



RESTORATIVE
JUSTICE SERVICES

ANNUAL REPORT 2015

Welcome

Welcome and Introduction to the 2015 Restorative Justice Services Annual Report.

This Annual Report provides an overview of the major activities of the work of the organisation over the calendar year of 2015. Included in this report are the headline outcomes and statistics associated with our two main restorative justice interventions; Offender Reparation and Victim / Offender Mediation. This report also provides information on other aspects of our ongoing core work as well as activities that were specific to 2015.

Provision of our services would not be possible without the support of our funder and partners. The Probation Service has provided the funding for this organisation and been a steadfast supporter of our work since 1999.

An Garda Síochána, Crime Victims Helpline and our volunteers from the Community sector are equally supportive and committed partners who play a hands on role in all aspects of our work particularly, programme delivery, formulation and implementation of practice innovations, organisational development and strategic planning. As an organisation we remain passionately committed to the concept of working 'in partnership' with stakeholders that contribute to the work of the criminal justice system. We believe that this is a strong viable effective model of service delivery which fosters and promotes cooperation and understanding.

Almost all our cases are court referred. The trust and confidence demonstrated by the members of judiciary who formally referred the case work is acknowledged and greatly appreciated.

Finally, our Staff, Case Workers and Volunteers are to be commended for their diligence and the commitment they demonstrate to the challenging work we are involved in.

We hope you enjoy reading this report and look forward to receiving your feedback.

Maria Flynn

Chairperson

Restorative Justice Services

Peter Keeley

Manager

Restorative Justice Services

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Restorative Justice Services – Organisational Map



What is Restorative Justice?

Restorative Justice involves working with people who have been affected by crime in a way that focuses more on the harm done to the victim than the law that was broken. It seeks to repair that harm by providing a forum for the victim and/or the community to address their issues with offenders in a safe and non-threatening way. Its objective is to meet the needs of victims of crime, challenge offenders to put right the harm they have caused and desist from further offending behaviour so that they may take their place again as law abiding members of the community.

While Restorative Justice is not always suitable for every victim, every offender or every offence, international research indicates a high satisfaction rating among victims who participate in restorative programmes. Research also shows that Restorative Justice positively impacts on recidivism rates amongst certain categories of offenders and offences. Restorative Justice promotes and facilitates partnership, greater understanding and co-operation between the community, voluntary and statutory sectors and organisations directly involved in the criminal justice process.

Restorative Justice asks

- Who has been harmed?
- What needs to be done to repair the harm?
- Who should repair the harm?
- How might this be done?

Restorative Justice acknowledges that

- Crime hurts victims and their families
- Crime affects the offender - their family, and the wider community

- The victims voice should be heard
- The offender needs to accept responsibility and repair the harm caused

Is it a soft option for offenders? No. Offenders have to take full responsibility for their actions and behaviour and attain greater understanding of the consequences for the person(s) they have harmed. In some cases, they meet with their victims to hear directly how they have affected the person they have harmed.

In this forum they can also make a personal apology and answer any questions the victim may have in relation to the offence. They are required to make challenging choices and decisions on how best to desist from further offending behaviour and give written commitments to the Court to remain crime free.

Meeting a victim and making reparation is not a soft option for an offender – but it is not necessarily done because it's a hard option – it's done because it can be a significant step in making things better.

Why is voluntary participation important?

Voluntary participation is considered by many restorative practitioners to be an important factor in reducing the possibility of re-victimisation and enhancing the possibility of a meaningful engagement by an offender that will meet the requirements of the victim. An offender who is willingly engaging in a restorative process is far more likely to be genuinely responsive to the needs and requests of a victim and open to addressing their own offending behaviour.

Brief Overview of Offender Reparation Programme

Focussing on accountability, repairing the harm caused, responsibility, reparation, commitment to good behaviour in the future; Participants undertake a number of actions; in return they may receive some mitigation from the courts for their efforts.

- In Court, the Judge provides the offender the option of participation in the Offender Reparation Programme before final sanction is decided. An adjournment of 8 – 10 weeks is usually required.
- Offender attends meeting with the assigned RJS Case Worker who explains more about the Programme and gives offender opportunity to discuss the incident.
- A date is agreed for the offender to meet with the Reparation Panel which is made up of one representative from An Garda Síochána, the Probation Service, the Community.
- The victim is contacted and advised of the case being referred to RJS. Information and options are provided to the victim with regard to level of participation and / or input they might be interested in. Victim participation is completely voluntary.

