



## *Restorative Justice Note # 4*

### **Restorative Justice in Matters Involving Serious Crimes**

The use of restorative justice is often limited to lower level crimes and matters for which the mainstream criminal justice system has little interest. It has been observed that restorative justice tends to be “essentially a peripheral add-on to the main workings of the criminal justice system.”<sup>1</sup> In some instances, this may even lead to net-widening and perhaps contribute to further marginalization of members of vulnerable groups. Yet, there is no need to confine our use of restorative justice programs to cases involving first time offenders or relatively minor offences.<sup>2</sup> Restorative justice may even have a deeper healing impact on serious offenders than on others. It also carries greater significance for the community when violent offences are involved. Contrary to assumptions that are often made, a restorative justice process can be quite effective in cases involving serious offences or even offenders entrenched in patterns of serious crime. It can be successfully applied when the offender and victims previously had some form of relationship with each other, even when violence is involved.<sup>3</sup>

A survey of conferencing and victim-offender mediation programs conducted as part of a project of the European Forum for Restorative Justice showed that conferencing can deal with any type of crime, including violent and other serious crimes.<sup>4</sup> Even for cases with great harm to the victim (that we would not want to divert because of the seriousness of the crime), there may be a huge benefit for victims (and substantial savings for the court and health systems).<sup>5</sup>

For instance, using conferences in cases of gendered violence (sexual, partner, and family violence) is controversial, but research findings are generally positive in terms of the victims’ experience. According to Daly, the movement in applying restorative justice in those cases is slow and there often is a fear that the

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<sup>1</sup> Cunneen, C. (2010). The limitations of restorative justice. In Cunneen C. & C. Hoyle, *debating restorative justice*. Oxford: Hart Publishing, 101-187, p. 184.

<sup>2</sup> Shapland, J., Robinson, G. & Sorsby, A. (2011), *Restorative justice in practice: Evaluating what works for victims and offenders*. London and New York: Routledge.

<sup>3</sup> Sherman, L. W. & Strang, H. (2012). Restorative justice as evidence-based sentencing. In Petersilia, J. & Reitz, K. (Eds.), *The Oxford handbook of sentencing and corrections*. NY: Oxford University Press, 215-243.

<sup>4</sup> Zinsstag, E. (2012). Conferencing – A developing practice of restorative justice. In Zinsstag, E. & Vanfraechem, I. (Eds), *Conferencing and restorative justice – International practices and perspectives*. Oxford: Oxford University Press, 11-32.

<sup>5</sup> Strang, H. (2012). Conferencing and victims. In Zinsstag, E. & Vanfraechem, I. (Eds), *Conferencing and restorative justice – International practices and perspectives*. Oxford: Oxford University Press, 82-98.

process does not provide sufficient safeguards for the victims: “The political and evidential challenges are significant in moving the idea forward, but the ground is softening for change”.<sup>6</sup>

Practitioners and researchers have debated the merits of restorative justice for cases of serious crimes, including domestic violence, violence against children, and gendered violence. On the one hand, it is often argued that the empowerment experience associated with restorative justice may counter the humiliation, disempowerment, and loss of control often resulting from the criminal justice process. The potential benefits of restorative justice processes in cases of domestic violence, child abuse and gender-based crimes are worth considering. On the other hand, some have argued that restorative justice programs have been overoptimistic in applying restorative justice principles in highly problematic areas. The controversy continues over the appropriateness and the risks associated with restorative justice in these contexts.

The Basic Principles (para. 9) explains that “disparities leading to power imbalances, as well as cultural differences among the parties, should be taken into consideration in referring a case to, and in conducting, a restorative process”. It should also be noted that several international instruments contain specific limitations on the use of alternative dispute resolution mechanisms and restorative justice processes, including negotiation, conciliation or mediation, in cases of violence against women due to the power imbalance and safety risks for women interacting with perpetrators during face-to-face meetings. In 2013, the Agreed Conclusions adopted by the 57th session of the Commission on the Status of Women urged Member States to “take the necessary legislative and/or other measures to prohibit compulsory and forced alternative dispute resolution processes, including forced mediation and conciliation, in relation to all forms of violence against women and girls”.<sup>7</sup> Also, in its General Recommendation 33, the Committee on the Elimination of Discrimination against Women recommended that States party to the UN Convention on the Elimination of all Forms of Discrimination against Women “ensure that cases of violence against women, including domestic violence, are under no circumstances referred to any alternative dispute resolution procedure”.<sup>8</sup>

Note also that the 2011 Council of Europe’s Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), which came into force in 2014, demands from the signatory states to prohibit mandatory alternative conflict resolution, including mediation and conciliation (article 48). The explanatory report regarding the Convention explains that victims of domestic violence can never enter mediation on an equal level with the perpetrator, that the perpetrator would always be more powerful and dominant, and that the state would be responsible for avoiding the privatization of domestic violence.

