

# RESEARCH BRIEFING

## PATHWAYS AND NARRATIVES OF YOUNG WOMEN WHO HAVE OFFENDED AND PARTICIPATED IN RESTORATIVE JUSTICE



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**DATES 2010- 2015**

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**FUNDER** University of East Anglia

## Why is this study important?

Female offenders are a vulnerable service user group who often have long histories of victimisation alongside their offending. Because of the complex relationship between victimisation and offending for women, there has been growing interest in providing alternatives to traditional criminal justice for this group. Restorative justice, which often involves face-to-face meetings between offenders and their victims, is one criminal justice alternative which has been suggested as appropriate for female offenders. At the time of the research, however, there was limited research that examined the uses of restorative justice for female offenders and their experiences within restorative justice.

## Aim of the study

The aim of the study was to examine how restorative justice had been used by a constabulary in the UK over a seven year period. The research questions included:

- How was police-facilitated restorative justice used in this county? What were the differences for female offenders compared to male offenders?
- What were female offenders' experiences of restorative justice facilitated by the police?
- How did female offenders situate their experiences in restorative justice within wider narratives about offending, victimisation and desistance?

## How was the study done?

The research was a mixed-methods study consisting of secondary analysis of administrative police data from 2007 to 2012 and narrative interviews with female offenders who participated in restorative justice, sampled from the database.

## Key findings

### Quantitative findings

- 17,486 people participated in restorative justice in this county between 2007 and 2012. 46.3% (N=8,099) of these participants were women, and 51.5% (N=9,000) of these participants were men. 40.2% (N=7,030) of the participants in RJ participated as offenders, 28.4% (N=4,961) as victims, 18.7% (N=3,274) as offender supporters and 5.8% (N=1,011) as victim supporters with an additional 6.9% (N=1,202) as additional supporters or appropriate adults, interpreters or other professionals. The most common role for women and men in RJ was as offenders. The second most common role for both genders was as victims. Women more often participated as victims supporters (65.1% female versus 34.9% male) and offender

supporters (67.0% versus 33.0%) than men.

- The constabulary used three types of restorative justice: conferences, street restorative justice, and school restorative justice. Conferences were meetings between victims and offenders, often with support persons present, and facilitated by a police officer. Street restorative justice were meetings between police and participants in an offence, which could include victims and offenders, usually at the time of the offence. School restorative justice was restorative justice facilitated by the police in a school. The most common form of restorative justice used by the police was street restorative justice which was used in 53.4% (N=3,743) of the cases, followed by conferences used in 37.2% (n=2,608). School restorative justice was the response to 6.7% (N=472) of the offences in the database.

- In this county, restorative justice was used by the police for low-level crimes, anti-social behaviour, non-crimes, and as crime prevention for young people. Restorative justice could be the only disposal or could be used alongside other disposals such as cautions, conditional cautions and Penalty Notices for Disorder. The majority of the cases in the database were classed as crimes (77.9%, N=5,433). The most typical offence types were shoplifting, damage, violence, intimidation, and theft offences. Women were most often referred to restorative justice for the following offence types in this order: shoplifting, violence, intimidation, damage and theft. Male offenders were typically referred to RJ for damage, then violence, shoplifting, intimidation and then theft.

- Restorative justice was used for offenders between the ages of 3 and 89; however, restorative justice was predominantly used for younger offenders. 62.1% (N=4,124) of the offenders belonged to the age group of 10-16. The mean age for male offenders who were referred to restorative justice was 20.31. For female offenders, the mean age was 19.49.

## Qualitative findings

- Twelve women were interviewed between one and five years after having participated in restorative justice as offenders. They had committed a variety of offences including assault, criminal damage, harassment, and shoplifting and were between the ages of 19 and 28 with an average age of 22. All the women who committed violence had female victims. Six of the women had prior histories of offending. The other six were one-time offenders. Seven attended conferences, four attended street restorative justice, and one was uncertain what she had attended. As suggested by the wider literature on female offenders, many had experienced victimisation prior to, or alongside,

engaging in offending.

- All but one of the women interviewed attended restorative justice without a support person. While they said they had been invited to bring someone, they suggested they did not need and/or did not have anyone to bring, potentially indicating the absence of support networks for this group of women. These women described feeling ganged up on by their victims and the police, particularly when the victims brought support people to the conference.

- Despite having participated in restorative justice, a process that expects clear victim and offender roles, and having admitted their offence to the police, the women interviewed continued to claim mutual culpability in their offence at the time of the interview. In the majority of the cases, the women interviewed had prior relationships with their victims and saw the offence as part of an ongoing conflict where they were sometimes victims and sometimes offenders.

- The women tended to tell normalising narratives around their offending. The first-time offenders often suggested that their offending, such as damage, harassment and fraud (using fake IDs), was part of typical teenage play in their community, which they had been unfairly singled out for. Women who committed violence against a female victim spoke about violence as a strategy they were loath to use but drew on for self-protection or to protect someone else. These women often had more extensive experiences of victimisation from family, peers, and partners and strove to not become victimised again.

- Many of the women interviewed said they had not understood the role of the police or the purpose of restorative justice. They were surprised when the police took the side of the victims, and they described not being allowed to explain their side of the story. They also described being forced to apologise by the police. Women indicated they often complied because they were worried about being arrested if they did not. They continued to express resentment at having to do so at the time of the interview.

