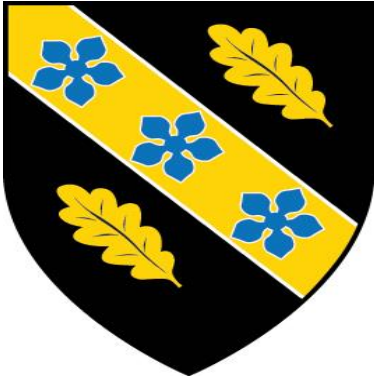




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**1910665**

**An investigation into the effectiveness of out of court disposals primarily**  
**Restorative Justice in relation to re-offending**

## Acknowledgments

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## Impact of COVID-19

In light of the continuing impact of the global pandemic, it is important to include a statement at the start of my dissertation which outlines the effects that COVID-19 has had on the research that I have undertaken towards my undergraduate degree.

The University of Wales Trinity Saint David recognises that the COVID-19 pandemic, and consequent closures of our campus (18th March 2020) and national and international lockdowns, has directly or indirectly impacted the work of many of our undergraduate researchers. Although the campus had periods of re-opening in 2020 and 2021, some research will have been disrupted and some personal circumstances difficult to manage. Teaching was arranged via suitable meeting software and documents shared electronically. All research data collection was designed to utilise digital data collection.

The inclusion of this statement is to facilitate the reader's awareness, both now and in the future, that the pandemic may have had an effect on the scope, direction and presentation of the research.

The academic standards and quality threshold for the award remains unchanged. I wish to reassure readers that this statement is not evidencing a lack of original research or quality.

## **Declaration**

This work has not previously been accepted in substance for any degree and is not being concurrently submitted in candidature for any degree.

Signed: Leah Jeffries

Date: 17<sup>th</sup> July 2022

### STATEMENT 1

This dissertation is being submitted in partial fulfilment of the requirements for the degree of BA.

Signed: Leah Jeffries

Date: 17<sup>th</sup> July 2022

### STATEMENT 2

This dissertation is the result of my own independent work/investigation, except where otherwise stated.

Other sources are acknowledged by footnotes giving explicit references. A bibliography is appended.

Signed: Leah Jeffries

Date: 17<sup>th</sup> July 2022

### STATEMENT 3

I hereby give consent for my dissertation, if accepted, to be available for photocopying and for interlibrary loan, and for the title and summary to be made available to outside organisations.

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Date: 17<sup>th</sup> July 2022

### STATEMENT 4

I hereby give consent for my dissertation, if accepted, to be available on the university's IT system to those who have consent to use the system.

Signed: Leah Jeffries

Date: 17<sup>th</sup> July 2022

## **Abstract**

The aim of this research project is to conduct an investigation in relation to out of court disposals and how effective they are in relation to re-offending.

Restorative Justice is the main out of court disposal that will be discussed within this paper and how specifically this relates to criminals re-offending when taking part in this disposal method.

This paper will evaluate literature pieces in regard to out of court disposals along with a semi-structured interview with a restorative justice practitioner, as well as a conclusion and recommendations which have been completed by the researcher for further investigations and thesis.

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# **An investigation into the effectiveness of out of court disposals primarily Restorative Justice in relation to re-offending**

## **1- Introduction**

The purpose of this dissertation is to investigate and discuss the effectiveness of the out of court disposal method Restorative Justice as a pose to charging subjects of crime and producing them to the courts. This chapter of the dissertation provides background information as to why research is to be conducted.

### **1.1 - Background**

Out of court disposals are used by police forces as an alternative to prosecution to deal with less serious offences, such as, anti-social behaviour and for offenders with little or no previous offending history. The main aim of these disposals is to repair the damage caused to victims and the communities in a more personable approach. The importance of these is for them to be rehabilitative and proportionate to the offence committed. Out of court disposals seek to find a resolution to the person or community effected by the actions or crime of the offending person. One of the main aims of out of court disposals is to encourage offenders to face the reality of the crime they have committed and the impact their behaviour has had on its victims and communities. Adult/youth conditional cautions, cannabis warnings and restorative justice are three of several out of court disposals used for less serious offences.

Restorative Justice is a form of an out of court disposal whereby the victim and the offender must agree for the process to take place. Restorative justice is the coming together of the victim and offender in a safe place which is facilitated by a police constable. Restorative Justice holds the offender accountable but also gives the victim the opportunity to explain the damage caused and to explain the impact the crime has had on them personally. Restorative justice is a unique way of involving the victim in reparative process and can allow victims to feel empowered. Restorative justice can take in the following ways:

- Face to face meeting between victim and offender
- Via a letter
- Audio recording
- Video
- Communication through a facilitator

Restorative justice may allow offenders to understand their wrong doings and reintegrate into the community in hope this aid them to change their offending behaviour and reduce the likelihood of them reoffending.

Restorative Justice must take within a safe place and is mediated by either a Police Constable or a restorative justice facilitator who would ensure all persons are respectful and listens intently to the views of the other. Some victims may feel that speaking with the restorative justice facilitator about their concerns and the offence is enough and may not require to have direct communication with the offender. At this point Restorative Justice appears to be an appropriate method of disposal and one in hope of conquering re-offending.

