evaluation or whose cases were completed or randomised in the JRC scheme. The PNC is now very reliable and also

14 More recent national reconviction rates are available from Cunliffe and Shepherd (2007), which relate to the cohort of offenders sentenced or released from prison in the first quarter of 2004. However, the 2003 cohort better represents the time period over which the restorative justice schemes worked.

contains young offenders' convictions and other official disposals.[15] It was possible to match over 90% for all sites.[16] Reconviction has been treated as being a conviction for an offence during the relevant period.[17]

### At what points should the re-offending period start and stop?

The national figures for England and Wales took their two-year period as starting at sentence or when someone was released from prison and counted every offence committed during that period, whenever conviction for that offence happened. This evaluation cannot use exactly the same method. One reason is that it is not possible to be certain that every conviction or other official disposal resulting from an offence within the two-year time period has been tracked, because offenders may yet be caught for offences committed during that time.[18] A second is that, though offenders involved in restorative justice during a prison sentence were supposed only to have been included in the schemes' work if they were to be released fairly shortly after restorative justice, in fact some offenders from the JRC Thames Valley prison RCT and the REMEDI resettlement work were not released for some time.[19] Hence, by the time of gathering reconviction data, although they had all completed two years since the restorative justice conference or randomisation, some had not completed two years since release from prison. Anyone who spent the entire period in prison, because they were given a long sentence for the instant offence for which they undertook the restorative justice or for another offence for which they were convicted on the same occasion has been omitted from the analysis.[20] Reconvictions, therefore, comprise those reconvictions (or official disposals) which occurred during the two years after the instant offence, if the offence leading to the reconviction or disposal was committed after the instant offence. Only offenders who were in the community and hence 'at risk' during that period (i.e. they were out of custody for at least some time in the two years) have been included.

15 The Offenders Index, previously the standard database for criminal record studies, does not contain official disposals for young offenders which are not convictions and is now less reliable for adult offenders.

16 The percentages matched on the PNC were 100% for London street crime experimental and control groups, Northumbria final warning experimental group, Northumbria court experimental and control groups, Thames Valley prison experimental and control groups, Thames Valley community control group, and REMEDI adult and youth control groups; 99% for London burglary control group; 98% for Northumbria final warning control group; 96% for CONNECT restorative justice and control groups, and REMEDI youth restorative justice group; 93% for London burglary experimental group; and 91% for REMEDI adult restorative justice group.

17 This does not include a breach of a sentence (such as a breach of the conditions of a community sentence), because that is not, legally, an offence, but it does include subsequently breaching bail or escaping from custody or breaching prison licence conditions (all of which are offences).

18 The authors examined PNC data up to November 2006, which is at least three months after the two year RJ and CJ periods (and often far longer) for all offenders, except Thames Valley prison offenders who had not yet been released from prison. However, Shepherd and Whiting's (2006) findings, based on a 2003 cohort, must in practice have been subject to the same proviso.

19 A few have still not been released as at November 2006.

20 Ten JRC London street crime experimental group offenders and seven control group offenders; four London burglary experimental group offenders and seven control group offenders; eight Thames Valley prison experimental group offenders and 12 control group offenders; four CONNECT restorative group offenders and two control group offenders; and 11 REMEDI adult restorative group offenders had not been out of prison in the two years since the conference, direct mediation or end of the indirect mediation, or its equivalent point for the control group. They are not included in any of the analysis which follows. If a REMEDI adult offender had not been out in those two years, a control group offender was not sought.

But from exactly which point should this period of two years start? There is no accepted definition of the period during which restorative justice should 'work' (in the sense of preventing re-offending). Should one take restorative justice as able to work:

- from the time of the restorative justice event (the conference, for conferencing, or the last date of contact with the mediators, for mediation)?
- from the time of the last follow-up of the restorative justice event by the scheme?
- from the time of the criminal justice decision into which the restorative justice process led: sentence, if it was pre-sentence, or release from prison, if it was pre-release?
- should we adopt the methodology of medical trials, for the JRC random control trial, and take it from the date of randomisation? This is not a possible option for CONNECT and REMEDI, because there was no randomisation.[21]

Where the intervention is a process, as restorative justice is, then it becomes more difficult to specify exactly which is the most relevant time point in relation to re-offending. For conferencing and direct mediation, in the authors' view, the key moment as far as restorative justice itself is concerned is the meeting between victim and offender, rather than the last contact with the scheme.[22] Maxwell and Morris (2001) in New Zealand and Hayes and Daly (2003) in Australia have also taken a similar view. This evaluation has hence called the two-year period, starting from the direct meeting, the restorative justice period or 'RJ period'.[23] It is more difficult to pinpoint a clear starting date from which restorative justice should 'work' with indirect mediation, where there is no meeting, but which is a continuing process of information being passed between victim and offender by the mediator. Here, this evaluation has have taken the last contact with the scheme as defining the end of the process and the start of the RJ period.

Yet restorative justice which is intimately connected with criminal justice, such that the outcomes of restorative justice are fed into criminal justice decision making, might only be said to be fully enabled to 'work' on re-offending when that criminal justice decision is taken. Hence, re-offending has also been calculated over a criminal justice period, or 'CJ period', being the two years after the criminal justice decision or when it could become operative: the date of sentence for pre-sentence restorative justice and post-sentence community-based restorative justice; the date of the final warning for young offenders given a final warning; the

21 It is important to note that, in general, JRC randomisation occurred immediately after the victim had agreed to take part, the offender having previously agreed. Offenders would not normally be aware exactly when the victim had agreed or whether this had happened and so, if one takes this date, this is a very different process to medical trials, where the patient normally knows when randomisation occurs (though not necessarily to which group they belong).

22 The latter tends to depend on whether schemes follow up progress on outcome agreements, if they are part of the restorative justice process, and on factors such as whether the victim wishes to remain in contact.

23 All analyses were done on an 'invitation to treat' basis, so where such a restorative justice event was scheduled, but did not occur for whatever reason (only a very few cases fell into this category), the date of the scheduled event was taken as the start of the RJ period. If no conference had been scheduled at all before the case 'collapsed', the date of last contact/closure date was taken as the start of the RJ period.

date of release from prison for pre-release or resettlement based restorative justice. Using this measure also tests, for pre-sentence schemes, whether there was any effect of being in the restorative justice group on the length of the period between the restorative justice event and sentence (for example, if sentencers would be more likely to put off sentencing until a restorative justice event had taken place).[24] If there are similar results using the RJ period and the CJ period, then there is no such effect. The exact definitions of the RJ period and CJ period for all the schemes and sites are given in Appendix 1.

### Any reconviction, or frequency or seriousness or cost of reconviction?

Shepherd and Whiting state "Every known measure of re-offending has its drawbacks" (2006, p.1). The authors agree. Whether or not someone is reconvicted can only be an estimate of re-offending. Moreover, it may not be a very sensitive measure of re-offending, particularly for adult offenders who are more persistent in their offending. If, for example, someone is highly likely to re-offend, then they may be reconvicted shortly after the two-year period starts – and indeed commit several more offences and be reconvicted several more times in that period. If the intervention affected their re-offending, it would be more likely to change how often they are reconvicted (frequency of reconviction), rather than whether they were reconvicted at all. Persistent offenders do desist (stop offending), but some tend to do it slowly, with many a stop and start on the way (Laub and Sampson, 2003). In terms of harm to victims, a reduction of offending in more persistent offenders is likely to be as beneficial or potentially more beneficial than an occasional offender stopping altogether.

It is, hence, important to measure the frequency of reconviction as well as whether someone is reconvicted. There is no generally accepted way of exactly how to do this in a population of adult offenders, some of whom have committed many previous offences, though the Home Office has developed a frequency scale, which we have used.[25] Our frequency measure is the number of offences committed during the relevant period which resulted in an official disposal in that period.

Frequency, however, is affected by the amount of time someone spends in the community and so is at risk of offending. It would be unfair to compare one group who had spent, say, just a few days out of prison in the time period with another group who had spent the whole two years out. For both the likelihood of any reconviction (or other official disposal) and for the frequency of reconviction/disposals, therefore, two sets of results are presented. One

24 Note that those operating restorative justice pre-sentence (JRC in some sites and CONNECT) all had to work within criminal justice parameters for adjournments between conviction and sentence to complete all restorative justice processes up to and including the restorative justice event (normally no more than a 28-day adjournment; the same as the courts were operating for pre-sentence reports from the Probation Service). In general, therefore, there was little difference between the RJ and CJ period start dates – a matter of a few days at most. However, occasionally, courts did not sentence when scheduled to do so (the data suggest this was because of other factors extraneous to restorative justice, such as probation reports not being ready) and so this test between RJ and CJ periods is useful.

25 By kind permission of the Home Office Research Development and Statistics team. The authors are also grateful for the possibility of using the newly developed severity scale.

compares the experimental and control groups with people included who have any time at all out in the community in the period (even just one day). The other only compares people who have had at least six months out in the community in the period. It is very difficult to say how long someone needs to be out before they could commit an offence and clearly it will depend upon the type of offence (breaking a window can be a spontaneous decision; planning to commit a burglary with others obviously takes longer). Shepherd and Whiting (2006) have looked, nationally, at the time at which the first offence took place in a two-year period since sentence or release. Their graph shows a steep rise in probability over the first two to three months, followed by a flatter curve. Having at least six months at risk may allow us to split the 'revolving door' petty persistent people from the more long-term, more serious offenders.

If an intervention is beneficial, it may affect the seriousness of offending, rather than (or as well as) whether or not someone is reconvicted or the frequency of offending. If, for example, an armed robber turns to shop theft or is only reconvicted of possession of a small amount of cannabis, that is, in terms of its effects on society and on victims, a beneficial result. Therefore, one also needs to measure the seriousness of subsequent offending. Seriousness scales (trying to rank or rate offences according to how serious they are perceived to be) have a very long history in criminology, but, unfortunately, much of the literature is quite old and perceptions of severity do change over time and culturally (domestic violence, for example, is now seen as much more serious than it used to be).

Fortunately, the Home Office has been developing a severity scale over the last few years, which grades the 227 most common offences on a ten-point scale, from the most serious (such as murder) at point 1 to the least serious (nuisances) at point 10. The most serious offence on one offending occasion was coded. An offending occasion is commission of one or more offences on the same occasion (so, for example, two burglaries, even if leading to convictions on the same date, would be two offending occasions, but assaulting many people in the same flailing fight, even if it led to several charges, would be one offending occasion). Where offenders were convicted (or given an official disposal) of an offence outside the 227, it was allotted to the same point as similar offences on the scale.

Frequency and seriousness are two potentially independent dimensions of offending careers. Both tend to produce distributions indicating that most people do not re-offend or commit only few offences, a few people commit a very large number; most people commit minor offences, a few people commit very serious offences.[26] Those analysing reconviction after an intervention have the problem that the statistical comparisons that can be made between two groups both of which show a J-shaped distribution are not very sensitive. It is also very difficult to know how to represent a change in seriousness in one person's offending and then sum this across groups. Moreover, it could be argued that there is a qualitative difference between someone who has not been reconvicted of another offence and someone who has

26 Statisticians would call these 'J-shaped distributions', because they resemble the shape of the capital letter J.

– and that that difference is greater than the difference between someone who is convicted of one offence and someone who is convicted of two offences.

The authors have, therefore, used one final measure of re-offending, which is really only in its development stage, but which has the promise to get over some of the difficulties associated with frequency and seriousness as separate measures. This is a direct measure of the cost of the re-offending.[27] Re-offending produces costs to victims, both in terms of financial loss (cost of property stolen or damaged, time off work) and in terms of pain and suffering. More serious offences produce far greater costs (Shapland and Hall, 2007). It is possible to calculate, from questions in the British Crime Survey and other measures, the cost to victims of different offences (Dubourg *et al.*, 2005; Brand and Price, 2000). It is also possible to calculate the cost to the criminal justice system of catching the offender, prosecuting him or her and court costs, as well as the cost of the disposal (Shapland *et al.*, 1996; Brand and Price, 2000). Combining the two provides a measure of the cost of crime, expressed in financial terms.

Each offence committed in the period can then be summed to give an overall cost of crime in that period, such as the two-year restorative justice or criminal justice period for reconvictions.. The authors have also calculated the cost of crime for each offender for the two-year period **prior** to the sentence date for the instant offence (omitting the instant offence itself, which was the subject of the restorative justice, and other offences sentenced at the same time). The cost for the post restorative justice period can then be subtracted from the cost before, thus producing a net benefit or cost in financial terms for each offender. The benefit or cost can be summed over the whole restorative justice or control group and the two groups compared, to see whether there is a significantly greater benefit or cost for one group compared to the other. This is a far more normally distributed measure than other measures of frequency/seriousness and allows one to compare the experimental and control groups on this measure (and also, by summing the result over the group, the overall cost benefit of the intervention, discussed in Chapter 4). The only disadvantage here is that it was not possible to acquire prison release dates for the two years before the instant offence. If someone was in prison when the two years before started and remained in prison for a substantial period, then one is not able to add in the criminal justice costs for this time in prison.

## What expectations can one have for changes in reconviction?

A key aim for the restorative justice schemes was that those who received restorative justice should be reconvicted less often (or less frequently, or for offences of lower seriousness) than those who did not experience restorative justice, represented by the control group. However, one has to be realistic in expectations for reconviction. As Paul McCold (2006, p.3) says in a recent review:

27 The authors are very grateful to Richard Dubourg, who had the original idea, in a long meeting discussing the methodological difficulties of comparing seriousness and frequency, of using the cost of crime in this way for this study.

> *Demonstrating scientifically valid statistically significant reduction in re-offending by any one-shot criminal justice intervention is rare in the criminal justice literature …. If participation in a restorative process actually does produce consistently lower recidivism rates, it would be unique in that regard and, thereby, destined to become the greatest discovery in criminal justice history with implications well beyond criminal justice.*

It would, therefore, be surprising if consistent statistically significant results were found for all the sites for all three schemes in this evaluation, particularly given that some sites/trials had relatively low numbers of participants.

On the other hand, it is very important to examine whether restorative justice has any criminogenic potential – i.e. whether it encourages offenders to offend, such that there are statistically significant results in the wrong direction. Braithwaite (2002, p.61) concluded:

> *My own reading of the three dozen studies of re-offending reviewed is that while restorative justice programs do not involve a consistent guarantee of reducing offending, even badly managed restorative justice programs are most unlikely to make re-offending worse.*

However, this is something that should be considered for all criminal justice interventions and certainly needs to be checked in the case of these three schemes. There is a theoretical possibility for increasing re-offending through restorative justice. Offenders might become frustrated in restorative justice events, particularly if they were really 'told off' by victims or their own supporters, such that they might become more defiant and re-offend more thereafter (Sherman, 1993). The authors' observations of JRC events and interviews with participants, however, indicated that excessive 'telling off' (scolding) or 'shaming' of offenders did not occur (Shapland *et al.*, 2006b; 2007), so one would not expect much likelihood of greater re-offending due to this possibility.

Hence, in relation to reconviction, one needs to check, on the various measures of re-offending:

- whether there are statistically significant decreases in reconviction (or its frequency or seriousness or cost etc.) and for which sites/schemes/groups;
- whether there is any evidence of statistically significant increases in re-offending; and
- whether there is, overall, a reduction in re-offending or an increase, even if this does not reach the levels necessary for statistical significance in each site (which one would not expect).

## How many people were reconvicted at all in the two years of the Restorative Justice (RJ) period and the Criminal Justice (CJ) period?

The authors' first measure is the simple one of whether someone was convicted at all in the two-year RJ period or CJ period. This is shown in Table 2.1 for the RJ period (the two years after the conference, direct mediation or end of the indirect mediation).[28] The type of control group involved is either an RCT (randomised controlled trial), a combination of RCTs (shown as 'comb. RCT' in the table), or individually matched control group cases ('indiv. match').

If restorative justice has a beneficial effect on the likelihood of reconviction, then more people in the control group should be reconvicted in the two-year period than the restorative justice/experimental group, which would be shown by 'C' in Table 2.1. The table shows that this was the case for most of the sites and schemes. The effect only reached statistical significance for JRC Northumbria court property cases and, because of the contribution of the property cases, it was also significant for JRC Northumbria overall.[29] It should also be noted that there is no statistically significant result in the opposite direction – there is no evidence for restorative justice being criminogenic – though JRC London, Northumbria court assault and some REMEDI mediation results are in the wrong direction.

There is another way to show what happened in relation to whether there were reconvictions, which is to calculate odds ratios for each group, comparing what happened to the experimental group to what happened to the control group and whether this is significantly different. This produces graphical results (Figure 2.1). For each site, the dot shows the average effect for that site, whilst the line shows the extent of variation for the site (the standard error, in statistical terms). The further the dot and line are from the mid-point, the more significant the effect. If the dot is to the left of the mid-point, then the results favour RJ (the experimental group was less likely to be reconvicted than the control group). If the whole of the line is to the left (or right) of the mid-point, with no part of the line crossing the mid-point, then the effect is significant at the $p<0.05$ level, the standard significance level.

Looking first at the effects for individual groups and RCTs, one finds that the only group where the whole of the line for that group is away from the mid-point is the Northumbria court property RCT, as was found also in Table 2.1. However, the results for CONNECT direct mediation and REMEDI adult direct mediation are also displaced from the mid-point in the direction favouring restorative justice, though the results do not reach significance (a small part of the line still crosses the mid-point). No line is completely away from the mid-point in the opposite direction (the control group was convicted less often), showing there was no significant criminogenic effect. The overall result for all groups is shown by the diamond at the bottom. This is slightly in the direction favouring restorative justice, but the diamond just crosses the mid-point, so the overall effect is not significant.

28 Table 2.1 only contains results for groups for which an experimental group/control group comparison is possible. JRC adult caution work in Phase 2 and all JRC Phase 1 work have therefore been omitted.

29 The amount of reconviction in the control group for Northumbria court property cases is very high, as can be seen from Table 2.1. However, the predicted risk of reconviction for this group was also very high (Table 1.1).

