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**Citation for published version:**

Kirkwood, S & Hamad, R 2019, 'Restorative justice informed criminal justice social work and probation services', *Probation Journal*, vol. 66, no. 4, pp. 398-415. <https://doi.org/10.1177/0264550519880595>

**Digital Object Identifier (DOI):**

[10.1177/0264550519880595](https://doi.org/10.1177/0264550519880595)

**Link:**

[Link to publication record in Edinburgh Research Explorer](#)

**Document Version:**

Peer reviewed version

**Published In:**

Probation Journal

**Publisher Rights Statement:**

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## **Restorative justice informed criminal justice social work**

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### **Citation**

Kirkwood, S. & Hamad, R. (In press). Restorative justice informed criminal justice social work. *Probation Journal*.

### **Abstract**

Despite the growth of restorative justice research, theory and practice, little work has explored its implications for criminal justice social work and probation services. Our analysis demonstrates a restorative justice 'lens' transforms the view of criminal justice social work, enlarging the scope to help people make amends for harm, magnifying the role for victims of crime, refocusing on the meaningfulness of reparative acts, and clarifying the role of communities in reintegration. Our vision of restorative justice informed criminal justice social work offers a way of shifting practice to help people repair harm, make good and move on with their lives.

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### **Funding**

This research received no specific grant from any funding agency in the public, commercial, or not-for-profit sectors.

### **Declaration of conflicting interests**

The Authors declare that there is no conflict of interest.

### **Acknowledgements**

We would like to thank John Devaney, Jenny Johnstone and the reviewers for their helpful comments on early drafts of this article.

## A new lens

Howard Zehr (1991) described restorative justice (RJ) as a lens. Looking through this lens, you see crime as a form of harm to people and relationships. You also see the needs and obligations that harm creates, such as the need to get answers and the obligation to take responsibility for your actions. From this perspective, the best way of repairing harm is for people to talk to each other about what happened, about the effects it had, and about what could be done to set things right. For the person who caused the harm, this allows them to apologise for their behaviour, make amends, and commit themselves to going straight. For the person who was harmed, they can tell their story of how they were hurt, learn why it happened, be recognised for their inherent worth, and say what they think the other person should do to make good. Everyone has an opportunity to be heard, learn, and rebuild trust.

In most jurisdictions, this is not the standard response to crime. In Scotland in 2016/17, almost half of the people convicted in court received a financial penalty; 14% were imprisoned and 20% received a community sentence (Scottish Government, 2018a). Even though Scotland (along with England and Wales) has the highest imprisonment rate in Western Europe (World Prison Brief, 2018), more people are supervised in the community than locked up in prison. In the age of ‘mass probation’ (Phelps, 2016), the number of people on community sentences greatly outnumbers those sentenced to prison in many jurisdictions around the world (McNeill and Beyens, 2014). It is therefore surprising that, despite the mounting evidence for the effectiveness of RJ (e.g., Strang et al., 2013), few people have considered what the RJ perspective reveals about the nature and possibilities for criminal justice social work (CJSW)<sup>1</sup>. We invite you to view CJSW through the RJ lens and examine how it unveils, magnifies or distorts aspects of existing practice.

The RJ perspective sees crime in a different light. From this viewpoint, the nature of crime is different, with corresponding principles, processes and intended outcomes for responding to crime. Rather than treating crime as a breach of rules against the state, crime is seen as a form of harm inflicted on one person by another, damaging relationships between them and communities (Zehr, 1991). For RJ, responses to crime ought to focus on mending these relationships. Participation should be voluntary, as this empowers people to take responsibility for their actions and make choices about their future. The process should focus on dialogue, efforts to come to a mutual agreement, and include symbolic and practical steps to address the harm. The intended outcomes are to bring back moral responsibility to the person who committed the harm, restore a sense of control and dignity to the person who was harmed, and reassert trusting relationships with the community (Morris, 2002).