## **1.2 - Research Rationale**

I am currently a Police Constable for South Wales Police, at present an issue my colleagues and I are facing is that we often deal with repeat offenders. From my experience as stated dealing with the same individuals on a continuous basis I have formed a personal opinion that court proceedings and judicial sentences are not always the best method of practice, as the individual subject to court proceedings and prison sentences are re-offending which suggest they aren't learning from their mistakes and there is potential room for improvement. My reasoning for conducting this thesis is to find out exactly how effective out of court disposal methods are and if they can assist police forces in reducing re-offending. Re-offenders are a particular problem for South Wales Police, regular court cases and prison sentences are not cost effective, which is something I have considered. I aim to be able to discover what the positives and negatives are to using Restorative Justice in comparison to court proceedings. As I have stated re-offenders are a particular issue for the Police force, I serve and is the biggest influence as to why I am conducting this research paper.

A study conducted by Cochrane et al. (2021) states that Restorative Justice is more effective than court proceedings and prosecution. Crime rates are forever increasing within the United Kingdom with many suspects being repeat offenders. It is suggested that court proceedings and prison sentences are not always best effective. According to (

Camp & Wemmers, 2017) Restorative Justice can assist in reducing fear in the victims of crime. It is suggested from the study conducted by Cochrane et al. (2021) that Restorative Justice may have a positively better outcome, this is something I am going to explore. As someone on the front line implementing such disposal methods and proceedings, I felt it was relevant to complete this policing project by conducting further research into the effectiveness of Restorative Justice and hope by investigating this disposal method it will enable me to provide recommendations for the future.

I aim to conduct primary and secondary research in relation to the out of court disposal method Restorative Justice and how this is being used within police forces around the United Kingdom. I am going to look at how effective the method of Restorative Justice is and whether it is proven to reduce reoffending.

I will refer to studies I have researched and investigated. As a result of my investigation, I aim to be able to provide recommendations for the future in relation to using Restorative Justice as a disposal method.

### **1.3 Aims and Objectives**

The aim of this dissertation is to investigate and critically evaluate the effectiveness of the out of court disposal method Restorative Justice.

My objectives are as follows:

- 1. To conduct research into studies regarding the benefit of Restorative Justice.*
- 2. I aim to conduct primary research in order to establish how frequently and effectively Restorative Justice is used within South Wales Police.*
- 3. To establish how effective or ineffective Restorative Justice is with regard to re-offending. Also, to be able to provide recommendations for future researchers.*

## **1.4 - Structure**

In order to achieve the aims which are outlined previously, and expand upon these points, Chapter Two will examine the available literature concerning the use of out of court disposals and Restorative Justice.

Moving on from the literature review the next chapter will be chapter three which will consist of methodology and the devising of suitable questions to be discussed at interview.

Chapter Four will provide the collation and analysis of both the literature findings and the results of the discussions. This should provide a bigger picture to the reader and allow them to form a clear understanding in relation to this paper and the effectiveness of Restorative Justice.

Chapter five will include the conclusion of the effectiveness of out of court disposals and also recommendations for future papers. This will also include a brief description of any limitations and challenges faced during this research project.

## **1.5 - Literature review**

In cases where the perpetrator is identified and admits to the crime, a resolution outside of the courtroom can be reached for offenders of low-level crime and antisocial behaviour, such as vandalism and graffiti. Only low-level repeat offenders are appropriate candidates for the OOCd. There has been an increase in out-of-court dispositions for adults and minors since 1998. For many years, out-of-court penalties and other similar interventions have been available to deal with minor offenses without the need for a court appearance (O'Brien, 2019). There have been formal and informal versions of the "police caution," An officer is able to warn an offender about their conduct and record it, both dating back to the dawn of policing for decades. Traffic offenses like speeding are routinely dealt with by using a fixed penalty notice issued by the police, allowing the offender to discharge liability for the offense by paying a monetary penalty or requesting a court hearing.

In the early stages of criminal behaviour, out-of-court dispositions for repeat offenders are an "important tool." They allow the police to deal with them swiftly and without the courts for minor offenses. To make the most efficient use of officers' time, they can provide a satisfactory outcome for the public while allowing officers to devote more time to front-line duties, such as tackling more serious crime" (Neyroud, 2018).

Out-of-court dispositions currently have six formal outcomes that police can use when an individual receives one. There is also a wide range of positive, rehabilitative informal diversionary activity outside the formal out-of-court disposition framework. It has been suggested that the Ministry of Justice, in its Sentencing White Paper published in September 2020, consider a simplified two-tiered framework with an "upper tier" or "lower tier" disposal that would replace the current system's complexity and inconsistency (Griffiths and Norris, 2020, P.26). Here, in this paper, we outline some of the key lessons that must guide the implementation of this reform—most importantly, to use it to de-escalate individuals' contact with the criminal justice system and inform better and compensate victims.

