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JOURNAL OF
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Mapping restorative justice and restorative practices in criminal justice in the Republic of Ireland

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ABSTRACT

Restorative justice has been available in certain parts of the Republic of Ireland, and at some stages of the criminal justice process, for over two decades. Additionally, in recent years, many public- and third-sector practitioners working with offenders and victims have received training in restorative practices. However, there has never been a study mapping the use of restorative justice and practices across the country. This article analyses and contextualises the main findings from recent research that investigated the extent to which restorative justice and practices are used in Irish criminal justice. It outlines new data collected from agencies that seldom permit academic access to data, nor publish figures on these elements of their work. The findings suggest that restorative justice is used with several offence types, albeit mostly in relation to victimless offences (or otherwise in the absence of a direct victim), while accessibility remains low overall. At the same time, the growth in restorative practices training creates an opportunity to align occupational cultures with restorative principles. This study lays the groundwork for policies aiming to make restorative justice more accessible and embed a restorative culture in Irish criminal justice professions and agencies.

1. Introduction

The Republic of Ireland remains at an early stage in the institutionalisation and study of restorative justice. Schemes with a limited geographical or clientele remit have waxed and waned, without achieving enough support to stimulate their mainstreaming. Advocates' enthusiasm around the time of the National Commission on Restorative Justice (2009) rapidly faded, as austerity negated the proposal that (virtually) all victims and offenders should have access to restorative justice. Moreover, Ireland produces little in the way of independent, empirical restorative justice research. Aside from a small number of studies, such as O'Dwyer (2006), Leonard and Kenny (2011), Keenan (2014), Kennedy and Seymour (2018) and McStravick (2018), researchers' limited access to administrative data, participants and funding has stifled the analysis of restorative justice, much as it has that of criminal justice in Ireland generally (Hamilton, 2019).

Increasingly, however, stakeholders working within and with Irish criminal justice have committed to developing and studying restorative justice. This work accelerated following a government pledge to 'work with all criminal justice agencies to build capacity to deliver restorative justice' (Government of Ireland, 2020: 86). The Department of Justice now cites restorative justice as one element within its victim support, youth justice and criminal justice reform strategies (Department of Justice, 2020; 2021a; 2021b), reflecting a growing, high-level aspiration to explore how to support victims and reduce crime by learning from research and other jurisdictions

(Hamilton, 2022). An increasingly organised, embedded advocacy movement has bolstered restorative justice, building connections with and among stakeholders with the twin goals of making restorative justice accessible and changing institutional and occupational cultures to align with restorative principles (Marder et al., 2019).

Recognising that there was no comprehensive dataset on the use of restorative justice in Ireland, the Department of Justice funded the author to conduct research to produce this information. This article outlines the study's main findings. It describes the work of Irish restorative justice services, estimating the use of restorative justice in 2019, including case types, practice models and levels of victim participation. It explores how a variety of statutory agencies and Community-Based Organisations (CBOs) reported using restorative practices in criminal justice contexts, either within interventions or for conflict resolution. The paper also analyses and contextualises the findings in relation to existing knowledge on restorative justice policies and practices in Ireland, with reference to 25 service profiles and 39 case studies collected as part of an ongoing mapping exercise, funded by the Department of Justice, to quantify the training and use of restorative justice and restorative practices in Irish criminal justice. This paper presents data from the first sweep of this mapping exercise, with data collected in 2021 for the 2019 calendar year.

This research defines restorative justice as a process that involves responding to a criminal offence by enabling the perpetrator(s) and victim(s) and/or other relevant stakeholders (such as their families), to participate actively in addressing and repairing the harm done. This notion of stakeholder participation in responding to crime as the core characteristic of restorative justice aligns with the 2018 Council of Europe Recommendation concerning restorative justice in criminal matters, although it is broader than definitions that are contingent on victim-offender dialogue (Restorative Justice Council, 2012). While debate persists as to the relative merits of broader and narrower definitions (e.g. Daly, 2016; Clamp and Paterson, 2017), a broad definition was adopted here to ensure that the mapping captured, and permitted the analysis of, the full spectrum of practices that are framed and understood in Ireland as 'restorative'. In the only explicit reference to restorative justice in Irish law, the Criminal Justice (Victims of Crime) Act 2017 s.2 (1) narrowly defines it as where a 'victim and offender or alleged offender engage with each other to resolve, with the assistance of an impartial third party, matters arising from the offence or alleged offence'. Yet, in practice, Ireland hosts several conferencing and reparation programmes that predate this legislation, receive cases with and without identified victims, and are widely referred to as 'restorative' and included in descriptions of restorative justice in Ireland (O'Dwyer and Payne, 2016; McStravick, 2018). This research thus permitted respondents to submit data in accordance with local understandings. It was requested that the data be as granular as possible to permit the drawing of distinctions between processes.

