

Restorative Justice as the New Default in Irish Criminal Justice

Ian D. Marder*

Summary: Restorative justice has developed at a slow but steady pace in the Republic of Ireland in recent years. Now, with the publication of a new European legal instrument strongly promoting its implementation, alongside successful efforts to mainstream restorative justice in a growing number of comparable jurisdictions, Ireland has another opportunity to refocus its criminal justice system around restorative principles and processes. This article highlights some of the ways in which Ireland could adopt restorative justice as a new default practice and approach to decision-making throughout its criminal justice process. It starts by outlining some of the key features of the new Council of Europe Recommendation concerning restorative justice in criminal matters and noting its commonalities with the Irish National Commission on Restorative Justice which reported in 2009. Drawing on innovations and research from elsewhere, the article examines how restorative justice might be implemented as a new default response to offending within An Garda Síochána, the Courts, the Probation Service and the Irish Prison Service, before exploring how these agencies might use restorative approaches beyond the criminal procedure. The article provides a generally optimistic assessment of prospects for the development of restorative justice in the coming years.

Keywords: Restorative justice, restorative practices, criminal justice reform, participatory decision-making.

Introduction

Restorative justice is a voluntary process characterised by the active participation of the victim(s), offender(s) and other stakeholders in the response to a crime or conflict. Research indicates that when this involves direct communication between victims and offenders, it can help victims recover from crime, reduce reoffending (even among serious and prolific offenders) and save public resources (Shapland *et al.*, 2011; Strang *et al.*, 2013; Angel *et al.*, 2014). Importantly, restorative justice also encompasses a series of principles that

* Ian D. Marder is a lecturer in the Department of Law, Maynooth University, and a co-ordinating project partner and a core member for Ireland for the four-year project Restorative Justice: Strategies for Change (Marder *et al.*, 2019) (email: ian.marder@mu.ie).

can underpin progressive change to institutional cultures and operational practices across criminal justice (Braithwaite, 2003).

Restorative processes have been used in the Irish criminal justice system since An Garda Síochána, the Probation Service and several non-governmental organisations (NGOs) established pilot projects in the late 1990s (O'Dwyer and Payne, 2016). The concept gained prominence with the passage of the Children Act 2001 and the formation of a National Commission on Restorative Justice in 2007 (Gavin, 2015). At the same time, restorative justice was increasingly used in Northern Irish youth justice: restorative conferencing became widely available as a diversion from prosecution, and legislation from 2002 required judges, in most cases, to adjourn sentencing to enable restorative justice to be offered pre-sentence.

In recent years, the institutionalisation of restorative justice has gathered pace in the Republic. It appears, for example, in the Criminal Justice (Victims of Crime) Act 2017, which outlines what the process should look like, provides safeguards for participants and obliges statutory agencies to inform victims about restorative justice, where available. The following year saw the launch of the new Restorative Justice and Victim Services Unit (RJVSU) within probation (Probation Service, 2018a) and the release of *The Meeting*, a cinematic piece that takes its viewers through a post-imprisonment victim-offender mediation in a real Irish case of serious sexual violence, in which the victim, Ailbhe Griffith, plays herself (Byrne, 2018). Ireland has also remained at the forefront of research on the use of restorative justice in cases of sexual abuse (Joyce and Keenan, 2013; Keenan, 2014).

Despite these developments, the provision of restorative justice in Ireland remains patchy, with most victims and offenders still not offered the opportunity to participate. Recent figures show that the number and proportion of restorative cautions for young offenders have decreased year on year (Garda Youth Diversion and Crime Prevention Bureau, 2018), while there is no or a limited capacity to deliver restorative justice with adult offenders in much of the country (O'Dwyer and Payne, 2016). At the same time, restorative justice is increasingly being made available in comparable jurisdictions both across and beyond Europe (Dünkel *et al.*, 2015). Academics, practitioners, policy-makers and civil society must now work together to develop the use of restorative justice across Ireland, ensuring that all victims, offenders and other relevant stakeholders have both the information and the opportunity to determine whether participating in a restorative process is right for them.

This article contends that Irish criminal justice agencies should adopt a default position of seeking to involve these stakeholders in deliberations and decision-making processes with the aim of repairing harm. This would make restorative justice the norm rather than the exception, while still allowing justice agencies to revert to more traditional, practitioner-led decision-making approaches when, for whatever reason, stakeholder participation is not possible. The article begins by outlining the key elements of the Council of Europe Recommendation CM/Rec(2018)8 ('the Recommendation') concerning restorative justice in criminal matters and exploring its congruence with proposals from the National Commission on Restorative Justice's 2009 final report. The following section considers some of the ways in which An Garda Síochána, the courts, the Probation Service and the Irish Prison Service might use restorative justice as a new default response to offending and conflict. Drawing on the Recommendation and on innovations from elsewhere, the potential role of restorative approaches to conflicts within the justice system, but outside of the criminal procedure, is also examined. Overall, it is argued that the conditions are ripe for refocusing the Irish criminal justice system around restorative principles and processes, and that advocates can take practical steps to ensure that these efforts are successful, and the gains sustainable.

A new European legal instrument

The Recommendation (Council of Europe, 2018a) was developed in 2017/2018 by the Council for Penological Co-operation, an expert-led Council of Europe working group. This group was chaired, for most of the process, by Vivian Geiran, Director of the Irish Probation Service.¹ Designed to expand on the previous Recommendation, entitled 'mediation in penal matters' (Council of Europe, 1999), the Recommendation's stated aims were fourfold: to promote the development of restorative justice in Europe; to elaborate on standards for training and practice; to incorporate restorative principles into the international legal framework; and to endorse the use of restorative justice by probation services and within prison settings (Council of Europe, 2018b: 2). This document is by far the most forward-thinking international legal instrument in the field, calling for all those affected by and responsible for crime to have access to restorative justice, and supporting a cultural shift within European criminal justice systems towards a more restorative approach at all levels of policy and practice.

¹ This author was employed by the working group from January 2017 to June 2018 as a 'scientific expert' to help draft the new Recommendation and its commentary.

The Recommendation depicts restorative justice in two ways: firstly, as a process involving the active participation of those who are affected by and responsible for crime (Rule 3), usually in the form of a dialogue between victims, offenders and other stakeholders (Rule 4); secondly, as a series of core principles (stakeholder participation and repairing harm) (Rule 13) and supplementary principles (such as voluntariness, procedural fairness and equal concern for participants' needs) (Rule 14). The former provisions were designed to find a balance between broader and narrower definitions of restorative approaches that would resonate across all 47 Council of Europe member states. The latter provisions sought to synthesise the vast literature on restorative principles (e.g. Zehr, 1990; Braithwaite, 2003), identifying those that are most relevant for practice and that could help 'underpin broader reforms to criminal justice' (Rule 14). This is a crucial step forward in the international framework, as research indicates that fidelity to restorative principles – what Chapman (2012: 80) calls 'principled facilitation' – is linked to the safety and effectiveness of restorative processes (McCold and Wachtel, 2002; Crawford, 2006). Any government or justice agency that seeks to implement the Recommendation must, in doing so, endeavour to adhere as closely as possible to the evidence-based principles therein. This echoes the National Commission for Restorative Justice's emphasis on the role of principles in identifying what constitutes a restorative approach (2009: 84–85).

