



RESTORATIVE
JUSTICE SERVICES

2019 Annual Report

PROVIDING RESTORATIVE RESPONSES TO CRIME



THIS ART - WORK WAS SUBMITTED BY 'EVAN' WHO PARTICIPATED IN ONE OF OUR RESTORATIVE JUSTICE PROGRAMMES.

EVAN WAS BEFORE THE COURT ON CHARGES OF CRIMINAL DAMAGE AND POSSESSION OF DRUGS FOR PERSONAL USE. BEFORE MAKING A FINAL DECISION ON SANCTION THE JUDGE REFERRED THE MATTER TO RJS. REFLECTIVE WRITTEN WORK IS OFTEN INCLUDED AS AN ELEMENT OF A CLIENTS CONTRACT OF REPARATIVE ACTIONS. EVAN HAD CHALLENGES WITH LITERACY AND HE SUBMITTED THIS ARTWORK AS AN INNOVATIVE ALTERNATIVE. THE PIECE DEPICTS HIS UNDERSTANDING OF HOW HIS OFFENCES IMPACTED ON SOCIETY. IT SHOWS HIM IN THE ACT OF SPRAY PAINTING A COMMERCIAL PROPERTY AND THE GARDAI ATTENDING TO HIS OFFENCE WHILE MORE SERIOUS OFFENCES SUCH AS ASSAULT OR ROBBERY ARE TAKING PLACE. THE SPECTRE OF DEATH RELATING TO DRUG USE AND GANGLAND FEUDS IS ALSO DEPICTED, AS IS A LIFESTYLE FUNDED BY THE PROCEEDS OF DEALING IN DRUGS.

THE ARTWORK IS REPRODUCED HERE WITH THE KIND PERMISSION OF EVAN.

Contents

Welcome from the Chairperson	3
Organisational Structure & People	4
Restorative Justice Services - What We Do	5
Referral and Casework Statistics for 2019	6-10
<ul style="list-style-type: none"> • Cases referred in 2019 • Comparative Referrals 2017 – 2019 • Comparative Source 2017 – 2019 • Source of 2019 Court Referrals • Category of Court Referred Offences • Court Sanctions • Completions • Gender • Age Demographic • Charitable Donations 	
Case Study 1	11
Case Study 2	12
Working in Partnership	13-14
Case Study 3	15-16
Case Study 4	17
A personal perspective – Kieran O’Dwyer	18
Reflections from Reparation Panel Members	19-20
Restorative Road Safety Programme – Statistics for 2019	21-25
<ul style="list-style-type: none"> • Cases Referred in 2019 • Source of Referrals • Breakdown of Road Traffic Offences • Court Sanctions • Completions • Gender / Age Demographic • Charitable Donations 	

Welcome



RJS Chairperson
Maria Flynn

On behalf of all at RJS I have great pleasure in welcoming you to our 2019 Annual Report.

I am also pleased to announce the publication of the RJS Strategic Plan 2020 – 2022, a copy of which is included in this document. This strategic plan charts a clear pathway for the ongoing development of RJS over the coming years. I look forward to updating you on our progress in future reports.

2019 proved to be an extremely busy and productive year for RJS personnel, partners and stakeholders. The statistics and data provided here clearly demonstrate the continuation of an upward trend in the number of case referrals and greater demand for our service.

Our thanks as always to the service users and their families, the people who were directly or indirectly impacted by crime and chose to participate in one of our restorative justice programmes. Thank you for your trust, participation and contribution. I hope we have been of some service.

Almost all our cases are referred from the courts across Dublin, Kildare, Meath and Wicklow. RJS greatly welcomes and appreciates the interest, trust and confidence demonstrated by the members of judiciary who formally refer the case work. We also acknowledge the important contribution of the staff of the Courts Service and Court Registrars who are such important links in the referral pathway.

The Probation Service continues to provide the necessary funding and support which facilitates provision of our service. This year in particular we want to acknowledge the unstinting support and invaluable assistance provided by the probation personnel working in the Courts, Registry and the Victim and Restorative Justice Unit.

I also acknowledge the continuing support and contribution to the work of our service from An Garda Síochána, especially Garda members at Pearse Street, Bridewell, Kevin Street, Kilmainham and Store Street.

Our volunteer Community Chairs and the Crime Victims Helpline volunteers continue to do sterling work working at the very core of the restorative process with people affected by crime.

My thanks to fellow RJS Directors and the staff team across Management, Case Work and Administration for their excellent work, dedication and diligence in what was a most demanding, challenging but satisfying and enjoyable year.

Finally, this year we have included some case studies to provide the reader with a fuller understanding of the restorative programmes and processes we provide and the challenges and complexities therein.

Maria Flynn

*Chairperson
Restorative Justice Services*



Organisational Structure & People



Restorative Justice Services - What We Do

Restorative Justice Services was established in 2000 to work in partnership with the Probation Service, An Garda Síochána, victim advocate organisations and the community sector, to develop and provide restorative justice programmes in order to ...

- offer victims the opportunity to communicate in a safe non-threatening way with the offender with a view to receiving an apology, reparation, further information on the offence and its motivation, seek guarantees on future safety and commitments on future behaviour.
- offer greater levels of participation in the criminal justice system to members of the community affected by crime.
- deter members of the community from (further) offending by raising their levels of awareness and understanding with regard to the implications and effects of their behaviour on their victims, themselves, their respective families and the wider community.
- promote partnership between all sectors working in the criminal justice system, in particular encouraging a greater level of involvement and sense of ownership of the criminal justice system amongst the community sector. We promote our work and those of our partner agencies by way of seminars, annual reports, website, information leaflets, education and training.

Working in Partnership

Restorative Justice Services is a restorative justice agency managed by a partnership of stakeholders in the criminal justice system. We provide voluntary, safe, non-threatening, facilitated restorative justice programmes for people who have been affected by crime; victims, offenders, families and communities.

Our Partners and Stakeholders

- The Probation Service
- Crime Victims Helpline
- An Garda Síochána
- Community representatives

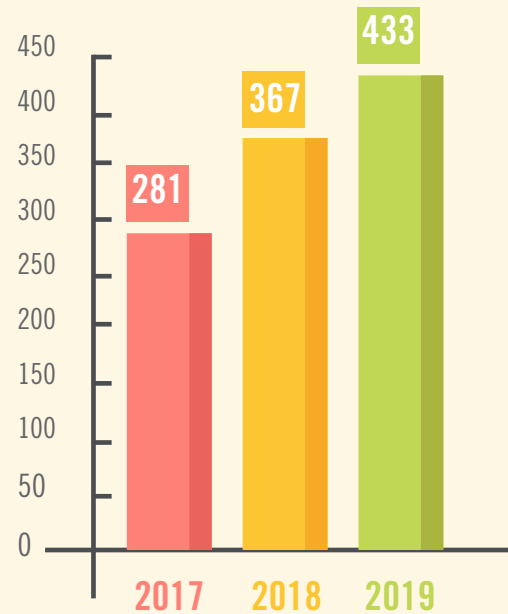
... all play an integral role in the organisation, contributing to the delivery of the restorative programmes on a day to day basis.