- Some of the women who attended conferences described becoming deliberately defiant to counter what they felt was an unfair and stigmatising process. In some cases, women said conferences ended prematurely because the conflict escalated within restorative justice. This, however, did not mean that the conflict continued after restorative justice. By the time of the interview, all the women suggested their conflicts with the victims had ended. The women sometimes suggested that restorative justice had been a factor in this. They felt that going through restorative justice and discovering the police would not listen to

them meant that they made a choice to let the conflict go.

- Experiences in street restorative justice were mixed. The four women who attended street restorative justice all reported meeting with a police officer by themselves, without victims present, soon after having committed the offence or at the scene of the offence. Two described meeting with sympathetic officers who listened to them. In these instances, the women reported that they accepted their punishment and were grateful for the opportunity for a diversion from the criminal justice system. The other women described that police officers shouted at them and did not listen to explanations as to why they had offended. These women reported feeling shamed and depicted their interactions with the police in a negative light.

- At the time of the interview all the women reported having not offended for at least a year. One-time offenders said offending was a mistake they had not repeated and that they had resumed their normal lifestyles easily. Women who had offended several times spoke about using their own agency to deliberately change their lifestyles. Nearly all the women suggested that work made staying away from offending easier. Work either took them away from their peer network's play or it exposed them to new communities and peer networks who did not offend as play or otherwise.

### **Key recommendations for policy and practice**

- The study suggests there should be greater awareness for police facilitators as to the backgrounds of female offenders, including prior relationships with their victims, and how this might impact on their participation in restorative justice. This research, for example, supports wider criminological literature that highlights that female offenders (even low-level ones) often have multiple experiences of victimisation before, and alongside, offending. It also supports literature that suggests female offenders often know their victims, particularly in the case of violence. On-going, complex relationships with victims and histories of victimisation make it likely that many female offenders will see themselves as both victims and offenders, rather than just as offenders. This is particularly important knowledge for facilitators of a process that usually expects clear 'victim' and 'offender' roles.

- The study also suggests that there is the need for improved preparation for police-facilitated restorative justice involving female offenders. Many of the negative experiences described by female offenders such as a lack of knowledge of what restorative justice was, the experience of unequal support, and the feeling that the police were on the victim's side could have been improved by having meetings with the women

before restorative justice. It may be particularly useful in such meetings to let female offenders tell their own narratives about their offending and to explore with them their sense of culpability and to what extent they may be willing to make amends for their actions within restorative justice. This may avoid victim blaming taking place within restorative justice and may build on the positives female offenders bring to restorative justice: a willingness to take at least some responsibility for their offending and a desire to reduce the stress for themselves of on-going conflicts with known persons.

- Police facilitators of restorative justice should be mindful of choosing a form of restorative justice that is best suited to the offence and offenders. The study suggested that the police in this constabulary mainly relied on street restorative justice. Street restorative justice may be a good disposal for the police and for many offenders who benefit from a short, restorative conversation with a police officer. Some offences and offenders, however, such as female offenders who have committed violence against known victims will benefit from a more carefully planned restorative justice meeting.
- Finally, the study suggests that professionals, including the police, who work with female offenders should be aware of the positive role employment may play in their lives. While employment has long been suggested as a route towards desistance for male offenders, this research joins a body of emerging research which suggests the same for female offenders, including low-level ones.

### **Strengths and limitations of the study**

#### **Strengths**

- The size of the administrative dataset (N=17,486) provided valuable insight into how a UK constabulary implemented and used restorative justice over a seven-year period. Specifically, it increases our understanding of when restorative justice was deemed acceptable to use, for whom, and how. The large number of female offenders in the database (N=2,586) provides further insight into gender differences in how restorative justice was used by the police which has largely been absent in the literature.
- Previous qualitative restorative justice literature has focused on the restorative justice process,

both through in-depth interviews with participants as well as through ethnographic observations. Taking a narrative approach, allowed participants not only to comment on their experience of restorative justice but also to situate their participation in restorative justice and their role as an offender within larger narratives of victimisation, offending and desistance. This, in turn, allowed greater clarity into why women might go on to desist after restorative justice but still describe the process as a negative experience.

#### **Limitations**

- While the police administrative dataset analysed for this study was sizeable, it contained a number of errors and missing data, which restricted the type of quantitative analysis possible. As a result, analysis was limited to descriptive analysis and some non-parametric analysis.
- Due to recruitment difficulties, twelve women were interviewed out of the 168 female offenders contacted by the police. While twelve women is an appropriately sized sample for narrative research, a larger qualitative sample might have resulted in more varied experiences of police-facilitated restorative justice.
- There were slight differences between the quantitative and qualitative data. The women interviewed were slightly older than the average female offender in the quantitative database (22 versus 19.49), and while the most common offence type for women in the quantitative database was shoplifting, the most common offence committed by the women in the qualitative sample was violence. Finally, while the most common type of restorative justice used by the police was street restorative justice, most of the women interviewed participated in conferences. As a result, it is possible that the experiences described by the women in the qualitative sample differs from the typical experiences from the female offenders in the database.

#### **Where can I find out more?**

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#### **FIND OUT MORE**

**LARSSON, B. (2019). [FORTHCOMING] 'MORALITY TALES: YOUNG WOMEN'S NARRATIVES ON OFFENDING, SELF-WORTH AND DESISTANCE.' PROBATION JOURNAL.**

**LARSSON, B., SCHOFIELD, G. & BIGGART, L., (2018), 'THE CHALLENGES FOR GOOD PRACTICE IN POLICE-FACILITATED RESTORATIVE JUSTICE FOR FEMALE OFFENDERS.' INTERNATIONAL JOURNAL OF RESTORATIVE JUSTICE, 1, 33-57.**

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