

# **ANNUAL REPORT 2016**



**Providing Restorative  
Responses to Crime**



# Contents

Welcome and Introduction .....	2
Organisational Map - Partners and Stakeholders .....	3
Statistics pertaining to 2016 Casework.....	4
• Case Referrals Comparative 2014 / 2015 / 2016	
• Breakdown of the 2014 / 2015 / 2016 Referred Cases	
• Source of the Court Referrals	
• Offences before the Court	
• Completions	
• Gender	
• Sanctions – Court Outcomes	
• Charitable Donations	
Working with Victims of Crime .....	10
RSJ Working Groups.....	12
Restorative Road Safety Programme .....	13
• Source of Referrals	
• Statistics for RRSP	
• Offences before the Court	
• Completions	
• Gender	
• Age Demographic	
• Sanction – Court Outcome	
Observation & Comment from Stakeholders and Participants .....	18
The Restorative Justice Philosophy .....	20
Brief Overview of the Offender Reparation Programme .....	22
Brief Overview of Victim / Offender Mediation .....	23
Brief Overview of the RRSP .....	24

# Welcome

Welcome to the Restorative Justice Services 2016 Annual Report. This report is a record of the main activities undertaken by the organisation over the calendar year of 2016. It provides a comprehensive range of statistics on key aspects of our case work as well as narrative, information and comment on important associated activities undertaken by our service.

Of particular interest is the feedback and insights provided by service users as well as comments provided by those directly involved in provision and delivery of our restorative justice programmes, Offender Reparation and Victim / Offender Mediation.

The development of a pilot Restorative Road Safety Programme in 2016 is outlined in detail and we look forward to further developing this innovative programme in 2017.

The funding provided by the Probation Service and the continuing support of Probation management and officers is greatly appreciated as is the invaluable contribution of An Garda Síochána, our Community Representatives and Crime Victims Helpline. This partnership approach to the management of the organisation and the delivery of its services has been a cornerstone of the organisation since it was first established in 2000.

The Judiciary continues to be a vital contributor and supporter of our work through the referral of cases from the District and Circuit Courts.

Finally, I wish to acknowledge our hardworking and dedicated personnel, Staff, Case Workers, Reparation Panel Chairpersons and our Volunteers who all play such an important part in the challenging work we undertake at Restorative Justice Services.

Enjoy reading the report, we welcome your feedback, comments and observations.

**Maria Flynn**

*Chairperson*

*Restorative Justice Services*

**Peter Keeley**

*Manager*

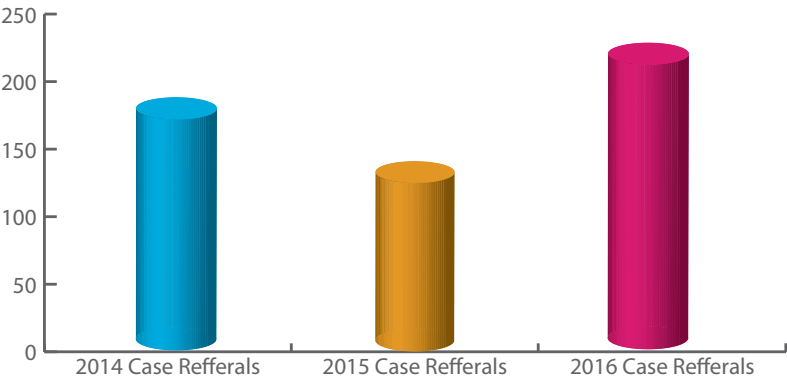
*Restorative Justice Services*

## Restorative Justice Services – Organisational Map



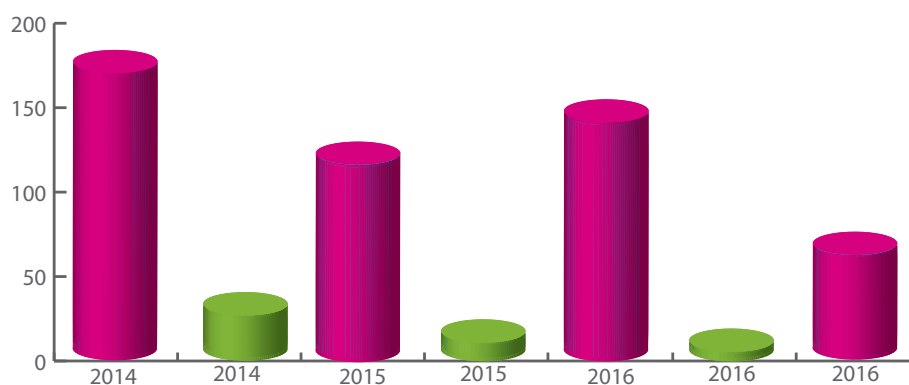
# Case Referrals Comparative 2014 / 2015 / 2016

2014 Case Referrals .....	218
2015 Case Referrals .....	159
2016 Case Referrals .....	240



## Breakdown of the 2014 / 2015 / 2016 Referred Cases

2014 District Court Referrals .....	179
2014 Circuit Court Referrals.....	39
2015 District Court Referrals .....	147
2015 Circuit Court Referrals.....	12
2016 District Court Referrals.....	161
2016 Circuit Court Referrals .....	8
2016 Restorative Road Safety Programme .....	71*

