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RESTORATIVE JUSTICE AND RECIDIVISM: INVESTIGATING THE IMPACT OF VICTIM-PREFERENCE FOR LEVEL OF ENGAGEMENT

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ABSTRACT

The aim of this study was to assess the impact of offering victims choice in their level of engagement with restorative justice interventions. Consequently, this study compared the expected risk for reconviction, calculated using the Offender Group Reconviction Scale and actual reconviction rates for completers and non-completers of three different restorative justice (RJ) initiatives: conference, letter of apology and victim-empathy work. Where reconvictions were evident the comparative level of harm between the initial and subsequent offences was examined. This was a risk-band analysis of 253 offenders who had received an RJ sentence between

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September 2007 and September 2011. Data analysis began after September 2012, to allow at least a one-year follow-up. The analyses revealed statistically significant differences between expected and actual reconviction rates for all three interventions. The choice offered to victims regarding their degree of involvement in the RJ sentence appears to do no harm; indeed it is still associated with lower rates of reconviction and a relatively high likelihood of a reduction in harm where reoffending occurs.

INTRODUCTION

Thames Valley Probation delivers a four session programme of Restorative Justice (RJ) to offenders as a specified activity requirement, forming part of a community or suspended sentence order, imposed by courts under the Criminal Justice Act 2003, for violent offences and offences of household burglary. This programme commenced following the implementation of the Act of April 2005.

This study examines the outcomes, in terms of reconviction, for the first 254 'graduates' of that programme. Offenders are assessed for the programme at the pre-sentence report stage and RJ is proposed to the court in the pre-sentence report. Since RJ is part of a sentencing order, the offenders were obliged to participate in the process and the nature of their engagement is dependent upon the wishes of their victim. Offender suitability for RJ is considered in producing the pre-sentencing report where RJ was recommended. Thus, offender willingness to engage with the victim is partly influential in this decision making. Victims are not contacted until after the sentence is passed. In cases where the victim wishes to meet face-to-face a restorative justice conference takes place. Where the victim does not wish to communicate with their offender in person, but would like to receive a letter of apology, work is undertaken with the offender to enable them to do this and the letter is written by the offender and sent to the victim, after discussion with the RJ facilitator. In cases where the victim is non-contactable, or does not wish to engage with the process, the offender undertakes victim empathy exercises selected from a resource book prepared by *Thames Valley Probation* staff, entitled 'Think Victim'.

This study has been conducted to follow up on previous research into RJ work undertaken by *Thames Valley Probation* described by Shapland, Atkinson, Atkinson, Dignan, Edwards et al. in 2008. Between 2001 and 2004 Shapland and colleagues independently evaluated a multi-site, random-controlled trial (RCT) for the *Ministry of Justice*, in which *Thames Valley Probation*, as part of the *Restorative Justice Consortium* (RJC), participated by delivering RJ conferences involving adult offenders and victims. The total number of cases that the RJC contributed to this study was

728, with 50 per cent being cases that were referred to conference. Thames Valley contributed two separate RCTs, one of violent offenders prior to release from a custodial sentence and the other of offenders who received community sentences. The overall study indicated that face-to-face conferences undertaken in Thames Valley, and the other test locations, reduced the rate of reconviction in relation to the control groups. Importantly, the findings indicated that there were no adverse effects of RJ in terms of risk for reconviction, in that none of the interventions were associated with an increased risk in offending.

The RCT design of Shapland et als (2008) study necessitated that cases where both the offender and the victim agreed to participate in a conference were randomly allocated to a conference or no-treatment control group. This meant that willing and expectant victims could not be offered an alternative to the face-to-face conferencing. When RJ was 'mainstreamed' in 2005 however, it was seen to be important to offer victims an alternative which included indirect contact through a letter of apology. Equally, offenders whose victims did not wish to have direct, or indirect, contact were required to undertake victim-empathy work to fulfil their obligation to the court. As a result of this change in process, it became necessary to test whether preparing letters of apology and undertaking victim-empathy work impacted upon rates of reconviction. The design of the mainstreaming of RJ within the 2003 Act Legislation enabled victims to have greater choice, but also offered untested interventions which could, at worst, lead to increased levels of reconviction. Whereas the original study was an RCT, the process of ensuring all victims had an RJ option prevented the use of this same method for the purposes of this evaluation. Therefore, this study adopted a risk-band analysis method comparing expected and actual risk for reconviction of groups of offenders.

AIM

The overall aim of this study was to assess the impact of offering victims choice in their level of engagement with restorative justice interventions. This required determining whether each of three different restorative justice initiatives employed within a probation setting reduced the risk of recidivism in relation to that predicted by the offenders' OGRS2 scores. The intention was to determine whether the alternative forms of restorative justice work (i.e. victim-empathy work and constructing a letter of apology) served to increase risk for recidivism and to ascertain whether the RJ staff team has managed to maintain the quality of delivery, noted by Shapland et al. (2008), which was believed to have contributed to the previously found reduction in the rate of reconviction.