At first Panel meeting the Reparation Panel discusses the offence, its effects and implications for all concerned, victim, offender and community. The Reparation Panel and offender agrees a Reparation Contract, which could include all or any of the following actions.

Possible Components of a Reparation Contracts:

- Participate in facilitated meeting or contact with the victim
- Meet with a victim advocate to learn about the impact of the offence committed
- Write a letter of apology
- Attend alcohol, substance abuse, anger management education classes and / or counselling
- A charitable donation
- Completion of written reflective work
- Commit to availing of employment / education / training opportunities
- Complete amount of voluntary work in the community
- Commitment to be of good behaviour in the future

Brief overview of a Victim / Offender Mediation process

This section seeks to provide a broad overview of many of the key features and elements in a Victim / Offender Mediation process. It is important to note that a Victim / Offender Mediation process can be initiated at the request of the Court and / or as part of a Reparation Programme contract. As every case is different it is not possible to provide a definitive step by step process. What we are presenting here is a representative overview of what occurs.

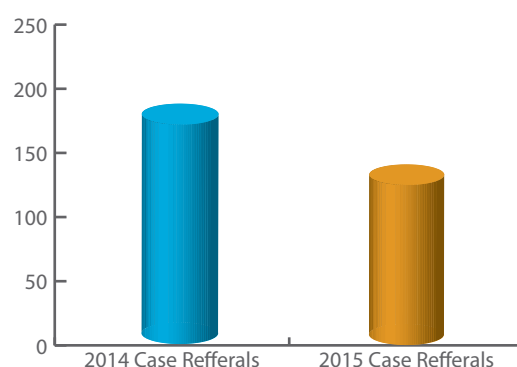
- A crime is committed against a person. The offender is arrested and appears in Court.
- The case is heard in Court and the offender pleads guilty. For a referral to a restorative programme to occur the offender must not be contesting their guilt – therefore they must be pleading guilty to the charge ergo accepting full responsibility.
- Before a final sanction is imposed by the Court, the Judge or another party relevant to the case may suggest a referral to restorative justice. With the agreement of the Court the case is formally referred to RJS and an appropriate adjournment is put in place.
- Referral information is then sent to RJS – including details of the offence and personal contacts of both parties.
- RJS contacts both parties initially by letter. The letter is very much an introductory letter and provides an explanation of what has happened in Court and the context of the referral. It also outlines the nature of the work of RJS and advises the reader that they will be contacted by telephone in the near future. An information leaflet is also provided in Court.
- Follow up by telephone provides an opportunity for the parties to find out more about what

happened in Court and the work of RJS. Victims sometimes use it as a first opportunity to tell their story and vent some of their anger and/or frustrations.

- Separate meetings may then be held to discuss and assess levels of interest, suitability, motivation, and elements of a possible outcome. This is quite an important part of the process. In some cases, there may be quite a number of separate meetings and telephone contacts.
- In the case of a joint meeting or another form of contact, the context of the dialogue is discussed and agreed in advance, as are many of the logistical arrangements. In fact, permission and agreement to share information is usually sought at every significant step of the process.
- We believe this significantly contributes to the building of trust of the participants in the facilitators and the process. Nothing is shared unless agreed.
- A report to Court is provided by RJS once the process has been completed. The report will outline the nature of the discussions and the main points of any outcome.
- At this point the Court makes its decision as to how the matter will proceed in terms of official sanction.

Case Referrals Comparative 2014 & 2015

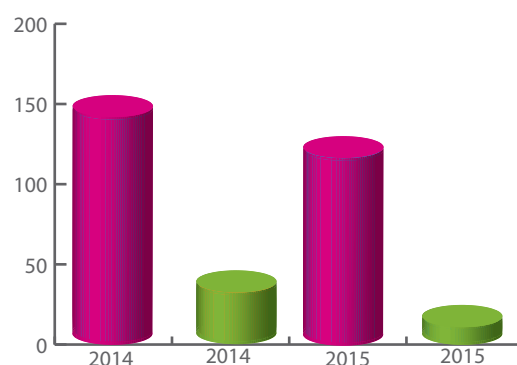
2014 Case Referrals.....	218
2015 Case Referrals.....	159



Note: In 2015 referrals from Circuit Courts were temporarily suspended to facilitate Evaluation undertaken by University College Cork. (Evaluation published November 2015 – Executive Summary available on website www.rjs.ie)