The Recommendation is consistent with the National Commission's proposals in several further ways. Perhaps most importantly, it emphasises that restorative justice should be a 'generally available service' (Rule 18). This means that all victims and offenders should have access to restorative justice at all stages of the criminal justice process (Rule 19), rather than access being contingent, as in Ireland and most other European countries (Dünkel *et al.*, 2015), on factors such as the type of crime, the victim's location or the offender's age. The Commission similarly concluded that a restorative process should be available to all those who might benefit from participation, adding only that offences with mandatory minimum sentences should not be referred to restorative justice by the court, and that it would take time to create a sufficiently safe model for certain serious offences.

The Recommendation also provides evidence-based standards for implementation and delivery, describing (like the National Commission) how legislation and policy can help ensure that restorative justice is as consistent, safe and effective as possible (Rules 21–24). Additional elements discuss service autonomy (Rule 20), recording practices (Rule 39), practitioner and

managerial training (Rules 42–45 and 57) and the contents and determination of outcome agreements (Rules 50–52).

Moreover, in relation to the continuing development of restorative justice, the Recommendation goes much further than the existing international framework (such as the previous Recommendation and the 2012 European Union Victims' Directive) in four ways. Firstly, it outlines some of the broader operational practices that can be designed and delivered in accordance with restorative principles, including reparation schemes (also mentioned in the Commission's report), problem-solving courts, victim support services and offender reintegration ceremonies, among others (Rule 59). Secondly, the Recommendation advocates for the availability of restorative justice in response to conflicts beyond the criminal procedure, such as public complaints against the police and conflicts within prisons and between justice professionals (Rule 60). Thirdly, Rule 61 notes that restorative approaches can also be used proactively, its commentary describing how sequential circle processes can be used 'to build social capital and enable participatory decision-making' within communities and justice institutions (Council of Europe, 2018b: 14). Finally, the Recommendation argues that all member states should support each other in the development of restorative justice by sharing research, information and expertise on this subject (Rule 64).

While the Recommendation represents a significant step forward, it is important to note that it is not binding on member states. This means that key decision-makers must be convinced to expend the time and resources required to implement the Recommendation in full. Its predecessor was used successfully to instigate pilot projects and lobby for new legislation in a number of countries (Council of Europe, 2018b). It follows that, in order to support efforts to achieve its implementation, we must begin to delineate how restorative justice could be further developed in Ireland.

Integrating restorative processes into operational practices

In Ireland, the use and accessibility of restorative processes remain far below what the National Commission (2009) envisaged when it called for a complete national roll-out by 2015. Of course, shortly after the Commission reported, Ireland began to experience significant economic barriers to the realisation of new social policy ideas. To this day, criminal justice practitioners face time pressures, onerous caseloads and conflicting priorities which can inhibit them from enabling stakeholder participation and focusing on repairing harm. With

the appropriate level of investment and support, however, it is possible to integrate restorative processes into operational practices in ways that help improve the quality of justice and are not burdensome on practitioners. Given the convergence of Ireland's economic recovery with the inclusion and promotion of restorative justice within a number of important strategies and other governmental documents (e.g. Department of Justice and Equality, 2014; Department of Children and Youth Affairs, 2016; Joint Committee on Justice and Equality, 2018; Probation Service, 2018b), it is time fully to implement restorative justice throughout the Irish criminal justice process.

An Garda Síochána

There is considerable scope to develop restorative justice within An Garda Síochána. Currently, some Gardaí participate in NGO-led reparation panels in Dublin and Tipperary. However, members only facilitate restorative processes as part of the Garda Diversion Programme, the Children Act 2001 enabling specialist Juvenile Liaison Officers (JLOs) to deliver both victim–offender mediation and family group conferences alongside youth cautions.

An early evaluation of the programme's restorative elements found that it achieved high levels of victim participation (73% of cases with an identified victim), victim and offender satisfaction (93% and 94% respectively) and offender compliance with agreed outcomes (89%) (O'Dwyer, 2006, cited in O'Dwyer and Payne, 2016). Given these findings, one might have expected an ongoing emphasis on restorative justice within the diversion programme. However, its recent annual reports indicate that only a small minority of cautions are now restorative in nature: in 2016, 6.33% of cautions (667 out of 10,532) were recorded as being restorative, falling to just 3.99% (477 out of 11,968) in 2017 (Garda Youth Diversion and Crime Prevention Bureau, 2017, 2018).

According to the Garda Youth Diversion and Crime Prevention Bureau (2018), the drop in 2017 was linked to growing trepidation within An Garda Síochána about victim participation: the Gardaí feared breaching the Criminal Justice (Victims of Crime) Act 2017 if they inadvertently caused a victim to feel revictimised in this process. As a result, restorative cautions were reportedly only used with victimless offences in 2017. The latest report also noted that this fear had now been assuaged and that the use of restorative cautions was expected to increase in 2018. Still, if none of the 477 restorative cautions in 2017 included a victim, this raises questions about the proportion of restorative cautions in previous years involving victim–offender dialogue – the most effective form of restorative justice for helping victims recover from

crime and reducing reoffending (Shapland *et al.*, 2011). Given the high rates of victim participation earlier in the programme, the recent figures seem to indicate that young offenders and their victims are not regularly offered the chance to communicate as part of youth cautions.

The irony of this situation is that, far from being a barrier to restorative cautioning, s.7(1)(m) of the Victims of Crime Act obliges An Garda Síochána to inform victims about restorative justice 'where available'. The diversion programme may be exempted from the restorative justice provisions in s.26 of the legislation, but this should not affect the s.7 requirement to inform victims about restorative justice. Given that most JLOs are trained and able to use restorative justice, An Garda Síochána needs to communicate this to victims in order to comply with its statutory duty. JLOs should be supported explicitly by their sergeants and senior leaders to offer restorative justice systematically, in recognition of the fact that victims and offenders, once fully informed about what the process entails, are usually best placed to determine whether participation is right for them (Chapman, 2012). Any such process must be underpinned by the needs and interests of participating children and take account of the crucial youth justice principle of minimum intervention.

Research conducted in other jurisdictions illustrates why An Garda Síochána might benefit from using restorative justice more often and in a wider variety of situations. Clamp and Paterson (2017) summarised the early international evidence on the police's facilitation of restorative justice with low-level offending, indicating high levels of participation, satisfaction and perceived fairness, including in adult cases (e.g. McCold, 1998). This suggests that, in addition to offering restorative justice as part of the Youth Diversion Programme, there would be merit in making this process available alongside the Adult Caution Scheme. Although the scheme's guidance states that before a cautioning decision is made, 'the views of any victims must, if reasonably possible, be sought' (An Garda Síochána, 2006: 3), there is no scope within the policy for officers to facilitate victim-offender communication to discuss if either party needs any support or if anything ought to happen to put right the harm done (Tolan and Seymour, 2014). Whether such cases would best be facilitated by generalist or specialist Gardaí or referred to volunteers or external specialists is a matter for discussion. However, each option (or, perhaps, a combination) represents a viable way to make restorative justice more accessible with respect to low-level adult offending.

