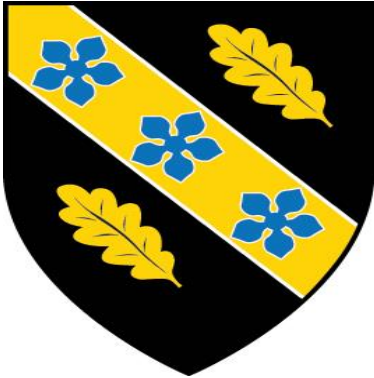




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An investigation into the effectiveness of out of court disposals primarily
Restorative Justice in relation to re-offending

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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: 31 July 2022

STATEMENT 1

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

Signed: Leah Jeffries

Date: 31 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: 31 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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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 study investigates how restorative justice is being used within South Wales Police and how effective it is for that particular force, this has been achieved by form of primary research being a semi-structured interview with a restorative justice practitioner who is an expert in the field, they are an employee of South Wales Police meaning they will have a detailed understanding of restorative justice to provide relevant answers.. This paper will also evaluate literature pieces in regard to out of court disposals. The research so far suggests that restorative justice is effective in terms of victim satisfaction and is effective in regard to re-offending with low level crimes such as criminal damage and anti-social behaviour. The researcher for this paper makes realistic and achievable recommendations for further studies to be carried out on whether restorative justice could be used as effectively for more serious offences.

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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 aims provide background information as to why such research should 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.

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).

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. It also has the intention of raising awareness of restorative justice amongst victims of crime (Victims Code, 2015). 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 out of court disposal. 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 the reparative process and can allow victims to feel empowered. Restorative justice can take place in the following ways:

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

The victim-offender mediation can take the form of either direct contact between the victim and offender or indirect communication involving third parties (CPS, 2019).

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

The researcher is a Police Constable for South Wales Police, at present an issue Police Officers are facing is that they often deal with repeat offenders. From the researchers experience as stated dealing with the same individuals on a continuous basis aided them to form 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. The reasoning for conducting this research paper is to find out 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 that has been considered. The researcher aims to be able to discover what the positives and negatives are to using Restorative Justice in comparison to court proceedings. The researcher has previously stated re-offenders are a particular issue for the Police force, and is the biggest influence for 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 the researcher is going to explore. As someone on the front line implementing such disposal methods and proceedings, the researcher 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.

The researcher is going to look at how effective the method of Restorative Justice is and whether it is proven to reduce reoffending.

The researcher will refer to studies researched and investigated. As a result of the investigation, recommendations for the future in relation to using Restorative Justice as a disposal method will be put forward.

1.3 Aims and Objectives

The main objective of this dissertation is to answer the question, is restorative justice effective with regard to re-offending?

The researcher's aims alongside the objective are as follows:

1. *To understand the benefits of using Restorative Justice*
2. *Establish how frequently and effectively Restorative Justice is used across South Wales Police.*
3. *To understand how effective Restorative Justice is with regard to re-offending.*

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.

2 - Literature Review

Introduction

Out-of-court disposal (O 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 O OCD is only applicable in particular circumstances. Reducing recidivism by facilitating restorative and reparative justice is O OCDs' guiding philosophy (Nereid and Slothower, 2015). This section examines the literature on the impact of out-of-court dispositions on recidivism, emphasizing the vital 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. The investigating officer will have the last say in how the offender is punished. It is also mentioned that the culprit must 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 may also be effective with moderate-risk offenders.

Further, in support of this notion, research performed by Rowe, Amankwaa, Biddle, and Bengtsson (2022) also identified that the Out of Court Disposals (O OCDs) tend to have a significant ability to divert the offenders away from court. This is often supported by various approaches that will require the offender's engagement across multiple rehabilitation services designed to meet the offender's specific needs,

which are significant influencers of the issues that promote offending. This identifies that the methodological approach utilized in Out of Court Disposals (OOCs) can support rehabilitation and reduce the re-offending rate of different offenses and offenders (Rowe, Amankwaa, Biddle, and Bengtsson, 2022).