Our work is mainly referred to us from the Courts before a formal sanction is imposed. The Courts are a named partner on our information leaflets and are consulted with regard to many aspects of our service delivery models, programmes and any review thereof.

A range of Community, Voluntary and Statutory organisations have contributed to the work of this service in 2019, through the provision of education, awareness raising and volunteering opportunities for court referred clients, e.g., HSE, St. Vincent's Centre, Dublin Town, Inner City Homeless, Garda Traffic Corp, National Rehabilitation Hospital, Mens Sheds Ireland, Headway, Dublin Volunteer Bureau, Cuan Mhuire Athy, Tallaght Probation Project.

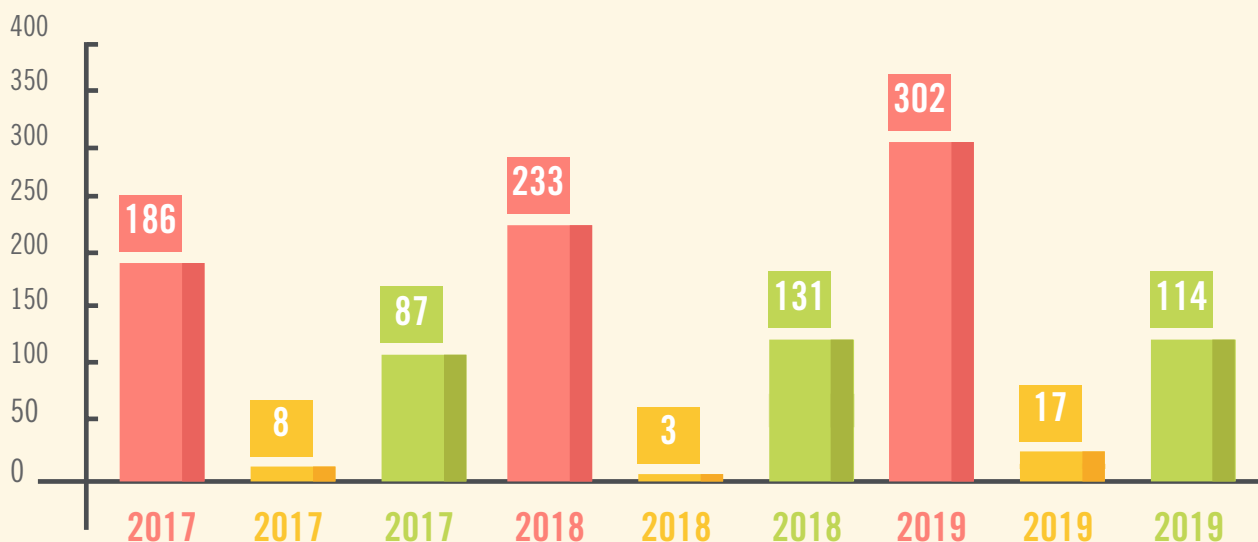
Total Case Referrals Comparative 2017 - 2019

2017 Case Referrals.....	281
2018 Case Referrals.....	367
2019 Case Referrals.....	433

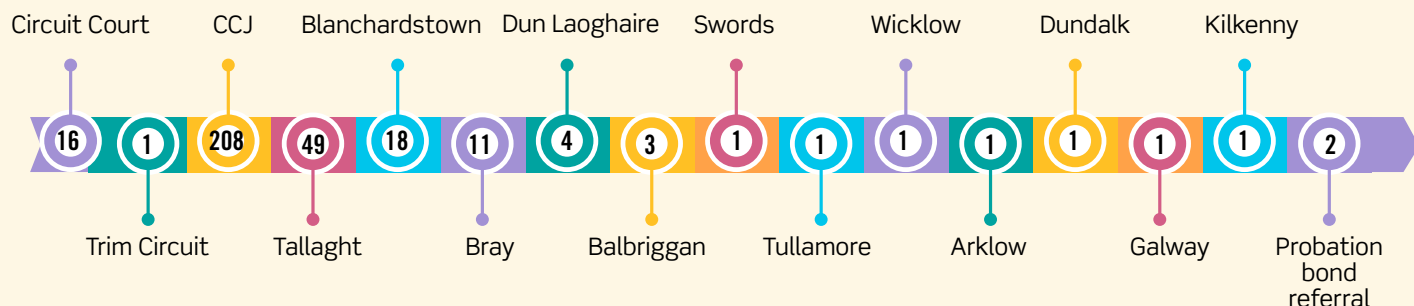


Breakdown of the 2017 - 2019 Referrals

2017 District Court Referrals	186
2017 Circuit Court Referrals	8
2017 Restorative Road Safety Programme	87
2018 District Court Referrals	233
2018 Circuit Court Referrals	3
2018 Restorative Road Safety Programme	131
2019 District Court Referrals	302
2019 Circuit Court Referrals	17
2019 Restorative Road Safety Programme	114



Source of 2019 Court Referrals



Offences before the Court



Note: CCJ is abbreviation for Courts of Criminal Justice

Sanction – Court Outcomes



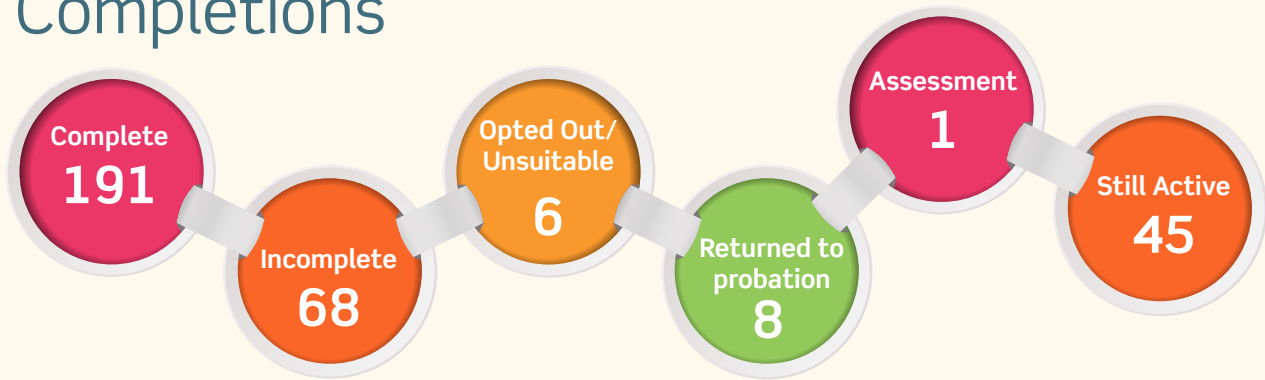
Note 1:

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

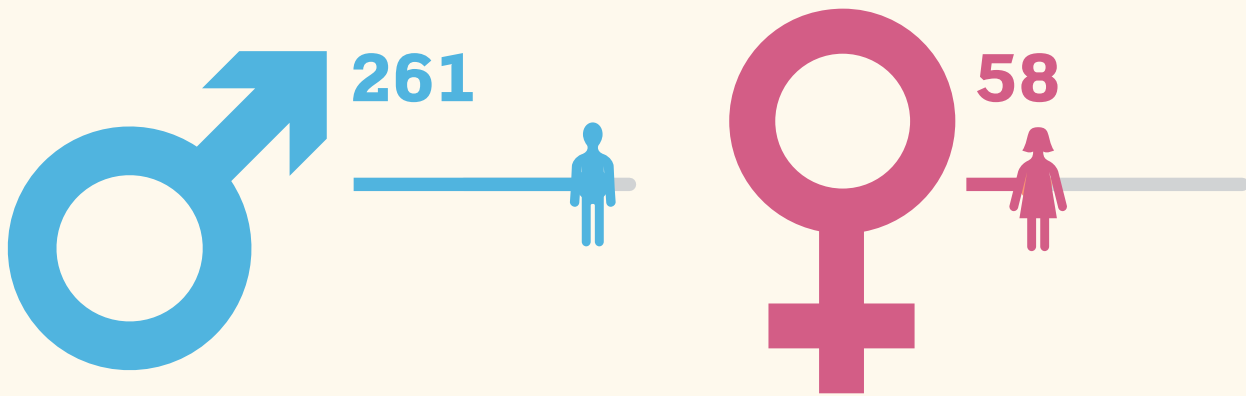
Note 2:

DPOA = Disposal Under the Probation of Offenders Act 1.1 (1907)
NAWI = Non Appearance Warrant Issued

Completions



Gender



Age Demographic



Note: Still Active refers to cases referred in 2019 that remain active at time of publication.

Charitable Donations and Compensation

Compensation	€10,715
Pieta House	€1,456
MQI	€1,410
Peter McVerry Trust	€1,095
Court Poor box	€1,000
Irish Cancer Society	€885
Our Lady's Hospital for Sick Children	€610
St Francis Hospice	€700
Capuchin House	€500
Feilchaine	€500
St Vincent de Paul	€455
Devine Mercy Soup Run	€450
Coolmine	€450
Garda Benevolent Fund	€420
Temple St Hospital	€350
Focus Ireland	€350
NRH	€300
Alzheimer's Society	€300
Dogs Trust	€250
Irish Guide Dogs for the Blind	€250
Mens Shed Ireland	€250
CMRF	€250
Headway	€250
Jigsaw	€220
Teach Mhuire	€220
Ana Liffey Project	€200
Aobheann's Pink Tie	€200
Citywise	€200
Inner City Helping Homeless	€200
Oxfam	€200
Tallaght Hospital	€200
Butterfly Syndrome Charity	€200
DSPCA	€155
Make a Wish	€150
St Vincent's Centre Navan Road	€150
Womans Aid	€150
Suicide Awareness	€150
Islamic Relief	€150
COPE Galway	€150
Aids Society	€150
Simon Community	€130
Mater Hospital	€105
St Vincent's Hospital	€100
Rialto Drugs Community Team	€100
Downs Syndrome Irl	€100
Faroige	€100
Beaumont Hospital	€100
BCAT	€100
Addiction Response Crumlin	€100
Camphill Community	€100
NCBI	€80
Special Olympics	€80
Marie Keating Foundation	€60
Aware	€50
Laura Lynn Foundation	€50
Sue Ryder Foundation	€50
FAST	€50
Solas Aftercare Project	€50
Walk in my Shoes	€50
ISPCC	€30
Ronald McDonald House	€20
Barnardos	€20
TOTAL	€27,866

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

Case Studies - The different styles, language, presentation and level of detail provided for in the respective studies has been determined by a range of factors including the issue of anonymity, deidentification and the opportunity to facilitate their wider publication and circulation.

Case Study 1 - Assault

Luke appeared in Court where he pleaded guilty to a charge of Section 2 Assault. Before making a final decision on sanction the Judge referred the matter to Restorative Justice Services (RJS).

At his first meeting with his RJS Case Worker Luke described that on the date of the offence he was feeling very stressed arising from the pressures of work and missing family. He went to visit some friends and they spent most of the evening drinking alcohol and eventually moved onto a night club. At some point Luke believed he was pushed from behind. He quickly turned and seeing a man directly behind him with his back turned to him he punched the man in the back of the head. The man fell to the floor and within seconds security staff arrived on the scene. Luke stated at that moment he realised what he had done was wrong and went and sat by the door waiting for the Gardaí to come.

Luke spoke of his regret for his behaviour and the harm and injury he had caused to the victim. He believed the incident was out of character and he wanted to have the opportunity to apologise to the victim and show him that he was not a bad person.

Following contacts by letter and telephone an arrangement was made by RJS to meet with the victim (Tomas). Tomas stated that on the night of the incident he had been out with his wife and friends. They were standing at a table by the dance floor when he suddenly received a blow to the back of the head which caused him to fall to the ground. He was eventually taken in a taxi to an Accident and Emergency Hospital where he received stitches for a number of injuries to his face and head.

He stated that this incident had frightened him, mainly because it had been completely unprovoked and it came from behind. He stated that he had suffered a lot of stress and became worried for his children, he also missed work due to the injuries. He confirmed he was agreeable to meet Luke within the context of a facilitated meeting.

Following a number of separate preparation meetings with both parties a date and a neutral venue was agreed for the facilitated meeting.

As agreed, Tomas arrived first. When Luke arrived Tomas offered his hand and both men shook hands. This gesture from Tomas greatly contributed to a very positive and conciliatory tone that was present throughout the meeting.