Recent research also suggests that many English police forces find utility in using an (often quasi-) restorative response to antisocial behaviour and

neighbourhood conflict (Shewan, 2010; Marder, 2018). Policing research has long shown that informal 'peacemaking' practices, in response to low-level crime, antisocial behaviour and neighbourhood conflict, make up a significant proportion of day-to-day operational policing (Banton, 1964; Sykes and Brent, 1983; Bittner, 1990). Training in restorative justice would strengthen the Gardaí's capability to resolve informally low-level crime and conflict in a more participatory, relational and harm-focused manner.

This would require all Gardaí to be trained in restorative justice, an approach that is not without recent precedent. At Durham Constabulary in northern England, all officers are now trained to facilitate restorative justice and required to assess every incident with a named complainant for its suitability for the process. To foster adherence to this policy, the force's internal recording framework requires officers to document why they did not use restorative justice if they did not do so in a given case. Local officials have also invested in a volunteer-led, specialist service to which officers (and other public agencies) can refer more complicated and entrenched conflicts (Marder, 2018).

Recent research in Durham indicates that the police now regularly offer citizens the opportunity to participate in some form of restorative justice. The findings further suggest that by combining officer training with a visible commitment to the concept among senior leaders, Durham Constabulary has achieved a change in mentality among some officers who have facilitated face-to-face encounters (Stockdale, 2015; Marder, 2018). Marder (2018) also found that officers gained job satisfaction from facilitation, as it supported their discretionary efforts to find a responsive resolution to low-level crime and conflict, enabled them to see cases through to the end, and led to praise from citizens in what they described as an otherwise thankless job. In other words, there were benefits for the organisation and its practitioners, as well as for participating citizens.

Few would seriously suggest that operational policing can always be done restoratively. However, An Garda Síochána could consider offering a restorative process in response to any offence or conflict that they sought to resolve outside of court, and that was not so minor that it could be resolved with less action or no action. This idea of offering participatory decision-making as a first port of call could be similarly applied within other justice agencies.

The courts

For cases that progress to the courts, there are further opportunities to utilise restorative approaches. Ireland already has two well-embedded NGOs which

deliver reparation panels and victim–offender mediation alongside pre-sentence adjournments. Restorative Justice Services (RJS) in Dublin and Restorative Justice in the Community (RJC) in Tipperary are funded by the Department of Justice through the Probation Service and receive judicial referrals in cases where an adult offender pleads guilty and the judge is willing to postpone sentencing (O’Dwyer and Payne, 2016). To give a sense of the scale of their operations, RJS received 367 referrals from District and Circuit Courts in and near Dublin in 2018, facilitating 43 mediated dialogues between offenders and their direct victims that year (RJS, 2019).

This is reminiscent of pre-sentence opportunities for restorative justice within youth justice in Northern Ireland, and adult and youth justice in New Zealand, with two main differences. Firstly, in both Northern Ireland and New Zealand, the capacity to deliver restorative justice pre-sentence exists across the jurisdiction (Campbell *et al.*, 2005; New Zealand Ministry of Justice, 2017). This contrasts with Ireland, where the service mostly exists only for adult cases in Dublin and Tipperary (O’Dwyer and Payne, 2016). Moreover, in New Zealand (for adult and youth cases) and in Northern Ireland (for youth cases), there are statutory obligations on judges to adjourn sentencing in order to explore the potential for restorative justice at that point. In Ireland, these adjournments rely wholly on judicial discretion, resulting in disparate referral rates across the small number of areas where this service is available (RJS, 2019).

Pre-sentence restorative justice fits well within the Irish system because of judicial discretion to facilitate compensation and use other sentencing outcomes, such as strike-outs and donations to the poor box, in lieu of conviction or punitive sentencing (Hamilton, 2005). Indeed, judges could use their existing discretion to support an array of restorative-inspired court approaches, involving stakeholders in addressing harm and determining reparation in a manner evocative of some community courts (Gavin and Sabbagh, 2019). Still, given that restorative justice is seldom requested by victims and offenders to whom it has not been explicitly offered (Laxminarayan, 2014), a new legal requirement to make a pre-sentence offer could greatly increase take-up and create a more participatory and harm-focused default approach to sentencing.

The Probation Service

There is also much potential to develop restorative justice within probation. Since the Children Act 2001, Young Persons’ Probation has been responsible

for delivering court-ordered family group conferences, although research indicates that such referrals have been low in recent years (37 in 2015, declining to 20 in 2016) (Kennedy and Seymour, 2018). The Probation Service also funds a small number of NGOs to which it refers cases for restorative interventions. For example, young persons on probation can be referred to Le Chéile, a Limerick-based youth service in which every €1 invested in its Restorative Justice Project was estimated to return approximately €2.92 in social value (Quigley et al., 2015). Again, the existence of these capacities means that s.7(1)(m) of the Victims of Crime Act creates a legal duty to inform victims about the opportunities for their involvement.

Moreover, the Probation Service has developed its own capacity to deliver restorative justice with adult offenders under its supervision. The new RJVSU supports the delivery of restorative justice, including victim-offender mediation and the 'Bespoke Restorative Justice' model, referring to ad-hoc and tailored reparative interventions, facilitated at the request of victims and judges (Probation Service, 2018a). The new unit also cements the service's strategic role in developing restorative justice across Ireland, having been established partially to 'provide leadership and support for the consistent and integrated provision of a range of Restorative Justice models' (Probation Service, 2018a: 2). This implies an ongoing role for probation officials in activities of strategic importance, such as urging new legislation, lobbying for additional resources and supporting multi-agency work, all of which are needed to ensure that restorative justice is more consistently available throughout the country and the criminal justice process. As recent experience from England and Wales indicates, multi-agency work with dedicated staffing can greatly help embed restorative justice in areas with little or no existing provision (Institute for Criminal Policy Research (ICPR), 2016). In Ireland, restorative justice presents an opportunity to build on advances in joint-agency working in offender management (J-ARC Evaluation Framework Working Group, 2018) and other contexts (e.g. victims' services).

On these and other issues, the Probation Service will need to navigate the responsibilities that come from being both a strategic lead and a service provider. This dual role is akin to that of probation services in Latvia, Slovakia, Lithuania and the Czech Republic, where restorative justice is embedded in probation legislation (Dünkel et al., 2015). As noted earlier, one important dynamic in Ireland is that the creation of any new delivery capability creates a corresponding obligation to inform victims about that service. Accordingly, the Probation Service is in a strong position to 'lead from the front' by

becoming more proactive in offering restorative justice to offenders under its supervision and their victims.