The study on which this paper is based also defined restorative practices broadly, as incorporating any other applications of restorative principles and processes beyond the case-based responses to specific offences as mentioned above. The core elements are the principles of participation, relationship building and repairing harm, and the skills and processes that practitioners can use to align their work with citizens with these principles (O'Dwyer, 2021). Again, the broad definition sought to capture as much information as possible about what respondents perceived as restorative, maximising the data available for analysis. The practices captured included the proactive use of restorative processes to build relationships and make group decisions, training practitioners in restorative language to aid in their one-on-one work with citizens and colleagues, and organisations that use restorative processes internally or with citizens to respond to conflict or harm beyond the criminal procedure. Some of this work occurred at the initiative of individual professionals with relevant training, occasionally in collaboration with external restorative practitioners. Some of it occurred as an entire organisation or part thereof received relevant training. Although the work reported was patchy, participants gave examples and used language that indicated a willingness to embed restorative principles and processes in several areas of criminal justice practice. This has implications for how citizens might experience criminal justice in Ireland (i.e. the criminal justice *culture*).

The paper starts by outlining the existing policies and practices in Ireland of relevance to the study. Moving on to the current project, it discusses the methodology and participants for the mapping exercise and case study collection. The next section reflects on what we can and cannot tell from these data, given their significant limitations, about the usage of restorative justice and restorative practices in Irish criminal justice. The discussion then considers what these findings mean for the accessibility of restorative justice services and the development of a restorative criminal justice culture, and the conclusion focuses on the need for additional data and research. Ireland may be seeking to make restorative justice more accessible and apply restorative practices to build participatory, relational and harm-focused approaches in criminal justice settings. Yet, realising these goals will require substantial strategic investments in the capacities to facilitate restorative justice, collect and publish data, build evaluation into implementation, and articulate the restorative philosophy with enough clarity that all criminal justice professionals and policymakers can understand and implement it systematically.

2. Restorative justice and restorative practices: policy and practice in Ireland

Ireland's engagement with restorative justice spans more than two decades. The Children Act 2001 did not mention restorative justice by name, but introduced several opportunities for 'conferences', delivered either by specialist police officers (Juvenile Liaison Officers, or JLOs) alongside youth cautions, or ordered by the Children's Court and delivered by Young Persons' Probation in the event of a child being prosecuted. Around the same time, two CBOs were established to deliver restorative justice in response to adult offences. Within geographically bounded remits, CBOs in Counties Tipperary and Dublin received referrals from the lower adult courts, in between conviction and sentencing. Combining caseworkers with community volunteers and professionals from the Garda Síochána (the Irish national police force) and the Probation Service, they used victim-offender mediation and a new model of 'offender reparation panels', in which offenders (even from victimless offences) met with persons from the above groups to discuss the harm done and its repair through a reparation contract. Although these were non-statutory pilots, judges could take into account the completion of these contracts when sentencing.

The perceived success of this early work led to the establishment of the National Commission on Restorative Justice (2009; see also, Gavin, 2015). The Commission's report (2009) recommended rolling out restorative justice nationally. They estimated that 3265–7250 cases before the adult courts annually could be resolved through restorative justice, 290–579 of which would result in a diversion from custody, saving €4.1-€8.3 million each year. Despite cross-party support, however, the lack of funding and limited understanding of restorative justice meant that the target of nationwide availability by 2015 was far from achieved (Gavin and Joyce, 2013; Gavin, 2015). Indeed, the years immediately following their report saw an austerity programme devastate the Irish public sector, precluding investment in restorative justice.

Since then, restorative justice has waxed and waned in different settings. The rapid decline in the use of restorative youth cautions in the mid-to-late 2010s (Marder, 2019), for example, occurred alongside the inclusion of restorative justice in the Criminal Justice (Victims of Crime) Act 2017, and the creation of a new Restorative Justice and Victim Services Unit in the Probation Service in 2018. Meanwhile, catchment areas and caseloads grew slowly for CBOs (including Restorative Justice Services in Dublin and Restorative Justice in the Community in Tipperary), but the number of court-ordered youth conferences remains small (Kennedy and Seymour, 2018). Public information about the levels of training and use of restorative justice is limited in this period: some CBOs and public bodies (such as the Probation Service) do not publish figures on either; the Garda Síochána publish annual figures on restorative youth cautions without distinguishing between those that do or do not involve a victim (Marder, 2019). No data exist permitting the assessment of police performance against their obligation under s.7 of the Victims of Crime Act 2017) to inform victims about restorative justice, where available. In that period, Restorative Justice Services and Le Chéile (a CBO delivering restorative justice, mostly post-sentence and with young people in Limerick) published detailed annual reports, whereas Restorative Justice in the Community did not.

The period since 2018 has seen a flurry of activity regarding restorative justice in Ireland. As noted, the Probation Service established a new restorative justice unit in 2018, and 2020 saw another CBO service formed by Cornmarket Project (Wexford). The adoption of the 2018 Council of Europe Recommendation concerning restorative justice in criminal matters, and the establishment of a 10-country project (involving this author) to implement that Recommendation (Marder et al., 2019), precipitated the first multi-agency commitment to develop joint arrangements for restorative justice in several years (Department of Justice, 2019). Most major strategic papers since have included the desire to develop restorative justice, including to support the victims of sexual violence (Department of Justice, 2020), to respond to youth offending (Department of Justice, 2021a), and as part of an action plan for criminal justice reform (Department of Justice, 2021b). The Department of Justice funded the current study to inform that work.