Breakdown of the 2014 & 2015 Referred Cases

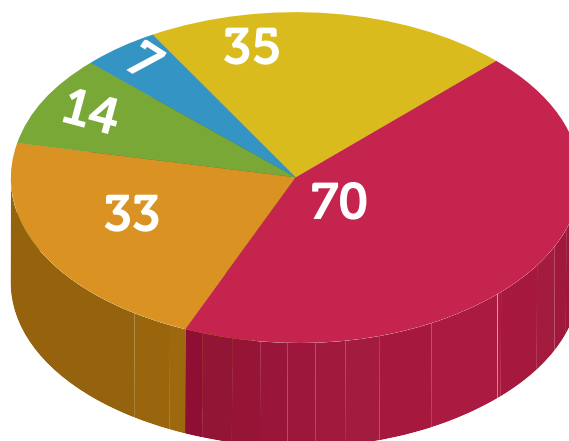
2014 District Court Referrals	179
2014 Circuit Court Referrals.....	39
2015 District Court Referrals	147
2015 Circuit Court Referrals.....	12



Note: All the Circuit Court referrals came from Dublin Circuit Court

Source of 2015 District Court Referrals

Criminal Courts of Justice Complex..	70	
Bridewell District Court.....	35	
Tallaght.....	14	
Bray	7	
Other:	33	

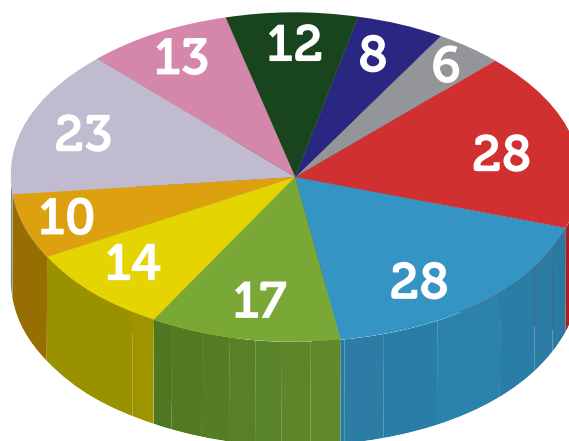


33 Other: The category 'Other' accounts for District Courts that referred 5 cases or less.

These courts are Swords, Blanchardstown, Dun Laoire, Naas, Navan, Balbriggan and Juvenile.






Offences before the Court

Public Order	28	
Theft & Fraud	28	
Section 2 Assault	17	
Section 3 Assault.....	14	
Criminal Damage.....	10	
Possession of Drugs	23	
Sale or Supply Drugs	13	
Road Traffic	12	
Others	8	
Possession of Weapon.....	6	
Total	159	

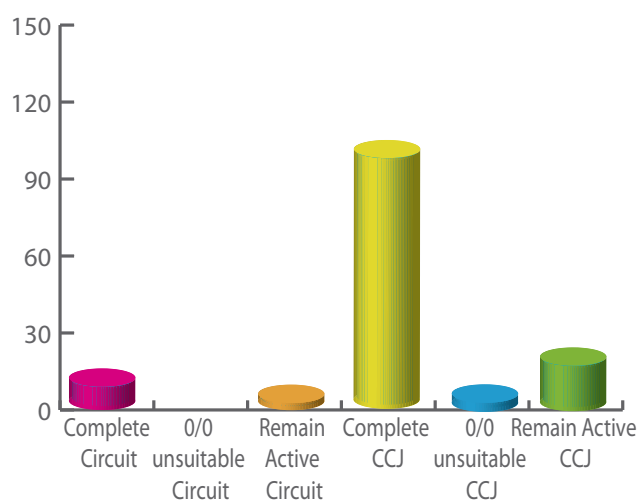


8 Other: These offences were Trespass, Handling Stolen Goods, Firearms, Breach of Safety Order and Manslaughter (Workplace Related)

Completions





	Circuit		CCJ	
Complete	10		123	
Opted Out or Unsuitable	0		3	
Remain Active	2		21	