To commence the meeting the one of the RJS representatives provided a recap of the events that had transpired to bring them all to this point, an explanation of the ground rules for the meeting and an agreement on order of speakers. As agreed, Luke was invited to speak first.

Luke stated that he took full responsibility for his actions. He apologised to Tomas for having caused harm to him and his family and stated that he hoped Tomas would forgive him. He also hoped that Tomas would see that he was fundamentally a good person. Luke stated that he believed Tomas was the bigger man in agreeing to come and meet him.

Tomas responded by speaking about his memories of the assault and the negative and destabilising effect it had on him and his family. In conclusion Tomas stated that he accepted the verbal and written apology and confirmed that he forgave Luke for his actions.

To conclude, the RJS representatives summarised what had taken place, thanked both men for their commitment and participation and closed the meeting. As they departed the meeting both men shook hands, exchanged an embrace and wished each other the best for their families.

When the matter returned to Court, Luke received the benefit of the Probation Act 1.1. which means there was no conviction recorded for the offence.

Case Study 2 - Possession of Cannabis for Sale & Supply

Tom, a young man in his early twenties, appeared in the District Court after being charged with possession of cannabis and possession of cannabis for sale and supply. He had no previous convictions and he pleaded guilty to both charges. Before making a sentencing decision, the Judge referred Tom to an NGO which delivers restorative justice. When referring him to the NGO, the Judge suggested drug awareness as a particular area of focus during Tom's participation on the programme.

At his first meeting with the NGO Caseworker, Tom stated that he was drug-free, and that he had been so since he was arrested and charged. He presented as being unaware of the harmful effects of cannabis on a person's mental and physical wellbeing, and of the broader negative impact that drugs can have on communities. However, he recognised that his relationship with his family had been negatively affected by the offence: his mother, sister and much younger niece were present when the Gardaí raided and searched his home, discovering a quantity of cannabis amounting to €500, as well as a set of scales.

Upon speaking with the Caseworker, Tom shared that he had been smoking cannabis for approximately three years before his arrest. He had been unemployed during this time and funded his own cannabis use by selling to friends and other people in his area. He also disclosed that he did not have a good relationship with the Gardaí and admitted to being distrusting of members of the Gardaí.

At the end of the meeting with the Caseworker, Tom confirmed that he was willing to participate in the Reparation Programme and an appointment was made for him to meet a reparation panel. The panel was chaired by a trained volunteer and attended by his Caseworker, a Probation Officer and a member of An Garda Síochána. All present at a reparation panel discuss the harm done by the offence and agree reparative actions to help repair the harm done. These actions are written into a 'contract' that is given to the Judge in advance of sentencing.

During the panel meeting, Tom took responsibility for the offence and his actions. He spoke again of his lack of awareness of the damaging impact of drug use on people and communities, as well as his lack of trust in the Gardaí. Tom presented as being genuinely remorseful for the impact that his offence had on his family. He was concerned in particular about maintaining a positive relationship with his niece, who was also his goddaughter.

The members of the panel acknowledged Tom's remorse and willingness to address these issues as part of the programme. It was also noted that he had not come to Garda attention since the offence and that he stated that he was drug free. All present

then focused on the type of actions Tom might undertake to demonstrate his learning and remorse. Tom agreed to the following actions:

- attend a Substance Misuse Awareness group discussion, facilitated by a drug support worker;
- his Caseworker was to facilitate a meeting with a member of the Garda Drugs Unit to assist Tom in gaining insight into its work. This was also an opportunity for Tom to discuss and consider his relationship with the Gardaí;
- write a letter of apology to his mother and sister;
- write a letter to his niece which would include advice for the future; and,
- write a reflective piece highlighting the effects of drug use on communities.

Tom attended a Substance Misuse Awareness meeting, throughout which he engaged and contributed. He stayed behind afterwards to ask further questions about the links between drug use and criminality.

The meeting with a member of the Garda Drugs Unit gave Tom an opportunity to hear their perspective on detecting and apprehending drug dealers. Tom also discussed his perceptions of the Gardaí, and later stated that this meeting helped him gain new insights and a more positive perspective on the Gardaí. He also said that this was the first time he felt that a member of the Gardaí had listened to him.

After completing all the actions in the 'contract', Tom met the panel for a second time. He shared his thoughts on the meetings he attended and showed the group copies of his apology letters and written reflection. Tom said that he was grateful for the opportunity to engage in the Reparation Programme and that his attitude towards Gardaí and drug use had changed since the meetings.

Tom said that the letters of apology to his mother and sister helped him address the harm the offence caused and repair the relationships with his family. He was emotional when asked about the letter for his niece. He stated that this letter was particularly important to him as he was the only male figure in his niece's life and he wanted to be a 'role model' for her. He also told the panel members that he had applied for jobs and had several interviews to look forward to in the coming weeks.

The panel members agreed that Tom had completed his contract to a high standard; they believed he had benefitted from the programme and they wished him luck for the future. On returning to court, the Judge commented positively on his written work and emphasised the effort that he had put into the letter to his niece. The Judge ultimately struck out the case, meaning that Tom has no criminal record arising from the offences.

Working in partnership to deliver a quality restorative justice service

The roles and responsibilities for undertaking the key tasks directly and indirectly associated with our casework encompasses all strands of the organisation with valuable input from funder and stakeholders.

Working restoratively with people affected by crime can be challenging and requires a range of competencies and skills. Delivering our service in collaboration with partners and stakeholders provides ample opportunity to review practice and share experiences. The shared learning allows us to refine our restorative justice programmes to better assist service users.

This partnership approach means we all get to share in the responsibility, as well as the satisfaction, of providing a quality restorative justice service to the wider community.

RJS Staff Team



Karen Daly
Caseworker



Callie Zinsmeyer
Caseworker



Katya Harrison
Caseworker



Edel Bracken
Administrator



Hannah McGarry
Administrative Assistant



Peter Keeley
RJS Manager & Caseworker

RJS Volunteer Reparation Panel Chairs



Angelene Ashworth



Catherine Ashe



Claude Delaney



Rosalind Duke



Susan Kavanagh



PJ McGowan



Mary Shine Thompson



Niamh Cunningham
Rota Caseworker

RJS Directors



Maria Flynn Chairperson
Community Rep & Volunteer
Panel Chair



Eileen Brady
Crime Victims Helpline



Darren Broomfield
Probation Service



Frank Schnittger
Community Rep



Sgt. Colm Kelly
An Garda Siochana
Nominee of
Supt. Joseph Gannon



Kieran O'Dwyer
Community Rep &
Volunteer Panel Chair

Case Study 3 - Assault

Mairead and Ashleigh were next door neighbours. Both were young women pursuing third-level education while in full-time employment. They were both Irish nationals, but were of different ethnicities: Mairead was white; Ashleigh was from a minority ethnic background.

