



THE HARD FACTS: RESTORATIVE JUSTICE AS EVIDENCE-BASED PRACTICE

RESTORATIVE JUSTICE WORKS

- ↑ High Victim Satisfaction
- ↑ High Sense of Fairness
- ↑ Increased Restitution to Victims
- ↓ Reduced Recidivism
- ↓ Reduced Cost

RESEARCH Three decades of research on restorative justice provides evidence that the practice provides many benefits. This fact sheet refers to published studies, meta-analysis (studies of studies), and reviews of research¹ along with some data collected by the Restorative Justice Community Center of Southwestern New Mexico, Inc. (RJCC).

GOALS OF JUSTICE Restorative justice fulfills the three goals of the criminal justice system:

- Provide a sense of justice.
- Reduce crime.
- Reduce cost.

Restorative justice provides a sense of justice through high satisfaction, high sense of fairness of participants, and increased restitution for victims. Crime is reduced through reduced recidivism and prevention. Cost to the criminal justice system is reduced through diversion along all phase of the criminal justice continuum from pre-arrest through post-incarceration.

RESTORATIVE PRINCIPLES & PRACTICE Restorative justice is both a perspective on crime and an approach to preventing and responding to crime. Crime is viewed as primarily harm done to people and secondarily as a violation of law. The focus is on healing those affected and holding accountable those responsible for crime. Opportunity is provided to everyone affected by crime to be involved in a reparative and restorative response.

These principles are most effectively applied when everyone involved in and affected by crime has an opportunity speak and to be heard and understood. Dialogue is a form of speaking and listening that improves trust and understanding. It is non-adversarial and facilitated by a trained 3rd party. It may be structured as a mediation between victim and offender, as a conference additionally involving family and community members directed by a facilitator, or as a less directive circle process involving same and guided by a circle keeper.

The foremost applied and most effective restorative practice is restorative dialogue. This review of research focuses on the evidence-based practice of restorative dialogue.

RESTORATIVE DIALOGUE

Heal the Harm – Hold Accountable
Victims – Community – Offenders
Opportunity to speak and to listen

Formats

- Mediation
- Conferencing
- Circles

Aspects

- Structured
- Facilitated
- Non-adversarial

Promotes Understanding
Creates New Meaning
Supports Agreements

PARTICIPANT SATISFACTION IS HIGH

Victims and offenders who participate in mediation are more satisfied with the criminal justice system than those who do not.³ Satisfaction rates with conferencing range from 73% into the high 90% range.⁴ Conferencing participant agreement rates based on satisfaction measures range from 90% to 100%.⁵ Participant satisfaction with restorative justice in Grant County is 98%, with 97% reporting they would use it again and 100% reporting it was helpful.⁶

In comparison, seventy-five percent (75%) of the public favors revamping the entire criminal justice system while only 16% say it works well enough as it is.⁷ Forty-eight percent (48%) of crime victims whose offenders were caught “expressed satisfaction with the outcome of their case, and only 37% felt the prosecutor had taken their opinion into consideration” (McCold, 2003, p. 69).

BENEFITS STATED BY PARTICIPANTS²

Victims

- Being able to tell their story
- “Listening to others”
- “Connecting with people in the circle”

Offenders

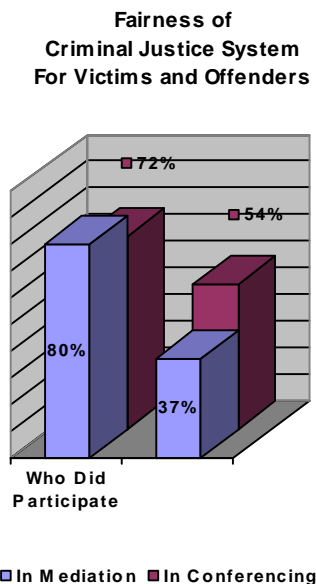
- “Changed attitude/behavior”
- “Opportunity to payback victim and community”
- “Connecting with people in the circle”
- “Avoid court”

Community Members

- “Giving something back to the community”
- “Helping people”

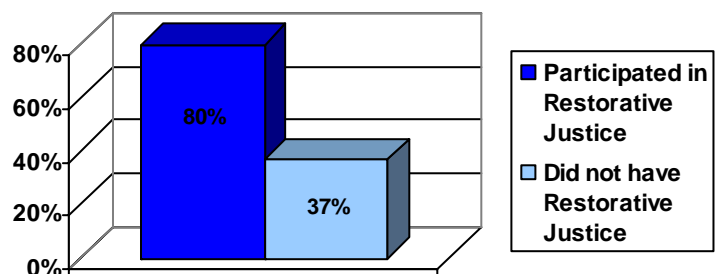
SENSE OF FAIRNESS IS HIGH

Experience of fairness of the criminal justice system for burglary victims’ is higher for those who participated in mediation than those who did not.⁸ For those who participated in mediation, reporting of fairness is 116% higher for those who participated than those who did not. For those who participated in conferencing, 33% higher. (See graph at left.)