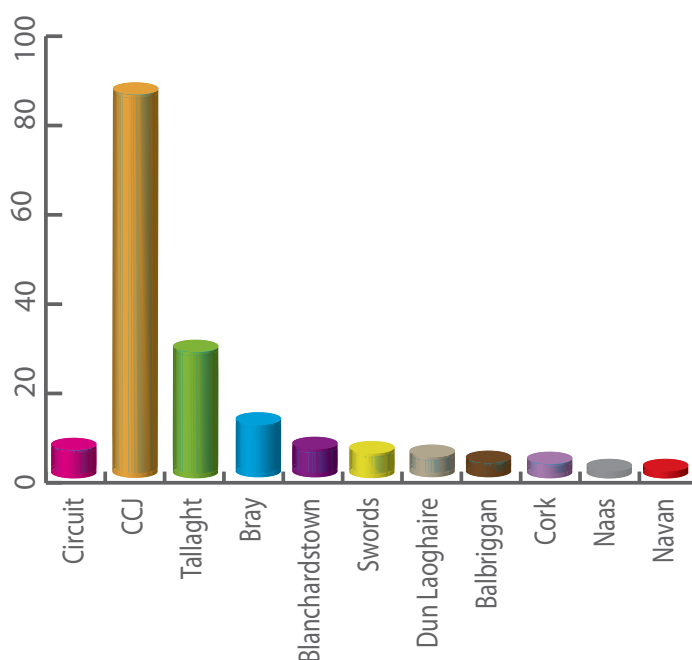


**\*Note on Restorative Road Safety Programme:**

This innovative pilot programme was introduced in 2016 (see Pages 13-17 and 24).

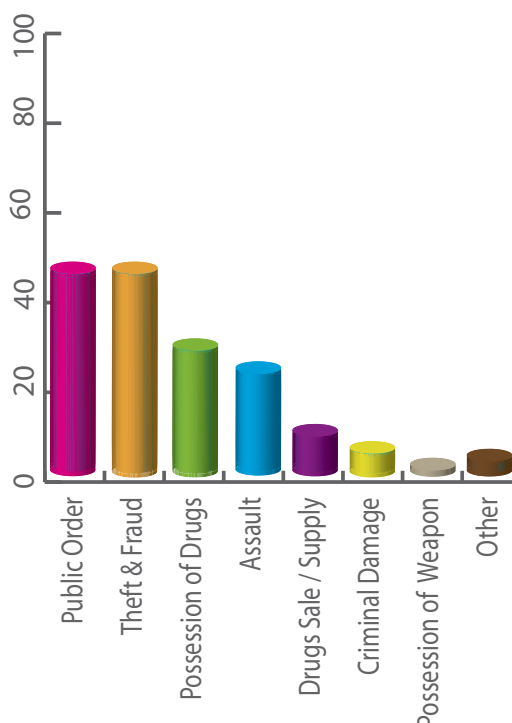
## Source of 2016 Court Referrals

Circuit.....	8
CCJ.....	92
Tallaght.....	35
Bray.....	14
Blanchardstown.....	7
Swords.....	6
Dun Laoghaire.....	3
Balbriggan.....	2
Cork.....	2
Naas.....	1
Navan.....	1



## Offences before the Court

Public Order.....	48
Theft & Fraud.....	48
Possession of Drugs.....	28
Assault.....	26
Drugs Sale / Supply.....	14
Criminal Damage.....	11
Possession of Weapon.....	3
Other.....	7
<b>Total.....</b>	<b>188</b>







**Note1:** CCJ is abbreviation for Courts of Criminal Justice

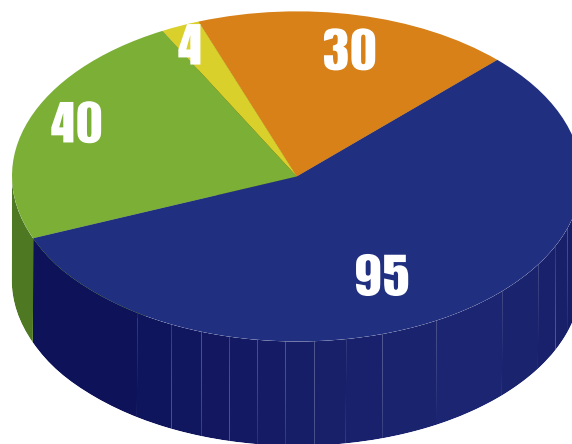
**Note 2:** Assault includes Section 2, Section 3 and Indecent

**Note 3:** Other includes Breach of Post Office Act / Nuisance Calls, Breach of Barring Order, Failure to Appear, Illegal Sale of Tobacco, Passenger in Stolen Car, Section 2 of Passport Act, Uncontrolled Dog.