Ashleigh and her family reported suffering from racial abuse throughout their many years in the neighbourhood. While Ashleigh and Mairead had been amicable towards each other as pre-teens, tensions rose between their parents over neighbourly disputes and racial abuse. Subsequently, the girls' relationship deteriorated until they ignored one another.

On the day of the offence, both were in their own homes alone. After an argument over noise, Mairead came into Ashleigh's home and there was an altercation. Ashleigh reported that Mairead had pulled out her hair and banged her head on the ground repeatedly.

When Mairead returned home, she called the Gardaí to say that she had been assaulted. Ashleigh, believing she had a concussion, went to an Accident and Emergency Unit in a local hospital.

The Gardaí took statements, documented Ashleigh's injuries, and ended up offering both women an Adult Caution, which Mairead accepted. Ashleigh refused the caution, believing she had done nothing wrong, that she had been assaulted in her own home, and that she was also the only one of the two women to have sustained a visible injury. Because Mairead accepted the caution and Ashleigh did not, the Gardaí charged Ashleigh with a Section 2 Assault (an assault not causing harm) and named Mairead as the victim.

The Office of the Director of Public Prosecutions confirmed the charge and the matter went to the District Court. Ashleigh pleaded guilty and, at the suggestion of the defence solicitor, the sitting Judge referred the matter to an NGO that delivers restorative justice.

The NGO's Caseworker met with Ashleigh to explain what restorative justice was and to hear her story. Ashleigh took responsibility for what she referred to as 'her part' in the incident, acknowledging that she had not opened the door to Mairead looking to reconcile calmly with her, but suspecting things

would escalate. She said that she was disappointed that the matter had been progressed by the criminal justice system and concerned about the consequences of this for her future, but that she was not bitter towards Mairead.

The Caseworker then contacted Mairead. She initially expressed suspicion of the restorative process, agreeing only to speak on the phone about her own victimisation and the contents of her victim impact statement.

Mairead did not want to discuss the assault, but stated that she was more affected by the deterioration of the friendship than by the incident itself.

The Caseworker and Mairead built trust, and Mairead eventually acknowledged that 'there were two of us in [the assault]'. Mairead then agreed to meet the Caseworker in person.

At this meeting, the Caseworker asked Mairead a series of non-judgemental, impartial and open questions relating to 'what happened' and 'who was affected'. Mairead, who was the named victim in the District Court case for Ashleigh's assault charge, eventually disclosed that she had initiated the fight and assaulted Ashleigh.

She also detailed a long history of her own mental health issues, and gave insight as to the wider issues between the families.

Mairead said that, while she would like to reconcile with Ashleigh as the two continued to live next door to one another, she was hesitant to meet her in a victim-offender mediation.

While the Caseworker told her that the process was confidential, Mairead was afraid that she would get into trouble should the Judge or Gardaí realise her full role in the incident.

Meanwhile, not knowing if the case would progress to victim-offender mediation, Ashleigh met with the reparation panel, including the Caseworker, a volunteer chairperson, a Garda and a Probation Officer.

The reparation panel aims to explore the story of what happened, encourage an awareness of who was affected and how, and agree reparative actions.

This conversation is confidential, aside from an agreement that is presented to the Court.

The reparation panel process was especially beneficial in a case like this, where it could take a wider view of the case before them.

The reparation panel members delicately encouraged and praised Ashleigh for her ability to identify different choices she could have made on the day of the incident, while also validating her own experience of the racial abuse and physical violence she suffered, without undermining the Court's ruling.

The Garda panel member encouraged her to request another opportunity to claim the Adult Caution from the Court and the arresting Garda. Together, Ashleigh and the panel members agreed that the Caseworker would explore if Mairead was willing to meet Ashleigh through a victim-offender mediation.

If not, Ashleigh would write Mairead a letter expressing her remorse and her desire for peace, and that she would write a reflective piece for the Court outlining her experience of the offence and what she had learned from the panel process.

With Ashleigh's permission, the Caseworker told Mairead that Ashleigh wished to meet and present her with a letter. She was also informed of the possibility of Ashleigh claiming the caution.

Mairead said that she was glad Ashleigh might claim the caution as she didn't want Ashleigh to get a conviction, and that she would like to meet. She gave permission for this to be relayed to the Court, which adjourned matters to allow for further preparation.

It was arranged that the Caseworker would have another preparatory meeting with Mairead to explore what she wanted to say to Ashleigh, and hear some of the items Ashleigh wished to ask her, including the issues between their families and their own relationship, and why Mairead called the Gardaí that day.

Shortly thereafter, however, Mairead unexpectedly ceased all contact with the Caseworker. Further attempts by the Caseworker to re-establish contact with Mairead by telephone and letter elicited no response.

Ashleigh returned to Court having completed the panel process and her written work, and requested the opportunity to claim an Adult caution. The Caseworker stated in a report that Ashleigh had

engaged very honestly and maturely, and that Mairead had been informed and gave her support of Ashleigh being granted the caution instead of a conviction.

The Court granted the opportunity for this option to be pursued, but as there had been a guilty plea in Court, the Gardaí advised they could not facilitate the request. The Court instead directed Ashleigh to pay a large financial sum to a charitable organisation, after which the matter was 'struck out', leaving Ashleigh with no criminal conviction.

While Ashleigh was disappointed that she couldn't have a facilitated meeting with Mairead, she was relieved not to get a conviction as she would have lost her job. Ashleigh stated that she hoped an opportunity would present itself whereby Mairead would accept her letter of apology.

Later, Ashleigh told the Caseworker that, while the two aren't friends and the racial abuse continues between their wider families, the two women don't have conflict, and they smile and wave at one another when passing. Ashleigh believes that by engaging separately with the service, they were able to share an acknowledgement that they were both sorry for what had happened. She felt that the reparation panel and Caseworker allowed her to keep some faith in the criminal justice system.

For the Caseworker, this case highlighted the occasionally administrative nature and the wider shortcomings of the judicial system, and how restorative justice can provide a more holistic and inclusive approach to repairing harm.

While Ashleigh may have benefited from the process if the Court looked favourably on her participation and any efforts she made to repair the harm that she caused, the case challenged the principle of facilitator neutrality, as it appeared that the more significant harm had been done to the person presenting as the 'offender'.

The case also illustrated the difficulties and potential challenges of pre-sanction restorative interventions, and the principle of confidentiality within the process.