OBJECTIVES

(1) To determine whether overall RJ was associated with a lower rate of reconviction than predicted by the OGRS2 scores, using the risk-band categories adopted by the *National Offender Management Service* (NOMS). (2) To ascertain the effectiveness of all three types of RJ in terms of impact upon recidivism rates and to consider this in light of the risk-band of the offenders, the type of RJ intervention and the nature of the index offence. (3) To compare the effectiveness of the alternative RJ interventions to that of conferencing. (4) To ascertain whether the type of RJ intervention predicts reconviction when controlling for the impact of type of offence, age and risk group. (5) To consider whether there was evidence of a reduction in harm in relation to subsequent offending for recidivist offenders who had undertaken RJ. (6) To determine whether non-completers of RJ sentence components would demonstrate any adverse effects in terms of reconviction rates and level of harm in any subsequent offending.

METHOD

The research design

This outcome evaluation consisted of a risk-band analysis of a single-site, multiple-pathway RJ programme. Risk–band analysis is an actuarial method for conducting an evaluation of an intervention in the absence of an appropriate control group. The procedure compares known groups of offenders' average predicted rates of recidivism with their average actual rates of recidivism. The predicted rates were computed using the Offender Group Risk Scale (OGRS-2) (Copas and Marshall, 1998) scores.

The dataset

This analysis considered the case progression of 253 offenders who had undertaken one of three different RJ interventions; writing a letter of apology (n = 102), engaging in victim-empathy work (n = 64) or participating in a face-to-face conference (n = 51), and 36 non-completers of the RJ element of the sentence. The data consisted of all cases where the sentence included an RJ element, which had been referred between September 2007 and September 2011. The data analysis began after September 2012, so that there was at least one year follow-up for all of the offenders included in the analysis.

The age range of the offenders in the sample was between 18 and 63, with a mean age of 27.3 years and the majority were male (85.4%). With regard to the nature of the index offences, 14 offenders had a conviction for an offence which was considered irresponsible behaviour (which whilst potentially or actually dangerous was not characterised by criminal intent), 172 had convictions for violent offences, 52 for property offences and 16 for a mixed property and violent offence. Thirty-six of the original 253 offenders did not complete the RJ process (revoked, breached, AWOL, etc.).

Whilst OGRS2 predicts risk for reconviction over a two-year period and the data set included offenders who had been at large for between 12 months and four years. The inclusion of those who had been at large for more than two years had potential to overestimate actual reconvictions, whilst the inclusion of those who had been at large for less than two years held potential to bias the rate of reconviction in the opposite direction. To restrict the data analysis to just the offenders who had been at large for two years would have reduced the sample to just 56 cases, which would have proved insufficient for meaningful statistical analysis. In light of this, the cases were examined in terms of the date of the original sentence and the date of reconviction. All but one of the recidivist offenders reoffended within 12 months of their original conviction. The offending behaviour that led to a reconviction occurred, on average, five months after the RJ sentence (range = two weeks to 13 months). Thus, it appears that using this full data set might neither over- nor under-estimate the rate of actual reconvictions to a great extent.

Data Coding

The dataset was created using information from several different sources including the Offender Assessment System (OASys), Police National Computer (PNC) and the Integrated Case Management System (ICMS). The information drawn from these sources did not lend themselves to immediate analysis; rather an iterative process of coding, checking and recoding was necessary in order to garner the information required for this analysis. The original data was independently coded by the first two authors who then discussed any discrepancies between the codes they had allocated to specific items until they achieved an agreement. This procedure served to reduce the likelihood of individual error and/or subjective bias.

a) **Predicted rate of reconviction**

Predicted rate of reconviction was calculated using the Offender Group Reconviction Scale version 2 (OGRS2). This is an actuarial risk assessment instrument, based largely on static risk factors, which was originally developed by the Home

Office for use in probation to assess the likelihood of reconviction of non-mentally disordered offenders. The risk factors inherent in the scale include; gender, age at time of first conviction, age at time of sentence, age at current conviction, offence category, number of youth custodial sentences, history of burglary or breaching court orders etc. The score yielded represents the probability of reconviction within a two-year time frame, from the commencement of a community sentence or following release from prison. The instrument has been used since 1996 and underwent two revisions in 1998 (Copas and Marshall, 1998) and 2008 (Howard et al, 2009). Since its inception OGRS2 has been routinely used to help determine programme suitability for particular offenders and assessing both programme effectiveness and service provision. Whilst OGRS2 was the recommended tool of the Home Office for programme assessment, its reliability has also been criticised on the basis of its reliance on static risk factors and the reliability of the information used which is drawn from the PNC (Stephens and Brown, 2001).

b) **Actual reconviction**

In this instance reconviction was recorded for any crime that was committed that lead to an official disposal e.g. police caution, reprimand, conviction etc. Where a reconviction was evident the date of a subsequent criminal act was considered in relation to whether the individual had completed their allocated RJ intervention. Thus, only reconvictions for offences that occurred after the RJ intervention were included in the reconvicted category.