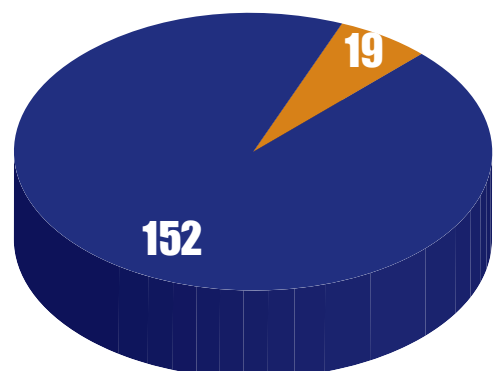
## Completions

Complete	95	
Engaged then Opted Out	40	
Unsuitable	4	
Still Active	30	



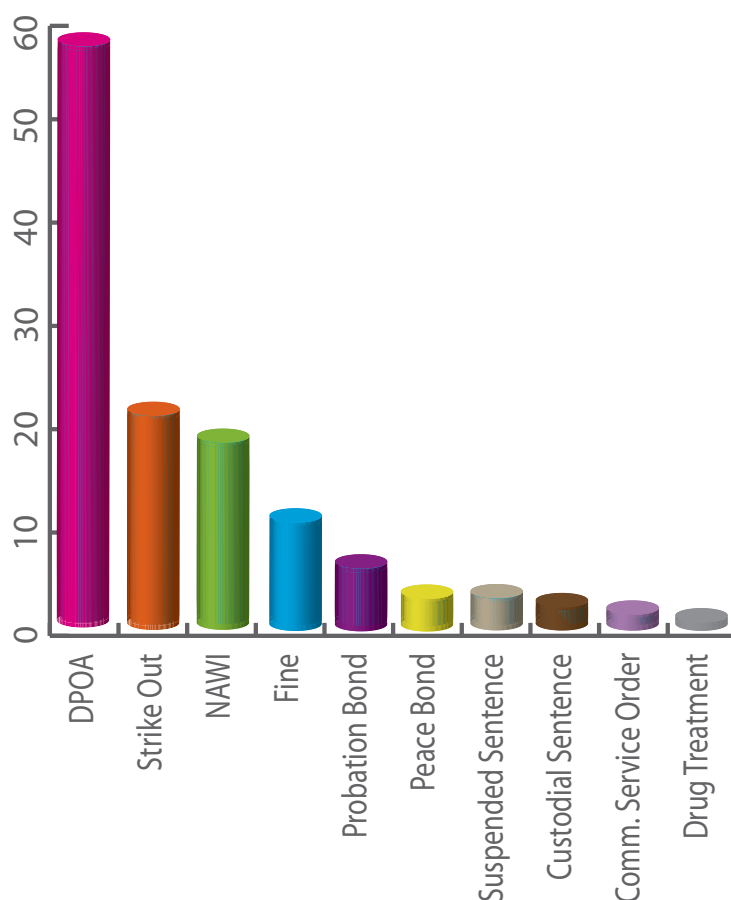
## Gender:

Male .....	152	
Female.....	19	



**Note:** Still Active refers to cases referred in 2016 that remain active at time of publication.

## Sanction – Court Outcomes



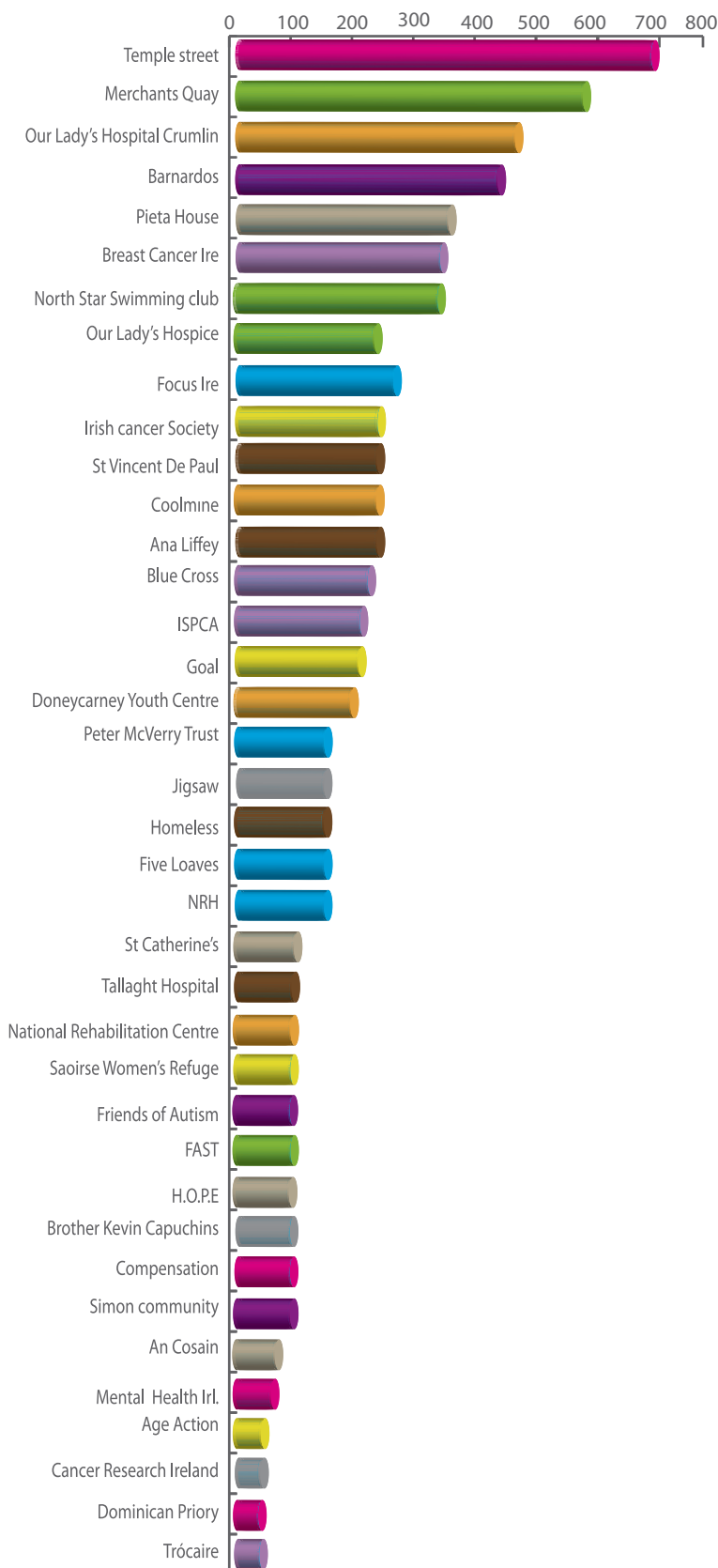
DPOA.....	60	Peace Bond .....	6
Strike out .....	23	Suspended Sentence .....	5
NAWI.....	20	Custodial sentence .....	3
Fine.....	13	Comm. Service Order .....	2
Probation Bond .....	7	Drug Treatment.....	1

