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Restorative Justice: Psychological Needs of Offenders and Implications for Safety and Security

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Abstract: *Crime creates psychosocial needs for victims, offenders, and communities where they occur—whether it is homogeneous or heterogeneous. Unfortunately, the criminal justice system does not recognize and take steps to meet these needs. This failure stems from a mischaracterization of the state or government as the crime victim. Our contention is that this problem also emerges from the theoretical groundswell that posits that offender must pay for his or her crime through incarceration. The result of this skewed perception of crime and victimhood has not deterred crime as evidenced by the high rate of recidivism. Certainly, crime-created psychological and social needs, also referred to in this analysis as psychosocial needs, do exist. The overarching question for this analysis is: Does the traditional criminal justice system meet these requirements? Contrarily, the restorative justice system is a method of justice administration that focuses on meeting the psychosocial needs of victims, offenders, and communities. The goal of restorative justice may be realized through victim-offender conference, family group conference, and peacemaking circles. Our findings revealed that these programs are effective because their success is supported by factors such as high rate of participation; the satisfaction of victims, the offenders and the communities where the crime occurred; as well as the programs' popularity.*

Keywords: Restorative justice, criminal justice, psychological needs, social needs, psychosocial needs

Introduction

The issue of the state or government assuming the sole responsibility of a “victim” in criminal cases is becoming more challenging. Increasingly, the actual victims' needs necessary for restoring the *status quo* are being neglected in the modern practice of criminal justice processing. Consequently, contemporary researchers under the realm of restorative justice have criticized this system of justice and suggested restorative justice strategies that can solve a crime, meet the needs of the victims and community, and hold offenders truly accountable (Elechi 1999; Zehr 2002; Onwudiwe et al. 2015).

In restorative justice, the government claims ownership of the crime and brings the offender before a theater of role-players, such as lawyers, judges, jurors, and eyewitnesses. It is essential in this legal orchestration that is designed in determining criminal responsibility to also punish the guilty and make the innocent whole again. This usurpation of victimhood by the government has relegated the actual victims that have been physically, psychologically, emotionally, socially, and financially harmed by crimes to be abandoned by the system. This lapse in the criminal justice system as practiced in the United States and other parts of the world has brought into perspective the following questions. Who is the actual victim of a crime? Is it the state or an individual? Has the victim suffered a harm that must be repaired not solely by the incarceration of the offender? Has the crime created some psychosocial needs for the victim?

How are these psychological needs being addressed by the criminal justice system? Are there other stakeholders impacted by a crime more than the state? Does incarceration or capital punishment compel the offender to account for the offense in the real sense of accountability? In this analysis, we will address these questions.

The purpose of this analysis is to determine whether the government is the primary victim of a crime. Also, the analysis aims to ascertain the impact of crime on the victim and what the victim's needs are. Similarly, the role of the offender in meeting the victim's needs is equally of paramount importance to this article. It is germane to draw a conclusion about whether the criminal justice system has satisfactorily addressed the questions delineated above and other issues.

Using an exploratory method of inquiry, this article begins with a review of the extant literature on restorative justice as it relates to administration of justice, however defined. This is followed by an operational definition of restorative justice, including a discussion of the psychological needs that result from crime as well as various methods of restorative justice implementation strategies and assessments. In sum, the analysis ends with an examination of some restorative justice instruments and how it will enable future scholars to understand the psychology of crime victimology in different jurisdictions as well as successful approaches in meeting psychosocial needs of the crime victims.

Literature Review

Numerous scholarly studies point to a sharp disagreement between proponents of the criminal justice system (Cossins 2008; Gavrielides 2008) and those who advocate for an alternative approach to the administration of justice (Beven et al. 2005; Gregory et al., 2014; Morris 2002). Consequentially, *inter alia*, this alternative method is known as restorative justice. Those who see crime as harm against the government believe it is the sole responsibility of the government to determine punishments for criminal behavior, with the belief that execution of severe sentencing is the best way to deter crime. To them, sanctions are just deserts for offenders. However, history has revealed that the world's major religions and traditions of indigenous peoples did not see crime as an injury against an established government or a monarchy. Rather, crime was seen as a violation of individual rights (Laster 1970).

As a result, the victim-centered justice system was practiced widely. It was the Western civilization that changed the victim-centered justice system in the eleventh-century ad dominium. After invading England in the eleventh century, William the Conqueror decided to bolster his fragile hold on power by expanding the government's involvement in criminal law (Van Ness 1986). William the Conqueror and his successor-son, King Henry I, decreed most individual acts committed against a person or property as crimes against the peace of the king or the crown instead of what they were initially, personal matters that were privately settled. Under the new criminal legal system, offenders had to pay fines to the monarchy or suffered a capital or corporal punishment as deemed appropriate by the state (Laster 1970).

Certainly, through the annals of humanity, societies have evolved and institutionalized ways of dealing with acts of violence and impropriety by members of the community against other members. Theorists have propounded various philosophical frameworks for understanding crime and dealing with criminal activities (Cullen & Agnew 2006).

Classical scholars believe that people, as rational beings, are concerned with minimizing their pain and maximizing their pleasure. To achieve this objective, people resort to crime as a sharp instrument. These theorists believe that the only thing capable of stopping people from

crime is the threat of punishment. The criminal justice system intends to keep the society in a state of balance whereby target attractiveness is matched by capable guardianship, as expounded by Lawrence Cohen and Marcus Felson in their routine activity theory of the late 1970s (Williams & McShane 2010). The understanding is that crime, being an inevitable element of the society, must be dealt with through state-mandated regulations or laws. Criminal justice practitioners examine crime through paradigmatic models of consensus and conflict (Gaines & Miller 2003).