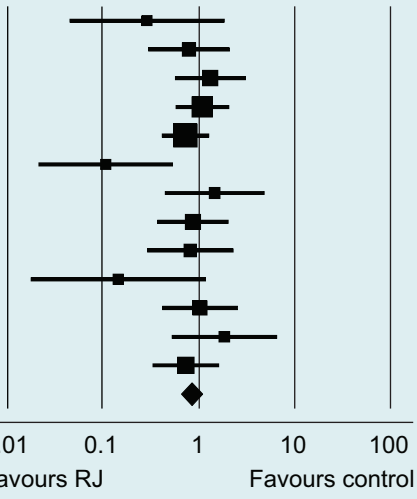
## *Table 2.1: Presence or absence of reconviction within the two years of the RJ period*

| Scheme and site | Type of control group | RJ group | | Control group | | Which group has been reconvicted more? | Significant difference? |
|---|---|---|---|---|---|---|---|
| | | % reconvicted | N | % reconvicted | N | | |
| CONNECT direct mediation | Indiv. match | 33.3 | 9 | 63.6 | 11 | C | ns |
| CONNECT indirect mediation | Indiv. match | 38.2 | 34 | 44.1 | 34 | C | ns |
| Total CONNECT – all cases | Indiv. match | 37.2 | 43 | 48.9 | 45 | C | ns |
| JRC London street crime | RCT | 48.8 | 43 | 42.2 | 45 | E | ns |
| JRC London burglary | RCT | 65.5 | 87 | 63.8 | 80 | E | ns |
| JRC London total | Comb. RCT | 60.0 | 130 | 56.0 | 125 | E | ns |
| JRC Northumbria final warning | RCT | 36.1 | 108 | 44.0 | 100 | C | ns |
| JRC Northumbria court property cases | RCT | 61.3 | 31 | 93.8 | 32 | C | p=0.002[a] |
| JRC Northumbria court assault cases | RCT | 52.2 | 23 | 42.9 | 21 | E | ns |
| JRC Northumbria total | Comb. RCT | 43.2 | 162 | 54.2 | 153 | C | p=0.05[b] |
| JRC Thames Valley prison | RCT | 34.6 | 52 | 38.1 | 42 | C | ns |
| JRC Thames Valley community | RCT | 33.3 | 30 | 38.2 | 34 | C | ns |
| JRC Thames Valley total | Comb. RCT | 34.1 | 82 | 38.2 | 76 | C | ns |
| Total JRC – all sites | Comb. RCT | 47.1 | 374 | 51.4 | 354 | C | ns |
| REMEDI adult direct mediation | Indiv. match | 25.0 | 8 | 70.0 | 10 | C | ns |
| REMEDI adult indirect mediation | Indiv. match | 47.1 | 34 | 46.5 | 43 | E | ns |
| REMEDI adult total | Indiv. match | 42.9 | 42 | 50.9 | 53 | C | ns |
| REMEDI youth direct mediation | Indiv. match | 60.0 | 20 | 45.0 | 20 | E | ns |
| REMEDI youth indirect mediation | Indiv. match | 39.2 | 51 | 47.1 | 51 | C | ns |
| REMEDI youth total | Indiv. match | 45.1 | 71 | 46.5 | 71 | C | ns |
| Total REMEDI – all cases | Indiv. match | 44.2 | 113 | 48.4 | 124 | C | ns |

Note: 'ns' means no significant difference at the p<0.05 level in a chi-squared test. 'E' is the restorative justice group; 'C' the control group.
a. Chi-square=9.599, df=1.
b. Chi-square=3.838, df=1.

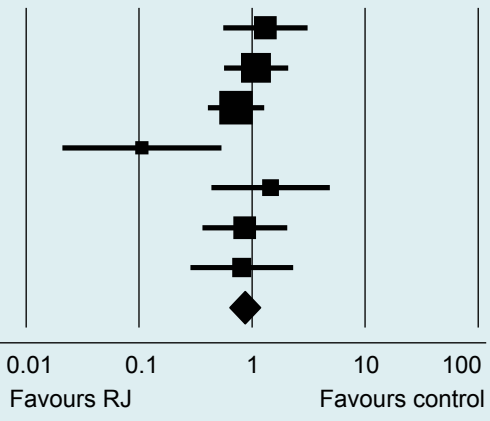
### *Figure 2.1: Odds ratios for presence or absence of reconviction within the two years of the RJ period for individual sites*

| RCT/Scheme | Odds ratio | Lower limit | Upper limit | p-value |
|---|---|---|---|---|
| CONNECT direct | 0.286 | 0.045 | 1.821 | 0.185 |
| CONNECT indirect | 0.784 | 0.298 | 2.064 | 0.622 |
| London street crime | 1.306 | 0.563 | 3.029 | 0.534 |
| London burglary | 1.080 | 0.573 | 2.039 | 0.811 |
| JRC Northumbria final warning | 0.719 | 0.412 | 1.255 | 0.246 |
| JRC Northumbria court property cases | 0.106 | 0.021 | 0.525 | 0.006 |
| JRC Northumbria court assault cases | 1.455 | 0.442 | 4.782 | 0.537 |
| JRC Thames Valley prison | 0.860 | 0.369 | 2.003 | 0.727 |
| JRC Thames Valley community | 0.808 | 0.289 | 2.256 | 0.684 |
| REMEDI adult direct mediation | 0.143 | 0.018 | 1.161 | 0.069 |
| REMEDI adult indirect mediation | 1.022 | 0.415 | 2.518 | 0.962 |
| REMEDI youth direct mediation | 1.833 | 0.522 | 6.434 | 0.344 |
| REMEDI youth indirect mediation | 0.726 | 0.331 | 1.593 | 0.424 |
| Fixed | 0.842 | 0.654 | 1.084 | 0.182 |




### *Figure 2.2: Odds ratios for presence or absence of reconviction within the two years of the RJ period for JRC trials only*

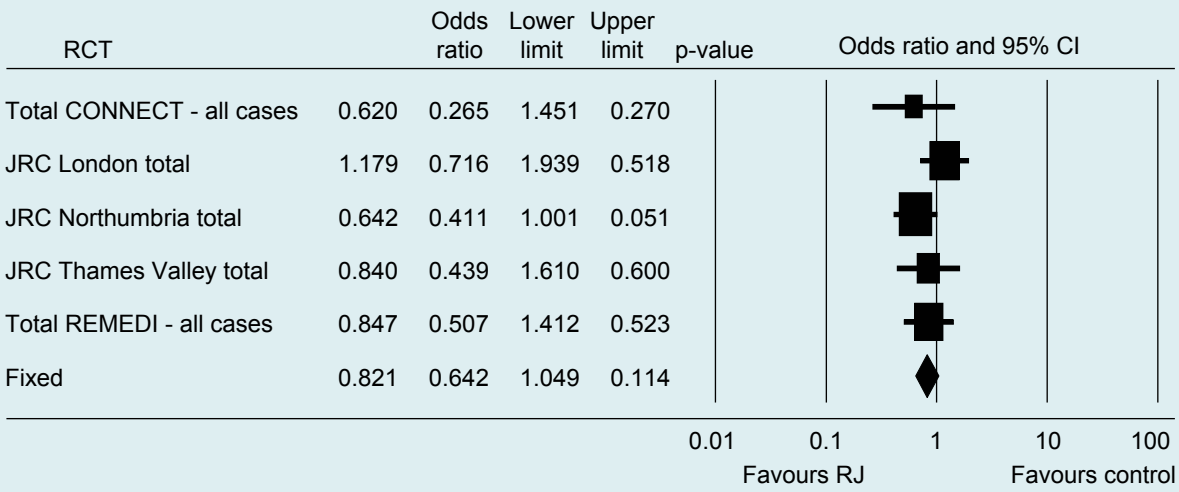
| RCT | Odds ratio | Lower limit | Upper limit | p-value |
|---|---|---|---|---|
| London street crime | 1.306 | 0.563 | 3.029 | 0.534 |
| London burglary | 1.080 | 0.573 | 2.039 | 0.811 |
| Northumbria final warning | 0.719 | 0.412 | 1.255 | 0.246 |
| Northumbria court property | 0.106 | 0.021 | 0.525 | 0.006 |
| Northumbria court assault | 1.455 | 0.442 | 4.782 | 0.537 |
| Thames Valley prison | 0.860 | 0.369 | 2.003 | 0.727 |
| Thames Valley community | 0.808 | 0.289 | 2.256 | 0.684 |
| Fixed | 0.866 | 0.637 | 1.178 | 0.361 |




JRC was operating a random control trial, whilst CONNECT and REMEDI had individually matched control groups. Technically, to test the overall model of conferencing that JRC was utilising, one needs to put just those sites in the model. This has been done in Figure 2.2. It can be seen that the overall model favours restorative justice, but this is not statistically significant.

One can also look at the results when the groups are added together into site and scheme effects, because each scheme undertook restorative justice very similarly for all its cases. This is in Figure 2.3. It can be seen that the Northumbria cases, as a whole, now just reach significance, and all the schemes except for the JRC London cases tend to favour restorative justice, with the diamond representing all the cases in the evaluation staying in the same place as in Figure 2.1.

### *Figure 2.3: Odds ratios for presence or absence of reconviction within the two years of the RJ period, at the level of the schemes*




The numbers of cases needed to reach significance if the effect of restorative justice were, say, a 10% decrease in the likelihood of re-offending, were discussed in Chapter 1. They are quite high and were only reached in practice for a few sites, as was seen. It is, hence, not surprising that most results were not significant. The size of the effect in the Northumbria court property group was well over 10%.

Using the measure of frequency of arrests, Sherman and Strang (2007), in their review of the effects of restorative justice, found significant effects amongst Northumbria youth groups for split RCTs – splitting the trials by stable demographic variables, such as gender or ethnicity.[30] This is a less robust method than using the whole RCT, because people were not allocated randomly by gender, age, ethnicity etc. and if the experimental and control groups were to vary at all in gender or age, then this would have knock-on effects on the likelihood of reconviction.[31] The results are also not directly comparable with the authors' results, because Sherman and Strang were using a measure based on re-arrest over one year, not re-conviction over two years, and were also likely to have been including cases from JRC over a longer time period than the current evaluation. They found significant positive results for female youth with assault offences in the final warning trial (118 fewer arrests in the experimental group per 100 offenders than for the year before, compared to the control group, which had 47 fewer) ($p=0.012$) and for male youth with property offences (88 fewer arrests in the experimental group per 100 offenders than for the year before, compared to the control group, which had 32) ($p<0.05$). As a result, the Northumbria youth final warning analysis was also split on gender and violence/property for all the measures of reconviction,

30 They do not report any results for other JRC sites or for adult offenders.

31 Gender and age are highly related to the likelihood of reconviction, quite independently of undertaking restorative justice (Cunliffe and Shepherd, 2007). Using a rearrest criterion for re-offending also could be subject to contamination because police officers in the area may be aware as to whether the young offenders were in the experimental or control group.

but, for the two-year reconviction results, there was no significant difference (on any measure of re-offending).[32]

Two-year reconviction figures were also calculated over the criminal justice period (as opposed to the restorative justice period above in Table 2.1). The results were very similar to those in Table 2.1. The only significant results in the right direction (restorative justice has a positive effect on re-offending) were for the Northumbria court property RCT (p=0.017).[33] All other results were not significant. There was no evidence for a criminogenic effect. In addition, it was calculated whether or not people were reconvicted over the two-year period not on the 'invitation to treat' (i.e. being randomised into the groups) basis of Table 2.1, but according to whether the offender had actually participated in a victim-offender conference, since a small number of cases randomised into the experimental group for JRC did not manage to get to a conference with victim and offender present. The results comparing those experiencing a victim-offender conference to those in the control group were almost identical to those in Table 2.1 (for the RJ period and CJ period, only the Northumbria court property RCT results reached significance).

Table 2.1 compares those who received a conviction in the two years. One can also look at those who received a conviction, final warning, reprimand or caution in the two years, for both the RJ period and the CJ period. This may be a better measure for some groups, particularly those who are younger (the Northumbria youth groups) and those who have committed a relatively minor offence. It should make no difference where the instant offence is quite serious, since it is then highly likely that if someone commits a further offence of any type, he or she will be prosecuted as opposed to being diverted. In fact, the results were almost identical. The percentages receiving a further disposal in the two years for the Northumbria final warning group were 38% for the experimental group and 47% for the control group, as opposed to the conviction figures of 36% for the experimental group and 44% for the control group (Table 2.1). Essentially, very few non-conviction disposals were being given. Significant results were as in Table 2.1 – significant reductions in offending for the Northumbria court property RCT experimental group compared to the control in the RJ period[34] and the Northumbria cases overall in the RJ period[35] and for the Northumbria court property RCT experimental group compared to the control in the CJ period.[36]

The above figures include every offender who was out of prison for some time during the two-year period, however short a time that was. The analysis was also repeated for those who were out of prison for at least six months, which could be said to provide sufficient time for them to commit further offences, were they minded to do so. The results are in fact very similar. The only site for which there was a significant difference between experimental and control groups in the likelihood of a conviction, or in the likelihood of a conviction, caution, reprimand or final warning

32 However, given that there were insufficient numbers in the groups to expect to find significant differences on the whole of any individual RCT (see power calculation above), one would also hardly expect to find such significant differences in subgroups.
33 Chi-square=5.709, df=1.
34 P=0.020, chi-square=5.441, df=1.
35 P=0.035, chi-square=4.445, df=1.
36 P=0.025, chi-square=5.035, df=1.

was the JRC Northumbria court property RCT, where the experimental group was significantly less likely to be reconvicted (p=0.002 for a conviction alone; p=0.003 for any disposal).[37]

To what extent can one generalise from these results? The results obviously depend upon the kind of restorative justice that was provided. However, it was clear that schemes were able to operationalise restorative justice in very similar ways over different sites and different kinds of cases, at different stages of the criminal justice process. The confidence intervals in Figure 2.1 show the likelihood of obtaining similar results if the work was repeated and one would expect to obtain similar results in such circumstances.

## Are both experimental and control group reconviction rates quite low?

A closer inspection of Table 2.1 indicates that the reconviction rates over the two year period look relatively low, at least in comparison with national rates – though the published national rates are on a slightly different basis, as discussed above. Shepherd and Whiting (2006) found that the average two-year reconviction rate for all adult offenders was 58%, with those sent to prison having higher rates. Yet the rates for street robbery for JRC were 49% for the experimental group and 42% for the control group. Only the London burglary and Northumbria court property offenders reached the national rates for adults. Some of this may, of course, be due to the fact that the samples were not all out in the community for the full two years. Some may be due to the effect that any sentence tends to decrease offending in a group.[38]

However, there is another possibility for the lower reconviction rates for both experimental and control groups. There could be a selection effect: those who agree to participate in restorative justice have got to the stage whereby they are prepared to talk to the victim and where they are prepared to talk about their offending-related problems, take responsibility for the offence, apologise (for most) and talk about change in the future. In other words, they are prepared to talk about desisting from crime. Restorative justice discourse, in conferences and in direct mediation, at least, is desistance discourse – the kinds of things that offenders who have made a decision to try to stop offending say (Bottoms *et al.*, 2004; Bottoms, 2006; Shapland and Bottoms, 2007). Since randomisation to the control group, for JRC, came after offenders had agreed to participate in conferences, it is possible that both the experimental and the control groups were selecting those who were thinking about desisting – though, of course, thinking about desisting and actually managing to desist are not the same thing (Farrall, 2002). A simple inspection of Table 2.1 does not allow one to say whether this is occurring or whether, for example, the groups might have fewer previous convictions than the national average – and so less potential to re-offend in any event.

37 For a conviction alone, chi-square=9.317, df=1 relating to the RJ period and p=0.020 for the CJ period (chi-square=5.455, df=1). For any disposal, chi-square=9.017, df=1 for the RJ period, p=0.028, chi-square=4.812, df=1). Results were also significant for those who experienced a conference compared to the control group (for a conviction alone: p=0.010, chi-square=6.655, df=1 for the RJ period; p=0.048, chi=square=3.896, df=1 for the CJ period).

38 There is a long-standing debate as to why this might be so, some authors suggesting it is simple regression to the mean, others that a sentence may bring a course of offending for some offenders to an end.

It is, however, possible to use the nationally evaluated risk predictors OGRS2 and PSA to see whether the groups were initially less recidivistic. Both the older OGRS2 and the more recent PSA formulae (Cunliffe and Shepherd, 2007) use a number of so-called static risk predictive factors to indicate the likelihood of the offender re-offending in the next two years. They are standardised on the national offending population. Static risk predictive factors are those which are unlikely (or impossible) to change. They include the number of previous convictions, types of previous convictions and age at first conviction. Both the OGRS2 and PSA formulae were calculated for all the adult offenders in all sites. It is not possible to use the PSA prediction formula for young offenders (under the age of 18), as it only produces one year likely reconviction rates, which would be misleading, compared to the two-year data.

The length of time people actually spent in prison, if they were sent to prison,[39] and the predicted re-offending rates according to OGRS2 for the whole group (whether or not given a prison sentence) are shown in Table 2.2.[40] Some sites (Northumbria final warning, Northumbria court assault, Thames Valley community) did not have anyone sent to prison or only one or two people. The length of time spent in prison gives an idea of how serious the instant offences were for each group. It also indicates the length of time any 'restorative justice effect' would have to last before offenders could put into practice many of the future-looking elements that would be discussed in outcome agreements. So, for example, London street crime offenders spent an average of 507 days in prison after being sentenced for the instant offence, about 17 months. They would not be able to put into practice in the community staying clean of drugs or getting employment etc. until that time. The Thames Valley prison group and the REMEDI adult resettlement group were also in prison for the instant offence for a similar or even longer length of time, which suggests a similar seriousness of offences, but they experienced restorative justice pre-release, so there will have been variable, but generally much shorter times between conference and release. Other groups spent much shorter times in prison. London burglary offenders spent on average 396 days (about 13 months), whilst Northumbria Magistrates' Court property offenders spent 150 days (about 5 months).

Looking at the expected likelihood of being reconvicted (the OGRS2 scores) in Table 2.2, it is clear that the OGRS2 scores vary considerably between groups. Some groups had clearly more extensive reconviction histories than others and so a higher likelihood of being reconvicted, if they behaved like the national population from which OGRS2 is validated. However, comparing the OGRS2 group likelihood of reconviction to the actual proportion of offenders who were reconvicted within the two-year RJ period, it is clear that the OGRS2 score is overpredicting reconviction for the groups who experienced restorative justice. The proportion in the OGRS2 column (the third column of Table 2.2) is higher than that in the actual reconviction column (the second column) for all the groups except Northumbria court

39 These figures include only offenders for whom it was possible to obtain prison release data, not those for whom it was necessary to estimate prison release dates in order to calculate reconviction rates.

40 Measures of distribution (e.g. standard deviations) are not shown in these tables, which are designed to be as clear as possible, but are available in a technical appendix from research@justice.gsi.gov.uk, the tables in which have been given the same table numbers as in this report. Distributional measures are, of course, only available when measures of central tendency (e.g. means) are used, not for counts/proportions.

assault cases – and often substantially higher.[41] This implies that there is a selection effect for the experimental group on some parameter other than the static prediction factors which are contained in OGRS2. It might just be preparedness to change and desist.

Looking at the figures for the control group, the same seems to apply for JRC groups. The proportion of people actually convicted is lower than the proportion expected to be convicted for all JRC groups except Northumbria court property cases – though the difference appears to be smaller than for the experimental groups. One needs to remember that only JRC sites used random assignment; CONNECT and REMEDI control cases were selected by individual matching and offenders had not agreed to take part in restorative justice. So one may be seeing the same selection effect here for JRC – though, of course, not for the other schemes. In fact CONNECT direct mediations and REMEDI adult direct mediations showed more reconviction in the control groups than expected.