On the hand, GOV.UK (2022) further affirms that the Out of Court Disposals (OOCs) play a significant role in addressing the community's early stages of the offending conduct. They allow the police force to deal with low-level offending without recourse to the courts effectively, and, as a result, they will have more time to deal with serious criminal conduct. Arguably, the ability of OOCs to offer an opportunity for providing intervention and support to potential offenders during their early stages contributes to diverting this population to rehabilitative services effectively and, as a result, reducing the rate of offending. Furthermore, in support of this notion, a pilot study conducted by Ames et al. (2018) asserted that the utilization of OOCs contributed significantly to offering the offenders, especially those in their early stages, an opportunity to make a positive difference in their offending lives. The OOC system primarily focuses on providing the offenders with appropriate rehabilitation guidance and support allow the offenders to abstain from engaging in criminal conduct and become productive members of society. Further, the pilot study outcomes identified a significant reduction of offenses during the pilot period following OOC's approach to resolving offensive behavior in areas of England and Wales (Ames et al., 2018).

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 offense 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). They found that OOCs are more effective than court prosecution at reducing harm and recidivism while preserving victim confidence and satisfaction. OOCs 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 OOCs 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.

Moreover, Grace (2021) further pointed out that the OOCs are not case-ending powers approaches but are court alternatives. Despite their ability to offer opportunities for offenders to divert from prosecution, they, on the other hand, provide opportunities for new programs to supplement the existing judicial system and, as a result, enable it to develop a robust platform for reducing offenses within the community (Grace, 2021). In addition, through a policy reform aimed at simplifying the adult Out of Court Disposals (OOCs) structure, GOV.UK (2022) identified that the OOCs tend to promote various rehabilitation programs such as drugs, anger management initiatives, and mental health, significantly reducing the likeliness of a re-offend. This implies that an effective OOCs structure majorly guides offenders to effective treatment programs that assist them in abstaining from engaging in criminal-related activities (GOV.UK, 2022). In addition, exposure to the various relevant intervention programs or services allows the judicial system to adequately address the diverse underlying aspects contributing to the offending conduct. Furthermore, the OOCs tend to go the extra mile by offering various opportunities for referrals, such as mentoring and employment support, which enable an individual to transition to be a productive member of society effectively. This helps offenders in their early stages to divert from criminal conduct (GOV.UK, 2022).

Regarding the effectiveness of the OOC, Weir et al. (2021) emphasized that OOCs that are accompanied by specific regulatory criteria must be effectively executed. To this aim, Weir et al. (2021); and Sturrock and Mews (2018) noted several areas that would demand particular attention in the implementation of the OOC, which include: Eligibility screening of offenders; specific needs assessment to match the conditions of the offender and the appropriateness of the OOC; setting and tracking of conditions; OOCs with requirements tailored for women appear promising but require further testing;

OOCDs 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 severe 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 a statistically significant interaction between having a particular restricting condition and having two prior offenses. Restrictive conditions were associated with decreased recidivism for those with two past offenses and higher recidivism for those with no previous 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. For instance, those with two past offenses 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 without 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 effectiveness into four distinct categories: restricted, reparative, punitive and rehabilitative. The study further noted that rehabilitative conditions were the most common, followed by reparative, restricted, and punishing 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 kind 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 regards to 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 OOC 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 to apply mixed methods approaches to come up with more objective comparative data and assess the credibility of the results. A varied research form would give a more comprehensive outcome drawn from different data sets.

On the possibility of reoffending, a multivariate analysis was utilized to investigate reoffending in the study by Kasinathan (2015). Kasinathan (2015) focused on the likelihood of reoffending after a caution. In the 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 reoffending rates 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 reoffending frequency, Haines et al. (2012) noted that negative binomial regression was used during a one-year follow-up period to determine the number of proven re-offenses following a caution. In this case, if the dependent variable is a count variable, negative binomial models were utilized. In their findings, the two studies 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's (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 regards to 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 the 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. Additionally, approximately 62% of victims felt that the out-of-court disposal method of 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, and eight pounds were saved by reducing reoffending.

Furthermore, Rowe, Amankwaa, Biddle, and Bengtsson (2022) argue that despite the OOCds being linked to a low rate of re-offending compared to other forms of disposal such as court prosecution. There is a need for the police force to focus more on appropriately implementing and assessing OOCds to achieve positive results. In addition, Grace (2021) further supports the notion by affirming that appropriate implementation and evaluation of OOCds will allow the police force to reduce the gap in aspects that influence nodding.