c) **Offence category**

Four offence categories were identified from reading both the offence classification from the *Police National Computer* and details of the crime from *OASys*. The categorisation was based on both the intent on the part of the offender and the consequences of their actions. The categories included: irresponsible behaviour, which whilst potentially or actually dangerous was not characterised by criminal intent (e.g. driving without a license and/or insurance, drunk driving, dangerous driving, possession of a weapon, causing death by careless or dangerous driving), violent offences (e.g. AOABH, GBH, threatening and intimidating behaviour, false imprisonment, intimidating a juror, racially aggravated harassment, causing an affray), property offences (e.g. burglary, theft, handling stolen goods, fraud, criminal damage, shoplifting etc.), and mixed property and violent offences (e.g. robbery).

d) **Reduction in harm**

To ascertain reduction in harm the first two authors independently compared the details of both the index offence and subsequent offence and made a comparative judgment as to whether the subsequent crime resulted in harm equiva-

lent to, less than or more than, the index offence. Only a few discrepancies were noted between the two sets of judgments, cases were then reviewed jointly until a mutual decision was made. An example of a reduction in harm is a racially aggravated assault leading to injury recorded as the index offence and the subsequent conviction being a traffic offence.

FINDINGS

Risk band analysis using the segmentation profiles employed by NOMS

Using the OGRS2 scores, the offenders were categorised into one of four risk category groups, according to the classification currently used by NOMS: low risk consisted of scores between 0-24, medium risk was indicated by scores 25-49, high risk by scores 50-74, and scores of 75 or above were considered very high risk of reconviction. The average expected rate of reconviction for each of these four categories was then computed and compared to the actual rate of reconviction. The analysis was conducted separately for the completers and non-completers of the designated RJ initiative.

Overall the rate of reconviction for all three risk groups appeared to be considerably less than expected based on their OGRS2 scores. The findings suggested that RJ had a greater treatment effect for those in the high and very high risk categories. Whereas low risk offenders appeared to demonstrate about half of their expected risk, the medium, high and very high risk offenders demonstrated only about a third of their expected risk. Chi-squared analysis conducted on each risk group to determine whether the reduction in risk was statistically significant indicated that this was the case for the medium, high and very high risk groups but not for the low risk group. The lack of overlap of the confidence intervals for the expected and observed rates of reconviction between the three higher risk groups reinforces the veracity of this finding. However, since the low risk group had the smallest number of offenders, their base rate of offending was low and the p value was just short of attaining significance, it may be premature to conclude that RJ is ineffective for low risk offenders. The results are presented in Table 1.

The same analysis was computed for the non-completers. No statistically significant differences were found for the low and medium risk groups. However, both the high and very high risk group's reduction in risk for reconviction did attain a level of statistical significance; although, it must be noted that examination of the confidence intervals revealed considerable overlap between the expected and actual rates of conviction. Thus, it would be unwise to see these reductions in risk

for the non-completer group as significant. The findings for the non-completion group are represented in Table 2.

Table 1. RJ Completers: Comparison of expected and actual rates of reconviction, including confidence intervals and percentage point reduction in risk.

	Expected Rate of Reconviction (average of the OGRS2 scores)	Actual rate of reconviction	Percentage-point reduction in risk	Chi-Squared calculation to determine whether this is a significant reduction in risk
Low Risk (n = 40)	16.4% (n = 6.6) CI 8.8 – 32.0	7.5% (n = 3) CI 2.6 – 19.9	8.9%	$\chi^2 = 2.35$, df = 1, $p > .05$
Medium Risk (n = 74)	37.5% (n = 27.8) CI 27.7 – 49.2	13.5% (n = 10) CI 7.5 – 23.1	24.0%	$\chi^2 = 17.26$, df = 1, $p < .005$
High Risk (n = 69)	60.6% (n = 41.8) CI 49.1 – 71.5	18.8% (n = 13) CI 11.4 – 29.6	41.8%	$\chi^2 = 21.45$, df = 1, $p < .001$
Very High Risk (n =31)	83.9% (n = 26) CI 67.4 – 92.9	41.9% (n = 13) CI 26.4 – 59.2	42.0%	$\chi^2 = 40.30$, df = 1, $p < .001$

Table 2. Non-Completers: Comparison of expected and actual rates of reconviction, including confidence internals and percentage point reduction in risk.

	Expected Rate of Reconviction	Actual rate of reconviction	%-point reduction in risk	Chi-Squared calculation to determine whether this is a significant reduction in risk
Low Risk (n = 3)	20.7% (n = 0.6) CI 6.1 – 79.2	0% (n = 0) CI 0 – 56.2	20.7%	$\chi^2 = 0.715$, df = 1, $p > .05$
Medium Risk (n = 6)	35.8% (n = 2.1) CI 9.0 – 70.0	16.7% (n = 1) CI 3.0 – 56.4	19.1%	$\chi^2 = 1.380$, df = 1, $p > .05$
High Risk (n = 12)	62.7% (n = 7.5) CI 35.0 – 83.0	33.3% (n = 4) CI 13.8 – 60.9	29.4%	$\chi^2 = 4.325$, df = 1, $p < .05$
Very High Risk (n = 16)	84.4% (n = 13.5) CI 60.5 – 94.7	50.0% (n = 8) CI 28.0 – 72.0	34.4%	$\chi^2 = 14.33$, df = 1, $p < .0005$