One can compare experimental and control groups, controlling for the OGRS2 score (i.e. the expected likelihood of reconviction) and this is shown in the last column. As is becoming familiar by now, there was no significant difference except for the JRC Northumbria court property cases and, because of them, the JRC Northumbria total, where, in each case, the experimental group was significantly less likely to be reconvicted than the control group, having controlled for the OGRS2 score. Identical results occurred when looking at the likelihood of any disposal (conviction, caution, reprimand or final warning). A similar analysis can be done, controlling for risk of re-offending as calculated using the PSA risk analysis instrument, but only for adults. Again, results were similar, with significant positive results only for the Northumbria court property cases and the Northumbria court total and with no significant negative results.[42]

41 The differences on OGRS2 were significant for the restorative justice group, where fewer were convicted than expected, on chi-square tests, for JRC Northumbria final warning ($p<0.01$), JRC Northumbria total ($p<0.01$), JRC Thames Valley prison ($p<0.05$), JRC Thames Valley total ($p<0.05$), total JRC ($p<0.01$), REMEDI youth indirect mediation ($p<0.05$) and total youth ($p<0.05$), and total REMEDI all cases ($p<0.01$). For the control groups, there were fewer reconvictions than expected for JRC Northumbria court property ($p<0.01$), JRC Thames Valley prison ($p<0.05$), REMEDI youth direct mediation ($p<0.05$), REMEDI youth indirect mediation ($p<0.05$), REMEDI youth total ($p<0.01$)and total REMEDI cases ($p<0.01$) and more reconvictions than expected for JRC Northumbria court property ($p<0.01$). Differences on PSA, which can only be done for adults on a two-year basis, were also significant, for the restorative justice group, for JRC London street crime ($p<0.05$), JRC London burglary ($p<0.01$), JRC London total ($p<0.01$), JRC Northumbria court property ($p<0.05$), JRC Thames Valley prison ($p<0.01$), total JRC Thames Valley ($p<0.01$), REMEDI adult direct mediation ($p<0.05$), REMEDI adult indirect mediation ($p<0.05$), total REMEDI adults ($p<0.01$). They were significant for the control group, producing fewer reconvictions, for JRC London burglary ($p<0.01$), total JRC London ($p<0.01$), JRC Thames Valley prison ($p<0.01$), total JRC Thames Valley ($p<0.01$), REMEDI adult indirect mediation ($p<0.01$) and total REMEDI adults ($p<0.01$), and in the opposite direction, for JRC Northumbria court property ($p<0.05$). If anything, the PSA instrument appeared to be overpredicting reconviction to a greater degree than OGRS2.

42 For Northumbria court property cases, p=0,004, B=-2.688, SE=0.938, df=1 and for Northumbria court cases overall, p=0.025, B=-1.072, SE=0.477, df=1, both for the RJ period and any time out in the community, for convictions alone. The CJ period produced significant results for the court property cases, but not the court cases overall. Identical results appeared if any disposal was considered. PSA cannot be used for youth cases, so there could be no significant result on JRC Northumbria in total.

***Table 2.2: Sentences and predicted re-offending rates from OGRS2 (offenders with any period in the community in the RJ period)***

| Scheme and site | Mean length of time spent in prison (E plus C groups) (days) | % reconvicted | | Mean % expected to be reconvicted from OGRS2 | | Significant difference between E and C groups controlling for OGRS2? |
|---|---|---|---|---|---|---|
| | | RJ group | control group | RJ group | control group | |
| CONNECT direct mediation | - | 33 | 64 | 41 | 60 | ns |
| CONNECT indirect mediation | - | 38 | 44 | 43 | 51 | ns |
| Total CONNECT – all cases | 313 | 37 | 49 | 43 | 53 | ns |
| JRC London street crime | 507 | 49 | 42 | 55 | 46 | ns |
| JRC London burglary | 396 | 66 | 64 | 72 | 71 | ns |
| JRC London total | - | 60 | 56 | 66 | 62 | ns |
| JRC Northumbria final warning | - | 36 | 44 | 51 | 50 | ns |
| JRC Northumbria court property cases | 150 | 61 | 94 | 70 | 71 | p=0.005[a] |
| JRC Northumbria court assault cases | - | 52 | 43 | 47 | 46 | ns |
| JRC Northumbria total | - | 43 | 54 | 54 | 54 | p=0.040[b] |
| JRC Thames Valley prison | 586 | 35 | 38 | 51 | 55 | ns |
| JRC Thames Valley community | - | 33 | 38 | 39 | 40 | ns |
| JRC Thames Valley total | - | 34 | 38 | 47 | 48 | ns |
| Total JRC – all sites | - | 47 | 51 | 66 | 55 | ns |
| REMEDI adult direct mediation | - | 25 | 70 | 53 | 57 | ns |
| REMEDI adult indirect mediation | - | 47 | 47 | 54 | 57 | ns |
| REMEDI adult total | 700 | 43 | 51 | 54 | 57 | ns |
| REMEDI youth direct mediation | - | 60 | 45 | 64 | 67 | ns |
| REMEDI youth indirect mediation | - | 39 | 47 | 56 | 61 | ns |
| REMEDI youth total | 127 | 45 | 47 | 58 | 62 | ns |
| Total REMEDI – all cases | - | 44 | 48 | 57 | 60 | ns |

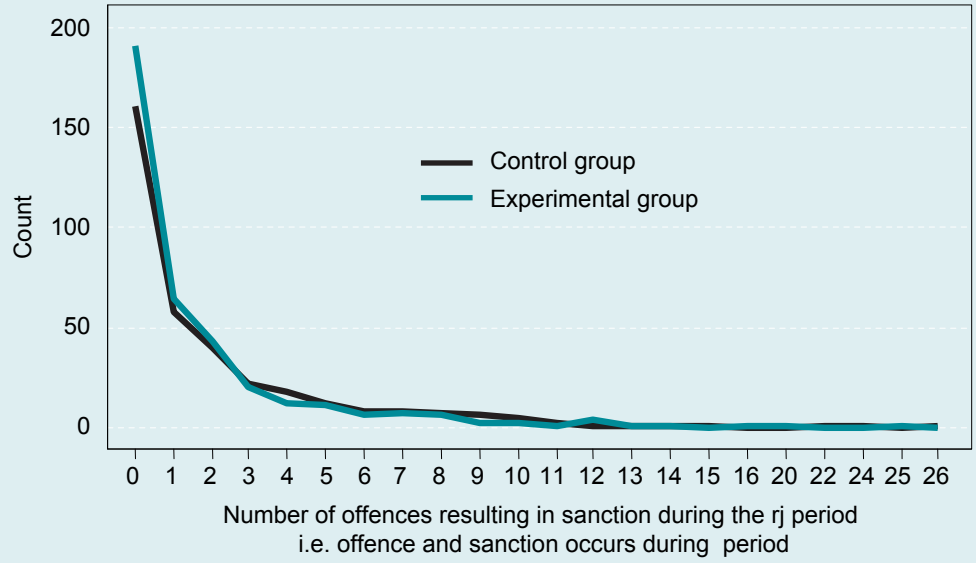
Note: 'ns' means no significant difference at the $p<0.05$ level in a logistic regression. To aid ease of comparison across columns, figures are given to zero decimal places.
a. B=-2.443, SE=0.878, df=1.
b. B=-0.487, SE=0.237, df=1.

One can conclude that, even when offenders' pre-existing risk of re-offending is controlled, there is some positive effect of restorative justice and no significant criminogenic effect. This appears despite the fact that JRC, at least, through the simple offer of restorative justice prior to randomisation, may have been effectively selecting a population less likely to re-offend – both into the experimental and control groups.

## The frequency of reconviction

All the above analysis relates to the simple likelihood of someone being reconvicted, as opposed to not being reconvicted at all, in the two-year period after the offence. For more persistent offenders, however, that likelihood is quite high. A more effective measure of re-offending may be the frequency of being convicted during this two-year period. Using the PNC, number of offences for which the offender had been reconvicted in these two years, as well as in the two years prior to sentencing for the instant offence, were calculated. These data tend to have very skewed distributions, with most offenders not being convicted or being convicted only once or twice, as is clear from Figure 2.4.

***Figure 2.4: Frequency of reconviction during the RJ period for all JRC sites***

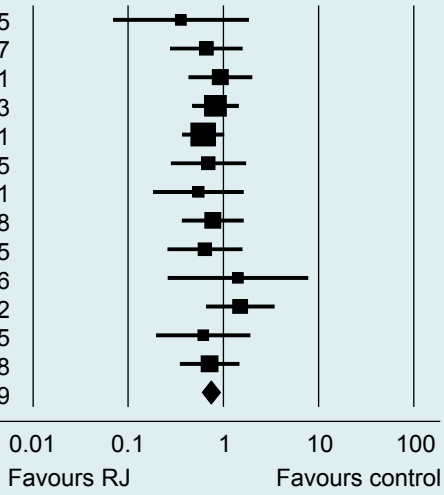



In fact, Figure 2.4 shows that, looking at all the JRC cases together, the pattern of reconviction for the experimental groups is almost identical to that of the control groups. Not surprisingly, therefore, as is seen in Table 2.3, there are few significant differences between the experimental and control groups over different sites. Again, the only significant difference appears for Northumbria, this time for the JRC Northumbria cases in total.[43] This comparison is done per year at risk, as different offenders were released from prison at different times and frequency of offending is necessarily more affected by the amount of time in the community than the simple whether convicted or not measure.

43 For Northumbria court property cases, p=0,004, B=-2.688, SE=0.938, df=1 and for Northumbria court cases overall, p=0.025, B=-1.072, SE=0.477, df=1, both for the RJ period and any time out in the community, for convictions alone. The CJ period produced significant results for the court property cases, but not the court cases overall. Identical results appeared if any disposal was considered. PSA cannot be used for youth cases, so there could be no significant result on JRC Northumbria in total.

### *Figure 2.5: Odds ratios for the frequency of reconviction within the two years of the RJ period over all three schemes*

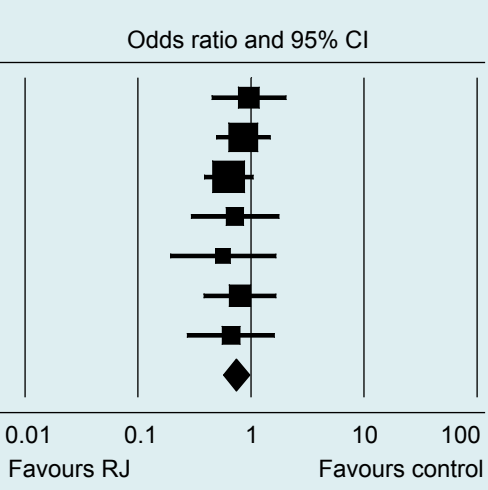
| RCT/Scheme | Odds ratio | Lower limit | Upper limit | p-value |
|---|---|---|---|---|
| CONNECT direct | 0.357 | 0.070 | 1.819 | 0.215 |
| CONNECT indirect | 0.660 | 0.278 | 1.568 | 0.347 |
| London street crime | 0.925 | 0.433 | 1.975 | 0.841 |
| London burglary | 0.825 | 0.475 | 1.431 | 0.493 |
| JRC Northumbria final warning | 0.610 | 0.372 | 1.002 | 0.051 |
| JRC Northumbria court property | 0.694 | 0.283 | 1.704 | 0.425 |
| JRC Northumbria court assault | 0.545 | 0.185 | 1.607 | 0.271 |
| JRC Thames Valley prison | 0.770 | 0.368 | 1.612 | 0.448 |
| JRC Thames Valley community | 0.638 | 0.261 | 1.560 | 0.325 |
| REMEDI adult direct mediation | 1.417 | 0.261 | 7.681 | 0.686 |
| REMEDI adult indirect mediation | 1.499 | 0.661 | 3.398 | 0.332 |
| REMEDI youth direct mediation | 0.613 | 0.198 | 1.896 | 0.395 |
| REMEDI youth indirect mediation | 0.713 | 0.352 | 1.445 | 0.348 |
| Fixed | 0.745 | 0.598 | 0.929 | 0.009 |




However, it is clear that different sites and groups have very different frequencies of reconviction, both before and after the instant offence. Not surprisingly, the youth groups have relatively low frequencies (less than one). Much higher rates were shown by adults, particularly property offenders, such as the JRC London burglars, the Northumbria court property offenders and REMEDI adult offenders.

### *Figure 2.6: Odds ratios for the frequency of reconviction within the two years of the RJ period for JRC trials only*

| RCT | Odds ratio | Lower limit | Upper limit | p-value |
|---|---|---|---|---|
| London street crime | 0.925 | 0.433 | 1.975 | 0.841 |
| London burglary | 0.825 | 0.475 | 1.431 | 0.493 |
| Northumbria final warning | 0.610 | 0.372 | 1.002 | 0.051 |
| Northumbria court property | 0.694 | 0.283 | 1.704 | 0.425 |
| Northumbria court assault | 0.545 | 0.185 | 1.607 | 0.271 |
| Thames Valley prison | 0.770 | 0.368 | 1.612 | 0.488 |
| Thames Valley community | 0.638 | 0.261 | 1.560 | 0.325 |
| Fixed | 0.715 | 0.549 | 0.932 | 0.013 |




Though only the JRC Northumbria site is significant as an individual site, however, results are in a positive direction (the restorative justice group showed less offending than the control group) for many of the restorative justice sites. Undertaking a meta-analysis over all the sites and schemes indicates whether, over the schemes taken together, or over JRC's trials as a whole, the results are significantly positive. These are shown in Figure 2.5 for all three schemes and in Figure 2.6 for the JRC trials alone. Both are significantly positive. Taken over JRC alone – or over all three schemes together – the restorative justice groups showed a statistically significantly lower number of reconvictions over the two years after the offence compared to the control group.

***Table 2.3: Did restorative justice reduce the frequency of reconviction? (over the RJ period: number of offences per year at risk, those with any time in the community)***

| Scheme and site | Mean number of offences in RJ period per year at risk | | Number | | Significant difference between E and C groups on frequency of offences in RJ period? |
|---|---|---|---|---|---|
| | RJ group | control group | RJ group | control group | |
| CONNECT direct mediation | 1.26 | 2.54 | 9 | 11 | ns |
| CONNECT indirect mediation | 1.73 | 5.82 | 34 | 34 | ns |
| Total CONNECT – all cases | 1.63 | 5.02 | 43 | 45 | ns |
| JRC London street crime | 1.85 | 2.01 | 43 | 45 | ns |
| JRC London burglary | 2.88 | 3.41 | 87 | 80 | ns |
| JRC London total | 2.54 | 2.91 | 130 | 125 | ns |
| JRC Northumbria final warning | 0.41 | 0.79 | 108 | 100 | ns |
| JRC Northumbria court property cases | 3.03 | 3.97 | 31 | 32 | ns |
| JRC Northumbria court assault cases | 0.82 | 2.08 | 23 | 21 | ns |
| JRC Northumbria total | 0.97 | 1.63 | 162 | 153 | p=0.013[a] |
| JRC Thames Valley prison | 1.39 | 2.06 | 52 | 42 | ns |
| JRC Thames Valley community | 0.59 | 1.32 | 30 | 34 | ns |
| JRC Thames Valley total | 1.10 | 1.73 | 82 | 76 | ns |
| Total JRC – all sites | 1.54 | 2.10 | 374 | 354 | ns |
| REMEDI adult direct mediation | 7.42 | 4.68 | 8 | 10 | ns |
| REMEDI adult indirect mediation | 2.24 | 1.36 | 34 | 43 | ns |
| REMEDI adult total | 3.22 | 1.98 | 42 | 53 | ns |
| REMEDI youth direct mediation | 1.88 | 3.85 | 20 | 20 | ns |
| REMEDI youth indirect mediation | 0.67 | 0.94 | 51 | 51 | ns |
| REMEDI youth total | 1.01 | 1.76 | 71 | 71 | ns |
| Total REMEDI – all cases | 1.83 | 1.86 | 113 | 124 | ns |

Note: 'ns' means no significant difference at the $p<0.05$ level from a Mann-Whitney U test.
a. U=10514.5.

A pure comparison between restorative justice and control groups tends to hide what was happening to offending in both groups over the four-year period. In most JRC sites, offenders in the restorative justice group committed fewer offences in the two years after experiencing restorative justice than they did before (five of the seven RCTs), with four of those results being significant[44]. However, offenders in the control group tended to do the same thing – six out of seven RCTs had offenders decreasing their frequency of offending over the period, with, this time, two being significant decreases.[45] What do these results show? They are affected by the fact that one does not know the time period for which offenders were out in the community in the two years before the offence, because it was not possible to obtain prison release data for this period. However, they tend to suggest that adult offenders in both the restorative justice and control groups were offending less frequently over the four years. This might just be an effect of the general age-crime curve, which indicates a sharp rise in offending in adolescence and then a slow decline from the early to mid-twenties onwards (Laub and Sampson 2003). Certainly the rise in offending of the Northumbria final warning group may well be due to this, particularly because their previous offending (in early adolescence) was so low – not surprising considering they were eligible to receive a final warning. So maybe the adults were just generally maturing and becoming less likely to offend? This is possible, but the slow decline in the adult age crime curve does not normally produce very significant results over four years – and people sent to prison are not noted for all reducing offending when they are released.[46] It could be that being offered restorative justice and deciding to accept it marked out those who were prepared to think about desisting from offending – whether they then went on to be in the restorative justice or the control group.

Though JRC control group offenders were all exposed to this thought process and to preparation for restorative justice, the CONNECT and REMEDI control group offenders were not (they were individually matched from PNC or court records and had no contact with the scheme). Both CONNECT restorative justice and control group offenders tended to offend less in the two years after the instant offence, but the results were not significant. Some REMEDI adult control group offenders also re-offended less, but some offended more, whilst restorative justice group offenders offended less (though not significantly). REMEDI youth offenders all tended, like JRC's, to re-offend more. It is clear that several factors are operating, including age-related effects, as well as those linked to schemes. However, again, at least for adult offenders, restorative justice has not been found to be criminogenic and may, in some cases, be beneficial.

44 Significant results on the Wilcoxon signed ranks test were found for London street crime (p=0.024, z=2.253), London burglary (p=0.013, z=2.490), Northumbria court assault (p=0.019, z=2.343) and Thames Valley prison (p=0.000, z=3.962). The site showing results in the opposite direction was Northumbria final warnings (p=0.000, z=3,488), but of course final warning offenders start from a very low initial point. The older explanations for a decrease in offending after compared to before (regression to the mean; putting a stop to a course of offending) also apply here to frequency, but then no adult control group should have re-offended more (as some did).

45 Significant results for the control group on the Wilcoxon signed ranks test were found for London street crime (p=0.017, z=2.376) and Thames Valley prison (p=0.000, z=3.622). The site showing an increase in offending was again Northumbria final warnings (p=0.000, z=4.033).

46 Prison is known to reduce ties with family and to allow offenders to acquire new, criminal friends, though it may also provide opportunities to consider one's life course and to reduce dependency upon drugs (Shapland *et al.*, forthcoming). Some offenders find it difficult to cope on release and commit offences soon after release.

***Table 2.4: Did restorative justice reduce the severity of reconvictions? (over the RJ period, for those with any time in the community)***

| Scheme and site | Mean severity of offences in RJ period | | Number | | Which has more serious re-offending? | Significant difference between E and C groups on severity of offences in RJ period? |
|---|---|---|---|---|---|---|
| | RJ group | Control group | RJ group | Control group | | |
| CONNECT direct mediation | 5.79 | 6.34 | 5 | 8 | E | ns |
| CONNECT indirect mediation | 5.72 | 6.26 | 13 | 15 | E | ns |
| Total CONNECT – all cases | 5.74 | 6.29 | 18 | 23 | E | ns |
| JRC London street crime | 5.49 | 6.22 | 22 | 19 | E | ns |
| JRC London burglary | 5.51 | 5.53 | 58 | 53 | E | ns |
| JRC London total | 5.51 | 5.71 | 80 | 72 | E | ns |
| JRC Northumbria final warning | 6.82 | 6.89 | 41 | 47 | E | ns |
| JRC Northumbria court property cases | 6.94 | 6.34 | 21 | 31 | C | p=0.042 (t=-2.098, df=45) |
| JRC Northumbria court assault cases | 6.44 | 7.14 | 13 | 11 | C | ns |
| JRC Northumbria total | 6.79 | 6.73 | 75 | 89 | C | ns |
| JRC Thames Valley prison | 6.38 | 6.59 | 18 | 16 | E | ns |
| JRC Thames Valley community | 7.46 | 7.19 | 10 | 16 | C | ns |
| JRC Thames Valley total | 6.77 | 6.89 | 28 | 32 | E | ns |
| Total JRC – all sites | 6.23 | 6.38 | 183 | 193 | E | ns |
| REMEDI adult direct mediation | 5.63 | 5.83 | 2 | 7 | E | ns |
| REMEDI adult indirect mediation | 6.16 | 6.31 | 17 | 20 | E | ns |
| REMEDI adult total | 6.10 | 6.19 | 19 | 27 | E | ns |
| REMEDI youth direct mediation | 6.60 | 6.12 | 12 | 9 | C | ns |
| REMEDI youth indirect mediation | 6.91 | 6.37 | 21 | 26 | C | ns |
| REMEDI youth total | 6.80 | 6.30 | 33 | 35 | C | ns |
| Total REMEDI – all cases | 6.54 | 6.25 | 52 | 62 | C | ns |

Note: 1 represents the most serious end of the severity scale. 'ns' means no significant difference at the $p<0.05$ level from an independent t-test. 'E' is the restorative justice group, 'C' the control group.