**Note 1:** Sanction may include more than one component e.g., a Probation Bond may be accompanied by a fine.

**Note 2:** DPOA = Disposal Under the Probation of Offenders Act 1.1 (1907) / NAWI = Non Appearance Warrant Issued

# Charitable Donations

Temple street .....	€720 ...	7
Merchants Quay .....	€600 ...	5
Our Lady's Hospital Crumlin .....	€480....	5
Barnardos.....	€450 ...	3
Pieta House.....	€330 ...	3
Breast Cancer Ire .....	€300....	2
North Star Swimming club.....	€300 ...	1
Our Lady's Hospice .....	€300 ...	3
Focus Ire .....	€280 ...	4
Irish cancer Society .....	€250 ...	3
St Vincent De Paul.....	€250....	3
Coolmine.....	€250 ...	2
Ana Liffey .....	€250....	1
Blue Cross.....	€200 ...	1
ISPCA .....	€200....	1
Goal.....	€200 ...	1
Doneycarney Youth Centre.....	€200 ...	1
Peter McVerry Trust.....	€150 ...	2
Jigsaw.....	€150 ...	1
Homeless.....	€150 ...	1
Five Loaves .....	€150 ...	1
NRH .....	€150 ...	1
St Catherine's.....	€120 ...	1
Tallaght Hospital .....	€100 ...	1
National Rehabilitation Centre ..	€100 ...	1
Saoirse Women's Refuge .....	€100 ...	1
Friends of Autism .....	€100 ...	1
FAST .....	€100 ...	1
H.O.P.E.....	€100 ...	1
Brother Kevin Capuchins .....	€100 ...	2
Compensation .....	€100 ...	2
Simon community .....	€100....	2
An Cosain.....	€75 ...	1
Mental Health Irl.....	€75 ...	1
Age Action .....	€50 ...	1
Cancer Research Ireland.....	€50 ...	1
Dominican Priory.....	€50....	1
Trócaire .....	€50....	1
<b>TOTAL.....</b>	<b>€7,680</b>	



**Note:** A charitable donation is a common element within an Offender Reparation Contract

## Working with Victims of Crime

The **European Union Victims Directive 2012/29/** establishes minimum standards on the rights, support and protection of victims of crime. This directive also addresses victims of crime who participate in restorative process and interventions.

In all cases referred to Restorative Justice Services it is now practice and policy to establish if there is an identifiable victim. Where there is an identifiable victim the possibility of facilitated dialogue between offender and the specific victim of crime can be explored by way of Victim / Offender Mediation Programme (see Page 23).

The possibility of Victim / Offender Mediation may also be included as part of an offender's contract in the Offender Reparation Programme (see Page 22). In practice this means that when a Reparation Panel meets with an offender to discuss and agree a contract of reparative actions (see page 22) the possibility of mediated dialogue with the victim is addressed. If the offender is open to participating in such a process, the action is recorded in the contract on the understanding that participation by the victim in such a process is entirely voluntary.

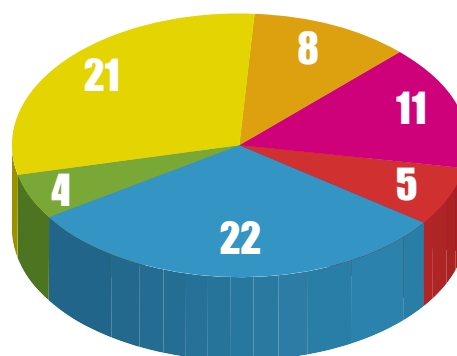
The service then establishes contact with the victim to ascertain if they wish to participate in the restorative process. There are a number of mediated dialogue and contact options available and participation in such a process is completely voluntary. All options are discussed in full with the victim and the necessary time is provided to allow the victim make a considered decision.

Where a victim of crime declines the opportunity to participate in mediated dialogue, the offender is provided with an opportunity to meet with a volunteer from Crime Victims Helpline (CVH). 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 a particular crime.

## Working with Victims of Crime

In 2016, 60 referred cases were recorded as having a direct identifiable victim. 44 of the 60 cases were deemed suitable for the possibility of some form of mediated dialogue. Provided below are the context and nature of the contacts and dialogue undertaken.

- 11 cases went to full Victim / Offender Mediation (i.e., face to face meeting)
- In 8 cases where a member of An Garda Síochána was subjected to an assault or verbal abuse, there were face to face meetings with the offender
- In 5 cases there was shuttle dialogue carried verbally back and forward to both parties by RJS Caseworkers
- 22 victims of crime agreed to accept an apology in writing but wanted no direct contact with the offender
- In 4 cases the victim communicated back to the offender by letter
- In 21 cases the offender met with a volunteer from Crime Victims Helpline



**Note:** It is important to state that on occasion we are advised by the victim at point of referral that they do not wish to be contacted.

## RJS Working Groups

### **Policy & Practice Working Group:**

This working group was established in 2014 to address relevant practice and policy issues pertinent to the operation of the Offender Reparation Programme. Membership of the group consists of 1 Reparation Panel Chair (Community Volunteer), 1 RJS Case Worker, 1 Probation Officer, 1 member of An Garda Síochána and the RJS Manager. The working group issues discussion documents on practice & policy matters as they arise to all relevant personnel for feedback. The discussion documents are then formulated into draft policy documents for the consideration of the RJS Board. These documents are then reviewed, agreed by the RJS Board and formally adopted as RJS policy. To date the working group has issued a range of documents including, role definition for Chairs, Panel Members, Caseworkers and programme participants, Reparation Contract Template, Reparation Contract Guidelines, Guidelines and structure of 1st Panel meeting with client, Guidelines and structure and of 2nd Panel meeting with client.