For low-level offenses, this means that out-of-court resolutions are often a more appropriate and effective response than court prosecution. De-escalation is the process of halting an individual's upward trajectory through the criminal justice system, which is why out-of-court dispositions are most effective (Booth et al., 2012). As a best-case scenario, de-escalation means that people who would have gone to court and those who would have received a formal out-of-court disposition get a lesser, shorter diversion (Padfield, 2010, P.6). A court fine or conditional discharge is rarely more problem-solving than an out-of-court settlement when it is properly implemented. They give people a chance to address and resolve the underlying causes of criminal behaviour. This includes everything from helping people get treatment for drug, alcohol, and mental health issues to helping them understand the impact of their crime and make reparations to victims and the community. This would appear to be a much fitting process in relation to reduction of crime and allowing crime to be resolved before reaching the criminal courts. This also helps reduce the cost to the government and appears to be a more positive approach.

Suppose people's contact with the criminal justice system is minimized. In that case, out-of-court dispositions can be an effective and appropriate response to low-level crime. As a result of these changes, the police and others who implement them will not have to start from the ground up. For out-of-court settlements to live up to the White Paper's promise of a more intelligent approach, we must build on the growing body of evidence and practice from which we derived our seven lessons.

## **1.6 - Methodology**

As part of my research methods, I will conduct relevant research into how Restorative Justice is being used and how effective this method is on both the victim of the crime and the offender. I will be doing this by reviewing systematic reviews and meta-analytic studies. I will complete primary research by holding a semi-structured interview with a restorative justice practitioner who has used Restorative Justice first-hand in order to establish the finer details and outcomes. This will enable me to retrieve information and statistics regarding how often Restorative Justice is being used within my workplace, how exactly it is being used, for what offences and the effects on reoffending rates. Such discussion will hopefully allow me to be able to provide supporting evidence on how effective this has been in relation to re-offending. Within this dissertation I aim to include statistical data supporting my findings.

## **1.7 - Conclusion and recommendations**

This dissertation will include the results in which I have found by conducting my research and studies. It will also include detail surrounding the effectiveness of the out of court disposal method Restorative Justice in relation to whether it be something which is an effective method or something which is having little impact on suspects and their re-offending ability and criminal behaviour following taking part in such method.

## **2 - Literature Review**

### *Introduction*

Out-of-court disposal (OCD) is given to resolve investigations into antisocial behaviours and low-level crimes, primarily in circumstances when the offender is known and has admitted to committing the offenses (Wong, 2015). An OCD is only applicable in particular circumstances. Reducing recidivism by facilitating restorative and reparative justice is OCDs' guiding philosophy (Neyroud and Slothower, 2015). This section examines the literature on the impact of out-of-court dispositions on recidivism, emphasizing the restorative justice method.

## *2.1 - Empirical Literature Review*

According to Neyroud (2018), who conducted an empirical literature assessment on the suitability of O OCD, the police, in conjunction with the victim, are permitted to consider an out-of-court disposition as the offender's preferred alternative. Similarly, while the victim's preferences will be regarded, Cochrane et al. (2021) noted that they are not required to participate in the process, and the investigating officer will have the last say in how the offender is punished. It is also mentioned that the culprit must also plead guilty and agree to a resolution outside of court. Similarly, Neyroud and Slothower (2015) state that the officer in charge of the case must make every effort to obtain the victim's view on whether or not the offender should be sentenced outside of court. The research conducted by Neyroud and Slothower (2015) shows that O OCD is effective with low-risk, low-harm offenders, and it may also be effective with moderate-risk offenders.

In addition, it is stipulated that while the victim's desires will always be honoured, the investigating officer still plays a vital part in this determination, as they must also evaluate the gravity of the crime and its circumstances (Neyroud, 2018; and Cochrane et al. 2021). Other considerations include the impact of the offence on the victim, the history of the offender, and the propriety of any prospective conditions linked to the disposition (Neyroud, 2018). Consequently, the officer's professional judgment must be utilized to determine the ultimate determination. Other studies that concur with these findings include Cochrane et al. (2021), who found that O O CDs are more effective than court prosecution at reducing harm and recidivism while preserving victim confidence and satisfaction. O O CDs were also more successful with adolescent offenders and young adults (Cochrane et al., 2021). The trustworthiness of the research techniques is confirmed by the fact that these findings reveal consistent ideologies on the applicability of O O CDs from different jurisdictions. The primary deficiency is that the studies do not discuss the merits and downsides of this strategy when it is utilized as the sole method of arbitration for minor offenses, nor do they identify regions of success and failure.