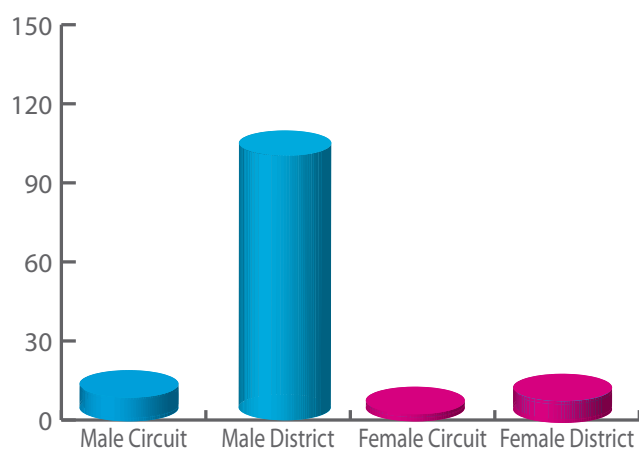
Note: 16 of the 159 cases referred in 2015 remain active as of 1 / 5 / 2016.



Gender

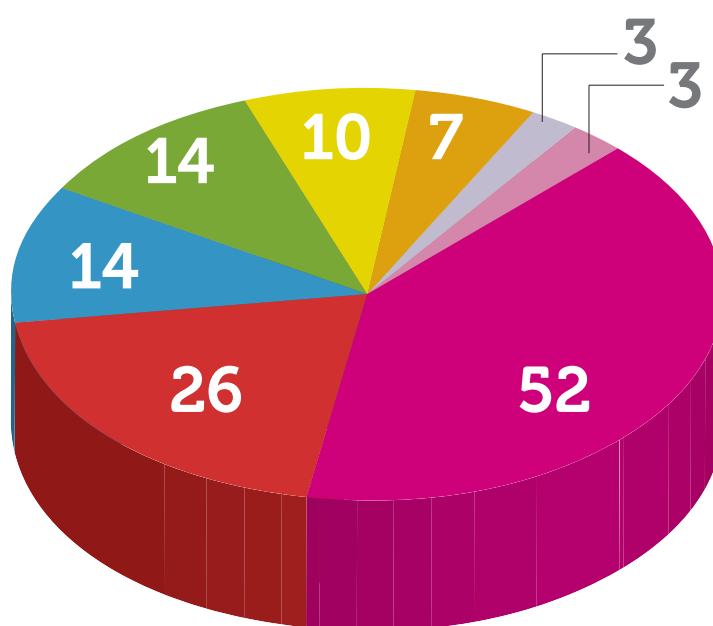
Gender Totals: Male 138 – Female 11

	Circuit		District	
Male	10		128	
Female	2		9	



Sanction – Court Outcomes

Disposal under the Probation Act.....	52	
Court Strike Out.....	26	
Payment of a Fine.....	14	
Non Appearance Warrant Issued.....	14	
Other	10	
Probation Supervision	7	
Peace bond	3	
Fine & Driving Disqualification.....	3	

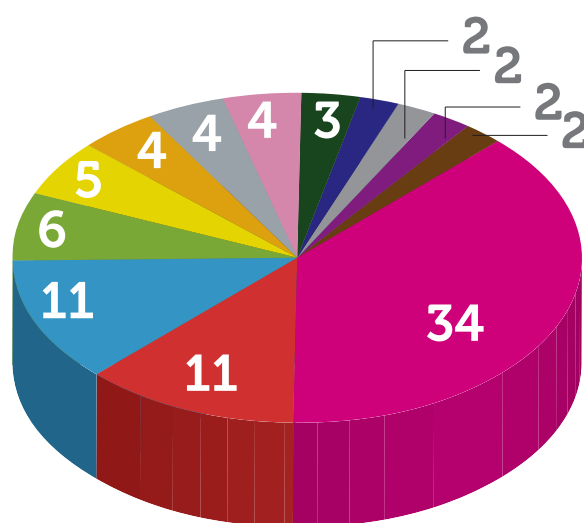


Note: This chart represents the sanctions imposed by the Court following an offender's referral and participation on the Reparation Programme.

10 Other: The category 'Other' accounts for the type of sanctions that were only provided for on one occasion. They included. Taken into Custody, Community Service Order, Compensation to Victim, and 7 different combinations of suspended sentences, probation supervision and peace bonds for various periods of time ranging from 5 months to 4 years.