In a separate but overlapping development, many criminal justice agencies and other bodies that work in the criminal justice context have trained their practitioners in restorative practices. Some claim to take a restorative approach to their work, most commonly in youth justice. For example, those police officers (JLOs) who deliver youth cautions receive three days of restorative practices training, in addition to 60 h of mediation training (Monitoring Committee, 2018). Based on this, the most recent annual report on youth cautions asserted 'all cautions (whether a victim is involved or not) are managed through a restorative lens' (Monitoring Committee, 2021). This is despite the proportion of cautions recorded as restorative falling from a peak of 8.46% in 2012, to just 1.63% in 2019 (Monitoring Committee, 2013, 2021) and a lack of clarity as to the criteria by which cautions are recorded as being restorative or not. Similarly, Oberstown, Ireland's sole youth detention centre, trained residents in restorative practice in 2017, before training staff subsequently and engaging consultants to 'identify ways of building effective relationships between staff and young people' (Centre for Effective Services, 2017: 1). Oberstown's website contends 'all care is child-centred and based on partici-pative and restorative practice' (Oberstown, 2022), although there has not been any independent, published research attempting to verify this claim or to identify the practical differences in the approach to child custody it implies.

Restorative practices also feature in several community development strategies focusing on crime prevention in specific urban areas (Connolly, 2019; Nolan, 2019, 2020; Geiran, 2021), and in the new Youth Justice Strategy, 2021–27 (Department of Justice, 2021a). The youth work organisations to which children be referred on receipt of a caution (Youth Diversion Projects – formerly *Garda* Youth Diversion Projects) are receiving restorative practices training in 2022, delayed from 2021 due to COVID-19 (Egan, 2019).

Despite these developments, most bodies using restorative justice or restorative practices do not routinely publish sufficient data to assess the level or nature of this work. For example, Restorative Justice Services and Le Chéile (2020) still issues detailed annual reports (Restorative Justice Services, 2020), but Restorative Justice in the Community does not consistently publish their data. Similarly, while annual Probation Service reports (e.g. Probation Service, 2021) usually include the number of family conferences with their young clients, they are yet to include figures on the use of restorative justice with adults. As noted, the information produced by the Garda Síochána is consistent but limited: their annual reports disclose the number of cautions that are recorded as 'restorative', but not the offences or the models of practice used (Monitoring Committee, 2018, 2021). They also offer little information as to what is meant by a 'restorative lens', nor the intended or measured differences it makes to their work.

Restorative justice and restorative practices are conceptually elastic. This means that they can be interpreted in many different ways, that dissimilar approaches can be framed as restorative, and that they can be challenging for practitioners to articulate or grasp, or for academics to operationalise clearly for evaluation (McCold, 2000; Daly, 2016; Calkin, 2021). Coupled with the fact that Ireland publishes little data on criminal justice (Hamilton, 2019), new datasets are required to assess the extent and nature of the practices occurring under the restorative label. This is an essential precursor to any critical review of the restorative landscape in Ireland, and necessary to guarantee that Ireland realises and captures the potential benefits of this work, while identifying and mitigating the risks.

3. The current project: context, methodology and datasets

With 'small grant' funding from the Department of Justice, the author and colleagues in the Irish arm of Restorative Justice:

Strategies for Change (RJS4C) sought to map the use of restorative justice and restorative practices in Irish criminal justice and collect case studies illustrating this work. RJS4C is a five-year (2019–24) project involving around 40 partners in ten European countries, established to galvanise the implementation of the Council of Europe Recommendation concerning restorative justice in criminal matters. RJS4C aims to refocus criminal justice systems around restorative principles and processes, and to share successful strategies that can help countries achieve this goal. In Ireland, the project partners are drawn from academia, independent trainers and the Probation Service, the national strategic lead agency for restorative justice. Academic- and third-sector partners from three countries (Ireland, Belgium and the Netherlands) coordinate RJS4C at the European level.

In Ireland, the project began in earnest in March 2019, when around 100 persons from across the criminal justice system met to discuss the priorities and content of a national strategy for the development of restorative justice nationally. Following the publication of this strategy in June that year (Marder et al., 2019), the Irish partners organised several workshops, conferences and other activities that related to the strategy's three core pillars: accessibility, knowledge and cultural change. They also built relationships and provided support and networking and learning opportunities for those who work in or with criminal justice agencies and were interested in applying restorative principles and processes in their contexts. A national stakeholder group numbers 590 persons from across the justice sector, as of February 2022.

Emerging from activities with the stakeholder group was a perceived need to enhance knowledge within Ireland of the existing services and approaches, and of the meaning, use and benefits of restorative justice and practices. Stakeholders indicated that many working in the criminal justice sector knew little about restorative justice. In June 2020, the Department of Justice agreed to fund the partners to conduct this research and publish the raw dataset on a new website (www.restorativejustice.ie).

The research element of the project focused on two main activities. First, the group aimed to map the use of restorative justice and restorative practices in Irish criminal justice. This involved distributing a survey that asked organisations to provide statistical data and qualitative accounts of their training and use of restorative justice and practices. The survey was designed so that each response could be published as a service profile, and so that it would be possible to aggregate the quantitative data, creating a national picture of restorative justice. It contained three sections: 1) a service overview, describing the focus of their restorative activities, their staffing and training, and their funding, client groups and referral sources; 2) the nature of the restorative services provided, including the models used and the number and types of cases delivered; and, 3) any sources of further information, such as reports and strategies. The second part of the study aimed to amass a qualitative dataset, including as many case studies of restorative justice and restorative practices as stakeholders could produce, written by service managers or facilitators. A call for cases included several guiding questions and an offer of a fictionalised example and editorial support to maximise anonymisation. Prospective authors were asked not to include cases from the previous year to reduce the chances of any individual being identified from a case.