Those who champion the consensus model assume that the collective decision of people to form a society carries with it an essential agreement about shared rules and values. The prescription of punishment is necessary against offenders considered to be dangerous, a threat to societal safety, and with a constant desire to violate conventional norms and values of stable society (Gaines & Miller 2003).

The preceding encapsulates another argument in favor of the criminal justice system. The conflict model looks at the inevitability of crime because the different segments of the society are separated by social class, income, age, and race. Consequently, these parts engage in a constant fight among themselves for power over the community. Those segments that emerge victorious codify their value systems into criminal justice laws which must be obeyed by all. Allowing violent, property, public order, white-collar, organized, and high-tech crimes to go unpunished would be tantamount to creating anomie. After all, the purpose of the criminal justice system is to control crime, to prevent crime, and to provide and maintain justice.

The burden of managing offense, preventing crime, and ensuring judicial equity rests squarely on the three leading components of the criminal justice system. However, critics of the criminal justice system question the role of the state or government in its administration (Brunk 2001; Zehr 2002). They argue that the government is not the primary victim of any crime in the society and, as such, should not assume the role of the victim. These theorists who look at justice from the utilitarian perspective believe that the actual victim's needs must be fulfilled. Additionally, the offender must be made to account for the crime, and then the society or the state has requirements that also must be satisfied through a process of restoration (Brunk 2001).

With the colonization of various parts of the world, Western civilization brought with it a criminal justice system that pitted the government against the offender. According to Howard Zehr (2002), the criminal justice system is concerned with what laws have been broken. Who did it? What do they deserve? For critics, the right questions to ask should be who has been hurt? What are their needs? Whose obligations are these? Under the criminal justice system, Zehr continued, crime is seen as a violation of the law and the state. As a result, violations create guilt. Criminal justice systems necessitate that the state should determine culpability or guilt and impose pain or penalty. The principal goal of the system is to see that offenders receive their due punishment (Hagan 2012).

The introduction of criminal justice systems in different regions of the world drastically pushed indigenous and aboriginal justice systems into near oblivion (Laster 1970). Consequently, the government criminalized individual misbehaviors against others. Supporters of the criminal justice system have argued that it is only the state that has the political and judicial powers to determine how violations against the law, citizens, and property should be adjudicated. This thinking characterizes the offender as an undesirable element of the society that should be put away for good. This analysis, therefore, focuses on the neglect of fundamental relational issues brought about by the commission of a crime.

We make the argument that the state is not the primary victim of a crime. Instead, the victim of the crime is that member of the society or community who is directly and negatively impacted by the crime. Every crime creates psychosocial needs for the primary victim, the secondary victim (government or community), and the offender. Contrary to the philosophical assumptions of some criminal justice practitioners that harsh punishments deter future commission of crimes and reduce the chances for offenders to recidivate, more offenders recommit crimes within three years after their release from prison. This high rate of recidivism speaks to the failure of the corrections system to meet some requirements of justice. Many scholars advocate for an alternative approach, such as restorative justice, because it is concerned with achieving the needs of the crime victims and holding offenders accountable for their crimes (Elechi 1999; Zehr 2002; Onwudiwe et al. 2015).

Zehr (2002) points out that "crime is a violation of people and interpersonal relationships; violations create obligations; and the central obligation is to put right the wrongs," (p. 19). The question is whether the criminal justice system has been able to achieve these objectives (Walgrave 2008). Some scholars who believe that administration of criminal justice should be more restorative than retributive contend that criminal justice as it is practiced has failed to consider the imperatives of meeting the psychosocial needs of the individual directly impacted by crime. These scholars maintain that the criminal justice system has much the same effect as the crime itself in that it further breaks the web rather than repair it (Zehr 1990; 2005). Toews (2006, 17-18) elucidated the point, thusly:

...with more than two million people in jails and prisons in the United States, punishment is frequently incarceration. There are few opportunities for meaningful accountability, in particular for victims, or for personal healing or growth. This justice approach adds more disconnection and brokenness. In some ways, criminal justice can reflect the same values of the crime itself: an attempt to make sure people get what they deserve, to receive their just-deserts.

Additionally, the offender-focus of the criminal justice system ignores many individuals impacted by crime, such as victims, victims' families, offenders' families, and communities. Victims experience exclusion from the justice process, and it is exemplified in the language of the *Court in State versus Joe Doe or Jane Doe*. This mindless replacement of the victim by the state portends grave consequences for the psychological and social well-being of the victim, the victim's family, the offender's family, and the community. This conception of crime avails the victims few opportunities, if any, to speak regarding the offense and what justice portends to them. On some occasions, the system abdicates its supposed arbitral role before the offender is sentenced. The victim is left in limbo. Consequently, the justice process denies victims their rights as those injured by the offense.

To also show that the criminal justice system ignores the psychosocial needs of the victim, the offender's family, and the community, Toews (2006) describes the justice system as a power struggle with clear winners and losers. In the justice system, those who have more power, like judges and the wealthy, make decisions on behalf of those without power, such as victims, offenders, and the have-nots. The criminal justice system often makes sentencing a one-size-fits-all approach. The sentences minimally promote change and healing. Persons, interactions, and

community do not stay intact. The objective of proper justice is to boost the experiences and relationships of all those participating in its administration, and at the same time leads to their transformation.