However, definitions of RJ are contested (Wood and Suzuki, 2016). ‘Purist’ definitions of RJ describe it primarily as a process, focusing on dialogue between those affected by crime (e.g., McCold, 2000) whereas ‘maximalist’ definitions are broader, encompassing a range of processes aimed at achieving restorative outcomes (Walgrave, 2000). Here, we take Zehr’s (1991) view of RJ as a perspective on crime and justice, in order to re-vision CJSW, while paying special attention to RJ as a ‘justice mechanism’ involving dialogue between those responsible for and harmed by crime (Daly, 2016). Our argument is that viewing CJSW from the perspective of RJ supports the development of RJ practices and processes (especially dialogue among those affected by crime) and the realignment of CJSW as a system to better achieve restorative outcomes.

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<sup>1</sup> Throughout this article, ‘criminal justice social work’ (CJSW) refers to those services responsible for supervising people on community sentences or on licence following imprisonment (sometimes referred to as ‘probation services’ or ‘community corrections’).

Ward and Moreton (2008) suggest that the concept of 'moral repair' helps conceptualise the role of responding to offending behaviour. Walker (2006: 6) defined moral repair as 'the process of moving from the situation of loss and damage to a situation where some degree of stability in moral relations is regained.' She said '[r]estorative justice exemplifies moral repair' (229) as it addresses needs and obligations to repair harm, rebuilds trust and instils hope for positive future relations. For Ward and Moreton, moral repair provides a normative framework for addressing both the harm caused and harm suffered by the person subject to supervision. However, moral repair is not a private matter. For the person responsible for the harm, addressing their moral obligations is a way of bringing them back in line with the smooth functioning of society (London, 2003). For the person harmed, receiving an apology and efforts to make amends allows them to have greater trust in the world they live in and confidence to live in it. As explained by Walker, when someone experiences criminal harm, it not only damages their trust in the person who committed the harm, but may reduce their trust in society more generally, such as the expectation that their home is safe from intruders or that they can walk freely without fear of attack. Therefore, there is a community dimension to the effects of criminal harm and a community interest in responding to it.

McCold (2000) provided a model of RJ that includes these three constituents: people responsible for harm; people harmed by crime; and communities affected by crime. He suggested that an intervention could only be considered 'fully restorative' if it engages all constituents; interventions are 'mostly restorative' if they include two constituents and 'partly restorative' if they include one constituent. Interventions that do not include restorative principles are not restorative, or may be 'pseudo restorative' if they lay claim to restorative principles but do not enact them (e.g., lay panels that enforce compulsory punishments). We will use McCold's framework with an RJ lens to examine the way CJSW services engage with these different constituents.

### **Criminal justice social work in Scotland**

We focus on Scotland, a particular case with parallels in other jurisdictions internationally. The consideration of Scotland is particularly pertinent given the recent commitment by the Scottish Government (2018b: 105) to make 'restorative justice services widely available across Scotland by 2023'. The Scottish Government's (2019: 4) action plan on restorative justice is intended to develop RJ approaches where 'the needs of persons harmed and their voices are central, and supports a reduction in harmful behaviour across our communities' (Scottish Government, 2019: 4) and 'Establish the most effective model for restorative justice in Scotland' (Scottish Government, 2019: 10). Our article is intended as a constructive contribution to these developments and a reflection on their possible implications.

Criminal justice social work (CJSW) in Scotland encompasses the services provided through local authorities by qualified social workers to people subject to the criminal justice system (Kirkwood, 2018a). The main intended outcomes of CJSW are: 'Community safety and public protection', 'The reduction of re-offending' and 'Social inclusion to support desistance from offending' (Scottish Government, 2010b: 15). The services supervise people on community sentences and those subject to supervision following a period of imprisonment, as well as providing diversion from prosecution services, bail supervision, voluntary throughcare services to support those leaving prison, groupwork programmes, and reports to the courts to help inform sentencing. The main community sentences in Scotland are 'Community Payback Orders', which have a supervision requirement and / or a requirement for the individual to undertake an amount of unpaid work, and may have other additional requirements relating to, for instance, drug treatment, alcohol treatment, mental health treatment or conduct (Scottish Government, 2010a). The services work in partnership with other statutory and voluntary agencies in the delivery of community justice services, including the risk management of people convicted of sexual offences or otherwise deemed to pose a high risk of

offending. Although CJSW mostly works with people on the grounds of their offending behaviour, it also has a role in relation to people with respect to their experiences as victims of crime (discussed further below).