The implementation of restorative justice programs in cases involving serious crimes has proceeded cautiously. One of the reasons for this, particularly in cases of sexual violence or violence against children, is the resistance of allied professionals. As these cases raise safety and other concerns, the issues need to be considered and carefully assessed by specialized professionals. In that regard, two problems have been identified: the overestimation of the risk posed by offenders leading professionals to perhaps be overly cautious regarding any possibility of ‘dialogue and repair’; and, the fear of adverse impact of the restorative

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<sup>6</sup> Daly, K. (2012). Conference and gendered violence: Practices, politics, and Evidence. In Zinsstag, E. & Vanfraechem, I. (Eds), *Conferencing and restorative justice – International practices and perspectives*. Oxford: Oxford University Press, 116-135, p. 116.

<sup>7</sup> United Nations (2013). Commission on the Status of Women, Report on the 57<sup>th</sup> Session. E/CN.6/2013/11, p.6.

<sup>8</sup> United Nations (2015). Convention on the elimination of all forms of discrimination against women. CEDAW/C/GC/33, para. 58(c).

justice process for the victim, which can lead to professionals making decisions on behalf of victims rather than being accountable to them (“victim rescuing”).<sup>9</sup>

## **Domestic Violence**

Some countries report the use of restorative justice in domestic violence offences. Yet, there remain many questions relating to the victims’ safety, the risk of manipulation, and the prospects for conflict resolution.<sup>10</sup> In domestic violence, due in part to the continual nature of the violence, the cycle of violence has created a relationship of control and subordination providing special challenges for a restorative process.<sup>11</sup>

There are also frequent complaints by victims who participated in a restorative process about the lack of effective measures to ensure their ongoing protection and compliance by the offender. This is a fear sometimes expressed by survivors of historical sexual abuse when asked about the appropriateness of restorative justice for child sex offences.<sup>12</sup> Finally, there is the concern that the use of restorative justice in domestic or gendered violence may trivialize these crimes, turn them into a private matter, and fail to denounce the social tolerance of these behaviour. The policy of the Association of Chief Police Officers of England, Wales & Northern Ireland for domestic abuse/domestic violence, for example, does not support the use of restorative justice in determining outcomes in this area. It does however acknowledge that it could be appropriate in some limited cases.<sup>13</sup>

The restorative justice process can also place victims at further risk of harm due to power imbalances that tend to be present in relationships involving domestic abuse. Given that restorative justice is an interactional exchange, established communication patterns between partners are said to often be characterized by coercion on the part of the abuser and lack of agency by the victim.<sup>14</sup> Therefore, the likelihood of reaching an agreement that rebalances these power imbalances is hampered. Other authors contend that since safety is a key concern among victims of domestic violence, there are further risks that a restorative process, such as victim offender mediation, may pose. These include, but are not limited to, feeling intimidated by the offending partner and feeling restrained to disagree or assert one’s voice for fear of later reprisal. Furthermore, as there is a risk that the offending partner may also manipulate the restorative justice process,

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<sup>9</sup> Mercer, V. & Madsen, K. (2015). *Doing restorative justice in cases of sexual violence*. Leuven: Leuven Institute of Criminology.

<sup>10</sup> Stubbs, J. (2010). Restorative justice, gendered violence, and Indigenous women. In Ptacek, J. (Ed.), *Feminism, restorative justice and violence against women*. New York: Oxford University Press, 103-120. Also: Stubbs, J. (2007) Beyond apology? Domestic violence and critical questions for restorative justice. *Criminology and Criminal Justice*, 7 (2), 169-187.

<sup>11</sup> Rubin, P. (2010). A community of one’s own? When women speak to power about restorative justice. In Ptacek, J. (Ed.), *Restorative justice and violence against women*. New York: Oxford University Press, 79-102.