Charitable Donations

Others	€4,180.00	34	
Our Lady's Hospital Crumlin	€950.00	11	
Irish Cancer Society	€1,130.00	11	
Pieta House	€780.00	6	
Capuchin Day Centre	€1,030.00	5	
St Francis Hospice Raheny	€400.00	4	
St. Vincent De Paul	€640.00	4	
Temple Street hospital	€430.00	4	
Merchants Quay Ireland	€410.00	3	
Anna Liffey	€250.00	2	
Barnardos	€350.00	2	
Bray Community Addiction Team	€200.00	2	
Headway	€300.00	2	
Total	€11,050.00	90	



Note: Charitable donations are made by the offender as part of their contract while on the Reparation Programme (see Page 7.). The total amount donated from the 2015 referred cases currently amounts to €13,956.00

34 Other: The category other accounts for charities who received a single donation. There were 34 charities in all who received a single donation. These are:

- Autism Ireland
- Beaumont Hospital
- The Big Issue
- Blossom

- Brother Lukes
- CARI
- CASP
- Children's Medical Research Foundation
- Cluain Mhuire Athy
- Coolmine Drug Treatment Centre
- Crinan Youth Project
- The Dogs Trust
- Family Enrichment Centre
- Fettercairn Youth Horse project
- Focus Ireland
- Garda Benevolent Fund
- HOPE
- Hope for Cian
- Irish Kidney Association

- ISPC
- Jack & Jill Foundation
- Laura Lynn Children's Charity
- St. Michael's House
- Sunshine House
- Talbot Centre
- The Robyn's Life Trust
- Trocaire
- Victory outreach centre
- Meals on Wheels
- The Men's Shed
- MS Ireland
- Our Lady's Hospice Harolds Cross
- Simon Community
- St James Hospital

Contact with Victims of Crime

When introduced in 2011 the Higher Tariff Offender Reparation Programme focussed in the main on the person who caused the harm. The objective being to raise the awareness and understanding of the offender with regard to the damaging impact and consequences of their offending behaviour. This was achieved through the offender undertaking a number of actions as part of what is called a Reparation Contract (see **Page 5**).

In mid-2015, having considered the forthcoming implementation of the **EU Victims Directive 2012/29/** which establishes minimum standards on the rights, support and protection of victims of crime, the RJS Victim Audit Sub Group recommended that the possibility of a Victim / Offender Mediation (see **Page 6**.) should be included in every contract where there was an identifiable victim.

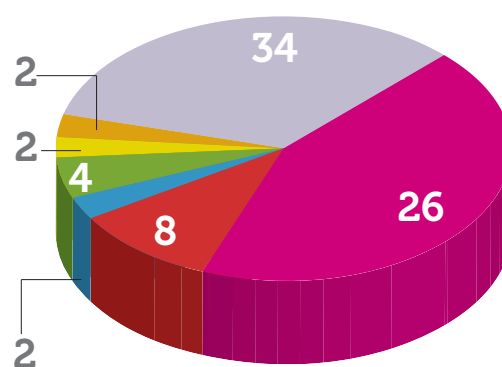
Arising from this initiative 52 cases of the 159 cases referred in 2015 were recorded as having some form of contact with the victim. Provided below are the context and nature of the contacts and dialogue undertaken.

Contact with Victim Advocates

Where victims decline the opportunity to participate in facilitated dialogue with an offender, the possibility of the offender meeting with a volunteer from Crime Victims Helpline can be explored. The CVH Volunteer can provide a victim perspective informing the offender on how particular categories of offences can negatively impact on a person who has been a victim of that crime.

Contact with Victims of Crime and Victim Advocates

- In 34 cases the possibility of a meeting with the victim was explored
- In 8 cases victim and offender went to full mediation (i.e., face to face)
- In 2 cases there was shuttle dialogue carried verbally back and forward to both parties by RJS Caseworkers
- In 4 cases the victim communicated with the offender by letter
- In 2 cases the victims agreed to accept an apology in writing but wanted no direct contact
- In 2 cases where the Guard was a victim of assault / verbal abuse, there were face to face meetings
- In 26 cases the offender met with a volunteer from Crime Victims Helpline



Note: It is important to state that not all cases / offences have an identifiable victim and on occasion we are advised at point of referral that the victim made it clear in court that they do not wish to be contacted.

Evaluation of Court Referrals to the Offender Reparation Panel Programme

Following a formal tender process, in February 2015 Restorative Justice Services Ltd commissioned the School of Law at University College Cork to undertake an independent evaluation of cases referred to its Offender Reparation Panel by the Circuit and District Court.

Key areas of focus for evaluation included

- the appropriateness of cases referred to date,
- the appropriateness of the approach taken by the panels and whether a different approach (consistent with restorative justice principles and values) has been taken or is required,
- the appropriateness and adequacy of agreements reached in panels, whether different elements are required and the nature of such elements

This was the first ever qualitative piece of research undertaken by Restorative Justice Services with the additional funding provided by the Probation Service.

