

**Evaluation Research on  
Restorative Justice and Intimate Partner Violence:  
A Review and Critique**

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How Can Intimate Partner Violence be Prevented?  
A Workshop on Developing Effective Primary, Secondary,  
and Tertiary Interventions  
The National Science Foundation  
and the National Institute of Justice  
Arlington, VA, May 14-16, 2014

Introduction

This paper will review the evaluation research on restorative justice (RJ) in cases of intimate partner violence. What do we know about how well RJ ensures the safety and immediate needs of survivors? What do we know about how well survivors feel a sense of justice as a result of these practices? What do we know about the ability of these practices to hold offenders accountable, and to prevent further offending?

This paper begins with a brief description of the three most common forms of restorative justice, and a brief look at some of the evaluation research conducted on these practices. Next, the research literature on RJ and intimate partner violence will be reviewed. Following a review of this literature, attention will also be paid to some recent developments in restorative and other alternative approaches to crimes of sexual assault and severe violence. This is included for two reasons. First, the research literature on RJ and intimate partner violence is small—remarkably small—and as a result the potential of restorative justice might best be seen by considering its application to other serious forms of victimization. Second, RJ practices developed for one type of crime have inspired applications to other crimes. For example, the feminist/restorative approach to sexual assault designed by Mary Koss (2010) was influenced in

part by an article by John Braithwaite and Kathleen Daly (1994) on RJ and violence against women (Koss, personal communication, 2003). Koss's RESTORE Program then spurred Shirley Jülich to create a restorative approach to adult survivors of child sexual abuse (Jülich, 2010).

### Common Forms of Restorative Justice: Victim-Offender Mediation, Family Group Conferencing, and Circles

There are three forms of restorative justice that are commonly used in cases of intimate partner violence. All three of these practices have a shared set of goals. They seek to hold offenders accountable; empower victims; allow for the expression of feelings; clarify facts about the crime; provide an opportunity to address the impact of the crime on the victims and those around them; and come to an agreement about how the offender can make amends.

*Victim-offender mediation* involves a direct, mediated interaction between victims and offenders. This is sometimes called victim-offender dialogue, or as shall be seen below, victim-offender conferencing. The power of this process lies in the emotional exchange between the parties. Extensive preparation of both victims and offenders is essential to effective practice. Arising in Canada and the US in the early 1970s, victim-offender mediation is now a global phenomenon. The US Victim Offender Mediation Association states there are now over 1200 programs worldwide (VOMA, 2014).

*Family group conferencing* (often called community conferencing, or sometimes just conferencing) brings many more people into a facilitated dialogue about crime. Family members, friends, justice officials, school officials, and service providers can be involved in the process. Support people for both victims and offenders are included. The power of this practice lies in the moral authority of supporters, relatives, and community members in the practice: since this includes supporters for both victims and offenders, the offenders should have a stake in the process, and thus should be affected by the dialogue with the survivor. This practice originated in New Zealand, with the indigenous Maori community. What is now called family group conferencing is a modified version of a traditional Maori way of handling

conflict and crime. In the 1980s, Maori communities were critical of the treatment of their youth in the New Zealand legal system. In 1989, a law was passed that made family group conferencing the official way that all but the most serious youth offenses are handled (McCold, 2006).

*Peacemaking and sentencing circles* are adaptations of traditional justice practices in First Nations communities in Canada and Native American communities in the US. One of the practices discussed in this paper, Navaho peacemaking, is an authentic indigenous tradition. In Canada, Judge Barry Stuart recognized circles as a legitimate form of sentencing in a 1992 legal decision (Stuart, 1992). But many circle processes are adaptations of such traditions by white people. Stuart, who has been influential in popularizing this practice in Canada and the US, has detailed how different kinds of circles can be used for sentencing, for healing, and for the wider community (Stuart, 1997).

#### Evaluation of Restorative Justice Programs

There is much evaluation research on restorative justice, although this is largely research on youth crime (Bonta et al., 2006; Gilligan and Lee, 2005; Hayes, 2007; Shapland, Robinson, and Sorsby, 2011; Strang, 2002; Strang et al., 2013; Umbreit, Vos, and Coates, 2006). The findings are generally positive, both for the effects of the practices on victim satisfaction and for the reduction of offender recidivism. One of the more well-designed evaluations is the Reintegrative Shaming Experiments in Canberra, Australia. This research compared the experiences of victims who participated in family group conferencing with victims whose cases were processed by the courts. Following an experimental design, cases of property and violent crime were randomly assigned to either conferencing or the court process. Crimes of intimate partner violence were not eligible for this study. The results were supportive of restorative justice as an effective means of meeting the needs of victims. Those whose cases went to conferencing reported more satisfaction with the process (60% versus 46%), lower levels of fear and anxiety, and increased feelings of dignity, self-respect, and self-confidence. Offenders also

reported greater satisfaction when their cases went to conferences rather than the courts (Strang, 2002).