Moreover, research conducted by Rowe, Amankwaa, Biddle, and Bengtsson (2022) also pointed out that increased awareness of the various issues linked to the implementation of OOCds has contributed to increased confusion and inadequate transparency in regards to its application to multiple offenses. Additionally, criticism of Out of Court Disposals (OOCds) on the type of crimes and criminal conduct needs to be applied to those that need to reach the court. Slothower (2014) further argues if the police need to hold the discretionary powers and if the judicial scrutiny of the policy decision-making is sufficient to reduce biases when awarding OOCds. Additionally, there is still limited understanding of the Out of Court Disposals (OOCds) structure. Hence, there is a major need to ensure that society's OOCds are

appropriately implemented through promoting eligibility, appropriate needs assessment, and effective tracking Out of Court Disposals (OOCs) support rehabilitation services (Rowe, Amankwaa, Biddle, and Bengtsson, 2022). Also, Grace (2021) further points out that inadequate implementation of the Out of Court Disposals (OOCs) structure within the judicial system would contribute to major issues regarding the police force's performance and the individual officers, limiting Out of Court Disposals (OOCs) from achieving their ultimate goals and objectives.

2.2 - Summary of the literature review

This section reviews various literature on the effectiveness of out-of-court disposals on reoffending, focusing on the vital justice approach. Regarding the suitability of OOC, the reviewed literature has not highlighted the pros and cons of OOC when used as the sole means of arbitration for petty offenses. 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. Regarding the relevance of OOC to different population groups with other demographical characteristics, further studies need to focus on the same variables in different sets of populations categorized in terms of gender, age groups, residence, and other demographic characteristics.

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

3 - Methodology

The previous chapter of this paper investigated key existing literature surrounding Restorative Justice and its benefits, along with key issues and points for future research.

This chapter will assist the researcher with achieving an answer to their main objective, which is, how effective is RJ with regard to re-offending? And to also provide the researcher with an understanding of how RJ is used within South Wales Police

The researcher will achieve the above aim and objective by conducting primary research by form of a semi-structured interview. However, before the decision was made to conduct the interview, the following research methods were considered:

- Questionnaires

Questionnaires are one of the most widely used means of collecting data and many researchers associate research with questionnaires (Baker and Foy, 2008). Research questionnaires can be distributed in many different ways such as, via e-mail, face to face by hand, or sent in the post. Questionnaires are generally completed by the respondent alone without needing any assistance from the researcher, and this is one the reasons this method is popular (Drever and Munn, 1990, p. 9). They have the ability to target a large audience over a wide area, allowing for a greater response. However there are disadvantages to the use of questionnaires in research such as poor or limited responses. For example if respondents are requested to send the questionnaire back through the post, the response rate may be a lot lower than if you had to submit online. Another disadvantage may be that the information collected through questionnaires cannot be said to be very much reliable or valid. For example If the subject misinterprets a question or gives an incomplete or indefinite response very little can be done to connect such response. Whereas by using an interview with a person there is always the possibility of rephrasing questions for further clarification (Your article library, 2015).

- Online Surveys

An online survey is a set of structured questions that the respondent completes over the internet generally by filling out a form. These appear to be a more effective way of gathering information in a wider population. It is a less time-consuming method and is one of the more cost effective ways to gather information. Often researchers offer

incentives to complete online surveys as a way of getting people to participate, for example, discount codes, gift voucher and free gifts (Question pro, 2020). However, surveys may also have a limited response rate as not everyone has access to the internet and may also limit people who have visual and hearing impediments. Online surveys do not offer the same level of personalisation as would an interview whereby respondents can ask for clarification if they do not understand a question.

3.1- Method selected

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 aimed at offering a detailed understanding of the effectiveness of restorative justice as utilised within South Wales Police through reviewing 50 cases where restorative justice has been used. 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. A structured interview was considered however the disadvantage to this approach would prevent the researcher from

altering questions and provides limited scope along with lack to test communication Raymond Opdenakker, (2006).

