

## The Jerry Lee Program Research on Restorative Justice: Promising Results

BY ABBEY J. PORTER

Restorative justice conferencing provides something that the conventional criminal justice system doesn't: an opportunity for victim and offender to meet voluntarily, face to face, along with their supporters, to discuss a crime and its impact and make a plan for reparations. People involved in restorative conferences might be aware of their effects: decreased anger, increased empathy and understanding, repair of harm. But a landmark research program is scientifically measuring these effects and the ways in which they provide true justice for victims.

The Jerry Lee Program on Randomized Controlled Experiments in Restorative Justice (<http://www.sas.upenn.edu/jerrylee/research/rj.htm>) is comparing restorative conference outcomes, for both victims and offenders, to those of conventional criminal justice practices in numerous criminal cases in Australia and the United Kingdom. Results to date confirm many conference participants' perceptions: Restorative justice produces substantial and statistically significant benefits for victims of crime.

"The most striking finding across all our tests has been the high positive ratings that victims have given, compared to victims in court," said lead researcher Dr. Heather Strang, director of the Centre for Restorative Justice at the Australian National University (ANU), in Canberra, and a visiting fellow at the Jerry Lee Center of Criminology at the University of Pennsylvania (Penn), in Philadelphia, USA. "They seemed to benefit at an extremely high level from the restorative justice meeting."

The studies show that conferencing can reduce victims' unresolved anger and anxiety and increase their satisfaction with the justice process. Dr. Paul McCold, director of research for the International Institute for Restorative Practices, called the findings "critical," noting that they support "a postulate of restorative justice—that it's about repairing the harm caused to the victim."

### **The studies show that conferencing can reduce victims' unresolved anger and anxiety and increase their satisfaction with the justice process.**

Strang, who has observed hundreds of conferences during her research, was pleased that the often-emotional conferences had measurable benefits: "A good conference should have an effect on people's future attitudes and behavior."

A joint effort of the Jerry Lee Center at Penn and the Centre for Restorative Justice at ANU, the Jerry Lee Program develops evidence-based theory and policy on restorative justice. Their studies have involved more than 2,300 victims and 3,300 offenders—juvenile and adult, male and female, of various races—and both violent and nonviolent offenses. Its randomized controlled trial model, which assigns research subjects randomly to treatment or control groups, is considered the "gold standard" in research designs. While the work is difficult, expensive and time-consuming, its results are significant.

The program began in 1995 with the Reintegrative Shaming Experiments, or RISE, a series of randomized controlled trials in Canberra, Australia, in which young people who had committed property or violent crimes were assigned to either restorative conferences or court hearings. The study, directed by Strang, shone a light on the experience of victims in the criminal justice process and provided a striking comparison of their response to restorative conferences versus conventional justice. Strang found that the exchange between victim and offender gave victims a valued opportunity to "have their say," encouraged emotional restoration and contributed to satisfaction with the sentencing process. The study, which led to the publication of her book *Repair or Revenge: Victims and Restorative Justice* (2004), included the following highlights:

- *Vengeance*: Almost half of the court-assigned victims said they would harm their offenders if they had the chance, compared to only 9 percent of conference participants.
- *Safety and fear*: Three times as many court-assigned property victims and five times as many violence victims feared that their offenders would re-offend against them, compared to their conference-assigned counterparts.
- *Apologies*: 86 percent of those attending conferences received apologies from their offenders, compared to only 16 percent of those who went to court.
- Conference participants also experienced significant decreases in anger and increases in sympathy toward their offenders, as well as decreased anxiety.

# E FORUM

Building on the RISE study, in 2001 the Jerry Lee Program began research in the United Kingdom to test the impact of restorative justice at various points in the criminal justice system. The research focused for the first time on adult offenders, with conferences introduced both pre- and post-sentencing for offenses including robbery, assault and burglary. Funded by the British Home Office, the program is part of the UK's ongoing effort to integrate restorative justice into its criminal justice system. The research, in London, Northumbria and Thames Valley, was conducted in partnership with the Justice Research Consortium (<http://www.sas.upenn.edu/jerrylee/jrc/>), which included police departments and other criminal justice agencies.

The Jerry Lee Program measures restorative justice effects over participants' lifetimes, so research is ongoing and researchers continue to update their findings. One recent UK study showed substantially lower levels of post-traumatic stress symptoms among victims who participated in restorative conferences. (A future eForum article will highlight this research.) Other UK research replicated, with what researchers call "stunning consistency," the effects found in RISE of decreased anxiety, anger and inclination toward revenge in victims.

While she cautions that conferences might not be right for all victims and that no one should be pressured to participate, Strang said, "I think the findings are so strong, it's possible to give victims a lot of reassurance of the likely effect. You can encourage them in a confident way that it's likely to be something they will be very glad they have done."

Results for victims have been clear and consistent, but findings for offenders have been less so. On the positive side, the vast majority of offenders found the restorative process much fairer than

standard court proceedings. Also, some tests have shown significant reductions in repeat offending. In the RISE study in Australia, researchers found that in the first two years after arrest, violent offenders who participated in conferences had about 50 percent less reoffending than those who went to court.

However, offenders charged with property crimes had significantly more repeat offenses than their counterparts, with the most pronounced negative result occurring among Aboriginal offenders. McCold believes that these negative outcomes were probably the result of flawed restorative justice practice, stemming from the notoriously troubled relationship between the Aboriginal population in Canberra and the Australian National Police, who facilitated the conferences. Properly trained and sensitized police facilitators have demonstrated restorative justice to be effective with Aboriginals in other areas of Australia, he noted. McCold also stressed that this type of problem isn't limited to Aboriginal populations: Unsatisfactory facilitator training or conduct can lead to concerns with conferencing with anyone, anywhere.

Results also revealed gender disparity in reoffending rates: In England, juvenile girls showed less repeat offending for assault if they participated in conferences, but this effect did not hold true for boys. For both nonviolent and property crimes, however, restorative justice produced lower reoffending rates in both genders than conventional "final warnings" from police officers (a step in England's youth justice process).

"It seems as though restorative justice has different effects on different kinds of people, in different contexts, maybe even different points in the justice system," said Strang, adding that further analysis will attempt to unravel the reasons for these findings. She be-

lieves that the results are cause for caution in implementing and diligence in monitoring restorative justice programs. "Restorative justice has to be done well," she said. "It can't be left to run itself." Added McCold, "The lesson is that, done poorly, conferences can cause negative outcomes for offenders and for victims." But if properly carried out, he believes, restorative conferences can be effective for all populations.

Strang anticipates that her research will shed light on offender-related issues as she continues to gather and analyze data. In particular, she hopes to do more research on adult offenders, as preliminary findings indicate that they may be even more responsive than juveniles to restorative practices. Also, contrary to popular assumptions, she said, there are indications that offenders who have committed serious crimes may be more receptive to restorative processes than those who have committed less serious crimes.

Strang and McCold hope that the research program's findings will encourage implementation of policies that support restorative justice. England already requires judges to consider offenders' participation in restorative conferences as a mitigating factor when handing down prison sentences following a decision by a court of appeal. McCold believes that the UK is moving in the right direction and hopes it will influence other countries, not only in the development of a restorative justice model but also in the adoption of a victim-oriented perspective.

"This research, and almost all of the research around restorative justice, shows that it does work for victims in a very big way," McCold noted, adding, "By repairing the harm to victims, we're helping the whole of society heal, at least to some degree, the harm caused by crime. The betterment of victims equals the betterment of the whole society." ☉