<sup>12</sup> Jülich, S. (2006). Views of justice among survivors of historical child sexual abuse. *Theoretical Criminology*, 10, 125-138. Also: Jülich, S. (2010). Restorative justice and gendered violence in New Zealand: A glimmer of hope. In Ptacek, J. (Ed.), *Restorative justice and violence against women*. New York: Oxford University Press, 39-254.

<sup>13</sup> Association of Chief Police Officers (2011). *Restorative justice guidance and minimum standards*. Greater Manchester: Association of Chief Police Officers.

<sup>14</sup> Johnsen, P. & Robertson, E. (2016). Protecting, restoring, improving: Incorporating therapeutic jurisprudence and restorative justice concepts into civil domestic violence cases. *University of Pennsylvania Law Review*, 164 (6), 1557-1586.

the outcome of this interaction has a reasonable likelihood of being ill-fitted, a poor use of justice resources, and injurious for the victim.<sup>15</sup>

### **Intimate Partner Violence**

It is probably fair to say that we do not fully understand the risks and potentials of the use of restorative justice in cases of intimate partner violence. Nevertheless, most western countries do have experience with (voluntary) forms of restorative justice interventions in cases of partner violence. Because of the concerns for the safety of the victim, restorative justice must often be accompanied and supported by other forms of interventions, explicit attention must be paid to dealing with power imbalance in the relationship, and concrete ways to guarantee the victim's safety need to be provided. Specialized mediators and facilitators can be trained to navigate the complexity of domestic violence cases and learn to facilitate special power-balancing techniques. The assistance and involvement of a victim support agency may also be provided to safeguard the victim's rights during the restorative justice process. Other means include the use of risk assessment tools to assess the eligibility of a case, the development of a safety plan for the victim, the issuance and monitoring of protection orders by the courts, as well as the monitoring of the long-term interventions necessary to change the offender's aggressive behaviour. At present, in most countries, there is no obligatory observation period after the restorative justice process has been successfully completed. In cases of domestic violence or other forms of repeated or cyclical violence, this is a clear deficiency in that approach.

Because the restorative justice process is typically a punctual and short-term intervention, it must be accompanied by other interventions. Even when the outcome of that process is an obligation for the offender to participate in an anger management, anti-violence training, or an addiction therapy, the fulfilment of that obligation by the offender must be monitored and compliance be enforced as effectively as if such an obligation was being imposed by a court.<sup>16</sup> Some experts recommend that the use of restorative justice should be paired with or made conditional on the offender's participation in therapy. The victims also need longer-term protection and support. Restorative justice practitioners must be aware of locally available victim support services and their referral criteria to make smooth referrals for victims where appropriate.

Where violence occurs within the family or between intimate partners, one may wonder how to define the role and relevance of the community within the restorative justice process. This may involve questions regarding the community's role given the rejection and ostracization experienced by some victims after reporting a crime, problematic community attitudes, integration issues for women of diverse backgrounds, and varying levels of community resources to support victims.<sup>17</sup> Not all communities are well placed to participate in these forms of restorative justice, and one must guard against the idealization of *community*.<sup>18</sup>

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<sup>15</sup> Drost, L., Haller, L., Hofinger, V., van der Kooij, T., Lunnemann, K. & Wolthuis, A. (2013). *Restorative justice in cases of domestic violence. Best practice examples between increasing mutual understanding and awareness of specific protection needs*. Comparative Report, Verwey-Jonker Institute, p. 19.

<sup>16</sup> See: Drost, L., Haller, L., Hofinger, V., van der Kooij, T., Lunnemann, K. & Wolthuis, A. (2013). *Restorative justice in cases of domestic violence. Best practice examples between increasing mutual understanding and awareness of specific protection needs*. Comparative Report, Verwey-Jonker Institute. See also: Lunnemann, K., & Wolthuis, A. (2015). *Restorative justice in cases of domestic violence. Best practice examples between increasing mutual understanding and awareness of specific protection needs, Second Comparative Report*. Verwey-Jonker Institute.

<sup>17</sup> Rubin, P. (2010). A Community of one's own? When women speak to power about restorative justice. In Ptacek, J. (Ed.), *Restorative justice and violence against women*. New York: Oxford University Press, 79-102, p. 98.