Qualitative, quantitative, and mixed-method research approaches

According to Almalki (2016) quantitative researchers organise facts and scrutinize the connection among diverse sets of facts, they use methods that produce comprehensive conclusions so the authenticity of the research can be clear and understood. However, researchers using the qualitative approach believe it allows the researcher to lure information from participant's involvements and opinions around the subject matter getting a better understanding from a "individual" perspective (Almalki, 2016 p 290-291). Also, According to Slothower (2015) and Weir et al. (2021), the objective of qualitative research is "transferability".

There are positive and negative points in using both research methods, the quantitative method collates data that can be interpreted and measured more straightforwardly but it does not inspect the meaning and interpretation from a range of different individuals. Whereas the qualitative method enables the researcher to gauge and assess the social meaning and real-time thoughts and opinions of individuals around the research topic, however, this method can a large amount of time preventing the researcher from conducting priority research(Rahman, 2017 p 103). Qualitative approach is used within this paper in order to achieve a descriptive answer.

3.2- Target Population

The target population for the research was all employed Restorative Justice Practitioners from South Wales Police. Five restorative justice practioners were contacted prior to conducting the research to ask for their participation, however due to experience, availability and other commitments only one practitioner chosen. This practioner was the most suited and best person to use to collect the data required. The practioner chosen is an expert in the field.

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 were sent a week prior to the interview taking place. These were sent via a secure email and allowed time to collect the data needed to obtain a satisfactory response and successful interview.

The aim was to obtain the answers to the following questions:

1. How often is Restorative Justice being used as a disposal method?
2. What is the age range for subjects who have been subject to Restorative Justice?
3. What gender are the subjects?
4. What offences is Restorative Justice mainly being used for?
5. What form of Restorative Justice is being taken?
6. How often are subjects of Restorative Justice going to commit further crime?
7. Are you aware of any feedback from victims?
8. In your professional opinion do you think RJ is effective with regard to re-offending?
9. Do you think RJ is being used to the best of its ability?

The answers given by the RJ practitioner were recorded by the researcher taking notes at time of interview taking place.

The reason for this chosen method of primary research was because it was an easily available method, and it was the most convenient. The main reasoning behind the researcher's decision for this semi-structured interview was that it would allow to ask further questions and did not restrict to a standard set of questions as would a questionnaire. It also allowed the researcher to gain relevant knowledge and data from someone who is an expert in the subject being researched. Being able to ask questions freely and openly helped ensure objectives were met.

In order to establish how effective, the primary research obtained is and to identify any common themes the researcher will analyse secondary data. Unlike primary data, which is data collected by the researcher, secondary data is research conducted by someone else. This allows the researcher to obtain further data in a quick and effective manner. It helps the researcher to build a picture of the subject and gain knowledge and fact. The negative to secondary data or research it is you cannot be entirely sure how reliable or true it is. The research is mindful of this when analysing another researcher's work Crossman Ashley, (2019).

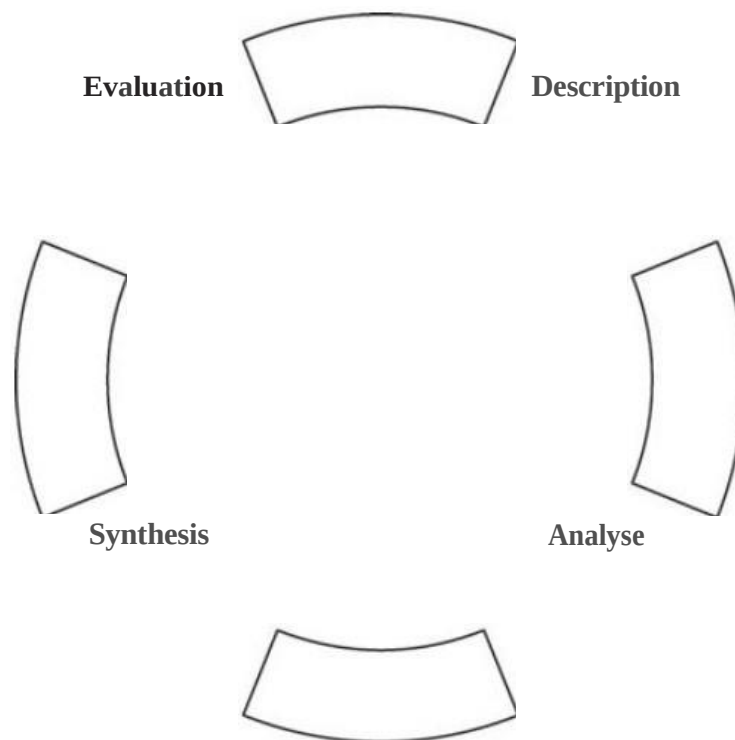
3.4- Data Collection

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

This dissertation chapter will attempt to provide the project's findings after conducting primary research whilst comparing and analysing against secondary data. 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.