### Restoring people responsible for crime

One of the main aims of CJSW is to reduce the likelihood of further offending. Social workers achieve this through helping people address issues in their lives that relate to their offending behaviour. This practice is based on empirical research on 'what works' for addressing offending behaviour (Bonta and Andrews, 2017) and core correctional skills (Chadwick et al., 2015). Research suggests that, on average, RJ reduces offending behaviour, and therefore it may help achieve this aim (Sherman and Strang, 2007; Strang et al., 2013). The values and principles underpinning RJ are strongly aligned with those underpinning CJSW practice. The now well-established research on key factors that encourage desistance from crime have shaped CJSW in Scotland (Scottish Government, 2010a). Elements such as creating and maintaining positive relationships with service users (sometimes referred to as a 'therapeutic relationship' or 'working alliance'; McNeill, Batchelor, Burnett, & Knox, 2005: 3), characterised by empathy, warmth, respect and genuineness, and utilising a person-centred, collaborative approach to supportively engender change, are all commensurate with the values and skills required for RJ. Communication, counselling, engagement, and inter-personal skills, as well as a non-judgemental approach and conveying a genuine sense of acceptance of the person, are viewed as crucial for CJSW (McNeill et al., 2005; Trotter, 2014) and these skills are clearly transferable to RJ practice.

However, Ward, Fox and Garber (2015) argued that RJ theory is poorly developed regarding how it reduces offending because it does not really connect with research or theory on rehabilitation. So how might RJ reduce offending? The most influential explanation is Braithwaite's (1989) theory of reintegrative shaming. Braithwaite and Mugford (1994) proposed that RJ contributes to reducing offending through the leverage created by being exposed to victims' accounts of the harm caused in an environment where the normal defensive mechanisms are removed, through the social pressure created by feeling shame in front of people they care about, and through a supportive response that condemns the harmful act while affirming the individual's inherent moral worth and assisting them to make positive changes in their life. However, based on their research in England, Robinson and Shapland (2008) argued that the theory does not match the practice. They highlighted that shame tends to be experienced *before* rather than induced *during* the RJ meeting, that supporters for the person responsible for the harm are usually absent from RJ meetings, and that mechanisms supporting positive change following an RJ event were weak or inconsistent. Despite this, they still found that RJ tended to reduce the likelihood of further offending (Shapland et al., 2008). They suggest that rather than RJ reducing offending behaviour in the ways described by Braithwaite and Mugford, it is better understood as providing an opportunity to consolidate a decision to desist from further offending (Robinson and Shapland, 2008). Plans that are agreed to voluntarily and through mutual discussion are more likely to be fulfilled than those that are imposed (Latimer et al., 2005; Marshall, 1999). RJ has the potential both to reinforce commitment to the requirements of criminal justice orders (e.g., attendance of supervision meetings, completion of unpaid work hours, engagement in drug treatment programmes) if they are discussed within RJ processes, and identify additional non-compulsory goals (e.g., addressing other issues in a person's life or seeking employment). When used in combination, the potential of both the restorative and rehabilitative work is maximised (Latimer et al., 2005).

Similarly, Ward et al. (2015) suggest that, while it is unclear how RJ contributes to *rehabilitation*, it has a more obvious role in relation to *desistance*. One part of desistance involves developing an identity as a moral person (i.e., non-offender) (Maruna, 2001; Paternoster et al., 2016; Rocque et al.,

2016). Engagement in RJ provides an opportunity for an individual to develop a desistance identity. Together with the person harmed, and other important people in their life, they can write the story of their offending behaviour so it becomes not only a narrative about someone who did wrong, but rather someone who has made steps towards redemption by seeking to understand the harm caused, offering an apology, making amends and taking steps to avoid future harmful behaviour. In so doing, they reinforce a core moral self, demonstrating they understand the wrongfulness of offending behaviour and living this out through forms of reparation. This is not a solitary act; restorative processes allow these understandings to be mutually co-created and reflected back to the person by people who matter: the victim, family, friends and (potentially) community representatives. The development of a desistance narrative may help the person to desist from offending behaviour through structuring and giving meaning to their behaviour in ways that reinforce pro-social behaviour (Maruna and Farrall, 2004). It also provides a narrative that may be acceptable to the wider community, potentially facilitating their reintegration in society.