Comparing reconvictions for completers and non-completers of RJ

Overall 35.1% of offenders who did not complete the RJ intervention were reconvicted in comparison to only 18.1% of those who completed. Chi-squared analysis suggested that this difference was statistically significant (χ^2 = 5.643, df = 1, p = .018). However, the results from an independent t-test investigating potential differences between the expected risk for reconviction between these two groups of offenders demonstrated that non-completers' OGRS2 scores (M = 68.4, SD = 22.5) were significantly higher than those of the completers (M = 47.4, SD = 22.6; t = 4.343, df = 251, p = .0005). Thus, this might partly explain the difference between the reconviction rates of the two groups. Consequently, separate Chi-squared analyses were computed for each of the NOMS risk groups, comparing the rate of reconviction of completers and non-completers. Whilst none of the analyses attained levels of statistical significance – largely due to the small number of non-completers in some of the risk groups - examination of the percentage-point reductions (comparing the actual rates of reconvictions for the two groups) indicated that the lower rates of reconviction for the completer group were almost equivalent to that found for previous wait-list controlled studies (e.g. Miers et al., 2001). For example, those who completed RJ from the high risk category demonstrated a 14.5% lower rate of reconviction and the very high groups' rate was 8.1% lower, which corresponds well with the 10% lower rate of reconviction reported in Miers et al. (2001).

Risk for reconviction by RJ intervention

Descriptive statistical analysis was conducted to explore the rate of reconviction by each RJ intervention group. The analysis revealed that 24% (12: 50) of those who engaged in a conference were reconvicted, in comparison to 17.5% (18: 103) who had written a letter of apology and 14.3% (n = 9: 63) of those who had undertaken victim empathy work. Chi-squared analysis was performed to determine whether these observed differences in reconviction rates between offenders undertaking the three different RJ interventions attained a level of statistical significance. This revealed that there was no statistical difference between the likelihood of reconviction between the three interventions. Examination of the percentage-point change values indicated that the rates of actual offending were approximately 30% lower than that which was expected across the three interven-

tion groups. Chi-squared analysis and investigation of the confidence intervals for the expected and actual rates of reconviction for the three intervention groups revealed that each type of RJ intervention was associated with a significantly lower rate of actual reconviction than predicted by the OGRS2 scores.

An analysis of variance (ANOVA) was computed to compare the OGRS2 scores of the three different RJ groups, to determine whether victims' choices had an unwitting yet systematic impact on the allocation of RJ interventions (e.g. high risk offenders being more likely to be required to undertake victim empathy work). The observed differences did not reach a level of statistical significance [$F(3, 215) = 0.609$, $p > .05$], suggesting there is no evidence of selective allocation of RJ intervention on the basis of level of predicted risk.

According to the ORGS scores it would have been expected that approximately half of the offenders in each of the three RJ intervention groups would have reoffended, so risk appears to have been reduced for all three groups. Specifically, the expected rate of offending for the conference group was twice as high as the observed rate; whereas, for the victim empathy and the letter of apology groups, the expected rate was approximately three times higher than the observed rate. The positive impact of victim-empathy work contrasts quite markedly with Newby's (2012) contention that that there is little evidence of victim-empathy reducing rates of reconviction.

Table 3: Reduction in risk for reconviction by type of RJ initiative

	Expected Rate of Reconviction (average of the OGRS2 scores)	**Actual rate of reconviction**	**Percentage-point reduction in risk**	**Chi-Squared calculation to determine whether this is a significant reduction in risk**
Letter (n = 103)	46.3% (n = 47.7) CI 37.3 – 56.2	17.5% (n = 18) CI 11.4 – 25.9	28.8%	$\chi^2 = 27.07$, df = 1, $p < .005$
Victim Empathy (n = 63)	47.3% (n = 29.8) CI 35.8 – 59.7	14.3% (n = 9) CI 13.7 – 33.9	33.0%	$\chi^2 = 27.55$, df = 1, $p < .005$
Conference (n =50)	50.5% (n = 25.3) CI 36.6 – 63.4	24.0% (n = 12) CI 14.2 – 37.0	26.5%	$\chi^2 = 14.15$, df = 1, $p < .005$

Risk of reconviction by risk category and type of RJ intervention

A further comparison was drawn between the expected and the observed rates of reconviction on the basis of both risk group and RJ intervention. The rationale being to ascertain whether each of the RJ interventions demonstrated equivalent treatment affects across the different risk groups. Initially, separate analyses were computed for expected (ANOVA) and observed risks for conviction (Chi-squared analyses) for each risk group comparing risk across the three RJ types. All of the associated analyses revealed no statistically significant differences. For example, for the low risk group, there were no statistically significant differences in actual risk for reconviction between the three RJ interventions. Similarly, the expected risk for reconviction for the low risk group across the three intervention types was also equivalent. Even here, each of the subgroups demonstrated a lower risk for offending than was predicted by the OGRS2 scores.