Based on the responses received, the website and raw dataset were launched in January 2021. By July 2021, the group published 25 service profiles from the mapping exercise and 39 case studies of either restorative justice or restorative practices. They divided the service profiles into three categories. First, six organisations provided restorative justice services: the police, the Probation Service (divided into two profiles for child and adult clients), and four publicly funded CBOs that received referrals from the courts or Probation Service. Second, 12 services responded that did not deliver restorative justice in the criminal procedure, but used restorative practices in their justice work. These included the Irish Prison Service and numerous youth (justice) work and third-sector bodies. Finally, six responses were categorised as bodies and networks providing support for restorative practitioners.

By July 2021, there were 39 published case studies. In terms of restorative justice, CBOs submitted 17 cases, the Probation Service submitted eight, and the police submitted four. Of these 29 cases, eight depicted young offenders and 21, adult offenders, while 18 cases involved victim-offender dialogue and 11 involved other models of practice (offender reparation panels, family conferences and surrogate victim conferences). The remaining ten cases described restorative practices in criminal justice: five in a policing context, four in detention, and one relating to a CBO. Cases represent only the recollection, perspectives and perceptions of the authors, with the researchers unable independently to verify the facts stated. They also may be indicative, but are not representative, of restorative justice in Ireland, nor do they necessarily represent best practice (Chapman, 2021). Still, the case studies and service map together represent the largest published dataset on restorative justice and restorative practices collected in Ireland. The next section notes the patchiness of the data and the level of estimation required to draw useful conclusions. Despite this, these data provide a unique opportunity to explore the level and nature of restorative justice and practice in this jurisdiction.

Table 1
Restorative justice in the Irish criminal justice process.

Service and year of data	Cases (all models unless stated)	Cases, direct victim participation	Cases, indirect victim participation
Cornmarket Project (2017–19)	16	6	4
Garda Síochána (2019)	125	Not available	Not available
Le Chéile (2019)	9 (conferences/mediation); 22 (offender reparation)	4	5
Probation Service (2019–20)	11 (youth); 37 (adult)	3 (youth); 7 (adult)	3 (youth); 11 (adult)
Restorative Justice in the Community (2019)	200	3	33
Restorative Justice Services (2019)	319 (offender reparation/mediation), 114 (road safety programme)	36 (est. based on 2018 proportions)	22 (est. based on 2018 proportions)
Estimated totals	853	59	78

4. Findings

4.1. Restorative justice in the Irish criminal justice process

Six agencies reported offering restorative justice in the criminal justice process: two public bodies (the Garda Síochána and the Probation Service) and four CBOs with public funding. The police's restorative justice service pertains exclusively to children within its youth cautioning scheme, and one CBO (Le Chéile) exclusively operates in youth justice (albeit, it received referrals up to the age of 21, subsequently changed to 23). The Probation Service delivers restorative justice to child and adult clients. Three other CBOs only offer restorative justice in cases with adult offenders (see Table 1).

The CBOs typically work along geographical boundaries. Le Chéile receives referrals post-sentence from probation and at the diversionary stage from police officers in Limerick and Clare. Restorative Justice Services (RJS) and Restorative Justice in the Community (RJC) receive the vast majority of their cases from the adult courts in their counties of operation: Dublin; and Tipperary, Laois and Offaly, respectively. They also receive probation- and self-referrals, and referrals from adult courts in nearby counties. Cornmarket Project's restorative conferencing service in Wexford was formalised in 2020 after a three-year pilot and has no restrictions on potential referral pathways. Le Chéile also operates a youth mentoring service, and Cornmarket Project provides drug treatment and other types of offender rehabilitation programmes. RJS and RJC exclusively provide restorative justice.

Based on the data collected, we estimate that these six services delivered around 850 restorative processes in 2019. This figure is indicative of the scale of provision, but is not definitive because it includes an array of models of practice, and in some instances, the reported data covered more than one year. For example, Cornmarket reported 16 conferences in 2017–19, without stating annual figures.

We can also estimate the inclusion of victims and describe the models of practice used. Firstly, we estimate that around one-third of the 850 cases involved offences with a direct victim and two-thirds did not. This is subject to several caveats, and it might overstate the proportion of offences with direct victims. For example, we classified all theft and criminal damage offences as having a direct victim, although some cases might not (e.g. criminal damage to public property). Still, knowing (for some services) the number of cases in which victims participated, the above can help us estimate the proportion of cases in which victim participation was theoretically possible, and in which a victim did participate. While around 280 out of the 850 cases likely had a direct victim, respondents reported victim participation in 137 cases: 59 with face-to-face dialogue between a victim and perpetrator, and 78 with some form of indirect victim participation (e.g. shuttle mediation, letter writing or financial reparation). Therefore, we estimate victims participated in some way in about half of the cases with a direct victim. Thus, one-sixth of all restorative processes involved a victim in some way. No information was available on the number of victims who declined to participate, having been offered a chance to do so. Many services also reported that, if they were able to contact a victim, they would seek their views and maintain a victim focus in the process, even if the victim did not choose to participate. The figures reflect the fact that commonly used practice models in Ireland (such as offender reparation panels and family conferences) do not require victim participation, while RJS' restorative road safety programme is exclusively for victimless offences.