“In a study in Minneapolis, Umbreit found that eighty percent (80%) of burglary victims who participated in victim offender mediation “indicated that they experienced the criminal justice system as fair compared with only thirty-seven percent of burglary victims who did not” (Umbreit, 1989, as cited in Umbreit, Vos and Coates, 2006, p. 6.)

Burglary victims who experienced criminal justice system as fair



RESTITUTION IS HIGH

Restorative dialogue usually concludes with an agreement created by participants. This restitution agreement may include apology, specific actions such as community service or direct service to the victim, payment of financial restitution for damage or loss, or any combination.

80-90% of Agreements are Completed

Ninety percent (90%) of mediated cases end with an agreement. Eighty to ninety percent (80-90%) of those agreements are completed.⁹ “Completion rates for agreements developed during conferences are quite high, ranging from the middle 80% range to the middle 90% range.”¹⁰

While some studies indicated mixed results, “The meta-analysis covering both mediation and group conferencing found that offenders participating in these programs had substantially higher completion rates than offenders processed in other ways.”¹¹

RECIDIVISM IS REDUCED

Studies of repeat offense by offenders who had participated in restorative justice practice indicate varying recidivism. The following data is based on studies of rates of re-offending involving comparison groups. All three studies that compared participant offense rate before and after mediation “found an overall reduction in offense rates for participating offenders.”¹²

There have been three meta-analysis of recidivism. One found 32% lower rate of recidivism of 619 juvenile offenders who participated in mediation compared to the 679 who did not. Youth in this study who did re-offend committed less serious offenses.¹³ Another meta-analysis involving 14 studies of 9,037 juvenile offenders found 26% lower recidivism and less serious re-offense.¹⁴ A Canadian meta-analysis of both mediation and conferencing found reduced recidivism compared to non-restorative approaches, and that “offenders in the two program types were significantly more successful during the follow-up periods.”¹⁵

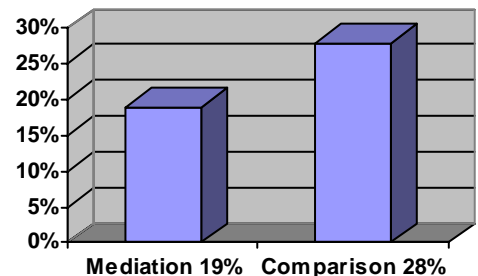
A study found that “young first-time offenders are less likely to re-offend if the response to that first offense is group conferencing than if it is court referral or cautioning.”¹⁶ Circles been shown to provide 80% reduction in recidivism.¹⁷

Only 2 sex offenders (2%) re-offended in the first ten years of a circle-based restorative justice program in the Canadian village of Hollow Water. This is in contrast to 13% for sex-offender recidivism and 36% for any recidivism in Canada.¹⁸

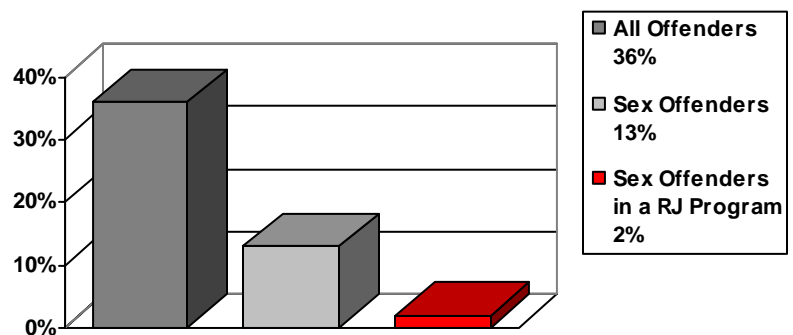
Higher recidivism rates for violent crime were found for youth who did not participate in conferences than for those who did.¹⁹

Examination of recidivism should be placed in the context of other benefits and not be the only measure of effectiveness of restorative justice.