To produce the results the researcher has used the method shown below Biggam, J.(2021).



As part of the researcher's interview with the Restorative Justice Practitioner for South Wales Police, the researcher reviewed and analysed 50 criminal cases where the method of Restorative Justice was used. The results to the questions asked are detailed as follows:

How often is Restorative justice being used?

For every 80 criminal incidents recorded within South Wales Police an average of between 20-25 will be dealt with by a form of out of court disposal. The majority of these disposals are restorative justice however it is not certain how many and cannot provide a definite answer.

What is the age range for subjects who have been subject to Restorative Justice?

Out of 50 cases dealt with by the form of RJ, 28 of these were juvenile offenders and a further 19 cases were persons under the age of 25. This shows that majority of RJ offenders are either juveniles or young adults within South Wales Police. This is supported by Cochrane et al. (2021) who found that RJ is used more on average and is more effective with Juvenile offenders. Youth justice board, (2015) also state that restorative justice is more commonly used with youth offenders which links and supports the high number of juveniles subject to restorative justice within South Wales Police.

What offences is Restorative Justice mainly being used for?

Within South Wales Police all 50 cases were for low level offences which include criminal damage, anti-social behaviour, shoplifting and common assault (not domestic related). Shapland, J (2008) state that there is no evidence or restriction that prevent restorative justice being used for any offences but it is commonly used for low level offences as being used by South Wales Police. With that being said there may be certain types of

offences where RJ is not appropriate due to the possibility of further danger to the victim. Domestic incidents or sexual offences are examples of this.

What form of Restorative Justice is being taken?

18 of the 50 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. Evidence briefing, (2022) refer to the signing of a police constables pocket notebook as level one RJ and are commonly used by Police community Support Officers and are used regularly as means of quickly resolving an issue with a positive outcome. A letter to a victim would be classed as level 2 and aren't used as frequently. Evidence briefing, (2022) also note meetings whereby the victim and suspect meet in a safe space are referred to as level 3 and are classed as a restorative justice conference, these tend to be used on cases where the crime has had a significant impact on the victim. This shows that South Wales Police are using RJ as per other forces and agencies.

How often are subjects of Restorative Justice going on to commit further crime?

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 crime – whereby there were no identified victims. Individuals whose involvement with the Restorative Justice process existed signing the pocket notebook of a police officer had the highest rate of re-offending with 13 out of the 26 committing further crime following police interaction. The 6 individuals who took part in RJ by way of a letter to the victim, none of these went on to re-offend. The restorative justice practitioners professional opinion to these results

was that subjects that have to meet their victims are less likely to re-offend due to them seeing the impact first hand and that any form of contact with the victim is much more likely to have a positive impact on the suspect in relation to re-offending than those who do not interact with their victims. A pilot study by Ames et al, (2015) identified that out of court disposals such as RJ show a significant reduction in reoffending which supports the results above from South Wales Police. CPS, (2019) provides evidence that victim offender mediation is more effective with direct contact such as a meeting face to face than with indirect contact such as signing a pocket notebook. This suggests South Wales Police results are as would be expected. Restorative Justice Council, (2014) state that when restorative justice is conducted face to face whilst mediated by police it improved the perceptions of the criminal justice system. Also According to Restorative Justice Council, (2014) 80% of offenders who took part in an RJ meeting with the victim thought it would reduce the likelihood of them re-offending.

Are you aware of any feedback from victims?