### **Victim Audit Working Group:**

In 2014 RJS established this working 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 and the RJS Manager.

The EU Victims Directive 2012/29/EU 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. The Victim Audit Working Group will ensure we are fulfilling all our obligations and commitments with regard to our work with victims of crime.

### **RJS Training Working Group:**








Established in 2015 this working group oversaw the design and delivery of the Introductory Training Programme for all personnel associated with the delivery of the Offender Reparation Programme. This 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. To date over 50 individuals representing Probation, Gardai, Crime Victims Helpline and RJS have completed the training programme and received their Certificates of Completion and Attendance. In 2016 the Training Group overseen the development of an advanced Intermediate Training Programme for all those involved in the Reparation Programme focussing in the main on restorative practice and upskilling, i.e., identifying facilitators and barriers to effective restorative practice, exploring the victim and offender perspectives in greater depth, developing language and listening skills and capacity to manage group dynamics.

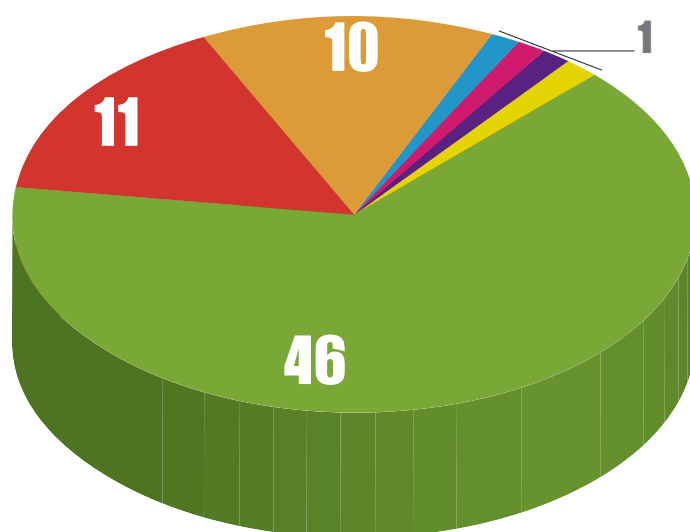
# Statistics for *Pilot* Restorative Road Safety Programme

## Cases Referred

71 cases

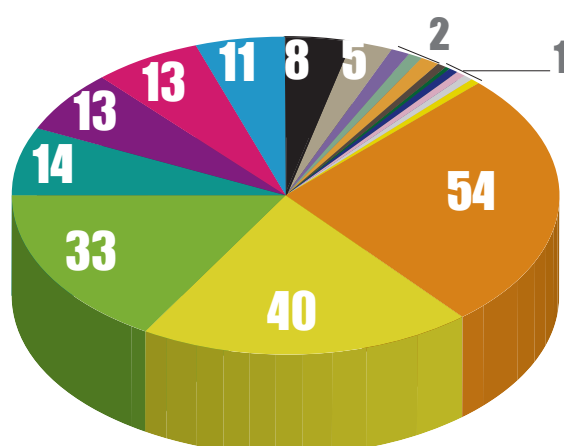
### Source of Referral:

Assessment Team Haymarket .....	46	
Assessment Team Tallaght .....	11	
Tallaght District Court .....	10	
Courts of Criminal Justice Complex .....	1	
Assessment Team Naas .....	1	
Assessment Team Bray .....	1	
Assessment Team Donaghmede .....	1	



## Offences before the Court:


No insurance.....	54	
Failure to produce.....	40	
No licence .....	33	
Dangerous driving.....	14	
No NCT .....	13	
Drink driving.....	13	
No tax.....	11	
Driving while disqualified.....	8	
Giving false name.....	5	
Failure to stop .....	2	
Using a false instrument .....	2	
Unaccompanied provisional learner driver .....	2	
Holding a mobile phone whilst driving .....	1	
Not wearing a seat belt .....	1	
Refusing a breathalyser .....	1	
Theft and careless driving.....	1	
Unauthorised carriage .....	1	
Bad tyre.....	1	

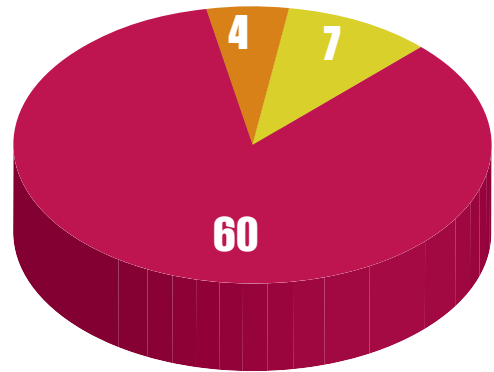


**Note:** While there were 71 individual referrals to this programme the charge sheet could typically include a combination of different offences, i.e., there can be between 1 and up to 5 specific offences on the same charge sheet.