***Table 2.5: Did restorative justice save money? (comparing cost savings between the RJ period and two years prior to the offence for those with any time in the community)***

| Scheme and site | Mean cost saving between two years before and RJ period | | Number | | Which has more cost savings? | Significant difference between E and C groups on cost saving? |
|---|---|---|---|---|---|---|
| | RJ group | control group | RJ group | control group | | |
| CONNECT direct mediation | -168,498 | 9 | 32,453 | 11 | C | ns |
| CONNECT indirect mediation | 29,380 | 34 | -12,689 | 34 | E | ns |
| Total CONNECT – all cases | -12,037 | 43 | -1,654 | 45 | C | ns |
| JRC London street crime | 669 | 43 | 22,943 | 45 | C | ns |
| JRC London burglary | 78,361 | 87 | -56,231 | 80 | E | p=0.018 (t=-2.394, df=165) |
| JRC London total | 52,664 | 130 | -27,728 | 125 | E | p=0.034 (t=-2.134, df=253) |
| JRC Northumbria final warning | -7,006 | 108 | -13,384 | 100 | E | ns |
| JRC Northumbria court property cases | -14,609 | 31 | -33,298 | 32 | E | ns |
| JRC Northumbria court assault cases | -6,488 | 23 | 29,695 | 21 | C | ns |
| JRC Northumbria total | -8,387 | 162 | -11,637 | 153 | E | ns |
| JRC Thames Valley prison | 34,356 | 52 | 66,491 | 42 | C | ns |
| JRC Thames Valley community | 4,008 | 30 | -49,632 | 34 | E | ns |
| JRC Thames Valley total | 23,253 | 82 | 14,541 | 76 | E | ns |
| Total JRC – all sites | 19,771 | 374 | -11,699 | 354 | E | p=0.039 (t=-2.067, df=726) |
| REMEDI adult direct mediation | -55,505 | 6 | -25,813 | 8 | C | ns |
| REMEDI adult indirect mediation | -28,540 | 32 | 13,380 | 31 | C | ns |
| REMEDI adult total | -32,798 | 38 | 5,341 | 39 | C | ns |
| REMEDI youth direct mediation | -80,839 | 20 | -20,956 | 20 | C | ns |
| REMEDI youth indirect mediation | 1,555 | 51 | -6,475 | 51 | E | ns |
| REMEDI youth total | -21,655 | 71 | -10,554 | 71 | C | ns |
| Total REMEDI – all cases | -27,201 | 109 | -4,919 | 110 | C | ns |

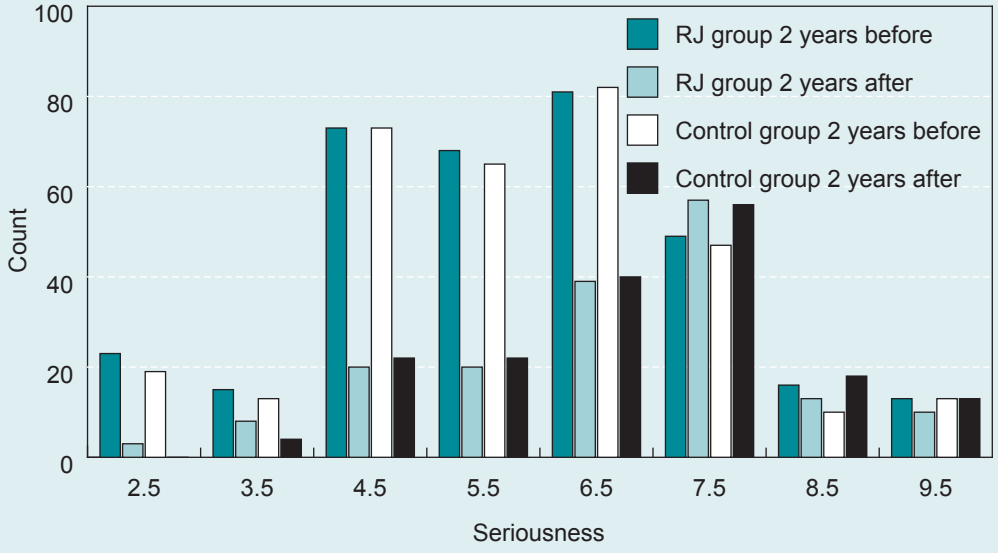
Note 'ns' means no significant difference at the $p<0.05$ level from an independent t-test. 'E' is the restorative justice group, 'C' the control group. Cost savings are positive if there is a decrease between the two years before and the RJ period, negative if there has been an increase. Because of the nature of the control group, the results for REMEDI adults relate to the CJ period, not the RJ period, as do the figures for the REMEDI total cases.

## The severity of reconviction

Interventions may result in a decrease in the severity of subsequent re-offending, as well as a decrease in its frequency. The authors used the recently developed Home Office severity scale, which ranks offences from 1 (most serious) to 10 (least serious). The results for the restorative justice and control groups in each site are shown in Table 2.4. The comparison between restorative justice and control groups produced non-significant results, except for Northumbria court property offences, where there was a significant positive result. However, many sites produced results which tended in the 'wrong' direction – i.e. the restorative justice group's convictions were for slightly more severe offences than those of the control group (shown by the letter 'E' in Table 2.4). The types of offences involved were not, however, particularly serious – almost all the averages for offences for both groups were around points 5, 6 or 7 in the scale, which represents offences such as theft and criminal damage. Doing a meta-analysis across all three schemes, or for the JRC sites alone, produced no significant differences between the restorative justice and the control groups.

***Figure 2.7: Did restorative justice reduce the severity of reconvictions?***

(comparing two years before the offence with the two year RJ period afterwards, for offenders with at least six months out in the community)




## Considering reconviction in terms of costs

The final method for looking at reconviction amalgamates the elements of frequency and severity, by using a cost-based measure. The cost of the offences for which offenders were convicted during the two years prior to the instant offence and the cost of the offences for which offenders were convicted during the RJ period were calculated.[47] The costs include the cost to the victim and the criminal justice system costs. The results are shown in Table 2.5. Where the cost saving was larger for the restorative justice group – i.e. the restorative justice group had less costly

47 Total costs, including criminal justice costs, were calculated for the main offence for each offending occasion. Victim costs were added only for other offences on that offending occasion (because the criminal justice costs for these 'other offences' are included in the criminal justice cost for the main offence). Because REMEDI adult case mediation was done primarily with adult prisoners prior to release from prison and because many offenders were sentenced many years before, the CJ period, rather than the RJ period, has been used for the cost comparison for REMEDI adults. The same therefore applies to the total REMEDI figure.

reconvictions over the two years, this is shown as 'E' in Table 2.5. London burglary offenders had a significantly greater cost reduction in terms of reconvictions than the control group and this also worked through, given the cost reductions in other sites as well, to significant cost reductions for JRC London as a whole and indeed JRC as a whole. Northumbria and Thames Valley results were not significant in themselves. There were no significant results in the 'wrong' (criminogenic) direction, though some CONNECT and REMEDI results tended to that direction.

## Summing up the results on whether restorative justice 'works' in terms of reconviction

A number of different measures have been used in order to capture the various aspects of reconviction and re-offending, including whether or not an offender was reconvicted over two years, whether or not an offender had a subsequent criminal justice disposal over two years, the frequency of reconvictions, the severity of reconvictions and the cost of reconvictions. Not surprisingly, given the previous literature on reconviction and restorative justice, many results were not statistically significant.

It was found that:

- Summed over all three restorative justice schemes, those offenders who participated in restorative justice committed statistically significantly **fewer** offences (in terms of reconvictions) in the subsequent two years than offenders in the control group.
- Looking only at **likelihood of reconviction** over the next two years, though the overall result tended towards the positive direction (i.e. that restorative justice reduced re-offending), this result was not statistically significant (therefore, it could have been caused by chance).
- When considering the restorative justice schemes summed together in terms of **severity of reconviction** there were no significant differences between the restorative justice and the control groups.
- All JRC groups (summed together) showed a lower **cost of convictions** versus a control group. Results for REMEDI and CONNECT were not statistically significant. Costs of convictions included the costs to potential future victims and criminal justice costs.
- The individual restorative justice trials and groups in this study each had relatively small sample sizes and therefore would not, on their own, be expected to have a large enough impact on re-offending to be statistically significant (i.e. so that we would know that they were unlikely to have been caused by chance).
- The exception was the Northumbria JRC court property trial which showed such a large impact on the reduced likelihood and severity of re-offending (against a control group) that these results were statistically significant. The JRC Northumbria site as whole also showed statistically significantly fewer reconvictions in the subsequent two years than offenders in the control group.

There were no statistically significant results pointing towards any criminogenic effects of restorative justice (making people worse) in any scheme.

# 3. What kinds of case lead to less reconviction?

In Chapter 2, the extent to which the different sites and schemes produced less re-offending in the two years after restorative justice was considered In other words, does restorative justice 'work', in the sense of reducing re-offending leading to an official disposal? In this chapter, what kinds of cases lead to fewer reconvictions will be explored – in other words, for whom does restorative justice 'work' in this way (what kinds of offenders, what kinds of offences and what elements of restorative justice lead to less re-offending)? One answer is the sites which led to significant positive differences in reconviction, particularly the JRC Northumbria Magistrates' Court property cases. However, it is possible to go rather deeper into the question by looking within the RCTs and mediated cases, to find out, for example, whether there are demographic factors at work (such as gender or ethnicity) or whether cases with slightly different restorative justice processes lead to different results.

In this, one can only explore differences within the restorative justice groups, because this analysis is about differences between those who have experienced restorative justice. Hence, one has to beware that overall differences in likelihood of reconviction are not merely being replicated, which are nothing to do with restorative justice. Cunliffe and Shepherd (2007), for example, found that in their national study of offenders who were sentenced or released from prison in 2004, there were clear differences in re-offending rates by age, with the youngest offenders in the sample being considerably more likely to re-offend. There were also differences by the type of offence for which offenders were sentenced (with, generally, property offenders being the most likely to re-offend, though not necessarily committing the same type of offence again), offending history and, to a much smaller degree, police-classified ethnicity. As a result, one needs to look at whether the experimental and control groups are differentially affected, according to these factors, using multi-variate analysis.[48]

## Previous work on what affects reconviction

There are very few studies which have used multi-variate analysis to consider what cases are most affected by restorative justice in terms of subsequent re-offending. As far as the authors are aware, this has only been considered in restorative justice with young offenders. Hayes and Daly (2003) considered variables from observations of 89 conferences and police records in relation to youth justice conferencing in South Australia. In 74% of conferences, victims were present and in 6% the victim was not there, but a victim representative was present. They first entered into the analysis the variables known to affect re-offending (age, ethnicity, previous offending history etc.) and then saw whether conference-related variables had additional effects. They found that whether or not the offender showed remorse and whether or not there was genuine consensus in decision making about the outcome agreement, both significantly affected re-offending independently of other variables.

48 In multi-variate analysis, the effect of one or more variables, such as age, gender etc. is studied, whilst holding constant, using statistical means, the effects of other, extraneous variables.

Maxwell and Morris (2001), looking at youth conferencing in New Zealand, found that life experience variables, events after the conference and conference factors could influence re-offending (for example, early life experiences such as poverty, and access to training and employment affected re-offending). In terms of restorative justice related variables, they found the following variables significantly affected re-offending: having a memorable conference; the young offender feeling remorseful; the offender not being made to feel a bad person (which relates to the theoretical perspective that it is important to avoid stigmatising shaming: Braithwaite 1989); the offender feeling involved in the conference decision making; the offender agreeing with the conference outcome; the offender meeting the victim (victims were not present at all conferences); the offender completing the task agreed in the outcome agreement; the offender feeling they had repaired the damage; and the offender apologising to the victim. One difficulty, though, was that interviews with offenders took place many years after the conference, so that the effects of restorative justice were being recalled through the filter of what had happened to the offender in the years since the conference.

Sherman and Strang (2007), in their review of what 'works' in relation to restorative justice and re-offending, summarise effects from studies meeting their methodological criteria, primarily requiring either RCTs or very well-matched control groups. Their review is primarily concerned with 'what works', rather than 'for whom', but RISE in Australia (youth conferencing using a similar model to JRC) found significant positive effects for non-Aboriginal defendants aged under 30 on violent crime, compared to randomly allocated controls; whilst it appeared to be criminogenic for Aboriginal youth in relation to property crimes. Minority group membership may therefore be significant.

Previous research, therefore, has shown that some demographic variables, as well as what occurs during the restorative justice event, have affected re-offending rates. The results are all, however, about restorative justice with young offenders, not adults. One does not know what might affect re-offending after restorative justice with adult offenders, as in most of the sites being evaluated. One also has to bear in mind, in relation to this evaluation, that the only scheme with sufficient cases to permit the kinds of multivariate analysis necessary was JRC – but JRC took considerable steps to ensure that the conferencing process they delivered was very similar in all sites (facilitators trained together, using the same trainers, regular meetings between scheme managers, constant oversight from JRC, etc.). One would not expect to find much variation on restorative justice process variables between cases, particularly when compared to the studies above, where, for example, not all restorative justice events were attended by victims.

## Demographic factors, criminal justice factors and JRC conferencing

One way to consider whether demographic variables, such as, for example, gender, affect re-offending is to undertake a loglinear analysis. This looks at whether gender significantly affects the interaction between re-offending and the restorative justice and control groups. For example, it can be used to assess whether men are more likely to re-offend in the restorative justice group,

compared to the control group. This kind of analysis is necessary because some demographic variables are generally associated with re-offending. This has been shown, for example, in the national reconviction studies (Cunliffe and Shepherd 2007), so one would expect to find an effect, for example, of gender on re-offending, whether or not people had experienced restorative justice.

Considering only JRC data and whether or not there was any reconviction within two years, these loglinear analyses showed the following.[49]

- There was no significant difference between the effects of restorative justice whether offenders were male or female (though in general, as in the national study, male offenders were more likely to be reconvicted than female offenders[50]).
- There was no significant difference between the effects of restorative justice for different ethnic groups, nor did overall reconviction vary with ethnicity.
- There was no significant difference in the effects of restorative justice by whether the offender was a young offender or an adult, nor by age group for adult offenders. There was no main effect of age group on reconviction, though young JRC offenders, taken as a whole, were significantly less likely to be reconvicted than adults,[51] as one would expect, given that these were people given a final warning, with, therefore, few or no previous convictions, compared to the adults.
- Dividing offences into violent and property/other offences, for JRC as a whole, there was no significant difference between these types of offence in relation to the effects of restorative justice, though, overall, property/other offenders were more likely to be reconvicted than violent offenders.[52] Note that only offences with direct, individual victims were included in the scheme, so nothing can be said about offences with institutional or commercial victims.
- Restorative justice delivered pre-sentence for adults did not produce any greater or lesser reconviction compared to restorative justice delivered post-sentence, but both restorative justice and control group offenders in the pre-sentence RCTs were more likely to be reconvicted than those in the post-sentence RCTs.[53] However, there is considerable overlap between type of offence and whether restorative justice is delivered pre-sentence or post-sentence: all the post-sentence work was with violent offenders. Although it is not possible definitely to confirm this (loglinear analysis cannot distinguish causal directions), it is highly likely that the pre-sentence/post-sentence difference was in fact due to the violence/property distinction.

49 All these analyses were done on the two-year RJ period, for offenders who had spent any time in the community.
50 Chi-square=5.461, df=1, p<0.05.
51 Chi-square=10.170, df=1, p<0.01.
52 Chi-square=21.905, df-1, p<0.001.
53 Chi-square=26.967, df=1, p<0.001.

- There was no difference in reconviction according to whether the offender and victim knew each other prior to the conference or not.

The above results apply also to differences in frequency of offending and experiencing restorative justice – i.e. there are no significant differences in relation to gender, age group, adult or youth offender, ethnicity or type of offence.[54]

One can also look at relationships between those in the restorative justice group to see whether, for example, some are more likely to be reconvicted more often than others. This is similar to the main effects reported above, which examine whether the restorative justice and control group combined differ on frequency of reconviction by demographic variables. Using multinomial logistic regression analysis,[55] similar results were found to those reported above, i.e. that being a young offender or an adult offender, committing a violent or property offence, referral pre- or post-sentence, and JRC site significantly affected frequency of reconviction (young offenders, violent offenders and post-sentence referral led to less re-offending, but offence type was only really significant for adults, not youths[56]). Offence type, pre- or post-sentence and site were highly interrelated, because the RCTs were set up in that way, so it is not possible to disentangle their respective effects.

## Frequency of reconviction related to outcome agreements for JRC conferencing

In a similar fashion, one can explore aspects of the restorative justice process and whether, if these occur, they affect reconviction. The first step was to explore the outcome agreements which were made at the end of JRC conferencing. Data were available on all outcome agreements made during JRC conferences, regardless of whether or not the conference was observed by a researcher and whether or not victims or offenders were interviewed by the evaluation team. These analyses can only be done on the restorative justice group, i.e. people who experienced restorative justice. Variables were included which had given rise to significant results in other studies or which might be likely theoretically to affect reconviction. The results were as follows.

- There was a significant relationship between the extent to which the outcome agreement was completed and frequency of reconviction, such that full or more substantial completion was associated with less reconviction.[57] However, completion was also

54 There was an almost significant difference in relation to gender, with restorative justice seeming to be more effective in reducing frequency of reconviction for male offenders, but this was, in fact, because of different numbers of male and female offenders and young and adult offenders in the restorative justice and control groups. Multinomial logistic regression confirmed the lack of effect. This illustrates the potential perils of doing simple comparisons on one variable, as in, for example, some of the studies reported in the Sherman and Strang (2007) review, when several demographic variables may be having an effect.

55 Multinomial logistic regression analysis was used because there are several outcome categories (different frequencies of re-offending categorised as: no reconvictions, below median and above median numbers of reconvictions). It sorts out whether particular (demographic) variables affect the magnitude of the outcome measure significantly, when compared against each other.

56 For adults, property offences versus violent offences, chi-square=16.396, df=2, $p<0.001$.

57 Whether the outcome agreement was completed was divided into not completed, partially completed and fully completed. Chi-square=11.830, df=4, $p=0.019$.

strongly related to whether the offender was a youth or an adult, with youths being more likely to complete (or have the opportunity to complete). When this was controlled for, there was no longer a significant result between completion and frequency of offending.