Operational Definition of Restorative Justice

In attempting to define restorative justice, it is poignant to state what it is not, as restorative justice embodies a movement. In this campaign, any program that aims to rehabilitate prisoners is erroneously classified as restorative justice. It is important to note that some principles form the pillars of restorative justice. Understanding the reality will remove any problem of misinterpretation of what constitutes restorative justice. Indeed, restorative justice has philosophical, sociological, and legal elements to it (Marshall 1996; Braithwaite 2002; Johnstone 2013).

Howard Zehr (2002), one of the pioneer practitioners of restorative justice, articulated in his book what restorative justice is not with the intention of clarifying any definitional ambiguities that may exist in the minds of both the advocates and the opponents of restorative justice. He insists that restorative justice is not mainly about forgiveness or reconciliation. What this presupposes is that in the restorative justice process, reconciliation or forgiveness could happen. Their absence, therefore, does not negate the objective of the system as a part of the mainstream justice system (Aertsen, Daems, & Robert 2013; Marshall 2015). Zehr (2002) asserts that:

- Restorative justice is not mediation;
- Restorative justice is not only designed to reduce recidivism or repeat offenses;
- Restorative justice is not a particular program or blueprint;
- Restorative justice did not originate in North America;
- Restorative justice is neither a panacea nor necessarily a replacement for the legal system;
- Restorative justice is not necessarily an alternative to prison; and
- Finally, restorative justice is not necessarily the opposite of retribution.

Naturally, Zehr's assertions indicate that restorative justice is not the opposite of the criminal justice or the legal system, but its inclusion in the administration of justice would positively impact the management of criminal justice. There is a sharp debate among proponents of restorative justice on the accepted definition, a disagreement that Zehr considers unnecessary. In fact, some scholars contend that restorative justice should be conceptualized on the planes of encounter, reparation, and transformation (see Zehr 2002; Daly 2016; Wood & Suzuki 2016). Johnstone and Van Ness (2007) caution that instead of advancing one of the above conceptions as the acceptable or principal connotation of restorative justice, or attempting to overlook a divergence of viewpoints among advocates, the most productive approach is for the restorative justice movement to keep deliberating the meaning of the subject-matter. In this regard, attention could be focused on a manner unfailing of the philosophical assumptions and frameworks of restorative justice.

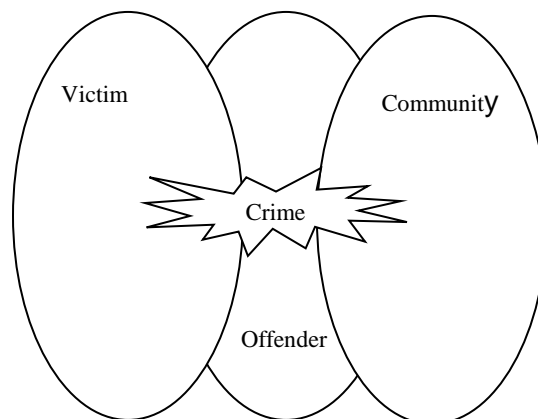
However, Zehr (2002) asserts that restorative justice should not be confused with mediation, faith prison ministry, or any unitary offender rehabilitation programs. Divorcing restorative justice from the previous conceptions will make its definition straightforward and simple. He defines restorative justice as a process of dealing with crime concerned with the needs of the victim, the community of care, and addressing the roles of the offender in the crime.

This definition is informed by the three pillars of restorative justice, which includes harms and needs, obligations, and engagement. Restorative justice starts as a concern for victims and their needs. Its primary concern is the repair of the injury caused by crime as much as possible with tangible or representational evidence (Gumz & Grant 2009). As a victim-oriented approach, restorative justice demands that the dispensation of justice should primarily focus on victims' needs whether or not the offender has been caught.

Understanding Psychosocial Needs Created by Crime

Psychosocial needs are those needs involving aspects of the psychological and social well-being of a person. Crime harms the victim. It creates needs for the primary victim and the family, the community, and even the offender and family. It also creates obligations. According to Erik Erickson's psychosocial theory, failure to meet any of the needs caused by crime leads to more significant social and psychological problems. Erikson (1963) postulated eight stages of psychosocial development in a chapter he called the "Ages of Man" in his book *Childhood and Society*. He expounded that a child has to go through stages until adolescence to function typically later in life. For example, a child that has not learned to trust will grow up to mistrust. We argue that when an individual has an unmet need, the person will not function normally. It does not matter whether the individual is a child or an adult. Crime creates psychological and social needs, otherwise known as psychosocial needs, as shown in Table 1 below. These needs created by crime must be met so that those impacted by it could carry-on with most, if not all, of their normal living. In concert with Erikson's earth-shaking theory, victims of crime, offenders, and the community where the crime occurred are saddled with psychosocial needs as depicted in Figure 1. The criminal justice system does not fully understand this as it is administered.

Figure 1: Venn diagram depicting the web of relationships among the victim, community, and offender, and how crime shatters that web by creating psychosocial needs that must be met for the web of relationships to be mended.