Reintegration is a further aim of CJSW; like rehabilitation (McNeill, 2009), it can be treated instrumentally, as a contributor towards reducing offending (e.g., the positive influence of having a good job and positive friendships), or as an end itself. As argued by Maruna (2006), 'restorative reintegration' should be community-led, reparation-based, symbolically rich and involve 'wiping the slate clean'. RJ may help by reconciling people with their communities through making amends for the harm they have caused. This allows them to be, and to be seen to be, a person who accepts the moral wrongness of criminal harm and has taken steps towards making things right. This is most important for the direct victim of the crime, but it extends to others, such as family, friends, professionals and other members of society. As argued by Duff (2003), such reconciliation is not one-way; it may also involve the community or wider society taking some responsibility for harms the individual has suffered and taking steps to address these. RJ may be a springboard for engaging in generative activities, such as paid or voluntary work, which helps them to be contributing citizens and cement a commitment to a pro-social life (Kirkwood and McNeill, 2015).

### **Restoring people harmed by crime**

Peering through the RJ lens, what does CJSW engagement (and non-engagement) with victims of crime look like? In Scotland, CJSW services are intended to 'to promote and assist the development of services to the victims of crime' (Scottish Government, 2004). Interventions with people responsible for offending behaviour are intended to increase their understanding of the impact of crime and protect past and potential victims from harm; however, 'Case managers would not normally contact victims direct (except for domestic abuse offences [...])' (Scottish Government, 2010a: 19). This means that work is done on behalf of actual and imagined victims, but usually without their direct involvement. Nils Christie (1977) argued professionals 'steal' the opportunity to deal with the crime from the person it concerns the most: the victim. The way CJSW is configured and operates, victims are largely excluded. From an RJ perspective, CJSW should support victims of crime to take part in a process of dialogue, if they so wish, so they can tell the person responsible for the crime about the effects of the harm, pose questions and receive answers about how and why the crime occurred, voice their opinion on what could be done to address the harm and reduce the likelihood of it reoccurring, and (perhaps) receive symbolic and material reparation.

Restoration here does not mean returning to a state that existed before the crime. In the words of Walker (2006: 37), 'no bell can be unrung'. However, if the victims' needs are not addressed, further harm is done and the wounds may remain without healing (Walker, 2006). In this context, RJ is intended to restore feelings of security, self-respect, dignity and control to the victim (Morris, 2002). Pemberton, Aarten and Mulder (2018) argue that crime harms victims' sense of agency (i.e., control over their lives) and communion (i.e., relationships with others). They suggest that RJ gives people a

sense of control through inviting them to co-author the narrative of the crime. When the person responsible for the offence takes responsibility and addresses fears about re-victimisation, the victim may feel more control and less fear (Pemberton, 2007; Strang et al., 2013). As argued by Walker, this has the potential to rebuild trust and instil hope, not just in terms of the relationship between the victim and the person responsible for the offence (indeed, they may have been unknown to each other before the offence and may never meet again), but in the wider sense of feeling safer in society and more optimistic about a less harmful future.

If victims of crime are to engage with CJSW agencies, they will need to be reassured of the impartiality of such services (Armstrong, 2012). To what extent are CJSW practitioners able to be, and be seen to be, impartial? RJ practitioners must avoid conflicts of interest. Someone who is in a supervisory role to the individual responsible for an offence may struggle to remain impartial as a facilitator for an RJ process involving that individual. For the victim, they may also have concerns about a practitioner's ability to be impartial if they have obligations in the role of supervisor. Ward, Gannon and Fortune (2015) suggest that an RJ perspective helps to resolve the role conflicts within the CJSW role, specifically in terms of obligations to the person responsible for the offence, the victim and wider society. They suggest that, because RJ focuses on repairing relationships, it allows practitioners to consider how they can help address the harm in relation to all constituents. Drawing on the concept of moral repair, they argue that, where obligations are in direct conflict, practitioners' obligations are to the victim. However, this perspective also requires practitioners to address the victimisation needs of the person who was responsible for the offence (Ward and Moreton, 2008), and therefore encourages a trauma-informed response (Anderson, 2016).

