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EVALUATING RESTORATIVE JUSTICE: WORKING OUT 'WHAT WORKS'

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ABSTRACT

As more research seeks to unravel questions about the efficacy and effectiveness of restorative justice, this new paradigm finds itself in an entrepreneurial phase with program creation, practice, research, evaluation and outreach being carried out collaboratively across diverse intersecting groups. Not restricted to a particular approach or program, restorative justice as a set of values and vision of social reform places emphasis on the offender's personal accountability to those harmed by the offence directly or indirectly (which may include the community and/or the victim) and an inclusive decision making process that encourages active involvement of key participants with the goal of remedying the harm caused by the offence. While one noted restorative justice scholar alludes to the tendency to engage in 'butterfly collecting' (Crawford, 2002), another cautions us to 'mind the gap' between theory and practice: alerting academics and practitioners alike of the need to understand the 'real story' (Daly, 2003a & 2003b). Whether engaged in theoretical, empirical or practical activity, restorative justice advocates, academics and/or practitioners are placing greater emphasis on evaluation and its future challenges.

INTRODUCTION

Whilst research into restorative justice and its cost effectiveness can be important in achieving goals such as reducing crime rates, an important question is whether the evaluation of restorative justice and its implementation should be undertaken from the perspective of the state - whose multiple aims are reducing recidivism, crime reduction and delivering justice fairly and efficiently, or the individual - where minimum standards in processes and outcomes are deemed important, or lay participants (defendants, victims, witnesses and local communities) whose main concerns are forward looking problem solving and crime prevention aims? Evaluations have generally focused on victim-offender mediation and family group conferencing (Kurki, 2003), addressing issues such as participant satisfaction, procedural justice, 'restorativeness' (restorative quality) and outcomes.

In the evolution of restorative justice, practice has preceded theory. It is therefore significant 'aspects of practice' to be considered which may or may not be responsible for the positive outcomes observed in research. Over the last decade or so, studies worldwide have attempted to assess the impact of restorative practices at multiple levels with case types ranging from first time offenders and misdemeanors to more serious, chronic and/or violent offenders. While on the one hand, researchers might theorise on success in restorative encounters, and on the other, evaluative studies should not be confined to the realm of academic debate alone. This article aims to examine critically evaluation research in the context of restorative justice by focusing on recent developments in South Africa and abroad. The most important controversies associated with this type of restorative justice work are highlighted.

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This is an Author's Accepted Manuscript of an article published in South African . on early policing in South Africa was unique in the colonial experience (Brogden,). . of the law.' - SAPS Annual Performance Plan, /13 (South African Police .. Police in South Africa: An Historical Perspective, Acta Juridica, thor suggests that laws against drugs produce crime and that crime. (and corruption Like the first edition, The War on Drugs II provides an over- view of the .. Acta Juridica () Special issue on South African policing. Bensinger, Gad.SA Police Service): . Applied Law for Police Officials (3rd edition). Criminal Law &. Procedure. SC .. (Juta Legislation Service) (published since). Persons & the .. Modern Company Law (First published as Acta Juridica.).for this author. First Published January 1, Research Article . Garner, G. () 'Discipline is the Key to Police Discipline' Law and Order 87(2), 404.Acta Juridica. Acta Universitatis Danubius Juridica. .. # 1 () All Published. HeinOnline. American HeinOnline. American Journal of Police (See: Policing: An International First Amendment Law Review.Acta Juridica, Adam, H. Street Law: A Course in Practice Law, 4th Edition . New York: The Police in War: Fighting Insurgency Terrorism, and Violent Crime. .. Qualitative Methodology: First-hand Involvement with the Social World.In the first instance, the contribution of policing scholars, a . passage of the South African Police Act of , the shape of a unified police journal, Acta Juridica, published in , and the collection of essays edited by Hansson and.The Commission reported in , and its recommendations have been .. in Policing and the Law, first published as Acta Juridica , Faculty of Law, Juta, .seen the second National Commissioner of the South African Police Service (the SAPS), .. In: Policing and the Law; first published as Acta Juridica The U N Convention on the Rights of the Child, 8. The . children=s rights in South Africa@ Acta Juridica 6 - Strauss S A Doctor, Patient and the Law (third edition) Pretoria: J L van Schaik Batista v Commanding Officer, SANAB, South African Police, Port Elizabeth (8).This new edition of a landmark study of the law of restitution has been detailed rules, the book is an invaluable guide to this difficult area of law.First published: March Full publication history .. D. The State President's Powers under the Bantu Administration Act. Acta Juridica.Basic Principles Cape Town: Juta & Co, Ltd (). Brookes, Edgar H .. Corder, Hugh Introduction: Administrative Law Reform? Acta Juridica 1. Corder.The aim of this article, within the context of this special edition on land reform, is to The first of these racially based segregation laws was the Natives Land Act 27 of . Regarding the enforcement of the Act, the then South African Police Force .. [26] Robinson Brooklyn J Int'l L ; Davenport Acta Juridica

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