A more recent review of restorative justice evaluations using an experimental design was published by Heather Strang, Lawrence W. Sherman, Evan Mayo-Wilson, Daniel Woods, and Barak Ariel (2013). They identified 10 studies using restorative practices that met this criteria, drawn from the UK, Australia, and the US. The types of crimes that were addressed by these programs included adult and youth crimes, specifically assaults, property crime, street crime, and burglary. They found that conferencing programs reduced offender recidivism in 9 out of 10 of these studies, something they saw as “clear and compelling” evidence (Strang et al., 2013, p. 4). Further, they stated that: “The effect of conferencing on victims’ satisfaction with the handling of their cases is uniformly positive” (Strang et al., 2013, pp. 4-5).

Some programs that draw upon restorative justice values and practices depart from the three most popular practices identified above. The Resolve to Stop the Violence Project (RSVP), located in the San Francisco Sheriff’s Office, has been in existence since 1997 (Gilligan and Lee, 2005). RSVP works with adult offenders who commit a broad range of violent crimes. The program operates mostly within the jail itself. RSVP does have a separate Victim Restoration component, which connects victims with advocates, social service agencies, referrals, and individual and group counseling.

RSVP, which says it is “based on a restorative justice model,” emphasizes “victim restoration, offender accountability, and community involvement” (RSVP, 2014). This is an intensive treatment regimen for offenders, featuring a “12-hours-a-day, 6-days-a-week programme consisting of workshops, academic classes, theatrical enactments, counseling sessions and communications with victims of violence” (Gilligan and Lee, 2005, p. 144). A group of 101 inmates who participated in RSVP for at least 8 weeks was followed up at the one-year point for evidence of recidivism. Since there is a long waiting list to enroll in the program, a control group was randomly selected from the waiting list. Compared to the control group, inmates who took part in RSVP had a 46% lower arrest rate for violent crime (Gilligan and Lee,

2005, p. 143). RSVP also seeks to alter the inmate culture of jails that supports violence. In the year before this program was implemented in one area of the jail, 24 incidents of violence had occurred; in the 12 months following implementation, there was only one incident of violence in the jail (Lee and Gilligan, 2005, p. 149).

Even the most severe cases of violence, including homicide, are addressed by restorative programs, and some of these have been evaluated (Gustafson, 2005; Roberts, 1995; Umbreit al., 2006). Mark Umbreit, Betty Vos, Robert Coates and Marilyn Armour (2006) studied the outcomes of victim-offender dialogue (VOD) in Texas and Ohio. In Texas, the VOD program was created after the mother of a murdered woman sought information about her daughter's death from the offender, only to be rebuffed by the criminal legal system (Umbreit and Armour, 2010, p. 212). VOD programs are victim-driven, post-conviction practices, and they are designed to have no role in reducing the offenders' sentences. Umbreit et al. interviewed 40 victims (which includes victim's family members) and 39 offenders in this multi-state study. This included all of the victims who participated in the Ohio program since its inception, and all but five of those who were involved in VOD in Texas. Half of the crimes involved murder or manslaughter; the length of time between the crime and the dialogue session ranged from 2 to 27 years (Umbreit et al., 2006, pp. 34, 40). The most common reasons why victims or victims' family members sought this dialogue were to seek information or answers; to show the impact of the crime upon them; to have a human encounter with the offenders; and to promote their own healing (Umbreit, et al., 2006, p. 36). Asked about their satisfaction with their participation in the dialogue, all but one of the victims and offenders reported satisfaction; 91% (71 of 78 asked) selected the highest rating, "very satisfied." Some 85% of the victims and 97% of the offenders would recommend the process to others (Umbreit et al., 2006, p. 41). The Departments of Correction of 25 states now support VOD programs for crimes of severe violence (Umbreit and Armour, 2010, p. 235). A model program in Delaware and its evaluation are discussed at the end of the paper.

This brief review of restorative justice evaluations indicates why many are seeking to use these practices in cases of intimate partner violence. The evidence of an impact on offender recidivism is strong; there is much evidence of victim satisfaction with the practice and its outcomes; and restorative practices involving a variety of crimes have been found to be beneficial. Still, as others have pointed out (Stubbs, 2004), many of the studies of victim satisfaction have been simplistic, and lack knowledge about the long-term consequences of the practices on victims (Stubbs, 2004).

### Feminist Perspectives on RJ in Cases of Intimate Partner Violence

It is worth noting that the three main forms of restorative justice all arose to address the needs of offenders (Ptacek and Frederick, 2008). What is now known as victim-offender mediation began as an alternative sentence for two youth who had vandalized a number of homes and businesses in Kitchner, Ontario in 1974 (Peachey, 2003). Family group conferencing became the official way to address youth crime in New Zealand because of charges from Maori leaders that the legal system was racist, locked up too many of their youth, and had a negative impact on their communities (Love, 2000; Sharpe, 1998). The establishment of circles as a sentencing practice in By Judge Barry Stuart was an effort to better meet the needs of offenders and address recidivism (Stuart, 1992).