Practitioners must also consider the support provided to victims before, during, and following RJ processes. The consequences of victimisation and the nature of RJ processes mean that victims may require relatively intensive and ongoing support in some cases, including specialist counselling or psychological services, which may be absent or difficult to access (Thomson, 2017; Whyte and Kearney, 2017). As explained by Chapman and Chapman (2016: 142), based on experience in Northern Ireland, RJ 'may have a therapeutic outcome but it is not therapy'. The development of RJ brings greater attention to the unmet needs of victims of crime, presenting opportunities for CJSW services to work in partnership with victim support services to seek or lobby for additional resources to support them.

Although RJ is used in response to domestic abuse and sexual offences (Daly, 2006; Koss, 2014; McGlynn et al., 2012), its use in this regard remains controversial. As discussed by Roach (2000), concern for the use of RJ with victims of sexual offences and domestic abuse is understandable for several reasons: feminist organisations have fought hard to have sexual offences and domestic abuse recognised as serious crimes in many parts of the world, and they may be concerned that diverting such offences from prosecution to RJ would signal that these crimes are not serious; certain sexual offences and domestic abuse may involve forms of apology as part of the abuse cycle, therefore there is a concern that RJ may unintentionally facilitate the abusive behaviour rather than help address it; and there is a general wish to protect victims of such offences in particular from experiences that may cause further harm or disrupt processes of recovery. Many victims of sexual offences are children, which raises serious concerns about power dynamics. Indeed, Scottish Government (2017) guidance states that RJ would not normally be used in relation to sexual offences, domestic abuse, harassment or stalking, and practitioners working with such offences require specialised knowledge and skill.

However, excluding domestic abuse and sexual offence from RJ may be counterproductive. If victims of such crimes wish to participate in RJ, then it would violate principles of equity to prevent them from taking part. Moreover, as women are more likely to be victims of such crimes, it would have a

particular effect in terms of discriminating against women participating in RJ. Given that part of recovery from crime may be regaining one's independence, autonomy, choice, and control, denying participation may actually form part of the disempowering aspects of being a victim of crime, in the same way that standard court processes can be disempowering for such victims. Having due respect for victims of crime means properly assessing the risks; but the presence of risks should not mean the denial of access to RJ. Therefore, if RJ is going to be provided in response to crime in general, then it should also be provided in relation to sexual offences and domestic abuse. However, this is not the same as saying that diversion from prosecution is appropriate in relation to such offences; most CJSW work takes place post-conviction, and policies on diversion should be considered as a separate, although related, issue. Small-scale survey research has found support for the provision of RJ to those harmed by sexual offences, especially as an addition to (rather than instead of) going to court (Marsh and Wager, 2015). The research evidence, from the UK, Australia, New Zealand and USA, shows that RJ can be applied to sexual offences in ways that are safe, helpful and empowering (Daly, 2006; Koss, 2014; McGlynn et al., 2012).

Counterintuitively, there are good arguments for CJSW services providing RJ in relation to domestic abuse. Although CJSW services in Scotland do not normally provide services directly to victims of crime, they do provide support to partners, former partners and children of men convicted of domestic abuse as part of the Caledonian System (Macrae, 2014). Practitioners have therefore developed expertise in supporting people harmed by domestic abuse. Research by Sen, Morris, Burford, Featherstone and Webb (2018) illustrates that social work services may struggle to provide appropriate interventions where families affected by domestic abuse remain together. There are many reasons why people responsible for or harmed by domestic abuse have ongoing communication and RJ is a way of responding to the needs of people in this situation; practitioners are knowledgeable on the nature of domestic abuse and capable of supporting those affected. Of all crime types, CJSW services are best placed to use RJ in relation to domestic abuse, given their arrangements and expertise for responding to such offences and supporting the victims and children.