Out of the 50 cases reviewed only 10 victims provided feedback to Police, however while noting this is a low figure 9 out of the 10 victims gave positive feedback. All making similar claims such as:

- Feeling less of afraid
- Feeling understood and pleased to voice their opinions to the person responsible and get an apology from the suspect
- They were listened to by police and feeling satisfied
- Happy with how quickly the incident was dealt with

This result although low in respondents is likely accurate as it is supported by Evidence briefing, (2022) who report that victims who took part in RJ as a form of a meeting shown a reduction in suffering from post-traumatic stress disorder, along with helping to repair dignity and loss experienced by victims of crime. According to Camp & Wemmers, (2017) RJ helped reduce fear in victims when they met with the suspect and heard them apologise, this supports what the victims of South Wales Police said. Also, Restorative Justice Council, (2014) state that 85% of victims who have taken part in RJ

were happy with the process and response. According to Susanto & Supriyatna, (2020) court cases can take a long period of time before suspects are addressed for their crimes which can cause stress to the victim. Victims from South Wales Police confirmed they were happy with how quickly their incidents were dealt with.

In your professional opinion do you think RJ is effective with regard to re-offending?

Restorative practioner response – I believe it is effective if used wisely and not rushed. It helps educate people who take part especially the younger generation as education is often what is needed and missed if sent to court. I think it helps stop the younger generation from committing further crime if they can see what they're doing is wrong, which is the point in the face to face meetings with victims. I think it could be used more with the older generation but it is often the case that they have already committed crime and are not eligible. On a whole I think RJ is effective but can and will become more popular within police forces and other agencies in time.

Do you think RJ is being used to the best of its ability?

Restorative practioner response – no, I think it has much greater capability than what it is currently being used for. Many police officers are not aware of the benefits or how useful it can be and require further training to be able to make RJ more commonly used. RJ may need adjustments such as conditions attached to be more compatible with offences where there are cost implications or damage caused.

Regarding the effectiveness of the out of court disposal Weir et al. (2021) emphasized that OOCs such as RJ that are accompanied by specific regulatory criteria can play a vital role in re-offending providing the criteria has been applied correctly. This agrees with the RJ practioner opinion and is clearly something that could be useful if adapted in the future.

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. Also 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.

Summary

The researcher gathered data from its primary research which has provided an understanding of who uses restorative justice in force and what age this is more effective on. Juveniles are evidently involved in restorative justice more frequently than adults or in this case anyone over the age of 25. Restorative justice clearly has a positive impact for victims and also for re-offending. Direct contact between the victim and suspect is more effective than indirect contact which is something the researcher can take forward from this into their personal job.

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.

The aim of this study was to be able to answer the question, is restorative

justice effective with regard to re-offending?

The results acquired from the literature review, secondary research and from the research carried out for this project provides the researcher with the sole opinion that restorative justice is effective when it comes 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 found from conducting primary research where the researcher 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 the researcher conducted which also highlighted that face to face meetings were more effective and helped reduce re-offending.

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

- Juvenile offenders
- Victim satisfaction
- Re-offending post out of court disposal

From conducting research the information gathered 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 or young adult offenders who commit low level crime, these are less likely to go and commit further crime, proving restorative justice effective.

The researcher believes that if restorative justice is used correctly such as for the appropriate offences and involved both the victim and the suspect directly this would be the most impactful and would gain a better result for all involved. The researcher believes that as discussed RJ is both cost effective and helps criminal incidents be dealt with quickly and effectively allowing police officers prioritise their time and enabling victims of crime to recover in good time. The researcher believes that restorative justice if suited to the crime could be healthier for all involved than court proceedings.

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 aim 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 the researcher 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.

As a result of the findings found during this study, the researcher makes the following recommendations which they believe are attainable and appropriate. The researcher is aware that since they conducted their literature review there has been further studies produced. The researcher is also aware that there will be other data and studies available for review. The

researcher embraces the belief that the recommendations from this research paper will benefit Police forces with suggestions for future use of restorative justice and any research conducted around it.

Recommendations are as follows:

- To gain a better understanding on how restorative justice is being used within Police forces and how effective it is. Questionnaires and online surveys would benefit from being available to all forces within England and Wales over a longer period of time.
- 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. Response rates would significantly increase and make allowances for instances where response may dip.
- More research needs to be conducted on whether RJ could be used for more serious offences and domestic incidents as it evidently helps victims it could be a consideration.
- An accessible portal or advertisement should be made easily available to member of the public/victims with details of the different RJ processes and benefits to them.
- To allow police officers to gain a better understanding of the benefits a training package should be made available to officers with guidelines on how to complete RJ most effectively and what works better for different offences and people.

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