<sup>18</sup> Stubbs, J. (2010). Restorative justice, gendered violence, and Indigenous women. In Ptacek, J. (Ed.), *Feminism, Restorative justice, and violence against women*. New York: Oxford University Press, 104-123. Also: Uotila, E.

## **Sexual Assaults**

Even in the cases of serious violent crimes, victims often express a willingness to meet face to face with the offender. An evaluation of a prosecutor-referred mediation program involving victims of sexual assaults, for example, seemed to indicate that the victims' desire to meet with the offender was consistent with other findings across crime types. Three quarters of the felony sexual assault survivors wished to meet face-to-face and this figure dropped only slightly when attention was limited to those cases where the survivor victim and responsible person were romantic partners.<sup>19</sup>

In cases of non-family related severe crimes, there may be significant benefits for the victims of using a restorative justice process that achieves denunciation of the crime and the reintegrative shaming of the offender through the presence of the abuser's family and friends or other members of the community.<sup>20</sup> That view, however, is very much contested by those who reviewed existing programs and concluded that there is insufficient evidence to determine that there are inherent benefits in the restorative justice process that provide victims of sexual assault and other violent crimes with a superior form of justice.<sup>21</sup>

## **Child Victims**

Research has highlighted the potential of restorative justice in meeting the needs and rights of child victims while maintaining their safety and wellbeing, even when dealing with some of the most serious forms of crime against children.<sup>22</sup> Restorative justice can offer an environment where child victims, with the support of family and friends, can participate in a process that meets their varying needs, accommodates their coping capacity and level of development, and avoids traumatizing them further through their exposure to a difficult and unfriendly adversarial process. The success of such an approach, from a child's rights and needs perspective, depends on whether there is adequate preparation, support, and debriefing, as well as whether the child is participating freely and without pressure. The safety of the child must always be a precondition and a goal of the restorative justice process. It is often suggested that in cases involving child victims, a thorough clinical assessment should be done their participation in restorative justice. Another prerequisite to a restorative process, in addition to the offenders' admission of guilt, may be their active involvement in therapy.<sup>23</sup> In addition, safety can be enhanced by ensuring that the process is managed by well trained, skilful, sensitive and experienced practitioners who are well supported in both casework and line management and can effectively work in a multi-agency environment and have adequate support from specialists.<sup>24</sup>

Child victims are in a unique position of powerlessness compared with adult victims of crime. The ongoing, escalating nature of child abuse, especially sexual abuse, must be taken into consideration as well as the

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& Sambou, S. (2010). Victim-offender-mediation in cases of intimate relationship violence. Ideals, attitudes and practises in Finland. *Journal of Scandinavian Studies in Criminology and Crime Prevention*. 11(2), 189-207.

<sup>19</sup> Koss, M. (2014). The RESTORE program of restorative justice for sex crimes. *Journal of Interpersonal Violence*, 29 (9), 1623-1660.

<sup>20</sup> Sherman, L. W. & Strang, H. (2007). *Restorative justice: The evidence*. London: The Smith Institute.

<sup>21</sup> For example, Cossins, A. (2008). Restorative justice and child sex offences. *British Journal of Criminology*, 48 (3), 359-378.

<sup>22</sup> Gal, T. (2011). *Child victims and restorative justice*. New York: Oxford University Press.

<sup>23</sup> Mercer, V., Madsen, K. (2015). *Doing restorative justice in cases of sexual violence*. Leuven: Leuven Institute of Criminology.

<sup>24</sup> Idem.

fact that there is typically a relationship of control and coercion, in which the child has learned to “obey” the offender. There is obviously a concern that involving child victims in a restorative justice process may place them in a vulnerable, undesirable, stressful and even traumatic situation. Because of the power imbalance between the child victim and the offender, and potentially other participants in the process, the child may be pressured to participate or forgive the offender. The power imbalance also affects the bargaining power of the participants in the process, compromising the likelihood of a fair resolution.

Dependence on the consent of the child’s guardian is unique to child victims and requires attention. Decisions regarding a child’s participation in restorative justice process should be dictated by a consideration of the child’s best interests, but it cannot simply be assumed that this is what parents and others involved in the process always keep clearly in mind. Children may prefer adults to deal with the situation and fear abandonment when this is not forthcoming. The potential benefits and challenges of involving children in restorative justice processes needs to be further analysed from a child-right perspective.<sup>25</sup>

It is sometimes the case that both the victim of sexual abuse and the offender are children, particularly in situation of intrafamilial violence. Restorative justice has been used with young offenders involved in sexual offences. The complexity of such cases should not be underestimated, neither should be the issue of protecting the victim against further violence within the family environment.