However, when considering the low to high risk groups the magnitude of the treatment effect appears to vary on the basis of an interaction between risk group and RJ intervention type. The findings suggest that the most effective RJ intervention differs in relation to the risk group; in that the low risk group demonstrated the greatest treatment effect when they were required to write a letter of apology, the medium risk group were most favourably impacted by engaging in victim-empathy work and the high risk group equally benefitting most from the face-to-face conference and victim-empathy work. This finding corresponds with the 'risk' principle from Andrews and Bonta's (2006) 'Risk, Needs and Responsivity' model of offender rehabilitation, which proposes that an effective treatment must be proportionate to the risk. That is, low risk offenders benefit most from minimal intervention, such as sending a letter of apology; whereas high risk offenders benefit most from a more extensive/intensive intervention, such as preparing to meet and actually meeting with their victim. However, the findings for the very high risk group conflict with this trend and suggest that a letter of apology may work best with this group. Careful scrutiny of the composition of these groups indicated that 70-90% of the offenders in the medium risk groups were violent offenders, whereas only a third of the very high risk conference group were violent offenders. Thus, the findings may be partly attributed to different offence type compositions of the groups.

Table 4: Reconvictions by risk group and RJ intervention

	Type of RJ Intervention					
	Letter of Apology		Victim-Empathy Work		Conference	
	Predicted rate of reconviction	Observed rate of reconviction	Predicted rate of reconviction	Observed rate of reconviction	Predicted rate of reconviction	Observed rate of reconviction
Low Risk (n = 40)	15.9% (n = 3.3)	4.8% (1: 21)	16.9% (n = 2)	8.3% (1:12)	17.0% (n = 1.2)	14.3% (1:7)
% point reduction	11.1%		8.6%		2.7%	
Medium Risk (n = 74)	37.3% (n = 14.5)	12.8% (5:39)	39.7% (n = 8.3)	9.5% (2:21)	35.1% (n = 4.9)	21.4% (3:14)
% point reduction	24.5%		30.2%		13.7%	
High Risk (n = 69)	61.4% (n = 16.6)	33.3% (9: 27)	59.6% (n = 13.1)	9.1% (2:22)	60.4% (n = 12.1)	10.0% (2:20)
% point reduction	28.1%		50.5%		50.4%	
Very High Risk (n = 31)	84.9% (n = 12.7)	20.0% (3:15)	83.4%	57.1% (4:7)	82.4%	66.7% (6:9)
% point reduction	64.9%		26.3%		15.5%	

NB. The percentages presented in italics in the predicted rate of reconviction columns refer to the percentage point reduction in risk for offending. The numbers in brackets in the observed rate of reconviction columns refer to the ratio of reconvictions in relation to the number of offenders in this particular subsample.

Risk for reconviction by offence category

A one-way ANOVA was conducted to ascertain whether there was a significant difference in OGRS2 scores between the four different offence classification groups. This indicated that the observed differences did not attain a level of statistical significance, suggesting that there is a relative equivalence in expected risk for reconviction among the four offence groups. A Chi-squared analysis was performed to determine whether there is a significant difference in reconviction rates on the basis of the offence which lead to the RJ sentence. This revealed a statistically significant finding (χ^2 = 12.877, df = 3, p =.005) suggesting that property offenders are the most likely group of offenders to be reconvicted (36.8%), those whose crime was characterised as irresponsible behaviour tended not to be reconvicted and violent and mixed violent/property offenders were equally likely to be reconvicted (15.2% & 14.3%), respectively. Chi-squared analyses were conducted to compare the expected and observed rates of reconviction for offenders who had completed RJ on the basis of the nature of their index offence. Due to the small

numbers of offenders in the 'irresponsible behaviour' and mixed violent and property groups the analysis was restricted to comparing risk reduction between the property and violent offenders. This indicated a greater treatment effect for the violent offender group, who demonstrated a 67% reduction in risk for offending, in comparison to a 39% reduction for the property offenders. The Chi-squared analyses revealed that the reductions for both the violent ($\chi^2 = 41.32$, df = 2, p <.0005) and the property offenders ($\chi^2 = 8.483$, df = 2, p <.005) attained a level of statistical significance. Thus, the results indicate that RJ is associated with lower rates of reconviction for both property and violent offenders, but that a greater proportion of violent offenders appear not to reoffend following RJ, which is consistent with previous findings (e.g. Shapland et al., 2008).

Risk for reconviction by offence category and RJ intervention

A further comparison was drawn between the expected and the observed rates of offending on the basis of both offence type and RJ intervention. The rationale being to ascertain whether each of the RJ interventions demonstrated equivalent treatment effects across the different offence type groups. Separate Chi-squared analyses were computed for reconviction for each offence type group comparing risk across the three RJ interventions. The analysis could not be computed for the 'irresponsible behaviour' group since none of these offenders were reconvicted, but for all of the other three offence groups the analyses revealed no statistically significant differences. Suggesting that overall, there appears to be an equivalent effect of the type of RJ intervention across the different offence categories. However, when analysis was computed for the type of RJ intervention across categories of offences, a significant difference emerged for victim empathy work ($\chi^2 = 9.854$, df = 3, p =.02), which suggested that victim empathy work had little by way of a treatment effect for property offenders, but was highly effective for violent offenders. However, very few property offenders' sentences included victim empathy work and thus it may be premature to conclude that this intervention is ineffective for this group of offenders. The analysis in relation to conferencing did not attain a level of statistical significance ($\chi^2 = 5.896$, df = 3, p = .117), but it did indicate a trend suggesting that conferencing may also be more effective for violent as opposed to property offenders. Examination of the percentage-point reductions in risk for reconviction indicated that letters of apology are associated with the best treatment effect for the property offender group. However, violent offenders appear to respond equally well to all three types of RJ intervention. The findings are presented in Table 5.

