

RESTORATIVE JUSTICE: AN ALTERNATIVE TO TRADITIONAL CRIMINAL JUSTICE

Question: Can restorative justice offer a practical alternative to traditional criminal justice processing?

Background: Restorative justice invites the victims of crime and the community to participate in a process of dealing with offenders and repairing the harm caused by the offender. Retribution and punishment, key elements of traditional criminal justice processing, play less of a role. Restorative justice programs have spread throughout North America, Europe and elsewhere around the globe. One such program is the Restorative Resolutions (RR) program that operates in Winnipeg.

Method: One of the goals of RR was to provide a community-based alternative for offenders who were likely to be incarcerated. Offenders for whom the Crown was seeking sentences of at least six months were referred to RR. Upon further screening, a community-based plan was developed with input from the victim(s) and submitted to the Court. If endorsed by the Court, RR staff implemented the plan and supervised the offender in the community.

Information was collected on offenders from referral to RR to placement into the program. The evaluation focused on the following questions: 1) is the program offering an alternative to incarceration? 2) are restorative justice practices evident in the plans of offenders? and 3) can RR reduce recidivism?

Answer: In general, the answers to the questions posed were affirmative. Over 90% of the 174 offenders accepted by RR had recommendations for a custodial sentence and were classified as medium to high risk offenders. Thus, RR appeared to be targeting offenders who would normally have been incarcerated rather than placed under community supervision.

Restorative justice tries to involve the victims and to have the offender repair some of the harm done to the victim and the community. Usually these objectives are met in the form of victim-offender meetings, restitution payments and community service work. RR had difficulty in arranging victim-offender meetings; there were only 25 face-to-face meetings. Many victims were reluctant to meet the offender preferring to

place the events behind them. However, an additional 58 victims received written apologies from the offenders and 78.6% of the victims wrote victim impact statements. Restitution was paid to half of the victims for a total exceeding \$130,000. Community service was applied in 96% of the plans.

Ensuring public safety and reducing offender recidivism are also important priorities. Ninety-four RR clients were followed for a one year period and new crimes and/or breaches of conditions were noted. The recidivism rates for the RR clients were compared to the rates for inmates and probationers who were matched on personal-demographic and criminal history variables. In all comparisons, the recidivism rate was lowest for the RR clients. For example, 5.3% of RR clients were convicted of a new offence whereas the rate for the probationers and inmates was 16.1%. Furthermore, the RR recidivism rates were lower than those typically reported in the restorative justice literature. It was hypothesized that the lower recidivism rates may have been due to the treatment services also provided to the RR offenders.

Policy Implications:

1. Restorative justice programs like RR can increase victim participation in criminal justice processing, produce significant restitution payments, and facilitate community service work from offenders.
2. Programs such as RR can divert offenders to the community and away from prison. These offenders subsequently pose a lower risk for recidivism than offenders who undergo more traditional criminal justice processing.
3. Combining restorative justice practices with effective offender rehabilitation programming may produce benefits for the victim, the offender, and the community. Victims are given a voice in criminal justice processing, and the community benefits from reduced recidivism.

Source: Bonta, J., Wallace-Capretta, S., & Rooney, J. (1998). Restorative Justice: An Evaluation of the Restorative Justice Project. (User Report 1998 – 05). Ottawa: Solicitor General Canada.

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