In that regard, one should note that the *United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice*<sup>26</sup> warns of the need:

20 (h) To ensure that an informal or mediated settlement of cases involving violence against children takes place only when it is in the best interests of the child, and does not involve harmful practices, such as forced marriage, taking into account any power imbalance and the vulnerability of the child or his or her family in consenting to a settlement, with due regard for any future risk to the safety of the child or other children;

## **Hate Crime**

As is the case for various forms of violent crimes, applying restorative justice to remediate hate crimes has its own unique set of challenges related to power dynamics between the offending party and the victim. Yet, the specific dynamics remain unclear. There is a risk that the willingness of victims to meet the wrongdoers may result in further harm to them. However, this is possibly a unique role to be played by restorative justice for this type of crime because of its ability to offer a forum for dialogue, lessen fears, understand causes, and counteract stereotyping of such crimes. Therefore, it is suggested that restorative justice can be applied at least to the lower spectrum of hate crimes which, if left unaddressed, could lead to more serious community consequences.<sup>27</sup> Also, because hate crimes do not only affect individual victims but potentially an entire community, the restorative justice process cannot be expected to repair all the harm experienced. While in the short term, reductions in levels of fear, anxiety and anger may be alleviated, the

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<sup>25</sup> Gal, T. (2011). *Child victims and restorative justice*. New York: Oxford University Press.

<sup>26</sup> General Assembly resolution 69/194, annex.

<sup>27</sup> Gavrielides, T. (2012). Contextualizing restorative justice for hate crime. *Journal of Interpersonal Violence*, 27(18), 3624-3643. Also: Walters, M., & Hoyle, C. (2010). Healing harms and engendering tolerance: The promise of restorative justice for hate crime. In Chakraborti, N. (Ed.), *Hate crime: Concepts, policy, future directions*. Cullompton (UK): Willan, 228-249.

long term broader socio-structural inequalities and the awareness of victimization as a targeted group of people tends to remain unaddressed by restorative justice practices.

### **Improving the Participation of Victims in Restorative Justice Processes**

Many, if not most, proponents of restorative justice see the centrality of the victim's concerns as its main defining characteristic. For them "victim concerns and issues should be at the centre of work for restorative justice, and not ancillary".<sup>28</sup> Yet, many observers deplore the fact that restorative justice programs tend to be primarily offender oriented.<sup>29</sup> Some doubts are expressed about the capacity of restorative justice programs to be responsive to victims' needs due to their frequent implementation under the umbrella of the criminal justice system.

There are also issues about the timing of the involvement of victims and whether interventions should allow for sufficient time to elapse since the offence.<sup>30</sup> It is sometimes argued that the involvement of victims at the pre-sentence stage may be too soon - particularly for victims who had sustained physical injury or emotional trauma.<sup>31</sup> Research, however, has shown relatively high degrees of victim willingness to participate in mediation and conferencing and reveals subsequently high satisfaction rates as to both the process and outcome.<sup>32</sup>

The benefits of restorative justice to victims who agree to participate can be substantial. Victim satisfaction with the process, overall, tends to be very high.<sup>33</sup> Various program evaluations have demonstrated that victims of crime are satisfied, for various reasons, with their participation in a restorative justice process.<sup>34</sup> However, not every victim is aware of, or interested in, restorative justice. Only a small number of cases are referred to restorative justice, and victim self-referrals remain exceptional. In general victim take-up of restorative justice is very low. For example, data from the Crime Survey for England and Wales show that in instances where there was a victim of crime, only 7.2% were offered the opportunity to meet with the offender; of the remaining 92.8% of victims who said they were not offered the opportunity to meet with the offender, 24.7% would have accepted if offered.<sup>35</sup>

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<sup>28</sup> Van Ness, D. W., K. & Heetderks Strong, K. (2010). *Restoring justice – An introduction to restorative justice*. (3rd Ed). New Providence (N.J.): LexisNexis, p. 141.