Regarding the effectiveness of the O OCD, Weir et al. (2021) emphasized that O O CDs that are accompanied by specific regulatory criteria must be effectively executed to be effective. To this aim, Weir et al. (2021); and Sturrock and Mews (2018) noted a number of areas that would demand special attention in the implementation of the O OCD, including Eligibility screening of offenders; specific needs assessment to match the conditions of the offender and the appropriateness of the O OCD; setting and tracking of conditions; O O CDs with conditions tailored for women appear promising but require further testing; O O CDs

with conditions appear cost-effective in comparison to court prosecution; the two-tier OOCd approach as piloted failed. Nonetheless, the study by Sturrock and Mews (2018) reveals that a new, two-tiered system for OOCds has been tested in several police force locations during the past few years. According to the Government's September 2020 White Paper, as De Pelecijn, Decoene, and Hardyns (2021) reported, a more innovative approach to sentencing across the country is recommended. According to the Government's September 2020 White Paper, fixed penalty notices will remain in place, while the other OOCds will be consolidated into two options: community resolutions (for less serious offenses/offenders with limited offending histories) and conditional cautions (for more serious offenses/offenders with extensive offending histories) (De Pelecijn, Decoene and Hardyns, 2021). Similarly, the research on the implementation of restrictive conditions of the OOCd and their impact on recidivism by Underwood and Washington (2016) revealed that there is a statistically significant interaction between having a particular restricting condition and having two prior offences. Restrictive conditions were associated with decreased recidivism for those with two past offenses and higher recidivism for those with no prior infractions. The key strength of the studies by Underwood and Washington (2016); and De Pelecijn, Decoene, and Hardyns (2021) is their emphasis on the applicability of OOCd to various groups, which provides the foundation for the strategy's suggestions. Those with two past offenses, for instance, had a 132% greater likelihood of reoffending if no restrictive condition was imposed (Underwood and Washington) (2016). Those with two prior offenses were 2% less likely to violate a restriction than those with no prior convictions (Underwood & Washington, 2016). Further research must concentrate on the same variables in populations categorized by gender, age, residency, and other demographic features.

The study by Neyroud (2018) divided the circumstances of effectiveness into four distinct categories: restricted, reparative, punitive and rehabilitative. The study finding by Neyroud (2018) noted that rehabilitative conditions were the most common, followed by reparative, restricted, and punitive conditions. A similar study done by Neyroud and Slothower (2015) conducted a multivariate analysis within similar pilot locations to evaluate differences in the rates of reoffending after a caution between people having different types of conditions. However, Neyroud and Slothower (2015) noted that it is pretty impossible to distinguish the effect of any one type of disease since one person could have numerous conditions. As a result, the focus of Neyroud (2018) was narrowed down to the differences in reoffending between individuals who had at least one type of disorder and those who did not. In view

Neyroud (2018); and Neyroud and Slothower (2015), their major strength is the application of quantitative approaches to quantitatively test the significance in the relationship of variables and show the gaps in terms of the effectiveness of OOCd strategies. However, since Neyroud (2018); and Neyroud and Slothower (2015) are mainly case studies, they had a limited scope, reducing the reproducibility of their findings. There is a need for the application of mixed methods approaches to come up with more objective comparative data and assess the credibility of the results. The use of a varied method of research would give a more comprehensive outcome drawn from different data sets.

On the possibility of reoffending, a multivariate analysis was utilised to investigate reoffending in the study by Kasinathan (2015). Kasinathan (2015) focused on the likelihood of reoffending after a caution. In its area of focus, the chances of reoffending in the pilot and the counterfactual regions were compared over the one-year follow-up period. The results of the rates of reoffending were determined using logistic regression, which generates an odds ratio, which sums up the chances of one reoffending result compared to another. The likelihood of reoffending is calculated using all of the odds ratios in this situation. In a similar study that focused on the frequency of reoffending, Haines et al. (2012) noted that during a one-year follow-up period, negative binomial regression was used to determine the number of proven re-offences following a caution. In this case, if the dependent variable is a count variable, negative binomial models were utilised. In their findings, the two studies conducted by Kasinathan (2015); and Haines et al. (2012) highlighted no statistically significant changes in the chance of reoffending for individuals who received a caution in quarters one, two, three, or four. Both Kasinathan (2015); and Haines et al. (2012) concluded that there were no statistically significant changes in the proportion of people who reoffended after receiving a caution in the pilot study Kasinathan (2015) compared to the counterfactual areas. These findings were inconsistent with Neyroud (2018) findings, which highlighted no statistically significant changes in the chance of reoffending following a caution for persons with various conditions. In the same manner, the study by O'Brien (2019) noted no significant differences in the chance of reoffending between individuals who had one, two, or three conditions of one specific condition type against those who did not have any of those symptoms. In view of Kasinathan (2015), Neyroud (2018), and Haines et al. (2012), the strong relationships that were gotten in the relationship between dependent and the independent variables give clear information about the validity of the outcome. The studies were based on primary sources, which indicates the depiction of an actual state of a particular population at the time of the research.

However, the studies have not focused on the concept of OOCd from the restorative justice approach point of view.

62% of victims felt that the out of court disposal method Restorative justice made them feel better after the incident of crime (restorative justice council, 2016). They also highlighted that for every pound spent delivering face to face meetings eight pound was saved through reducing reoffending.