Table 5: Reconviction by offence category and RJ intervention

Offence Type	Type of RJ Intervention					
	Letter of Apology		Victim-Empathy Work		Conference	
	Predicted rate of reconviction	Observed rate of reconviction	Predicted rate of reconviction	Observed rate of reconviction	Predicted rate of reconviction	Observed rate of reconviction
Irresponsible behaviour (n = 13)	30.9% (n = 2.2)	0% (0:7)	43.3% (n = 1.3)	0% (0:3)	42.3% (n = 1.3)	0% (0:3)
	CI 8.2 – 64.0	CI 0 – 35	CI 6.2 – 79.2	CI 0 – 56	CI 6.0 – 77.4	CI 0 – 56.1
% point reduction	30.9%		43.3%		42.3%	
Violent Offence (n = 149)	45.0% (n = 31.5)	16.9% (12:70)	46.8% (n = 23.9)	11.5% (6:51)	47.1% (n = 13.2)	17.9% (5:28)
	CI 34.6 – 57.3	CI 10.6 – 27.6	CI 34.1 – 60.5	CI 5.0 – 23.4	CI 30.1 – 64.9	CI 7.9 – 35.6
% point reduction	28.1%		35.3%		29.2%	
Property Offence (n = 39)	57.8% (n = 9.8)	23.5% (4:17)	68.6% (n = 3.4)	60.0% (3:5)	60.8% (n = 10.3)	43.8% (7:17)
	CI 36.0 – 78.4	CI 9 – 47.3	CI 30.2 – 96.4	CI 23.1 – 88.4	CI 38.2 – 80.4	CI 21.6 – 64.0
% point reduction	34.3%		8.6%		17.0%	
Property + Violent Offence (n = 14)	45.3% (n = 3.6)	25.0% (2:8)	24.0% (n = 1.6)	0% (0:3)	32.3% (n = 0.97)	0% (0:3)
	CI 19.2 – 73.3	CI 7.2 – 59.1	CI 13.3 – 84.2	CI 0 – 56	CI 6.2 – 79.2	CI 0 – 56
% point reduction	20.3%		24%		32.3%	

Predicting reconviction

A binary logistic regression was performed to ascertain whether the type of RJ intervention undertaken would demonstrate a unique contribution to risk for reconviction ($\chi^2 = 57.723$, df = 8, p = .002; Cox and Snells' $R^2 = 0.151$ and Nagelkerke $R^2 = 0.220$; 77.7% of cases were correctly classified by the model). 'Predictive' factors entered into the model included: age at index offence, risk-band category, offence type and RJ intervention. The factors that contributed most to risk for reconviction were offence type and risk category, but both only attained a borderline level of statistical significance. Importantly, the type of RJ intervention was not highlighted as a significant predictor of risk, suggesting again an overall equivalence between the treatment effects of the three different types of RJ intervention.

Reconvictions and the relative degree of harm inherent in the subsequent offence

Chi-squared analysis was performed to compare the relative degree of harm evident in subsequent offences committed by completers and non-completers of their designated RJ interventions. This indicated a statistical difference between the two groups (χ^2 = 7.344, df = 2, p = .025). Overall, RJ completions were most likely to result in a reduction of harm (64 vs. 35.7%); whereas non-completion was most likely to result in an offence of equivalent harm (42.9 vs. 10.3%). Both completers and non-completers evidenced similar risk for committing a subsequent offence associated with a greater level of harm (25.6 vs. 21.4%). Thus overall, those who recidivate after having completed an RJ initiative, are more likely to commit an offence that has less harmful implications than their original offence. Equally important is the finding that non-completion of an RJ sentence does not appear to be associated with an increase in harm.

Chi-squared analysis was performed to determine if the different types of RJ intervention had a differential effect on the likelihood of reduction in harm. Whilst conference and letters of apology were associated with 66.7% of recidivist offenders subsequent offence being less harmful than the index offence in comparison to 55.5% for victim empathy work, this apparent difference did not attain a level of statistical significance (χ^2 = 19.158, df = 9, p = .024). Thus, suggesting that all three RJ interventions are equally associated with harm reduction for recidivism offenders.

Chi-squared analysis was then conducted to explore the relationships between the nature of the index offence and the comparative level of harm of any reconviction. This revealed a statistically significant finding which suggests that property offenders, where they do recidivate, are slightly more likely to be reconvicted of a crime more serious than their index offence (see Table 6 below), than the other offence groups. Overall, only about 17% of the violent offenders were reconvicted and 4% (that is ~25% of violent offenders who were reconvicted) engaged in more serious harm in their subsequent offence in comparison to their index offence. In contrast, about 40% of the property offenders were reconvicted following the RJ intervention and 11.5% (that is ~ 29% of property offenders who were reconvicted) committed a more serious crime in their subsequent offence. Interestingly, no one whose index offence was coded as irresponsible behaviour was reconvicted and no-one who was convicted of a property and violent offence was convicted of a subsequent crime which resulted in a greater level of harm than the original offence.