It is therefore not surprising that many feminist activists and scholars have been critical of using RJ in cases of intimate partner violence and sexual assault (Coker 1999, 2002; Coward 2000; Daly and Stubbs, 2006, 2007; Stubbs, 2002, 2004). Three themes are consistent in these critiques. First, there is a concern that the needs of survivors, especially for safety, are not central to restorative justice. Second, there is a concern that offenders will not be held accountable in these informal practices. And third, there is a concern about the politics of gender and race. Many feminists have stated that restorative justice lacks an awareness of the gender inequality that forms the background of violence against women. Some have also argued that there has been a lack of an awareness of colonialism and racial inequality in

governmental talks with First Nation communities in Canada about RJ in cases of violence against women (Coward 2000; Stubbs, 2010).

At the same time, some feminists have made the opposite arguments. Joan Pennell and Gale Burford, whose work is discussed below, see restorative justice as a way to “widen the circle” of community involvement in families where intimate partner abuse and child abuse occur. They claim this helps to protect survivors and stop the violence better than existing legal interventions (Pennell and Burford, 1994). Mary Koss, whose feminist/restorative approach to sexual assault is reviewed below, believes that since restorative practices are not focused on imprisonment, there is an opportunity to invite communities into these informal processes that view the criminal legal system as racist and oppressive (Koss and Achilles, 2008). As shall be seen below, Joan Pennell and Mary Koss created innovative models that are influenced by both restorative practices and feminist approaches to violence against women.

#### Evaluations of Restorative Justice in Cases of Intimate Partner Violence

While the application of restorative justice to intimate partner abuse is prohibited in many jurisdictions (Daly and Stubbs, 2007), there are nonetheless many programs that take such cases. One 2010 report identified RJ or mediation programs accepting domestic violence cases in the US, UK, Austria, Belgium, Finland, Germany, Romania, Jamaica, Columbia, Australia, New Zealand, The Gambia, South Africa, and Thailand (Liebmann and Wootton, 2010). A 2005 survey identified 72 respondents in 17 countries who said that their family group conferencing programs accepted cases of domestic or family violence (Nixon et al., 2005). With the evidence of such widespread practice, it is therefore astonishing that so little evaluation research on these programs has been conducted.

A small number of restorative justice projects addressing intimate partner violence have been evaluated. In most cases, the evaluation methods employed are remarkably weak. Nonetheless, a close review of seven of these studies may be useful to assess just how these

projects treat crimes of intimate partner abuse, and what we know about their impact on survivors and offenders.

Family Group Decision Making in Canada. To date, the most comprehensive evaluation of a restorative approach to intimate partner violence is that done by Joan Pennell and Gale Burford. This was one of the earliest uses of family group conferencing in North America (Pennell and Burford, 1994, 2000). The goal of their project was “to eliminate or reduce violence against child and adult family members and to promote their well-being” (Pennell and Burford, 2000: 137). They called their version of conferencing *family group decision making* “to emphasize to emphasize that the family group, made up of the immediate family and its relatives, friends, and other close supports, would decide what steps needed to be taken to stop the maltreatment” (Pennell and Burford, 2000).

Their project was aimed at mobilizing community networks to address domestic violence and child abuse. This approach was influenced by the feminist, Aboriginal, and restorative justice movements. They consulted with women’s advocates around the design and implementation of the project. They further consulted with child and youth advocates, offender programs, academic researchers, and government officials from social services, corrections, victim services, prosecution, and the police (Pennell and Burford, 2002). Joan Pennell was one of the founders of the first shelter in Newfoundland and Labrador for abused women and their children. She later worked with an Aboriginal family violence program. Pennell and Burford see this project as extending aspects of the coordinated community response model of the well-known Duluth Domestic Abuse Intervention Project (Pennell, 2006). For these reasons, this approach may be best understood as a feminist/restorative hybrid model.

Family group decision making conferences seek to bring together both formal and informal resources to assist families, including programs for abused children, advocacy for abused women, counseling for abusers, drug and alcohol treatment, and criminal legal officials. The

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\* These seven studies are the best that I could find, drawing from internet searches, previous reviews of the research literature, and consultations with colleagues.



conference itself is seen as a planning forum: not as therapy, and not as mediation. The facilitator of the conference does extensive preparation with victims and offenders before the conference. During the conference, a plan to stop the abuse is created by the families, after receiving input from community agencies. This plan must be approved by the facilitator of the conference, with consultation from legal officials. In Pennell's view, the family group decision making conference widens the circle of people who can keep survivors safe and hold offenders accountable.

Evaluation research was built into this project. Pennell and Burford did follow-up interviews with the 32 families who participated in conferences. There were no reports of violence during the conferences, and no reports of violence that occurred because of the conferences (Pennell, 2005). Two-thirds of those interviewed said the family was "better off" following the conference; one-fifth said the family was "the same," and seven percent said they were "worse." A comparison group of 31 families was drawn from families who had come to the attention of child protection authorities. Pennell and Burford report that for families that went through the conferencing process, measures of maltreatment declined by half (using a scale of 31 indicators). This was true for both the abuse of the mothers and the abuse of their children. For families in the comparison group, measures of maltreatment rose over the test period (Pennell and Burford, 2000: 145-147).