## **2.2 - Summary of the literature review**

This section reviews various literature related to the effectiveness of out-of-court disposals on reoffending, focusing on the restorative justice approach. In terms of the suitability of the use of OOCd, the reviewed literature has not highlighted the pros and cons of OOCd when used as the sole means of arbitration for petty offences. It fails to highlight areas of success and failure. There is a need for further studies on the applicability of this method as a restorative justice approach in diverse jurisdictions to assess its efficacy. In terms of the relevance of OOCd to different population groups with other demographical characteristics, further studies need to focus on the same variables in different sets of populations categorised in terms of gender, age groups, residence, and other demographic characteristics.

Similarly, there is a need for the application of mixed methods approaches to come up with more objective comparative data and assess the credibility of the findings. Using a mixed method of research would give a more comprehensive outcome drawn from different data sets. Further studies need to emphasise the concept of OOCd from the restorative justice approach point of view.

## **3 - Methodology**

The previous chapter of the dissertation achieved objective one of this study after researching key existing literature surrounding Restorative Justice and its benefits, along with key issues and points for future research.

The next chapter of this dissertation seeks to achieve objective two and three which is:

*2, To conduct primary research in order to establish how frequently and effectively Restorative Justice is used within South Wales Police.*

*3, to establish how effective Restorative Justice is with regard to re-offending. Also, to be able to provide recommendations for future researchers.*

I will achieve my objectives by conducting primary research by form of a semi-structured interview which I will detail within this chapter. I will also analyse secondary data in the form of research papers and surveys already conducted by other researchers/authors.

### **3.1- Research Design**

The main purpose of every research technique utilised by a researcher is to offer adequate research findings through the accuracy of the data collected. The research approach utilised in this research is going to be a semi-structured interview approach aimed at offering a detailed understanding of the effectiveness of restorative justice as utilised within South Wales Police through reviewing approximately 50 cases relating to restorative justice. In addition, through the semi-structured technique, the researcher will be able to collect and analyse relevant data to appropriately answer the developed research questions. Semi-structured interviews tend to be qualitative research techniques that are often utilised to collect qualitative and open-ended data. The technique is vital as it allows the participants and the researcher to participate in a formal interview allowing the researcher to develop and use an interview guide and a list of open-ended questions relating to the research topic (Shoran, 2015). The main reason for choosing the primary research technique was based on its convenience and also its availability. Furthermore, the identified research approach also allowed the researcher to ask numerous questions regarding the research topic. It was crucial as it allowed the researcher to attain significant knowledge in relation to the research topic from an expert in the field (Shirani, 2015). The ability to ask a question more freely is essential for the research as it offers an assertion that the main goals and objectives of the research will be adequately achieved.

### **3.2- Target Population**

The target population for the research will be a Restorative Justice practitioner from South Wales Police. The researcher will conduct an interview with this warranted Police Constable, whose main duty is to review and investigate cases that have been addressed using Restorative Justice.

### **3.3-Instrument Discussion**

The main instrument that will be used to complete the research will be a one-on-one interview with the restorative Justice practitioner from South Wales Police. The interview will follow a professional manner to ensure that the most relevant data has been adequately achieved. The interview will take place in the Constable's office. In addition, to ensure that the participant is well prepared for the meeting, a copy of the interview questions will be issued to her. This is to ensure she is able to answer the questions I have and to allow her time to collect the data needed to obtain a satisfactory response and successful interview.

This is to ensure she is able to answer the questions I have and to allow her time to collect the data needed to obtain a satisfactory response and successful interview.

I wish to obtain the answers to the following questions:

- How often is Restorative Justice being used as a disposal method?
- What is the age range for subjects who have been subject to Restorative Justice?
- What gender are the subjects?
- What offences is Restorative Justice mainly being used for?
- What form of Restorative Justice is being taken?
- How often are subjects of Restorative Justice going to commit further crime?
- Are you aware of any feedback from victims?

The reason for this chosen method of primary research was because it was easily available to me, and it was convenient. Due to time restraints I regret I was unable to conduct a questionnaire which would have been my first choice. The main reasoning behind my decision for this semi-structured interview was that it would allow me to ask further questions and did not restrict me to a standard set of questions as would a questionnaire. It also allowed me to gain relevant knowledge and data from someone who is an expert in the subject I am researching. Being able to ask questions freely I hope will ensure I meet my second objective. I understand and consider that a survey or questionnaire would have provided me with more data with regards to answers from different primary sources, but I am satisfied this will meet my aim and objective.

This review of the evidence was commissioned to evaluate the quality of the evidence supporting a switch from a multi-intervention framework to a "simplified two-tier" framework in out-of-court dispositions. The best way to assess the evidence for the efficacy of a particular intervention is to perform a methodical review, which includes a comprehensive search for studies that meet pre-defined principles and a meta-analysis of the assessment results (Weir et al., 2021).