Case Study 4 - Criminal Damage

Michael appeared in the District Court where he pleaded guilty to a charge of criminal damage. While visiting his mother in a senior citizen residential complex, he deliberately damaged seven parked cars. Before making a final decision on what sanction to apply, the sitting Judge referred the matter to an NGO which delivers restorative justice.

During his meetings with the NGO Caseworker, Michael said that he had been misusing alcohol for many years. On the day of the offence, he consumed a significant quantity of alcohol before embarking on the visit to his mother. At some point near the end of the visit, he became angry at his own situation and position in life. On his way out of the complex, he damaged several cars and was verbally abusive to some of the neighbours who tried to intervene. He could not explain or justify his actions; he told the Caseworker how he had grown up locally, knew some of the residents in the complex and had always got on well with them.

Within a short space of time after the incident, Michael admitted himself into a rehabilitation centre. By the time the matter came before the Court and was referred to the NGO, around 16 months had passed. He had completed his rehabilitation programme, was sober and had gained employment within the rehabilitation centre. However, he had never returned to the complex where his mother lived.

Michael and the NGO Caseworker discussed the possibility of a facilitated meeting between him and some of the victims of the offence. Michael confirmed that he was happy to meet with all or a representative group of the residents who had been directly affected. The NGO then made separate contact with all the named victims, informing them about what happened in court and the range of restorative justice options available to them, if they wished to participate.

All the victims responded positively to the approach, and it was agreed that they would attend a meeting with the NGO to discuss the available options together. At this meeting, the victims spoke about the impact of Michael's behaviour on themselves and the residential community more widely. It was proposed that:

- Each victim should receive a letter of apology;
- Each victim would accept a nominal sum as a

contribution toward repair of the damage;

- Two of the group (Tom and Ben) would represent the victims and the wider residential community in a facilitated meeting with Michael.

Michael subsequently agreed to these proposals and the facilitated meeting was arranged, as a victim-offender mediation, to take place in a common room within the residential complex.

By arrangement, Tom and Ben arrived first. When Michael arrived, they both shook his hand.

As was agreed in preparation, Michael was offered the opportunity to speak first. He described the incident and his challenging relationship with alcohol. He understood that his behaviour on the day was unacceptable and that he had left some residents of the complex frightened, inconvenienced and at a financial loss. He talked about his embarrassment and the shame he had brought to his mother, who was a resident within the complex. He went on to speak of his time in the rehabilitation centre and his new, sober life. He apologised to Tom and Ben and presented his letters of apology for distribution to those victims who were not present.

Tom and Ben spoke to Michael about how the offence affected them and the group: the loss of their sense of security and peace of mind, as well as the financial loss. On behalf of the group, they said that they forgave Michael and expressed happiness that he entered into rehabilitation and completed the programme. They said that he was welcome back to the complex as long as he made a commitment to stay sober and refrain from causing further harm. Tom stated that he had known Michael's grandparents, and he believed Michael was 'from good people'.

Michael thanked Tom and Ben for their forgiveness, understanding and willingness to allow him back to the complex. He committed to behave in the future and apologised again. At the end of the meeting, the group acknowledge the financial arrangement that was finalised in advance of the mediation. The meeting then concluded.

When the matter returned to the District Court, the Judge decided to give Michael a Dismissal under the Probation of Officers Act, Section 1.1. This left him without a criminal conviction.

Reparation Panel Chair & RJS Director

A personal perspective – Kieran O’ Dwyer



I have been involved with restorative justice for over twenty years – I first came across it when working in the criminal justice system and was immediately impressed. I did my PhD by research into the restorative justice elements of the

Garda Diversion Programme. When I began working for myself eight years ago, I readily responded to an invitation from Peter Keeley to become a Panel Chairperson and later join the Board.

Before I got involved, I was perhaps a bit sniffy about offender reparation panels, believing that victims were seldom involved and offences were relatively minor. How restorative could the programme be? I very quickly came to see the value of the programme and appreciate its relevance and application to victims and more serious offences. The model involve participation in panels by Garda, Probation Service and volunteer community representatives, with vital input by case workers and clients and support from services such as the National Crime Victims Helpline. To my mind, the involvement of all three panel constituents is a key element of success, as is having two panel meetings (the second to review re0arative actions undertaken by the client). The panel's focus is on getting offenders to understand the impact of their actions, try to make amends and avoid further offending – all three elements are important. I like the sense of team work and shared commitment to restorative values and high standards, underpinned by initial training and on-going reflection and continued learning.

Friends sometimes ask me about the programme and express cynicism about the motivation of offenders. At the risk of stereo-typing, I say clients seem to fit into three broad categories. One group comprises people who are truly remorseful and would do almost anything to make amends. Some have been involved in one-off, uncharacteristic offences when under the influence of alcohol or drugs. Others have committed offences during periods of chronic substance abuse

but have turned their lives around in the meantime. They need encouragement and a chance to draw a line under their offending by making reparation, not a conviction, although that's ultimately up to the judge. A second group comprises those who have some remorse but don't fully appreciate the impact of their behaviour. With this group it is possible to see a transformation in thinking that begins with the case worker's first interaction with them, progresses with the first panel meeting and through the actions that they undertake as part of their agreement, and is reinforced and celebrated at the second panel meeting. A third group may be motivated to participate for self-interest purposes only, but my view is that they can still benefit from understanding about the impact of their behaviour and, even if they do not change their thinking, at least a seed is planted and the victim and/or the community can meanwhile benefit from acts of reparation. The programme works for all three groups. I have never left after an afternoon of panel meetings without thinking it was worthwhile and that we made a difference, however small.

If I have frustrations, they arise from ambitions for the programme and for restorative justice generally. I would love for example to see the programme expand outside the Greater Dublin Area, deal with a higher volume of more serious offences (with referrals from the Circuit Court again) and work with greater numbers of victims (through victim offender mediation, victim self-referrals, victim awareness programmes and other mechanisms). My wish list would also include independent evaluation of the programme's effectiveness, wider promotion of the programme, embracing other models such as conferencing, greater budget certainty and expanded capacity through additional case workers and use of community volunteers as co-facilitators.

I have been a member of the board for a number of years now and thoroughly enjoy working with my board colleagues. They bring great commitment, humanity and energy to the role and are an inspiring bunch of people. But then that probably goes for everyone involved in the programme.

Reflections from Reparation Panel Members



**Tony Swaine,
Probation Officer**

I am a Probation Officer on the Court Liaison Team based in Haymarket, Smithfield. This role primarily involves preparing Pre Sanction Reports for Circuit and higher level Courts. I have participated in Offender Reparation Panels with the Restorative Justice Services since 2017 as a Probation Service representative. I very much enjoy this role and strongly believe in the model of restorative justice. When used correctly and in the appropriate circumstances, it can be hugely beneficial to offenders, victims of crime and the community in general.