Despite the success of this project at achieving its stated goals, Pennell and Burford are cautious about the use of this practice. Pennell states that, "From the outset [she and Gale Burford] were (and continue to be) wary of applying restorative processes to abuse of women in cases where children are not involved.... children maintain ties between partners, whether or not they stay together; the presence of children is particularly effective at galvanizing extended family involvement to stop the abuse; and the involvement of child protection, along with law enforcement, exerts controls over the proceedings to safeguard participants" (Pennell and Koss, 2011: 203-204).

After relocating to North Carolina, Pennell began work a new project to address intimate

partner violence and child abuse. Instead of simply implementing the Family Group Decision Making model, she instead drew together everyone working on these issues to create a new approach. This new feminist/restorative hybrid involved input from domestic violence shelters, batterers' counseling programs, services for children, child protection workers, the domestic violence court, the police, and the North Carolina Coalition Against Domestic Violence. In designing this project, Pennell conducted focus groups with a multiracial group of shelter residents and shelter staff. She named this approach "safety conferencing" to indicate that the safety of survivors and their children was prioritized in this design. Based on input about this approach, it was not even clear that abusers would be included in the conferences (Pennell and Francis, 2005). Unfortunately, the inability to obtain funding brought this project to an end before the design was completed (Pennell, personal communication, 2014).

Navajo Peacemaking in the Navajo Nation in Arizona. In 1999, Donna Coker published an important study of Navajo Peacemaking, an indigenous circle process, as it is applied to cases of intimate partner abuse. Along with reviewing Peacemaking files in two Navajo communities and observing a Peacemaking session, she conducted interviews with Peacemakers, judges, prosecutors, advocates for abused women, staff members of shelters, attorneys who work with abused women, and batterers' counselors. She focused on 20 cases of intimate partner violence brought to the Peacemaking Divisions in these communities (Coker, 2006).

In this practice, the parties in the case meet with a Peacemaker, who is someone chosen by the local leaders and who has knowledge of Navajo traditions. After an opening prayer, there is an explanation of the rules, followed by the presentation of the complaint by the petitioner. The respondent to the complaint then speaks, and then the Peacemaker gives a description of the problem. Other members of the circle, which may include family members, then participate, offering their explanation of the matter. The Peacemaker guides the group in creating recommendations and an agreement to address the problem. Agreements may include alcohol treatment plans, healing ceremonies, victim compensation, and "stay away" elements (Coker, 2006).

Coker found four benefits for abused women who use this practice. First, this is an alternative to standard legal interventions that may see separation as the only remedy, something that many abused women do not want. Second, because Peacemaking involves a survivor's family, this practice helps to mobilize financial and social resources for survivors and overcome the separation that often occurs between survivors and their families in the wake of abuse. Third, this practice creates a space where Peacemakers, families, and other community members can challenge abusers and their denials. Lastly, through the agreements created by the group, this process assists in the rehabilitation of abusive partners (Coker, 2006).

Coker reports that none of the Navajo advocates would support the use of Peacemaking in cases of domestic violence. Some felt the process could be adapted to better serve abused women; others said the power imbalance between abusers and their victims could not be remedied, even if the practice was reformed (Coker, 2006). Two limitations that Coker raises are important, because they are concerns commonly raised by feminists about restorative and alternative justice approaches to violence against women. First there is the "coercion problem." Coker identifies two ways that coercion can undermine the benefits of Peacemaking. The intimidation that abusive partners use to dominate a relationship can appear in the circle process and can undermine the fairness of the agreement. An abusive partner can also coerce a woman to participate in Peacemaking, even when a woman and her children are in hiding. Since the woman's safety is not addressed in the negotiations before the circle process, this can lead to the abuser's use of Peacemaking to draw women out of hiding. Coker reports that some women have been assaulted just after participating in a Peacemaking session (Coker, 1999).

Second, there is what Coker calls the "cheap justice problem." Noting that many restorative practices prioritize the importance of offender apologies, she is concerned that this focus on rehabilitation may serve to coerce forgiveness from survivors, and thus present a false and unjust resolution (Coker, 1999). Further, emphasizing apologies over actual behavioral changes cheapens the value of the process. In my own work as a batterers' counselor, I witnessed the pattern of false and often meaningless apologies that abusive men made to their partners,

something that was often done to suppress women's anger rather than to mark a change in abusive conduct.

Victim Offender Mediation in Austria. Crista Pelikan has published two studies of victim-offender mediation (VOM) in cases of intimate partner violence in Austria. In her 2000 study, she did observations of 30 VOM sessions, interviews with both parties following the sessions, and another set of interviews with the parties 3 to 4 months later. These are diversionary mediation processes, meant to keep these cases from going to a criminal trial. She further observed an equal number of court cases of intimate partner violence that did not use VOM, and again, interviews and follow-up interviews with both parties in these cases. Oddly, in neither of two articles on this study (2000, 2002) does the author offer a clear comparison of the outcomes of the VOM and non-VOM court cases.