<sup>29</sup> Dignan, J. (2007). The victim in restorative justice. In Walklate, S. (Ed), *Handbook of victims and victimology*. Cullompton: Willan Publishing, 309-332. Also: Pemberton, A. & Vanfraechem, I. (2015). Victims' victimization experiences and their need for justice. In Vanfraechem, I, Bolivar, D. & Aertsen, I. (Eds.), *Victims and restorative justice: Needs, experiences and policy challenges*. London: Routledge, 15-47.

<sup>30</sup> Zebel, S., Schreurs, W. & Ufkes, E. G. (2017). Crime seriousness and participation in restorative justice: The role of time elapsed since the offense. *Law and Human Behavior*, 41 (4), 385-397.

<sup>31</sup> Kirby, A. & Jacobson, J. (2015). *Evaluation of the pre-sentence RJ pathfinder*. London: Institute for Criminal Policy Research, University of London.

<sup>32</sup> Bolívar, D., Aertsen, I. & Vanfraechem, I. (2015). Victims and restorative justice: An empirical study of the needs, experiences and position of victims within restorative justice practices. Leuven: European Forum for Restorative Justice.

<sup>33</sup> See for example: Vanfraechem, I., Bolivar Fernandez, D. & Aertsen, I. (Eds.) (2015). *Victims and restorative justice*. London: Routledge.

<sup>34</sup> These reasons are complex. They include a perception of procedural fairness or justice, sense of closure, ability to express emotions, and the possibility of addressing pro-social motives. See for example: Van Camp, T. & Wemmers, J.-A. (2013). Victim satisfaction with restorative justice: More than procedural justice. *International Review of Victimology*, 19 (2), 117-143.

<sup>35</sup> Victims' Commissioner (2016). *A question of quality: A review of restorative Justice - Part 1 - Service providers*. London: Victims' Commissioner's Office.

The questions, some observers have concluded, is not whether restorative justice should be offered to victims but how this should be done?<sup>36</sup> Restorative justice may not be appropriate in all cases, but victim engagement to participate in a restorative justice process needs to be addressed on a case by case basis, in a way that ensures that victims are always safe and properly prepared in the event that they participate. Only a small proportion of cases are referred to restorative justice, and victim initiated restorative justice remains exceptional. Victims want to know about their restorative options sooner rather than later<sup>37</sup> and they would rather decline a restorative justice offer than not know about it. Information and the opportunity for choice are empowering and give victims a sense of control.<sup>38</sup> Not every victim is interested in the possibility, but many victims are unaware of it and hence miss out on its potential benefits. There are many ways to promote the participation of victims, including: allowing or promoting victim self-referrals to restorative justice services; increasing public awareness of restorative justice; raising victim awareness of restorative justice soon after the victimization; and, addressing the problem of lack of victim referrals by front line justice officials.<sup>39</sup>

Yet, there are potential risks and drawbacks for the victims who agree to participate. Although it is generally understood that the victim must consent to participate and cannot be forced to do so, it is not necessarily agreed that victims can also prevent a restorative justice process from proceeding without their consent. In a few jurisdictions, victims are given a high degree of control on the process. For example, the victim may have a veto power, by not consenting to a conference to go forward, but this is quite rare.

It is also important to address the ways in which cases are identified by restorative justice service providers. These include referrals from front line law enforcement and partner agencies, self-referrals from victims or offenders, and case extraction, whereby potential cases are identified by administrative personnel. The case extraction model, with access to police and court data on offences, offenders and victims, is often presented as the most effective approach.<sup>40</sup> In addition, it is also suggested that offence-specific exclusions from access to restorative justice services should be removed.

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<sup>36</sup> Van Camp. T. & Wemmers, J.-A. (2016). Victims' reflections on the protective approaches to the offer of restorative justice: The importance of information. *Canadian Journal of Criminology and Criminal Justice*, 58 (3),415-442.

<sup>37</sup> Shapland, J., Robinson, G. & Sorsby, A. (2011). *Restorative justice in practice*. London: Routledge.

<sup>38</sup> Van Camp. T. & Wemmers, J.-A. (2016). Victims' reflections on the protective approaches to the offer of restorative justice: The importance of information. *Canadian Journal of Criminology and Criminal Justice*, 58 (3),415-442.

<sup>39</sup> Bright, J. (2017). *Improving victim take-up of restorative justice*. Restorative Justice Council, U.K.

<sup>40</sup> Idem.