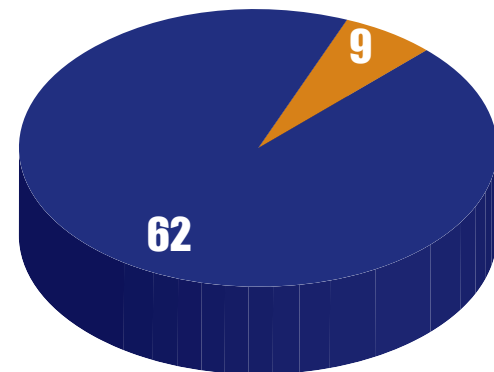
## Completions:

Complete .....	60	
Opted Out.....	4	
Active .....	7	



## Gender:









Male .....	62	
Female.....	9	

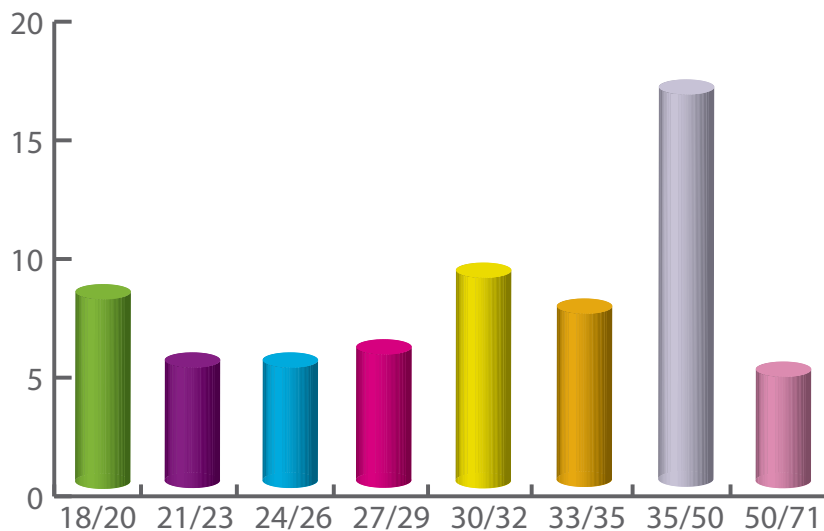


**Note:** Still Active refers to cases referred in 2016 that remain active at time of publication.

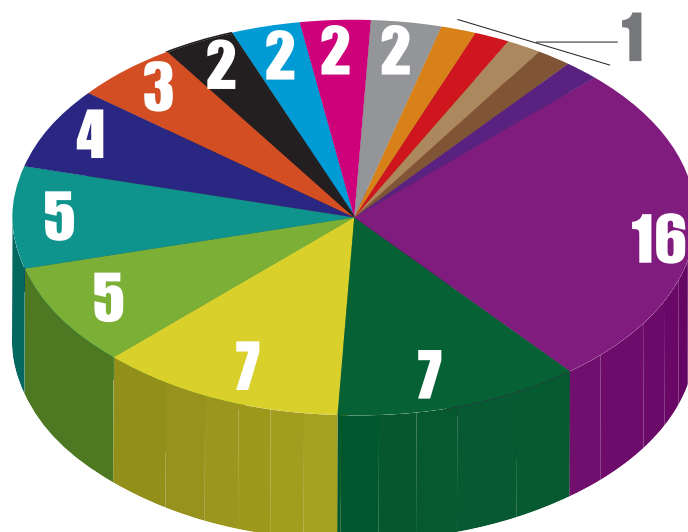
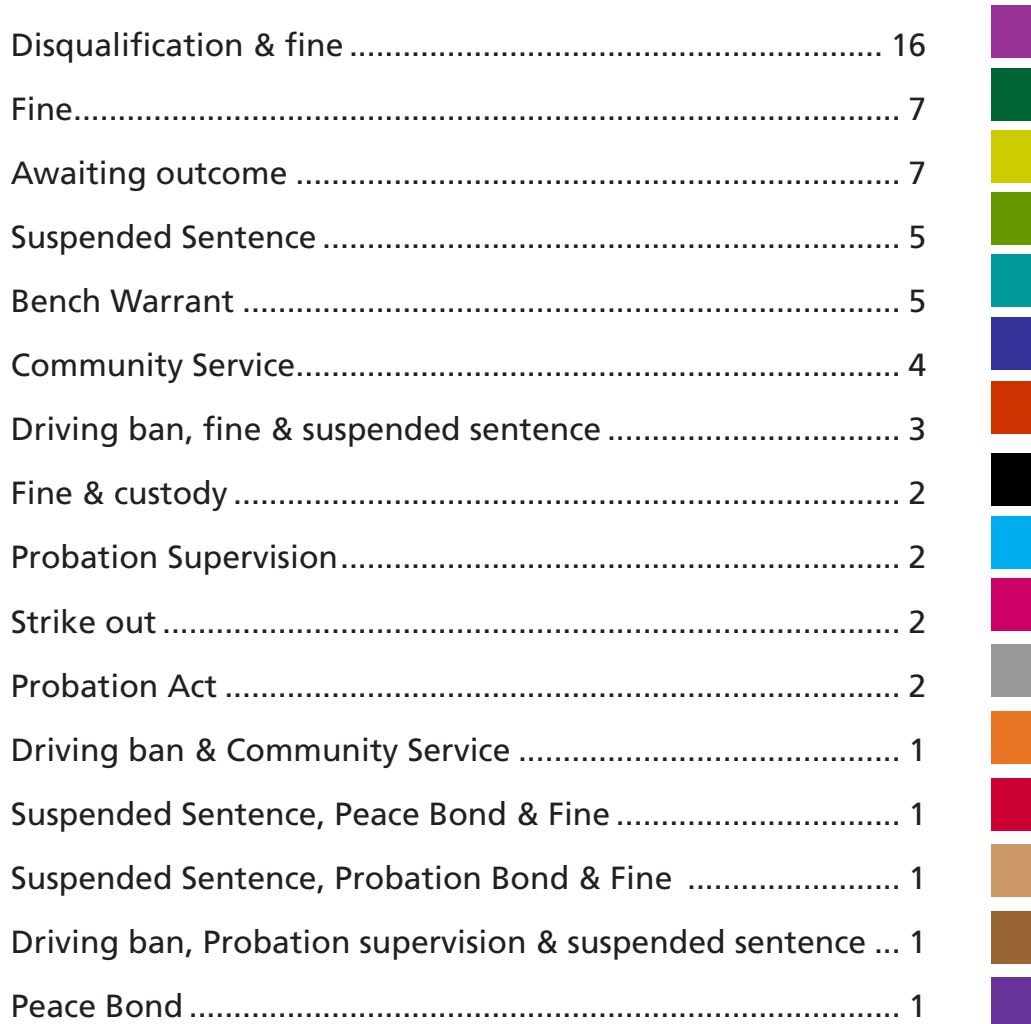
# Age Demographic