As a Probation Service representative, my role on Offender Reparation panels is to explore victim issues with the offender. Some individuals may have reflected considerably upon the harm caused by their offending, while others may not. In the first instance, I try to gauge where the individual is at in terms of insight into the impact of their actions on others. In order for the process to be effective, participants must accept responsibility, display remorse for their actions and possess an appropriate degree of insight into the consequences these have for others. Some participants may require additional assistance in exploring matters and expressing themselves. However, by the end of the process the panel must be satisfied that they have an appropriate level of victim awareness.

The process can be challenging when there is not a clearly identifiable victim. From my experience, offenders can often find it difficult to identify the harm caused and to whom when there is not a tangible victim. This is often the case with drug offences where the community is affected rather than a specific individual. The Offender Reparation Panel provides a forum for offenders to reflect on the wider impact of their offending that they may not have considered previously.

A central component of the Offender Reparation Panel is the offender's contract. In this, they agree to engage in various restorative tasks before completing the process. These can include letters of apology to victims, written reflections, attendance at a drug awareness presentation and voluntary work in the community. Each contract will be tailored to the individual's specific circumstances, offending and consideration of the needs of victims. The benefit for those who genuinely engage in this is clearly visible. It is hoped that by their participation in this process, they won't repeat similar behaviours in the future, thus creating fewer victims.



**Robert S.
Smithers, Garda**

I have sat on Offender Reparation Panels for over four years and my experience of these panels has been overwhelmingly positive. In addition to becoming an accredited mediator, in order to further enhance and build on the skills taught to me by RJS Ireland, I have gone from Garda to Sergeant Rank while working with RJS Ireland. Since my promotion in 2018 I have introduced the RJS Offender Reparation panel training to the Garda members in the 'A' District. This training has been very well received and to date six members have been fully trained to sit on OR panels. The panels, although a formal process, are informal in language and this creates an atmosphere that encourages dialog 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 participated in the case workers have been skilled, well-organised and extremely thorough when briefing the panel members prior to the start of the meeting. As an alternative to the traditional Criminal Justice system the Offender Reparation Panels provides a safe and constructive environment to discuss the offending behaviour of a person in a non-judgemental and restorative manner. While the advent of Covid-19 and its necessary accompanying precautions has changed how the panel operates, it has retained its purpose and effectiveness, this is down to the hard work of staff at RJS Ireland and the determination of panel members to continue the service in the face of an uncertain environment.

The panel seeks to address the reason for the offending and not only enables the offender/client to identify and appreciate how their offending has affected their victims, both directly and indirectly. It also offers the Victim of a crime the chance to sit in front of the offender and ask that all important question, why me? Victim Offender mediation is always discussed at panel meetings as part of a restorative contract however it may not always be appropriate. The contract helps to draw a line under the offending for the client and this process assists them in making better decisions in the future with a view to preventing recidivism, additionally it can give a much needed voice to the victim in the restorative process where as with the traditional model of Criminal Justice the victim may not feel heard.

The process and the completion of the contract is difficult and requires resilience and hard work on the behalf of the offender/client. Successful completion can still result in a criminal conviction, however those who successfully

Reflections from Reparation Panel Members

complete the process are rewarded with the knowledge that they have repaired the harm 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 an underutilised tool helping to redefine and modernise the Criminal Justice system. This service, I believe, should be available to all citizens' nationally and not just those prosecuted in its Court catchment area.

Robert S. Smithers, Sergeant,
Community Engagement,
Kevin Street Garda Station.



**Sinéad O'Sullivan,
Probation Officer**

I currently am a Probation Officer on the Homeless Offender's Team based in Smithfield. I first began participating in the Restorative Justice Panels in early 2019. I remember reflecting on feeling nervous before participating in my first panel. After it was completed it provided me with an insight into how daunting the experience could be for a participant having to sit in front of a panel which consists of a Probation Officer, member of an Garda Síochána, a Chair Person and their Case Worker and discuss details of the crime they have committed. Keeping this feeling at the forefront of my work on the panels ensures that I provide a safe and non judgemental space for clients to participate in. From the outset of the panels I also got a sense of the positive work the case workers do prior to the first panel meetings and the importance of having good rapport building skills.

In my opinion the restorative justice panels are probably the first time a participant has an opportunity to reflect on the actions they have taken that have caused harm to someone in the community. It provides a greater learning curve as opposed to having the sole experience of standing in a Court room, receiving their conviction and moving on with their lives as it provides the participants time to reflect on their actions.

The co-working of different disciplines provides a holistic approach to the panels and often there is no stone left unturned when it comes to exploring the impact offending behaviour has on people and communities in which they live. It also empowers participants in the decision making of what actions they could take to help repair the harm that has been done.

As a Probation Officer, I use the restorative justice approach in my work with clients outside of the panels and overall the experience has been a positive and effective approach. For some participants on the restorative justice panels it can be a lightbulb switch moment as they realise the contributing factors in their lives that have led to their offending behaviour and furthermore the harm they have caused. Often participants reflect how they have never thought of the harm they have caused to those indirectly affected, such as a family member.

Overall I have found that participating in the Restorative Justice Panels creates positive outcomes for participants and hopefully assists them in becoming more reflective in their future decision making.



**David Irwin,
Garda**

I have been a sitting member of the Offender Reparation Panel since 2015 and I have been involved with the Restorative Road Safety Programme since 2018.

The reason that I have been involved in both of these programmes for so long is because I genuinely believe that they can make a difference to both the victims and the offenders of crime.

During the panel meetings that I attend, you can see that most of the offenders want the opportunity to right the wrongs that they committed. From listening to them speak and reflect, they want to try and make amends to the individuals they hurt, from the direct victims, to their own family, friends and the community. I have seen that through the discussions that are had between the offenders and the Panel members, this is the first time that the offender has thought and realised the wider impact of how their individual actions can have a ripple effect on so many people. Seeing themselves in this way can allow them to make the transformation needed to move away from their previous behaviours and refrain from committing crimes again in the future.