All stakeholders were invited to contribute to the process including participants, judiciary, Probation managers, Reparation Panel Chairs and members, RJS Manager and Caseworkers, Crime Victims Helpline.

The final report was agreed in late November 2015 and it included a number of proposals and recommendations with regard to different aspects of the Reparation Programme.

All stakeholders were invited to contribute to the process including participants, Judiciary, Probation managers, An Garda Síochána, Reparation Panel Chairs and members, RJS Manager and Caseworkers, Crime Victims Helpline.

Victim Audit Sub Group

In 2014 RJS established a sub group to review and audit our work with victims of crime arising from court referrals received. The work is effectively a rolling review and audit of all aspects of our work with victims of crime.

Membership of the Victim Audit Sub Group includes the Manager and one representative each from the Panel Chairs, Crime Victims Helpline, Probation Service, An Garda Síochána and the RJS Casework Team. It is envisaged that the work of this sub group will better inform and guide our practice and service delivery provided to victims of crime.

Work in 2015 concentrated on preparation of an agenda of issues to be addressed and completion of analysis of cases files. The sub group will continue meeting in 2016. The group will examine pertinent issues arising from practice as well as analysing data already extracted from past work.

The implementation of the **EU Victims Directive 2012/29/EU** which establishes minimum standards on the rights, support and protection of victims of crime. The directive seeks to ensure that a person who is a victim of crime is appropriately recognised, treated with respect and receives proper protection, support and access to justice. This directive is a positive and welcome development. Our Victim Audit Sub Group will closely examine the directive to ensure we are fulfilling our obligations and commitments with regard to our work with victims of crime.

RJS played a significant role and contribution to the All Island Restorative Connections Victims seminar in May of 2015. RJS chairs the All Island Restorative Connections Victims sub group and it is envisaged that a further event will take place in late 2016.

Practice and Policy Development

A Practice & Policy Sub Group was established to address relevant practice and policy issues pertinent to the operation of the Offender Reparation Programme.

The sub group consists of

- 1 Reparation Panel Chair (Community Volunteer)
- 1 RJS Case Worker
- 1 Probation Officer
- 1 member of An Garda Siochana

The sub group issued discussion documents to all relevant personnel, the documents were then formulated into draft documents for the attention of the RJS Board. These documents were then reviewed, amended if necessary, agreed by the RJS Board and adopted as formal policy.

To date the sub group has issued a range of documents including

- Role definition for Chairs, Panel Members, Caseworkers and programme participants
- Contract Template
- Contract Guidelines
- Guidelines and structure of 1st Panel meeting with client
- Guidelines and structure and of 2nd Panel meeting with client

These documents have greatly assisted all associated with the delivery of the Reparation Programme, Chairs, Panel members, Case Workers.

The Practice and Policy sub group will continue its work in 2016, including the establishment of a data base of community organizations, training/employment opportunities and counselling/addiction services.

RJS Training

Introductory training for the Offender Reparation Programme.

The Higher Tariff Offender Reparation programme is a collaborative effort which involves the direct involvement of RJS personnel and our partner agencies, the Probation Service, An Garda Síochána and Crime Victims Helpline.

RJS provides a formal Introductory Training Programme for all personnel associated with the delivery of the Higher Tariff Offender Reparation Programme.

The training programme incorporates field work and class work and includes RJ theory and practice, small / large group work, roles play, observation, reflective written work and evaluation whilst also providing a forum for the participants to share and reflect on their own experiences of working within the programme.

In 2014 and 2015 over 40 individuals representing Probation, Gardai, Crime Victims Helpline and RJS completed the training programme and received their Certificates of Completion and Attendance.

While the Introductory Training will continue to be provided as required, RJS will work towards developing an advanced training programme for all those involved in the Reparation Programme focussing in the main on restorative practice and upskilling.

Training and Professional Development

Two members of RJS staff completed Certified Mediation Training with the Institute of Public Administration.

Two members of RJS staff completed a Road Safety Training programme with the Road Safety Association. This RSA Training has been incorporated into the new Restorative Road Safety Programme.



Restorative Justice Services Ltd, Village Green, Tallaght, Dublin 24
office@rjs.ie www.rjs.ie
Company Reg No: 359505 CHY No: 14363