## Breakdown of Age Demographic: 18 - 71 years

18/20 .....	8	
21/23.....	6	
24/26.....	6	
27/29.....	7	
30/32.....	12	
33/35.....	8	
35/50.....	18	
50/71.....	6	



## Sanction – Court Outcomes:



# Observation and Comment from Stakeholders, Partners and Participants

**Gda. Robert S. Smithers, Mountjoy Garda Station and Reparation Panel member** - I have been a member of the Reparation Panel for nearly two years. My experience of these panels has been overwhelmingly positive to the extent that I have undertaken further mediation training and accreditation in order to further enhance and build on the skills taught to me by RJS. The reparation panels, although a formal process, are informal in language and this creates an atmosphere that encourages dialogue between the panel members, the case worker and the offender client.

The panels are professionally run and the case workers are exceptional at what they do. Every panel I have sat on the case workers have been professional, efficient and extremely thorough when briefing the panel members prior to the offender client's entry to the room. This process however can be somewhat undermined by the lack of independent factual information pertaining to the incident in question, namely the précis of evidence. The inclusion of this material I believe would greatly assist the case worker and in turn enhance the panel's ability to carry out their roles effectively.

The process and the completion of the contract is difficult and requires resilience and hard work and can still result in a criminal conviction, however those who successfully complete the process are rewarded with the knowledge that they have repaired the harm (insofar as possible) they have caused and can move on with their lives without the feeling of shame and guilt that invariably comes with every criminal conviction. I believe that the offender reparation panels are a powerful, invaluable and underutilised tool within the criminal justice system and should be expanded upon where possible and appropriate to do so.

**Victim of Crime participant in RJ process** - The Restorative Justice process was implemented through my preferred channel of communication, i.e. a correspondence of emailed letters and conversations (with the offender) via a Restorative Justice Services representative. At all stages, personal anxieties and fears were dealt with by the Restorative Justice Services representative in an extremely sensitive, diplomatic and supportive manner.

In addition to the effective handling of the process, the process itself (i.e. the writing and talking about my abuse, my fears, resultant impact on my life and questions that I wanted to ask my abuser) was painful at times but nevertheless of therapeutic value to me

and it has helped my healing. As both parties moved through a criminal justice process that could seem fairly impersonal and detached, the Restorative Justice process allowed for both victim and perpetrator to share thoughts that otherwise might not have an opportunity to be aired and even resolved in some cases.

**Susan Kavanagh, Community Chairperson of Reparation Panel** - The Offender Reparation Panels offer a unique opportunity to 'catch the moment' before it degenerates, on behalf of all affected, primarily the victim and naturally, the individual participating in the Offender Reparation Programme. I have enjoyed learning from my fellow panel members, and their experience and perspective as Probation Officers and Gardai.

As a Reparation Panel Chair I am always mindful of the key role of ensuring that we all conduct ourselves in a restorative manner and that attendees feel respected and empowered to share their story, gain insight, experience empathy and make genuine amends, healing relationships and transforming their own shame in the process. I would add from experience, that Panel members are clear that in order not to undermine the interests of those referred and affected, it is vital that the integrity of the restorative process be understood and supported, by those involved in its initial recommendation.

**Paul Gates, Probation Officer and Reparation Panel Member** - I have participated on the Reparation Panel for three years. To date, my experience has been largely positive and has provided me with an opportunity to represent my service and work with Restorative Justice Services, community representatives and the Gardai. The panels provide a platform for this collaborative work which has demonstrated the need for agencies to work together to find solutions to crime.

In most cases the panels focus on the restorative process integral to the process but on occasions when the participant has little self-awareness or is pre-occupied with some other details of his/her crime this isn't always the case. This can be challenging for panel members but this philosophy can't be forced resulting in resistance, rather people need to be guided and encouraged down this road. I feel that the model has developed with more restorative focus on repairing harm as opposed to an over emphasis on attempting to rehabilitate the offender. The more balanced approach is to be welcomed and should serve the Offender Reparation Programme well for the future.

# Observation and Comment from Stakeholders, Partners and Participants

**Offender participant in the RJ process** – Prior to the Judge recommending I enter the programme, I had never heard of Restorative Justice. The whole process gave me an opportunity to reflect on what happened to me and the consequences it had on the victim, my family and friends.

**Gda. Shane Kelly, Bridewell Garda Station and Reparation Panel Member** - I am a member of the Offender Reparation Panel for the last 3 years. I am a strong believer in Restorative Justice and Restorative Practices and I think the Reparation Panels are very effective. I think that the structure to the Reparation Panel meeting is very good. I find the Case Workers always provide the Panel members with an excellent brief. Précis of Evidence would be convenient if they were to be supplied. In my view the content and actions contained in a Reparation Contract should reflect the crime, e.g., a contract for a Public Order offence should have fewer actions than an Assault. Proportionality is the key here.

**Offender participant in RJ process** - The restorative process had offered me the opportunity to express my remorse to the victim, seek forgiveness and gain greater understanding of the impact of my actions, something that had not been previously available to me.