Subsequently research conducted with regards to surveys/questionnaires/staff polls and research papers will be obtained as part of secondary data which will be analysed. These are papers conducted by other researchers and authors available to the public. A survey conducted by the Scottish Government in 2018 provides evidential data in regard to the effectiveness of restorative Justice and re-offending. The reason for obtaining for this data is to go toward achieving my third objective:

*3, to establish how effective Restorative Justice is with regard to re-offending. Also, to be able to provide recommendations for future researchers.*

Quantitative data from staff surveys and focus groups, qualitative data from staff polls and focus groups might be useful when analysing this collection of questions. In spite of its significance, building OOCs has received little attention until lately (Baggio and Klobas, 2017). This review is based on three-year research on the conception, enactment, and procedure of Operation Turning Point (Wong, 2015). This inquiry included a meta-analysis of RCTDs in police, including pre-court alteration studies, a case study, and qualitative interview data. Five semi-structured interviews were utilized to acquire qualitative data after method benefactors. The influence and participation of the CC in participant rehabilitation were discussed during provider interviews. The interviewers also considered alternative rehabilitation aid possibilities. Each of the five interviews covered each of the six options. Safeguarding secrecy, the individuality of each pathway is concealed in the analysis

segment. A random sample of 34 police officers from varied roles who had interacted with criminals who met the CC's eligibility requirements was divided into four discussion groups. The tenacity of the attention groups was to advance a deeper understanding of the opinions and experiences of guardianship sergeants who administer CCs and Officers in Charge who are interested in learning about the potential benefits of CCs. Eleven semi-structured phone interviews were undertaken to investigate the involvement of offenders in the RCCF. Each pathway was represented in the sample by at least one participant. In each of the semi-structured interviews and focus groups, a framework of questions was used to steer the conversation and address critical issues. On the other hand, the researcher is free to ask additional questions and deviate from the recommendations. Using thematic analysis of qualitative data, I identified significant concerns as well as diverse experiences and viewpoints on these subjects. This was performed by categorizing the collected data. Using a deductive technique, the data was then mapped against the RCCF's objectives to establish the extent to which the initiative's aims were being realized and to I identify significant delivery challenges and their consequences (Sturrock and Mews, 2018). Collecting quantitative data, the police archives of the entire populace of persons referred for CCs were checked. Utilizing crime and recidivism rates, the effectiveness of the CC was evaluated. Between April and May 2022, I analysed the recidivism trends of individuals with CCs in terms of the frequency and severity of violations. The relative presence of the CC was evaluated using a comparative data set of individuals who received SCs, CRs, or charges between November 2020 and August 2021. The fact that this study only examined a pilot project on a small scale is one of its drawbacks. According to Slothower (2015) and Weir et al. (2021), the objective of qualitative research is "transferability" (applicability, suitability, and significance to others, as decided by each reader's application), not statistical generalisability (Gibson, 2021). A broader, longer-term study of the RCCF that included both qualitative and quantitative data would provide greater insight into the RCCF over the long term.

### **3.4- Data Collection**

The most preferred approach for data collection is the distribution of questionnaires. However, following time constraints and personal circumstances, the data collection procedure for the study followed a semi- structured interview approach with the Police Constable and

Restorative Justice Champion. The semi-structured interview comprised of open-ended questions relating to the research topic. Often open-ended questions tend to be free-form survey questions, which allow the participant to answer the question in open text format based on their knowledge, understanding, and attitude towards the research topic (Connor Desai and Reimers, 2018).

#### **4 - Results and Findings**

The previous chapter gave detail on research which was conducted and the reasoning for choosing such methods to achieve my objectives, these being to establish how restorative justice is being used within South Wales Police and how effective or ineffective restorative justice is with regard to re-offending.

This dissertation chapter will attempt to provide the project's findings after conducting primary research and analysing the data gathered and also the literature review. To effectively offer adequate research information to the targeted audience, this section will emphasize on answering and offering a description of the developed research questions. Furthermore, the section focuses on offering a vivid description of the research findings and connecting them to the research objectives.

#### **Findings of primary research**

As part of my interview with the Restorative Justice Practitioner for South Wales Police, I reviewed and analysed 50 criminal cases where the method of Restorative Justice was used. 28 of these criminal offences were conducted by juvenile offenders. All 50 cases were for low level offences such as, criminal damage, anti-social behaviour and common assault. 18 of these cases were facilitated by the officer in charge of the case and were conducted within a safe space whereby the offender and victim met to discuss the incident. 6 of these cases took the form of letters which included the suspect writing a personal letter to the victim taking responsibility for their actions and also apologising. The remaining 26 cases took the form of both the offender and victim simply signing the

Police Constables pocket notebook stating they agree and are willing to take part in the Restorative Justice process.

With these figures I took the opportunity to delve more into the suspects of these incidents. The Restorative Justice Practitioner and I were able to review the suspect's criminal record and interaction with Police following their encounter with police and taking part in the Restorative Justice process. Out of the 18 cases where RJ was facilitated in a form of a meeting with the victim only 6 of these had committed further low level crimes such as shoplifting, anti-social behaviour related – whereby there were no identified victims. Through discussion I was able to identify that the persons whose involvement with the Restorative Justice process was signing the pocket notebook of a police officer had the highest rate of re-offending with 13 out of the 16 committing further crime following police interaction. I believe this to be due to offenders not coming face to face with the victim, not witnessing the effects that their actions may have had on victims and seeing this as an easy way to avoid going through the criminal justice system.