In fact, the Recommendation should be of particular interest to probation services as it lists the desire to 'elaborate on the use of restorative justice by prison and probation services' as one of four core aims. Its application in probation is expanded on in two rules. Rule 59 describes how well-established probation interventions (e.g. victim empathy work and reparation) and more innovative approaches (e.g. reintegration ceremonies and offender-family reconciliation) can be (re)designed and delivered in a manner that supports stakeholder participation and focuses on repairing harm. This is relevant to the RJVSU, which supports the delivery of a range of victim-oriented, reparative and reintegrative interventions. Rule 58 outlines how probation services can adopt a more systematically restorative approach by including stakeholders in sentence planning and allowing any agreed outcomes to inform supervision decisions.

Marder (2019) describes further what this might look like. Whenever an offender is sentenced to supervision in the community, the first port of call would be to identify whether there are any direct or indirect victims and other stakeholders (e.g. the parties' families) who would be willing to engage. These parties would be invited to a restorative process at which they discuss the harm caused and what could help improve the situation and prevent it from reoccurring. Practitioners could revert to traditional decision-making approaches if nobody wanted to engage with this process, or in any other situation where a restorative process is not viable. However, when it is viable, the outcomes agreed by participants could inform – or, potentially, become – the sentence plan.

This could happen with any community order. For example, with respect to the recently piloted Integrated Community Service Order (Guilfoyle, 2017), restorative justice could be used to explore both what form(s) of community service to undertake and which other interventions to use in lieu of some community service hours. As well as supporting desistance and victim recovery, this process could increase both compliance and offender-perceived legitimacy of probation, as offenders may be more willing to engage with interventions that they played a role in selecting (Sherman, 1993; Tyler, 2006). Outcomes may also be most likely to reflect the parties' unique needs and interests when the parties participate in decision-making (Schiff, 2007). Reforming sentence planning so that stakeholders are always given an opportunity (though not compelled) to participate would be one

way to change organisational routines so that restorative justice becomes the default approach to decision-making in probation.

The Irish Prison Service

If restorative justice is to be an option in more serious cases, the Irish Prison Service will also need to participate in these efforts. As noted earlier, *The Meeting* brought into the public consciousness the idea that victims of serious sexual violence might want to meet their offenders. Research has long indicated the potential benefits – and the notable, but manageable, risks – of enabling victims of serious offences to communicate with offenders (Daly, 2006; Ruggie and Cormier, 2011; Joyce and Keenan, 2013); the potential benefits for both parties may be even greater than with low-level offending (Strang and Sherman, 2015). The literature also suggests that while substantial levels of preparation and care are required when bringing victims into prison, it is possible for this to happen safely (Liebmann, 2010; Barabás *et al.*, 2012).

As the Irish Prison Service expands its victim liaison capabilities to cope with new obligations under the Victims of Crime Act, there will be ever more opportunities to offer restorative justice at various stages in an offender's imprisonment. For example, an offer could be made during any contact with the victim, following an offender's successful completion of a victim empathy course, as part of the parole process, or alongside the nascent Community Return programme (McNally and Brennan, 2015). Different victims and offenders will seek to communicate at different points following an offence and must be enabled to make contact safely and at a time that is right for them.

Again, who facilitates these practices is a matter for further discussion. Dozens of prison officers are trained in conferencing (Gavin and Sabbagh, 2019), although advanced training is necessary to facilitate serious and complex cases (Keenan, 2018). Probation Officers and police officers could also be involved at different points in the process. Existing NGOs can be extended, and new services established, in areas with limited capacity. Indeed, in many jurisdictions with comprehensive services, these are situated outside of the traditional criminal justice agencies: for example, Norway has an independent public mediation service comprising volunteers; New Zealand, Belgium and Nova Scotia all fund regional NGOs; while Northern Ireland has a statutory, professional facilitation service for youth conferencing. The service need not be identical across Ireland; recent experience from England and Wales illustrates the benefits (as well as the downsides) of localised approaches to service provision (ICPR, 2016). Multi-agency

co-operation, inclusive of NGOs and victims' services, is needed to determine how best to make restorative justice available across Ireland.

Restorative justice beyond the criminal procedure

As mentioned earlier, one of the most significant advances in the Recommendation is its explicit support for the use of restorative processes within the criminal justice system, outside of the criminal procedure. This article has already described how the police can make use of restorative approaches in response to non-crime conflicts. This section outlines further ways in which restorative approaches might be used – both *reactively* and *proactively* – across the Irish criminal justice system.

Rule 60 lists a range of situations in which the kind of processes already described can be used to react to other types of conflict in the criminal justice context. Two of the many examples provided will be discussed here: public complaints against the police, and conflicts within prisons.

With respect to public complaints against Gardaí, research has indicated that, as in other contexts, both parties may benefit from an opportunity to tell their side of the story, listen to the other party and contribute to outcome decisions (Young *et al.*, 2005). Restorative justice could help respond to concerns articulated by the Joint Committee on Justice and Equality that the complaints procedure is 'overly-bureaucratic and complainant-unfriendly' (2016: 14) and, later, by the Commission on the Future of Policing in Ireland (2018) that the system is too focused on identifying which rule was broken and which punishment to use. Experimentation in this context is particularly timely, as the police accountability bodies in Ireland may be reformed in the coming years (Commission on the Future of Policing in Ireland, 2018). However, any piloting of a restorative approach to police complaints must be transparent in its design and overseen and evaluated independently to ensure that this less formal method is not used unfairly to promote either party or prioritise resolution over addressing harm.

Prisons can use restorative justice to respond to conflicts among people in custody or between people in custody and prison staff, inclusive of prison adjudication processes. A recent report by the Prison Reform Trust (Edgar, 2018) argued that an exclusively punitive response to prison conflict and discipline can create an adversarial relationship between staff and those in their care and inspire resistance among those who receive punishment, making prisons more dangerous for both groups. Edgar (2018) promotes

restorative justice as an early intervention to resolve conflicts before they can escalate into violence. A process evaluation at three of the many English prisons at which this is currently being tested found that the training of several dozen staff and residents was well received and concluded that 'with commitment, leadership and clear lines of accountability, it is possible to use RA [restorative approaches] to deal, both formally and informally, with a wide variety of conflicts' in prisons (Fair and Jacobson, 2018: 25). Others have also noted the potential benefits for staff wellbeing, skill-building and violence reduction (Liebmann, 2010; Barabás *et al.*, 2012). In Ireland, this process could be (re)piloted as part of the disciplinary and grievance procedures in one or more prisons. Furthermore, those serving custodial sentences and prison staff alike could receive related training to build their conflict resolution and communication skills, as Childhood Development Initiative (2017) is already doing with the 'anti-violence restorative training' delivered to the young people detained in Oberstown. Pranis (2007) also noted the potential of restorative approaches to respond to staff-on-staff conflict in prisons; following a successful pilot in 2007, this was implemented state-wide in the Minnesota Department of Corrections.