Some of the psychosocial needs created by crimes for the victims are the necessity for information about why and what happened; the need for the victim to tell how the crime has impacted him or her, often in the presence of the offender; and empowerment, because victims

always feel a loss of control as a result of crimes. Other psychological needs include restitution or vindication, since compensation is a more apparent sign of the fundamental need for fulfilment, an apology by the offender, an acknowledgment of responsibility by the offender, and healing from the hurt (Zehr 2002).

The offender also has some psychosocial needs that must be addressed. There is the need for accountability that addresses harms, encourages empathy and responsibility, and transforms shame in the offender. Offenders are needful of healing from the harms that led to their crimes, opportunities for treatment for their actions or other problems, and enhancement of their competencies. Offenders also need integration into the community and, for some, temporary restraint (Braithwaite 1989; Zehr 2002; Hoyle 2012). These offenders' psychosocial needs would not be met just by giving them what they deserve. Punishment alone has its limits and harmful byproducts that have proven to be detrimental to all stakeholders in a crime.

In the community where a crime has occurred, members of that collective entity also have psychosocial needs emanating from the crime. Judge Barry Stuart and Kay Pranis (2005) have argued at different times that the state's takeover of the victimhood of crime undermines the sense of community among individuals who are geographically or socially affected by the crime (Bazemore & Schiff 2001). Community members are negatively affected by crime. This creates needs that threaten the social wellbeing and collective psyche of the community. A community's psychosocial needs engendered by crime are a recognition of their position as victims; avenues for building a sense of community and accountability; encouragement to fulfill responsibilities for the wellbeing of victims and offenders; and engagement in activities that promote community restoration and social pride.

There is no gainsaying that crime creates psychosocial needs. In the eyes of the state, justice means giving the offender what he/she deserves in the form of punishment. This conceptualization of crime and justice negates the yearning needs created by crime for its victims. Failure to approach crime and administration of justice from a normative perspective foists on the crime victims and offenders unmet psychological and social needs that become a widening gyre of post-traumatic stress/syndrome, unending hurt, shame, guilt, broken web of relationships, non-accountability, de-assimilation, hardened criminality, psychological ill-health, and lack of vindication, among others.

Methodology

This analysis examines various established programs of restorative justice and analyzes them to show how the psychosocial needs of crime victims, offenders, and community are met. These programs are victim-offender conferences (VOCs), family group conferences (FGCs), and Circles. Each of the programs will be analyzed with examples of their applications to real cases and the results of applications. Some of the programs have subsets. It is hoped that an understanding of the restorative justice programs or approaches will arm criminal justice practitioners with different perspectives of dealing with crimes and criminals. Therefore, it is paramount to adopt an alternative system of justice administration that supports individual and societal welfare and security.

Table 1: Psychosocial needs resulting from crimes

Victim's Psychosocial Needs	Community's Psychosocial Needs	Offender's Psychosocial Needs
<ul style="list-style-type: none"> • Dealing with loss of loved one 	<ul style="list-style-type: none"> • Dealing with loss of its members 	<ul style="list-style-type: none"> • Intrinsic accountability
<ul style="list-style-type: none"> • Dealing with loss of property 	<ul style="list-style-type: none"> • Dealing with loss of property 	<ul style="list-style-type: none"> • Pardon from victim(s) or survivors
<ul style="list-style-type: none"> • Trauma associated with crime 	<ul style="list-style-type: none"> • Grappling with reality of its losses 	<ul style="list-style-type: none"> • Facing his or her new reality
<ul style="list-style-type: none"> • Post-traumatic stress disorder 	<ul style="list-style-type: none"> • Economic and social stability 	<ul style="list-style-type: none"> • Adjusting to post-crime prison life
<ul style="list-style-type: none"> • Fear of future victimization 	<ul style="list-style-type: none"> • Reentry challenges for offender 	<ul style="list-style-type: none"> • Dealing with broken connections
<ul style="list-style-type: none"> • Need for offender to feel victim's humanity 	<ul style="list-style-type: none"> • Dealing with drift of members 	<ul style="list-style-type: none"> • Identifying cause of crime
<ul style="list-style-type: none"> • Involvement in sentencing decision 	<ul style="list-style-type: none"> • Crime as a symptom of societal failures 	<ul style="list-style-type: none"> • Accepting crime as sign of unresolved issues
<ul style="list-style-type: none"> • Need for closure 		<ul style="list-style-type: none"> • Challenges of reentry

Victim-Offender Conferences

The most significant expression of restorative justice is the emergence of the victim-offender conference (VOC). This form of restorative justice dialogue is also called victim-offender reconciliation program (VORP) and victim-offender mediation (VOM). This analysis will stick to VOC because it is the most accepted terminology by practitioners to depict the process of meeting the psychosocial needs of the victim, the offender, and the community. Its significance lies in the objective of meeting the needs that crime creates for its victim.

The VOC primarily focuses on holding the offender accountable for the crime. The need for accountability on the part of the offender is the most critical need that the victim wants to be met by the administration of justice (Umbreit 1993; Zehr 1990). It has been in practice since the early 1970s. One might argue that the criminal justice system holds the offender accountable by meting out punishment. Regrettably, the legal system turns offenders into unrepentant individuals who have not come to terms with the reality of their crimes. As a result, offenders feel that the essence of punishment is being responsible for his or her crime – all to the chagrin of the victim. Restorative justice scholars (Dalby 2016; Latimer et al. 2001; Marshall 1996; Morris 2002) believe there is a better alternative for achieving the same goal which could function either independently or complementarily with the criminal justice system.