- There was also a significant relationship with whether the outcome agreement included a requirement to attend or at least apply to be on a drug programme with offenders where there was such a requirement being more likely to be reconvicted more often.[58] This may have been due to offenders with drug programme requirements being more likely to be taking drugs or having a greater drug problem, which tends to lead to greater frequency of re-offending. Offenders were asked in the interviews if they were using drugs or alcohol at the time of the offence and, when this was controlled for, there was no longer a significant relationship between a requirement to attend a programme and frequency of re-offending.

- There were no significant relationships between frequency of reconviction and whether a verbal apology to the victim was included in the outcome agreement; whether the offender promised to stay out of trouble; whether the offender agreed to pay compensation to the victim; or whether progress letters or other forms of subsequent contact with the scheme or victim were included. Whether the conference was held in prison or in the community had a significant effect,[59] with community conferences being associated with less reconvictions, but this can be explained by prison conferences being exclusively held with adult offenders. Looking at adult offenders alone, there was no significant effect of where the conference was held.

## Frequency of reconviction related to observations of what happened during conferences for JRC

The next stage was to look at whether subsequent frequency of reconviction related to what happened during conferences themselves, as shown by observation data. Again, aspects were only included if they had either been shown to be important in the previous literature or might be related theoretically to lower subsequent re-offending. Few significant relationships were found.

- There were no significant relationships with how much responsibility offenders were rated as taking for their actions; how sorry/remorseful offenders were rated as being for their actions;[60] whether the offender apologised; whether the victim was seen as forgiving the offender during the conference; how much discussion of reparation to the victim occurred; how much consensus there was rated as being about the outcome agreement; how uncomfortable offenders were rated as being during the conference; how emotionally intense the conference was rated as being; the extent to which offenders were rated as being actively involved in the conference; the extent to which

58 Chi-square=8.177, df=2, p=0.017.
59 Chi-square=7.534, df=2, p=0.023.
60 Though this approached significance, with amount of responsibility taken on a 6 point scale in the direction of more responsibility taken, less re-offending: chi=square=16.316, df=10, p=0.091.

victims were rated as being actively involved in the conference; how much shaming of offenders was rated as occurring; how much disapproval was rated as being expressed by the victim.

- There was a significant effect of how much discussion of the offender's problems occurred during the conference, with more discussion being associated with greater subsequent re-offending.[61] This relationship seems to be being driven by the 'no discussion of problems' category and may well signify that those who have fewer problems to discuss are less likely to re-offend. Problems were far more likely to be discussed when there was an adult offender[62] and, when whether the case involved an adult or youth offender was controlled, there was no longer a significant relationship between discussion of problems and frequency of subsequent offending.
- There was a significant effect between victims spending a considerable proportion of the conference talking and higher subsequent frequency of re-offending,[63] but none with the proportion of time offenders talked (i.e. victims talking did not stop offenders talking). Victims tended to speak far more often in conferences with an adult offender (22% of the time, compared to 16% with a young offender.[64] Controlling for whether the offender was a young person or an adult meant that there was no longer a significant effect of the amount of time the victim spoke and frequency of subsequent re-offending.

## Reconviction and victim and offender views on JRC conferencing

Similar analyses can be run in relation to victim and offender views, as ascertained in the final interviews with victims and offenders who had taken part in conferences (Shapland *et al.*, 2007). Again, each of these analyses is in relation to frequency of offending, as expressed in three categories as: no subsequent offending; number of offences below the median; and number of offences above the median.

There were no significant relationships with victim views expressed in these interviews, though it has to be borne in mind that most victims were highly satisfied with most aspects of the conference and the restorative justice process, so there was very little difference between victims and one would be unlikely to find any effect.[65] There were also no significant relationships with offender views.[66] Hence, the results on the aspects of how conferences

61 Likelihood ratio=20.434, df=10, p=0.025.
62 Chi-square=55.747, df-4, p<0.0001.
63 Using multinomial regression, chi-square=6.796, df=2, p=0.033.
64 t=-4.119, df=138.2, p<0.0001.
65 Variables included were: how satisfied are you with the outcome of the conference; how useful did you feel the process was for you; do you think having the conference is a good way to deal with this offence; did you feel the offender was sincere in what he/she said; did you accept the apology; how satisfied are you now with the outcome of the conference.
66 Variables included were: did you know the victim before the offence; how nervous or concerned were you about the conference; did you want to meet the victim; how useful did you feel the process was for you; how fair did you feel the process was; to what extent do you feel the process and the conference have made you realise the harm done by the offence; to what extent do you think the process and the conference have made you address any problems which were behind the offending; were there problems behind the offending; do you think having the conference is a good way to deal with the offence you committed; how satisfied or not are you now with the outcome of the conference.

ran which were found in Australia and New Zealand have not been replicated, but of course those studies were looking at youth conferencing only.

So far, all JRC sites taken together have been considered, mixing young and adult offenders. However, it is known that there is a considerable effect of whether someone was a young or older offender on reconviction, as set out above. Were any effects of the type of restorative justice experienced being masked by this youth/adult difference? The analyses of victim and offender views and observations of conferences were repeated, this time looking only at adult offenders (i.e. JRC London, Northumbria court and Thames Valley sites).[67] A number of significant results were found, all of which related to offender views or behaviour. There continued to be no significant results relating to victim views or behaviour.

- There was a significant relationship between the **extent to which offenders felt the conference had made them realise the harm done by the offence** on whether or not offenders were reconvicted during the RJ period[68] and also on the cost of offences during that period,[69] both in the direction of greater realisation leading to less reconviction. This was independent of the distinction between violence and property offences.
- There was a significant relationship between **whether offenders said they wanted to meet the victim** and whether or not offenders were reconvicted during the RJ period, whether or not offenders received an official sanction, the cost of offences, and the frequency of reconviction per year at risk,[70] with those wanting to meet the victim being less likely to be reconvicted. This was also independent of the violence/property effect.
- There was a significant relationship between **the observed extent to which the offender was actively involved in the conference** and the cost of subsequent convictions,[71] though not with whether the offender was reconvicted or received another official disposal, or the frequency of subsequent reconviction.
- There was a significant relationship between **how useful the process was found to be by the offender** in the final interview on whether the offender was reconvicted, whether the offender received another formal disposal, the frequency of offending per year at risk and the cost of offending.[72] All this was independent of the violence/property effect.

67 Note that the fact that the authors did not find effects in relation to adults and youths together means that the same factors were not necessarily operating for youths as adults. This may have been because the youth sample started from a very low official offending base (to be considered for a final warning) and so would have a very different path to desistance from the adult offenders.

68 Likelihood ratio=4.803, df=1, p=0.028.

69 On ANOVA, F=3.721, p=0.029.

70 Chi-square=4.515, df=1, p=0.034; chi-square=4.034, df=1, p=0.045; Mann-Whitney U=258, p=0.017; Mann-Whitney U=282, p=0.039, respectively.

71 On linear regression, B=-14,560.4, SE B=6,700.9, beta=-0.169, p=0.031. There was an effect of violence/property on cost of reconvictions, but extent of involvement in the conference was the one which entered in a stepwise regression with both and it also remained significant when violence/property was forced as the first step (p=0.045).

72 Using Fisher's exact test because of the expected cell count, on a 2-tailed test, p=0.044 and p=0.049 respectively for reconviction/another disposal. For frequency, Mann-Whitney U=128.5, p=0.047 and for cost, U=113.0, p=0.022.

All these results relate to how significant offenders felt **the conference itself** and particularly the opportunity to meet the victim was for them. Where offenders felt it was more useful, or they really wanted to meet the victim, or they found it had made them realise the harm done by the offence, this related to a lower likelihood of subsequent reconviction. The results gain extra validity because they include an observational measure at the time, not just the offender's views subsequently (a desisting offender might have been ascribing his or her desistance to this conference experience, whereas it might have had other causes).

Other evaluations of restorative justice with youth offenders have found that the process of restorative justice (whether offenders and victims were allowed to speak, were treated respectfully etc.) was important in predicting re-offending (e.g. Maxwell and Morris, 2001). This evaluation does not find any differences in relation to such processual variables. The key reason may be because, for JRC, both offenders and victims were highly satisfied with the process of restorative justice and what happened in conferences (Shapland *et al.*, 2007). Conferences were delivered in a very uniform fashion by the scheme across sites. Hence no differences in offending relating to such procedural matters were found. Yet, because offenders did have different problems and circumstances, they still clearly differed in the impact of the conference itself and the impact interaction with the victim had on them, and this related to subsequent re-offending.

## For whom does restorative justice 'work', in terms of reconviction?

The key question for this chapter is not whether restorative justice 'works' in general, in terms of lowering the likelihood of reconviction, but for whom it is most likely to work. In analysing this, it has to be borne in mind that there are clear, and well-known, effects of some demographic and offence variables on the likelihood of reconviction, which are nothing to do with restorative justice. The following was found.

- As would be found normally in a general population of offenders (see, e.g. Shepherd and Whiting, 2006), female offenders and offenders convicted of violence offences were less likely to be reconvicted. Because of the particular youth sample in this evaluation, young offenders were less likely to be reconvicted.
- There was no significant effect of any demographic or offence variable (age, ethnicity, gender, offence type) on whether restorative justice created differences, in whether offenders were reconvicted, or in the frequency of reconviction between JRC restorative justice and control groups.
- The youth/adult distinction also entirely explained the significant results: (a) that those more likely to complete the JRC outcome agreement were less likely to re-offend (youths were more likely to complete, or have the opportunity to complete outcome agreements); (b) as to where the conference was held (youth conferences were more

likely to be held in the community); and (c) that those whose victims spoke for a larger proportion of time in the conference were more likely to re-offend more often (adult offenders' victims took up more of the conference).

- Those whose outcome agreements included drug problem treatment were more likely to be reconvicted, but this was due to the general factor that those with drug problems are more likely to re-offend, not anything specifically related to restorative justice.
- There were no relationships between victim views about the conference or their views about the offender on the likelihood of reconviction.
- But, looking at adult offenders alone, there were significant relationships between several measures of re-offending and offender views about the conference. In particular, the extent to which the offenders felt the conference had made them realise the harm done; whether the offender wanted to meet the victim; the extent to which the offender was observed to be actively involved in the conference; and how useful offenders felt the conference had been, significantly and positively related to decreased subsequent reconviction. In other words, the conference experience itself and the communication with the victim affected the likelihood of offenders' subsequent reconviction.

A possible theoretical interpretation of this relates to the value of restorative justice conferences in promoting desistance in adult offenders. The authors think that, in order to agree sincerely to participate in restorative justice at all, offenders have to be at least on the cusp of trying to desist. They have to be prepared to admit responsibility for the offence, hear that they have inflicted harm, think about the problems related to their offending and agree to meet both the victim and their supporters, who are often members of their family. This, for JRC, was so for both the restorative justice and control groups. The conference itself, however, could provide an extra boost. Much of what was discussed in conferences was what could be called 'desistance talk' because it allowed examination and discussion of how to resolve offending-related problems, might provide victim support or encouragement to desist, brought in offender supporters to aid the task of desistance, and might provide opportunities for change in the outcome agreement. Within the restorative justice group, some offenders were finding the conference itself more helpful and were more actively involved. The results indicate that it was those offenders who subsequently were more likely to desist (as measured by less subsequent reconviction).

# 4. The costs and benefits of restorative justice

## Calculating costs and benefits

The three schemes were set up to work closely with criminal justice agencies and interact with criminal justice processes, but they were all **additional** to the normal criminal justice process, which carried on, largely unchanged, dealing with the cases.[73] This means that the costs of running the schemes are additional to the criminal justice costs. The schemes were not designed to replace court appearances or directly to affect the working of other criminal justice agencies.[74] Hence, there could be no direct cost saving to criminal justice through these initiatives. If, in future, restorative justice were to be integrated into criminal justice processes, clearly the position might be different.

The three schemes being evaluated were set up so that they received a Home Office grant to pay the **direct costs** of running the schemes, which include:

- employment costs of the staff, including facilitators;
- travel costs for staff to meet victims and offenders, liaise with partner agencies and go to restorative justice events;
- payment of travel expenses for victims and offenders to attend restorative justice events, where necessary;
- direct office costs of running the scheme, such as telephone charges, photocopying, letters to offenders and victims, IT systems and consumables, fax etc.;
- costs of holding the restorative justice events (renting premises to hold them, refreshments);
- training of staff;
- building costs for the scheme's premises (purchase or rent, rates, insurance, cleaning, maintenance, utility charges, furniture, fees for inspections and certificates).

In addition, the schemes needed to liaise with other criminal justice agencies. When the schemes were first set up, this normally took the form of meetings with staff from relevant agencies from which cases might be referred or taken, as well as with locations where restorative justice events might be held, and with agencies who would be affected by the advent of the scheme. Meetings usually had to be held with each individual agency in each location, i.e. with personnel from each court, prison, probation office etc. Most schemes and sites also had periodic meetings, throughout the course of the project, with a steering or liaison committee, which contained representatives of the most important agencies for that

73 Criminal justice processes were sometimes affected by the results of restorative justice. For example, when restorative justice was carried out pre-sentence, the sentence in individual cases may have been affected by the report on the restorative justice outcome presented to the court by JRC and CONNECT. Similarly, the use by probation staff of REMEDI's services for their clients may have meant probation may have made less additional input in these cases. It is not possible, however, to cost these impacts in individual cases.

74 Pre-sentence reports, for example, continued to be prepared in CONNECT cases, as well as CONNECT reports being given to the sentencing bench.

scheme (CONNECT, REMEDI and JRC Northumbria and Thames Valley). These meetings were supplemented with further visits to agencies to ensure that things were running smoothly. As detailed in the authors' second report (Shapland *et al.*, 2006a; 2006b), schemes found they had continuously to publicise themselves through being visible and turning up to see criminal justice agency personnel. The more agencies the scheme had to liaise with, the greater the time (and cost) of this liaison. The costs of this work in terms of the time of scheme personnel are included in the direct costs set out above. The costs in terms of the time of criminal justice agency personnel in dealing with schemes need to be added, as **indirect** costs of running the scheme. They are necessarily opportunity costs – the criminal justice personnel would continue to be employed in their normal job if there were no scheme, and would be undertaking other duties were they not liaising with the scheme. If these three schemes had not existed, there would be no need for criminal justice agency personnel to spend time to liaise with them. However, if, in the future, restorative justice schemes are set up as a routine element of criminal justice, then there will need to be an allowance for time for other criminal justice personnel to liaise with them.[75]

It is also not possible to include opportunity or direct costs to victims and offenders of participating in the schemes (time spent, work time lost etc.). The schemes did not pay victims or offenders for their time or wages lost, or any equivalent to witness attendance allowances.

The costs per case of running a scheme in the **start-up phase** will be different, and higher, than the costs once everything has bedded in and everyone knows what they are doing: the **running phase**. In the start-up phase, staff need to be trained, procedures developed, substantial liaison with other bodies undertaken, and there needs to be considerable feedback and discussion among staff on how the early cases have gone.[76] JRC had a separate period for this start-up in each site, during which there was no randomisation of cases to experimental or control group (called 'Phase 1'). CONNECT and REMEDI also indicated they had an initial period of operation during which they were setting up. Costs for the start-up phase and running phase are therefore shown separately in the analyses below. Note, however, that there will still be some training and liaison costs in the running phase, because of staff turnover and the need for continuing contact with agencies (and the effects of other criminal justice reform on the running of schemes).

75 Identical time elements occur for any other scheme which is set up and run by providers outside the traditional criminal justice agencies (e.g. victim support, voluntary or private sector providers of cognitive behaviour programmes, educational programmes or other programmes to reduce offending etc.

76 The Home Office contract with schemes included the cost of 'developers' for each scheme, who were intended to help the schemes to develop databases, work with the evaluators etc. JRC acted as their own developers, but CONNECT and REMEDI had separate personnel from other agencies, whose costs have, therefore, had to be included in the tables below. The authors would not recommend the use of developers in future schemes: evaluation activities are best carried out by the evaluators (whose costs are not shown below) and schemes mostly carried out their own development activities, with some help from the evaluators. It is important to stress, however, as was found during the development of the schemes (Shapland *et al.*, 2004), that monitoring and evaluation are crucial elements to running new schemes and do require significant resources.

Each scheme had slightly different periods for its start-up and running phases and the time periods used in the costs analysis are shown in the table in Appendix 1. JRC had a short period of time where it was working on Phase 1 (pre-randomisation) and Phase 2 (randomised) cases together and so this period has had to be omitted from the costs analysis.

What benefits of reductions in re-offending might there be from using restorative justice in connection with criminal justice through the work of these schemes? One could envisage, theoretically, a number of benefits, only a few of which can be costed in financial terms at present:

1) The benefit of reduction in the costs of crime of any reduced reconviction by offenders who have been through restorative justice, compared to those who have not, including reduced cost of crime to these future potential victims and reduced criminal justice costs for processing the future cases.

2) The potential financial benefit for victims to taking part in restorative justice, including any reparation paid through restorative justice agreements, improved quality of life, improved health and greater peace of mind (so that, for example, they do not need to move or install greater security).

3) The potential financial benefit of any increased confidence in criminal justice among victims and offenders who have participated in restorative justice schemes (which might give rise to greater feelings of security and legitimacy, decreased expenditure on security or alternative measures of dealing with crime, decreased punitiveness and so need for longer sentences, etc.).

4) Were restorative justice to be integrated within criminal justice, the potential for restorative justice personnel to undertake tasks currently done by others and so reduce criminal justice costs (less need for reports pre-sentence by probation staff or others, less need for enforcement action post-sentence because offender supporters are encouraging offenders to comply).

Currently, it is only possible to provide financial data in respect of the first of these potential benefits (reduced reconviction). There are no reliable financial estimates for the UK on improvements in quality of life for victims or greater confidence in criminal justice for victims or offenders. Restorative justice for these three schemes was set up to be additional to criminal justice, not to integrate with it. Analysis of the cost of restorative justice is, hence, relatively comprehensive; but analysis of its potential benefits is limited.

## How information on costs has been gathered

The first source for information on the direct costs of the scheme was the accounts of the scheme itself (for REMEDI) or accounts from the parent body which was employing the staff

and providing the financial services for the scheme (NACRO for CONNECT; the Metropolitan Police for JRC London; Northumbria Police for JRC Northumbria; the National Probation Service Thames Valley for JRC Thames Valley). For JRC, there were also staff employed through Pennsylvania University who were providing input to the scheme (as directors or managers or research staff) and the authors attempted to obtain data on this expenditure, but were not entirely successful. The financial spend data provided by the schemes related to the accounting years used by those bodies and monthly spend data were not always available. This has affected the dates used for the start-up and running periods.