Finally, while everything suggested so far has sought to react to a specific crime or conflict, public institutions in many sectors – including justice, education, social work and social care – are increasingly using restorative methods proactively, usually referred to as restorative *practices*. In support of this development, the commentary to Rule 61 provides for the use of 'circles' – a flexible process often characterised by the right to speak going around the participants sequentially – by and within criminal justice agencies. Circles can be used in almost any setting to build relationships, share experiences, discuss difficult issues and make collective decisions, ensuring that all participants have an equal opportunity to speak to whatever topic is being deliberated (Stuart and Pranis, 2006). To date, circles and other restorative practices have been used for many purposes. Post-sentence, for example, they can aid in reintegration during community orders and pre- or post-release from prison, if used to build relationships between offenders and their family or community (Barabás *et al.*, 2012; Slump, 2016). This is supported by the Recommendation and could easily be piloted in Ireland.

Another recent example of an innovative approach to the use of circles in criminal justice took place in Gloucestershire, where the Youth Forums project used circles, arts and coaching with police officers and young people to humanise both groups in each other's eyes and address mutual mistrust.

The project evaluation found that this was 'effective in identifying, challenging and resolving negative perceptions that the participating police officers and young people hold about [each other]' (Payne *et al.*, 2016: 3). In Ireland, such an approach could help build trust and understanding between, for example, An Garda Síochána and Travelling or working-class communities where there is a long history of mistrust (Mulcahy and O'Mahony, 2005). The point is that the circle process provides a structure for dialogue that encourages people to listen to each other's views and reflect on their own attitudes, assumptions and behaviours. Restorative practices could also support more regular and meaningful participation of citizens in identifying crime prevention priorities (Weitekamp *et al.*, 2003), remedying some limitations of the Joint Policing Committees (Mulcahy, 2008).

An Garda Síochána's senior management already have some experience of circle processes, having participated in circles, facilitated by the Edward Kennedy Institute for Conflict Intervention, to discuss the force's Cultural Audit in 2018. This raises the possibility that circles might be further utilised within the force, enabling staff to participate in conversations about what kind of reform is needed and how this can be implemented. Frontline buy-in is crucial to implementing and sustaining change in policing, and restorative practices can help create a more legitimate and procedurally just change process.

Finally, restorative practices can be used within any organisation to support practitioners to reflect openly and collectively on their day-to-day decision-making and the values implicit therein. This notion of 'explicit practice' can help organisations to learn from their successes and mistakes in a considered and participatory way (Lohmeyer, 2014; O'Connell, 2019), and is a key feature of 'whole organisation' approaches to restorative practice that have been developed in other sectors. This can have a variety of benefits, depending on the sector in question. In education, for example, one study found that the whole-organisation approach led to a reduction in bullying and to gains in self-esteem and empathetic attitudes in schools (Wong *et al.*, 2011). In social work, meanwhile, a recent evaluation of the whole-organisation approach in a large children's service (Leeds, UK) argued that it supported significant reductions in children being taken into care and produced 'clear indications of culture change' within the broader service (Mason *et al.*, 2017: 10). This is what Rule 61 of the Recommendation is referring to when it states that these practices can 'help to build a restorative culture' within justice agencies. Notably, contracts have recently been awarded to deliver restorative practices training to schools and youth

diversion projects across Ireland (Chapman, 2019). With sufficient resourcing and a strong commitment from both senior leaders and frontline practitioners, restorative practices have the potential to change Irish criminal justice in a significant way.

Conclusion: Changing the default approach

In 2009, the National Commission on Restorative Justice recommended that Ireland fully embrace restorative justice, arguing for ‘a restorative perspective [to] be introduced nationally into the Irish criminal justice system’ (2009: 3). Despite some important developments in the intervening decade, Ireland lacks the capacity to offer a restorative process to all victims and offenders, while operational practices and institutional cultures throughout the system are yet to be strongly informed by the key principles of stakeholder participation and repairing harm. Increasingly, restorative justice is appearing – and is being lauded as a positive and effective approach – in a range of governmental and institutional reports, strategies and recommendations. The time has come to invest the time, effort and resources needed to make this happen in practice.

This article has described how restorative justice could be offered, as a default approach to decision-making, at all stages of the justice process. This would not prevent reversion to traditional approaches when the parties decline, or when there is an overriding public or private interest in an entirely state-led decision-making process or in keeping the parties apart (Daly, 2005). Rather, it would mean that there was a presumption in favour of offering to enable stakeholder participation and aiming to repair harm in response to crime and conflict, unless the totality of the circumstances in a given case clearly dictated that a different response was necessary.

This applies both within and outside of the criminal procedure. An Garda Síochána could offer restorative justice as the decision-making process of first resort in cases that it seeks to resolve outside of court. Courts could systematically postpone sentencing to enable restorative justice to be offered whenever a person pleads or is found guilty, while Probation could begin all sentence planning processes by offering stakeholders the opportunity to participate. For the minority of cases resulting in imprisonment, restorative justice can be offered to all offenders and their victims, while staff and people in custody alike can be upskilled so that many more conflicts and disciplinary issues can be responded to restoratively. In all these agencies, restorative practices can help support relationship building, participatory decision-

making and reflection. Developments can be designed and instigated collaboratively by justice agencies, academia and civil society. A culturally informed analysis of the current state of affairs is necessary to identify the salient gaps in policy and practice and to determine how best to overcome any barriers or inertia. Research can also be used to learn about what works well and what is possible, both in other countries and as we pilot and evaluate programmes in Ireland. Indeed, much can be learned from Northern Ireland's vast experience of developing restorative justice in youth justice, and through collaboration with those involved in the North's ongoing efforts to create a new restorative justice strategy for adult offenders.

The empirical literature shows us how to manage implementation, maximising the benefits and minimising the risks involved. Necessarily, there will be some gaps between theory and practice, as restorative principles come into conflict with institutional goals, priorities and rationales (Daly, 2003; Blad, 2006; Crawford, 2006; Barnes, 2015; Marder, 2018). These tensions will present challenges to safe and effective practice, which is reliant on practitioners having the time, skills and inclination to facilitate participation and deliver information impartially and fairly, without coercing people into participating or prioritising or imposing their preferred outcomes (Chapman, 2012). However, these risks can be managed through training and ongoing support (Shapland *et al.*, 2011; Keenan, 2014) and by involving families and other non-state actors in the practices (McCold and Wachtel, 2002; Crawford, 2006), while action research can help identify 'teething problems' in new programmes (Hoyle *et al.*, 2002; Schwalbe *et al.*, 2012).