Nonetheless, when considering the use of RJ with domestic abuse, it will be vital to take the different 'types' of domestic abuse into account. Coercive control, whereby the perpetrator employs a range of tactics to exert power and control over partners or former partners (Johnson 2010), would require a great deal of caution in relation to utilising RJ in such circumstances, necessitating a robust assessment of suitability and joint working with children's and partner services. To this end, the introduction of the Safe and Together™ Model of responding to domestic abuse may align with the use of RJ as part of an overall process of change. This model, premised on male perpetrator's patterns of coercive control, advocates the greater inclusion of perpetrators of domestic abuse in child protection assessments, procedures, and social work interventions, engaging and working holistically with both parents and holding men accountable as parents and partners for the abuse and its effects (Mandel and Rankin, 2018). Joint training in Safe and Together™ involving CJSW, Caledonian workers, and Children and Families Social Work services has been rolled out across some local authorities in Scotland. 'Situational couple violence' does not typically involve either partner attempting to gain control over the relationship, with episodes of violence usually sparked by conflict situations; nonetheless, serious violence and harm can still occur (Johnson, 2008), and any proposed RJ interventions would similarly require robust assessment and skilled management in deciding on the appropriateness of the intervention.

### **Restoring communities**

From an RJ perspective, what is the role of CJSW in relation to communities? Recent developments in many jurisdictions internationally, including Scotland, England and Wales, emphasise community



engagement in CJSW. For instance, the Community Empowerment (Scotland) Act 2015 places a duty on local authorities to take community perspectives into account when designing and delivering public services. This includes partnership working in the creation and management of 'community justice' services. As explained by Maglione (2018), these 'third-way' or 'hybrid' approaches to justice, connecting state and community relations, are compatible with an RJ orientation that encourages participation and empowerment among community members in the delivery of justice. Weaver (2011) describes RJ as a personalised response to crime that places the main stakeholders (the person responsible for the offence, the victim and the community) at the centre of the process.

However, McCold (2004) argues that RJ and community justice have some similarities, but important differences. He suggests community justice often involves expanding the criminal justice process to include community representatives, without necessarily involving the person responsible for the offence and the direct victim. The Community Justice (Scotland) Act 2016 requires community justice partners to co-operate in the delivery of criminal justice services in the community. These partners include CJSW, the police, the courts and a range of other statutory and third sector bodies. The emphasis on community justice, which is connected to the wider reform of social services in order to increase community participation (Christie, 2011), could include the greater provision of RJ services and higher levels of inclusion among those responsible for and affected by crime regarding the response to crime; indeed, victim involvement is a form of community engagement.

For public services to move beyond formal state representatives in justice processes, to include lay representatives of the community, we must reimagine existing models of community partnership. McCold (2000) describes three main groups from the 'community' that could be represented in restorative processes: 1) 'secondary victims' who have suffered via their personal relationship with the person responsible for the offence or the victim; 2) 'communities of support', which includes people who care about one of the people but were not harmed by the offence; and 3) representatives from the local community who do not personally know the individuals, but have a more general concern about crime in the locality. These three groups will have different needs and reasons for being involved in restorative processes. Secondary victims may have their own legitimate grievances that ought to be addressed through the restorative processes whereas people representing a community of support may take part to aid the person responsible for or harmed by the offence. It may also be appropriate to have a representative from a 'community of interest'. For instance, if the offence was racially motivated, the representative could be from the victim's ethnic group; if the victim was targeted due to their sexuality, then a representative from a group by and for people who are gay or bisexual may be appropriate. Ultimately, the people affected by the offence should have some say in which communities best represent them. Any of these community representatives could play a role in helping the person with processes of integration and change (e.g., in terms of providing ongoing personal support or connecting with employment opportunities). Braithwaite and Mugford (1994) suggest that RJ stands a greater chance of facilitating desistance from crime if the people who take part are known to the person responsible for the offence.

What exactly is the purpose of involving community representatives? Rosenblatt (2018: 294) identifies three roles for community in RJ:

1. it should have a say in what reparation the offender should undergo to restore the victimised community;
2. as the victimised community, it should benefit from this reparation;
3. and it should be able to support the reintegration of offenders into the community as positive, contributing members.