The victim-offender conference (VOC) emphasizes the human effect of crime and affords offenders an avenue for taking responsibility for his or her behavior by understanding what the crime has caused the victim. It also provides an opportunity for the offender to make amends to the victim, as well as helping the victim to feel vindicated. Additionally, the VOC boosts the worth of justice experienced by the victim and the offender; it helps the victim mollify feelings of bitterness and revenge toward the offender; and creates psychological healing and social justification for the victim (Umbreit 1994). These psychosocial needs of the victim and the offender, in some respect, are by no means exhaustive. The list could be added to as a result of

future studies. Many countries of the world, like the United States, Austria, Belgium, Canada, England, Finland, France, Germany, Norway, and Scotland, are practicing VOC. How then does this program work in helping the victim meet his or her psychosocial needs?

In their study, Umbreit, Coates, and Vos (2008) indicated that the VOC had established a safe environment, preparation, voluntary participation, and face-to-face encounter as its core elements. These core elements are the steps that eventually lead to beneficial outcomes for all the stakeholders in a crime. The process starts by bringing the victim and the offender together to talk about the crime. The victim and the offender are free to bring their supporters to the dialogue or conference (Toews 2006). The conference can be initiated by the victim, the offender, the justice system as practiced in many countries, or their community of care. VOC program staff could initiate the conference. It is not mandatory that the victim would meet the offender and vice versa. Sometimes, program staffers hold the conference between a victim and an offender. This also happens when an offender is not willing to meet with the victim. This conference is not mandatory. Participation is contingent on the willingness of the stakeholders to address their psychosocial needs.

According to Raye and Warner (2007), there are six models of VOC. They are (1) indirect dialogue, (2) facilitated victim-offender dialogue, (3) facilitated victim-offender-supporter dialogue, (4) facilitated all-party dialogue, (5) guided dialogue, and (6) directed dialogue. Some of these processes could be used in other restorative instruments for meeting psychosocial needs, like family group conferences and circles. In an indirect dialogue, the victim and offender do not come together physically. They dialogue through a third party, usually a facilitator. In the facilitated model, for example, the victim and offender interact in a conference assisted by a trained program staff. Furthermore, in the facilitated model, supporters, also called the community of care of victims and offenders, join in the dialogue.

In the facilitated all-party dialogue, government officials or community members join the victims, offenders, and community of care in a conference. Conversely, the guided model could be applied in any of the four models outlined above. The difference in this method is that the facilitator switches from full facilitation to being actively involved by interjecting questions, comments, summations, and observations to the parties. The directed model plays out with the facilitator moderating the conversation and announcing the final decision by the parties. The facilitator does not make the decision. In practice, models 2, 3, and 4 are accepted globally as being restorative. Models 1, 5, and 6 are used in some countries, especially where cultural values and contexts come into play. Naturally, models 1, 5, and 6 will function and operate better in mechanical societies that are still transforming into modern states. Indeed, in most African societies, norms, traditions, and customs still reign in settling conflicts and the maintenance of security of the community members, as demonstrated in Elechi's 1999 study.

Family Group Conference

Family group conference (FGC) is not much different from the victim-offender conference (VOC) in that both involve the victim and an offender. The significant difference is that in FGC, the families of the victim and the offender or their supporters are engaged in the dialogue. Community organizations and the police could be invited. Each participant speaks about the crime, how it happened, and how it affected them. The next step is for the offender and his/her family and/or supporters to hold a caucus where they devise a plan for accounting for the crime. The plan of action is presented to the conference which examines and modifies it, if necessary. This restorative method is mostly used for juvenile offenses. It is also used for crimes involving

adults. It is believed that the family understands the causes of the crime and how to respond to them. It is also an empowering avenue for the family members of the offender to show that they care about what has happened and are prepared to have the offender acknowledge the problem for remediation purposes to achieve closure. That is why FGC is also called a community or conference of accountability. The conference also enables both families to work together and use their internal resources, with help from the community, to build their interactions. This model originated from New Zealand, but it is being practiced experimentally in many countries (McRae and Zehr 2004; Toews 2006).

Circles

Circles have their roots in the North American traditional societies, especially the First Nations of Canada. Its first application in a legal ruling was by Judge Barry Stuart, who dubbed the practice peacemaking circles more than thirty years ago. It is pertinent to note here that peacemaking circles are sometimes referred to as peacekeeping circles, and have become not only a veritable tool for the victim and offender dialogue, but they cut across all conflicts in private and public settings. In the criminal justice system, Judge Barry introduced sentencing circles to determine punishments in criminal cases, and healing circles before preparation to sentencing circles. As the name goes, circles involve participants sitting in a circle. There is a talking piece which passes from one participant to another as they are seated in the circle. Victims, offenders, families, community members, and often a justice representative are members of the circle. There are shared values of respect, story-telling from the heart. The circle is facilitated by one or two members to ensure the course is maintained. The importance of community participation in a circle cannot be over-emphasized because its members know situations in the society that caused the crime, the needs of the victim and offender, community obligations in the case, and community norms and values (Zehr 2002).