Mediation in these cases is described as a "mixed double" process, drawing on a metaphor from mixed double tennis (2002). Each of the parties is assigned a same-gender mediator who meets with them individually. The mediator asks about the state of the relationship, the violence, the future of the relationship, and the expectations concerning an agreement. Both material and non-material compensation are included in the agreements. Following these individual sessions, both parties and their mediators meet together. The mediators report what they have learned, after which the parties join in the conversation. The goal is recognition, understanding, and empowerment of the survivor.

Pelikan concludes that some cases of intimate partner violence are inappropriate for VOM. These are cases "where the domination of the male partner is demonstrated, ascertained and defended by the use of physical violence; the concrete incidence constituting just one of many acts of that kind" (Pelikan, 2000: 10). Abusive men in these cases "cannot be reached by an intervention, aiming at insight and cooperation." Those cases that are more suitable either involve what she sees as "mutual" violence, or cases where the violence is unusual, and is seen even by the perpetrator as "disturbing and distressing" (Pelikan, 2000: 10).

For the latter two kinds of cases, Pelikan claims that VOM is “highly satisfactory” for abused women; it was empowering and contributed to change for women, although she does not indicate what percentage of the women fall into this category. At the same time, however, she states that VOM appeared to have little effect on men. “Only very rarely does a conversion, or a reformation of the alleged perpetrator take place” (Pelikan, 2000: 17).

It is unclear exactly how this squares with the previous claim of satisfaction for survivors. Pelikan does say that there were a number of cases—again, it is not stated how many—where the mediation did not stop the violence. The lack of social and economic resources made the VOM intervention useless. “For VOM, promoting and enhancing a process of empowerment, the existence of resources - of both victim and offender - is a prerequisite. Otherwise the intervention remains futile,” she concludes (Pelikan, 2000: 18).

Pelikan’s 2010 study again draws from cases of intimate partner violence in Austria. She contacted roughly 900 abused women who went through VOM in 2006. Since only 20% of these women responded, her quantitative findings clearly cannot represent women’s experiences of this process. She further observed 33 VOM cases, and interviewed 21 women. These interviews took place from 1 ½ to 2 years after the mediation sessions. The mediations followed the same “mixed double” process identified above.

The findings on the quality of the process from women’s perspectives are mixed. Based on her quantitative data on 162 questionnaires, out of some 900 that were sent out, over 75% of the women said they were listened to, and felt understood and supported in the process. Over 80% of the women reported that the abusive behavior was taken seriously by the mediators. Yet in only 57% of the cases did women find that their partners understood “in which way and to what extent he had harmed you” (Pelikan, 2010: 54-55). Only 40% of the women said that their abusive partners felt sincere remorse.

The VOM seemed to have spurred many women to separate from their partners. Of those who stayed living with their abusive partners or who remained in contact with them, one third experienced further violence (Pelikan, 2010: 55). Pelikan admits that since she cannot compare

these figures to a court sample that did not use VOM, these figures are difficult to interpret. She nonetheless calls these figures “impressive.” But an even greater problem is the self-selection bias noted earlier: if only 20% of women who went through VOM responded, we simply do not know what happened in most of the cases.

Victim Offender Conferencing in South Africa. In 2003, Amanda Dissel and Kindiza Ngubeni presented a research paper on a version of victim offender mediation used in South Africa, known as Victim Offender Conferencing (VOC). This is commonly applied to cases of intimate partner violence. Victim Offender Conferencing was not designed for cases of intimate partner violence; the assumption was initially that this process would be used for crimes between strangers. This is a diversionary process; a trial will be postponed if the conference takes place. A magistrate must approve the agreement that is created in the conference. If the agreement is adequately completed, the criminal case is withdrawn.

Mediators meet with victims and offenders separately to see if they are willing to participate in the process, and if so, to prepare them for it. The mediators also meet with support people that are named by the parties. In this version of victim offender mediation, support people are allowed to participate in the conference. However, in general this does not occur.

Dissel and Ngubeni interviewed a total of 21 women who were abused and whose cases went through a Victim Offender Conference. All but one of the offenders were men; one case of same sex intimate partner abuse was included. The interviews took place between 6 and 18 months after the VOC. The researchers admit that this was not a representative sample; it is not clear how the cases were selected.

Most of the women felt safe during the mediation session, although one woman was threatened during the VOC and had to be warned by the mediator. Most women reported they were not allowed to speak freely at home, and so they appreciated the safe space to speak in the conference. All of the women reported positive changes in the abuser’s behavior, and all stated there was no physical abuse since the mediation. The VOC facilitated separation for some of

the women. For those who remained with their partners, all said the relationship had improved since the conference.

While these are intriguing findings, as in the 2010 Pelikan study the small and unrepresentative sample cannot reveal the experience of most women who went through the process.