None of these organisations definitively excludes any offence types. In practice, however, it seems that most cases were of relatively low seriousness, and many did not have direct victims. As regards the most common offence categories, approximately 25% of all cases reported involved road traffic offences, 22% were drug offences, 16% were public order offences, 12% were violent offences (mostly assaults) and 5% were property offences (mostly criminal damage). Again, these are approximations based on the data, which included different reference periods and several offences per case in some instances, and required an element of estimation from the Garda data. While small in number, the data included some serious offences, such as sexual offences. The case studies also showed that restorative justice is used with serious cases in Ireland, including offences of rape, car theft and serious assaults (with weapons and injuries), in a case of hate speech by a police officer, and with lower tariff offences as outlined above. The cases further illustrated the diverse practice models used, from a post-sentence conference with a perpetrator, their relative and an Animal Welfare Officer in an animal cruelty case, to a youth caution in an arson offence in which two adult victims, and seven perpetrators and one parent of each, participated in a conference.

4.2. Restorative practices in criminal justice contexts

The mapping exercise also sought self-report data from public and third-sector agencies that used restorative practices within their criminal justice work, but outside the criminal justice procedure. Twelve organisations provided relevant service profiles, including three public organisations (Irish Prison Service, Oberstown, GYDP Best Practice Development Team) and several CBOs and third-sector organisations that operate in the contexts of youth justice (Extern, Slaney Youth Diversion Project, Solas Project), community supervision (Tivoli Training Project, Treo Port Láirge), post-release reintegration (PACE, Release), victim support (One in Four), and community conflict (Traveller Mediation Service). Some transcend numerous contexts: Tivoli and Treo receive referrals from probation and conduct preventative youth work. Although requested to do so, respondents did not include quantitative data on restorative practices. Profiles instead qualitatively described the models used or stated goals of these activities. Finally, the dataset includes ten restorative practices case studies relating to the Garda Síochána, Irish Prison Service and two third-sector bodies – the Alternatives to Violence Project and an anonymous CBO. This section divides these findings into two categories: using restorative practices to respond to conflicts that emerged in the course of their activities, and embedding restorative practices in day-to-day operations and interventions.

Some organisations made primary reference to using restorative practices in response to harm or conflicts emerging in the course of

their work. For example, the Irish Prison Service provided a profile and three case studies outlining efforts to respond restoratively to in-custody harms. This includes an ongoing peer mediation scheme in one prison (Castlerea), described as succeeding at resolving conflicts in custody, and which will imminently be rolled out in other institutions. Two case studies refer to discontinued pilot projects from the mid-2010s in other prisons (Wheatfield, an adult male prison, and the Dóchas, an adult female prison) in which prison staff were trained to use restorative language and processes to help resolve conflict among people in custody and between staff and people in custody, and for disciplinary breaches. The profile notes ongoing work to provide restorative practices training for staff working in the Irish Prison Service College and build this into Recruit Prison Officers' initial training.

Five CBOs reported using restorative practices in response to harm or conflict. Two of these offer this as part of their services to the community. Firstly, the Traveller Mediation Service offers restorative practices in response to community- and police-referred community conflicts. Staffed by mediation- and restorative-trained members of the Traveller community, and in receipt of funding from the state via Restorative Justice in the Community, the Traveller Mediation Service aims to prevent and resolve conflict between members of the Traveller community (an indigenous minority group in Ireland), between Travellers and agencies, and between Travellers and members of the settled community (i.e. non-Traveller citizens). Secondly, One in Four use restorative processes within their support for (usually, self-referred) victims of child sexual abuse. Interventions by One in Four took place with five families in 2016, the last year for which the figures were provided. The offender was involved in one case, and four included only the survivor and their (non-offending) family members. Three CBOs described using restorative practices among clients and/or staff. One CBO anonymously described using restorative practices among clients following a theft from its premises, and with staff following intra-staff conflict. Tivoli reported that it tries to respond to 'issues' that arise in a 'restorative manner'. Extern stated: 'if an incident occurs during a session or prior to it in relation to offending or behaviour at home or school, staff go through restorative questions with them'.

Separately, several of the service profiles and case studies showed efforts to integrate restorative practices into the interventions that these organisations and their practitioners deliver. This was prevalent among those working with children. For example, Oberstown reported obtaining introductory restorative training for 'all Unit staff', facilitation skills training for 'a select group', and training as restorative practice trainers for 'a small number of staff'. This was not with the sole or primary goal of resolving conflict, but rather because their operational 'model of care [is] based on participative and restorative practice'. They also offered communities of practice for staff, and delivered 'Anti-Violence Restorative Practice Training' for 15 children in 2018, and 13 in 2019 (as a frame of reference, 75 children were detained in Oberstown in Q1 2019: 44 sentenced and 31 on remand).