The spend data cover elements such as travel, training, hire of meeting accommodation, office costs and purchase of items as direct financial costs. Often, however, staff were seconded to the scheme (for example, the police officers who were facilitators in JRC London and Northumbria) and not shown separately in scheme accounts, remaining within the parent body's accounts. To obtain estimates of the cost of these seconded staff, the managers of all the schemes were interviewed twice, once at the end of the first year of funding to the scheme from the Home Office (concentrating on the start-up processes and costs) and once at the end of the Home Office funding (to provide details of when staff joined and left the scheme, their grades, costs during the running period etc.). Managers provided details of staff grades, the hours worked and the period over which staff worked for the scheme. Details of the salary, oncosts (employers' National Insurance and superannuation payments) and any extra payments for staff on national pay scales (police officers, probation officers etc.) for the relevant year from published material were acquired, so that it was possible to calculate the cost for that member of staff.[77] Buildings costs were estimated according to the type of accommodation used (e.g. public sector rental or leasing costs) where it was not possible to obtain exact figures for rent etc. paid. In some cases, it was possible to estimate indirect costs for financial and personnel administration by calculating those costs as a proportion of the Home Office funding to the overall turnover of the scheme. In other instances, direct salary costs had to be uplifted a percentage based on previous work on the funding of criminal justice agencies (Shapland *et al.*, 2001; 2003), because financial documentation was not available from the scheme or from the Home Office which could indicate indirect costs borne by the parent organisation for the scheme.

One scheme (REMEDI) used volunteer mediators for some of the work. The direct costs associated with these volunteers (training, travel expenses etc.) were available. Some estimate needed to be made, however, of the economic cost of such volunteers. There is no accepted practice of how to do this within criminological research. The authors have used

77 Tthe average of the salary scales was taken. Note that this process then gives the cost of an equivalent person at the average of the scale, rather than the cost of that particular individual, but average costs are probably more helpful in relation to estimating the overall cost of running restorative justice schemes. For JRC staff contracted by the University of Pennsylvania, the authors were unable to acquire salary details and so have used the equivalent UK university grades and pay rates. Salary scales for the 2002 or 2002/03 year were used: schemes were working from mid-2001 to between summer 2003 and Easter 2004. There are no national 'ready reckoner' figures for the relevant period published by the Home Office or other government department, so it was necessary to work from national pay scales.

the national average wage to represent the economic effort put in by the volunteer, though this assumes that volunteers work at the same rate as employed staff (and that the employed staff are at the national average rate).[78] The interviews suggested that volunteers were in fact putting in more hours per mediation than employed staff, partly because of their enthusiasm, partly perhaps because they were less experienced. The costs associated with volunteer mediators may, therefore, be underestimates.

Another cost element for almost all sites was to calculate the cost of liaison meetings with other agencies. Details of these meetings (both regular steering group meetings and periodic liaison or start-up meetings with other agencies) were obtained from the interviews with managers and scheme annual reports. The cost of the meetings was then calculated from the time involved as a proportion of the annual salary plus oncosts of such personnel, taken from national data on pay.

Accounts were available for each site of operation: CONNECT; JRC London; JRC Northumbria; JRC Thames Valley; and each office for REMEDI (though there were small numbers of cases for some REMEDI offices, so overall figures may be more helpful). Costs for REMEDI could also be split in relation to adult offenders and youth offenders separately, because different workers were used for adult and youth cases. The base units for the costs analysis are therefore by scheme and site. It was not possible to split costs by RCT for JRC or by direct/indirect mediation for CONNECT and REMEDI, except where facilitators collected accurate data on the time taken for each type of case, as facilitators tended to split their time between the different RCTs/types of mediation and so it was not possible tot know how much effort was put into each. Some figures were available for time taken for CONNECT mediations and for JRC London (Shapland *et al.*, 2006b),so these costs can be estimated within the site for these sites only.

Costs were acquired for each period, as actual costs for that month and year and are shown in the tables below first as actual costs. In order to help comparisons between different schemes operating over slightly different time periods, all costs have also been inflated to the same time period, the 2005/06 year and these inflated costs are also shown in the tables.[79]

## Relating costs to cases

Just producing an overall annual cost for the scheme, even by site or type of restorative justice, is not very informative. The overall cost depends, to some extent, on the number of

78 The national average wage from the Average Earnings Index (http://www.statistics.gov.uk/downloads/theme_labour/LMT_Nov06.pdf) has been used. An alternative approach is the more precise measurements made by Morgan and Russell (2000) to calculate the cost of lay magistrates from their other employment.

79 To be precise, the costs were inflated to the mid-point of the 2005/06 government year (September 2005), using the Average Earnings Index (http://www.statistics.gov.uk/downloads/theme_labour/LMT_Nov06.pdf) for salary figures, and the HMT GDP deflator (http://www.hmtreasury.gov.uk/economic_data_and_tools/gdp_deflators/data_gdp_index.cfm) for all other costs. The actual costs were taken as being from the mid-point of the relevant start-up or running period.

cases being processed. Costs, therefore, had to be related to the numbers of cases. For restorative justice, where the process involves a series of agreements being reached with different participants and judgements by scheme staff, there is no one clear measure to take of the number of cases being processed. As set out in the authors' second report (Shapland *et al.*, 2006b), the progress of a typical case involves it being assessed as suitable from the information available on paper to the scheme, agreement by the offender to participate, contacting the victim, agreement by the victim to participate, arranging the restorative justice event, holding the event, and then any follow-up action (checking that victim and offender are all right, monitoring the outcome agreement etc.).

A number of different measures were therefore used to relate costs to the numbers of cases. The number of cases for each scheme is shown in Table A1.1.

**Cost per case referred**: one simple measure is to divide the costs incurred during a period of time by the number of cases being dealt with in any way by the scheme in that same time period. This relates costs to the volume of input to the scheme and so its potential workload but, if the referral path is inefficient (i.e. many cases which are referred turn out not to be suitable in terms of the types of cases the scheme can progress), it will not be a very good measure of the cost per case in terms of cases which are likely to proceed to restorative justice.

**Cost per case where the offender agreed to restorative justice**: the typical path of a case towards restorative justice involved the offender being approached first, with the victim only being approached if the offender agreed. This measure relates costs to the numbers of offenders agreeing during a time period and so may be helpful in the future in relating potential costs to criminal justice throughput. It is potentially a little misleading, however, where some referrals were coming from victims themselves (i.e. they had already agreed and indeed were proposing the restorative process themselves, as in a small number of cases for CONNECT and REMEDI's work with adult offenders) or where offenders and victims were approached simultaneously (which occasionally occurred in JRC). Note that the number of cases where the offender agreed in a particular time period is the number of cases referred in that time period where the offender subsequently agreed (within or subsequently to the time period), not the number of agreements within the time period.

**Cost per case where the restorative justice process was completed**: this measure indicates the cost involved in taking cases through to completion and restorative justice outcomes and applies to CONNECT, REMEDI and the start-up phase for JRC (Phase 1). To make it a little more complicated, adult caution cases continued to be taken by JRC Northumbria for a while during the main running period, but were not randomised (see Table 4.1). In a similar fashion to the calculation for the number of cases where the offender agreed, this measure is based on the number of cases referred within a particular time period which were subsequently completed.

**Cost per randomised case**: the above measure cannot, however, be used for the main running phase of JRC, because this was an experiment (RCT) in which cases were randomised to the experimental or control groups immediately after agreement by both offender and victim. Hence, around half the cases which would normally have proceeded to a restorative justice conference in fact dropped out of the process before the conference, thus not incurring the costs of holding the conference itself and monitoring any outcome agreement. The ratio of the time required to complete an experimental group case as compared to a control group case for JRC Northumbria or Thames Valley were not available, so it was not possible to estimate the effects on cost of randomisation for these sites. Tthe cost per randomised case for the JRC running phase (Phase 2) has therefore been calculated. This has the effect of treating the control group and experimental group cases as identical in cost terms, which will underestimate the cost to completion of restorative justice for 'normal' running, where no experiment would be involved.

## CONNECT

CONNECT was administered through NACRO and so staff were employed by NACRO and financial and administrative services sourced from NACRO. Separate accounts were available for CONNECT direct costs. Indirect costs (steering committee and liaison costs) were calculated from the number of meetings, length of meetings and national salary scales for relevant equivalent personnel, working from the minutes of meetings. CONNECT staff worked out of a small set of offices sublet from another voluntary sector organisation, which was not suitable for holding direct mediation meetings. The rent cost has, hence, had to be imputed from a standard central London public sector rent. CONNECT staff mostly met with victims and offenders in their own homes, with community premises being hired for any direct mediation meetings. The staff comprised the manager, two facilitators and an administrator, with the manager starting to work on the bid and setting up the scheme before the other staff were appointed. CONNECT, like other schemes, tended to pick up second-hand furniture at no cost or reduced cost, though IT equipment had to be bought. The cost figures below show equipment as written down over standard accounting periods.

The start-up phase of any scheme involves a considerable amount of time taken up with appointing staff, liaising with other agencies and developing systems, much of which is done by the manager, some prior to other staff being appointed. This is the reason why the cost per month for CONNECT in the start-up phase is lower than for the running phase (some staff were appointed later). Steering committee work at start-up is concerned with defining the boundaries of the project (in terms of cases being taken, areas etc.), cementing liaison arrangements for receiving cases and reporting to the criminal justice system, and sorting out any inter-agency difficulties. The cost of steering committee meetings was calcuated as being the opportunity costs for those attending, with an average cost of £699 per meeting in this phase (costs adjusted to 2005/06 prices). IT equipment (hardware and software) also needed to be purchased during this period and there was no need to renew equipment in the running phase.

Similarly, stationery and publicity materials were mostly ordered during the start-up phase. The travel and subsistence costs are those incurred by scheme staff in working with victims and offenders, attending court, undertaking liaison etc. The cost of restorative justice activities included the hire of venues for direct meetings and refreshments for participants.

***Table 4.1: CONNECT costs***

| Cost element | Start-up phase costs (12m) (£) | Start-up phase costs adjusted to 2005/6 levels | Running phase costs (14m) (£) | Running phase costs adjusted to 2005/6 levels |
|---|---|---|---|---|
| Staffing | 76,426 | 90,504 | 106,357 | 115,129 |
| Premises costs | 35,431 | 40,304 | 35,256 | 36,902 |
| Supplies and services | 13,212 | 15,029 | 4,090 | 4,281 |
| IT and communications equipment | 4,655 | 5,295 | 0 | 0 |
| Travel and subsistence | 1,622 | 1,845 | 3,349 | 3,506 |
| Steering committee and liaison | 1,770 | 2,096 | 2,154 | 2,332 |
| Cost of restorative justice events | 307 | 364 | 1,085 | 1,175 |
| Developer's costs | 2,597 | 3,075 | 5,418 | 5,864 |
| Total cost | 133,422 | 155,437 | 152,291 | 163,325 |
| Hence: | | | | |
| cost per month | 9,530 | 11,103 | 12,691 | 13,610 |
| cost per case referred | 4,447 | 5,181 | 1,360 | 1,458 |
| cost per case where the offender agreed | 5,337 | 6,217 | 2,176 | 2,333 |
| cost per case where restorative justice was completed | 9,530 | 11,103 | 4,351 | 4,666 |

The running phase for each scheme has deliberately been taken as a time period of full activity, before funding for the scheme started to run out and so staff started leaving. The costs in this period therefore include full staffing costs, additional development activity involved in liasing with any new sites,[80] and the travel and subsistence and restorative justice event costs associated with full running, but schemes typically were able to use up materials ordered initially during the running phase, without having to order more. Steering committee meetings tended to be slightly less well attended, with an average cost of £583 per meeting (cost adjusted to 2005/06 prices).

80 All the schemes continued to expand and take on new kinds of cases during their lifetime, partly to meet demands from criminal justice agencies, partly because staff became more experienced and were prepared to consider more serious or difficult cases, and partly because they needed to acquire a greater throughput of cases. CONNECT expanded to include an additional petty sessional division in early summer 2002, at the end of the start-up phase, and then took on some victim liaison cases. JRC, because of the experimental nature of the research design, kept the same kinds of cases throughout Phase 2 (which started between this chapter's definition of start-up and running phases), but expanded geographically. REMEDI took on additional types of case, as the scheme found that particular types of referral were more likely to lead to mediation (see Shapland *et al.*, 2006b).

Overall, CONNECT expenditure, as with other schemes, was primarily driven by the cost of staff undertaking the restorative justice work and liaising with other criminal justice agencies. Premises costs, in central London, were reasonably high, but the other costs associated with restorative justice were low. One should note, however, that members of the public attending restorative justice events were not reimbursed for any loss of earnings, merely their travel costs (unlike witnesses attending court, who receive witness expenses).

The costs per case in Table 4.1 reflect the attrition rates for cases and the work involved in starting a project. The costs per case in the start-up period are substantially more than those in the running period. In the running period, the cost per case was £1,458 (at 2005/06 prices) per case referred to the scheme – i.e. cases worked on by the scheme, however far they then proceeded. The equivalent cost per agreeing offender was £2,333, whilst the cost per case which completed restorative justice was £4,666.

CONNECT kept records of how long it took facilitators to work on each case, including meetings, telephone calls and writing reports for the court. The authors noted in their second report that:

> *'An indirect mediation case involved between four and 30 telephone calls, visits or letters, with an average of 14 such contacts, in addition to being present at court for sentence in the majority of cases and writing a court report in almost every case. … Cases ending in indirect mediation took an average of about six and a half hours, with a range of between an hour and 25 hours. This compares with … an average of about 22 hours for family group conference cases and 19 and a half hours for direct mediation cases (range from 7 hours to 37 hours). … The more serious and complex cases referred from the Probation Service victim liaison team, cases with multiple victims, and cases which led to direct mediation/conferencing tended to take considerably longer than usual for indirect mediation.'* (Shapland *et al.*, 2006b, p.18).

In the running period, from 1 June 2002 to 31 May 2003, there were nine direct mediations (including family group conferences with supporters present) and 26 indirect mediations. Estimating the costs according to the time spent, a direct mediation would, therefore, cost on average £8,739 per case and indirect mediation £2,832 per case, with an overall average per case of £4,351, all at actual prices at that time, which equates to £9,112 for a direct mediation and £3,037 for an indirect mediation at 2005/06 prices.

## JRC London

JRC in London started out in two areas of London, north and south of the river Thames, in small police service areas, primarily working on cases going to the magistrates' court. Because they were unable to obtain sufficient case flow from these areas to run the RCT, they moved into Crown Court cases and expanded eventually to all Crown Court centres in Greater London (Shapland *et al.*, 2004; 2006b). The start-up phase (Phase 1) hence differs

from the running phase in three respects: the types of cases (which became on average far more serious at the Crown Court); the geographical area (which expanded greatly); and the activities of the scheme (from all cases possible going through to a conference to random assignment to a control group of about 50% of cases).

JRC London always operated from two sets of premises with two teams of facilitators (one for the south; one for the north). The north team were able to acquire and convert some disused police station premises, which involved considerable initial capital costs of conversion, but then provided very good space for conferences. The south team had to move premises, initially needing to rent offices at a commercial cost, before acquiring rented and more suitable premises, with conferencing space, but which also required some conversion and furnishing.

JRC was directed by Professor Larry Sherman of the University of Pennsylvania and Professor Heather Strang of the Australian National University, but both were not continuously in the UK and figures for their own costs were not obtainable. These costs have, therefore, had to be excluded from the estimates.[81] There was an operational manager for JRC London (a police inspector), together with research managers for north and south London, with the latter undertaking many of the administrative, data entry and analysis, and organisational duties done in other schemes by the scheme manager or administrator. They also acted as 'developers'. Their input has therefore been included (together with other research/administrative staff) in Table 4.2 below. There was relatively little staff turnover among facilitators in London, compared to the turnover of police officers between posts normally. Police did, however, undertake administrative duties which would have been done by civilian staff elsewhere, possibly, therefore, at a higher cost. The cost of refreshments and travel to conferences for civilian participants (victims and supporters) could not be separated from those for facilitators, partly because facilitators would often take participants to prison conferences in their vehicle.

Because of the changes in the scheme between the start-up and running phases, it is difficult to compare the overall costs. The start-up costs represent primarily magistrates' court working, locally, but with considerable needs to set up premises and liaise. The running costs represent Crown Court working over a very considerable area (and hence high travel costs), in rather different premises.

In the start-up phase, the cost per case referred was £2,215 at 2005/06 prices, whilst in the running phase it was £1,343, showing, like with CONNECT, the extra costs incurred when schemes start, despite the fact that, in London, the running phase involved cases which were spread over a much wider geographical area and which tended to involve considerable liaison with defence solicitors etc. to contact offenders (because these were cases being heard at the Crown Court). The cost per case in which the offender agreed was £3,259 in the start-up phase and £2,027 in the running phase.

81 Except for their attendance at steering committee meetings in Northumbria and Thames Valley.

### *Table 4.2: JRC London costs*

| Cost element | Start-up phase costs (10m) (£) | Start-up phase costs adjusted to 2005/6 levels | Running phase costs (14m) (£) | Running phase costs adjusted to 2005/6 levels |
|---|---|---|---|---|
| Staffing | 292,767 | 344,754 | 569,125 | 629,586 |
| Premises costs | 60,607 | 67,344 | 166,819 | 179,800 |
| Supplies and services | 4,633 | 5,148 | 7,968 | 8,588 |
| IT and communications equipment | 6,949 | 7,721 | 3,972 | 4,281 |
| Travel and subsistence | 3,877 | 4,308 | 13,954 | 15,040 |
| Liaison meetings with criminal justice agencies | 5,286 | 6,224 | 7,105 | 7,860 |
| Cost of restorative justice events | 666 | 785 | 1,802 | 1,994 |
| Total cost | 374,785 | 436,284 | 770,745 | 847,149 |
| Hence: | | | | |
| cost per month | 37,479 | 43,628 | 55,053 | 60,511 |
| cost per case referred | 1,902 | 2,215 | 1,221 | 1,343 |
| cost per case where the offender agreed | 3,259 | 3,794 | 1,844 | 2,027 |
| cost per case where restorative justice was completed | 5,949 | 6,925 | - | - |
| cost per randomly assigned case | - | - | 3,797 | 4,173 |

Note: The cost of restorative justice events includes the opportunity cost of escorting participants to conferences held in prison.

Because JRC was operating an experimental model, it is only possible to identify accurately a cost per randomised case in the running phase (i.e. an average cost between experimental and control groups). This was £4,173 at 2005/06 prices. It is of course much lower than the cost for cases in which restorative justice was completed in the start-up phase, £6,925 at 2005/06 prices, because all the completed cases at this point went all the way through to a conference date being set and the conference held.

However, in London some data were available on the time spent on different kinds of case during the running phase and so can estimate the cost for an experimental group case, for which in nearly all instances a conference was held. The second report of the evaluation notes:

> *'The amount of time spent on cases was available from the scheme's databases, for around 60 per cent of cases. The overall time spent was, on average, similar for burglary and street crime cases … Cases that went to random assignment took longer. An average of almost 13 hours was spent on each randomly assigned case, against just under 5 hours on other cases. An average of just under 17 hours was spent working on cases that went to a victim offender conference, whilst victim absent conferences took up the most time, at just over 22 hours'* (Shapland *et al.,* 2006b, p.25).

From the overall progress of cases in the running phase, 48% of cases were assigned to the control group; 7% resulted in a victim absent conference and 45% achieved a conference with both offender and victim (and their supporters) present. The average cost per randomly assigned case was £4,173 at 2005/06 prices for the 203 cases in the running period. Estimating from the time spent on each type of case, this would provide an estimate that a control group case would take just under eight hours, and that the relevant costs per average case at 2005/06 prices would be £5,457 for a conference with victim and offender present and £7,062 for a conference where the victim did not appear despite initially having agreed. The cost of the preparation phase up to randomisation for control group cases would hence be £2,548.