Juvenile Recidivism Rate Reduced 32%



Recidivism of Sex Offenders in Canadian Circle-based Program



REDUCED COST

Cost to the criminal justice system is reduced in part through diversion. A North Carolina program reduced court trials by as much as two-thirds.²⁰ Court case load was reduced in New Zealand from 13,000 per year before the nationwide establishment of conferencing for youth and families in 1989 to 2,587 in 1990. Only 3 out of 5 youths there received a penalty in court before implementation while 95% either received a penalty or made an apology after implementation.²¹

Various programs have been shown to reduce trials, total incarceration time, cost of incarceration (i.e. jail instead of prison), and time to process a case.²² In one study, “total time required to process mediated cases was only a third of that needed for non-mediated cases.”²³

In addition to the cost to the criminal justice system, the financial cost of property loss and destruction to victims may be reduced by prevention and reductions in recidivism.

Canadian Government Saved Millions on 100 Offenders²⁴

The Hollow Water First Nation Community Holistic Circle Healing (CHCH) strategy integrates policing, justice, corrections, health and social services around a restorative approach based on circle processes.²⁵ It saved the Canadian government millions of dollars on the 107 offenders participating in its first 10 years. (All figures shown in Canadian dollars.)

Actual cost for restorative justice:\$2.4 million.
Estimated cost to imprison:\$6.2 to \$15.9 million.

Every \$1 spent on restorative justice program would have cost...

- \$3.75 to provincial governments for pre-incarceration costs, prison and probation.
- \$2.46 to \$12.15 to federal government for incarceration and parole.

Every \$2 spent would have cost provincial and federal governments combined \$6.21 to \$15.90

Four to five hundred victims participated.

Only 2 offenders re-offended.

VOLUNTARY PARTICIPATION IS HIGH

*Most victims
and offenders
choose to
participate*

A central guideline of restorative dialogues is voluntary participation. For restorative justice to be accepted, voluntary participation must be high. “Most victims and offenders will choose to participate given the opportunity.”²⁶ Participation rates – which vary considerably between programs, depend on relationship of victim to offender and type of offense – have been reported from 50% to 100%.²⁷ This variance suggests that high participation rates can be achieved with evidence-based best practices.

SUMMARY

While the efficacy of restorative practices varies in research, the overall indication is that restorative justice provides significant benefit. The first 30 years of restorative justice has been experimental. Initial research on variations of implementation of restorative practices suggests that this is a field of practice that is still developing, and requires focus on best practices and continued research.

The Restorative Justice Community Center is developing models of practice guided by the evidence provided by continuing research.