There are elements of the unique culture of Irish criminal justice that may be conducive to restorative justice. Hamilton (this volume) points to the greater emphasis placed on practitioner discretion, relative to Ireland's neighbours. This culture of 'informalism' could suit restorative justice, insofar as it may enable the tailoring of solutions to specific problems and circumstances. Meanwhile, Brangan's research (2019) identified a compassion-driven humanitarian streak in Irish practices, describing this culture as 'pastoral penality'. Restorative justice provides both the methods and the language that practitioners can use to support victims and offenders and achieve positive and mutually beneficial outcomes, systematically and intentionally. The ethos that Brangan describes, therefore, should look favourably on the restorative approach.

Many of the right conditions exist, and much of the groundwork has already been done. It is now over to those who work in and study Irish

criminal justice to co-create and implement a strategy that can achieve the aforementioned goals. Indeed, this is the purpose of a new cross-European project – Restorative Justice: Strategies for Change – in which Ireland is now participating. The Irish strategy for this project was published in June 2019 (Marder et al., 2019), and efforts are ongoing to utilise design thinking, facilitate working groups and organise events that bring stakeholders together in pursuit of achieving its three aims around accessibility, knowledge and cultural change.

Criminal justice will never entirely or exclusively reflect any one aim, theory or framework. Still, by adopting restorative justice as a default practice, Irish criminal justice can go some way to becoming as restorative as it is possible for a modern system to be.

References

- An Garda Síochána (2006), *Adult Cautioning Scheme*, available at <https://www.garda.ie/en/About-Us/Publications/Policy-Documents/Adult-Cautioning-Scheme.pdf> (accessed 15 January 2019)
- Angel, C., Sherman, L., Strang, H., Ariel, B., Bennett, S., Inkpen, N., Keane, A. and Richmond, T. (2014), 'Short-term effects of restorative justice conferences on post-traumatic stress symptoms among robbery and burglary victims: a randomized controlled trial', *Journal of Experimental Criminology*, vol. 10, no. 3, pp. 291–307
- Banton, M. (1964), *The Policeman in the Community*, London: Tavistock
- Barabás, T., Fellegi, B. and Windt, S. (eds) (2012), *Responsibility-Taking, Relationship-Building and Restoration in Prisons*, Budapest: Foresee Research Group and National Institute of Criminology
- Barnes, O. (2015), *Restorative Justice in the Criminal Justice System: The McDonaldization of Diversionary Youth Conferencing*, available at <http://ethos.bl.uk/OrderDetails.do?uin=uk.bl.ethos.669225> (accessed 14 June 2017)
- Bazemore, G. and Griffiths, C. (2003), 'Police reform, restorative justice and restorative policing', *Police Practice and Research*, vol. 4, no. 4, pp. 335–346
- Bittner, E. (1990), *Aspects of Police Work*, Boston: Northeastern University Press
- Blad, J. (2006), 'Institutionalising restorative justice? Transforming criminal justice? A critical view on the Netherlands', in I. Aertsen, T. Daems and L. Robert (eds), *Institutionalising Restorative Justice* (pp. 93–119), Cullompton, UK: Willan
- Braithwaite, J. (2003), 'Principles of restorative justice', in A. von Hirsch et al. (eds), *Restorative Justice and Criminal Justice: Competing or Reconcilable Paradigms?* (pp. 1–20), Oxford: Hart Publishing
- Brangan, L. (2019), 'Pastoral penalty in 1970s Ireland: Addressing the pains of imprisonment', *Theoretical Criminology*, available at <https://doi.org/10.1177/1362480619843295> (accessed 12 August 2019)

- Byrne, J. (2018), *The Meeting is a remarkable and very moving film*, available at <https://www.rte.ie/entertainment/movie-reviews/2018/0927/998260-the-meeting-is-a-remarkable-and-very-moving-film/> (accessed 9 January 2019)
- Campbell, C. et al. (2005), *Evaluation of the Northern Ireland Youth Conference Service*, available at <https://restorativejustice.org.uk/sites/default/files/resources/files/Evaluation%20of%20the%20Northern%20Ireland%20Youth%20Conference%20Service.pdf> (accessed 29 November 2012)
- Chapman, T. (2012), 'Facilitating restorative conferences', in E. Zinsstag and I. Vanfraechem (eds), *Conferencing and Restorative Justice: International Practices and Perspectives* (pp. 65–82), Oxford: Oxford University Press
- Chapman, T. (2019), 'A European perspective', presentation at the *Restorative Justice: Strategies for Change* symposium, Maynooth, 1 March
- Childhood Development Initiative (2017), *Milestones, Memories and Momentum: CDI, Ten Years On*, available at <https://www.cdi.ie/wp-content/uploads/2017/09/Milestones-Memories-Momentum.pdf> (accessed 8 March 2019)
- Clamp, K. and Paterson, C. (2017), *Restorative Policing: Concepts, Theory and Practice*, London: Routledge
- Commission on the Future of Policing in Ireland (2018), *The Future of Policing in Ireland*, Dublin: Commission on the Future of Policing in Ireland
- Council of Europe (1999), *Recommendation No. R (99) 19 of the Committee of Ministers to Member States Concerning Mediation in Penal Matters*, Strasbourg: Council of Europe
- Council of Europe (2018a), *Recommendation CM/Rec(2018)8 of the Committee of Ministers to Member States Concerning Restorative Justice in Criminal Matters*, Strasbourg: Council of Europe
- Council of Europe (2018b), *Commentary to Recommendation CM/Rec(2018)8 of the Committee of Ministers to Member States Concerning Restorative Justice in Criminal Matters*, Strasbourg: Council of Europe
- Crawford, A. (2006), 'Institutionalising restorative justice in a cold, punitive environment', in I. Aertsen, T. Daems and L. Robert (eds), *Institutionalising Restorative Justice* (pp. 120–150), Cullompton, UK: Willan
- Daly, K. (2003), 'Mind the gap: Restorative justice in theory and practice', in A. von Hirsch et al. (eds), *Restorative Justice and Criminal Justice: Competing or Reconcilable Paradigms?* (pp. 219–236), Oxford: Hart Publishing
- Daly, K. (2005), *The Limits of Restorative Justice*, available at http://www.antonioacasella.eu/restorative/Daly_2005.pdf (accessed 13 October 2014)
- Daly, K. (2006), 'Restorative justice and sexual assault: an archival study of court and conference cases', *British Journal of Criminology*, vol. 46, no. 2, pp. 334–356
- Department of Children and Youth Affairs (2016), *Tackling Youth Crime: Youth Justice Action Plan 2014–2018; Progress Report 2016*, available at <https://www.dcy.gov.ie/documents/20171212TacklingYouthCrimeJstcActPlan20142018ProgRep.pdf> (accessed 25 June 2019)
- Department of Justice and Equality (2014), *Strategic Review of Penal Policy: Final Report*, available at <http://www.justice.ie/en/JELR/Strategic%20Review%20of%20>