## JRC Northumbria

In Northumbria, JRC did not change the type of case being taken between the start-up and running phases, though there was geographical expansion in the areas being included. The cases comprised violent and property offences taken pre-sentence at the magistrates' court, cases with young offenders which were diverted from prosecution and given a final warning (whether or not participants agreed to take part in restorative justice), and cases of violence involving adult offenders which were to be diverted from prosecution and given a caution. Facilitators worked on all these kinds of cases over the same time period and so costs can not be split down into individual RCTs.

JRC Northumbria used police officer facilitators managed by an inspector and a chief inspector, both as part of their workloads. The senior staff were involved on the project before the facilitators were seconded to it. Research and administrative support (including developers' support) was provided by staff employed by JRC itself and this is included in the costs in Table 4.3. JRC Northumbria had a steering group, which met occasionally (twice in the start-up period, twice in the running period), consisting of senior people from relevant criminal justice agencies and Victim Support, as well as an operations group, with people involved from the particular courts etc. in which the scheme was running (Shapland *et al.*, 2004; 2006b). The latter met six times in the start-up period and twice in the running period. Staff had offices in operational police stations and conferences were usually held in other rooms in police stations, though sometimes in community venues. Costs have been imputed for this type of accommodation, though these are opportunity costs, rather than the stand-alone cost of independent premises. No conferences were held in prisons. The travel costs were relatively high, because most travel was by car, reflecting the costs associated with working in semi-urban areas outside London.

As in London, the cost per case was substantially higher in the start-up phase than in the running phase. There is an additional difficulty in estimating the cost for each randomised case in the running phase for Northumbria, because no time estimates were available for the average amount of time spent on each type of case and because

adult caution restorative justice, which was not randomised, continued during part of the running phase. The authors have, therefore, taken the ratio of the cost per case in which restorative justice was completed to the cost per randomised case for London and applied this ratio to the 27 adult caution cases in Northumbria during the running phase, which suggests that 35 randomised cases could have been completed in about the same time period in cost terms. This provides an estimate for Northumbria that the cost per randomised case was about £2,088 at 2005/06 prices.

***Table 4.3: JRC Northumbria costs***

| Cost element | Start-up phase costs (18m) (£) | Start-up phase costs adjusted to 2005/6 levels | Running phase costs (14m) (£) | Running phase costs adjusted to 2005/6 levels |
|---|---|---|---|---|
| Staffing | 241,224 | 286,738 | 390,993 | 432,529 |
| Premises costs | 93,710 | 104,127 | 77,334 | 83,352 |
| Supplies and services | 3,321 | 3,690 | 9,058 | 9,763 |
| IT and communications equipment | 8,553 | 9,504 | 0 | 0 |
| Travel and subsistence | 23,139 | 25,711 | 11,687 | 12,596 |
| Liaison meetings with criminal justice agencies | 3,728 | 4,432 | 2,107 | 2,332 |
| Cost of restorative justice events | 376 | 447 | 376 | 416 |
| Total cost | 374,051 | 434,649 | 491,555 | 540,988 |
| Hence: | | | | |
| cost per month | 20,781 | 24,147 | 35,111 | 38,642 |
| cost per case referred | 1,467 | 1,705 | 557 | 613 |
| cost per case where the offender agreed | 2,429 | 2,822 | 1,117 | 1,230 |
| cost per case where restorative justice was completed | 5,755 | 6,687 | - | - |
| estimated cost per randomly assigned case | - | - | 1,898 | 2,088 |

## JRC Thames Valley

JRC in Thames Valley worked on two RCTs, one involving pre-release restorative justice for adult prisoners convicted of violent offences; the second introduced restorative justice to the participants pre-sentence but in which the conferencing was carried out post-sentence for adult offenders sentenced to community punishments. The prison RCT was developed in one prison, but subsequently expanded to others during the running phase. The community RCT also expanded in geographical extent. It took considerable extra work to introduce the scheme in new prisons and additional parts of the probation area (Shapland *et al.*, 2004; 2006b). There are no time estimates for the amount of time it took for each type of RCT or case.

Facilitators included probation officers seconded to the scheme, community mediators (paid for the work they did on the scheme), and prison officers, supervised by a senior probation

officer, with some senior probation support as necessary. Dedicated victim contact staff from Victim Support were used in the early stages, with these staff also becoming facilitators later on. It was not possible to be precise about the number of cases worked on by each type of facilitator at each stage. Administrative support was provided by seconded probation administrative staff, but there was little research or developers' support paid directly from JRC until relatively late in the project. The offices were located in a separate suite which had been leased by the probation service. Conferences were held in prison or in community venues, often other probation offices, but not in the scheme offices, which were quite small and had no appropriate room.

Thames Valley operated a steering group, which met twice in the start-up period and approximately bimonthly in the running period and which brought together senior staff from relevant criminal justice and voluntary sector agencies.

***Table 4.4: JRC Thames Valley costs***

| Cost element | Start-up phase costs (16m) (£) | Start-up phase costs adjusted to 2005/6 levels | Running phase costs (14m) (£) | Running phase costs adjusted to 2005/6 levels |
|---|---|---|---|---|
| Staffing | 168,468 | 199,502 | 273,071 | 302,081 |
| Premises costs | 23,395 | 25,216 | 15,917 | 17,156 |
| Supplies and services | 23,188 | 24,993 | 15,976 | 17,219 |
| IT and communications equipment | 21,218 | 22,870 | 3,226 | 3,477 |
| Travel and subsistence | 7,671 | 8,268 | 12,199 | 13,148 |
| Liaison meetings with criminal justice agencies | 1,937 | 2,294 | 4,838 | 5,352 |
| Cost of restorative justice events | 1,651 | 1,955 | 3,187 | 3,525 |
| Total cost | 247,529 | 285,098 | 328,414 | 361,958 |
| Hence: | | | | |
| cost per month | 15,471 | 17,819 | 23,458 | 25,854 |
| cost per case referred | 952 | 1,097 | 333 | 367 |
| cost per case where the offender agreed | 2,526 | 2,909 | 807 | 889 |
| cost per case where restorative justice was completed | 6,188 | 7,127 | - | - |
| cost per randomly assigned case | - | - | 2,831 | 3,120 |

Note: The cost of restorative justice events includes the opportunity cost of escorting participants to conferences held in prison.

The pattern of costs was similar to that for London and Northumbria, with the start-up costs per case far higher than the running period costs (Table 4.4). Staff costs were somewhat lower than those of London and Northumbria, with similar overall numbers of facilitators, reflecting the lower salaries for the Thames Valley staff and decreased amount of administrative support available for Thames Valley. Thames Valley, however, found much greater difficulty converting referred cases into cases which were suitable (because of

difficulties acquainting all referrers with the criteria), cases where the offender agreed (partly because some of this was post-sentence work) and then in contacting victims. Hence, though the cost per case referred is quite low, the costs where the offender agreed and then where victims were able to be contacted and agreed, are much higher. The cost per randomised case was £3,120 at 2005/06 prices.

## REMEDI

REMEDI operated out of a number of different offices, taking a mixture of different kinds of cases through to direct and indirect mediation. The evaluation was provided with costs for each office and so it was possible to separate cases with youth offenders (referred prior to a final warning diversion or alternatively as part of a referral order) from those with adult offenders (referred during community sentences, as part of resettlement from nearby prisons, and occasionally as a result of victim wishes via the Probation Victim Liaison Office). The South Yorkshire office provided overall services for all the other offices (management functions, liaison, training etc.). Table 4.5 hence shows the costs per office per case for the work undertaken within that office in relation to adult offender work, as well as the overall costs for REMEDI as a whole, the latter including the head office functions. Note that this only shows costs pertaining to the work REMEDI was doing for the restorative justice cases being evaluated, which were funded by the Home Office. It does not show costs for cases funded through other funding sources, which included work in schools and victim impact work. Both individual office costs and central costs have been apportioned between the funding sources, so that Table 4.5 only includes costs associated with the restorative justice work which was paid for by the Home Office and was included in this evaluation.

REMEDI staff were all employed by REMEDI. REMEDI operated a central steering group, its trustees, which included some key representatives of criminal justice agencies (see Shapland *et al.*, 2004; 2006b). The costs of meetings of this group, including opportunity costs for attendance by members, have been divided equally between adult and youth work. Some REMEDI offices were in rented or leased premises, whilst others were within premises owned by or leased by criminal justice agencies. Costs have been imputed according to the nature of the agreements. Overall costs have been summed across offices, but the costs for each office are only costs relating to the staff based there, not including the administrative and managerial support provided from the South Yorkshire central base.

### *Table 4.5: REMEDI costs: cases with adult offenders*

| Cost element | Start-up phase costs (10m) (£) | Start-up phase costs adjusted to 2005/6 levels | Running phase costs (8m) (£) | Running phase costs adjusted to 2005/6 levels |
|---|---|---|---|---|
| Staffing | 183,210 | 215,743 | 64,526 | 73,311 |
| Premises costs | 22,376 | 24,863 | 7,487 | 8,070 |
| Supplies and services | 21,303 | 23,670 | 9,963 | 10,739 |
| IT and communications equipment | 6,327 | 7,031 | 0 | 0 |
| Travel and subsistence | 10,359 | 11,511 | 5,660 | 6,101 |
| Steering group meetings | 651 | 767 | 651 | 739 |
| Cost of restorative justice events | 2,643 | 3,112 | 1,868 | 2,124 |
| Developers' costs | 7,651 | 9,009 | 0 | 0 |
| Overall total cost (including central costs) | 246,869 | 286,697 | 90,155 | 101,084 |
| Cost for Barnsley office | 29,795 | 34,433 | 18,263 | 20,376 |
| Cost for Doncaster office | 63,380 | 22,242 | 25,915 | 28,983 |
| Cost for Rotherham office | 60,709 | 70,590 | - | - |
| Cost for Sheffield office | 49,747 | 57,914 | 29,245 | 32,837 |
| Hence: Overall total cost per month | 24,687 | 28,670 | 11,269 | 12,636 |
| Overall cost per case referred (including central costs): | 596 | 693 | 221 | 248 |
| Barnsley | 214 | 248 | 87 | 97 |
| Doncaster | 1,378 | 1,597 | 682 | 763 |
| Rotherham | 490 | 569 | - | - |
| Sheffield | 474 | 552 | 308 | 346 |
| Overall cost per case where the offender agreed (including central costs) | 1,991 | 2,312 | 791 | 887 |
| Barnsley | 903 | 1,043 | 870 | 970 |
| Doncaster | 1,864 | 2,160 | 894 | 999 |
| Rotherham | 2,093 | 2,434 | - | - |
| Sheffield | 1,777 | 2,068 | 650 | 730 |
| Overall cost per case where restorative justice was completed (including central costs) | 9,143 | 10,618 | 2,908 | 3,261 |
| Barnsley | 4,966 | 5,739 | 2,029 | 2,264 |
| Doncaster | 7,922 | 9,180 | 5,183 | 5,797 |
| Rotherham | 10,118 | 11,765 | - | - |
| Sheffield | 7,107 | 8,273 | 2,250 | 2,526 |

Note: Doncaster and Rotherham adult offender work was merged in the same office by the running period.

Though REMEDI started operations long before the work being evaluated, the funding from the Home Office enabled it to open offices in all the main population centres in South Yorkshire. There was, therefore, a start-up phase, in which staff were appointed to these offices or moved from the previous Sheffield base, and links were made with local criminal justice practitioners.

It was initially thought that the key mechanism for referral would be 'automatic' referral from probation of all those on community sentences who expressed any interest, but it fairly quickly became apparent that this produced a low rate of completed mediation, partly because of unsuitable referrals, partly because of victim contact difficulties at that time (Shapland *et al.*, 2004; 2006b). The start-up costs reflect this, with the cost per completed case being far higher than the cost per case where the offender agreed and there also being a sizeable gap between the cost per case referred and the cost where the offender agreed.

***Table 4.6: REMEDI costs: cases with youth offenders (all offices combined)***

| Cost element | Start-up phase costs (10m) (£) | Start-up phase costs adjusted to 2005/6 levels | Running phase costs (8m) (£) | Running phase costs adjusted to 2005/6 levels |
|---|---|---|---|---|
| Staffing | 45,184 | 53,207 | 37,102 | 42,154 |
| Premises costs | 12,596 | 13,997 | 12,411 | 13,377 |
| Supplies and services | 4,827 | 5,363 | 9,963 | 11,128 |
| IT and communications equipment | 1,070 | 1,190 | 0 | 0 |
| Travel and subsistence | 2,399 | 2,666 | 5,866 | 6,322 |
| Steering group meetings | 651 | 767 | 651 | 739 |
| Cost of restorative justice events | 601 | 708 | 1,671 | 1,899 |
| Developers' costs | 1,772 | 2,086 | 0 | 0 |
| Total cost | 67,328 | 77,898 | 68,024 | 75,619 |
| Hence: | | | | |
| Total cost per month | 6,733 | 7,790 | 8,503 | 9,452 |
| Cost per case referred | 312 | 361 | 324 | 360 |
| Cost per case where the offender agreed | 556 | 644 | 648 | 720 |
| Cost per case where restorative justice was completed | 1,726 | 1.997 | 1,944 | 2,161 |

Some offices were able to develop, instead, a considerable volume of work with offenders in prison under resettlement programmes and, by this time, victim contact details were taking a shorter time to obtain. However, in other offices adult work was at low volume and, given the volume of youth offender work coming through the Doncaster office, the decision was taken, prior to the running period, to merge the Doncaster and Rotherham offices (put under 'Doncaster' in Table 4.5). In the running period, therefore, adult offender work was being undertaken by mediators based at Barnsley, Doncaster and Sheffield (with the Sheffield office finally moving into the new headquarters premises in Sheffield). The costs per case in the running period are substantially lower and far more even between offices.

The experience with young offender work was a similar story, but showing an even greater concentration over time. Adult criminal justice agencies mostly worked over the whole of South Yorkshire, so contact was at both headquarters and local level. The exception was prison-based work, where contact needed to be primarily at local prison level and where it

was the enthusiasm (or lack of it) of local staff which determined volume. Youth Offending Teams (YOTs), however, are relatively independent of each other and there were different teams in each town. The volume (and hence cost) of work with young offenders was primarily determined by YOTs. Work with young offenders included restorative justice (primarily letters of apology and indirect mediation) stemming from agreements at referral panels and also work which was part of final warnings. At the time of the Home Office funding, as documented in the authors' second report, Barnsley and Sheffield YOTs were not so interested in direct restorative justice work with young offenders (though they did do indirect reparation not involving direct or indirect mediation), whilst Doncaster YOT was very keen that as many young offenders as possible should be given victim impact training (carried out under contract by REMEDI), which then led, for some young offenders, into mediation (Shapland *et al.*, 2004; 2006b). Hence, in the start-up phase, restorative justice work with young offenders was carried out in Barnsley, Doncaster and Sheffield, but, over time, the demand for work in Doncaster increased to such an extent that almost all mediators were based there, travelling out as necessary to other places. As a result, in Table 4.6, the work of the different offices has been combined.

The work with young offenders, by the running phase, was thus characterised by relatively easy supply of cases in offices still doing youth work, reflected in a low cost per referred case, but considerable difficulty in translating that into true restorative justice (as opposed to writing letters of apology, not all of which were then delivered to victims). One must not think, however, that REMEDI staff working on youth cases were solely concerned with mediation. Much of their effort was devoted to doing victim impact work with young offenders, which did not then turn into mediation. This work is not shown in Table 4.6, because it does not fall under the heading of this evaluation. Compared to the cost per referred case, therefore, the costs per case where the offender agreed and the cost per case where restorative justice was completed are much higher than for the adult work.

## Comparing costs across sites

In Table 4.7 below, costs across schemes and sites are compared, concentrating upon work with adult offenders (except for JRC Northumbria where it is not possible to split adult and youth costs) in the running period (to obviate the differences in start-up costs due to different needs to buy equipment, decorate offices etc.). There is no one perfect measure on which to compare costs. From the discussion above it is obvious that costs reflect volume of workload and difficulties in progressing cases (particularly in obtaining victim contact details and then in contacting victims, if the restorative justice is being offered a considerable time after the offence). Where sites have problems in obtaining referrals or extracting cases (low volume), this may not result in facilitators being idle because the work involved in obtaining cases, such as the need to liaise with other criminal justice agencies, increases. A larger geographical area or remote locations for restorative justice events (such as prisons) also impinge on facilitator time.

***Table 4.7: Comparing costs across sites for restorative justice work with adult offenders during the running phase, to a 2005/6 cost base***

| Cost element | CONNECT (12m) (£) | JRC London (14m) (£) | JRC Northumbria (14m) (£) | JRC Thames Valley (14m) (£) | REMEDI (8m) (£) |
|---|---|---|---|---|---|
| Total cost per month | 13,610 | 60,511 | 38,642 | 25,854 | 12,636 |
| Average number of cases per month referred | 9 | 45 | 63 | 70 | 51 |
| Cost per case referred | 1,458 | 1,343 | 613 | 367 | 248 |
| Average number of cases per month where offender agreed | 6 | 35 | 31 | 29 | 14 |
| Cost per case where the offender agreed | 2,333 | 2,027 | 1,230 | 889 | 887 |
| Average number of cases per month where restorative justice completed | 3 | 9* | - | - | 4 |
| Cost per case where restorative justice was completed | 4,666 | 5,457* | - | - | 3,261 |
| Average number of cases per month where cases randomised | - | 17 | 19* | 8 | - |
| Cost per randomised case | - | 4,173 | 2,088 | 3,120 | - |

Note: * estimated figure (see relevant section above for assumptions being made)

However, one can see some general trends in making these comparisons between sites and the comparisons, particularly the running costs; this may be helpful to future schemes in calculating the effects of having different volumes of cases in workloads.

- The costs of running restorative justice were primarily determined by staffing, including both facilitators/mediators and administrators. The costs paid to lay participants for travel and those of running conferences were low for these schemes (noting that lay participants were not reimbursed for their time off work).
- There is no clear relationship between the size of the scheme (the cost per month) and the cost per case, so larger schemes, dealing with more cases, were not necessarily more efficient.
- Equally, schemes covering larger geographical areas were not much more costly.
- The ease of operating the process, particularly in elements which depend on relations with other criminal justice agencies (such as obtaining victim contact details), was an important determinant of cost in terms of completing restorative justice (or getting to the point of randomisation). The more integrated the scheme was with criminal justice, the easier these processes appeared to be. This has implications for the way in which future restorative justice schemes might be encouraged: if they are intended to be linked

to criminal justice decisions or processes, then they need to be solidly integrated with other criminal justice agencies. This might mean that future restorative justice schemes are part of traditional criminal justice agencies, or it might mean that clear, binding inter-agency agreements are set up, at the beginning, between the restorative justice scheme and the relevant criminal justice agencies, such that relevant information about cases is easily and routinely passed to the scheme.

- Indirect and direct mediation (CONNECT and REMEDI) were no cheaper than conferencing (JRC). Though conferencing involves bringing participants together, including the cost of meetings, and including supporters for both offender and victim, indirect mediation could involve more individual contacts between each lay participant and the mediator, as information is passed. Difficulties in contacting participants took up mediator time.
- Work involving adult offenders or serious offences was not intrinsically much more costly (for example, half of Thames Valley work was pre-prison release for serious offences, while Northumbria work was on less serious offences).