Victim Offender Mediation and Community Panels in New Zealand. Venezia Kingi, Judy Paulin and Laurie Porima authored a 2008 study of five sites in New Zealand using restorative practices in cases of family violence. The five sites use somewhat different restorative practices. Two use victim-offender mediation, while three use “community panels.” The community panels include community members, and at one site, a police coordinator, along with support people for the victims and offenders. There is similarity here with victim offender mediation, since support people may also attend VOM sessions. At four sites, these mediations are mostly held at the pre-sentence point, although at one site they are pre-trial community diversion practices. The study also involved observing the practices and interviewing mediators, victim “advisers,” police, judges, and attorneys about the programs.

Interviews were conducted with a total 20 victims and 19 offenders drawn from the five sites. The cases of family violence involved intimate partner abuse for most of the victims and offenders involved intimate partner abuse; in 11 cases the victims and offenders were involved with one another. Some cases of child abuse, sibling abuse, abuse of parents, and abuse of in-laws were also included. Most of the victims were female, and most of the offenders were male. There were similar numbers of interviewees who had Maori and European ancestry. The interviews were conducted from several months to more than a year after the mediations.

Kingi et al. report that most victims and offenders saw the meetings as positive experiences. They felt they were treated with respect, and were able to express their views. In their comments victims highlighted the open dialogue, the healing process, and the ability to talk with their offenders in a safe place. Offenders highlighted “being able to put things right,” being supported, and being treated respectfully (Kingi et al, 2008: n.pag). The agreements

created in these meetings generally included some kind of counseling program, and sometimes community work. Some 79% of victims and 93% of offenders were satisfied with the agreement.

Most of the victims (63%) said the offender had been held accountable for their behavior, and yet half said the offender had not fully made up for their actions. A number of victims felt the offenders needed more help to stop their abusive behavior. One-third of the victims said the abuse had stopped; one-third said the abuse had changed forms from violence to psychological abuse. All of the offenders and most of the victims (84%) reported they would recommend the practice to other victims and offenders in cases of family violence.

In the interviews with program providers, judges, police, and attorneys, there were mixed views about the appropriateness of restorative justice in family violence cases. One-third supported the practice unconditionally; 29% opposed it in these cases; and 38% offered conditional support. In their survey of 24 restorative justice programs in New Zealand, they reported that 21 (88%) accepted cases of family violence.

Given the different sites where the research was conducted, the somewhat different practices used in each site, the different kinds of abuse included in the study, and the small numbers of interviews with victims and offenders, it is not possible to draw clear conclusions from this evaluation.

Circles of Peace in Arizona. Circles of Peace is a Nogales, Arizona domestic violence treatment program. It is a court-referred program that uses the circle process to work with domestic violence offenders. The program was created by Arizona Judge Mary Helen Maley and Linda Mills, director of the NYU Center on Violence and Recovery. In a 2013 publication, Linda Mills, Briana Barocas, and Barak Ariel compared Circles of Peace to a local batterers' treatment program using a randomized experimental design. The study randomly assigned 152 domestic violence cases either to Circles of Peace or to the batterers' program. All of the individuals had been charged with a crime of domestic violence and had pleaded guilty. The majority of the offenders were men (81%). They were randomly assigned by a judge to either



Circles of Peace or to the local batterers' treatment program. Both programs lasted for 26 weeks. The effect of the treatment for these two groups of offenders was measured in terms of a single factor: recidivism, both in terms of subsequent domestic violence and non-domestic violence arrests. This was measured at 6, 12, 18, and 24-month periods from the beginning of treatment.

The circle model involves a number of participants in the 26-week practice. There is a circle keeper, who facilitates the process; the offender; the offender's support person; a trained volunteer community member; and members of the offender's family. Victims may attend for a few sessions, or not at all—their participation is strictly voluntary. In this study, most circles contained victims at some point, and no harm occurred as a result of having victims and offenders present in the same circle. The participants sit in a circle and use a "talking piece" to symbolize that only the person holding this object has a right to speak. The goal of the circle is to "focus on the impact of the crime committed and the desire, potential, and capacity for changing behavior to prevent such an event in the future" (Mills et al., 2013: 71).

The study experienced a high attrition rate. Of the 152 cases assigned to the two treatment programs, only 70 individuals, or 46% of the sample completed the treatment process. Attrition was higher for the batterers' counseling program. When recidivism was measured at the 6, 12, 18, and 24 month periods, recidivism was higher at all points for the standard batterers' program. But there was only one period where the difference was statistically significant at the  $p > .05$  level: at the 12-month point, Circles of Peace had a statistically lower recidivism rate for non-domestic violence arrests. In a finding that must have disappointed the study authors, there were no significant differences for domestic violence arrests at any point.

In an article that is sharply critical of batterer intervention programs, the authors are also critical of Circles of Peace. They state, "It is important to note that the CP [Circles of Peace] treatment, at least under the present conditions, may not be effective for domestic violence batterers" (Mills et al., 2013: 84). The study sought to demonstrate the superiority of Circles of Peace to the local batterers' intervention program. But in their own words, the authors found

instead that Circles of Peace was “no worse” than its comparison program (Mills, et al, 2013: 65).