- Penal%20Policy.pdf/Files/Strategic%20Review%20of%20Penal%20Policy.pdf (accessed 25 June 2019)
- Düinkel, F., Grzywa-Holten J. and Horsfield, P. (eds) (2015), *Restorative Justice and Mediation in Penal Matters: A Stock-Taking of Legal Issues, Implementation Strategies and Outcomes in 36 European Countries (Vols 1 and 2)*, Mönchengladbach, Germany: Forum Verlag Godesberg
- Edgar, K. (2018), *Ensuring a Safe Environment: A Conflict Centred Strategy*, London: Prison Reform Trust, available at http://www.prisonreformtrust.org.uk/Portals/0/Documents/Ensuring_a_safe_prison.pdf (accessed 13 August 2019)
- Fair, H. and Jacobson, J. (2018), *Process Evaluation of the Restorative Prisons Project*, available at <http://eprints.bbk.ac.uk/22849/1/RS%20report%20final%20June%202018.pdf> (accessed 8 February 2019)
- Garda Youth Diversion and Crime Prevention Bureau (2017), *Annual Report of the Committee Appointed to Monitor the Effectiveness of the Diversion Programme*, Dublin: An Garda Síochána
- Garda Youth Diversion and Crime Prevention Bureau (2018), *Annual Report of the Committee Appointed to Monitor the Effectiveness of the Diversion Programme*, available at <http://www.iyjs.ie/en/IYJS/Section%2044%20Monitoring%20Committee%20Report%202017.pdf/Files/Section%2044%20Monitoring%20Committee%20Report%202017.pdf> (accessed 9 January 2019)
- Gavin, P. (2015), 'Slow and steady progress: Developing restorative justice in the Republic of Ireland', *Safer Communities*, vol. 14, no. 3, pp. 156–164
- Gavin, P. and Sabbagh, M. (2019), 'Developing community courts with restorative justice in Ireland', *British Journal of Community Justice*, available at <https://www.mmuperu.co.uk/bjcc/articles/developing-community-courts-with-restorative-justice-in-ireland> (accessed 12 August 2019)
- Guilfoyle, E. (2017), 'What exactly is a Community Service Order in Ireland?', *Irish Probation Journal*, vol. 14, pp. 189–205
- Hamilton, C. (2005), 'Sentencing in the District Court: "Here be dragons"', *Irish Criminal Law Journal*, vol. 15, no. 3, pp. 9–15
- Hoyle, C., Young, R. and Hill, R. (2002), *Proceed with Caution: An Evaluation of the Thames Valley Police Initiative in Restorative Cautioning*, available at <https://www.jrf.org.uk/file/36675/download?token=2wPeK1LY&filetype=full-report> (accessed 12 August 2019)
- Institute for Criminal Policy Research (2016), *Report of a Mapping Exercise of Restorative Justice Provision in England and Wales for the Restorative Justice Council*, available at <https://www.rjc.org.uk/sites/default/files/resources/files/ICPR%20mapping%20report%20of%20restorative%20justice%20provision.pdf> (accessed 3 May 2016)
- J-ARC Evaluation Framework Working Group (2018), *Critical Review of Initial Evaluations on the Three J-ARC Pilot Projects*, available at http://www.justice.ie/en/JELR/Final%20Desktop%20Evaluation%20of%20JARC%20Pilot%20Projects_18.9.18.pdf/Files/Final%20Desktop%20Evaluation%20of%20JARC%20Pilot%20Projects_18.9.18.pdf (accessed 12 March 2019)

- Joint Committee on Justice and Equality (2016), *Report on Garda Oversight and Accountability*, available at <https://webarchive.oireachtas.ie/parliament/media/committees/justice/report-on-garda-oversight.pdf> (accessed 7 February 2018)
- Joint Committee on Justice and Equality (2018), *Report on Penal Reform and Sentencing*, available at http://opac.oireachtas.ie/AWDData/Library3/Penal_reform_report_final_092026.pdf (accessed 25 June 2019)
- Joyce, N. and Keenan, M. (2013), *Restorative Justice, Sexual Violence, and the Criminal Justice System*, UCD School of Applied Social Science Working Paper Series no. 33, available at https://www.ucd.ie/t4cms/WP33_Joyce&Keenan.pdf (accessed 8 March 2019)
- Keenan, M. (2014), *Sexual Trauma and Abuse: Restorative and Transformative Possibilities?*, available at <https://researchrepository.ucd.ie/handle/10197/6247> (accessed 12 August 2019)
- Keenan, M. (2018), 'Training for restorative justice work in cases of sexual violence', *International Journal of Restorative Justice*, vol. 1, no. 2, pp. 291–302
- Kennedy, N. and Seymour, M. (2018), 'Participation in youth justice: the potential of family conferencing', presentation at *The North–South Criminology Conference*, Dublin, 6 September
- Laxminarayan, M. (2014), *Accessibility and Initiation of Restorative Justice*, available at http://euforumrj.org/assets/upload/Accessibility_and_Initiation_of_RJ_website.pdf (accessed 13 September 2016)
- Liebmann, M. (2010), *Restorative Justice in Prisons – An International Perspective*, available at https://www.foresee.hu/uploads/media/MarianLiebmann_text.pdf (accessed 8 March 2019)
- Lohmeyer, B. (2014), *Taking Restorative Practice Seriously – Re-engage Youth Services*, available at https://www.parliament.act.gov.au/_data/assets/pdf_file/0009/681750/Exhibit-No.1B-Real-Justice-Australia-and-Re-engage-Youth-Services.pdf (accessed 12 March 2019)
- McCold, P. (1998), *Police Facilitated Restorative Conferencing: What the Data Show*, available at <https://www.iirp.edu/news/police-facilitated-restorative-conferencing-what-the-data-show> (accessed 12 August 2019)
- McCold, P. and Wachtel, T. (2002), 'Restorative justice theory validation', in E. Weitekamp and H. Kerner (eds), *Restorative Justice: Theoretical Foundations* (pp. 110–142), Cullompton, UK: Willan
- McNally, G. and Brennan, A. (2015), 'Community return: a unique opportunity', *Irish Probation Journal*, vol. 12, pp. 141–159
- Marder, I. (2018), *Restorative Justice and the Police: Exploring the Institutionalisation of Restorative Justice in Two English Forces*, available at <http://etheses.whiterose.ac.uk/19578/> (accessed 9 January 2019)
- Marder, I. (2019), 'Building restorative probation services', *Probation Quarterly*, vol. 13, pp. 22–24
- Marder, I., Fernée, U., Chapman, T. and O'Dwyer, K. (2019), *Restorative Justice: Strategies for Change – A Collective Strategy for Ireland, 2019–2023*, available at [http://www.probation.ie/EN/PB/0/5D1EAF15E4717EF80258418002CF512/\\$File/Ireland_RJ_Strategy_for_Change%20Final.pdf](http://www.probation.ie/EN/PB/0/5D1EAF15E4717EF80258418002CF512/$File/Ireland_RJ_Strategy_for_Change%20Final.pdf) (accessed 25 June 2019)