## Calculating cost benefit and value for money

The only form of benefit from restorative justice which can be currently calculated in financial terms is the benefit stemming from any decreased reconviction following restorative justice. It needs to be noted here that such figures can, at present, only include the benefit stemming directly from decreased reconviction. They cannot include further benefits stemming from any decrease in re-offending which does not give rise to a conviction. Given that many offences are not reported to the police and do not result in a conviction, these benefits may be substantial (particularly for property offences such as shop theft and fraud which are known to have low reporting rates).

In Chapter 2, the cost of convictions of offenders was considered, looking at the convictions in the two years prior to the instant offence and in the RJ period of the two years from experiencing restorative justice. There are three ways in which benefits of reduction in re-offending can be calculated from these figures for each group of offenders.

- **Method 1**: Considering the restorative justice group only (those who had experienced restorative justice or, in the case of JRC, had been randomised into the experimental group), looking at the cost saving by subtracting offending in the RJ period (Erj) from offending in the two years before the instant offence (Eb), i.e. total over all offenders of (Eb – Erj). This effectively uses offenders as their own controls in terms of offending.
- **Method 2**: A benefit will ensue if the cost of offending for the control group is higher than that for the restorative justice group – i.e. if the restorative justice group have offended less than the control group. So, Method 2 involves looking at the total cost of offending in the RJ period for the control group (sumCrj) and subtracting that for the restorative

justice group (sumErj), i.e. total over all offenders of (sumCrj - sumErj). This uses the control group as the control.

- **Method 3**: Allowing for both the effect of before and after offending and for changes in the context of offending over the four-year period: looking at the cost saving for the restorative justice group (Eb – Erj), and subtracting the same parameters for the control group (Cb – Crj), i.e. {(Eb – Erj)} - (Cb – Crj)} (note that because these are cost savings the control group is subtracted from the restorative justice group).

Because the costs scales are relatively new there is no accepted method for these comparisons. Essentially, Method 1 is the simplest and its equivalent has been used in some previous restorative justice evaluations (comparing predicted with actual re-offending: see Sherman and Strang (2007). It could also be said to be equivalent to a value for money estimate if the schemes were operating not as research, but in normal operation. However, it does not take account of changes in the sample over the four-year time period, due to external conditions, such as rates of unemployment or prosecutorial practices, or because of maturation (for example, as the youngest age groups would be expected to increase their offending up to late adolescence). Method 2 controls for changes in external conditions but is only over a two year period. Method 3 also takes into account any differences there might have been between the experimental and control groups. Method 3 is, in the authors' view, by far the best method, but all three calculations are included here because there is no agreed standard.

The question of value for money is whether the benefit from decreased re-offending is greater or less than the cost of running the scheme – though, of course, this leaves aside any benefits from increased victim and offender satisfaction/confidence in criminal justice, which could not be measured in financial terms.

The other difficulty is that the numbers of cases for the running period (the period relevant to calculating cost benefit and value for money) for JRC in the costs calculations in this chapter have been the numbers of randomised cases. If JRC had been running in normal operation, rather than randomising into a control group for research purposes, there would only have been restorative group cases. To provide a proper comparison, one really needs to compare any benefit from decreased re-offending with the work done on the restorative justice group only. Hence, for these benefit calculations one needs to estimate the costs for cases in the restorative justice group and cases in the control group. irect proportions for this were only available for London JRC. These proportions were also taken as applying to Northumbria and Thames Valley JRC. For all these reasons, the estimates below of the benefits and value for money of the schemes need to be read with considerable caution.

The results for all three methods are shown in Table 4.8. For JRC, Methods 2 and 3 produce positive benefits in cost terms over the running period for all three sites. There is only a negative result for Method 1 (the simplest, but probably the most inaccurate) for Northumbria. Moreover, the cost benefits are sufficient to cover the whole cost of running that site for London and Thames Valley. In other words, JRC London and JRC Thames Valley produced value for money in terms of a lower cost of reconviction to victims and criminal justice, even though they were running an experimental, research-based programme in which half the cases did not receive a conference. JRC Northumbria would also have produced positive value for money had it only been undertaking restorative justice group cases (the benefit from decreased reconvictions was greater than the cost of the restorative justice cases but not the additional cost of the control cases as well).

It was, however, a different story for CONNECT and REMEDI. Here, no method of calculating the benefits produced positive results – there were costs, not benefits, from the reconviction figures. The cost of running the site could not be set off against any benefit from reconviction. CONNECT and REMEDI, the two sites undertaking mediation as opposed to conferencing, did not provide positive value for money, as measured by reconvictions.

***Table 4.8: Value for money calculations, comparing the cost of running the scheme with the benefit from any decreased reconviction, over the running period, all to 2004/5 prices***

| | Method 1 benefit £ | Method 2 benefit £ | Method 3 benefit £ | Cost of whole site £ | Cost for restorative justice group cases £ |
|---|---|---|---|---|---|
| CONNECT | -421,295 | -642,740 | -363,405 | 163,325 | 163,325 |
| JRC London | 5,559,212 | 2,214,811 | 8,261,028 | 847,149 | 598,848 |
| JRC Northumbria | -826,120 | 1,414,953 | 320,125 | 540,988 | 275,411 |
| JRC Thames Valley | 1,321,701 | 1,808,952 | 461,455 | 361,958 | 222,463 |
| REMEDI adult cases | -1,016,738 | -531,991 | -1,182,309 | 101,084 | 101,084 |
| REMEDI youth cases | -757,925 | -120,435 | -388,500 | 75,619 | 75,619 |
| REMEDI total | -1,795,266 | -647,658 | -1,470,612 | 176,703 | 176,703 |

Note: * All the figures above assume that the cost per case over the RJ period or CJ period is the same as the cost per case in the running period. Relative costs of Northumbria and Thames Valley cases have been estimated from times taken on London cases. Relative costs of REMEDI cases have been estimated from times taken on CONNECT cases. Negative figures for benefits are net costs, rather than benefits.

One needs to remember, however, that all these value for money calculations only consider benefits in terms of reconvictions.[82] Neither CONNECT nor REMEDI saw their primary purpose as being to prevent reconviction. They put far more weight on benefits to victims, which were clearly present in all three schemes (Shapland *et al.*, forthcoming), but which the authors are unable to render in monetary terms.

82 There were no additional costs for a control group falling on CONNECT and REMEDI themselves, so the cost of the whole site is the cost of the restorative justice cases.

To summarise, JRC was value for money, in that the cost of running the scheme was less than the benefit from decreased reconviction (as measured by the benefit from decreased rates of reconviction which take into account both victim costs and criminal justice costs). CONNECT and REMEDI, which were providing direct and indirect mediation, did not result in any benefit due to decreased reconviction in cost terms – as Table 2.5 demonstrates, both the restorative justice and the control groups cost more in terms of reconviction in the two years after the intervention.

# 5. Conclusion

Assessing whether restorative justice led to fewer reconvictions was one of the major aims of the three restorative justice schemes being evaluated. Reducing re-offending, for which reducing reconviction is the best proxy measure, is important. However, it was not the only major aim of the three schemes: whether the restorative justice provided by the schemes met victim needs was the second aim set out originally by the Home Office. The schemes themselves – and victims and offenders participating in the schemes – also wished to contribute towards solving problems which lay behind re-offending and to provide some closure in respect of the effects of the offence and questions remaining from the offence at the time of the restorative justice events. The findings of this report, which are about reconviction and costs, need to be taken together with the findings of previous reports, which indicate very substantial satisfaction with the process and outcomes of restorative justice on the part of both victims and offenders participating in all three schemes (Shapland *et al.*, 2007).

## The findings on reconviction

The main test of whether restorative justice 'works' in terms of decreasing re-offending, as measured by reconviction, is whether offenders in the restorative justice groups were reconvicted less often, or committed offences of less seriousness, or committed offences which caused less cost to victims and criminal justice, than offenders in the control groups. There is no one perfect measure of whether re-offending is decreased and there were few clues from previous research as to what these three schemes, which have concentrated on adult offenders, might show. Almost all previous research has looked at youth offenders and has tended to use small samples. Previous studies have generally found non-statistically significant results, with a few positive significant results and very little evidence of any criminogenic effects for offences with personal victims (McCold, 2006; Sherman and Strang, 2007).

The three RJ schemes, therefore, were breaking new ground, because they concentrated upon adult offenders and, often, relatively serious offences. There was still, however, the problem of relatively small samples: many individual JRC sites, REMEDI kinds of cases and CONNECT generally had sample sizes which would require restorative justice to have an effect on reconviction much higher than 10% to show any statistically significant effect. It is quite rare that any intervention within criminal justice shows effect sizes of 20% or 30%. So this was quite a stiff test and, in order to look at reasonable sample sizes, one has to 'add up' the individual JRC RCTs and REMEDI types of cases.

In terms of reconviction, it was found that:

- Summed over all three restorative justice schemes, those offenders who participated in restorative justice committed statistically significantly **fewer** offences (in terms of reconvictions) in the subsequent two years than offenders in the control group.

- Looking only at **likelihood of reconviction** over the next two years, though the overall result tended towards the positive direction (i.e. that restorative justice reduced re-offending), this result was not statistically significant (therefore, it could have been caused by chance).
- When considering the restorative justice schemes summed together in terms of **severity of reconviction** there were no significant differences between the restorative justice and the control groups.
- All JRC groups (summed together) showed a lower **cost of convictions** versus a control group. Results for REMEDI and CONNECT were not statistically significant. Costs of convictions included the costs to potential future victims and criminal justice costs.
- The individual restorative justice trials and groups in this study each had relatively small sample sizes and therefore would not, on their own, be expected to have a large enough impact on re-offending to be statistically significant (i.e. so that we would know that they were unlikely to have been caused by chance).
- The exception was the Northumbria JRC court property trial which showed such a large impact on the reduced likelihood and severity of re-offending (against a control group) that these results were statistically significant. The JRC Northumbria site as whole also showed statistically significantly fewer reconvictions in the subsequent two years than offenders in the control group.
- There were no statistically significant results pointing towards any criminogenic effects of restorative justice (making people worse) in any scheme.

## Could one target restorative justice – does it have greater effects on reconviction for some people more than others?

The next question is whether it would be particularly beneficial to target the provision of restorative justice, because it is more helpful for some offenders or cases than others in terms of reconviction. The overall answer from the analysis is no – there are almost no differences between different kinds of offenders or cases which lead to better reconviction rates. Quite simply, it is not possible to predict, from this evaluation, that one offender will be more likely to benefit from restorative justice than another on the basis of their prior characteristics. Factors such as age, gender, ethnicity (demographic factors), type of offence, and stage of criminal justice at which the restorative justice took place were checked. None showed any significant difference in terms of the benefit that doing restorative justice provided. However, the small sample group sizes in the subgroup analysis made it unlikely that any significant differences would be found. Therefore, it is not possible to say with certainty that none of the factors considered here have any impact on the effectiveness of RJ, just that any impact which does exist was too small to be able to be detected in this study.

Another element which militates against targeting the offer of restorative justice on the basis of prior characteristics is the findings on victim and offender satisfaction (Shapland *et al.*, 2007). Essentially, very high levels of satisfaction with restorative justice were found from almost all victims and offenders throughout all three schemes. No particular characteristic was likely to lead to greater satisfaction except that the offender was prepared to admit guilt and take responsibility for the offence and that there was the possibility of communication between victim and offender.

Could, however, different aspects of the process of restorative justice be particularly beneficial? Previous research on young people has suggested that some processual and attitudinal factors predict better outcomes in terms of reconviction (Maxwell and Morris, 2001; Hayes and Daly, 2003). It was found that, in cases with adult offenders, for JRC:

- there was a significant positive relationship between the extent to which offenders said the conference had made them realise the harm done by the offence and the proportion of offenders convicted and the cost of convictions over the following two years;
- offenders who said they particularly wanted to meet their victim at a conference were less likely to be reconvicted and had lower frequency and cost of reconvictions;
- offenders who were observed (by researchers) to be participating actively in the conference had a significantly lower cost of subsequent convictions than those who participated less actively; and
- offenders who said the conference was useful to them were significantly less likely to be reconvicted and had a lower frequency and cost of reconviction.

These are all findings about JRC conferences and all relate to adult offenders who had experienced such a conference, almost all of which produced outcome agreements. Discussing outcome agreements tended to focus the conference participants on what could be done to prevent that offender re-offending. They also all relate to the experience of restorative justice by offenders. No measure of victim attitudes produced significant results in relation to re-offending, which is not very surprising, given that victims tended to be satisfied and that reconviction is a measure of change in offenders. It was not possible to do similar analyses for CONNECT and REMEDI mediations, because of the smaller sample sizes. The findings suggest that the way in which offenders experience conferences is related to their progress towards desistance (stopping offending). The authors would suggest that restorative justice events provide an opportunity for those who are intending to desist to gain support for that decision (from victims and offender supporters) and to acquire means to help them on the path to desistance (if the event results in an outcome agreement which targets problems relating to re-offending).

## Are these kinds of restorative justice 'value for money'?

All three schemes operated in addition to the traditional criminal justice path for that offence. Restorative justice costs, hence, were additional to criminal justice costs and there was no potential for saving money through diversion. The sole way in which benefits could be calculated was through restorative justice producing lower costs of reconviction. This is a hard measure of potential benefit: it does not bring into the equation either the benefits flowing from the greater satisfaction of victims or offenders (including greater confidence in criminal justice) nor any savings from lower re-offending which did not result in a conviction.

The cost of the schemes varied between £248 and £1,458 per case referred, or between about £3,261 and £5,457 per case in which restorative justice was completed. Cases will drop out between referral and completion because the offender or victim do not agree, or because it is not possible to hold a restorative justice event because of moving away, injury, practical difficulties etc. Costs were primarily driven by staffing costs, but larger schemes, with more cases, were not necessarily more efficient. Costs also depended upon the ease of operating the restorative justice process and particularly the ease of liaising with and receiving information from criminal justice agencies.

Overall, CONNECT and REMEDI did not produce savings in terms of the cost of reconviction – restorative justice offenders' costs of reconviction were slightly higher than control group offenders' costs of reconviction. Hence it was impossible for them to be value for money on the strict reconviction test (though there was high victim and offender satisfaction). JRC, however, did produce a lower cost of reconviction in the restorative justice group than the control group. This was a difference sufficiently large to cover the cost of running the scheme and so JRC could be said to be value for money on the strict reconviction test.

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# Appendix 1. Methodological details: periods for reconviction analysis and costs analysis

## Reconviction analysis

### CONNECT, mediation pre-sentence:

Direct mediation restorative justice group – start date for RJ period is date of mediation meeting; start date for CJ period is date of sentence. Control group – start date for RJ period is date of sentence; start date for CJ period is date of sentence.

Indirect mediation restorative justice group – start date for RJ period is last date of contact with scheme/date of closure; start date for CJ period is date of sentence. Control group – start date for RJ period is date of sentence; start date for CJ period is date of sentence.

### CONNECT, mediation during prison sentence:

Direct mediation restorative justice group – start date for RJ period is date of mediation meeting; no CJ period (during long determinate/life sentence). Control group – start date for RJ period is equivalent point in sentence; no CJ period.

Indirect mediation restorative justice group – start date for RJ period is last date of contact with scheme/date of closure; no CJ period. Control group – start date for RJ period is equivalent point in sentence; no CJ period.

### JRC randomised phase (Phase 2), experimental group:

London – start date for RJ period is date of conference (or date scheduled for the conference if conference was subsequently abandoned; last contact/date of closure of case if no conference date was ever scheduled); start date for CJ period is date of sentence.

Northumbria adult court cases – start date for RJ period is date of conference (or date scheduled etc. as for London); start date for CJ period is date of sentence.

Northumbria youth final warning cases – start date for RJ period is date of conference (or date scheduled etc. as for London); start date for CJ period is date of final warning.

Thames Valley prison RCT – start date for RJ period is date of conference (or date scheduled etc. as for London); start date for CJ period is date of release from that sentence.

Thames Valley community sentence RCT – start date for RJ period is date of conference (or date scheduled etc. as for London); start date for CJ period is date of sentence.

### JRC randomised phase (Phase 2), control group:

London – start date for RJ period is date of randomisation; start date for CJ period is date of sentence.

Northumbria adult court cases – start date for RJ period is date of randomisation; start date for CJ period is date of sentence.

Northumbria youth final warning cases – start date for RJ period is date of randomisation; start date for CJ period is date of final warning.

Thames Valley prison RCT – start date for RJ period is date of randomisation (if not available, last date of contact with scheme); start date for CJ period is date of release from that sentence.

Thames Valley community sentence RCT – start date for RJ period is date of randomisation (if not available, last date of contact with scheme); start date for CJ period is date of sentence.

### REMEDI cases

Community sentences, youth final warning and referral panel cases: direct mediation – start date for RJ period is date of mediation meeting; start date for CJ period is date of sentence/warning/panel; indirect mediation – start date for RJ period is date of last contact/date of closure; start date for CJ period is date of sentence/warning/panel; control group cases – start date for RJ period and CJ period is date of sentence/warning/panel.

Prison resettlement cases: direct mediation – start date for RJ period is date of mediation meeting; start date for CJ period is date of release from that sentence; indirect mediation – start date for RJ period is date of last contact/date of closure; start date for CJ period is date of release from that sentence; control group cases – start date for RJ period and CJ period is date of release from that sentence.

Long-term prison cases, normally victim-initiated: direct mediation – start date for RJ period is date of mediation meeting; no CJ period; indirect mediation – start date for RJ period is date of last contact/date of closure; no CJ period; control group cases – start date for RJ period is equivalent point in sentence; no CJ period.

## Costs analysis

***Table A1.1: Time periods for the start-up and running phases for each site and the number of cases referred during those periods which subsequently reached each stage***

| Site | Start-up phase | Running phase |
|---|---|---|
| CONNECT: | 1.4.01 – 31.5.02 | 1.6.02 – 31.5.03 |
| Cases referred | 30 | 112 |
| Cases where offender agreed | 25 | 70 |
| Cases in which restorative justice completed | 14 | 35 |
| JRC London: | 1.9.01 – 30.6.02 | 1.10.02 – 30.11.03 |
| Cases referred | 197 | 631 |
| Cases where offender agreed | 115 | 418 |
| Start-up cases in which conference held | 63 | - |
| Cases randomly assigned | - | 203 |
| JRC Northumbria: | 1.1.01 – 30.6.02 | 1.10.02 – 30.11.03 |
| Cases referred | 255 | 882 |
| Cases where offender agreed | 154 | 440 |
| Start-up cases in which conference held | 65 | - |
| Adult caution cases in which conference held | - | 27 |
| Cases randomly assigned | - | 197 |
| JRC Thames Valley: | 1.3.01 – 30.6.02 | 1.10.02 – 30.11.03 |
| Cases referred | 260 | 985 |
| Cases where offender agreed | 98 | 407 |
| Start-up cases in which conference held | 40 | - |
| Cases randomly assigned | - | 116 |
| REMEDI adult cases | To 30.6.02 | 1.7.02 – 31.3.03 |
| Cases referred | 414 | 408 |
| Cases where offender agreed | 124 | 114 |
| Cases in which restorative justice completed | 27 | 31 |
| REMEDI youth cases | To 30.6.02 | 1.7.02 – 31.3.03 |
| Cases referred | 216 | 210 |
| Cases where offender agreed | 121 | 105 |
| Cases in which restorative justice completed | 39 | 35 |

Note: Both start-up and running phases in this table are periods of time during which only start-up or running (as relevant) were occurring and so do not correspond to the whole time periods over which JRC was running Phase 1/Phase 2 cases (Shapland *et al.*, 2004).

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