Respondents that deliver preventative, diversionary or post-sentence youth justice work reported extensive staff training in restorative practices and its integration into their general approach. Extern state that 'restorative practices are used informally during individual sessions with the young people' across its police-, probation- and court-referred services. Slaney Youth Diversion Project was part of a countywide youth service committed 'to embedding restorative practices in the way staff work with each other, with young people, with families and with the community'. Around 30 staff received introductory restorative practice training, and 18 received advanced training. Slaney 'uses restorative practices, such as circles and restorative conversations, in all aspects of its work' since 2010, which they deemed 'particularly important in helping guide the relationship between the project and young people'. As noted previously, the GYDP Best Practice Team is coordinating restorative practices training for youth justice workers across 105 sites. The main aim of the first phase of training is 'to increase the knowledge and understanding of restorative practices as a way of being' and 'look at practices in relation to conversations and circles to assist in day-to-day encounters'. Solas reported that 'restorative values and principles underpin all aspects of its work and it seeks to use restorative approaches throughout [placing] strong emphasis on building relationships with young people'. Treo also cites restorative practices as 'one of four core approaches it uses in its work', listing several 'RP tools' (conversations, questions, circles and conferences) it applies with clients. Several organisations responded that a member of staff gained an academic qualification in restorative practices (e.g. Solas, Slaney), or that volunteers also receive restorative practices training (e.g. Treo).

Respondents working exclusively or mostly with adults tended to operate post-sentence and with more serious offenders. The Alternatives to Violence Project offer an in-prison training course studied and taught by mixed groups of 'inside' and 'outside' participants and facilitators, respectively. Circle processes are utilised to structure discussions on conflict resolution and non-violence as part of 'experiential training in restorative practices'. Release works with persons in or after release from prison, providing 'mentoring, group work in prison, supervised family visits, support after prison and matching with churches' and 'seeks to use restorative approaches and principles in all aspects of its work'. PACE provides 'Circles of Support and Accountability' (CoSA), an international programme where persons convicted of a sexual offence and on probation supervision recurrently meet a group of volunteers to aid their rehabilitation. PACE reported that CoSA is 'based on restorative principles', although they describe their volunteer training as 'cover [ing] a wide range of areas with a particular focus on understanding sexual offending behaviour and the impact on victims', without specifically mentioning restorative practices.

Finally, five Garda case studies show the use of restorative practices in disparate policing contexts. Restorative-trained police officers instigated two of the practices described following harmful events. In one, an officer who worked in an urban area that experienced a gas explosion facilitated a 'community healing circle' with around 20 residents, three police officers and a representative from the gas company. In another, a police officer in rural Ireland used circles to facilitate a two-day 'youth-led discussion on the prevention of road related harms' following the death of a child in a road traffic collision. Two other cases were collaborations with external restorative practitioners and used circles to build relationships between police and marginalised communities. One, with members of the Traveller community, also involved the Traveller Mediation Service, and involved several 'dialogue days' to build specific links between Travellers and community officers across the country to facilitate restorative approaches to community conflict. The other, with residents of a Direct Provision Centre (a residential centre for asylum seekers) and local police officers, was co-facilitated by an anonymous restorative practitioner. This aimed to build trust among the residents for the police and enable the

police to solve problems for residents. The final policing case study involved external restorative practitioners from a third-sector organisation and a university collaborating to facilitate circle processes among the force's management to discuss the findings of a cultural audit. This case study is noteworthy: almost all senior leaders (220+ operational officers at or above Superintendent rank and civilian staff at or above Assistant Principal Officer grade) participated in three days of circles to enable reflection and dialogue.

5. Discussion

5.1. Accessibility of restorative justice

The data suggest that the use of restorative justice in Ireland is both narrow and thin. It is 'narrow' because gaps in service provision remain in many parts of the country, and at several points in the justice procedure. For example, the Garda Síochána can offer restorative justice alongside youth, but not adult, cautions. Similarly, most of Ireland does not have a CBO to which cases can be referred at the court stage, and nowhere is there a capacity to use restorative justice in cases where a person is sentenced but is not under probation supervision or imprisoned. The Irish Prison Service reported that it is in 'regular contact' with the Probation Service's unit that offers restorative justice, but that victims must request this service, meaning that many victims likely remain unaware of restorative justice as an option. Moreover, coverage is 'thin', as small case numbers in youth cautions, youth courts and post-sentence for adults and children suggest that most people are not offered the chance to access restorative justice, even when theoretically possible. If so, the Garda Síochána may not be entirely compliant with s.7 of the Criminal Justice (Victims of Crime) Act 2017, which provides that the police should inform victims about restorative justice, where available, on first contact.

The data available for this first mapping of restorative justice services provide some indication of the availability and extent of service provision, but their limitations inhibit a precise picture. The quality and shortcomings of data varied across the services, indicative of the fact that, for some, this was the first time they collated data on the number of restorative justice interventions they delivered. There is reason to suspect that the figures are not complete for the public agencies in particular. Figures for the Probation Service, for example, do not include its estimate that 20 persons received an undocumented restorative intervention in some form. Communications with police officers suggest that some use restorative justice when delivering youth cautions, without documenting them as restorative. In addition, the survey did not include independent practitioners, thereby omitting relevant cases (often, offences of intra-familial sexual abuse, self-referred by the victim) in which these persons facilitate restorative justice privately (Keenan, 2021). The data also do not clarify the extent to which the different practice models align with restorative principles. However, we can see that restorative justice plays only a marginal role in Irish criminal justice. The estimated 850 cases in 2019, with 137 involving victims, compares unfavourably to the over 301,000 cases resolved by the District (lower) Courts (Courts Service, 2020) or the 11,000 children receiving youth cautions that year (Monitoring Committee, 2021). Restorative justice is used in a minuscule proportion (considerably under 1%) of the overall criminal justice caseload.