- Mason, P., Ferguson, H., Morris, K., Munton, T. and Sen, R. (2017), *Leeds Family Valued: Evaluation Report*, available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/625222/Leeds_Family_Valued_-_Evaluation_report.pdf (accessed 12 March 2019)
- Mulcahy, A. (2008), 'Policing, "community" and social change in Ireland', in J. Shapland (ed.), *Justice, Community and Civil Society: A Contested Terrain* (pp. 190–208), Cullompton, UK: Willan
- Mulcahy, A. and O'Mahony, E. (2005), 'Policing and social marginalisation in Ireland', Working Paper 05/02, Dublin: Combat Poverty Agency
- National Commission on Restorative Justice (2009), *Final Report*, available at <http://www.justice.ie/en/JELR/NCRJ%20Final%20Report.pdf/Files/NCRJ%20Final%20Report.pdf> (accessed 9 January 2019)
- New Zealand Ministry of Justice (2017), *Restorative Justice: Best Practice Framework*, available at <https://www.justice.govt.nz/assets/Documents/Publications/restorative-justice-best-practice-framework-2017.pdf> (accessed 15 January 2019)
- O'Connell, T. (2019), 'The best is yet to come: Unlocking the true potential of restorative practice', in T. Gavrielides (ed.), *Routledge International Handbook of Restorative Justice* (pp. 422–441), Abingdon, UK: Routledge
- O'Dwyer, K. and Payne, B. (2016), 'Restorative justice', in D. Healy et al. (eds), *The Routledge Handbook of Irish Criminology* (pp. 222–241), Abingdon, UK: Routledge
- Payne, B., Hobson, J., Lynch, K. and Hyde, D. (2016), *The Gloucestershire Youth Forums Evaluation*, Cheltenham, UK: University of Gloucestershire
- Pranis, K. (2007), 'Healing and accountability in the criminal justice system: Applying restorative justice processes in the workplace', *Cardozo Journal of Conflict Resolution*, vol. 8, no. 2, pp. 659–675
- Probation Service (2018a), *Restorative Justice and Victim Services Unit*, Dublin: Probation Service
- Probation Service (2018b), *Strategic Plan 2018–2020*, available at [http://www.probation.ie/EN/PB/0/826F04C24F3C2868802582B7003C7AC8/\\$File/Strategic%20Plan%202018%20%E2%80%93%202020.pdf](http://www.probation.ie/EN/PB/0/826F04C24F3C2868802582B7003C7AC8/$File/Strategic%20Plan%202018%20%E2%80%93%202020.pdf) (accessed 25 June 2019)
- Quigley, M., Martynowicz, A. and Gardner, C. (2015), *Building Bridges: An Evaluation and Social Return on Investment Study of the Le Chéile Restorative Justice Project in Limerick*, available at <http://qualitymatters.ie/wp-content/uploads/2015/02/Building-Bridges-Restorative-Justice-SROI-Evaluation-2015.pdf> (accessed 15 January 2019)
- Restorative Justice Services (2019), *Annual Report 2018*, available at <https://rjs.ie/wp-content/uploads/2019/06/RJS-Annual-Report-2018.pdf> (accessed 27 August 2019)
- Rugge, T. and Cormier, R. (2011), 'Restorative justice in cases of serious crime: an evaluation', in E. Elliot and R. Gordon (eds), *New Directions in Restorative Justice: Issues, Practice, Evaluation* (pp. 266–277), Abingdon, UK: Routledge
- Schiff, M. (2007), 'Satisfying the needs and interests of stakeholders', in G. Johnstone and D. Van Ness (eds), *Handbook of Restorative Justice* (pp. 228–264), Cullompton, UK: Willan

- Schwalbe, C.S., Gearing, R.E., MacKenzie, M.J., Brewer, K.B. and Ibrahim, R. (2012), 'A meta-analysis of experimental studies of diversion programs for juvenile offenders', *Clinical Psychology Review*, vol. 32, no. 1, pp. 26–33
- Shapland, J., Robinson, G. and Sorsby, A. (2011), *Restorative Justice in Practice: Evaluating What Works for Victims and Offenders*, Abingdon, UK: Routledge
- Sherman, L. (1993), 'Defiance, deterrence, and irrelevance: a theory of the criminal sanction', *Journal of Research in Crime and Delinquency*, vol. 30, no. 4, pp. 445–473
- Shewan, G. (2010), *A Business Case for Restorative Justice and Policing*, London: ACPO
- Slump, G.J. (2016), 'House of Restoration: a virtual shelter for restoring (family) ties', *European Journal of Parental Imprisonment*, summer, pp. 13–15
- Stockdale, K. (2015), *The Implementation of Restorative Justice Policy: A Case Study of One Police Force in England and Wales*, available at <http://etheses.dur.ac.uk/11331/> (accessed 9 January 2019)
- Strang, H. and Sherman, L. (2015), 'The morality of evidence', *Restorative Justice*, vol. 3, no. 1, pp. 6–27
- Strang, H., Sherman, L.W., Mayo-Wilson, E., Woods, D. and Ariel, B. (2013), *Restorative Justice Conferencing (RJC) Using Face-to-Face Meetings of Offenders and Victims: Effects on Offender Recidivism and Victim Satisfaction. A Systematic Review*, Oslo: The Campbell Collaboration
- Stuart, C. and Pranis, K., 2006. 'Peacemaking circles: Reflections on principal features and primary outcome', in D. Sullivan and L. Tift (eds), *Handbook of Restorative Justice: A Global Perspective* (pp. 121–133), Abingdon, UK: Routledge
- Sykes, R. and Brent, R. (1983), *Policing: A Social Behaviorist Perspective*, New Brunswick, NJ: Rutgers University Press
- Tolan, D. and Seymour, M. (2014), 'Increasing the potential for diversion in the Irish criminal justice system: the role of the Garda Síochána Adult Cautioning Scheme', *Irish Journal of Applied Social Studies*, vol. 14, no. 1, pp. 60–71
- Tyler, T. (2006), 'Restorative justice and procedural justice: Dealing with rule breaking', *Journal of Social Issues*, vol. 62, no. 2, pp. 307–326
- Weitekamp, E., Kerner, H. and Meier, U. (2003), 'Community and problem-oriented policing in the context of restorative justice', in E. Weitekamp and H. Kerner (eds), *Restorative Justice in Context: International Practice and Directions* (pp. 304–326), Cullompton, UK: Willan
- Wong, D., Cheng, C., Ngan, R. and Ma, S. (2011), 'Program effectiveness of a restorative whole-school approach for tackling school bullying in Hong Kong', *International Journal of Offender Therapy and Comparative Criminology*, vol. 55, no. 6, pp. 846–862
- Young, R., Hoyle, C., Cooper, K. and Hill, R. (2005), 'Informal resolution of complaints against the police: a quasi-experimental test of restorative justice', *Criminal Justice*, vol. 5, no. 3, pp. 279–317
- Zehr, H. (1990), *Changing Lenses: A New Focus for Crime and Justice*, Scottsdale, PA: Herald Press