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Endnotes

- ¹ Much of the published research cited in this document is based on reviews of evaluative research on restorative justice by Umbreit, Vos and Coates (2006) and McCold (2003).
- ² Umbreit, Vos and Coates, 2006, p. 5.
- ³ “These high levels of satisfaction with Victim Offender Mediation also translated into relatively high levels of satisfaction with the criminal justice system. Where comparison groups were studied, those victims and offenders going through mediation indicated being more satisfied with the criminal justice system than those going through traditional court prosecution” (Davis, 1980; Umbreit and Coates, 1992; Umbreit, 1995, as cited in Umbreit, Vos and Coates, 2006, p. 4).
- ⁴ “Recent group conferencing studies have yielded satisfaction rates ranging from 73% into the high 90% range” (Daly, 2001; McGarrel et al., 2000; McCold and Wachtel, 1998; Fercello and Umbreit, 1998, as cited in Umbreit, Vos and Coates, 2006, p. 4).
- ⁵ “Two recent studies reported participant agreement rates from 90% to 100% across a range of items tapping dimensions of satisfaction” (Ierley and Ivkor, 2003; Hayes and Daly, 2004, as cited in Umbreit, Vos and Coates, 2006, p. 4).
- ⁶ The Restorative Justice Community Center (and its predecessor, The Restorative Justice Program) ask participants to fill out a “Client Evaluation” survey at the end of the mediation, conference, or circle. In the first year (July 1, 2006 – June 30, 2007) participating victims, offenders, their family members and support, and community members completed evaluations. The following is a selection of questions and responses: 1) “Was the meeting helpful to you in this case?”, 100% responded “Yes”; 2) “Were you satisfied with the meeting?”, 98% responded “Very satisfied” or “Mostly satisfied”; 3) “Would you use this kind of meeting again?”, 97% responded “Yes”.
- ⁷ A 1998 survey in nine northeastern states of the USA asked 4,015 randomly selected adults the following: “A number of States are considering significant changes in the way the criminal justice system works. Without knowing any specific details, do you like the idea of totally revamping the way the system works, or do you feel the present system works well enough the way it is” (Shulman, Ronca and Bucuvalas, Inc., 1999, as cited in Walgrave, 2003).
- ⁸ “In a study of burglary victims in Minneapolis, Umbreit found that eighty percent who went through VOM indicated that they experienced the criminal justice system as fair compared with only thirty-seven percent of burglary victims who did not participate in VOM” (Umbreit, 1989, as cited in Umbreit, Vos, and Coates, 2006, p. 6).
- ⁹ Numerous studies cited by Umbreit, Vos and Coates, 2006, p. 7.
- ¹⁰ Moore and Forsythe, 1995; Wundersitz and Hetzel, 1996; Walker, 2002; Ierley and Ivkor, 2003; as cited in Umbreit, Vos and Coates, 2006, pp. 7-8.
- ¹¹ Umbreit, Vos, and Coates, 2006, p. 7, citing Latimer, Dowden and Muise, 2001.
- ¹² Wynne and Brown, 1998; Nelson, 2000; Umbreit, Coates and Vos, 2001; as cited in Umbreit, Vos, and Coates, 2006, p. 10.
- ¹³ Nugent, Umbreit, Wiinamaki and Paddock, 2001, as cited in Umbreit, Vos, and Coates, 2006, p. 10.
- ¹⁴ Nugent, Williams and Umbreit, 2003, as cited in Umbreit, Vos, and Coates, 2006, p. 10.
- ¹⁵ Latimer, Dowden and Muise, 2001, as cited in Umbreit, Vos, and Coates, 2006, p. 10.
- ¹⁶ Hayes and Daly, 2004, as cited in Umbreit, Vos, and Coates, 2006, p. 11.
- ¹⁷ “While recidivism is not a primary focus of any the circle studies surveyed here, it was mentioned in two of the reports. Matthews and Larkin (1999) note that an internal self-study was completed for the Healing/Sentencing Circles Program at Whitehorse, Yukon Territory by an outside consultant. Over a two year period the program served sixty-five clients. Follow-up tracking showed that there was an 80% decrease in recidivism” (Umbreit, Vos, and Coates, 2006, p. 11).
- ¹⁸ “Also, the Hollow Water study conducted by the Native Counseling Service of Alberta reported that only two clients (approximately 2%) over the ten years had re-offended. They suggest that typical “recidivism rates for sex offenses is approximately 13% and for any form of recidivism the figure rises to approximately 36%.” It remains unclear if these latter comparative figures refer to provincial data, federal data or both” (Umbreit, Vos, and Coates, 2006, p. 11). “The data indicated that the recidivism rate for sex offenders is approximately 13% and for any form of recidivism the figure rises to approximately 36%. Given that CHCH has a very low recidivism rate, only 2 clients re-offended during the past 10 years (approximately 2%), it is appropriate to state that the value of services to both the government and community has been significantly understated” (Native Counseling Services of Alberta, 2001, p. v).
- ¹⁹ “Walker (2002) found no overall difference in re-offense rates, between conferenced youths and all youths in Honolulu, but noted that non-violent conferenced youths did not tend to escalate to violence in subsequent offenses, while similar youths who did not participate in group conferencing had significantly higher arrest rates for subsequent violent crimes” (Umbreit, Vos and Coates, 2006, p. 10).
- ²⁰ Clark, Valente and Mace, 1992, as cited in Umbreit, Vos and Coates, 2006, p. 8.
- ²¹ Maxwell and Morris, 1993, as cited in Umbreit, Vos and Coates, 2006, pp. 8-9.
- ²² Coates and Gehm, 1985 and Clarke, Valente and Mace, 1992, as cited by Umbreit, Vos and Coates, 2006, p. 12.
- ²³ Stone, Helms, and Edgeworth, 1998, as cited in Umbreit, Vos and Coates, 2006, p. 12.
- ²⁴ Native Counseling Services of Alberta, 2001, p. iv.

²⁵ Native Counseling Services of Alberta, 2001, p. iv.

²⁶ McCold, 2003, p. 105.

²⁷ McCold, 2003, p. 82.

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