In the criminal justice system, peacekeeping circles have been used to support and assist victims of crime, criminal sentencing for juveniles and adults, and reintegration of offenders into the society on their release from prison. It has also been utilized to support and monitor chronic offenders on probation, address those societal situations giving rise to crimes, and ensure that the webs of relationships broken by crime are repaired (Pranis 2005).

Program Assessment of Restorative Justice

How then can it be empirically confirmed that victim-offender conference or any other dialogue method works? To fully evaluate this program, previous studies on the participation rate, satisfaction rate, fairness of restorative justice, restitution, and recidivism have to be analyzed. As far back as 1990, a study of 555 eligible cases showed that 47 percent of the victims, primarily white people, were willing to participate in the program (Gehm 1990). This finding was corroborated by a recent study which did not only show that more victims want to be involved in the restorative justice dialogue, but that more victims of personal crimes than victims of property crime indicated the willingness to participate in the victim-offender conference (Coates et al. 2002).

Participants in restorative programs in various sites, cultures, and offenses indicated that they were satisfied with the process and its outcomes. According to Latimer, Dowden, and Muise (2001), a meta-analysis of thirteen restorative programs confirmed that victims and offenders in all but one reported higher levels of satisfaction than those involved in the conventional justice system. Cases analyzed by the authors in their study included misdemeanors and felony offenses.

To substantiate this, a study by Umbreit, Vos, Coates, and Brown in 2003 explained that victims of violent crimes, like rape, attempted homicide, vehicular homicide, and homicide, involved in two restorative programs reported that they were satisfied with the program. Of forty victims who participated, only one declared non-satisfaction with a caveat. His non-satisfaction stemmed from the offender's refusal to participate. Thirty-two of the 38 offenders who rated the programs were much fulfilled; five were somewhat satisfied, while one was slightly dissatisfied.

In restorative justice, it is believed that fairness should become an essential basis of justice. When parties engaged in the justice process feel that the system is unfair to them, it is a pointer to the success or failure of the traditional justice system. Based on the studies above, about 80 percent of those participants surveyed that reported high satisfaction with the restorative justice also believed that the system was fair. The participants saw the program as the criminal justice system at work. However, when a comparison study was carried out between participants of restorative justice program and the criminal justice system, the result signified that those who went through the victim-offender conference saw the process as very fair, unlike those who participated in the traditional justice procedure. This high satisfaction and fairness rating of the restorative justice process has made it a better option for victims, offenders, and their communities of care; nine out of ten of the participants have recommended the conferencing or mediation to others (Evje and Cushman, 2000; Umbreit et al. 2001).

Initially, when the victim-offender conference started, restitution was regarded as an offshoot of the process. Now restitution has become part and parcel of the victim-offender conference/mediation (Collins 1984; Coates & Gehm 1985; Evje & Cushman 2000; Umbreit et al. 2008). Half of the studies under review echoed the belief that restitution is an outcome of the process. Ninety percent of the studies ended up in agreements. Eighty to ninety percent of the agreements brought about restitution through either monetary, community service, or direct service to the victim. Comparison studies have demonstrated higher completion rates, as well as total commitment to restitution by offenders participating in the restorative justice process, than in any other system (Umbreit et al. 2008).

There have been raging arguments as to whether recidivism is one of the cornerstones of restorative justice. Scholars like Zehr (2002, 2005) have contended that recidivism is one of the outcomes of the process and not one of the major props. However, programs like *Bridges to Life* based in Houston, Texas, has successfully turned recidivism, as a psychosocial need of the community and its members, into an integral part of the restorative justice system. Previous studies have shown how successful *Bridges to Life* has been. It is recognized as a foremost restorative justice program in Texas. Its projects are carried out in 27 prisons in the state. When offenders do not re-offend, the community is at peace, and its resources are not wasted on prosecution and incarceration. Crimes against persons and property are drastically reduced.

Information from the website of *Bridges to Life* shows that of 1,009 inmates who participated in its program from 14 different Texas prisons and released in 2005 had a recidivism rate of 18.7 percent by 2008 (Bridges to Life 2017). Texas's average is 31 percent, while the national average is about 40 percent. Also, 466 of the 1,009 participants were released from institutional division units that house more violent criminals. Only 14.6 percent recidivated, while 1.3 percent returned to prison for a violent crime. The rate of recidivism for the State of Texas for that same period and the same offense types is 27 percent. *Bridges to Life* runs a 14-week program at the cost of \$247 per participant. Another measurement in 2011 by the organization of 863 inmates released from 28 prisons in Texas, only 14 percent recidivated after three years. Only three percent went back to prison for violent crimes (Bridges to Life 2017).

The program begins with various models of the VOC, depending on the willingness of the victim and the offender. Its program staff is all volunteers, and its practice of victim-offender conference or mediation has two vital principles, helping victims find healing and offenders account for their crimes, as well as become law-abiding members of the community. Because of its success, the program has been adopted in 30 states of the United States. Conversely, *Pew Center State of Recidivism Report of 2011* indicated that the national average of recidivism was between 38 percent and 40 percent. Also, the rate of recidivism in the State of Texas stood at 21.4% in 2015 (Texas Legislative Board Report 2015). All these varying figures of recidivism are indicative that the restorative approach to handling crime, as demonstrated by *Bridges to Life*, has produced better outcomes for victims, offenders, and communities than the traditional justice approach.