### Promising Recent Developments

RESTORE in Arizona. One of the most imaginative approaches to sexual assault in recent years combines feminist principles with restorative practices. This is the RESTORE Program in Arizona, a pilot study created by the psychologist Mary Koss. RESTORE stands for Responsibility and Equity for Sexual Transgressions Offering a Restorative Experience. Like the project created by Joan Pennell and Gale Burford, Koss developed this approach with extensive community collaboration. Sexual assault providers were involved in the development and implementation of this pilot project. This is thus another feminist/restorative hybrid model. Public health and criminal legal officials also participated in the creation of this program (Koss et al. 2004).

The RESTORE process begins with a criminal investigation of sexual assault. Cases are referred to RESTORE by prosecutors if they feel the offenders stand a chance of being convicted. RESTORE is victim-driven, and this process is only offered to offenders if victims agree to participate. Psychosexual evaluations of offenders are required to assess their suitability for RESTORE. If victims agree to the process and offenders are also willing to participate, extensive preparation is made for a conference that can include family members and friends of the victim and offender. The survivor’s support group may also include provictim community members.

Two coordinators are present at the conference. The offender, now referred to as the “responsible person,” tells what he did, and then the victim describes the impact of the crime upon her. Following this, the friends and family members of both parties share their experiences. The responsible person listens and responds to what has been said. Next, a redress plan is created to identify what the responsible person will do to repair the harm he has done. Elements of the plan may include restitution, offender treatment, community service, payment of the victim’s medical or counseling costs, restraining orders, and apologies.

The final stage of the process concerns accountability and reintegration. The responsible person is supervised for a 12-month period, during which time regular contact is made with a case manager to assess progress with the redress plan. If the individual fails to comply with the plan, the case can be returned to the prosecutor. A “community accountability and reintegration board” reviews compliance with the redress plan, and if it is completed, the board marks this with a formal closure of the case (Koss, 2010). Because this is such a new approach, program participants had to agree to take part in research on the process and its outcomes. A multilevel evaluation of this innovative program is ongoing.

Victims’ Voices Heard in Delaware. In 2002, an innovative restorative program for crimes of severe violence was created by Kim Book. The program was developed in the aftermath of a horrible crime. In 1995, Book’s 17-year-old daughter was murdered by a 16-year-old male acquaintance (Miller, 2011, p. 24). Book’s frustrating experience with the criminal legal system led her to explore new ways of meeting the needs of survivors.

Victims’ Voices Heard (VVH) offers face-to-face mediation between survivors and offenders in a victim-centered way. In her excellent book-length evaluation of this program, Susan Miller delineates between “diversionary” and “therapeutic” restorative justice programs. Most of the restorative practices reviewed above are diversionary: they are alternatives to the criminal legal system process, and they are centered more on the needs of offenders than on the needs of survivors. In contrast, VVH is a therapeutic model, like the other victim-offender dialogues for severe violence discussed earlier. It is a post-conviction program that is focused on the healing process for victims of crime and their families. VVH is not designed to offer offenders an alternative to the criminal legal system, and the mediation process cannot be used to reduce the offender’s sentence. The structure of this program therefore avoids many of the criticisms raised by feminists about restorative justice concerning safety, coercion, and the “cheap justice” problem raised by Donna Coker. The cases VVH has dealt with include intimate partner violence, child sexual abuse, rape, murder, and vehicular homicide.

Like the victim-offender dialogue programs in Texas and Ohio, this program facilitates dialogue between victims and offenders long after the crime occurred. Book believes that this may be better for both survivors and offenders. Victims might have a clearer sense of the information they need from the offenders, and the offenders may have had the chance to develop empathy for their victims. In order to be eligible for the dialogue, offenders must accept responsibility for their crimes.

Only victims can initiate the process. A request does not guarantee that a dialogue will take place: many requests do not go forward, often because the offender does not accept responsibility or is not sufficiently remorseful. Sometimes victims are seen as too angry to become involved in a dialogue. If a victim makes a request, and the offender is judged to be eligible, a period of extensive preparation begins, where Book meets separately with the victim and the offender. This process takes from six months to a year.

The dialogue is a one-time only event. It takes place in a correctional facility where the offender is incarcerated. There is a facilitator present, and at times also support people for the victim and the offender. After the dialogue, there are debriefings with the victim and the offender immediately after the meeting, three days later, and finally two months after the dialogue. There are a range of other services offered to victims by VVH. Victims are offered a tour of the prison; information about the offenders and the crime; opportunities to participate in victim-impact panels; meetings with family members of the offender; and assistance concerning contact with state agencies (Miller, 2011, pp. 14-21).

Susan Miller did a qualitative evaluation of VVH, studying nine of the ten cases that went through the program between 2002 and 2007 (Miller, 2011, p. 214). Miller conducted open-ended interviews with Kim Book, the victims, the offenders, and some of the key people associated with the cases, such as victim advocates. She viewed videotapes of the dialogues. After drafting chapters for a book based on this investigation, she shared the drafts with the victims and asked for their input about how well she represented their stories (Miller, 2011, pp. 214-218).