Table 6: Nature of index offence, reconviction and level of harm of the subsequent offence

	Equivalent harm	Less harm	More harm	No reconviction
Irresponsible Behaviour	0 0%	0 0%	0 0%	14 100.0%
Violent Offence	5 2.9%	17 9.9%	7 4.1%	143 83.1%
Property Offence	5 9.6%	10 19.2%	6 11.5%	31 59.6%
Property and Violent Offence	0 0%	3 18.8%	0 0%	13 81.3%

Comparison of the allocated RJ intervention and offence classification

Chi-squared analysis was conducted to investigate victim choice in level of RJ engagement which led to offenders being differentially allocated to a particular RJ intervention on the basis of their offence classification. The analysis revealed a statistically significant difference ($\chi^2 = 19.158$, df = 9, p = .024). Whilst, more than half (54.9%) of the conferences held in this time period involved violent offenders, proportionately, conferences appear to be most readily chosen for property offenders (32.7%) and those whose offences were characterised as irresponsible behaviour (21.4%), but least likely to be chosen in the context of a violent offence (16.7%). Violent offenders were most likely to be designated to writing a letter of apology (41.3%) and victim empathy work (30.2%). Conversely, property offenders were twice as likely as violent offenders to participate in a conference. The findings are presented in Table 7.

Overall, 20.1% of the RJ interventions were face-to-face conferences. The finding that conference is the least likely RJ intervention used for violent offenders is understandable in the light of possible reluctance on the part of victims to participate. However, since there appears to be an equivalent treatment effect of all three of the RJ interventions, this should not be a concern when considering the implications for offenders; however, it may mean that a significant proportion of victims exclude themselves from the full potential benefits of RJ.

Table 7: Designation of RJ intervention by offence type

	The proportion of offenders in each offence group who participated in a particular RJ intervention			
	Irresponsible behaviour	**Violent offence**	**Property offence**	**Mixed property and violent offence**
Letter of apology	50.0% (n = 7)	41.3% (n = 71)	32.7% (n = 17)	50% (n = 8)
Victim empathy work	21.4% (n = 3)	30.2% (n = 52)	9.6% (n = 5)	18.8% (n = 3)
Conference	21.4% (n = 3)	16.3% (n =28)	32.7% (n=17)	5.9% (n = 3)
Non-completers	7.1% (n = 1)	12.2% (n = 21)	25.0% (n = 13)	12.5% (n = 2)

LIMITATIONS OF THE STUDY

There are five key limitations to this study, which should be considered in future evaluations. First, whilst follow-up data for more than two years post-intervention was available for 67 of the offenders, there is a small possibility that the rates of actual recidivism may have been underestimated even for this group, as offences committed during the follow-up period may not have been officially recognised until sometime later (e.g. after the data had been collated and analysed). Second, there is some indication that OGRS may slightly over-estimate the likelihood of reconviction for violent offences for mentally disordered offenders (Snowden et al, 2007) and the mental health of the offenders in this sample was not considered. Third, due to the small number of female offenders in this sample, gender was not considered in the analysis. However, there is some limited indication that RJ may exert a greater effect for females (Sherman et al, 2006). Fourth, in some of the analysis there were small cell sizes for the Chi-squared analysis, and in these instances the results should be interpreted with some caution. Finally, it is unlikely that the RJ components were the only aspects of a community sentence that may have served to lower the risk of conviction and thus future research should take these other aspects of sentencing into consideration.

Areas for indicated further exploration

There are a number of areas that await investigation, which may help further develop practice and assist in the selection of cases recommended for RJ in pre-sentence reports. For example (1) conducting a comparison of reconviction rates and levels of harm in subsequent offending between successful and non-success-

ful conferences. (2) Exploration of what makes a 'successful' conference. (3) A comparison of conferences where the victim is an organisational representative versus a personal victim. (4) Investigation of the impact on victims of receiving a letter of apology. (5) Exploration of ways in which victims' participation can be appropriately increased, particularly in cases of violence. (6) Investigate predictors of reduction in harm in subsequent offence. (7) With a larger sample it should be possible to split the analysis by offence category, risk group and type of RJ intervention; thereby allowing a more comprehensive understanding of the patterns in relation to differential impacts.

CONCLUSIONS

Of the whole sample, 23.3% of the offenders were reconvicted, which is considerably less than the proportion of reconvictions for community sentenced offenders (58%) reported by Shepherd and Whiting (2006). More importantly, just 18% of those who completed the RJ programme were reconvicted in comparison to 35% of those who did not complete. Thirty-seven percent of property offenders who completed RJ were reconvicted in comparison to 15% of violent offenders. Overall, all three RJ initiatives were associated with equivalent lower rates of reconviction than had been predicted by the OGRS2 scores. It appears that low risk offenders generally and property offenders in particular, appear to benefit most from writing a letter of apology, medium risk offenders appear to benefit most from victim-empathy work and high risk and/or violent offenders appear to benefit most from engagement in face-to-face conferencing. Of the reconvictions, 64.1% were convicted of a less serious crime than their index offence and only 25% were reconvicted of a more serious crime. When examining harm reduction in relation to the RJ interventions, each of the interventions was associated with a favourable outcome. That is, all of the RJ initiatives were equally associated with reconvictions that were far less serious offences than the index offence. Offenders who did not complete the RJ element from their sentence were more likely to be convicted of property offences; they demonstrated a higher risk for reconviction than the completers; and where they did reoffend, their offences were more likely to demonstrate a similarity in harm in relation to their index offence, rather than a reduction in harm as was more likely in the group who completed. Importantly, the non-completers did not appear to be adversely affected by non-completion of the RJ initiative. The results presented here suggest that Thames Valley Probation has succeeded in maintaining the quality of delivery which is sufficient to lead to a reduction in reconviction. Furthermore, the choices they have offered to victims are 'safe' in that they do no harm and they themselves lead to lower rates of