It is difficult to estimate the level of potential demand were services available and systematically offered. There is no reason to assume a prior estimate of 3265–7250 annual cases in adult courts alone (National Commission on Restorative Justice, 2009) is excessive. The Crime Survey for England and Wales asks if respondents who report victimisation recalled being offered restorative justice. It also asks if those who were offered restorative justice agreed to participate, and if those who were not offered this would have participated if they were. Over a ten-year period (2011–2020), the survey found that 25–44% of those offered restorative justice accept, and 22–28% of other victims would have accepted such an offer (Office for National Statistics, 2020). Based on these figures and on another study indicating a 48% take-up rate by perpetrators, the Criminal Justice Alliance (2017) estimated that England and Wales could see 68,000 victim-offender dialogue cases annually. A calculation based on the rough assumption that the population of England and Wales is twelve times that of Ireland would mean that Ireland could see a victim-offender dialogue caseload of around 5600 annually. Given that only one-sixth of cases in 2019 in Ireland involved victims in some way, the variety of practice models available should result in an even higher caseload for restorative justice services in Ireland – well into five figures – were it always offered.

5.2. Restorative practices and cultural change

The study of restorative practices in criminal justice settings remains in its infancy (Calkin, 2021). Yet, research from other sectors reveals the potential for restorative practices to effect change in criminal justice cultures. Criminal justice cultures are relatively stable patterns of behaviours and attitudes among professionals (Hamilton, 2019) that diverge between countries, institutions and occupations. For example, police, probation and prison institutions operate according to different rationales, assumptions and ways of working, while these also vary by country, between similar institutions (such as different prisons) within a country, and among different roles or occupations within an institution (such as community or response police officers) (Chan, 1997; Liebling et al., 2011; Reiner, 2010; Canton and Dominey, 2018). Cultures reflect the 'unwritten rules' that inform how practitioners employ their considerable discretion to select between the available courses of action and inaction (McConville et al., 1991). In turn, cultures determine citizens' experiences of criminal justice as much or more than do written laws and policies (Lipsky, 2010).

The goal of restorative practices is to structure discretion so that occupational and organisational cultures align with restorative principles, focusing on building positive relationships with citizens, enabling all those who hold a stake in a decision to participate in the process by which it is made, and repairing and responding constructively to harm as it arises (Marder, 2020a). It assumes that, by training and supporting professionals to use restorative skills and processes (i.e. restorative language, questions, conversations, circles and conferences), occupational (and eventually, organisational) cultures will change and citizens will have a different (and better)

experience of the state (O'Dwyer, 2021).

Turning back to the data, if, for example, police officers mainstreamed the use of circles to build relationships with certain communities, then those communities' relationships with, and experiences of, police could be transformed (Payne et al., 2020). A cultural audit found low levels of trust in leadership and a negative perception of performance management among frontline officers in the Garda Síochána (Pricewaterhouse Coopers, 2018). Yet, consistently using circles to enable open, participatory discussions on change and culture – as a case study shows took place among the leadership – could help alleviate the sense of organisational injustice (Aston, et al., 2021). Children's experiences of youth work, diversion and court also depend on how restoratively or punitively it is administered, with potential implications for the extent to which justice processes cause or prevent future harm (Marder and Forde, in press). Research has also found differences between residing or working in prisons with and without positive relationships and opportunities for participation (Auty and Liebling, 2019; Liebling et al., 2011; Marder et al., 2021). In other words, we may see a difference in citizens' and professionals' experiences and outcomes of justice if the practices reported as taking place irregularly and in pockets, were used systematically and widely.

Studies in other sectors have found changes in (aggregate) practitioner behaviour in organisations that have implemented restorative practices. In schools, for example, several large-scale evaluations and reviews of research found that teachers are less likely to use exclusionary forms of discipline after schools implemented restorative practices (Anyon et al., 2016; Augustine et al., 2018; Darling-Hammond et al., 2020). Likewise, one evaluation of restorative practices implementation in a child protection setting found that it significantly reduced the number of children taken into care (Mason et al., 2017).

Such de-escalation is imperative in criminal justice, too. The willingness of police officers to divert people from court; of youth justice, probation and community justice services to resolve harm and conflict informally; and of prisons and prison officers to circumvent formal disciplinary procedures, can determine citizens' outcomes and experiences of these agencies. The current study found evidence that several Irish public- and third-sector justice bodies had at least some awareness of, or training in, restorative practices, and stated their willingness to respond to harm restoratively instead of punitively, enable participation in decision-making and repairing harm, and actively build positive relationships with citizens over whom they have authority. Yet, these data alone cannot be used to verify claims of a restorative approach or culture. The education and social work studies cited above involved organisations that invested substantially more in training, human resources and evaluation to support and sustain implementation, than respondents in this mapping exercise. Indeed, that two adult prisons received perhaps the largest such investment in the Irish justice sector did not preclude that project's collapse after around two years. This is despite the case studies indicating that positive outcomes were achieved and practices were close to being embedded. It is also notable that the Irish criminal justice landscape includes many more public and third-sector bodies that were not included in this research because they were not known to use restorative practices.