Miller judges the program to be a “crystal clear” success for both victims and offenders (Miller, 2011, p. 187). Drawing from follow-up interviews with victims and offenders, conducted several years after her first set of interviews, Miller concludes:

The victims/survivors’ comments clearly displayed how buoyant they still felt; the victims continued to define their participation as a watershed moment, seeing VVH as essential in breaking the silence and mystery surrounding their victimization and providing a mechanism to combat feelings of being trivialized, condescended to, and disempowered by the criminal justice process. The offenders, too, believed that the program helped them to better understand the consequences of their choices and actions (Miller, 2011, p. 187).

The book Miller wrote about this program is entitled, *After the Crime: The Power of Restorative Justice Dialogues between Victims and Violent Offenders*. In 2012, this book won the Outstanding Book Award given by the Academy of Criminal Justice Sciences.

Community-Based Responses to Intimate Partner Violence. Lastly, it is important to note that there are alternative approaches to intimate partner violence that lie beyond the orbit of restorative justice. Most of the programs discussed to this point have a formal relationship with the criminal legal system, often operating as pre-trial diversion for offenders, or otherwise involving the supervision of legal officials over the process or the agreements reached in the practices. But in this age of mass incarceration, where there is compelling evidence of racism at multiple levels of the criminal legal system (Alexander, 2010, Tonry, 2011), antiviolence activists from many racialized and marginalized communities want nothing to do with the law, seeing the system as a perpetrator of violence against them (Dabby and Autry, 2003; Durazo et al., 2011-2012; Incite, 2006; Kim, 2010; Mogul, Ritchie, and Whitlock, 2011; Richie, 2012; Smith, 2010). Beth Richie’s book, *Arrested Justice: Black Women, Violence, and America’s Prison Nation* (2012) offers one of the most recent and insightful critiques of the co-optation of feminist antiviolence projects by the criminal legal system. *Queer (In)Justice: The Criminalization of LGBT People in the United States* by Joey Mogul, Andrea Ritchie, and Kay Whitlock (2011) details the

abuse of LGBT individuals by law enforcement, and the failure of the law to address both hate crimes and intimate partner violence within LGBT communities. The organization Incite! Women, Gender Non-Conforming, and Trans People of Color Against Violence, a national activist organization, seeks to disseminate solutions to intimate partner violence that avoid any reliance upon the police, courts, and prisons (Incite, 2006). Their website includes a downloadable toolkit to “stop law enforcement violence against women of color and trans people of color” (Incite, 2014).

The alternative programs being promoted by these activists are being called “community-based approaches” or “community accountability approaches” (Durazo et al., 2011-2012; Kim, 2010). While some activists are interested in restorative practices, as they not based on a carceral model of justice (Kim, 2011-2012), some are critical of the close relationship between most RJ programs and the state (Smith, 2010). Mimi Kim (2010) and Andrea Smith (2010) offer descriptions of these social justice, community-based approaches to intimate violence.

## Conclusion

This review of the evaluation research on RJ in cases of intimate partner violence reveals many methodological shortcomings. There are problems with small samples; poorly drawn samples that combine different practices, different locations, and different kinds of crimes; and confusing findings. Of the studies using quantitative methods, only Pennell and Burford (2000) and Mills et al. (2013) employ control groups in a rigorous fashion. What do we know from this literature about the outcomes of these practices for survivors and for offenders? While there are suggestions of effectiveness in most of these studies, we actually know very little. The family decision making project in Canada is an early benchmark for the way it built evaluation research into the program, for its complex assessment of subsequent abuse, for its creation of a comparison group, and for its positive findings regarding recidivism. The groundwork done by Pennell and Burford to develop this approach is further noteworthy for their consultation with advocates for abused women and a range of community agencies in the design and the

implementation of this model. Despite the fact that the first publication by Pennell and Burford on this project is now 20 years old, only the RESTORE Program shows a similar collaborative involvement in the creation of these practices. In a more recent publication, Pennell and her colleagues have further outlined how to practice family group conferencing in ways that prioritize the safety of women and children (Pennell and Anderson, 2005). The qualitative research by Donna Coker is also important. She examined and critically questioned the use of Navajo Peacemaking in cases of intimate partner violence, discovering both benefits and shortcomings for abused women. The cautions she raises offer guidelines for all restorative practices addressing these crimes.

The various practices in this review illustrate that restorative justice can be used in ways that involve both survivors and offenders; survivors, offenders, and community members; only offenders; and only survivors. But clearly, more research conducted with the thoughtfulness demonstrated by Pennell and Coker is long overdue.

Given the thinness of the evaluation research on RJ and intimate partner violence, there is much to be done. Clearly, there many existing practices that need rigorous follow-up research. This research should go beyond simple measures of recidivism and victim satisfaction to explore, using qualitative and quantitative methods, the experience of the practices upon victims, offenders, and their families, both in the short and the long term. We also need to create new programs that are worth evaluating.

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