However, in her examination of community involvement in 'youth offender panels' in England and Wales, she found that community representatives tended not to bring creative ideas to the discussion of reparation and they were less well placed than the professionals to support

participants with reintegration. Crawford (2002) suggested that community involvement in RJ could improve civil society's response to crime; however, he highlighted that managerial and procedural constraints on youth offender panels limited this potential. In Northern Ireland, Chapman (2012) illustrated that community restorative justice could be effective if it was defined as 'the skilful facilitation of restorative processes rather than the management and control of outcomes', drawing on the assets of community-based facilitators while resisting the colonisation of processes by the state. CJSW practitioners ought to consider the value and potential of including community representation in restorative processes, but be aware that involvement does not ensure that restorative outcomes will occur.

### **Discussion: Restorative Justice Informed Criminal Justice Social Work**

In her role as a criminal justice social worker in Scotland, the second author has come across men and women who wish to offer an apology and explain their actions to the people they have harmed. They are currently unable to do so because no mechanism exists for facilitating this contact in this jurisdiction. If we apply an RJ perspective to CJSW, particularly the roles of supervising people on community sentences or on licence following imprisonment, how does this transform our views of these practices? We argue the aim of supervision is re-envisioned to include helping people reflect on ways of making amends. Practice is magnified to include facilitating dialogue between people responsible for harm and the people they have harmed. The focus on reparative acts is recalibrated so that the potential for relevant and meaningful gestures are examined and supported. Reintegration is viewed as a process of reconciling an individual with their community.

#### **Reflecting on making amends**

A restorative approach to CJSW would include an explicit consideration of what it means to make amends for offending behaviour. This goes beyond the sentence. It is not the punishment forced upon the individual. It involves the person responsible for the harm voluntarily considering what it means to make up for their harmful acts. As moral repair (Walker, 2006; Ward and Moreton, 2008), the person responsible for the offence would consider what they could say or do to make amends. While the primary focus would be on the main offence, it could include other criminal (and non-criminal) harm they caused or suffered. The practice would be trauma-informed, recognising wrongs where they lay, while encouraging personal responsibility and with an eye to the future. In Scotland, the four 'interventions' of CJSW are restrictions, rehabilitation, reparation and reintegration (Scottish Government, 2010a); to these it would add 'restoration'. This 'partly-restorative' groundwork could provide the basis for dialogue with the person harmed.

#### **Facilitating dialogue**

In bringing an RJ perspective, the biggest change to CJSW practice would be direct engagement with victims of crime and facilitating dialogue between them and the people who harmed them. Duff (2003: 181) argues that 'probation officers' should act as 'mediators between offenders, victims and the wider community'. As argued by Daniels (2013: 304), this would require a 'recalibration of focus to include the victim.' This would be a significant extension of the nature and reach of CJSW services, requiring new knowledge and skills. However, as we have argued, this would be a *logical* extension, building on much of the values and expertise that social workers already possess. By increasing the field of vision to include victims of crime, CJSW services would no longer be limited to working on behalf of victims (and potential future victims), but directly working with victims. For the person under supervision, this dialogue becomes an opportunity to learn about the harm they have caused, apologise and offer to make amends. For the person harmed, they are able to ask questions, hear answers, discuss and agree what should be done to make things right, and forgive if they wish. The

outcomes of this discussion become raw material for the parallel processes of desistance from crime and recovery from harm. The victim's words become a tool for breaking through defence mechanisms that downplay the extent or culpability of the harm caused. Practitioners can point to the person's voluntary engagement in RJ, and the victim's recognition of their good intentions, to reaffirm their moral orientation. They can remind the person of the commitments they have made as a way to keep them on track. For the victim, having the person take responsibility for the offence could be used in therapeutic interventions to reduce self-blame. Their involvement in RJ can be used by practitioners supporting the victim to illustrate their empowerment and help them reimagine a future that is less dominated by the person who did them wrong.