As part of the interview, I had the privilege of reviewing feedback from the victim following the Restorative Justice process, however this being stated I was only able to review 10 of the 50 cases as only 10 gave feedback without being prompted and the officer in charge recorded their feedback within the incident log for review by any supervisor or the Restorative Justice Practitioner.

The interview allowed me to achieve objective:

*2, To conduct primary research in order to establish how frequently and effectively Restorative Justice is used within South Wales Police.*

Restorative justice is evidently being used frequently within South Wales Police. The preferred method of RJ by officers is the simple signing of the pocket notebook. The negative with this is that it is less likely to have the positive impact required in comparison to holding a meeting between the suspect and victim. I believe this to be because the offenders are not coming face to face are maybe not accepting full responsibility just by signing a pocket notebook. Out of 18 meetings held only 6 of these suspects went on to commit further offences.

## **Findings of secondary data**

Secondary data reviewed, a survey conducted by the Scottish Government (2018) identified that the Restorative Justice process tends to be essential as it focuses more on addressing the various needs of individuals involved in offending. Hence allowing the police force to pay close attention to approaches linked to the suspect's offending behaviour. In addition, the approach mainly emphasizes on limiting future offending which allows the police to offer the offender appropriate, proportionate and timely behaviour change and also alert other police agencies regarding the various concerns linked to the suspect's behaviour and well-being (Scottish Government, 2018). On the other hand, survey research conducted by Seaborne (2016) identified that most of the participants in the research identified that Restorative Justice has a significant potential to limit criminal cases. In addition, some of the participants in the survey felt that the victim might wish to enter the Restorative Justice process to achieve the sense that the offending behaviour will not happen again, leading to reduced fear and anxiety.

Out-of-court disposal (O OCD) has gained traction since it minimizes the instance of recidivism in the criminal justice system. According to Rowe et al. (2022), the Revised Conditional Caution Framework applies conditions to conditional caution and ensures the leading cause of an offence is addressed. The O OCD was established to ensure a state officer assists in addressing minor offences away from the courtroom. The officer will understand the facts of the offence and outline the most effective criteria to assist the victim get justice. Besides, understanding the root cause of an offence enables an officer to find the most effective mitigation strategy to prevent a similar occurrence in the future. Further, the O OCD removes an offence from the surrounding social and economic dimensions. The main strength of O OCD stems from concentrating on the individuals involved in the offence to understand the factors that motivated them to commit the offence. For instance, Rowe et al. (2022) proclaim that most offenders and professionals perceive the Revised Conditional Caution Framework as individualistic and pay minimal attention to the economic and social context in which the offending occurred. Removing the offence from the environmental factors reduces the instances of excuses and handles the issue. Consequently, the police officer handling the case will recommend an effective program to restore socially accepted behaviour. For instance, if the offender is aggressive, the police officer can enrol them in a

mentorship programme to restore socially accepted behaviour. Moreover, OOCd is practical to the young adult offenders who make up a significant population of petty offenders. According to Cochrane et al. (2021), young offenders make up approximately one-third of the United Kingdom's prison population. The young population is predisposed to all forms of health risks. For instance, the prison environment is hostile and violent, imparting more aggressive tendencies in young offenders. Besides, they are exposed to all forms of drugs that pose significant health risks. Hence, it is prudent to solve the cases that involve young offenders out of court. The process will equip them with practical life skills to know the socially accepted behaviours. Besides, they will understand their social expectations, which will compel them to strive and learn the most effective skills for their lives. Nonetheless, out-of-court disposal has strengthened the attention given to local programs in society. Community programmes are geared towards restoring sanity and creating an environment where all society members appreciate and understand their differences. OECD's introduction relied on the community programmes to assist in creating the desired behaviours, especially among the young adult offenders. For instance, Hampshire Constabulary and the local charities have worked collectively to develop the Gateway Programme. It is an out-of-court intervention programme aimed at improving the life chances of young adults (Cochrane et al., 2021). Such programmes work hand in hand with the OOCd departments to ensure an offender is taken through a corrective process that will improve their behaviour and empower them with relevant skills to navigate life. Finally, the research has established that minimal attention is given to the shortcomings of the out-of-court disposal programmes. Most existing peer reviewed articles have emphasized the positive effects of applying OOCd to the young population. The realisation highlights a significant gap that requires further exploration. Highlighting the shortcomings of OOCd will pave the way to evaluating and applying the most effective reforms in the judicial system.

### **Literature findings**

Research conducted by Neyroud and Slothower (2015) provides evidence that out of court disposals are effective with low-risk offenders and may be effective with moderate-risk offenders, this however will need further examination. The desires of victims of crime will always be considered however it is the officer in charge of the case who has the final decision. Cochrane et al. (2021), found that out of court disposals are more effective than court prosecution at reducing harm while

preserving victim confidence. Regarding the effectiveness of the out of court disposal Weir et al. (2021) emphasized that OOCs that are accompanied by specific regulatory criteria can play a vital role in re-offending providing the criteria has been applied correctly. Weir et al. (2021); and Sturrock and Mews (2018) noted a number of areas that would demand special attention in the implementation of the out of court disposal in order for it be effective in relation to re-offending and cost. It is suggested that out of court disposals could be more effective on women however there is a lack of research and evidence to be able to provide a definite answer.