An emerging practice of criminal justice systems in many countries of the world, given the success of restorative justice at meeting most if not all the psychosocial needs of crime victims, offenders, and communities of care, is a diversion. Many cases are now being diverted to the restorative process because stakeholders seem more disposed to it. The restorative process is not as protracted as the legal system. Offenders are much disposed to assume responsibility for the crime and to do what it takes to prove to the victim that he/she has come to terms with the reality of his/her action.

Conclusion

Since crime creates psychological and social needs, we have enumerated these psychosocial needs in this article. From evidence-based research highlighted in this analysis, it is evident that, contrary to the traditional assumptions about crime as a violation of the state, crime affects human victims more than an impersonal entity called the government. We deduced from the studies discussed in this analysis that victims, offenders, and communities could only function well if the needs created by crimes are met. Most of these needs are achieved through restorative justice. It is noteworthy that there are some needs that neither the restorative justice approach nor the criminal justice system can meet. In homicide cases, the loss of a loved one cannot be wished away by any justice system. What restorative justice does is to catalyze the healing process. We, therefore, advocate full-fledged implementation of restorative justice in the administration of justice of every country if the psychosocial and social wellbeing of the victim, the offender, and the affected community is essential. In the area of domestic violence, for instance, restorative justice approach can be used to maintain peace and tranquility in the family without going through the prism of criminal justice processing. It could, indeed, provide safety to those affected by domestic violence. Women and children could be protected by applying the principles of restorative justice and its psychological underpinnings as expressed earlier in this analysis. Indeed, Braithwaite and Petiti (1994) state that better justice outcomes could be provided to victims than utilizing the traditional criminal justice measures.

In sum, we agree with Stubbs' (2008) contention that enhanced security and safety could be achieved for the benefit of domestic violence victims by using mechanisms of support through restorative justice. Using this empirical support, he argues, ought not to be dismissed as part of the feminist rhetoric. Instead, it is significant to seek resources to aid communities in acquiring the necessary institutional capacity and surveillance abilities for maintaining social control. In fact, Stubbs' (2008) conclusion can further be extended to other areas of safety and criminal justice processing. Restorative justice principles can equally be applied to help assuage the

dilemma of strategic security in Africa. It could be used in the communities to settle conflicts and minimize the killing of peacekeeping operators in Africa and elsewhere around the globe.

References

- Aertsen, I., Daems, T. & Robert, L. (eds.). 2013. *Institutionalizing restorative justice*. London: Routledge.
- Bazemore, G., & Schiff, M. 2001. *Restorative community justice: Repairing harm and transforming communities*. Cincinnati, OH: Anderson Publishing Co.
- Beven, J.P., Hall, G., Froyland, I., Steel, B., & Goulding, D. 2005. Restoration or renovation? Evaluating restorative justice outcomes. *Psychiatry, Psychology and Law*, 12(1): 194-206
- Braithwaite, J. 1989. *Crime, shame, and reintegration*. Cambridge, UK: Cambridge University Press.
- Braithwaite, J. & Pettit, P. 1994. Republican criminology and victim advocacy. *Law and Society Review* 28(4): 764-776.
- Braithwaite, J. 2002. Setting standards for restorative justice. *British Journal of Criminology* 42(3): 563-577.
- Bridges to Life. 2017. "Goals, outcomes, and evaluation." Retrieved from <https://www.bridgestolife.org>. October 20, 2017.
- Brunk, C. 2001. "Restorative justice and the philosophical theories of criminal punishment" in *The spiritual roots of restorative justice*, Michael L. Hadley (ed.). Albany, NY: State University of New York Press.
- Coates, R. B., & Gehm, J. 1985. *Victim meets offender: An evaluation of offender reconciliation programs*. Valparaiso, IN: PACT Institute of Justice.
- Coates, R. B., Burns, H., & Umbreit, M. S. 2002. *Victim participation in victim offender conferencing: Washington County, Minnesota Community Justice Program*. St. Paul, MN: Center for Restorative Justice and Peacekeeping.
- Collins, J. P. 1984. *Final evaluation report on the Grande Prairie Community Reconciliation Project for young offenders*. Ottawa: Ministry of the Solicitor General of Canada, Consultation Centre Prairies.
- Cossins, A. 2008. Restorative justice: The theory and the practice. *The British Journal of Criminology* 48(3): 359-378.
- Cullen, F. T., & Agnew, R. 2006. *Criminological theory past to present: Essential readings*. Los Angeles: Roxbury Publishing Company.
- Daly, K. 2016. What is restorative justice? Fresh answers to a vexed question. *Victims & Offenders: An International Journal of Evidence-based Research, Policy, and Practice* 11(1): 9-29.
- Elechi, O. 1999 Victims under restorative justice systems: The Afikpo (Ehugbo) Nigeria model. *International Review of Victimology* 6: 359-376
- Evje, E., & Cushman, R. 2000. *A summary of evaluations of six California victim offender rehabilitation programs*, San Francisco, CA: Judicial Council of California, Administrative Office of the Courts.
- Erikson, E. H. (1963). *Childhood and society, 2nd edition* New York: W. W. Norton & Co.
- Gaines, L. K., & Miller, R. L. 2003. *Criminal justice in action. 2nd edition*. Belmont, CA: Wadsworth/Thomson Learning.