### **Meaningful reparation**

Bazemore and Maloney (1994: 30) outlined principles for unpaid work informed by RJ:

1. Ensure that the service meets a clearly defined need and that this need is obvious to offenders
2. The service activity should at least symbolically link offender with offense and victims, and, whenever possible, community service should be performed in the offender's neighborhood
3. The activity should bring offender and conventional adults together
4. Probation staff and community service supervisors should view offenders as resources and focus on outcomes
5. Involve offenders in planning and executing projects
6. Provide for a sense of accomplishment, closure, and community recognition

Unpaid work as it currently operates in Scotland could meet all of these principles, and may meet them in some cases already. However, research on the use of unpaid work suggests that that consultation with communities is fragmented, that the benefits are not routinely communicated to the public, and that most unpaid work involves group cleaning, repair activities or workshop placements (Scottish Government, 2015), all of which limits its potential to meet these principles. Older research by Curran, MacQueen, Whyte and Boyle (2007) highlighted the challenges of making unpaid work *relevant* to the original offence, *meaningful* as a way of making amends or *productive* in terms of developing skills. McIvor (2016) emphasises that unpaid work has a greater impact on attitudes and behaviours related to offending when the people undertaking it feel it is rewarding, when they gain skills by it and when they see the benefits it provides to others. A restorative approach to unpaid work would involve greater effort to make the work undertaken meaningful in relation to the original offence and beneficial for those undertaking it, victims of crime and communities.

### **Reintegration as reconciliation**

McNeill (2012) argued there are four forms of rehabilitation: personal, social, moral and legal. CJSW focuses on the personal dimensions; the individual and psychological risks, needs and strengths that relate to offending behaviour. It may also address social dimensions, such as helping someone change or extend their social relationships. RJ processes and reparative tasks can address the moral dimensions, as people reflect on and make amends for the harm caused. Legal rehabilitation means ensuring that punishment ends, permitting people to move on with their lives, and even performing 'reintegration rituals' that formally recognise the individual has made amends for their offence and is welcomed back into society (Maruna, 2011). This perspective highlights that reintegration is two-way; the onus is not only on the person who committed the offence, but there are also obligations among others in society (Kirkwood and McNeill, 2015). Reintegration is therefore also reconciliation; sometimes between the person who committed the offence and those they directly harmed, but also with wider social circles and society as a whole. A restorative approach to reintegration means engaging with these wider needs and obligations.

Bazemore (1998) describes this process as ‘earned redemption’: those who have done wrong should make amends, and those who have made amends should be supported back into society. RJ can help do this through engaging with the micro communities relevant to individuals, such as family and friends, who can participate in constructive dialogue and become part of the process of reintegration. Victims of crime and community representatives can provide symbolic or practical gestures of reintegration, such as saying they appreciate an apology, recognising the value of reparations made, emphasising the potential they see in the individual’s future, rebuilding damaged relationships, creating friendships, or connecting with volunteering and employment opportunities. This process becomes part of the practical and symbolic process of desistance, as someone is supported to overcome barriers to change, build hope, identify a pro-social identity for themselves and have this potential recognised by others (McNeill, 2006).

### **Final remarks**

Although we focused on the specific case of Scotland, we expect that there will be similarities in other jurisdictions internationally, although the detail how of such services operate will vary. Viewing criminal justice social work through an RJ lens allows us to see how it could be changed in ways that extend its ability to achieve existing aims and enhance its role in relation to victims of crime and communities. CJSW could therefore incorporate greater RJ processes and practices – especially the facilitation of dialogue between those responsible and harmed by crime – as well as shifting the whole system in the direction of restorative outcomes. However, introducing greater RJ processes into the criminal justice system has the potential to add additional burdens onto those subject to criminal justice, threatening principles of proportionality (Ashworth, 2002; Masson and Österman, 2017). This can be managed through the appropriate use of RJ within diversion from prosecution, pre-sentencing and post-sentencing processes (Kirkwood, 2018b). Within diversion, RJ can be used as an alternative to more burdensome or punitive responses. In pre-sentencing, an RJ process could inform the sentence, with sentencers ensuring outcomes remain proportionate. While people are on community sentences or supervision, voluntary engagement in RJ processes could take the place of some existing activities. Specifically, in Scotland, those sentenced to a Community Payback Order with a requirement to undertake unpaid work can spend some of this time on ‘other activities’, which could be RJ processes, without adding to the overall time spent completing the order (Kirkwood, 2018b). However, the institutionalisation of RJ can lead to problems, particularly the corruption and dilution of processes (Wood and Suzuki, 2016); therefore any expansion in the use of RJ needs to be monitored to ensure it is ethical, safe and effective. As stated by Daniels (2013), the overall intention is to shift practice a bit further along the RJ continuum.

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