reconviction than are evidenced by both programme non-completers and OGRS2 predictions. Whilst the delivery of a face-to-face conference remains the process which has the greatest impact on reconviction for certain groups of offenders, service providers can feel confident that the alternatives offered to victims are also likely to impact positively on the offender. That is, they too have the potential to lower the risk of reconviction and where reconviction occurs, it is probable that the impact of subsequent offence will be less serious for those who have undertaken any of the RJ interventions.

REFERENCES

1. Andrews, D. A., & Bonta, J. (2006). **The psychology of criminal conduct**. Newark, NJ: LexisNexis.
2. Copas, J. & Marshall, P. (1998). The offender group reconviction scale: A statistical reconviction score for use by probation officers. **Applied Statistics***,* 47 (1), 159-171.
3. Howard, P., Francis, B., Soothill, K. & Humphreys, L. (2009). **OGRS 3: The revised offender group reconviction scale.** Research Summary 7/0. London: Ministry of Justice.
4. Juni, P., Altman, D.G. & Egger, M. (2001). Assessing the quality of controlled clinical trials**, British Medical Journal***,* 323 (7303), 42–46.
5. Miers, D., Maguire, M., Goldie, S., Sharpe, K., Hale, C., Netten, A., Uglow, S., Doolin, K., Hallam, A., Enterkin, J. & Newburn, T. (2001). **An exploratory evaluation of restorative justice schemes.** Crime Reduction Research Series Paper 9. London: Home Office.
6. Newby, R. (2012). **Better outcomes though victim-offender conferencing (restorative justice).** NOMS, Commissioning Strategies Group.
7. Shapland, J., Atkinson, A., Atkinson, H., Dignan, J., Edwards, L., Hibbert, J., Howes, M., Johnstone, J., Robinson, G. & Sorsby, A. (2008). **Does restorative justice affect reconviction? The fourth report from the evaluation of three schemes.** Ministry of Justice Research Series 10/08.
8. Shepherd, A. & Whiting, E. (2006). **Re-offending of adults: Results from the 2003 cohort**. Home Office Statistical Bulletin no. 20/06. London: Home Office.
9. Sherman, L.W. (2003). Misleading evidence and evidence-led policy: Making social science more experimental. **Annals of the American Academy of Political and Social Science,** 589, 6–19.
10. Snowden, R.J., Gray, N.S., Taylor, J. & MacCulloch, M.J. (2007). Actuarial prediction of violent recidivism in mentally disordered offenders. **Psychological Medicine,** 37, 1539-1549.

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RESTORATIVNA PRAVDA I RECIDIVIZAM: ISTRAŽIVANJE UTJECAJA ŽRTVINOG ODABIRA RAZINE ANGAŽIRANOSTI

SAŽETAK

Cilj ovog istraživanja je ocijeniti kakav utjecaj vrši mogućnosti da žrtva izabere svoju razinu angažiranosti pri intervencijama restorativne pravde. Shodno tome, istraživanje je usporedilo očekivani rizik ponovnog osuđivanja počinitelja, izračunat pomoću skale za mjerenje recidiva među prijestupnicima i stvarnih stopa ponovnog osuđivanja prijestupnika među osobama koje su prošle i onima koje nisu prošle tri različite inicijative restorativne pravde: sastanak, pismo isprike i rad na razvoju empatije prema žrtvi. Ondje gdje je ponovno osuđivanje počinitelja bilo očito, istražena je komparativna razina štete između inicijalnog prijestupa i sljedećeg kaznenog djela. Radila se analiza raspona rizika 253 prijestupnika kojima je presuđeno restorativnom pravdom u razdoblju između rujna 2007. i rujna 2011. Analiza podataka počela je nakon rujna 2012., kako bi se omogućila godina dana praćenja. Analize su pokazale statistički značajna odstupanja između očekivanih i stvarnih stopa ponovnog osuđivanja počinitelja za sve tri intervencije. Pokazalo se da izbor omogućen žrtvama u pogledu stupnja njihove uključenosti u presudu restorativne pravde nimalo ne šteti; štoviše, povezuje se s nižim stopama ponovnog osuđivanja počinitelja i razmjerno visokom vjerojatnosti da će počinjena šteta biti manja u slučaju ponovnog počinjenja kaznenog djela.

Ključne riječi: *restorativna pravda, analiza raspona rizika, žrtvin odabir, ponovno osuđivanje, smanjenje štete pri ponovnom počinjenju kaznenog djela*