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Restorative justice as a crime prevention measure

The term “restorative justice” is often used to describe many different practices that occur at various stages of the criminal justice system including:

- Diversion from court prosecution (i.e. to a separate process for determining justice);
- Actions taken in parallel with court decisions (e.g. referral to health, education and employment assessment, etc.); and
- Meetings between victims and offenders at any stage of the criminal process (e.g. arrest, pre-sentence and prison release).

It goes under many names, often defined by the setting in which it is used (e.g. “Youth Justice Conferencing”, “re-integrative shaming”). As such, arriving at a definition of just what it is can be difficult. One popular definition is that those with a stake in a crime come together to discuss it with the aim of repairing the harm (often known as “conferencing”). Others argue that it can include action to repair the harm to the victim caused by the crime, even when the offender has not been caught. Overall restorative justice approaches seem to have three major characteristics that distinguish them from traditional court based approaches. These are: a greater emphasis on the role and experience of victims, lay and legal actors having decision-making authority, and a setting where there is more interaction and discussion between all parties involved.

Is restorative justice effective at preventing crime?

Restorative justice is a tertiary crime prevention measure. In other words it aims to prevent re-offending, not prevent offending in the first place (i.e. primary prevention). Therefore, if a restorative justice measure is effective, it should produce lower rates of re-offending (recidivism).

Results of studies evaluating the effectiveness of restorative justice initiatives undertaken here and overseas have been very mixed, although a majority of the studies have identified some reduction in re-offending when compared to court-based responses. Many of these studies have suffered from design and other methodological problems (e.g. are groups in conferencing really comparable to those who are not?)

However, a recent Australian study by the NSW Bureau of Crime Statistics and Research effectively addressed many of these problems and was able to demonstrate that a large scale youth justice conferencing initiative can produce reductions of 15-20% in re-offending across different offence types and regardless of the gender, criminal history, age and Aboriginality of the offenders.

Further Reading:

Garth Luke and Bronwyn Lind (2002): *Reducing juvenile crime: conferencing vs. court* Crime and Justice Bulletin 69 NSW Bureau of Crime Statistics and Research <http://www.lawlink.nsw.gov.au/bocsar>

Kathleen Daly and Hennessey Hayes (2001): *Restorative justice and conferencing in Australia* Trends and Issues No 186 Australian Institute of Criminology <http://www.aic.gov.au/publications/tandi/tandi186.html>



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