**PJ McGowan, Community Chairperson of Reparation Panel** - The Reparation Panel is made up of a volunteer Chairperson representing the community, a Probation Officer and a Garda who have been trained in the area of Restorative Justice Practices. It can be quite a challenge for an offender to sit in this circle of people and have his or her actions examined in detail. It is not an easy process at all and can be quite difficult for them. Following an initial First Panel meeting, a contract is drawn up with the co-operation of the offender which can involve letters of apology or if it is feasible and is the wish of a victim, a face to face meeting with the offender. It is usual for an offender to undergo some education or training related to the area of the crime with emphasis on the harm caused as well as some form of compensation to a charity. Following a suitable time span to enable the agreement to be implemented by the offender a 2nd Panel Meeting is called and the matter is returned to the court system.

Ultimately the final decision on sanction is that of the Judge who at this point has benefit of the involvement and views of the Reparation Panel and the knowledge as to how well the offender has complied with the contract actions entered into. I am confident that the

idea fits in nicely with the existing Court system and has great potential to divert people away from further offending.

**Eileen Brady, Crime Victims Helpline & Victim Advocate** - I have been volunteering with RJS as a Victim Advocate for the last 3 years. I became involved because of my experience as a volunteer with Crime Victims Helpline. My role in the Restorative Justice process is to meet the offender at the request of the Reparation Panel when a Reparation Contract includes a need for the offender to gain a more in depth understanding of the possible effects of their offending behaviour on the person who was harmed.

As a Crime Victims Helpline volunteer I can often give the offender examples of the effects on people who have been a victim of similar crimes. The less obvious affects of a crime can be the most disturbing for the offender e.g., the effect on children can be very powerful where the victim of crime is a parent, the impact on an onlooker who was previously a victim of a similar crime, how employees of a retail outlet may be effected, even financially, by shoplifting. I feel that the input from Crime Victims Helpline raises their awareness as to the affects of their crime and will positively influence their behaviour in the future.

**Derek Nicholl, Probation Officer and Reparation Panel Member** - Since I became involved in the Offender Reparation panels I have experienced first hand the powerful impact on a person's thinking that can result from this model of restorative justice. At its optimum the offender reparation panels allow someone to be held to account for their actions in a supportive manner and given an opportunity to genuinely make amends for their actions. It is the only opportunity for this to occur within the criminal justice arena and may be the only experience an individual has of this in their life.

Critical to this process being meaningful is a Reparation Contract that challenges the individual to the best of their ability, to undertake meaningful reflection as well as meaningful reparative actions which acknowledge and endeavour to repair the harm caused. I have seen some genuinely life altering moments during my time in the Offender Reparation Panels, however not all people who come before the panels are open or able to undertake this challenge.

# The Restorative Justice Philosophy

Restorative Justice is a way of working with people who have been affected by crime that focuses more on the harm done to the victim than the law or laws that were broken. Restorative Justice seeks to repair, insofar as possible, the harm caused by the offending behaviour by providing dialogue options for the victim and/or the community to address their issues with offenders in a safe and non-threatening way. It's objectives are to meet the needs of victims of crime whilst challenging the offender to put right the harm they have caused and desist from further offending behaviour in order to take their place again as law abiding members of the community.

Restorative Justice is not always suitable for every victim, every offender or every offence, although 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.

# The Restorative Justice Philosophy

## Why is voluntary participation important?

Voluntary participation is considered by 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.

## Note:

Links and sources above can be found on online version of 2016 Annual Report at [www.rjs.ie](http://www.rjs.ie)

## Evidence based impact of Restorative Justice

Strong evidence is available to suggest that restorative justice in the criminal justice system reduces recidivism amongst adult offenders. (Campbell-Strang 2013, Latimer 2005, Sherman 2015, Sherman 2007). Victims of crime who participate in restorative justice efforts appear to have greater levels of satisfaction with the justice process than those who participate in the formal criminal justice process (Campbell-Strang 2013, Latimer 2005). For juvenile offenders, effects on recidivism appear strongest when restorative justice practices are implemented. (Schwalbe 2012, Hipple 2014). Offenders who participate in restorative justice appear more likely to comply with compensation orders than those who participate in the traditional criminal justice system (Latimer 2005). In some circumstances, offenders report greater levels of satisfaction with the restorative justice process than the traditional justice process (Latimer 2005, Sherman 2007).

## 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.

## Brief Overview of the Restorative Road Safety Programme (RRSP)

Offenders are referred to the Probation Service by the Court for a Pre Sanction Report. During the assessment period, the respective Probation Officer makes a decision on whether or not the offender would be a suitable candidate for the Restorative Road Safety Programme. If they believe the person is suitable they then refer the offender to the Restorative Justice Service.

- When the referral has been received by RJS the case is allocated and the RJS Case Worker makes an appointment to meet the offender. The Case Worker provides a more in depth explanation of the work of Restorative Justice Service, the outline of the RRSP and the commitment that is required.
- The next stage is meeting the Community Representative to agree a Reparation Contract their contract. (all elements of their contract are explained to them before this meeting). The contract usually includes:
  - Road Safety Presentation based on the killer behaviours on the road
  - Meeting with a Garda from the Garda Traffic Unit.
  - Restorative reflective journal based on who was affected and how by their behaviours, what they have learned.
  - Charitable donation.
  - Commitment to be of good behaviour.
- Once all elements of the contract are complete the offender meets with the Community Representative again to show the written work they have completed as well as having a final conversation to ensure that they have learned from their participation In the Programme.
- A report is prepared based on the offenders participation, interaction and learning from taking part in the programme. This report is sent to the referring Probation Officer to be attached for the consideration of the court. Where there is no further participation from the Probation Service the report is sent directly to the Court.





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