## **5- Conclusion and Recommendations**

The previous chapter has provided findings from research conducted. This chapter will contain a conclusion with regard to how effective the out of court disposal method Restorative justice is in relation to re-offending.

As per the studies mentioned in the literature review chapter of this thesis, there is certain criteria which must be met before restorative justice is put forward as an option, such as:

- The offender must admit the crime
- The officer in charge of the case has the final decision
- The suspect must have little or no criminal history

Research shows that that Restorative Justice is more effective than court prosecution with low-risk offenders and if used accordingly it may be effective for moderate offenders also. According to studies by Cochrane et al (2021) which analysed restorative justice state it is considered more effective than court proceedings and is evidently reducing harm and improving victim confidence, he also states that out

of court disposals are more effective with adolescent offenders. This study links in with the results I found from conducting my primary research where I have found similar findings regarding the effectiveness of such processes with juvenile offenders. While this appears to place a negative marker on juveniles it is clear that when RJ is used when this is their first offence, they are much less likely to re-offend. Evidence suggest that Restorative Justice is having a positive impact on re-offending rates and inflicts confidence in victims of crime.

It is evident that restorative justice is both cost effective and beneficial for victims as the university of Shefiled conducted three restorative justice schemes between 2001 and 2008 and found that 62% of victims felt RJ made them feel better after being a victim of crime and for every pound spent delivering face to face meetings eight pound was saved through reducing (Restorative Justice Council, 2016). This piece of secondary research demonstrates a link to the interview I conducted which also highlighted that face to face meetings were more effective and helped reduce re-offending.

Upon comparing research I conducted alongside secondary research it is apparent that there is a clear link between:

- Cost effectiveness
- Victim satisfaction
- Reducing re-offending

From conducting my research the information I did gather has highlighted the effectiveness of restorative justice in relation to re-offending. The main theme emphasised is that out of court disposals mainly restorative justice is more effective on juvenile offenders who commit low level crime, these were less likely to go and commit further crime, proving restorative justice effective.

## **5.2      Completion and Achievements of Objectives**

*1, To conduct research into studies regarding the benefit of Restorative Justice.*

*2, I aim to conduct primary research in order to establish how frequently and effectively Restorative Justice is used within South Wales Police.*

*3, To establish how effective or ineffective Restorative Justice is with regard to re-offending. Also, to be able to provide recommendations for future researchers.*

## **5.3- Limitations**

The biggest limitation surrounding this research project without question has been the size of the research available to conduct both primary and secondary. I feel that due to the size of the research conducted, I have been able to gain an insight into the effectiveness of Restorative Justice however, further research needs to be conducted in order to effectively evaluate the findings on a larger scale with a larger sample. Due to the dissertation being undergraduate level and the time available to conduct such research there were clear challenges within. The second biggest challenge was the sensitivity in relation to communication with any victims of crime. Although I was able to gain some of information regarding feedback from victims, an interview or direct participation from victims would have provided a whole new insight into the effectiveness and impact of crime and the effect Restorative Justice had on them as the victim whether it be positive or negative. I am aware that out of a sample, not all participants would consent to their information being shared which would reduce the size of the sample. This is an important factor to consider when conducting any research. A personal challenge for me was being ill during a big part of the time allocated to complete this paper.

## **5.1 - Recommendations**

Throughout this dissertation the chapters have achieved the set objectives and this chapter will seek to achieve the final objective of the dissertation, to provide recommendations surrounding possible impact factors of using Restorative Justice as a disposal method and also recommendations for further research.

Due to the sheer size of collected data and potential data only a small proportion could be analysed this being due to the time given to conduct this project and personal circumstances. However, should this project attract more interest in investigation and research I would recommend that it be steered in the way of adult out of court disposals and persons with more of a criminal past, as it is evident that Restorative Justice helps reduce re-offending, is more likely to be imposed by juveniles and is cost effective. This is something that could be utilised more often should the correct research be conducted, and contingences be in place.

This research project provides clear potential for further academic study and many benefits to the police forces within the United Kingdom.

If I were to conduct further research into the effectiveness of restorative justice on re-offending rates, I would firstly alter my sample size. I would aim to conduct a range of different information gathering methods in order to achieve best evidence. I would aim to conduct a mixture of interviews/questionnaires and online surveys in order to target different age groups, background and diverse groups. For example groups in society who may not have access to such as things as the internet and elderly people who may prefer face to face contact. By using different methods to gather information I feel I would that response rates would significantly increase and make allowances for instances where response may dip.

I would ensure that the interviews/questionnaires and surveys take place or are accessible to persons within different force areas in order to gain an insight in how restorative justice is practiced in different areas and how effective it is.



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