- Galaway, B. 1989. 'Informal justice: mediation between offenders and victims,' in P. Albrecht and O. Backes (eds.) *Crime prevention and intervention: Legal and ethical problems*. New York: Walter de Gruyter.
- Gavrielides, T. 2008. Restorative justice – the perplexing concept: Conceptual fault-lines and power battles within the restorative justice movement. *Criminology & Criminal Justice* 8(2): 165-183.
- Gelm, J. 1990. 'Mediated victim-offender restitution agreements: An exploratory analysis of factors related to victim participation,' in B. Galaway J. Hudson (eds.) *Criminal justice and reconciliation*. Monsey, NY: Criminal Justice Press.
- Gregory, A., Clawson, K., Davis, A., & Gerewitz, J. 2014. The promise of restorative process to transform teacher-student relationships and achieve equity in school discipline. *Journal of Educational and Psychological Consultation* 325-353.
- Gumz, E.J., & Grant, C.L. 2009. Restorative justice: A systematic review of the social work literature. *Families In Society*, 90(1): 118-126.
- Hagan, J. 2012. *Who are the criminals? The politics of crime policy from the age of Roosevelt to the age of Reagan*. Princeton: Princeton University Press.
- Hoyle, C. 2012. Victims, the criminal process, and restorative justice. In R. Morgan, M. Maguire & R. Reiner (eds.), *The Oxford handbook of criminology, 5th edition*, pp. 398–425. Oxford: Oxford University Press.
- Johnstone, G. 2013. *Restorative justice: ideas, values, debates, 2nd edition*. Cullompton, England: Willan Publishing.
- Johnstone, G., & Van Ness, D. W. 2007. *Handbook of restorative justice*. New York: Taylor & Francis Group.
- Laster, R. E. 1970. Criminal restitution: A survey of its past history and an analysis of its present usefulness. *University of Richmond Law Review* 5: 71-79.
- Latimer, J., Dowden, C., & Muise, D. 2001. *The effectiveness of restorative justice practice: A meta-analysis*. Ottawa: Department of Justice Research and statistics Division Methodological Series.
- MacRae, A., & Zehr, H. 2004. *The little book of family group conferences: New Zealand style*. Intercourse, PA: Good Books.
- Marshall, C. 2015. A gracious legacy: changing lenses in New Zealand. *Restorative Justice* 3(3): 439–444.
- Marshall, T. 1996. The evolution of restorative justice in Britain. *European Journal on Criminal Policy and Research* 4(4): 21–43.
- Morris, A. 2002. Critiquing the critics: a brief response to critics of restorative justice. *The British Journal of Criminology* 42(3): 596-615.
- Onwudiwe, I. D., Okoye, E. I., Obi, F., & Oludare, A. (2015). Amalatrocracy: A customary administration of justice in Nigeria. *Journal of Criminal Justice & Law Review* 4(1&2): 93-113.
- Pew Center .2011. *The state of recidivism: The revolving door of American prisons*. Washington, DC: Pew Center.
- Pranis, K. 2005. *The little book of circle processes: A new/old approach to peacemaking*. Intercourse, PA: Good Books.
- Raye, B. E., & Roberts, A. W. 2007. 'Restorative processes,' in G. Johnstone and D. W. Van Ness (eds.). *Handbook of restorative justice*. New York: Taylor & Francis.

- Stubbs, J. 2008. Domestic violence and women's safety: Feminist challenges to restorative Justice. *Legal Studies Research Paper*, No. 08/16.
- Texas Legislative Board. 2015. *Statewide criminal and juvenile recidivism and relocation*. http://www.lbb.state.tx.us/Documents/Publications/Policy_Report/1450_CJ_Statewide_Recidivism.pdf (accessed on November 29, 2017).
- Toews, B. 2006. *The little book of restorative justice for people in prison: Rebuilding web of relationships*. Intercourse, PA: Good Books.
- Umbreit, M. S. 1993. Cross-site analysis of victim offender mediation in four states. *Crime & Delinquency* 39: 565-85.
- Umbreit, M. S. 1994. *Victim meets offender: The impact of restorative justice and mediation*. Monsey, New York: Willow Tree Press, Inc.
- Umbreit, M. S., Coates, R. B., & Vos, B. 2001. *Juvenile victim offender mediation in six Oregon counties*. Salem, OR: Oregon Dispute Resolution Commission.
- Umbreit, M. S., Vos, B., Coates, R. B., & Brown, K. A. 2003. *Facing violence: The path of restorative justice and dialogue*. Monsey, New York: Criminal Justice Press.
- Umbreit, M. S., Coates, R. B., & Vos, B. 2008. 'Victim-offender mediation: An evolving evidence-based practice,' in D. Sullivan and L. Tifft (eds.). *Handbook of restorative justice: International edition*. NY: Taylor & Francis.
- Van Ness, D. W. 1986. *Crime and its victims*. Kirkwood, MO: IVP Books.
- Walgrave, L. 2008. *Restorative justice, self-interest, and responsible citizenship*. Cullompton, England: Willan Publishing.
- Williams, F. P., & McShane, M. D. 2010. *Criminological theory, 5th edition*. NJ: Pearson Ed.
- Wood, W.R., & Suzuki, M. 2016. Four challenges in the future of restorative justice. *Victims & Offenders: An International Journal of Evidence-based Research, Policy, and Practice*, 11(1): 149-172.
- Zehr, H. 1990, 2005. *Changing Lenses*. Scottsdale, PA: Herald Press.
- Zehr, H. 2002. *The little book of restorative justice*. Intercourse, PA: Good Books.

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