Whether the data collected for this study are indicative of restorative cultures developing remains to be seen. Training cannot change behaviour if bureaucratic and other barriers to using new skills persist (O'Dwyer, 2021), and if changes are not introduced in an organisationally just manner (Aston, et al., 2021), aligned with evidence from change management (Santatzoglou and Wasik, 2015). Restorative practices may also be contrary to 'strongly institutionalised other rationales' (Blad, 2006: 108) within the justice agencies charged with their interpretation and use. Markedly, the principle of stakeholder participation – devolving control over conversations and decisions to affected individuals – is integral to restorative practices, but at odds with criminal justice cultures premised on authority, coercion and capturing and retaining control (Clamp and Paterson, 2017; Marder, 2020b). Chan's conceptual framework on cultural change in policing (1997: 116–22) differentiates between the influence of the context(s) in which policing occurs and the knowledge(s) the police build about their work. Restorative practices may change professional knowledge regarding how to respond to conflicts or deliver specific tasks in their day-to-day operations. Yet, the basic assumptions about 'why things are done the way they are' – that offences and offenders are objective categories of behaviour and people from which society must be protected – will likely persist, as will the socioeconomic conditions, power relations and laws that also shape culture and the use of discretion.

This research may indicate what it is possible to achieve within current systems. Yet, the implicitly anomalous nature of several case studies, alongside the absence of quantitative and verifiable data as to what precisely a restorative approach entails in practice, reveals the sheer scale of the challenge ahead in using restorative practices to instigate system-wide cultural change.

6. Conclusion – the need for data and research

'Restorative' remains a nebulous concept, difficult for professionals to understand, articulate and implement (Calkin, 2021). To enable all victims and offenders to make informed decisions as to whether restorative justice is right for them, professionals with knowledge of restorative justice must actively offer information about the process (Laxminarayan, 2014). Yet, Ireland suffers from a limited capacity to deliver the service, and a low propensity to offer the service where it is available. This study's finding that around half of victims engaged in some way when theoretically possible implies an appetite for restorative justice that the system is yet to match. Ongoing work to develop restorative justice services should be ambitious, and align with the Council of Europe legal framework's position that restorative justice be available for all offences and across the entire justice procedure. Before this work is scaled up, the existing services should standardise their data collection approaches and systems. At the very least, services must record data on the offence types referred and cases accepted, levels of victim input, participants involved and practice models used, and outcomes agreed and complied with (as well as case-by-case rationales or explanations for each of the above) in a standardised format, and publish aggregate statistics annually.

Elements of the restorative philosophy may seem more attractive or appear more straightforward to certain criminal justice actors, or in some criminal justice settings (Marder, 2020b). The flexibility of the concept allows for countless possible applications in criminal justice contexts. Yet, many of its potentially transformative applications – youth and community justice, victim support, prison

reintegration, conflict resolution and community policing – suffer from chronic underfunding and from cultural marginalisation in criminal justice institutions that are notoriously impervious to change. Its flexibility is also its weakness: concepts with fluid, blurred boundaries risk being interpreted selectively to legitimise and mystify – rather than to problematise, reflect on and change – existing practices (McCold, 2000).

Many respondents in this study professed to take a restorative approach to their overall work – a claim that is easier to make than to validate or explain. Beyond specialist restorative justice services, the research identified few dedicated human resources for restorative work. A restorative culture necessarily requires more than dedicated resources and some organisations reported that all or most professionals were trained to use specific restorative skills and practices whenever possible. Those services should now develop ways of monitoring, supervising and improving that work, documenting precisely what it entails in a way that researchers can evaluate its impact and explore avenues for progress. Ethnographic studies would be of value in places like Oberstown and with a range of CBOs to consider the practical implications of the restorative practices training undertaken so far, including how and when the training is applied and the extent to which restorative principles permeate the overall 'ways of working' of the organisations. For other services, the next step is more rudimentary: to articulate what precisely it means for their practices and culture to be restorative, so that professionals and citizens can understand the goals and mechanisms therein and an assessment of the likely impact of this work can be undertaken. Using quantitative tools to measure the restorativeness of professionals' attitudes (Tailor and Bailey, 2021) and programmes (Olsen and Sarver, 2021) could also be of value.

This exercise collected quantitative and qualitative data from public and third-sector bodies, some of which do not publish annual reports, few of which had previously publicly articulated how they use (or seek to use) restorative practices, and some of which had never collected quantitative data of any kind on this subject. A significant value of this work was that the raw data were published in full. Anyone can view the dataset online, and the researchers will continue updating it with new annualised data, service profiles and case studies, as long as the website remains active and respondents provide this information. Bearing in mind the estimation involved in drawing conclusions and the limited representatives of the qualitative data, this research still goes some way to shedding light on the meaning and use of restorative justice and restorative practices in the Irish criminal justice system and the next steps for their development.

Funding

Declarations of interest

None.

Data statement

The full, raw dataset is published on www.restorativejustice.ie.

Acknowledgements

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