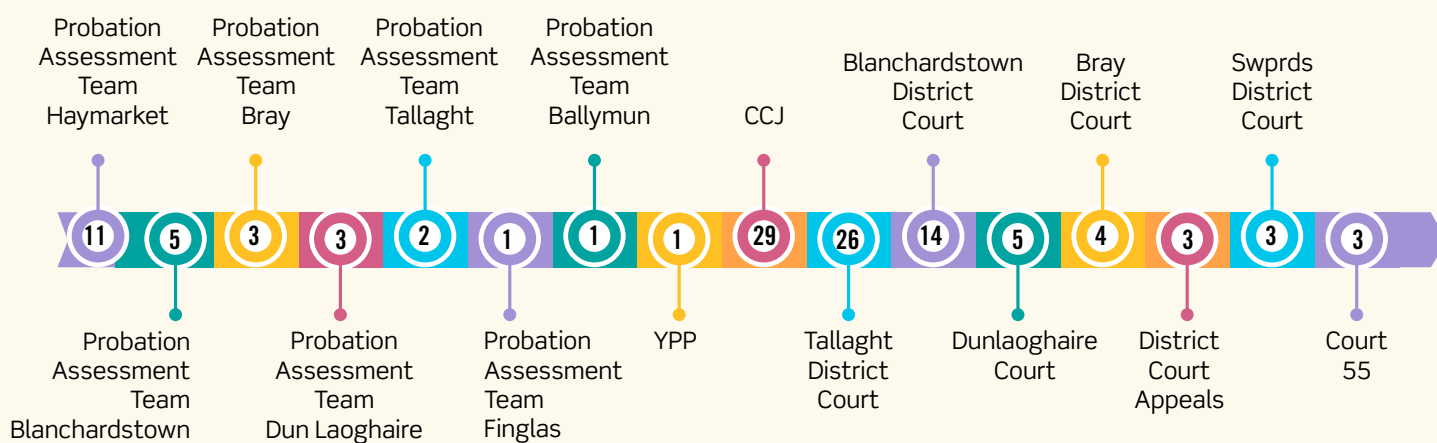
As a member of An Garda Síochána, sometimes the relationship between the offender and the Gardaí is not a positive one and I feel that one of my main roles is to help them understand that I am there to help protect the whole community, including them. This can help improve the relationships between the Gardaí and the offender in general.

Restorative Road Safety Pilot Programme Statistics for 2019

Cases Referred in 2019

114 cases

Source of Referral



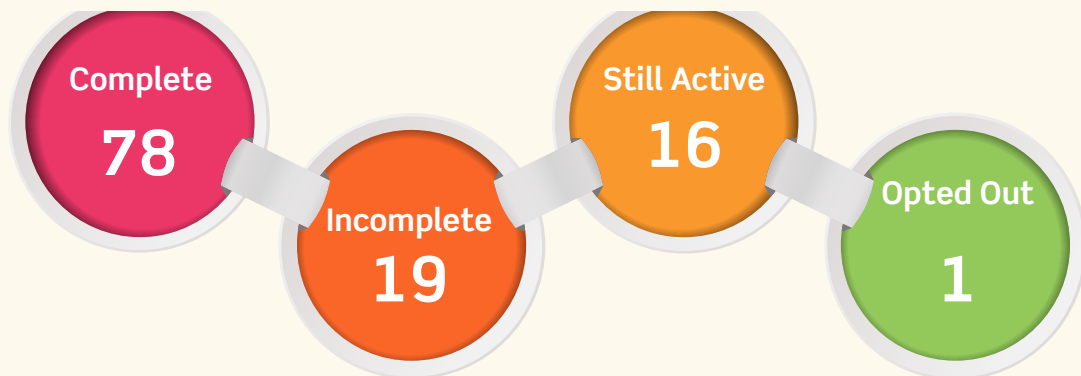
Offences before the Court



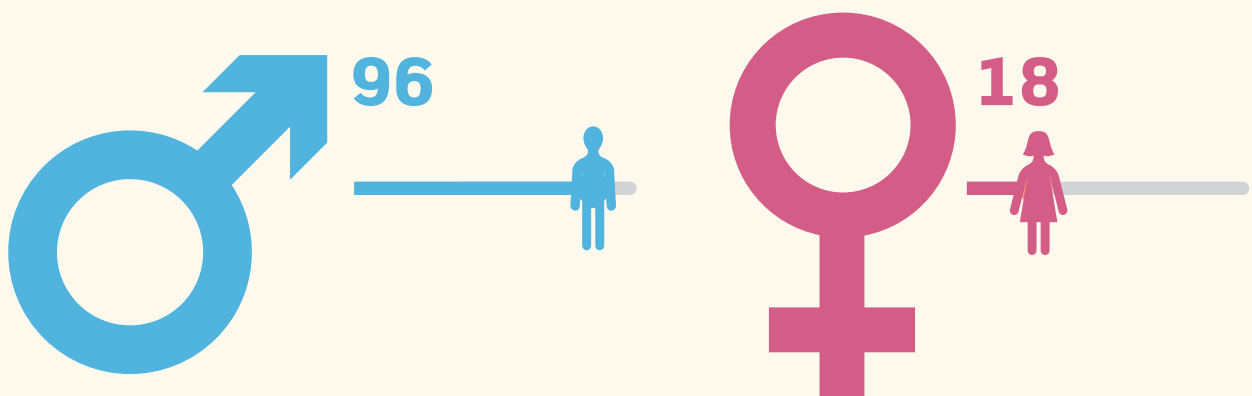
Sanction - Court Outcomes



Completions



Gender



Age Demographic



Note: Still Active refers to cases referred in 2019 that remain active at time of publication.

Charitable Donations

NRH	€1,535
Compensation	€1,100
Irish Cancer Society	€840
St Vincent de Paul	€760
Pieta House	€500
Our Lady's Hospital Crumlin	€450
Our Lady's Hospice Harolds Cross	€300
Franciscan Missionary Union	€200
Merchants Quay Ireland	€200
National Council for the Blind	€180
Simon	€150
The Rotunda	€150
St Francis Hospice	€100
Peter McVerry Trust	€100
Boyne River Rescue	€100
GOAL	€100
Feed the Homeless	€100
Temple St Hospital	€85
CMRF	€80
Autism Ireland	€50
Irish Heart Foundation	€50
Barnardos	€50
Finglas Celtic FC	€50
Court Poor Box	€50
Mulhuddart Community Centre	€50
Dublin Christion Mission	€50
Little Flower Charity	€30
Mater Hospital	€30
Amnesty International	€20
TOTAL	€6,160

Note: A charitable donation is a common element with the Restorative Road Safety Programme.



Restorative Justice Services Ltd

Marshalsea Court,
23 Merchants Quay,
Dublin 8.

tel: 01 - 672 4446
fax: 01 - 672 4452

email: office@rjs.ie
web: www.rjs.ie

Company Reg No: 359505
CHY No: 14363